

STAND. COM. REP. NO.

266

Honolulu, Hawaii

Feb 15, 2011

RE: H.B. No. 392

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 392 entitled:

"A BILL FOR AN ACT RELATING TO TRANSPORTATION,"

begs leave to report as follows:

The purpose of this bill is to prohibit persons who contract for transportation services with a regulated motor carrier from requiring the motor carrier to indemnify the person and the person's agents, employees, servants, or independent contractors from claims and liabilities for their negligence, intentional acts, or intentional omissions.

The Hawaii Transportation Association (HTA) and Elite Limousine Service, Inc., testified in support of this bill.

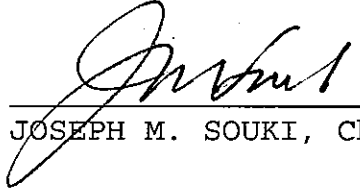
According to HTA, there currently exists a situation in the commercial transportation industry where motor carriers are often required to sign contracts or agreements indemnifying the motor carriers' customers, which are generally facilities where cargo is loaded or unloaded or passengers are picked-up or dropped-off, from claims or liability regardless of fault. In essence, the motor carrier becomes an insurer for the customer because liability has been shifted from the customer to the motor carrier through a contract. This situation appears to be inequitable and this measure attempts to correct this matter.

HB392 HSCR TRN HMS 2011-1933



As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 392 and recommends that it pass Second Reading and be referred to the Committees on Consumer Protection & Commerce and Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Transportation,



JOSEPH M. SOUKI, Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

HSCR 266

Record of Votes of the Committee on Transportation

Bill/Resolution No.: HB 392	Committee Referral: TRN, CPC/JUD	Date: 2/7/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. SOUKI, Joseph M. (C)	/			
2. ICHIYAMA, Linda (VC)	/			
3. AQUINO, Henry J.C.	/			
4. CULLEN, Ty	/			
5. LEE, Marilyn B.	/			
6. LUKE, Sylvia	/			
7. SAIKI, Scott K.	/			
8. TAKUMI, Roy M.	/			
9. YAMASHITA, Kyle T.	/			
10. FONTAINE, George R.	/			
11. JOHANSON, Aaron Ling	/			
TOTAL (11)	11			
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align:center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u><i>Linda Ichiyama</i></u>				
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