

Honolulu, Hawaii

FEB 14 2012

RE: S.B. No. 2871  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Transportation and International Affairs,  
to which was referred S.B. No. 2871 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to prohibit texting while operating a commercial motor vehicle and to prohibit operating a commercial motor vehicle without a commercial driver's license in that person's possession.

Your Committee received testimony in support of this measure from the Department of Transportation, Honolulu Police Department, and the Hawaii Transportation Association. Comments were received from General Motors and Alliance of Automobile Manufacturers.

Your Committee finds that beginning on August 1, 2011, federal regulations regarding commercial driver's licenses:

- (1) Require that a driver have in the driver's possession a commercial driver's license while operating a commercial vehicle; and
- (2) Prohibit texting while driving.

Federal regulations also require that a state must substantially comply with the requirements in this measure as soon as practical but not later than October 28, 2013. Failure to enact the changes could result in a substantial loss of federal-



aid highway funds for the first year of noncompliance and for each year thereafter that a state remains in noncompliance.

Your Committee has amended this measure by:

- (1) Excluding from the definition of texting the use of hands-free or voice operated technology, including the pressing of a button to initiate or terminate the operation of the technology;
- (2) Excluding from the definition of electronic device a device that is physically or electronically integrated into the motor vehicle; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation and International Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2871, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2871, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Transportation and  
International Affairs,

  
J. KALANI ENGLISH, Chair



