

Honolulu, Hawaii

April 2, 2012

RE: S.B. No. 2871
S.D. 1
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 S.B. No. 2871, S.D. 1, 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 prohibiting a person from operating a commercial motor vehicle either without a commercial driver's license in the driver's possession or while texting. Specifically, this measure:

- (1) Prohibits a person from operating a commercial motor vehicle while using a mobile electronic device including using the device for texting and providing exemptions for certain persons;
- (2) Provides a fine of not more than \$2,750, in addition to the driving disqualification, for a violation;
- (3) Provides definitions for "emergency responders", "mobile electronic device", "operate a commercial vehicle", "texting", and "use or using a mobile electronic device";
- (4) Provides clarification as to what is and what is not "texting";



- (5) Amends the definition of "serious traffic violation" to include texting; and
- (6) Prohibits a person from driving a commercial motor vehicle without being in possession of a commercial driver's license.

The Department of Transportation testified in support of this measure.

Your Committee has amended this measure by:

- (1) Clarifying that the individual prohibited from using a mobile electronic device while operating a commercial motor vehicle be an individual with a commercial driver's license; and
- (2) Making technical, nonsubstantive amendments for the purposes of 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 S.B. No. 2871, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2871, S.D. 1, H.D. 2.

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


GILBERT KEITH-AGARAN, Chair



