



GOV. MSG. NO. 1308

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

July 3, 2023

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki  
Speaker, and Members of the  
House of Representatives  
Thirty-Second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 3, 2023, the following bill was signed into law:

SB1327 SD1 HD1 CD1

RELATING TO THE USE OF ELECTRONIC  
FILING BY THE PUBLIC UTILITIES  
COMMISSION.  
**ACT 205**

Sincerely,

Josh Green, M.D.  
Governor, State of Hawai'i

on JUL 3 2023

THE SENATE  
THIRTY-SECOND LEGISLATURE, 2023  
STATE OF HAWAII

S.B. NO. 1327  
S.D. 1  
H.D. 1  
C.D. 1

# A BILL FOR AN ACT

RELATING TO THE USE OF ELECTRONIC FILING BY THE PUBLIC UTILITIES COMMISSION.

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

1 SECTION 1. The purpose of this Act is to authorize the  
2 electronic filing of documents by and with the public utilities  
3 commission.

4 SECTION 2. Section 269-1, Hawaii Revised Statutes, is  
5 amended by adding a new definition to be appropriately inserted  
6 and to read as follows:

7 "Document" includes any application, complaint, pleading,  
8 brief, answer, motion, memorandum, declaration, exhibit,  
9 certificate of service, and other papers filed by or with the  
10 commission."

11 SECTION 3. Section 269-6.5, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 **"§269-6.5 Electronic copies of documents.** (a) No later  
14 than July 1, 2011, the public utilities commission shall accept  
15 from any person who submits a document to the commission the  
16 original or one electronic copy of each application, complaint,  
17 pleading, brief, or other document required to be filed with the



1 commission pursuant to this chapter, and the consumer advocate  
2 shall accept service of one paper or electronic copy of each  
3 application, complaint, pleading, brief, or other document filed  
4 with the commission.

5 (b) The commission shall adopt rules pursuant to chapter  
6 91 to effectuate the purposes of this section. Until the final  
7 adoption by the commission of rules governing the electronic  
8 filing of documents with the commission, the following  
9 requirements shall apply to all documents submitted to the  
10 commission pursuant to this section; provided that additional  
11 requirements with regard to document format may be established  
12 by the commission through written guidelines:

13 (1) Unless otherwise required by this chapter or the  
14 guidelines of the commission, each person who submits  
15 or files an application, complaint, pleading, brief,  
16 or other document shall submit to or file with the  
17 commission an original or one electronic copy of each  
18 document and shall serve one paper or electronic copy  
19 of each document on the consumer advocate;



- 1 (2) All paper documents submitted to or filed with the  
2 commission shall be printed on one side of the page  
3 only and, if practicable, in portrait orientation;
- 4 (3) Original paper documents submitted to or filed with  
5 the commission shall not be stapled but shall be  
6 clipped together or placed in a clearly marked three-  
7 ring binder, as appropriate;
- 8 (4) All paper documents filed or submitted to the  
9 commission shall include appropriately labeled  
10 separator pages in addition to tabbed dividers, as  
11 applicable;
- 12 (5) All confidential documents filed under confidential  
13 seal shall be clearly designated in accordance with  
14 the requirements of any applicable protective order,  
15 and the sealed envelope in which the confidential  
16 documents are enclosed shall clearly indicate the  
17 appropriate docket number and subject; and
- 18 (6) Electronic documents shall be named using the filing  
19 party's name, docket number, date of filing, and name  
20 of document as part of the document title.



1           Upon final adoption of rules pursuant to chapter 91, the  
2 rules of the commission governing submission or filing of  
3 electronic documents shall supersede the provisions of this  
4 subsection.

5           (c) No later than July 1, 2013, the public utilities  
6 commission shall accept any application, complaint, pleading,  
7 brief, or other document required to be filed with the  
8 commission pursuant to this chapter as either a paper document  
9 or an electronic document.

10          (d) If a signature is required on any document submitted  
11 electronically pursuant to this section, that requirement shall  
12 be satisfied by the inclusion of an electronic signature.  
13 Chapter 489E shall apply to all electronic documents submitted  
14 pursuant to this section.

15          (e) Communications, correspondence, and service of orders  
16 and other official documents shall be made upon the public  
17 utility, complainant, and any other party at the last recorded  
18 mailing or electronic mail address on file with the commission.  
19 Proof of service by certified or registered mail or by  
20 electronic transmission to the last known mailing or electronic  
21 mail address shall constitute a valid service of any



1 communication, correspondence, order, or other official  
2 document.

3 (f) A document filed by electronic means shall be  
4 equivalent to an original document for the purposes of this  
5 chapter."

6 SECTION 4. Section 271-4, Hawaii Revised Statutes, is  
7 amended by adding a new definition to be appropriately inserted  
8 and to read as follows:

9 "Document" includes any application, complaint, pleading,  
10 brief, answer, motion, memorandum, declaration, exhibit,  
11 certificate of service, and other papers filed by or with the  
12 commission."

13 SECTION 5. Section 271-26.5, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "[+]§271-26.5[+] **Change of address; responsibility;**  
16 **service of [~~orders-~~ documents.** A motor carrier shall have,  
17 maintain and operate from a definite place of business in the  
18 State and shall display therein the certificate or permit issued  
19 by the public utilities commission. The certificate or permit  
20 holder shall report any change of address or telephone number to  
21 the commission within five business days from [~~such~~] the change.



1 Communications, correspondence [~~and~~], service of orders, and  
2 other official documents shall be made upon the [~~certificate or~~  
3 ~~permit holder~~] motor carrier, complainant, and any other party  
4 at the last recorded mailing or electronic mail address on file  
5 with the commission. Proof of service by certified or  
6 registered mail or by electronic transmission to the last known  
7 mailing or electronic mail address shall constitute a valid  
8 service of any commission's [~~order.~~] official document."

9 SECTION 6. Section 271G-5, Hawaii Revised Statutes, is  
10 amended by adding a new definition to be appropriately inserted  
11 and to read as follows:

12 "Document" includes any application, complaint, pleading,  
13 brief, answer, motion, memorandum, declaration, exhibit,  
14 certificate of service, and other papers filed by or with the  
15 commission."

16 SECTION 7. Section 271G-7.5, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "**§271G-7.5 Electronic copies of documents.** (a) No later  
19 than July 1, 2011, the public utilities commission shall accept  
20 from any person who submits a document to the commission the  
21 original or one electronic copy of each application, complaint,



1 pleading, brief, or other document required to be filed with the  
2 commission pursuant to this chapter, and the consumer advocate  
3 shall accept service of one paper or electronic copy of each  
4 application, complaint, pleading, brief, or other document filed  
5 with the commission.

6 (b) The commission shall adopt rules pursuant to chapter  
7 91 to effectuate the purposes of this section. Until the final  
8 adoption by the commission of rules governing the electronic  
9 filing of documents with the commission, the following  
10 requirements shall apply to all documents submitted to the  
11 commission pursuant to this section; provided that additional  
12 requirements with regard to document format may be established  
13 by the commission through written guidelines:

14 (1) Unless otherwise required by this chapter or the  
15 guidelines of the commission, each person who submits  
16 or files an application, complaint, pleading, brief,  
17 or other document shall submit to or file with the  
18 commission an original or one electronic copy of each  
19 document and shall serve one paper or electronic copy  
20 of each document on the consumer advocate;



- 1 (2) All paper documents submitted to or filed with the  
2 commission shall be printed on one side of the page  
3 only and, if practicable, in portrait orientation;
- 4 (3) Original paper documents submitted to or filed with  
5 the commission shall not be stapled but shall be  
6 clipped together or placed in a clearly marked three-  
7 ring binder, as appropriate;
- 8 (4) All paper documents filed or submitted to the  
9 commission shall include appropriately labeled  
10 separator pages in addition to tabbed dividers, as  
11 applicable;
- 12 (5) All confidential documents filed under confidential  
13 seal shall be clearly designated in accordance with  
14 the requirements of any applicable protective order,  
15 and the sealed envelope in which the confidential  
16 documents are enclosed shall clearly indicate the  
17 appropriate docket number and subject; and
- 18 (6) Electronic documents shall be named using the filing  
19 party's name, docket number, date of filing, and name  
20 of document as part of the document title.



1           Upon final adoption of rules pursuant to chapter 91, the  
2 rules of the commission governing submission or filing of  
3 electronic documents shall supersede the provisions of this  
4 subsection.

5           (c) No later than July 1, 2013, the public utilities  
6 commission shall accept any application, complaint, pleading,  
7 brief, or other document required to be filed with the  
8 commission pursuant to this chapter as either a paper document  
9 or an electronic document.

10          (d) If a signature is required on any document submitted  
11 electronically pursuant to this section, that requirement shall  
12 be satisfied by the inclusion of an electronic signature.  
13 Chapter 489E shall apply to all electronic documents submitted  
14 pursuant to this section.

15          (e) Communications, correspondence, and service of orders  
16 and other official documents shall be made upon the water  
17 carrier, complainant, and any other party at the last recorded  
18 mailing or electronic mail address on file with the commission.  
19 Proof of service by certified or registered mail or by  
20 electronic transmission to the last known mailing or electronic  
21 mail address shall constitute a valid service of any



1 communication, correspondence, order, or other official  
2 document."

3 SECTION 8. Section 271G-8, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "[+]§271G-8[+] Reports and decisions of commission.  
6 Whenever the public utilities commission inquires into the  
7 operations, operating rights, rates, safety of operations, or  
8 directs inquiry and investigation into water carrier activities  
9 regulated under this chapter, and holds public hearing thereon,  
10 it shall make a report in writing, on paper or an electronic  
11 copy, in respect thereto, [~~which~~] that shall state its findings  
12 of fact and conclusions of law, together with its decision,  
13 order, or requirement in the premises. The provisions of  
14 chapter 91 shall apply."

15 SECTION 9. Section 271G-19, Hawaii Revised Statutes, is  
16 amended by amending subsection (e) to read as follows:

17 "(e) In addition to any other remedy available, the  
18 commission or its enforcement officer may issue citations to  
19 persons acting in the capacity of or engaging in the business of  
20 a water carrier within the State, without having a certificate  
21 of public convenience and necessity or other authority



1 previously obtained under and in compliance with this chapter  
2 and the rules adopted thereunder[-], as follows:

3 (1) The citation may contain an order of abatement and an  
4 assessment of civil penalties of not less than \$100  
5 nor more than \$500 for each offense and, in the case  
6 of a continuing violation, not less than \$200 nor more  
7 than \$500 for each day that uncertified activity  
8 continues. All penalties collected under this  
9 subsection shall be deposited in the treasury of the  
10 State. Service of a citation issued under this  
11 subsection shall be made by personal service [~~whenever~~  
12 ~~possible, or by~~]; electronic service; certified mail,  
13 restricted delivery, sent to the last known business  
14 or residence address; or electronic mail to the  
15 address of the person cited[-];

16 (2) Any person served with a citation under this  
17 subsection may submit a written request, on paper or  
18 electronically, to the commission for a hearing within  
19 twenty days from the receipt of the citation, with  
20 respect to the violations alleged, the scope of the  
21 order of abatement, and the amount of civil penalties



1           assessed. If the person cited under this subsection  
2           timely notifies the commission of the request for a  
3           hearing, the commission shall afford an opportunity  
4           for a hearing under chapter 91. The hearing shall be  
5           conducted by the commission, or the commission may  
6           designate a hearings officer to hold the hearing[-];

- 7           (3) If the person cited under this subsection does not  
8           submit a written request, on paper or electronically,  
9           to the commission for a hearing within twenty days  
10          from the receipt of the citation, the citation shall  
11          be deemed a final order of the commission. The  
12          commission may apply to the appropriate court for a  
13          judgment to enforce the provisions of any final order  
14          issued by the commission or designated hearings  
15          officer pursuant to this subsection, including the  
16          provisions for abatement and civil penalties imposed.  
17          In any proceeding to enforce the provisions of the  
18          final order of the commission or designated hearings  
19          officer, the commission need only show that the notice  
20          was given, a hearing was held, or the time granted for  
21          requesting the hearing has run without a request, and



1 a certified copy of the final order of the commission  
2 or designated hearings officer[-]; and

3 (4) If any party is aggrieved by the decision of the  
4 commission or the designated hearings officer, the  
5 party may appeal, subject to chapter 602, in the  
6 manner provided for civil appeals from the circuit  
7 courts; provided that the operation of an abatement  
8 order shall not be stayed on appeal unless  
9 specifically ordered by a court of competent  
10 jurisdiction after applying the stay criteria  
11 enumerated in section 91-14(c). [~~The~~]

12 The sanctions and disposition authorized under this subsection  
13 shall be separate and in addition to all other remedies, either  
14 civil or criminal, provided in any other applicable statutory  
15 provision. The commission may adopt rules under chapter 91 as  
16 may be necessary to fully effectuate this subsection."

17 SECTION 10. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 11. This Act shall take effect upon its approval.



S.B. NO.

1327  
S.D. 1  
H.D. 1  
C.D. 1

APPROVED this **3rd** day of **July**, 2023

A handwritten signature in cursive script, appearing to read "Josh Green".

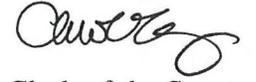
GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAI'I**

Date: May 2, 2023  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.

  
President of the Senate

  
Clerk of the Senate

SB No. 1327, SD 1, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2023  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives