

STAND. COM. REP. NO.

1234

Honolulu, Hawaii

APR 09 2009

RE: H.B. No. 869
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred H.B. No. 869, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLES,"

begs leave to report as follows:

The purpose of this measure is to clarify the responsibility of an owner of a rental motor vehicle for a summons or citation issued to a lessee of the vehicle.

Under current law, if a default judgment on a summons or citation is entered against a lessee of a rental motor vehicle, the owner or lessor of the rental motor vehicle will be responsible for the summons or citation if the owner or lessor does not either provide the court with the lessee's name and address or have the court waive the requirement to provide this information, within forty-five days.

This measure amends the current law to:

- (1) Clarify the court's responsibility to mail a copy of the summons or citation to the lessor or owner of the rental motor vehicle within sixty days of its issuance; and
- (2) Afford the lessor or owner of the rental motor vehicle 60 days, rather than forty-five days, to provide the lessee's name and address to the court or to have the court waive the requirement to provide that information.



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On the one hand, your Committee understands that the Judiciary is currently clearing a backlog of unresolved summons and citations and as a consequence U-drive companies have been receiving citations for which their lessees are responsible, dating back to 2006 and 2007. These companies have found it difficult to provide the courts with a timely response to these summons and citations since finding the names and addresses for responsible lessees is often difficult, given the passage of time. Furthermore, U-drive companies have reported that in some cases they have been contacted about summons and citations for which they have not received any notice from the court.

On the other hand, your Committee also understands that extending the time for the lessor or owner to respond on the summons or citation to the court, as proposed in this measure, may give rise to other problems, including delays in the processing of these cases, a negative impact on the collections process, and additional manual work processes and paperwork for the Judiciary staff.

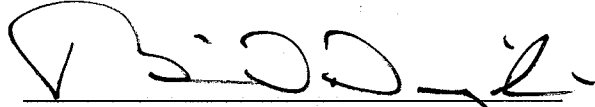
Accordingly, your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2075, to continue discussions of this matter; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 869, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 869, H.D. 1, S.D. 1.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,

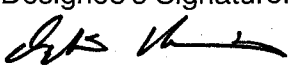


BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:* HB 869, HD 1	Committee Referral: TIA, JGO	Date: 4/6/2009		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert	✓			
GABBARD, Mike	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	6	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> 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