
A BILL FOR AN ACT

RELATING TO COMMERCIAL DRIVER'S LICENSES.

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

1 SECTION 1. The purpose of this Act is to amend existing
2 law to meet new federal requirements relating to the issuance,
3 renewal, transfer, or upgrade of commercial driver's licenses
4 and commercial learner's permits to meet these new federal
5 requirements.

6 SECTION 2. Section 286-236, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§286-236 Commercial driver's license qualification**
9 **standards.** (a) No person shall be issued a commercial driver's
10 license unless that person:

- 11 (1) Meets the qualification standards of title 49 Code of
12 Federal Regulations, part 391, subparts B and E;
- 13 (2) Has passed a knowledge and driving skills test for
14 driving a commercial motor vehicle that complies with
15 minimum federal standards established by federal
16 regulation enumerated in title 49 Code of Federal
17 Regulations, part 383, subparts G and H;



1 (3) Is domiciled in this State as defined in title 49 Code
2 of Federal Regulations, part 383.5; and

3 (4) Has satisfied all other requirements of the Commercial
4 Motor Vehicle Safety Act of 1986, Public Law 99-570,
5 title XII, in addition to other requirements imposed
6 by state law or federal regulation.

7 The tests shall be prescribed by the director and administered
8 by the respective county examiner of drivers. The test
9 examiners shall communicate with the applicant only in English
10 during the skills test. As of January 30, 2012, the examiner of
11 drivers shall verify that the medical certification status of a
12 driver who self-certified according to title 49 Code of Federal
13 Regulations section 383.71(b)(1)(i), non-excepted interstate, is
14 certified. If a driver submits a current medical examiner's
15 certificate, the examiner of drivers shall date-stamp the
16 certificate and post all required information to the commercial
17 driver's license information system pursuant to title 49 Code of
18 Federal Regulations section 383.73(b)(5) and in accordance with
19 title 49 Code of Federal Regulations section 383.73(o). A
20 person who is not physically qualified to drive under title 49
21 Code of Federal Regulations section 391.41(b)(1) or (2) and who



1 is otherwise qualified to drive a motor vehicle may be granted
2 an intrastate waiver by the director. The process for granting
3 intrastate waivers shall be the same as that for interstate
4 waivers in title 49 Code of Federal Regulations section 391.49,
5 except that the intrastate waiver requests shall be submitted to
6 the director.

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

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

19 (d) A commercial learner's permit may be issued to an
20 individual who holds a valid driver's license, is at least
21 eighteen years of age, meets the qualification standards of



1 title 49 Code of Federal Regulations, part 391, subparts B and
2 E, and has passed the written tests required for the desired
3 class of a commercial driver's license.

4 (e) The commercial learner's permit shall not be valid for
5 a period in excess of one hundred eighty days from the date that
6 the applicant passes the general and all required endorsement
7 knowledge tests; provided that, if the applicant is not required
8 to take a knowledge test, the period shall start when the permit
9 is issued. When driving a commercial motor vehicle, the holder
10 of a commercial learner's permit shall be accompanied by a
11 person with a valid commercial driver's license to operate that
12 category of commercial motor vehicle with the proper
13 endorsements. The licensed person shall occupy the seat beside
14 the individual for the purpose of giving instruction in driving
15 the commercial motor vehicle. The commercial learner's permit
16 may be renewed no more than an additional one hundred eighty
17 days without requiring the commercial learner's permit holder to
18 retake the general or endorsement knowledge tests, and the
19 applicant requalifies meeting the requirements of subsection
20 (d). The commercial learner's permit holder is eligible to take



1 the commercial driver's license skills test no earlier than
2 fourteen days after obtaining the permit.

3 (f) The examiner of drivers may waive the knowledge and
4 skills tests specified in this section for any person who is at
5 least twenty-one years of age and who possesses a valid
6 commercial driver's license issued by any state of the United
7 States, Mexico, or a province of Canada that issues licenses in
8 accordance with the minimum federal standards for the issuance
9 of commercial driver's licenses. The examiner of drivers shall
10 accept the test scores of a Hawaii commercial learner's permit
11 holder who completes training in another state in the United
12 States and is tested in compliance with federal motor carrier
13 safety regulations by that state in association with the
14 training. The testing state shall electronically transmit in a
15 secure manner the skills test results directly to the examiner
16 of drivers, and if the applicant passed, and meets all other
17 requirements, a Hawaii commercial driver's license shall be
18 issued. To retain a hazardous materials endorsement, the
19 applicant shall pass the knowledge test for a hazardous
20 materials endorsement and be determined by the federal



1 Transportation Security Administration not to pose a security
2 risk warranting denial of the endorsement.

3 (g) Every applicant shall successfully complete the
4 commercial driver's license general knowledge test before being
5 issued a commercial learner's permit. A driver holding a valid
6 commercial driver's license who seeks an upgrade for which a
7 skills test is required shall also pass the appropriate
8 knowledge test before obtaining a commercial learner's permit.
9 Beginning February 7, 2022, except for a driver holding a valid
10 commercial learner's permit or commercial driver's license that
11 was obtained before February 7, 2022, every applicant shall
12 complete the entry-level driver training requirements as
13 specified in title 49 Code of Federal Regulations part 380,
14 subpart F, and be verified with the Federal Motor Carrier Safety
15 Administration Training Provider Registry before taking the
16 skills test for a class A or class B commercial driver's
17 license, passenger endorsement, or school bus endorsement, and
18 before taking the knowledge test for a hazardous materials
19 endorsement.

20 (h) Beginning November 18, 2024, the examiner of drivers
21 shall not issue, renew, transfer, or upgrade a commercial



1 driver's license; renew the Hazmat endorsement; or issue, renew,
2 or upgrade a commercial learner's permit; if the results of a
3 query to the Federal Motor Carrier Safety Administration's Drug
4 and Alcohol Clearinghouse is that the driver is prohibited from
5 operating a commercial motor vehicle."

6 SECTION 3. Section 286-240, Hawaii Revised Statutes, is
7 amended to read as follows:

8 **"§286-240 Disqualification, cancellation, and downgrade.**

9 (a) The examiner of drivers shall disqualify any person from
10 driving a commercial motor vehicle for a period of no less than
11 one year if convicted of a first violation of:

- 12 (1) Driving a motor vehicle under the influence of
13 alcohol, a controlled substance, or any drug that
14 impairs driving ability;
- 15 (2) Driving a commercial motor vehicle while the alcohol
16 concentration of the driver's blood is 0.04 or more
17 grams of alcohol per two hundred ten liters of breath
18 or 0.04 or more grams of alcohol per one hundred
19 milliliters or cubic centimeters of blood;



- 1 (3) Refusing to submit to a test to determine the driver's
2 alcohol concentration while driving a motor vehicle as
3 required under sections 286-243 and 291E-11;
- 4 (4) Using a motor vehicle in the commission of any felony;
- 5 (5) Leaving the scene of an accident involving the motor
6 vehicle driven by the person;
- 7 (6) Unlawful transportation, possession, or use of a
8 controlled substance while on duty;
- 9 (7) Driving a commercial motor vehicle when, as a result
10 of prior violations committed while operating a
11 commercial motor vehicle, the driver's commercial
12 driver's license or commercial learner's permit is
13 revoked, suspended, or canceled, or the driver is
14 otherwise disqualified from operating a commercial
15 motor vehicle; or
- 16 (8) Causing a fatality through the operation of a
17 commercial motor vehicle, including through the
18 commission of the crimes of manslaughter and negligent
19 homicide in any degree.
- 20 (b) The examiner of drivers shall disqualify any person
21 for a period of no less than three years for any conviction of a



1 violation of any offense listed in subsection (a) that is
2 committed while a hazardous material required to be placarded
3 under title 49 Code of Federal Regulations, part 172, subpart F,
4 is being transported.

5 (c) The examiner of drivers shall disqualify any person
6 from driving a commercial motor vehicle for life if the person
7 is convicted two or more times for any of the offenses listed in
8 subsection (a).

9 (d) The examiner of drivers shall disqualify any person
10 from driving a commercial motor vehicle for life if the person
11 uses a motor vehicle in the commission of any felony involving
12 the manufacturing, distributing, or dispensing of a controlled
13 substance, or possession with intent to manufacture, distribute,
14 or dispense a controlled substance.

15 (e) The examiner of drivers shall disqualify any person
16 from driving a commercial motor vehicle for a period of no less
17 than sixty days if the person is convicted of two serious
18 traffic violations, or one hundred twenty days if the person is
19 convicted of three serious traffic violations; provided that the
20 violations are committed in a commercial motor vehicle and arise
21 from separate incidents occurring within a three-year period.



1 The one hundred twenty-day disqualification period required for
2 a third conviction within three years of a serious traffic
3 violation, as defined in section 286-231, shall be in addition
4 to any other previously imposed period of disqualification. The
5 disqualification periods specified in this subsection shall also
6 apply to offenses committed while operating a noncommercial
7 motor vehicle only if the conviction for the offense results in
8 the revocation, cancellation, or suspension of the driver's
9 license.

10 (f) The examiner of drivers shall disqualify any person
11 from driving a commercial motor vehicle or from resubmitting an
12 application for a period of no less than sixty days if the
13 examiner of drivers finds that a commercial driver's license or
14 a commercial learner's permit holder or applicant for a
15 commercial driver's license or commercial learner's permit has
16 falsified information or failed to report or disclose required
17 information either before or after issuance of a commercial
18 driver's license or a commercial learner's permit.

19 (g) If the examiner of drivers receives credible
20 information that a commercial driver's license or commercial
21 learner's permit holder is suspected, but has not been



1 convicted, of fraud related to the issuance of the commercial
2 driver's license or commercial learner's permit, the examiner of
3 drivers shall require the driver to re-take the skills or
4 knowledge tests or both. Within thirty days of receiving
5 notification from the examiner of drivers that re-testing is
6 necessary, the affected commercial driver's license or
7 commercial learner's permit holder shall make an appointment or
8 otherwise schedule to take the next available test:

9 (1) If the commercial driver's license or commercial
10 learner's permit holder fails to make an appointment
11 within thirty days, the examiner of drivers shall
12 disqualify the commercial driver's license or
13 commercial learner's permit indefinitely until the
14 applicant reapplies; or

15 (2) If the driver fails either the knowledge or skills
16 test or does not take the test, the examiner of
17 drivers shall disqualify the commercial driver's
18 license or commercial learner's permit indefinitely
19 until the applicant reapplies. Once a commercial
20 driver's license or commercial learner's permit
21 holder's commercial driver's license or commercial



1 learner's permit has been disqualified, the driver or
2 learner shall reapply for a commercial driver's
3 license or commercial learner's permit under state
4 procedures applicable to all commercial driver's
5 license or commercial learner's permit applicants.

6 (h) The examiner of drivers shall invalidate the
7 commercial driver's license or commercial learner's permit of a
8 person who has been convicted of fraud relating to the issuance
9 of that commercial driver's license or commercial learner's
10 permit, as well as the application of a person so convicted who
11 seeks to renew, transfer, or upgrade the fraudulently obtained
12 commercial driver's license or commercial learner's permit for a
13 period of not less than one year.

14 (i) The examiner of drivers shall disqualify any person
15 from driving a commercial motor vehicle for a period of no less
16 than one hundred eighty days and no more than one year for a
17 first violation, for at least two years and no more than five
18 years for a second violation, and at least three years and no
19 more than five years for a third or subsequent violation of a
20 driver or vehicle out-of-service order committed in a commercial



1 motor vehicle transporting non-hazardous materials arising from
2 separate incidents occurring within a ten-year period.

3 (j) The examiner of drivers shall disqualify any person
4 from driving a commercial motor vehicle for a period of no less
5 than one hundred eighty days and no more than two years for a
6 first violation and for at least three years and no more than
7 five years for any subsequent violation of a driver or vehicle
8 out-of-service order committed in a commercial motor vehicle
9 transporting hazardous materials required to be placarded under
10 title 49 Code of Federal Regulations, part 172, subpart F, or
11 designed to transport sixteen or more occupants including the
12 driver; provided that each violation arises from separate
13 incidents occurring within a ten-year period.

14 (k) The examiner of drivers shall disqualify any person
15 from driving a commercial motor vehicle for a period of no less
16 than sixty days if the person is convicted of a first violation,
17 no less than one hundred twenty days if the person is convicted
18 of a second violation during any three-year period, and no less
19 than one year if the person is convicted of a third or
20 subsequent violation during any three-year period of a federal,



1 state, or local law or regulation pertaining to one of the
2 following six offenses at a railroad-highway grade crossing:

3 (1) For all drivers who are not required to always stop,
4 failing to slow down and check that the tracks are
5 clear of an approaching train;

6 (2) For all drivers who are not required to always stop,
7 failing to stop before reaching the crossing, if the
8 tracks are not clear;

9 (3) For all drivers who are always required to stop,
10 failing to stop before driving onto the crossing;

11 (4) For all drivers, failing to have sufficient space to
12 drive completely through the crossing without
13 stopping;

14 (5) For all drivers, failing to obey a traffic control
15 device or the directions of an enforcement official at
16 the crossing; or

17 (6) For all drivers, failing to negotiate a crossing
18 because of insufficient undercarriage clearance.

19 (1) The examiner of drivers shall disqualify any person
20 from driving a commercial motor vehicle if the driver's driving
21 is determined to constitute an imminent hazard, as defined in



1 section 286-231 and in accordance with the provisions of title
2 49 Code of Federal Regulations section 383.52.

3 (m) Beginning January 30, 2014, if a driver fails to
4 provide the examiner of drivers with the certification required
5 under title 49 Code of Federal Regulations section 383.71(b)(1)
6 or a current medical examiner's certificate if the driver self-
7 certifies according to title 49 Code of Federal Regulations
8 section 383.71(b)(1)(i) that the driver is operating in non-
9 excepted interstate commerce as required by title 49 Code of
10 Federal Regulations section 383.71(h), the examiner of drivers
11 shall mark the commercial driver's license information system
12 driver record as not-certified and initiate a commercial
13 driver's license downgrade.

14 (n) The examiner of drivers shall permanently disqualify
15 any person from driving a commercial motor vehicle for life
16 without the possibility of reinstatement, if the person uses a
17 commercial motor vehicle in the commission of any felony
18 involving severe forms of trafficking in persons.

19 (o) Beginning November 18, 2024, the State shall, upon
20 receiving notification from the Federal Motor Carrier Safety
21 Administration's Drug and Alcohol Clearinghouse that a



1 commercial learner's permit or commercial driver's license
2 holder is prohibited from operating a commercial motor vehicle,
3 shall begin the process to downgrade the commercial learner's
4 permit or commercial driver's license. The downgrade shall be
5 completed and recorded on the Commercial Driver's License
6 Information System driver record within sixty days of the
7 State's receipt of the notification as stated in title 49 Code
8 of Federal Regulations section 383.73(q).

9 [~~o~~] (p) As used in this section:

10 "Commercial sex act" means any sex act on account of which
11 anything of value is given to or received by any person.

12 "Severe forms of trafficking in persons" means either sex
13 trafficking in which a commercial sex act is induced by force,
14 fraud, or coercion, or in which the person induced to perform
15 the act has not attained eighteen years of age; or the
16 recruitment, harboring, transportation, provision, obtaining,
17 patronizing, or soliciting of a person for the purpose of a
18 commercial sex act; or the recruitment, harboring,
19 transportation, provision, or obtaining of a person for labor or
20 services, through the use of force, fraud, or coercion for the



1 purpose of subjection to involuntary servitude, peonage, debt
2 bondage, or slavery."

3 SECTION 4. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

Commercial Driver's Licenses; Federal Motor Carrier Safety Administration; Drug and Alcohol Clearinghouse

Description:

Amends existing law to meet new federal regulations for commercial driver's licenses when the Drug and Alcohol Clearinghouse prohibits a driver from operating a commercial vehicle due to alcohol and drug violations. Effective 7/1/3000.
(HD1)

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