

JAN 18 2013

A BILL FOR AN ACT

RELATING TO MOTOR CARRIERS.

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

1 SECTION 1. Section 271-28, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§271-28 Collection of rates and charges.** (a) No common
4 carrier by motor vehicle shall deliver or relinquish possession
5 at destination of any freight transported by it until all tariff
6 rates and charges thereon have been paid, except under such
7 rules and regulations as the public utilities commission may
8 from time to time prescribe to govern the settlement of all the
9 rates and charges, including rules and regulations for weekly or
10 monthly settlement, and to prevent unjust discrimination or
11 undue preference or prejudice; provided that this section shall
12 not be construed to prohibit any carrier from extending credit
13 in connection with rates and charges on freight transported for
14 the United States, for any department, bureau, or agency
15 thereof, or for any state or political subdivision thereof.

16 (b) Any person who does not hold a certificate or permit
17 issued by the public utilities commission pursuant to section
18 271-8 shall not demand payment of more than tariff rates and



1 charges as provided in subsection (a). If a customer pays a
2 person who does not hold a certificate or permit issued by the
3 public utilities commission pursuant to section 271-8, then the
4 customer shall have a cause of action against the person to
5 recover all payments made to the common carrier in violation of
6 this subsection.

7 (c) Any person who does not hold a certificate or permit
8 issued by the public utilities commission pursuant to section
9 271-8 shall not detain any freight of a customer until the
10 customer pays the common carrier for prior non-paid services.
11 If the customer makes any such payment, then the customer shall
12 have a cause of action against the person to recover all
13 payments made to the common carrier in violation of this
14 subsection."

15 SECTION 2. New statutory material is underscored.

16 SECTION 3. This Act shall take effect upon its approval.

17 INTRODUCED BY:

J. Pa. Gjel
B/R



S.B. NO. 477

Report Title:

Motor Carriers; Tariffs

Description:

Prohibits motor carriers that do not hold a PUC certificate or permit from demanding more than the approved tariff rates and from holding a customer's freight until the customer pays back-due payments. Allows customer a cause of action to recover the payments.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

