STAND. COM. REP. NO. 2564

Honolulu, Hawaii

MAR 2 - 2006

RE: S.B. No. 2603

S.D. 1

Honorable Robert Bunda President of the Senate Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred S.B. No. 2603 entitled:

"A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE,"

begs leave to report as follows:

The purpose of this measure is to provide district court judges with the discretion to impose a term of imprisonment for first time offenders of motor vehicle insurance laws.

Testimony in support of this measure was submitted by the Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu, the Honolulu Police Department, and an individual. The Office of the Public Defender and an individual submitted testimony in opposition to this measure.

Your Committee finds that there is a need to deter persons from driving without motor vehicle insurance. However, there is a concern regarding criminalizing a first time traffic violation.

Your Committee has amended this measure to incorporate an amendment agreed to by the Judiciary and the Office of the Public Defender to specify that the violation of not having a valid motor insurance policy is not a "traffic infraction" as defined in chapter 291D. This will allow district court judges to consider a first offense for the purpose of finding multiple convictions. Your Committee further amended this measure to delete the provision that would have allowed a court to impose a term of

imprisonment of not more than forty-eight hours for a first offense.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2603, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2603, S.D. 1, and be placed on the calendar for Third Reading.

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

COLLEEN HANABUSA, Chair

The Senate Twenty-Third Legislature State of Hawaii

Record of Votes of the Committee on Judiciary and Hawaiian Affairs (Bills and Resolutions)

Measure:* SB 2603	Committee Referral: JHW		Date: 22	Feb 201	>6
The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:					
The Recommendation is to:					
Pass, unamended Pass, with amendments Hold Recommit (2312) (2311) (2310) (2313)					
Members		Ayes	Ayes(WR)	Nays	Excused
HANABUSA, Colleen (C)		X			
HEE, Clayton (VC)		, the first of			X
CHUN OAKLAND, Suzanne					X
ENGLISH, J. Kalani	h in a sign of the	X			
IHARA, Jr., Les		X			
WHALEN, Paul	<u> </u>	X	in per selege		<u> </u>
					
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TOTAL		7	0	0	2.
Recommendation: Adopted Not Adopted					
Chair's or Designer's Signature: Slish					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

^{*}Do <u>not</u> list more than one measure per Record of Votes.