

ACT 75

H.B. NO. 2307

A Bill for an Act Relating to Public Utilities.

*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.** (a) It [is] shall be a misdemeanor for any person, including a person who is exempt [by] under section 271-5, to advertise as a motor carrier of passengers or property, unless [such] the person holds a valid certificate or permit required by this chapter [in] as to 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, or the causing, permitting, or allowing of any sign or marking on or in any building or motor vehicle, or the advertising in any newspaper [or], magazine, or advertising other than in-column listings in any directory, or the commercial broadcasting by airwave transmission[, with or without any limiting qualification].

(b) A licensee may advertise in print or broadcast medium as [defined] described 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] not publish or broadcast an advertisement for a licensee who does not provide proof of a current certificate or permit [and] or who does not include a currently valid certificate or permit number in the advertisement.

(c) Upon notice from the public utilities commission of the entry of a final order of the commission pursuant to chapter 91 or a judgment by a court of competent jurisdiction, that a person has advertised in violation of either subsection (a) or section 271-8, the public utility furnishing the telecommunications service shall disconnect that person's access to the telephone number or telecommunications service number contained in the advertisement or listing. A public utility complying with a notice to disconnect is immune from liability for damages resulting from its compliance.

(d) 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)."

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 Statutory material to be repealed is bracketed.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

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

(Approved May 27, 1992.)