

## ACT 199

S.B. NO. 3190

A Bill for an Act Relating to the Public Utilities Commission.

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

SECTION 1. Section 271-19, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) Certificates and permits shall be effective from the date specified therein, and shall remain in effect until suspended or terminated as herein provided. Any certificate or permit [~~may~~], upon application of the holder thereof, in the discretion of the public utilities commission, may be amended or revoked, in whole or in part. The commission [~~may~~], upon complaint or upon its own initiative, after notice and hearing, may suspend or revoke any certificate or permit, in part or in whole, if the holder thereof is found to be in violation of any of the provisions of this chapter; provided that [a]:

- (1) A motor carrier’s right to engage in transportation by virtue of any certificate or permit may be suspended by the commission immediately without hearing or other proceedings upon the carrier’s failure to comply, and until the carrier complies with sections 271-21(a), 271-22(a), 271-17 or Act 20, Special Session Laws of Hawaii 1977, or with any lawful order of the commission[-]; and
- (2) The commission shall revoke the certificate or permit of a holder that knowingly and wilfully engages the services of a driver not licensed under part XIII of chapter 286.”

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2. By amending subsection (c) to read:

“(c) No person whose certificate or permit is revoked shall be eligible to apply for a new certificate or permit until the expiration of two years~~[-];~~ provided that a person whose certificate or permit is revoked for knowingly and wilfully engaging the services of a driver not licensed under part XIII of chapter 286 shall not be eligible to apply for a new certificate or permit until the expiration of five years.”

SECTION 2. Section 271-38, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§271-38]]~~ **Enforcement.** At the request of the public utilities commission, the department of transportation shall assign a motor vehicle safety officer employed by the department of transportation to assist in the enforcement of sections 271-8, 271-12, 271-13, 271-19, and 271-29, through the assessment of civil penalties as provided in section 271-27(h), (i), and (j).”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved July 10, 2004.)