

STAND. COM. REP. NO. 202-08

Honolulu, Hawaii

Feb 7, 2008

RE: H.B. No. 96
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which
was referred H.B. No. 96, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO GOVERNMENT,"

begs leave to report as follows:

The purpose of this bill is to promote the safe operation of
commercial vehicles by requiring county examiners of drivers and
inspection stations to conduct random drug and alcohol tests for
commercial drivers.

The Department of Customer Services of the City and County of
Honolulu testified in opposition of this bill.

Concerns were raised as to whether the counties have the
resources to conduct the random drug and alcohol tests required by
this bill. It was also pointed out that commercial drivers are
already subject to random alcohol and controlled substance testing
under federal law.

Accordingly, your Committee has amended this bill by
replacing its provisions with those that:

- (1) Require commercial drivers, while operating a commercial
motor vehicle, to possess proof of their most recent
alcohol and controlled substance test taken pursuant to
Title 49 Code of Federal Regulations Section 382.305;

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- (2) Require commercial drivers to present such proof of testing at the time of inspection at weight stations conducted under Title 23 Code of Federal Regulations Part 658; and
- (3) Disqualify violators of these new provisions from driving commercial motor vehicles for an unspecified period of time, depending on the number of violations.

Your Committee requests the Committee on Transportation, in considering further action on this bill, to explore the feasibility of requiring commercial drivers:

- (1) To carry a card prescribed by the Department of Transportation and indicating the successful passage of drug and alcohol testing within the past three years; and
- (2) To present such cards:
 - (A) Upon demand by a law enforcement officer; and
 - (B) As a condition of initial and subsequent renewal of that person's commercial driver's license.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 96, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 96, H.D. 2, and be referred to the Committee on Transportation.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



ROBERT N. HERKES, Chair



State of Hawaii
House of Representatives
The Twenty-fourth Legislature

HSCR 202-08

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: HB 96, HD1 (HSCR25-08)	Committee Referral: CPC, TRN, JUD	Date: 02/04/08		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. HERKES, Robert N. (C)	X			
2. McKELVEY, Angus L.K. (VC)	X			
3. EVANS, Cindy	X			
4. GREEN, Josh, M.D.	X			
5. ITO, Ken	X			
6. LUKE, Sylvia	X			30 PM
7. MORITA, Hermina M.	X			
8. SONSON, Alex M.	X			
9. SOUKI, Joseph M.	X			
10. TSUJI, Clift	X			
11. YAMANE, Ryan I.	X			
12. YAMASHITA, Kyle T.	X			
13. MARUMOTO, Barbara C.	X			
14. THIELEN, Cynthia				X
TOTAL (14)	13	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral _____ committee acronym(s) _____ did not support recommendation.				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				