

Honolulu, Hawaii

Feb 12, 2008

RE: H.B. No. 3011

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 3011 entitled:

"A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION,"

begs leave to report as follows:

The purpose of this bill is to bring balance and fairness to the special motor vehicle registration (SMVR) requirements of a motor vehicle that had a registration revoked due to its being involved in a case in which the vehicle was operated by an individual under the influence of an intoxicant by allowing the Administrative Director of the Courts (Director) greater flexibility in authorizing special registrations.

An individual testified in support of this bill. The Judiciary submitted comments on this measure.

Under current Hawaii law, the registration of a motor vehicle may be revoked by the Director in cases in which the vehicle was operated by an individual under the influence of an intoxicant and the individual is either the owner or registered owner of the vehicle in question. However, the Director has the option of granting an SMVR so that the vehicle may be used by other individuals if certain conditions have been met. One of these conditions requires the applicant to be completely dependent on the motor vehicle for the necessities of life.

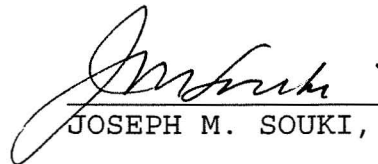


While the operation of a motor vehicle while under the influence of an intoxicant is a serious matter, the high objective standard of requiring an applicant for an SMVR be "completely dependent on the motor vehicle for the necessities of life" may have serious impacts and adverse effects on families with multiple drivers and a limited number of motor vehicles. Your Committee finds that allowing the Director more flexibility in determining the impacts of failing to issue an SMVR to an applicant would allow a balance to be struck between "safety" and "convenience".

While your Committee understands the concerns raised by the Judiciary, the legal implications this measure may have are beyond the purview of this Committee and your Committee on Transportation respectfully requests the Committee on Judiciary to weigh this matter further.

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. 3011 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

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



JOSEPH M. SOUKI, Chair



