

ACT 46

S.B. NO. 1056

A Bill for an Act Relating to Commercial Drivers.

Be It Enacted by the Legislature of the State of Hawaii:

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

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

SECTION 2. Section 286-235, Hawaii Revised Statutes, is amended to read as follows:

“**§286-235¹ Commercial driver’s license required.** (a) No person shall drive a commercial motor vehicle unless the person holds a valid commercial driver’s license and valid applicable endorsements for the vehicle the person is driving, except when driving under a commercial driver’s instruction permit and accompanied by the holder of a valid commercial driver’s license for the vehicle being driven.

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

~~[(c) Any person who holds a category (4), (5), (6), (7), (8), (9), or (10) license that is valid on March 31, 1991, may continue to drive with that license until that person’s next birthday, at which time the person shall be permitted to continue to drive only if the person obtains either a commercial driver’s license or a reclassified category (4) license under section 286-102(b).]~~

(c) No person shall drive a commercial motor vehicle in violation of an out-of-service order.”

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

“(a) The examiner of drivers may suspend, revoke, or cancel any commercial driver’s license or permit without a hearing when the examiner of drivers has probable cause to believe that the licensee is disqualified under section 286-240~~[(c) through (h)].~~”

SECTION 4. Section 286-249, Hawaii Revised Statutes, is amended to read as follows:

“**§286-249 Penalty.** (a) Any person who drives a commercial motor vehicle in the ~~[State] state~~ without a valid commercial driver’s license or permit, or while the person’s driving privileges are suspended, revoked, or canceled, or while disqualified from driving a commercial motor vehicle, shall be:

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- (1) Disqualified from driving a commercial motor vehicle for a period of not less than one year and up to life;
- (2) Fined not less than \$500 but not more than \$1,000; and
- (3) Imprisoned not more than one year;

provided that the court shall have discretion to impose either a fine or imprisonment, or both.

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

(c) Any person convicted under or found in violation of section 286-242(a) shall be fined not more than \$200.

(d) Notwithstanding subsection (a)(2), any person convicted under or found in violation of section 286-242(c) shall be fined not more than \$500."

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved May 6, 2009.)

Note

1. Prior to amendment section number was bracketed.