
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 persons have engaged
2 in defrauding tourists by purporting to pick them up in vehicles
3 at popular Waikiki tourist venues and taking them to various
4 tourist sightseeing locations or activities, or transporting
5 them to other business locations. Typically a tourist is picked
6 up shortly ahead of scheduled pickups by a bona fide taxi or
7 tour operator. The tourist at times pays up to twice the amount
8 of travel fare and is sometimes promised refunds that are never
9 received. To make matters worse, some tourists are never picked
10 up for the return trip and are left stranded without
11 transportation back to their lodging accommodation.

12 The legislature further finds that this type of
13 unscrupulous activity by unconscionable people who would prey on
14 tourists casts a bad image on Hawaii and may lead to a downturn
15 in the economy. The legislature also finds that unscrupulous
16 and deceptive activities are conducted by drivers who are not
17 properly certified or licensed and drive vehicles that typically



1 fail to meet the public utilities commission's requirements and
2 other requirements.

3 The purpose of this Act is to address this unscrupulous
4 activity by modifying the relevant state of mind regarding the
5 unlawful operation of motor carriers from "knowingly and
6 wilfully" to "intentionally, knowingly, or recklessly".

7 SECTION 2. Section 271-27, Hawaii Revised Statutes, is
8 amended by amending subsections (a) and (b) to read as follows:

9 "(a) Any person intentionally, knowingly, or [~~and~~
10 ~~wilfully~~] recklessly violating any provision of this chapter, or
11 any rule, requirement, or order thereunder, or any term or
12 condition of any certificate or permit for which a penalty is
13 not otherwise provided, shall be guilty of a misdemeanor. In
14 addition, any shipper or consignee located in this State, or any
15 officer, employee, agent, or representative thereof, who
16 intentionally, knowingly, or [~~and-wilfully~~] recklessly engages
17 the services of any person violating any provision of this
18 chapter, or any rule, requirement, or order, or any term or
19 condition of any certificate or permit for which a penalty is
20 not otherwise provided, shall be guilty of a misdemeanor.

21 (b) Any person, whether carrier, shipper, or consignee, or
22 any officer, employee, agent, or representative thereof, who



1 intentionally, knowingly, or recklessly offers, grants, or
2 gives, or solicits, accepts, or receives any rebate, concession,
3 or discrimination in violation of any provisions of this
4 chapter, or who by means of any false statement or
5 representation or by the use of any false or fictitious bill,
6 bill of lading, receipt, voucher, roll, account, claim,
7 certificate, affidavit, deposition, lease, or bill of sale, or
8 by any other means or device, intentionally, knowingly, or [~~and~~
9 ~~wilfully~~] recklessly assists, suffers, or permits any person or
10 persons, natural or artificial, to obtain transportation of
11 passengers or property subject to this chapter for less than the
12 applicable rate, fare, or charge, or who intentionally,
13 knowingly, or [~~and wilfully~~] recklessly by any such means or
14 otherwise fraudulently seeks to evade or defeat regulation as in
15 this chapter provided for motor carriers, shall be deemed guilty
16 of a misdemeanor."

17 SECTION 3. 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 4. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

22 SECTION 5. This Act shall take effect on July 1, 2012.



Report Title:

Unlawful Operation of Motor Carriers

Description:

Modifies the relevant state of mind regarding the unlawful operation of motor carriers from "knowingly and wilfully" to "intentionally, knowingly, or recklessly". Effective July 1, 2012. (HB2004 CD1)

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

