

STAND. COM. REP. NO. **3763**

Honolulu, Hawaii

JUL 02 2020

RE: H.B. No. 2750
H.D. 2
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2750, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MONETARY OBLIGATIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit the imposition of restrictions on a person's ability to obtain or renew a driver's license or to register, renew the registration of, or transfer or receive title to a motor vehicle, as a consequence of unpaid monetary obligations.

Your Committee received testimony in support of this measure from the Office of the Public Defender; Office of the Prosecuting Attorney of the County of Kaua'i; Hawaii Children's Action Networks Speaks!; American Civil Liberties Union of Hawai'i; ACLU Smart Justice; We Are One, Inc.; Kauai Women's Caucus; Hawai'i Health and Harm Reduction Center; Community Alliance on Prisons; Drug Policy Forum of Hawaii; Fines and Fees Justice Center; and twenty-one individuals. Your Committee received comments on this measure from the Judiciary and Office of Hawaiian Affairs.

Your Committee finds that under existing law, an individual may be barred from obtaining or renewing a driver's license or motor vehicle registration if the individual has unpaid civil fines. These are known as driver's license and vehicle



registration "stoppers". The inability to obtain or renew a driver's license prevents people who have not committed a crime from getting to work, picking up their children, keeping medical appointments, and ultimately from escaping debt. Allowing driver's licenses to be suspended due to unpaid debt effectively penalizes poverty. This measure prohibits the imposition of restrictions on a person's ability to obtain or renew a driver's license or to register, renew the registration of, or transfer or receive title to a motor vehicle, as a consequence of unpaid civil fines or performance of community service in lieu thereof. Provided, however, that this prohibition would not apply to driver's license suspensions related to excessive speeding, lack of motor vehicle insurance, or non-compliance with a child support order.

Your Committee further finds that in order to provide the Judiciary with adequate time to transition to the changes made by this measure, the measure should be amended to apply to any citations issued on or after November 1, 2020; provided that any person prevented from obtaining or renewing a driver's license or motor vehicle registration solely due to failure to pay any monetary assessment imposed by the law to be repealed by this measure be allowed to petition the court for a driver's license or motor vehicle clearance. Your Committee understands that a person may incur monetary assessments between the date of enactment of this measure and November 1, 2020, that would be subject to a "stopper", and in such case, the person would petition the court and the court would grant a clearance pursuant to section 9 of this measure.

Accordingly, your Committee has amended this measure by:

- (1) Providing the courts with a transition period by retaining the existing "stopper" law until November 1, 2020, thereby applying the prohibition of "stoppers" to any citations issued on or after November 1, 2020;
- (2) Allowing, upon approval of this measure, any person prevented from obtaining or renewing a driver's license or motor vehicle registration solely due to failure to pay any monetary assessment to petition the court for clearance;



- (3) Making it effective upon its approval; provided that the prohibition on stoppers takes effect on November 1, 2020; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2750, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2750, H.D. 2, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,

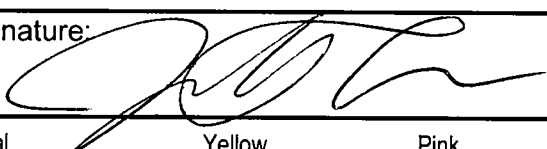


KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2750 HD2SD1	TJS, JDC	06/30/2020		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike	/			
KIM, Donna Mercado	/			
FEVELLA, Kurt				/
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes