

## ACT 203

H.B. NO. 2004

A Bill for an Act Relating to Transportation.

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

SECTION 1. The legislature finds that persons have engaged in defrauding tourists by purporting to pick them up in vehicles at popular Waikiki tourist venues and taking them to various tourist sightseeing locations or activities, or transporting them to other business locations. Typically a tourist is picked up shortly ahead of scheduled pickups by a bona fide taxi or tour operator. The tourist at times pays up to twice the amount of travel fare and is sometimes promised refunds that are never received. To make matters worse, some tourists are never picked up for the return trip and are left stranded without transportation back to their lodging accommodation.

The legislature further finds that this type of unscrupulous activity by unconscionable people who would prey on tourists casts a bad image on Hawaii and may lead to a downturn in the economy. The legislature also finds that unscrupulous and deceptive activities are conducted by drivers who are not properly certified or licensed and drive vehicles that typically fail to meet the public utilities commission's requirements and other requirements.

The purpose of this Act is to address this unscrupulous activity by modifying the relevant state of mind regarding the unlawful operation of motor carriers from "knowingly and wilfully" to "intentionally, knowingly, or recklessly".

SECTION 2. Section 271-27, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) Any person intentionally, knowingly, or [and wilfully] recklessly violating any provision of this chapter, or any rule, requirement, or order thereunder, or any term or condition of any certificate or permit for which a penalty is not otherwise provided, shall be guilty of a misdemeanor. In addition, any shipper or consignee located in this State, or any officer, employee, agent, or representative thereof, who intentionally, knowingly, or [and wilfully] recklessly engages the services of any person violating any provision of this chapter, or any rule, requirement, or order, or any term or condition of any certificate or permit for which a penalty is not otherwise provided, shall be guilty of a misdemeanor.

(b) Any person, whether carrier, shipper, or consignee, or any officer, employee, agent, or representative thereof, who intentionally, knowingly, or recklessly offers, grants, or gives, or solicits, accepts, or receives any rebate, concession, or discrimination in violation of any provisions of this chapter, or who by means of any false statement or representation or by the use of any false or fictitious bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, deposition, lease, or bill of sale, or by any other means or device, intentionally, knowingly, or [and wilfully] recklessly assists, suffers, or permits any person or persons, natural or artificial, to obtain transportation of passengers or property subject to this chapter for less than the applicable rate, fare, or charge, or who intentionally, knowingly, or [and wilfully] recklessly by any such means or otherwise fraudulently seeks to evade or defeat regulation as in this chapter provided for motor carriers, shall be deemed guilty of a misdemeanor."

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

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**SECTION 4.** Statutory material to be repealed is bracketed and stricken.  
New statutory material is underscored.

**SECTION 5.** This Act shall take effect on July 1, 2012.

(Approved July 3, 2012.)