

Honolulu, Hawaii

Feb 13, 2012

RE: H.B. No. 2636

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. 2636 entitled:

"A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATION RECORDS,"

begs leave to report as follows:

The purpose of this measure is to protect the confidentiality of motor vehicle operator records by:

- (1) Requiring district courts to delete records of moving violations for which the disposition was "dismissed with prejudice" or "not guilty", or that are more than ten years old from a certified abstract beginning on December 1, 2012, and to maintain the confidentiality of information subject to deletion;
- (2) Prohibiting the traffic violations bureau of the district courts from granting access to a traffic violation record of any person without presentation of the state driver's license number or social security number of the person whose record is sought;
- (3) Exempting information related to alleged moving violations committed by commercial drivers from nondisclosure and confidentiality provisions; and
- (4) Providing civil penalties for violations of confidentiality and authorizing the Department of the Attorney General to investigate suspected violations.

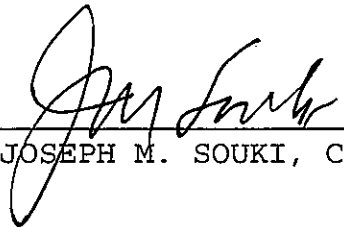


Several concerned individuals testified in support of this measure. The Judiciary provided comments.

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 currently 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.

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. 2636 and recommends that it pass Second Reading 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 290-12

Record of Votes of the Committee on Transportation

Bill/Resolution No.: HB 2636	Committee Referral: TRN, JUD	Date: 2/6/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input 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)	9			2
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: 10pt;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u><i>Linda Ichiyama</i></u>				
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