

ACT 127

H.B. NO. 181

A Bill for an Act Relating to Motor Carrier Law.

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

SECTION 1. Section 271-32, Hawaii Revised Statutes, is amended to read:

“Sec. 271-32 Reconsideration and rehearings. (a) After any order or decision has been made by the public utilities commission, any party to the proceeding may apply once for reconsideration or a rehearing in respect to any matter determined in the proceeding and specified in the motion for reconsideration or rehearing. The commission may grant the motion if in its judgment sufficient reason is made to appear.

(b) The motion for reconsideration or a rehearing shall be filed within ten days after the decision and order has been served and shall set forth specifically the ground or grounds on which the applicant considers the decision or order to be unlawful. No person shall in any court urge or rely on any ground not so set forth in the motion. If a motion for reconsideration is filed from a final decision and order granting a change in rates, the commission's order granting the change in rates shall be automatically stayed until the commission renders its final determination on the motion; provided, however, that: (1) the motion will be deemed denied if the commission does not issue its final determination within twenty days from the filing date of the motion for reconsideration; and (2) no change in any rate, fare or charge shall go into effect while a motion for reconsideration or rehearing is pending notwithstanding the provisions of section 271-20(e). The commission set aside the automatic stay for good cause shown.

(c) A motion for reconsideration or rehearing shall not excuse any person from complying with and obeying any order or decision, or any requirement of any order or decision of the commission theretofore made, or operate in any manner to stay or postpone the enforcement thereof, except in such cases and upon such terms as the commission by order directs.

(d) If, after reconsideration or rehearing the commission is of the opinion that the original order or decision, or any part thereof, is in any respect unjust or unwarranted, or should be changed, the commission may abrogate, change, or modify it. The order or decision abrogating, changing, or modifying the original order or decision shall have the same force and effect as an original order or decision, but shall not affect any right or the enforcement of any right arising from or by virtue of the original order or decision unless so ordered by the commission.

(e) An appeal shall lie to the supreme court from every order made by the commission which is final, or if preliminary is of the nature defined by section 91-14(a); provided, such order is made after reconsideration or rehearing or is the subject of a motion for reconsideration or rehearing which the commission has denied or with respect to which the commission has not issued a final determination within twenty days from the filing date of the motion. An appeal shall lie to the supreme court only by a person aggrieved in the contested case hearing provided for in this section in the manner and within the time provided by the rules of court for an appeal from a judgment of a circuit court.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.*

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

(Approved May 26, 1979.)

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