
A BILL FOR AN ACT

RELATING TO MOTORCYCLE INSTRUCTION PERMITS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to require that
2 applicants for a motorcycle instruction permit successfully
3 complete a basic motorcycle rider course approved by the
4 department of transportation before becoming eligible for the
5 permit.

6 SECTION 2. Section 286-110, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§286-110 Instruction permits.** (a) Any person aged
9 fifteen years and six months or more who, except for the
10 person's lack of instruction in operating a motor vehicle, would
11 be qualified to obtain a driver's license issued under this part
12 may apply for a temporary instruction permit or a limited
13 purpose instruction permit at the office of the examiner of
14 drivers in the county in which the applicant resides; provided
15 that the applicant complies with section 286-102.5.

16 (b) No person shall be issued a motorcycle instruction
17 permit unless the person successfully completes a basic



1 motorcycle rider course approved by the department of
2 transportation.

3 [~~(b)~~] (c) The examiner of drivers shall examine every
4 applicant for an instruction permit. The examination shall
5 include tests of the applicant's:

6 (1) Eyesight and other physical or mental capabilities to
7 determine if the applicant is capable of operating a
8 motor vehicle;

9 (2) Understanding of highway signs regulating, warning,
10 and directing traffic; and

11 (3) Knowledge of the traffic laws, ordinances, or
12 regulations of the State and the county where the
13 applicant resides or intends to operate a motor
14 vehicle.

15 [~~(e)~~] (d) If the examiner of drivers is satisfied that the
16 applicant is qualified to receive an instruction permit, the
17 examiner of drivers shall issue the permit entitling the
18 applicant, while having the permit in the applicant's immediate
19 possession, to drive a motor vehicle upon the highways for a
20 period of one year; provided that:



- 1 (1) An applicant who is registered in a driver training
2 course shall be issued a temporary instruction permit
3 for the duration of the course and the termination
4 date of the course shall be entered on the permit; and
- 5 (2) If the applicant is a legal immigrant, the permit
6 shall expire no later than the applicant's authorized
7 period of stay in the United States.

8 A person who is not licensed to operate the category of
9 motor vehicles to which the driving training course applies
10 shall not operate a motor vehicle in connection with the driving
11 training course without a valid temporary instruction permit[~~+~~]
12 unless it is a motorcycle that is being used for training
13 purposes on an enclosed state certified training range as
14 provided under administrative rules.

15 [~~d~~] (e) Except when operating a motor scooter or
16 motorcycle, the holder of an instruction permit shall be
17 accompanied by a person who is twenty-one years of age or older
18 and licensed to operate the category of motor vehicles in which
19 the motor vehicle that is being operated belongs. The licensed
20 person shall occupy a passenger seat beside the permit holder
21 while the motor vehicle is being operated; provided that if the



1 holder of the instruction permit is under the age of eighteen
2 years and is driving between the hours of 11:00 p.m. and 5:00
3 a.m.:

4 (1) A licensed driver who is the permit holder's parent or
5 guardian shall occupy a passenger seat beside the
6 driver while the motor vehicle is operated, unless the
7 permit holder is an emancipated minor;

8 (2) The licensed driver shall be licensed to operate the
9 same category of motor vehicles as the motor vehicle
10 being operated by the holder of the instruction
11 permit; and

12 (3) All occupants of the motor vehicle shall be restrained
13 by a seat belt assembly or a child passenger safety
14 restraint system as required under sections 291-11.5
15 and 291-11.6, notwithstanding any other law to the
16 contrary.

17 [~~e~~] (f) No holder of a temporary instruction permit
18 shall operate a motorcycle or a motor scooter during hours of
19 darkness or carry any passengers.

20 [~~f~~] (g) No holder of a category 1 or 2 temporary
21 instruction permit shall have the permit renewed, nor shall the



1 holder be issued another temporary instruction permit for the
2 same purpose, unless the holder has taken the examination for a
3 category 1 or 2 license at least once [~~prior to~~] before the
4 expiration of the temporary instruction permit. If the holder
5 of a temporary instruction permit fails to meet the requirements
6 of this section, the holder shall not be permitted to apply for
7 another category 1 or 2 temporary instruction permit for a
8 period of three months. Nothing in this subsection shall affect
9 the right and privilege of any holder of a category 1 or 2
10 temporary instruction permit to obtain a temporary instruction
11 permit or driver's license for the operation of any other type
12 of motor vehicle.

13 [~~(g)~~] (h) The examiner of drivers may accept an
14 application for renewal of an instruction permit no more than
15 thirty days [~~prior to~~] before or ninety days after the
16 expiration date of the instruction permit, whereupon the
17 applicant for renewal of an instruction permit shall be exempt
18 from subsection [~~(b) (2) and (3).~~] (c) (2) and (3). If an
19 application for renewal of an instruction permit is not made
20 within ninety days after the expiration date of the permit, the



1 applicant shall be treated as applying for a new instruction
2 permit and examined in accordance with subsection ~~[(b)-]~~ (c).

3 ~~[(h)-]~~ (i) Notwithstanding any other law to the contrary,
4 the examiner of drivers may issue an instruction permit to an
5 applicant with a disability who has completed a medical review
6 with this State, and as a condition to licensure is required to
7 pass a road test, but has failed the road test on the
8 applicant's first attempt. The instruction permit issued under
9 this subsection may be renewed no more than thirty days ~~[prior~~
10 ~~to]~~ before or ninety days after the expiration date of the
11 instruction permit upon receiving an updated medical report.
12 ~~[Subsections (b) (2) and (3)-]~~ Subsection (c) (2) and (3) shall not
13 apply to the issuance or renewal of an instruction permit issued
14 under this subsection.

15 For the purposes of this subsection, "applicant with a
16 disability" means an applicant who the examiner of drivers has
17 reasonable cause to believe may have a mental or physical
18 infirmity or disability that would make it unsafe to operate a
19 motor vehicle pursuant to section 286-119(a) (1) and has been
20 medically evaluated by the medical advisory board established
21 pursuant to section 286-4.1."



1 SECTION 3. This Act shall not apply to applicants who
2 submit applications for a motorcycle instruction permit before
3 its effective date.

4 SECTION 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect upon its approval.



Report Title:

DOT; Motorcycle Instruction Permits; Basic Motorcycle Rider Course; Enclosed State Certified Training Range

Description:

Requires all applicants for a motorcycle instruction permit to successfully complete a basic motorcycle rider course approved by the Department of Transportation. Clarifies that a person shall not operate a motor vehicle in connection with the driving training course without a valid temporary instruction permit unless it is a motorcycle that is being used for training purposes on an enclosed state certified training range. (CD1)

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