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**STATE OF HAWAII**  
**DEPARTMENT OF TRANSPORTATION**  
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February 5, 2021  
9:30 A.M.  
State Capitol, Teleconference

**S.B. 764**

**RELATING TO COMMERCIAL DRIVER'S LICENSE DISSQUALIFICATION FOR  
SEVERE FORMS OF TRAFFICKING IN PERSONS**

Senate Committee on Commerce and Consumer Protection

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The Department of Transportation **strongly supports** S.B. 764, which will permanently disqualify from operating a commercial motor vehicle, individuals convicted of a felony involving a severe form of trafficking of persons while operating a commercial motor vehicle but requests that subsection (l) in section 3 be amended as follows:

(l) The examiner of drivers shall permanently disqualify any person from driving a commercial motor vehicle for life without the possibility of reinstatement, if the person uses a commercial motor vehicle in the commission of any felony involving a severe form of human trafficking as defined in section 286-2.

The added wording makes it absolutely clear that persons convicted of this felony will never be allowed to drive a commercial motor vehicle again.

Effective September 23, 2019, FMCSA amended 49 CFR Parts 383 and 384 to permanently disqualify from driving a commercial motor vehicle, individuals convicted of a felony involving a severe form of trafficking of persons, as defined in 22 U.S.C. 7102(11) while operating a commercial motor vehicle. This federal definition is in section 2 of the bill. The federal amendments also mandate states to comply with the changes. The first year the State fails to comply will result in the withholding of 4% of funds required to be apportioned to Hawaii under USC 23, section 104(b), paragraphs (1) & (2). The second and subsequent years the State is out of compliance result in an 8% penalty. The dollar amounts that will be withheld respectively are \$6,185,220.00 and \$12,370,440.00.

This bill will put the State in substantial compliance with federal regulations. The FMCSA amendment sets a deadline of three years from the effective date of September 23, 2019 for States to come into substantial compliance with the Act as required by [49 USC 31311\(a\)\(15\)](#) which reads, "The State shall disqualify an individual from operating

a commercial motor vehicle for the same reasons and time periods for which the Secretary shall disqualify the individual under subsection (b) – (e), (i)(1)(A) and (i)(2) of section 31310."

Thank you for the opportunity to provide testimony.



February 2, 2021

**TESTIMONY BEFORE THE SENATE COMMITTEE ON  
COMMERCE & CONSUMER PROTECTION  
ON SB 764 RELATING TO HUMAN TRAFFICKING**

Aloha Chair Baker, 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. The trucking and bus industries nation wide has long been involved in efforts to combat human trafficking. Training and communication has been coordinated by Truckers Against Trafficking for these motor carrier industries.

The training involves coaching drivers on how to spot possible trafficking scenarios and provides a call center to report on their observations.

The Federal Motor Carrier Safety Administration recently took steps of their own to combat this abhorrent situation, and we fully support its' further adoption by the State of Hawaii.

Mahalo.



Subject: **Support SB764**

Dear Chair Lee, Vice Chair Inouye, and members of the Senate Committee on Transportation,

My name is Kari Benes, and I am the chair of the Hawaii Strategic Highway Safety Plan (SHSP) asking for your support of SB764. This policy aligns Hawaii's Commercial Driver's License policy with Federal Motor Carrier Administration's actions to combat human trafficking through strict lifetime revocation of commercial drivers' license from any individual participating or facilitating any commercial sexual and/or labor exploitation of children and other vulnerable populations.<sup>1</sup>

The Hawaii Strategic Highway Safety Plan's vision is that all of Hawaii's road users arrive safely at their destinations. You can help us achieve our goal of reducing yearly fatalities, by supporting this measure.

To view the Strategic Highway Safety Plan, go to <https://hidot.hawaii.gov/highways/shsp/>

Strategic Highway Safety Plan Mission

*Save lives and reduce injuries on Hawaii's roadways through strategic partnerships and implementation of the Strategic Highway Safety Plan.*

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<sup>1</sup> <https://www.fmcsa.dot.gov/regulations/rulemaking/2019-15611>

**LATE**

**SB-764**

Submitted on: 2/4/2021 6:05:43 PM

Testimony for CPN on 2/5/2021 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melissa Rueschhoff	Individual	Support	No

Comments:

Strongly support!