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**A BILL FOR AN ACT**

RELATING TO DRIVER LICENSING.

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

1           SECTION 1. Section 286-107, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§286-107 License renewals; procedures and requirements.**

4           (a) The examiner of drivers may accept an application for a  
5 renewal of a driver's license made not more than six months  
6 prior to the date of expiration.

7           If, however, the renewal is not applied for within ninety  
8 days after the expiration of the license, the applicant for  
9 renewal shall be treated as an applicant for a new license and  
10 examined as provided in section 286-108.

11           (b) Except as otherwise provided in subsection (c), an  
12 applicant for a renewal of a driver's license under this  
13 section, or the reactivation of an expired license under section  
14 286-107.5(a), shall appear in person before the examiner of  
15 drivers and the examiner of drivers shall administer such  
16 physical examinations as the state director of transportation  
17 deems necessary to determine the applicant's fitness to continue  
18 to operate a motor vehicle.

1           (c) Any person who holds a category (1), (2), or (3)  
2 license issued under this part who is unable to appear in person  
3 before the examiner of drivers to apply for a renewal of the  
4 driver's license, may, if the person is not disqualified from  
5 renewing the license under subsection (a) except as provided  
6 under subsection (h), apply for a renewal by mail. The  
7 applicant's request to have the license renewed by mail must be  
8 received by the examiner of drivers within ninety days after the  
9 expiration of the license or it shall be treated as an  
10 application for reactivation of an expired license under section  
11 286-107.5. The examiner of drivers shall, upon receipt of the  
12 request, furnish the applicant with all necessary forms and  
13 instructions. An application for renewal made pursuant to this  
14 subsection shall be accompanied by a statement from a licensed  
15 physician, physician assistant, or advanced practice registered  
16 nurse certifying that the applicant was examined by the licensed  
17 physician, physician assistant, or advanced practice registered  
18 nurse not more than six months prior to the expiration date of  
19 the applicant's license and that the applicant was found by the  
20 examination to have met the physical requirements established by  
21 the state director of transportation for the renewal of

1 licenses. The application for renewal shall also be accompanied  
2 by:

3 (1) A notarized statement of the applicant certifying that  
4 the applicant does not possess any valid license to  
5 operate the same or similar category or categories of  
6 motor vehicles, issued by another licensing authority  
7 (unless the license is concurrently surrendered); and

8 (2) Such other information as may be required by the  
9 examiner of drivers that is reasonably necessary to  
10 confirm the identity of the applicant and the  
11 applicant's fitness to continue to operate a motor  
12 vehicle.

13 (d) An applicant for a renewal of the applicant's driver's  
14 license, whether applying pursuant to subsections (b) or (c),  
15 shall pay the fee determined by the council of the appropriate  
16 county. Payment of the fee shall be by certified check or money  
17 order, tendered together with the application.

18 (e) No driver's license shall be renewed by the examiner  
19 of drivers unless:

20 (1) The examiner of drivers is satisfied of the  
21 applicant's fitness to continue to operate a motor  
22 vehicle;

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1           (2) The fee required by subsection (d) is tendered  
2                           together with the application for renewal; and

3           (3) The applicant complies with section 286-102.5.

4           ~~[(f) A driver's license renewed pursuant to subsection (e)~~  
5 ~~may validly be issued without incorporating a photograph of the~~  
6 ~~licensee.~~

7           ~~-(g)]~~ (f) No driver's license shall be renewable by mail:

8           (1) ~~[(f)]~~ For more than two consecutive renewals,  
9                           regardless of whether the license expires, as provided  
10                          under section 286-106, on the ~~[sixth,]~~ eighth, fourth,  
11                          or second birthday after issuance; or

12           (2) ~~[sixteen]~~ Sixteen years have lapsed since the  
13                          applicant had appeared in person;

14 provided that this subsection shall not apply to a resident  
15 military person or that person's immediate family if the  
16 resident military person resides outside the State on official  
17 military orders.

18           ~~-(h)]~~ (g) Notwithstanding subsection (a), any applicant  
19 for a renewal of a driver's license who is a member of any  
20 component of the United States armed forces and who is on active  
21 federal service outside of the State at the time the applicant's  
22 license should be renewed, may file an application for a renewal

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1 of the driver's license, which shall be accompanied by  
 2 verification of federal active service outside the State as  
 3 required by the examiner of drivers, within ninety days of the  
 4 applicant's return to the State or discharge from  
 5 hospitalization. The examiner of drivers may waive the  
 6 reactivation fee otherwise required by section 286-107.5.

7       ~~(i)~~ (h) The state director of transportation shall adopt  
 8 rules and regulations pursuant to chapter 91, necessary for the  
 9 purposes of this section, including rules and regulations  
 10 governing the effect to be given to convictions for violations  
 11 of traffic laws of a foreign jurisdiction, upon license renewal  
 12 procedures."

13       SECTION 2. Statutory material to be repealed is bracketed  
 14 and stricken. New statutory material is underscored.

15       SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_

BY REQUEST

JAN 25 2016

# H.B. NO. 2405

**Report Title:**

Driver License Renewal

**Description:**

Ensures driver license procedures are compliant with the Real ID Act.

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

## JUSTIFICATION SHEET

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO DRIVER LICENSING.

PURPOSE: To amend the driver's license issuance process to issue driver's licenses with photographs to conform to the requirements of the REAL ID Act.

MEANS: Amend section 286-107, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Currently, section 286-107(f), HRS, allows driver's licenses to be issued without incorporating a photograph of the licensee. Additionally, section 286-107(g), HRS, provides, in pertinent part that a driver's license shall not be renewed by mail more than two consecutive renewals as provided under section 286-106, HRS, on the sixth birthday after issuance.

This bill proposes to repeal the current section of 286-107(f) and amend the current section of 286-107(g) as follows:  
Amend "sixth" to read "eighth" so it is consistent with section 286-106, HRS; and add wording that reads as follows, "or sixteen years have lapsed since the applicant had appeared in person" to ensure our driver license procedures are compliant with the Real ID Act which requires in person renewal if sixteen years have passed since the applicant appeared in person.

Impact on the public: None.

Impact on the Department: None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM

**HB2405**

DESIGNATION: TRN 597.

OTHER AFFECTED

AGENCIES: The County driver licensing agencies and  
driver license holders.

EFFECTIVE DATE: Upon approval.