A BILL FOR AN ACT

RELATING TO COMMERCIAL DRIVER'S LICENSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1   SECTION 1. The purpose of this Act is to bring state law

2 penalties for commercial driver's licenses violations in

3 compliance with required federal penalties under the Federal

4 Motor Carrier Safety Regulations, title 49 Code of Federal

5 Regulations part 383.

6   SECTION 2. Section 286-234, Hawaii Revised Statutes, is

7 amended to read as follows:

8   "**§286-234 Employer responsibilities.** (a) Each employer

9 shall require the applicant to provide the information specified

10 in section 286-233.

11   (b) No employer shall knowingly allow, require, permit, or

12 authorize a driver to drive a commercial motor vehicle:

13   (1) During any period in which the driver has a driver's

14   license or permit suspended, revoked, or canceled by a

15   state, has lost the privilege to drive a commercial

16   motor vehicle in a state, or has been disqualified

17   from driving a commercial motor vehicle;

1   (2) During any period in which the driver has more than

2   one driver's license;

3   (3) During any period in which the driver, or the

4   commercial motor vehicle the driver is driving, or

5   motor carrier operation, is subject to an out-of-

6   service order;

7   (4) During any period in which the driver does not have a

8   current commercial learner's permit or commercial

9   driver's license or does not have the proper class,

10   restrictions, and endorsements; or

11   (5) In violation of a federal, state, or local law or

12   regulation pertaining to railroad-highway grade

13   crossings.

14   (c) Any employer who violates subsection (a) or (b)(1) or

15 (2) shall for a first conviction be fined not more than $100;

16 for conviction of a second offense committed within one year

17 after the date of the prior conviction, the employer shall be

18 fined not more than $300; for conviction of a third or

19 subsequent offense committed within two years after the date of

20 the second conviction, the employer shall be fined not more than

21 $1000.

1   (d) Any employer who is convicted of a violation of

2 subsection (b)(3) shall be subject to [a fine of not less than

3 $2,750 nor more than $25,000.] a civil penalty of not less than

4 $6,974 or more than $38,612.

5   (e) Any employer who is convicted of a violation of

6 subsection (b)(4) shall be subject to a civil penalty of not

7 more than $10,000.

8   (f) Any employer who is convicted of a violation of

9 subsection (b)(5) shall be subject to a civil penalty of not

10 more than $20,017."

11   SECTION 3. Section 286-249, Hawaii Revised Statutes, is

12 amended by amending subsection (b) to read as follows:

13   "(b) A driver who is convicted of violating an out-of-

14 service order shall be [fined no less than $2,500 nor more than

15 $4,000 for a first conviction and no less than $5,000 nor more

16 than $7,500 for a second or subsequent conviction,] subject to a

17 civil penalty of not less than $3,861 for a first conviction and

18 not less than $7,723 for a second or subsequent conviction, in

19 addition to the driving disqualification of subsection (a)(1)

20 and section 286-240(i) and (j)."

1   SECTION 4. This Act does not affect rights and duties that

2   matured, penalties that were incurred and proceedings that were

3   begun before its effective date.

4   SECTION 5. Statutory material to be repealed is bracketed

5   and stricken. New statutory material is underscored.

6   SECTION 6. This Act shall take effect on July 1, 3000.

Report Title:
Commercial Driver's Licenses Violations; Federal Penalties; Federal Motor Carrier Safety Regulations

Description:
Amends existing state law to adopt federal penalties for commercial driver's license violations. Effective 7/1/3000. (HD1)

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