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# A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that transportation  
2 network companies are operating across the country, including in  
3 Hawaii, and that the public is receptive to this innovation in  
4 transportation. Transportation network companies have expanded  
5 transportation options for the benefit of society. They have  
6 also inspired persons providing more traditional modes of public  
7 transportation to modernize and enhance their delivery of  
8 transportation services to the public.

9           The legislature further finds that consumers must be  
10 afforded the protection of law when doing business with  
11 transportation network companies. Currently, transportation  
12 network companies are not licensed or regulated in Hawaii.  
13 Although transportation network companies may operate under a  
14 different business model for connecting customers with drivers,  
15 their primary service is that of a motor carrier - to transport  
16 passengers or property for compensation. Accordingly,  
17 transportation network companies must be subject to the same



1 regulations and governmental oversight applicable to other  
2 traditional motor carriers.

3       The legislature further finds that ensuring the  
4 availability and affordability of personal motor vehicle  
5 insurance policies and assigning the insurance risk where it  
6 belongs are of utmost importance. Because transportation  
7 network drivers provide transportation for compensation, they  
8 engage in commercial activity. Therefore, motor vehicles used  
9 by transportation network drivers must be insured under  
10 commercial motor vehicle insurance policies, at limits higher  
11 than the statutory minimum liability limits.

12       The purpose of this Act is to regulate transportation  
13 network companies and require transportation network drivers to  
14 obtain commercial motor vehicle insurance.

15       SECTION 2. Section 271-4, Hawaii Revised Statutes, is  
16 amended to read as follows:

17       "**§271-4 Definitions.** As used in this chapter:

- 18       (1) "Chapter" means the Motor Carrier Law.  
19       (2) "Commission" means the public utilities commission.  
20       (3) "Person" or "persons" means any individual, firm,  
21       copartnership, corporation, company, association, or



1 joint stock association; and includes any trustee,  
2 receiver, assignee, or personal representative  
3 thereof.

4 (4) "Certificate" means a certificate of public  
5 convenience and necessity issued under this chapter to  
6 common carriers by motor vehicle.

7 (5) "Permit" means a permit issued under this chapter to  
8 contract carriers by motor vehicle.

9 (6) "Transportation of persons" includes every service in  
10 connection with or incidental to the safety, comfort,  
11 or convenience of persons transported and the receipt,  
12 carriage, and delivery of these persons and their  
13 baggage.

14 (7) "Transportation of property" includes every service in  
15 connection with or incidental to the transportation of  
16 property, including in particular its receipt,  
17 delivery, elevation, transfer, carriage, ventilation,  
18 refrigeration, icing, dunnage, storage in transit,  
19 handling, and its consolidation for the purposes of  
20 forwarding within the State.



- 1           (8) "Motor vehicle" means any vehicle, machine, tractor,  
2                           trailer, or semitrailer propelled or drawn by  
3                           mechanical power and used upon the highways in the  
4                           transportation of passengers or property, or any  
5                           combination thereof determined by the commission, but  
6                           does not include any vehicle, locomotive, or car  
7                           operated exclusively on a rail or rails or a trolley  
8                           bus operated by electric power derived from a fixed  
9                           overhead wire, furnishing local passenger  
10                          transportation similar to street-railway service.
- 11           (9) "Highway" means the public roads, highways, streets,  
12                           and ways in this State.
- 13           (10) "Rates" includes rates, fares, tolls, rentals, and  
14                           charges of whatever kind and nature unless the context  
15                           indicates otherwise.
- 16           (11) "Common carrier by motor vehicle" means any person  
17                           which holds itself out to the general public to engage  
18                           in the transportation by motor vehicle of passengers  
19                           or property or any class or classes thereof for  
20                           compensation[-], including a transportation network  
21                           company and a transportation network driver.



- 1           (12) "Contract carrier by motor vehicle" means any person  
2           which engages in transportation by motor vehicle of  
3           passengers or property for compensation (other than  
4           transportation referred to in paragraph (11)) under  
5           continuing contracts with one person or a limited  
6           number of persons either (A) for the furnishing of  
7           transportation services through the assignment of  
8           motor vehicles for a continuing period of time to the  
9           exclusive use of each person served, or (B) for the  
10          furnishing of transportation services designed to meet  
11          the distinct need of each individual customer.
- 12          (13) "Motor carrier" includes both a common carrier by  
13          motor vehicle and a contract carrier by motor vehicle.
- 14          (14) "Private carrier of property by motor vehicle" means  
15          any person not included in the terms "common carrier  
16          by motor vehicle" or "contract carrier by motor  
17          vehicle", who or which transports by motor vehicle  
18          property of which the person is the owner, lessee, or  
19          bailee, when such transportation is for the purpose of  
20          sale, lease, rent, or bailment, or in the furtherance  
21          of any commercial enterprise.



- 1           (15) "Enforcement officer" means any person employed and  
2 authorized by the commission to investigate any matter  
3 on behalf of the commission. The term also means a  
4 motor vehicle safety officer employed and assigned,  
5 pursuant to section 271-38, by the department of  
6 transportation to enforce sections 271-8, 271-12, 271-  
7 13, 271-19, and 271-29 through the assessment of civil  
8 penalties as provided in section 271-27(h), (i), and  
9 (j).
- 10          (16) "Transportation network company" means any person that  
11 provides, coordinates, or maintains an online-enabled  
12 application or digital network used to connect  
13 customers with drivers of motor vehicles for the  
14 purpose of providing prearranged transportation of  
15 persons or prearranged transportation of property for  
16 compensation.
- 17          (17) "Transportation network driver" means any person who,  
18 at any time, uses a motor vehicle in connection with a  
19 transportation network company, and who is regulated  
20 by the counties in accordance with section 46-  
21 16.5(c)."



1 SECTION 3. Section 271-5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§271-5 Exemptions, generally. Notwithstanding any other  
4 provisions of this chapter, its contents shall not apply to:

5 (1) Persons transporting their own property where the  
6 transportation is in furtherance of a primary business  
7 purpose or enterprise of that person, except where the  
8 transportation is undertaken by a motor carrier to  
9 evade the regulatory purposes of this chapter;

10 (2) Persons operating motor vehicles when engaged in the  
11 transportation of school children and teachers to and  
12 from school, and to and from school functions;  
13 provided that these persons may engage in providing  
14 transportation at special rates for groups of persons  
15 belonging to an eleemosynary or benevolent  
16 organization or association domiciled in this State  
17 where the organization or association sponsors or is  
18 conducting a nonregular excursion; provided that  
19 whenever the persons engage in the transportation of  
20 persons other than those exempted in this paragraph,  
21 that portion of their operation shall not be exempt



1 from this chapter. Nothing in this paragraph shall be  
2 construed to authorize any person to engage in the  
3 transportation of persons, other than the  
4 transportation of persons exempted by the terms of  
5 this paragraph, without a permit or certificate issued  
6 by the commission authorizing such transportation;

- 7 (3) Persons operating taxicabs or other motor vehicles  
8 utilized in performing a bona fide taxicab service.

9 Persons performing a bona fide taxicab service  
10 includes providing transportation services to  
11 customers as transportation network drivers.

12 "Taxicab" includes:

- 13 (A) Any motor vehicle used in the movement of  
14 passengers on the public highways under the  
15 following circumstances, namely the passenger  
16 hires the vehicle on call or at a fixed stand,  
17 with or without baggage for transportation, and  
18 controls the vehicle to the passenger's  
19 destination;
- 20 (B) Any motor vehicle for hire having seating  
21 accommodations for eight or fewer passengers used





1 in the movement of passengers on the public  
2 highways that may, as part of a continuous trip,  
3 pick up or discharge passengers from various  
4 unrelated locations; provided that they shall be  
5 regulated by the counties in accordance with  
6 section 46-16.5(c); and provided further that  
7 this subparagraph shall not apply to any  
8 exclusive rights granted by the department of  
9 transportation for taxicab services at facilities  
10 under the department's control; and

11 (C) Any motor vehicle having seating accommodations  
12 for eight or fewer passengers used in the  
13 movement of passengers on the public highways  
14 between a terminal, i.e., a fixed stand, in the  
15 Honolulu district, as defined in section 4-1 and  
16 a terminal in a geographical district outside the  
17 limits of the Honolulu district, and vice versa,  
18 without picking up passengers other than at the  
19 terminals or fixed stands; provided that the  
20 passengers may be picked up by telephone call  
21 from their homes in the rural area or may be



1 unloaded at any point between the fixed stands or  
2 may be delivered to their homes in the rural  
3 area;

4 (4) Persons operating motor vehicles in the transportation  
5 of persons pursuant to a franchise from the  
6 legislature and whose operations are presently  
7 regulated under chapter 269;

8 (5) Nonprofit agricultural cooperative associations to the  
9 extent that they engage in the transportation of their  
10 own property or the property of their members;

11 (6) Persons operating motor vehicles specially constructed  
12 for the towing of disabled or wrecked vehicles but not  
13 otherwise used in the transportation of property for  
14 compensation or hire;

15 (7) Persons operating motor vehicles in the transportation  
16 of mail, newspapers, periodicals, magazines, messages,  
17 documents, letters, or blueprints;

18 (8) Persons operating funeral cars or ambulances;

19 (9) Persons operating motor vehicles in the transportation  
20 of garbage or refuse;



- 1           (10) Persons operating the type of passenger carrying motor  
2           vehicles known as "sampan buses" within the radius of  
3           twenty miles from the city of Hilo, Hawaii;
- 4           (11) Persons transporting unprocessed pineapple to a  
5           cannery, seed corn to a processing facility, or  
6           returning any containers used in such transportation  
7           to the fields;
- 8           (12) Sugar plantations transporting sugarcane, raw sugar,  
9           molasses, sugar by-products, and farming supplies for  
10          neighboring farmers pursuant to contracts administered  
11          by the United States Department of Agriculture;
- 12          (13) Persons engaged in the ranching or meat or feed  
13          business who transport cattle to slaughterhouses for  
14          hire where such transportation is their sole  
15          transportation for hire and where their earnings from  
16          the transportation constitute less than fifty per cent  
17          of their gross income from their business and the  
18          transportation for hire;
- 19          (14) Persons transporting unprocessed raw milk to  
20          processing plants and returning any containers used in  
21          such transportation to dairy farms for reloading;



- 1           (15) Persons transporting animal feeds to animal husbandry  
2           farmers and farming supplies directly to animal  
3           husbandry farmers and returning any containers used in  
4           such transportation to these sources of such feeds and  
5           supplies for reloading;
- 6           (16) Persons engaged in transporting not more than fifteen  
7           passengers between their places of abode, or termini  
8           near such places, and their places of employment in a  
9           single daily round trip where the driver is also on  
10          the driver's way to or from the driver's place of  
11          employment, but not including transportation network  
12          drivers;
- 13          (17) Persons transporting passengers without charge in  
14          motor vehicles owned or operated by such person, where  
15          such transportation is provided in conjunction with  
16          and in furtherance of a related primary business  
17          purpose or enterprise of that person, and such  
18          transportation is provided only directly to and from  
19          the place of business of such person, except that this  
20          exemption shall not apply to persons making any  
21          contract, agreement, or arrangement to provide,



1 procure, furnish, or arrange for transportation as a  
2 travel agent or broker or a person engaged in tour or  
3 sightseeing activities, nor shall this exemption apply  
4 where the transportation is undertaken by a person to  
5 evade the regulatory purposes of this chapter; and

6 (18) Persons conducting the type of county-regulated  
7 passenger carrying operation known as "jitney  
8 services". For the purposes of this paragraph,  
9 "jitney services" means public transportation services  
10 utilizing motor vehicles that have seating  
11 accommodations for six to twenty-five passengers,  
12 operate along specific routes during defined service  
13 hours, and levy a flat fare schedule."

14 SECTION 4. Section 271-8.5, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "**§271-8.5 Advertising.** (a) It shall be a misdemeanor for  
17 any person, including a person who is exempt under section 271-  
18 5, to advertise as a motor carrier of passengers or property,  
19 unless the person holds a valid certificate or permit required  
20 by this chapter as to the classification so advertised. The  
21 term "advertise", as used in this section, includes: the



1 issuance of any card, sign, or device to any person, or the  
2 causing, permitting, or allowing of any sign or marking on or in  
3 any building or motor vehicle, or the advertising in any  
4 newspaper, magazine, or advertising other than in-column  
5 listings in any directory, or the commercial broadcasting by  
6 airwave transmission, or any and all communications media[-];  
7 including offering motor carrier service through the Internet  
8 via an application or "app".

9 (b) A licensee [~~may advertise in print or broadcast medium~~  
10 ~~as described in subsection (a) only if the licensee includes in~~  
11 ~~the advertisement]~~ shall include in any form of advertising the  
12 licensee's applicable and current certificate or permit number  
13 [and provides proof of the number's validity to the publisher or  
14 producer of the advertising medium]. The publisher or producer  
15 of a print or broadcast advertising medium or transportation  
16 network company shall not publish or broadcast an advertisement  
17 or provide access for a licensee who does not provide proof of a  
18 current certificate or permit or who does not include a  
19 currently valid certificate or permit number in the  
20 advertisement.



1 (c) Upon notice from the public utilities commission of  
2 the entry of a final order of the commission pursuant to chapter  
3 91 or a judgment by a court of competent jurisdiction, that a  
4 person has advertised in violation of either subsection (a) or  
5 section 271-8, the public utility furnishing the  
6 telecommunications service or transportation network company  
7 shall disconnect that person's access to the application,  
8 telephone number, or telecommunications service number contained  
9 in the advertisement or listing. A public utility or  
10 transportation network company complying with a notice to  
11 disconnect is immune from liability for damages resulting from  
12 its compliance.

13 (d) The publisher or producer of a print or broadcast  
14 advertising medium, or transportation network company, shall not  
15 be liable in any suit, action, or claim arising from its refusal  
16 to list or accept advertisements pursuant to subsection (b)."

17 SECTION 5. Section 271-17, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "**§271-17 Security for protection of public.** No  
20 certificate or permit shall be issued to a motor carrier,  
21 including transportation network drivers, or remain in force



1 unless such carrier complies with such reasonable rules and  
2 regulations as the public utilities commission shall prescribe  
3 governing the filing and approval of surety bonds, policies of  
4 insurance, qualifications as a self-insurer, or other securities  
5 or agreements, in amounts required by section 431:10C-301(b) or  
6 in such [reasonable] greater amounts as the commission may  
7 require, [conditioned to pay within the amount of the surety  
8 agreements moneys finally recovered against the motor carrier]  
9 for bodily injuries to or the death of any person resulting from  
10 the negligent operation, maintenance, or use of motor vehicles  
11 under the certificate, or permit or for loss or damage to  
12 property of others. The commission may, in its discretion and  
13 under such rules and regulations as it shall prescribe, require  
14 any such carrier to file a surety bond, policies of insurance,  
15 qualifications as a self-insurer, or other securities or  
16 agreements in a sum to be determined by the commission to be  
17 conditioned upon the carrier making compensation to shippers or  
18 consignees for all property belonging to shippers or consignees,  
19 and coming into the possession of such carrier in connection  
20 with its transportation service. Any common carrier which may  
21 be required by law to compensate a shipper or consignee for any





1 loss, damage, or default for which a connecting motor common  
2 carrier is legally responsible shall be subrogated to the rights  
3 of such shipper or consignee under any such bond, policies of  
4 insurance, or other securities or agreements, to the extent of  
5 the sum so paid."

6 SECTION 6. Section 271-27, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "**§271-27 Unlawful operation.** (a) Any person  
9 intentionally, knowingly, or recklessly violating any provision  
10 of this chapter, or any rule, requirement, or order thereunder,  
11 or any term or condition of any certificate or permit for which  
12 a penalty is not otherwise provided, shall be guilty of a  
13 misdemeanor. In addition, any shipper or consignee located in  
14 this State, or any officer, employee, agent, or representative  
15 thereof, who intentionally, knowingly, or recklessly engages the  
16 services of any person violating any provision of this chapter,  
17 or any rule, requirement, or order, or any term or condition of  
18 any certificate or permit for which a penalty is not otherwise  
19 provided, shall be guilty of a misdemeanor. In addition, any  
20 company that solicits, contracts with, or hires drivers that the  
21 company knows, or has reason to know, are violating any



1 provision of this chapter, or any rule, requirement, or order,  
2 or any term or condition of any certificate or permit for which  
3 a penalty is not otherwise provided, shall be guilty of a  
4 misdemeanor.

5 (b) Any person, whether carrier, shipper, or consignee, or  
6 any officer, employee, agent, or representative thereof, who  
7 intentionally, knowingly, or recklessly offers, grants, or  
8 gives, or solicits, accepts, or receives any rebate, concession,  
9 or discrimination in violation of any provisions of this  
10 chapter, or who by means of any false statement or  
11 representation or by the use of any false or fictitious bill,  
12 bill of lading, receipt, voucher, roll, account, claim,  
13 certificate, affidavit, deposition, lease, or bill of sale, or  
14 by any other means or device, intentionally, knowingly, or  
15 recklessly assists, suffers, or permits any person or persons,  
16 natural or artificial, to obtain transportation of passengers or  
17 property subject to this chapter for less than the applicable  
18 rate, fare, or charge, or who intentionally, knowingly, or  
19 recklessly by any such means or otherwise fraudulently seeks to  
20 evade or defeat regulation as in this chapter provided for motor  
21 carriers, shall be deemed guilty of a misdemeanor.



1 (c) Any special agent, accountant, or examiner who  
2 knowingly and wilfully divulges any fact or information which  
3 may come to the special agent's, accountant's, or examiner's  
4 knowledge during the course of any examination or inspection  
5 made under authority of sections 271-9(a)(4), 271-23, and 271-  
6 25, except as the special agent, accountant, or examiner may be  
7 directed by the commission or by a court or judge thereof, shall  
8 be guilty of a misdemeanor.

9 (d) It shall be unlawful for any motor carrier or any  
10 officer, receiver, trustee, lessee, agent, or employee of the  
11 carrier, or for any other person authorized by such carrier or  
12 person to receive information, knowingly to disclose to, or  
13 permit to be acquired by any person other than the shipper or  
14 consignee without the consent of the shipper or consignee, any  
15 information concerning the nature, kind, quantity, destination,  
16 consignee, or routing of any property tendered or delivered to  
17 the motor carrier for transportation, which information may be  
18 used to the detriment or prejudice of the shipper or consignee,  
19 or which may improperly disclose the shipper's or consignee's  
20 business transactions to a competitor; and it shall also be



1 unlawful for any person to solicit or knowingly receive any such  
2 information which may be so used.

3 (e) Nothing in this chapter shall be construed to prevent  
4 the giving of such information in response to any legal process  
5 issued under the authority of any court, or to any officer or  
6 agent of the government of the United States or of any state or  
7 of any political subdivision of any state, in the exercise of  
8 the officer's or agent's power or to any officer or other duly  
9 authorized person seeking the information for the prosecution of  
10 persons charged with or suspected of crimes or to another  
11 carrier, or its duly authorized agents, for the purpose of  
12 adjusting mutual traffic accounts in the ordinary course of  
13 business of the carriers.

14 (f) Any motor carrier or any officer, agent, employee, or  
15 representative thereof, who wilfully fails or refuses to make a  
16 report to the commission as required by this chapter, or to make  
17 specific and full, true, and correct answer to any question  
18 within thirty days from the time it is lawfully required by the  
19 commission, or to keep accounts, records, and memoranda in the  
20 form and manner prescribed by the commission, or knowingly and  
21 wilfully falsifies, destroys, mutilates, or alters any report,



1 account, record, or memorandum or knowingly and wilfully files  
2 with the commission any false report, account, record, or  
3 memorandum, or knowingly and wilfully neglects or fails to make  
4 full, true, and correct entries in the accounts, records, or  
5 memoranda of all facts and transactions appertaining to the  
6 business of the carrier, or person required under this chapter  
7 to keep the same, or knowingly and wilfully keeps accounts,  
8 records, or memoranda contrary to the rules, regulations, or  
9 orders of the commission with respect thereto, shall be deemed  
10 guilty of a misdemeanor. As used in this subsection, the words  
11 "keep" and "kept" mean made, prepared, or compiled, as well as  
12 retained.

13 (g) Except when required by state law to take immediately  
14 before a district judge a person arrested for violation of this  
15 chapter, including any rule adopted pursuant to this chapter,  
16 any enforcement officer, other than a motor vehicle safety  
17 officer employed and assigned, pursuant to section 271-38, by  
18 the department of transportation to assess civil penalties, upon  
19 arresting a person for violation of this chapter, including any  
20 rule adopted pursuant to this chapter shall issue to the alleged  
21 violator a summons or citation printed in the form hereinafter



1 described, warning the alleged violator to appear and answer to  
2 the charge against the alleged violator at a certain place  
3 within seven days after the arrest.

4 (1) The summons or citation shall be printed in a form  
5 comparable to that of other summonses and citations  
6 used for arresting offenders and shall include all  
7 necessary information. The form and content shall be  
8 adopted or prescribed by the district courts.

9 (2) The original of a summons or citation shall be given  
10 to the alleged violator and any other copies  
11 distributed in the manner prescribed by the district  
12 courts; provided that the district courts may  
13 prescribe alternative methods of distribution for the  
14 original and any other copies.

15 (3) Summonses and citations shall be consecutively  
16 numbered and any other copies of each shall bear the  
17 same number.

18 (4) Any person who fails to appear at the place and within  
19 the time specified in the summons or citation shall be  
20 guilty of a misdemeanor.



1 (5) If any person fails to comply with a summons or  
2 citation or fails or refuses to deposit bail as  
3 required, the enforcement officer shall cause a  
4 complaint to be entered against the person and secure  
5 the issuance of a warrant for the person's arrest.

6 (6) When a complaint is made to any prosecuting officer of  
7 a violation of this chapter or any rule, the  
8 enforcement officer who issued the summons or citation  
9 shall subscribe to it under oath administered by  
10 another official whose name has been submitted to the  
11 prosecuting officer and who has been designated by the  
12 commission to administer the same.

13 (h) Any motor carrier, including a transportation network  
14 company driver, or lessor, or any officer, agent, employee,  
15 transportation network company, or representative thereof, who  
16 fails or refuses to comply with any provision of this chapter,  
17 or any rule, requirement, or order thereunder, and any person  
18 located in this State, or any officer, agent, employee, or  
19 representative of any such person, who engages the services of  
20 any motor carrier, including a transportation network company  
21 driver, or lessor, or any officer, agent, employee,



1 transportation network company, or representative thereof, who  
2 fails or refuses to comply with any provision of this chapter,  
3 or any rule, requirement, or order, may be assessed a civil  
4 penalty payable to the State in a sum:

- 5 (1) Up to [~~\$1,000~~] \$5,000 for each offense; and  
6 (2) In the case of a continuing violation, not less than  
7 [~~\$50~~], \$1,000 and not more than [~~\$500~~], \$5,000 for  
8 each additional day during which the failure or  
9 refusal continues.

10 (i) Notwithstanding subsection (h), a motor carrier who  
11 fails to file, within the prescribed time, a financial report  
12 with the commission pursuant to its rules may be assessed a  
13 civil penalty payable to the State up to the sum of one-  
14 sixteenth of one per cent of the gross revenues from the motor  
15 carrier's business during the preceding calendar year, if the  
16 failure is for not more than one month, with an additional one-  
17 sixteenth of one per cent for each additional month or fraction  
18 thereof during which the failure continues, but in no event  
19 shall the total civil penalty be less than the sum of \$50.

20 (j) In addition to any other remedy available, the  
21 commission or its enforcement officer, including a motor vehicle





1 safety officer employed and assigned by the department of  
2 transportation pursuant to section 271-38, may issue citations  
3 to persons acting in the capacity of or engaging in the business  
4 of a motor carrier within this State, without having a  
5 certificate of public convenience and necessity or other  
6 authority previously obtained under and in compliance with this  
7 chapter and rules adopted, or to any shipper or consignee  
8 located in this State, or any officer, employee, agent, or  
9 representative thereof who engages the services of those  
10 persons.

11 (1) The citation may contain an order of abatement and an  
12 assessment of civil penalties as provided in  
13 subsection (h). All penalties collected under this  
14 subsection shall be deposited in the treasury of the  
15 State. Service of a citation issued under this  
16 subsection shall be made by personal service whenever  
17 possible or by certified mail, restricted delivery,  
18 sent to the last known business or residence address  
19 of the person cited.

20 (2) Any person served with a citation under this  
21 subsection may submit a written request to the



1           commission for a hearing within twenty days from the  
2           receipt of the citation, with respect to the  
3           violations alleged, the scope of the order of  
4           abatement, and the amount of civil penalties assessed.  
5           If the person cited under this subsection notifies the  
6           commission of the request for a hearing in time, the  
7           commission shall afford the person an opportunity for  
8           a hearing under chapter 91. The hearing shall be  
9           conducted by the commission, or the commission may  
10          designate a hearings officer to hold the hearing.

11         (3) If the person cited under this subsection does not  
12          submit a written request to the commission for a  
13          hearing in time, the citation shall be deemed a final  
14          order of the commission. The commission may apply to  
15          the appropriate court for a judgment to enforce the  
16          provisions of any final order issued by the commission  
17          or designated hearings officer pursuant to this  
18          subsection, including the provisions for abatement and  
19          civil penalties imposed. In any proceeding to enforce  
20          the final order, the commission need only produce a  
21          certified copy of the final order and show that the



1 notice was given and that a hearing was held or the  
2 time granted for requesting the hearing has run  
3 without a request.

4 (4) If any party is aggrieved by the decision of the  
5 commission or the designated hearings officer, the  
6 party may appeal, subject to chapter 602, in the  
7 manner provided for civil appeals from the circuit  
8 courts; provided that the operation of an abatement  
9 order shall not be stayed on appeal unless  
10 specifically ordered by a court of competent  
11 jurisdiction after applying the stay criteria  
12 enumerated in section 91-14(c). The sanctions and  
13 disposition authorized under this subsection shall be  
14 separate and in addition to all other remedies either  
15 civil or criminal provided by law. The commission may  
16 adopt any rules under chapter 91 that may be necessary  
17 to fully effectuate this subsection.

18 (k) Any motor carrier, including a transportation network  
19 company driver, or lessor who violates any provision of this  
20 chapter shall have his, her, or its (as applicable) motor  
21 vehicle impounded until the violation is fully remedied to the



1 satisfaction of the commission. All enforcement officers shall  
2 be vested with the power to impound motor vehicles belonging to  
3 parties in violation of this chapter, and all associated costs  
4 shall be charged to the parties in violation of this chapter."

5 SECTION 7. Section 271-28, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "**§271-28 Collection of rates and charges.** No common  
8 carrier by motor vehicle shall deliver or relinquish possession  
9 at destination of any freight transported by it until all tariff  
10 rates and charges thereon have been paid, except under such  
11 rules and regulations as the public utilities commission may  
12 from time to time prescribe to govern the settlement of all the  
13 rates and charges, including rules and regulations for weekly or  
14 monthly settlement, and to prevent unjust discrimination or  
15 undue preference or prejudice; provided that this section shall  
16 not be construed to prohibit any carrier from extending credit  
17 in connection with rates and charges on freight transported for  
18 the United States, for any department, bureau, or agency  
19 thereof, or for any state or political subdivision thereof. In  
20 addition, no motor carrier, including a transportation network  
21 company, shall charge higher prices for transportation services,



1 based on the supply of available motor carriers at a moment in  
2 time, and the demand for motor carriers at said moment in time."

3 SECTION 8. Section 271-29, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**S271-29 Identification of carriers.** The public utilities  
6 commission is authorized, under such rules and regulations as it  
7 shall prescribe, to require the display of suitable  
8 identification number or numbers, upon any motor vehicle used in  
9 transportation subject to this chapter, and to provide for the  
10 issuance of numbers. Any substitution, transfer, or use of any  
11 identification number or numbers, except such as may be duly  
12 authorized by the commission, is prohibited and shall be  
13 unlawful. In addition, any motor vehicle being operated by a  
14 transportation network driver shall display the name or other  
15 mark of the transportation network company in a conspicuous  
16 place on the motor vehicle at all times."

17 SECTION 9. This Act does not affect rights and duties that  
18 matured, penalties that were incurred, and proceedings that were  
19 begun before its effective date.

20 SECTION 10. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



1 SECTION 11. This Act shall take effect upon its approval.

2

INTRODUCED BY: Clarence K. Fishikere



# S.B. NO. 1351

**Report Title:**

Transportation Network Companies; Regulation; Insurance

**Description:**

Regulates transportation network companies and requires transportation network drivers to obtain commercial motor vehicle insurance.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

