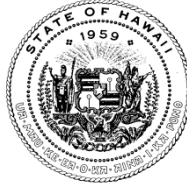


DAVID Y. IGE
GOVERNOR



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

March 30, 2021
2:00 PM.
State Capitol, Teleconference

**S.B. 764, S.D. 1, H.D. 1
RELATING TO HUMAN TRAFFICKING**

House Committee on Judiciary & Hawaiian Affairs

The Department of Transportation **strongly supports** S.B. 764, S.D. 1, H.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.

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 federal 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.



March 30, 2021

**TESTIMONY BEFORE THE HOUSE COMMITTEE ON
JUDICIARY & HAWAIIAN AFFAIRS
ON SB 764 SD1 HD1 RELATING TO HUMAN TRAFFICKING**

Aloha Chair Nakashima, 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.

SB-764-HD-1

Submitted on: 3/25/2021 3:09:46 PM

Testimony for JHA on 3/30/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl B.	Individual	Support	No

Comments:

support

SB-764-HD-1

Submitted on: 3/27/2021 8:05:57 PM

Testimony for JHA on 3/30/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dana Keawe	Individual	Support	No

Comments:

I support sb764 sd1 hd1

SB-764-HD-1

Submitted on: 3/28/2021 1:01:31 PM

Testimony for JHA on 3/30/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Victoria Anderson	Individual	Support	No

Comments:

Please pass this important bill.

SB-764-HD-1

Submitted on: 3/30/2021 7:15:12 AM

Testimony for JHA on 3/30/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
John D. Smith	Individual	Support	No

Comments:

I support this bill and pass it through.