

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

Repeal of Chapter 6-63 and
Adoption of Chapter 16-603
Hawaii Administrative Rules

SUMMARY

1. Chapter 6-63, Hawaii Administrative Rules, entitled "Motor Carrier Tariffs and Schedules," is repealed.
2. Chapter 16-603, Hawaii Administrative Rules, entitled "Motor Carrier Tariffs and Schedules," is adopted.

HAWAII ADMINISTRATIVE RULES

TITLE 6

DEPARTMENT OF BUDGET AND FINANCE

CHAPTER 63

MOTOR CARRIER TARIFFS AND SCHEDULES

REPEALED

§§6-63-1 to 6-63-38 Repealed. [R]

HAWAII ADMINISTRATIVE RULES

TITLE 16

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

CHAPTER 603

MOTOR CARRIER TARIFFS AND SCHEDULES

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Historical note: This chapter is based substantially upon "Motor Carrier Tariffs and Schedules," Chapter 6-63, Hawaii Administrative Rules. [Eff 9/3/1994; R]

SUBCHAPTER 1

GENERAL PROVISIONS

§16-603-1 Purpose. These rules govern the form and content of tariffs and schedules of common and contract carriers by motor vehicle.
[Eff] (Auth: HRS §§269-6, 271-9)
(Imp: HRS §§271-9, 271-21, 271-22)

§16-603-2 Definitions.

"Commission" means the public utilities commission of the State.

"Commodity rate" means the specific rate applicable to a commodity, as described in a tariff.

"Common carrier" means "common carrier by motor vehicle" and "contract carrier" means "contract carrier by motor vehicle."

"Common carrier by motor vehicle" and "contract carrier by motor vehicle" have the same meanings as in section 271-4, HRS.

"Consumer advocate" means executive director of the division of consumer advocacy of the department of commerce and consumer affairs.

"HRS" means the Hawaii Revised Statutes.

"Issuing carrier or agent" means the common carrier by motor vehicle or person authorized by the common carrier by motor vehicle to issue and publish tariffs on behalf of the carrier.

"Joint routes and rates" means routes and rates which result from two or more common carriers by motor vehicle providing transportation service over a route at a through rate.

"Point of destination" means the precise location where property is delivered into the custody of the consignee or its agent.

"Motor carrier" has the same meaning as in section 271-4, HRS.

"Point of origin" means the precise location where property is delivered into the custody of the motor carrier by the consignee or its agent.

"Schedule" means a publication stating the actual rates and charges of a contract carrier by motor vehicle, and all the rules which are applied by the contract carrier by motor vehicle.

"State" means the State of Hawaii.

"Supplement" means a publication stating changes to the rates, fares, charges, rules, or conditions in a tariff.

"Symbol" means an identifying mark or letter to denote changes to a tariff.

"Tariff" means a publication which states the rates, fares, charges, rules, or conditions of a common carrier by motor vehicle.

"Tariff change" means any change, addition, or deletion to a tariff.

"Through rate" means a single rate or combination of rates which determines the charge from a point of origin to point of destination. [Eff]

(Auth: HRS §§269-6, 269-51, 271-9) (Imp: HRS §§269-6, 269-51, 271-4, 271-9)

§16-603-3 Filing requirements. (a) Tariff. A common carrier by motor vehicle shall file and maintain a current tariff with the commission that conforms to this chapter. Each common carrier by motor vehicle shall file an initial tariff prior to commencing service, and shall not commence service unless the tariff is approved by the commission.

(b) Schedule. A contract carrier by motor vehicle shall file and maintain a current schedule with the commission that conforms to this chapter. Each contract carrier of passengers or property by motor vehicle shall file a schedule prior to commencing service, and shall not commence service unless the contract carriage is approved by the commission.

(c) A contract carrier by motor vehicle shall file a certified copy of each contract executed with a shipper. Contract rates, fares, and charges shall be attached to the contract as an exhibit.

(d) Copies. A common or contract carrier or its agent shall file an original and eight copies of its tariff or schedule and contracts with the commission.

(e) Method of filing. The tariff or schedule and contracts shall be filed either in person at the commission's office at 465 South King Street, Room 103, Honolulu, HI 96813, or by mail, in one package, postage fully prepaid, to the commission at the address stated above. Each filing shall be accompanied by a letter of transmittal (in duplicate) listing all material enclosed. [Eff]
(Auth: HRS §§269-6, 271-9) (Imp: HRS §§271-9, 271-11, 271-21)

§16-603-4 Format. (a) All tariffs, schedules, amendments, and supplements shall be typewritten on paper 8-1/2 x 11 inches in size.

(b) Each page shall be in a form suitable for insertion into a looseleaf binder, and shall contain margins at least 5/8" wide at the binding edge.

(c) Each page of the tariff shall be numbered, beginning with the title page, except that the title page may be page 1, or "Title Page".

(d) The text of the tariff, schedule, amendment or supplement shall not contain any alterations, such as erasures or handwritten additions.

(e) Forms for powers of attorney, certifications of agency, adoption notices, and tariffs as provided

in the appendices located at the end of this chapter, and which are made a part of this section, shall be used as guides for documents required to be submitted to the commission. [Eff] (Auth: HRS §§269-6, 271-9) (Imp: HRS §§271-9, 271-21, 271-22)

§16-603-5 Posting. (a) A common or contract carrier shall make its tariff or schedule available for public inspection or examination at its principal place of business.

(b) A common or contract carrier shall also post and file, at each of its stations or offices where bills are prepared, all of the tariffs or schedules applying from or at the station or office.

(c) All tariffs, schedules, amendments, and supplements shall be filed with the commission and posted in the locations specified in subsections (a) and (b), at least thirty days prior to the effective date desired by the common or contract carrier, unless otherwise authorized by the commission.
[Eff] (Auth: HRS §§269-6, 271-9)
(Imp: HRS §§271-9, 271-11, 271-21, 271-22)

§16-603-6 Power of attorney. (a) A common carrier may authorize an agent to publish and file a tariff or supplement in which the carrier participates, by issuing an appropriate power of attorney, in the form attached as an example in Appendix A, in favor of the agent. The agent shall be an organization which has authority granted by the commission to publish and file tariffs for common carriers.

(b) The power of attorney may not contain authority to delegate the power. The common carrier shall not give two or more agents authority which, if exercised, would result in conflicts in rates or other conditions.

(c) The power of attorney may be canceled or revoked by the common carrier by thirty days' notice on the commission and on the agent.

(1) When a power of attorney is revoked, a corresponding revision of the common carrier's tariff or tariffs shall be filed. The tariff revision shall have an effective date no later than the effective date of the revocation. Notice of the tariff revision shall be provided as required by section 271-21, HRS. If the applicable tariff or tariffs are not revised, the tariff on file shall remain in effect;

(2) Authority may be transferred from one agent to another by filing a new power of attorney with the commission. The power of attorney shall name the new agent and shall cancel the previous power of attorney.

(d) Whenever two or more common carriers join in a through rate, a power of attorney must be given to the agent issuing the tariff for the through rate.

[Eff] (Auth: HRS §§269-6, 271-9)

(Imp: HRS §271-9)

§§16-603-7 to 8 (Reserved)

SUBCHAPTER 2

COMMON CARRIER TARIFFS

§16-603-9 Tariff format. (a) Tariffs shall follow the format of the sample tariff in Appendix D, to the extent reasonably practicable. Each tariff page shall contain the following information:

- (1) The name and PUC number of the common carrier or agent issuing the tariff centered on the top of the page;
 - (2) Name and number of the tariff centered directly under the name of the common carrier or agent; and
 - (3) Page number of the tariff in the upper right hand corner of the page.
 - (A) The page number shall identify revised and canceled pages.

Example: 4th Revised Page 25
 Cancels
 3rd Revised Page 25;
 - (B) In lieu of identifying the canceled page in the numbering of each page, the tariff may include a rule providing for the cancellation of prior pages which bear the same page number.
- (b) Each supplement shall be numbered consecutively, starting with supplement number one, and shall contain the following:
- (1) Brief title describing the supplement, centered at the top of the supplement page. Examples of commonly used descriptive titles are:

"Increase Supplement,"
"Cancellation and Vacating Supplement,"
"Suspension Supplement;"
 - (2) Supplement number on the upper right hand corner of the page. The supplement number shall identify canceled supplements.

Example: Supplement No. XX
 Cancels
 Supplement(s) XX; and
 - (3) The following legend centered on the upper half of the page:

Supplement No. XX
To
ABC Motor Carrier, Inc.; and
- (c) Each tariff and supplement page shall also contain the following information:

- (1) Issue date on the lower left side of the page;
- (2) Effective date on lower right side of the page;
- (3) Name, title, and street address of officer or agent who issued the tariff below the issue and effective date; and
- (4) Page number, centered on the last line of the page. [Eff _____] (Auth: HRS §§269-6, 271-9) (Imp: HRS §§271-9, 271-21)

\$16-603-10 Tariff content. Tariffs shall contain the following, in the order named:

- (1) Title page. The title page of the tariff shall conform to the format requirements of section 16-603-9, except that the notation "Title Page" may be used instead of the page number required in sections 16-603-9(a)(3) and 16-603-9(c)(4). In addition, the title page shall contain:

- (A) The tariff number and the full legal name of the common carrier or agent issuing the tariff. The name of the common carrier must be the same as that appearing in the common carrier's certificate of public convenience and necessity (or application if no certificate has been issued). If a trade name is used, the name of the individual or partners must precede the trade name.

Example: John Doe and William Doe
Doing Business As
ABC Trucking

When two or more common carriers join in a through rate the names of all participating common carriers must be shown;

- (B) A brief description of the contents of the tariff, including the island or islands covered by the tariff; and
- (C) Reference to a classification tariff, if applicable. If a classification is published in a separate tariff, the title page for a rate tariff must contain a reference to the classification tariff.

Examples of references are as follows:

Governed, except as otherwise provided, by the General Commodities Classification of ABC Trucking Co., PUC No. XXX, as modified by supplement or successive issue.

or

For reference to governing classification and other governing publications, see Item XX, Page YY, as amended;

- (2) Check sheet. The check sheet shall list all tariff pages, and shall identify the current revision for each page. If the tariff has less than five pages, the check sheet may be omitted.

Example: Page Revision
 Title 4th
 1 3rd
 2 Original;

- (3) Table of contents. The table of contents shall show each subject covered by the tariff, in alphabetical order, and the number of the page where each subject may be found. If the tariff has less than five pages and its title page or interior arrangement plainly discloses its contents, the table of contents may be omitted;
- (4) List of participating carriers.
 - (A) An alphabetical listing of the issuing common carriers, including those for which an issuing agent acts under a

power of attorney. If fewer than ten common carriers participate in the tariff, the participating common carriers may be listed on the title page;

- (B) Alternatively, the participating common carriers may be listed alphabetically in a separate tariff.
- (5) List of definitions for the technical and other important terms used in the tariff;
- (6) Rules or other provisions affecting the application of rates or charges and other provisions applicable to the services covered in the tariff;
- (7) For common carriers of passengers: If rates are based on distance, an alphabetical index of all stations and points, showing the stations and points from and to which the tariff applies and a table of the distance between the stations and points;
- (8) For common carriers of property: Alphabetical index of all commodities for which specific rates apply, together with a reference to the page or items where the rates or commodities are listed. No index is necessary if the tariff is less than five pages or if all the rates to each destination are alphabetically arranged by commodities;
- (9) For common carriers of property: List of zones and description of the boundaries of each zone and a zone map;
- (10) For common carriers of property: Classifications (including commodity descriptions), ratings, and rules governing commodity descriptions;
- (11) Table of actual rates, fares, or charges. All rates or fares shall be explicitly stated in cents or in dollars and cents, per 100 pounds, per mile, per hour, per cubic foot, per net ton of 2,000 pounds, per gross ton of 2,240 pounds, per truckload (of

stated amount), or other definable measure commonly used and understood in the trade. Where rates are stated in amounts per package or bundle, specifications for the packages or bundles must be stated;

- (A) If rate table is based on distances from a point of origin to a point of destination, the table must show mileage and indicate how the mileage has been determined; and
 - (B) Fare tables shall identify the points from and to which the fares apply;
 - (C) When a tariff names rates by classes, a classification of articles shall be published either in the rate tariff or in a separate tariff. Separate classification tariffs shall comply with the requirements of section 16-603-13.
- (12) Explanation of all abbreviations, symbols, and reference marks used in the tariff. The explanation shall appear on each page where the abbreviation, symbol, or reference mark is used, except that where the explanation of the abbreviation, symbol, or reference mark is consistent throughout the tariff, a general explanation of all abbreviations, in a separate section; and
- (13) Last page. The last page of the tariff shall contain the words "The End" centered on the bottom of the last page.
- [Eff _____] (Auth: HRS §§269-6, 271-9) (Imp: HRS §§271-9, 271-20, 271-21)

§16-603-11 Exceptions. In addition to ratings or rates that are based on classifications, a common carrier may also publish commodity rates, commodity zone rates, or rates by exception. Rates that are established as exceptions shall be prominently identified in the applicable tariff under the heading

"Exceptions to Classification." The exceptions may also be published in a separate tariff. When exceptions are published in a separate tariff, specific reference to the exceptions shall be made in all rate tariffs where the exceptions are applicable. [Eff] (Auth: HRS §§269-6, 271-9) (Imp: HRS §§271-9, 271-20, 271-21)

§16-603-12 Joint routes and rates. Common carriers of property may establish joint routes and through rates, and shall establish reasonable rules governing joint routes and through rates. Interline revenues shall be divided by agreement between participating common carriers. All joint routes or through rates must comply with all the provisions of section 271-35, HRS. [Eff] (Auth: HRS §§269-6, 271-9) (Imp: HRS §§271-9, 271-20, 271-21)

§16-603-13 Classification tariff. (a) A common carrier of property may file a separate classification tariff, where articles are grouped by classification and where rates for each classification are established by reference to other tariffs. A rate or rating shall be identified for each group. The tariff shall also contain an alphabetical list of all articles listed, unless the number of articles is so small that the tariff plainly discloses its contents.

(b) Each common carrier of property with a classification tariff shall comply with the following rule, and shall incorporate the rule in the classification tariff:

If a tariff establishes a commodity rate, the class rate on the same article between the same points or zones via the same route does not apply, unless the tariff that establishes the commodity rate explicitly allows either the commodity or the class rate to be used.

(c) All participating common carriers of property shall be named in the classification tariff. When a common carrier of property participates in a classification tariff, the common carrier or its agent shall not publish class or commodity rates that duplicate or conflict with the rates in the classification tariff.

(d) The classification tariff may also contain relevant rules. These rules shall precede the list of articles in the classification tariff, and shall be consecutively numbered and separately indexed.

[Eff] (Auth: HRS §§269-6, 271-9)
(Imp: HRS §§271-9, 271-20, 271-21)

§16-603-14 Order of precedence. (a) Rates based on time, weight, or mileage are permissible, and shall take precedence over all other types of rates.

(b) Commodity rates may be published in stated truckload or less-than-truckload quantities, and, if so published, shall take precedence over classification rates or exception rates or ratings.

(c) Rates specified in exceptions shall take precedence over classification rates.

(d) Point-to-point commodity rates shall take precedence over commodity zone rates or distance commodity rates.

(e) Commodity zone rates shall take precedence over distance commodity rates. [Eff]
(Auth: HRS §§269-6, 271-9) (Imp: HRS §§271-9, 271-20)

§16-603-15 Lowest rate applicable. (a) Notwithstanding section 16-603-14, common carriers of property shall conform to the following rule, and shall incorporate the rule in any tariff containing classification or commodity rates:

Whenever a classification rate and commodity rate are named between specific points, the lower of

the rates is the lawful rate, unless some combination of classification rates or commodity rates or classification and commodity rates makes an even lower rate, in which case the lowest rate or combination of rates is the applicable rate.

(b) A common carrier of passengers shall conform to the following rule, and shall incorporate the rule in its tariff:

When a combination of fares makes a lower fare than the published through fare, the combination is the lawful fare and shall be applied.

[Eff] (Auth: HRS §§269-6, 271-9)
(Imp: HRS §§271-9, 271-20)

§16-603-16 Tariff changes. Form of applications: A common carrier desiring to publish and apply rates, charges, rules, or conditions different from those previously filed by the common carrier or its agent shall file an application for a tariff change. An original and eight copies of the application shall be filed with the commission, and the application shall contain the following:

- (1) Name of applicant (as shown on the certificate of public convenience and necessity) and address of principal office;
- (2) Complete and detailed description of changes or additions sought. If the original tariff has a check sheet, the application shall also contain a revised check sheet that indicates all affected pages and revised tariff page or pages, showing all requested changes or additions;
- (3) All points or zones to and from which the changes or additions are sought to be applied. The effect of the changes or additions, and the points or zones affected shall be clearly stated;
- (4) Effective date of the changes or additions;
- (5) Reasons for the change; and

- (6) Revised tariff pages or supplements.
Revised tariff pages and supplements must comply with the requirements of section 16-603-9.
- (A) When tariffs are issued canceling a tariff or tariffs previously filed, the tariff number or numbers of the tariff or tariffs canceled must be shown in the left top corner immediately under the tariff number of the new tariff.
Example: PUC No. 2 - 2
 Cancels
 PUC No. 2 - 1;
- (B) All revised tariff pages and supplements shall indicate changes from the existing tariffs by use of the following symbols, shown directly in the margin opposite each change:
- (R) to denote reductions;
(A) to denote increases; and
(C) to denote a change, the result of which is neither an increase nor a reduction; and
- (C) An amended page may be replaced by more than one page. [Eff _____]
(Auth: HRS §§269-6, 271-9) (Imp: HRS §§271-9, 271-20, 271-21)

§16-603-17 Service and protests. (a)

Applications to change tariffs or to implement supplements shall be served in accordance with section 16-601-93 except for applications to implement on less than statutory notice in emergencies.

(b) Applications to implement on less than statutory notice in emergencies shall comply with section 16-603-18.

(c) Protests to applications shall be filed within the time specified in section 16-601-59, and shall comply with section 16-601-58.

[Eff] (Auth: HRS §§269-6, 271-9, 271-20) (Imp: HRS §§271-20, 271-21)

§16-603-18 Short notice. (a) The commission may grant requests for changes or additions to tariffs on less than thirty days' notice if it finds that an emergency exists, and the applicant has proven that delay in implementing the change or addition will result in substantial damage to the applicant or its shipper. A full statement of the need for implementation on less than statutory notice shall be a part of the application.

(b) A copy of the application and request for short notice shall be served on the consumer advocate and each carrier association that represents common carriers whose interests may be affected by the application. The commission may require service on other parties, as it deems appropriate.

(c) The commission shall take no action on the application earlier than three working days after service is made under subsection (b), so that parties can file protests or objections. [Eff] (Auth: HRS §§269-6, 271-9, 271-21) (Imp: HRS §271-21)

§16-603-19 Adoption of tariffs. (a) When a certificate of public convenience and necessity or a permit is transferred, the transferee may adopt the tariffs and other instruments issued by or on behalf of the transferor if consistent with the commission's order authorizing the transfer of the certificate of public convenience and necessity or permit. The adoption notice shall be a one-page document, 8-1/2 by 11 inches in size in the format shown as an example in Appendix C. An original and eight copies of the adoption notice shall be filed with the commission.

(b) Concurrently with the filing of an adoption notice with the commission, a copy of the adoption

notice shall be furnished to each agent publishing tariffs containing rates or other provisions in which the transferor common carrier participated.

(c) After filing the adoption notice pursuant to subsection (a), the transferee shall supplement or reissue each tariff issued by the transferor, indicating that the tariff has been adopted by the transferee. The tariff supplement or reissue shall conform to the commission order authorizing the transfer.

(d) When a certificate of public convenience and necessity or a permit is transferred and the transferee does not elect to issue an adoption notice, the transferee shall file a temporary adoption notice and new tariff no later than ten days after the effective date of the commission order authorizing the transfer of the certificate of public convenience and necessity or permit. The new tariff shall become effective thirty days after the notice, unless suspended by the commission for a longer period.

[Eff: HRS §§269-6, 271-9)
(Imp: HRS §§271-9, 271-18, 271-20)

§16-603-20 Name change. A common carrier that changes its legal name without transfer of control shall immediately notify the commission in writing of the change and shall amend its tariffs to show the new name of the company. The common carrier shall also provide written notification of the name change to all agents who have issued tariffs in which the common carrier participates, and the agents shall promptly change the name of the common carrier by tariff amendment. The tariff amendments shall show the new name of the common carrier and its former name; for example: "ABC Transportation Co. (formerly XYZ Trucking Co.)." [Eff _____] (Auth: HRS §§269-6, 271-9) (Imp: HRS §§271-19, 271-26.5)

§§16-603-21 to 23 (Reserved)

SUBCHAPTER 3

CONTRACT CARRIER SCHEDULES

§16-603-24 Format and content. Schedules shall consist of:

- (1) All of the terms, conditions, rates, fares, charges, and rules and other provisions applicable to service to be provided under the contract;
- (2) Description of the zones in which, or points from and to which, the actual rates or charges apply;
- (3) Complete list of all other motor carriers performing the same service in the same territory; and
- (4) For contract carriers of property, a complete alphabetical listing of all the commodities and the actual rates and charges for each commodity.
 - (A) The actual rates or charges shall be stated in cents or in dollars and in cents per 100 pounds, per mile, per hour, per cubic foot, per net ton of 2,000 pounds, per gross ton of 2,240 pounds, per truckload (of stated amount), or other definable measure commonly used and understood in the trade;
 - (B) When a schedule names rates or charges from and to specific points, the list of commodities shall include the various points served and the rates for carrying each commodity between the various points; and

- (C) Contract carriers that serve only one shipper and that have provided continuous service for less than one year may file reasonable minimum rates, rather than actual rates, unless the commission finds that the public interest would be better served by the filing of actual rates.
- (5) The schedule shall be attached as a separate exhibit to the corresponding contract required to be filed with the commission pursuant to section 16-603-3.
[Eff _____] (Auth: HRS §§269-6, 271-9) (Imp: HRS §§271-9, 271-22)

§16-603-25 Additional contracts. If a contract carrier receives approval from the commission to enter into another contract with a shipper or customer with whom it has an existing contract on file with the commission, a copy of the additional contract shall be filed with the commission and shall be marked: "Additional Contract, with name of contracting shipper." [Eff _____] (Auth: HRS §§269-6, 271-9) (Imp: HRS §§271-9, 271-22)

§16-603-26 Amendments. A contract carrier shall not amend its charges to a shipper or customer unless it provides thirty days' advance notice to the commission. A copy of all amendments to the contract between the contract carrier and its shipper or customer shall be filed with the commission.
[Eff _____] (Auth: HRS §§269-6, 271-9)
(Imp: HRS §§271-9, 271-13, 271-22)

§§16-603-27 to 28 (Reserved)

SUBCHAPTER 4

PAYMENT AND C.O.D. SHIPMENTS

§16-603-29 Payment of rates and charges. (a)

Except as otherwise provided in this chapter, all transportation and other lawful charges shall be payable before the property is surrendered to the consignee or owner of the property, or, for prepaid shipments or passenger transportation, before the shipment or passengers are forwarded from the point of origin to the destination.

(b) Where proper and satisfactory credit arrangements are made to assure payment of a tariffed charge within the specified credit period in this subsection, common carriers may perform a transportation service before the tariffed charge for the service is paid and may extend credit in the amount of the charge to the shipper, agent, or other person who will pay the charge.

- (1) When a freight bill for a shipment is presented to the shipper or agent on or before the date of delivery, the credit period shall start from the first 12 o'clock midnight of the last day of the calendar month in which the freight was delivered and continue for seven days, excluding Sundays and legal holidays other than Saturday half-holidays; and
- (2) When the bill is not presented to the shipper or agent on or before the completion of the service, the credit period shall start at the first 12 o'clock midnight following the presentation of the bill and continue for seven days, excluding Sundays and legal holidays other than Saturday half-holidays.

(c) For property carriers, freight bills for all transportation charges shall be presented to the shippers or agents within seven calendar days from the first 12 o'clock midnight following the last day of each calendar month.

(d) For passenger carriers, bills for all transportation charges shall be presented to the shippers or agents within seven calendar days from the first 12 o'clock midnight following completion of the service.

(e) Where the United States mail is used to present transportation bills, the time of mailing by the common or contract carrier shall be deemed the time of presentation. In a dispute as to the time of mailing, the postmark shall be accepted as showing the time.

(f) If transportation charges are satisfactory to the common or contract carrier, and the shipper mails valid checks, drafts, or money orders to pay these charges within the credit period allowed to the shipper, the charges may be deemed to have been collected within the credit period for the purpose of this subchapter. In case of dispute as to the time of mailing, the postmark shall be accepted as showing the time. [Eff _____] (Auth: HRS §§269-6, 271-9, 271-28) (Imp: HRS §271-28)

§16-603-30 Handling of C.O.D. shipments and accounting for collections. (a) Bond required. Each common or contract carrier of property or passengers that elects to handle C.O.D. shipments shall:

- (1) Obtain and file with the commission a bond of not less than \$3,000 prior to handling any C.O.D. shipment; and
 - (2) Remit to consignor all C.O.D. moneys collected on the shipments no later than ten days after delivery to the consignee, unless consignor instructs otherwise in writing.
- (b) The bond required by paragraph (a)(1) shall:
- (1) Be in a form approved by the commission;

- (2) Be filed by the carrier as principal and by a surety company, authorized to do business in the State, as surety;
 - (3) Be made payable to:
 - (i) The person or persons to whom any amount may be due on a C.O.D. shipment because the shipment was transported by the motor carrier and the amount due was not remitted as required in paragraph (a)(2); or
 - (ii) The State; or
 - (iii) Both the person or persons described in subparagraph (i) and the State;
 - (4) Specify the extent to which the bond covers the motor carrier's operations. A bond may cover more than one operating authority held by the motor carrier; and
 - (5) Not be canceled on less than thirty days' written notice to the commission.
- (c) When a motor carrier has a bond or bonds on file with the commission under this section and obtains additional operating authority, the bond or bonds shall be revised or reissued to show that the additional operating authority is covered.
- (d) On reasonable request, the commission will make public the name of the motor carrier's surety company for any bond filed pursuant to this section.
- (e) Remission of collections. A common or contract carrier of property or passengers that elects to handle C.O.D. shipments shall establish in its tariffs or schedule the following rule or a rule of similar meaning and effect:
- When handling C.O.D. shipments, this carrier will return all money collected on the shipments to the consignor no later than ten days after delivery to the consignee, unless consignor instructs otherwise in writing.
- [Eff _____] (Auth: HRS §§269-6, 271-9, 271-17) (Imp: HRS §§271-9, 271-17)

§§6-603-31 to 32 (Reserved)

SUBCHAPTER 5

BILLS OF LADING AND HOUSEHOLD GOODS QUOTATIONS

§16-603-33 Bills of lading. (a) Every common or contract carrier of property shall issue a bill of lading or freight receipt, at the time a shipment is accepted. The bill of lading shall be itemized, shall clearly and fully describe the shipment and shall show its classification. In addition, when freight receipts are presented to the customers for billing, the bills of lading or freight receipt shall contain the following information:

- (1) Rate charged for transportation, starting and ending time, date, and mileage, if charges are based on time;
- (2) Loading and unloading time, and the duration of and cause of chargeable delays during loading, unloading, and enroute, when charges for delays are assessed to the shipper or consignee; and
- (3) Weight and measurement, quantity of items and other unit measure, if measure is the basis for charges to be assessed.

(b) Every common or contract carrier of passengers shall issue a bill of lading or service order, which shall be itemized to clearly and fully show the number of passengers to be transported on a trip. When the bill of lading or service order is processed for billing, it shall also contain the following information: pickup and destination points, the number of passengers, time the assigned vehicle left the carrier's terminal, the pickup time of passengers, the rate charged (with a reference to the tariff section containing the charge), and the time

the assigned vehicle returned to the carrier's terminal.

(c) Copies of all bills of lading, invoices, freight receipts, and service orders shall be filed in chronological order, separate from all other records kept by the motor carrier. These records shall be retained by every common or contract carrier at its place of business in the State for at least two years, and shall be made available to the commission or its representative upon request. [Eff]

(Auth: HRS §§269-6, 271-9) (Imp: HRS §§271-9, 271-23)

§16-603-34 Estimates by household goods movers.

(a) Every common carrier of property by motor vehicle in the household goods classification shall provide the householder, owner of the household goods, or person responsible for payment a written estimate of the cost of transportation prior to transporting the goods.

(b) The written estimate shall contain the applicable rates and charges for each of the services to be provided, the estimated time needed to perform the services, the estimated weight of the shipment, a general description of the items to be moved, and the date that each service will be performed.

(c) In addition to the information required in subsection (b), the common carrier shall also inform the householder, owner of the household goods, or person responsible for payment that the goods will be transported at a specified declared value and that the householder, the owner of the household goods, or person responsible for payment has the responsibility of securing additional insurance coverage for any value in excess of the specified declared valuation.

(d) The written estimate shall be attached to the invoice or bill of lading for the transportation charges. [Eff] (Auth: HRS §§269-6, 271-9) (Imp: HRS §271-9)

§§16-603-35 to 37 (Reserved)

SUBCHAPTER 6

FORMS

§16-603-38 Forms. The forms located at the end of this subchapter and made a part hereof, are merely illustrative as to general form. The content of particular documents will vary, depending upon the subject matter and applicable procedural requirements.

- Appendix A - Power of attorney
- Appendix B - Certification of agency
- Appendix C - Adoption notice
- Appendix D - Sample tariff

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

The repeal of chapter 6-63 and the adoption of chapter 16-603, Hawaii Administrative Rules, on the Summary Page dated _____ were done on _____ following public hearings held on Kauai on August 3, Oahu on August 4, Hawaii island on August 17, and Maui on September 19, 2017; after public notice was given in The Garden Island on July 4, Hawaii Tribune-Herald and West Hawaii Today on July 17, and Maui News on August 17, and the Honolulu Star-Advertiser on August 4 and 17, 2017.

The repeal and adoption shall take effect on January 1, 2019.

CATHERINE AWAKUNI COLÓN, Director
Department of Commerce and Consumer Affairs

RANDALL Y. IWASE, Chairperson
Public Utilities Commission

LAUREL A. JOHNSTON, Director
Department of Budget and Finance

APPROVED AS TO FORM:

Deputy Attorney General

DAVID Y. IGE, Governor
State of Hawaii
Date: _____

Filed

APPENDIX A

POWER OF ATTORNEY

Name

Street Address

City

No. _____

Cancels No. _____

Date: _____

This is to certify that _____ (Company)
has made, constituted, and appointed and, by these
presents does, make, constitute, and appoint
_____ the true and lawful
attorney and agent for the Company in the Company's
name, place, and stead, (1) for the Company alone, and
(2) for the Company jointly with other carriers, to
file tariffs and supplements to tariffs as required of
common carriers by regulations established by the
Public Utilities Commission of the State of Hawaii.
This power of attorney is valid for the period of
time, the traffic, and the territory as follows:

And the Company hereby gives and grants unto its
attorney and agent full power and authority to do and
perform all and every act and thing necessary to
accomplish the purpose specified above as fully to all
intents and purposes as if the same were done and
performed by the Company. The Company ratifies and
confirms all that its attorney and agent may lawfully

do by virtue of this power of attorney and assumes full responsibility for the acts and neglects of the attorney and agent under this power of attorney.

IN WITNESS WHEREOF, the Company has caused these presents to be signed in its name by its legal executive officer at _____ County in the State of Hawaii, on this _____ day of _____, 20____.

Name of company

By _____
Its

Attest: (If a Corporation)

Secretary
(Corporate seal)

Duplicate mailed to:

APPENDIX B

CERTIFICATION OF AGENCY

(Name of Tariff Agent)
(Post Office Address)

To: Public Utilities Commission
State of Hawaii
Honolulu, Hawaii

I certify that _____ (carrier name) has
named _____ (name of agent) as
_____ (carrier name's) tariff agent, and
has given this agent full power and authority to:

1. Publish and file the tariff or tariffs
listed below, and subsequent supplements and
amendments; and
2. Perform all other necessary duties of a
tariff agent.

_____ (Carrier name) further certifies
that _____ (name of agent) has a valid
written power of attorney from _____
(carrier name).

<u>Description of Tariff</u>	<u>P.U.C. Number</u>
------------------------------	----------------------

(List)

I certify under penalty of perjury that the foregoing
is true.

(Print Name)

(Signature)

(Title)

Dated at _____, Hawaii, this _____ day of
_____ 20____.

APPENDIX C

ADOPTION NOTICE

_____ (Transferee carrier) hereby adopts and ratifies, and makes its own, as if originally filed and posted by it, all tariffs, rules, notices, concurrences, traffic agreements, divisions, authorities, powers of attorney, or other instruments filed with the Public Utilities Commission by the _____ (transferor carrier) prior to _____ (date of adoption). By this notice, _____ (transferee carrier) also adopts and ratifies all supplements or amendments to any of the above tariffs, rules, notices, concurrences, traffic agreements, divisions, authorities, powers of attorney, or other instruments which _____ (transferor carrier) has filed with the commission.

I certify under penalty of perjury that the foregoing is true.

(Print Name)

(Signature)

(Title)

Dated at _____, Hawaii, this _____
day of _____, 20____.

APPENDIX D

SAMPLE TARIFF

1. Transmittal letter
2. Check sheet
3. Tariff - title page
4. Tariff pages
5. Blank tariff page

ABC TOUR, INC.
777 Merchant Street
Honolulu, Hawaii 96813

January 1, 1991

Public Utilities Commission
State of Hawaii
465 South King Street
Kekuanaoa Building, #103
Honolulu, Hawaii 96813

Subject: TARIFF TRANSMITTAL

ABC Tour, Inc. submits:

1. Original Tariff No. 1.
2. The tariff is effective February 1, 1991.

Respectfully submitted,

John Smith
President

CERTIFICATE OF SERVICE

I hereby certify that I have served two copies of this tariff filing on the Division of Consumer Advocacy, Department of Commerce and Consumer Affairs, by U.S. Mail, postage prepaid, on November 1, 1991.

John Smith

PUC No.	ABC TOUR, INC.	Original Title Page
<p>TARIFF NO. 1</p> <p>ABC TOUR, INC.</p> <p>Passenger and Baggage Limousine Service</p> <p>On the Island of Oahu</p>		
ISSUED: January 1, 1991		EFFECTIVE: February 1, 1991
<p>ISSUED BY:</p> <p>John Smith, President 777 Merchant Street Honolulu, HI 96813</p>		

Title Page

PUC No.	ABC TOUR, INC.	Original Page 1																					
<div style="text-align: center; margin-bottom: 20px;"> TARIFF NO. 1 <u>Check Sheet</u> </div> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%; text-align: left; padding-bottom: 10px;"><u>Page</u></th> <th style="width: 30%;"></th> <th style="width: 40%; text-align: left; padding-bottom: 10px;"><u>Revision</u></th> </tr> </thead> <tbody> <tr> <td style="padding-top: 10px;">Title</td> <td></td> <td style="padding-top: 10px;">Original</td> </tr> <tr> <td style="padding-top: 10px;">1</td> <td></td> <td style="padding-top: 10px;">Original</td> </tr> <tr> <td style="padding-top: 10px;">2</td> <td></td> <td style="padding-top: 10px;">Original</td> </tr> <tr> <td style="padding-top: 10px;">3</td> <td></td> <td style="padding-top: 10px;">Original</td> </tr> <tr> <td style="padding-top: 10px;">4</td> <td></td> <td style="padding-top: 10px;">Original</td> </tr> <tr> <td style="padding-top: 10px;">5</td> <td></td> <td style="padding-top: 10px;">Original</td> </tr> </tbody> </table>			<u>Page</u>		<u>Revision</u>	Title		Original	1		Original	2		Original	3		Original	4		Original	5		Original
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<div style="text-align: right; margin-right: 100px;"> ISSUED BY: John Smith, President 777 Merchant Street Honolulu, HI 96813 </div>																							

PUC No.	ABC TOUR, INC.	Original Page 2								
<p style="text-align: center;">TARIFF NO. 1</p> <p style="text-align: center;"><u>Table of Contents</u></p> <table><thead><tr><th><u>Subject</u></th><th><u>Page</u></th></tr></thead><tbody><tr><td>Abbreviations</td><td>5</td></tr><tr><td>Rules governing application</td><td>3</td></tr><tr><td>Tour rates</td><td>4</td></tr></tbody></table>			<u>Subject</u>	<u>Page</u>	Abbreviations	5	Rules governing application	3	Tour rates	4
<u>Subject</u>	<u>Page</u>									
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Rules governing application	3									
Tour rates	4									
ISSUED: January 1, 1991		EFFECTIVE: February 1, 1991								
ISSUED BY: John Smith, President 777 Merchant Street Honolulu, HI 96813										

PUC No.	ABC TOUR, INC.	Original Page 3
<p style="text-align: center;">TARIFF NO. 1</p> <p style="text-align: center;">Rules Governing Application of Tariff No. 1</p> <p>1. The fares, rates, and changes named in this tariff are local fares applying between the point of origin and the point of destination on motor vehicles over irregular routes on the island of Oahu. The service is available as a tour or a transfer, seven days a week, twenty-four hours a day, fifty-two weeks a year on an on-call basis.</p> <p>2. All fares, rates, and charges are in dollars and cents, payable in lawful money of the United States.</p> <p>3. The term "baggage" means only luggage or personal effects accepted by the carrier for transportation in the motor vehicle. The liability, if any, of the carrier for loss or damage of any baggage shall not exceed \$100 for any single piece, nor \$250 in the aggregate for any single passenger. The liability does not apply to any baggage which is not acceptable for transportation, such as fragile or perishable articles, currency or coins, bank bills, deeds, jewelry, business documents, drafts or valuable papers, postage or revenue stamps, precious metals, or other articles of value, which are included in the baggage, whether with or without the knowledge of the carrier.</p> <p>4. The carrier reserves the right to cancel or delay any service at point of origin or any point enroute at any time such action is necessary.</p> <p>5. All fares, rates, or charges shall be payable before the service is started, except that on hourly charges, charges are payable at the completion of the service.</p> <p>6. The carrier will not allow commissions.</p>		
ISSUED: January 1, 1991		EFFECTIVE: February 1, 1991
<p style="text-align: center;">ISSUED BY:</p> <p style="text-align: center;">John Smith, President 777 Merchant Street Honolulu, HI 96813</p>		

PUC No.	ABC TOUR, INC.	Original Page 4		
TARIFF NO. 1				
<u>Tour Rates</u>				
<u>Tour no.</u>	<u>Tour route</u>	<u>Hours</u>	<u>Rate/hr.</u>	<u>Minimum</u>
1	Honolulu City Tour: Waikiki-Diamond Head Crater-Pali Lookout- Downtown Honolulu-Waikiki or reverse	4	\$10.50	2 pax
2	City Punchbowl: Waikiki Iolani Palace-Punchbowl- University of Hawaii	6	9.25	1 pax
3	Shoreline: Waikiki-Diamond Head-Koko Head-Hawaii Kai- Hanauma Bay-Blow Hole-Makapuu Point-Waimanalo-Kailua-Nuuanu Pali or Wilson Tunnel-Waikiki or reverse	6	11.00	6 pax
ISSUED: January 1, 1991		EFFECTIVE: February 1, 1991		
ISSUED BY:				
John Smith, President 777 Merchant Street Honolulu, HI 96813				

PUC No.	ABC TOUR, INC.	Original Page 5																																																		
<p>TARIFF NO. 1</p> <p><u>Explanation of Abbreviations and Reference Marks</u></p> <table style="width: 100%; border: none;"> <tr><td style="width: 10%;">¢</td><td>Cents</td></tr> <tr><td>\$</td><td>United States dollars</td></tr> <tr><td>%</td><td>Percent</td></tr> <tr><td>A</td><td>Denotes increase</td></tr> <tr><td>C</td><td>Denotes change in wording which results in neither an increase nor reduction in charges</td></tr> <tr><td>N</td><td>Denotes addition</td></tr> <tr><td>R</td><td>Denotes reduction</td></tr> <tr><td>X</td><td>Denotes cancellation</td></tr> <tr><td>A/C</td><td>Air Conditioned</td></tr> <tr><td>A/P</td><td>Airport</td></tr> <tr><td>D/A</td><td>Destination Area</td></tr> <tr><td>Hrs.</td><td>Hours</td></tr> <tr><td>Incl.</td><td>Inclusive</td></tr> <tr><td>Min.</td><td>Minimum</td></tr> <tr><td>No.</td><td>Number</td></tr> <tr><td>OBSA</td><td>Only by special arrangement</td></tr> <tr><td>OW</td><td>One way</td></tr> <tr><td>Pax</td><td>Passenger or passengers</td></tr> <tr><td>P.U.C.</td><td>Public Utilities Commission</td></tr> <tr><td>RT</td><td>Round trip</td></tr> <tr><td>SEAT</td><td>Seat in car or bus</td></tr> <tr><td>TMBR</td><td>Tour may be arranged</td></tr> <tr><td>TSDOLALS</td><td>Tour schedule depends on latest air line schedule</td></tr> <tr><td>U S</td><td>United States</td></tr> <tr><td>U S A</td><td>United States of America</td></tr> </table> <p style="text-align: center; margin-top: 10px;">THE END</p>			¢	Cents	\$	United States dollars	%	Percent	A	Denotes increase	C	Denotes change in wording which results in neither an increase nor reduction in charges	N	Denotes addition	R	Denotes reduction	X	Denotes cancellation	A/C	Air Conditioned	A/P	Airport	D/A	Destination Area	Hrs.	Hours	Incl.	Inclusive	Min.	Minimum	No.	Number	OBSA	Only by special arrangement	OW	One way	Pax	Passenger or passengers	P.U.C.	Public Utilities Commission	RT	Round trip	SEAT	Seat in car or bus	TMBR	Tour may be arranged	TSDOLALS	Tour schedule depends on latest air line schedule	U S	United States	U S A	United States of America
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