

STAND. COM. REP. NO. 286

Honolulu, Hawaii
Feb 18, 2009

RE: H.B. No. 134
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. 134 entitled:

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

begs leave to report as follows:

The purpose of this bill is to ensure that persons with a driver's license possess the legal status needed to obtain and retain one by:

- (1) Requiring an applicant for a driver's license and instruction permit to submit proof that the applicant is legally in the United States; and
- (2) Providing that legal immigrant licenses expire no later than the date of the legal immigrant's authorized period of stay in the United States.

The Department of Customer Services of the City and County of Honolulu testified in support of this bill. The Department of Transportation supported the intent of this measure. The American Civil Liberties Union of Hawaii and several concerned individuals opposed this bill. The Hawaii Immigrant Justice Center submitted comments.



Your Committee understands that the intent of this bill is to ensure the lawful presence in the United States of applicants applying for a driver's license or operating permit and that Hawaii is one of only six states that do not have a legal presence law. While your Committee notes that concerns still remain regarding the effect this measure will have on Hawaii's legal immigrant population, these questions and concerns can be scrutinized further as the bill moves through the legislative process.

Your Committee has amended this bill by:

- (1) Authorizing the Director of Transportation (Director) to adopt rules for an exemption from the proof of legal presence requirement;
- (2) Authorizing the Director to establish a fee for all driver license applicants who require verification of presence in the United States through the federal system;
- (3) Establishing a mechanism for the payment of these fees and disbursement of revenues to the counties for administration purposes;
- (4) Changing its effective date to January 11, 2010, to allow the Department of Information Technology of the City and County of Honolulu to establish connectivity with the federal computer system, program county computers, and conduct testing of the system; and
- (5) 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. 134, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 134, 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

HSCR 286

Record of Votes of the Committee on Transportation

Bill/Resolution No.: <i>HB 134</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)	9	1	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				