
A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

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- Commercial drivers under the age of twenty-one.
5 (a) A person is qualified to drive commercially in the state in
6 intrastate commerce if the person:
7 (1) Is at least nineteen years of age;
8 (2) Has completed a training program established and
9 administered by the department of transportation;
10 (3) Is in compliance with Title 49 Code of Federal
11 Regulations, Part 390-396, Subpart B, except Section
12 391.11(b)(1) in the case of an intrastate driver
13 involved in intrastate commerce in the state;
14 (4) Only operates a category 3 vehicle as defined in
15 section 286-102(b)(3);



- 1 (5) Shall not transport hazardous materials as defined in
2 section 286-2, nor passengers in a school vehicle as
3 defined in section 286-181; and
- 4 (6) Has had a category 3 state driver's license for the
5 two years immediately preceding driving commercially
6 under this section, with the following conditions:
- 7 (A) Has not had any license suspended, revoked, or
8 canceled; and
- 9 (B) Has not had any conviction for:
- 10 (i) Speeding excessively involving any speed of
11 fifteen miles per hour or more above the
12 speed limit;
- 13 (ii) Driving recklessly, as defined by state or
14 local law or regulation, including but not
15 limited to offenses of driving a motor
16 vehicle in wilful or wanton disregard for
17 the safety of person or property;
- 18 (iii) Making improper or erratic traffic lane
19 changes;
- 20 (iv) Following the vehicle ahead too closely; or
- 21 (v) Violating state or local law relating to
22 motor vehicle traffic control, excluding



1 parking violations, arising in connection
2 with a fatal accident."

3 SECTION 2. Section 286-2, Hawaii Revised Statutes, is
4 amended by adding two new definitions to be appropriately
5 inserted and to read as follows:

6 "Intrastate commerce" means trade, traffic, or
7 transportation between two places in the state that originates
8 and terminates within the state.

9 "Intrastate driver" means a driver, not less than nineteen
10 years of age, engaged in intrastate commerce, except in the
11 transportation of passengers in a school vehicle, as defined in
12 section 286-181, or in the transportation of hazardous
13 materials, as defined in section 286-2."

14 SECTION 3. Section 853-4, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§853-4 Chapter not applicable; when.** This chapter shall
17 not apply when:

- 18 (1) The offense charged involves the intentional, knowing,
19 reckless, or negligent killing of another person;
20 (2) The offense charged is:

21



- 1 (A) A felony that involves the intentional, knowing,
2 or reckless bodily injury, substantial bodily
3 injury, or serious bodily injury of another
4 person; or
- 5 (B) A misdemeanor or petty misdemeanor that carries a
6 mandatory minimum sentence and that involves the
7 intentional, knowing, or reckless bodily injury,
8 substantial bodily injury, or serious bodily
9 injury of another person;
- 10 (3) The offense charged involves a conspiracy or
11 solicitation to intentionally, knowingly, or
12 recklessly kill another person or to cause serious
13 bodily injury to another person;
- 14 (4) The offense charged is a class A felony;
- 15 (5) The offense charged is nonprobationable;
- 16 (6) The defendant has been convicted of any offense
17 defined as a felony by the Hawaii Penal Code or has
18 been convicted for any conduct that if perpetrated in
19 this [~~State~~] state would be punishable as a felony;
- 20 (7) The defendant is found to be a law violator or
21 delinquent child for the commission of any offense
22 defined as a felony by the Hawaii Penal Code or for



1 any conduct that if perpetrated in this [~~State~~] state
2 would constitute a felony;

3 (8) The defendant has a prior conviction for a felony
4 committed in any state, federal, or foreign
5 jurisdiction;

6 (9) A firearm was used in the commission of the offense
7 charged;

8 (10) The defendant is charged with the distribution of a
9 dangerous, harmful, or detrimental drug to a minor;

10 (11) The defendant has been charged with a felony offense
11 and has been previously granted deferred acceptance of
12 guilty plea status for a prior offense, regardless of
13 whether the period of deferral has already expired;

14 (12) The defendant has been charged with a misdemeanor
15 offense and has been previously granted deferred
16 acceptance of guilty plea status for a prior felony,
17 misdemeanor, or petty misdemeanor for which the period
18 of deferral has not yet expired;

19 (13) The offense charged is:

20 (A) Escape in the first degree;

21 (B) Escape in the second degree;

22 (C) Promoting prison contraband in the first degree;



- 1 (D) Promoting prison contraband in the second degree;
- 2 (E) Bail jumping in the first degree;
- 3 (F) Bail jumping in the second degree;
- 4 (G) Bribery;
- 5 (H) Bribery of a witness;
- 6 (I) Intimidating a witness;
- 7 (J) Bribery of or by a juror;
- 8 (K) Intimidating a juror;
- 9 (L) Jury tampering;
- 10 (M) Promoting prostitution in the first degree;
- 11 (N) Promoting prostitution in the second degree;
- 12 (O) Promoting prostitution in the third degree;
- 13 (P) Abuse of family or household members;
- 14 (Q) Sexual assault in the second degree;
- 15 (R) Sexual assault in the third degree;
- 16 (S) A violation of an order issued pursuant to
- 17 chapter 586;
- 18 (T) Promoting child abuse in the second degree;
- 19 (U) Promoting child abuse in the third degree;
- 20 (V) Electronic enticement of a child in the first
- 21 degree; or



1 (W) Electronic enticement of a child in the second
2 degree; [~~or~~]

3 (14) The defendant has been charged with:

4 (A) Knowingly or intentionally falsifying any report
5 required under chapter 11, subpart B of part XII,
6 with the intent to circumvent the law or deceive
7 the campaign spending commission; or

8 (B) Violating section 11-201 or 11-202[~~-~~];

9 or

10 (15) The defendant holds a commercial driver's license and
11 has been charged with violating a traffic control law,
12 other than a parking law, in connection with the
13 operation of any type of motor vehicle.

14 The court may adopt by rule other criteria in this area."

15 SECTION 4. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect on July 1, 2012.



Report Title:

Commercial Drivers Licensing; Age Requirement; Deferred Pleas.

Description:

Permits drivers who are at least nineteen years of age to drive commercially. Conforms deferred acceptance of guilty law to the federal commercial driver licensing law for consistency. Effective date of July 1, 2012. (SB1047 HD2)

