STAND. COM. REP. NO. INO -10

Honolulu, Hawaii , 2010 RE: S.B. No. 2607 S.D. 2 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fifth State Legislature Regular Session of 2010 State of Hawaii

Sir:

Your Committees on Consumer Protection & Commerce and Judiciary, to which was referred S.B. No. 2607, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ACTIVITY DESKS,"

beg leave to report as follows:

The purpose of this bill is to protect consumers and providers of activities and attractions that are sold by activity desks by, among other things:

- Requiring an activity desk to maintain and make available for inspection, books and records, including copies of bank statements and wire or electronic transaction documents relating to client trust accounts for at least two years;
- (2) Providing that the activity desk registration number must be included on advertising and promotional material;
- (3) Requiring an activity desk to obtain full payment for activities prior to or at the time reservations are booked or placed with the activity provider or within three business days thereafter, with certain exceptions;



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- (4) Providing that the trust account containing consumer deposits shall also be for the benefit of the activity provider, and the activity desk shall be the trustee of the trust account; and
- (5) Securing consumer deposits held by an activities desk who has not established a trust account, by increasing the maximum amount of the bond or irrevocable letter of credit required to be posted or obtained by the activities desk from \$100,000 to \$250,000, and maintaining the minimum amount at \$50,000.

The Activities & Attractions Association of Hawaii, Aloha Nui Loa Tours, Inc., dba Hike Maui, and Maui Classic Charters, Inc. testified in support of this bill. The Department of Commerce and Consumer Affairs' (DCCA) Regulated Industries Complaints Office and DCCA's Professional and Vocational Licensing Division provided comments.

As affirmed by the records of votes of the members of your Committees on Consumer Protection & Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2607, S.D. 2, H.D. 1, and recommend that it pass Third Reading.

> Respectfully submitted on behalf of the members of the Committees on Consumer Protection & Commerce and Judiciary,

ROBERT N. HERKES, Chair



State of Hawaii House of Representatives The Twenty-fifth Legislature



Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.:	Committee Referral:	Dat	Date: 3/20/10				
SB 2607, SD2, HD1	TCI,CPC/JUD O/29/10						
□ The committee is reconsidering its previous decision on the measure.							
The recommendation is to: Image: Pass, unamended (as is) Image: Pass, with amendments (HD) Image: Hold Image: Description of the pass short form bill with HD to recommit for future public hearing (recommit) Image: Hold Image: Hold							
CPC Members	Ayes	Ayes (WR)	Nays	Excused			
1. HERKES, Robert N. (C)				X			
2. WAKAI, Glenn (VC)	X						
3. BELATTI, Della Au				\times			
4. CABANILLA, Rida	X						
5. CARROLL, Mele				X			
6. ITO, Ken				\times			
7. KARAMATSU, Jon Riki	X						
8. LUKE, Sylvia							
9. McKELVEY, Angus L.K.	X						
10. MIZUNO, John M.				X			
11. MORITA, Hermina M.				X			
12. SOUKI, Joseph M.	X			· · ·			
13. TSUJI, Clift	X						
14. MARUMOTO, Barbara C.	\sim						
15. THIELEN, Cynthia	X						
TOTAL (15)	9			6			
The recommendation is: X Adop	ted D Not Adopte		1				
If joint referral, did not support recommendation.							
committee acronym(s)							
Vice Chair's or designee's signature:							
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO							

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Record of Votes of the Committee on Judiciary

Bill/Resolution No.: Commi	ttee Referral:	Date	: Alaa	1.			
5B2697, SD2, HD1 TC1	, CPC/JU	ID U	129	16			
 The committee is reconsidering its previous decision on the measure. 							
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold							
Pass short form bill with HD to recommit for future public hearing (recommit)							
JUD Members	Ayes	Ayes (WR)	Nays	Excused			
		11900 (1110)		Datustu			
1. KARAMATSU, Jon Riki (C)2. ITO, Ken (VC)							
2. ITO, Kell (VC) 3. BELATTI, Della Au				V			
4. CABANILLA, Rida							
5. CARROLL, Mele							
6. HERKES, Robert N.				V			
7. LUKE, Sylvia	.//			V			
8. McKELVEY, Angus L.K.							
9. MIZUNO, John M.	0			1/			
10. MORITA, Hermina M.							
11. OSHIRO, Blake K.				Rub			
12. SOUKI, Joseph M.				- +60			
13. TSUJI, Clift	1/						
14. WAKAI, Glenn							
15. MARUMOTO, Barbara C.							
16. THIELEN, Cynthia							
			50.				
TOTAL (16)	[O]	6	\bigcirc	6			
The recommendation is: Adopted Not Adopted							
If joint referral did not support recommendation.							
Vice Chair's or designee's signature:							
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO							