

STAND. COM. REP. NO.

544

Honolulu, Hawaii

FEB 19 2021

RE: S.B. No. 1211
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred S.B. No. 1211 entitled:

"A BILL FOR AN ACT RELATING TO MOTOR CARRIERS,"

begs leave to report as follows:

The purpose and intent of this measure is to repeal section 286-208, Hawaii Revised Statutes, which provides exemptions for vehicles used by farmers from the motor carrier safety law.

Your Committee received testimony in support of this measure from the Department of Transportation.

Your Committee finds that existing state law is superseded by title 49 Code of Federal Regulations sections 390.5 and 390.39, both of which have been adopted by the State under chapter 19-141, Hawaii Administrative Rules. This measure will repeal this outdated statute. According to testimony received by your Committee, failure to enact this measure could disqualify Hawaii from receiving \$1,200,000 in federal Motor Carrier Safety Assistance Program funds annually. Although the Department of Transportation is currently working to establish new exemptions for farmers to continue their current practice of traversing through public highways to reach unconnected farmlands, your Committee notes that there are no existing exemptions nor administrative rules that would authorize farmers to use vehicles outside of the federal covered farm vehicles exemption. Your



Committee believes that these issues merit further discussion and requests that your Committee on Judiciary further examine this concern, should this measure proceed.

Your Committee has amended this measure by inserting an effective date of January 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1211, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1211, S.D. 1, and be referred to your Committee on Judiciary.

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



CHRIS LEE, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Transportation
TRS

Bill / Resolution No.:*	Committee Referral:	Date:		
SB1211	TRS, JDC	2/18/2021		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
LEE, Chris (C)	✓			
INOUE, Lorraine R. (VC)		✓		
ENGLISH, J. Kalani		✓		
SHIMABUKURO, Maile S.L.	✓			
FEVELLA, Kurt		✓		
TOTAL	2	3		
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Lorraine R. Inouye</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes