

JAN 26 2009

A BILL FOR AN ACT

RELATING TO COMMERCIAL DRIVERS.

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

1 SECTION 1. Section 286-234, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:

3 "(d) Any employer who is convicted of a violation of
4 subsection (b)(3) shall be subject to a fine of not less than
5 \$2,750 nor more than [~~\$11,000.~~] \$25,000."

6 SECTION 2. Section 286-235, Hawaii Revised Statutes, is
7 amended by amending subsections (b) and (c) to read as follows:

8 "(b) No person shall drive a commercial motor vehicle
9 while the person's driver's license or permit is suspended,
10 revoked, or canceled, or while subject to a disqualification[
11 ~~or in violation of an out of service order~~].

12 (c) ~~[Any person who holds a category (4), (5), (6), (7),~~
13 ~~(8), (9), or (10) license that is valid on March 31, 1991, may~~
14 ~~continue to drive with that license until that person's next~~
15 ~~birthday, at which time the person shall be permitted to~~
16 ~~continue to drive only if the person obtains either a commercial~~
17 ~~driver's license or a reclassified category (4) license under~~



1 ~~section 286-102(b).~~] No person shall drive a commercial motor
 2 vehicle in violation of an out-of-service order."

3 SECTION 3. Section 286-241.4, Hawaii Revised Statutes, is
 4 amended by amending subsection (a) to read as follows:

5 "(a) The examiner of drivers may suspend, revoke, [or]
 6 cancel, or disqualify any commercial driver's license or permit
 7 without a hearing when the examiner of drivers has probable
 8 cause to believe that the licensee is disqualified under section
 9 286-240[~~(e) through (h)~~]."

10 SECTION 4. Section 286-242, Hawaii Revised Statutes, is
 11 amended as follows:

12 1. By amending subsection (a) to read:

13 "(a) Notwithstanding any other provision of this chapter,
 14 a person may not drive a commercial motor vehicle while having
 15 any alcohol in that person's body. Any person convicted under
 16 or found in violation of this subsection shall be fined not more
 17 than \$200."

18 2. By amending subsection (c) to read:

19 "(c) It is unlawful for any person who has 0.04 per cent
 20 or more, by weight, of alcohol in the person's blood to drive a
 21 "commercial motor vehicle", as defined in section 286-2. [Any
 22 ~~person who violates this provision shall be subject to the~~



1 ~~penalties as provided in section 286-249.]~~ Any person convicted
 2 under or found in violation of this subsection shall be fined
 3 not more than \$500."

4 SECTION 5. Section 286-249, Hawaii Revised Statutes, is
 5 amended by amending subsection (b) to read as follows:

6 "(b) A driver who is convicted of violating an out-of-
 7 service order shall be fined not less than \$1,100 nor more than
 8 ~~[\$2,750]~~ \$4,000 for a first conviction and not less than \$5,000
 9 nor more than \$7,500 for a second or subsequent conviction, in
 10 addition to [the] driving disqualification [of] under subsection
 11 (a) (1) and section 286-240(g) and (h)."

12 SECTION 6. This Act does not affect rights and duties that
 13 matured, penalties that were incurred, and proceedings that were
 14 begun, before its effective date.

15 SECTION 7. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

17 SECTION 8. This Act shall take effect upon its approval.

18 INTRODUCED BY:

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Report Title:

Commercial Driver's License; Penalties; Violations; Motor
Vehicles

Description:

Conforms penalty for violating an out-of-service order to
federal regulation; provides penalty for operating a commercial
motor vehicle with an alcohol concentration of any amount of
0.04 per cent or more.

