

STAND. COM. REP. NO. 1010

Honolulu, Hawaii

March 21, 2011

RE: S.B. No. 35

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 S.B. No. 35 entitled:

"A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT,"

begs leave to report as follows:

The purpose of this bill is to amend the Motor Vehicle Industry Licensing Act to:

- (1) Clarify that the same procedures, protections, rights, and remedies provided to auto dealers under Act 164, Session Laws of Hawaii 2010 (Act 164), also apply to distributors that are not manufacturers; and
- (2) Delete a definition of "good faith" that is no longer necessary, as it is not used in the paragraph in which it was intended to apply.

The Department of Commerce and Consumer Affairs (DCCA), Hawaii Automobile Dealers Association, Alliance of Automobile Manufacturers, and Motor Vehicle Industry Licensing Board testified in support of this bill.

Act 164, established certain rights and duties among motor vehicle dealers and manufacturers to address a difficult economic climate and major changes in the automotive industry. While Act 164 was intended to apply to distributors as well, those provisions were mistakenly omitted from the final Act. According

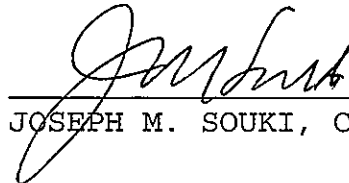
SB35 HSCR TRN HMS 2011-3093



to DCCA, this measure reconciles existing statutory language with part II of Chapter 437, Hawaii Revised Statutes, which was added by Act 164, and applies those provisions to distributors, as originally intended.

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 S.B. No. 35 and recommends that it pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

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 1010

Record of Votes of the Committee on Transportation

Bill/Resolution No.: SB 35	Committee Referral: TRN, CPC	Date: 3/16/2011		
<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)	10			1
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: 0.8em;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <i>J. de Ichiyama</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				