

Honolulu, Hawaii

March 20 , 2012

RE: S.B. No. 2871  
S.D. 1  
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 S.B. No. 2871, S.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 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 and Hawaii Transportation Association testified in support of this measure.

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 often operate vehicles that are much larger and more complex than an ordinary personal 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 State's failure to amend its own commercial motor vehicle laws to comply with these new federal regulations prior to October 28, 2013, could be devastating to Hawaii and could result in the loss

SB2871 HD1 HSCR TRN HMS 2012-2852



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. Accordingly, your Committee has amended this measure by deleting its contents and replacing them with language contained in H.B. No. 2609, H.D. 2. As amended, this measure continues 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 for texting, but making an exception for "911" emergency communication;
- (3) Providing exemptions from the mobile electronic device prohibition for certain drivers engaged in job-related or licensed two-way radio communications;
- (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.

In addition, your Committee has further amended this measure by:

- (1) Clarifying that drivers using two-way radios while in the performance and scope of their work-related duties and who are operating motor carrier vehicles rather than fleet vehicles are exempt from the prohibition against using electronic devices;
- (2) Deleting the definition of "fleet vehicles";



- (3) Changing its effective date to January 7, 2059, to facilitate further discussion; and
- (4) Making technical nonsubstantive amendments for consistency, clarity, 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 S.B. No. 2871, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2871, S.D. 1, 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



