
A BILL FOR AN ACT

RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING LAW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 437-28.5, Hawaii Revised Statutes, is
2 amended by amending subsections (a) to (c) to read as follows:

3 "(a) The same procedures, protections, rights, and
4 remedies provided to a dealer under section 437-28(a)(21) [~~and~~],
5 section 437-3.6, and part II shall apply to a distributor that
6 is not a manufacturer.

7 (b) Notwithstanding the terms, provisions, or conditions
8 of any dealer or distributor agreement or franchise or the terms
9 or provisions of any waiver and notwithstanding any other legal
10 or administrative remedies available, any person who is licensed
11 under this chapter and whose business or property is injured by
12 a violation of section 437-28(a)(21) [~~r~~] or part II may bring a
13 civil action in a court of competent jurisdiction in the State
14 to enjoin further violations and to recover any damages together
15 with the costs of the suit. Laws of the State of Hawaii shall
16 apply to any action initiated under this section.

17 (c) Any person that brings or defends against a civil
18 action under subsection (b) may be entitled to recover



1 reasonable attorneys' fees as a part of any damages or
2 injunction; provided that the person substantially prevails in
3 establishing or defending against a violation of section 437-
4 28(a)(21) [~~-~~] or part II."

5 SECTION 2. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 3. This Act shall take effect upon its approval.

8

INTRODUCED BY: _____

JAN 26 2011



Report Title:

Motor Vehicle Industry

Description:

Makes clarifying amendments to the motor vehicle industry licensing act.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

