

Honolulu, Hawaii

Feb 15, 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 Transportation, to which was referred H.B. No. 96, H.D. 2, 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:

- (1) Requiring commercial drivers, while operating a commercial motor vehicle, to possess proof of their most recent alcohol and controlled substance test taken;
- (2) Requiring commercial drivers to present such proof of testing at the time of inspection at weight stations; and
- (3) Disqualifying violators of these new provisions from driving commercial motor vehicles for an unspecified period of time, depending on the number of violations.

The Department of Transportation (DOT) and Hawaii Transportation Association (HTA) testified in opposition to this bill. The Department of Customer Services of the City and County of Honolulu (DCS) commented on this measure.



Commercial drivers often operate large vehicles on Hawaii's highways and roads. The operation of these vehicles safely is important in protecting the public. Requiring drivers of commercial motor vehicles to carry proof of their most recent alcohol and drug test, along with providing penalties for violating this provision will promote safety on Hawaii's roads.

However, your Committee notes the concerns raised by DOT, HTA, and DCS regarding federal regulations applicable to random drug testing and enforcement of the provisions of this bill. Your Committee on Transportation respectfully requests the Committee on Judiciary, in considering further action on this bill, to review these legal issues further.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 96, H.D. 2, and recommends that it be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Transportation,



JOSEPH M. SOUKI, Chair



