

Honolulu, Hawaii

Feb 15, 2012

RE: H.B. No. 2609
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 2609 entitled:

"A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER'S LICENSE,"

begs leave to report as follows:

The purpose of this measure is to promote highway safety by prohibiting a person from operating a commercial motor vehicle without a commercial driver's license in the driver's possession or while texting.

The Department of Transportation, Honolulu Police Department, Hawaii Transportation Association, and a concerned individual testified in support of this measure. The Alliance of Automobile Manufacturers and General Motors, LLC, provided comments.

Commercial motor vehicle operators are governed by a number of transportation requirements and regulations that are more stringent than those faced by drivers of regular motor vehicles. This is due in part to the nature of the profession of driving a commercial motor vehicle since these drivers are often operating vehicles that are much larger and more complex than an ordinary motor vehicle. Recent changes to Federal Motor Carrier Safety Regulations have made driving without a commercial driver's license in the possession of the driver and texting while driving a commercial motor vehicle, serious traffic violations. The failure to amend Hawaii's commercial motor vehicle laws to comply with these new federal regulations prior to October 28, 2013,



could be devastating to Hawaii resulting in the loss of approximately \$5,500,000 of federal-aid highway funds (based on fiscal year 2011 funding) for the first year of non-compliance and \$10,900,000 per year thereafter.

However, your Committee finds that mobile electronic devices in general, not just texting, provide distractions for drivers of commercial motor vehicles and compromise highway safety. As such, your Committee has amended this measure by:

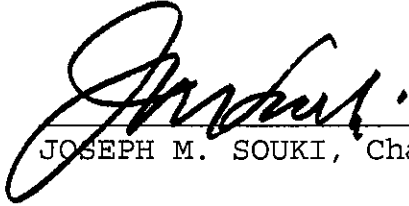
- (1) Inserting language that increases the scope of the prohibition of the use of electronic mobile devices by commercial drivers, in addition to texting;
- (2) Providing exceptions to this prohibition for the sole purpose of making a "911" emergency communication;
- (3) Providing exemptions from the prohibition for certain drivers;
- (4) Deleting the definition of "electronic device";
- (5) Adding definitions for the terms "emergency responders", "fleet vehicle", "mobile electronic device", "operate a commercial motor vehicle", and "use or using"; and
- (6) Inserting a savings clause.

Technical, nonsubstantive amendments were also made for clarity, consistency, and style.

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. 2609, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2609, H.D. 1, 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

HSR401-12

Record of Votes of the Committee on Transportation

| | | | | |
|--|--|------------------------|-------------|----------------|
| Bill/Resolution No.: HB 2609 | Committee Referral: TRN, JUD | Date: 2/8/12 | | |
| <input type="checkbox"/> The committee is reconsidering its previous decision on the measure. | | | | |
| The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" 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. OKAMURA, Tom | | | | |
| 8. SAIKI, Scott K. | / | | | |
| 9. TAKUMI, Roy M. | / | | | |
| 10. YAMASHITA, Kyle T. | / | | | |
| 11. FONTAINE, George R. | / | | | |
| 12. JOHANSON, Aaron Ling | / | | | |
| | | | | |
| TOTAL (12) | 10 | | | 1 |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s) | | | | |
| Vice Chair's or designee's signature: <i>Linda Ichiyama</i> | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | |