

# S.B. NO. 3180

JAN 24 2024

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## 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 amend sections  
2 286-234 and 286-249, Hawaii Revised Statutes, to bring state law  
3 penalties for commercial driver's licenses violations in  
4 compliance with required federal penalties under the Federal  
5 Motor Carrier Safety Regulations, title 49 Code of Federal  
6 Regulations part 383.

7           Any employer of a commercial licensed driver who itself is  
8 convicted of an out-of-service order violation under section  
9 286-234(b)(3), Hawaii Revised Statutes, is subject to the  
10 penalties stated in title 49 Code of Federal Regulations section  
11 383.53(b)(2). Any employer who is convicted of a railroad-  
12 highway grade crossings violation under section 248-234(b)(5),  
13 Hawaii Revised Statutes, is subject to the penalties stated in  
14 title 49 Code of Federal Regulations section 383.53(c).

15           Additionally, a commercial licensed driver who is convicted  
16 of violating an out-of-service order under section 286-235(d),  
17 Hawaii Revised Statutes, is subject to the penalties stated in  
18 title 49 Code of Federal Regulations section 383.53(b)(1), in

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1 addition to the driving disqualification of section 286-  
2 249(a)(1) and section 286-240(i) and (j), Hawaii Revised  
3 Statutes.

4 The purpose of this Act is to amend sections 286-234 and  
5 286-249, Hawaii Revised Statutes, to meet these federal  
6 requirements.

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

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

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

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

19 (2) During any period in which the driver has more than  
20 one driver's license;

21 (3) During any period in which the driver, or the  
22 commercial motor vehicle the driver is driving, or

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1 motor carrier operation, is subject to an out-of-  
2 service order;

3 (4) During any period in which the driver does not have a  
4 current commercial learner's permit or commercial  
5 driver's license or does not have the proper class,  
6 restrictions, and endorsements; or

7 (5) In violation of a federal, state, or local law or  
8 regulation pertaining to railroad-highway grade  
9 crossings.

10 (c) Any employer who violates subsection (a) or (b)(1) or  
11 (2) shall for a first conviction be fined not more than \$100;  
12 for conviction of a second offense committed within one year  
13 after the date of the prior conviction, the employer shall be  
14 fined not more than \$300; for conviction of a third or  
15 subsequent offense committed within two years after the date of  
16 the second conviction, the employer shall be fined not more than  
17 \$1000.

18 (d) Any employer who is convicted of a violation of  
19 subsection (b)(3) shall be subject to [~~a fine of not less than~~  
20 ~~\$2,750 nor more than \$25,000.~~] a civil penalty of not less than  
21 \$6,755 or more than \$37,400.

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1 (e) Any employer who is convicted of a violation of  
2 subsection (b) (4) shall be subject to a civil penalty of not  
3 more than \$10,000.

4 (f) Any employer who is convicted of a violation of  
5 subsection (b) (5) shall be subject to a civil penalty of not  
6 more than \$19,389."

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

9 "(b) A driver who is convicted of violating an out-of-  
10 service order shall be [~~fin~~~~ed no less than \$2,500 nor more than~~  
11 ~~\$4,000 for a first conviction and no less than \$5,000 nor more~~  
12 ~~than \$7,500 for a second or subsequent conviction,~~] subject to a  
13 civil penalty of not less than \$3,740 for a first conviction and  
14 not less than \$7,481 for a second or subsequent conviction, in  
15 addition to the driving disqualification of subsection (a) (1)  
16 and section 286-240(i) and (j)."

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

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

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

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INTRODUCED BY: *M. N. W.*

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BY REQUEST

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**Report Title:**

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

**Description:**

Amends sections 286-234 and 286-249, HRS, to adopt federal penalties for commercial driver's license violations.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER'S LICENSES.

PURPOSE: To update the special penalties related to commercial motor vehicle employer and driver out-of-service violations and railroad-highway grade crossing violations to conform with federal regulations.

MEANS: Amend sections 286-234 and 286-249(b), Hawaii Revised Statutes (HRS).

JUSTIFICATION: In 2022, the Federal Motor Carrier Safety Administration determined that civil penalties for certain violations under chapter 286, part XIII, Commercial Driver Licensing, HRS, are not in compliance with federal regulations. These are the civil penalties for commercial motor vehicle employers and drivers with out-of-service violations and railroad highway grade crossing violations in sections 286-234 and 286-249, HRS. As required each year, the Department of Transportation (DOT) has upwardly adjusted the civil penalties under the Civil Penalties Inflation Act of 2015. After 2022, effective January 6, 2023, the civil penalties for these violations were again upwardly adjusted by DOT and are included in the proposed legislation. It is anticipated that during the 2024 legislative session, these civil penalties will again be upwardly adjusted by the DOT.

Impact on the public: This bill will increase safety by ensuring that commercial motor vehicle employers and drivers are compliant with federal regulations.

Impact on the department and other agencies: Failure to comply with federal regulations may result in the withholding of federal aid highway funds from the department.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: TRN 597.

OTHER AFFECTED  
AGENCIES: County Department of Finance, Vehicle  
Registration and Licensing Divisions.

EFFECTIVE DATE: Upon approval.