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

February 11, 2019  
1:15 p.m.  
State Capitol, Room 225

**S.B. 1277**  
**RELATING TO MOTOR VEHICLE REGISTRATION.**

Senate Committee on Transportation

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The Department of Transportation **supports** S.B 1277 and requests an amendment.

DOT requests the following amendment by adding the definition for "Out-of-Service order" to Section 286-2 that would be appropriately inserted to read as follows in Section 3 and renumber the current Sections 3 and 4 to Sections 4 and 5.

Section 3. Section 286-2, Hawaii Revised Statutes, is amended by adding a new definition to read:

"Out-of-service order" means a declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican, or local jurisdiction that a driver, a commercial motor vehicle, or a motor carrier operation is out-of-service pursuant to Section 386.72, 392.5, 395.13, or 396.9 of title 49, Code of Federal Regulations, or compatible laws, or the North American Uniform Out-of-Service Criteria, which can be obtained from the Commercial Vehicle Safety Alliance.

Section [3] 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

Section [4] 5. This Act, upon its approval, shall take effect on January 1, 2020.

The Hawaii Department of Transportation's Motor Carrier Safety Assistance Program (MCSAP) is funded through a federal grant from the Federal Motor Carrier Safety Administration (FMCSA). MCSAP eligible activities are covered by the FMCSA at 85 percent and the State covers the remaining 15 percent. MCSAP eligible activities include such highway safety activities as commercial motor vehicle inspections and compliance reviews.

The Performance Registration Information Systems Management (PRISM) is a federal program that identifies motor carriers that are under a Federal "out-of-service" order

because those motor carriers have not corrected safety "deficiencies" noted in FMCSA compliance review investigations.

The Fixing America's Surface Transportation Act that was passed in December of 2015 made PRISM mandatory for all States as a condition of receiving MCSAP grant funding. MCSAP recipients are required to "fully participate" or be "PRISM Equivalent" by October 1, 2020.

By restricting the registration renewals and initial registrations of motor carrier vehicles of any motor carrier who has an unresolved out-of-service order, as proposed in this measure, Hawaii will be "PRISM Equivalent" and continue to be able to receive MCSAP grant funding.

The grant funding will help ensure that motor carrier vehicles are safe to operate on Hawaii's roads thereby protecting our residents and visitors as they commute to their destinations.

Thank you for the opportunity to provide testimony.