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April 7, 2009

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

SENATE BILL NO. 1056, S.D. 2, H.D. 1

COMMITTEE ON TRANSPORTATION

Senate Bill 1056, S.D. 2, H.D. 1 conforms the penalty for violating an out-of-service order to federal regulation and provides penalties for operating a commercial motor vehicle with an alcohol concentration of any amount of 0.04 per cent or more.

The Department supports this bill, as it will enhance the safety of commercial motor vehicle operation on our highways by seeking to ensure that only safe drivers operate commercial motor vehicles.

The intent of the bill is to meet the requirement of a federal regulation (49 CFR §384.301) by updating the penalties for violation of an out-of-service order, improving enforcement by specifying language to clarify the licensing action taken by the examiner of drivers to disqualify a commercial driver's license or permit and applying a penalty for drivers convicted of operating a commercial motor vehicle while having any amount of alcohol concentration. This legislation is in response to law enforcement agencies reporting being unable to enforce Section 286-242, HRS, since there is no penalty in the current law. A conviction will alert the examiner of drivers that the driver must be appropriately disqualified under section 286-240(a)(1) or (2), HRS.

Failure to enact the changes required in the FMCSA regulation could result in the loss of approximately $4,600,000 (or 5 percent) of federal-aid highway funds (based on fiscal year 2007-2008 funding) for the first year of non-compliance and $9,300,000 (or 10 percent) per year thereafter. Motor Carrier Safety Assistance Program (MCSAP) grant funds could also be withheld for each year of noncompliance. In fiscal year 2007-2008, Hawaii received $660,667 in MCSAP grant funds.