
A BILL FOR AN ACT

RELATING TO MOTOR CARRIERS.

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

1 SECTION 1. Section 269-33, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:
3 "(b) All moneys appropriated to, received, and collected
4 by the public utilities commission that are not otherwise
5 pledged, obligated, or required by law to be placed in any other
6 special fund or expended for any other purpose shall be
7 deposited into the public utilities commission special fund
8 including, but not limited to, all moneys received and collected
9 by the public utilities commission pursuant to sections 92-21,
10 269-28, 269-30, 271-27, 271-36, 271G-19, 269E-6, 269E-14, and
11 607-5[-]; provided that per cent of all moneys received
12 and collected by the public utilities commission pursuant to
13 section 271-36 shall be used for expenditures relating to the
14 enforcement of chapter 271, including but not limited to
15 expenditures for enforcement personnel."

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



1 "(h) Any motor carrier or lessor, or any officer, agent,
2 employee, or representative thereof, who fails or refuses to
3 comply with any provision of this chapter, or any rule,
4 requirement, or order thereunder, and any person located in this
5 State, or any officer, agent, employee, or representative of any
6 such person, who engages the services of any motor carrier or
7 lessor, or any officer, agent, employee, or representative
8 thereof, who fails or refuses to comply with any provision of
9 this chapter, or any rule, requirement, or order, may be
10 assessed a civil penalty payable to the State in a sum:

- 11 (1) Up to [~~\$1,000~~] _____ for each offense; and
- 12 (2) In the case of a continuing violation, not less than
- 13 [~~\$50~~] _____ and not more than [~~\$500~~] _____ for
- 14 each additional day during which the failure or
- 15 refusal continues.

16 (i) Notwithstanding subsection (h), a motor carrier who
17 fails to file, within the prescribed time, a financial report
18 with the commission pursuant to its rules may be assessed a
19 civil penalty payable to the State up to the sum of one-
20 sixteenth of one per cent of the gross revenues from the motor
21 carrier's business during the preceding calendar year, if the



1 failure is for not more than one month, with an additional one-
2 sixteenth of one per cent for each additional month or fraction
3 thereof during which the failure continues, but in no event
4 shall the total civil penalty be less than the sum of [~~\$50.~~]
5 _____."

6 SECTION 3. Section 271-36, Hawaii Revised Statutes, is
7 amended as follows:

8 1. By amending subsection (a) to read:

9 "(a) Every common carrier by motor vehicle and every
10 contract carrier by motor vehicle shall pay to the commission,
11 in April of each year, a fee equal to one-fourth of one per cent
12 of the gross revenues from the carrier's business during the
13 preceding calendar year, or the sum of [~~\$20,~~ _____,
14 whichever is greater. Gross revenues include all revenues
15 received from services connected with or incidental to the
16 transportation of persons or the transportation of property, as
17 defined under section 271-4."

18 2. By amending subsection (e) to read:

19 "(e) All of the fees and charges collected under this
20 section shall be deposited with the director of finance to the
21 credit of the public utilities commission special fund



1 established under section 269-33 [-]; provided that _____ per
 2 cent of all fees and charges collected under this section shall
 3 be used for expenditures relating to the enforcement of this
 4 chapter, including but not limited to expenditures for
 5 enforcement personnel."

6 SECTION 4. This Act does not affect rights and duties that
 7 matured, penalties that were incurred, and proceedings that were
 8 begun before its effective date.

9 SECTION 5. Statutory material to be repealed is bracketed
 10 and stricken. New statutory material is underscored.

11 SECTION 6. This Act shall take effect on July 1, 2018.
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INTRODUCED BY:

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2018-1 And It
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Report Title:

Motor Carriers; Enforcement; Fees; Penalties

Description:

Amends the fees and penalties for motor carriers. Requires that a percentage of the fees collected be used for expenditures relating to the enforcement of motor carrier laws, including but not limited to expenditures for enforcement personnel.

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