

ACT 214

H. B. NO. 172

A Bill for an Act Relating to the Licensing of Drivers of Certain Categories of Motor Vehicles.

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

SECTION 1. 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,

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shall operate any category of motor vehicles listed in this section without first being appropriately examined and duly licensed as a qualified operator of that category of motor vehicles.

(b) A person operating the following category or combination of categories of motor vehicles shall be examined as provided in section 286-108 and duly licensed by the examiner of drivers:

- (1) Motor scooters;
- (2) Motorcycles; and
- (3) Passenger cars of any gross weight and trucks having a gross vehicle weight of ten thousand pounds or less.

(c) A person operating the following category or combination of categories of motor vehicles shall be licensed to operate the category of motor vehicles in subsection 286-102(b)(3) and in addition shall be examined as provided in section 286- by a certificated fleet safety examiner for the examiner of drivers:

- (1) Trucks having a gross vehicle weight of ten thousand pounds or more;
- (2) Buses;
- (3) School buses;
- (4) Tractor—semitrailer combinations; and
- (5) Truck—trailer combinations.

(d) No person, even if he is licensed to operate a motor vehicle in any of the categories provided in subsection (b) or (c), 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,
- (3) Is duly licensed by the examiner of drivers as a qualified chauffeur of that category of motor vehicles.

(e) No person under the age of twenty 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.

(f) 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. Chapter 286, Hawaii Revised Statutes, is amended by adding to Part VI a new section to be appropriately designated and to read:

"Sec. 286- Examination of applicants for driving certain categories of motor vehicles; annual evaluation, etc. (a) For the purposes of this section, "certificated fleet safety examiner" means a person who is by training and experience capable of assessing a driver's competence to operate the various categories of motor vehicles listed in section 286-102(c) and who is certificated

by the state highway safety coordinator in the manner provided in rules and regulations adopted by the state highway safety coordinator pursuant to chapter 91.

(b) No person shall act or hold himself out as a certificated fleet safety examiner, whether for compensation or not, unless he has been certificated in accordance with this section. Whoever violates this subsection shall be fined not more than \$500, or imprisoned not more than six months, or both.

(c) The state highway safety coordinator shall furnish to each examiner of drivers a list of certificated fleet safety examiners.

(d) The examination of drivers listed in section 286-102(c) shall include performance tests the contents of which the state highway safety coordinator shall prescribe by rules and regulations adopted pursuant to chapter 91. No person shall be issued a license to drive a category of motor vehicles listed in section 286-102(c) unless the person has passed the performance tests provided in this section. This requirement shall not apply to those who were licensed on or before June 30, 1973.

(e) The counties shall employ such certificated fleet safety examiners for testing of all applicants described in subsection (a) of this section, and shall assess and require the certificated fleet safety examiner's compliance with the rules and regulations prescribed by the state highway safety coordinator. The examiner of drivers of each county may employ such certificated fleet safety examiner(s) either on a full-time or part-time basis.

(f) The state highway safety coordinator shall promulgate rules and regulations with regard to the fees a certificated fleet safety examiner may charge. Independent operators desiring certification or companies desiring a driver to be certified, shall pay the prescribed fees.

(g) Every employer who employs any person as a regularly employed driver of motor vehicles listed in section 286-102(c), shall provide for every such driver employed by him a driver improvement program which shall include a system for continuous driver evaluation, annual driver safety courses approved by the state highway safety coordinator, and such other activities as may be required by rules and regulations adopted by the state highway coordinator pursuant to chapter 91. Whoever violates this subsection shall be fined not more than \$500."

SECTION 3. The State shall furnish real property, facilities on such property and other equipment to any county on terms that it deems proper and reasonable in furtherance of this Act. A county shall in turn allow the use of such property or other county property to a certificated fleet safety examiner on terms that it deems proper and reasonable.

SECTION 4. If any amendment to section 286-102(a) is passed by the Seventh Legislature of the State of Hawaii whether before or after the effective date of this Act, creating an additional category of driver's license, this Act shall also be deemed amended so as to apply to the additional category so created.

SECTION 5. In section 2 of this Act new material is underscored. In

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printing this Act, the revisor need not include the underscoring.*

SECTION 6. This Act shall take effect on July 1, 1973.

(Approved June 1, 1973.)

*Edited accordingly.