
A BILL FOR AN ACT

RELATING TO COMMERCIAL DRIVER LICENSING.

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

1 SECTION 1. Chapter 286, Hawaii Revised Statutes, is
2 amended by adding a new section to part XIII to be appropriately
3 designated and to read as follows:

4 "§286- Hazardous materials endorsement. The examiner of
5 drivers shall not issue, renew, upgrade, or transfer a hazardous
6 materials endorsement for a commercial driver's license to any
7 individual unless the federal transportation security
8 administration has determined that the individual does not pose
9 a security risk warranting denial of the endorsement."

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

12 1. By adding two new definitions to be appropriately
13 inserted and to read:

14 "Gross combination weight rating" means the value
15 specified by the manufacturer as the loaded weight of a
16 combination (articulated) vehicle. In the absence of a value
17 specified by the manufacturer, gross combination weight rating
18 shall be determined by adding the gross vehicle weight rating of



1 the power unit and the total weight of the towed unit and any
2 load thereon.

3 "Tank vehicle" means any commercial motor vehicle that is
4 designed to transport any liquid or gaseous materials within a
5 tank that is either permanently or temporarily attached to the
6 vehicle or the chassis. Such vehicles include but are not
7 limited to cargo tanks and portable tanks, as defined in Title
8 49 Code of Federal Regulations Part 171. This definition does
9 not include portable tanks having a rated capacity under one
10 thousand gallons."

11 2. By amending the definitions of "commercial motor
12 vehicle", "gross vehicle weight rating", and "hazardous
13 materials" to read:

14 "Commercial motor vehicle" means a motor vehicle
15 [~~designed~~] or combination of motor vehicles used in commerce to
16 transport passengers or property:

17 (1) If the vehicle has a gross combination weight rating
18 of 26,001 or more pounds inclusive of a towed unit(s)
19 with a gross vehicle weight rating of more than 10,000
20 pounds;

21 [~~(1)~~] (2) If the vehicle has a gross vehicle weight rating
22 of 26,001 or more pounds;



1 ~~[(2)]~~ (3) If the vehicle is designed to transport sixteen
2 or more occupants, including the driver; or
3 ~~[(3)]~~ (4) If the vehicle, regardless of size, is
4 ~~[transporting]~~ used in the transportation of hazardous
5 materials ~~[and is required to be placarded in~~
6 ~~accordance with 49 Code of Federal Regulations, Part~~
7 ~~172, Subpart F.]~~, as defined in this section.

8 "Gross vehicle weight rating" ~~[(GVWR)]~~ means the value
9 specified by the ~~[manufacturers]~~ manufacturer as the ~~[maximum]~~
10 loaded weight of a single ~~[or a combination (articulated)~~
11 ~~vehicle, or registered gross weight, whichever is greater. The~~
12 ~~gross vehicle weight rating of a combination (articulated)~~
13 ~~vehicle (commonly referred to as the "gross combination weight~~
14 ~~rating" or GCWR) is the gross vehicle weight rating of the power~~
15 ~~unit plus the gross vehicle weight rating of the towed unit.]~~
16 vehicle.

17 "Hazardous materials" ~~[has the meaning as that found in~~
18 ~~section 103 of the Hazardous Materials Transportation Act (49~~
19 ~~United States Code app. §1801.)~~ means any material that has been
20 designated as hazardous under Title 49 United States Code
21 Section 5103 and is required to be placarded under Title 49 Code
22 of Federal Regulations, Part 391, Subpart F, or any quantity of



1 a material listed as a select agent or toxin in Title 42 Code of
2 Federal Regulations Part 73."

3 SECTION 3. Section 286-235.5, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§286-235.5 Persons exempt from [~~license~~] licensure.** The
6 following persons shall be exempt from licensure under this
7 part:

- 8 (1) [~~Any active duty military personnel while operating a~~
9 ~~commercial motor vehicle in the service of the United~~
10 ~~States Department of Defense, provided that the driver~~
11 ~~has a current valid license or permit from the~~
12 ~~Department of Defense to drive the commercial motor~~
13 ~~vehicle; and] Individuals who operate commercial motor
14 vehicles for military purposes. This exception is
15 limited to active-duty military personnel, members of
16 the military reserves, members of the national guard
17 on active duty, including personnel on full-time
18 national guard duty, personnel on part-time national
19 guard training, and national guard military
20 technicians (civilians who are required to wear
21 military uniforms), and active-duty United States~~

1 Coast Guard personnel. This exception is not
2 applicable to United States reserve technicians; and

- 3 (2) Federal, state, and county firefighters, and law
4 enforcement officers who drive federal, state, or
5 county fire trucks, including fire pumpers, aerial
6 ladder trucks, and elevated platform trucks, or
7 authorized emergency vehicles; provided that they are
8 trained by the federal, state, or county government[-]
9 and the commercial motor vehicles are equipped with
10 audible and visual signals and are not subject to
11 normal traffic regulation. For purposes of this
12 [~~section,~~] paragraph, "authorized emergency vehicle"
13 shall have the same meaning as in [~~section]~~ paragraph
14 291C-1."

15 SECTION 4. Section 286-236, Hawaii Revised Statutes, is
16 amended by amending subsections (f) and (g) to read as follows:

17 "(f) The commercial driver's instruction permit shall not
18 be valid for a period in excess of [~~six months.~~] one year. When
19 driving a commercial motor vehicle, the holder of a commercial
20 driver's instruction permit shall be accompanied by a person
21 licensed to operate that category of commercial motor vehicle.
22 The licensed person shall occupy the seat beside the individual



1 for the purpose of giving instruction in driving the commercial
2 motor vehicle. The permit may be reissued after the applicant
3 regualifies meeting the requirements of subsection (e).

4 (g) The examiner of drivers may waive the knowledge and
5 skills tests specified in this section for any person who is at
6 least twenty-one years of age and who possesses a valid
7 commercial driver's license issued by any state of the United
8 States, Mexico, or a province of Canada that issues licenses in
9 accordance with the minimum federal standards for the issuance
10 of commercial driver's licenses. To retain a hazardous
11 materials endorsement, the applicant shall pass the knowledge
12 test for a hazardous materials endorsement~~[-]~~ and be determined
13 by the federal transportation security administration not to
14 pose a security risk warranting denial of the endorsement."

15 SECTION 5. Section 286-239, Hawaii Revised Statutes, is
16 amended as follows:

17 1. By amending subsections (b) and (c) to read:

18 "(b) Commercial driver's licenses may be issued with the
19 following categories:

20 (1) Category A - Any combination of vehicles with a gross
21 ~~[vehicle]~~ combination weight rating [~~(CVWR)~~] of 26,001
22 pounds or more; provided that the gross vehicle weight



1 rating of the vehicles being towed is in excess of
2 10,000 pounds;

3 (2) Category B - Any single vehicle with a gross vehicle
4 weight rating of 26,001 pounds or more, or [~~if the~~
5 ~~gross vehicle weight rating of the vehicle being towed~~
6 ~~is~~] any such vehicle towing a vehicle not in excess of
7 10,000 pounds; and

8 (3) Category C - Any single vehicle or combination of
9 vehicles that meets neither the definition of category
10 A nor that of category B, but that is either:

11 (A) Designed to transport sixteen or more passengers,
12 including the driver; or

13 (B) Used in the transportation of hazardous materials
14 which requires the vehicle to comply with Title
15 49 Code of Federal Regulations, Part 172, Subpart
16 F.

17 (c) Commercial drivers' licenses may be issued with any
18 one or more of the following endorsements and [~~restriction:~~]
19 restrictions:

20 (1) "H" - Authorizes the driver to drive a vehicle
21 transporting hazardous materials;



- 1 (2) "K" - Restricts the driver to vehicles not equipped
2 with air brakes;
- 3 (3) "T" - Authorizes driving double and triple trailers;
- 4 (4) "P" - Authorizes driving vehicles carrying passengers;
- 5 (5) "N" - Authorizes driving tank vehicles;
- 6 (6) "X" - Represents a combination of hazardous materials
7 and tank vehicle endorsements; [~~and~~]
- 8 (7) "S" - Authorizes driving school buses[~~-~~]; and
- 9 (8) "V" - Restricts the driver from operating in
10 interstate commerce as defined in of Title 49 Code of
11 Federal Regulations Section 390.5."

12 2. By amending subsections (e), (f), and (g) to read:

13 "(e) Before issuing a commercial driver's license, the
14 examiner of drivers shall complete a check of the applicant's
15 driving record to determine whether the applicant is subject to
16 any disqualification under section 286-240, or any license
17 suspension, revocation, or cancellation under state law, and
18 whether the applicant has a driver's license from more than one
19 state or jurisdiction. The record check shall be made no
20 earlier than twenty-four hours prior to the initial issuance or
21 transfer and no sooner than ten days before renewals and



1 upgrades of a commercial driver's license. The record check

2 shall include but is not limited to the following:

3 (1) A check of the applicant's driving record as
4 maintained by the applicant's state of licensure;
5 (2) A check with the commercial driver license information
6 system;

7 (3) A check with the National Driver Register; and

8 (4) A request for the applicant's complete driving record
9 from all states where the applicant was previously licensed to
10 drive any motor vehicle over the last ten years. This check is
11 only required for drivers renewing a commercial driver's license
12 for the first time after September 30, 2002~~[7]~~; provided that a
13 notation is made on the driver's record confirming the check has
14 been made and the date it was done.

15 (f) Within ten days after issuing a commercial driver's
16 license, the examiner of drivers, in the following situations,
17 shall ~~[notify]~~ provide the operator of the commercial driver's
18 license information system ~~[of that fact, providing]~~ with all
19 information ~~[required to ensure identification of]~~ obtained by
20 the examiner that is necessary to identify the licensee~~[7]~~:

21 (1) The issuance of each commercial driver's license;



1 (2) The notation of any changes in driver identification
2 information; and

3 (3) The notation of any changes to the driver's driving
4 record relating to the transfer of a commercial
5 driver's license from one state to another.

6 (g) An initial or renewed commercial driver's license with
7 a hazardous materials endorsement shall expire no later than
8 five years from its date of issuance, except if the licensee is
9 seventy-two years of age or older. The expiration date of a
10 commercial driver's license with a hazardous materials
11 endorsement shall be the same expiration date as the hazardous
12 materials endorsement. If the licensee is seventy-two years of
13 age or older, the initial or renewed commercial driver's license
14 with a hazardous materials endorsement shall not exceed two
15 years. All other initial commercial driver's [~~license~~] licenses
16 shall be valid for not less than two- or six-year period,
17 beginning on the driver's birthday. [~~Renewal~~] All other renewed
18 licenses shall be valid for not more than two- or six-year
19 period from the expiration date of the previous valid license.

20 [~~The~~] With the exception of a commercial driver's license with a
21 hazardous materials endorsement, the commercial driver's license
22 shall expire on the next birthday of the licensee occurring six



1 years after the date of issuance of the license unless sooner
2 revoked, suspended, or canceled; provided that, unless sooner
3 revoked, the license shall expire on the second birthday of the
4 licensee following the issuance of the license if at that time
5 the licensee is seventy-two years of age or older."

6 SECTION 6. Section 286-240, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§286-240 Disqualification and cancellation.** (a) [A] The

9 examiner of drivers shall disqualify any person [~~is~~
10 disqualified] from driving a commercial motor vehicle for a
11 period of not less than one year if convicted of a first
12 violation of:

- 13 (1) Driving a motor vehicle under the influence of
14 alcohol, a controlled substance, or any drug which
15 impairs driving ability;
- 16 (2) Driving a commercial motor vehicle while the alcohol
17 concentration of the driver's blood is 0.04 per cent
18 or more by weight;
- 19 (3) Refusing to submit to a test to determine the driver's
20 alcohol concentration while driving a motor vehicle as
21 required under sections 286-243 and 291E-11;
- 22 (4) Using a motor vehicle in the commission of any felony;

1 (5) Leaving the scene of an accident involving the motor
2 vehicle driven by the person;

3 (6) Unlawful transportation, possession, or use of a
4 controlled substance while on-duty time;

5 (7) Driving a commercial motor vehicle when, as a result
6 of prior violations committed while operating a
7 commercial motor vehicle, the driver's commercial
8 driver's license had been revoked, suspended, or
9 canceled, or the driver was otherwise disqualified
10 from operating a commercial motor vehicle; or

11 (8) Causing a fatality through the operation of a
12 commercial motor vehicle, including but not limited to
13 the crimes of manslaughter and negligent homicide in
14 any degree.

15 (b) [A] The examiner of drivers shall disqualify any
16 person [~~is disqualified~~] for a period of not less than three
17 years for any conviction of a violation of any offense listed in
18 subsection (a) that is committed while a hazardous material
19 required to be placarded under Title 49 Code of Federal
20 Regulations, Part 172, Subpart F, is being transported.

21 (c) [A] The examiner of drivers shall disqualify any
22 person [~~is disqualified~~] from driving a commercial motor vehicle

1 for life if convicted two or more times for violations of any of
2 the offenses listed in subsection (a).

3 (d) [A] The examiner of drivers shall disqualify any
4 person [~~is disqualified~~] from driving a commercial motor vehicle
5 for life if the person uses a motor vehicle in the commission of
6 any felony involving the manufacturing, distributing, or
7 dispensing of a controlled substance, or possession with intent
8 to manufacture, distribute, or dispense a controlled substance.

9 (e) [A] The examiner of drivers shall disqualify any
10 person [~~is disqualified~~] from driving a commercial motor vehicle
11 for a period of not less than sixty days if convicted of two
12 serious traffic violations, or one hundred twenty days if
13 convicted of three serious traffic violations, committed in a
14 commercial motor vehicle arising from separate incidents
15 occurring within a three-year period. The one hundred twenty-
16 day disqualification period required for a third conviction
17 within three years of a "serious traffic violation," as defined
18 in section 286-231, shall be in addition to any other previously
19 imposed period of disqualification. These disqualification
20 periods shall also apply to offenses committed while operating a
21 noncommercial motor vehicle only if the conviction for the

1 offense results in the revocation, cancellation, or suspension
2 of the driver's license.

3 (f) [A] The examiner of drivers shall disqualify any
4 person [~~is disqualified~~] from driving a commercial motor vehicle
5 or from resubmitting an application for a period of not less
6 than sixty days, if the examiner of drivers finds that a
7 commercial driver's license holder or applicant for a commercial
8 driver's license has falsified information or failed to report
9 or disclose required information either before or after issuance
10 of a commercial driver's license.

11 (g) [A] The examiner of drivers shall disqualify any
12 person [~~is disqualified~~] from driving a commercial motor vehicle
13 for a period of not less than ninety days and not more than one
14 year for a first violation, or for at least one year and not
15 more than five years for a second violation, or at least three
16 years and not more than five years for a third or subsequent
17 violation of a driver or vehicle out-of-service order committed
18 in a commercial motor vehicle arising from separate incidents
19 occurring within a ten-year period.

20 (h) [A] The examiner of drivers shall disqualify any
21 person [~~is disqualified~~] from driving a commercial motor vehicle
22 for a period of not less than one hundred eighty days or more



1 than two years for a first violation, or for at least three
2 years and not more than five years for any subsequent violation,
3 of a driver or vehicle out-of-service order committed in a
4 commercial motor vehicle transporting hazardous materials or
5 designed to transport sixteen or more occupants, arising from
6 separate incidents occurring within a ten-year period.

7 (i) [A] The examiner of drivers shall disqualify any
8 person [~~is disqualified~~] from driving a commercial motor vehicle
9 for a period of not less than sixty days if convicted of a first
10 violation, not less than one hundred twenty days if convicted of
11 a second violation during any three-year period, or not less
12 than one year if convicted of a third or subsequent violation
13 during any three-year period for a violation of a federal,
14 state, or local law or regulation pertaining to one of the
15 following six offenses at a railroad-highway grade crossing:

16 (1) For all drivers who are not required to always stop,
17 failing to slow down and check that the tracks are
18 clear of an approaching train;

19 (2) For all drivers who are not required to always stop,
20 failing to stop before reaching the crossing, if the
21 tracks are not clear;



- 1 (3) For all drivers who are always required to stop,
2 failing to stop before driving onto the crossing;
- 3 (4) For all drivers, failing to have sufficient space to
4 drive completely through the crossing without
5 stopping;
- 6 (5) For all drivers, failing to obey a traffic control
7 device or the directions of an enforcement official at
8 the crossing; or
- 9 (6) For all drivers, failing to negotiate a crossing
10 because of insufficient undercarriage clearance.

11 (j) [A] The examiner of drivers shall disqualify any
12 person [~~is disqualified~~] from driving a commercial motor vehicle
13 when the driver's driving is determined to constitute an
14 imminent hazard, as defined in section 286-231, and the
15 disqualification is imposed in accordance with the provisions of
16 Title 49 Code of Federal Regulations Section 383.52."

17 SECTION 7. Section 286-241, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§286-241 Notification of disqualification, suspension,**
20 **revocation, or cancellation of commercial driver's licenses or**
21 **permits.** After disqualifying a person, or suspending, revoking,
22 or canceling a commercial driver's license or permit, the



1 records of the examiner of drivers shall be updated to reflect
2 that action within ten days. Any disqualification imposed in
3 accordance with section 286-240(j) and transmitted by the
4 Federal Motor Carrier Safety Administration shall become a part
5 of the driving record. After suspending, revoking, or canceling
6 a nonresident commercial driver's license or permit, the
7 examiner of drivers shall notify the licensing authority of the
8 state which issued the commercial driver's license within ten
9 days. The notification shall include information regarding any
10 disqualification and the violation or violations that resulted
11 in the disqualification, revocation, suspension, or
12 cancellation."

13 SECTION 8. Section 286-242, Hawaii Revised Statutes, is
14 amended to read as follows:

15 **"§286-242 Commercial drivers prohibited from operating**
16 **with any alcohol in their body.** (a) Notwithstanding any other
17 provision of this chapter, a person may not drive a commercial
18 motor vehicle while having any alcohol in that person's body.

19 (b) A person who drives a commercial motor vehicle while
20 having an alcohol concentration of 0.01 per cent or more by
21 weight or who refuses to take a test as provided by section 286-
22 243 shall be issued a twenty-four-hour out-of-service order.



1 The driver shall also be placed out-of-service for twenty-four
2 hours if the results of a blood test are not immediately
3 available.

4 (c) It is unlawful for any person who has 0.04 per cent or
5 more, by weight, of alcohol in the person's blood to drive a
6 "commercial motor vehicle," as defined in section 286-2. Any
7 person who violates this provision shall be subject to the
8 penalties as provided in section 286-249."

9 SECTION 9. Section 286-245, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§286-245 Driving record information to be recorded and**
12 **furnished.** [~~(a) All convictions, disqualifications, and other~~
13 ~~licensing actions for violations of any state or county law~~
14 ~~relating to motor vehicle traffic control, other than a parking~~
15 ~~violation, committed in any type of vehicle by a holder of a~~
16 ~~commercial driver's license shall be recorded and maintained as~~
17 ~~part of the driver's record.~~

18 ~~(b) All convictions, disqualifications, and other~~
19 ~~licensing actions for violations of any state or county law~~
20 ~~relating to motor vehicle traffic control, other than a parking~~
21 ~~violation, committed while the driver was operating a commercial~~
22 ~~motor vehicle and was required to have a commercial driver's~~



1 ~~license shall be recorded and maintained as part of the driver's~~
2 ~~record.]~~

3 (a) Whenever a person is convicted of a moving traffic
4 violation based on a statute, ordinance, or rule, fails to
5 appear for a hearing, trial, or other court or administrative
6 proceeding on the moving traffic violation, or fails to pay a
7 fine or court cost ordered for a moving violation, the state
8 judiciary shall electronically transmit to the statewide traffic
9 records system the record of such conviction, failure to appear,
10 or failure to pay a fine or court cost. The director of
11 transportation may delegate this function to another agency with
12 compensation, if appropriate, as provided in section 286-111(b).
13 The record of conviction shall include whether the offender was
14 operating a commercial motor vehicle at the time of the offense,
15 whether the offender was transporting hazardous materials
16 requiring placarding under Title 49 Code of Federal Regulations
17 Section 172, Subpart F, the citation date, the conviction date,
18 the citation number, the court in which the conviction occurred,
19 and the offense(s) convicted of. No record of conviction so
20 transmitted and maintained in the statewide traffic records
21 system shall be used for purposes other than the licensing of
22 drivers.



1 (b) Within ten days of an in-state conviction, and within
2 ten days of the receipt of notice of an out-of-state conviction,
3 the examiner of drivers shall record and maintain as part of the
4 driver's record:

5 (1) All convictions, disqualifications, and other
6 licensing actions for violations both in this state
7 and out-of-state, of any law relating to motor vehicle
8 traffic control, other than a parking violation,
9 committed in any type of vehicle, by a holder of a
10 commercial driver's license; and

11 (2) All convictions, disqualifications, and other
12 licensing actions for violations both in this state
13 and out-of-state, of any law relating to motor vehicle
14 traffic control, other than a parking violation,
15 committed while the driver was operating a commercial
16 motor vehicle, and was required to have a commercial
17 driver's license.

18 (c) No commercial driver's license driver's conviction for
19 any violation, in any type of motor vehicle, of a state or local
20 traffic control law, except a parking violation, shall be
21 expunged or subject to deferred imposition of judgment, nor
22 shall an individual be allowed to enter into a diversion program



1 that would prevent the conviction from appearing on the driver's
2 driving record, whether the driver was convicted for an offense
3 committed in this state or another state.

4 (d) The state judiciary and the examiner of drivers shall
5 make available information from any driver's record required by
6 this section to the greatest extent possible, to the users
7 designated in subsection (f), or their authorized agent, within
8 ten days of:

- 9 (1) Receiving the conviction or disqualification
10 information from another state; or
- 11 (2) Receiving the conviction for a violation occurring in
12 this State.

13 (e) All convictions, disqualifications, and other
14 licensing actions for violations shall be retained on each
15 driver's record for at least three years or longer as required
16 under [~~title~~] Title 49 Code of Federal Regulations [~~section~~]
17 Section 384.231(d).

18 (f) Only the following users or their authorized agents
19 may obtain a driver's record:

- 20 (1) States may receive all information regarding any
21 driver's record;

- 1 (2) The Secretary of Transportation may receive all
- 2 information regarding any driver's record;
- 3 (3) A driver may receive only information related to that
- 4 driver's record; and
- 5 (4) A motor carrier or prospective motor carrier may
- 6 receive all information regarding a driver's [~~history~~]
- 7 driving record, or the driver's driving record of a
- 8 prospective driver; provided that the request is made
- 9 by the driver.

10 (g) The traffic violations bureaus of the district courts,

11 upon request, shall furnish users designated in subsection (f),

12 a certified driver record listing all convictions,

13 disqualifications, and all licensing actions in this state and

14 notification of any action received from other states that are

15 recorded and maintained by the examiner of drivers. The traffic

16 violations bureaus shall collect a fee for those requests by

17 users designated in subsection (f)(3) and (4), not to exceed \$9,

18 of which \$5 shall be deposited into the general fund, \$2 shall

19 be deposited into the judiciary computer system special fund,

20 and \$2 shall be deposited into the highway fund."

21 SECTION 10. Section 291E-44, Hawaii Revised Statutes, is

22 amended by amending subsection (a) to read as follows:



1 "(a) (1) During the administrative hearing, the director,
2 at the request of a respondent who is subject to
3 administrative revocation for a period as provided in
4 section 291E-41(b)(1), may issue a conditional license
5 permit that will allow the respondent, after a minimum
6 period of absolute license revocation of thirty days,
7 to drive for the remainder of the revocation period;
8 provided that one or more of the following conditions
9 are met:

10 (A) The respondent is gainfully employed in a
11 position that requires driving and will be
12 discharged if the respondent's driving privileges
13 are administratively revoked; or

14 (B) The respondent has no access to alternative
15 transportation and therefore must drive to work
16 or to a substance abuse treatment facility or
17 counselor for treatment ordered by the director
18 under section 291E-41; or

19 (2) Notwithstanding any other law to the contrary, the
20 director shall not issue a conditional license permit
21 to:



1 (A) A respondent whose license, during the
2 conditional license permit period, is expired or
3 is suspended or revoked as a result of action
4 other than the instant revocation for which the
5 respondent is requesting a conditional license
6 permit under this section;

7 (B) A respondent who has refused breath, blood, or
8 urine tests for purposes of determining alcohol
9 concentration or drug content of the person's
10 breath, blood, or urine, as applicable; or

11 (C) A respondent who holds either a category 4
12 license under section 286-102(b) or a commercial
13 driver's license under section 286-239(b) unless
14 the conditional license permit is restricted to a
15 category 1, 2, or 3 license under section 286-
16 102(b)."

17 SECTION 11. Section 286-237, Hawaii Revised Statutes, is
18 repealed.

19 [~~§286-237 Nonresident commercial driver's license. The~~
20 ~~examiners of drivers may issue a nonresident commercial driver's~~
21 ~~license to a resident of a foreign jurisdiction if the United~~
22 ~~States Secretary of Transportation has determined that the~~



1 ~~commercial motor vehicle testing and licensing standards in the~~
2 ~~foreign jurisdiction do not meet the testing standards~~
3 ~~established in 49 Coded of Federal Regulations, Part 383. The~~
4 ~~word "nonresident" must appear on the face of the nonresident~~
5 ~~commercial driver's license. Prior to issuing a nonresident~~
6 ~~commercial driver's license, the examiner of drivers must~~
7 ~~establish the practical capability of revoking, suspending, and~~
8 ~~canceled the nonresident commercial driver's license and~~
9 ~~disqualifying that person with the same conditions applicable to~~
10 ~~the commercial driver's license issued to a resident of this~~
11 ~~State."]~~

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

14 SECTION 13. This Act shall take effect on July 1, 2020;
15 provided that the amendments made to section 286-236(f), Hawaii
16 Revised Statutes, by section 4 of this Act shall take effect on
17 July 1, 2020.



Report Title:

Commercial Driver Licensing

SB 845
SD2
HD2

Description:

Conforms Hawaii law with the requirements of the federal commercial driver licensing statutes. Effective date July 1, 2020. (SB845 HD2)

