

STAND. COM. REP. NO. 283

Honolulu, Hawaii
Feb 18, 2009

RE: H.B. No. 57
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 57 entitled:

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

begs leave to report as follows:

The purpose of this bill is to bring fairness and accuracy to the traffic abstract process by requiring district courts to delete any violation which the driver is found not to have committed from a driver's traffic abstract.

The Judiciary testified in opposition to this bill.

Currently, a driver's traffic abstract contains a record of any moving violation a driver is alleged to have committed, even if the driver was not convicted of committing the violation or found by the courts to have not committed the violation. This record of moving violation may be detrimental to the driver, particularly when applying for employment or insurance that requires a traffic abstract. As such, this measure is fair and just.

However, your Committee notes the concerns raised by the Judiciary that they are required by law to be courts of record for all court proceedings and therefore need to keep records of these types of violations. Your Committee further notes that although the Judiciary testified in opposition to this measure, they did propose amendments to the bill that would appear to accomplish the



goal of having traffic abstracts cleared on alleged violations not resulting in conviction.

Accordingly, your Committee has amended this measure by:

- (1) Making amendments to the correct section of the Hawaii Revised Statutes dealing with operating records rather than district court records;
- (2) Specifying that only convictions or civil judgements for moving violations shall be furnished on a certified traffic abstract; and
- (3) Making technical, nonsubstantive amendments 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. 57, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 57, 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



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

Record of Votes of the Committee on Transportation

Bill/Resolution No.: <i>HB 57</i>	Committee Referral: <i>TRN, JUD</i>	Date: <i>2/11/09</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. SOUKI, Joseph M. (C)	✓			
2. AWANA, Karen Leinani (VC)	✓			
3. AQUINO, Henry J.C.	✓			
4. HANOHANO, Faye P.	✓			
5. KEITH-AGARAN, Gilbert S.C.	✓			
6. LEE, Marilyn B.	✓			
7. NAKASHIMA, Mark M.	✓			
8. RHOADS, Karl	✓			
9. SAIKI, Scott K.	✓			
10. TAKUMI, Roy M.				✓
11. YAMASHITA, Kyle T.	✓			
12. PINE, Kymberly Marcos				✓
TOTAL (12)	10	0	0	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ committee acronym(s) did not support recommendation.				
Vice Chair's or designee's signature: <i>Karen Awana</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				