

STAND. COM. REP. NO. 166

Honolulu, Hawaii

FEB 11 2013

RE: S.B. No. 631
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 631 entitled:

"A BILL FOR AN ACT RELATING TO TORT LIABILITY IMMUNITY,"

begs leave to report as follows:

The purpose and intent of this measure is to provide immunity from civil liability for trained installers and inspectors of automotive child passenger restraint devices.

Your Committee received testimony in support of this measure from State Farm Mutual Automobile Insurance Company; Hawaii Chapter, American Physical Therapy Association; and five individuals. Your Committee received testimony in opposition to this measure from the Hawaii Association for Justice.

Your Committee finds that child passenger safety technicians provide education to parents and caregivers regarding the proper installation of child restraints. The valuable information and instruction provided by these technicians can help decrease the number of injuries sustained by children in motor vehicle accidents. This measure encourages certified child passenger safety technicians to assist others in the proper use and installation of child passenger restraint systems.

Your Committee has amended this measure by:



- (1) Clarifying that the immunity provided for in this measure shall not apply to gross negligence or intentional, willful, or wanton conduct; and
- (2) Inserting an effective date of July 1, 2030, to encourage further discussion.

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. 631, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 631, S.D. 1, and be referred to the Committee on Judiciary and Labor.

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



ROSALYN W. BAKER, Chair



