



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

March 23, 2009

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

SENATE BILL NO. 979 S.D. 2

COMMITTEE ON TRANSPORTATION, INTERNATIONAL AND  
INTERGOVERNMENTAL AFFAIRS

Senate Bill 979 SD 2 proposes to make changes to meet the requirement of a federal regulation (49 CFR §384.210) and improve enforcement by specifying language to prohibit the court-issuance of a hardship license to a commercial driver. Legislation is needed to limit this restricted license to non CDL holders and bring state practice into compliance with federal regulation. In addition, for consistency, this change will apply to drivers with a category four driver's license who operate commercial vehicles.

**The Department of Transportation supports this bill with amendments.** We respectfully request that the effective date be changed back to "upon approval", instead of July 1, 2050. It is critical that we make changes in a timely manner to comply with federal CDL regulation.

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 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, the state received \$660,667 in MCSAP grant funds.

We believe this legislation will enhance the safety of commercial motor vehicle operation on our highways by seeking to ensure that only safe drivers operate commercial motor vehicles.