
A BILL FOR AN ACT

RELATING TO MOTOR CARRIERS.

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

1 SECTION 1. Section 271-4, Hawaii Revised Statutes, is
2 amended read as follows:

3 **"§271-4 Definitions.** As used in this chapter:

4 (1) "Chapter" means the Motor Carrier Law.

5 (2) "Commission" means the public utilities commission.

6 (3) "Person" or "persons" means any individual, firm,
7 copartnership, corporation, company, association, or
8 joint stock association; and includes any trustee,
9 receiver, assignee, or personal representative
10 thereof.

11 (4) "Certificate" means a certificate of public
12 convenience and necessity issued under this chapter to
13 common carriers by motor vehicle.

14 (5) "Permit" means a permit issued under this chapter to
15 contract carriers by motor vehicle.

16 (6) "Transportation of persons" includes every service in
17 connection with or incidental to the safety, comfort,



1 or convenience of persons transported and the receipt,
2 carriage, and delivery of these persons and their
3 baggage.

4 (7) "Transportation of property" includes every service in
5 connection with or incidental to the transportation of
6 property, including in particular its receipt,
7 delivery, elevation, transfer, carriage, ventilation,
8 refrigeration, icing, dunnage, storage in transit,
9 handling, and its consolidation for the purposes of
10 forwarding within the State.

11 (8) "Motor vehicle" means any vehicle, machine, tractor,
12 trailer, or semitrailer propelled or drawn by
13 mechanical power and used upon the highways in the
14 transportation of passengers or property, or any
15 combination thereof determined by the commission, but
16 does not include any vehicle, locomotive, or car
17 operated exclusively on a rail or rails or a trolley
18 bus operated by electric power derived from a fixed
19 overhead wire, furnishing local passenger
20 transportation similar to street-railway service.



- 1 (9) "Highway" means the public roads, highways, streets,
2 and ways in this State.
- 3 (10) "Rates" includes rates, fares, tolls, rentals, and
4 charges of whatever kind and nature unless the context
5 indicates otherwise[-]; provided that for
6 transportation by motor vehicle of passengers, where
7 the provision of transportation is part of a package
8 that may include air fare, meals, attractions, and
9 other services, "rates" shall only include the charges
10 for the provision of transportation by motor vehicle.
- 11 (11) "Common carrier by motor vehicle" means any person
12 ~~which~~ that holds itself out to the general public to
13 engage in the transportation by motor vehicle of
14 passengers or property or any class or classes thereof
15 for compensation.
- 16 (12) "Contract carrier by motor vehicle" means any person
17 ~~which~~ that engages in transportation by motor
18 vehicle of passengers or property for compensation
19 (other than transportation referred to in paragraph
20 (11)) under continuing contracts with one person or a
21 limited number of persons either ~~[-(A)-]~~: for the



1 furnishing of transportation services through the
2 assignment of motor vehicles for a continuing period
3 of time to the exclusive use of each person served[~~7~~];
4 or [~~B~~] for the furnishing of transportation services
5 designed to meet the distinct need of each individual
6 customer.

7 (13) "Motor carrier" includes both a common carrier by
8 motor vehicle and a contract carrier by motor vehicle.

9 (14) "Private carrier of property by motor vehicle" means
10 any person not included in the terms "common carrier
11 by motor vehicle" or "contract carrier by motor
12 vehicle", who or [~~which~~] that transports by motor
13 vehicle property of which the person is the owner,
14 lessee, or bailee, when such transportation is for the
15 purpose of sale, lease, rent, or bailment, or in the
16 furtherance of any commercial enterprise.

17 (15) "Enforcement officer" means any person employed and
18 authorized by the commission to investigate any matter
19 on behalf of the commission. The term also means a
20 motor vehicle safety officer employed and assigned,
21 pursuant to section 271-38, by the department of



1 transportation to enforce sections 271-8, 271-12, 271-
2 13, 271-19, and 271-29 through the assessment of civil
3 penalties as provided in section 271-27(h), (i), and
4 (j)."

5 SECTION 2. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

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



Report Title:

Motor Carrier Law; Rates; Definition

Description:

Amends the definition of "rates" in Hawaii's Motor Carrier Law to clarify that, for packages that include other, non-transportation services, "rates" only refers to charges for the provision of transportation by motor vehicle of passengers.

(SD2)

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