

ACT 55

H. B. NO. 306

A Bill for an Act Relating to Public Utilities and Providing for the Regulation of Water Carriers and Deleting Superseded Motor Carrier Provisions in Chapter 269, Hawaii Revised Statutes.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 269-20 of the Hawaii Revised Statutes is hereby amended to read as follows:

“Certificates of public convenience and necessity for water carriers.

(a) No person which holds itself out to the general public to engage in the transportation by water of passengers or property or any class or classes

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thereof for compensation, between points in the State of Hawaii, shall operate unless there is in force with respect to such carrier a certificate of public convenience and necessity issued by the commission authorizing such transportation; provided, that this section shall not apply to any carrier by water to the extent that the carrier is excluded from the definition of a public utility under Section 269-1 (5).

(b) Applications for certificates shall be made in writing under oath to the commission in such form as it requires.

(c) A certificate shall be issued to any qualified applicant therefor, authorizing the whole or any part of the operations covered by the application, if it is found that the applicant is fit, willing, and able properly to perform the service proposed and to conform to the provisions of this chapter and the requirements, rules and regulations of the commission thereunder, and that the proposed service, to the extent authorized by the certificate, is or will be required by the present or future public convenience and necessity; otherwise such application shall be denied. Any certificate issued shall specify the service to be rendered and the routes and ports which the water carrier is to serve and there shall be attached to the exercise of the privileges granted by the certificate, at the time of issuance and from time to time thereafter, such reasonable conditions and limitations as the public convenience and necessity may require. If any such carrier was in bona fide operation on the effective date of this section, the commission shall issue such certificate without requiring further proof that public convenience and necessity will be served by such operation, and without further proceedings, if application for such certificate is made to the commission within ninety days after the effective date of this section; pending the issuance of such certificate, the continuance of such operation shall be lawful.

(d) The commission may at any time suspend, change or revoke such certificate in the manner provided in section 271-19."

SECTION 2. Sections 269-21 and 269-22 of the Hawaii Revised Statutes are hereby repealed.

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

(Approved June 10, 1969.)