

STAND. COM. REP. NO. 1110

Honolulu, Hawaii

March 24, 2009

RE: S.B. No. 1056
S.D. 2
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred S.B. No. 1056, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVERS,"

begs leave to report as follows:

The purpose of this bill is to improve highway safety and comply with federal regulations regarding commercial driver's licenses by:

- (1) Increasing the maximum fine to \$25,000 for an employer convicted of allowing a driver to operate a commercial vehicle when the driver, the commercial motor vehicle the driver is driving, or the motor carrier operation, is subject to an out-of-service order;
- (2) Prohibiting any individual from driving a commercial motor vehicle in violation of an out-of-service order; and
- (3) Establishing or increasing penalties for drivers convicted of operating a commercial motor vehicle:
 - (A) In violation of an out-of-service order;
 - (B) With alcohol in the body; and



(C) With a blood alcohol content of .04.

The Department of Transportation (DOT) testified in support of this bill.

Your Committee notes that according to DOT, failure to enact the changes contained in this measure could result in the loss of approximately \$4,600,000 of federal-aid highway funds for the first year of noncompliance and \$9,300,000 per year thereafter.

Your Committee has amended this bill by:

- (1) Changing its effective date from July 1, 2050, to upon approval; and
- (2) Making technical, nonsubstantive changes for clarity, consistency, and style.

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 S.B. No. 1056, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1056, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.

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



JOSEPH M. SOUKI, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

HSCR 1110

Record of Votes of the Committee on Transportation

Bill/Resolution No.: SB 1056, SD 2	Committee Referral: TRN, JUD	Date: 03/16/2009		
<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)				
TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. SOUKI, Joseph M. (C)	/			
2. AWANA, Karen Leinani (VC)	/			
3. AQUINO, Henry J.C.	/			
4. HANOHANO, Faye P.	/			
5. KEITH-AGARAN, Gilbert S.C.				/
6. LEE, Marilyn B.	/			
7. NAKASHIMA, Mark M.	/			
8. RHOADS, Karl	/			
9. SAIKI, Scott K.				/
10. TAKUMI, Roy M.	/			
11. YAMASHITA, Kyle T.	/			
12. PINE, Kymberly Marcos				/
TOTAL (12)	9	0	0	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: <i>Karen Awana</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				