



STATE OF HAWAII
Public Utilities Commission
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GENERAL INFORMATION

APPLICATION FOR TRANSFER OF MOTOR CARRIER CERTIFICATE OR PERMIT PASSENGER OR PROPERTY CLASSIFICATION

APPLICATION FORM:

Please read the instructions and complete the appropriate sections and exhibits.

You may file your application by utilizing one of three (3) methods:

1. EFile utilizing the fillable eFile form,
2. Manually file utilizing the pdf fillable form, or
3. Manually file by downloading the form and utilize a typewriter or legibly write in the required information on the form.

Attach all required exhibits to your application.

TAX CLEARANCE APPLICATION FORM:

A Department of Taxation tax clearance application form (Form A-6) and instructions are available at: <http://puc.hawaii.gov>. Please read the instructions and complete the appropriate sections of the form. At line 4, enter a check mark in the box and enter the words "State PUC Motor Carrier Licensing" after the word "Others".

Take the form to the Department of Taxation and obtain a Tax Clearance Certificate. Your motor carrier application will not be accepted for filing at the Public Utilities Commission ("Commission") unless it is accompanied by a Tax Clearance Certificate issued by the Department of Taxation.

FILING FEE

The application filing fee of thirty dollars (\$30.00) is required at the time of filing the application with the Commission. Make your check payable to the Public Utilities Commission. If you are eFiling, an ePayment is required when you submit your eFile application.

COPIES REQUIRED:

a. Notarized original to:

Hawaii Public Utilities Commission

If you are eFiling, follow the instructions on the application.

b. 2 copies mailed to:

Division of Consumer Advocacy
Department of Commerce and Consumer Affairs
P. O. Box 541
Honolulu, HI 96809

c. 1 copy mailed to:

Hawaii Transportation Association
P. O. Box 30166
Honolulu, HI 96820

d. 1 copy mailed to:

Western Motor Tariff Bureau, Inc.
P.O. Box 30268
Honolulu, HI 96820

e. 1 copy mailed to (Oahu passenger carrier only):

Hawaii State Certified Common Carriers Association
P.O Box 15967
Honolulu, HI 96830-5967

NOTE: If eFiling, PRINT and download to save your application BEFORE submitting. You will not be able to retrieve your application once you submit it for eFiling.

RULES:

The following Hawaii Administrative Rules (HAR) are available at a nominal cost or may be accessed from the Public Utilities Commission's departmental website at: <http://puc.hawaii.gov>

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|--------------------|---|
| HAR Chapter 16-601 | Rules of Practice and Procedure Before the Public Utilities Commission of the State of Hawaii |
| HAR Chapter 6-62 | Motor Carrier Rules and Classification of Property and Passenger Carriers |
| HAR Chapter 16-603 | Motor Carrier Tariffs and Schedules |

INSTRUCTIONS

FOR COMPLETING AN APPLICATION FOR TRANSFER OF MOTOR CARRIER CERTIFICATE OR PERMIT PASSENGER OR PROPERTY CLASSIFICATION

Paragraph No.

1.
 - a. Provide the full name of the seller or transferor (Seller/Transferor). If Seller/Transferor uses a trade name, please provide the trade name.
 - b. Provide Seller/Transferor's mailing address.
 - c. Provide Seller/Transferor's business and residence telephone numbers.
 - d. Provide Seller/Transferor's PUC certificate or permit number.
 - e. Provide the name of the person to whom correspondence may be sent. If an attorney is representing the Seller/Transferor, provide the attorney's name, law firm name, address, and phone number.
2.
 - a. Provide the full name of the buyer or transferee (Buyer/Transferee). A Buyer/Transferee using a trade name must attach a copy of its completed trade name registration form file-stamped by:

Business Registration Division
Department of Commerce and Consumer Affairs
King Kalakaua Building
335 Merchant Street, 2nd Floor, Room 201
Honolulu, HI 96813

A Buyer/Transferee who is a corporation, partnership or limited liability company, must attach a file-stamped copy of its articles of incorporation, partnership agreement, or articles of organization.

NOTE: If the corporation, partnership, or limited liability company was formed under laws other than the laws of the State of Hawaii, the Buyer/Transferee must also attach a copy of its current certificate of authority or registration statement indicating that it is registered to transact business in the State of Hawaii.

- b. Provide Buyer/Transferee's mailing address.

- c. Provide Buyer/Transferee's business and residence telephone numbers.
- d. Provide Buyer/Transferee's PUC certificate or permit number. If Buyer/Transferee does not have a PUC certificate or permit, please fill in "NOT APPLICABLE."
- e. Provide the name of the person to whom correspondence may be sent. If an attorney is representing the Buyer/Transferee, provide the attorney's name, law firm name, address, and phone number.
- f. Select the applicable box. A Buyer/Transferee who is a corporation or partnership **MUST COMPLETE EXHIBIT A**, Partnership or Corporation Information. A Buyer/Transferee who is an individual (sole proprietorship) or a limited liability company need not complete Exhibit A.
- g. Select the applicable box.

If "Yes", attach specific information of the Buyer/Transferee's affiliation with another motor carrier as an exhibit to the application.

- 3. Select the applicable box or boxes to indicate the type of transfer.
- 4. Provide the reasons for the transfer, such as, retirement, sale of business, etc.
- 5. The Seller/Transferor must provide the revenues from its regulated business for the six months preceding the filing of this application.
- 6. Select the applicable box or boxes to indicate whether Buyer/Transferee will acquire:
 - a) certificate,
 - b) permit, or
 - c) property.

Also, select the applicable box indicating whether the whole or part of a certificate or permit will be acquired. If only a part of a certificate or permit is being transferred, attach as an exhibit a detailed explanation describing the part to be transferred.

If property or motor vehicle equipment is transferred, specify the property to be transferred.

7.
 - a. If the Seller/Transferor is a corporation, attach a copy of the resolution that authorizes the sale and a copy of the resolution designating the person to submit the application.
 - b. If the Buyer/Transferee is a corporation, attach a copy of the resolution that authorizes the purchase and a copy of the resolution designating the person to submit the application.
8. Provide a description of the Buyer/Transferee's proposed operation. If the operation will be the same as the Seller/ Transferor's operation, please fill in "SAME AS SELLER/TRANSFEROR."
9. Specify the number of vehicles that will be used by Buyer/Transferee. Provide the specific vehicle information on Exhibit B, Vehicle Inventory List. Also attach a copy of the certificate of ownership or registration for each vehicle.

NOTE: Vehicles of corporate, partnership, or limited liability company applicants must be owned by the corporation, partnership or limited liability company.

10. Tariff:

Select the applicable box to indicate whether Buyer/Transferee will participate with a tariff bureau or publish its own tariff.

- a. Select the applicable box.
 - (1) The **Western Motor Tariff Bureau, Inc.**, phone: 836-5874, fax: 834-1732, publishes tariffs for passenger and property carriers for all islands.
 - (2) **The Hawaii State Certified Common Carriers Association, Inc.**, phone: 220-2272, publishes tariffs for Oahu passenger carriers only.
- b. A Buyer/Transferee not joining or participating in a tariff bureau must conform to the commission's motor carrier tariff rules, HAR Chapter 16-603. A copy of the rules is available from the commission at a nominal cost or on-line at <http://puc.hawaii.gov>. A Buyer/Transferee must file a tariff that contains the rates or fares to be charged and rules and regulations governing the service.

11. A Buyer/Transferee must provide the information requested in each item.

12. a. The Buyer/Transferee of a “**COMMON CARRIER CERTIFICATE**” must complete this section. A common carrier by motor vehicle means any person that holds itself out to the **general public** to engage in the transportation by motor vehicle of passengers or property or any class or classes thereof for compensation.
- b. The Buyer/Transferee of a “**CONTRACT CARRIER PERMIT**” must complete this section. A contract carrier by motor vehicle means any person which engages in transportation by motor vehicle of passengers or property for compensation under continuing contracts with one person or a limited number of persons either (A) for the furnishing of transportation services through the assignment of motor vehicles for a continuing period of time to the exclusive use of each person served, or (B) for the furnishing of transportation service designed to meet the distinct need of each individual customer.

If the application is for transfer of a contract carrier permit, the Buyer/Transferee must list each company that he/she has a contract with, and provide the company's address. The Buyer/Transferee must file with the commission a **certified copy of a written contract** executed with the customer or customers for whom the service will be provided. The contract must be bilateral and impose specific obligations on both carrier and customer and must set forth all terms and conditions of the transportation agreement.

13. Filing an application does not constitute approval to transfer. The application will be reviewed and as necessary, supplemental information may be requested. Based on financial fitness and need, an order will be issued. Upon compliance with the order, the certificate or permit will be reissued to the Buyer/Transferee.
14. Fill in the date and sign the application. Also, sign the **Oath** in the presence of a notary public, and sign the **Certificate of Service** after all parties are served.

NOTE: If eFiling, use of your user log in and password constitutes your signature on eFiled documents for all purposes, including those under Hawaii Administrative Rules § 16-601-17, and shall have the same force and effect as if you had affixed your signature on a paper copy of the document filed. For documents requiring the signature or verification of the party to a proceeding, use of your user log in and password also attests that the statements contained therein, under penalty of perjury, are true and correct.

INSTRUCTIONS

FOR COMPLETING THE EXHIBITS OF AN APPLICATION FOR TRANSFER OF MOTOR CARRIER CERTIFICATE OR PERMIT PASSENGER OR PROPERTY CLASSIFICATION

EXHIBIT A: PARTNERSHIP OR CORPORATION INFORMATION

Corporate and partnership Buyer/Transferees are required to **complete Exhibit A.**

Individual (sole proprietorship) and limited liability company Buyer/Transferee **need not complete Exhibit A.**

EXHIBIT B: VEHICLE INVENTORY LIST

Provide vehicle information for each vehicle to be used by Buyer/Transferee. List trucks and trailers separately. Attach a copy of the certificate of registration or ownership for each vehicle (issued by the City and County of Honolulu or the neighbor island counties). If the Buyer/Transferee is a corporation, partnership, or limited liability company, and owns a vehicle, the vehicle must be registered in the name of the corporation, partnership, or limited liability company. If vehicles are leased, a copy of the vehicle lease(s) must be filed with the commission.

EXHIBIT C: BALANCE SHEET

EFilers note: 'Exhibit – C Balance Sheet' follows 'Exhibit D – Fixed Assets' and 'Exhibit E – Loans Payable' as entries from these two exhibits will auto fill Exhibit – C as indicated.

Balance Sheet must be completed by the Buyer/Transferee. The information on the Balance Sheet must be current (not older than 3 months from the time the application is filed).

In the Balance Sheet, accounts are classified so that similar items are grouped together in three general classes as follows: assets, liabilities, and owners' equity.

EXHIBIT D: FIXED ASSETS SCHEDULE

The Fixed Assets Schedule includes vehicles, real property, improvements, office equipment and other tangible property with value. The Buyer/Transferee must complete the exhibit as follows:

- Line 1, include all vehicles that will be used for Buyer/Transferee's PUC operations. Do not include any leased vehicles.
- Line 2, include any vehicles (personal automobile, etc.) owned by Buyer/Transferee that will not be used for PUC operations.
- Line 3, include any land, building, and improvement in which a leasehold or fee simple interest is held.
- Line 4, include all other fixed assets not included in lines 1 through 3.
- Line 5 Total:

If eFiling or utilizing the pdf fillable forms, the Line 5 "Total" is automatically calculated and transferred to line 3 of Balance Sheet, Exhibit C.

If manually filling the form, after calculating the Line 5 "Total", transfer the "Total" amount to line 3 of Balance Sheet, Exhibit C.

EXHIBIT E: LOANS PAYABLE SCHEDULE

Loans payable are obligations of a business to pay for items such as vehicles, equipment, etc. on an installment basis. The Buyer/Transferee must complete the exhibit as follows:

- Lines 1a through 1c pertain to only corporations and partnerships. Include loans from officers and partners.
- On lines 2a through 2j, include loans from financial institutions such as banks, savings and loans, and credit unions, etc.
- Line 3 Total Loans Payable – List Loans payable on lines 1a through 1c, and Other Loans on 2a through 2j:

If utilizing the eFile or pdf fillable forms, the Line 3 "Total" is automatically calculated and transferred to line 14 of Balance Sheet, Exhibit C.

If manually filling the form, after calculating the Line 3 “Total”, transfer the “Total” amount to line 14, of Balance Sheet, Exhibit C.

- Line 4 Total Other Liabilities - List other liabilities on lines 4a through 4j:

If utilizing the eFile or pdf fillable forms, the Line 4 “Total” is automatically calculated and transferred to line 15 of Balance Sheet, Exhibit C.

If manually filling the form, after calculating the Line 4 “Total”, transfer the “Total” amount to line 15, of Balance Sheet, Exhibit C.

EXHIBIT F: PROJECTED PUC OPERATING REVENUES AND STATISTICS

The exhibit must be completed by Buyer/Transferee. Projections shall be for a **forward 12-month period**.

For passenger carriers: To obtain operating revenues, multiply the average tariff rate by the projected number of passengers to be carried or trips to be taken, shown separately by activity, such as tour, transfer and shuttle.

For property carriers: To obtain operating revenues, multiply the average tariff rate by the projected number of tons to be carried, or hours of operation for each type of type of property classification being applied for. Example: If Buyer/Transferee is a property carrier and is acquiring a general commodities and dump truck authority, revenues from the general commodities classification should be listed on line 1 and revenues from the dump truck classification on line 4. Total revenues should be listed on line 10.

Revenues from specific commodities hauling must also be listed separately by commodity to be transported.

EXHIBIT G: PROJECTED INCOME STATEMENT

A Projected Income Statement must be provided by the Buyer/Transferee. An income statement is a report that measures the gains or losses of a business operation for a given period of time. The income statement is divided into two major groups: revenues and expenses. The expenses are deducted from the revenues to arrive at the net income or loss for the period. The Buyer/Transferee must complete the exhibit as follows:

- Line 1 Total Operating Revenues:

If utilizing the eFile or pdf fillable forms, the operating revenues is automatically transferred from Exhibit F, line 10.

If manually filling the form, transfer the total from Exhibit F, line 10 to line 1 of Exhibit G.

- Lines 2 through 24, include all expenses that will be incurred from PUC operations. Be sure to complete lines **15** and **16**.
- Airport Transfer Fee, line 17.

For passenger carriers: Complete this line only if passengers will be transferred within and from the airport area. Use the following percentages to compute the Airport Transfer Fee.

- Oahu: multiply the transfer revenues shown on line 2, column 1, of Exhibit F, by 7% (.07).
- Other Islands: multiply the transfer revenues shown on line 2, column 1, of Exhibit F, by 3% (.03).

For property carriers: Complete this line only if property (baggage, etc.) will be transferred within and from the airport area. Multiply the projected transfer revenues by 3.5% (.035).

NOTE: DO NOT DUPLICATE OR FILE THIS INSTRUCTION SHEET.