

STAND. COM. REP. NO.

297

Honolulu, Hawaii

FEB 17 , 2021

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

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 459 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 of this measure is to bring the State in substantial compliance with federal regulations by requiring the examiner of drivers to disqualify, for life, any person from driving a commercial motor vehicle if the person uses a commercial motor vehicle in the commission of any felony involving an act or practice of severe forms of trafficking in persons.

Your Committee received testimony in support of this measure from the Department of Transportation.

Your Committee finds that on July 23, 2019, the Federal Motor Carrier Safety Administration issued a final rule that amends title 49 Code of Federal Regulations parts 383 and 384 to permanently disqualify individuals convicted of the felony severe form of trafficking in persons from driving a commercial motor vehicle (Final Rule). The Final Rule also requires states to be in substantial compliance with the Final Rule within three years from the date the Final Rule became effective, which was September 23, 2019.

2021-1398 HB459 HD1 HSCR HMSO



Your Committee further finds that for purposes of determining substantial compliance with the Final Rule, a state shall disqualify an individual from operating a commercial motor vehicle for the same reasons and time periods for which the Secretary of Transportation disqualifies the individual for certain acts. If a state fails to be in substantial compliance with the Final Rule within three years, the federal government is authorized to withhold certain federal funding. In the first year a state fails to be in substantial compliance, four percent of certain federal funds are withheld; for Hawaii, this would be equivalent to \$6,185,220. In subsequent years a state fails to be in substantial compliance, eight percent of certain federal funds are withheld; for Hawaii, this would be equivalent to \$12,370,440. This measure brings Hawaii into substantial conformance with the federal law.

Your Committee has amended this measure by:

- (1) Changing the effective date to January 1, 2050, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 459, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 459, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,


AARON LING JOHANSON, Chair



State of Hawaii
House of Representatives
The Thirty-first Legislature **45CR 293**

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: HB 459	Committee Referral: CPC, JHA	Date: 2/5/2021		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. JOHANSON, Aaron Ling (C)	✓			
2. KITAGAWA, Lisa (VC)	✓			
3. AQUINO, Henry J.C.	✓			
4. HAR, Sharon E.	✓			
5. HASHEM, Mark J.				✓
6. KONG, Sam Satoru	✓			
7. MIZUNO, John M.	✓			
8. MORIKAWA, Dee	✓			
9. ONISHI, Richard H.K.	✓			
10. TARNAS, David A.	✓			
11. MATSUMOTO, Lauren	✓			
TOTAL (11)	10	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u><i>Lisa Kitagawa</i></u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				