

ACT 135

H.B. NO. 2491

A Bill for an Act Relating to Commercial Driver's Licenses.

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

SECTION 1. The purpose of this Act is to bring state law penalties for commercial driver's licenses violations in compliance with required federal penalties under the Federal Motor Carrier Safety Regulations, title 49 Code of Federal Regulations part 383.

SECTION 2. 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, require, permit, or authorize a driver to drive a commercial motor vehicle:

- (1) During any period 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;
- (2) During any period in which the driver has more than one driver's license;
- (3) During any period in which the driver, or the commercial motor vehicle the driver is driving, or^l motor carrier operation, is subject to an out-of-service order;
- (4) During any period in which the driver does not have a current commercial learner's permit or commercial driver's license or does not have the proper class, restrictions, and endorsements; or
- (5) In violation of a federal, state, or local law or regulation pertaining to railroad-highway grade crossings.

(c) Any employer who violates subsection (a) or (b)(1) or (2) shall for a first conviction be fined ~~not~~ no 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~~ no more than \$300; and 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~~ no more than \$1,000.

(d) Any employer who is convicted of a violation of subsection (b)(3) shall be subject to ~~[a fine of not less than \$2,750 nor more than \$25,000.]~~ a civil penalty of no less than \$6,974 or more than \$38,612.

(e) Any employer who is convicted of a violation of subsection (b)(4) shall be subject to a civil penalty of ~~not~~ no more than \$10,000.

(f) Any employer who is convicted of a violation of subsection (b)(5) shall be subject to a civil penalty of no more than \$20,017.”

SECTION 3. Section 286-249, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) A driver who is convicted of violating an out-of-service order shall be ~~[fined no less than \$2,500 nor more than \$4,000 for a first conviction and no less than \$5,000 nor more than \$7,500 for a second or subsequent conviction.]~~ subject to a civil penalty of no less than \$3,861 for a first conviction and no less than \$7,723 for a second or subsequent conviction, in addition to the driving disqualification of subsection (a)(1) and section 286-240(i) and (j).”

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved July 1, 2024.)

Note

1. Prior to amendment “the” appeared here.