

LINDA LINGLE  
GOVERNOR



**STATE OF HAWAII**  
**DEPARTMENT OF TRANSPORTATION**  
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IN REPLY REFER TO:

February 13, 2008

**TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION**

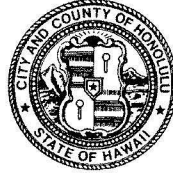
**HOUSE BILL NO. 96, H.D. 2**

**COMMITTEE ON TRANSPORTATION**

We oppose this bill. Our Motor Carrier Safety Officers cannot enforce this bill in Chapter 286 Section 1. (a) and (b) because we cannot verify the most recent proof of alcohol and controlled substance test results at the weigh stations. The driver might show a negative test result that is old when he or she had a positive test result the day before. Also, random testing is only requiring 50% of the drivers to be tested yearly in the company.

DEPARTMENT OF CUSTOMER SERVICES  
**CITY & COUNTY OF HONOLULU**  
DIVISION OF MOTOR VEHICLE, LICENSING AND PERMITS  
ADMINISTRATION  
P.O. BOX 30300  
HONOLULU, HAWAII 96820-0300

MUFI HANNEMANN  
MAYOR



JEFF J. COELHO  
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DENNIS A. KAMIMURA  
LICENSING ADMINISTRATOR

January 31, 2008

The Honorable Joseph M. Souki, Chair  
and Committee Members  
Committee on Transportation  
House of Representatives  
State of Hawaii  
State Capitol, Room 441  
Honolulu, Hawaii 96813

Dear Chair Souki and Committee Members:

Subject: H.B. No. 96 H. D. 2, Relating to Government

The City and County of Honolulu has no objections to the intent of H.B. No. 96 H.D. 2 which would require commercial driver licensees to provide proof of their most recent alcohol and controlled substance tests.

Since the federally required drug testing is random, there is no definite period of time when a person with a CDL will be tested. If it is the intent of the Legislature that a person with a CDL should be periodically tested, we recommend that a new section be added to this bill requiring periodic testing.

If the bill is amended to require periodic testing, Section 1 of the bill should be amended by deleting the specific reference to only random testing pursuant to Title 49 Code of Federal Regulations Section 382.305.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis A. Kamimura".

DENNIS A. KAMIMURA  
Licensing Administrator

DAK:bk



February 13, 2008

**TESTIMONY BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION  
ON HB 96 HD-2, RELATING TO GOVERNMENT**

Thank you Chair Souki committee members. I am Gareth Sakakida, Managing Director of the Hawaii Transportation Association which has 360 transportation related members throughout the state of Hawaii.

HTA opposes this measure only because it adds another burden that will be complied with by the "good guys," but will not capture those who seek to skirt Title 49, CFR, Part 382.305 (random testing).

Possession of the card will be checked for at weight inspection stations, but these stations can be avoided by those who choose not to comply with the card, or any other requirement.

Current federal motor carrier safety regulations require motor carriers to conduct pre-employment, random, reasonable suspicion, and post accident testing. The carriers must maintain confidential records on the results of all of these tests.

Recent upgrading of federal motor carrier regulations now require motor carriers to have prospective drivers request background information from previous carriers including alcohol and substance testing results, and the responding motor carrier is now required to provide this information. The performance of compliance reviews by state and federal motor carrier inspectors uncovers any shortfalls.

There are enough rules and regulations in place for motor carriers to comply with and effectively have safe drivers with adequate enforcement.

Furthermore, it is possible that a driver may never be tested, or very rarely tested for alcohol or controlled substance test as required by Title 49, CFR, Part 382.305 (random testing), and may not have any information on a card, or very old information.

Thank you.