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DEPARTMENT OF TRANSPORTATION
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February 18, 2021
3:00 P.M.
State Capitol, Teleconference

S.B. 1216
RELATING TO COMMERCIAL DRIVER'S LICENSES

Senate Committee on Transportation

The Department of Transportation (DOT) **supports** S.B. 1216 but requests amendments.

The purpose of the bill is to establish a legal basis for implementing title 49 Code of Federal Regulations part 380, subpart F, which requires entry level driver training for certain applicants for a commercial driver's license or endorsement. A couple of housekeeping amendments are also included.

States that fail to implement this entry level driver training requirement by February 7, 2022 can be penalized by withholding federal funds. In Hawaii, the amount withheld would be \$6,185,220.00 for the first year of noncompliance and \$12,370,440.00 for the second and subsequent years.

The first amendment requested is on Page 6, starting on line 11. Please insert a grandfather clause that is allowed by Federal Motor Carrier Safety Administration and a verification requirement so that the originally proposed amendments (not underlined) together with the amendments requested with this testimony (underlined) read as follows:

As of February 7, 2022, except for a driver holding a valid commercial learner's permit or commercial driver's license that was obtained prior to February 7, 2022, every applicant must complete the entry-level driver training requirements as specified in title 49 Code of Federal Regulations part 380, subpart F, and be verified with the Federal Motor Carrier Safety Administration Training Provider Registry prior to taking the skills test for a class A or class B commercial driver's license, passenger endorsement, or school bus endorsement, and prior to taking the knowledge test for a hazardous materials endorsement.

One of the housekeeping amendments clarifies the validity period of a commercial learner's permit by noting that it starts on the date that the driver passes the general knowledge test or any required endorsement knowledge tests. This is the change we would like amended. The proposed wording is appropriate for an applicant who does not have a Commercial Driver's License (CDL), but there are also CDL holders who need a permit to upgrade their license, such as move from a class B CDL to a class A license. These applicants may not be required to take a knowledge test. It is, therefore, requested that the first sentence in subsection (e) in section 2, be amended to read:

(e) The commercial learner's permit shall not be valid for a period in excess of one hundred eighty days[-] from the date that the applicant passes the general and all required endorsement knowledge tests, or if the applicant is not required to take a knowledge test, the period starts when the permit is issued.

The other housekeeping amendment is in section 3, Page 3, lines 9 & 10. It removes a reference that was erroneously left out of Act 67, Session Laws of Hawaii 2020, which aligned Hawaii's law with a change that was made to 49 Code of Federal Regulations section 391.41(b)(3). This regulation was amended to remove the requirement for commercial driver's license holders who are treating diabetes mellitus with insulin to obtain a medical waiver in addition to their periodic medical examination. Rather than using a waiver, the medical examiner who examines the driver now confers with the driver's treating clinician, evaluates the driver's medical records and decides whether the driver's medical condition will have an adverse effect on the driver's ability to drive safely. If the driver satisfies the medical requirements, a medical examiner's certificate is issued. If the driver does not meet the requirements, a certificate is not issued.

Thank you for the opportunity to provide testimony.



February 18, 2021

**TESTIMONY BEFORE THE SENATE COMMITTEE ON TRANSPORTATION
ON SB 1216 RELATING TO COMMERCIAL DRIVER'S LICENSES**

Aloha Chair Lee, and committee members. I am Gareth Sakakida Managing Director of the Hawaii Transportation Association (HTA) with over 375 members involved with the commercial ground transportation industry.

HTA supports this bill. This would conform Hawaii's rules to the Federal Motor Carrier Safety Administration's current requirements applicable for 2022.

Mahalo.

SB-1216

Submitted on: 2/16/2021 12:12:56 PM

Testimony for TRS on 2/18/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Chad Taniguchi	Individual	Comments	No

Comments:

SB1216 places importance on commercial drivers. When properly trained they are among the safest drivers on the road. Part of that training should be for drivers to always be aware when they see a person walking or bicycling and before switching lanes or turning, to make sure they can see and account for that person. If they are not sure, don't take the action without knowing.

It is also important for the owners and managers who hire commercial drivers to put in place safe driving policies and training.

In the 5 years from 2006-2010 Robert's Hawaii drivers killed 1 pedestrian or bicyclist each year. Hawaii Bicycling League partnered with them to provide training from the point of view of the person walking or bicycling. To their credit, Robert's Hawaii took to heart that training, created a training video available to all in the industry, and repeats training every year.

Since 2010 Robert's drivers have not killed anyone walking or bicycling. They are a role model of proper policies and proper training.