

Honolulu, Hawaii

MAR 06 2009

RE: S.B. No. 979  
S.D. 2

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 979, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVERS,"

begs leave to report as follows:

The purpose of this measure is to prohibit a court from granting a restricted license to a commercial driver if the commercial driver is convicted of operating a vehicle under the influence of an intoxicant.

In addition, the measure specifically limits the court's authority to grant a restricted license to a person convicted of operating a vehicle under the influence of an intoxicant, to only category (1), (2), and (3) licenses.

Your Committee finds that this measure is required to conform to federal regulations relating to commercial driver licenses. Under current law, the court may order license restriction on a driver of any category of motor vehicle. This measure clarifies that only non-commercial driver licenses are subject to license restriction to allow the driver to continue to drive for limited purposes. Therefore, commercial drivers are not eligible for the issuance of a restricted license by a court.

The intent of this measure is to disallow an unsafe commercial driver to continue to pose a risk to motorists and other roadway users.



Your Committee has amended this measure by changing the effective date to July 1, 2050 to continue the discussions.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 979, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 979, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Government Operations,

  
BRIAN T. TANIGUCHI, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Judiciary and Government Operations**  
**JGO**

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| Bill / Resolution No.:*<br><b>SB 979, SD1</b>                                                                                                                                                                                                                                                                                                                           | Committee Referral:<br><b>TIA, JGO</b> | Date:<br><b>2/27/09</b> |          |          |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____                                                                                                                                                                                                                       |                                        |                         |          |          |
| The Recommendation is:<br><div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div><input type="checkbox"/> Pass, unamended<br/>2312</div> <div><input checked="" type="checkbox"/> Pass, with amendments<br/>2311</div> <div><input type="checkbox"/> Hold<br/>2310</div> <div><input type="checkbox"/> Recommit<br/>2313</div> </div> |                                        |                         |          |          |
| Members                                                                                                                                                                                                                                                                                                                                                                 | Aye                                    | Aye (WR)                | Nay      | Excused  |
| TANIGUCHI, Brian T. (C)                                                                                                                                                                                                                                                                                                                                                 | ✓                                      |                         |          |          |
| TAKAMINE, Dwight Y. (VC)                                                                                                                                                                                                                                                                                                                                                | ✓                                      |                         |          |          |
| BUNDA, Robert                                                                                                                                                                                                                                                                                                                                                           |                                        |                         |          | ✓        |
| GABBARD, Mike                                                                                                                                                                                                                                                                                                                                                           | ✓                                      |                         |          |          |
| NISHIHARA, Clarence K.                                                                                                                                                                                                                                                                                                                                                  |                                        |                         |          | ✓        |
| SLOM, Sam                                                                                                                                                                                                                                                                                                                                                               | ✓                                      |                         |          |          |
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| <b>TOTAL</b>                                                                                                                                                                                                                                                                                                                                                            | <b>4</b>                               | <b>0</b>                | <b>0</b> | <b>2</b> |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted                                                                                                                                                                                                                                                                        |                                        |                         |          |          |
| Chair's or Designee's Signature:<br>                                                                                                                                                                                                                                                                                                                                    |                                        |                         |          |          |
| <b>Distribution:</b> <div style="display: flex; justify-content: space-between; font-size: small;"> <span>Original<br/>File with Committee Report</span> <span>Yellow<br/>Clerk's Office</span> <span>Pink<br/>Drafting Agency</span> <span>Goldenrod<br/>Committee File Copy</span> </div>                                                                             |                                        |                         |          |          |

**\*Only one measure per Record of Votes**