

STAND. COM. REP. NO. 2365

Honolulu, Hawaii

FEB 14 2014

RE: S.B. No. 2935
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committees on Public Safety, Intergovernmental and Military Affairs and Transportation and International Affairs, to which was referred S.B. No. 2935 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Specify the acceptable identifying documents that driver's license applicants may produce to obtain a license if they are ineligible to receive a social security number; and
- (2) Authorize the Examiner of Drivers to license applicants who produce these documents.

Your Committees received testimony in support of this measure from the Department of Human Services; Community Alliance on Prisons; UNITE HERE Local 5; Hawaii Catholic Conference; Catholic Charities Hawaii; Hawaii Appleseed Center for Law and Economic Justice; HawaiiPacific.org; PHOCUSED; Women Helping Women; Hawaii Conference of the United Church of Christ; Waikiki Health; Hawaii Coalition for Immigration Reform; American Immigration Lawyers Association-Hawaii Chapter; Immigrant Services Division of Maui County; and seven individuals. Your Committees received testimony in opposition to this measure from the Department of Customer Services of the City and County of Honolulu; Department of the

2014-1394 SSCR SMA.doc



Prosecuting Attorney, County of Maui; Honolulu Police Department; Maui Police Department; and Hawaii Police Department. Your Committees received comments on this measure from the Department of Transportation, Hawaii Civil Rights Commission, and Hawaii Insurers Council.

Your Committees find that under sections 286-111(d) and (e), Hawaii Revised Statutes, a driver's license applicant must furnish a social security number or, in the alternative, provide a letter from the Social Security Administration stating that the applicant is not eligible to receive a social security number. Those requirements mean that many people cannot immediately apply for a driver's license, including some immigrants. Many of Hawaii's low-income families have an undocumented adult family member who is unable to safely and legally assist in driving and transporting other family members to work, school, or the grocery store, or in responding to emergencies. This measure will increase access to driver's licenses and ensure that Hawaii's roads are safer by requiring all drivers to pass a written test and driving test on the rules of the road.

Your Committees have amended this measure by deleting its contents and inserting language to:

- (1) Establish a new section in chapter 286, Hawaii Revised Statutes, to allow the Examiner of Drivers to issue driver's licenses or instruction permits with a unique identifier to individuals who are unable to submit proof that their presence in the United States is authorized under federal law, if certain criteria are met;
- (2) Provide the Director of Transportation with authority to adopt rules to carry out the purposes of the new section in chapter 286, Hawaii Revised Statutes;
- (3) Require the Examiner of Drivers to accept various types of documentation as proof of a person's identity and Hawaii residency;
- (4) Require driver's licenses and instruction permits with a unique identifier to be clearly distinguishable from the Hawaii driver's licenses and instruction permits and to be used solely for driving;

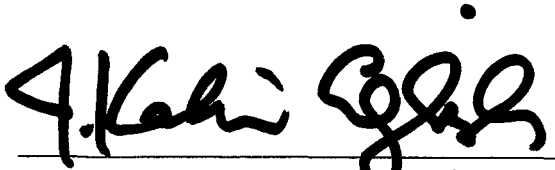


- (5) Require the Examiner of Drivers to modify a driver's license with a unique identifier if the United States Department of Homeland Security determines that a driver's license issued pursuant to this measure does not satisfy federal requirements;
- (6) Establish that the inability to obtain a driver's license pursuant to this measure does not negate the legal requirement of every driver in this State to obey the motor vehicle laws;
- (7) Make it a violation to discriminate against individuals simply because they have a driver's license with a unique identifier;
- (8) Restrict information collected pursuant to this measure from being a part of the public record or disclosed by the Examiner of Drivers, except as provided by law;
- (9) Specify that driver's licenses with a unique identifier may not be used to determine a person's citizenship or immigration status as a basis for a criminal investigation, arrest, or detention;
- (10) Allow for the Examiner of Drivers to determine and collect a separate fee from individuals issued driver's licenses with a unique identifier, to offset reasonable administrative costs of implementing the requirements of this measure; and
- (11) Insert an effective date of September 1, 2014.


As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental and Military Affairs and Transportation and International Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2935, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2935, S.D. 1, and be referred to the Committee on Judiciary and Labor.



Respectfully submitted on
behalf of the members of the
Committees on Public Safety,
Intergovernmental and Military
Affairs and Transportation and
International Affairs,



J. KALANI ENGLISH, Chair

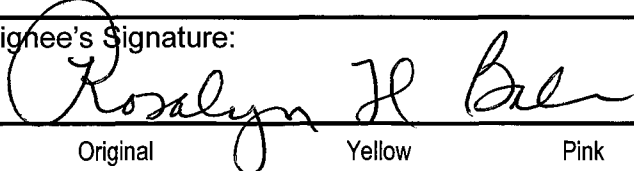


WILL ESPERO, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i


Record of Votes
Committee on Public Safety and Military Affairs
PSM

| | | | | |
|--|--|-------------------------|----------|----------|
| Bill / Resolution No.:* <i>SB 2935</i> | Committee Referral: <i>PSM/TIA, JDL</i> | Date: <i>2-11-14</i> | | |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____ | | | | |
| The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| ESPERO, Will (C) | ✓ | | | |
| BAKER, Rosalyn H. (VC) | ✓ | | | |
| GALUTERIA, Brickwood | ✓ | | | |
| GREEN, M.D., Josh | | | | ✓ |
| SLOM, Sam | | | ✓ | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| TOTAL | <i>3</i> | <i>—</i> | <i>1</i> | <i>1</i> |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature:  | | | | |
| Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy | | | | |

*Only one measure per Record of Votes

The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Transportation and International Affairs
TIA

| | | | | |
|--|---------------------|-----------------|---------------------|---------|
| Bill / Resolution No.:* | Committee Referral: | Date: | | |
| SB 2935 | PSM/TIA, JDL | 02-11-14 | | |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____ | | | | |
| The Recommendation is: | | | | |
| <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| ENGLISH, J. Kalani (C) | / | | | |
| DELA CRUZ, Donovan M. (VC) | / | | | |
| ESPERO, Will | / | | | |
| GABBARD, Mike | / | | | |
| KAHELE, Gilbert | / | | | |
| KEITH-AGARAN, Gilbert S.C. | / | | | |
| KOUCHI, Ronald D. | / | | | |
| SOLOMON, Malama | / | | | |
| SLOM, Sam | | | | / |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| TOTAL | 8 | | | / |
| Recommendation: | | | | |
| <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature: | | | | |
|  | | | | |
| Distribution: | | | | |
| Original | Yellow | Pink | Goldenrod | |
| File with Committee Report | Clerk's Office | Drafting Agency | Committee File Copy | |

*Only one measure per Record of Votes