Honolulu, Hawaii

Fe 715, 2008

RE: H.B. No. 96 H.D. 2

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 96, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO GOVERNMENT,"

begs leave to report as follows:

The purpose of this bill is to promote the safe operation of commercial vehicles by:

- (1) Requiring commercial drivers, while operating a commercial motor vehicle, to possess proof of their most recent alcohol and controlled substance test taken;
- (2) Requiring commercial drivers to present such proof of testing at the time of inspection at weight stations; and
- (3) Disqualifying violators of these new provisions from driving commercial motor vehicles for an unspecified period of time, depending on the number of violations.

The Department of Transportation (DOT) and Hawaii Transportation Association (HTA) testified in opposition to this bill. The Department of Customer Services of the City and County of Honolulu (DCS) commented on this measure.

Commercial drivers often operate large vehicles on Hawaii's highways and roads. The operation of these vehicles safely is important in protecting the public. Requiring drivers of commercial motor vehicles to carry proof of their most recent alcohol and drug test, along with providing penalties for violating this provision will promote safety on Hawaii's roads.

However, your Committee notes the concerns raised by DOT, HTA, and DCS regarding federal regulations applicable to random drug testing and enforcement of the provisions of this bill. Your Committee on Transportation respectfully requests the Committee on Judiciary, in considering further action on this bill, to review these legal issues further.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 96, H.D. 2, and recommends that it be referred to the Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Transportation,

JØSEPH M. SOUKI, Chai:

State of Hawaii House of Representatives The Twenty-fourth Legislature

HSCR 473-08

Record of Votes of the Committee on Transportation

Bill/Resolution No.:	Committee Referral:			Date:		
HB 96, HD2	CPC, TRN, JUD			13 Feb. 2008		
☐ The committee is reconsidering its previous decision on the measure.						
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)						
TRN Members		Ayes	Ayes (W	R) Nays	Excused	
1. SOUKI, Joseph M. (C)						
			- Page 1			
2. NISHIMOTO, Scott Y. (VC)						
Application of the property of						
3. EVANS, Cindy						
A WAR OLD F						
4. HAR, Sharon E.						
5. LEE, Marilyn B.	1.002608 000					
S. LEE, Marilyin B.						
6. LUKE, Sylvia		•				
7. McKELVEY, Angus L.K.	Section 1					
8. NAKASONE, Bob						
9. SONSON, Alex M.						
	. A. A. M.					
10. TAKAMINE, Dwight Y.		/				
The second secon			1.0			
11. TAKUMI, Roy M.						
12. MEYER, Colleen Rose						
12. WIETER, Concentrosc						
13. PINE, Kymberly Marcos						
TOTAL (13)		8				
The recommendation is:	nted.	□ Not Adopted	1			
If joint referral, did not support recommendation.						
Vice Chair's or designee's signature 2.2—						
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office						