STAND. COM. REP. NO. 116

Honolulu, Hawaii

FEB 1 1 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:



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- (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 D. Baker, C

Chair



The Senate Twenty-Seventh Legislature State of Hawai'i

Record of Votes Committee on Commerce and Consumer Protection CPN

Bill / Resolution No.:*	Committee Referral:			Date:	
SB 631	CPN	, JDL	-	2/4/13	
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)		V,			
GALUTERIA, Brickwood (VC)					
NISHIHARA, Clarence K.					
SOLOMON, Malama					
TANIGUCHI, Brian T.		~			
WAKAI, Glenn	_				
SLOM, Sam					
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TOTAL					
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only one measure per Record of Votes