
A BILL FOR AN ACT

RELATING TO MOTOR CARRIERS.

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

1 SECTION 1. Section 271-24, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§271-24 Recovery of overcharges or undercharges.** (a)

4 All actions by common carriers by motor vehicle for the recovery
5 of their charges, or any part thereof, shall [~~be begun~~] commence
6 within three years from the time the cause of action accrues,
7 and not after.

8 (b) For recovery of overcharges, actions shall [~~be begun~~]
9 commence within three years from the time the cause of action
10 accrues, and not after, subject to subsection (c) [~~of this~~
11 ~~section~~], except that if claim for the overcharge has been
12 presented in writing to the carrier within the three-year period
13 of limitation the period shall be extended to include six months
14 from the time notice in writing is given by the carrier to the
15 claimant of disallowance of the claim, or any part or parts
16 thereof specified in the notice.

17 (c) If, on or before the expiration of the three-year
18 period of limitation in subsection (b), a common carrier by



1 motor vehicle [~~begins~~] commences an action under subsection (a)
2 for recovery of charges in respect of the same transportation
3 service, or, without [~~beginning~~] commencing an action, collects
4 charges in respect of that service, the period shall be extended
5 to include ninety days from the time the action is [~~begun~~]
6 commenced or the charges are collected by the carrier.

7 (d) The cause of action in respect of a shipment of
8 property [~~shall~~], for the purpose of this section, shall be
9 deemed to accrue upon delivery or tender of delivery thereof by
10 the carrier, and not after.

11 (e) The term "overcharges" as used in this section means
12 charges for transportation services in excess of those
13 applicable thereto under the tariffs lawfully on file with the
14 commission.

15 (f) Common carriers by motor vehicle in violation of
16 section 271-8 shall not enforce undercharge recoveries under
17 subsection (a)."

18 SECTION 2. Section 271-28, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§271-28 Collection of rates and charges.** (a) No common
21 carrier by motor vehicle shall deliver or relinquish possession
22 at destination of any freight transported by it until all tariff



1 rates and charges thereon have been paid, except under such
 2 rules [~~and regulations~~] as the public utilities commission may
 3 from time to time prescribe to govern the settlement of all the
 4 rates and charges, including rules [~~and regulations~~] for weekly
 5 or monthly settlement, and to prevent unjust discrimination or
 6 undue preference or prejudice; provided that this section shall
 7 not be construed to prohibit any carrier from extending credit
 8 in connection with rates and charges on freight transported for
 9 the United States, for any department, bureau, or agency
 10 thereof, or for any state or political subdivision thereof.

11 (b) A person who uses the services of a common carrier by
 12 motor vehicle that is operating in violation of section 271-8
 13 may bring an action in any court of competent jurisdiction to
 14 recover all compensation paid by the person to that carrier for
 15 those services; provided that on a complaint filed by the person
 16 with the Public Utilities Commission, the Public Utilities
 17 Commission has by order determined the common carrier to be in
 18 violation of section 271-8."

19 SECTION 3. Section 271-28.5, Hawaii Revised Statutes, is
 20 amended by amending subsection (a) to read as follows:

21 "(a) In addition to the lien provided by section 490:7-
 22 307, a carrier in compliance with section 271-8 has a lien on



1 freight in its possession for the total amount owed the carrier
2 by the shipper for freightage, charges for services and advances
3 due on freight previously delivered upon the promise of the
4 shipper to pay freightage, charges and advances, as provided in
5 this section."

6 SECTION 4. Section 490:7-307, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

8 "(a) [~~A carrier~~] Only a carrier in compliance with section
9 271-8 has a lien on the goods covered by a bill of lading or on
10 the proceeds thereof in its possession for charges after the
11 date of the carrier's receipt of the goods for storage or
12 transportation, including demurrage and terminal charges, and
13 for expenses necessary for preservation of the goods incident to
14 their transportation or reasonably incurred in their sale
15 pursuant to law. However, against a purchaser for value of a
16 negotiable bill of lading, a carrier's lien is limited to
17 charges stated in the bill or the applicable tariffs or, if no
18 charges are stated, a reasonable charge."

19 SECTION 5. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 6. This Act shall take effect on July 1, 2013.



Report Title:

Motor Carriers; Collections; Liens

Description:

Prohibits uncertified common carriers from recovering undercharges or holding liens for transported goods. Authorizes customers of unlicensed common carriers to recover all compensation paid to that carrier after filing a complaint with the public utilities commission. Effective July 1, 2013.

(HB1101 HD2)

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

