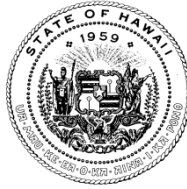


DAVID Y. IGE
GOVERNOR



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
ROSS M. HIGASHI
EDUARDO P. MANGLALLAN
PATRICK H. MCCAIN
EDWIN H. SNIFFEN

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 24, 2022
2:00 P.M.
State Capitol, Teleconference

H.B. 1822
RELATING TO DRIVER'S LICENSES

House Committee on Judiciary & Hawaiian Affairs

The Department of Transportation (DOT) **supports** H.B. 1822 but recommends a change. The purpose of the bill is to extend the renewal period from 2 years to 4 years for licensees 70 through 79 years of age. Requires applicants for a new license or for license renewal who are 70 years of age or older to present certification of physical and mental competence from a doctor upon application.

We recommend not requiring drivers aged 70 years old or older to present certification of physical and mental competence from a doctor (Sections 2 and 3 of the bill) as many of 70-year-olds are quite fit physically and capable of doing a wide range of activities including driving. If a statement of mental competence is required, it should have guidelines.

The DOT has not found local data to indicate drivers 70 years or older are at higher risk of causing or being involved in crashes. Also, based on a review of an American Automobile Association study which included information on age-based license renewals from 51 jurisdictions, only 21 of the United States jurisdictions polled have a shorter renewal cycle based on the age of the driver. Those age-based policies were generally longer than 4 years.

A requirement for mental competence certification for all 70+ drivers may put an unnecessary financial burden on most of those drivers. The current approach of relying on self-disclosure and observations by licensing clerks seems to be the most reasonable. Applicants of concern can be referred to Hawaii's Medical Advisory Board for review.

Thank you for the opportunity to provide testimony.

LATE

HB-1822

Submitted on: 2/24/2022 1:19:37 PM

Testimony for JHA on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lee Nagano	Dept of Transportation	Support	No

Comments:

I am with the Department of Transportation and available for questions.



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**The State Legislature
The House
Committee on Judiciary and Hawaiian Affairs
Thursday, February 24, 2022
2:00 p.m.**

TO: The Honorable Mark Nakashima, Chair

RE: H.B. 1822 Relating to Drivers' License

Aloha Chair Nakashima and Members of the Committees:

My name is Keali'i Lopez and I am the State Director for AARP Hawai'i. AARP is a nonpartisan, social mission organization that advocates for individuals age 50 and older. We have a membership of nearly 38 million nationwide and over 140,000 in Hawai'i.

AARP Hawai'i appreciates and supports the intent of this measure to extend the renewal period for older drivers from two to four years. However, we have concerns about the additional provision requiring a medical certification for all people 70 years and older as noted in SECTION 2. Section 286-107 (b): "provided that an applicant who is seventy years of age or older shall also present certification of physical and mental competence from a doctor". We respectfully recommend that this provision be amended since it appears to be based on age, and not on medical concerns which may impact a driver's ability to safely drive. A similar provision is also included in SECTION 3. Section 286-108 (e). Decisions about driving should be made on a case-by-case basis and not based on chronological age.

The current driver license requirements in the City and County of Honolulu as an example, do not include any medical clearance except for an eye screening; and the only time a medical clearance is warranted is if the examiner of drivers has good cause to believe that a person would not be able to operate a motor vehicle safely upon the highways by reason of physical or mental disability. According to the City, "*Unless a person has a medical condition, which may affect his/her fitness to drive safely, only then is the person required to submit the State of Hawaii, Dept of Transportation Medical Report form (available at the satellite city halls). This form is completed by the driver applicant's doctor for review by the Medical Advisory Board (MAB). The MAB will determine the fitness to operate a motor vehicle safely.*"

https://www.honolulu.gov/cms-csd-menu/site-csd-sitearticles/679-faqs-about-driver-s-license.html#info_medreqs).

State and local governments, in partnership with the medical community as needed, should ensure that all drivers, regardless of age, meet the minimum physical and cognitive requirements to safely operate a vehicle. Renewal policies should be evidence-based and as such, should include regular in-person renewal for all ages. Driving ability varies greatly at any given age. It is more appropriate to assess all drivers' ability to be safe on the road rather than specifically targeting older drivers. .

We appreciate the legislature's consideration of removing the medical certification requirement and welcome further dialogue as the bill moves forward.

Thank you for the opportunity to testify on H.B. 1822.

Sincerely,

A handwritten signature in black ink that reads "Keali'i S. Lopez". The signature is written in a cursive style with a small circular mark at the end of the last name.

Keali'i Lopez, AARP Hawai'i
State Director

HB-1822

Submitted on: 2/22/2022 4:04:10 PM

Testimony for JHA on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ellen Godbey Carson	Individual	Oppose	No

Comments:

I ask you to vote against this bill HB1822, OR substantially amend it, because I believe it is overbroad, vague and ambiguous, and lacking in details to assure it accomplishes its intended goals.

While I write as an individual, I have served as President and director of the Hawaii State Bar Association, and am now a retired attorney.

The bill would require all drivers 70 years of age and older to submit a physician certification of "physical and mental competence" every two years. As best I can tell, those terms are undefined in Hawaii law and where they do exist (such as mental competence to undergo criminal trial), the situation is so different as to not offer guidance in how these terms would or should be defined here. Even defining mental competence as the ability to comprehend reality sufficient to make decisions for oneself (as is used in making wills or other testamentary dispositions), is not necessarily a helpful legal standard for driving.

"Physical competence" has even less defined meaning and could exclude a broad range of people with disabilities that have little relevance to safe driving, while failing to spotlight other physical maladies that would make one dangerous behind the wheel.

Detailed definitions are important to assure the bill has intended effect and not unintended consequences.

A monetary consideration is that health plans in Hawaii typically do not include coverage for physician certifications of this nature, so those age 70 and over would need to be paying for a physician to do a mental and physical assessment every couple of years to qualify to continue to drive. Is that personal expense and burden on the medical professional justified by the benefits to be gained?

Finally, using age 70 as a triggering point for such certifications seems unreasonably early to me, given that our state enjoys the longest longevity in the nation, with many people still having active and healthy lives in their 80's and 90's.

I totally agree that we should have some reasonable standards that have a high likelihood of preventing needless accidents and injuries by drivers who are no longer capable due to mental or physical disability. And I do believe that could be done by a law that triggered by age and by

medical certification. But I think this bill as written has failed to develop the level of details needed to give confidence that it will achieve that intended effect.

Thank you for your consideration of this issue, and for looking for solutions to keep our streets safe.

HB-1822

Submitted on: 2/22/2022 11:24:34 PM

Testimony for JHA on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Scott Smart	Individual	Oppose	No

Comments:

I OPPOSE HB1822 with respect to the proposed amendment to section 286-107(b). It is unclear on what basis a "doctor" is to make the determination of competency. It assumes that all licenced drivers over age 70 have access to a "doctor" who will make this determination. If "physical and mental competence" as judged by a "doctor" is desired, why not make this a requirement for all drivers? Is it OK for a 30 year old driver to be incompetent?

HB-1822

Submitted on: 2/23/2022 1:42:29 PM

Testimony for JHA on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Pamela Seeney	Individual	Oppose	No

Comments:

Objections to the medical certification sections.

HB-1822

Submitted on: 2/23/2022 2:14:13 PM

Testimony for JHA on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
N.Wong	Individual	Oppose	No

Comments:

I oppose the part of this bill that would require a person 70 years and older to get a certification of physical and mental competence.

Drivers between 70-79 had fewer crashes than any age group starting at 16 yrs of age.

This information is from a AAA - Rates of Motor Vehicle Crashes, injury and deaths in relation to drivers age in the US.

Thank you for the opportunity to testify on HB 1822

Charles St. Sure
2499 Kapiolani Boulevard
Honolulu, Hawaii 96826

Committee on Judiciary & Hawaiian Affairs
Hearing on Thursday, February 24, 2022
2:00 PM
Conference Room 325

Aloha Chair Nakashima, Vice Chair Matayoshi and members of the committee

Relating to HB 1822

I would like to STRONGLY RECOMMEND the following AMENDMENTS:

1. Change from 2 to 4 years the period for renewal of driver's license for individuals over 72 years of age and remove the eighty years of age section.
2. Remove the requirement to present certification of physical and mental competence from a doctor from the bill.

Reasons:

- The City & County of Honolulu Mayor's Package introduced HB 1433 which simply required changing the period of renewal from 2 to 4 years for anyone over 72 years of age. The City & County administers the driver license renewals; one would think their request was made with a lot of thought behind it.
- The vast majority of states do not have a staggered system; after a certain age – usually 72 – they normally change the renewal period to four years and leave it at that.
- Example: A 71 year old driver can renew their license for 8 years which means they will be 79 years old before they have to renew again, where the 72 year old would have to renew at age 74. The staggered system is unfair, ageist and blatantly discriminatory.
- I understand the concern regarding the ability of old people driving, but this certification section is so ludicrous it is almost laughable. Does the bill provide any guidelines on how a psychiatrist – who is expensive, in high demand and probably won't take Medicaid - would be willing to guarantee (sign a certification) as to whether someone is mentally competent.

LATE

HB-1822

Submitted on: 2/24/2022 7:25:05 AM

Testimony for JHA on 2/24/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Charlene Watanabe	Individual	Oppose	Yes

Comments:

Studies have shown that vehicular accidents are caused by, not only impairment, but also by -speeding, -distractions e.g. -use of/texting on cellphones, and -drug use, accompanied by "get-out-of-my-way," behaviors. 70-79 year old drivers are less likely to engage in the aforementioned reckless driving patterns.