



March 17, 2021

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

Aloha Chair Baker, 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.



Subject: **Support** HB 459 HD2

Dear Chair Baker, Vice Chair Chang, and members of the Senate Committee on Commerce and Consumer Protection,

My name is Kari Benes, and I am the chair of the Hawaii Strategic Highway Safety Plan (SHSP) asking for your support of HB 459 HD2. This policy aligns Hawaii's Commercial Driver's License policy with Federal Motor Carrier Administration's actions to combat human trafficking through strict lifetime revocation of commercial drivers' license from any individual participating or facilitating any commercial sexual and/or labor exploitation of children and other vulnerable populations.¹

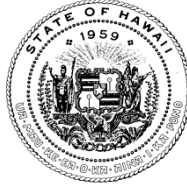
The Hawaii Strategic Highway Safety Plan's vision is that all of Hawaii's road users arrive safely at their destinations. You can help us achieve our goal of reducing unwanted harm, by supporting this measure.

To view the Strategic Highway Safety Plan, go to <https://hidot.hawaii.gov/highways/shsp/>

Strategic Highway Safety Plan Mission

Save lives and reduce injuries on Hawaii's roadways through strategic partnerships and implementation of the Strategic Highway Safety Plan.

¹ <https://www.fmcsa.dot.gov/regulations/rulemaking/2019-15611>



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

March 17, 2021
9:30 A.M.
State Capitol, Teleconference

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

Senate Committee on Commerce and Consumer Protection

The Department of Transportation **supports** H.B. 459, H.D. 2 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.