

STAND. COM. REP. NO.

246

Honolulu, Hawaii

FEB 13 2007

RE: S.B. No. 946
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Transportation and International Affairs,
to which was referred S.B. No. 946 entitled:

"A BILL FOR AN ACT RELATING TO ADMINISTRATIVE LICENSE
REVOCATION, "

begs leave to report as follows:

The purpose of this measure is to allow a person whose
driver's license has been revoked for life to reapply and be
reissued a driver's license upon specified conditions and
procedures.

Your Committee received testimony in support of this measure
from the Office of the Public Defender, Mothers Against Drunk
Driving Hawaii, the Bridge Church, Church of the Nazarene, St.
Stephen's Episcopal Church, and one individual. Testimony in
opposition was received from the Honolulu Police Department and
the Honolulu Prosecuting Attorney. Comments were received from
the Driver's License Revocation Office.

Your Committee finds that a lifetime suspension of a driver's
license, though warranted when imposed, eventuates in an
inequality after a driver becomes rehabilitated from substance
abuse. A driver's license is an everyday necessity to commute to
work and earn a living, among other ordinary daily affairs
requiring transportation. After a ten-year period and if
certified as not needing substance abuse treatment, a person
should be deemed eligible to drive again.



Your Committee is cognizant that the Administrative Driver's License Revocation Office (ADLRO) requested funding in the current fiscal year to implement the new program under this measure. However, your Committee notes that the effective date is January 1, 2009, and suggests to the office that it seek funding in the 2008-2009 fiscal year rather than this year. In the meantime, your Committee requests that the office arrive at a figure and work with your Chair to include that amount in a 2008 measure.

The ADLRO testified that it prefers the courts to handle the restoration proceedings, but it is not adverse to handling such cases if it can be done administratively in an efficient and streamlined process. The ADLRO has concerns that its present case load would become even more overwhelming with another adjudicatory procedure. Your Committee believes that the ADLRO should handle these types of proceedings to enable eligible persons to try to regain their license without having to hire an attorney and go to court again many years later.

Accordingly, on the recommendation of ADLRO, your Committee has amended this measure to enact a new subpart in the administrative revocation process to clearly separate the two very different functions of the ADLRO, that of revocation and of restoration.

The intent of this measure is to provide fairness and equity in the driver's license revocation process. The law should account for rehabilitation under certain safeguards as contained in this measure. However, this measure should not be construed as forgiving the offending driver. The driver must still live with the consequences of the past. Your Committee recommends passage of this measure out of compassion for those who have paid the debt of their past indiscretions.

As affirmed by the record of votes of the members of your Committee on Transportation and International Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 946, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 946, S.D. 1, and be referred to the Committee on Judiciary and Labor.



Respectfully submitted on
behalf of the members of the
Committee on Transportation and
International Affairs,




J. KALANI ENGLISH, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Transportation and International Affairs
TIA

Bill / Resolution No.:*	Committee Referral:	Date:		
946	TIA, JDL	2/7/07		
<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
ENGLISH, J. Kalani (C)	✓			
INOUYE, Lorraine R. (VC)				✓
ESPERO, Will	✓			
HOOSER, Gary L.	✓			
TANIGUCHI, Brian T.				✓
TSUTSUI, Shan S.	✓			
GABBARD, Mike				✓
TOTAL	4			3
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: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency </div>				

*Only one measure per Record of Votes