

ACT 119

H.B. NO. 1667

A Bill for an Act Relating to Motor Carrier Safety Law.

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

**SECTION 1. Purpose.** The purpose of this Act is to clarify the applicability of the motor carrier safety law to certain private carriers of passengers and to authorize the issuance of summonses and citations to enforce compliance with the motor carrier safety law.

**SECTION 2.** Section 286-201, Hawaii Revised Statutes, is amended by amending the definition of “motor carrier” to read:

“(4) “Motor Carrier” as used in this part means a common carrier by motor vehicle, a contract carrier by motor vehicle, or a private carrier by motor vehicle, all as defined in section 271-4. any person who owns a motor vehicle used in, or who engages in the transportation of persons or property by motor vehicle on the public highways in the furtherance of any commercial, industrial or educational enterprise.”

SECTION 3. Section 286-207, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 286-207 Exemptions, certain vehicles.** This part shall not apply to the following vehicles, if such vehicles are in compliance with safety ordinances and rules of the county in which they operate and other applicable state safety laws and rules:

- (1) The type of passenger carrying vehicle known as a “sampan bus” within a radius of twenty miles from the City of Hilo, Hawaii;
- (2) Station wagons for the carriage of property;
- (3) Trucks, truck trailers, trailers or other non-passenger carrying equipment having a gross vehicle weight rating of 10,000 pounds or less;
- (4) Taxicabs as described in section 271-5(3) (B);
- (5) Passenger carrying vehicles with a seating capacity of nine or less used for the transportation of employees to and from the jobsite;
- (6) Passenger carrying vehicles used by employees solely for their own transportation to, from, and during work;
- (7) Passenger carrying vehicles with a gross vehicle weight of 10,000 pounds or less used in car or van pools for the movement of passengers to and from work;
- (8) A passenger carrying vehicle used for the transportation, without compensation, of persons for private, recreational or entertainment purposes;
- (9) A passenger carrying vehicle with a gross vehicle weight rating of 10,000 pounds or less used solely for the transportation, without compensation, of the vehicle owner, his family or guests;
- (10) A passenger carrying vehicle with a gross vehicle weight rating of 10,000 pounds or less used for the transportation, without compensation, of persons for the furtherance of their physical or mental rehabilitation or for social welfare activities.”

SECTION 4. Part 1 of Chapter 286, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read:

**“Sec. 286- Arrest or citation.** Except when required by State law to take immediately before a district judge a person arrested for violation of any provision of this chapter, including any rule adopted pursuant to this chapter, any person authorized to enforce the provisions of this chapter, hereinafter referred to as enforcement officer, upon arresting a person for violation of any provision of this chapter, including any rule adopted pursuant to this chapter shall issue to the alleged violator a summons or citation printed in the form hereinafter described, warning him to appear and answer to the charge against him at a certain place and at a time within seven days after such arrest.

The summons or citation shall be printed in a form comparable to the form of other summonses and citations used for arresting offenders and shall be designed to provide for inclusion of all necessary information. The form and content of such summons or citation shall be adopted or prescribed by the district courts.

The original of a summons or citation shall be given to the alleged violator and the other copy or copies distributed in the manner prescribed by the district courts; provided that the district courts may prescribe alternative methods of distribution of

## ACT 119

the original and any other copy.

Summonses and citations shall be consecutively numbered and the carbon copy or copies of each shall bear the same number.

Any person who fails to appear at the place and within the time specified in the summons or citation issued to him by the enforcement officer upon his arrest for violation of any provision of this chapter, including any rule adopted pursuant to this chapter, shall be guilty of a misdemeanor.

If any person fails to comply with a summons or citation issued to such person, or if any person fails or refuses to deposit bail as required, the enforcement officer shall cause a complaint to be entered against such person and secure the issuance of a warrant for his arrest.

When a complaint is made to any prosecuting officer of the violation of any provision of this chapter, including any rule adopted hereunder, the enforcement officer who issued the summons or citation shall subscribe to it under oath administered by another official of the department of transportation whose name has been submitted to the prosecuting officer and who has been designated by the director to administer the same.”

SECTION 5. The statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 6. This Act shall take effect upon its approval.

(Approved May 25, 1979.)

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\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.