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# A BILL FOR AN ACT

RELATING TO COMMERCIAL DRIVERS LICENSING.

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

1 SECTION 1. Section 286-236, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) No person shall be issued a commercial driver's  
4 license unless that person:

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

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

12 (3) [~~Has Hawaii as the state of domicile as defined in~~  
13 ~~title 49 Code of Federal Regulations section 383.5;~~]  
14 Provides to the State proof of citizenship or lawful  
15 permanent residency as specified in table 1 to  
16 title 49 Code of Federal Regulations, section 383.71,  
17 as amended October 14, 2021, or obtains a



1           non-domiciled commercial learner's permit or  
2           non-domiciled commercial driver's license as provided  
3           in title 49 Code of Federal Regulations, section  
4           383.71(f), that shall be issued as a non-domiciled  
5           commercial learner's permit or non-domiciled  
6           commercial driver's license; and

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

11       The tests shall be prescribed by the director and administered  
12       by the respective county examiner of drivers. The test  
13       examiners shall communicate with the applicant only in English  
14       during the skills test. As of January 30, 2012, the examiner of  
15       drivers shall verify that the medical certification status of a  
16       driver who self-certified according to title 49 Code of Federal  
17       Regulations section 383.71(b)(1)(i), non-excepted interstate, is  
18       certified. If a driver submits a current medical examiner's  
19       certificate, the examiner of drivers shall date-stamp the  
20       certificate and post all required information to the commercial  
21       driver's license information system pursuant to title 49 Code of



1 Federal Regulations section 383.73(b) (5) and in accordance with  
2 title 49 Code of Federal Regulations section 383.73(o). A  
3 person who is not physically qualified to drive under title 49  
4 Code of Federal Regulations section 391.41(b) (1) or (2) and who  
5 is otherwise qualified to drive a motor vehicle may be granted  
6 an intrastate waiver by the director. The process for granting  
7 intrastate waivers shall be the same as that for interstate  
8 waivers in title 49 Code of Federal Regulations section 391.49;  
9 provided that the intrastate waiver requests shall be submitted  
10 to the director."

11 SECTION 2. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 3. This Act shall take effect upon its approval.



**Report Title:**

Department of Transportation; Non-Domiciled Commercial Driver's Licenses and Non-Domiciled Commercial Learner's Permits; Federal Motor Carrier Safety Administration

**Description:**

Amends requirements to commercial driver's license qualification standards to meet current federal regulations to allow the State to issue a non-domiciled commercial learner's permit and non-domiciled commercial driver's license for applicants who are unable to provide proof of citizenship or lawful permanent residency. (CD1)

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