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**S.B. 1212, S.D. 1**  
**RELATING TO MOTOR VEHICLE REGISTRATION; FEDERAL OUT-OF-SERVICE ORDER**

Senate Committee on Commerce and Consumer Protection

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The Department of Transportation (DOT) **strongly supports** S.B. 1212, S.D. 1, amending registration renewals and initial registrations of motor carrier vehicles of any motor carrier who has an outstanding federal out-of-service order and adds a definition for out-of-service order.

The DOT'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% and the State covers the remaining 15%. MCSAP eligible activities include such activities as commercial motor vehicle inspections to ensure motor carrier vehicles are safe to operate on Hawaii's highways and to conduct compliance reviews.

Should Hawaii not be in "full participation" of Performance Registration Information Systems Management (PRISM) program, at the conclusion of Hawaii's 2021 legislative session, DOT will not be eligible to receive MCSAP grant funding through the FMCSA. Currently, Hawaii receives approximately \$1.2 million annually for the MCSAP program. The failure to implement the PRISM program would potentially disqualify Hawaii from receiving these vital MCSAP federal funds and millions of dollars in other FMCSA funds available to states to implement this national program.

The PRISM program is a federal program designed to improve highway safety by partnering with States in identifying and immobilizing motor carriers that are under a Federal "out-of-service" order issued by the U.S. Department of Transportation Secretary due to safety "deficiencies" noted in FMCSA compliance review investigations. PRISM requires that a State: (1) deny initial and renewal registration transactions for motor carriers that have been issued a federal operations out-of-service order; and (2) suspend or revoke the registrations of a motor carrier that has been issued any federal operations out-of-service orders. Once the motor carrier resolves any such federal operations out-of-service orders so that they are rescinded, the motor

carrier will be eligible to reapply for initial and new registration transactions and the reinstatement of registrations that were suspended or revoked.

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 were required to be in "full participation" of PRISM by October 1, 2020. However, because of the pandemic, FMCSA has provided Hawaii with a "good faith" extension to be in "full participation" by the end of Hawaii's 2021 legislative session.

By restricting the registration renewals and initial registrations as well as suspending the current registration of motor carrier vehicles of any motor carrier who has an unresolved out-of-service order, this proposed measure will incentivize motor carriers that are prohibited from operating by FMCSA to correct their safety deficiencies to continue operating, or face State registration and law enforcement sanctions.

Additionally, with this measure, Hawaii will be "PRISM Equivalent" and continue to be eligible for the MCSAP grant and other FMSCA funding that will be used to ensure that motor carrier vehicles are safe to operate on Hawaii's roads.

Thank you for the opportunity to provide testimony.