

ACT 77

S.B. NO. 3126

A Bill for an Act Relating to Motor Carriers.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 271-16, Hawaii Revised Statutes, is amended to read as follows:

“**§271-16 Temporary authority.** (a) To enable the provision of service for which there is an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting the need, the public utilities commission may, in its discretion and without hearings or other proceedings, grant temporary authority for [such] service by a common carrier or a contract carrier by motor vehicle, as the case may be. The temporary authority, unless suspended or revoked for good cause, shall be valid for [such] the time [as] that the commission shall specify, but for no more than a period of [one hundred twenty] one-hundred-twenty days for any one immediate and urgent need; provided that if an application for a certificate of public convenience and necessity or a permit seeking corresponding permanent authority is filed in accordance with applicable laws, regulations and instructions not later than thirty days after the issuance of temporary authority, then in that event, the commission may determine upon its own motion, or upon motion or upon request by any interested party, whether any temporary operating authority granted under this section shall be continued in force beyond the expiration date specified therein, and until the determination of the application filed by the holder of the temporary operating authority for a certificate of public convenience and necessity or a permit to engage in operations authorized by the temporary operating authority.

(b) Every application for temporary authority shall be made in writing to the commission and verified under oath. The application shall:

- (1) Be accompanied by proof of service upon every current holder of a certificate of public convenience and necessity in the classification for which temporary authority is applied; and
- (2) Contain information that the commission shall by rule require.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved April 29, 1998.)