

ACT 191

H.B. NO. 311

A Bill for an Act Relating to Motor Carriers.

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

SECTION 1. Section 271-8.5, Hawaii Revised Statutes, is amended to read as follows:

“[ ~~§271-8.5~~ ] ~~Advertising~~, ~~aiding and abetting~~, ~~misdemeanor~~. (a) It [shall be unlawful] is a misdemeanor for any person, including a person who is exempt by section 271-5, to advertise as a motor carrier of passengers or property, unless such person holds a valid certificate or permit [under] required by this chapter [issued by the public utilities commission.] in the classification so advertised. The term “advertise”, as used in this section, includes but is not limited to, the issuance of any card, sign, or device to any person, the causing, permitting, or allowing of any sign or marking on or in any building or motor vehicle, or advertising in any newspaper or magazine, or advertising other than in-column listings in any directory [under a listing of motor common or contract carrier], or commercial broadcasting by airwave transmission, with or without any limiting qualification.

(b) A licensee may advertise in print or broadcast medium as defined in subsection (a) only if the licensee includes in the advertisement the licensee's applicable and current certificate or permit number and provides proof of the number's validity to the publisher or producer of the advertising medium. The publisher or producer of a print or broadcast advertising medium shall refuse to publish or broadcast an advertisement for a licensee who does not provide proof

of a current certificate or permit and who does not include a currently valid certificate or permit number in the advertisement.

(c) The publisher or producer of a print or broadcast advertising medium shall not be liable in any suit, action, or claim arising from its refusal to list or accept advertisements pursuant to subsection (b).

[(b) It shall be unlawful for any person to aid or abet an unlicensed or non-certificated motor carrier to evade this chapter or knowingly to combine or conspire with an unlicensed or non-certificated person, or to allow one's certificate or permit to be used by an unlicensed or non-certificated person, or to act as agent or partner or associate, or otherwise, of an unlicensed or non-certificated person, with the intent to evade this chapter.

(c) Any person violating the provisions of this section shall be guilty of a misdemeanor.]”

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

SECTION 3. This Act shall take effect November 1, 1985.

(Approved June 3, 1985.)