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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. 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."

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

5 "**§286-236 Commercial driver's license qualification**  
6 **standards.** (a) No person shall be issued a commercial driver's  
7 license unless that person:

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

17 (2) Has passed a knowledge and driving skills test for  
18 driving a commercial motor vehicle that complies with  
19 minimum federal standards established by federal  
20 regulation enumerated in title 49 Code of Federal  
21 Regulations[7] part 383, subparts G and H;



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

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

8 The tests shall be prescribed by the director and administered  
9 by the respective county examiner of drivers. The test  
10 examiners shall communicate with the applicant only in English  
11 during the skills test. As of January 30, 2012, the examiner of  
12 drivers shall verify that the medical certification status of a  
13 driver who self-certified according to title 49 Code of Federal  
14 Regulations section 383.71(b)(1)(i), non-excepted interstate, is  
15 certified. If a driver submits a current medical examiner's  
16 certificate, the examiner of drivers shall date-stamp the  
17 certificate and post all required information to the commercial  
18 driver's license information system pursuant to title 49 Code of  
19 Federal Regulations section 383.73(b)(5) and in accordance with  
20 title 49 Code of Federal Regulations section 383.73(o). A  
21 person who is not physically qualified to drive under title 49



1 Code of Federal Regulations section 391.41(b)(1) or (2) and who  
2 is otherwise qualified to drive a motor vehicle may be granted  
3 an intrastate waiver by the director. The process for granting  
4 intrastate waivers shall be the same as that for interstate  
5 waivers in title 49 Code of Federal Regulations section 391.49;  
6 provided that the intrastate waiver requests shall be submitted  
7 to the director.

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

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

20 (d) A commercial learner's permit may be issued to an  
21 individual who holds a valid driver's license, is at least



1 eighteen years of age, meets the qualification standards of  
2 title 49 Code of Federal Regulations[7] part 391, subparts B and  
3 E, and has passed the written tests required for the desired  
4 class of a commercial driver's license.

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



1 eligible to take the commercial driver's license skills test no  
2 earlier than fourteen days after obtaining the permit.

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



1 Transportation Security Administration not to pose a security  
2 risk warranting denial of the endorsement.

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

20 (h) Beginning November 18, 2024, the examiner of drivers  
21 shall not issue, renew, transfer, or upgrade a commercial



1 driver's license; renew the hazardous materials endorsement; or  
2 issue, renew, or upgrade a commercial learner's permit; if the  
3 results of a query to the Federal Motor Carrier Safety  
4 Administration's Drug and Alcohol Clearinghouse is that the  
5 driver is prohibited from operating a commercial motor vehicle.

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

- 11 (1) The license bears the "K" restriction indicating  
12 operation is limited to intrastate commerce, as  
13 described in section 286-239(b)(3);  
14 (2) The applicant meets all other state and federal  
15 requirements applicable to the license class and  
16 endorsements sought, including medical certification  
17 (49 C.F.R. part 391), entry-level driver training (49  
18 C.F.R. part 380), knowledge and skills testing (49  
19 C.F.R. part 383), and controlled substances and  
20 alcohol use and testing (49 C.F.R. part 382); and



1       (3) The applicant's employer agrees to train the person  
2           for an additional minimum of three hundred twenty  
3           hours and keep records of the training;  
4 provided that a license issued under this subsection shall not  
5 authorize operation in interstate commerce."

6           SECTION 3. The department of transportation shall adopt or  
7 amend rules pursuant to chapter 91, Hawaii Revised Statutes,  
8 necessary to lower the minimum age required for an intrastate  
9 commercial driver's license to eighteen, consistent with this  
10 Act.

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

13           SECTION 5. This Act shall take effect on July 1, 3000.



**Report Title:**

DOT; 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. Requires the Department of Transportation to amend its rules to lower the minimum age required for a commercial driver's license. Effective 7/1/3000. (HD2)

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

