
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. Section 286-102.3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~[+]§286-102.3[+]~~ **Commercial drivers under the age of**
4 **twenty-one.** A person ~~[is qualified to]~~ may drive commercially
5 in the State in intrastate commerce if the person:

- 6 (1) Is at least ~~[nineteen]~~ eighteen years of age;
7 (2) Is in compliance with title 49 Code of Federal
8 Regulations~~[, part 390-396, subpart B,]~~ parts 390
9 through 396, except section 391.11(b)(1) in the case
10 of an intrastate driver involved in intrastate
11 commerce in the State;

12 ~~[(3) Only operates a category 3 vehicle as defined in~~
13 ~~section 286-102(b)(3);~~

14 ~~(4)]~~ (3) ~~[Shall]~~ Does not transport hazardous materials
15 ~~[as defined in section 286-2]~~, nor passengers in a
16 school vehicle as defined in section 286-181; ~~[and]~~



1 [~~5~~] (4) Has had a category 3 state driver's license for
2 the two years immediately preceding driving
3 commercially under this section, with the following
4 conditions:

5 (A) Has not had any license suspended, revoked, or
6 canceled; and

7 (B) Has not had any conviction for:

8 (i) Speeding excessively involving any speed of
9 fifteen miles per hour or more above the
10 speed limit;

11 (ii) Driving recklessly, as defined by state or
12 local law or regulation, including but not
13 limited to offenses of driving a motor
14 vehicle in wilful or wanton disregard for
15 the safety of person or property;

16 (iii) Making improper or erratic traffic lane
17 changes;

18 (iv) Following the vehicle ahead too closely; or

19 (v) Violating state or local law relating to
20 motor vehicle traffic control, excluding



1 parking violations, arising in connection
2 with a fatal accident[-]; and

3 (5) Is under twenty-one years of age and actively enrolled
4 in:

5 (A) A registered apprenticeship program as determined
6 by the department of labor and industrial
7 relations; provided that a driver under
8 twenty-one years of age shall not operate a
9 commercial motor vehicle outside the scope,
10 supervision, or duration of the approved training
11 or apprenticeship program; or

12 (B) A structured, on-the-job training program
13 administered by the person's employer; provided
14 that:

15 (i) The employer is primarily engaged in a
16 trade, business, or industry that requires
17 the operation of commercial motor vehicles
18 as an incidental and necessary function of
19 its operations, and not for the primary
20 purpose of providing commercial driver
21 training to the general public;



- 1 (ii) The training is provided solely to
- 2 individuals who are bona fide employees of
- 3 the employer and is directly related to the
- 4 employee's job duties;
- 5 (iii) The employer does not offer, market, or
- 6 provide commercial driver training services
- 7 to the general public for a fee;
- 8 (iv) The training includes a minimum of three
- 9 hundred twenty hours of supervised, behind-
- 10 the-wheel and related instruction;
- 11 (v) The employer maintains written training
- 12 standards, safety protocols, and records of
- 13 training hours and supervision; and
- 14 (vi) The driver shall not operate a commercial
- 15 motor vehicle outside the scope,
- 16 supervision, or duration of the employer's
- 17 training program.

18 For the purposes of this paragraph, "registered

19 apprenticeship program" means a program approved or

20 recognized by, or registered with, the department of labor

21 and industrial relations, including programs registered



1 pursuant to chapter 372 or other workforce development
2 programs authorized by the department of labor and
3 industrial relations."

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

6 "**§286-236 Commercial driver's license qualification**
7 **standards.** (a) No person shall be issued a commercial driver's
8 license unless that person:

9 (1) Meets the qualification standards of title 49 Code of
10 Federal Regulations[7] part 391, subparts B and E;
11 provided that for issuance of a commercial driver's
12 license to an applicant who is eighteen years of age
13 or older but under twenty-one years of age, compliance
14 with title 49 Code of Federal Regulations section
15 391.11(b)(1), minimum age, shall not be required if
16 the license is restricted to intrastate operation
17 pursuant to subsection (i);

18 (2) Has passed a knowledge and driving skills test for
19 driving a commercial motor vehicle that complies with
20 minimum federal standards established by federal



1 regulation enumerated in title 49 Code of Federal
2 Regulations[7] part 383, subparts G and H;

3 (3) Has Hawaii as the state of domicile as defined in
4 title 49 Code of Federal Regulations section 383.5;
5 and

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

10 The tests shall be prescribed by the director and administered
11 by the respective county examiner of drivers. The test
12 examiners shall communicate with the applicant only in English
13 during the skills test. As of January 30, 2012, the examiner of
14 drivers shall verify that the medical certification status of a
15 driver who self-certified according to title 49 Code of Federal
16 Regulations section 383.71(b)(1)(i), non-excepted interstate, is
17 certified. If a driver submits a current medical examiner's
18 certificate, the examiner of drivers shall date-stamp the
19 certificate and post all required information to the commercial
20 driver's license information system pursuant to title 49 Code of
21 Federal Regulations section 383.73(b)(5) and in accordance with



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

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

14 (c) A commercial driver's license or commercial learner's
15 permit, including a provisional or temporary license or permit,
16 shall not be issued to a person while the person is subject to a
17 disqualification from driving a commercial motor vehicle, or
18 while the person's driver's license is suspended, revoked, or
19 canceled in any state; or while the person holds a driver's
20 license issued by any other state unless the person first
21 surrenders that license.



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

7 (e) The commercial learner's permit shall not be valid for
8 a period in excess of one hundred eighty days from the date that
9 the applicant passes the general and all required endorsement
10 knowledge tests; provided that, if the applicant is not required
11 to take a knowledge test, the period shall start when the permit
12 is issued. When driving a commercial motor vehicle, the holder
13 of a commercial learner's permit shall be accompanied by a
14 person with a valid commercial driver's license to operate that
15 category of commercial motor vehicle with the proper
16 endorsements. The licensed person shall occupy the seat beside
17 the individual for the purpose of giving instruction in driving
18 the commercial motor vehicle. The commercial learner's permit
19 may be renewed no more than an additional one hundred eighty
20 days without requiring the commercial learner's permit holder to
21 retake the general or endorsement knowledge tests, and the



1 applicant requalifies meeting the requirements of subsection
2 (d). The commercial learner's permit holder [~~is~~] shall be
3 eligible to take the commercial driver's license skills test no
4 earlier than fourteen days after obtaining the permit.

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



1 materials endorsement and be determined by the federal
2 Transportation Security Administration not to pose a security
3 risk warranting denial of the endorsement.

4 (g) Every applicant shall successfully complete the
5 commercial driver's license general knowledge test before being
6 issued a commercial learner's permit. A driver holding a valid
7 commercial driver's license who seeks an upgrade for which a
8 skills test is required shall also pass the appropriate
9 knowledge test before obtaining a commercial learner's permit.
10 Beginning February 7, 2022, except for a driver holding a valid
11 commercial driver's license or commercial learner's permit that
12 was obtained before February 7, 2022, every applicant shall
13 complete the entry-level driver training requirements as
14 specified in title 49 Code of Federal Regulations part 380,
15 subpart F, and be verified with the Federal Motor Carrier Safety
16 Administration Training Provider Registry before taking the
17 skills test for a class A or class B commercial driver's
18 license, passenger endorsement, or school bus endorsement, and
19 before taking the knowledge test for a hazardous materials
20 endorsement.



1 (h) Beginning November 18, 2024, the examiner of drivers
2 shall not issue, renew, transfer, or upgrade a commercial
3 driver's license; renew the hazardous materials endorsement; or
4 issue, renew, or upgrade a commercial learner's permit; if the
5 results of a query to the Federal Motor Carrier Safety
6 Administration's Drug and Alcohol Clearinghouse is that the
7 driver is prohibited from operating a commercial motor vehicle.

8 (i) Notwithstanding subsection (a)(1) and title 49 Code of
9 Federal Regulations section 391.11(b)(1), the examiner of
10 drivers may issue a commercial driver's license to a person who
11 is eighteen years of age or older but under twenty-one years of
12 age if:

13 (1) The license bears the "K" restriction indicating
14 operation is limited to intrastate commerce, as
15 described in section 286-239(b)(3);

16 (2) The applicant meets all other state and federal
17 requirements applicable to the license class and
18 endorsements sought, including medical certification
19 (49 C.F.R. part 391), entry-level driver training (49
20 C.F.R. part 380), knowledge and skills testing (49



1 C.F.R. part 383), and controlled substances and
2 alcohol use and testing (49 C.F.R. part 382); and
3 (3) The applicant demonstrates enrollment in or completion
4 of a training program authorized under section 286-
5 102.3(5) that may include:
6 (A) A registered apprenticeship program approved or
7 recognized by the department of labor and
8 industrial relations; or
9 (B) A structured, on-the-job training program
10 administered by the applicant's employer that
11 meets the requirements of section 286-
12 102.3(5) (B), including a minimum of three hundred
13 twenty hours of supervised, behind-the-wheel
14 instruction;
15 provided that employer-administered training shall not be
16 required as a condition of licensure where the applicant
17 qualifies through a registered apprenticeship program."

18 SECTION 3. The department of transportation shall adopt or
19 amend rules pursuant to chapter 91, Hawaii Revised Statutes,
20 necessary to lower the minimum age required for an intrastate



1 commercial driver's license to eighteen, consistent with this
2 Act.

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

5 SECTION 5. This Act shall take effect upon its approval.



Report Title:

DOT; DLIR; Commercial Driver's Licenses; Minimum Age

Description:

Lowers the age of who may drive commercially within the State from nineteen to eighteen. Repeals the requirement that a person only operates category 3 vehicles to qualify to drive commercially in the State. Prohibits a person under twenty-one years of age from operating a commercial motor vehicle outside of a registered apprenticeship program as determined by the Department of Labor and Industrial Relations or a structured, on-the-job training program administered by the person's employer that meets certain requirements. Requires the Department of Transportation to amend its rules to lower the minimum age required for a commercial driver's license. (CD1)

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

