

## ACT 120

S.B. NO. 2309-86

A Bill for an Act Relating to Passenger Carriers.

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

SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§46- Public passenger vehicle regulation.** (a) The legislature finds and declares the following:

- (1) The orderly regulation of vehicular traffic on the streets and highways of Hawaii is essential to the welfare of the State and its people.
- (2) Privately-operated public passenger vehicle service provides vital transportation links within the State. Public passenger vehicle service operated in the counties and the city and county enables the State to provide the benefits of privately-operated, demand-responsive transportation services to its people and to persons who travel to the State for business or tourist purposes.
- (3) The economic viability and stability of privately-operated public passenger vehicle service is consequently a matter of statewide importance.
- (4) The policy of the State is to promote safe and reliable privately-operated public passenger vehicle service in order to provide the benefits of that service. In furtherance of this policy, the legislature recognizes and affirms that the regulation of privately-operated public passenger vehicle service is an essential governmental function.
- (5) The policy of the State is to require that counties regulate privately-operated public passenger vehicle service and not subject a county or a city and county or its officers to liability under the federal antitrust laws.

(b) Any other law to the contrary notwithstanding, where not within the jurisdiction of the public utilities commission, every county or city and county may provide rules to protect the public health, safety, and welfare by licensing, controlling, and regulating by ordinance or resolution, public passenger vehicle service operated within the jurisdiction of the county or city and county.

(c) Every county or city and county is empowered to regulate:

- (1) Entry into the business of providing public passenger vehicle service within the jurisdiction of that county or city and county.
- (2) The rates charged for the provision of public passenger vehicle service.
- (3) The establishment of stands to be employed by one or a limited number of providers of public passenger vehicle service.”

SECTION 2. New statutory material is underscored.<sup>1</sup>

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

(Approved May 6, 1986.)

**Note**

1. Edited pursuant to HRS §23G-16.5.