STAND. COM. REP. NO. 754

Honolulu, Hawaii

March 1

2013

RE: H.B. No. 1101

H.D. 2

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Sir:

Your Committees on Consumer Protection & Commerce and Judiciary, to which was referred H.B. No. 1101, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MOTOR CARRIERS,"

beg leave to report as follows:

The purpose of this measure is to help reduce the number of uncertified motor carriers in the State by:

- (1) Prohibiting uncertified common carriers from recovering undercharges;
- (2) Prohibiting uncertified motor carriers from holding a statutory lien on transported freight or goods; and
- (3) Permitting a person who uses the services of an uncertified motor carrier to bring a judicial action for the recovery of all paid compensation.

The Hawaii Transportation Association testified in support of this measure. The Public Utilities Commission provided comments.

Your Committees have amended this measure by:

(1) Requiring that a person who brings a judicial action to recover compensation paid to a common carrier by motor vehicle operating in violation of section 271-8, Hawaii Revised Statutes, to first file a complaint with the

Public Utilities Commission and receive verification of the carrier's violation of section 271-8; and

(2) Changing its effective date to July 1, 2013.

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 H.B. No. 1101, H.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1101, H.D. 2.

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

KARL RHOADS, Chair

ANGUS L.K. McKELVEY, Chair

# State of Hawaii House of Representatives The Twenty-seventh Legislature

# H3CR 754

## Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.:    HB   IO  HD	Committee Referral: TRN, CPC/JUD			Date: 2/20/13				
☐ 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)								
CPC Members		Ayes	Ayes (W	TR)	Nays	Excused		
1. McKELVEY, Angus L.K. (C)		/						
2. KAWAKAMI, Derek S.K. (VC)		/			,			
3. BELATTI, Della Au		V/						
4. BROWER, Tom		· ·						
5. CABANILLA, Rida T.R.		V						
6. CACHOLA, Romy M.		<b>V</b>				-		
7. CARROLL, Mele		1			,	-		
8. EVANS, Cindy		<b>7</b>						
9. HAR, Sharon E.								
10. ITO, Ken		/			-			
11. LEE, Chris								
12. TSUJI, Clift		<u> </u>						
13. YAMANE, Ryan I.		1						
14. MCDERMOTT, Bob					-			
15. THIELEN, Cynthia						-		
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TOTAL (15)		13				2		
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								

#### State of Hawaii House of Representatives The Twenty-seventh Legislature

45CR 754

### Record of Votes of the Committee on Judiciary

HB1101, HD1	TRN, CPC/JU	D Dat	1/20 /	ろ					
☐ 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					
1. RHOADS, Karl (C)	X								
2. HAR, Sharon E. (VC)				Χ,					
3. BELATTI, Della Au	X								
4. BROWER, Tom	X								
5. CABANILLA, Rida T.R.	人								
6. CARROLL, Mele	X								
7. ITO, Ken	<u> </u>								
8. KAWAKAMI, Derek S.K.	X								
9. LEE, Chris	·			X					
10. TSUJI, Clift	X			`					
11. WOOLEY, Jessica	X								
12. MCDERMOTT, Bob	/X		2						
13. THIELEN, Cynthia	$\longrightarrow$								
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TOTAL (13)	1	0	0	2					
The recommendation is: 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									