



GOV. MSG. NO. 663

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

May 6, 2009

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

Dear Madam President and Members of the Senate:

This is to inform you that on May 6, 2009, the following bill was signed into law:

SB1056 SD2 HD2

A BILL FOR AN ACT
RELATING TO COMMERCIAL DRIVERS.
ACT 046 (09)

Sincerely,



LINDA LINGLE

Approved by the Governor

on MAY 6 2009

THE SENATE
TWENTY-FIFTH LEGISLATURE, 2009
STATE OF HAWAII

ACT 046

S.B. NO. 1056
S.D. 2
H.D. 2

A BILL FOR AN ACT

RELATING TO COMMERCIAL DRIVERS.

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

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

3 "(d) Any employer who is convicted of a violation of
4 subsection (b)(3) shall be subject to a fine of not less than
5 \$2,750 nor more than [~~\$11,000.~~] \$25,000."

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

8 "**§286-235 Commercial driver's license required.** (a) No
9 person shall drive a commercial motor vehicle unless the person
10 holds a valid commercial driver's license and valid applicable
11 endorsements for the vehicle the person is driving, except when
12 driving under a commercial driver's instruction permit and
13 accompanied by the holder of a valid commercial driver's license
14 for the vehicle being driven.

15 (b) No person shall drive a commercial motor vehicle while
16 the person's driver's license or permit is suspended, revoked,



1 or canceled, or while subject to a disqualification[~~, or in~~
2 ~~violation of an out-of-service order~~].

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

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

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

14 "(a) The examiner of drivers may suspend, revoke, or
15 cancel any commercial driver's license or permit without a
16 hearing when the examiner of drivers has probable cause to
17 believe that the licensee is disqualified under section 286-
18 240[~~(c) through (h)~~]."

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

21 "**§286-249 Penalty.** (a) Any person who drives a
22 commercial motor vehicle in the [~~State~~] state without a valid



1 commercial driver's license or permit, or while the person's
2 driving privileges are suspended, revoked, or canceled, or while
3 disqualified from driving a commercial motor vehicle, shall be:

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

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

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

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

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

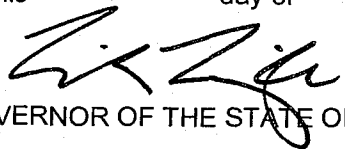


1 SECTION 5. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

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

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

APPROVED this 6 day of MAY, 2009



GOVERNOR OF THE STATE OF HAWAII