
A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1 SECTION 1. The legislature finds that persons have engaged
2 in defrauding tourists by purporting to pick them up in vehicles
3 at popular Waikiki tourist venues and taking them to various
4 tourist sightseeing locations or activities, or transporting
5 them to other business locations. Typically a tourist is picked
6 up shortly ahead of scheduled pickups by a bona fide taxi or
7 tour operator. The tourist at times pays up to twice the amount
8 of travel fare and is sometimes promised refunds that are never
9 received. To make matters worse, some tourists are never picked
10 up for the return trip and are left stranded without
11 transportation back to their lodging accommodation.

12 The legislature further finds that this type of
13 unscrupulous activity by unconscionable people who would prey on
14 tourists casts a bad image on Hawaii and may lead to a downturn
15 in the economy. The legislature also finds that unscrupulous
16 and deceptive activities are conducted by drivers who are not
17 properly certified or licensed and drive vehicles that typically



1 fail to meet the public utilities commission's requirements and
2 other requirements.

3 The purpose of this Act is to create a criminal offense of
4 deception of a visitor in transportation services for hire.

5 SECTION 2. Chapter 708, Hawaii Revised Statutes, is
6 amended by adding a new section to part IV to be appropriately
7 designated and to read as follows:

8 **"§708- Deception of a visitor in transportation services**
9 **for hire.** (1) A person commits the offense of deception of a
10 visitor in transportation services for hire, if the person for a
11 charge or other sort of compensation transports a visitor in a
12 vehicle that does not meet the definition of a bona fide
13 transportation service.

14 (2) As used in this section:

15 "Bona fide transportation service" means a vehicle that
16 meets the following requirements:

17 (a) The vehicle is not a licensed taxi cab even though the
18 vehicle may be registered with the public utilities
19 commission;

20 (b) The vehicle has a numbered "PUC" number and vehicle
21 number displayed on the rear-side of the vehicle;



1 (c) There is an insurance identification card on the
2 vehicle setting forth a description of the vehicle,
3 current effective dates, policy number, name of
4 insured, and vehicle identification number;

5 (d) The vehicle is driven by a driver holds a current
6 valid medical examiner's certificate, if applicable;
7 and

8 (e) In the case of a vehicle with a capacity of greater
9 than fifteen passengers, the vehicle is driven by a
10 person who possesses a commercial driver's license
11 with a "P" endorsement as provided in section
12 286-239(c).

13 "Visitor" means every person, whether or not a resident of
14 this State.

15 (3) Deception of a visitor in transportation services for
16 hire is a misdemeanor.

17 (4) In addition to any other penalties provided by law,
18 the vehicle used in the commission of the offense of deception
19 of a visitor in transportation services for hire shall be:

20 (a) Impounded and the vehicle owner shall be liable for
21 impoundment costs of storage, towing, and other



1 charges incident to seizure of the vehicle or any
2 other cost involved; or
3 (b) Subject to forfeiture under chapter 712A if the
4 vehicle used in the instant offense was used in a
5 previous offense under this section within the thirty-
6 six months immediately preceding the instant offense."

7 SECTION 3. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 4. New statutory material is underscored.

11 SECTION 5. This Act shall take effect upon its approval.

Report Title:

Offense of Deception of a Visitor in Transportation Services for Hire

Description:

Creates the misdemeanor offense of deception of a visitor in transportation services for hire under certain specified circumstances. Provides for penalties including impoundment of vehicle and forfeiture. (SD1)

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