
A BILL FOR AN ACT

RELATING TO COMMERCIAL DRIVERS LICENSING.

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

1 SECTION 1. Section 286-236, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "§286-236 Commercial driver's license qualification
4 standards. (a) No person shall be issued a commercial driver's
5 license unless that person:

6 (1) Meets the qualification standards of title 49 Code of
7 Federal Regulations, part 391, subparts B and E;

8 (2) Has passed a knowledge and driving skills test for
9 driving a commercial motor vehicle that complies with
10 minimum federal standards established by federal
11 regulation enumerated in title 49 Code of Federal
12 Regulations, part 383, subparts G and H;

13 (3) ~~[Is domiciled in the State as defined in title 49 Code~~
14 ~~of Federal Regulations, part 383.5;]~~ Provides to the
15 State proof of citizenship or lawful permanent
16 residency as specified in Table 1 to title 49 Code of
17 Federal Regulations, section 383.71, as amended
18 October 14, 2021, or obtains a non-domiciled

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1 commercial learner's permit or non-domiciled
2 commercial driver's license as provided in title 49
3 Code of Federal Regulations, section 383.71(f), that
4 shall be issued as a limited-term commercial learner's
5 permit and limited-term commercial driver's license;
6 and
7 (4) Has satisfied all other requirements of the Commercial
8 Motor Vehicle Safety Act of 1986, Public Law 99-570,
9 title XII, in addition to other requirements imposed
10 by state law or federal regulation.
11 The tests shall be prescribed by the director and administered
12 by the respective county examiner of drivers. The test
13 examiners shall communicate with the applicant only in English
14 during the skills test. As of January 30, 2012, the examiner of
15 drivers shall verify that the medical certification status of a
16 driver who self-certified according to title 49 Code of Federal
17 Regulations section 383.71(b)(1)(i), non-excepted interstate, is
18 certified. If a driver submits a current medical examiner's
19 certificate, the examiner of drivers shall date-stamp the
20 certificate and post all required information to the commercial
21 driver's license information system pursuant to title 49 Code of
22 Federal Regulations section 383.73(b)(5) and in accordance with

1 title 49 Code of Federal Regulations section 383.73(o). A
2 person who is not physically qualified to drive under title 49
3 Code of Federal Regulations section 391.41(b)(1) or (2) and who
4 is otherwise qualified to drive a motor vehicle may be granted
5 an intrastate waiver by the director. The process for granting
6 intrastate waivers shall be the same as that for interstate
7 waivers in title 49 Code of Federal Regulations section 391.49;
8 provided that the intrastate waiver requests shall be submitted
9 to the director.

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

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

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1 (d) A commercial learner's permit may be issued to an
2 individual who holds a valid driver's license, is at least
3 eighteen years of age, meets the qualification standards of
4 title 49 Code of Federal Regulations, part 391, subparts B and
5 E, and has passed the written tests required for the desired
6 class of a commercial driver's license.

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

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1 (d). The commercial learner's permit holder is eligible to take
2 the commercial driver's license skills test no earlier than
3 fourteen days after obtaining the permit.

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

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

5 SECTION 2. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

Walter K. Parker

10

BY REQUEST

JAN 21 2025

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Report Title:

Department of Transportation; Limited-Term Non-Domiciled Commercial Driver's Licenses and Non-Domiciled Commercial Learner's Permits; Federal Motor Carrier Safety Administration

Description:

Amends section 286-236, HRS, to meet current federal regulations to allow the State to issue a limited-term non-domiciled commercial learner's permit and non-domiciled commercial driver's license for applicants who are unable to provide proof of citizenship or lawful permanent residency.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO RELATING TO COMMERCIAL DRIVERS LICENSING.

PURPOSE: To allow the State to issue a limited-term non-domiciled commercial learner's permit (CLP) and limited-term commercial driver's license (CDL) for applicants who are unable to provide proof of citizenship or lawful permanent residency.

MEANS: Amend section 286-236, Hawaii Revised Statutes.

JUSTIFICATION: In June of 2024, the Federal Motor Carrier Safety Administration (FMCSA) notified the State that citizens of the Freely Associated States (FAS), which include the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau, are eligible only for the limited-term non-domiciled CDLs and CLPs described in Title 49 of the Code of Federal Regulations, sections 383.71(f) and 383.73(f). The FMCSA issued a finding against the State relative to the State's CDL program when it discovered that the State had been issuing full-term CDLs and CLPs to citizens of the FAS.

Authorizing the issuance of a limited-term non-domiciled CLP and CDL would allow the State to comply with FMCSA licensing requirements as well as allow other foreign citizens who are unable to provide proof of citizenship or lawful permanent residency the opportunity to obtain a limited-term CLP/CDL in Hawaii.

Impact on the public: The bill would provide all foreign citizens who are unable to provide proof of citizenship or lawful permanent residency an opportunity to obtain

a limited-term non-domiciled CLP/CDL in Hawaii.

Impact on the department and other agencies:
The bill would allow the State to comply with FMCSA requirements for issuance of limited-term non-domiciled CLPs and CDLs to citizens not domiciled in the United States.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: TRN 597

OTHER AFFECTED
AGENCIES: Counties' Commercial Driver's Licensing Offices.

EFFECTIVE DATE: Upon approval.