
A BILL FOR AN ACT

RELATING TO MOTOR CARRIERS.

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

1 SECTION 1. 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



1 whenever the persons engage in the transportation of
2 persons other than those exempted in this paragraph,
3 that portion of their operation shall not be exempt
4 from this chapter. Nothing in this paragraph shall be
5 construed to authorize any person to engage in the
6 transportation of persons, other than the
7 transportation of persons exempted by the terms of
8 this paragraph, without a permit or certificate issued
9 by the commission authorizing such transportation;

10 (3) Persons operating taxicabs or other motor vehicles
11 utilized in performing a bona fide taxicab service.

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
22 in the movement of passengers on the public



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

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



1 may be delivered to their homes in the rural
2 area;

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

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

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

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

17 (8) Persons operating funeral cars or ambulances;

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

20 ~~-(10)-~~ (9) Persons operating the type of passenger carrying
21 motor vehicles known as "sampan buses" within the
22 radius of twenty miles from the city of Hilo, Hawaii;



1 [~~(11)~~] (10) Persons transporting unprocessed pineapple to a
2 cannery, seed corn to a processing facility, or
3 returning any containers used in such transportation
4 to the fields;

5 [~~(12)~~] (11) Sugar plantations transporting sugarcane, raw
6 sugar, molasses, sugar by-products, and farming
7 supplies for neighboring farmers pursuant to contracts
8 administered by the United States Department of
9 Agriculture;

10 [~~(13)~~] (12) Persons engaged in the ranching or meat or feed
11 business who transport cattle to slaughterhouses for
12 hire where such transportation is their sole
13 transportation for hire and where their earnings from
14 the transportation constitute less than fifty per cent
15 of their gross income from their business and the
16 transportation for hire;

17 [~~(14)~~] (13) Persons transporting unprocessed raw milk to
18 processing plants and returning any containers used in
19 such transportation to dairy farms for reloading;

20 [~~(15)~~] (14) Persons transporting animal feeds to animal
21 husbandry farmers and farming supplies directly to
22 animal husbandry farmers and returning any containers



1 used in such transportation to these sources of such
2 feeds and supplies for reloading;

3 ~~[(16)]~~ (15) Persons engaged in transporting not more than
4 fifteen passengers between their places of abode, or
5 termini near such places, and their places of
6 employment in a single daily round trip where the
7 driver is also on the driver's way to or from the
8 driver's place of employment;

9 ~~[(17)]~~ (16) Persons transporting passengers without charge in
10 motor vehicles owned or operated by such person, where
11 such transportation is provided in conjunction with
12 and in furtherance of a related primary business
13 purpose or enterprise of that person, and such
14 transportation is provided only directly to and from
15 the place of business of such person, except that this
16 exemption shall not apply to persons making any
17 contract, agreement, or arrangement to provide,
18 procure, furnish, or arrange for transportation as a
19 travel agent or broker or a person engaged in tour or
20 sightseeing activities, nor shall this exemption apply
21 where the transportation is undertaken by a person to
22 evade the regulatory purposes of this chapter; and



Report Title:

Motor Carrier Law; Exemptions; Garbage or Refuse Transport

Description:

Repeals the exemption from the Motor Carrier Law for persons transporting garbage or refuse.

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

