

ACT 135

H.B. NO. 3581

A Bill for an Act Relating to Highway Safety.

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

SECTION 1. Section 286-231, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Endorsement” means an authorization on an individual’s commercial driver’s license required to permit the individual to operate certain types of commercial motor vehicles.”

SECTION 2. Section 286-231, Hawaii Revised Statutes, is amended by amending the definition of “out-of-service order” to read as follows:

““Out-of-service order” means a [twenty-four hour prohibition against driving] 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. Section 286-234, Hawaii Revised Statutes, is amended to read as follows:

**“§286-234 Employer responsibilities.** (a) Each employer shall require the applicant to provide the information specified in section 286-233.

(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.

(c) Any employer who violates [this section] subsection (a) or (b) shall for a first conviction be fined not more than \$100; for conviction of a second offense committed within one year after the date of the prior conviction, the employer shall be fined not more than \$300; for conviction of a third or subsequent offense committed within two years after the date of the second conviction, the employer shall be fined not more than \$1,000.

(d) No employer shall knowingly allow, permit, or authorize any individual to drive a commercial motor vehicle during any period in which the employee, the motor vehicle, or the motor carrier operation is subject to an out-of-service order.

(e) Any employer who is convicted of a violation of subsection (d) shall be subject to a fine of not less than \$2,500 nor more than \$10,000."

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 12, 1996.)