

Honolulu, Hawaii

MAR 22 2012

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

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

Sir:

Your Committee on Transportation and International Affairs,
to which was referred H.B. No. 2004, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO TRANSPORTATION,"

begs leave to report as follows:

The purpose and intent of this measure is to temporarily provide the Department of Transportation with the authority and discretion to reach an agreement with an airport concession to extend the term of the concession and to modify and amend terms of any concession contract, lease, or permit in exchange for revenue-enhancing improvements that are made or paid for by the concession.

Prior to the hearing on this measure, your Committee made available for public review a proposed S.D. 1, which deleted the contents of this measure and inserted language to create a misdemeanor criminal offense of deception of a visitor in transportation services. The offense is committed if a person:

- (1) Offers to transport a visitor to a destination, with intent to deceive, for which the visitor has previously scheduled transport with a bona fide transportation service;
- (2) Charges an amount in excess of that quoted by the bona fide transportation service for which a visitor was waiting for a pick up;



- (3) Collects a fee or rate from a visitor who has already prepaid for transportation through a bona fide transportation service; or
- (4) Does not pick up a visitor from a destination to which the person transports the visitor after representing to pick up the visitor.

Your Committee received testimony in support of the proposed S.D.1 from Polynesian Hospitality, Visitor Transit Coalition, and Hawaii Transportation Association.

Your Committee finds that persons have defrauded tourists by purporting to provide transportation services but instead charging unreasonable high fares or deceiving tourists about the cost for transportation services. As part of these schemes, tourists are typically picked up by a defrauding transportation service provider shortly ahead of a scheduled pick-up by a bona fide taxi or tour operator. The tourists often pay twice the amount of travel fare and sometimes promised refunds, which are never received. To make matters worse, some tourists are never picked up for the return trip and are left stranded without transportation back to their lodging accommodation.

Your Committee has amended this measure by adopting the proposed S.D. 1 and further amending the measure by:

- (1) Inserting additional legislative findings to the purpose section;
- (2) Amending the offense of deception of a visitor in transportation services for hire to require only that a person transports a visitor for compensation in a vehicle that is not a bona fide transportation service in order to constitute the offense;
- (3) Clarifying the definition of bona fide transportation service;
- (4) Providing, as an additional penalty, impoundment and forfeiture of the vehicle used if the vehicle was used to commit the offense within thirty-six months immediately preceding the instant offense; and



(5) Changing the effective date to upon approval.

As affirmed by the record of votes of the members of your Committee on Transportation and International Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2004, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2004, H.D. 2, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Transportation and
International Affairs,



J. KALANI ENGLISH, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Transportation and International Affairs
TIA

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2004, HD2	TIA, WAM	3/19/12		
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ENGLISH, J. Kalani (C)	✓			
ESPERO, Will (VC)	✓			
DELA CRUZ, Donovan M.	✓			
GABBARD, Mike	✓			
KAHELE, Gilbert	✓			
KOUCHI, Ronald D.	✓			
SLOM, Sam				✓
TOTAL	6			1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Will Espero</i>				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes