
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 271-3, Hawaii Revised Statutes, is
17 amended to read as follows:



1 "§271-3 Application of chapter[7]; interstate[7] or
 2 foreign commerce. (a) Except as otherwise specified in this
 3 chapter, the provisions of this chapter shall apply equally to
 4 all motor carriers required to obtain either a certificate or a
 5 permit issued by the public utilities commission pursuant to
 6 sections 271-12 and 271-13.

7 (b) Neither this chapter nor any provision hereof shall
 8 apply to commerce with foreign nations or to interstate
 9 commerce, except insofar as the application is permitted under
 10 the Constitution and laws of the United States."

11 SECTION 3. Section 271-27, Hawaii Revised Statutes, is
 12 amended by amending subsections (h) and (i) to read as follows:

13 "(h) Any motor carrier or lessor, or any officer, agent,
 14 employee, or representative thereof, who fails or refuses to
 15 comply with any provision of this chapter, or any rule,
 16 requirement, or order thereunder, and any person located in this
 17 State, or any officer, agent, employee, or representative of any
 18 such person, who engages the services of any motor carrier or
 19 lessor, or any officer, agent, employee, or representative
 20 thereof, who fails or refuses to comply with any provision of



1 this chapter, or any rule, requirement, or order, may be
2 assessed a civil penalty payable to the State in a sum:

- 3 (1) Up to [~~\$1,000~~] _____ for each offense; and
- 4 (2) In the case of a continuing violation, not less than
- 5 [~~\$50~~] _____ and not more than [~~\$500~~] _____ for
- 6 each additional day during which the failure or
- 7 refusal continues.

8 (i) Notwithstanding subsection (h), a motor carrier who
 9 fails to file, within the prescribed time, a financial report
 10 with the commission pursuant to its rules may be assessed a
 11 civil penalty payable to the State up to the sum of one-
 12 sixteenth of one per cent of the gross revenues from the motor
 13 carrier's business during the preceding calendar year, if the
 14 failure is for not more than one month, with an additional one-
 15 sixteenth of one per cent for each additional month or fraction
 16 thereof during which the failure continues, but in no event
 17 shall the total civil penalty be less than the sum of [~~\$50-~~]
 18 _____."

19 SECTION 4. Section 271-36, Hawaii Revised Statutes, is
20 amended as follows:

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



1 "(a) Every common carrier by motor vehicle and every
2 contract carrier by motor vehicle shall pay to the commission,
3 in April of each year, a fee equal to one-fourth of one per cent
4 of the gross revenues from the carrier's business during the
5 preceding calendar year, or the sum of [~~\$207~~] _____,
6 whichever is greater. Gross revenues include all revenues
7 received from services connected with or incidental to the
8 transportation of persons or the transportation of property, as
9 defined under section 271-4."

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

11 "(e) All of the fees and charges collected under this
12 section shall be deposited with the director of finance to the
13 credit of the public utilities commission special fund
14 established under section 269-33 [-]; provided that _____ per
15 cent of all fees and charges collected under this section shall
16 be used for expenditures relating to the enforcement of this
17 chapter, including but not limited to expenditures for
18 enforcement personnel."

19 SECTION 5. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



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

3 SECTION 7. This Act shall take effect on July 1, 2050.



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. (HB2684 HD1)

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

