



The Judiciary, State of Hawaii

Testimony to the Twenty-Sixth Legislature, Regular Session of 2012

House Committee on Transportation

The Honorable Joseph M. Souki, Chair

The Honorable Linda Ichiyama, Vice Chair

Monday, February 6, 2012, 9:00 a.m.

State Capitol, Conference Room 309

by

Mai Nguyen Van

JIMS Program Manager

Bill No. and Title: House Bill No. 2636, Relating to Traffic Violation Records

Purpose: Beginning on December 1, 2012, requires removal from abstracts of traffic records alleged moving violations for which the disposition was "dismissed with prejudice" or "not guilty," or that occurred more than ten years prior to the date of the request for the abstract, with exceptions.

Judiciary's Position:

The Judiciary supports Section 1 of House Bill No. 2636, but respectfully cannot support Section 2 because the provisions of Section 2 would inconvenience Hawaii's citizens, facilitate potential identify theft, and add time and cost to IT projects underway at the Judiciary.

Section 1 of House Bill No. 2636 proposes to amend the HRS 287-3 certified traffic abstract in a manner much in keeping with past Judiciary package bills. Hence, we support Section 1.

Section 2 proposes to significantly change availability of traffic case information in ways that undermine both transparency goals and privacy interests. House Bill No. 2636, Section 2, prohibits access to any traffic violation record, including an electronic traffic violation record available through a website, "unless the person requesting the information provides the state driver's license number or social security number of the person for whom the traffic violation record is sought" (page 2, lines 16-19). The Judiciary is concerned about the potential for identity theft because searching on a driver's license number or social security number will reveal the name of the that person and will provide verification that a driver's license number or



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social security number matches a particular name. Online data mining or an innocent search on the incorrect number could result in a privacy breach. The Judiciary recognizes the need to balance privacy interests against the desire for greater transparency and access to government records. In keeping with these goals, current public online searches do not reveal personal identifiers that match a given name search.

One of the benefits of internet access has been the ease and convenience for the public to check the status of their traffic cases, including the ability to view fees due, upcoming court dates, and the outcome of cases. Parking tickets represent a large number of traffic cases every year (144,391 parking cases in 2011). The majority of parking cases reference vehicle information only and are not associated to a particular person. Consequently, these cases do not have an associated driver's license number or social security number. For the few parking citations that have identified the vehicle's registered owner, it is possible that only the name of the person is in our database, but with no driver's license number or social security number. Requiring that a traffic case search be limited to only the state driver's license number or the driver's social security number will effectively prevent the public from being able to check on – and pay – parking citations on the Judiciary's website. People who need to check on these cases will have to either visit the courthouse or telephone the court during office hours, impacting the public's time, Judiciary staff resources, and collection of fines.

The Judiciary recognizes the public's growing expectation that more government services be available online and already provides access to public court records for traffic and appellate cases via the judiciary website. The news media in particular has come to expect 24/7 online access to public court records in these areas. The Judiciary anticipates complaints and criticism upon significant restriction to these services should Section 2 pass.

An alternative to the significant changes proposed in Section 2 would be to tailor the electronic traffic record availability through the Judiciary's website to match the time period for case information displayed in the certified traffic abstract, as well as the content, as set forth in Section 1. In this manner, both the ease and convenience of using the website by the public and news media would be preserved, while addressing the concerns about the scope of the current display of information. Also, this type of programming change to the Judiciary's website would be less costly and have less impact on the continued development of the Judiciary's information management system.

Should this bill be approved, the Judiciary requests a January 1, 2013 effective date to allow adequate time for programming changes.

Thank you for the opportunity to provide comments on this measure.

ichiyama1 - Curi

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 05, 2012 5:32 PM
To: TRNtestimony
Cc: vagnbee@yahoo.com
Subject: Testimony for HB2636 on 2/6/2012 9:00:00 AM

Testimony for TRN 2/6/2012 9:00:00 AM HB2636

Conference room: 309
Testifier position: Support
Testifier will be present: No
Submitted by: Yvonne Martin
Organization: Individual
E-mail: vagnbee@yahoo.com
Submitted on: 2/5/2012

Comments:

I support this bill because my insurance premiums are already high and by this bill being over looked will allow my premium to rise due to infractions that currently over looked.

ichiyama1 - Curi

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 05, 2012 5:30 PM
To: TRNtestimony
Cc: shydz1@yahoo.com
Subject: Testimony for HB2636 on 2/6/2012 9:00:00 AM

Testimony for TRN 2/6/2012 9:00:00 AM HB2636

Conference room: 309
Testifier position: Support
Testifier will be present: No
Submitted by: Bernard Ordonez
Organization: Individual
E-mail: shydz1@yahoo.com
Submitted on: 2/5/2012

Comments:

I support this bill because my insurance premiums are determined by what's on my traffic abstract.

ichiyama1 - Curi

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 05, 2012 5:29 PM
To: TRNtestimony
Cc: quentin_ilac@hotmail.com
Subject: Testimony for HB2636 on 2/6/2012 9:00:00 AM

Testimony for TRN 2/6/2012 9:00:00 AM HB2636

Conference room: 309
Testifier position: Support
Testifier will be present: No
Submitted by: quentin ilac
Organization: Individual
E-mail: [quentin ilac@hotmail.com](mailto:quentin_ilac@hotmail.com)
Submitted on: 2/5/2012

Comments:

I support this bill because my insurance premiums are determined by what's on my traffic abstract. It could also make it difficult for me to get a job.

ichiyama1 - Curi

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 05, 2012 5:22 PM
To: TRNtestimony
Cc: tehane143@yahoo.com
Subject: Testimony for HB2636 on 2/6/2012 9:00:00 AM

Testimony for TRN 2/6/2012 9:00:00 AM HB2636

Conference room: 309
Testifier position: Support
Testifier will be present: No
Submitted by: Brenton Dwiggin
Organization: Individual
E-mail: tehane143@yahoo.com
Submitted on: 2/5/2012

Comments:

I support this bill because my insurance premiums are determined by what's on my traffic abstract. It could also make it difficult for me to get a job, and reflect negatively when unnecessary.

ichiyama1 - Curi

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 05, 2012 5:19 PM
To: TRNtestimony
Cc: tehane143@yahoo.com
Subject: Testimony for HB2636 on 2/6/2012 9:00:00 AM

Testimony for TRN 2/6/2012 9:00:00 AM HB2636

Conference room: 309
Testifier position: Support
Testifier will be present: No
Submitted by: Desiree Ordonez
Organization: Individual
E-mail: tehane143@yahoo.com
Submitted on: 2/5/2012

Comments:

I support this bill because my insurance premiums are determined by what's on my traffic abstract. It could also make it difficult for me to get a job.