

S.B. NO. 2901

JAN 23 2014

A BILL FOR AN ACT

RELATING TO MOTOR CARRIER SAFETY.

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

1 SECTION 1. The purpose of this Act is to amend or delete
2 any statutes or provisions containing federal requirements that
3 are currently addressed in Hawaii Administrative Rules or
4 otherwise deemed unnecessary.

5 SECTION 2. Section 286-207, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "§286-207 Exemptions, certain vehicles. This part shall
8 not apply to the following vehicles, if such vehicles are in
9 compliance with safety ordinances and rules of the county in
10 which they operate and other applicable state safety laws and
11 rules:

12 [~~(1) The type of passenger carrying vehicle known as a~~
13 ~~"sampan bus" within a radius of twenty miles from the city of~~
14 ~~Hilo, Hawaii;~~

15 ~~(2) Station wagons for the carriage of property;~~

16 ~~(3)]~~ (1) Trucks, truck-trailers, trailers, or other
17 nonpassenger carrying equipment having a gross vehicle weight
18 rating of 10,000 pounds or less, except vehicles used in

S.B. NO. 2901

1 transporting material found by the United States Secretary of
2 Transportation to be hazardous under 49 U.S.C. section 5103 and
3 transported in a quantity requiring placarding under 49 C.F.R.,
4 Subtitle B, Chapter I, Subchapter C;

5 ~~[(4)]~~ (2) Taxicabs as described in section 271-5(3)(B);

6 ~~[(5)]~~ ~~Passenger carrying vehicles with a seating capacity~~
7 ~~of nine or less used for the transportation of employees to and~~
8 ~~from the jobsite,]~~

9 ~~[(6)]~~ (3) Passenger carrying vehicles used by employees
10 solely for their own transportation to, from, and during work;

11 ~~[(7)]~~ (4) Passenger carrying vehicles with a gross vehicle
12 weight of 10,000 pounds or less used in car or van pools to
13 transport less than sixteen individuals for the movement of
14 passengers to and from work;

15 ~~[(8)]~~ (5) A passenger carrying vehicle used for the
16 transportation, without compensation, of persons for ~~[private,]~~
17 personal, recreational, or entertainment purposes;

18 ~~[(9)]~~ (6) A passenger carrying vehicle with a gross
19 vehicle weight rating of 10,000 pounds or less used solely for
20 the transportation, without compensation, of the vehicle owner,
21 the vehicle owner's family or guests;

S.B. NO. 2901

1 ~~[(10)]~~ (7) A passenger carrying vehicle with a gross
2 vehicle weight rating of 10,000 pounds or less used for the
3 transportation, without compensation, of persons for the
4 furtherance of their physical or mental rehabilitation or for
5 social welfare activities."

6 SECTION 3. Section 286-202.6, Hawaii Revised Statutes, is
7 repealed.

8 "~~§286-202.6 Marking of motor carrier vehicles.~~ (a)
9 ~~Notwithstanding the requirements in 49 Code of Federal~~
10 ~~Regulations, Part 390.21, every motor carrier vehicle shall be~~
11 ~~marked as specified in subsections (b), (c), and (d).~~

12 ~~(b) The marking shall display the following information:~~

13 ~~(1) The name or trade name of the motor carrier or company~~
14 ~~operating the motor carrier vehicle;~~

15 ~~(2) If the name of any person other than the operating~~
16 ~~motor carrier or company appears on the motor carrier~~
17 ~~vehicle, the information required by paragraph (1)~~
18 ~~shall be displayed and preceded by the words "operated~~
19 ~~by";~~

20 ~~(3) The gross vehicle weight, gross vehicle weight rating,~~
21 ~~or gross combination weight rating; and~~

S.B. NO. 2901

1 ~~(4) Other identifying information may be displayed on the~~
2 ~~motor carrier vehicle if it is not inconsistent with~~
3 ~~the information required by this subsection.~~

4 ~~(c) The marking shall:~~

5 ~~(1) Appear on both sides of the motor carrier vehicle;~~

6 ~~(2) Be in letters that contrast sharply in color with the~~
7 ~~background on which the letters are placed;~~

8 ~~(3) Be readily legible during daylight hours, from a~~
9 ~~distance of fifty feet (15.24 meters) while the motor~~
10 ~~carrier vehicle is stationary; and~~

11 ~~(4) Be kept and maintained in a manner that retains the~~
12 ~~legibility required by paragraph (3).~~

13 ~~(d) The marking may be painted or permanently affixed on~~
14 ~~the motor carrier vehicle.~~

15 ~~(e) A motor carrier or company operating a motor carrier~~
16 ~~vehicle under a rental agreement having a term in excess of~~
17 ~~thirty calendar days shall meet the requirements of this~~
18 ~~section.] "~~

19 SECTION 4. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun, before its effective date.


S.B. NO. 2901

1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect upon its approval.

4

5

INTRODUCED BY: 

6

BY REQUEST

7

8

S.B. NO. 2901

Report Title:

Highway Safety; Motor Vehicle Safety Law

Description:

Amends or deletes statutes containing federal requirements that are addressed in Hawaii Administrative Rules.

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

SB. NO. 2901

JUSTIFICATION SHEET

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO MOTOR CARRIER SAFETY.

PURPOSE: To amend or delete statutes containing federal requirements that are addressed in Hawaii Administrative Rules.

MEANS: Repeal section 286-202.6 and amend section 286-207, Hawaii Revised Statutes.

JUSTIFICATION: Serious financial penalties can be incurred when a State does not comply with certain federal motor carrier safety regulations. Adopting these regulations by reference in administrative rules is expedient and ensures exact compliance. When placing these regulations in the Hawaii Revised Statutes, there is a possibility for noncompliance to result when various legislative drafts are developed. To ensure exact compliance and avoid the possibility of a contradiction between rules and statutes, the department is deleting statutes and provisions of the HRS whenever they are addressed in administrative rules or otherwise deemed unnecessary.

The statutes that are repealed by this bill are currently addressed in chapter 19-141, Hawaii Administrative Rules, or no longer needed in the Hawaii Revised Statutes.

Impact on the public: None.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: TRN 595

SB. NO. 2901

OTHER AFFECTED
AGENCIES:

None.

EFFECTIVE DATE:

Upon approval.