

ACT 320

H.B. NO. 1838

A Bill for an Act Relating to Highway Safety.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 286, Hawaii Revised Statutes, is amended by adding a new section to part XI to be appropriately designated and to read as follows:

“§286- Driver improvement program. (a) Every employer who employs a commercial motor vehicle driver as categorized in section 286- , or a category 4 driver in section 286-102, shall provide for every such driver a driver improvement program. This program shall provide a system for continuous driver evaluation and annual driver safety courses approved by the director. For drivers with five years of continuous employment with one employer, this requirement shall be at least once every two years. Every job placement center through which a commercial motor vehicle driver is employed on a casual or sporadic basis, and not as a regularly employed driver for any one employer, shall be responsible for providing the driver improvement program for all its commercial motor vehicle drivers. For purposes of this subsection only “job placement center” means any place where persons may register for purposes of employment, and the dispatching of those persons to various jobs as they become available. Any employer or job placement center that violates this subsection shall be fined not more than \$500.

(b) Every regularly or casually employed driver of a category 4 vehicle or a commercial motor vehicle shall attend the driver improvement program provided by the driver’s employer or job placement center. The director shall adopt rules pursuant to chapter 91 necessary for the purposes of this subsection, including but not limited to rules governing attendance. Any driver who does not fulfill the appropriate driver improvement attendance requirement shall be fined not more than \$100.

(c) The counties may furnish real property, facilities on such property, and other equipment in furtherance of this section. A county may allow the use of such property or other county property to a certificated fleet safety examiner on terms that it deems proper and reasonable.”

SECTION 2. Chapter 286, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

“PART . COMMERCIAL DRIVER LICENSING

§286- Definitions. As used in this part unless the context otherwise requires:

“Disqualification” means a prohibition against driving a commercial motor vehicle.

“Employer” means any person, including the United States, a state or a political subdivision of a state, who owns or leases a commercial motor vehicle or assigns a person to drive a commercial motor vehicle.

“Nonresident commercial driver’s license” means a commercial driver’s license issued by a state or foreign jurisdiction to an individual who resides in a foreign jurisdiction or a state other than the one that issued the license.

“Out-of-service order” means a twenty-four hour prohibition against driving a commercial motor vehicle.

“Serious traffic violation” means:

- (1) Excessive speeding, as defined by the United States Secretary of Transportation by regulation;
- (2) Driving a commercial motor vehicle in disregard of the safety of persons or property (reckless driving); or
- (3) A violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with a fatal traffic accident.

§286- Limitation on number of commercial driver’s licenses. No person who drives a commercial motor vehicle may have more than one commercial driver’s license.

§286- Notification requirements. (a) Any driver of a commercial motor vehicle holding a commercial driver's license issued by this State, who is convicted of violating any state law or local ordinance relating to motor vehicle traffic control, in any other state or federal, provincial, territorial, or municipal laws of Canada, other than parking violations, shall notify the examiner of drivers in the manner specified by the director within thirty days of the date of conviction. Any driver of a commercial motor vehicle holding a commercial driver's license issued by this State, who is convicted of violating any state law or local ordinance relating to motor vehicle traffic control in this or any other state, or federal, provincial, territorial, or municipal laws of Canada, other than parking violations, must notify the person's employer in writing of the conviction within thirty days of the date of conviction.

(b) Each commercial driver whose driver's license or permit is suspended, revoked, or canceled by any state, who loses the privilege to drive a commercial motor vehicle in any state for any period, or who is disqualified from driving a commercial motor vehicle for any period, must notify the person's employer of the suspension, revocation, or cancellation before the end of the business day following the day the driver received notice of the suspension, revocation, or cancellation.

(c) Each person who drives a commercial motor vehicle and applies for employment as a commercial motor vehicle driver shall provide the employer, at the time of the application, with the following information for the ten years preceding the date of application:

- (1) A list of the names and addresses of the applicant's previous employers for which the applicant was a driver of a commercial motor vehicle;
- (2) The dates between which the applicant drove for each employer; and
- (3) The reason for leaving each employer.

The applicant must certify that all information furnished is true and complete. An employer may require an applicant to provide additional information.

§286- Employer responsibilities. (a) Each employer must require the applicant to provide the information specified in section 286-

(b) No employer shall knowingly allow, permit, or authorize a driver to drive a commercial motor vehicle during any period:

- (1) In which the driver has a driver's license or permit suspended, revoked, or canceled by a state, has lost the privilege to drive a commercial motor vehicle in a state, or has been disqualified from driving a commercial motor vehicle; or
- (2) In which the driver has more than one driver's license.

§286- Commercial driver's license required. (a) No person shall drive a commercial motor vehicle unless the person holds a commercial driver's license and valid applicable endorsements for the vehicle the person is driving, except when driving under a commercial driver's instruction permit and accompanied by the holder of a valid commercial driver's license for the vehicle being driven.

(b) No person shall drive a commercial motor vehicle while the person's driver's license or permit is suspended, revoked, or canceled, or while subject to a disqualification, or in violation of an out-of-service order.

§286- Commercial driver's license qualification standards. (a) No person shall be issued a commercial driver's license unless that person meets the qualification standards of 49 C.F.R., Part 391, Subparts B and E, has passed a knowledge and driving skills test for driving a commercial motor vehicle which complies with minimum federal standards established by federal regulation enumerated in 49 C.F.R., Part 383, Subparts G and H, and has satisfied all other

requirements of the Commercial Motor Vehicle Safety Act (CMVSA) of 1986 (Title XII, P.L. 99-570) in addition to other requirements imposed by state law or federal regulation. The tests must be prescribed by the director and administered by the respective county examiner of drivers.

(b) Pursuant to chapter 91, the director may authorize a person, including an agency of this or another state, an employer, a private driver training facility, or other private institution, or a department, agency, or instrumentality of local government, to administer the driving skills test specified in this section, provided:

- (1) The test is the same as that which would otherwise be administered by the State; and
- (2) The third party has entered into an agreement with the State which complies with requirements of 49 C.F.R., §383.75.

(c) The examiner of drivers may waive the driving skills test specified in this section for a commercial driver's license applicant who meets the requirements of 49 C.F.R., §383.77.

(d) A commercial driver's license or commercial driver's instruction permit, shall not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver's license is suspended, revoked, or canceled in any state; or while the person holds a driver's license issued by any other state unless the person first surrenders that license.

(e) A commercial driver's instruction permit may be issued to an individual who holds a valid driver's license, meets the qualification standards of 49 C.F.R., Part 391, Subparts B and E, and has passed the written tests required for the desired class of commercial driver's license.

(f) The commercial driver's instruction permit shall not be valid for a period in excess of six months. Only one renewal or reissuance may be granted within a two-year period. When driving a commercial motor vehicle, the holder of a commercial driver's instruction permit shall be accompanied by a person licensed to operate that category of commercial motor vehicle. The licensed person shall occupy the seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle.

§286- Nonresident commercial driver's license. The examiners of drivers may issue a nonresident commercial driver's license to a resident of a foreign jurisdiction if the United States Secretary of Transportation has determined that the commercial motor vehicle testing and licensing standards in the foreign jurisdiction do not meet the testing standards established in 49 C.F.R., Part 383. The word "nonresident" must appear on the face of the nonresident commercial driver's license. An applicant must surrender any nonresident commercial driver's license issued by another state or foreign country. Prior to issuing a nonresident commercial driver's license, the examiner of drivers must establish the practical capability of revoking, suspending, and canceling the nonresident commercial driver's license and disqualifying that person with the same conditions applicable to the commercial driver's license issued to a resident of this State.

§286- Application for commercial driver's license. (a) The application for a commercial driver's license or commercial driver's instruction permit, must include the following with respect to the applicant:

- (1) The full name and current mailing, residential, and business addresses;
- (2) A physical description including sex and height;
- (3) Date of birth;
- (4) Social security number;

- (5) Signature;
- (6) Color photograph;
- (7) Certifications including those required by 49 C.F.R., §383.71(a); and
- (8) Any other information required by section 286-111.

(b) When a licensee's name, mailing, business, or residence address is changed, a notification of the change shall be given as provided in section 286-116.5.

(c) No person who has been domiciled in this State for thirty days or more may drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.

§286- Commercial driver's license. (a) The commercial driver's license must be marked "CDL" and must, to the maximum extent practicable, be tamper proof and include, but not be limited to, the following with respect to the licensee:

- (1) The name and residence address;
- (2) A color photograph;
- (3) A physical description including sex and height;
- (4) Date of birth;
- (5) Social security number;
- (6) Signature;
- (7) The class or type of commercial motor vehicle or vehicles which may be driven together with any endorsements or restrictions;
- (8) The name of this State; and
- (9) The issuance and expiration dates of the license.

(b) Commercial driver's licenses may be issued with the following categories:

- (1) Category A - Any combination of vehicles with a gross vehicle weight rating (GVWR) of 26,001 pounds or more; provided that the GVWR of the vehicles being towed is in excess of 10,000 pounds;
- (2) Category B - Any single vehicle with a GVWR of 26,001 pounds or more, or if the GVWR of the vehicle being towed by the single vehicle is not in excess of 10,000 pounds; and
- (3) Category C - Any single vehicle with a GVWR of less than 26,001 pounds or if the GVWR of the vehicle being towed by the single vehicle is not in excess of 10,000 pounds comprising:
 - (A) Vehicles designed to transport sixteen or more passengers, including the driver; or
 - (B) Vehicles used in the transportation of hazardous materials which requires the vehicle to comply with 49 C.F.R., Part 172, Subpart F.

(c) Commercial driver's licenses may be issued with the following endorsements and restriction:

- (1) "H" - Authorizes the driver to drive a vehicle transporting hazardous materials;
- (2) "K" - Restricts the driver to vehicles not equipped with air brakes;
- (3) "T" - Authorizes driving double and triple trailers;
- (4) "P" - Authorizes driving vehicles carrying passengers;
- (5) "N" - Authorizes driving tank vehicles; and
- (6) "X" - Represents a combination of hazardous materials and tank vehicle endorsements.

(d) The holder of a valid commercial driver's license may drive all vehicles in the category for which the license is issued, and all lesser categories of vehicles except motorcycles and except vehicles which require an endorsement, unless the proper endorsement appears on the license.

(e) Before issuing a commercial driver's license, the examiner of drivers shall obtain the applicant's driving record information through the commercial driver's license information system, the National Driver Register, and from the last state which issued the applicant a commercial driver's license.

(f) Within ten days after issuing a commercial driver's license, the examiner of drivers must notify the commercial driver's license information system of that fact, providing all information required to ensure identification of the licensee.

(g) The commercial driver's license shall expire on the next birthday of the licensee occurring four years after the date of issuance of the license unless sooner revoked, suspended, or canceled; provided that the license shall expire on the second birthday of the licensee following the issuance of the license if at that time the licensee:

- (1) Is sixty-five years of age or older; or
- (2) Is twenty-four years of age or younger.

(h) When applying for renewal of a commercial driver's license, the applicant must complete the application form required by section 286- , providing updated information and required certifications and pass a knowledge test approved by the director. If the applicant desires to retain a hazardous materials endorsement, the knowledge test for a hazardous materials endorsement must also be taken and passed.

§286- Disqualification and cancellation. (a) A person is disqualified from driving a commercial motor vehicle for a period of not less than one year if convicted of a first violation of:

- (1) Driving a commercial motor vehicle under the influence of alcohol, a controlled substance, or any drug which impairs driving ability;
- (2) Driving a commercial motor vehicle while the alcohol concentration of the driver's blood is 0.04 per cent or more by weight;
- (3) Refusal to submit to a test to determine the driver's alcohol concentration while driving a commercial motor vehicle;
- (4) Using a commercial motor vehicle in the commission of any felony;
- (5) Leaving the scene of an accident involving a commercial motor vehicle driven by the person; or
- (6) Falsifying information or failing to report or disclose required information either before or after issuance of a commercial driver's license.

(b) A person is disqualified for a period of not less than three years for any violation of subsection (a) while a hazardous material required to be placarded is being transported.

(c) A person is disqualified from driving a commercial motor vehicle for life if convicted two or more times for any violations of subsection (a) or subsection (b), or both. Only offenses committed after the effective date of this Act may be considered in applying this subsection.

(d) A person is disqualified from driving a commercial motor vehicle for life if the person uses a commercial motor vehicle in the commission of any felony involving the manufacturing, distributing, or dispensing of a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance.

(e) A person is disqualified from driving a commercial motor vehicle for a period of not less than sixty days if convicted of two serious traffic violations, or one hundred twenty days if convicted of three serious traffic violations, committed in a commercial motor vehicle arising from separate incidents occurring within a three-year period.

§286- Notification of suspension, revocation, or cancellation of commercial driver's licenses or permits. After suspending, revoking, or canceling a

commercial driver's license or permit, the records of the examiner of drivers shall be updated to reflect that action within ten days. After suspending, revoking, or canceling a nonresident commercial driver's license or permit, the examiner of drivers must notify the licensing authority of the state which issued the commercial driver's license within ten days.

§286- Commercial drivers prohibited from operating with any alcohol in their body. (a) Notwithstanding any other provision of this chapter, a person may not drive a commercial motor vehicle while having any alcohol in that person's body.

(b) A person who drives a commercial motor vehicle while having an alcohol concentration of 0.01 per cent through 0.03 per cent by weight or who refuses to take a test as provided by section 286- shall be issued an out-of-service order.

§286- Implied consent requirements for commercial motor vehicle drivers. (a) A person who drives a commercial motor vehicle within this State is deemed to have given consent to submit to a test or tests, approved by the director of health, of that person's blood, breath, or urine for the purpose of determining that person's alcohol concentration, or the presence of other drugs.

(b) A test or tests may be administered at the direction of a law enforcement officer, who, after lawfully stopping or detaining the commercial motor vehicle driver, has reasonable grounds to believe that the driver was driving a commercial motor vehicle while having in the person's body alcohol, a controlled substance, or any drug which impairs driving.

(c) A person requested to submit to a test as provided in subsection (a) must be warned by the law enforcement officer requesting the test, that a refusal to submit to the test will result in that person being disqualified from operating a commercial motor vehicle under section 286-

(d) If the person refuses testing, or submits to a test which discloses an alcohol concentration of 0.04 per cent or more by weight, the law enforcement officer must submit an affidavit to a district judge of the circuit in which the arrest was made, stating that the test was authorized pursuant to subsection (a) and that the person refused to submit to testing, or submitted to a test which disclosed an alcohol concentration of 0.04 per cent or more by weight.

(e) Upon receipt of the affidavit of a law enforcement officer submitted under subsection (d), the district judge shall hold a hearing as provided in section 286-156 and shall determine whether the statements in the affidavit are true and correct. If the judge finds the statements contained in the affidavit are true, the judge shall disqualify the driver from driving a commercial motor vehicle under section 286-

§286- Notification of traffic convictions. Within ten days after receiving a report of the conviction of any nonresident holder of a commercial driver's license for any violation of state law or local ordinance relating to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle, the State shall notify the driver's licensing authority in the licensing state of the conviction.

§286- Driving record information to be furnished. Notwithstanding any other provision of law to the contrary, the State shall furnish full information regarding the driving record of any person:

- (1) To the driver's license administrator of any other state, or province or territory of Canada, requesting that information; and

- (2) To the person's employer or prospective employer.

§286- Authority to make rules. The director may adopt rules under chapter 91 necessary to carry out this part.

§286- Authority to enter agreements. The director may enter into or make agreements, arrangements, or declarations to carry out the purposes of this part.

§286- Reciprocity. Notwithstanding any law to the contrary, a person may drive a commercial motor vehicle if the person has a commercial driver's license issued by any state or province or territory of Canada that issues licenses in accordance with the minimum federal standards for the issuance of commercial motor vehicle driver's licenses, if the person's driver's license is not suspended, revoked, or canceled; and if the person is not disqualified from driving a commercial motor vehicle, or subject to an out-of-service order."

SECTION 3. Section 286-2, Hawaii Revised Statutes, is amended as follows:

1. By adding fifteen new definitions to be appropriately inserted and to read as follows:

"Alcohol" means the product of distillation of any fermented liquid, whether rectified or not, whatever may be the origin thereof, and includes ethyl alcohol as well as synthetic ethyl alcohol, but not denatured or other alcohol which is considered not potable under the customs laws of the United States.

"Alcohol concentration" means the concentration of alcohol in a person's blood or breath. When expressed as a percentage, it means: (1) the number of grams of alcohol per 100 milliliters of blood; or (2) the number of grams of alcohol per 210 liters of breath.

"Commercial driver's license" (CDL) means a license issued in accordance with the requirements of this chapter to an individual which authorizes the individual to drive a class of commercial motor vehicle.

"Commercial driver's license information system" (CDLIS) means the information system established pursuant to the Federal Commercial Motor Vehicle Safety Act of 1986 (Title XII, P.L. 99-570) to serve as a clearinghouse and depository of information pertaining to the licensing and identification of commercial motor vehicle drivers and the disqualification of such drivers from driving commercial motor vehicles.

"Commercial motor vehicle" means a motor vehicle designed or used to transport passengers or property:

- (1) If the vehicle has a gross vehicle weight rating of 26,001 or more pounds;
- (2) If the vehicle is designed to transport sixteen or more occupants, including the driver; or
- (3) If the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R., Part 172, Subpart F.

"Controlled substance" means any substance so classified under section 102(6) of the Controlled Substance Act (21 U.S.C. §802(6)), and includes all substances listed on schedules I through V of 21 C.F.R., Part 1308, as they may be revised from time to time.

"Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an administrative proceeding, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or

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nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated.

"Director" means the state director of transportation.

"Drive" means to drive, operate, or be in physical control of a motor vehicle in any place open to the general public for purposes of vehicular traffic.

"Felony" means any offense under state or federal law that is punishable by death or imprisonment for a term exceeding one year.

"Foreign jurisdiction" means any jurisdiction other than a state of the United States.

"Gross vehicle weight rating" (GVWR) means the value specified by the manufacturers as the maximum loaded weight of a single or a combination (articulated) vehicle, or registered gross weight, whichever is greater. The GVWR of a combination (articulated) vehicle (commonly referred to as the "gross combination weight rating" or GCWR) is the GVWR of the power unit plus the GVWR of the towed unit.

"Hazardous materials" has the meaning as that found in section 103 of the Hazardous Materials Transportation Act (49 App. U.S.C. §1801).

"Intoxicating liquor" includes alcohol, brandy, whiskey, rum, gin, okolehao, sake, beer, ale, porter, and wine; and also includes, in addition to the foregoing, any spirituous, vinous, malt or fermented liquor, liquids, and compounds, whether medicated, proprietary, patented, or not, in whatever form and of whatever constituency and by whatever name called, containing one-half of one per cent or more of alcohol by volume, which are fit for use or may be used or readily converted for use for beverage purposes.

"United States" means the fifty states and the District of Columbia."

2. By amending the definition of "driver" to read as follows:

" "Driver" means every person who drives, operates, or is in actual physical control of a motor vehicle [upon a highway] in any place open to the general public for purposes of vehicular traffic or who is exercising control over or steering a vehicle being towed or pushed by any motor vehicle."

SECTION 4. Section 286-102, Hawaii Revised Statutes, is amended to read as follows:

"§286-102 Licensing. (a) No person, except one exempted under section 286-105 [or] one who holds an instruction permit under section 286-110, one who holds a commercial driver's license issued under section 286-, or a commercial driver's license instruction permit issued under section 286-, shall operate any category of motor vehicles listed in this section without first being appropriately examined and duly licensed as a qualified driver of that category of motor vehicles.

(b) A person operating the following category or combination of categories of motor vehicles shall be examined as provided in section 286-108 and duly licensed by the examiner of drivers:

- (1) Motor scooters;
- (2) Motorcycles and motor scooters;
- (3) Passenger cars of any gross vehicle weight rating, buses designed to transport fifteen or fewer occupants; [and trucks and buses] having a gross vehicle weight rating of [ten] twenty-six thousand pounds or less;
- [(4) All of the motor vehicles in category (3) and buses with a gross vehicle weight rating of more than ten thousand pounds;

- (5) All of the motor vehicles in category (3) and trucks having a gross vehicle weight rating of more than ten thousand pounds, other than tractor-semitrailer combinations and truck-trailer combinations;
- (6) All of the motor vehicles in category (5) and tractor-semitrailer combinations;
- (7) All of the motor vehicles in category (6) and truck-trailer combinations;
- (8) All of the motor vehicles in categories (4) and (5);
- (9) All of the motor vehicles in categories (4) and (6);
- (10) All of the motor vehicles in categories (4) and (7).]
- (4) All of the motor vehicles in category (3) and trucks having a gross vehicle weight rating of ten thousand one through twenty-six thousand pounds.

A school bus or van operator shall be properly licensed to operate the category of vehicles that the operator operates as a school bus or van and shall comply with the standards of the department of transportation as provided by rules adopted pursuant to section 286-181.

[(c) A person operating the following motor vehicles shall not only be examined and duly licensed pursuant to subsection (b) to operate the particular category of motor vehicles but in addition shall be examined and certificated as provided in section 286-108.5 by a certificated fleet safety examiner:

- (1) Buses having a gross vehicle weight rating of more than 10,000 pounds;
- (2) Trucks having a gross vehicle weight rating of more than 10,000 pounds;
- (3) Tractor-semitrailers;
- (4) Truck-trailers.

(d) No person, even if the person is licensed to operate a motor vehicle in any of the categories provided in subsection (b) shall operate the motor vehicle for compensation, unless the person is examined as provided in section 286-108, satisfies additional requirements as established by the examiner of drivers under section 286-103, and:

- (1) For vehicles having a gross vehicle weight rating of 10,000 pounds or less, is eighteen years of age or older; and
- (2) For vehicles having a gross vehicle weight rating of more than 10,000 pounds, is twenty-one years of age or older or is between eighteen and twenty-one years of age and is enrolled in a driver training program approved by the director.

(e) [(c) No person shall receive a driver's license unless the person surrenders to the examiner of drivers all valid driver's licenses in the person's possession. All such surrendered licenses shall be returned to the issuing authority, together with information that the person is licensed in this State. No such person shall be permitted to hold more than one valid driver's license at any time."

SECTION 5. Section 286-105, Hawaii Revised Statutes, is amended to read as follows:

"§286-105 What persons are exempt from license. The following persons are exempt from license:

- (1) Any person while driving or operating a motor vehicle in the service or employ of any branch or agency of the federal government; provided that the person has received a license or permit from the branch or agency to operate and drive the motor vehicle; provided further that the branch or agency has been duly authorized by the federal government to issue the license or permit;

- (2) Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway; provided that no person under the age of thirteen years shall be permitted to drive or operate any such road machine, farm tractor, or implement of husbandry on a highway;
- (3) Any person who is at least eighteen years of age and who has in the person's possession a valid driver's license to drive the categories of motor vehicles listed in section 286-102(b) that is equivalent to a driver's license issued in this State but was issued to the person in any other state of the United States, [the District of Columbia,] the Commonwealth of Puerto Rico, U.S. Virgin Islands, American Samoa, Guam, a province of the Dominion of Canada, or the Commonwealth of the Northern Mariana Islands for that category of motor vehicle which the person is operating[, except, that such persons operating vehicles in categories 4 through 10 must meet the requirements of section 286-102(c) and be tested as required in section 286-108.5]."

SECTION 6. Section 286-202, Hawaii Revised Statutes, is amended to read as follows:

"§286-202 General duties and powers of the director. The general duties and powers of the director shall be:

- (1) To establish rules [and regulations] promoting the safety of operations, motor vehicle and equipment of motor carriers; provided that the maximum hours of service to be performed by an operator of a motor carrier vehicle shall be determined by the director based on conditions existing in the State or in particular sections of the State and shall be compatible with those prescribed by the Federal Motor Carrier Safety [Regulations] regulations of the U.S. Department of Transportation.
- (2) To coordinate the various motor carrier safety programs in the State including the formulation of statewide standards as necessary.
- (3) To develop and implement, on a priority basis, a recordkeeping and information system for the motor carrier safety program.
- (4) To develop standards relating to the qualification of motor carrier vehicle drivers.
- (5) To establish standards for continuous driver training and periodic evaluation of the driver performance of motor carrier vehicle drivers [pursuant to section 286-108.5].
- (6) To establish standards for motor carrier vehicle safety inspection, motor carrier vehicle inspection stations, and motor carrier vehicle inspection personnel.
- (7) To revise and update the standards relating to motor carrier vehicle maintenance and establish a system for the enforcement of such standards.
- (8) To develop the standards for size and weight of vehicles, including motor carrier vehicles, pursuant to chapter 291.
- (9) To establish standards for the issuance of special permits to carry oversized and overweight loads on the highway.
- (10) To establish standards for the transportation of hazardous materials on the highways.
- (11) To develop comprehensive [regulations] rules governing the modification of motor carrier vehicles which will at any time be operated upon the highway.

- (12) To review and approve all plans and specifications for construction in the State or modification of motor carrier vehicles which will at any time be operated upon the highway.
- (13) To adopt rules pursuant to chapter 91 necessary for the purposes of this part.
- (14) To investigate all motor carrier vehicle accidents under this part resulting in death of a human being or other accidents as the director determines necessary to advance the motor carrier safety program.”

SECTION 7. Section 286-108.5, Hawaii Revised Statutes, is repealed.

SECTION 8. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 9. This Act shall take effect on January 1, 1991.

(Approved June 13, 1989.)

Note

- 1. Edited pursuant to HRS §23G-16.5.