
A BILL FOR AN ACT

RELATING TO THE PUBLIC UTILITIES COMMISSION.

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

1 SECTION 1. Chapter 271, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§271- Motor carrier investigative unit. (a) There is
5 established in the public utilities commission the motor carrier
6 investigative unit for the purposes set forth in this section.

7 (b) The unit shall conduct statewide investigations of
8 violations of all applicable provisions of this chapter,
9 including:

10 (1) Investigating any person acting in the capacity of or
11 engaging in the business of a motor carrier within the
12 State, without having a certificate of public
13 convenience and necessity or other authority
14 previously obtained under and in compliance with this
15 chapter or the rules adopted thereunder; and

16 (2) Notwithstanding any other law to the contrary,
17 investigating all complaints against parties involved
18 in the transportation of persons and property, for



1 commercial purposes, over the public highways of this
2 State.

3 (c) The unit may review and take appropriate action on
4 complaints relating to motor carriers.

5 (d) The unit shall employ or retain, by contract or
6 otherwise, attorneys, investigators, investigator assistants,
7 auditors, accountants, consultants, experts, and other
8 professional, technical, and support staff as necessary to
9 promote the effective and efficient conduct of the unit's
10 activities. The unit may hire these employees without regard to
11 chapter 76 or 89.

12 (e) Notwithstanding any other law to the contrary, an
13 attorney employed or retained by the unit may represent the
14 State in any criminal, civil, or administrative proceeding to
15 enforce all applicable state laws relating to motor carrier law,
16 including criminal prosecutions, disciplinary actions, and
17 actions for declaratory and injunctive relief. The attorney
18 general may designate an attorney as a special deputy attorney
19 general for the purposes of this subsection.

20 (f) Funding for the unit shall be made available from an
21 allocation under the public utilities commission special fund
22 established in section 269-33(a)."



1 SECTION 2. Section 269-33, Hawaii Revised Statutes, is
2 amended by amending subsections (a) and (b) to read as follows:
3 "(a) There is established in the state treasury a public
4 utilities commission special fund to be administered by the
5 public utilities commission. The proceeds of the fund shall be
6 used by the public utilities commission and the division of
7 consumer advocacy of the department of commerce and consumer
8 affairs for all expenses incurred in the administration of
9 chapters 269, 269E, 271, 271G, [~~269E7~~] and 486J; provided that
10 the expenditures of the public utilities commission shall be in
11 accordance with legislative appropriations. On a quarterly
12 basis, an amount not exceeding thirty per cent of the proceeds
13 remaining in the fund after the deduction for central service
14 expenses, pursuant to section 36-27, shall be allocated by the
15 public utilities commission to the division of consumer advocacy
16 and deposited in the compliance resolution fund established
17 pursuant to section 26-9(o); provided that all moneys allocated
18 by the public utilities commission from the fund to the division
19 of consumer advocacy shall be in accordance with legislative
20 appropriations. On an annual basis, an amount not exceeding
21 \$500,000 of the remaining funds shall be allocated by the public
22 utilities commission to the motor carrier investigative unit,



1 established pursuant to section 271- ; provided that all
2 moneys allocated by the public utilities commission from the
3 fund to the motor carrier investigative unit shall be used to
4 conduct statewide investigations of violations of all applicable
5 provisions of chapter 271.

6 (b) All moneys appropriated to, received, and collected by
7 the public utilities commission that are not otherwise pledged,
8 obligated, or required by law to be placed in any other special
9 fund or expended for any other purpose shall be deposited into
10 the public utilities commission special fund including, but not
11 limited to, all moneys received and collected by the public
12 utilities commission pursuant to sections 92-21, 269-28, 269-30,
13 269E-6, 269E-14, 271-27, 271-36, 271G-19, [269E-6, 269E-14,] and
14 607-5."

15 SECTION 3. Section 271-9, Hawaii Revised Statutes, is
16 amended as follows:

17 1. By amending subsection (a) to read:

18 "(a) The general duties and powers of the public utilities
19 commission shall be:

20 (1) To regulate common carriers by motor vehicle, and to
21 that end the commission shall establish reasonable
22 requirements with respect to continuous and adequate



1 service, leasing of motor vehicles, uniform system of
2 accounts, records, and reports, and preservation of
3 records[-];

4 (2) To regulate contract carriers by motor vehicle, and to
5 that end the commission shall establish reasonable
6 requirements with respect to leasing of motor
7 vehicles, uniform system of accounts, records, and
8 reports, and preservation of records[-];

9 (3) To administer, execute, and enforce this chapter, to
10 make all necessary orders in connection therewith, and
11 to prescribe rules, regulations, and procedures for
12 the administration[-];

13 (4) For purposes of the administration of this chapter, to
14 inquire into the management of the business of motor
15 carriers, and into the management of the business of
16 persons controlling, controlled by, or under common
17 control with, motor carriers to the extent that the
18 business of these persons is related to the management
19 of the business of one or more motor carriers, and the
20 commission shall keep itself informed as to the manner
21 and method in which the same are conducted, and may
22 obtain from the carriers and persons such information



1 as the commission deems necessary to carry out the
2 provisions of this chapter[-]; and

3 (5) To investigate through the motor carrier investigative
4 unit, any person acting in the capacity of or engaging
5 in the business of a motor carrier within the State,
6 without having a certificate of public convenience and
7 necessity or other authority previously obtained under
8 and in compliance with this chapter or the rules
9 [~~promulgated~~] adopted thereunder."

10 2. By amending subsection (c) to read:

11 "(c) Upon complaint in writing to the commission by any
12 person or body politic, or upon its own initiative without
13 complaint, the commission, through the motor carrier
14 investigative unit, may investigate whether any motor carrier
15 has failed to comply with any provision of this chapter, or with
16 any regulation, requirements, or order established or issued
17 pursuant thereto. If the commission, after notice and hearing
18 as prescribed in section 271-31, finds upon any investigation
19 that the motor carrier has failed to comply with any provision,
20 regulation, requirements, or order, the commission shall issue
21 an appropriate order to compel the carrier to comply therewith.
22 Whenever the commission is of the opinion that any complaint



1 does not state reasonable grounds for investigation and action
2 on its part, it may dismiss the complaint."

3 SECTION 4. There is appropriated out of the public
4 utilities commission special fund, established pursuant to
5 section 269-33, Hawaii Revised Statutes, the sum of \$500,000 or
6 so much thereof as may be necessary for fiscal year 2012-2013
7 for the motor carrier investigative unit to conduct statewide
8 investigations of violations of all applicable provisions of
9 chapter 271.

10 The sum appropriated shall be expended by the motor carrier
11 investigative unit for the purposes of this Act.

12 SECTION 5. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 6. This Act shall take effect on July 1, 2012.

15

INTRODUCED BY: Jim Luchi
Linda Ichiyama

JAN 13 2012



H.B. NO. 1742

Report Title:

Public Utilities Commission; Motor Carrier Investigative Unit

Description:

Creates the motor carrier investigative unit within the public utilities commission to conduct statewide investigations of violations of chapter 271, Hawaii Revised Statutes. Exempts persons within the unit from chapter 76, Hawaii Revised Statutes. Appropriates funds from the public utilities commission special fund to finance the motor carrier investigative unit. Effective July 1, 2012.

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

