



April 03, 2008

TESTIMONY BEFORE THE SENATE, THE TWENTY-FOURTH LEGISLATURE AND  
COMMITTEE ON JUDICIARY AND LABOR

RE: HB 2953 – RELATING TO MOTOR VEHICLES

MADELINE LANI OLDS, DIRECTOR OF CUSTOMER EXPERIENCE AND COMMUNITY  
RELATIONS HAWAII SUPERFERRY, INC.

Chair Taniguchi, Vice Chair Hee and Members of the Committee:

Hawaii Superferry supports this bill, which simplifies the documentation requirement for all persons traveling interisland with their vehicles on Hawaii Superferry. The law, as it stands, requires the driver to present to Hawaii Superferry staff the driver's identification (a driver's license), a current certificate of registration for the vehicle and proof of motor vehicle insurance. Currently, under HRS 286-271, a driver who is not the legal or registered owner of the vehicle is also required to present a notarized letter from the registered or legal owner authorizing the shipment.

The time and effort required to obtain a notarized letter of authorization is burdensome for passengers who are not the owners of the vehicles they are driving. Often owners allow family member to use their vehicle, but a spouse or child cannot drive it on board the ferry because of this regulation. In many instances, this results in unnecessarily long wait times to check in or being denied boarding altogether.

In the case of commercial vehicles, where the company is typically the registered owner, we have had instances in which company employees were not allowed to drive the company vehicle onto the vessel because they did not have a notarized authorization letter or were not the legal or registered owner. Businesses change personnel and drivers, so notarized forms must be changed frequently. When a commercial vehicle is not allowed to travel on its scheduled

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voyage, it is not only inconvenient, but expensive, since deliveries had to be cancelled, work plans changed, vehicles and their work materials delayed, and businesses awaiting delivery of goods did not receive them.

Under the procedures followed by Hawaii Superferry, each vehicle is already identified by its vehicle identification number (VIN), make, year and color, as well as the driver and passengers traveling with the vehicle. An electronic database of all this information is maintained that provides a superior data trail than the paperwork requirements of the current law.

When this law was enacted, lawmakers could not have anticipated an electronic tracking system like the one used by Hawaii Superferry. The information in our database provides law enforcement with a powerful tool that is available on their request.

We appreciate the interest shown by the legislature in facilitating transportation alternatives in our state. Businesses, families and organizations traveling with vehicles between islands will also appreciate the streamlining of paperwork requirements.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read 'Madeline Lani Olds', with a long, sweeping underline that extends to the right.

Madeline Lani Olds  
Director Customer Experience & Community Relations

**SENATE COMMITTEE ON JUDICIARY AND LABOR**

**THE HONORABLE BRIAN T. TANIGUCHI, CHAIR  
THE HONORABLE CLAYTON HEE, VICE CHAIR**

**HOUSE BILL NO. 2953, scheduled for hearing on April 3, 2008**

**Testimony of Roy Catalani,  
Vice President of Strategic Planning and Government Affairs,  
Young Brothers, Limited**

Chair Taniguchi, Vice Chair Hee, and Members of the Senate Judiciary and Labor Committee:

Thank you for the opportunity to testify on House Bill No. 2953 (**HB 2953**).

**Young Brothers, Limited (*Young Brothers*) supports the intent of the bill**, which we view as the simplification of documentation requirements for the inter-island transport of vehicles.

This House bill, and its Senate companion bill, Senate Bill No. 2920, S.D. 1 (**SB 2920 SD 1**) (which is no longer under consideration by the Legislature), proposes to exempt a person driving other than his or her own vehicle, when traveling on an inter-island ferry, from the requirement of presenting a notarized letter from the vehicle's registered or legal owner. In Senate Standing Committee Report No. 2153 on SB2920 SD 1, the Senate Committee on Transportation and International Affairs pointed out that:

The purpose of this measure is to exempt drivers of vehicles traveling on an inter-island ferry from certain vehicle identification requirements; provided that the inter-island ferry carrier shall keep a record of transporting the vehicle by recording the vehicle identification number and retaining the information for three years after the date of travel.

Under section 286-271, Hawaii Revised Statutes (**HRS**), a person shipping a vehicle inter-island must present a current certificate of registration, proof of motor vehicle insurance, and identification. If the shipper is not either the legal or registered owner of the vehicle being shipped, he or she must also present a notarized letter from the legal or registered owner authorizing the shipment.

In its Standing Committee Report No. 305 dated February 12, 2008, the House Committee on Transportation found that:

the requirements for the inter-island shipping of motor vehicles were put in place long before a car-carrying, inter-island ferry service was ever envisioned for Hawaii and was meant to primarily serve as a deterrent to the shipping of stolen vehicles. However, procedures that include identifying a vehicle through its vehicle identification number, make, model, year, and color, along with identification requirements for the driver and all passengers in the vehicle, serve as a sufficient deterrent for the shipment of stolen vehicles on an inter-island ferry. As such, providing an exemption from certain vehicle identification requirements when traveling on an inter-island ferry deserves further consideration.

Young Brothers points out that the same safeguards against shipment of stolen vehicles on an inter-island ferry are in place for shipment of vehicles on Young Brothers' barges. In conformance with current law, Young Brothers records the vehicle identification number (**VIN**) of each vehicle it ships and requires certificates of registration or ownership, as applicable, proof of insurance, and proof of identification from the shipper and the consignee, and retains such information for not less than three years, as already required by law. In fact, in the past, Young Brothers has been able to assist law enforcement officials by providing listings of vehicles shipped by VIN. This assistance can still be provided today.

Because sufficient safeguards against shipment of stolen vehicles are available and in place, Young Brothers respectfully suggests that HRS § 286-271 be amended to remove the requirement of notarized authorizations for *all* inter-island shipments of vehicles, and not just via an inter-island ferry. Broadening the scope of HB 2953, as Young Brothers suggests, can be accomplished by (1) deleting the proposed exemption for inter-island ferries, set forth as a new paragraph (3) to HRS § 286-271(e), and (2) instead, amending HRS § 286-271(a) as follows:

(a) Except as provided in subsection (b), a legal owner of a vehicle shall not ship that vehicle interisland in this State unless the legal owner first presents to the carrier the legal owner's current certificate of registration showing that the person is the registered owner of the vehicle, identification, and proof of motor vehicle insurance. If the registered owner of the vehicle is not the legal owner of the vehicle, the registered owner shall present to the carrier, the registered owner's current certificate of registration, identification, and proof of motor vehicle insurance. Duplicate copies of the current registration and proof of motor vehicle insurance shall be acceptable for commercial vehicles as defined in section 286-47(3)(C). An authorized agent of the legal or registered owner may ship the vehicle by presenting the current certificate of registration, identification, and proof of motor vehicle insurance, ~~and a notarized letter from the registered or legal owner authorizing the shipment.~~ For an unrecorded owner pending a lawful transfer, a certificate of ownership signed by the previous owner may be submitted for the current certificate of registration for a vehicle purchased within thirty days of shipping. A facsimile of proof of motor vehicle insurance from an insurance company may be accepted for a vehicle purchased within thirty days of shipping. Presentation of proof of motor vehicle insurance shall not be required for:

- (1) Unlicensed propelled vehicles that are not intended for on-road use;
- (2) New unregistered vehicles shipped with a bill of lading; or
- (3) Vehicles owned by the federal, state, or county government.

Thank you for the opportunity to testify.