

# SB 2517

## RELATING TO TRAFFIC VIOLATION RECORDS.

Beginning on December 1, 2012, requires the removal of certain certified traffic abstracts records of all alleged moving violations for which the disposition of the case 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.



***The Judiciary, State of Hawaii***

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

Senate Committee on Transportation and International Affairs

The Honorable J. Kalani English, Chair

The Honorable Will Espero, Vice Chair

Monday, January 30, 2012, 1:15 p.m.

State Capitol, Conference Room 224

by

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**Bill No. and Title:** Senate Bill No. 2517, Relating to Traffic Violation Records

**Purpose:** Beginning on December 1, 2012, requires the removal of certain certified traffic abstracts records of all alleged moving violations for which the disposition of the case 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 respectfully cannot support Section 2 of Senate Bill 2517 because it would inconvenience Hawaii's citizens, facilitate potential identify theft, and add time and cost to IT projects underway at the Judiciary. This bill proposes to amend the certified traffic abstract set forth in HRS 287-3 as well as reducing the availability of traffic case information via the judiciary's website.

SB2517 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 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. 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 viewing 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 driver, hence these cases do not have an associated driver's license number or



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social security number. For many parking cases which have identified the vehicle's registered owner, it is possible that only the name of the person is in our database, likewise, 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 most parking cases on the judiciary's website. The public who need to check on these cases will have to either visit the courthouse or telephone the court during office hours, impacting both the public's time and judiciary staff resources.

SB2517 Section 2 requires that all traffic violation records access be limited to requests with either a state driver's license number or social security number of the person for whom the traffic violation record is sought. Judiciary is concerned about the potential for identity theft since a search on a driver's license number or social security number could reveal the name of that person or could provide verification that a driver's license number or social security number matches a particular name. Online data mining or an innocent search on the incorrect number could result in a privacy breach. Current public online searches do not reveal any personal identifiers which may match a given name search.

Moreover, the passage of this bill would add cost and delay by requiring additional time for programming changes to the Judiciary's online services provided by the Judiciary's information management system (JIMS), a multi-year project with a publicized timeline. Should this bill be approved, the Judiciary requests a January 1, 2013 effective date.

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