



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

March 14, 2012

**S.B. 2871, S.D. 1
RELATING TO COMMERCIAL DRIVERS LICENSING**

HOUSE COMMITTEE ON TRANSPORTATION

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Problem Driver Pointer Systems (PDPS), the United States-wide system identifying drivers who have been convicted and/or withdrawn for federally specified offenses.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.





March 14, 2012

**TESTIMONY BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION
ON SB 2871 SD1 RELATING TO COMMERCIAL DRIVER'S LICENSE**

Thank you Chair Souki and committee members. I am Gareth Sakakida, Managing Director of the Hawaii Transportation Association (HTA) with over 400 transportation related members throughout the state of Hawaii.

Hawaii Transportation Association supports this bill as written.

However, should there be a need to insert language similar to that found in House Bill 2609 and/or House Bill 2760 then there is one modification that needs to be made.

Any reference to drivers operating "fleet vehicles" and the inclusion of the definition of fleet vehicles needs to be eliminated.

In its place should be a reference to drivers operating "motor carrier vehicles" as defined in section 286-201.

Fleet vehicles refers only to operations who choose to register for permanent license plates. Very few operations do this.

The intent of the various county ordinances for the two way radio exemption for drivers while in the performance and scope of their work related duties extends to all motor carriers.

Thank you.