DEPARTMENT OF FINANCE
COUNTY OF MAUI

ADOPTION OF AMENDMENTS TO CHAPTER 05-1
RULES OF PROCEDURE FOR APPLICATIONS, EXAMINATIONS
AND ISSUANCE OF DRIVERS' PERMITS AND LICENSES

SUMMARY

The Amendments to Chapter 05-1, entitled "Rules of Procedure for Applications, Examinations and Issuance of Drivers' Permits and Licenses" are hereby adopted.
Subchapter 1. Purpose and Definitions

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§05-1-2 Definitions

Subchapter 2. Format of Rules; Public Information and Inspection

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§05-1-4 Information
§05-1-5 Inspection of rules
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§05-1-9 Examinations and payments
§05-1-10 Applications for instruction permits to operate heavy vehicles

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§05-1-12 Light vehicle road test [requirements] procedures
§05-1-13 Heavy vehicle test [requirements] procedures
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§05-1-17 Proof of sex change
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§05-1-20 Effective date
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SUBCHAPTER 1

PURPOSE AND DEFINITIONS

§05-1-1 Purpose. The purpose of these rules is to implement the provisions of chapter 286, Hawaii Revised Statutes and title 19, chapter 122, Hawaii Administrative Rules, as they pertain to the procedures for examination of applicants for issuance and renewal of motor vehicle drivers' licenses and instruction permits. [Eff. May 21, 1993] (Auth: HRS §286-101) (Imp: HRS Chapter 286, Part VI)

§05-1-2 Definitions. As used in these rules:
(a) "Director of finance" means the director of finance of the County of Maui.
(b) "Examiner of drivers" means the examiner of drivers of the County of Maui.
(c) "HRS" means the Hawaii revised statutes.
(d) "Highway Safety Act" means chapter 286, HRS.
(e) "Director of transportation" means the State director of transportation. [Eff. May 21, 1993] (Auth: HRS §286-101) (Imp: HRS Chapter 286, Part VI)

SUBCHAPTER 2

FORMAT OF RULES; PUBLIC INFORMATION AND INSPECTION


§05-1-4 Information. The public may obtain information on matters within the jurisdiction of the examiner of drivers relating to the Highway Safety Act by inquiring in person, during regular business hours at the office of the examiner of drivers, Department of Finance, 1680 Kaahumanu Avenue, Wailuku, Hawaii, or by submitting a written request to said office. [Eff. May 21, 1993] (Auth: HRS §286-101) (Imp: HRS §§91-3, 91-6, 286-101)

§05-1-5 Inspection of rules. All rules of the examiner of drivers are available for public inspection during the regular business hours at:
(a) Office of the examiner of drivers
Department of finance
1680 Kaahumanu Avenue
Wailuku, Hawaii 96793

(b) Office of the county clerk
200 South High Street
Wailuku, Hawaii 96793

§05-1-6 Inspection of opinions and orders. All final opinions and orders of the examiner of drivers rendered in the performance of its functions are available for public inspection at the office of the examiner of drivers during regular business hours. [Eff. May 21, 1993] (Auth: HRS §286-101), (Imp: HRS §91-2(4))

§05-1-7 Copies of rules. Copies of compilations of rules and supplements thereto are available to the public at a price to be determined by the examiner of drivers to cover publication and mailing costs. [Eff. May 21, 1993] (Auth: HRS §286-101), (Imp: HRS §§91-2, 91-5)

SUBCHAPTER 3

PROCEDURES FOR APPLICATIONS AND EXAMINATIONS FOR DRIVER’S PERMIT AND LICENSE

§05-1-8 Applications for State of Hawaii drivers’ permits and licenses (New, renewals and duplicate licenses).

(a) Proof of social security number. The following are acceptable as proof of social security number:

1. Original social security card (No copies) in name of applicant;
2. Valid or expired driver’s license;
3. State of Hawaii identification card;
4. Medicaid card in applicant’s name; or
5. Military Identification card or DD-214 (Official discharge order);
6. The examiner of drivers may require other documentation as deemed necessary for such proof.

(b) Proof of date of birth and name. The following are acceptable as proof of date of birth and name:

1. State certified birth certificate;
2. State of Hawaii identification card;
3. Certified divorce decree with legal name change for females to assume maiden name;
5. State certified marriage certificates; or
6. Certified decree of name change – State documents by courts or lieutenant governor’s office, State of Hawaii.
7. The examiner of drivers may require other documentation as deemed necessary for such proof.

(c) Proof of age. The following are acceptable as proof of age:

1. Valid or expired driver’s license;
2. Passport (United States passport only);
3. Alien/refugee registration identification;
4. State of Hawaii identification card;
5. Military documents (Identification card or DD-214 (Official discharge orders)); or
6. State certified birth certificate or State certified birth certificate identification card.
(7) The examiner of drivers may require other documentation as deemed necessary for such proof.

(d) Acceptable signatories for minor applicants.

(1) Both parents listed on a State certified birth certificate (Natural or adopted) must sign license application for their minor child, unless one of the following exceptions applies:

(A) Divorced parent with court documents issued and certified by the court, which awards the parent signing sole custody of the minor applicant;

(B) Only one legal parent with State certified birth/death certificates (e.g., child born out of wedlock--birth certificate required; one surviving parent--death certificate for deceased parent required);

(C) Custodial guardian(s) with certified court documents stating such appointment(s) and granting custody of minor applicant;

(D) Foster parents with certified court documents granting such persons custody and authority over the minor applicant;

(E) Other responsible adult person(s) may sign (i.e., employer, next of kin, etc.), provided such responsible person presents an affidavit which evidences that neither parent of the minor applicant has custody of the minor applicant, and the applicant has no appointed custodial guardian;

(F) Minor applicant who is emancipated by legal marriage may sign with marriage certificate;

(G) Legally emancipated unmarried minor with court documents and granting emancipation.

(e) Certification by issuing authority required. All copied documents submitted by an applicant as proof for any of the purposes necessary under this chapter must be certified by the issuing authority. [Eff. May 21, 1993] (Auth: HRS §§286-111, 286-112) (imp: HRS §§286-111, 188-112, 91-2(2))

§05-1-9 Examinations and payments. (a) Renewal, written and performance examinations are given to determine whether an applicant has a reasonably complete understanding of the rules of the road, ordinary driving practices and laws relating to licensing of drivers and vehicles.

All scores shall be valid for thirty (30) calendar days after passing such examinations for satisfaction of the following requirements:

(1) Financial responsibility requirements.

(2) Vision/medical requirements.

(3) Reinstatement of license.

(b) All fees required shall be paid to the director of finance within five (5) working days of passage of the examination.
(Includes those payments required for instruction permits, new and
renewed driver licenses, road tests and duplicate licenses.)

If payment is not received within five (5) working days, all
test scores and performance tests and licenses shall be voided. Any applicant who has not paid the prescribed fee shall be treated
as a new applicant.

The examiner of drivers shall cancel the permit or license of
any person whose check has been dishonored for insufficient funds
and such person will be treated as a new applicant, and shall pay
to the examiner of drivers a service charge for handling of the
dishonored items in accordance with the Maui County Code.
286-108)

§05-1-10 Applications for instruction permits to operate
heavy vehicles. (a) Every applicant for an instruction permit to
operate a heavy vehicle (class 4-10) shall present to the examiner
of drivers a valid Hawaii driver's (Minimum type 3) license. Instruction permits may be issued for each category of license as
set forth in §05-1-10(b) below.

(b) Heavy vehicle license classes. The following categories
are those for which an instruction permit may be issued:

<table>
<thead>
<tr>
<th>Category</th>
<th>Heavy vehicle permitted to operate:</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Passenger vehicles of any gross vehicle weight rating; trucks having a gross vehicle weight rating of ten thousand pounds or less and buses with a gross vehicle weight rating of more than ten thousand pounds.</td>
</tr>
<tr>
<td>5</td>
<td>Passenger vehicles of any gross vehicle weight rating; buses having a gross vehicle weight rating of ten thousand pounds or less and trucks having a gross vehicle weight rating of more than ten thousand pounds, other than tractor-semitrailer combinations and truck-trailer combinations.</td>
</tr>
<tr>
<td>6</td>
<td>All of the motor vehicles in category 5 and tractor-semitrailer combinations.</td>
</tr>
<tr>
<td>7</td>
<td>All of the motor vehicles in category 6 and truck-trailer combinations.</td>
</tr>
<tr>
<td>8</td>
<td>All of the motor vehicles in categories 4 and 5.</td>
</tr>
<tr>
<td>9</td>
<td>All of the motor vehicles in categories 4 and 6.</td>
</tr>
<tr>
<td>10</td>
<td>All of the motor vehicles in categories 4 and 7.</td>
</tr>
</tbody>
</table>
§05-1-10 Application for instruction permits to operate heavy vehicles. (a) Every applicant for an instruction permit to operate a heavy vehicle (class 4-A-B-C) shall present to the examiner of drivers a valid Hawaii drivers (minimum type 3) license. Instruction permits may be issued for each category of license as set forth in Section 05-1-10(b) below.

(b) Heavy vehicle license classes. The following categories are those for which an instruction permit may be issued.

<table>
<thead>
<tr>
<th>Category</th>
<th>Heavy Vehicle permitted to operate</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Motor vehicles over 10,000 lbs., GVWR and not in excess of 26,000 lbs., GVWR</td>
</tr>
<tr>
<td>A</td>
<td>Any combination of vehicles with a gross vehicle weight rating (GVWR) of 26,001 lbs. or more, provided that the GVWR of the vehicles being towed is in excess of 10,000 lbs., GVWR</td>
</tr>
<tr>
<td>B</td>
<td>Any single vehicle with a GVWR of 26,001 lbs. or more if the GVWR of the vehicle being towed by the single vehicle is not in excess of 10,000 lbs.</td>
</tr>
<tr>
<td>C</td>
<td>Any single vehicle with a GVWR of less than 28,001 lbs. or if the GVWR of the vehicle being towed by a single vehicle is not in excess of 10,000 lbs., comprising:</td>
</tr>
</tbody>
</table>

(a) Vehicles designed to transport sixteen or more passengers, including the driver; or

(b) Vehicles used in the transportation of hazardous materials which requires the vehicle to comply with CFR Part 172, Subpart F.


§05-1-11 Road test procedures for mopeds, motorcycles, motor scooters, and the three-wheeled vehicles. (a) Applicants who desire to obtain a State of Hawaii driver's license for the purpose of operating a moped, motor scooter, motorcycle or three-wheeled vehicle are required to:

(1) Present a valid instruction permit;

(2) Provide proof of liability insurance card showing the name, year and serial number of the motor scooter or motorcycle, policy number, names of the insured and the insurer, and the effective dates of coverage including the expiration date as provided in section 294-12.8, HRS.

(3) Provide a current certificate of registration and current safety check certificate;
(4) Provide a helmet with safety shield or safety glasses (if under 18);

(5) Provide a rental contract for rented motorcycles or motor scooters or mopeds with the applicant's name listed and rental company's liability insurance card; and

(6) Wear covered footwear (no slippers or barefeet).

(b) Applicants for a Category 1 (motor scooters and mopeds) or Category 2 (motorcycles) performance examination shall be required to successfully complete [an off-street skill test,] the Alternate MOST (Motorcycle operator skill test) [and an on-street road test].

Applicants utilizing a three-wheeled vehicle shall successfully complete an off-street skill test to include the figure eight and weaving capability. Upon successful completion, applicants shall be issued a driver's license with restriction to three-wheeled vehicle only.

(c) All applicants shall sign an accident/injury waiver form before attempting the off-street skill test.

(d) [Both] the off-street skill test [and on-street road test] may be canceled by the examiner of drivers due to inclement weather or unforeseen emergencies, as deemed necessary without notice to the general public. Permits may be renewed for motorcycle, motor scooter, or moped without a road test, provided, permittee's name appears on the daily log and road testing cancellation by the examiner of drivers is noted. Examiners shall note on instruction permit the cancellation of the performance test; [Eff. May 21, 1993] (Auth: HRS §286-108) (Imp: HRS §286-108, 92-2(2))

§05-1-12 Light vehicle road test procedures.

(a) Every road test applicant shall be required to:

(1) Provide a vehicle meeting all safety standards. The examiner may reject any vehicle which is deemed unsanitary (e.g., flea infested, obnoxious odors, etc.) or unsafe;

(2) Be accompanied by a duly licensed driver who possesses a valid Hawaii driver's license or a duly licensed driver who shall be at least 18 years of age and possess a valid out-of-state/country license;

(3) Have a current motor vehicle registration; and

(4) Provide a valid Hawaii no-fault insurance identification card as described in Section 294-8.6, HRS. Information on the identification card must match the registration certificate, and provide:

(A) Name and make of vehicle,

(B) Serial number (Vehicle Identification number) of vehicle,

(C) Names of the insured and insurer, policy number and effective dates of coverage, including the expiration date.

(i) If there are two (2) registered owners, the insurance card must show at least one (1) of the names.

(ii) If none of the names on the certificate of
registration and no-fault insurance card
match, a letter from the insurance company
shall be required to verify that the insurer
is aware that the insured is not one of the
registered owners and that the vehicle is
still covered by a valid no-fault insurance
policy.

(iii) If the vehicle is leased, the no-fault
insurance card may be in the name of either
the leasing company or the lessee. If the
insurance card shows name of lessee, must
provide proof of lease agreement.

(iv) If the vehicle is rented, the permit applicant
in possession of an out-of-country license may
use a rental or u-drive vehicle for a road
test. All other permit applicants are
restricted from using a rental or u-drive
vehicle for a road test. The permit
applicant's name must be on the contract.

(v) If a company has five (5) or more vehicles
registered to the company, the no-fault
insurance card shall not be required to
indicate the make and serial number (VIN) of
each vehicle.

(b) Road tests may be canceled by the examiner of drivers due
to inclement weather or unforeseen emergencies, as deemed necessary
without notice to the general public. [Eff. May 21, 1993] (Auth:

§05-1-13 Heavy vehicle test procedures. (a) All applicants
shall be required to provide the following:

(1) Vehicle [over 10,000 GVW (Gross vehicle weight)] that
conforms to the required class;

(2) Valid instruction permit issued for each category;

(3) Valid Hawaii driver's license, minimum of Type 3;

(4) Current doctor's certificate form DF-DL29 or facsimile
thereof in accordance with the Federal Motor Carrier
Regulations (Section 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;

(6) Current motor vehicle registration; and

(7) A Hawaii no-fault insurance card as listed in section
294-8.5, HRS, for vehicle being used for on-street road
test.

(b) All applicants shall be tested according to sections 286-
108 [and 286-108.5], HRS. Pre-check and knowledge of the vehicle
shall be demonstrated by the applicant as part of the test
evaluation. Applicants shall complete an off-street skill test and
on-street road test as required by section 19-122-[17]15 of the
State of Hawaii rules and regulations for each category of license
sought categories 4 [-10. Progressive classes may be omitted with
proper restrictions.] ,A, B, C.
(c) Road tests may be canceled by the examiner of drivers due to inclement weather or unforeseen emergencies, as deemed necessary without notice to the general public. [Eff. May 21, 1983] (Auth: HRS §§286-108) (Imp: HRS §§286-108, 91-2(2))

§06-1-14 Restrictions on drivers’ licenses. (a) In the interest of the safety and welfare of the traveling public and pursuant to the authority vested in the examiner of drivers by the Highway Safety Act, driver licenses may be restricted by the examiner of drivers in the manner set forth herein.

(b) Examinations shall be conducted in accordance with the requirements established by the State director of transportation.

(c) Restrictions on drivers’ licenses may be imposed by the examiner of drivers in accordance with the following procedure:

(1) Subsequent to completion of the examinations required by the State director of transportation, the examiner of drivers shall explain to the applicant the reasons for any restrictions.

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

   (A) Pedal extension; special manual brakes; power brakes; special clutch or accelerator controls.
   (B) Special seat adjustments; cushion placed appropriately.
   (C) Special knob on steering wheel; mechanical arm signaling device; gear lever on steering column; automatic transmission.
   (D) Two outside mirrors—one on the right and one on the left and a full-size inside mirror.

(3) Any restrictions and the reasons therefore shall be entered on the application for the State of Hawaii motor vehicle drivers license and the restrictions shall be noted on the respective license according to the following code:

   (A) - Glasses
   (B) - Outside mirror
   (C) - Automatic transmission
   (D) - Daylight hours only
   (E) - Full hand equipment
   (F) - Mechanical signals
   (G) - [Do not use] Taxi
   (H) - [Do not use] Power steering
   (I) - Hearing aid
   (J) - Power brakes
   (K) - [Power steering] Vehicle without air brakes
   (L) - Steering knob
   (M) - Cushion
   (N) - Annual eye or physical examination
   (O) - Any other restrictions determined necessary by examiner of drivers
   (P) - Three-wheel motorcycle
   (Q) - Mechanical aid
   (S) - Limit to employment
   (T) - Limited other
§05-1-15 Driver license photograph. (a) All applicants seeking to renew a Hawaii driver's license, obtain a new or duplicate driver's license, or exchange an out-of-state or country license shall be photographed as required by law.

Applicants shall remove any hats, head-dress, etc. so as not to obscure more than one-third (1/3) of their full faced photograph. The only exceptions to the removal of head gear will be based on religious beliefs. Applicants requesting an exception to the photograph requirements shall submit:

(1) a written explanation as to why he/she is unable to comply, and state the name and sect of his/her religious belief; and

(2) a letter from the University of Hawaii department of religion (or other recognized college or university) which confirms his/her religious position.

These letters are subject to review by the corporation counsel and the department of finance prior to release of the plastic license.

(b) If the photograph taken is unacceptable due to an applicant's noncompliance with §05-1-15(a), the temporary license shall be revoked and application voided. [Eff. May 21, 1993] (Auth: HRS §286-107) (Imp: HRS §§286-109, 288-107)

§05-1-16 Conditions for medical examination requirement. The examiner of drivers may require an applicant to submit a medical examination to determine an applicant's fitness to operate a vehicle, if any of the following physical conditions appear to be present:

(a) Corrected vision of less than 20/40 in either eye. Exception are those with "B" restriction noted on license, or with a glass eye, or uncorrectable vision or closed lid corresponding to eye of lesser vision. Also, any obvious uncorrected visual or hearing problems;

(b) Heart or lung defects such as recent heart attack, excessive coughing, shortness of breath while resting, blueness of the fingernails, swelling of the ankles, audible wheezing or fainting;

(c) Excessive nervousness;

(d) Hypertension medication for high blood pressure;

(e) Crippling disorders which interfere with movements necessary for safe driving;

(f) Partial paralysis, seizures, or blackout spells;
(g) Diabetes requiring prescribed medication;
(h) Chronic alcoholism or drug addiction. Referral by courts for treatment;
(i) Severe obesity;
(j) Mental disturbances;
(k) Mental retardation;
(l) Involvement in circumstances such as multiple accidents, repeated moving violations, placement of the person in an "assigned risk" pool for reasons other than "youthfulness", etc.
(m) Multiple impairments which, combined, create an impairment in driving ability;
(n) Short term impairment with probable long term or permanent effects; or
(o) Advanced age.

The medical report may be referred to the Hawaii medical advisory board if there is serious doubt to whether the applicant should be licensed or not. [Eff. May 21, 1993] (Auth: HRS §91-2(2)) (Imp: HRS §286-108)

§05-1-17 Proof of sex change. Applicants for a change in the designation of sex as provided on his/her license shall submit a certified physician’s statement that such sex change is valid, including date of completed surgery, state in which surgery was performed, and hospital or institution.

All such applicants shall be required to present proof of any change in the applicant’s name and social security number, as provided in §05-1-8 of these rules.

The examiner of drivers may require such other documentation as deemed necessary. [Eff. May 21, 1993] (Auth: HRS §286-111) (Imp: HRS §286-111)

§-5-1-18 Oral examinations. All applicants who are unable to read and/or write the English language may apply to the examiner of drivers for an oral test for an instruction permit or renewal of driver’s license, provided that such applicant must meet all vision and medical requirements.


§-5-1-19 Severability. If any portion of the foregoing rules or the applicability thereof to any person, property or circumstance is held invalid for any reason, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end these rules are declared to be severable. [Eff. May 21, 1993] (Auth: HRS Chapter 286, Part VI) (Imp: HRS Chapter 286, Part VI)

§05-1-20 Effective date. These Rules shall take effect ten (10) calendar days after filing with the County Clerk. [Eff. May 21, 1993] (Auth: HRS §286, Part VI) (Imp: HRS §§91-2, 91-4)
ADOPTED this 9th day of December, 1992, at Walluku, Maul, Hawaii.

DEPARTMENT OF FINANCE

TRAVIS O. THOMPSON
Director of Finance

LINDA CROCKETT LINGLE
Mayor, County of Maui

Approved this 9th day of

APPROVED AS TO FORM
AND LEGALITY:

J. P. SCHMIDT
Deputy Corporation Counsel
County of Maui rules/driver
9/92/ln

Received this 11th day of
May, 1993.

Clerk, County of Maui
CERTIFICATION

1. TRAVIS O. THOMPSON, Director of Finance, County of Maui, do hereby certify:

1. That the foregoing is a full, true, and correct copy of the Rules of Procedure for Applications, Examinations and Issuance of Drivers' Permits and Licenses which were adopted by the Director of the Department of Finance on the 9th day of December, 1992; and

2. That the notice of public hearing on the foregoing rules was published in the Maui News on the 11th day of November, 1992; and

3. That notice of the public hearing was mailed to persons required by Section 91-3, Hawaii Revised Statutes.

COUNTY OF MAUI

[Signature]
TRAVIS O. THOMPSON
Director of Finance