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Statement of
BRENNA H. HASHIMOTO
Director, Department of Human Resources Development

Before the
SENATE COMMITTEE ON JUDICIARY
Tuesday, March 3, 2026
10:15AM
State Capitol, Conference Room 016

In consideration of
SB2527, RELATING TO COMMERCIAL DRIVER LICENSING

Chair Rhoads, Vice Chair Gabbard, and the members of the committee:

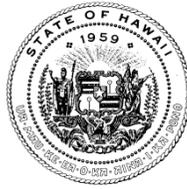
The Department of Human Resources Development (HRD) is in **support** of SB2527, which requires that state and county firefighters who are currently exempt from commercial driver licensure (CDL) requirements be subject to an alcohol and substance abuse policy for employees that is equivalent to, or exceeds the provisions of, the safety and health standards established by the United States Department of Transportation for holders of commercial driver's licenses.

Because firefighters are exempt from commercial driver license requirements, they are also exempt from the associated controlled substance and alcohol testing requirements applied to other workers with CDL. Due to their roles as first responders, firefighters should be subject to an alcohol and substance abuse policy, and HRD supports the intent of this measure.

Title 49 Code of Federal Regulations (CFR) Part 382 provides for exceptions, for a State who has at its discretion, exempted the requirements of part 383, Commercial Driver's License Standards, Requirements and Penalties of this subchapter. Hawai'i Revised Statutes (HRS) §286-235.5 exempts federal, state and county firefighters and law enforcement officers who drive federal, state, or county authorized emergency vehicles provided that they are trained by the federal, state, or county government and are equipped with audible and visual signals and are not subject to normal traffic regulation.

Thank you for the opportunity to provide testimony.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
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Tuesday, March 3, 2026
10:15 AM
State Capitol, 016

SB2527
RELATING TO COMMERCIAL DRIVER LICENSING

Senate Committee on Judiciary

The Department of Transportation (DOT) supports S.B. 2527, which requires that state and county firefighters exempt from commercial driver licensure be subject to an alcohol and substance abuse policy for employees that is equivalent to, or exceeds the provisions of, the safety and health standards established by the United States Department of Transportation for holders of commercial driver's licenses.

This legislation addresses a critical gap in safety oversight for individuals operating commercial motor vehicles in emergency response roles. Under subsection (b) of the proposed amendment, state and county firefighters who are exempt from licensure due to their public service function must now adhere to rigorous alcohol and substance abuse policies that mirror or exceed federal DOT standards. This ensures that even those operating emergency vehicles such as fire pumpers, aerial ladder trucks, and elevated platform trucks are held to the same high safety benchmarks as commercial drivers licensed under federal regulations.

The inclusion of this requirement strengthens public safety by ensuring accountability and consistency across all commercial vehicle operators, regardless of their employment status or exemption status. It aligns with the DOT's core mission to promote safe transportation practices and reduce risks associated with impaired driving, particularly in high-stakes emergency scenarios where firefighter response times and operational integrity are paramount.

Thank you for the opportunity to testify in support of this bill.

DEPARTMENT OF HUMAN RESOURCES
KA 'OIHANA HO'OMOHALA LIMAHANA
CITY AND COUNTY OF HONOLULU

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ASSISTANT DIRECTOR
KOKUA PO'O

February 27, 2026

The Honorable Karl Rhoads, Chair
The Honorable Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
The Senate
State Capitol
415 South Beretania Street, Room 016
Honolulu, Hawaii 96813

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

SUBJECT: Senate Bill No. 2527
Relating to Commercial Driver Licensing

The City and County of Honolulu **strongly supports** Senate Bill No. 2527. Senate Bill No. 2527 requires that state and county firefighters exempt from commercial driver licensure are subject to an alcohol and substance abuse policy for employees that is equivalent to, or exceeds the provisions of, the safety and health standards established by the United States Department of Transportation for holders of commercial drivers.

Under federal law, a commercial driver's license (CDL) is required for individuals operating certain types of commercial motor vehicles (CMV). A CMV is generally defined as a Gross Vehicle Weight Rating (GVWR) of 10,001 pounds or more. Fire trucks would typically fall under this category. The Federal Motor Carrier Safety Administration (FMCSA), along with the Department of Transportation (DOT), requires that persons subject to the CDL requirements and their employers follow alcohol and drug testing rules. These rules include procedures for testing, frequency of tests, and substances subject to testing.

On March 8, 1996, Congress enacted a federal exemption for firefighters from commercial driver licensure. Title 49 Code of Federal Regulations (CFR) Part 382, provides for exemptions from the above requirement if the State of that employer has specifically waived these requirements.

At around the same time, the Hawaii State Legislature exempted firefighters from CDL licensure as provided under Hawaii Revised Statutes (HRS), §286-235.5.

While Hawaii law expressly exempts firefighters from CDL licensure, the legislative history of that change makes clear that the Legislature did not intend to exempt firefighters from drug and alcohol testing requirements under the FMCSA rules 49 CFR Part 382.

The Honorable Karl Rhoads, Chair
The Honorable Mike Gabbard, Vice Chair
and Members of the Senate Committee on Judiciary
February 27, 2026
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The applicable 1996 House Committee report, which is attached, provides in part, that “this bill does not jeopardize public safety because it would not exempt firefighters from meeting federal requirements, including alcohol and drug testing, driver improvement training, and driver physical standards.” The 1996 Senate Committee report, which is also attached, provides in part, that “your Committee is in accord with the intent and purpose of House Bill No. 2850, HD1.”

This bill would support the intent of the Legislature in that firefighters that are employed by the state and counties, and who are exempt from licensure under §286-235.5, HRS, shall be subject to an alcohol and substance abuse policy that is equivalent to, or exceeds the provisions of, the safety and health standards established by the United States DOT for holders of CDLs.

Without this statutory requirement, the existing drug and alcohol testing program for firefighters could be terminated by either the Employer or the Union with 30 days written notice. Ending the program would be contrary to the intent of the Legislature and it would jeopardize the safety of firefighters and the public that they serve.

As a final, important note: while this bill establishes a minimum drug and alcohol testing standard for firefighters, it does not bypass or undermine any mandatory subject of collective bargaining required under HRS Chapter 89. This bill does not remove the Employer and the Union’s obligation to negotiate over specific procedures and implementation of the program. What this bill would do is establish the floor as to what agreement the Employer and the Union must come to for a drug and alcohol testing standard for firefighters - the specifics of the agreement must still be negotiated between the relevant parties.

Drug and alcohol testing agreements are regularly negotiated with other bargaining units whose members are required to comply with the DOT drug and alcohol testing standards, including employees who hold CDLs and emergency medical services personnel under §321-226, HRS. This bill applies a similar minimum standard to firefighters that already exists for the emergency medical services personnel, and is an important measure to ensure public health and safety standards are upheld.

We strongly believe that this is consistent with the intent of the Legislature, which is evident in the applicable 1996 Senate and House Committee reports.

Thank you for the opportunity to testify on this measure.

Sincerely,



Nola N. Miyasaki
Director

amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2564, H.D. 1, and be referred to the Committee on Consumer Protection and Commerce.

Signed by all members of the Committee.

SCRep. 74-96 Intergovernmental Relations and International Affairs and Transportation on H.B. No. 2850

The purpose of this bill is to exempt state and county firefighters who drive state or county fire trucks from commercial driver licensing requirements, provided that the firefighters are trained by the fire departments, the vehicles are equipped with audible and visual signals, and firefighters not be subject to normal traffic regulations.

The Department of Transportation testified in support of the intent of the measure. The Hawaii State Fire Fighters Association and the Honolulu Fire Department testified in support of the measure, indicating that the present requirements are unnecessary and burdensome. A private citizen submitted written testimony in opposition citing safety and liability issues.

It is not the intent of your Committees to diminish public safety, but to give state and county firefighters the same status as federal firefighters. Furthermore, this bill does not jeopardize public safety because it would not exempt firefighters from meeting federal requirements, including alcohol and drug testing, driver improvement training, and driver physical standards.

Based on the recommendations of the Department of Transportation, your Committees have amended this bill to give state and county firefighters the same status as federal firefighters. Specifically, the requirements for state and county firefighters to be trained by the fire departments, vehicles to be equipped with audible and visual signals, and firefighters not be subject to normal traffic regulations, have been deleted.

As affirmed by the records of votes of the members of your Committees on Intergovernmental Relations and International Affairs and Transportation that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2850, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2850, H.D. 1, and be referred to the Committee on Consumer Protection and Commerce.

Signed by all members of the Committees.

SCRep. 75-96 Higher Education and the Arts on H.B. No. 3585

The purpose of this bill is to:

Allow the University of Hawaii Board of Regents to continue to set the President's salary beyond July 1, 1998.

The Board of Regents submitted testimony in support of this bill. No testimony was received in opposition.

Your Committee finds that the Board of Regents has the responsibility to appoint a President and must have the authority to set the conditions of employment, including the annual compensation for the President. Without this authority, it would be difficult for the Board to appoint and retain an individual whom the Board feels would be able to carry out its policies.

As affirmed by the record of votes of the members of your Committee on Higher Education and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3585 and recommends that it pass Second Reading and be referred to the Committee on Labor and Public Employment.

Signed by all members of the Committee except Representatives Santiago, Stegmaier and Yonamine.

SCRep. 76-96 Transportation on H.B. No. 3580

The purpose of this bill is to amend the existing statutory provisions relating to the method by which parking violations at public airports may be adjudicated by recipients.

Your Committee on Transportation finds that the decriminalization of minor traffic offenses such as parking violations, driving without a seat belt, and similar infractions did not include minor traffic offenses at public airports, since the statutory authority for such violations under Section 261-21, Hawaii Revised Statutes, was not included in the enabling legislation. Your Committee further finds that parking violations, other than violations at airports, come under the adjudication of traffic infractions for which monetary assessments are prescribed in a schedule set by the district court of each circuit. This bill makes parking violations at the State's airports consistent with parking violations at other areas outside the airports.

Supportive testimony was heard from the Department of Transportation and the Judiciary.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3580 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

Signed by all members of the Committee except Representative Ward.

SCRep. 77-96 Transportation on H.B. No. 3581

Your Committee received testimony in support of this bill from representatives of the Honolulu Police Department and the City and County of Honolulu Department of Finance.

Upon careful consideration, your Committee has passed the bill unamended.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1531 and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Cachola, Menor and Yoshinaga.

SCRep. 586-96 Judiciary on H.B. No. 2384

The purpose of this bill is to facilitate the issuance of temporary instruction permits by:

- (1) Repealing the requirement that applicants for driver's instruction permits be tested within ten days of the filing of the application;
- (2) Extending temporary instruction permits from ninety to one hundred eighty days;
- (3) Prohibiting the renewal of temporary instruction permits by permittees for the operation of motorcycles or motor scooters unless the permittee has taken the examination for a motorcycle or motor scooter license at least once prior to the expiration of the temporary instruction permit; and
- (4) Prohibiting the holder of a temporary instruction permit for the operation of motorcycles or motor scooters from applying for another temporary instruction permit for a period of two weeks after each failure to meet the requirements of section 286-110, Hawaii Revised Statutes.

Testimony in support of the measure was received by the Department of Transportation.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2384, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Cachola, Menor and Yoshinaga.

SCRep. 587-96 Judiciary on H.B. No. 2957

The purpose of this bill is to add phlebotomists to the list of those persons qualified to withdraw blood for the purpose of determining the alcoholic content therein.

Your Committee received testimony in support of this bill from Mothers Against Drunk Driving, the Healthcare Association of Hawaii, and the Honolulu Police Department.

Your Committee finds that phlebotomists are often the most experienced and capable persons at medical facilities to withdraw blood. Phlebotomists are also more readily available to both withdraw blood and to appear as a witness in court than doctors, registered nurses, and clinical laboratory personnel, thereby causing the least amount of disruption to the operation of a medical facility.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2957 and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Cachola, Menor and Yoshinaga.

SCRep. 588-96 Judiciary on H.B. No. 3432

The purpose of this bill is to:

- (1) Allow the Department of Education (DOE) to revoke any teaching certificate after its issuance if the certificate holder no longer possesses the requisite qualifications and disclose pertinent information about the former certificate holder to national or state teacher certification agencies;
- (2) Allow the DOE to establish standards and certify educational officers; and
- (3) Clarify the continued civil service exempt status of certain certified school personnel of the DOE.

The Department of Education testified in support of this measure. The Hawaii Government Employees Association supported the purpose of the bill.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3432, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Cachola, McMurdo, Menor and Yoshinaga.

SCRep. 589-96 Consumer Protection and Commerce on H.B. No. 2850

The purpose of this bill is to exempt state and county firefighters who drive state or county fire trucks from commercial driver licensing requirements, provided that they are trained by the state or county government.

Testimony in support of the measure was received from the Department of Transportation, the Hawaii State Fire Fighters Association, and the Honolulu Fire Department. An individual also submitted comments on the bill.

Currently, federal firefighters who drive federal fire trucks and are trained by the federal government are exempt from state commercial driver licensing requirements.

Additionally:

- (1) Fire departments are not in "commerce or trade" and therefore, do not come within the definition of "commercial" as defined by federal motor carrier regulations; and
- (2) Exempting state and county firefighters from commercial driver licensing requirements will not result in the termination of alcohol and drug testing, driver improvement training, or driver physical standards. To the contrary, these public safety programs will remain intact.

Your Committee finds that this bill will not diminish public safety, but merely transfers to the State and the respective counties the responsibility of ensuring that firefighters continue to operate fire trucks safely.

As affirmed by the record of votes of the members of your Committee on Consumer Protection and Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2850, H.D. 1, and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Herkes, Hiraki, Swain, Tom, White and Thielen.

SCRep. 590-96 Consumer Protection and Commerce on H.B. No. 3274

The purpose of this bill is to allow the respective county directors of finance to enter into contracts with motor vehicle rental companies for the registration of new motor vehicles.

Testimony in support of the measure was received from the Department of Finance of the City and County of Honolulu and CATRALA-Hawaii.

Currently, the county directors of finance are allowed to enter into contracts with new car dealerships for the registration of new motor vehicles. With the large number of motor vehicles that new car dealers register, new car dealers are able to register their motor vehicles in an efficient manner.

However, the law does not provide the same flexibility for motor vehicle rental companies. Under the current system, car rental company employees are limited in the number of motor vehicles that they may register at a given time. This is a time consuming and inefficient way to register large number of cars.

With adequate governmental safeguards and controls, this bill will benefit both car rental companies, who require faster issuance of motor vehicle registrations so that their vehicles will be available for rental purposes, and consumers seeking vehicles to rent.

As affirmed by the record of votes of the members of your Committee on Consumer Protection and Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3274 and recommends that it pass Third Reading.

Signed by all members of the Committee except Representatives Herkes, Hiraki, Swain, Tom, White and Thielen.

SCRep. 591-96 Consumer Protection and Commerce on H.B. No. 3415

The purpose of this bill is to repeal the requirement that a homeless facility or provider agency file a copy of its current House rules and regulations governing tenancy or participation with the Director of Commerce and Consumer Affairs before issuing a warning or request to leave for violating House rules or regulations.

Testimony in support of the measure was received from the Department of Commerce and Consumer Affairs (DCCA). The Hawaii Housing Authority submitted comments on the bill.

Testimony from DCCA stated that the current requirement that a homeless facility or provider agency file a copy of its current House rules and regulations governing tenancy or participation as a precondition to the issuance of a warning or request to leave is an unnecessary formality. DCCA has no power to approve or reject these rules and regulations. Further, there are no standards for this type of review and DCCA has no expertise that would make it appropriate to assign this matter to a substantive review function. Under these circumstances, this filing requirement is a technicality that hinders the efficient management of the facility.

As affirmed by the record of votes of the members of your Committee on Consumer Protection and Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3415 and recommends that it pass Third Reading.

- (2) Retaining the proxy option that permits the use of the proxy for quorum purposes.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3241, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 3241, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairman on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Chumbley, Holt).

SCRep. 2573 Housing on H.B. No. 3970

The purpose of this bill is to require the purchaser of property, which is subject to the buy-back restrictions of section 201E-221, Hawaii Revised Statutes (HRS), to sell the property to a "qualified resident", as defined in section 201E-2, HRS, if the Housing Finance and Development Corporation (HFDC) does not exercise its option to buy-back the property under section 201E-221(a), HRS.

Your Committee received testimony in support of this bill from the HFDC, and the City and County of Honolulu. No testimony in opposition was received.

Your Committee believes that the restrictions on the resale of real property in HFDC sponsored or assisted projects are desirable to preserve existing and future inventories of affordable housing. This bill helps preserve the inventories of affordable housing by requiring the purchaser to sell the property to a "qualified buyer" if HFDC does not exercise its buy-back option.

Your Committee amended this bill by:

- (1) Adding a new section to amend section 201E-222(b), HRS, to change cross references to section 201E-221, HRS, since section 201E-221, HRS, has been reordered by the bill;
- (2) Clarifying that when HFDC purchases property by conveyance subject to existing mortgages and liens as provided under section 201E-221(a)(2)(B), HRS, it is not assuming the seller's mortgage obligations; and
- (3) Making other technical, nonsubstantive amendments for purposes of style and clarity.

As affirmed by the record of votes of the members of your Committee on Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3970, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 3970, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Signed by the Chairman on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Taniguchi).

SCRep. 2574 Transportation and Government Affairs on H.B. No. 2403

The purpose of this bill is to allow owners of mopeds to restore the original serial number, component part number, or identification mark of a moped and to possess such a moped when the restoration is authorized by the Director of Finance.

Your Committee finds that under existing law, at least one instance has occurred where an owner has had difficulty in reclaiming a stolen moped recovered by the police because the serial numbers were defaced by the thief.

This measure will provide specific statutory authorization for the restoration of moped serial numbers, comparable to statutory provisions governing motor vehicles and bicycles.

The Office of the Ombudsman testified in support, and the Department of Finance, City and County of Honolulu, had no objections to this measure.

As affirmed by the record of votes of the members of your Committee on Transportation and Government Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2403 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chairman on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Solomon).

SCRep. 2575 Transportation and Government Affairs on H.B. No. 2850

The purpose of this bill is to exempt state and county firefighters who drive firetrucks from commercial driver licensing requirements provided they are trained by either the federal, state, or county government.

Favorable testimony in support of the bill was submitted by the Training and Research Bureau of the Honolulu Fire Department, the Hawaii Fire Chiefs Association, the State Fire Council, the Department of Transportation, and the Fire Chief of the City and County of Honolulu. The testimony was generally to the effect that commercial licensing was unnecessary as fire departments are not commercial enterprises, and licensing was an unnecessary financial drain.

As affirmed by the record of votes of the members of your Committee on Transportation and Government Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2850, H.D. 1, and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chairman on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Solomon, Taniguchi).

SCRep. 2576 Transportation and Government Affairs on H.B. No. 3506

The purpose of this bill is to repeal the provision that prohibits the examiner of drivers from issuing a license to any person who has been ordered hospitalized or committed unless the Director of Health has certified that the person is mentally competent to operate a motor vehicle.

Your Committee finds that the provision unjustifiably discriminates against those who were involuntarily hospitalized or committed as a result of a mental illness. Your Committee believes that with proper treatment and support persons with mental illnesses are able to contribute to society.

Your Committee notes that the provision may conflict with chapter 28, Code of Federal Regulations, part 35.130(h)(8) of the Americans with Disabilities Act which prohibits any eligibility criteria that screen out individuals with disabilities from equally enjoying any service, program or activity, unless the criteria can be shown to be necessary.

Your Committee further notes that an existing provision, section 286-104(4), Hawaii Revised Statutes, effectively denies the issuance of driver's licenses to individuals who have a present mental or physical disability that prevents the individual from driving safely.

As affirmed by the record of votes of the members of your Committee on Transportation and Government Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3506 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Signed by the Chairman on behalf of the Committee.
Ayes, 4. Noes, none. Excused, 1 (Solomon).

SCRep. 2577 Ecology and Environmental Protection on S.R. No. 98

The purpose of this Resolution is to request the Governor to declare April to be "Caring for the Earth Month"; and to extend a heartfelt mahalo to Earth-Friendly Schools Hawaii-International for its good work in promoting environmental information.

Your Committee recognizes that the Earth-Friendly Schools program, established to instill environmental ethics into the lives of our youth, has created the event, "Caring for the Earth Month", with organizations, schools, and businesses registering as participants and sponsors, with the intention of making it an annual event celebrated each April and leading to "Caring for the Earth Year" in the year 2000. Your Committee finds that the program has proven to be an effective, relevant, and meaningful program worthy of wider attention, support, and active participation.

As affirmed by the record of votes of the members of your Committee on Ecology and Environmental Protection that is attached to this report, your Committee concurs with the intent and purpose of S.R. No. 98 and recommends its adoption.

Signed by the Chairman on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Chumbley, Levin).

SCRep. 2578 Ecology and Environmental Protection on S.C.R. No. 126

The purpose of this Concurrent Resolution is to request the Governor to declare April to be "Caring for the Earth Month"; and to extend a heartfelt mahalo to Earth-Friendly Schools Hawaii-International for its good work in promoting environmental information.

Your Committee recognizes that the Earth-Friendly Schools program, established to instill environmental ethics into the lives of our youth, has created the event, "Caring for the Earth Month", with organizations, schools, and businesses registering as participants and sponsors, with the intention of making it an annual event celebrated each April and leading to "Caring for the Earth Year" in the year 2000. Your Committee finds that the program has proven to be an effective, relevant, and meaningful program worthy of wider attention, support, and active participation.

As affirmed by the record of votes of the members of your Committee on Ecology and Environmental Protection that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 126 and recommends its adoption.

Signed by the Chairman on behalf of the Committee.
Ayes, 3. Noes, none. Excused, 2 (Chumbley, Levin).

SCRep. 2579 Ecology and Environmental Protection on S.R. No. 148

The purpose of this Resolution is to request the Department of Health to review the rules, procedures, and variance criteria relating to the requirements for upgrading from cesspools to individual wastewater systems in areas zoned for rural or agricultural uses, taking into consideration the concerns of landowners in rural or agricultural zones who own lots smaller than ten thousand square feet, and to report its findings and recommendations to the Legislature no later than twenty days before the Regular Session of 1997.

RICHARD T. BISSEN, JR.
Mayor

JOSIAH K. NISHITA
Managing Director



OFFICE OF THE MAYOR
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov

TO: Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Senate Committee on Judiciary

FROM: Richard T. Bissen, Jr., Mayor
Cynthia M. Razo-Porter, Director of Personnel Services

DATE: February 27, 2025

SUBJECT: SUPPORT OF SB2527, RELATING TO COMMERCIAL DRIVER LICENSING

Thank you for the opportunity to testify in **SUPPORT** of this important measure.

The Act requires that state and county firefighters exempt from commercial driver licensure be subject to an alcohol and substance abuse policy for employees that is equivalent to, or exceeds the provisions of, the safety and health standards established by the United States Department of Transportation for holders of commercial driver's licenses.

The County of Maui strongly supports SB 2527. Under federal law, a commercial driver's license (CDL) is required for individuals operating certain types of commercial motor vehicles (CMV). A CMV is generally defined as a Gross Vehicle Weight Rating (GVWR) of 10,001 pounds or more. Fire trucks would typically fall under this category. The Federal Motor Carrier Safety Administration (FMCSA), along with the Department of Transportation (DOT), requires that persons subject to the CDL requirements and their employers follow alcohol and drug testing rules. These rules include procedures for testing, frequency of tests, and substances tested for.

On March 8, 1996, a federal exemption for fire fighters was enacted. Title 49 Code of Federal Regulations (CFR) Part 382 provides for exemptions from the above requirement if the State of that employer has specifically waived these requirements.

Around the same time, the Hawai'i State Legislature exempted fire fighters from CDL licensure as provided under Hawai'i Revised Statutes (HRS), §286-235.5. While Hawai'i law expressly exempts fire fighters from CDL licensure, it does not appear that the Legislature intended to exempt fire fighters from drug and alcohol testing requirements under the FMCSA rules 49 CFR Part 382. This is evident in the applicable 1996 House Committee report, that provides in part, "this bill does not jeopardize public

safety because it would not exempt firefighters from meeting federal requirements, including alcohol and drug testing, driver improvement training, and driver physical standards.”

This bill would support the intent of the Legislature in that fire fighters that are employed by the state and counties, and who are exempt from licensure under §286-235.5, HRS, to be subject to an alcohol and substance abuse policy that is equivalent to, or exceeds the provisions of, the safety and health standards established by the United States DOT for holders of CDLs. A similar requirement already applies to emergency medical services (EMS) personnel under §321-226, HRS. Establishing this requirement for fire fighters will help ensure the safety of our fire fighters and the public.

Without this statutory requirement, the existing drug and alcohol testing program for firefighters could be terminated by either the Employer or the Union with 30 days written notice. Ending the program would be contrary to the intent of the Legislature and it would jeopardize the safety of firefighters and the public that they serve.

As a final, important note: while this bill establishes a minimum drug and alcohol testing standard for firefighters, it does not bypass or undermine any mandatory subject of collective bargaining required under HRS Chapter 89. This bill does not remove the Employer and the Union’s obligation to negotiate over specific procedures and implementation of the program. What this bill would do is establish the floor as to what agreement the Employer and the Union must come to for a drug and alcohol testing standard for firefighters—the specifics of the agreement must still be negotiated between the relevant parties.

Drug and alcohol testing agreements are regularly negotiated with other bargaining units whose members are required to comply with the DOT drug and alcohol testing standards, including employees who hold CDLs and emergency medical services personnel under §321-226, HRS. This bill applies a similar minimum standard to firefighters that already exists for the emergency medical services personnel and is an important measure to ensure public health and safety standards are upheld.

We strongly believe that this is consistent with the intent of the Legislature, which is evident in the applicable 1996 Senate and House Committee reports.

Thank you for the opportunity to testify on this measure.

**HONOLULU FIRE DEPARTMENT
KA 'OIHANA KINAI AHI O HONOLULU
CITY AND COUNTY OF HONOLULU**

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RICK BLANGIARDI
MAYOR
MEIA



SHELDON K. HAO
FIRE CHIEF
LUNA NUI KINAI AHI

JASON SAMALA
DEPUTY FIRE CHIEF
HOPE LUNA NUI KINAI AHI

March 2, 2026

The Honorable Karl Rhoads, Chair
Committee on Judiciary
State Senate
State Capitol, Room 016
Honolulu, Hawaii 96813

Dear Chair Rhoads:

Subject: Senate Bill (SB) 2527 Relating to Commercial Driver Licensing

The Honolulu Fire Department (HFD) supports SB 2527, which requires operators of certain commercial motor vehicles, including fire apparatuses, to comply with alcohol and drug testing requirements administered by the Federal Motor Carrier Safety Administration and the U.S. Department of Transportation (DOT). Although Hawaii State law exempts fire fighters (FF) from commercial driver's license (CDL) licensure under Hawai'i Revised Status §286-235.5, the legislature did not intend to exempt FFs from these federal safety requirements.

This intent is reflected in the 1996 House Committee Report, which states that the CDL exemption for FFs, a safety-sensitive position, does not compromise public safety and waive federal requirements, including alcohol and drug testing.

SB 2527 affirms this intent by requiring state and county FFs, who are exempt from CDL licensure, to be subject to an alcohol and substance abuse policy that is equivalent to or exceeds DOT standards. This measure will help ensure the safety of FFs and the public we serve.

Should you have questions, please contact Assistant Chief Reid Yoshida of our Support Services division at 808-723-7104 or ryoshida@honolulu.gov.

Sincerely,

A handwritten signature in black ink that reads "Sheldon K. Hao".

SHELDON K. HAO
Fire Chief

SKH/RY:cn



HAWAII FIRE FIGHTERS ASSOCIATION

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 1463, AFL-CIO
1018 PALM DRIVE, HONOLULU, HAWAII 96814-1929
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THE SENATE
THE THIRTY-THIRD LEGISLATURE
REGULAR SESSION OF 2027

COMMITTEE ON JUDICIARY
Tuesday, March 2, 2026
10:15 AM
Conference Room 016

Testimony by
Hawaii Fire Fighters Association
Committee on Transportation

S.B. No. 2527 RELATING TO COMMERCIAL DRIVER LICENSING TRS, JDC

The Hawai'i Fire Fighters Association (HFFA), IAFF Local 1463, AFL-CIO represents more than 2,000 professional active-duty fire fighters throughout the State. The HFFA, on behalf of all our Bargaining Unit 11 (BU11) members, strongly opposes S.B. No. 2527, which requires the state and county firefighters exempt from commercial driver licensure be subject to an of, the safety and health standards established by the United States Department of Transportation for holders of commercial driver's licenses (CDL).

While the bill would require firefighters exempt from CDLs to follow alcohol and substance abuse policies equal to or exceeding U.S. Department of Transportation standards, HFFA members are already covered by a long-standing, jointly negotiated Drug and Alcohol Testing (DAT) pursuant to the BU 11 DAT Memorandum of Agreement (MOA) that mirrors those federal standards.

The current DAT MOA was implemented since 1997 and updated only through mutual agreement, is a mandatory subject of bargaining under Chapter 89, HRS. S.B. No. 2527 would improperly bypass collective bargaining and allow employers to unilaterally impose changes to firefighters' terms and conditions of employment. Any proposed modifications to drug and alcohol testing policies must be negotiated at the bargaining table and not mandated through legislation that undermines public employees' constitutional and statutory bargaining rights.

We respectfully request that S.B. No. 2527 be held in Committee.