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# 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[~~7~~  
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~~  
17 ~~driver's license or a reclassified category (4) license under~~

1 ~~section 286-102(b)-.]~~ No person shall drive a commercial motor  
2 vehicle in violation of an out-of-service order."

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

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

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

12 "**§286-249 Penalty.** (a) Any person who drives a  
13 commercial motor vehicle in the State without a valid commercial  
14 driver's license or permit, or while the person's driving  
15 privileges are suspended, revoked, or canceled, or while  
16 disqualified from driving a commercial motor vehicle, shall be:

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

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

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

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

10 (d) Any person convicted under or found in violation of  
11 section 286-242(c) shall be fined not more than \$500."

12 SECTION 5. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

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

**Report Title:**

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

**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. (SD1)