

Honolulu, Hawaii

MAR 21 2007

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

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

begs leave to report as follows:

The purpose of this measure is to establish an affirmative defense to driving without a driver's license, that the driver was licensed in another jurisdiction.

Your Committee received testimony in support of this measure from the Honolulu Prosecuting Attorney; Honolulu Police Department; and Honolulu Department of Customer Services. Comments were received from the Judiciary.

In *State v. Matautia*, 81 Haw. 76 (1996), the Intermediate Court of Appeals ruled that in a case involving driving without a license, the State must prove that the defendant was unlicensed. As a practical matter, the decision required the State to prove, among other issues, that the defendant did not possess a valid driver's license from another accepted jurisdiction. However, retrieving this information is very difficult because there is no available network that links the driver's license databases for all accepted jurisdictions, including the United States or the provinces or states of Canada or Mexico. Thus, inquiries to all of the individual states or provinces must be conducted separately, and there is insufficient time and resources to send



inquiries to all of these jurisdictions in each and every case involving driving without a license.

The inability of the State to prove that a motorist is not validly licensed in other jurisdictions has markedly raised the number of motorists found not guilty of driving without a license and adversely affects the State's efforts to promote traffic safety on Hawaii's roadways.

Your Committee has amended this measure on the recommendation of the Honolulu Prosecuting Attorney to add a statutory amendment that eliminates the reference to section 286-105, Hawaii Revised Statutes, relating to what persons are exempt from obtaining a Hawaii's drivers license, from the list of those persons who may operate a motor vehicle in the State without a Hawaii's drivers license to further facilitate the prosecution of these cases, and to clarify an effect of a reenactment of that statutory amendment from an earlier law. Your Committee has also made technical amendments for the purposes of clarity and style.

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 H.B. No. 1159, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1159, H.D. 1, 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.:* HB 1159 HD1 (HSCR 817)	Committee Referral: TIA, JDL	Date: 3-19-07		
<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)	/			
INOUE, 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: 				
Distribution: Original Yellow Pink File with Committee Report Clerk's Office Drafting Agency				

*Only one measure per Record of Votes