

---

---

## A BILL FOR AN ACT

RELATING TO THE MOTOR VEHICLE RENTAL INDUSTRY.

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

1           SECTION 1. Chapter 437D, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "~~§437D-~~ **Motor vehicle theft disclosure requirements;**  
5 **vehicle posting requirements.** (a) Every lessor shall provide a  
6 warning to lessees cautioning the lessee against leaving  
7 valuables in the vehicle. This warning shall include:

8           (1) A provision in each rental agreement, written in plain  
9           language and in at least ten-point boldface, alerting  
10           the lessee not to leave valuables in the vehicle; and

11           (2) The display of a decal placed in a conspicuous  
12           location in each rental motor vehicle, warning the  
13           lessee not to leave valuables in the vehicle.

14           (b) The director shall establish a vehicle theft reporting  
15 form which includes the number of vehicle thefts in a given year  
16 and the type, make, and model of vehicles affected. Every  
17 lessor shall submit a copy of the above form, completed with the  
18 relevant information, to the director within one month after the



1 end of the preceding calendar year beginning January 1, 2014.  
2 Within two months after the end of the preceding calendar year,  
3 the director shall compile the vehicle theft reporting forms  
4 received from the lessors and post a link on the department of  
5 commerce and consumer affairs' website to a publicly accessible  
6 electronic version of the information.

7 (c) The lessor shall make available to the public a copy  
8 of the vehicle theft reporting form that was submitted to the  
9 director for the preceding year and shall conspicuously display  
10 at the rental area of each rental location a notice, in plain  
11 language and printing, that such report is available."

12 SECTION 2. Section 437D-15, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 **"§437D-15 Unfair trade practices.** Each lessor, and each  
15 officer, employee, agent, and other representative thereof, is  
16 prohibited from engaging in any practice constituting a  
17 violation of chapter 480. The following shall be per se  
18 violations of section 480-2:

19 (1) The making of any material statement that has the  
20 tendency or capacity to mislead or deceive, either  
21 orally or in writing, in connection with the rental  
22 of, offer to rent, or advertisement to rent a vehicle;



- 1           (2) The omission of any material statement that has the  
2           tendency or capacity to mislead or deceive, in  
3           connection with the rental of, offer to rent, or  
4           advertisement to rent a vehicle;
- 5           (3) The making of any statement to the effect that the  
6           purchase of a damage waiver is mandatory;
- 7           (4) Any violation of sections 437D-5 through 437D-14,  
8           [and] section [~~437D-17.5,~~] 437D-17.5, and 437D- ;
- 9           (5) The charging by the lessor to a lessee of:
- 10           (A) More than the cost of the parts and labor  
11           necessary to repair a damaged vehicle in  
12           accordance with standard practice in the motor  
13           vehicle repair industry in the community, if the  
14           vehicle is repaired;
- 15           (B) More than the actual cash value of a vehicle if  
16           it is declared a total loss;
- 17           (C) More than the diminution in value of a vehicle if  
18           it is not repaired and not declared a total loss;  
19           or
- 20           (D) More than the cost of the parts and labor  
21           necessary to repair a damaged vehicle in  
22           accordance with standard practice in the motor



1           vehicle repair industry in the community if the  
2           vehicle is not repaired and is not declared a  
3           total loss but is determined by the lessor to be  
4           no longer in rentable condition; provided that  
5           the vehicle shall not be rented or leased by the  
6           lessor to any other lessee after that  
7           determination has been made by the lessor.

8           To the extent the lessor obtains recovery from a third  
9           party, the lessor shall not recover any amount  
10          specified in this paragraph from the lessee;

11         (6) The making of any statement by the lessor to the  
12          effect that the lessee is or will be confined to  
13          remain within boundaries specified by the lessor  
14          unless payment or an agreement relating to the payment  
15          of damages has been made by the lessee;

16         (7) The charging of a lessee more than a reasonable  
17          estimate of the actual income lost for loss of use of  
18          a vehicle; and

19         (8) The charging of a lessee more than actual towing  
20          charges."

21         SECTION 3. Statutory material to be repealed is bracketed  
22          and stricken. New statutory material is underscored.



# H.B. NO. 336

1 SECTION 4. This Act does not affect rights and duties that  
 2 matured, penalties that were incurred, and proceedings that were  
 3 begun before its effective date.

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

INTRODUCED BY:

Tom Brown

*[Handwritten signatures and scribbles]*

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*

*[Handwritten signature]*



# H.B. NO. 336

**Report Title:**

Motor Vehicle Rental Industry; Vehicle Theft Disclosures

**Description:**

Requires lessors of rental vehicles to provide lessees with warnings reminding the lessees not to leave valuables in rented vehicles. Requires lessors to provide rental vehicle theft statistics to the Department of Commerce and Consumer Affairs.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

