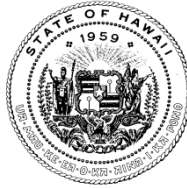


DAVID Y. IGE
GOVERNOR



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
ROSS M. HIGASHI
EDUARDO P. MANGALLAN
PATRICK H. MCCAIN
EDWIN H. SNIFFEN

LATE

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 11, 2022
2:15 P.M.
State Capitol, Via Videoconference

**H.B. 1691, H.D. 1
RELATING TO COMMERCIAL DRIVER'S LICENSES**

House Committee on Judiciary & Hawaiian Affairs

The Department of Transportation (DOT) **supports**, with an amendment, H.B. 1691, H.D. 1, which repeals the requirement that a person shall only operate category 3 vehicles to qualify to drive commercially in the state. Repeals the requirement that an application for a commercial driver's license or commercial learner's permit include intrastate driver certification. Requires the DOT to amend its rules, and makes conforming statutory amendments, to lower the minimum age required for a commercial driver's license (CDL).

Section 2 of the bill contains a deletion in (a)(1) that should not be deleted. Code of Federal Regulations 383.71(a) contains requirements in addition to certifications that apply to all CDL applicants. For example, 383.71(a)(2) requires applicants for a commercial learner's permit (CLP) to pass a general knowledge test, and paragraph (10) requires applicants to complete Entry Level Driver Training. Also, paragraph (9) requires CLP applicants to provide the state with the certification contained in paragraph (b)(1) of section 383.71. Subparagraph (iii) of (b)(1) requires the driver to certify that he/she will be operating only in intrastate commerce and meets the state's medical qualification requirements. Removing those three words in section 2 will put the state out of compliance with the federal requirements relating to CDL. Failure to meet federal compliance can cost the state approximately \$7.5 million dollars per year.

Thank you for the opportunity to provide testimony.

HB-1691-HD-1

Submitted on: 2/11/2022 12:26:42 PM

Testimony for JHA on 2/11/2022 2:15:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
HDOT - Preston Ko	HDOT - MVSO	Support	Yes

Comments:

Registering as a support staff for HDOT.



February 11, 2022

**TESTIMONY BEFORE THE HOUSE COMMITTEE
ON JUDICIARY & HAWAIIAN AFFAIRS
ON HB 1691 HD1 RELATING TO COMMERCIAL DRIVER'S LICENSES**

Aloha Chair Nakashima, and committee members. I am Gareth Sakakida Managing Director of the Hawaii Transportation Association (HTA) with over 350 members involved with the commercial ground transportation industry.

HTA strongly supports this bill to permit 18 year old drivers to operate Type 4 as defined in chapter 286-102(b)(4)), Hawaii Revised Statutes, and Commercial Motor Vehicles (CMV) as defined in chapter 286-2, Hawaii Revised Statutes, in intrastate commerce (please see Appendix A).

Trucks bring us virtually everything we consume: food, drink, medicine, fuel, vaccinations, masks, and much more. A shortage of drivers affects our ability to keep those critical supplies coming. On top of that, drivers' work hours are limited by motor carrier safety regulations.

The shortage of drivers is well publicized throughout the nation, and the American Trucking Associations' (ATA) Chief Economist Bob Costello reported that the trucking industry immediately needs at least 80,000 drivers to keep up with the surging volume of freight, retirements, and drivers who have decided to leave and pursue other careers.

Unlike the ATA, I am unable to quantify Hawaii's drivers shortage, but am constantly receiving inquiries for new driver sources, reports of equipment sitting idle, and carriers stealing drivers from one another.

Hawaii's commercial driver population is aging and we need to get younger people interested in the industry. A major resource is high school graduates who elect not to continue their education. However, by the time they reach the currently required age of 21 for heavy vehicles they are already three years into other professions. Starting the process at age 18 would allow more people to consider the driving profession when they are deciding on a career path.

Chapter 286-102.3, Hawaii Revised Statutes, allows 19 year old drivers under certain conditions to operate Type 3 vehicles in intrastate commerce. This bill seeks to broaden the age range to 18, and the vehicle types to Type 4, and CMVs.

The Federal Motor Carrier Safety Administration (FMCSA) has established a program to train 18 year olds who are already licensed to drive CMVs in intrastate commerce, to also drive in interstate commerce.

However, Hawaii's current laws preclude our drivers from accessing that sort of program, being the only state disallowing 18 year olds to operate Type 4, and CMVs in intrastate commerce.

The FMCSA has also developed an Entry Level Driver Training (ELDT) program which will be in full effect beginning February 7 this year. This program establishes a minimum theory and behind the wheel curricula that all driver trainers must follow.

The ELDT curricula is outlined in 49 CFR part 380 appendices A through E.

- A Class A CDL Training Curriculum
- B Class B CDL Training Curriculum
- C Passenger Endorsement Training Curriculum
- D School Bus Endorsement Training Curriculum
- E Hazardous Materials Endorsement Training Curriculum

The ELDT Curricula can be found at:

https://tpr.fmcsa.dot.gov/content/Resources/ELDT-Curriculum-Summary_508.pdf

In addition, the FMCSA's new Training Provider Registry requires trainers to be registered, and monitored for performance. Only trainers in the Registry are permitted to train and approve driver candidates to be processed by the county DMVs.

Hawaii's own recurrent training program, the Driver Improvement Program, under chapter 286-202.5, Hawaii Revised Statutes will still apply to all drivers of vehicles over 10,000 lbs. GVWR. Hawaii is the only state to require this annual refresher classroom and behind the wheel training.

Finally, in Section 2 of this bill regarding chapter 286-238(a)(1), I requested the deletion of the terms "both intrastate and." However, upon review I find we legally must retain the original language or risk loss of federal funds.

Mahalo.

APPENDIX A

Inter vs. Intra state transportation

Interstate transportation is the movement of goods and passengers from outside the state to a point within the state. (E.g. a shipment originates in Casper Wyoming and is consigned to XXX Company on Kalakaua Avenue. The transportation from point of origin to the stated consignee is interstate transportation.

Intrastate transportation is the movement of goods and passengers from one point in the State to another point within the same State without leaving the State.

The primary difference between this and a dictionary definition is interstate transportation does exist within the state, and does not end when the shipment / passenger arrives at a port to enter the state.



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Derek Kurisu, KTA Superstores, *Advisor*
Toby Taniguchi, KTA Superstores, *Advisor*
Joe Carter, Coca-Cola Bottling of Hawaii, *Immediate Past Chair*

TO: Committee on Judiciary and Hawaiian Affairs
Rep. Mark M. Nakashima, Chair
Rep. Scot Z. Matayoshi, Vice Chair

LATE

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: February 11, 2022
TIME: 2:15pm
PLACE: Via Videoconference

RE: HB1691 HD1 Relating to Commercial Driver's Licenses

Position: Support

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

HFIA supports this measure to lower the minimum age required for a commercial driver's license. At the moment our state and our country are in the midst of both a supply chain crisis and a labor shortage. There is a shortage of qualified truck drivers to move goods, which is making it harder for our food and beverage producers and suppliers to get things where they need to be for Hawaii consumers. This bill will help alleviate the driver shortage, open valuable employment opportunities to qualified young driver, and retain the necessary safety requirements that help keep our roads safe. We encourage the Committee to pass this measure and we thank you for the opportunity to testify.