

## ACT 12

An Act to Amend Act 121, Session Laws of Hawaii 1961.

WHEREAS, section 11 of Article III of the Constitution of the State of Hawaii provides for the consideration and enactment in a budget session of all urgency measures deemed necessary in the public interest ; and

WHEREAS, said section further provides that no urgency measure shall be considered unless a statement of facts constituting such urgency shall be set forth in a section thereof and until such section shall have been first approved by each house ; and

WHEREAS, it is the intention of the legislature to enact this as an urgency measure pursuant to said section 11 of Article III ; now, therefore,

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency :

Since the enactment of Act 121, Session Laws of Hawaii 1961, the Hawaii Motor Carrier Law, providing for economic regulation, safety and inspection of motor vehicles using the public highways of this State, there has been much interest and arguments requiring various hearings to be held on the Act. These hearings have produced evidence that the enforcement of certain provisions of Act 121 will result in economic hardship to many motor carriers and in some instances the destruction of their business. For example, Sections 10 and 11 set June 27, 1959 as the cut-off date for certificates of convenience and necessity of common carriers operating therein and permits of contract carriers. This cut-off date will inflict considerable hardship on carriers in operation prior to the enactment of the law and after June 27, 1959. Such carriers, both contract and common, in operating during that period, because of equipment invested and commitments already made, have no means of effectively disposing of their property without serious financial loss.

It is deemed urgent and in the public interest that Act 121 be amended so that motor carriers would not be forced to suffer economic and personal hardship.

SECTION 2. Sections 10 and 11 of the Motor Carrier Law, Act 121, Session Laws of Hawaii, 1961, are hereby amended by deleting the date "June 27, 1959" wherever it appears in said sections, and in lieu thereof, substituting the date "July 1, 1961".

SECTION 3. Section 5(b) of the Motor Carrier Law, Act 121, Session Laws of Hawaii 1961, is hereby amended to read as follows:

“(b) Persons whose income from operations of motor vehicles is derived principally from contracts for the transportation of school children and teachers to and from school or to and from school functions.”

SECTION 4. Section 5(k) of the Motor Carrier Law, Act 121, Session Laws of Hawaii 1961, is hereby amended to read as follows:

“(k) Persons operating the type of passenger carrying motor vehicles known as ‘sampan buses’ within the radius of 20 miles from the city of Hilo, Hawaii.”

SECTION 5. Section 7(a) (1) and Section 7(a) (2) of the Motor Carrier Law, Act 121, Session Laws of Hawaii 1961, are hereby amended to read as follows:

“Sec. -7. **General duties and powers of the commission.** (a) (1). To regulate common carriers by motor vehicle, and to that end the commission shall establish reasonable requirements with respect to continuous and adequate service, leasing of motor vehicles, uniform system of accounts, records, and reports, preservation of records, qualifications and maximum hours of service of employees and after public hearing shall promulgate within four months from the effective date of this chapter rules and regulations as to safety of operations and equipment as determined by the commission to be applicable to conditions existing in the State; provided, however, that the requirements for hours of service shall be in strict accordance with those prescribed by the Motor Carrier Safety Regulations of the Interstate Commerce Commission.”

“(2) To regulate contract carriers by motor vehicle, and to that end the commission shall establish reasonable requirements with respect to leasing of motor vehicles, uniform system of accounts, records, and reports, preservation of records, qualifications and maximum hours of service of employees, and rules and regulations as to safety of operations and equipment as determined by the commission to be applicable to conditions existing in the State; provided, however, that the requirements for hours of service shall be in strict accordance with those prescribed by the Motor Carrier Safety Regulations of the Interstate Commerce Commission.”

SECTION 6. The Motor Carrier Law, Act 121, Session Laws of Hawaii 1961, is hereby amended by adding two new sections to be appropriately numbered and to read as follows:

“Sec. - . Notwithstanding any other provisions of this chapter, any sampan bus, station wagon, truck or trailer with a factory rated capacity of less than 1 ton, motor vehicle covered by Section 5(c) (b) of the Motor Carrier Law or such motor vehicle described in said Section 5(c) (b) and similarly operating in other parts of the State is exempted from the safety rules and regulations promulgated under this chapter; provided, however, that such motor vehicles comply with the safety ordinances and rules and regulations of the county or city and county where they are operated and other applicable State safety laws and rules and regulations.”

“Sec. - . Notwithstanding any other provisions of this chapter all motor vehicles used by farmers exclusively for their farm operations and all motor vehicles used by such farmers who infrequently transport from the place of production to a warehouse, regular market, place of storage, or place of shipment, the farm products of neighboring farmers in exchange

for like or reciprocal services, for farm products, or for a cash consideration not exceeding \$1,500 per year, and provided that such transportation shall constitute the sole transportation of property for hire or compensation of such farmers are exempted from the provisions of this chapter; provided, however, that such motor vehicles comply with the safety ordinances and rules and regulations of the county or city and county where they are operated and other applicable State safety laws and rules and regulations.”

SECTION 7. The Motor Carrier Law, Act 121, Session Laws of Hawaii 1961, is hereby amended by repealing Section 5(i) and appropriately re-lettering the remaining paragraphs of Section 5.

SECTION 8. This Act shall take effect upon its approval.

(Approved May 14, 1962.) S.B. 93.

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