

STAND. COM. REP. NO. 1569

Honolulu, Hawaii

APR 09 2021

RE: H.B. No. 459
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 459, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER'S LICENSE DISQUALIFICATION FOR SEVERE FORMS OF TRAFFICKING IN PERSONS,"

begs leave to report as follows:

The purpose and intent of this measure is to add a permanent disqualification for a holder of a commercial driver's license or commercial learner's permit who is convicted of a felony involving a severe form of trafficking in persons.

Your Committee received testimony in support of this measure from the Hawaii Transportation Association and two individuals.

Your Committee finds that on July 23, 2019, the Federal Motor Carrier Safety Administration of the United States Department of Transportation issued a final rule that amends title 49 Code of Federal Regulations parts 383 and 384. The amendments made by the final rule took effect on September 23, 2019. Under the final rule, drivers who are convicted of a felony involving a severe form of trafficking in persons, as defined in title 22 United States Code section 7102(11), while operating a commercial motor vehicle for which a commercial driver's license or commercial learner's permit is required, are permanently banned from holding the license or permit without the possibility of reinstatement.



The Federal Motor Carrier Safety Administration's final rule also requires states to come into substantial compliance with the federal Act within three years of the final rule's effective date. This measure brings the State into substantial compliance with these federal regulations.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 459, H.D. 2, S.D. 1, and recommends that it pass Third Reading.

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



KARL RHOADS, Chair



