

COUNCIL OF THE COUNTY OF MAUI

BUDGET AND FINANCE COMMITTEE

October 3, 2008

Committee
Report No.

08-116

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Budget and Finance Committee, having met on September 15, 2008, makes reference to County Communication No. 08-205, from the Budget Director, transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.80, MAUI COUNTY CODE, PERTAINING TO MOTOR VEHICLE DRIVERS' LICENSE".

The purpose of the proposed bill is to delete the definitions for "Four-year", "Six-year", and "Two-year" licenses; and Section 10.80.020, Maui County Code, relating to the expiration of drivers' licenses.

2. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2009 BUDGET FOR THE COUNTY OF MAUI, AS IT PERTAINS TO REVENUES - FEES, RATES, ASSESSMENTS AND TAXES FOR EXAMINATION OF MOTOR VEHICLE OPERATIONS".

The purpose of the proposed bill is to amend Appendix B of the Fiscal Year 2009 Budget to delete the \$30 original and renewal fee for a six-year driver's license and establish a \$40 original and renewal fee for an eight-year driver's license.

At its meeting, your Committee met with the Budget Director; the Director of Finance; the Motor Vehicle and Licensing (MVL) Manager, Department of Finance; and the Corporation Counsel.

There was no public testimony.

The Director of Finance stated that the proposed bills reflect the amendments to the Hawaii Revised Statutes through the enactment of Act 50, passed by the 2008 Hawaii

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State Legislature. Act 50 changed the term of a driver's license, for license holders who are 25 through 71 years of age, from six to eight years.

The MVL Manager stated that the State Legislature extended the term to assist the MVL Division in complying with the requirements of the REAL ID Act of 2005. The REAL ID Act is a Federal law, which imposes certain security, authentication and issuance standards for State driver's licenses and State ID cards, in order for them to be accepted by the Federal government for "official purposes", as defined by the Secretary of Homeland Security. Although the State of Hawaii has not yet adopted the REAL ID Act, compliance with this Federal law will involve significant changes in the way the County currently processes drivers' licenses. Establishing an eight-year license will extend the time before drivers will have to renew their licenses.

The MVL Manager further stated that establishing a \$40 fee for an eight-year license will be consistent with the \$5 per year charged for lesser term licenses.

The Director of Finance stated that establishing a \$40 fee would initially result in an increase in revenues from license renewals because drivers will be paying for an additional two years at the time of renewal. He further stated that all drivers' license fees will need to be reassessed should the State decide to comply with the requirements of the REAL ID Act.

Your Committee voted to recommend passage of the proposed bills and filing of the communication.

Your Budget and Finance Committee RECOMMENDS the following:

1. That Bill No. _____ (2008), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.80, MAUI COUNTY CODE, PERTAINING TO MOTOR VEHICLE DRIVERS' LICENSE", be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill No. _____ (2008), attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2009 BUDGET FOR THE COUNTY OF MAUI, AS IT PERTAINS TO REVENUES - FEES, RATES, ASSESSMENTS AND TAXES FOR EXAMINATION OF MOTOR VEHICLE OPERATIONS", be PASSED ON FIRST READING and be ORDERED TO PRINT; and

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3. That County Communication No. 08-205 be FILED.

Adoption of this report is respectfully requested.

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ORDINANCE NO. _____

BILL NO. _____ (2008)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.80,
MAUI COUNTY CODE, PERTAINING TO MOTOR VEHICLE DRIVERS' LICENSE

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Section 10.80.010, Maui County Code, is amended to
read as follows:

"10.80.010 Definitions. As used in this chapter, unless the context otherwise requires, the following terms shall have the meanings respectively ascribed to them in this chapter:

"Drivers' license" means a license authorizing a person to operate the category of motor vehicles specified in section 286-102 of the Hawaii Revised Statutes.

"Duplicate" means an instruction permit or driver's license issued to replace one that is lost, destroyed, or illegible.

["Four-year license" means an original driver's license or renewal thereof, which, upon issuance, is effective for a period of four years unless sooner revoked or suspended.]

"Instruction permit" means the permit referred to in section 286-110 of the Hawaii Revised Statutes.

"Provisional license" means a license granted to a person to drive passenger cars of any gross vehicle weight rating, buses designed to transport fifteen or fewer occupants, and trucks and vans having a gross vehicle weight rating of fifteen thousand pounds or less if the person:

1. Is at least sixteen years of age but under the age of eighteen;
2. Holds an instruction permit and has held the permit for a period of at least one hundred eighty days and there is no pending proceeding that might result in the suspension or revocation of the instruction permit; and
3. Satisfactorily completes all requirements of sections 286-108 and 286-109, Hawaii Revised Statutes.

"Renewal" means any driver's license issued to the same person subsequent to an original license or to the same person subsequent to the reissuance of a driver's license.

["Six-year license" means an original driver's license or renewal thereof, which, upon issuance, is effective for a period of six years unless sooner revoked or suspended.

"Two-year license" means an original driver's license or renewal thereof, which, upon issuance, is effective for a period of two years unless sooner revoked or suspended."]

SECTION 2. Section 10.80.020, Maui County Code, is repealed.

["10.80.020 Licenses-Expiration. A. Driver's License. Every driver's license issued under this chapter, whether an original issuance or a renewal, shall expire on the first birthday of the licensee occurring not less than six years after the date of issuance of the license, unless sooner revoked or suspended; provided, that the license shall expire on the first birthday of the licensee occurring not less than four years after the date of issuance of the license if the licensee is fifteen to seventeen years of age and two years after the date of the issuance of the license if at that time the licensee:

1. Is seventy-two years of age or older; or
2. Exhibits a physical condition or conditions which the examiner of drivers reasonably believes has impaired the licensee's ability to drive, unless the licensee:
 - a. Obtains a certificate from a licensed physician that the licensee's physical condition or conditions do not impair the licensee's ability to drive, or
 - b. Is able to correct the physical impairment, or by using a vehicle adapted to overcome the physical impairment is to the satisfaction of the examiner of drivers able to drive safely.

B. Notwithstanding any provision of subsection A of this section to the contrary, every driver's license issued or renewed before July 1, 1997 shall expire on the date indicated on the face of the license."]

SECTION 3. Material to be repealed is bracketed. In printing this bill, the County Clerk need not include the brackets or the bracketed material.

SECTION 4. This ordinance shall take effect on November 3,
2008.

APPROVED AS TO FORM
AND LEGALITY:



TRACY FUSITA VILLAROSA
First Deputy Corporation Counsel
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ORDINANCE NO. _____

BILL NO. _____

A BILL FOR AN ORDINANCE AMENDING
THE FISCAL YEAR 2009 BUDGET FOR THE COUNTY OF MAUI,
AS IT PERTAINS TO REVENUES – FEES, RATES, ASSESSMENTS AND TAXES
FOR EXAMINATION OF MOTOR VEHICLE OPERATIONS

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Ordinance No. 3573, Bill No. 55 (2008), as amended, "Fiscal Year 2009 Budget", Appendix B, "Revenues – Fees, Rates, Assessments and Taxes" is hereby amended as it pertains to the Charges for Current Services: Fees – Examination of Motor Vehicle Operations, by changing the term of a driver's license from six years to eight years and increasing the fee from \$30 to \$40, to read as follows:

"COUNTY OF MAUI
REVENUES – FEES, RATES, ASSESSMENTS AND TAXES

GENERAL FUND

CHARGES FOR CURRENT
SERVICES:

3424	Fees - Examination of Motor Vehicle Operations	Driver's License: Reinstatement of Driver's License	\$100	286-111	10.80.030	1462
		Original and Renewal of [Six] <u>Eight</u> -Year Driver's License	[\$30] <u>\$40</u>			
		Original and Renewal of Four-Year Driver's License	\$20			
		Original and Renewal of Two-Year Driver's License	\$10			
		Provisional Driver's License (Effective January 9, 2006)	\$10	Act 072 2005 SLH		
		Original and Renewal of One-Year Driver's License	\$5			
		Rules of the Road Test Fees:				
		Administration oral test	\$2			
		Administration of written or computer test	\$2			
		Road Test Fees:				
		Class	Fee			
		1, 2, and 3	\$10			
		4	\$50 (\$10 per trip, \$20 off street, \$20 road)			
		Instruction permit or any renewal thereof	\$10			
		Duplicate permit	\$6			
		Duplicate license	\$6"			

SECTION 2. Material to be repealed is bracketed. New material is underscored.

SECTION 3. This ordinance shall take effect on November 3, 2008.

APPROVED AS TO FORM AND LEGALITY:



TRACI FUJITA VILLAROSA
First Deputy Corporation Counsel