

Honolulu, Hawaii

MAR 03 2011

RE: S.B. No. 35

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, 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 and intent of this measure is to:

- (1) Clarify that the same procedures, protections, rights, and remedies provided to auto dealers under Act 164, Session Laws of Hawaii 2010, 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.

Your Committee received testimony in support of this measure from the Department of Commerce and Consumer Affairs; Motor Vehicle Industry Licensing Board; Hawaii Automobile Dealers' Association; and Alliance of Automobile Manufacturers.

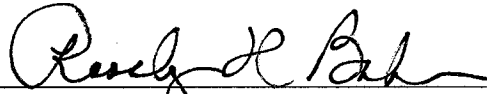
The intent of your Committee is to extend the rights and protections that are provided to licensed automotive dealers to licensed automotive distributors. According to testimony of the Department of Commerce and Consumer Affairs, this measure reconciles existing language with part II of chapter 437, Hawaii Revised Statutes, relating to the Motor Vehicle Industry Licensing Act, which was enacted by Act 164, Session Laws of Hawaii 2010.



Act 164 established certain rights and duties among motor vehicle dealers, distributors, and manufacturers and originally intended to apply certain provisions to distributors, but those provisions were mistakenly omitted from the final Act. This measure applies those provisions to distributors, as originally intended by Act 164.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection 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 Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,

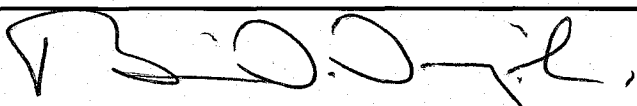


ROSALYN H. BAKER, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 35	TIA, CPN	3-1-11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input checked="" type="checkbox"/> Pass, unamended 2312	<input type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
GALUTERIA, Brickwood				✓
GREEN, M.D., Josh	✓			
NISHIHARA, Clarence K.				✓
SOLOMON, Malama	✓			
SLOM, Sam				✓
TOTAL	4	0	0	3
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes