

STAND. COM. REP. NO.

295

Honolulu, Hawaii

FEB 17 , 2021

RE: H.B. No. 1062

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 1062 entitled:

"A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER'S LICENSES,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Clarify the validity period of a commercial learner's permit; and
- (2) Bring the State into substantial compliance with federal regulations requiring entry level driver training for certain first-time commercial driver license applicants.

Your Committee received testimony in support of this measure from the Department of Transportation and Department of Customer Services of the City and County of Honolulu.

Your Committee finds that, on December 8, 2016, the Federal Motor Carrier Safety Administration issued a final rule that amends title 49 Code of Federal Regulations part 380, subpart F to require entry-level driver training for certain applicants for commercial driver's licenses or endorsements (Final Rule).



The Final Rule also requires states to be in substantial compliance with the Final Rule within three years from the date the Final Rule became effective, which was February 6, 2017. The date for compliance was extended to February 7, 2022, through an interim final rule. If a state fails to be in substantial compliance with the Final Rule, the federal government is authorized to withhold certain federal funding. In the first year a state fails to be in substantial compliance, four percent of certain federal funds are withheld; for Hawaii, this would be equivalent to \$6,185,220. In subsequent years a state fails to be in substantial compliance, eight percent of certain federal funds are withheld; for Hawaii, this would be equivalent to \$12,370,440. This measure will bring Hawaii into substantial compliance with the Final Rule.

Your Committee has amended this measure by:

- (1) Clarifying that the validity period for a commercial learner's permit begins on the date the permit was issued for applicants who are not required to take a knowledge test;
- (2) Inserting a grandfather clause allowing persons holding a valid commercial learner's permit or commercial driver's license that was obtained before February 7, 2022, to be exempt from the entry-level driver training requirements;
- (3) Specifying that the entry-level driver training must be verified with the Federal Motor Carrier Safety Administration Training Provider Registry;
- (4) Changing the effective date to January 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1062, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B.



No. 1062, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



AARON LING JOHANSON, Chair



Record of Votes of the Committee on Consumer Protection & Commerce

| Bill/Resolution No.: HB1062 | Committee Referral: CPC, JHA | Date: 2/5/2021 | | |
|---|--|-----------------------|----------|----------|
| <input type="checkbox"/> The committee is reconsidering its previous decision on the measure. | | | | |
| The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit) | | | | |
| CPC Members | Ayes | Ayes (WR) | Nays | Excused |
| 1. JOHANSON, Aaron Ling (C) | ✓ | | | |
| 2. KITAGAWA, Lisa (VC) | ✓ | | | |
| 3. AQUINO, Henry J.C. | ✓ | | | |
| 4. HAR, Sharon E. | ✓ | | | |
| 5. HASHEM, Mark J. | | | | ✓ |
| 6. KONG, Sam Satoru | ✓ | | | |
| 7. MIZUNO, John M. | ✓ | | | |
| 8. MORIKAWA, Dee | ✓ | | | |
| 9. ONISHI, Richard H.K. | ✓ | | | |
| 10. TARNAS, David A. | ✓ | | | |
| 11. MATSUMOTO, Lauren | ✓ | | | |
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| TOTAL (11) | 10 | 0 | 0 | 1 |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div> | | | | |
| Vice Chair's or designee's signature: <u><i>Lisa Kitagawa</i></u> | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | |