



March 30, 2021

**TESTIMONY BEFORE THE SENATE COMMITTEE ON JUDICIARY
ON HB 459 HD2 SD1 RELATING TO COMMERCIAL DRIVER'S LICENSE
DISQUALIFICATION FOR SEVERE FORMS OF TRAFFICKING IN PERSONS**

Aloha Chair Rhoads, and committee members. I am Gareth Sakakida Managing Director of the Hawaii Transportation Association (HTA) with over 375 members involved with the commercial ground transportation industry.

HTA supports this bill. The trucking and bus industries nation wide has long been involved in efforts to combat human trafficking. Training and communication has been coordinated by Truckers Against Trafficking for these motor carrier industries.

The training involves coaching drivers on how to spot possible trafficking scenarios and provides a call center to report on their observations.

The Federal Motor Carrier Safety Administration recently took steps of their own to combat this abhorrent situation, and we fully support its' further adoption by the State of Hawaii.

Mahalo.

HB-459-SD-1

Submitted on: 3/26/2021 1:34:01 PM

Testimony for JDC on 3/30/2021 9:50:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gerard Silva	Individual	Support	No

Comments:

Finally something that makes sense.

HB-459-SD-1

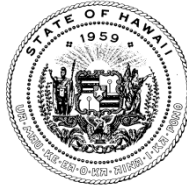
Submitted on: 3/26/2021 4:57:02 PM

Testimony for JDC on 3/30/2021 9:50:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments:

Stand in support



LATE

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March 30, 2021
9:50 A.M.
State Capitol, Teleconference

H.B. 459, H.D. 2, S.D. 1
RELATING TO COMMERCIAL DRIVER'S LICENSE DISSQUALIFICATION FOR SEVERE FORMS OF TRAFFICKING IN PERSONS

Senate Committee on Judiciary

The Department of Transportation **supports** H.B. 459, H.D. 2, S.D. 1, which will permanently disqualify from operating a commercial motor vehicle, individuals convicted of a felony involving a severe form of trafficking of persons while operating a commercial motor vehicle. However, the effective date needs to be changed.

Effective September 23, 2019, Federal Motor Carrier Safety Administration (FMCSA) amended 49 Code of Federal Regulations Parts 383 and 384 to permanently disqualify from driving a commercial motor vehicle, individuals convicted of a felony involving a severe form of trafficking of persons, as defined in 22 United States Code (USC) 7102 (11) while operating a commercial motor vehicle. This definition is in section 2 of the bill. The federal amendments also mandate states to comply with the changes. The first year the State fails to comply will result in the withholding of 4% of funds required to be apportioned to Hawaii under USC 23, section 104(b), paragraphs (1) & (2). The second and subsequent years the State is out of compliance result in an 8% penalty. The dollar amounts that will be withheld respectively are \$6,185,220.00 and \$12,370,440.00.

This bill will put the State in substantial compliance with federal regulations. The FMCSA amendment sets a deadline of three years from the effective date of September 23, 2019 for States to come into substantial compliance with the Act as required by [49 USC 31311\(a\)\(15\)](#) which reads, "The State shall disqualify an individual from operating a commercial motor vehicle for the same reasons and time periods for which the Secretary shall disqualify the individual under subsection (b) – (e), (i)(1)(A) and (i)(2) of section 31310."

Thank you for the opportunity to provide testimony.