

## ACT 145

H.B. NO. 1912

A Bill for an Act Relating to the Motor Vehicle Rental Industry.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 437D-15, Hawaii Revised Statutes, is amended to read as follows:

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

- (1) The making of any material statement [which] that has the tendency or capacity to mislead or deceive, either orally or in writing, in connection with the rental of, offer to rent, or advertisement to rent a vehicle;
- (2) The omission of any material statement [which] that has the tendency or capacity to mislead or deceive, in connection with the rental of, offer to rent, or advertisement to rent a vehicle;
- (3) The making of any statement to the effect that the purchase of a collision damage waiver is mandatory;
- (4) Any violation of sections 437D-5 through 437D-14, and [[ ]section[ ]] 437D-17.5;
- (5) The charging by the lessor to a lessee of [more]:
  - (A) More than the cost of the parts and labor necessary to repair a damaged vehicle in accordance with [the] standard [practices] practice in the automobile repair industry in the community, if the vehicle is repaired;<sup>1</sup> [and]
  - (B) More than the actual cash value of a vehicle if it is declared a total loss; or
  - (C) More than the diminution in value of a vehicle if it is not repaired and not declared a total loss;
- (6) The making of any statement by the lessor to the effect that the lessee is or will be confined to remain within boundaries specified by the lessor unless payment or an agreement relating to the payment of damages has been made by the lessee[.];
- (7) The charging of a lessee more than a reasonable estimate of the actual income lost for loss of use of a vehicle; and
- (8) The charging of a lessee more than actual towing charges.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 30, 2000.)

**Note**

1. “If the vehicle is repaired” should be underscored.