

Honolulu, Hawaii

April 27 , 2012

RE: H.B. No. 2004
H.D. 2
S.D. 2
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2004, H.D. 2, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO TRANSPORTATION,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to protect consumers and legitimate businesses from unauthorized transportation services rendered for compensation by establishing a new criminal offense for these activities. Specifically, this measure, among other things:

- (1) Creates the misdemeanor offense of deception of a consumer in transportation services for hire if the person for a charge or other compensation transports a consumer other than by a bona fide transportation service;
- (2) Defines a bona fide transportation service to include a licensed taxi cab or a transportation service that meets



certain specific requirements, including licensure and identification requirements; and

- (3) Requires the vehicle used in the commission of the offense of deception of a consumer in transportation services for hire to be:
 - (A) Impounded, with the vehicle owner being held liable for the costs of storage, towing, and other charges incident to seizure of the vehicle or any other cost involved; or
 - (B) Subject to forfeiture if the vehicle used in the instant offense was used in the commission of a previous offense of deception of a consumer in transportation services for hire within the thirty-six months immediately preceding the instant offense.

According to tourism transportation industry representatives, complaints about illegal commercial transportation services that arrive ahead of scheduled pickups by legitimate businesses to collect customers and fares meant for the legitimate business have been mounting. Tourists have complained about being deceived into paying higher-than-quoted fares and additional payments and being driven to destinations without subsequent return transportation. This measure seeks to halt the activities of illegal transportation services that fail to comply with industry requirements, deceive customers, and steal the business of legitimate transportation operators.

Your Committee on Conference has amended this measure by deleting its contents and replacing it with language that continues to protect consumers and legitimate businesses from unauthorized transportation services rendered for compensation by modifying the relevant state of mind regarding the unlawful operation of motor carriers from "knowingly and wilfully" to "intentionally, knowingly, or recklessly".

Your Committee on Conference has also amended this measure by:

- (1) Changing its effective date to July 1, 2012; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.



As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 2004, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2004, H.D. 2, S.D. 2, C.D. 1.

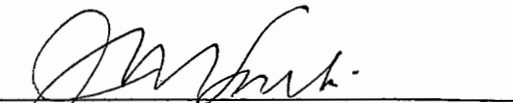
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE



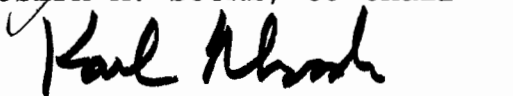
J. KALANI ENGLISH, Chair




JOSEPH M. SOUKI, Co-Chair



WILL ESPERO, Co-Chair



KARL RHOADS, Co-Chair



LINDA ICHIYAMA, Co-Chair



Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: HB 2004, HD 2, SD 2	Date/Time: 26 April 2012 1:42 pm
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The recommendation of the House and Senate managers is to pass with amendments (CD).

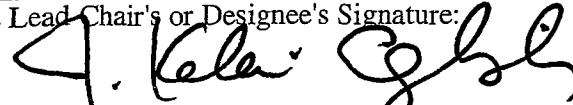
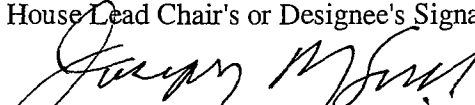
The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
ENGLISH, J. Kalani, Chr.	✓				SOUKI, Joseph M., Co-Chr.	✓			
ESPERO, Will, Co-Chr.	✓				RHOADS, Karl, Co-Chr.	✓			
SLOM, Sam				✓	ICHIYAMA, Linda, Co-Chr.	✓			.
					YAMASHITA, Kyle T.				✓
					FONTAINE, George R.	✓			
TOTAL	2			1	TOTAL	4			1

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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