
A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the Motor Carrier
2 Law recognized that "the transportation of persons and of
3 property, for commercial purposes, over the public highways of
4 this State constitutes a business affected with the public
5 interest" and the Motor Carrier Law intended "to provide for
6 fair and impartial regulation of such transportation" in the
7 public interest. However, despite this articulated policy,
8 existing law has provided a competitive advantage to newer
9 business models buttressed by emerging technologies through an
10 exemption from the regulatory requirements under the Motor
11 Carrier Law, while established business models continue to be
12 subjected to those regulations.

13 Accordingly, the purpose of this part is to promote parity
14 and fair competition amongst the similar businesses that
15 transport persons or property over public highways by applying
16 on similar businesses the same regulatory framework enforced
17 upon motor carriers.



SECTION 2. Section 271-2, Hawaii Revised Statutes, is amended to read as follows:

"§271-2 Administration; governing provisions of other acts. This chapter shall be administered by the public utilities commission of the State and the provisions of this chapter and of chapter 269, not inconsistent with this chapter, shall govern its administration; provided that sections ~~[269-4,]~~ 269-9, ~~[269-11,]~~ 269-16 to 269-28, and 269-30 shall not, in any respect, apply to the regulation of motor carriers."

SECTION 3. Section 271-4, Hawaii Revised Statutes, is amended as follows:

1. By adding three new definitions to be appropriately inserted and to read:

"Prearranged ride" means the provision of transportation by a transportation network company driver to a passenger, beginning when a transportation network company driver accepts a passenger's request for a ride through a digital network or software application service controlled by a transportation network company, continuing while the transportation network company driver transports the requesting passenger, and ending when the requesting passenger, or the last passenger from the



1 requesting passenger's party, departs from the personal vehicle.
2 "Prearranged ride" does not include transportation provided
3 through a ridesharing arrangement, as defined in section 279G-1;
4 use of a taxicab, limousine, or other for-hire vehicle; or a
5 regional transportation provider.

6 "Transportation network company" means an entity that uses
7 a digital network or software application service to connect
8 passengers to transportation network company drivers; provided
9 that the entity:

10 (1) Does not own, control, operate, or manage the personal
11 vehicles used by transportation network company
12 drivers; and

13 (2) Is not a taxicab association or a for-hire vehicle
14 owner.

15 "Transportation network company driver" means an individual
16 who operates a personal vehicle used to transport a passenger
17 between points chosen by the passenger and prearranged through a
18 transportation network company and that is:

19 (1) Owned, leased, or otherwise authorized for use by the
20 individual;

21 (2) Not a taxicab or for-hire vehicle; and



1 (3) Used to provide prearranged rides to passengers."

2 2. By amending the definition of "common carrier by motor
3 vehicle" to read:

4 "'Common carrier by motor vehicle" means any person that
5 holds itself out to the general public to engage in the
6 transportation by motor vehicle of passengers or property or any
7 class or classes thereof for compensation. "Common carrier by
8 motor vehicle" includes transportation network companies."

9 SECTION 4. Chapter 279J, Hawaii Revised Statutes, is
10 repealed.

11 SECTION 5. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 6. This Act shall take effect on July 1, 3000.



Report Title:

Motor Carriers; Regulation; Common Carrier By Motor Vehicle;
Transportation Network Companies

Description:

Applies the existing framework regulating motor carriers onto
transportation network companies. Repeals the chapter
regulating transportation network companies. Effective
7/1/3000. (HD1)

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not legislation or evidence of legislative intent.*

