

Honolulu, Hawaii
Jan 31, 2012

RE: H.B. No. 14
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 14 entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require district courts to delete any driver licensing violation that a driver is found not to have committed from the driver's court record; and
- (2) Prohibit the district court from disclosing, other than to a law enforcement agency or the licensee, a disposition in which the licensee was found to have committed a traffic infraction if that disposition precedes the request for disclosure by a certain amount of years.

A concerned individual testified in support of this measure. The Department of Transportation testified in support of this measure with amendments. The Judiciary provided comments.

Under current law, a certified traffic abstract is required to show all alleged moving violations, no matter their disposition, and any convictions resulting therefrom. According to the Judiciary, alleged moving violations include traffic infractions and traffic crimes, as well as administrative driver's



license revocation cases. As the law contains no time limitations for maintaining this information, the Judiciary retains and continues to report all such information in the Judiciary's active database. Your Committee has been informed that this has caused problems for individuals whose traffic infraction cases have been dismissed. This measure attempts to address this issue.

However, your Committee notes the concerns raised by the Department of Transportation that the amendments contained in this measure may not conform to federal law regarding commercial drivers. Your Committee also recognizes the concerns raised by the Judiciary as to the need to amend statutory language regarding the furnishing of operating records by the Traffic Violations Bureau. Accordingly, your Committee has amended this measure by:

- (1) Including an additional exclusion from the limitation on disclosure requirement for drivers convicted of operating a commercial motor vehicle without a commercial driver's license when one was required; and
- (2) Amending statutory language regarding the furnishing of traffic abstracts by the Traffic Violations Bureau to specify that only convictions or civil judgments for moving violations and administrative driver's license revocations be released on a certified traffic abstract.

Your Committee has also amended this measure by:

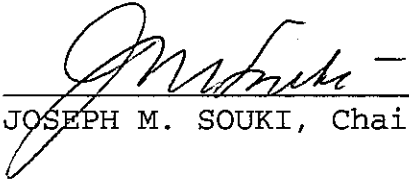
- (1) Changing its effective date to October 1, 2012, to provide the Judiciary with additional time to upgrade its computer systems; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Finally, your Committee notes that technical and legal questions remain as to the exact placement of the provisions for the expunging of abstract records in statute and respectfully requests your Committee on Judiciary to investigate this matter further.



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. 14, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 14, 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-sixth Legislature

HSCR 13-12

Record of Votes of the Committee on Transportation

Bill/Resolution No.: HB 14	Committee Referral: TRN, JUD	Date: 1/25/12		
<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. ICHIYAMA, Linda (VC)	/			
3. AQUINO, Henry J.C.	/			
4. CULLEN, Ty	/			
5. LEE, Marilyn B.	/			
6. LUKE, Sylvia	/			
7. OKAMURA, Tom	/			
8. SAIKI, Scott K.	/			
9. TAKUMI, Roy M.	/			
10. YAMASHITA, Kyle T.	/			
11. FONTAINE, George R.	/			
12. JOHANSON, Aaron Ling	/			
TOTAL (12)	12			
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u><i>Linda Ichiyama</i></u>				
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