



Hawaii State Association of Counties

Counties of Kaua'i, Maui, Hawai'i and City and County of Honolulu



February 3, 2009

Committees on
Transportation, International, and Intergovernmental Affairs
Commerce and Consumer Protection
The Senate
State of Hawaii

Testimony of
Nestor Garcia, President, Hawaii State Association of Counties
Senate Bill 101
Regular Session 2009

Chairs English and Baker, and members of this Joint Senate Committee:

Thank for you this opportunity to offer comments on SB 101.

At the request of a member of the Taxi Industry two years ago, I introduced legislation at the Honolulu City Council that sought to address the need for various security measures for the safety of the driver and their passengers. Included in the bill were measures to cover the installation of security devices, revocation of licenses, and criminal background checks of drivers and driver applicants.

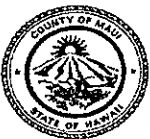
Following a thorough legal review by the Office of Council Services and the City Corporation Counsel, the Council Transportation & Public Works Committee considered the matter at its February 7, 2008 committee meeting. The resulting legislation narrowed the focus to the need for criminal background checks of taxi drivers and taxi driver applicants.

Issues and concerns expressed in committee included the legality of permanently denying and/or revoking a taxicab driver's certificate and whether the City had the authority to conduct FBI background checks on drivers. It is unclear whether the City currently has the authority to access the FBI's database for this purpose. And while the State maintains a database to conduct local criminal background checks, persons who are convicted of out-of-state, federal or international crimes would not be included in the database. Senate Bill 101 seeks to address these concerns and determine the appropriateness of enabling the counties to conduct criminal background checks on taxi drivers and taxi driver applicants.

Thank you for the opportunity to look into this matter. We look forward to the discussion and deliberation to come.

Aloha,

COUNCILMEMBER NESTOR GARCIA
President, Hawaii State Association of Counties
Vice Chair, Honolulu City Council



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February 10, 2009

TO: Honorable J. Kalani English, Chair
Senate Committee on Transportation, International and Intergovernmental Affairs
Honorable Rosalyn H. Baker, Chair
Senate Committee on Commerce and Consumer Protection

FROM: Joseph Pontanilla, Treasurer
Hawaii State Association of Counties *Joseph Pontanilla*

SUBJECT: **HEARING OF FEBRUARY 11, 2009; TESTIMONY IN SUPPORT OF SB 101,
RELATING TO CRIMINAL HISTORY RECORD CHECKS BY COUNTIES**

Thank you for the opportunity to testify in support of this important measure. The purpose of this measure is to authorize the counties to conduct criminal history record checks on taxicab drivers and applicants for taxicab driver's certificates.

I am aware that the President of the Hawaii State Association of Counties (HSAC) has submitted testimony, on behalf of HSAC, in support of this measure, which is in the HSAC Legislative Package. As the Treasurer of HSAC, I concur with the testimony submitted by the President, and urge you to support this measure.