

STAND. COM. REP. NO.

2536

Honolulu, Hawaii

FEB 12 2020

RE: S.B. No. 2233
S.D. 1

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

Sir:

Your Committees on Transportation and Commerce, Consumer Protection, and Health, to which was referred S.B. No. 2233 entitled:

"A BILL FOR AN ACT RELATING TO COMMERCIAL MOTOR VEHICLES,"

beg leave to report as follows:

The purpose and intent of this measure is to bring Hawaii law into conformance with federal law by permanently disqualifying from operating a commercial motor vehicle, individuals convicted of a felony involving a "severe form of trafficking in persons" as defined in federal law while operating a commercial motor vehicle.

Your Committees received testimony in support of this measure from the Department of Transportation and Hawaii Transportation Association.

Your Committees find that effective September 23, 2019, the Federal Motor Carrier Safety Administration amended 49 Code of Federal Regulations parts 383 and 384 to permanently disqualify from driving a commercial motor vehicle, individuals convicted of a felony involving a "severe form of trafficking in persons", as defined in 22 United States Code 7102(11) while operating a commercial motor vehicle. The amendments also mandate states to comply with the changes. Your Committees further find that the 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 United States Code 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." Your Committees further find that the Hawaii Revised Statutes would be clearer by adding the federal definition of "severe forms of trafficking in persons".

Your Committees have amended this measure by:

- (1) Adding a definition of "severe forms of trafficking in persons"; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Transportation and Commerce, Consumer Protection, and Health that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2233, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2233, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committees on Transportation
and Commerce, Consumer
Protection, and Health,


ROSALYN H. BAKER, Chair


LORRAINE R. INOUE, Chair



The Senate
Thirtieth Legislature
State of Hawai'i


Record of Votes
Committee on Transportation
TRS

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB2233</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">TRS/CPH, JDC</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2/7/20</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
INOUE, Lorraine R. (C)	✓			
HARIMOTO, Breene (VC)	✓			
ENGLISH, J. Kalani				✓
SHIMABUKURO, Maile S.L.	✓			
FEVELLA, Kurt	✓			
TOTAL	4	0	0	1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.2em; font-family: cursive; margin-top: 5px;">Breene Hart</div>				
Distribution: <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 5px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes

The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

Bill / Resolution No.:*	Committee Referral:	Date:
SB 2233	TRG/CPH, JDC	2/7/20
<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	
BAKER, Rosalyn H. (C)	✓	
CHANG, Stanley (VC)	✓	
NISHIHARA, Clarence K.	✓	
RUDERMAN, Russell E.		✓
THIELEN, Laura H.	✓	
WAKAI, Glenn		✓
FEVELLA, Kurt	✓	
TOTAL	5	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature: <div style="text-align: center; margin-top: 10px;">  </div>		
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy		

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