

LATE

TESTIMONY BY:

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STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

February 5, 2021  
2:00 P.M.  
State Capitol, Teleconference

**H.B. 1062**  
**RELATING TO COMMERCIAL DRIVER'S LICENSES**

House Committee on Consumer Protection & Commerce

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The Department of Transportation **supports** this bill **but requests amendments**.

The purpose of the bill is to establish a legal basis for implementing title 49 Code of Federal Regulations 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.

The first amendment requested is on Page 6, starting on line 11. Please insert a grandfather clause that is allowed by FMCSA and a verification requirement so that the originally proposed amendments (not underlined) together with the amendments requested with this testimony (underlined) read as follows:

As of February 7, 2022, except for a driver holding a valid commercial learner's permit or commercial driver's license that was obtained prior to February 7, 2022, every applicant must complete the entry-level driver training requirements as specified in title 49 Code of Federal Regulations part 380, subpart F, and be verified with the Federal Motor Carrier Safety Administration Training Provider Registry prior to taking the skills test for a class A or class B commercial driver's license, passenger endorsement, or school bus endorsement, and prior to taking the knowledge test for a hazardous materials endorsement.

States that fail to implement these requirements can be penalized by withholding 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.

One of the housekeeping amendments clarifies the validity period of a commercial learner's permit by noting that it starts on the date that the driver passes the general knowledge test or any required endorsement knowledge tests. This is the change we would like amended. The proposed wording is appropriate for an applicant who does not have a CDL, but there are also CDL holders who need a permit to upgrade their

license, such as move from a class B CDL to a class A license. These applicants may not be required to take a knowledge test. It is, therefore, requested that the first sentence in subsection (e) in section 2, be amended to read:

(e) The commercial learner's permit shall not be valid for a period in excess of one hundred eighty days[-] from the date that the applicant passes the general and all required endorsement knowledge tests, or if the applicant is not required to take a knowledge test, the period starts when the permit is issued.

The other housekeeping amendment is in section 3, Page 3, lines 9 & 10. It removes a reference that was erroneously left out of Act 67, SLH 2020, which aligned Hawaii's law with a change that was made to 49 Code of Federal Regulations section 391.41(b)(3). This regulation was amended to remove the requirement for commercial driver's license holders who are treating diabetes mellitus with insulin to obtain a medical waiver in addition to their periodic medical examination. Rather than using a waiver, the medical examiner who examines the driver now confers with the driver's treating clinician, evaluates the driver's medical records and decides whether the driver's medical condition will have an adverse effect on the driver's ability to drive safely. If the driver satisfies the medical requirements, a medical examiner's certificate is issued. If the driver does not meet the requirements, a certificate is not issued.

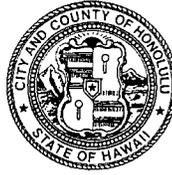
Thank you for the opportunity to provide testimony.

DEPARTMENT OF CUSTOMER SERVICES  
**CITY AND COUNTY OF HONOLULU**

LATE

MISSION MEMORIAL BUILDING  
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RICK BLANGIARDI  
MAYOR



NOLA MIYASAKI  
DIRECTOR DESIGNATE

February 4, 2021

The Honorable Aaron Ling Johanson, Chair  
The Honorable Lisa Kitagawa, Vice Chair  
And Members of the Consumer Protection & Commerce  
The State House of Representatives  
State Capitol, Conference Room 329  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Johanson and Members of the Committee on Transportation:

SUBJECT: H.B. No. 1062 – Relating to Commercial Driver's Licenses

The City and County of Honolulu, Department of Customer Services (CSD)  
**supports** this measure.

The bill adds a requirement for certain commercial driver's license applicants to complete an entry-level driver training course before taking the skills test. This additional requirement should increase the passing rate for applicants to successfully obtain their commercial driver licenses.

Additionally, this will meet the requirements of the Federal Motor Carrier Safety Administration's Entry Level Driver Training regulations.

Thank you for the opportunity to provide testimony on H.B. No. 1062.

Sincerely,

A handwritten signature in black ink that reads "Nola Miyasaki".

Nola Miyasaki  
Director Designate