

**Session Laws Of Hawaii  
Passed By The  
Sixteenth State Legislature  
Special Session  
1991**

**ACT 1**

S.B. NO. S1-91

A Bill for an Act Relating to Administrative License Revocation.

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

SECTION 1. Chapter 286, Hawaii Revised Statutes, is amended by adding a new section to part VII to be appropriately designated and to read as follows:

**“§286- Revocation of privilege to drive motor vehicle or moped upon refusal to submit to breath or blood test.** If a person under arrest refuses to submit to a breath or blood test, none shall be given, except as provided in section 286-163, but the person shall be subject to the procedures and sanctions under part XIV.”

SECTION 2. Section 286-171, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The statewide traffic records system shall include all traffic records of the violation bureaus of the district courts, the circuit courts, the police departments, the county treasurers, the department of health, and the department of education[,] and all dispositions pertaining to administrative license revocation proceedings conducted by the administrative director of the courts.”

SECTION 3. Section 286-251, Hawaii Revised Statutes, is amended as follows:

1. By amending the definition of “blood alcohol concentration” to read:

““Blood alcohol concentration” means either grams of alcohol per one hundred milliliters or cubic centimeters of blood or grams of alcohol per two hundred ten liters of breath.”

2. By amending the definition of “temporary permit” to read:

““Temporary permit” means [a temporary permit, issued by an arresting

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officer concurrently with a notice of administrative revocation, under which an arrestee may continue] that portion of the notice of administrative revocation which, when completed by the arresting officer, permits the arrestee to drive for thirty days or until such time as the director may establish under this part."

SECTION 4. Section 286-252, Hawaii Revised Statutes, is amended to read as follows:

**"[[§286-252]] Notice of administrative revocation; effect.** As used in this part, the notice of administrative revocation:

- (1) Establishes that the arrestee's driving privilege in this State shall be terminated thirty days after the date of arrest[; and] or such later date as is established by the director under section 286-259 if the director administratively revokes the arrestee's license;
- (2) Establishes the date on which administrative revocation proceedings against the arrestee were initiated[.]; and
- (3) Serves as a temporary permit to drive as provided in section 286-255."

SECTION 5. Section 286-253, Hawaii Revised Statutes, is amended to read as follows:

**"[[§286-253]] Criminal prosecution.** (a) Criminal prosecution under section 291-4 may be commenced concurrently with administrative revocation proceedings under this part; provided that [if, after an administrative hearing, the director does not determine by a preponderance of the evidence that the arrestee drove, operated, or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor, any charge then pending under section 291-4 arising from the same occurrence shall be dismissed without prejudice; provided further that a charge that has been dismissed may be reinstituted if the director's determination is reversed on judicial review and no further review is available. If the director finds for the arrestee and no charge under section 291-4 is then pending, prosecution for an offense under section 291-4 arising from the same occurrence may not thereafter be commenced unless the director's determination is reversed on judicial review and no further review is available.

(b) If criminal charges are filed under section 291-4, administrative proceedings may continue and the record of the administrative proceedings, including sworn statements and other evidence or information relating to the administrative cause for action, shall be made available to the prosecuting attorney.] documentary and testimonial evidence provided by the arrestee during the administrative proceedings shall not be admissible against the arrestee in any proceeding under section 291-4 arising out of the same occurrence.

[(c)] (b) When a person's license is revoked under this part and the person also is convicted of an offense under section 291-4 [on the basis of actions] arising out of the same occurrence, the total period of revocation or suspension imposed in the two proceedings shall not exceed the longer period of revocation or suspension imposed in either proceeding. If the person is convicted under section 291-4 prior to completion of administrative proceedings, the person shall surrender the temporary permit issued under this part at the time of entry of a plea of guilty or no contest, entry of a verdict of guilty, or of sentencing, whichever occurs first."

SECTION 6. Section 286-254, Hawaii Revised Statutes, is amended to

read as follows:

**“[§286-254] Notice of administrative revocation; contents.** (a) The notice of administrative revocation shall provide, at a minimum and in clear language, the following general information relating to administrative revocation:

- (1) The statutory authority for administrative revocation;
- (2) An explanation of the distinction between administrative revocation and a suspension or revocation imposed under section 291-4; and
- (3) That criminal charges filed pursuant to section 291-4 may be prosecuted concurrently with the administrative action; and
- (4) That if criminal charges are filed, information, evidence, and sworn statements obtained during the administrative proceedings shall be available to the prosecutor].

(b) The notice, when completed by the arresting officer and issued to the arrestee, shall contain at a minimum the following information relating to the arrest:

- (1) Information identifying the arrestee;
- (2) The specific violation for which the person was arrested;
- (3) The date issued and the date the administrative revocation is scheduled to go into effect;
- (4) That the arrestee was [advised] informed of the sanctions of this part and of the consequences of refusing to be tested for alcohol content of the blood and whether or not the arrestee consented to be tested;
- (5) The expiration date of the temporary permit; and
- (6) That the arrest will be administratively reviewed.

(c) The notice shall provide, at a minimum, the following information relating to the administrative review:

- (1) That the review is automatic;
- (2) That the arrestee [has three days from the notice to demonstrate in writing that the administrative revocation should be reversed;] may, within three days of the arrest, submit written information demonstrating why the arrestee's license should not be administratively revoked;
- (3) The address or location where the arrestee may submit the [evidence;] information;
- (4) That the arrestee is not entitled to be present or represented at the review; and
- (5) That the review decision shall be mailed to the arrestee no later than eight days after the date of the arrest.

(d) The notice shall state that if the [administrative revocation is reversed at] arrestee's license is not administratively revoked after the review, the arrestee's license shall be returned along with a certified statement that the administrative revocation proceedings have been terminated [without prejudice, but that the prosecution may request a redetermination of the decision by another review officer].

(e) The notice shall state that if the [administrative revocation is sustained by] arrestee's license is administratively revoked after the review, a decision shall be mailed to the arrestee containing, at a minimum, the following information:

- (1) The reasons why the [administrative revocation was sustained;] arrestee's license was administratively revoked;
- (2) That the arrestee [is scheduled for] may request the director, within five days of the date the decision is mailed, to schedule an administrative hearing[:] to review the administrative revocation;

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- (3) That if the arrestee requests an administrative hearing within five days, the hearing shall be scheduled to commence no later than twenty-five days after the date of arrest;
- [(3)] (4) The [date, time, and place of the] procedure to request an administrative hearing;
- (5) That failure to request an administrative hearing within the time provided shall cause the administrative revocation to take effect for the period and under the conditions established by the director in the decision;
- (6) That the arrestee may regain the right to a hearing by requesting the director, within sixty days after the arrest, to schedule a hearing;
- (7) That the director shall schedule the hearing to commence no later than thirty days after the request is made but that the temporary permit shall not, in any event, be extended if the arrestee fails to request an administrative hearing within the initial five day period provided for that purpose;
- [(4)] (8) That failure to attend the hearing shall [result in administrative revocation effective as indicated; and] cause the administrative revocation to take effect for the period and under the conditions indicated; and
- [(5)] (9) The duration of the administrative revocation and other conditions which may be imposed, including alcohol counseling, alcohol treatment, and installation of an ignition interlock system.
- (f) The notice shall provide, at a minimum, the following information relating to administrative hearings:
  - (1) That the arrestee shall have five days from the date the review decision was mailed to [agree or refuse to attend the hearing;] request that an administrative hearing be scheduled;
  - (2) That [acceptance of the] a request for an administrative hearing shall entitle the arrestee to review and copy all [relevant] documents[,] considered at the review, including the arrest report and the sworn statements [considered at the review], prior to the hearing;
  - (3) That the arrestee may be represented by an attorney, submit evidence, give testimony, and present [defense witnesses,] and cross-examine [prosecution] witnesses; and
  - (4) That a written decision shall be mailed no later than five days after completion of the hearing.
- (g) The notice shall state that if the administrative revocation is reversed [at] after the hearing, the arrestee's license shall be returned along with a certified statement that the administrative revocation proceedings have been terminated [subject to the judicial review provided under section 286-260].
- (h) The notice shall state that if the administrative revocation is sustained at the hearing, a decision shall be mailed to the arrestee containing, at a minimum, the following information:
  - (1) The effective date of the administrative revocation;
  - (2) The duration of the administrative revocation;
  - (3) Other conditions which may be imposed by law; and
  - (4) The right to obtain judicial review.
- (i) The notice shall state that [refusal to appear at a hearing, failure to accept a hearing within the time period allowed by law, or] failure to attend a scheduled hearing, shall [result in] cause the administrative revocation [effective on the date provided on the notice for the appropriate period provided by law.] to take effect as provided in the administrative review decision."

SECTION 7. Section 286-255, Hawaii Revised Statutes, is amended to read as follows:

**“[§286-255] Arrest; procedures.** Whenever a person is arrested for a violation of section 291-4, on a determination by the arresting officer[.] that:

- (1) [That there] There was reasonable suspicion to stop the motor vehicle, or that the motor vehicle was stopped at an intoxication control roadblock established and operated in compliance with sections 286-162.5 and 286-162.6[.]; and
- (2) [That there] There was probable cause to believe that the arrestee was driving, operating, or in actual physical control of the motor vehicle while under the influence of intoxicating liquor[.];

the arresting officer shall immediately take possession of any license held by the person and request the arrestee to take a test for concentration of alcohol in the blood. The arresting officer shall inform the person that the person has the option to take a breath test, a blood test, or both. The arresting officer shall also inform the person of the sanctions under this part, including the sanction for refusing to take a breath or a blood test. The arresting officer shall then complete and issue to the arrestee a notice of administrative revocation and [a temporary permit, retaining one copy of each for the arrest report.] shall indicate thereon whether the notice shall serve as a temporary permit. The notice shall serve as a temporary permit, unless at the time of arrest the arrestee was unlicensed, the arrestee's license was revoked or suspended, or the arrestee had no license in the arrestee's possession.”

SECTION 8. Section 286-256, Hawaii Revised Statutes, is amended to read as follows:

**“[§286-256] Immediate restoration of license.** If a test conducted in accordance with part VII [of chapter 286] and section 321-161 and the rules adopted thereunder shows that the arrestee's blood alcohol concentration was less than .10, the director or the arresting agency shall immediately return the arrestee's license along with a certified statement that administrative revocation proceedings have been terminated with prejudice.”

SECTION 9. Section 286-257, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Whenever a person is arrested for a violation of section 291-4 and submits to a test which establishes that the arrestee's blood alcohol concentration was .10 or more, the following shall be immediately forwarded to the director:

- (1) A copy of the arrest report and the sworn statement of the arresting officer stating facts which establish that:
  - (A) There was reasonable suspicion to stop the motor vehicle or the motor vehicle was stopped at an intoxication control roadblock established and operated in compliance with sections 286-162.5 and 286-162.6;
  - (B) There was probable cause to believe that the arrestee had been driving, operating, or in actual physical control of the motor vehicle while under the influence of intoxicating liquor;
  - (C) The arrestee was informed of the sanctions of this part, that criminal charges may be filed, and the [probable] consequences of refusing to be tested for concentration of alcohol in

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- the blood; and
- (D) The arrestee agreed to be tested;
- (2) The sworn statement of the person responsible for maintenance [and calibration] of the testing equipment stating facts which establish that[:]  
pursuant to section 321-161 and rules adopted thereunder:
  - (A) The equipment used to conduct the test was approved for use as an alcohol testing device in this State;
  - (B) The person had been trained and at the time the test was conducted was certified and capable of maintaining [and calibrating] the testing equipment; and
  - (C) The testing equipment used had been properly maintained [and calibrated] and was in good working condition when the test was conducted;
- (3) The sworn statement of the person who conducted the test stating facts which establish that[:]  
pursuant to section 321-161 and rules adopted thereunder:
  - (A) The person was trained and at the time the test was conducted was certified and capable of operating the testing equipment;
  - (B) The person followed the procedures established for conducting the test;
  - (C) The equipment used to conduct the test functioned [correctly]  
in accordance with operating procedures and indicated that the person's blood alcohol concentration was at, or above, the prohibited level; and
  - (D) The person whose breath or blood was tested was the person arrested;
- (4) A copy of the notice of administrative revocation issued to the arrestee;
- [(5) A copy of the temporary permit issued to the arrestee;
- (6)] (5) Any driver's license taken into possession by the arresting officer; and
- [(7)] (6) A listing of any prior alcohol enforcement contacts involving the arrestee."

SECTION 10. Section 286-258, Hawaii Revised Statutes, is amended to read as follows:

"**[§286-258] Administrative review; procedures.** (a) [A] The director shall automatically review the issuance of a notice of administrative revocation, [shall be automatically reviewed by the director] and a written decision [sustaining or reversing] administratively revoking the license or rescinding the notice of administrative revocation shall be mailed to the arrestee no later than eight days after the date [of] the notice[.] was issued.

(b) The arrestee shall have the opportunity to demonstrate in writing [that the administrative revocation should be reversed,] why the arrestee's license should not be administratively revoked and shall submit [all such documentation] any written information within three days of the notice, either by mail or in person, to the director's office or to any office or address designated by the director for that purpose.

(c) In conducting the administrative review, the director shall consider:

- (1) Any sworn or unsworn statement or other evidence provided by the arrestee;
- (2) The breath or blood test results, if any; and

- (3) The sworn statements of the law enforcement officials, and other evidence or information required by section 286-257. [If the director determines by a preponderance of the evidence that the arrestee drove, operated, or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor, or while having a blood alcohol concentration of 0.10 or more, and that the arresting officer had]

(d) The director shall administratively revoke the arrestee's driver's license if the director determines that:

- (1) There existed reasonable suspicion to stop the motor vehicle or the motor vehicle was stopped at an intoxication control roadblock established and operated in compliance with sections 286-162.5 and 286-162.6 [and that there was];
- (2) There existed probable cause to believe that the arrestee drove, operated, or was in actual physical control of the motor vehicle while under the influence of intoxicating liquor[, the director shall sustain the notice of administrative revocation.]; and
- (3) The evidence proves by a preponderance that the arrestee drove, operated, or was in actual physical control of the motor vehicle while under the influence of intoxicating liquor or while having a blood alcohol concentration of 0.10 or more or that the arrestee refused to submit to a breath or blood test after being informed of the sanctions of this part.

[(d)] (e) If [a preponderance of] the evidence does not support administrative revocation, the director shall rescind the notice [subject to review of the director's decision at an administrative hearing, if requested by the State.] of administrative revocation and return the arrestee's license along with a certified statement that administrative revocation proceedings have been terminated.

[(e)] (f) If the director [sustains the notice of administrative revocation, an administrative hearing shall be scheduled to commence no later than twenty-five days subsequent to the notice. The] administratively revokes the arrestee's driver's license, the director shall mail to the arrestee [and the appropriate county prosecutor] a written decision stating the reasons for [sustaining the notice of] the administrative revocation [and indicating the date, time, and place of the hearing]. The decision shall also indicate that the arrestee has five days from the date the decision is mailed to [agree or refuse to appear at the hearing, and] request an administrative hearing to review the director's decision. The decision shall also explain the procedure by which to request an administrative hearing, and shall be accompanied by a form, postage prepaid, which the arrestee may fill out and mail in order to request an administrative hearing. The decision shall also inform the arrestee of the right to review and copy all [relevant] documents[, ] considered at the review, including the arrest report and the sworn statements of the law enforcement officials, prior to the hearing. Further, the decision shall state that the arrestee [has the right to] may be represented by counsel at the hearing, submit evidence, give testimony, and present [witnesses,] and cross-examine [prosecution] witnesses, including the arresting officer.

[(f)] (g) [Refusal to attend the hearing or failure] Failure of the arrestee to [respond to the hearing notice] request a hearing within the time provided in [subsection (e)] section 286-259(a) shall cause the administrative revocation to [go into] take effect [as scheduled] for the [appropriate] period and under the conditions provided [by law.] in the administrative review decision issued by the director under this section. The arrestee may regain the right to [appear at the scheduled hearing only upon a showing made within an additional five-day period of good cause for failing to respond as required by law.] a hearing by request-

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ing the director, within sixty days of the arrest, to schedule a hearing. The hearing shall be scheduled to commence no later than thirty days after the request is made. In no event shall the temporary permit be extended [due to the failure of] if the arrestee [to respond to the hearing notice] fails to request a hearing within the [time] initial five day period provided[.] for that purpose. The administrative review decision issued by the director under this section shall clearly explain the consequences of failure to request an administrative hearing and the procedure by which the arrestee may regain the right to a hearing."

SECTION 11. Section 286-259, Hawaii Revised Statutes, is amended to read as follows:

**"[§286-259] Administrative hearing.** (a) [The party aggrieved by the director's decision at administrative review] If the director administratively revokes the arrestee's license after administrative review, the arrestee may request an administrative hearing to review the decision[. A request made by the arrestee shall be made as provided in section 286-258. A request made by the prosecution shall be made] within five days of the date the administrative review decision is mailed. The hearing shall be scheduled to commence no later than twenty-five days from the date the notice of administrative revocation[.] was issued. The director may continue the hearing only as provided in subsection [(k).] (j).

(b) The hearing shall be held at a place designated by the director, as close to the location of the arrest as practical.

(c) The arrestee may be represented by counsel [and the prosecuting attorney of the county in which the arrest occurred may appear on behalf of the State].

(d) The director shall conduct the hearing and have authority to:

- (1) Administer oaths and affirmations;
- (2) Examine witnesses and take testimony;
- (3) Receive and determine the relevance of evidence;
- (4) Issue subpoenas, take depositions, or cause depositions or interrogatories to be taken;
- (5) Regulate the course and conduct of the hearing; and
- (6) Make a final ruling.

(e) The [issues before the director shall be whether:] director shall affirm the administrative revocation only if the director determines that:

- (1) [The arresting officer had] There existed reasonable suspicion to stop the motor vehicle or the motor vehicle was stopped at an intoxication control roadblock established and operated in compliance with sections 286-162.5 and 286-162.6;
- (2) [The arresting officer had] There existed probable cause to believe that the arrestee [had been driving, operating,] drove, operated, or was in actual physical control of the motor vehicle while under the influence of intoxicating liquor; and
- (3) The evidence proves by a preponderance that the arrestee drove, operated, or was in actual physical control of the motor vehicle while under the influence of intoxicating liquor or while having a blood alcohol concentration of .10 or more[.] or that the arrestee refused to submit to a breath or blood test after being informed of the sanctions of this part.

(f) The arrestee's prior alcohol enforcement contacts shall be entered into evidence.



[(g) It shall be the burden of the prosecution to prove the issues before the director by a preponderance of the evidence.

(h) (g) The sworn statements provided in section 286-257 shall be admitted into evidence. Upon notice to the director no later than five days prior to the hearing that the arrestee wishes to [cross-examine] examine a law enforcement official who made a sworn statement, the director shall issue a subpoena for the official to appear at the hearing. If the official cannot appear, the official may at the discretion of the director testify by telephone.

[(i)] (h) The hearing shall be recorded in a manner to be determined by the director.

[(j)] (i) The director's decision shall be rendered in writing and mailed to the arrestee no later than five days after the hearing. If the decision is to reverse the [notice of] administrative revocation, the director shall return the arrestee's license along with a certified statement that administrative revocation proceedings have been terminated [subject to the judicial review provided under section 286-260]. If the decision sustains the [notice of] administrative revocation, the director shall mail to the arrestee a written decision indicating the duration of the administrative revocation and any other conditions or restrictions as may be imposed pursuant to section 286-261.

[(k)] (j) For good cause shown, the director may grant a continuance either of the commencement of the hearing or of a hearing that has already commenced. If a continuance is granted at the request of the director [or the prosecution], the director shall extend the validity of the temporary permit for a period not to exceed the period of the continuance. If a continuance is granted at the request of the arrestee, the director shall not extend the validity of the temporary permit. For purposes of this section a continuance means a delay in the commencement of the hearing or an interruption of a hearing that has commenced other than for recesses during the day or at the end of the day or week.

[(l)] (k) If the arrestee fails to appear at the hearing, administrative revocation shall [be imposed for the appropriate period as provided by law.] take effect for the period and under the conditions established by the director in the administrative review decision issued by the director under section 286-258."

SECTION 12. Section 286-260, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) [Within thirty days after the director's hearing decision is made, the party aggrieved by the decision may file a petition for judicial review.] If the director sustains the administrative revocation after administrative hearing, the arrestee may file a petition for judicial review within thirty days after the administrative hearing decision is mailed. The petition shall be filed with the clerk of the district court in the district in which the offense occurred[, together with proof of service by the petitioner on the respondent,] and shall be accompanied by the required filing fee for civil actions. The filing of the petition shall not operate as a stay of the administrative revocation[.]. nor shall the court stay the administrative revocation pending the outcome of the judicial review. [No responsive pleading shall be required, and no court fees shall be charged for the respondent's appearance.] The petition shall be appropriately captioned. The petition shall state with specificity the grounds upon which the petitioner seeks [rescission] reversal of the administrative [decision.] revocation.

(b) The court shall schedule the judicial review as quickly as practicable, and the review shall be on the record of the administrative hearing without taking of additional testimony or evidence. If the petitioner fails to appear without just

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cause, the court shall [find for the respondent.] affirm the administrative revocation."

SECTION 13. Section 286-261, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

"(a) Unless an administrative revocation is [rescinded or continued, it] reversed or the temporary permit is extended by the director, administrative revocation shall become effective on the day specified in the notice. [No] Except as provided in section 286-264, no license shall be restored under any circumstances and no conditional permit shall be issued during the administrative revocation period."

2. By amending subsection (c) to read:

"(c) The [periods of administrative revocation provided in subsections (b)(1), (2), and (3) are minimum and shall not preclude the discretion of the director to impose a longer period; provided that the] license of an arrestee who refuses to be tested [and who is found to have been driving under the influence of intoxicating liquor] after being informed of the sanctions of this part shall be revoked under [subsections] subsection (b)(1), (2), [and] or (3) for a [minimum] period of [six months,] one year, two years, and four years, respectively."

3. By amending subsection (f) to read:

"(f) Alcohol enforcement contacts which occurred prior to [July 1, 1990] August 1, 1991 shall be counted in determining the administrative revocation period."

SECTION 14. Section 286-264, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) If an arrestee subject to administrative revocation under this part submitted to a breath or blood test and has no prior alcohol enforcement contacts, the director may, at the request of the arrestee at the administrative hearing, issue a conditional permit allowing the arrestee to drive after a minimum period of absolute license [suspension] revocation of thirty days if one or more of the following conditions are met:

- (1) The arrestee is gainfully employed in a position that requires driving and will be discharged if the arrestee's driving privileges are administratively revoked; or
- (2) The arrestee has no access to alternative transportation and therefore must drive to work or to a substance abuse treatment facility or counselor for treatment ordered by the director under section 286-261."

SECTION 15. Section 286-265, Hawaii Revised Statutes, is amended to read as follows:

"**[[]§286-265[]] Eligibility for relicensing.** To be eligible for relicensing after a period of administrative revocation has expired, the person shall:

- (1) Submit proof to the director of compliance with all conditions imposed by the director or by the court;
- (2) Obtain a certified statement from the director indicating eligibility for relicensing;
- (3) Present the certified statement to the appropriate licensing official; and
- [(4) Pay all applicable fees; and
- (5)] (4) Successfully complete each requirement for obtaining [licensure] a new license in this State[.] including payment of all applicable fees."

SECTION 16. Section 287-3, Hawaii Revised Statutes, is amended to read as follows:

**"§287-3 Furnishing of operating records.** The traffic violations bureau of the district courts shall upon request furnish any person a certified abstract of the bureau's record, if any, of any person relating to all alleged moving violations, as well as any convictions resulting therefrom, arising from the operation of a motor vehicle[.] and any administrative license revocation pursuant to chapter 286, part XIV. The traffic violations bureau may collect a fee, to be a realization of the general fund, of not in excess of \$2 for any such certificate."

SECTION 17. Section 287-20, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Whenever a driver's license has been suspended or revoked pursuant to [section 286-155,] part XIV of chapter 286, or upon a conviction of any offense pursuant to law, or in the case of minors, suspended or revoked pursuant to part V of chapter 571, the license shall not at any time thereafter be issued to the person whose license has been suspended or revoked, nor shall the person thereafter operate a motor vehicle, unless and until the person has furnished and thereafter maintains proof of financial responsibility. Whenever by reason of a conviction of, or adjudication under part V of chapter 571 by reason of, any of the offenses listed in this section, under the laws of the State or ordinances of any political subdivision, a court of competent jurisdiction has discretion to revoke or suspend a driver's license but does not revoke or suspend the license, the administrator shall nevertheless after the expiration of thirty days from the date of conviction or adjudication suspend the license and shall keep the same suspended, and the person so convicted or adjudicated shall not thereafter operate a motor vehicle, unless and until the person so convicted or adjudicated furnishes and thereafter maintains proof of financial responsibility. The offenses referred to are:

- (1) Reckless or inattentive driving, driving while under the influence of intoxicating liquor, driving while under the influence of drugs, and driving while that person's license has been suspended or revoked;
- (2) Conviction or adjudication under part V of chapter 571 by reason of any moving violation offense involving a motor vehicle if the motor vehicle is in any manner involved in an accident in which any person is killed or injured, or in which damage to property results to an apparent extent in excess of \$1,000 and there are reasonable grounds for the administrator to believe that the defendant is at fault; and
- (3) Failure to have an effective no-fault insurance policy."

SECTION 18. Act 188, Session Laws of Hawaii 1990, is amended by

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amending section 16 to read as follows:

“SECTION 16. This Act shall take effect on [July 1, 1991;] August 1, 1991; provided that sections 13 and 14 shall take effect on July 1, 1990.”

SECTION 19. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>1</sup>

SECTION 20. This Act, upon its approval, shall take effect on August 1, 1991; provided that section 18 shall take effect on June 30, 1991; provided further that the amendments to the Hawaii Revised Statutes made by sections 3 through 15 of this Act shall supersede any conflicting amendments to the Hawaii Revised Statutes made by section 3 of Act 188, Session Laws of Hawaii 1990.

(Approved June 29, 1991.)

### Note

1. Edited pursuant to HRS §23G-16.5.