
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



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
22 an 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 pounds or more;
- 17 provided that the gross vehicle weight rating of the
- 18 vehicles being towed is in excess of 10,000 pounds;
- 19 (2) Category B - Any single vehicle with a gross vehicle
- 20 weight rating of 26,001 pounds or more, or any such
- 21 vehicle towing a vehicle not in excess of 10,000
- 22 pounds; and



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



1 (8) "V" - Indicates there is information about a medical
2 variance on the commercial driver's license
3 information system driver record;

4 (9) "K" - Restricts the driver from operating in
5 interstate commerce as defined in title 49 Code of
6 Federal Regulations section 390.5;

7 (10) "Z" - Restricts the driver to vehicles not equipped
8 with full air brakes;

9 (11) "E" - Restricts the driver to vehicles not equipped
10 with any manual transmission;

11 (12) "O" - Restricts the driver to non-tractor trailer
12 commercial motor vehicles;

13 (13) "M" - Restricts the driver from operating a class A
14 passenger vehicle; and

15 (14) "N" - Restricts the driver from operating a class A
16 and B passenger vehicle.

17 [~~(d)~~] (c) The holder of a valid commercial driver's
18 license may drive all vehicles in the category for which the
19 license is issued, and all lesser categories of vehicles except
20 motorcycles and except vehicles which require an endorsement,
21 unless the proper endorsement appears on the license.



1 [~~e~~] (d) Before issuing a commercial driver's license,
2 the examiner of drivers shall complete a check of the
3 applicant's driving record to determine whether the applicant is
4 subject to any disqualification under section 286-240, or any
5 license suspension, revocation, or cancellation under state law,
6 and whether the applicant has a driver's license from more than
7 one 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 [~~f~~] (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 application
3 form required by [~~section 286-238,~~] rules adopted pursuant to
4 section 286-246 providing updated information and required
5 certifications. If the applicant desires to retain a hazardous
6 materials endorsement, the knowledge test for a hazardous
7 materials endorsement shall also be taken and passed by the
8 applicant. The examiner of drivers shall complete a check of
9 the applicant's driving record as required under subsection
10 [~~(e)~~] (d)."

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

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



1 of the person's driving skills under section 286-236. The
2 examiner of drivers shall require the holder of an expired
3 commercial driver's license to pay a reactivation fee of \$5 for
4 each thirty-day period, or fraction thereof, that has elapsed
5 after a ninety-day grace period.

6 (b) Any commercial driver's license not reactivated under
7 subsection (a) within one year of the indicated date of
8 expiration shall be invalid. The examiner of drivers shall
9 examine an applicant whose commercial driver's license has been
10 declared invalid under this subsection in accordance with the
11 licensing procedures established under sections 286-236[~~7~~, ~~286-~~
12 ~~238~~], and 286-239[~~7~~], and rules adopted pursuant to section
13 286-246."

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

16 "(b) Except as provided in sections 286-118.5 and
17 291E-61.6, the director shall not issue an ignition interlock
18 permit to:

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



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

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

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

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

12 "(c) Except as provided in sections 286-118.5 and 291E-
13 61.6, the court shall not issue an ignition interlock permit to:

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

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

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



1 category 1, 2, or 3 license under section 286-102(b);
2 or
3 (4) A defendant who holds a license that is a learner's
4 permit or instruction permit."

5 SECTION 8. Section 286-238.5, Hawaii Revised Statutes, is
6 repealed.

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

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

16 SECTION 10. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

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



Report Title:

Highway; Safety; Motor Vehicle; Commercial Driver's Licensing

Description:

Amends or deletes statutes containing federal commercial driver's licensing requirements that are addressed in Hawaii Administrative Rules. (SD2)

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

