

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

**Testimony of the Office of the Public Defender,
State of Hawai‘i to the Senate Committees on Transportation and Public Safety,
Intergovernmental, and Military Affairs**

February 6, 2020

S.B. No. 2630: RELATING TO MONETARY OBLIGATIONS

Hearing: February 7, 2020, 1:15 p.m.

Chairs Inouye and Nishihara, Vice Chairs Harimoto and Wakai, and Members of the Committees:

The Office of the Public Defender strongly supports the changes proposed by SB 2630. Our support for this bill is threefold: (1) It will reduce the number of Hawai‘i residents criminalized due to poverty; (2) It will reduce the burden on our office’s District Court staff; and (3) It will reduce the overwhelmingly large traffic calendars in District Court.

Our office has seen firsthand how license stoppers can disrupt the lives of otherwise law-abiding residents. When money is tight, a resident might have to choose between paying the rent or paying several hundred dollars to register their vehicle. With a lapsed registration, the resident is also unable to update their safety check, even if their car is in perfectly working order. This resident still needs to be able to get to work, often to more than one job, and take the kids to school while they save up the money to pay for the registration, the safety check, and the late fees that will attach. While driving to work one day, the resident is pulled over due to their expired stickers, and suddenly they find themselves with a citation for another couple hundred of dollars, which they are also unable to pay. Thirty days later, the fine is sent to a collections agency on the mainland, and a stopper is placed on to the resident’s license. As long as the stopper is in place, the resident will be unable to legally register their car to themselves. In practical terms, this often means that the resident will continue to pick up similar citations while they are saving up to pay the first citation. This resident could save up money for months to pay off their delinquent registration, safety check, and court fines, only to discover that they do not have the money to cover the interest charged by the collections agency. Finally, the resident’s driver’s license expires, and the next time that they are pulled over for expired stickers, they receive a criminal citation for Driving Without a Valid License (“DWOL”).

This is the story that our District Court attorneys hear time and time again during intake interviews with our clients. By the time clients reach us, it is too late for us to give them the advice that might have helped them avoid falling into this situation. The vast majority of our DWOL clients have no other non-traffic charges. If it were not for their financial difficulties, these clients would never have to risk having a damaging criminal conviction on their records. With each additional DWOL citation, the fines grow higher, and the chances of those clients being able to claw their way back

into the black grow dimmer. Our office is prohibited from assisting with non-jailable offenses, so our only recourse with most clients is to refer them to a non-profit group for assistance converting unpaid infractions to community service work. We have no capacity to follow up these referrals, and we often find that our office turns into a revolving door for our DWOL clients.

The one exception to that rule is in Honolulu Community Outreach Court, where our office is able to partner with the Department of the Prosecuting Attorney and the Judiciary to cut through the red tape for individuals at risk of or currently experiencing houselessness. Unfortunately, the working poor who are barely able to make ends meet do not qualify for entry to this program. This means their cases end up on the traffic court calendar, which is severely overcrowded. For example, the Honolulu District Court morning traffic calendar that will be handled at the same time as the hearing for this bill on February 7, 2020 currently has thirty-three cases listed, sixteen of which involve the offense of DWOL. The morning calendar has fifty-two cases, thirty-two of which involve DWOL. This calendar should be dedicated to traffic crimes such as Excessive Speeding, Reckless Driving, and Leaving the Scene of an Accident, but instead, the majority of these cases involve residents with no serious moving violations.

Something has got to give. We live in the State with the lowest minimum wage when adjusted for our high cost of living. Residents working multiple jobs can barely afford to pay their rent and feed their families, yet we're treating them like criminals due to unpaid fees. The Office of the Public Defender is strongly in support of re-thinking this regressive system and finding a way to move forward.

Thank you for the opportunity to comment on S.B. No. 2630.



The Judiciary, State of Hawai‘i

Testimony to the Senate Committee on Transportation

Representative Henry J.C. Aquino, Chair

Representative Troy N. Hashimoto, Vice Chair

Senate Committee on Public Safety, Intergovernmental, and Military Affairs

Representative Clarence K. Nishihara, Chair

Representative Glenn Wakai, Vice Chair

Friday, February 7, 2020, 1:15 p.m.
State Capitol, Conference Room 225

WRITTEN TESTIMONY ONLY

by

Calvin C. Ching

Deputy Chief Court Administrator

First Circuit

Bill No. and Title: Senate Bill No, 2630, Relating to Monetary Obligations.

Purpose: Prohibits 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, as a consequence of unpaid monetary obligations. Does not affect driver’s license suspensions related to excessive speeding, lack of motor vehicle insurance, or non-compliance with a child support order. The Judiciary takes no position as to the merits of this bill, but notes that significant funding and resources would be required for implementation. In the event that funds cannot be allocated, the Judiciary opposes this measure as it would create a burden on existing operations.

Judiciary’s Position:

The Judiciary notes that the issue at the heart of this bill -- creating alternatives for resolution of traffic infractions and lifting license and registration stoppers so that persons of limited financial means are not precluded from driving -- was explored and discussed in depth by the Final Report of the Financial Hardship Task Force to the Thirtieth Legislature of the State of



Senate Bill No. 2630, Relating to Monetary Obligations
Senate Committee on Transportation
Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Friday, February 7, 2020
Page 2

Hawai‘i. Many of the task force recommendations appear to be covered by other proposed bills, such as HB2751 (relating to financial hardship). The Judiciary suggests that the alternatives proposed by HB2751 be examined to determine whether they might achieve better results at a lower cost in a shorter timeframe.

First, section 10 of the proposed bill renders all prior license and registration stoppers arising out of traffic infractions (including parking citations) void and unenforceable. At present, there are tens of thousands of cases with license and/or registration stoppers that arose out of traffic infractions. The retroactive nature of the bill would require the Judiciary to identify these cases, prepare and file orders in each case, and transmit the orders to the appropriate county agencies. Given that processing a single request to clear a single license stopper requires action by traffic violations bureau staff, a district court clerk, a judge, a fiscal officer, and courtroom staff (in those cases where a hearing may be necessary), additional personnel positions would need to be created in order to implement the monumental action contemplated by this bill. If funds for such positions cannot be appropriated by the Legislature at this time, the Judiciary respectfully requests that section 10 be deferred.

Second, section 10 of the proposed bill directs the Judiciary to work with the counties to identify affected individuals and to take any further action necessary to effectuate the bill. While the Judiciary is willing to do so, it notes that implementation would therefore appear to require a similar increase in the personnel at the respective county agencies. Put another way, even if the courts were to issue orders for each of the cases listed above, the agencies with authority to issue driver licenses and vehicle registrations may not have the current capacity to immediately lift the stoppers referenced in those orders.

If this bill is not deferred, the Judiciary respectfully requests that the effective date be extended to give the Judiciary ample time to hire and train the additional personnel that will be needed for implementation. Alternatively, the Judiciary respectfully requests that section 10 be deleted.

Thank you for the opportunity to testify on this measure.

Justin F. Kollar
Prosecuting Attorney



Rebecca Vogt Like
Second Deputy

Jennifer S. Winn
First Deputy

Diana Gausepohl-White
Victim/Witness Program Director

OFFICE OF THE PROSECUTING ATTORNEY

County of Kaua'i, State of Hawai'i

3990 Ka'ana Street, Suite 210, Līhu'e, Hawai'i 96766
808-241-1888 ~ FAX 808-241-1758
Victim/Witness Program 808-241-1898 or 800-668-5734

**THE HONORABLE LORRAINE R. INOUE, CHAIR
THE HONORABLE BREENE HARIMOTO, VICE CHAIR
SENATE COMMITTEE ON TRANSPORTATION
THE HONORABLE CLARENCE K. NISHIHARA, CHAIR
THE HONORABLE GLENN WAKAI, VICE CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS
Thirtieth State Legislature
Regular Session of 2020
State of Hawai'i**

February 7, 2020

RE: S.B. 2630; RELATING TO MONETARY OBLIGATIONS.

Chair Inouye, Chair Nishihara, Vice Chair Harimoto, Vice Chair Wakai, and members of the Senate Committees on Transportation and Public Safety, Intergovernmental, and Military Affairs, the Office of the Prosecuting Attorney of the County of Kaua'i submits the following testimony in support of S.B. 2630.

The purpose of S.B. 2630 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, as a consequence of unpaid monetary obligations. It does not affect driver's license suspensions related to excessive speeding, lack of motor vehicle insurance, or non-compliance with a child support order.

Unpaid court debt resulting in license stoppers results in countless citations and arrests for driving without a license. This results in a significant portion of the criminal caseload of the District and Circuit Courts in Hawai'i and absorbs substantial resources of prosecutors and public defenders statewide with little to no benefit to public safety. The practice of imposing license stoppers for failure to pay court debt also does not result in the debt being paid, it results in defendants incurring more court debt which they

cannot pay, because they cannot drive, because they cannot work, etc. Particularly in rural or suburban communities like Kauaʻi, it is virtually impossible to survive without driving a motor vehicle. Defendants become trapped in a vicious cycle. Courts, prosecutors, and public defenders have limited resources that can be put to better use addressing cases that impact public safety.

This Bill also recognizes that some license stoppers are imposed to address valid safety and public policy concerns; that is appropriate.

For these reasons, the Office of the Prosecuting Attorney supports the passage of S.B. 2630. Thank you for this opportunity to testify.



Young Progressives Demanding Action
P.O. Box 11105
Honolulu, HI 96828

February 5, 2020

TO: Senate Committees on Transportation & Public Safety, Intergovernmental, and Military Affairs

RE: Testimony in support of SB2630

Dear Senators,

Young Progressives Demanding Action (YPDA) advocates for sound public policies that not only reflect the values of young people throughout the State of Hawai'i, but also that remove unnecessary barriers that keep people trapped in the cycle of poverty. So-called "stoppers"—holds put on driving or vehicle records that prevent the obtaining or renewing of a drivers' license or car registration until traffic tickets are paid—do exactly that.

If a person cannot afford to pay their traffic or parking ticket, what makes us believe that taking away their ability to drive will improve the likelihood that they pay? For many hardworking Hawai'i locals, especially those unable to afford the expenses of urban Honolulu, the ability to drive is critical for getting to work. Taking that away over relatively minor traffic infractions ends up further impoverishing working families and funneling people through the criminal legal system, wasting taxpayer money.

Roughly 18 percent of Hawai'i's driving-age population had a license stopper on their driving record in October of 2017. More than half of these had already been sent to collections when this data was collected. If stoppers were effective in incentivizing payment, these cases would never go to collections.

This bill does not affect license suspensions imposed as penalties for an actual criminal offense or for failure to pay child support. The bill only eliminates license stoppers imposed for failure to pay traffic tickets. On the other hand, if we do nothing to address this issue, many people will be forced into the impossible choice of either driving illegally or losing their job. Ask yourself: what would you do? Most people would choose to continue driving.

Public defenders across the state have told the ACLU of Hawai'i that much of their workload involves cases of driving without a valid license after having a stopper placed on the defendant's record for an unpaid ticket. Driving without a license carries a fine of up to \$1,000 or up to one year in jail for subsequent offenses. H.R.S. § 286-136. We are effectively criminalizing poverty—and no one benefits.

While exact numbers are not publicly available for the state, other jurisdictions have found that they spend far more trying to collect on court debt than the debt was worth to begin with.

Our society has an obsession with punishment, but it is usually reserved for the poor. Half of Hawai'i's households are living paycheck to paycheck. Nationally, 40 percent of adults have less than \$400 accessible at any given time, putting them one emergency away from homelessness every day. "Stoppers" create the potential for just the kind of financial emergency that can send a family into a tailspin, and for no good reason.

Please pass SB2630.

Mahalo for the opportunity to testify,

Will Caron
2019–2020 Co-Chair
Action@YPDAhawaii.org



Committee: Committee on Transportation
Committee on Public Safety, Intergovernmental, and Military Affairs
Hearing Date/Time: Friday, February 7, 2020, 1:15 p.m.
Place: Conference Room 225
Re: Testimony of the ACLU of Hawai'i in support of S.B. 2630, Relating to Monetary Obligations

Dear Chair Inouye, Chair Nishihara, and Committee Members:

The American Civil Liberties Union of Hawaii (ACLU of Hawai'i) writes **in support of S.B. 2630**, a bill to end the counterproductive practice of driver's license and motor vehicle registration stoppers. S.B. 2630 will save the state money, increase the number of insured drivers, and end a harmful practice that pushes vulnerable communities into poverty.

Stoppers are ineffective and disproportionately burden Hawai'i's working poor. Roughly half of Hawai'i's families struggle to meet basic needs.¹ A recent study found that four in ten adults do not have access to \$400 at any given time, making them one emergency—or court fine—away from financial ruin.² License and registration stoppers, which prevent a person from obtaining or renewing their license or registration until they pay outstanding traffic or parking tickets, unfairly punish this population, who stand to lose much more than just their ability to drive. Since the vast majority of Hawai'i's workforce drives to work,³ losing your license can often mean losing your job, or being unable to take your kids to school or to the doctor. This disproportionately impacts Native Hawaiians, who are more likely than their white counterparts to live in poverty and therefore less likely to be able to afford an unanticipated expense.⁴ While courts may consider ability to pay, the burden is on motorists to request this and it is the understanding of the ACLU of Hawai'i that this option is not often utilized; even when an adjustment is requested, the decision of whether to do so is purely at the discretion of the court and there is no set formula for a fine adjustment.

¹ ALICE, a Study of Financial Hardship in Hawai'i, 2017 Report. Aloha United Way (2017).

² Bd. of Governors of the Fed. Reserve Sys., Report on the Economic Well-Being of U.S. Households in 2017 at 2 (May 2018), <https://www.federalreserve.gov/publications/files/2017-report-economic-well-being-us-households-201805.pdf>.

³ U.S. Census Bureau, 2018. American Community Survey, *Hawaii 5-Year Estimates Data Profiles*.

⁴ U.S. Census Bureau, 2018. 2017 American Community Survey, *1-Year Estimates*.

Recognizing the burden imposed by stoppers, a growing body of scholarship condemns the practice.⁵ Many states are considering or have already enacted reforms similar to S.B. 2630.⁶ The American Bar Association recently denounced the use of license revocations for nonpayment and instead recommends proportionate income-based fines.⁷

License and registration stoppers do not work. According to a Washington Post study, 204,067 Hawai'i drivers had stoppers on their record in 2017, or roughly 18% of the state's driving age population in that year.⁸ Over half of these cases were already in collections at the time of the study. These high numbers suggest that the problem is not willful nonpayment, but rather, an inability to pay. Stoppers, then, will never be an effective solution because they do not cure the motorist's inability to afford to pay their ticket.

License and registration stoppers are not only ineffective—they're counterproductive. As we've found in other jurisdictions, Hawaii's system of license and registration stoppers only makes it *more* difficult for people to pay their traffic and parking fines. The main reason for this is clear: revoking a person's ability to drive cuts out their primary mode of transportation to get to the job that will allow them to earn money to pay their ticket. This is especially true for residents in rural areas and on neighbor islands, where public transportation is generally less available. While restricted licenses *may* be granted, eligibility criteria are strict and do not include transportation outside of what is required to work, such as taking your child to the doctor. It is no wonder that the lack of legal ability to drive has been found to have a strong correlation to unemployment or underemployment.⁹

Worse still, after a certain amount of time, people must pay not only the full amount of the ticket, but a hefty surcharge to the Texas-based private collection agency as well.¹⁰ This makes it even *less* likely that they will be able to afford to lift their stopper.

⁵ See, e.g. Danielle Conley and Ariel Levinson-Waldman, *Discriminatory Driver's License Suspension Schemes*, American Constitution Society (March 2019).

⁶ This year, Illinois ended license suspensions for unpaid parking tickets. In 2019, Montana ended license suspensions for unpaid court debt. In 2018, Idaho passed a law ending license suspensions for unpaid court fines and fees, and decriminalizing driving on a suspended license. In 2017, California ended license suspensions for unpaid traffic fines. New York and Colorado are both considering similar legislation this year.

⁷ *ABA Ten Guidelines on Court Fines and Fees*, American Bar Association (August 2018), available at <https://finesandfeesjusticecenter.org/content/uploads/2018/12/Ten-Guidelines-on-Court-Fines-and-Fees.pdf>.

⁸ Justin Wm. Moyer, *More than 7 million people may have lost driver's licenses because of traffic debt*, Washington Post (May 19, 2018), https://www.washingtonpost.com/local/public-safety/more-than-7-million-people-may-have-lost-drivers-licenses-because-of-traffic-debt/2018/05/19/97678c08-5785-11e8-b656-a5f8c2a9295d_story.html#comments-wrapper.

⁹ Conley and Levinson-Waldman, *supra*.

¹⁰ If you fail to pay within 90 days (for judgments of \$500 or less) or 180 days (\$500 or more), your case is sent to collections. HCTR Rule 20(C). Once the case goes to collections, you no longer have the option of making a payment to the court, and *must* pay the total amount owed, plus an additional **twenty-one percent** as a fee to the agency.

Chair Inouye, Chair Nishihara, and Committee Members

February 7, 2020

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S.B. 2630 will increase the number of insured motorists. Stoppers make it impossible for a person to obtain motor vehicle insurance. This is true for most private auto insurers, and though Hawai‘i offers no-fault insurance for low-income drivers, motorists who would otherwise meet the eligibility requirements but who have an expired license or registration due to a stopper cannot qualify for the state program.¹¹ This exposes other motorists to liability.

Stoppers act as a funnel into the criminal legal system. The ACLU of Hawai‘i has heard from public defenders across the state that much of their workload involves cases of driving without a license after a stopper had been placed on the defendant’s record for an unpaid ticket. Many people will be forced into an impossible choice between driving illegally and losing their job, and many will make the desperate choice to continue driving, a traffic crime punishable by up to a \$1,000 fine or up to one year in jail.¹² This potentially life-ruining consequence pulls families deeper into poverty and wastes taxpayer money prosecuting and defending criminal cases that stem from these stoppers. Other jurisdictions have found that the money spent enforcing unpaid tickets exceeded the value of the debt itself.

Hawaii’s system of license stoppers may be unconstitutional. In late 2019, the national American Civil Liberties Union, alongside ACLU of South Carolina, Southern Poverty Law Center, Terrell Marshall Law Group PLLC, and the South Carolina Appleseed Legal Justice Center filed a federal lawsuit challenging South Carolina Department of Motor Vehicles’ policy of automatically suspending the drive’s licenses of people who cannot afford their traffic tickets.¹³ The lawsuit argues that these suspension schemes violate an individual’s rights to Equal Protection and Due Process under the Fourteenth Amendment of the United States Constitution, which require an ability-to-pay consideration before an individual is punished for an unpaid fine. Similar constitutional challenges have been filed in Michigan, Montana, Tennessee, Virginia, and Oregon.

For the above reasons, the ACLU of Hawai‘i respectfully requests that your Committees support this measure. Thank you for the opportunity to testify.

Sincerely,



Mandy Fernandes
Policy Director
ACLU of Hawai‘i

The mission of the ACLU of Hawai‘i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai‘i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai‘i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai‘i has been serving Hawai‘i for over 50 years.

¹¹ H.A.R. §17-654-3.

¹² H.R.S. § 286-136.

¹³ See complaint, *White v. Shwedo* (D.S.C., filed Oct. 30, 2019).

LATE



**Parents And
Children Together**
BUILDING THE RELATIONSHIPS THAT MATTER MOST

TO: Chair Inouye, Vice Chair Harimoto, and Members of the Senate Committee on Transportation and Chair Nishihara, Vice Chair Wakai and Members of the Senate Committee on Public Safety, Intergovernmental, and Military Affairs

FROM: Ryan Kusumoto, President & CEO of Parents And Children Together (PACT)

DATE/LOCATION: February 7, 2020; 1:15 p.m., Conference Room 225

RE: TESTIMONY IN SUPPORT OF SB 2630– RELATING TO MONETARY OBLIGATIONS

We ask you to support SB 2630 which prohibits 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, as a consequence of unpaid monetary obligations. Does not affect driver's license suspensions related to excessive speeding, lack of motor vehicle insurance, or non-compliance with a child support order. We support this bill which prohibits fines and fees that penalize those who are under-resourced and simply do not have the means to pay meanwhile who pose zero threat to public safety.

License and motor vehicle stoppers have not proven to be effective, in fact, they are counterproductive and push people further into cycles of debt and instability. If an individual gets their licensed revoked simply because they could not pay a fine, this could make it difficult to continue with daily tasks like taking care of children and getting to work on time. This will only create greater hardship, not create an incentive to make payment. Many states have already enacted reforms to repeal this dangerous practice.

The number of individuals and families whose lives are affected by economic instability in Hawaii is disheartening. The costs associated with economic instability and poverty are well documented. The long-term effects of economic instability and the related chronic stress on individuals and families, especially children, are harmful and detrimental to the potential for healthy and promising futures. Even our working families and tax paying citizens are facing increasing economic pressures with Hawaii's high cost of living and struggle to make ends meet.

Aloha United Way's ALICE (Asset Limited Income Constrained, Employed) Report notes:

- In Hawai'i, there are 165,013 ALICE® households (37% of total households) while another 47,066 households (11% of total households) live below the Federal Poverty Level.
- In total, 48% of Hawaii's families with children have incomes below the ALICE survival budget.
- The average annual household survival budget for a single adult in Hawaii is \$28,128, which translates to an hourly wage of \$14.06.
- \$72,336 is the average annual Household Survival Budget for a family of four living in Hawaii.
- 37% of senior households in Hawaii qualify as ALICE.
- Many of our ALICE and below families do not have adequate savings.

Economic instability and poverty across the globe has reached epidemic proportions. In Hawaii, it is no different. As one of Hawaii's social service providers, serving over 15,000 clients annually, we have a vested interest in working together with all sectors to help Hawaii's residents break the cycles of poverty. Over 90% of the clients PACT serves are living in deep poverty. Many factors contribute to poverty: political and economic structures, community conditions, exploitation and the least of which is an individual's choice. We applaud the legislature for helping to break down some of the political barriers and structures that perpetuate cycles of instability for Hawaii families.

Founded in 1968, Parents And Children Together (PACT) is one of Hawaii's not-for-profit organizations providing a wide array of innovative and educational social services to families in need. PACT helps families identify, address and successfully resolve challenges through its 18 programs. Among its services are: early education programs, domestic violence prevention and intervention programs, child abuse prevention and intervention programs, childhood sexual abuse supportive group services, child and adolescent behavioral health programs, sex trafficking intervention, poverty prevention and community building programs.

Thank you for the opportunity to testify in **support of SB 2630**, please contact me at (808) 847-3285 or rkusumoto@pacthawaii.org if you have any questions.

LATE



Hawaii
Children's Action Network Speaks!
Building a unified voice for Hawaii's children

Hawai'i Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.

To: Senator Inouye, Chair
Senator Harimoto, Vice Chair
Senate Committee on Transportation

Senator Nishihara, Chair
Senator Wakai, Vice Chair
Senate Committee on Public Safety, Intergovernmental, and Military Affairs

Re: **SB 2630-Relating to monetary obligations**
Hawai'i State Capitol, Room 225
1:15PM, 2/7/2020

Chair Inouye, Chair Nishihara, Vice Chair Harimoto, Vice Chair Wakai, and committee members,

On behalf of Hawaii Children's Action Network Speaks!, I am writing in support of SB 2630 relating to monetary obligations, which would prohibits 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, as a consequence of unpaid monetary obligations.

The current practice of placing a "stopper" on a driver's license due to failure to pay a traffic or parking fine can have a tremendous impact on a family. For lower socioeconomic status families, the unpaid fine may be related to inability to pay, rather than delinquency. A stopper isn't a motivator for payment, it becomes a deterrent to the person being able to pay. By taking away a person's ability to drive you also risk the person maintaining employment and the future prospect of ever paying down their fine. Almost half of our families are struggling to make ends meet and the practice of stoppers can put a family's well-being in jeopardy. As this legislature considers ways to improve the lives of working families in Hawaii, the practice of stoppers should be heavily scrutinized and hopefully ended.

For these reasons, HCAN Speaks! respectfully requests the Committee to support this measure.

Thank you,

Kathleen Algire
Director, Public Policy and Research

SB-2630

Submitted on: 2/5/2020 10:40:58 AM

Testimony for TRS on 2/7/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
janice palma-glennie	Individual	Support	No

Comments:

aloha and mahalo for supporting this sensible bill.

it is imperative that the legislature take steps to stop the dangerous downward spiral that not having enough money to drive to work can create. We must stop financial limitations from constiuting a crime.

janice palma-glennie

kailua-kona

SB-2630

Submitted on: 2/5/2020 12:56:17 PM

Testimony for TRS on 2/7/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mele Stokesberry	Individual	Support	No

Comments:

I support S.B. 2630 because stoppers for people who cannot afford to pay a traffic ticket foster a cycle of poverty and usher people into the criminal legal system who pose no threat to public safety. They are counterproductive, ineffective, and may also be unconstitutional.

Let me be clear: let's DO "stop" the driver's license of people driving drunk, and maybe people causing accidents due to reckless driving, but NOT for people who've been unable to pay for a parking ticket or other non-violent, non-dangerous actions.

Mele Stokesberry

P. O. Box 880231 Pukalani, HI 96788

SB-2630

Submitted on: 2/5/2020 11:31:44 AM

Testimony for TRS on 2/7/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Colleen Rost-Banik	Individual	Support	No

Comments:

I urge you to support SB2630, which will end the practice of suspending people's driver's license for unpaid traffic tickets. Many people are not able to pay their traffic tickets due to the incredibly high cost of living in Hawaii. Suspending driver's licenses for unpaid traffic tickets is counterproductive as it means that people are less able to work, take their children to day care and school, and even grocery shop. Policies like this do not lessen people's traffic violations, rather they simply burden people's pocketbooks.

Rather than having policies like suspending people's driver's licenses for unpaid traffic tickets, we should focus on more important things like lowering the cost of living so that people can actually afford extraneous expenses like traffic tickets.

Please support SB2630.

Sincerely,
Colleen Rost-Banik
Honolulu resident

SB-2630

Submitted on: 2/5/2020 11:29:59 AM

Testimony for TRS on 2/7/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
James Long	Individual	Support	No

Comments:

SB-2630

Submitted on: 2/5/2020 10:28:00 AM

Testimony for TRS on 2/7/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Terry Huth	Individual	Support	No

Comments:

SB-2630

Submitted on: 2/5/2020 10:37:14 AM

Testimony for TRS on 2/7/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Buck Joiner	Individual	Support	No

Comments:

I support the elimination of the excessively punitive regulation.

SB-2630

Submitted on: 2/5/2020 10:52:52 AM

Testimony for TRS on 2/7/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Janet Graham	Individual	Support	No

Comments:

Thank you for accepting testimony on this bill. I fully support SB 2630 because it would enable people who cannot pay tickets to continue to get to work legally so they can pay them. This is common sense to me. Please pass this important proposed legislation into law.

SB-2630

Submitted on: 2/5/2020 1:47:48 PM

Testimony for TRS on 2/7/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nicole Boutin	Individual	Support	No

Comments:

Aloha, and thank you for your consideration.

I am writing to ask you to vote for SB 2630.

It is virtually impossible to afford a car in Hawaii, with the insanely high car registration fees. (Other States have much more reasonable registration fees, e.g. California - \$46,)

We want to pay tickets off when we can, but having a 'stop' on our license can force families to drive without a legal status. How can this be fair?

My story: I myself am poor. I live on Social Security at \$881 per month. Car registration is over \$300. Car insurance is \$50. Maintenance and gas sometimes make me need to borrow money at the end of the month. I maintain auto insurance.

I had 2 tickets. One for jay walking on River St., where bums and urine blocked the sidewalk, and one for an expired sticker. (while I was saving money to register).

I am responsible for both tickets, I payed them down over time, but I can't afford auto-payment, because I never know from month to month what's going to happen. And my license renewal is up this month, and I had to get a bank loan to pay my tickets. What about poor people who can't get a loan? Or afford a loan?

What about families on the west side, who need to work in town?

Please vote to stop this unfair 'Stoppers' practice. Please vote Yes on SB2630.

Thank You for your attention.

Nicole Boutin,
Honolulu

SB-2630

Submitted on: 2/5/2020 2:42:27 PM

Testimony for TRS on 2/7/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Brown	Individual	Support	No

Comments:

I am a Hawai'i licensed attorney practicing in the area of post-conviction appeals and civil rights. I submit this testimony in strong support of SB2630, which would prohibit restrictions on a person's ability to get or renew a driver's license or vehicle registration because of unpaid fines or fees. Taking away someone's driver's license simply because they cannot afford to pay a traffic or parking fine would hinder and not increase the likelihood of payment. For many, driving is a necessity for work, family, and other related obligations. Someone who cannot afford to pay fines or fees from tickets, will not be more likely to pay if their means to make money is restricted because a license "stopper" prevents them from driving. This system in practice ultimately only punishes the poor, as those with financial means will simply pay their fines and fees and avoid the "stopper". Additionally, "stoppers" disproportionately impact those who reside in rural areas where other means of transportation are not as prevalent. Driver's license "stoppers" also place a heavy burden on our court system because those who have had a "stopper" placed on their license due to unpaid fines are far more likely to get a criminal citation for driving without a license, which overburdens the court system and puts the person at risk for even more fines and jail time. We cannot as a state continue to criminalize and incarcerate individuals just because they are poor. If this bill is passed it would be one major step to ensuring that our laws are applied equally to both the rich and the poor in our state. For these reasons, I strongly support SB2630.

SB-2630

Submitted on: 2/5/2020 5:05:49 PM

Testimony for TRS on 2/7/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Boland	Individual	Support	No

Comments:

Please support this bill which will help the working poor from losing their jobs!
We will remember who vote to help, and those who vote to continue the horrible practice. Remember the working poor vote too!

SB-2630

Submitted on: 2/6/2020 3:34:00 AM

Testimony for TRS on 2/7/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jun Shin	Individual	Support	No

Comments:

Aloha, my name is Jun Shin and I'm in strong support of SB2630. I believe if a person can't afford to pay their traffic or parking ticket, they will still be too poor to pay it if you take away their license. The stopper system makes it harder for people to pay, funnels people into the criminal legal system who pose zero threat to public safety, and wastes taxpayer money. Please vote YES in support of SB2630. Thank you for the opportunity to testify.

Jun Shin

1561 Kanunu St

Honolulu, HI 96814

junshinbusiness729@gmail.com

SB-2630

Submitted on: 2/6/2020 4:53:09 AM

Testimony for TRS on 2/7/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
B. Lani PrunÃ©s	Individual	Support	No

Comments:

Aloha, my name is Bianca Lani and I'm in strong support of SB2630. I believe if a person can't afford to pay their traffic or parking ticket, they will still be too poor to pay it if you take away their license. Having just moved to Oahu from a more metropolitan area, I see how vital having a car is to every day life and independence.

Considering 67% of Hawaii's workers drive alone to their jobs, and another 14% carpool, it's obvious Hawaii's workforce relies on their ability to drive to and from work.

The stopper system makes it harder for people to pay, funnels people into the criminal legal system who pose zero threat to public safety, and wastes taxpayer money. It risks folks losing their jobs or not having the capacity to take children to school and home again. or their ability to make the parole meetings the state itself enforces. Please vote YES in support of SB2630. Offering grace and opportunity to those we are angry with is a true example of justice, and extends to people the capacity to grow from their setbacks without judgment. Thank you for the opportunity to testify.

SB-2630

Submitted on: 2/6/2020 3:46:14 AM

Testimony for TRS on 2/7/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nanea Lo	Individual	Support	No

Comments:

Hello,

My name is Nanea Lo and I'm in strong support of SB2630. I believe if a person can't afford to pay their traffic or parking ticket, they will still be too poor to pay it if you take away their license. The stopper system makes it harder for people to pay, funnels people into the criminal legal system who pose zero threat to public safety, and wastes taxpayer money. Please vote YES in support of SB2630. Thank you for the opportunity to testify.

me ke aloha 'Ä• ina,

Nanea Lo

SB-2630

Submitted on: 2/5/2020 1:52:38 PM

Testimony for TRS on 2/7/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara L Franklin	Testifying for Barbara L Franklin, Esq., Attorney at Law	Support	No

Comments:

I support this bill. Taking away someone's ability to drive to work, seek work at a distance, take their children to school is like criminalizing poverty. I had a gentleman doing some work many years ago and discovered that he could not legally drive even though he had a vehicle because of a stopper on his license for a judgment related to damage as the result of a vehicle accident. He lived in Hamakua and could not drive to Hilo, Waimea, Kona, or anywhere on the island to do work or seek work. That was wrong. He worked for me until he could pay it, but not everyone could be that fortunate. Why should a judgment for vehicle damage be any worse than an unpaid credit card judgment related to paying for a damaged vehicle? It was different because he did not have the money. That is criminalizing poverty.

SB-2630

Submitted on: 2/6/2020 11:39:50 AM

Testimony for TRS on 2/7/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Katie Minkus	Individual	Support	No

Comments:

Aloha, my name is Katie Minkus and I'm in strong support of SB2630. I believe if a person can't afford to pay their traffic or parking ticket, they will still be too poor to pay it if you take away their license. The stopper system makes it harder for people to pay, funnels people into the criminal legal system who pose zero threat to public safety, and wastes taxpayer money. Please vote YES in support of SB2630. Thank you for the opportunity to testify.

LATE

SB-2630

Submitted on: 2/6/2020 1:56:05 PM

Testimony for TRS on 2/7/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Edwin Lesperance	Individual	Support	No

Comments:

Aloha, my name is Edwin Lesperance and I'm in strong support of SB2630. I believe if a person can't afford to pay their traffic or parking ticket, they will still be too poor to pay it if you take away their license. The stopper system makes it harder for people to pay, funnels people into the criminal legal system who pose zero threat to public safety, and wastes taxpayer money.

Stoppers make it impossible for a person to obtain valid auto insurance. This increases liability for everyone else on the road.

Removing a person's ability to drive makes it harder for them to take their children to school, transport themselves or their family members to the doctor, shop for groceries for their family, and, of course, get to work.

67% of Hawaii's workers drive alone to their jobs and another 14% carpool. Hawaii's workforce relies on their ability to drive to and from work.

Stoppers greatly impact rural communities and the neighbor islands where public transportation is generally less available.

Restricted licenses may be granted to allow people to commute to and from work, but eligibility criteria are strict and don't include transportation outside of what is required to work, such as taking your child to the doctor.

Please vote YES in support of SB2630. Thank you for the opportunity to testify.

LATE

SB-2630

Submitted on: 2/6/2020 1:40:14 PM

Testimony for TRS on 2/7/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lance Uyeda	Individual	Support	No

Comments:

I support SB2630. People are going to lose their jobs and suffer disruptions to their education if they can't drive. Clear inhumane red tape and vote yes, please. Thank you!

SB-2630

Submitted on: 2/6/2020 12:35:53 PM

Testimony for TRS on 2/7/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lucia You	Individual	Support	No

Comments:

Minor traffic infarctions should not disrupt one's ability to drive to work and school.

From: [barbara george](#)
To: [TRSTestimony](#)
Subject: Testimony for S.B.2630
Date: Wednesday, February 5, 2020 10:48:58 AM

Aloha,

I strongly SUPPORT S.B. 2630. There is no place in Hawaii for a government policy/practice that penalizes poverty or the inability to pay a traffic fine. Debtor's prisons should stay firmly in the past.

Mahalo for taking my view into consideration.

Barbara George
Waialua, HI

From: [Bill Ehrhorn](#)
To: [TRSTestimony](#)
Subject: Testimony for S.B.2630
Date: Wednesday, February 5, 2020 2:58:18 PM

74 but in my youth I was unable to drive but still did as I had outstanding tickets. Just drove very carefully and in those days drove 25K plus.

From: [C.Hess](#)
To: [TRSTestimony](#)
Subject: Testimony for S.B.2630
Date: Wednesday, February 5, 2020 10:22:18 AM

Under current state law, someone who cannot afford to pay a traffic ticket may have their driver's license "stopped" - meaning their license will effectively be suspended. It often means they may not be able to renew their car registration or insurance.

Such stoppers are an unnecessary burden on local families. We're not talking about people whose licenses are suspended for unsafe driving - their licenses are being "stopped" because it's expensive to live in Hawai'i. These folks need to drive to get to work to, to take their kids to school, and to pay their bills. And they are forced to do so illegally after a stopper is put on their record.

These stoppers foster a cycle of poverty and usher people into the criminal legal system who pose no threat to public safety. They are counterproductive, ineffective, and may also be unconstitutional.

I am opposed to this practice, and firmly support S.B. 2630!!

Thank you,

Carla Hess, 427 Palani Pl, Wailuku, HI 96793

From: [Cj Baehr](#)
To: [TRSTestimony](#)
Subject: Testimony for S.B.2630
Date: Wednesday, February 5, 2020 12:15:37 PM

My own common sense impels me to write **in support of Senate Bill 2630**. How on earth did our legislators not see how counter productive it is!

Clara Jane (Cj) Baehr
169 Alala Rd.
Kailua, HI 96734

From: [Colleen Rost-Banik](#)
To: [TRSTestimony](#)
Subject: Testimony for S.B.2630
Date: Wednesday, February 5, 2020 11:11:54 AM

Dear Policy Makers,

I urge you to support SB2630, which will end the practice of suspending people's driver's license for unpaid traffic tickets. Many people are not able to pay their traffic tickets due to the incredibly high cost of living in Hawaii. Suspending driver's licenses for unpaid traffic tickets is counterproductive as it means that people are less able to work, take their children to day care and school, and even grocery shop. Policies like this do not lessen people's traffic violations, rather they simply burden people's pocketbooks.

Rather than having policies like suspending people's driver's licenses for unpaid traffic tickets, we should focus on more important things like lowering the cost of living so that people can actually afford extraneous expenses like traffic tickets.

Please support SB2630.

Sincerely,
Colleen Rost-Banik
Honolulu resident

From: [John Naylor](#)
To: [TRSTestimony](#)
Subject: Testimony for S.B.2630
Date: Wednesday, February 5, 2020 10:21:17 AM

Aloha ,

I am in support of SB 2630. People need to work to pay their bills and they need transportation to get to work. As long as they are not a threat to the public, their license should not be "stopped."

Sincerely,

John Naylor

PO Box 1749

Makawao

From: [Patricia Blair](#)
To: [TRSTestimony](#)
Subject: Testimony for S.B.2630
Date: Wednesday, February 5, 2020 10:43:36 AM

I support this bill. Please pass. Thank you. Patricia Blair, Kailua

Sent from my iPad

From: [Randy Ching](#)
To: [TRSTestimony](#)
Subject: Testimony for S.B.2630
Date: Wednesday, February 5, 2020 10:21:11 AM

Aloha Chair Inouye, Vice Chair Harimoto, and members of the committee,

I support SB2630. Driver's license stoppers are effectively criminalizing poverty. We don't need to punish people because they are poor. We need to help them. Please end the practice of "stopping" people licenses because they can't afford to pay a traffic ticket.

Please pass SB2630. Mahalo for the opportunity to testify.

Randy Ching
Honolulu

From: [Sara McCay](#)
To: [TRSTestimony](#)
Subject: Testimony for S.B.2630
Date: Wednesday, February 5, 2020 2:05:21 PM

Dear Legislators,

I support SB 2630. The current penalty you impose for being unable to pay a traffic ticket is too extreme. It's extremely cruel and greedy.

Sara McCay

From: [Keynes Von Elsner](#)
To: [TRSTestimony](#)
Subject: Testimony for S.B.2630
Date: Thursday, February 6, 2020 6:36:10 AM

Aloha,

Please revise the law so that folks, who don't pay traffic tickets for whatever reason, will not have their license effectively suspended and will be able to renew their driver's license if they agree to a modest monthly payment with little or no interest.

SB-2630

Submitted on: 2/6/2020 3:26:52 PM

Testimony for TRS on 2/7/2020 1:15:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Carla Allison	Individual	Support	No

Comments:

I strongly support SB2630. "Stopping" a person's driver's license for not being able to afford paying traffic a ticket fosters a cycle of poverty and ushers people into the criminal legal system who pose no threat to public safety. "Stopping" a driver's license often means a person may not be able to renew their car registration or insurance. Such stoppers are an unnecessary burden on local families. We're not talking about people whose licenses are suspended for unsafe driving – their licenses are being "stopped" because it's expensive to live in Hawai'i. These folks need to drive to get to work to, to take their kids to school, and to pay their bills. And they are forced to do so illegally after a stopper is put on their record. Please support this bill.

LATE

SB-2630

Submitted on: 2/6/2020 4:57:39 PM

Testimony for TRS on 2/7/2020 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
I. Robert Nehmad	Individual	Support	No

Comments:

I support this bill since it will preclude some working people from losing the ability to drive to work. There should be other measures which may be taken to ensure parking fees are paid.

SB-2630

Submitted on: 2/6/2020 10:10:46 PM

Testimony for TRS on 2/7/2020 1:15:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Dave Kisor	Individual	Support	No

Comments:

If you can't get to work or find a job, how could you ever expect to pay off a traffic fine? The way some have to work two jobs, the transit system is out of the question.

LATE

From: [Melinda Wood](#)
To: [TRSTestimony](#)
Subject: Testimony for S.B.2630
Date: Thursday, February 6, 2020 4:42:15 PM

I doubt that most drivers in Hawaii realize that they can have their drivers license “stopped” for failure to pay for a traffic ticket. This law is not an effective way to get offenders to pay their ticket(s); it just turns them into people who drive without a valid license. Then if they lose their license for that offense, they may not be able to get to work unless they are near a bus line that goes by their work place. Then they lose income, may not be able to pay rent or other bills, and eventually can end up on the streets. This is a ridiculous outcome simply for failure to pay a ticket on time.

I strongly support SB 2630. There must be better tools for getting drivers to pay their tickets than allowing a cascade of catastrophes that are way out of proportion to their offense.

Thank you for your consideration in this matter.