

S.B. NO. 2754

JAN 25 2010

A BILL FOR AN ACT

RELATING TO COMMERCIAL DRIVER LICENSING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 286-240, Hawaii Revised Statutes, is
2 amended by amending subsections (g) and (h) to read as follows:
3 "(g) The examiner of drivers shall disqualify any person
4 from driving a commercial motor vehicle for a period of not less
5 than [~~ninety~~] one hundred eighty days and not more than one year
6 for a first violation, or for at least [~~one year~~] two years and
7 not more than five years for a second violation, or at least
8 three years and not more than five years for a third or
9 subsequent violation of a driver or vehicle out-of-service order
10 committed in a commercial motor vehicle transporting non-
11 hazardous materials arising from separate incidents occurring
12 within a ten-year period.

13 (h) The examiner of drivers shall disqualify any person
14 from driving a commercial motor vehicle for a period of not less
15 than one hundred eighty days [~~or~~] and not more than two years
16 for a first violation, or for at least three years and not more
17 than five years for any subsequent violation, of a driver or
18 vehicle out-of-service order committed in a commercial motor

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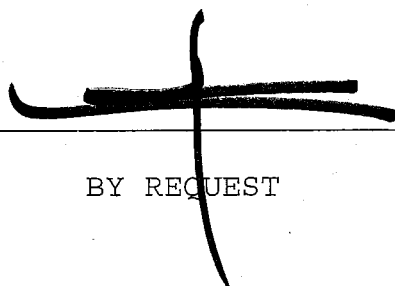
1 vehicle transporting hazardous materials required to be
2 placarded under title 49 Code of Federal Regulations, part 172,
3 subpart F, or designed to transport sixteen or more occupants [7]
4 including the driver, arising from separate incidents occurring
5 within a ten-year period."

6 SECTION 2. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:


BY REQUEST

Report Title:

Highway; Commercial Driver Licensing; Penalties; SAFETEA-LU

Description:

Conform sections 286-240(g) and (h), HRS to the federal commercial driver licensing law to meet the requirements of 49 CFR Section 383.51(e) before September 4, 2010, as required by Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

JUSTIFICATION SHEET

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING.

PURPOSE: To conform penalties to the federal commercial driver licensing law.

MEANS: Amend section 286-240 (g) and (h), Hawaii Revised Statutes.

JUSTIFICATION: The intent of the proposed change is to meet the requirements of 49 C.F.R. section 383.51(e) before September 4, 2010, as required by Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

Failure to enact the changes required in the Federal Motor Carrier Safety Administration (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 noncompliance and \$9,300,000 (or 10 percent) per year thereafter. Motor Carrier Safety Assistance Program (MCSAP) grant funds (\$660,667 in fiscal year 2007-2008) could also be withheld for each year of noncompliance.

Impact on the public: Increased penalties apply.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: TRN 597.

OTHER AFFECTED

AGENCIES:

County driver licensing offices.

EFFECTIVE DATE:

Upon approval.