



LATE

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2:00 P.M.
State Capitol, Teleconference

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

House Committee on Consumer Protection & Commerce

The Department of Transportation **strongly supports** this bill, 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, FMCSA amended 49 CFR 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 U.S.C. 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.