

KAUAI COUNTY DEPARTMENT OF FINANCE
RULES AND REGULATIONS OF THE DIRECTOR OF FINANCE
RELATING TO THE ISSUANCE OF A HAWAII DRIVER'S LICENSE
AND LEARNER'S INSTRUCTION PERMIT

Pursuant to and by virtue of the authority set forth in the Hawaii Revised Statutes, Chapter 91, Hawaii Revised Statutes, the Director of Finance of the County of Kauai, hereby shall add to his rules and regulations a new Section relating to the issuance of a Hawaii Driver's License and Learner's Instruction Permit.

SECTION 1: PURPOSE AND SCOPE

These rules and regulations govern the procedures for the issuance of a learner's instruction permit and driver's license and requirements set forth.

SECTION 2: DEFINITIONS

As used in these rules, unless the context clearly requires otherwise:

- 1: "Director" shall mean the Director of Finance of the County of Kauai, or the Director's authorized representative of subordinates.
- 2: "Driver" shall mean every person who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed or pushed by a motor vehicle.
- 3: "Driver's License" means any license to operate a motor vehicle issued under the laws of this State.
- 4: "Examiner of Drivers" means the person or persons appointed under Section 286-101, Hawaii Revised Statutes.
- 5: "Motor Vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power but which is not operated upon rails, but excludes a moped.
- 6: "Out-of-state or country driver's license" shall mean those driver's license issued by the states, territories or countries listed in Section 286-108, Hawaii Revised Statutes.
- 7: "Party" shall mean each person named or admitted as a party or properly seeking and entitled as a right to be admitted as a party in any hearing under these rules.
- 8: "Person" includes individuals, partnerships, corporations, associations or public or private organizations of any character other than agencies as defined in Section 91-1 (1), Hawaii Revised Statutes.

- 9: "Rule" shall mean any statement of the Examiner of Drivers constituting a rule under Chapter 91, Hawaii Revised Statutes.
- 10: "Provisional License" means a license issued under HRS 286-102.6 as amended.

SECTION 3: AMENDMENTS OR REPEAL OR RULES

- 1: The Director may amend or repeal these rules or add to them as provided in Section 91-3, HRS.
- 2: Any interested person may petition the Director requesting the amendment or repeal of any of these rules or adopt the new rules as provided in Section 91-6, HRS.

4: EFFECTIVE DATE

These rules shall take effect immediately upon approval.

5: SEVERABILITY

If any portion of these rules or the applicability thereof should be held invalid for any reason, such invalidity shall not affect other provisions or applications and to this end these rules are declared to be severable.

SECTION 4: ACCEPTABLE IDENTIFICATION TO OBTAIN THE FOLLOWING:

INSTRUCTION PERMITS: CLASS 1, 2, 3, 4, CDL A, B, C

- 1: Proof of social security number:
 - a. Original Social Security card only (no photo copies or metal plates);
 - b. Out-of-state or country driver's license with Social Security number and with or without photo (valid or expired);
 - c. State of Hawaii identification card; if SSN listed as State ID number;
 - d. Military identification or DD-214;
 - e. Medicaid identification card with "A" after SS number;
 - f. W-2 Tax form (most current);
 - g. Other documents as deemed necessary by the Examiner of Drivers for such proof.
- 2: Proof of date of birth, name, sex;
 - a. State certified Birth Certificate with parents listed or State certified birth identification card (no photo copies accepted);
 - b. Certified Divorce Decree with legal name change (no photo copies);
 - c. Certified decree of name change issued by the courts or the Lieutenant Governor's Office, State of Hawaii (no photo copies);
 - d. State of Hawaii Identification card;
 - e. Military Identification card or DD-214;

- f. United States Immigration and Naturalization documents;
 - g. All passports with English translation;
 - h. Out-of-state or country driver's license (valid or expired) with photo;
 - i. State certified marriage certificate (no church or photocopies accepted);
 - j. Certified physician's certificate (no photo copies);
 - k. Two government issued identification cards which are consistent with the applicant's requested name.
 - l. Other documents as deemed necessary by the Examiner of Drivers for proof.
- 3: Proof of age:
- a. Out-of-state or country driver's license (valid or expired) with photo;
 - b. All Passports with English Translation;
 - c. Alien/Refugee Registration Identification issued by the U. S. Department of Immigration and Naturalization;
 - d. State of Hawaii Identification card;
 - e. Military Identification card or DD-214;
 - f. State certified Birth Certificate with parents listed or State certified birth identification card (no photo copies);
 - g. Other documents as deemed necessary by the Examiner of Drivers for such proof.

SECTION 5: ACCEPTABLE DOCUMENTS AND SIGNATORY FOR FILING OF INSTRUCTION PERMITS FOR MINORS INCLUDE:

- 1: Situations when BOTH signatures required:
- a. Both parents listed on a State certified birth certificate (natural or adopted);
 - b. Legal guardians with certified court documents stating such appointments;
 - c. Foster parents with certified court documents stating such persons;
 - d. Both parents alive, legally divorced but divorce decree does not indicate who has legal custody or physical custody;
 - e. Both parents alive, legally separated by a court order but not legally divorced and no one has legal custody, both parents must sign.
- 2: Situations when ONE signature required:
- a. Divorced parent with custodial documents issued and certified by the court;
 - b. Both parents alive, legally divorced but divorce decree does not indicate who has legal custody. Parent with physical custody may sign a Single Parent Affidavit;

- c. Parent indicated on birth certificates showing the minor's birth out of wedlock;
 - d. One parent is deceased, surviving parent may sign and indicate on the form that the other parent is deceased. Certified Death Certificate of deceased required;
 - e. Both parents alive and never legally married, one parent may sign a Single Parent Affidavit;
 - f. Legally emancipated minor requires court document showing granting of emancipation. Consent form need not be signed by an adult;
 - g. Both parents alive, not legally divorced or separated and whereabouts of one parent is unknown. Parent with physical custody may sign a Single Parent Affidavit.
- 3: ONE or BOTH signature(s) required depending upon situation:
- a. Both parents deceased, responsible person who is an adult (i.e. employer) and willing to assume the financial responsibility of the minor may sign. The responsible person must indicate on the form that both parents are deceased. Certified Death Certificate of deceased required;
 - b. Both parents deceased, next of kin who is an adult and is willing to sign. The next of kin must indicate on the form that both parents are deceased. Certified Death Certificate of deceased required;
 - c. Both parents alive, not legally divorced or separated and NEITHER PARENT has legal custody due to court appointed legal guardian(s). Legal guardian(s) as indicated on court documents must sign;
 - d. Minor applicant is married to spouse who is an adult, spouse may sign with proof of age and marriage certificate or parents of minor applicant may sign;
 - e. Minor has different name from parent(s) signing consent form, divorce decree is required showing custody of parent signing form. Custodial parent alone may sign or both parents may sign;
 - f. If legally adopted, amended birth certificate or adoption document required and parent(s) must sign;

The Examiner of Drivers shall determine the acceptability of all documents submitted and may require other documents as deemed necessary.

SECTION 6: WRITTEN, PERFORMANCE EXAMINATION SCORES:

The written and performance examinations are issued to determine whether an applicant has a reasonably complete understanding of the rules of the road, ordinary safe driving practices and the laws relating to licensing of drivers and vehicles.

All scores shall be valid for 30 days after passing such exams for the following requirements:

1. Financial Responsibility requirements;

2. Eye-Medical certification;
3. Other required documents as deemed necessary by the Examiner of Drivers.

SECTION 7: PAYMENTS FOR ALL TRANSACTIONS:

All payments to the Director of Finance shall be made within two (2) working days (i.e. 48 hours). If payment is not received and transaction not processed within two (2) working days, all test scores and performance tests or duplicate licenses shall be voided. Any applicant who has not paid the prescribed fee shall be treated as a new applicant.

SECTION 8: REQUIREMENTS FOR INSTRUCTION PERMITS - CLASS 4 :

No Category 4 Instructional Permit shall be issued to an applicant unless the applicant:

1. Presents a valid Hawaii driver's license (minimum, Class 3);
2. Passes the medical and vision standards of 49 CFR part 391, Subpart E, and provides a Medical Examination Certificate DOT 4-766 not more than (2) years from the date of the examination, and that the driver's medical qualification is signed by a doctor of medicine or osteopathy;
3. Is twenty-one (21) years of age or older;
4. Completes the State of Hawaii driver license application form. A separate instruction permit for Class 4 shall be issued when applying for vehicles 15,001 lbs. to 26,000 lbs. GVW;
5. Shows a clear driving status on the Commercial Driver License Information System, the National Driver Register Problem Driver Pointer System, and other data change applications to determine the applicant's identity and eligibility.

SECTION 9: REQUIREMENTS FOR OBTAINING A CDL INSTRUCTION PERMIT. NO CDL INSTRUCTIONAL PERMIT SHALL BE ISSUED TO AN APPLICANT UNLESS THE APPLICANT:

1. Presents a valid Class 3 Hawaii Driver License;
2. Is twenty-one (21) years of age or older;
3. Passes the medical and vision standards of 49 CFR part 391, Subpart E, and provides a Medical Examination Certificate DOT 4-766 not more than 2 years from the date of examination, and the driver's medical qualification is signed by a doctor of medicine or osteopathy;
4. Provides a color photograph approximately 2"X 3" in size, with a clear front view of the driver, and a clear background as not to affect the driver's features. No headgear allowed;
5. Passes the CDL written test that is applicable to the class of vehicle applying for;
6. Completes the application for a Commercial Driver's License, DOT 4-764;

7. Shows a clear driving status on the Commercial Driver License Information System, the National Driver Register Problem Driver Pointer System, and other data exchange applications to determine the applicant's identity and eligibility.

SECTION 10: ROAD TEST PROCEDURES FOR MOPED, MOTORCYCLE AND THREE-WHEEL VEHICLE:

1. Applicants who desire to obtain a State of Hawaii driver's license for the purpose of operating a moped, motor scooter, motorcycle or three-wheel vehicles are required to:
 - a. Possess a valid instruction permit;
 - b. Report to the Driver License test facility at the Vidinha Stadium Parking Lot;
 - c. Provide proof of liability insurance coverage by insurance card showing the name, make, year, factory or serial number of the vehicle, policy number, names of the insured and the effective dates of coverage including the expiration date as provided in Section 431:10G-102, HRS. Photocopied liability insurance identification cards are not acceptable;
 - d. Provide a current Hawaii Certificate of Registration and current Safety Inspection Certificate. Photocopied certificates are not acceptable;
 - e. Applicant's 17 years of age or younger must provide a helmet with safety shield or with safety glasses;
 - f. Wear covered shoes (no slippers or barefoot);
 - g. Wear a long sleeved jacket or shirt; and wear full-length trousers, no shorts;
2. Every operator applying for a Type 1 or 2 performance examination shall be required to successfully complete an Off-Street Skill Test, the Alternate MOST as described in the HAR 19.122-13 ;
3. Applicants utilizing a 3-wheel vehicle shall successfully complete an Off-Street Skill Test to include the weaving capability. Upon successful completion, applicants shall be issued a driver's license with restriction to 3-wheel vehicles only.

SECTION 11: MOTORCYCLE ROAD TEST CANCELLATION:

The Off-Street Skill Test may be canceled by the Examiner of Driver due to inclement weather, unforeseen emergencies, priority police escort or as deemed necessary WITHOUT NOTICE to the general public. All permits may be renewed for motorcycle, motor scooter or mopeds WITHOUT a road test providing the permittee's name appears on the daily log and road testing cancellation is noted. Examiner of Drivers shall also note on instruction permit the cancellation of the performance test.

SECTION 12: AUTOMOBILE ROAD TEST REQUIREMENTS:

Every road test applicant shall be required to provide the following:

1. Vehicle meeting all safety standards. If the vehicle being used for the road test is a rented vehicle, the road test applicant must be noted on the rental agreement as an additional driver, or, the rental agreement must be amended authorizing the road test applicant to use the rental vehicle for the road test, or, a separate letter of authorization signed by the rental agency authorizing the road test applicant to use the rental vehicle for the road test;
2. Accompanied by a duly licensed driver who possesses a valid Hawaii driver's license or a duly licensed driver who shall be at least 21 years of age and possess a valid Out-of-State or Country driver's license;

License driver must be 21 years of age if accompanying a person with an instruction permit. If a person with an instruction permit is 15½ through 17 years of age, the applicant must hold the permit for a period of no fewer than 180 days before taking the road test. Minimum age for a road test is 16 years of age. Applicant for a road test must provide a DOT approved Driver's Education Student Completion Certificate and a Behind-the-Wheel Completion Certificate;

3. Current Certificate of Registration and Certificate of Safety Inspection. Photocopied certificates are not acceptable.
4. Provide a valid Hawaii insurance identification card as described in Section 431:10c-107, HRS. Photocopied insurance identification cards are not acceptable. Information must match certificates of registration;

Photocopies of the certificate of self-insurance issued by the Insurance Commissioner are acceptable. Names must match the registration certificate of the vehicle.

- a. Name and make of vehicle;
- b. Serial number (VIN) of vehicle;
- c. Name of the insured and insurer, policy number and effective dates of coverage, including expiration date;
 - (1) If there are two (2) registered owners, the insurance card must show at least ONE of the names; both names need not appear on the insurance card;
 - (2) If the vehicle is leased, the insurance card may be in the name of either the leasing company or the lessee. If insurance card shows name of lessor, proof of the lease agreement is required;
 - (3) If a company has five (5) or more vehicles registered to the company, the insurance card SHALL NOT be required to indicate the make and serial number (VIN) of each vehicle.

SECTION 13: PRE-TRIP, OFF-STREET SKILL AND ON-STREET ROAD TEST OF CATEGORY 4 AND CDL:

All applicants shall be tested according to Sections 286-108 and 286-108.5, HRS. The Vehicle inspection test, Off-Street Skill Test and On-Street Road Test shall be administered to the applicant for each category of license Class 4 and CDL sought by the applicant as required by the State of Hawaii Rules and Regulations, Section 19-122-17. Applicants failing the pre-trip test may take the Off-Street Skill Test. Applicants must pass the Off-Street Skill Test before taking the On-Street Road Test. All three tests for the appropriate category of license must be passed before a CDL license can be issued.

All applicants shall be required to provide the following:

1. Vehicle for class being tested;
2. Valid instruction permit with endorsements for category being tested;
3. Valid Hawaii Driver's license, minimum of Class 3;
4. Current medical examination certificate , DOT 4-766 or facsimile thereof in accordance with the Motor Carrier Regulations (391.41-391.49);
5. Accompanied by a licensed driver with a valid Hawaii driver's license of equal category or higher of the license sought by the applicant and a current medical examination certificate signed by the doctor or authorized representative;
6. Current Certificate of Registration. Photocopied certificate is not acceptable;
7. Provide a Hawaii insurance card as listed in Section 431:10c-107, HRS, for vehicle being used for On-street road test. Photocopied identification card is not acceptable;
8. Provide a DOT Safety Inspection Certificate and DOT Vehicle Identification Card or a DOT Exemption Form of test vehicle; and trailer, when applicable.

Pre-check of all vehicles shall be conducted by applicant as part of road test evaluation.

SECTION 14: DRIVER LICENSE PHOTOGRAPHS

A photograph is required of all applicants seeking to renew a Hawaii driver's license or permit, applying for a duplicate driver's license or permit, a new driver's license or permit, or for the exchange of an Out-of-state or country driver's license.

All applicants shall remove any hats, headdress, etc. so as not to obscure more than two-thirds (2/3) of their full-faced photograph. The only exception to the removal of headgear will be based on "religious beliefs". The photograph requirement shall be met by each applicant as they are processed for their photograph and, upon request, these applicants shall submit a written explanation as to why he/she is unable to comply, including furnishing the name and sect of his/her religious belief. Each applicant is advised that these letters will be reviewed by the County Attorney and the Department of Finance prior to the release of the plastic license. If the photograph taken shall be determined by the issuing agency to be

unacceptable, the temporary license will be revoked, the application denied and the applicant will be contacted within 30 days of such determination.

SECTION 15: DUPLICATE HAWAII DRIVER'S LICENSE

1. The driver license office may issue duplicate driver's licenses for class 4 and below, if the plastic license is lost, stolen or mutilated, or to change the address, sex, name of the licensee or to correct the Driver License number or date of birth. All photocopied documents must be certified.

Any person presenting a driver's license that appears to have been altered or defaced shall be instructed to obtain a duplicate license or apply for a renewal if they are within the renewal period. The altered or defaced license shall be confiscated.

a. Acceptable documents for name change:

- (1) Naturalization Certificate;
- (2) Lt. Governor's name change decree;
- (3) Divorce Decree granting name change;
- (4) Certified State of Hawaii Marriage Certificate. (Department of Health only);
- (5) Certified Out-of-State marriage certificate;
- (6) Two government issued identification cards which are consistent with the applicant's requested name;
- (7) Other documents as deemed necessary by the Examiners of Drivers of such proof.

b. Acceptable documents for name and/or date of birth:

- (1) State certified Birth Certificate with parents listed or State certified birth identification card;
- (2) Certified Divorce Decree with legal name change;
- (3) Certified decree of name change issued by the courts or the Lieutenant Governor's Office, State of Hawaii;
- (4) State of Hawaii Identification card;
- (5) Military Identification card or DD-214;
- (6) United States Immigration and Naturalization documents;
- (7) United States Passport only;
- (8) Out-of-state or country driver's license (valid or expired) with photo;
- (9) State certified marriage certificate (no church or photocopies accepted);
- (10) Two government issued identification cards which are consistent with the applicant's requested name and date of birth;

- (11) Other documents as deemed necessary by the Examiner of Drivers for proof.
- c. Acceptable documents for proof of Social Security number:
- (1) Original Social Security card only (no photo or metal copies);
 - (2) Out-of-state or country driver's license with Social Security number and with or without photo (valid or expired);
 - (3) State of Hawaii identification card; if SSN is listed as State ID number;
 - (4) Military identification card or DD-214;
 - (5) Medicaid identification card; with "A" after SS#;
 - (6) W-2 Tax form;
 - (7) Other documents as deemed necessary by the Examiners of Drivers for such proof.
- d. Acceptable documents for sex change:
- Certified physician statement stating such sex change is valid, including date of completed surgery, State in which occurred, and hospital or institution. All applicants applying for a duplicate license shall be required to produce two (2) identification cards which reflect the applicants name and social number.
- e. Hyphenated names on duplicate license:
- Applicants applying for a duplicate driver's license and renewal may hyphenate their last name provided that the hyphenated name is a part of the individual's last name and that the hyphen shall be included on all transmittals.
- f. Declared middle name and last name after marriage:
- The last name or names chosen (by the couple) may be "any middle name or last name" legally used at any time, past or present, by either spouse, or any combination of such names which may, but need not be separated by a hyphen.
- The middle name chosen may be "any middle or last name" legally used at any time, past or present, by either spouse, or any combination of such names which may, but need not be separated by a hyphen.
- The names chosen, past or present, by either spouse means any middle and last name(s) recorded on legal documents pertaining to the couple include the following:
- (1) Name on a person's birth certificate on file in the Health Department or a birth-recording agency;
 - (2) Name on a change of name order, decree or court order of any state;
 - (3) Name on a adopted person's birth certificate;

- (4) Name restored to a person by a divorce or annulment decree;
- (5) Name declared on a previous marriage certificate.

SECTION 16: ORAL EXAMINATIONS

All applicants who apply for an oral examination to obtain a driver's license shall be required to meet the following requirements:

1. Taken and failed the applicable examination at least (1) time indicating the applicant's limited reading comprehension ability;
2. Be scheduled by the licensing staff;
3. Report to the Driver License Division at the designated time for the oral test;
4. Pay the appropriate fees;

No oral exam shall be administered unless approved by the Examiner of Drivers.

SECTION 17: DUPLICATE SOCIAL SECURITY NUMBERS ON HAWAII DRIVER'S LICENSE

Any applicant who applies for a driver's license with a social security number which matches one that is already on an issued license, shall be required to provide proof of his/her social security number with an original social security card or written confirmation from the Social Security Office. Similar proof shall also be required from the licensee of the previously issued license.

If any party fails to provide such proof, such person's license shall be canceled and held in abeyance until a correct Social Security Number is provided.

SECTION 18: RESTRICTIONS

Subsequent to completion of the examinations required by the State statute, the Examiner of Drivers shall explain to the applicant the reasons for any restriction.

The following indicate some of the restrictions which may be required for various deficiencies:

1. Pedal extensions, special manual brakes, power brakes, special clutch or accelerator controls;
2. Special seat adjustments, cushions placed appropriately;
3. Special knob on steering wheel, power steering, mechanical arm signaling device, gear lever on steering columns, automatic transmission;

Any restrictions and the reason therefore shall be entered on the application for State of Hawaii motor vehicle driver's license and the restriction shall be noted on the respective license in accordance of the following:

RESTRICTIONS

A - Corrective Lenses

- B - Outside Mirror
- C - Automatic Transmission
- D - Daylight Hours only
- E - Full Hand Equipment
- F - Mechanical Signals
- G - Taxi
- I - Hearing Aid
- J - Power Brakes
- K - Power Steering
- L - Steering Knob
- M - Cushions
- N - Annual Eye or Physical Examination
- O - Any other restrictions determined necessary by Examiner of Drivers
- P - Three Wheel Vehicle Only
- R - Prosthetic Aid
- T - Limited - Other
- V - CDL Intrastate Only
- X - Except Class A Bus
- Y - Except Class A and B Bus
- Z - Except Tractor Trailer

ENDORSEMENTS

- T - Double/Triple Trailers
- P - Passenger Vehicles
- H - Hazardous Materials
- N - Tank Vehicles
- X - Hazardous Materials and Tank Vehicles
- S - School Bus

NOTE REGARDING CDL APPLICANTS:

Any restrictions and the reason therefore shall also be entered on the State of Hawaii application for Commercial Driver's License (CDL) and the vehicle inspection and basic control skills test. The restrictions shall be noted on the CDL license in accordance with the above codes.

SECTION 19:

DEADLINES

All driver's licenses and instruction permits shall expire at 12:00 midnight on the expiration dates.

An instruction permit for class 1, 2, 3 and 4 may be renewed 30 days before, or up to 90 days after the expiration date. The first day of the next one-year period shall begin with the first day after the expiration of the current instruction permit. An applicant may renew an instruction permit for class 1,

2, 3 and 4 after the applicant has passed the vision test. If a permit is not renewed within the 90 days after the expiration date, the applicant shall be treated as a new applicant for an instruction permit. For categories 1 and 2 permits, the applicant must have taken the practical examination within the one year permit period before the applicant will be allowed to renew the permit.

A provisional license must be converted to a full license by the 19th birthday. The provisional license expires on the 19th birthday. If the holder of a provisional license fails to convert by the 19th birthday, that person must reapply as a new applicant.

A driver's license may be renewed WITHIN six months prior to the date of expiration. The last day of this six-month period shall be the expiration date.

An applicant with an expired driver's license may renew the expired driver's license within one year after the expiration date. Pursuant to HRS 286-107.5, a reactivation fee shall be assessed after the 90th day of expiration. The first day of this one year period shall begin with the first day after the expiration date and shall end at 12:00 midnight one year after the expiration date. If the renewal is not initiated, or in the case of renewal by mail, the envelope is not postmarked before 12:00 midnight one year after the expiration date, the applicant shall be treated as an applicant for a new license and examined as provided in Section 286-108, Hawaii Revised Statutes.

If the one year date is a weekend or holiday for the County, the renewal, which includes payment of the required fees, must take place by the last working day prior to the expiration date or one year after the expiration date.

Class 4 Permits:

An applicant obtaining a Class 4 instruction permit is not required to take a written test, but is required to take the skills test. All skills tests passed on the initial permit will be valid and carried over to the next permit renewal. The applicant may renew as many permits as needed, provided the permit is renewable. Should the permit expire, the skills test passed on the initial permit will not be transferred.

COMMERCIAL DRIVER'S LICENSE (CDL):

The commercial driver's instruction permit shall not be valid for a period in excess of six (6) months. The applicant may renew as many permits as needed, provided the permit does not expire. Should the permit expire, the applicant must pass a re-examination of the written test, before a permit is issued. Skills tests are not transferable if the permit has expired.

The general knowledge test scores are valid for only a six (6) month period starting from the date of the test. Endorsement tests taken after the general knowledge test will remain valid up to the validation period of the general knowledge test.

To retain a hazardous materials endorsement, an applicant must take and pass (every five years), an additional special knowledge examination (in the English language) on how to recognize, handle, and transport hazardous materials. The applicant also must complete and pass a background check with the Transportation Security Administration (TSA).

SECTION 20: OUT-OF-STATE OR COUNTRY DRIVER'S LICENSE CONFIRMATION LETTER

All applicants who have a valid or expired out-of-state or country driver's license or permit must surrender those licenses or permit in order to obtain a Hawaii drivers license or permit.

Road tests may be waived if an applicant claims that their valid out-of-state or country driver's license has been lost or stolen upon submission of an official written confirmation from the appropriate driver's license issuing authority, confirming the validity and accuracy of the applicant's stolen or lost driver's license. The official confirmation must identify the applicant's name, date of birth, license number and expiration date. The applicant must also provide a valid government issued picture id for identification (passport, state id, military id).

All applicants must show a clear driving status on the Commercial Driver License Information System, the National Driver Register Problem Driver Pointer System, and other data exchange applications to determine the applicant's identity and eligibility.

SECTION 21: RIGHT OF APPLICANT OR LICENSEE TO NOTICE AND A HEARING

Whenever the Examiner of Drivers denies, cancels, revokes or suspends a permit or license, pursuant to the Hawaii Revised Statutes or these Rules and Regulations of the Director of Finance, the applicant or licensee shall have 30 days to file a notice of appeal for a hearing with the Director of Finance.

SECTION 22: HEARING

Within twenty (20) working days from the filing of such notice of appeal, the Director of Finance or a designated hearings officer shall conduct a hearing. The hearing shall be conducted in conformity with the provisions of Section 91-9, Hawaii Revised Statutes, relating to contested cases.

SECTION 23: DECISION AND ORDER

After the hearing, the Director of Finance may rescind or affirm the denial, cancellation, suspension or revocation of the permit or license. Each decision or order adverse to the applicant or licensee shall be in writing or stated in the record and shall be accompanied by separate findings of fact and conclusions of law. If any decision or order is adverse to any applicant or licensee who has filed proposed findings of fact, the Director of Finance shall incorporate in his decision a ruling upon each proposed findings presented. The certified copy of the decision and order and accompanying findings presented. The applicant or licensee shall be notified by delivery or mailing of a certified copy of the decision and order and accompanying findings and conclusions within a reasonable time to each applicant or licensee or to his attorney or record.

SECTION 24: RECONSIDERATION

Any applicant or licensee to whom an adverse decision and order has been rendered by the Director of Finance may request a reconsideration of such adverse decision and order provided that such request shall be based on new evidence which was not considered by the Director of Finance during the original hearing.

SECTION 25: APPEAL TO CIRCUIT COURT

Appeal of the decision and order or ruling rendered in the hearing shall be as provided by Section 286-129, HRS.

SECTION 26: CANCELLATION OF LICENSES AND PERMITS:

In addition to the provisions contained in Section 286-120, HRS, the following shall be reasons for cancellation of licenses or permits by the Examiner of Drivers:

1. Cheating on any administered test;
2. Switching testing material;
3. Substitution of another person during the processing and/or testing phases;
4. Use of non-authorized written materials (dictionaries are allowed).

The cancellation shall be for thirty (30) day period for any infraction of this section, and re-application shall be permitted after such period.

A second infraction of any of the above shall result in a cancellation for a sixty (60) day period.

CERTIFICATION

I, Wallace G. Rezentes, Jr., Director of Finance, County of Kaua'i, do hereby certify:

1. That the foregoing is a full, true and correct copy of the Rules and Regulations Relating to the Issuance of Hawai'i Driver's License and Learner's Instruction Permit, which were amended and adopted by the Director of Finance County of Kaua'i on March 1, 2006.

2. That notice of public hearing on the foregoing Rules, which notice included a statement of the substance of the proposed Rules, was published in The Garden Island Publication on January 11, 2006; that public hearing was held at Conference Room 2A/2B, Mo'ikeha Building, 4444 Rice Street, Lihu'e, Hawai'i 96766 on February 15, 2006.



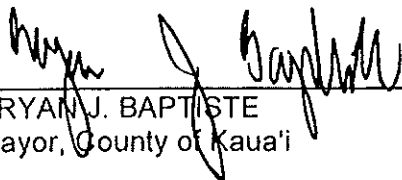
WALLACE G. REZENTES, JR.
Director of Finance
County of Kaua'i

APPROVED AS TO FORM:



MATTHEW S. K. PYUN, JR.
County Attorney

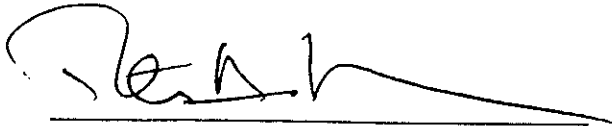
APPROVED ON THIS 14th DAY OF FEBRUARY, 2008.



BRYAN J. BAPTISTE
Mayor, County of Kaua'i

RECEIVED AND FILED THIS 16th DAY OF February, 2008.

CERTIFICATION OF COUNTY CLERK



PETER A. NAKAMURA
County Clerk, County of Kaua'i

I hereby certify that on

February 15, 2008, I have
accepted for filing from the Director of Finance,
County of Kaua'i the Rules and Regulations
Relating to the Issuance of a Hawai'i Driver's
License and Learner's Instruction Permit amended
and adopted by the Director of Finance and the
Department of Finance, County of Kaua'i, on March
1, 2006