

**ACT 123**

H.B. NO. 1062

A Bill for an Act Relating to Commercial Driver's Licenses.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that, effective February 7, 2022, the Federal Motor Carrier Safety Administration is requiring states to comply with

federal regulations mandating entry level driver training for certain first-time commercial driver's license applicants. Failure to comply will result in a penalty. The first year the State fails to comply will result in the withholding of four per cent of funds required to be apportioned to Hawaii under the Highway Trust Fund, title 23 United States Code section 104(b)(1) and (2). The second and subsequent years the State is out of compliance will result in an eight per cent penalty. The dollar amounts that will be withheld respectively are \$6,185,220 and \$12,370,440 if the State does not comply.

Accordingly, the purpose of this Act is to:

- (1) Clarify the validity period of a commercial learner's permit; and
- (2) Bring the State into compliance with federal regulations by requiring certain commercial driver's license applicants to complete an entry-level driver training course before taking other certain required tests for licensure.

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

1. By amending subsection (e) 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; provided that, if the applicant is not required to take a knowledge test, the period shall start when the permit is issued. When driving a commercial motor vehicle, the holder of a commercial learner's permit shall be accompanied by a person with a valid commercial driver's license to operate that category of commercial motor vehicle with the proper endorsements. The licensed person shall occupy the seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle. The commercial learner's permit may be renewed no more than an additional one hundred eighty days without requiring the commercial learner's permit holder to retake the general or endorsement knowledge tests, and the applicant requalifies meeting the requirements of subsection (d). The commercial learner's permit holder is eligible to take the commercial driver's license skills test no earlier than fourteen days after obtaining the permit.”

2. By amending subsection (g) to read:

“(g) Every applicant shall successfully complete the commercial driver's license general knowledge test before being issued a commercial learner's permit. A driver holding a valid commercial driver's license who seeks an upgrade for which a skills test is required shall also pass the appropriate knowledge test [~~prior to~~] before obtaining a commercial learner's permit. Beginning February 7, 2022, except for a driver holding a valid commercial learner's permit or commercial driver's license that was obtained before February 7, 2022, every applicant shall 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 before taking the skills test for a class A or class B commercial driver's license, passenger endorsement, or school bus endorsement, and before taking the knowledge test for a hazardous materials endorsement.”

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

SECTION 4. This Act shall take effect upon its approval.

(Approved June 28, 2021.)