

S.B. NO. 1216

JAN 27 2021

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# A BILL FOR AN ACT

RELATING TO COMMERCIAL DRIVER'S LICENSES.

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

1           SECTION 1. The purpose of this Act is to amend section  
2 286-236, Hawaii Revised Statutes, to comply with federal  
3 regulations in title 49 Code of Federal Regulations part 380,  
4 subpart F.

5           Effective February 7, 2022, the Federal Motor Carrier  
6 Safety Administration is requiring states to comply with federal  
7 regulations requiring entry level driver training for certain  
8 first-time commercial driver license applicants. This Act  
9 modifies the statutes to comply with the requirement. Failure  
10 to comply will result in a penalty. The first year the State  
11 fails to comply will result in the withholding of 4 per cent of  
12 funds required to be apportioned to Hawaii under title 23 United  
13 States Code section 104(b)(1) and (2). The second and  
14 subsequent years the State is out of compliance result in an 8  
15 per cent penalty. The dollar amounts that will be withheld  
16 respectively are \$6,185,220 and \$12,370,440.

17           SECTION 2. Section 286-236, Hawaii Revised Statutes, is  
18 amended to read as follows:

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1           "**§286-236 Commercial driver's license qualification**  
2 **standards.** (a) No person shall be issued a commercial driver's  
3 license unless that person:

4           (1) Meets the qualification standards of title 49 Code of  
5 Federal Regulations[7] part 391, subparts B and E;

6           (2) Has passed a knowledge and driving skills test for  
7 driving a commercial motor vehicle that complies with  
8 minimum federal standards established by federal  
9 regulation enumerated in title 49 Code of Federal  
10 Regulations, part 383, subparts G and H;

11           (3) Is domiciled in this State as defined in title 49 Code  
12 of Federal Regulations[7] part 383.5; and

13           (4) Has satisfied all other requirements of the Commercial  
14 Motor Vehicle Safety Act of 1986, Public Law 99-570,  
15 title XII, in addition to other requirements imposed  
16 by state law or federal regulation.

17 The tests shall be prescribed by the director and administered  
18 by the respective county examiner of drivers. The test  
19 examiners shall communicate with the applicant only in English  
20 during the skills test. As of January 30, 2012, the examiner of  
21 drivers shall verify that the medical certification status of a  
22 driver who self-certified according to title 49 Code of Federal

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1 Regulations section 383.71(b)(1)(i), non-excepted interstate, is  
2 certified. If a driver submits a current medical examiner's  
3 certificate, the examiner of drivers shall date-stamp the  
4 certificate and post all required information to the commercial  
5 driver's license information system pursuant to title 49 Code of  
6 Federal Regulations section 383.73(b)(5) and in accordance with  
7 title 49 Code of Federal Regulations section 383.73(o). A  
8 person who is not physically qualified to drive under title 49  
9 Code of Federal Regulations section 391.41(b)(1) [7] or (2) [~~7~~  
10 ~~3~~] and who is otherwise qualified to drive a motor vehicle may  
11 be granted an intrastate waiver by the director. The process  
12 for granting intrastate waivers shall be the same as that for  
13 interstate waivers in title 49 Code of Federal Regulations  
14 section 391.49, except that the intrastate waiver requests shall  
15 be submitted to the director.

16 (b) The examiner of drivers may waive the driving skills  
17 test specified in this section for a commercial driver's license  
18 applicant who meets the requirements of title 49 Code of Federal  
19 Regulations section 383.77 or 383.123(b).

20 (c) A commercial driver's license or commercial learner's  
21 permit, including a provisional or temporary license or permit,  
22 shall not be issued to a person while the person is subject to a

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1 disqualification from driving a commercial motor vehicle, or  
2 while the person's driver's license is suspended, revoked, or  
3 canceled in any state; or while the person holds a driver's  
4 license issued by any other state unless the person first  
5 surrenders that license.

6 (d) A commercial learner's permit may be issued to an  
7 individual who holds a valid driver's license, is at least  
8 eighteen years of age, meets the qualification standards of  
9 title 49 Code of Federal Regulations[7] part 391, subparts B and  
10 E, and has passed the written tests required for the desired  
11 class of a commercial driver's license.

12 (e) The commercial learner's permit shall not be valid for  
13 a period in excess of one hundred eighty days[7] from the date  
14 that the applicant passes the general or endorsement knowledge  
15 test. When driving a commercial motor vehicle, the holder of a  
16 commercial learner's permit shall be accompanied by a person  
17 with a valid commercial driver's license to operate that  
18 category of commercial motor vehicle with the proper  
19 endorsements. The licensed person shall occupy the seat beside  
20 the individual for the purpose of giving instruction in driving  
21 the commercial motor vehicle. The commercial learner's permit  
22 may be renewed no more than an additional one hundred eighty

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1 days without requiring the commercial learner's permit holder to  
2 retake the general or endorsement knowledge tests, and the  
3 applicant requalifies meeting the requirements of subsection  
4 (d). The commercial learner's permit holder is eligible to take  
5 the commercial driver's license skills test no earlier than  
6 fourteen days after obtaining the permit.

7 (f) The examiner of drivers may waive the knowledge and  
8 skills tests specified in this section for any person who is at  
9 least twenty-one years of age and who possesses a valid  
10 commercial driver's license issued by any state of the United  
11 States, Mexico, or a province of Canada that issues licenses in  
12 accordance with the minimum federal standards for the issuance  
13 of commercial driver's licenses. The examiner of drivers shall  
14 accept the test scores of a Hawaii commercial learner's permit  
15 holder who completes training in another state in the United  
16 States and is tested in compliance with federal motor carrier  
17 safety regulations by that state in association with the  
18 training. The testing state shall electronically transmit in a  
19 secure manner the skills test results directly to the examiner  
20 of drivers, and if the applicant passed, and meets all other  
21 requirements, a Hawaii commercial driver's license shall be  
22 issued. To retain a hazardous materials endorsement, the

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1 applicant shall pass the knowledge test for a hazardous  
2 materials endorsement and be determined by the federal  
3 Transportation Security Administration not to pose a security  
4 risk warranting denial of the endorsement.

5 (g) Every applicant shall successfully complete the  
6 commercial driver's license general knowledge test before being  
7 issued a commercial learner's permit. A driver holding a valid  
8 commercial driver's license who seeks an upgrade for which a  
9 skills test is required shall also pass the appropriate  
10 knowledge test prior to obtaining a commercial learner's  
11 permit. As of February 7, 2022, every applicant must complete  
12 the entry-level driver training requirements as specified in  
13 title 49 Code of Federal Regulations part 380, subpart F, prior  
14 to taking the skills test for class A or class B commercial  
15 driver's license, passenger endorsement, or school bus  
16 endorsement, and prior to taking the knowledge test for a  
17 hazardous materials endorsement."

18 SECTION 3. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

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2 SECTION 4. This Act, upon its approval, shall take effect  
3 on November 1, 2021.

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INTRODUCED BY: 

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BY REQUEST

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**Report Title:**

Transportation; Commercial Driver's License

**Description:**

Adds a requirement for certain commercial driver's license applicants to complete an entry-level driver training course before taking a skills test for licensure.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER'S LICENSES.

PURPOSE: Establish a legal basis for implementing title 49 Code of Federal Regulations (CFR) part 380, subpart F, which requires entry level driver training for certain applicants for a commercial driver's license or endorsement. A couple of housekeeping amendments are also included. One removes the waiver for persons who are not physically qualified under title 49 CFR section 391.41(b)(3). The other clarifies the validity period of a commercial learner's permit (CLP).

MEANS: Amend section 286-236, Hawaii Revised Statutes.

JUSTIFICATION: Effective February 7, 2022, 49 CFR part 380, subpart F, requires states to mandate entry-level driver training for CDL applicants. This bill amends section 286-236(g) to require applicants to complete the entry-level driver training requirements as of February 7, 2022. States that fail to comply will be penalized by withheld federal funds. In Hawaii the amount withheld would be \$6,185,220 for the first year of noncompliance and \$12,370,440 for the second and subsequent years.

Impact on the public: The proposed legislation will align the law with the federal regulations. The change is intended to promote safe driving by CLP and CDL holders. It is likely that additional

private CDL driving schools will be opened to meet the demand for training.

Impact on the department and other agencies:  
None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: TRN 595.

OTHER AFFECTED  
AGENCIES: County commercial driver licensing stations.

EFFECTIVE DATE: November 1, 2021.