



GOV. MSG. NO. 496

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

April 20, 2010

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on April 20, 2010, the following bill was signed into law:

HB134 HD2 SD2

A BILL FOR AN ACT
RELATING TO MOTOR VEHICLE DRIVER LICENSING.

ACT 038 (10)

Sincerely,



LINDA LINGLE

Approved by the Governor

on APR 20 2010

HOUSE OF REPRESENTATIVES
TWENTY-FIFTH LEGISLATURE, 2009
STATE OF HAWAII

ACT 038

H.B. NO. 134
H.D. 2
S.D. 2

A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE DRIVER LICENSING.

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

1 SECTION 1. Section 286-104, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§286-104 [~~What~~] Which persons shall not be licensed. The
4 examiner of drivers shall not issue any license [~~hereunder~~] to
5 any person:

6 (1) [~~To any person whose~~] Whose license has been suspended
7 by a court of competent jurisdiction during the
8 suspension period, nor to any person whose license has
9 been revoked until the expiration of one year after
10 the date of the revocation, or until the expiration of
11 the period of revocation specified by law, whichever
12 is greater, except as provided under sections
13 286-102.6(d) and 286-102.6(e) for suspensions and
14 revocations of a provisional license; nor to any
15 person who, while unlicensed, has within two years
16 been convicted of operating a vehicle under the
17 influence of an intoxicant or, prior to



1 January 1, 2002, of driving under the influence of
2 alcohol or drugs;

3 (2) [~~To any person who~~] Who is required by this part to
4 take an examination, unless the person has
5 successfully passed the examination;

6 (3) [~~To any person who~~] Who is required under the motor
7 vehicle financial responsibility laws of this State to
8 deposit proof of financial responsibility and who has
9 not deposited the proof;

10 (4) [~~To any person who~~] Who the examiner of drivers has
11 good cause to believe would not be able to operate a
12 motor vehicle with safety upon the highways by reason
13 of physical or mental disability;

14 (5) [~~To any person who~~] Who is under eighteen years of
15 age; provided that [+] a person:

16 (A) [~~A person who~~] Who is fifteen years and six
17 months of age may be granted an instruction
18 permit;

19 (B) [~~A person who~~] Who is at least sixteen and less
20 than eighteen years of age may be granted a
21 provisional license upon satisfying the
22 requirements of section 286-102.6;



1 (C) ~~[A person who]~~ Who is at least seventeen and less
2 than eighteen years of age may be granted a
3 license upon satisfying the requirements of
4 section 286-102.6, which license may be suspended
5 or revoked by a judge having jurisdiction over
6 the holder of the license. Upon revocation of
7 the license, the person shall not be eligible to
8 operate a motor vehicle on the highway until the
9 person is eighteen years of age and has again
10 satisfied the requirements of sections 286-108
11 and 286-109; or

12 (D) ~~[A person who]~~ Who is an emancipated minor may be
13 granted a license upon satisfaction of all
14 requirements of this chapter applicable to
15 persons eighteen years of age or older; ~~[or]~~

16 (6) ~~[To any person who]~~ Who is not in compliance with
17 section 286-102.5 ~~[-]~~; or

18 (7) Who does not submit proof, satisfactory to the
19 director, that the applicant's presence in the United
20 States is authorized by federal law. The director
21 shall adopt rules in accordance with chapter 91 that



1 provide for standards of proof and for exemptions from
2 this requirement.

3 Any person denied a license under this or any other section
4 of this part shall have a right of appeal as provided in section
5 286-129."

6 SECTION 2. Section 286-106, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§286-106 Expiration of licenses.** Every driver's license
9 issued under this part, except for a provisional license issued
10 under section 286-102.6 which shall expire on the date of the
11 provisional licensee's nineteenth birthday, whether an original
12 issuance or a renewal, shall expire on the first birthday of the
13 licensee occurring not less than eight years after the date of
14 the issuance of the license, unless sooner revoked or suspended;
15 provided that ~~the~~:

16 (1) The license shall expire on the first birthday of the
17 licensee occurring not less than four years after the
18 date of the issuance if, at the time, the licensee is
19 twenty-four years of age or younger; ~~provided further~~
20 ~~that the~~

21 (2) The license shall expire on the first birthday of the
22 licensee occurring not less than two years after the



1 date of the issuance of the license if, at that time,
2 the licensee is seventy-two years of age or older[-];
3 and

4 (3) If the licensee is a legal immigrant, the license
5 shall expire no later than the licensee's authorized
6 period of stay in the United States.

7 The examiner of drivers may issue a license for a shorter
8 period if the licensee has a physical condition or conditions
9 that the examiner of drivers reasonably believes may impair the
10 driver's ability to drive."

11 SECTION 3. Section 286-110, Hawaii Revised Statutes, is
12 amended by amending subsection (c) to read as follows:

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

19 (1) An applicant who is registered in a driver training
20 course shall be issued a temporary instruction permit
21 for the duration of the course and the termination



1 date of the course shall be entered on the permit[-]i
2 and
3 (2) If the applicant is a legal immigrant, the permit
4 shall expire no later than the applicant's authorized
5 period of stay in the United States.

6 A person who is not licensed to operate the category of
7 motor vehicles to which the driving training course applies
8 shall not operate a motor vehicle in connection with the driving
9 training course without a valid temporary instruction permit."

10 SECTION 4. Section 286-111, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§286-111 Application for license, provisional license, or**
13 **instruction permit; fees.** (a) Every application for an
14 instruction permit, provisional license, or driver's license
15 shall be made upon a form furnished by the examiner of drivers
16 and shall be verified by the applicant before a person
17 authorized to administer oaths. The examiner of drivers and
18 officers serving under the examiner may administer the oaths
19 without charge. Each application for an instruction permit for
20 a category (1), (2), (3), or (4) license shall be accompanied by
21 a fee to be determined by the council of each county, and each
22 application for a provisional license or driver's license shall



1 be accompanied by the fee, unless the applicant has already paid
2 the fee upon application for an instruction permit in the same
3 county, in which event no fee shall be charged. An additional
4 fee to be determined by the council of each county shall be
5 charged and collected upon the issuance of a provisional license
6 or driver's license. All of the foregoing fees shall become
7 county realizations.

8 (b) The director shall establish by rule a standard fee
9 for all driver's license applicants who require verification
10 through the federal system that their presence in the United
11 States is authorized by federal law. The fees collected shall
12 become state realizations and be deposited into the state
13 highway fund. The state shall reimburse the counties all costs
14 of verification through the federal system. The amount of
15 reimbursement shall be determined by the director of
16 transportation.

17 ~~[-(b)-]~~ (c) The director of transportation shall establish a
18 fee schedule for all commercial driver's licensing examinations.
19 The fees collected for a commercial driver's license shall
20 become state realizations and shall be deposited in the state
21 highway fund. The State shall reimburse the counties all costs
22 for administering the commercial driver's licensing program.



1 The amount of reimbursement shall be determined by the director
2 of transportation.

3 ~~[(e)]~~ (d) Every application shall state the full name,
4 date of birth, sex, occupation, social security number if the
5 applicant is eligible for a social security number, the
6 residence address, and business address, if any, of the
7 applicant, ~~[and]~~ shall briefly describe the applicant, and shall
8 state whether the applicant has theretofore been licensed as a
9 driver, and, if so, when and in what state or country, and
10 whether any such license has ever been suspended or revoked, or
11 whether an application has ever been refused, and if so, the
12 date of and reason for the suspension, revocation, or refusal.

13 ~~[(d)]~~ (e) If the applicant is not eligible to receive a
14 social security number, the applicant shall submit, in lieu of
15 providing proof of social security number pursuant to subsection
16 ~~[(e)]~~ (d):

17 (1) A United States Social Security Administration letter
18 stating that the applicant is ineligible to obtain a
19 social security number; and

20 (2) Either:

21 (A) A government-issued photo identification
22 document; or



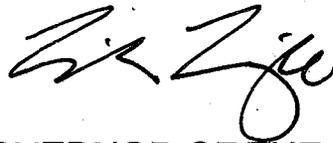
1 (B) Other identification documents as deemed
2 acceptable by the director."

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

5 SECTION 6. This Act shall take effect on July 1, 2010;
6 provided that the amendments made to section 286-106, Hawaii
7 Revised Statutes, under section 2 of this Act, shall not be
8 repealed when that section is reenacted on January 9, 2011,
9 pursuant to section 15 of Act 72, Session Laws of Hawaii 2005.

10

APPROVED this 20 day of APR, 2010



GOVERNOR OF THE STATE OF HAWAII

