
A BILL FOR AN ACT

RELATING TO GOVERNMENT.

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

1 SECTION 1. Section 286-240, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§286-240 Disqualification and cancellation.** (a) The
4 examiner of drivers shall disqualify any person from driving a
5 commercial motor vehicle for a period of not less than one year
6 if convicted of a first violation of:

7 (1) Driving a motor vehicle under the influence of
8 alcohol, a controlled substance, or any drug which
9 impairs driving ability;

10 (2) Driving a commercial motor vehicle while the alcohol
11 concentration of the driver's blood is 0.04 per cent
12 or more by weight;

13 (3) Refusing to submit to a test to determine the driver's
14 alcohol concentration while driving a motor vehicle as
15 required under sections 286-243 and 291E-11;

16 (4) Using a motor vehicle in the commission of any felony;

17 (5) Leaving the scene of an accident involving the motor
18 vehicle driven by the person;



- 1 (6) Unlawful transportation, possession, or use of a
2 controlled substance while on-duty time;
- 3 (7) Driving a commercial motor vehicle when, as a result
4 of prior violations committed while operating a
5 commercial motor vehicle, the driver's commercial
6 driver's license had been revoked, suspended, or
7 canceled, or the driver was otherwise disqualified
8 from operating a commercial motor vehicle; or
- 9 (8) Causing a fatality through the operation of a
10 commercial motor vehicle, including but not limited to
11 the crimes of manslaughter and negligent homicide in
12 any degree.
- 13 (b) The examiner of drivers shall disqualify any person
14 for a period of not less than three years for any conviction of
15 a violation of any offense listed in subsection (a) that is
16 committed while a hazardous material required to be placarded
17 under Title 49 Code of Federal Regulations, Part 172, Subpart F,
18 is being transported.
- 19 (c) The examiner of drivers shall disqualify any person
20 from driving a commercial motor vehicle for life if convicted
21 two or more times for violations of any of the offenses listed
22 in subsection (a).



1 (d) The examiner of drivers shall disqualify any person
2 from driving a commercial motor vehicle for life if the person
3 uses a motor vehicle in the commission of any felony involving
4 the manufacturing, distributing, or dispensing of a controlled
5 substance, or possession with intent to manufacture, distribute,
6 or dispense a controlled substance.

7 (e) The examiner of drivers shall disqualify any person
8 from driving a commercial motor vehicle for a period of not less
9 than sixty days if convicted of two serious traffic violations,
10 or one hundred twenty days if convicted of three serious traffic
11 violations, committed in a commercial motor vehicle arising from
12 separate incidents occurring within a three-year period. The
13 one hundred twenty-day disqualification period required for a
14 third conviction within three years of a "serious traffic
15 violation", as defined in section 286-231, shall be in addition
16 to any other previously imposed period of disqualification.
17 These disqualification periods shall also apply to offenses
18 committed while operating a noncommercial motor vehicle only if
19 the conviction for the offense results in the revocation,
20 cancellation, or suspension of the driver's license.

21 (f) The examiner of drivers shall disqualify any person
22 from driving a commercial motor vehicle or from resubmitting an



1 application for a period of not less than sixty days, if the
2 examiner of drivers finds that a commercial driver's license
3 holder or applicant for a commercial driver's license has
4 falsified information or failed to report or disclose required
5 information either before or after issuance of a commercial
6 driver's license.

7 (g) The examiner of drivers shall disqualify any person
8 from driving a commercial motor vehicle for a period of not less
9 than ninety days and not more than one year for a first
10 violation, or for at least one year and not more than five years
11 for a second violation, or at least three years and not more
12 than five years for a third or subsequent violation of a driver
13 or vehicle out-of-service order committed in a commercial motor
14 vehicle arising from separate incidents occurring within a ten-
15 year period.

16 (h) The examiner of drivers shall disqualify any person
17 from driving a commercial motor vehicle for a period of not less
18 than one hundred eighty days or more than two years for a first
19 violation, or for at least three years and not more than five
20 years for any subsequent violation, of a driver or vehicle out-
21 of-service order committed in a commercial motor vehicle
22 transporting hazardous materials or designed to transport



1 sixteen or more occupants, arising from separate incidents
2 occurring within a ten-year period.

3 (i) The examiner of drivers shall disqualify any person
4 from driving a commercial motor vehicle for a period of not less
5 than sixty days if convicted of a first violation, not less than
6 one hundred twenty days if convicted of a second violation
7 during any three-year period, or not less than one year if
8 convicted of a third or subsequent violation during any three-
9 year period for a violation of a federal, state, or local law or
10 regulation pertaining to one of the following six offenses at a
11 railroad-highway grade crossing:

12 (1) For all drivers who are not required to always stop,
13 failing to slow down and check that the tracks are
14 clear of an approaching train;

15 (2) For all drivers who are not required to always stop,
16 failing to stop before reaching the crossing, if the
17 tracks are not clear;

18 (3) For all drivers who are always required to stop,
19 failing to stop before driving onto the crossing;

20 (4) For all drivers, failing to have sufficient space to
21 drive completely through the crossing without
22 stopping;



1 (5) For all drivers, failing to obey a traffic control
2 device or the directions of an enforcement official at
3 the crossing; or

4 (6) For all drivers, failing to negotiate a crossing
5 because of insufficient undercarriage clearance.

6 (j) The examiner of drivers shall disqualify any person
7 from driving a commercial motor vehicle when the driver's
8 driving is determined to constitute an imminent hazard, as
9 defined in section 286-231, and the disqualification is imposed
10 in accordance with the provisions of Title 49 Code of Federal
11 Regulations Section 383.52.

12 (k) The examiner of drivers of each county or inspection
13 stations regulated under section 286-211 shall conduct random
14 drug and alcohol tests for persons licensed with a commercial
15 driver's license. Persons failing the random testing shall be
16 immediately barred from operating commercial vehicles and
17 subject to penalties."

18 SECTION 2. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun, before its effective date.

21 SECTION 3. New statutory material is underscored.

22 SECTION 4. This Act shall take effect upon its approval.



Report Title:

County Examiners; Inspection Stations

Description:

Requires county examiners or inspection stations to conduct random drug and alcohol tests of commercial driver's licensees. Bars licensees who fail the test. (HB96 HD1)

