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# 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 the Motor Carrier  
2 Law recognized that "the transportation of persons and of  
3 property, for commercial purposes, over the public highways of  
4 this State constitutes a business affected with the public  
5 interest" and the Motor Carrier Law intended "to provide for  
6 fair and impartial regulation of such transportation" in the  
7 public interest. However, despite this articulated policy,  
8 existing law has provided a competitive advantage to newer  
9 business models buttressed by emerging technologies through an  
10 exemption from the regulatory requirements under the Motor  
11 Carrier Law, while established business models continue to be  
12 subjected to those regulations.

13           Accordingly, the purpose of this part is to promote parity  
14 and fair competition amongst the similar businesses that  
15 transport persons or property over public highways by applying  
16 on similar businesses the same regulatory framework enforced  
17 upon motor carriers.



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

3 **"§271-2 Administration; governing provisions of other**  
4 **acts.** This chapter shall be administered by the public  
5 utilities commission of the State and the provisions of this  
6 chapter and of chapter 269, not inconsistent with this chapter,  
7 shall govern its administration; provided that sections [~~269-4,~~  
8 269-9, [~~269-11,~~] 269-16 to 269-28, and 269-30 shall not, in any  
9 respect, apply to the regulation of motor carriers."

10 SECTION 3. Section 271-4, Hawaii Revised Statutes, is  
11 amended as follows:

12 1. By adding three new definitions to be appropriately  
13 inserted and to read:

14 "Prearranged ride" means the provision of transportation  
15 by a transportation network company driver to a passenger,  
16 beginning when a transportation network company driver accepts a  
17 passenger's request for a ride through a digital network or  
18 software application service controlled by a transportation  
19 network company, continuing while the transportation network  
20 company driver transports the requesting passenger, and ending  
21 when the requesting passenger, or the last passenger from the



1 requesting passenger's party, departs from the personal vehicle.  
2 "Prearranged ride" does not include transportation provided  
3 through a ridesharing arrangement, as defined in section 279G-1;  
4 use of a taxicab, limousine, or other for-hire vehicle; or a  
5 regional transportation provider.

6 "Transportation network company" means an entity that uses  
7 a digital network or software application service to connect  
8 passengers to transportation network company drivers; provided  
9 that the entity:

10 (1) Does not own, control, operate, or manage the personal  
11 vehicles used by transportation network company  
12 drivers; and

13 (2) Is not a taxicab association or a for-hire vehicle  
14 owner.

15 "Transportation network company driver" means an individual  
16 who operates a personal vehicle used to transport a passenger  
17 between points chosen by the passenger and prearranged through a  
18 transportation network company and that is:

19 (1) Owned, leased, or otherwise authorized for use by the  
20 individual;

21 (2) Not a taxicab or for-hire vehicle; and



1        (3) Used to provide prearranged rides to passengers."

2        2. By amending the definition of "common carrier by motor  
3 vehicle" to read:

4        "'Common carrier by motor vehicle" means any person that  
5 holds itself out to the general public to engage in the  
6 transportation by motor vehicle of passengers or property or any  
7 class or classes thereof for compensation. "Common carrier by  
8 motor vehicle" includes transportation network companies."

9        SECTION 4. Chapter 279J, Hawaii Revised Statutes, is  
10 repealed.

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

13        SECTION 6. This Act shall take effect on July 1, 3000.



**Report Title:**

Motor Carriers; Regulation; Common Carrier By Motor Vehicle;  
Transportation Network Companies

**Description:**

Applies the existing framework regulating motor carriers onto  
transportation network companies. Repeals the chapter  
regulating transportation network companies. Effective  
7/1/3000. (HD1)

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

