

STAND. COM. REP. NO.

817

Honolulu, Hawaii

March 1, 2007

RE: H.B. No. 1159
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1159 entitled:

"A BILL FOR AN ACT RELATING TO DRIVER LICENSING,"

begs leave to report as follows:

The purpose of this bill is to address an appellate court decision concerning driving without a license (DWOL) that, by requiring the State to prove that the defendant did not possess an out-of-state license, would make it extremely difficult for the State to prove the charge. This bill addresses the decision by requiring the defendant to establish these facts as an affirmative defense.

The Department of the Prosecuting Attorney of the City and County of Honolulu, and the Division of Motor Vehicle Licensing and Permits for the City and County of Honolulu testified in support of this bill. A concerned individual opposed the bill. The Judiciary and Office of the Public Defender submitted comments.

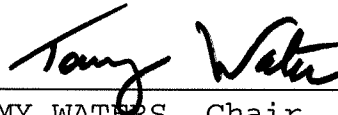
Your Committee has amended this bill by making technical, nonsubstantive changes for clarity and style.

HB1159 HD1 HSCR JUD HMS 2007-2110



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. 1159, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1159, H.D. 1, and be placed on the calendar for Third Reading.

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



TOMMY WATERS, Chair



State of Hawaii
House of Representatives
The Twenty-fourth Legislature

HSCR 817

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 1159		Date: 2/9/07		
Committee Referral: JUD		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
The recommendation is to: <input type="checkbox"/> Pass, unamended <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Pass, with amendments, for recommitment for further consideration				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. WATERS, Tommy (C)	/			
2. OSHIRO, Blake K. (VC)	/			
3. CALDWELL, Kirk	/			
4. EVANS, Cindy	/			
5. GREEN, Josh, M.D.	/			
6. ITO, Ken				/
7. LUKE, Sylvia	/			
8. McKELVEY, Angus L.K.				/
9. MORITA, Hermina M.	/			
10. SONSON, Alex M.	/			
11. SOUKI, Joseph M.	/			
12. TSUJI, Clift	/			
13. YAMANE, Ryan I.	/			
14. YAMASHITA, Kyle T.	/			
15. MARUMOTO, Barbara C.	/			
16. PINE, Kymberly Marcos				/
17. THIELEN, Cynthia	/			
TOTAL	14			3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; margin-left: 100px;">committee acronym(s)</div>				
Vice Chair's or designee's signature: 				
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