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January 26, 2008

TO: Representative Joseph M. Souki
Chair, Committee on Transportation
Hawaii State Capitol, Room 433
Via Email: TRNtestimony@Capitol.hawaii.gov

FROM: Christopher G. Pablo
H.B. 2269 - Relating to Traffic Infractions
Hearing Date: Monday, January 28, 2008 at 9:00 am

LATE TESTIMONY

Dear Chair Souki and Members of the Committee on Transportation

I am Chris Pablo, appearing on behalf of the American Insurance Association (AIA). AIA represents approximately 350 major insurance companies that provide all lines of property and casualty insurance and write more than \$123 billion annually in premiums. AIA members supply 23 percent of the property/casualty insurance sold in Hawaii. The association is headquartered in Washington, D.C., and has representatives in every state.

AIA is opposed to HB 2269.

The impact of HB 2269 can be characterized as “ticket masking”. That is an insurer has limited access to information that can be used in determining the risk to be underwritten and in turn the premium to be charged to an applicant for insurance or a pre-existing insured because an insurer cannot use the entire traffic record on hand as HB 2269 limits such access. And, Hawaii law prohibits the use of age in determining premium rates.

The impact of “ticket masking” is that “good” drivers end up subsidizing the auto insurance cost of “bad” drivers because there is no way to differentiate between their driving records when access to the entire history is limited should HB 2269 be adopted.

It is for these reasons, we urge you to hold HB 2269.

We appreciate the opportunity to express our concerns.



LATE TESTIMONY

Testimony to the Twenty -Fourth State Legislature, 2008 Session
House Committee on Transportation
The Honorable Joseph M. Souki, Chair
The Honorable Scott Y. Nishimoto, Vice Chair

Monday, January 28, 2008, 9:00 a.m.
State Capitol, Conference Room 309

by

Iris Murayama
Deputy Chief Court Administrator
First Judicial Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 2269, Relating to Traffic Infractions

Judiciary's Position:

The Judiciary does not support House Bill No. 2269. Section 286-137 pertains to record keeping by the District Courts and is in accordance with Section 604-17 HRS, which states:

§604-17 Courts of record; testimony and proceedings. The district courts shall be courts of record. The district courts shall in all cases preserve in writing, on tape, or such other mechanical device as may be appropriate, the minutes, proceedings, and testimony of their trials, transactions, and judgments, and the facts upon which their decisions rest. [L 1892, c 57, §13; RL 1925, §2285; am L 1927, c 71, §1; RL 1935, §3774; RL 1945, §9684; RL 1955, §216-15; HRS §604-17; am L 1970, c 188, §22; am L 1971, c 144, §6E]

If the intent of the bill relates to traffic abstracts, then the appropriate section to amend is HRS 287-3.

Thank you for the opportunity to provide comments on this measure.