

Honolulu, Hawaii

Feb 12, 2008

RE: H.B. No. 3203

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 3203 entitled:

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

begs leave to report as follows:

The purpose of this bill is to promote highway safety and conform Hawaii law to the federal commercial driver licensing law by prohibiting the issuance of a restricted license that allows an individual committing the offense of operating a vehicle under the influence of an intoxicant (OVUII) to drive for limited work-related purposes if the individual holds a commercial drivers license (CDL).

The Department of Transportation, Honolulu Police Department, and Hawaii Transportation Association testified in support of this bill. The Department of Customer Services (DCS) of the City and County of Honolulu supported the intent of this measure.

Individuals holding a CDL are often tasked with driving large vehicles that require more skills than operating an ordinary motor vehicle. In addition, some drivers who possess CDLs are given the responsibility of transporting large groups of people. Under current Hawaii law, if these individuals commit the offense of OVUII, the courts may allow them to continue to drive their vehicles for limited, work-related purposes after serving a minimum absolute prohibition from driving. This practice allows possibly unsafe commercial drivers to continue to operate their vehicles on Hawaii's roadways. Amending this law will not only



help to protect Hawaii's drivers, but will also conform Hawaii law to meet the regulations of the Federal Motor Carrier Safety Administration regarding commercial drivers.

While your Committee understands the concerns raised by DCS that this amendment may impact individuals such as ambulance personnel who hold a type 4 license but are not technically commercial drivers, the legality of whether these drivers should be exempt from this restriction is beyond the purview of your Committee on Transportation. Thus, your Committee on Transportation respectfully requests the Committee on Judiciary to consider this matter in their deliberations.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3203 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Transportation,



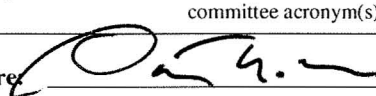
JOSEPH M. SOUKI, Chair



State of Hawaii
House of Representatives
The Twenty-fourth Legislature

HSR 307

Record of Votes of the Committee on Transportation

Bill/Resolution No.: HB 3203	Committee Referral: TRN, JUD	Date: 04 Feb. 2008		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. SOUKI, Joseph M. (C)	/			
2. NISHIMOTO, Scott Y. (VC)	/			
3. EVANS, Cindy	/			
4. HAR, Sharon E.	/			/
5. LEE, Marilyn B.	/			
6. LUKE, Sylvia	/			
7. McKELVEY, Angus L.K.	/			
8. NAKASONE, Bob				/
9. SONSON, Alex M.				/
10. TAKAMINE, Dwight Y.	/			
11. TAKUMI, Roy M.				/
12. MEYER, Colleen Rose	/			
13. PINE, Kymberly Marcos	/			
TOTAL (13)	9			4
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				