
A BILL FOR AN ACT

RELATING TO COMMERCIAL DRIVER'S LICENSE.

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 part XIII to be appropriately
3 designated and to read as follows:

4 "§286- Using an electronic device for texting while
5 operating a commercial motor vehicle. (a) No person shall use
6 an electronic device for texting, as defined under section 286-
7 231, while operating a commercial motor vehicle.

8 (b) Any person who is convicted of violating subsection
9 (a) shall be fined not more than \$2,750 in addition to the
10 driving disqualification pursuant to section 286-240(e)."

11 SECTION 2. Section 286-231, Hawaii Revised Statutes, is
12 amended by adding two new definitions to be appropriately
13 inserted and to read as follows:

14 "Electronic device" includes a cellular telephone,
15 personal digital assistant, pager, computer, or any other device
16 used to input, write, send, receive, or read text, but does not
17 include a device that is physically or electronically integrated
18 into the motor vehicle.



1 "Texting" means manually entering alphanumeric text into,
2 or reading text from, an electronic device, and includes short
3 message service, emailing, instant messaging, commanding or
4 requesting to access a World Wide Web page, or engaging in any
5 other form of electronic text retrieval or entry, for present or
6 future communication.

7 "Texting" does not include:

- 8 (1) Reading, selecting, or entering a telephone number, an
9 extension number, or voicemail retrieval codes and
10 commands into an electronic device for the purpose of
11 initiating or receiving a phone call, or using voice
12 commands to initiate or receive a telephone call;
- 13 (2) Inputting, selecting, or reading information on a
14 global positioning system or navigation system;
- 15 (3) Using a device capable of performing multiple
16 functions, such as fleet management systems,
17 dispatching devices, smart phones, citizens band
18 radios, and music players, for a purpose that is not
19 otherwise prohibited in this part; or
- 20 (4) Using hands-free or voice operated technology,
21 including pressing a button to initiate or terminate
22 the operation of the technology."



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SECTION 3. Section 286-231, Hawaii Revised Statutes, is amended by amending the definition of "serious traffic violation" to read as follows:

"Serious traffic violation" means conviction of any of the following offenses when operating a commercial motor vehicle, except for weight, defect, and parking violations:

- (1) Excessive speeding, involving any single offense for any speed of fifteen miles per hour or more above the posted speed limit;
- (2) Reckless driving, or driving a commercial motor vehicle in disregard of the safety of persons or property, including but not limited to offenses of driving a commercial motor vehicle in wilful or wanton disregard for the safety of persons or property;
- (3) Improper or erratic traffic lane changes;
- (4) Following a vehicle ahead too closely;
- (5) A violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with a fatal traffic accident;

- 1 (6) Driving a commercial motor vehicle without obtaining a
2 commercial driver's license;
- 3 (7) Driving a commercial motor vehicle without a
4 commercial driver's license in the driver's
5 possession; provided that this paragraph shall not
6 apply to a citation issued under, or an offense
7 disposed of pursuant to, section 286-116(a) or a
8 substantially similar provision of law in another
9 state; [~~or~~]
- 10 (8) Driving a commercial motor vehicle without the proper
11 class or endorsements of commercial driver's license
12 for the specific vehicle group being operated or for
13 the passengers or type of cargo being transported[-];
14 or
- 15 (9) Using an electronic device for texting while operating
16 a commercial motor vehicle."

17 SECTION 4. Section 286-235, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§286-235 Commercial driver's license required.** (a) No
20 person shall drive a commercial motor vehicle unless the person
21 holds a valid commercial driver's license and valid applicable
22 endorsements for the vehicle the person is driving, except when



1 driving under a commercial driver's instruction permit and
2 accompanied by the holder of a valid commercial driver's license
3 for the vehicle being driven.

4 (b) No person shall operate a commercial motor vehicle
5 without a commercial driver's license in such person's
6 possession.

7 [~~(b)~~] (c) No person shall drive a commercial motor vehicle
8 while the person's driver's license or permit is suspended,
9 revoked, or canceled, or while subject to a disqualification.

10 [~~(e)~~] (d) No person shall drive a commercial motor vehicle
11 in violation of an out-of-service order."

12 SECTION 5. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

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



Report Title:

Commercial Driver's License; Electronic Devices; Texting

Description:

Prohibits driving a commercial motor vehicle without a commercial driver's license in the driver's possession. Prohibits texting while operating a commercial motor vehicle and classifies a conviction of an offense of texting while operating a commercial motor vehicle as a serious traffic violation. Does not apply to hands-free or voice operated technology. Excludes from definition of electronic device a device that is physically or electronically integrated into the motor vehicle. (SD1)

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