

Honolulu, Hawaii

FEB 10 2015

RE: S.B. No. 683  
S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam:

Your Committee on Transportation, to which was referred S.B. No. 683 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to create a limited purpose driver's license, limited purpose provisional driver's license, and limited purpose instruction permit.

Your Committee received testimony in support of this measure from the Department of Transportation; Hawaii State Commission on the Status of Women; Protecting Hawaii's Ohana, Children, Under Served, Elderly and Disabled (PHOCUSED); Aloha Dream Team; Nursing Advocates and Mentors Inc.; Hawaii Friends for Civil Rights; National Federation of Filipino American Associations Region 12; Filipino American Citizens League; Hawaii Conference United Church of Christ; Catholic Charities Hawaii; Hawaii Coalition for Immigration Reform; Filipino Coalition for Solidarity; Hawaii Coalition of Immigration Rights; American Civil Liberties Union of Hawaii; American Immigration Lawyers Association, Hawaii Chapter; Hawaii Appleseed Center for Law and Economic Justice; and four individuals. Your Committee received comments on this measure from Hawaii Insurers Council.

Your Committee finds that the federal REAL ID Act of 2005, Pub. L. No. 109-13, requires states to comply with federally mandated eligibility criteria in issuing driver's licenses,



including the requirement of proof of lawful presence in the United States. Accordingly, a person who does not submit satisfactory proof of the person's legal presence in the United States, as authorized by federal law, cannot legally operate a motor vehicle. The REAL ID Act, however, specifically allows states to issue driver's licenses that do not comply with the minimum federal use requirements and standards of the REAL ID Act, a critical exception.

Your Committee further finds that since 2010 when the State implemented the restrictive identification requirements for driver's licenses, a significant number of residents are now unable to carry out necessary daily activities unless they operate motor vehicles without a license, and therefore, without insurance.

In recent years, there has been a significant increase in state efforts to expand access to driver's licenses for persons who cannot provide proof of authorized presence in the United States. Several states now grant access to a driver's license regardless of immigration status and only require that the applicant establish evidence of current residency in the respective state.

Your Committee further finds that Hawaii's population consists of a high percentage of immigrants, many of whom cannot obtain a Hawaii driver's license for lack of proof of legal presence in the United States.

The State of Connecticut enacted a measure that became effective on January 15, 2015, after four years of analysis and debate in the Connecticut legislature. Your Committee believes that Connecticut has the experience in drafting a measure to pass federal muster. The Connecticut stature is very similar to the unamended version of this measure.

Your Committee has amended this measure by replacing the contents of this measure with contents that are substantially similar to Connecticut's General Statutes, section 14-36m, which allows the issuance of operators' licenses to applicants unable to establish legal presence in the United States and applicants without Social Security numbers and making technical, nonsubstantive amendments for the purposes of clarity and consistency.



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 S.B. No. 683, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 683, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on  
behalf of the members of the  
Committee on Transportation,

*Clarence K. Nishihara*

CLARENCE K. NISHIHARA, Chair



The Senate  
Twenty-Eighth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Transportation**  
**TRA**

Bill / Resolution No.:*	Committee Referral:	Date:		
<b>SB083</b>	<b>TRA, JDL</b>	<b>2/5/15</b>		
<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
NISHIHARA, Clarence K. (C)	✓			
HARIMOTO, Breene (VC)	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani				✓
ESPERO, Will	✓			
INOUE, Lorraine R.	✓			
KIDANI, Michelle N.				✓
KOUCHI, Ronald D.	✓			
SLOM, Sam			✓	
<b>TOTAL</b>	<b>6</b>		<b>1</b>	<b>2</b>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Breene Hunt</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes