

STAND. COM. REP. NO.

173

Honolulu, Hawaii

Feb 10, 2011

RE: H.B. No. 1094

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 1094 entitled:

"A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING,"

begs leave to report as follows:

The purpose of this bill is to bring Hawaii's commercial driver's license (CDL) laws into compliance with federal regulations by conforming the CDL law with Federal Motor Carrier Safety Regulations, and in the process preserve Hawaii's ability to receive federal funds. Among other things, this measure:

- (1) Adds the definitions of "commercial driver's license downgrade" and "commercial driver's license information system driver record" to the CDL statute;
- (2) Requires the examiner of drivers to verify the certification of a self-certified driver, date-stamp any current medical examiner's certificate submitted by a driver, and post all required information on the CDL Information System;
- (3) Changing the "V" restriction designation on a CDL from indicating that the driver is restricted from operating in interstate commerce to indicating that information concerning a medical variance is on the CDL Information System driver record;

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- (4) Recodifying the original "V" restriction that restricts a driver from operating in interstate commerce to a "W" code;
- (5) Requiring the examiner of drivers to mark the CDL Information System driver record as "not-certified" and initiate a CDL downgrade if a driver fails to produce certain documents to the examiner of drivers;
- (6) Providing parameters for updating information and notification requirements for certain items concerning medical certification and medical variances for CDL drivers; and
- (7) Requiring the examiner of drivers to record and maintain certain medical information regarding CDL drivers.

The Department of Transportation and Hawaii Transportation Association testified in support of this bill.

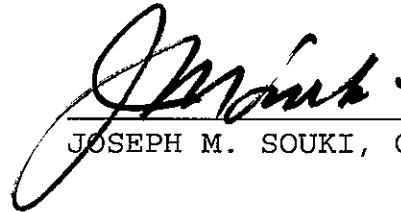
Individuals who possess CDLs are held to stricter medical and licensing standards than individuals who hold a standard license to operate a motor vehicle. This is due, in part, to the type of vehicles CDL drivers operate, which generally involves large trucking and transportation vehicles. Having additional, more stringent restrictions on these drivers promotes highway safety. While the examiner of drivers currently has the authority to withhold driving privileges from a CDL holder for committing a violation or posing an immediate threat to highway safety, non-compliance with the medical requirements for a CDL does not constitute either a violation or an immediate threat. This measure will allow the examiner of drivers to impose this restriction from driving in these situations.

This measure also conforms Hawaii's CDL law with Federal Motor Carrier Regulations. Failure to do so will result in the withholding of federal funds for every year the law is non-compliant. As Hawaii's State Highway Fund is presently facing revenue stream problems and budgetary shortfalls, a further loss of federal funds would be devastating.

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 H.B. No. 1094 and recommends it pass Second Reading 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-sixth Legislature

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Record of Votes of the Committee on Transportation

| Bill/Resolution No.: HB 1094 | Committee Referral: TRN, JUD | Date: 2/2/11 | | |
|---|--|------------------------|------|----------|
| <input type="checkbox"/> The committee is reconsidering its previous decision on the measure. | | | | |
| The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input 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. ICHIYAMA, Linda (VC) | / | | | |
| 3. AQUINO, Henry J.C. | / | | | |
| 4. CULLEN, Ty | / | | | |
| 5. LEE, Marilyn B. | | | | / |
| 6. LUKE, Sylvia | | | | / |
| 7. SAIKI, Scott K. | / | | | |
| 8. TAKUMI, Roy M. | / | | | |
| 9. YAMASHITA, Kyle T. | / | | | |
| 10. FONTAINE, George R. | / | | | |
| 11. JOHANSON, Aaron Ling | / | | | |
| | | | | |
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| | | | | |
| TOTAL (11) | 9 | | | 2 |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div> | | | | |
| Vice Chair's or designee's signature: <u><i>Linda Ichiyama</i></u> | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | |