



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTIETH LEGISLATURE, 2019**

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**ON THE FOLLOWING MEASURE:**  
S.B. NO. 1344, RELATING TO DEBT.

**LATE**

**BEFORE THE:**

SENATE COMMITTEE ON TRANSPORTATION

**DATE:** Monday, February 11, 2019 **TIME:** 1:15 p.m.

**LOCATION:** State Capitol, Room 225

**TESTIFIER(S):** Clare E. Connors, Attorney General, or  
Lynette J. Lau, CSEA Administrator and  
Lynn K. Kashiwabara, Deputy Attorney General

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Chair Inouye and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purpose of this bill is to prohibit the imposition of restrictions on a person's ability to obtain or renew a driver's license or to register, renew the registration of, or transfer or receive title to a motor vehicle due to non-payment of traffic violations and delinquent child support obligations or failure to comply with subpoenas or warrants relating to paternity or child support proceedings.

The proposed changes to sections in chapters 291 and 576D, Hawaii Revised Statutes (HRS), repealing the Child Support Enforcement Agency's (CSEA) statutory authority to restrict access to driver's license conflict with federal law. Section 466 of the Social Security Act provides that states must have laws authorizing withholding, suspension, or restriction of driver's license use in matters regarding establishment of paternity and child support enforcement. Title 42, section 666 of the United States Code (USC), relating to child support and establishing paternity provides in part:

(a) Types of procedures required. In order to satisfy section 654(20)(A) of this title, each State must have in effect laws requiring the use of the following procedures, consistent with this section and with regulations of the Secretary, to increase the effectiveness of the program which the State administers under this part:

\* \* \*

(16) Authority to withhold or suspend licenses. Procedures under which the State has (and uses in appropriate cases) authority to withhold or suspend, or to restrict the use of driver's licenses ... of individuals owing overdue support or failing, after receiving appropriate notice, to comply with subpoenas or warrants relating to paternity or child support proceedings.

Contrary to the federal statute, this bill explicitly (1) prohibits CSEA from restricting the use of driver's license for enforcement purposes<sup>1</sup> and (2) removes the examiner of drivers authority to deny or suspend driver's licenses by repealing language in sections 286-102, -109, and -241.4, HRS, that regulate the issuance of drivers licenses, including individuals who have delinquent child support payments or who failed to comply with a paternity or child support proceeding subpoena or warrant.<sup>2</sup> Furthermore, CSEA's federally approved state plan provides that CSEA has "in effect laws requiring the use of procedures for authorizing withholding, or suspension or restriction of driver's licenses" in accordance with the Social Security Act. If these federal requirements are not implemented, the state plan administered by CSEA for federal funding purposes may be disapproved and jeopardize CSEA's federal funding.

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<sup>1</sup> Section 10 at page 29, lines 8 – 14 amends section 576D-13, HRS, by adding a new subsection as follows:

(k) The agency shall not prevent an obligor who is in noncompliance with an order of support as defined in section 576D-1 or an individual who has failed to comply with a subpoena or warrant relating to a paternity or child support proceedings from obtaining or renewing a license to operate a motor vehicle or from registering, renewing the registration of, or transferring or receiving title to a motor vehicle.

(Emphasis added).

<sup>2</sup> Section 2, page 3, lines 6 – 13 of the bill amends section 286-102, HRS, by repealing language in subsection (e) as follows in part:

... [u]pon receipt of certification from the child support enforcement agency pursuant to section 576D-13 that an obligor or individual who owns or operates a motor vehicle is not in compliance with an order of support as defined in 576D-1 or has failed to comply with a subpoena or warrant relating to a paternity or child support proceedings, the examiner of drivers shall suspend the license and right to operate motor vehicles and confiscate the license of the obligor.

(Emphasis added).

Furthermore, section 4, page 6, lines 18 – 21, and page 7, lines 1 – 6 of the bill, repeals language in section 286-241.4, HRS, as follows:

[(b) The examiner of drivers shall deny or suspend any commercial driver's license or commercial learner's permit pursuant to the terms of section 576D-13 when the examiner of drivers receives certification from the child support enforcement agency that the licensee or permittee is not in compliance with an order of support as defined in section 576D-1 or has failed to comply with a subpoena or warrant relating to a paternity or child support proceeding.

To avoid potential federal funding losses, the Department recommends:

- (1) deleting in its entirety sections 2, 4, 10, and 11,
- (2) amending section 3 by deleting “and chapter 576D” on page 4, lines 18-19,  
and
- (3) amending section 14 by deleting references to chapter 576D, HRS, on page  
33, lines 5 and 11-15.

These recommendations would maintain the state laws that authorize the withholding, suspension, or restriction of driver’s license use for paternity and child support enforcement, in compliance with the federal laws.

The Department respectfully requests that the recommended changes be accepted.

**SB-1344**

Submitted on: 2/9/2019 8:43:42 PM

Testimony for TRS on 2/11/2019 1:15:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dylan P. Armstrong	Individual	Support	No

Comments: