



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

H.B. NO. 2116, RELATING TO DRIVER'S LICENSES.

BEFORE THE:

HOUSE COMMITTEE ON TRANSPORTATION

DATE: Tuesday, February 6, 2024 **TIME:** 10:00 a.m.

LOCATION: State Capitol, Room 312 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Jose A. Vega, Deputy Attorney General

Chair Todd and Members of the Committee:

The Department of the Attorney General provides the following comments.

The bill requires the examiner of drivers of a county to conduct the testing of an applicant for a driver's license to demonstrate the ability to exercise ordinary and reasonable control in the operation of a motor vehicle in English or in certain other languages at the request of the applicant.

Article VIII, section 5, of the Hawaii State Constitution states: "If any new program or increase in the level of service under an existing program shall be mandated to any of the political subdivisions by the legislature, it shall provide that the State share in the cost." The requirement for counties to increase the available languages for driver examination would likely require the counties to incur additional cost. Because of the increase in the current level of service under an existing program, and insofar as the bill does not provide that the State share in any cost incurred by the counties, the mandated requirements in this bill may be subject to constitutional challenge.

Accordingly, we respectfully suggest that the Committee consider whether the counties have to be mandated to expand the language availability for applicant driver examinations. If the Committee believes it is necessary to mandate the increase in service, then we recommend that the bill be amended to provide the State's share of any cost incurred by the counties.

Thank you for considering these comments.