



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

March 27, 2012

**S.B. 2871, SD1, HD1
RELATING TO COMMERCIAL DRIVER'S LICENSE**

HOUSE COMMITTEE ON JUDICIARY

The two purposes of this bill are to require commercial driver's license holders to have their license with them when driving a commercial motor vehicle, and to prohibit commercial driver's license holders from texting while driving.

We support this bill, because it will make Hawaii laws parallel the federal regulations. Federal Motor Carrier Safety Regulation 383.51 (c) (7) lists driving without a commercial driver's license in possession as a serious traffic violation. The proposed amendment will make this violation enforceable by State law and allow law enforcement officers to cite drivers for this violation instead of 286-102 (no driver's license) which is not counted as a serious violation. Beginning on August 1, 2011, a new AAMVAnet Code Dictionary (ACD) code, B57, Driving a CMV (commercial motor vehicle) without a CDL in the driver's possession was added to a list of ACD codes used by all jurisdictions in the Commercial Driver License Information System (CDLIS), a United States-wide system about CDL holders and their driver histories, and in the Problem Driver Pointer Systems (PDPS), the United States-wide system identifying drivers who have been convicted and/or withdrawn for federally specified offenses. Giving this violation a specific HRS number or reference will make it possible to use the B57 code without confusing the violation with similar violations.

FMCSR Section 383.51 (c) (9) lists texting while driving a commercial motor vehicle as a serious traffic violation. When serious violations are accumulated, the CDL disqualification penalties become progressively longer. Passage of this bill will put

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Hawaii law in harmony with the federal regulations and make the violation easy to align with ACD code B85, texting while driving a commercial motor vehicle.

A state must come in substantial compliance with the requirements in this bill as soon as practical but not later than October 28, 2013. Failure to enact the changes could result in the loss of approximately \$5,500,000 (or 5% of \$109,016,036 federal-aid highway funds (based on FY 2011 funding) for the first year of non-compliance and \$10,900,000 (or 10%) per year thereafter.

Thank you for the opportunity to provide testimony.

