



GOV. MSG. NO. 1086

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 11, 2007

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

RE: Senate Bill No. 1047 HD2 CD1

On July 10, 2007, Senate Bill No. 1047 entitled "A Bill for an Act Relating to Highway Safety" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

Senate Bill No. 1047 will allow drivers aged 19 and 20 to drive vehicles weighing 15,000 pounds or less or carrying 15 or fewer occupants. Further, this bill prohibits the acceptance of plea-bargains by commercial drivers for traffic violations, other than parking violations.

In 2005 I vetoed a similar measure which would have allowed commercial drivers licenses to be issued to drivers under the age of 21. This measure is more limited in its scope and application and, thus, I have allowed it to become law. However, I remain concerned that national statistics continue to document that younger drivers have more accidents and exhibit less maturity of judgment in making driving decisions. I would urge the commercial transportation community to institute mandatory training for 19 and 20 year olds, a feature we requested in this bill but was not included by the Legislature.

This measure also contains language that conforms Hawaii statutes to the revised federal Motor Carrier Safety Regulations and will ensure Hawaii continues to be eligible for federal highway matching funds.

For the foregoing reasons, I allowed Senate Bill No. 1047 to become law as Act 288, effective July 10, 2007, without my signature.

Sincerely,

LINDA LINGLE

A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

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

1 SECTION 1. Chapter 286, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§286- Commercial drivers under the age of twenty-one.

5 A person is qualified to drive commercially in the state in
6 intrastate commerce if the person:

7 (1) Is at least nineteen years of age;

8 (2) Is in compliance with Title 49 Code of Federal
9 Regulations, Part 390-396, Subpart B, except Section
10 391.11(b)(1) in the case of an intrastate driver
11 involved in intrastate commerce in the state;

12 (3) Only operates a category 3 vehicle as defined in
13 section 286-102(b)(3);

14 (4) Shall not transport hazardous materials as defined in
15 section 286-2, nor passengers in a school vehicle as
16 defined in section 286-181; and



- 1 (5) Has had a category 3 state driver's license for the
2 two years immediately preceding driving commercially
3 under this section, with the following conditions:
4 (A) Has not had any license suspended, revoked, or
5 canceled; and
6 (B) Has not had any conviction for:
7 (i) Speeding excessively involving any speed of
8 fifteen miles per hour or more above the
9 speed limit;
10 (ii) Driving recklessly, as defined by state or
11 local law or regulation, including but not
12 limited to offenses of driving a motor
13 vehicle in wilful or wanton disregard for
14 the safety of person or property;
15 (iii) Making improper or erratic traffic lane
16 changes;
17 (iv) Following the vehicle ahead too closely; or
18 (v) Violating state or local law relating to
19 motor vehicle traffic control, excluding
20 parking violations, arising in connection
21 with a fatal accident."



1 SECTION 2. Section 286-2, Hawaii Revised Statutes, is
2 amended by adding two new definitions to be appropriately
3 inserted and to read as follows:

4 "Intrastate commerce" means trade, traffic, or
5 transportation between two places in the State that originates
6 and terminates within the State.

7 "Intrastate driver" means a driver, not less than nineteen
8 years of age, engaged in intrastate commerce, except in the
9 transportation of passengers in a school vehicle, as defined in
10 section 286-181, or in the transportation of hazardous
11 materials, as defined in section 286-2."

12 SECTION 3. Section 853-4, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§853-4 Chapter not applicable; when. This chapter shall
15 not apply when:

16 (1) The offense charged involves the intentional, knowing,
17 reckless, or negligent killing of another person;

18 (2) The offense charged is:

19 (A) A felony that involves the intentional, knowing,
20 or reckless bodily injury, substantial bodily
21 injury, or serious bodily injury of another
22 person; or



- 1 (B) A misdemeanor or petty misdemeanor that carries a
- 2 mandatory minimum sentence and that involves the
- 3 intentional, knowing, or reckless bodily injury,
- 4 substantial bodily injury, or serious bodily
- 5 injury of another person;
- 6 (3) The offense charged involves a conspiracy or
- 7 solicitation to intentionally, knowingly, or
- 8 recklessly kill another person or to cause serious
- 9 bodily injury to another person;
- 10 (4) The offense charged is a class A felony;
- 11 (5) The offense charged is nonprobationable;
- 12 (6) The defendant has been convicted of any offense
- 13 defined as a felony by the Hawaii Penal Code or has
- 14 been convicted for any conduct that if perpetrated in
- 15 this State would be punishable as a felony;
- 16 (7) The defendant is found to be a law violator or
- 17 delinquent child for the commission of any offense
- 18 defined as a felony by the Hawaii Penal Code or for
- 19 any conduct that if perpetrated in this [State] state
- 20 would constitute a felony;



- 1 (8) The defendant has a prior conviction for a felony
- 2 committed in any state, federal, or foreign
- 3 jurisdiction;
- 4 (9) A firearm was used in the commission of the offense
- 5 charged;
- 6 (10) The defendant is charged with the distribution of a
- 7 dangerous, harmful, or detrimental drug to a minor;
- 8 (11) The defendant has been charged with a felony offense
- 9 and has been previously granted deferred acceptance of
- 10 guilty plea status for a prior offense, regardless of
- 11 whether the period of deferral has already expired;
- 12 (12) The defendant has been charged with a misdemeanor
- 13 offense and has been previously granted deferred
- 14 acceptance of guilty plea status for a prior felony,
- 15 misdemeanor, or petty misdemeanor for which the period
- 16 of deferral has not yet expired;
- 17 (13) The offense charged is:
- 18 (A) Escape in the first degree;
- 19 (B) Escape in the second degree;
- 20 (C) Promoting prison contraband in the first degree;
- 21 (D) Promoting prison contraband in the second degree;
- 22 (E) Bail jumping in the first degree;

- 1 (F) Bail jumping in the second degree;
- 2 (G) Bribery;
- 3 (H) Bribery of a witness;
- 4 (I) Intimidating a witness;
- 5 (J) Bribery of or by a juror;
- 6 (K) Intimidating a juror;
- 7 (L) Jury tampering;
- 8 (M) Promoting prostitution in the first degree;
- 9 (N) Promoting prostitution in the second degree;
- 10 (O) Promoting prostitution in the third degree;
- 11 (P) Abuse of family or household members;
- 12 (Q) Sexual assault in the second degree;
- 13 (R) Sexual assault in the third degree;
- 14 (S) A violation of an order issued pursuant to
- 15 chapter 586;
- 16 (T) Promoting child abuse in the second degree;
- 17 (U) Promoting child abuse in the third degree;
- 18 (V) Electronic enticement of a child in the first
- 19 degree; or
- 20 (W) Electronic enticement of a child in the second
- 21 degree; [or]
- 22 (14) The defendant has been charged with:



1 (A) Knowingly or intentionally falsifying any report
2 required under chapter 11, subpart B of part XII,
3 with the intent to circumvent the law or deceive
4 the campaign spending commission; or

5 (B) Violating section 11-201 or 11-202 [-]; or

6 (15) The defendant holds a commercial driver's license and
7 has been charged with violating a traffic control law,
8 other than a parking law, in connection with the
9 operation of any type of motor vehicle.

10 The court may adopt by rule other criteria in this area."

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

13 SECTION 5. This Act shall take effect upon its approval.

