STAND. COM. REP. NO.

Honolulu, Hawaii

APR 0 9 2021

RE: H.B. No. 459 H.D. 2 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 459, H.D. 2, S.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 and intent of this measure is to add a permanent disqualification for a holder of a commercial driver's license or commercial learner's permit who is convicted of a felony involving a severe form of trafficking in persons.

Your Committee received testimony in support of this measure from the Hawaii Transportation Association and two individuals.

Your Committee finds that on July 23, 2019, the Federal Motor Carrier Safety Administration of the United States Department of Transportation issued a final rule that amends title 49 Code of Federal Regulations parts 383 and 384. The amendments made by the final rule took effect on September 23, 2019. Under the final rule, drivers who are convicted of a felony involving a severe form of trafficking in persons, as defined in title 22 United States Code section 7102(11), while operating a commercial motor vehicle for which a commercial driver's license or commercial learner's permit is required, are permanently banned from holding the license or permit without the possibility of reinstatement.



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The Federal Motor Carrier Safety Administration's final rule also requires states to come into substantial compliance with the federal Act within three years of the final rule's effective date. This measure brings the State into substantial compliance with these federal regulations.

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. 459, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

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

KARL RHOADS, Chair



The Senate Thirty-First Legislature State of Hawaiʻi

Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:* HB459, HD2, SD1	Committee Referral: CPN, JDC			Date: 3 30 2021	
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR) Nay	Excused
RHOADS, Karl (C)		\checkmark			
KEOHOKALOLE, Jarrett (VC)		~			
ACASIO, Laura		\checkmark			
GABBARD, Mike		V			
KIM, Donna Mercado		V			
LEE, Chris		V			
FEVELLA, Kurt					
			<u> </u>		
TOTAL		7	Ø	Ø	0
Recommendation:					
Chair's or Designee's Signature:					
Distribution: Original File with Committee Re	Yellow port Clerk's Office		Pink Drafting Agen		

*Only <u>one</u> measure per Record of Votes