

A Bill for an Act Relating to Highway Safety, Amending Chapter 286 and Section 286-102, Hawaii Revised Statutes.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Sections 286-2 and 286-102, Hawaii Revised Statutes, are amended as follows:

(a) Section 286-2, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 286-2 Definitions. The following terms whenever used and referred to in this chapter shall have the following meanings unless a different meaning is clearly apparent from the context:

‘Bus’ means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons.

‘Chief of police’ means the chief of police of each county.

‘Driver’ means every person who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed or pushed by a motor vehicle.

‘Driver’s license’ means any license to operate a motor vehicle issued under the laws of this State.

‘Driving instructor’ means every person who, for compensation, instructs another person in the rudiments and mechanics of the operation of a motor vehicle.

‘Examiner of drivers’ means the person or persons appointed under section 286-101.

‘Executive officer’ means the mayor or county chairman of each county.

‘Farm tractor’ means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

‘Highway’ means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

‘Legal owner’ includes a person who holds unencumbered title to a vehicle or is a secured party under a security interest in a vehicle.

‘Motorcycle’ means every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor.

‘Motor scooter’ means every motorcycle, including every motor-driven

cycle, with a motor which produces not more than five horsepower.

'Motor vehicle' means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

'Owner' or 'registered owner' includes a legal owner of a vehicle where there is no security interest held by anyone on the vehicle, a buyer under a purchase money security interest, or a debtor under any security interest.

'Passenger car' means every motor vehicle, except motorcycles and motor scooters, designed for carrying ten passengers or less and used for the transportation of persons.

'Pole trailer' means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

'Semitrailer' means a trailer so constructed that a substantial part of its weight rests upon the truck-tractor by which it is drawn.

'State,' except where reference is clearly to another state, territory, or possession of the United States, means the State of Hawaii.

'Title state or county' means any state or any county in any state which issues certificates of title and registration and notes, liens, and other encumbrances thereon.

'Tractor-semitrailer combination' means a truck-tractor in use together with a semitrailer.

'Trailer' means a vehicle designed for carrying persons or property and for being drawn by a motor vehicle.

'Treasurer' means the treasurer or director of finance of a county.

'Truck' means a motor vehicle designed, used, or maintained primarily for the transportation of property.

'Truck-tractor' means a truck designed and used primarily for drawing other vehicles and not so constructed as to carry a load to other than a part of the weight of the vehicle and load so drawn.

'Truck-trailer combination' means a truck in use together with a trailer.

'Vehicle' means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks."

(b) Section 286-102, Hawaii Revised Statutes, is amended to read as follows:

"Sec. 286-102 Licensing. (a) No person, except one exempted under section 286-105 or one who holds an instruction permit under section 286-110, shall operate upon a highway a category of motor vehicles listed below without first being examined as provided in section 286-108 and being duly licensed by the examiner of drivers as a qualified driver of that category of motor vehicles:

- (1) Motor scooters;
- (2) Motorcycles and motor scooters;

ACT 152

- (3) Passenger cars of any gross weight and trucks having a registered gross weight of less than six thousand pounds;
 - (4) All of the motor vehicles in category (3) and trucks having a registered gross weight of six thousand pounds or more, other than tractor-semitrailer combinations and truck-trailer combinations;
 - (5) All of the motor vehicles in categories (3) and (4) and buses;
 - (6) All of the motor vehicles in categories (3), (4), and (5) and tractor-semitrailer combinations; and
 - (7) All of the motor vehicles in categories (3), (4), (5), and (6) and truck-trailer combinations.
- (b) No person, even if he is licensed to operate a motor vehicle in any of the categories provided in subsection (a), shall operate the motor vehicle for compensation, unless he:
- (1) Is eighteen years of age or older and is examined as provided in section 286-108;
 - (2) Satisfies additional requirements as established by the examiner of drivers under section 286-103; and,
- (c) No person under the age of eighteen years shall be issued a license to operate or shall operate any motor vehicle which is used in the transport of persons for compensation or any bus or any motor vehicle used as a bus.
- (d) No person shall receive a driver's license unless and until he surrenders to the examiner of drivers all valid driver's licenses in his possession issued to him by this or any other jurisdiction that is a party to the Driver License Compact. All such surrendered licenses issued by another jurisdiction shall be returned thereto, together with information that the person is licensed in this State. No such person shall be permitted to hold more than one valid driver's license at any time."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 22, 1973.)

*Edited accordingly.