



**GOV. MSG. NO. 1172**

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

April 30, 2014

The Honorable Donna Mercado Kim,  
President  
and Members of the Senate  
Twenty-Seventh State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

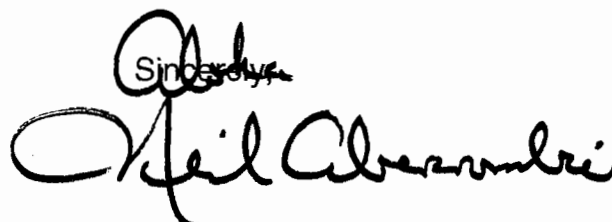
The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Seventh State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on April 30, 2014, the following bill was signed into law:

SB2898 SD2 HD1

RELATING TO COMMERCIAL DRIVER'S  
LICENSING  
**ACT 072 (14)**

  
Sincerely,  
Neil Abercrombie

NEIL ABERCROMBIE  
Governor, State of Hawaii

RECEIVED  
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Approved by the Governor

on APR 30 2014

THE SENATE  
TWENTY-SEVENTH LEGISLATURE, 2014  
STATE OF HAWAII

**ACT 072**  
**S.B. NO.**

2898  
S.D. 2  
H.D. 1

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# A BILL FOR AN ACT

RELATING TO COMMERCIAL DRIVER'S LICENSING.

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

1           SECTION 1. Section 286-236, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3           "**§286-236 Commercial driver's license qualification**  
4 **standards.** (a) No person shall be issued a commercial driver's  
5 license unless that person meets the qualification standards of  
6 title 49 Code of Federal Regulations, part 391, subparts B and  
7 E, has passed a knowledge and driving skills test for driving a  
8 commercial motor vehicle that complies with minimum federal  
9 standards established by federal regulation enumerated in title  
10 49 Code of Federal Regulations, part 383, subparts G and H, is  
11 domiciled in this State as defined in title 49 Code of Federal  
12 Regulations, part 383.5, and has satisfied all other  
13 requirements of the Commercial Motor Vehicle Safety Act of 1986,  
14 Public Law 99-570, title XII, in addition to other requirements  
15 imposed by state law or federal regulation. The tests shall be  
16 prescribed by the director and administered by the respective  
17 county examiner of drivers. The test examiners shall  
18 communicate with the applicant only in English during the skills

SB2898 HD1 HMS 2014-3029-1



1 test. As of January 30, 2012, the examiner of drivers shall  
2 verify that the medical certification status of a driver who  
3 self-certified according to title 49 Code of Federal Regulations  
4 section 383.71(a)(1)(ii)(A), non-excepted interstate, is  
5 certified. If a driver submits a current medical examiner's  
6 certificate, the examiner of drivers shall date-stamp the  
7 certificate and post all required information to the commercial  
8 driver's license information system pursuant to title 49 Code of  
9 Federal Regulations section 383.73(a)(5) and in accordance with  
10 title 49 Code of Federal Regulations section 383.73(j). A  
11 person who is not physically qualified to drive under title 49  
12 Code of Federal Regulations section 391.41(b)(1), (2), or (3)  
13 and who is otherwise qualified to drive a motor vehicle may be  
14 granted an intrastate waiver by the director. The process for  
15 granting intrastate waivers shall be the same as that for  
16 interstate waivers in title 49 Code of Federal Regulations  
17 section 391.49, except that the intrastate waiver requests shall  
18 be submitted to the director; provided that the director shall  
19 adopt rules under chapter 91 to establish a screening process,  
20 including approval by a licensed physician, for granting an  
21 intrastate waiver to persons who are not physically qualified  
22 under title 49 Code of Federal Regulations section 391.41(b)(3).



1       ~~[(b) Pursuant to chapter 91, the director may authorize a~~  
2 ~~third party examiner to administer the driving skills test~~  
3 ~~specified in this section, provided:~~

4       ~~(1) The test is the same as that administered by the~~  
5       ~~respective county examiners of drivers; and~~

6       ~~(2) The third party examiner has entered into an agreement~~  
7       ~~with the State which complies with requirements of~~  
8       ~~title 49 Code of Federal Regulations, section 383.75.~~

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

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

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

21 ~~[(g)]~~ (f) The examiner of drivers may waive the knowledge  
22 and skills tests specified in this section for any person who is



1 at least twenty-one years of age and who possesses a valid  
2 commercial driver's license issued by any state of the United  
3 States, Mexico, or a province of Canada that issues licenses in  
4 accordance with the minimum federal standards for the issuance  
5 of commercial driver's licenses. The examiner of drivers shall  
6 accept the test scores of a Hawaii commercial learner's permit  
7 holder who completes training in another state in the United  
8 States and is tested in compliance with federal motor carrier  
9 safety regulations by that state in association with the  
10 training. The testing state shall electronically transmit in a  
11 secure manner the skills test results directly to the examiner  
12 of drivers, and if the applicant passed, and meets all other  
13 requirements, a Hawaii commercial driver's license shall be  
14 issued. To retain a hazardous materials endorsement, the  
15 applicant shall pass the knowledge test for a hazardous  
16 materials endorsement and be determined by the federal  
17 Transportation Security Administration not to pose a security  
18 risk warranting denial of the endorsement.

19 ~~[(h)]~~ (g) Every applicant shall successfully complete the  
20 commercial driver's license general knowledge test before being  
21 issued a commercial learner's permit. A driver holding a valid  
22 commercial driver's license who seeks an upgrade for which a



1 skills test is required shall also pass the appropriate  
2 knowledge test prior to obtaining a commercial learner's  
3 permit."

4 SECTION 2. Section 286-238, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

6 "(a) The application for a commercial driver's license or  
7 commercial learner's permit shall include the following with  
8 respect to the applicant:

- 9 [~~(1) The full name and current mailing, residential, and  
10 business addresses,  
11 (2) A physical description including sex and height,  
12 (3) Date of birth,  
13 (4) Social security number,  
14 (5) Signature,  
15 (6) Color photograph, digitized color image or black and  
16 white laser engraved photographs of the driver,  
17 ~~(7)~~ (1) Certifications including those required by title  
18 49 Code of Federal Regulations section 383.71(a),  
19 except that this certification applies to both  
20 intrastate and interstate drivers;~~





1       ~~[(8)]~~ (2) The names of all states where the applicant has  
2                   previously been licensed to drive any type of motor  
3                   vehicle during the previous ten years; and

4       ~~[(9)]~~ (3) Any other information required by section 286-111.  
5       The applicant shall produce proof of residency to show the  
6       applicant's state of domicile as defined in title 49 Code of  
7       Federal Regulations section 383.5."

8       SECTION 3. Section 286-238.2, Hawaii Revised Statutes, is  
9       amended by amending subsection (e) to read as follows:

10       "(e) Before issuing a commercial learner's permit, the  
11       examiner of drivers shall complete a check of the applicant's  
12       driving record as provided in section ~~[286-239(e) or (h)].~~  
13       286-239(d) or (g)."

14       SECTION 4. Section 286-239, Hawaii Revised Statutes, is  
15       amended to read as follows:

16       "**§286-239 Commercial driver's license.** (a) ~~[The~~  
17       ~~commercial driver's license shall be marked "CDL" and, to the~~  
18       ~~maximum extent practicable, shall be tamper proof and include,~~  
19       ~~but not be limited to, the following with respect to the~~  
20       ~~licensee:~~

21       ~~(1) The name and residence address,~~



- 1       ~~(2) A color photograph, digitized color image, or black~~
- 2           ~~and white laser engraved photographs of the driver,~~
- 3       ~~(3) A physical description including sex and height,~~
- 4       ~~(4) Date of birth,~~
- 5       ~~(5) A commercial driver's license number that shall not be~~
- 6           ~~the licensee's social security number,~~
- 7       ~~(6) Signature,~~
- 8       ~~(7) The class or type of commercial motor vehicle or~~
- 9           ~~vehicles that may be driven together with any~~
- 10           ~~endorsements or restrictions,~~
- 11       ~~(8) The name of this State; and~~
- 12       ~~(9) The issuance and expiration dates of the license.~~

13       ~~(b)]~~ Commercial driver's licenses may be issued with the  
14 following categories:

- 15       (1) Category A - Any combination of vehicles with a gross
- 16           combination weight rating of ~~[26,001]~~ twenty-six
- 17           thousand one pounds or more; provided that the gross
- 18           vehicle weight rating of the vehicles being towed is
- 19           in excess of ~~[10,000]~~ ten thousand pounds;
- 20       (2) Category B - Any single vehicle with a gross vehicle
- 21           weight rating of ~~[26,001]~~ twenty-six thousand one



- 1 pounds or more, or any such vehicle towing a vehicle  
2 not in excess of [~~10,000~~] ten thousand pounds; and
- 3 (3) Category C - Any single vehicle or combination of  
4 vehicles that meets neither the definition of category  
5 A nor that of category B, but that is either:
- 6 (A) Designed to transport sixteen or more passengers,  
7 including the driver; or
- 8 (B) Used in the transportation of hazardous materials  
9 which requires the vehicle to comply with [~~Title~~]  
10 title 49 Code of Federal Regulations [~~, Part~~] part  
11 172, [~~Subpart~~] subpart F.
- 12 [~~(e)~~] (b) Commercial drivers' licenses may be issued with  
13 any one or more of the following endorsements and restrictions:
- 14 (1) "H" - Authorizes the driver to drive a vehicle  
15 transporting hazardous materials;
- 16 (2) "L" - Restricts the driver to vehicles not equipped  
17 with air brakes;
- 18 (3) "T" - Authorizes driving double and triple trailers;
- 19 (4) "P" - Authorizes driving vehicles carrying passengers;
- 20 (5) "N" - Authorizes driving tank vehicles;
- 21 (6) "X" - Represents a combination of hazardous materials  
22 and tank vehicle endorsements;



- 1 (7) "S" - Authorizes driving school buses;
- 2 (8) "V" - Indicates there is information about a medical  
3 variance on the commercial driver's license  
4 information system driver record;
- 5 (9) "K" - Restricts the driver from operating in  
6 interstate commerce as defined in title 49 Code of  
7 Federal Regulations section 390.5;
- 8 (10) "Z" - Restricts the driver to vehicles not equipped  
9 with full air brakes;
- 10 (11) "E" - Restricts the driver to vehicles not equipped  
11 with any manual transmission;
- 12 (12) "O" - Restricts the driver to non-tractor trailer  
13 commercial motor vehicles;
- 14 (13) "M" - Restricts the driver from operating a class A  
15 passenger vehicle; and
- 16 (14) "N" - Restricts the driver from operating a class A  
17 and B passenger vehicle.
- 18 [~~(d)~~] (c) The holder of a valid commercial driver's license  
19 may drive all vehicles in the category for which the license is  
20 issued, and all lesser categories of vehicles except motorcycles  
21 and except vehicles which require an endorsement, unless the  
22 proper endorsement appears on the license.



1        [~~e~~] (d) Before issuing a commercial driver's license, the  
2 examiner of drivers shall complete a check of the applicant's  
3 driving record to determine whether the applicant is subject to  
4 any disqualification under section 286-240, or any license  
5 suspension, revocation, or cancellation under state law, and  
6 whether the applicant has a driver's license from more than one  
7 state or jurisdiction. The record check shall be made no  
8 earlier than twenty-four hours prior to the initial issuance or  
9 transfer and no sooner than ten days before renewals and  
10 upgrades of a commercial driver's license. The record check  
11 shall include but is not limited to the following:

- 12        (1) A check of the applicant's driving record as  
13                maintained by the applicant's state of licensure;
- 14        (2) A check with the commercial [~~+~~]driver's[~~+~~] license  
15                information system;
- 16        (3) A check with the National Driver Register; and
- 17        (4) A request for the applicant's complete driving record  
18                from all states where the applicant was previously  
19                licensed to drive any motor vehicle over the last ten  
20                years. This check is only required for drivers  
21                renewing a commercial driver's license for the first  
22                time after September 30, 2002; provided that a



1 notation is made on the driver's record confirming the  
2 check has been made and the date it was done.

3 ~~[(e)]~~ (e) Within ten days after issuing a commercial  
4 driver's license, the examiner of drivers, in the following  
5 situations, shall provide the operator of the commercial  
6 driver's license information system with all information  
7 obtained by the examiner that is necessary to identify the  
8 licensee:

- 9 (1) The issuance of each commercial driver's license;
- 10 (2) The notation of any changes in driver identification  
11 information; and
- 12 (3) The notation of any changes to the driver's driving  
13 record relating to the transfer of a commercial  
14 driver's license from one state to another.

15 ~~[(g)]~~ (f) Commercial driver's licenses shall expire as  
16 follows:

- 17 (1) An initial or renewed commercial driver's license with  
18 a hazardous materials endorsement shall expire no  
19 later than five years from its date of issuance,  
20 except if the licensee is seventy-two years of age or  
21 older. The expiration date of a commercial driver's  
22 license with a hazardous materials endorsement shall



1 be the same expiration date as the hazardous materials  
2 endorsement. If the licensee is seventy-two years of  
3 age or older, the initial or renewed commercial  
4 driver's license with a hazardous materials  
5 endorsement shall not exceed two years; and  
6 (2) All other initial commercial driver's licenses shall  
7 be valid for not more than an eight-year period,  
8 expiring on the driver's birthday. All other renewed  
9 licenses shall be valid for not more than an eight-  
10 year period from the expiration date of the previous  
11 valid license. With the exception of a commercial  
12 driver's license with a hazardous materials  
13 endorsement, the commercial driver's license shall  
14 expire on the next birthday of the licensee occurring  
15 not more than eight years after the date of issuance  
16 of the license unless sooner revoked, suspended, or  
17 canceled; provided that, unless sooner revoked,  
18 suspended, or canceled, the license shall expire on  
19 the second birthday of the licensee following the  
20 issuance of the license if at that time the licensee  
21 is seventy-two years of age or older.



1           ~~[(h)]~~ (g) When applying for renewal of a commercial  
2 driver's license, the applicant shall complete the required  
3 application form ~~[required by section 286-238, providing]~~ and  
4 provide updated information and required certifications. If the  
5 applicant desires to retain a hazardous materials endorsement,  
6 the knowledge test for a hazardous materials endorsement shall  
7 also be taken and passed by the applicant. The examiner of  
8 drivers shall complete a check of the applicant's driving record  
9 as required under subsection ~~[(e)-]~~ (d)."

10           SECTION 5. Section 286-239.5, Hawaii Revised Statutes, is  
11 amended to read as follows:

12           "**[+]§286-239.5[+]** **Reactivation of expired commercial**  
13 **driver's license; fees; road test waived.** (a) Unless revoked  
14 or suspended, and except as provided in subsection (b), any  
15 commercial driver's license that has expired under section  
16 286-239 or rules adopted pursuant to section 286-246 may be  
17 reactivated by the licensee in accordance with the requirements  
18 and procedures set forth for the renewal of commercial drivers'  
19 licenses under section ~~[286-239(h)-]~~ 286-239(g). No person  
20 seeking reactivation of an expired commercial driver's license  
21 under this subsection shall be required to undergo reexamination  
22 of the person's driving skills under section 286-236. The





1 examiner of drivers shall require the holder of an expired  
2 commercial driver's license to pay a reactivation fee of \$5 for  
3 each thirty-day period, or fraction thereof, that has elapsed  
4 after a ninety-day grace period.

5 (b) Any commercial driver's license not reactivated under  
6 subsection (a) within one year of the indicated date of  
7 expiration shall be invalid. The examiner of drivers shall  
8 examine an applicant whose commercial driver's license has been  
9 declared invalid under this subsection in accordance with the  
10 licensing procedures established under sections 286-236 [~~286-~~  
11 ~~238,~~] and 286-239."

12 SECTION 6. Section 291E-44.5, Hawaii Revised Statutes, is  
13 amended by amending subsection (b) to read as follows:

14 "(b) Except as provided in sections 286-118.5 and  
15 291E-61.6, the director shall not issue an ignition interlock  
16 permit to:

17 (1) A respondent whose license is expired, suspended, or  
18 revoked as a result of action other than the instant  
19 revocation;

20 (2) A respondent who does not hold a valid license at the  
21 time of arrest for the violation of section 291E-61;



1 (3) A respondent who holds a license that is a learner's  
2 permit or instruction permit; or

3 (4) A respondent who holds either a category 4 license  
4 under section 286-102(b) or a commercial driver's  
5 license under section [~~286-239(b)~~] 286-239(a) unless  
6 the ignition interlock permit is restricted to a  
7 category 1, 2, or 3 license under section 286-102(b)."

8 SECTION 7. Section 291E-61, Hawaii Revised Statutes, is  
9 amended by amending subsection (c) to read as follows:

10 "(c) Except as provided in sections 286-118.5 and 291E-  
11 61.6, the court shall not issue an ignition interlock permit to:

12 (1) A defendant whose license is expired, suspended, or  
13 revoked as a result of action other than the instant  
14 offense;

15 (2) A defendant who does not hold a valid license at the  
16 time of the instant offense;

17 (3) A defendant who holds either a category 4 license  
18 under section 286-102(b) or a commercial driver's  
19 license under section [~~286-239(b)~~] 286-239(a), unless  
20 the ignition interlock permit is restricted to a  
21 category 1, 2, or 3 license under section 286-102(b);

22 or



1 (4) . A defendant who holds a license that is a learner's  
2 permit or instruction permit."

3 SECTION 8. Section 286-238.5, Hawaii Revised Statutes, is  
4 repealed.

5 [~~"[§286-238.5] Hazardous materials endorsement. The~~  
6 ~~examiner of drivers shall not issue, renew, upgrade, or transfer~~  
7 ~~a hazardous materials endorsement for a commercial driver's~~  
8 ~~license to any individual unless the federal Transportation~~  
9 ~~Security Administration has determined that the individual does~~  
10 ~~not pose a security risk warranting denial of the endorsement." ]~~

11 SECTION 9. This Act does not affect rights and duties that  
12 matured, penalties that were incurred, and proceedings that were  
13 begun, before its effective date.

14 SECTION 10. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 11. This Act shall take effect upon its approval.

APPROVED this 30 day of APR, 2014



GOVERNOR OF THE STATE OF HAWAII