

STAND. COM. REP. NO. 602

Honolulu, Hawaii

Feb 16, 2007

RE: H.B. No. 1205
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 Transportation, to which was referred H.B. No. 1205 entitled:

"A BILL FOR AN ACT RELATING TO TRAFFIC ABSTRACTS,"

begs leave to report as follows:

The purpose of this bill is to clarify the content requirements for traffic abstracts.

The Judiciary testified in support of this bill.

Current law contains no limitation on the number of years that traffic violations are to be reported on traffic abstracts and also requires that allegations, even allegations that have been dismissed by the courts, be reported on traffic abstracts. Your Committee notes that this has raised questions regarding fairness by many drivers.

Your Committee has also been informed by the Judiciary that new, multi-charge citations allowing an officer to charge multiple offenses and infractions in one case are being used more often by law enforcement. As currently written, this measure would require non-moving violations and infractions, as well as dismissed offenses, in these multi-charge cases to be reported on an abstract. Accordingly, your Committee has amended this measure by clarifying that:

HB1205 HD1 HSCR TRN HMS 2007-2131



- (1) The abstract shall contain:
 - (A) Infractions or offenses arising from the operation of a motor vehicle that the person was adjudged to have committed and for which penalties imposed against the person have not been fully satisfied;
 - (B) Infractions or offenses arising from the operation of a motor vehicle that the person was adjudged to have committed and for which penalties imposed against the person have been fully satisfied, for a period of three years from the date of satisfaction; and
 - (C) All judgments permanently revoking the person's driver's license;
- (2) Penalties imposed against a person for an infraction or offense arising from the operation of a motor vehicle, whether civil or criminal, are fully satisfied when all court-ordered fines, fees, surcharges, costs, or monetary assessments imposed against the person for the infraction or offense have been paid and all court-ordered non-monetary sanctions have been complied with;
- (3) Adjudications that the person who committed the infractions or offenses, shall not be included in a certified abstract of the bureaus' record; and
- (4) In determining whether an infraction or offense arises from the operation of a motor vehicle, the statutory definition of "motor vehicle" shall be applicable to the particular infraction or offense.

Technical, nonsubstantive amendments were also made for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1205, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1205, H.D. 1, and be referred to the Committee on Judiciary.



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



JOSEPH M. SOUKI, Chair



