STAND. COM. REP. NO.



Honolulu, Hawaii

MAR 05 . . 2021

RE: H.B. No. 459

H.D. 2

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 459, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER'S LICENSE DISQUALIFICATION FOR SEVERE FORMS OF TRAFFICKING IN PERSONS,"

begs leave to report as follows:

The purpose of this measure is to bring the State into substantial compliance with federal regulations by requiring the examiner of drivers to disqualify, for life, any person from driving a commercial motor vehicle if the person uses a commercial motor vehicle in the commission of any felony involving an act or practice of a severe form of trafficking in persons.

Your Committee received testimony in support of this measure from the Department of Transportation, Hawaii Transportation Association, Hawaii Strategic Highway Safety Plan, and one individual.

Your Committee finds that the Federal Motor Carrier Safety Administration issued a final rule to permanently disqualify individuals convicted of a felony involving severe forms of trafficking in persons from driving a commercial motor vehicle (Final Rule). The Final Rule also requires states to be in substantial compliance with the Final Rule within three years of the Final Rule's effective date. If a state fails to be in

substantial compliance with the Final Rule within three years, the federal government is authorized to withhold certain federal funding. This measure brings the State into substantial compliance with federal law and preserves the State's allocation of certain federal funds.

Your Committee has amended this measure by:

- (1) Conforming the definition of "severe form of trafficking in persons" to the definition under federal law; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 459, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 459, H.D. 2.

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

State of Hawaii

House of Representatives The Thirty-first Legislature House of Representatives The Thirty-first Legislature

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

| Bill/Resolution No.: | Committee Referral: | Date: | 7 | , |
|--|--|---|--|----------------------|
| HB 459, HD 1 | CPC | JHA | 3-7-7 | .\ |
| ☐ The committee is reconsidering its previous decision on the measure. | | | | |
| The recommendation is to: □ Pass, unamended (as is) Pass, with amendments (HD) □ Hold □ Pass short form bill with HD to recommit for future public hearing (recommit) | | | | |
| JHA Members | Ayes | Ayes (WR) | Nays | Excused |
| 1. NAKASHIMA, Mark M. (C) | | | | |
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| 2. MATAYOSHI, Scot Z. (VC) | | | | |
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| 3. ICHIYAMA, Linda | | | | |
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| 4. KOBAYASHI, Dale T. | | | | |
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| 5. LoPRESTI, Matthew S. | | | | |
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| 6. LOWEN, Nicole E. | | | | \mathcal{N} |
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| 7. McKELVEY, Angus L.K. | | | | |
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| 8. NAKAMURA, Nadine K. | | _ | | |
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| 9. TAKUMI, Roy M. | | | | Quantum parka Pegaka |
| 10 TOPP Chyla | | | | |
| 10. TODD, Chris | | | | |
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| 11. TOKIOKA, James Kunane | V | | | |
| 12. WARD, Gene | | | | |
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| TOTAL (12) | 10. | Ø | 8 | 2 |
| The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s) | | | | |
| Vice Chair's or designee's signature: | | | | |
| Distribution: Original (White) – Committee Suplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | |