
A BILL FOR AN ACT

RELATING TO GOVERNMENT.

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

1 SECTION 1. Chapter 286, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:
4 "§286- Proof of alcohol and controlled substance test;
5 weight stations. (a) No person shall drive a commercial motor
6 vehicle unless the person has in the person's immediate
7 possession while driving, proof of the most recent alcohol and
8 controlled substance test, including test results, taken by the
9 driver pursuant to Title 49 Code of Federal Regulations Section
10 382.305.
11 (b) In addition to any other requirement imposed on
12 commercial drivers licensed under this chapter who are inspected
13 at weight stations under Title 23 Code of Federal Regulations
14 Part 658, every commercial driver shall present at the time of
15 inspection, proof of the most recent alcohol and controlled
16 substance test, including test results, completed by the driver
17 pursuant to Title 49 Federal Code of Regulations Section
18 382.305."



1 SECTION 2. 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;
- 19 (6) Unlawful transportation, possession, or use of a
20 controlled substance while on-duty time;
- 21 (7) Driving a commercial motor vehicle when, as a result
22 of prior violations committed while operating a



1 commercial motor vehicle, the driver's commercial
2 driver's license had been revoked, suspended, or
3 canceled, or the driver was otherwise disqualified
4 from operating a commercial motor vehicle; or

5 (8) Causing a fatality through the operation of a
6 commercial motor vehicle, including but not limited to
7 the crimes of manslaughter and negligent homicide in
8 any degree.

9 (b) The examiner of drivers shall disqualify any person
10 for a period of not less than three years for any conviction of
11 a violation of any offense listed in subsection (a) that is
12 committed while a hazardous material required to be placarded
13 under Title 49 Code of Federal Regulations, Part 172, Subpart F,
14 is being transported.

15 (c) The examiner of drivers shall disqualify any person
16 from driving a commercial motor vehicle for life if convicted
17 two or more times for violations of any of the offenses listed
18 in subsection (a).

19 (d) The examiner of drivers shall disqualify any person
20 from driving a commercial motor vehicle for life if the person
21 uses a motor vehicle in the commission of any felony involving
22 the manufacturing, distributing, or dispensing of a controlled



1 substance, or possession with intent to manufacture, distribute,
2 or dispense a controlled substance.

3 (e) 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 two serious traffic violations,
6 or one hundred twenty days if convicted of three serious traffic
7 violations, committed in a commercial motor vehicle arising from
8 separate incidents occurring within a three-year period. The
9 one hundred twenty-day disqualification period required for a
10 third conviction within three years of a "serious traffic
11 violation", as defined in section 286-231, shall be in addition
12 to any other previously imposed period of disqualification.
13 These disqualification periods shall also apply to offenses
14 committed while operating a noncommercial motor vehicle only if
15 the conviction for the offense results in the revocation,
16 cancellation, or suspension of the driver's license.

17 (f) The examiner of drivers shall disqualify any person
18 from driving a commercial motor vehicle or from resubmitting an
19 application for a period of not less than sixty days, if the
20 examiner of drivers finds that a commercial driver's license
21 holder or applicant for a commercial driver's license has
22 falsified information or failed to report or disclose required



1 information either before or after issuance of a commercial
2 driver's license.

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

12 (h) The examiner of drivers shall disqualify any person
13 from driving a commercial motor vehicle for a period of not less
14 than one hundred eighty days or more than two years for a first
15 violation, or for at least three years and not more than five
16 years for any subsequent violation, of a driver or vehicle out-
17 of-service order committed in a commercial motor vehicle
18 transporting hazardous materials or designed to transport
19 sixteen or more occupants, arising from separate incidents
20 occurring within a ten-year period.

21 (i) The examiner of drivers shall disqualify any person
22 from driving a commercial motor vehicle for a period of not less



1 than sixty days if convicted of a first violation, not less than
2 one hundred twenty days if convicted of a second violation
3 during any three-year period, or not less than one year if
4 convicted of a third or subsequent violation during any three-
5 year period for a violation of a federal, state, or local law or
6 regulation pertaining to one of the following six offenses at a
7 railroad-highway grade crossing:

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

11 (2) For all drivers who are not required to always stop,
12 failing to stop before reaching the crossing, if the
13 tracks are not clear;

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

16 (4) For all drivers, failing to have sufficient space to
17 drive completely through the crossing without
18 stopping;

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



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

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

9 (k) The examiner of drivers shall disqualify any person
10 from driving a commercial motor vehicle for a period of not less
11 than _____ days and not more than _____ year for a first violation,
12 or for at least _____ year and not more than _____ years for a
13 second violation, or at least _____ years and not more
14 than _____ years for a third or subsequent violation of section
15 286-_____."

16 SECTION 3. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun, before its effective date.

19 SECTION 4. New statutory material is underscored.

20 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Commercial Driver's License; Alcohol and Controlled Substances

Description:

Requires commercial driver licensees to possess proof of their most recent alcohol and controlled substance test while operating a commercial motor vehicle and to present such proof at inspection stations. Disqualifies violators from driving a commercial motor vehicle for a certain period of time, depending on the number of violations. (HB96 HD2)

