

Honolulu, Hawaii

FEB 12 2009

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

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Transportation, International and Intergovernmental Affairs, to which was referred S.B. No. 1056 entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Increase the penalty from \$11,000 to \$25,000 for employers who violate the commercial driver licensing law regarding permitting a licensed commercial driver to drive during the period in which the driver or the vehicle is subject to an out-of-service order;
- (2) Clarify that a person is prohibited from driving a commercial motor vehicle in violation of an out-of-service order;
- (3) Provide a penalty of not more than \$200 for any person convicted or found in violation of driving a commercial vehicle while having any alcohol in the person's body, and a penalty of not more than \$500 for any person convicted or found in violation of having 0.4 per cent blood alcohol; and
- (4) Replace the existing monetary penalty range of not less than \$1,100 nor more than \$2,750 for violating an out-of-service order with an enhanced staggered monetary



penalty range of not less than \$1,100 nor more than \$4,000 for a first violation, and not less than \$5,000 nor more than \$7,500 for a second or subsequent violation.

Your Committee received testimony in support of this measure from the Department of Transportation.

Your Committee finds that this measure is necessary in order to comply with federal regulations regarding commercial driver licensing. According to the Department of Transportation, failure to enact this measure could result in the loss of federal funds to the State.

Your Committee has amended this measure by raising the minimum penalty amount for a first time violation of an out-of-service order from \$1,100 to \$2,500 and by making a technical, nonsubstantive amendment.

As affirmed by the record of votes of the members of your Committee on Transportation, International and Intergovernmental Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1056, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1056, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

Respectfully submitted on
behalf of the members of the
Committee on Transportation,
International and
Intergovernmental Affairs,

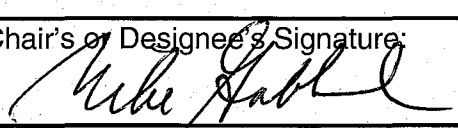


J. KALANI ENGLISH, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Transportation, International and Intergovernmental Affairs
TIA

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1056	TIA, JGO	2-9-09		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ENGLISH, J. Kalani (C)	✓			
GABBARD, Mike (VC)	✓			
ESPERO, Will	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam				✓
TOTAL	4	—	—	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes