

ACT 167

H.B. NO. 1773

A Bill for an Act Relating to the Motor Carrier Law.

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

SECTION 1. Section 271-32, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read:

“(b) The motion for reconsideration or a rehearing shall be filed within ten days after the decision and order has been served and shall set forth specifically the ground or grounds on which the applicant considers the decision or order to be unlawful. No person shall in any court urge or rely on any ground not so set forth in the motion. If a motion for reconsideration or rehearing is filed from a final decision and order [granting a change in rates], the commission’s order [granting the change in rates] shall be automatically stayed until the commission renders its final determination on the motion; provided that: [(1) the motion will be deemed denied if the commission does not issue its final determination within twenty days from the filing date of the motion for reconsideration; and (2) no]

(1) No change in any rate, fare, or charge shall go into effect while a motion for reconsideration or rehearing is pending notwithstanding [the provisions of] section 271-20(e)[. The commission may set aside the automatic stay for good cause shown.];

(2) Any motion for reconsideration or rehearing shall be determined and an order issued by the commission within forty-five days from the filing date of the motion for reconsideration or rehearing; and

(3) The commission may set aside the automatic stay in its discretion.”

2. By amending subsection (e) to read:

“(e) An appeal shall lie to the supreme court subject to chapter 602 from every order made by the commission which is final, or if preliminary is of the nature

defined by section 91-14(a); provided [such] the order is made after reconsideration or rehearing or is the subject of a motion for reconsideration or rehearing which the commission has denied [or with respect to which the commission has not issued a final determination within twenty days from the filing date of the motion]. An appeal shall lie to the supreme court subject to chapter 602 only by a person aggrieved in the contested case hearing provided for in this section in the manner and within the time provided by chapter 602 and by the rules of court.’

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 Statutory material to be repealed is bracketed.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 June 6, 2000.)