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# 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9 been revoked until the expiration of one year after  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[-];  
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



**Report Title:**

Motor Vehicle Driver Licensing

**Description:**

Requires applicants for driver's licenses and instruction permits to submit proof that the applicant is legally in the United States (U.S.). Requires driver's licenses or instruction permits of legal nonimmigrants to expire no later than the date of the legal immigrant's authorized period of stay in the U.S. Requires the Director of Transportation to adopt rules and establish a verification fee. Effective July 1, 2010. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

