

Elite Limousine Service Inc.

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TRN 2-07-11

~~Re: Senate Bill 824~~

Related To Motor Carriers

~~Chair English & Committee Members,~~

I am Eugene "Bucky" Yee, Board of Director of Hawaii Transportation Association.

The Hawaii Transportation Association would like to be placed on record supporting ~~Senate Bill 824~~ relating to the amendment of Section 2 Chapter 271, Hawaii Revised Statutes prohibiting motor carrier indemnification agreement.

House Bill # 392

I'm an owner of a small transportation company that signed a contract to secure a hotel business which includes an indemnification clause.

I had a case in which I had to defend the hotel regarding indemnification, this incident happen in 1995 at approximately at 8:30 pm. My driver was stabbed 10 or 11 times with a small hand knife at Ala Moana Beach Park. A ambulance was dispatch to the scene, the driver was stabilized and sent to Queens Hospital. The assailant were later apprehended by HPD.

The incident originated from an hotel front lobby where two African American who just returned from the beach approached the doorman and asked for a taxi to take them to Ala Moana Beach Park. The first driver up refused the run cause of the destination and that that the passenger were belligerent and obnoxious. But the doorman insisted that the driver take the passenger but the driver refused to do it. A second driver was asked to take the passenger to their destination.

As a result of this incident a lawsuit was filed by the victim directly with the hotel, who then turn the lawsuit over to me because of the indemnification clause.

The assailant were not a register guest of the hotel but because of an employee of the hotel was involved in ordering the driver to take the passenger. So I had defend and pay any and all damages that the lawsuit required.

I strongly believe that the hotel should have defended and paid restitution to the victim because of their employee indiscretion, which they later revised that a driver has the right to refuse service to a passenger who is drunk, disorderly, belligerent, obnoxious and feels that his/her final destination is dangerous or unsafe.

As a small business owner this is unfair, all I want is fairness. I would gladly pay for any incident cause by my employee as any other company would do.

*Bucky Gee
President
Elite Limousine Service, Inc*