

STAND. COM. REP. NO.

881

Honolulu, Hawaii

MAR 05 , 2021

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

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

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 459, H.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 of this measure is to bring the State into 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 a severe form of trafficking in persons.

Your Committee received testimony in support of this measure from the Department of Transportation, Hawaii Transportation Association, Hawaii Strategic Highway Safety Plan, and one individual.

Your Committee finds that the Federal Motor Carrier Safety Administration issued a final rule to permanently disqualify individuals convicted of a felony involving severe forms 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 of the Final Rule's effective date. If a state fails to be in

2021-2271 HB459 HD2 HSCR HMSO



substantial compliance with the Final Rule within three years, the federal government is authorized to withhold certain federal funding. This measure brings the State into substantial compliance with federal law and preserves the State's allocation of certain federal funds.

Your Committee has amended this measure by:

- (1) Conforming the definition of "severe form of trafficking in persons" to the definition under federal law; 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 Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 459, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 459, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



