

Honolulu, Hawaii
April 4, 2014

RE: S.B. No. 2901
S.D. 1
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2901, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MOTOR CARRIER SAFETY,"

begs leave to report as follows:

The purpose of this measure is to facilitate expedient compliance with federal motor carrier safety regulations by amending or deleting statutory provisions containing federal requirements that are currently addressed in the Hawaii Administrative Rules or are otherwise unnecessary.

The Department of Transportation supported the bill.

Your Committee has amended the bill by:

- (1) Removing the requirement that passenger carrying vehicles that:
 - (A) Have a gross vehicle weight of 10,000 pounds or less;
 - (B) Are used in car or van pools for the movement of passengers to and from work; and
 - (C) Comply with county safety ordinances and rules and other applicable state safety laws and rules,



must transport fewer than sixteen individuals to qualify for the exemption from the motor carrier safety provisions of Part XI, Chapter 286, Hawaii Revised Statutes;

- (2) Clarifying that the exemption applies to passenger carrying vehicles used for the transportation, without compensation, of persons for private, instead of personal, purposes; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

It was unclear to your Committee how the current provisions of Part XI, Chapter 286, Hawaii Revised Statutes, fail to comply with the federal requirements or how the proposed provisions would bring the State into compliance with federal requirements. Your Committee believes that the exemptions from the motor carrier safety provisions of Part XI, Chapter 286, Hawaii Revised Statutes, are intended to exempt vehicles that do not meet the definition of a "commercial motor vehicle" under Title 49, Part 390, Code of Federal Regulations, but has not received any testimony that would corroborate such an intent. Accordingly, your Committee has declined to accept two proposed amendments and respectfully encourages further discussion of these concerns as this bill advances through the legislative process.

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. 2901, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2901, S.D. 1, H.D. 1.

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



KARL RHOADS, Chair



