



GOV. MSG. NO. 1218

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

June 27, 2024

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

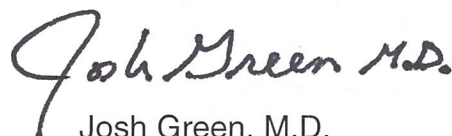
Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 27, 2024, the following bill was signed into law:

SB3220 SD2 HD2 CD1

RELATING TO MOTOR CARRIERS.
ACT 117

Sincerely,



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

on JUN 27 2024

ACT 117

THE SENATE
THIRTY-SECOND LEGISLATURE, 2024
STATE OF HAWAII

S.B. NO. 3220
S.D. 2
H.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO MOTOR CARRIERS.

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

1 SECTION 1. Section 269-1, Hawaii Revised Statutes, is
2 amended by amending the definition of "enforcement officer" to
3 read as follows:

4 "Enforcement officer" means any person employed and
5 authorized by the commission to investigate any matter on behalf
6 of the commission. [~~The term also means a motor vehicle safety~~
7 ~~officer employed and assigned, pursuant to section 271-38, by~~
8 ~~the department of transportation to enforce sections 271-8, 271-~~
9 ~~12, 271-13, 271-19, and 271-29 through assessment of civil~~
10 ~~penalties as provided in section 271-27(h), (i), and (j).]~~

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

13 1. By adding a new definition to be appropriately inserted
14 and to read:

15 "Department" means the department of transportation."

16 2. By amending the definition of "enforcement officer" to
17 read:

18 "Enforcement officer" means [any]:



- 1 (1) Any person employed and authorized by the [~~commission~~]
2 department to investigate any matter on behalf of the
3 [~~commission. The term also means a~~] department; and
- 4 (2) A motor vehicle safety officer employed and assigned,
5 pursuant to section 271-38, by the department [~~of~~
6 ~~transportation~~] to enforce [~~sections 271-8, 271-12,~~
7 ~~271-13, 271-19, and 271-29 through the assessment of~~
8 ~~civil penalties as provided in section 271-27(h), (i),~~
9 ~~and (j).~~] this chapter."

10 SECTION 3. Section 271-27, Hawaii Revised Statutes, is
11 amended as follows:

12 1. By amending subsection (c) to read:

13 "(c) Any special agent, accountant, or examiner who
14 knowingly and wilfully divulges any fact or information which
15 may come to the special agent's, accountant's, or examiner's
16 knowledge during the course of any examination or inspection
17 made under authority of sections 271-9(a)(4), 271-23, and 271-
18 25, except as the special agent, accountant, or examiner may be
19 directed by the [~~commission~~] department or by a court or judge
20 thereof, shall be guilty of a misdemeanor."

21 2. By amending subsections (f) through (j) to read:



1 "(f) Any motor carrier or any officer, agent, employee, or
2 representative thereof, who wilfully fails or refuses to make a
3 report to the [~~commission~~] department as required by this
4 chapter, or to make specific and full, true, and correct answer
5 to any question within thirty days from the time it is lawfully
6 required by the [~~commission,~~] department, or to keep accounts,
7 records, and memoranda in the form and manner prescribed by the
8 [~~commission,~~] department, or knowingly and wilfully falsifies,
9 destroys, mutilates, or alters any report, account, record, or
10 memorandum or knowingly and wilfully files with the [~~commission~~]
11 department any false report, account, record, or memorandum, or
12 knowingly and wilfully neglects or fails to make full, true, and
13 correct entries in the accounts, records, or memoranda of all
14 facts and transactions appertaining to the business of the
15 carrier, or person required under this chapter to keep the same,
16 or knowingly and wilfully keeps accounts, records, or memoranda
17 contrary to the rules, regulations, or orders of the
18 [~~commission~~] department with respect thereto, shall be deemed
19 guilty of a misdemeanor. As used in this subsection, the words
20 "keep" and "kept" mean made, prepared, or compiled, as well as
21 retained.



1 (g) Except when required by state law to take immediately
2 before a district judge a person arrested for violation of this
3 chapter, including any rule adopted pursuant to this chapter,
4 any enforcement officer, other than a motor vehicle safety
5 officer employed and assigned, pursuant to section 271-38, by
6 the department [~~of transportation~~] to assess civil penalties,
7 upon arresting a person for violation of this chapter, including
8 any rule adopted pursuant to this chapter shall issue to the
9 alleged violator a summons or citation printed in the form
10 hereinafter described, warning the alleged violator to appear
11 and answer to the charge against the alleged violator at a
12 certain place within seven days after the arrest.

13 (1) The summons or citation shall be printed in a form
14 comparable to that of other summonses and citations
15 used for arresting offenders and shall include all
16 necessary information. The form and content shall be
17 adopted or prescribed by the district courts.

18 (2) The original of a summons or citation shall be given
19 to the alleged violator and any other copies
20 distributed in the manner prescribed by the district
21 courts; provided that the district courts may



- 1 prescribe alternative methods of distribution for the
2 original and any other copies.
- 3 (3) Summonses and citations shall be consecutively
4 numbered and any other copies of each shall bear the
5 same number.
- 6 (4) Any person who fails to appear at the place and within
7 the time specified in the summons or citation shall be
8 guilty of a misdemeanor.
- 9 (5) If any person fails to comply with a summons or
10 citation or fails or refuses to deposit bail as
11 required, the enforcement officer shall cause a
12 complaint to be entered against the person and secure
13 the issuance of a warrant for the person's arrest.
- 14 (6) When a complaint is made to any prosecuting officer of
15 a violation of this chapter or any rule, the
16 enforcement officer who issued the summons or citation
17 shall subscribe to it under oath administered by
18 another official whose name has been submitted to the
19 prosecuting officer and who has been designated by the
20 [~~commission~~] department to administer the same.



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]~~ the person, who engages the services of any motor carrier
7 or 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 for an amount determined by the
11 ~~[commission]~~ department subject to this section payable to the
12 State in a sum:

- 13 (1) Up to \$1,000 for each offense;
- 14 (2) In the case of a continuing violation, not less than
15 \$50 and not more than \$500 for each additional day
16 during which the failure or refusal continues; and
- 17 (3) Up to \$5,000 for each fourth or subsequent violation
18 within one calendar year.
- 19 (i) Notwithstanding subsection (h), a motor carrier who
20 fails to file, within the prescribed time, a financial report
21 with the ~~[commission]~~ department pursuant to its rules may be



1 assessed a civil penalty payable to the State up to the sum of
2 one-sixteenth of one per cent of the gross revenues from the
3 motor carrier's business during the preceding calendar year, if
4 the failure is for not more than one month, with an additional
5 one-sixteenth of one per cent for each additional month or
6 fraction thereof during which the failure continues, but in no
7 event shall the total civil penalty be less than the sum of \$50.

8 (j) In addition to any other remedy available, the
9 [~~commission~~] department or its enforcement officer, including a
10 motor vehicle safety officer employed and assigned by the
11 department [~~of transportation~~] pursuant to section 271-38, may
12 issue citations to persons acting in the capacity of or engaging
13 in the business of a motor carrier within this State, without
14 having a certificate of public convenience and necessity or
15 other authority previously obtained under and in compliance with
16 this chapter and rules adopted, or to any shipper or consignee
17 located in this State, or any officer, employee, agent, or
18 representative thereof who engages the services of those
19 persons.

20 (1) The citation may contain an order of abatement and an
21 assessment of civil penalties as provided in



1 subsection (h). All penalties collected under this
2 subsection shall be deposited in the treasury of the
3 State. Service of a citation issued under this
4 subsection shall be made by personal service whenever
5 possible or by certified mail, restricted delivery,
6 sent to the last known business or residence address
7 of the person cited.

8 (2) Any person served with a citation under this
9 subsection may submit a written request to the
10 [~~commission~~] department for a hearing within twenty
11 days from the receipt of the citation, with respect to
12 the violations alleged, the scope of the order of
13 abatement, and the amount of civil penalties assessed.
14 If the person cited under this subsection notifies the
15 [~~commission~~] department of the request for a hearing
16 in time, the [~~commission~~] department shall afford the
17 person an opportunity for a hearing under chapter 91.
18 The hearing shall be conducted by the [~~commission,~~]
19 department, or the [~~commission~~] department may
20 designate a hearings officer to hold the hearing.



- 1 (3) If the person cited under this subsection does not
2 submit a written request to the [~~commission~~]
3 department for a hearing in time, the citation shall
4 be deemed a final order of the [~~commission~~]
5 department. The [~~commission~~] department may apply to
6 the appropriate court for a judgment to enforce the
7 provisions of any final order issued by the
8 [~~commission~~] department or designated hearings officer
9 pursuant to this subsection, including the provisions
10 for abatement and civil penalties imposed. In any
11 proceeding to enforce the final order, the
12 [~~commission~~] department need only produce a certified
13 copy of the final order and show that the notice was
14 given and that a hearing was held or the time granted
15 for requesting the hearing has run without a request.
- 16 (4) If any party is aggrieved by the decision of the
17 [~~commission~~] department or the designated hearings
18 officer, the party may appeal, subject to chapter 602,
19 in the manner provided for civil appeals from the
20 circuit courts; provided that the operation of an
21 abatement order shall not be stayed on appeal unless



1 specifically ordered by a court of competent
2 jurisdiction after applying the stay criteria
3 enumerated in section 91-14(c). The sanctions and
4 disposition authorized under this subsection shall be
5 separate and in addition to all other remedies either
6 civil or criminal provided by law. The [~~commission~~
7 department] may adopt any rules under chapter 91 that
8 may be necessary to fully effectuate this subsection."

9 SECTION 4. Section 271-37, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "[~~+~~]§271-37 [~~+~~] Attorney general; aid in enforcement. Upon
12 written request of the [~~public utilities commission,~~
13 department], the attorney general shall prosecute all violations
14 on behalf of the [~~commission~~] department for the enforcement of
15 the provisions of this chapter."

16 SECTION 5. Section 271-38, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "§271-38 Enforcement. [~~At the request of the public~~
19 ~~utilities commission, the department of transportation]~~ The
20 department shall assign a motor vehicle safety officer employed
21 by the department [~~of transportation]~~ to assist in the



1 enforcement of [~~sections 271-8, 271-12, 271-13, 271-19, and 271-~~
2 ~~29, through the assessment of civil penalties as provided in~~
3 ~~section 271-27(h), (i), and (j).~~] this chapter."

4 SECTION 6. The full transfer of enforcement
5 responsibilities of the motor carrier law from the public
6 utilities commission to the department of transportation
7 pursuant to this Act shall be completed before December 31,
8 2024.

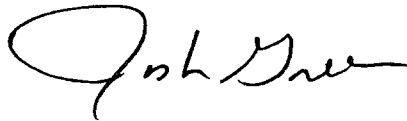
9 SECTION 7. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 8. This Act shall take effect on July 1, 2024.



S.B. NO. 3220
S.D. 2
H.D. 2
C.D. 1

APPROVED this **27th** day of **June**, 2024


A handwritten signature in black ink, appearing to read "Josh Green". The signature is fluid and cursive, with a large initial "J" and a long horizontal stroke at the end.

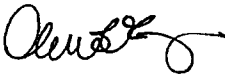
GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI'I

Date: May 1, 2024
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 2024.


President of the Senate


Clerk of the Senate

SB No. 3220, SD 2, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2024
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 2024.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives