
A BILL FOR AN ACT

RELATING TO COMMERCIAL DRIVER'S LICENSES.

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

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

6 SECTION 2. Section 286-234, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§286-234 Employer responsibilities.** (a) Each employer
9 shall require the applicant to provide the information specified
10 in section 286-233.

11 (b) No employer shall knowingly allow, require, permit, or
12 authorize a driver to drive a commercial motor vehicle:

13 (1) During any period in which the driver has a driver's
14 license or permit suspended, revoked, or canceled by a
15 state, has lost the privilege to drive a commercial
16 motor vehicle in a state, or has been disqualified
17 from driving a commercial motor vehicle;



- 1 (2) During any period in which the driver has more than
2 one driver's license;
- 3 (3) During any period in which the driver, or the
4 commercial motor vehicle the driver is driving, or
5 motor carrier operation, is subject to an out-of-
6 service order;
- 7 (4) During any period in which the driver does not have a
8 current commercial learner's permit or commercial
9 driver's license or does not have the proper class,
10 restrictions, and endorsements; or
- 11 (5) In violation of a federal, state, or local law or
12 regulation pertaining to railroad-highway grade
13 crossings.
- 14 (c) Any employer who violates subsection (a) or (b)(1) or
15 (2) shall for a first conviction be fined [~~not~~] no more than
16 \$100; for conviction of a second offense committed within one
17 year after the date of the prior conviction, the employer shall
18 be fined [~~not~~] no more than \$300; and for conviction of a third
19 or subsequent offense committed within two years after the date
20 of the second conviction, the employer shall be fined [~~not~~] no
21 more than \$1,000.



1 (d) Any employer who is convicted of a violation of
2 subsection (b) (3) shall be subject to [~~a fine of not less than~~
3 ~~\$2,750 nor more than \$25,000.~~] a civil penalty of no less than
4 \$6,974 or more than \$38,612.

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

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

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

13 "(b) A driver who is convicted of violating an out-of-
14 service order shall be [~~fined no less than \$2,500 nor more than~~
15 ~~\$4,000 for a first conviction and no less than \$5,000 nor more~~
16 ~~than \$7,500 for a second or subsequent conviction,~~] subject to a
17 civil penalty of no less than \$3,861 for a first conviction and
18 no less than \$7,723 for a second or subsequent conviction, in
19 addition to the driving disqualification of subsection (a) (1)
20 and section 286-240(i) and (j)."



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

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

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



Report Title:

Commercial Driver's Licenses Violations; Federal Penalties;
Federal Motor Carrier Safety Regulations

Description:

Amends existing state law to adopt federal penalties for
commercial driver's license violations. (SD1)

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