

Honolulu, Hawaii

March 2, 2012

RE: H.B. No. 2609

H.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2609, H.D. 1, 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:

- (1) Prohibiting a person from operating a commercial motor vehicle without a commercial driver's license in the driver's possession;
- (2) Prohibiting a person from operating a commercial motor vehicle while using a mobile electronic device, including while using the mobile electronic device for texting, but making an exception when the person makes a "911" emergency communication;
- (3) Providing exemptions from the mobile electronic device prohibition for certain drivers;
- (4) Specifying penalties for a person who operates a commercial motor vehicle while using a mobile electronic device; and
- (5) Adding texting while driving to the definition of "serious traffic violation" under the commercial driver licensing law.



The Department of Transportation and Hawaii Transportation Association supported the measure. General Motors, LLC offered comments on the measure.


Your Committee recognizes that the content of this measure may violate Article III, section 14 of the Hawaii State Constitution. Nonetheless, your Committee finds this measure warrants further discussion.

Accordingly, your Committee has amended this measure by:

- (1) Changing its effective date to January 7, 2059, to promote further discussion; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2609, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2609, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,


GILBERT KEITH-AGARAN, Chair



HSCR 801-12

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 2609 HD1	Committee Referral: TRN, JUD	Date: 2/23/12		
<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)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KEITH-AGARAN, Gilbert S.C. (C)	✓			
2. RHOADS, Karl (VC)	✓			
3. BROWER, Tom				✓
4. CABANILLA, Rida T.R.	✓			
5. CARROLL, Mele	✓			
6. COFFMAN, Denny				✓
7. HERKES, Robert N.				✓
8. ITO, Ken	✓			
9. LUKE, Sylvia				✓
10. McKELVEY, Angus L.K.	✓			
11. SOUKI, Joseph M.	✓			
12. TSUJI, Clift	✓			
13. FONTAINE, George R.	✓			
14. MARUMOTO, Barbara C.	✓			
15. THIELEN, Cynthia	✓			
TOTAL (15)	11	0	0	4
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>Karl Rhoads</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				