

STAND. COM. REP. NO. 1051 -24

Honolulu, Hawaii

, 2024

MAR 01

RE: H.B. No. 2492
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 2492, H.D. 1, 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 comply with 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.

Your Committee received testimony in support of this measure from the Department of Transportation.

Your Committee finds that, on October 7, 2021, the Federal Motor Carrier Safety Administration (FMCSA) published a final rule establishing requirements for state driver licensing agencies' access to and use of driver-specific drug and alcohol program violation information contained in the FMCSA's Drug and Alcohol Clearinghouse. The final rule requires that:

- (1) Agencies must not issue, renew, upgrade, or transfer a commercial driver's license (CDL), or commercial learner's permit (CLP), as applicable, for any individual prohibited under FMCSA's regulations from performing safety-sensitive functions, including driving

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a commercial motor vehicle (CMV), due to one or more drug alcohol program violations;

- (2) Agencies must, upon receipt of notification that a driver is prohibited from operating a CMV due to a drug and alcohol program violation, initiate the downgrade process to remove the CDL or CLP privilege from the driver's license within sixty days; and
- (3) Drivers completing the return-to-duty process before the downgrade process is completed would no longer be prohibited from operating a CMV and thus would no longer be subject to a downgrade.

State driver licensing agencies have until November 18, 2024, to comply with these requirements. This measure brings the State into compliance with the requirements of the October 7, 2021, final rule.

Your Committee has amended this measure by 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 Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2492, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2492, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



