
A BILL FOR AN ACT

RELATING TO COMMERCIAL DRIVERS.

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

1 SECTION 1. Section 286-234, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:

3 "(d) Any employer who is convicted of a violation of
4 subsection (b)(3) shall be subject to a fine of not less than
5 \$2,750 nor more than [~~\$11,000.~~] \$25,000."

6 SECTION 2. Section 286-235, Hawaii Revised Statutes, is
7 amended by amending subsections (b) and (c) to read as follows:

8 "(b) No person shall drive a commercial motor vehicle
9 while the person's driver's license or permit is suspended,
10 revoked, or canceled, or while subject to a disqualification[~~r~~
11 ~~or in violation of an out-of-service order~~].

12 [~~(c) Any person who holds a category (4), (5), (6), (7),~~
13 ~~(8), (9), or (10) license that is valid on March 31, 1991, may~~
14 ~~continue to drive with that license until that person's next~~
15 ~~birthday, at which time the person shall be permitted to~~
16 ~~continue to drive only if the person obtains either a commercial~~



1 ~~driver's license or a reclassified category (4) license under~~
2 ~~section 286-102(b).]~~

3 (c) No person shall drive a commercial motor vehicle in
4 violation of an out-of-service order."

5 SECTION 3. Section 286-241.4, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) The examiner of drivers may suspend, revoke, [~~or~~]
8 cancel, or disqualify any commercial driver's license or permit
9 without a hearing when the examiner of drivers has probable
10 cause to believe that the licensee is disqualified under section
11 286-240 [~~(e) through (h)~~]."

12 SECTION 4. Section 286-249, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§286-249 Penalty.** (a) Any person who drives a
15 commercial motor vehicle in the [~~State~~] state without a valid
16 commercial driver's license or permit, or while the person's
17 driving privileges are suspended, revoked, or canceled, or while
18 disqualified from driving a commercial motor vehicle, shall be:

- 19 (1) Disqualified from driving a commercial motor vehicle
20 for a period of not less than one year and up to life;
- 21 (2) Fined not less than \$500 but not more than \$1,000; and
- 22 (3) Imprisoned not more than one year;



1 provided that the court shall have discretion to impose either a
2 fine or imprisonment, or both.

3 (b) A driver who is convicted of violating an out-of-
4 service order shall be fined not less than [~~\$1,100~~] \$2,500 nor
5 more than [~~\$2,750~~] \$4,000 for a first conviction and not less
6 than \$5,000 nor more than \$7,500 for a second or subsequent
7 conviction, in addition to the driving disqualification of
8 subsection (a) (1) and section 286-240(g) and (h).

9 (c) Any person convicted under or found in violation of
10 section 286-242(a) shall be fined not more than \$200.

11 (d) Notwithstanding section 286-249(a) (2), any person
12 convicted under or found in violation of section 286-242(c)
13 shall be fined not more than \$500."

14 SECTION 5. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 6. This Act shall take effect upon its approval.



Report Title:

Commercial Driver's License; Penalties; Violations; Motor
Vehicle

Description:

Conforms penalty for violating an out-of-service order to federal regulation; provides penalty for operating a commercial motor vehicle with an alcohol concentration of an amount of 0.04 percent or more and imposes a penalty for operating a commercial motor vehicle with any amount of alcohol concentration. (SB1056 HD1)

