



**COMMERCE COMMISSION**  
**American Samoa Government**  
**Pago Pago, American Samoa 96799**

**Lemanu P. Mauga**  
*Governor*

**Talauega E. V. Ale**  
*Lt. Governor*

**Manu Talamoa**  
*Chairman*

*In reply refer to:  
Serial No.:*

**COMMISSION**  
**MEMBERS**

**Manu Talamoa**  
*Commission Chairman*  
*At-Large Representative*

**Rep. Ape M. Asifoa**  
*Commissioner*  
*Western District Representative*

**Faifaimalie Paselio Paselio, Jr.**  
*Commissioner*  
*Eastern District Representative*

**Lagoo Aloalo Alo**  
*Commissioner*  
*Manua District Representative*

**Petti T. Matila, Commissioner**  
*Department of Commerce Director*  
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**PRESS RELEASE**

*(requesting to start on May 8, 2023)*

**NOTICE OF INTENDED ACTION TO AMEND THE COMMERCE  
COMMISSION RULES IN THE AMERICAN SAMOA ADMINISTRATIVE  
CODE TITLE 19, CHAPTER 01 AND ADD NEW CHAPTER 2**

The Commerce Commission through its attached notice of intended action intends to amend certain rules of the American Samoa Administrative Code, Title 19, Chapter 01 to provide for the increase in bus rates and the establishment of new high school and elementary school bus rates in addition to other amendments related to commercial vehicle transportation. Additionally, the new amendments also establish a new Chapter 02 to provide for fines for owners of commercial vehicles, commercial carriers, and passengers.

A copy of the proposed amendments is available and may be picked up at the Department of Commerce on the second floor of the AP Lutali Executive Office Building in Utulei; ask for Latisha Olo, Fuli Solaita or Alexander Zodiacal, or proposed amendments can be downloaded from the American Samoa Government website, [americansamoa.gov](http://americansamoa.gov). Interested persons may submit written comments on the proposed amendments to the Department of Commerce on or before May 30, 2023.



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*In reply refer to:  
Serial No.: CC-23-001*

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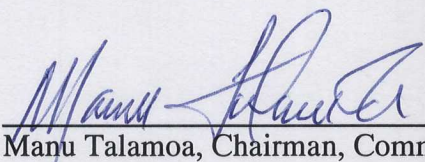
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**NOTICE OF INTENDED ACTION TO AMEND THE COMMERCE  
COMMISSION RULES IN THE AMERICAN SAMOA ADMINISTRATIVE  
CODE TITLE 19, CHAPTER 01 AND ADD NEW CHAPTER 2**

On May 8, 2023, the Commerce Commission intends to amend certain rules of the American Samoa Administrative Code, Title 19, Chapter 01, which include bus fares in American Samoa, and establish a new Chapter 02 – Fines, pursuant to the authority granted to promulgate rules in the American Samoa Code Annotated sections 19.0103, 19.0115 and 19.0206,

A copy of the proposed amendments is available and may be picked up at the Department of Commerce; ask for either Latisha Olo or Fuli Solaita at the Second Floor of the AP Lutali Executive Office Building, Utulei, or proposed amendments can be downloaded from the American Samoa Government website, americansamoa.gov. Interested persons may submit written comments on the proposed amendments to the Department of Commerce on or before May 30, 2023.

  
\_\_\_\_\_  
Manu Talamoa, Chairman, Commerce Commission

Date: 05/03/23

## PROPOSED AMENDMENTS TO TITLE 19 AMERICAN SAMOA ADMINISTRATIVE CODE CHAPTER 01 AND ADD NEW CHAPTER 02

Pursuant to the authority granted to promulgate rules in the American Samoa Code Annotated sections 19.0103, 19.0115 and 19.0206, the Commerce Commission intends to amend certain rules in Title 19 of the American Samoa Administrative Code by amending Chapter 01 and adding a new Chapter 02.

The proposed amendments are set out below. The underlined text represents the proposed new changes. Text that has been crossed out is to be removed.

### AMERICAN SAMOA ADMINISTRATIVE CODE TITLE 19

#### 1. The American Samoa Administrative Code Title 19, Chapter 01 is amended as follows:

##### “19.0101 Authority.

The rules set out in ~~this chapter~~ Chapter 01 et seq. and Chapter 02 et seq. are promulgated pursuant to ~~the authority granted to the eommerce commission~~ Commerce Commission by A.S.C.A. 19.0103, 19.0115 and 19.0206 A.S.C.A.

*History: Comm. Commn. Regs. eff 1 Jan 73. Rep. 1.01.*

##### 19.0102 Scope of rules and commercial vehicle regulation.

The ~~eommerce commission~~ Commerce Commission interprets the interest of the Legislature in enacting chapters A.S.C.A. 19.0101, et seq. and 19.0201, et seq. A.S.C.A., to be the protection of the health, safety and general welfare of all those people of American Samoa or visitors to American Samoa who use commercial vehicles, either for personal transportation or for transportation of freight. The protection envisions:

- (1)(a) the adoption of rules to deal with fair and uniform rates, fares and charges for transportation of persons and freight;
- (2)(b) the issuance, or denial, of commercial drivers permits; the limitation, modification, suspension or revocation of permits so issued;
- (3)(c) the providing of a uniform system and classification of accounts to be used by commercial carriers;
- (4)(d) the adoption of rules regarding qualifications for permit issuance and safety rules for commercial vehicles and the operation thereof and periodic inspections;
- (5)(e) the issuance of ~~certificates of convenience and necessity~~ Certificates of Convenience and Necessity;
- (6)(f) the investigation of the financial ability of applicants for ~~certificates of convenience and necessity~~ Certificates of Convenience and Necessity;

(7)(g) the adoption of rules of procedure to guide the ~~chief of police~~Chief of Police or his designee and the ~~commerce commission~~Commerce Commission while enforcing the commercial vehicle law, and the rules set out in this chapter and when issuing orders pursuant there – to or for the taking of appeals therefrom; and

(8)(h) designating the amount and type of insurance for commercial carriers and their freight and passengers.

*History:* *Comm. Commn. Regs., eff 1 Jan 73. Reg. 1.02; and 2012, Rule 01-2012, eff 1 Oct 12.*

*Amendments:* 2012, subsection (1) added, “the adoption of.” Subsection (2), changed “refusal to issue” to “denial.” Subsection (8), added “designating.”

### **19.0103 Administration by ~~police~~Police.**

The ~~commerce commission~~Commerce Commission hereby appoints the ~~chief of police~~Chief of Police as the authority to administer all examinations prepared or approved by the ~~e~~Commission, sign the commercial driver’s permit when issued, or deny it with a written statement giving the reason or reasons for such denial, and inspect and examine commercial vehicles as to operating or safety requirements. This is to say that the ~~chief of police~~Chief of Police and his officers shall administer the ~~commerce commission~~Commerce Commission law and rules on a day-to-day basis.

*History:* *Comm. Commn. Regs., eff 1 Jan 73. Reg. 1.02; and 2012, Rule 01-2012, eff 1 Oct 12.*

*Amendments:* 2012, added “operating or.”

### **19.0104 ~~Commission and police responsibilities~~–Appeal of actions–Commerce**

#### **Commission – Appeal Procedures.**

The ~~commerce commission~~ views the relationship of the chief of police as the examiner of applicants for commercial drivers’ permits and the ~~commerce commission~~ as follows:

- (a) ~~the commerce commission~~ The Commerce Commission views its responsibility as one of promulgating rules for the implementation of 19.01 and 19.02 ASCA, and is responsible for hearing of appeals from the day-to-day decisions or administration of the ~~chief of police~~Chief of Police.
- (b) ~~the chief of police, as the examiner of all applicants for commercial driver’s permits and the examiner of all commercial vehicles in regard to operating or safety requirements,~~ The Chief of Police shall either approve or deny commercial vehicle use. ~~Thus, the chief of police shall administer the law and rules on a day-to-day basis.~~
- (c) ~~any~~Any adverse decision of the ~~chief of police~~Chief of Police may be appealed to the ~~commerce commission~~Commerce Commission by the affected person. The ~~commission~~Commission shall then—hold a hearing independently. The ~~commission~~Commission may, of course, afford such weight as it feels is appropriate to the prior decision of the ~~chief of police~~Chief of Police.
- (d) ~~upon~~Upon any appeal to the ~~court~~Administrative Law Judge from an adverse decision of the ~~commission~~Commission, the ~~commission~~Commission shall prepare the record of such hearing and the ~~attorney general~~Attorney General shall defend the action taken by the ~~commission~~Commission.

*History: Comm. Commn. Regs., eff 1 Jan 73. Reg. 1.02; amd 2012, Rule 01-2012, eff 1 Oct 12.*

*Amendments: 2012, removed numbering. Subsection (1), removed makeup of the Commission.*

### **19.0105 Definitions.**

~~When used in this chapter the words set out in this section~~ As used in this chapter and chapter 02 of this Title, shall have the following meanings shall apply, unless the context specifies otherwise:

- (a) "Bus" means any commercial vehicle having spaces for 6 or more adult passengers.
- (b) "Cargo vehicle" means any commercial vehicle used to haul goods or cargo for hire.
- (c) "~~Chief of police~~Police" means the Department of Public Safety ~~chief of police~~Chief of Police, ASG, or his designee.
- (d) "Commercial carrier" means any person operating any commercial vehicle upon any highway in American Samoa.
- (e) "Commercial driver's permit" means a permit issued by the ~~commerce~~ Commerce Commission, signed by the ~~chief of police~~Chief of Police, authorizing the licensee to drive a commercial vehicle and is in addition to a private driver's license.
- (f) "~~Commercial vehicle~~" ~~means any automobile, truck, motorbus, or other self-propelled vehicle, including any semitrailer or other device used in connection therewith, not operated upon fixed rails or tracks, and used for the transportation of freight or the transportation of passengers for compensation. Pickups used in the transportation of freight shall not be considered commercial vehicles, unless the pickup transports placardable amounts of hazardous materials, then it will be considered a commercial vehicle.~~ has the same meaning in A.S.C.A. 19.0101(c).
- (g) "Commission" means the ~~commerce~~ Commerce Commission, ASG.
- (h) "Driver's License" has the same meaning in A.S.C.A. 22.0202.
- (i) "Highway" has the same meaning in A.S.C.A. 22.0101(12).
- (j) "License plates" has the same meaning in A.S.C.A. 22.1003. The term "License plates" may be used interchangeably with "License Tags".
- (k) "Owner" means a person, having the property in or title to a commercial vehicle.
- (l) "Person" means any individual, firm, partnership, corporation, combination or other association, as appropriate.
- (~~h~~)(m) "Taxi" means any commercial vehicle having spaces for not more than 5 adult passengers.

*History: Comm. Commn. Regs., eff 1 Jan 73. Reg. 1.02; amd 2012, Rule 01-2012, eff 1 Oct 12.*

*Amendments: 2012, subsection (f) included pickups carrying placardable amounts of hazardous materials.*

### **9.0106 Commission quorum-Deciding majority-Chairman.**

Any 3 members at a ~~commission~~Commission meeting shall constitute a quorum. A majority of such quorum is sufficient to decide any matter before the ~~commission~~Commission. If the chairman is absent, one of the other members shall act as chairman.

*History: Comm. Commn. Regs., eff 1 Jan 73, Reg. 1.01.*

### **19.0107 Violation-Penalty.**

- (a) All violations of this chapter shall be punished in accordance with A.S.C.A. 19.0136, ASCA: ~~“19.0136 Misdemeanors. Any owner, officer, agent or employee of any commercial carrier, and every other person who does any of the following is guilty of a class B misdemeanor:~~
- ~~(1) violates or fails to comply with, or who procures, aids or abets in the violation of, any provision of this title or Title 22 relating to commercial vehicles;~~
  - ~~(2) fails to obey, observe or comply with any order, decision, rule, direction, demand or requirement or any part or provision thereof, of the commission;~~
  - ~~(3) procures, aids or abets any corporation or person in his failure to obey, observe or comply with any such order, decision, rule, direction, demand or regulation or any part or provision thereof.”~~
- (b) In addition to the penalties set forth in ~~subsection (a) of this section~~A.S.C.A. 19.0136, failure to obey any of the rules of the ~~commission~~Commission may result in the suspension, modification, or revocation of any license or certificate issued by the ~~commission~~Commission or subject to the authority of the ~~commission~~Commission.

*History: Comm. Commn. Regs. eff 1 Jan 73. Rep. 1.01.*

### **19.0110 Commercial driver's permit mid-private license required requirements.**

A ~~person~~ Commercial carrier shall not operate a commercial vehicle upon a highway without having first secured, and having in his immediate possession, a valid commercial driver's permit. In addition, such driver must also have in his immediate possession a valid private driver's license.

*History: Comm. Commn. Regs., eff 1 Jan 73. Reg. 1.02; amd 2012, Rule 01-2012, eff 1 Oct 12.*

*Amendments: 2012, changed “no person shall,” to “a person shall not.”*

### **19.0111 Application-Consideration.**

All applications for a commercial driver's permit shall be filed with the ~~chief of police~~Chief of Police and he shall determine the fitness of each applicant in accordance with the qualifications, requirements and procedures set forth in this article, and shall approve or disapprove each applicant in accordance with this article.

*History: Comm. Commn. Regs. eff 1 Jan 73. Rep. 1.01.*

### **19.0112 Qualifications.**

Each applicant for a commercial driver's license permit must be qualified as follows:

- (a) The applicant must be qualified to hold, and actually have, a private driver's license issued by the ~~police department~~, ASG Office of Motor Vehicles.
- (b) Each applicant must be at least 21 years old and must have had 2 years' driving experience pursuant to a valid private driver's license.
- (c) Each applicant shall be required to pass a written test prepared by the ~~police department~~ Department of Public Safety and be tested as to driving ability by a member of the ~~police department~~ Department of Public Safety designated by the ~~chief of police~~ Chief of Police.
- (d) The applicant must be a permanent resident of American Samoa or have lived in American Samoa for 1 year ~~next~~ preceding application for a commercial driver's permit.
- (e) The applicant shall not have been convicted of:
  - (1) a homicide involving a motor vehicle or of causing death or bodily injury while driving while intoxicated (A.S.C.A. 22.0708-ASCA) at any time within 3 years next preceding application.
  - (2) three or more convictions of speeding, 2 or more convictions of reckless driving (A.S.C.A. 22.0702-ASCA) or driving while intoxicated (A.S.C.A. 22.0707-ASCA) or a combination thereof at any time within 5 years next preceding application.
  - (3) any other felony or 3 or more traffic misdemeanors at any time within 3 years next preceding application; provided, however, that in cases falling under this paragraph the ~~commissioner of public safety~~ Commissioner of Public Safety and/or the ~~chief of police~~ Chief of Police may make exceptions on reasonable grounds.
  - (4) For purpose of subsection (e) A.S.A.C. 19.0112(e), a plea of guilty or a forfeiture of collateral shall be deemed a conviction.
- (f) In the event the applicant has resided other than in American Samoa within the 5- year period prior to his application, such applicant shall supply the ~~commission~~ Commission with a certified copy of his criminal and driving record of the place or places in which he resided.
- (g) A commercial driver's permit shall not be issued or renewed unless the applicant has taken and satisfactorily completed a Commission approved driving course within the immediately preceding 4 years. In addition, the ~~commission~~ Commission may require a permittee who has been convicted of any offense listed in subsection (e) of this section or whose commercial driver's permit has been suspended to take and satisfactorily complete this course, or an applicant whose commercial driver's permit has been revoked to take and satisfactorily complete this course, before he is again issued a permit.
- (h) Should the ~~chief of police~~ Chief of Police or the ~~commission~~ Commission have reason to believe that an applicant for, or a holder of, a commercial driver's permit has medical disabilities which may render the operation of a commercial vehicle by such person unsafe, the ~~chief of police~~ Chief of Police, ~~commissioner of public safety~~ Commissioner of Public Safety or ~~commission~~ Commission may require such person to undergo medical examinations to ascertain the extent, if any, of such disability. Upon receipt of the results of such medical

examinations, the ~~commission~~Commission may condition the operation of the commercial vehicle upon such conditions as it believes necessary.

*History: Comm. Commn. Regs., eff 1 Jan 73. Reg. 1.02; amd 2012, Rule 01-2012, eff 1 Oct 12.*

*Amendments: 2012, subsection (g), changed language to a "Commission approved driving course."*

### **19.0113 Exceptions to qualifications.**

The ~~chief of police~~Chief of Police, upon reasonable grounds, may make exceptions to the requirements of A.S.A.C. 19.0112 (d), (e), and (g) of this chapter.

*History: Comm. Commn. Regs., eff 1 Jan 73. Reg. 1.02; amd 2012, Rule 01-2012, eff 1 Oct 12.*

*Amendments: 2012, added "of this chapter."*

### **19.0114 Expiration-Renewal.**

Each commercial driver's permit issued shall automatically end on 31 Dec of the year issued. Renewal application shall be made by the applicant on or before such date. The ~~chief of police~~Chief of Police shall then cause a search of such applicant's driving and criminal record to be made and may require other information.

*History: Comm. Commn. Regs. eff 1 Jan 73. Rep. 1.01.*

### **19.0115 Denial.**

Failure of the applicant to successfully meet all the requirements of ~~ASCA~~A.S.C.A. 19.0203 shall be grounds for denial of a commercial driver's permit. Upon such denial, the ~~chief of police~~Chief of Police shall advise the applicant, in writing, of the specific reasons for such denial.

*History: Comm. Commn. Regs., eff 1 Jan 73. Reg. 1.02; amd 2012, Rule 01-2012, eff 1 Oct 12.*

*Amendments: 2012, added "ASCA."*

### **19.0116 Appeal of denial.**

Denial by the ~~chief of police~~Chief of Police or the ~~commissioner~~Commissioner of an application for a commercial driver's permit may be appealed to the ~~commission~~Commission within 10 days of notice of such denial. The aggrieved applicant shall state the reasons for such appeal on a form provided by the ~~commission~~Commission and, upon receipt of such appeal, the ~~commission~~Commission shall provide the applicant with a hearing within a reasonable time. Such hearing shall provide the appealing party with an opportunity to show cause why a commercial permit should be issued to him. The ~~commission~~Commission may, upon reasonable grounds and subject to reasonable conditions, then award a commercial driver's permit or affirm the decision of the ~~chief of police~~Chief of Police. The decision of the ~~commission~~Commission shall be in writing, made within a reasonable length of time from date of hearing, and sent by mail to applicant's address.

*History: Comm. Commn. Regs. eff 1 Jan 73. Rep. 1.01.*

### **19.0117 Appeal hearing procedure.**

Procedure for the hearing provided for in 19.0116 of this chapter shall be substantially as follows:



- (a) The chairman or acting chairman shall preside and shall state for the benefit of the members and the appealing party and his representative, attorney or witnesses:
- (1) the name of the party;
  - (2) that this is an appeal from denial to issue a commercial driver's permit;
  - (3) the reasons for such denial.
- (b) The appellant shall then present his case. He should be ready to show affirmatively that he is eligible for a commercial driver's permit. He may also show mitigating factors for any citations received (although the ~~commission~~Commission shall not retry each citation and a conviction of a misdemeanor or crime shall be conclusive), and any other reasons to show that a license should be issued, including character references.

*History: Comm. Commn. Regs., eff 1 Jan 73. Reg. 1.02; amd 2012, Rule 01-2012, eff 1 Oct 12.*

*Amendments: 2012, added "of this chapter."*

#### **19.0120 Required to operate commercial vehicle.**

A person shall not operate a commercial vehicle upon any highway in American Samoa without first having obtained from the ~~commission~~Commission a ~~certificate of convenience and necessity~~Certificate of Convenience and Necessity.

*History: Comm. Commn. Regs., eff 1 Jan 73. Reg. 1.02; amd 2012, Rule 01-2012, eff 1 Oct 12.*

*Amendments: 2012, changed "no person shall," to "a person shall not."*

#### **19.0121 Procedure.**

Procedures to determine if a service proposed to be rendered will promote the public convenience and necessity shall be as follows:

- (a) Applications, posting and service of notice shall be in accordance with A.S.C.A. 19.0116, 19.0117, and 19.0125-ASCA, as now in force or as hereinafter amended.
- (b) Objections shall be filed within 10 days after posting pursuant to A.S.C.A. 19.0118-ASCA, as now in force or as hereinafter amended.
- (c) All hearings shall be conducted in accordance with A.S.C.A. 4.1025 through 4.1034, and 19.0125, 19.0126, and 19.0127-ASCA, as now in force or as hereinafter amended.
- (d) All appeals and judicial review shall be processed pursuant to A.S.C.A. 19.0129, 19.0130, and 19.0131-ASCA, as now in force or as hereinafter amended.

*History: Comm. Commn. Regs. eff 1 Jan 73. Rep. 1.01.*

#### **19.0122 Franchises.**

The ~~commission~~Commission may award a franchise to a holder of a ~~certificate of convenience and necessity~~Certificate of Convenience and Necessity if such franchise would, in the judgment of the Commission, have a material effect in the providing of commercial transportation with American

Samoa. Such franchise shall be issued in conformance with the procedure as set out in A.S.A.C. 19.0121 of this chapter.

*History: Comm. Commn. Regs., eff 1 Jan 73. Reg. 1.02; amd 2012, Rule 01-2012, eff 1 Oct 12.*

*Amendments: 2012, added "of this chapter."*

### **19.0123 Termination-Renewal.**

Each ~~certificate of convenience and necessity~~ Certificate of Convenience and Necessity shall automatically terminate on 31 December of the year issued. Renewal applications shall be made by the applicant upon forms provided by the ~~commission~~ Commission and the applicant shall supply all required information.

*History: Comm. Commn. Regs., eff 1 Jan 73. Reg. 1.02; amd 2012, Rule 01-2012, eff 1 Oct 12.*

*Amendments: 2012, completed the word, "December."*

### **19.0125 Notice of intended action-Summary suspension.**

The revocation, suspension, or modification of a commercial driver's permit or ~~certificate of convenience and necessity~~ Certificate of Convenience and Necessity shall proceed in accordance with A.S.C.A. 4.1036 ~~ASCA~~, which provides for the giving of reasonable notice of facts or conduct which warrant the intended action and an opportunity to show compliance with all requirements for the retention of the license. However, should the ~~commission~~ Commission find that the public health, safety, or welfare require emergency action and incorporates such finding in its order, the ~~commission~~ Commission may order a summary suspension of the commercial driver's permit for a period not to exceed 120 days, pending revocation proceedings or other action.

*History: Comm. Commn. Regs., eff 1 Jan 73. Reg. 1.02; amd 2012, Rule 01-2012, eff 1 Oct 12.*

*Amendments: 2012, changed "be effected" to "proceed."*

### **19.0126 Hearings.**

All hearings to revoke, suspend, or modify commercial driver's permits or ~~certificates of convenience and necessity~~ Certificates of Convenience and Necessity shall be conducted in accordance with A.S.C.A. 4.1025 ~~through 4.1029~~ ASCA, which provide as follows:

- (a) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice.
- (b) The notice shall include a statement of the time, place and nature of the hearing and a short and plain statement of the matters asserted.
- (c) All parties shall be afforded the opportunity to respond and present evidence and argument on all issues involved, and to conduct such cross-examination as is necessary for a full and true disclosure of the facts.
- (d) Strict rules of evidence need not be followed, but the receipt of evidence shall be guided by the rules of evidence applicable in the trial division of the High Court of American Samoa.
- (e) Agencies shall give effect to the rules of privilege recognized by law.
- (f) ~~Official notice may be taken of judicially cognizable facts.~~

*History: Comm. Commn. Regs. eff 1 Jan 73. Rep. 1.01.*

**19.0127 Decision or order-Findings of fact.**

The decision or order of the ~~commission~~Commission in cases to revoke, suspend, or modify a commercial driver's permit or ~~certificate of convenience and necessity~~Certificate of Convenience and Necessity shall be in accordance with A.S.C.A. 4.1030 and 4.1031 A.S.C.A., as follows:

- (a) A final decision or order adverse to a party in a contested case shall be in writing and stated in the record. A final decision shall include findings of fact and ~~conclusions of law~~. If findings of fact are set forth in a statutory language, they shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings.
- (b) Findings of fact shall be based exclusively on the evidence and on matters officially noticed. An agency's experience, technical competence, and specialized knowledge may be used in the evaluation and interpretation of the evidence.
- (c) All parties shall be notified either personally or by mail of any decision or order and shall, upon request, be furnished with a copy of the same.

*History: Comm. Commn. Regs., eff 1 Jan 73, Rep. 1.01.*

**19.0128 Record of hearing.**

The record of all hearings ~~before the Commission~~ for revocation, suspension or modification of commercial driver's permits or ~~certificates of convenience and necessity~~Certificates of Convenience and Necessity shall be in accordance with A.S.C.A. 4.1032 A.S.C.A., as follows:

~~In a contested case, the record shall include:~~

- ~~(1) all pleadings, motions, proposed findings, exceptions, objections, briefs, and memoranda filed by the parties;~~
- ~~(2) a summary of the evidence received or considered and of matters officially noticed at any stage of the agency proceedings;~~
- ~~(3) any intermediate rulings and any decision, opinion, or report by the officer presiding at the hearings;~~
- ~~(4) the final decision or order of the agency;~~
- ~~(5) any other relevant material ordered into the record by the agency or its hearing officer.~~

*History: Comm. Commn. Regs. eff 1 Jan 73. Rep. 1.01.*

**19.0129 Judicial review.**

Judicial review of actions by the ~~commission~~Commission to revoke, suspend or modify commercial driver's permits or ~~certificates of convenience and necessity~~Certificates of Convenience and Necessity, shall be in conformance with relevant subsections of 4.1040 through 4.1044 A.S.C.A., which provide as follows:

- (a) A person who has exhausted all administrative remedies available within an agency and who is aggrieved by a final decision in a contested case shall be entitled to judicial review under 4.1040 through 4.1044 A.S.C.A.
- (b) Section 4.1040 does not limit the utilization of, or the scope of judicial review available under other means of review, redress, relief or trial de novo provided by law, and judicial review may not be sought under 4.1040 through 4.1044 A.S.C.A., of any proceedings for which, or by any person for whom, the law specifically provides other adequate means of judicial review.
- (c) A preliminary, procedural, or intermediate agency action or ruling shall be immediately reviewable only if review of the final agency decision would not provide an adequate remedy.
- (d) Proceedings for review may be instituted by filing a petition in the appellate division of the High Court of American Samoa within 30 days after the issuance of the decision to be reviewed, or if rehearing or reconsideration is requested, within 30 days after the decision thereon. Copies of the decision shall be served upon the agency and all parties of record.
- (e) The filing of a petition under 4.1041 A.S.C.A., shall not stay enforcement of the agency's decision, The agency may grant, or the court may order a stay on appropriate terms.
- (f) Within 30 days after service of the petition, or within further time allowed by the court, the agency shall transmit to the court the original or a certified copy of the record of the proceeding under review.
- (g) The review shall be confined to the record. Upon request by any party, the court shall receive briefs and hear oral argument. On motion of any party, the court may, in its discretion receive any evidence necessary to supplement the record.
- (h) The court may not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact. In reviewing the agency's interpretation of the evidence, its factual inferences, and its conclusions of law, the court shall give appropriate weight to the agency's experience, technical competence, and specialized knowledge.
- (i) The court may reverse or modify the decision of the agency, or may remand the case for further proceedings, if substantial rights of the petitioner have been prejudiced because the decision of the agency is:
  - (1) in violation of applicable constitutional or statutory provisions;
  - (2) in excess of the statutory authority of the agency;
  - (3) made upon unlawful procedure;
  - (4) affected by other error of law;
  - (5) clearly erroneous in view of the reliable, probative, and substantial evidence in the whole record;
  - (6) arbitrary, capricious, or characterized by abuse of discretion.

*History: Comm. Commn. Regs. eff 1 Jan 73. Rep. 1.01.*

**19.0130 Other remedies.**

Nothing in this article shall be construed to limit the ~~commission~~Commission to actions to revoke, suspend or modify commercial driver's permits or ~~certificates of convenience and necessity~~Certificates of Convenience and Necessity when other judicial remedies are available, nor shall proceeding under this article be exclusive of any criminal prosecution provided for in the laws of American Samoa.

*History: Comm. Commn. Regs. eff 1 Jan 73. Rep. 1.01.*

**19.0136 Vehicle classes.**

There shall be a distinctive and separate numbering system for each class of vehicles designated as "bus," "tax," or "cargo vehicle." Such plates may have other markings which may designate a registration number year, the legend, "Territory of American Samoa," as well as any other legend.

*History: Comm. Commn. Regs. eff 1 Jan 73. Rep. 1.01.*

**19.0137 Preparation and distribution duty.**

The department of public safety is designated to prepare such license plates and attend to their distribution with approval of the ~~commission~~Commission.

*History: Comm. Commn. Regs., eff 1 Jan 73. Reg. 1.02; amd 2012, Rule 01-2012, eff 1 Oct 12.*

*Amendments: 2012, changed "administrative services" to "public safety."*

**19.0140 Application for Certificate of Convenience - Fee**

- (a) In addition to the application and renewal requirements under ~~ASAC~~ A.S.A.C. 19.0123 and ~~ASCA~~ A.S.C.A. 19.0116, the application fee to apply for and renew a Certificate of Convenience shall be ~~twenty dollars~~ \$20.00 and shall be paid at the time the application or renewal application is submitted. Failure to submit the application fee shall result in a rejection of the application or renewal.
- (b) The revenue generated by the application fee shall be deposited into a separate account and shall be used for the administration of this chapter.

*History: Comm. Commn. Regs., Rule 01-2012, eff 1 Oct 12.*

*Amendments: 2012, added "of this chapter."*

**19.0141 Collection responsibility.**

The ~~department of public safety~~Department of Public Safety is designated as the representative of the commission to collect fees for the issuance of any license plates or driver's licenses issued pursuant to this chapter and to collect such other expenses as provided for under A.S.C.A. 19.0128 (a) and (b) ~~ASCA~~ and as may be reasonably levied by the ~~commission~~Commission.

*History: Comm. Commn. Regs., eff 1 Jan 73. Reg. 1.02; amd 2012, Rule 01-2012, eff 1 Oct 12.*

*Amendments: 2012, changed number from 19.0140. Changed "administrative services" to "public safety."*

**19.0150 Inspection-Procedure-Safety sticker -Equipment required.**

The following procedure will be followed in inspecting all commercial vehicles:

(a) Denial of Safety Sticker. Failure to pass any of the following must result in the denial of a safety certificate:

(1) In-station inspection on jacks:

(A) Remove 1 rear wheel and 1 front wheel to check brake lining wear. Linings must be at least 3/32 of an inch. In the case of brakes which are in compliance but still marginal, a notation should be made on the inspection form.

(B) Test brake pedal to check if proper clearance between the pedal and floor is maintained after 1 stroke.

(C) Front end: inspect steering mechanism to ensure that all connections are tight. There should be no play in the front end. The steering wheel must activate the front wheels with no more than 1/4 turn.

(D) Hand brake must lock at least 2 wheels.

(E) The vehicle must have installed a seat\_belt assembly as required in ASCAA.S.C.A. 22.0333.

(2) Offjacks:

(b) Temporary Sticker. The following violations will result in only a 30-day temporary sticker being issued:

(1) Windshield must be of clear safety glass.

(2) Tires must have more than twenty-five percent of original tread.

(3) Windshield wiper must be self-operating and operable.

(4) Speedometer must be operable.

(5) Light lenses must be of the color required by the ASCAA.S.C.A..

(6) Muffler should not be excessively noisy.

(7) Clearance lights must be shown, and of the proper color, on all vehicles over 18 feet.

(8) Horn must be operable. Vehicles with violations under this subsection will be issued stickers good only for 30 days. At the end of such time the vehicle's registration will be revoked automatically, ipso facto, if the violation has not been corrected, or if the owner cannot show proof of an order placed with a supplier which has not yet been delivered.

(c) Taxi General Inspection. With taxis, a general inspection should be made to insure:

(1) the floors and sides are solid;

(2) all doors operate and lock securely;

(3) all windows have glass which rolls up and down easily;

- (4) the car is in generally good condition, is clean, and is presentable for use.
- (d) Bus General Inspection. With buses, a general inspection should be made to see that the body is securely connected to the chassis.
- (e) Road Test.
  - (1) Check that the vehicle has no excessive play in the front end.
  - (2) Shock absorbers should be of reasonable quality.
  - (3) Brakes should be applied in a quick stop without pull or jerk to either side.
  - (4) There should be no excessive noise or rattles.
- (f) Bus Equipment.
  - (1) ~~On and after 1 Sep 80, each previously registered and licensed bus~~All buses, whether registered or unregistered, shall be equipped with a safety glass windshield. ~~On and after 1 Jul 80, each previously unregistered and unlicensed bus shall be equipped with a safety glass windshield.~~
  - (2) ~~On and after 1 Sep 80, each previously registered and licensed bus~~All buses, whether registered or unregistered, shall be equipped with a rear lowboy bumper. ~~On and after 1 Jul 80, each previously unregistered and unlicensed bus shall be equipped with a rear lowboy bumper.~~
- (g) Inspector-specified Points. The safety inspector appointed by the ~~commissioner of public safety~~Commissioner of Public Safety may specify other inspection points and may deny a safety sticker for such points. In the event the inspector does so, he shall state the reasons therefor on the inspection denial sheet.

*History: Comm. Commn. Regs., eff 1 Jan 73. Reg. 1.02; amd 2012, Rule 01-2012, eff 1 Jan 13.*

*Amendments: 2012, changed number from 19.0152. Added subsection (E).*

#### **19.0151 Restrictions on small buses.**

- (a) Buses weighing less than three quarters (3/4) of a ton shall not operate commercially, except along the main road spanning from the canneries in Atu'u to the LBJ Hospital in Fagatogo. Such buses shall not deviate from the main road, except to go to LBJ Hospital.
- (b) For purposes of this section the bus weight shall be calculated based on the original manufacturer's weight and towing capacity of the vehicle before modification.
- (c) Persons failing to comply with the provisions of this section shall:
  - (1) be guilty of a class B misdemeanor and upon conviction shall be sentenced accordingly. ~~or~~
  - (2) subject to a fine in A.S.A.C. 19.0202(a).

*History: Comm. Commn. Regs., Rule 01-2012, eff 1 Jan 13.*

#### **19.0152 Inspections - When**

All commercial vehicles shall be inspected at the time of original registration and licensing, each renewal registration and licensing, and during the sixth month between each registration and licensing. In addition, the ~~commission~~Commission may cause any commercial vehicle to be inspected at any time in the interest of public safety.

*History: Comm. Commn. Regs., eff 1 Jan 73. Reg. 1.02; amd 2012, Rule 01-2012, eff 1 Oct 12.*

*Amendments: 2012, changed number from 19.0153.*

#### **19.0154 Tint on commercial vehicles prohibited**

- (a) A person shall not operate a commercial passenger vehicle on the road or highway if any of the windows or windshield of the commercial passenger vehicle contain any sunscreening material that reduces light transmittance to any degree, including but not limited to, tint, window applications, reflective film, non-reflective film, or glazing.
- (b) The application by the manufacturer at the time of manufacture of the commercial vehicle of a minor tinting or sunscreening on the visor portion of the windshield or the rear windows shall not be considered a prohibited sunscreening material.
- (c) Failure to comply with this section shall be grounds for revocation or suspension of a commercial driver's permit or ~~certificate of convenience~~Certificate of Convenience.
- (d) In addition to A.S.A.C. 19.0154(c), an owner of a commercial vehicle shall be issued a fine for failure to comply with this section pursuant to A.S.A.C. 19.0201(d).

*History: Comm. Commn. Regs., Rule 01-2012, eff 1 Oct 12.*

#### **19.0161 Photo identification of ~~driver~~ Commercial Carrier on display**

Each ~~operator~~Commercial Carrier of a commercial passenger vehicle must display his or her valid, government issued ~~photo identification~~ commercial driver's permit in addition to his or her valid private driver's license in a common area that is readily viewable to the passengers. A photocopy of the ~~identification~~ commercial driver's permit and valid private driver's license shall be sufficient to comply with this section.

*History: Comm. Commn. Regs., Rule 01-2012, eff 1 Oct 12.*

#### **19.0162 Smoking Prohibited**

- (a) Pursuant to ~~ASCAA~~A.S.C.A. 13.1303, it is prohibited to smoke in a passenger commercial vehicle, whether taxi or bus.
- (b) The ~~operator~~ Commercial Carrier of the commercial vehicle shall have the duty to make every reasonable effort to prohibit smoking in the vehicle, including by posting conspicuous signs prohibiting smoking.
- (c) Failure to comply with this section, or with ~~ASCAA~~A.S.C.A. 13.1301 et seq. shall be grounds for revocation or suspension of a commercial driver's permit or ~~certificate of convenience~~Certificate of Convenience.
- (d) In addition to A.S.A.C. 19.0162(c):



(1) a Commercial Carrier of a bus or tax shall be issued a fine pursuant to A.S.A.C. 19.0202(i).

(2) a passenger of a taxi or bus shall be issued a fine pursuant to A.S.A.C. 19.0203(a).

*History: Comm. Commn. Regs., Rule 01-2012, eff 1 Oct 12.*

**19.0163 Rates – Exceeding provisions prohibited**

~~An operator~~ Commercial Carrier of a commercial passenger vehicle, or other person collecting fares, shall not charge or collect a fee or rate more than that set forth in this chapter.

*History: Comm. Commn. Regs., eff 1 Jan 73. Reg. 1.02; amd 2012, Rule 01-2012, eff 1 Oct 12.*

*Amendments: 2012, changed number from 19.0145.*

**19.0164 Rates-Posting.**

A copy of the rates set forth in this chapter shall be posted in a conspicuous place in every commercial passenger vehicle such that they may be seen by the passengers. The ~~operator~~ Commercial Carrier of the commercial passenger vehicle must provide the rate schedule upon request of a passenger.

*History: Comm. Commn. Regs., eff 1 Jan 73. Reg. 1.02; amd 2012, Rule 01-2012, eff 1 Oct 12.*

*Amendments: 2012, changed number from 19.0146.*

**19.0170 Taxi Rates**

(a) The following are the maximum permissible rates per trip regardless of the number of passengers carried:

Village/Area One Way Fare West From Market Place (Fagatogo)

Fagatogo	\$2.00
Sadie's by the Sea	2.00
Utulei	2.00
Old Tramway	2.00
Faga'alu	3.50
Fatumafuti	3.75
Matu'u	4.25
Vasa'aiga	4.50
Faganeanea	5.00
Nuu'uli Main Village	5.75
Nuu'uli Coconut Point	6.50
Laufou Shopping Center	7.00
Nuu'uli Manulele School	8.00
Tafuna Government Housing	8.00
Airport Terminal	9.50
Kokoland Tafuna	12.00
Tradewinds Hotel	9.00
Fatu-O-Aiga	10.00
Malaeimi (Baptist Church)	8.25
Malaeimi (College Campus)	8.75

Falenui	9.50
Mapusagafou	11.25
Aoloau	14.00
Pava'iai	10.25
Iiili (Asuemu)	10.50
Iiili Village	12.50
Iiili Golf Course	11.50
Futiga	11.25
Maliu Mai Beach Resort	11.00
Turtle & Shark Lodge, Vaitogi	13.25
Puapua Malaeloa T/OFF	11.75
Malaeloa Village	12.50
Midkiff Intersection	12.50
Leone	14.00
Taputimu G/Farm	13.00
Vailoatai	14.00
Amaluia	14.25
Afao	14.75
Nua & Seetaga	15.50
Amanave	17.75
Poloa	22.75
Fagali'i	27.25
Maloata	30.50
Fagamalo	35.50

Village/Area One Way Fare East From Market Place (Fagatogo)

Asco Motors Toyota	\$2.00
Evalani's	2.00
Pago Plaza	2.00
Pago FIFA Soccer Field	3.00
Vaipito	4.00
Fagasa	8.75
Satala – Southwest Marine Boat Haul Out	3.00
Atu'u – Canneries	3.50
Leoaloa incl Lepua	4.25
Aua	5.00
Onesosopo Park	5.75
Laulii Fou/Laulii Tuai	6.75
Aumi	7.50
Tisa's Barefoot Bar	8.25
Two Dollar Beach – Avaio	10.00
Auto	9.00
Amaua	9.00
Fagaitua	10.25
Masefau	15.50
Masausi	15.50

Pagai	11.00
Alofau	11.75
Amouli	14.00
Aoa	18.50
Auasi	19.00
Utumea	19.50
Alao	19.75
Tula	20.00
Vatia	25.50
Afono	25.50
Onenoa	25.50

Village/Area One Way Fare West of Pago Pago International Airport

Tradewinds Hotel	3.00
Fatu-O-Aiga	2.50
Seventh Day Adventist Ili'ili	2.50
Kokoland Tafuna	5.50
Malaeimi Baptist Church	2.75
Community College	3.00
Mesepa	4.50
Falenu	4.25
Mapusagafou	5.75
Aoloau	10.00
Pavai'ia'i	5.00
Iiili (Asuemu)	5.25
Iiili Village	5.50
Iiili Golf Course	5.50
Futiga	5.75
Maliu Mai Beach Resort	5.00
Turtle & Shark Lodge, Vaitogi	8.00
Puapua Malaelo T/OFF	6.50
Midkiff – Leone	7.50
Taputimu	7.50
Vailoatai	8.25
Amaluia	8.75
Asili	8.75
Afao	9.50
Nua & Seetaga	10.25
Amanave	12.50
Poloa	15.50
Fagali'i	20.00
Fagamalo	24.50

Village/Area One Way Fare East of Pago Pago International Airport

Tafuna Government Housing	\$3.00
Laufou Shopping Center	3.00

Nu'uuli Main Village	4.25
Nu'uu'i Village Coconut Point	5.00
Avau	5.00
Faganeanea	5.00
Matu'u	5.75
Fatumafuti	6.00
Faga'alu	6.50
Utulei	8.00
Sadie's by the Sea	8.00
Fagatogo	9.50

- (b) Charter: \$15.00 per hour; waiting: \$3.75 for 15 minutes; minimum charge: \$1.00.
- (c) Luggage
- (1) Each passenger is allowed two pieces of luggage free at no charge, brief cases and had carry items are free of charge.
  - (2) \$1 for each piece of excess luggage above the allowance set out above.
- (d) Passengers should make sure change is available before commencing trip.
- (e) Any overcharges or irregularities should be immediately reported with all details to the police department at 633-1111, or Commerce Commission at 633-5155 a complaint may be filed with the Commission or Consumer Protection at A.G.'s office.

*History: Comm. Commn. Regs., eff 1 Jan 73. Reg. 1.02; amd 2008; amd 2012, Rule 01-2012, eff 1 Oct 12.*

*Amendments: 2008, established new taxi rates. 2012, changed number from 19.0147. Title modified.*

#### **19.0171 Company Markings and roof sign**

- (a) Each taxi shall contain identifying markings identifying the vehicle as a taxi. The markings shall meet the minimum physical standards of this section:
- (1) The markings shall appear on both sides of the taxi;
  - (2) The letters shall contrast sharply in color with the background on which they are placed;
  - (3) The information shall be readily legible during daylight hours from a distance of 50 feet while the taxi is stationary; and
  - (4) The markings must be maintained in a manner that retains the legibility.
- (b) The markings maybe be painted directly on the taxi, or may consist of a removable device, such as a decal or sticker, so long as the requirements of section (a) are maintained.
- (c) The markings shall contain at a minimum the following information:
- (1) The legal or trade name of the taxi, as identified on the ~~certificate~~ Certificate of Convenience;

- (2) The vehicle identification number;
- (3) The physical address of the business; and
- (4) The phone number of the business.
- (d) The markings may include the company logo, but shall not include advertising for other companies or products.
- (e) Each taxi shall bear a roof sign which shall distinguish the taxi as a commercial vehicle and shall indicate whether the taxi is available for fare.
- (f) Failure to adhere to this section shall be grounds for revocation or suspension of a commercial driver's permit or a ~~certificate of convenience~~ Certificate of Convenience.
- (e) In addition to A.S.A.C. 19.0171(f), an owner of a vehicle shall be issued a fine for failure to comply with this section pursuant to A.S.A.C. 19.0202(f).

*History: Comm. Commn. Regs., Rule 01-2012, eff 1 Jan 13.*

**19.0180 Bus Rates**

- (a) The following one-way rates shall be charged by commercial buses as maximum rates:

Route Fare

<b>Bus Route</b>	<b>Bus Rate</b>
(1) Congestion Area. From the Marist-Fathers' Brother's Rectory in Atu'u to the end of Faga'alu village	\$ <del>1.00</del> <u>1.25</u>
(2) Western District. From Fagatogo (market place) to:	
(A) Airport intersection	<del>1.25</del> <u>\$1.50</u>
(B) Airport, areas on west side of airport intersection up to Leone-Auma including Ili'ili, Vaitogi, Mapusagafou, Taputimu, Vailoatai, and Malaaloa	<del>1.50</del> <u>\$1.75</u>
(C) Areas on west side of Leone-Auma to Amanave including Aoloau and Aasu	<del>1.75</del> <u>\$2.00</u>
(D) Areas beyond Amanave including Poloa, Fagali'i, and Fagamalo	<del>2.00</del> <u>\$2.25</u>

(3) Eastern District. From Fagatogo (market place) to:	
(A) Lauli'ituai	1.25 <del>\$1.50</del>
(B) Areas on east side of Lauli'ituai to Amouli	1.50 <del>\$1.75</del>
(C) Fagasa	
(D) Areas on east side of Amouli to Tula	1.50 <del>\$1.75</del>
(E) Onenoa, Aoa, Masefau, Masausi, and Sa'ilele	1.75 <del>\$2.00</del> 2.00 <del>\$2.25</del>
(F) Afono	
(G) Vatia	2.00 <del>\$2.25</del> 1.50 <del>\$1.75</del>

(b) Charter Fares: The rate for charter buses is computed as follows: ~~Bus capacity x subsection (a) rate for any set destination. Example: From marketplace to airport using 20-seat bus = (20) x \$1.50 = \$30 one-way, round trip \$60 . This method offsets any charge for waiting hours and allows the bus to wait as long as 4 hours at no extra cost.~~

(1) For one way, a maximum of \$200.00;

(2) For round trip, a maximum of \$350.00.

(c) The following applies to all bus owners and operators Commercial Carriers of buses:

(1) That there is a minimum fare of \$0.50 for intra-village and inter-village travel in areas not distinctly covered in subsection (a) of this section;

(2) That a fare of \$0.50 be charged for any ride between any two adjacent points stated in subsection (a) of this section. If riding between more than 2 set points, the fare must be consistently and reasonably adjusted to avoid any unreasonable overcharge;

(3) That no restriction is posed against undercharging of passengers by any operator Commercial Carrier. However, it advises strongly against overcharging and asks that operators observe the maximum rates outlined in this section;

(4) That every bus owner holding valid business license for commercial transportation in American Samoa must submit a quarterly financial statement after each quarter to the Commission chairman for filing, indicating business income and expenditures.

*History: Comm. Commn. Regs., eff 1 Jan 73. Reg. 1.02; amd 2008; amd 2012, Rule 01-2012, eff 1 Oct 12.*

*Amendments: 2008, established new bus rates; 2012, changed number from 19.0148. Title modified.*

### **19.0181 College student bus rates**

The provisions of A.S.A.C. 19.0180 ASAC to the contrary notwithstanding, the maximum one-way rate that may be charged by commercial buses for full-time students enrolled at the American Samoa Community College is ~~\$0.50~~ \$1.00 subject to the following conditions:

- (1) The student must present to the Commercial Carrier of a bus operator on each ride a valid full-time student identification card issued by the college.
- (2) The student must be traveling either from home to the college or from the college to home.
- (3) The regular ~~maximum~~ bus rates apply on weekends and college holidays.

*History: Comm. Commn. Regs., eff 1 Jan 73. Reg. 1.02; amd 2008; amd 2012, Rule 01-2012, eff 1 Oct 12.*

*Amendments: 2008, established new bus rates; 2012, changed number from 19.0149. Title modified.*

### **19.0182 High School and Elementary School bus rates**

(a) The provisions of A.S.A.C. 19.0180 to the contrary notwithstanding, the maximum one-way rate that may be charged by commercial buses for full-time students enrolled at any public or private High School or Elementary School of American Samoa is \$0.50 subject to the following conditions:

- (1) The High School student must present to the Commercial Carrier of a bus on each ride a valid student identification card issued by the school, if any;
- (2) The student, either High School or Elementary School, must be traveling either from home to the High School or Elementary School or from the High School or Elementary School to home;
- (3) The regular bus rates apply on weekends and school holidays.

### **19.01823 Side loading of buses and emergency exits**

- (a) All buses shall have an entrance exit on the right side of such vehicle to be used for passenger entrance and exit.
- (b) All buses shall have a rear door to be used as an emergency exit only. Emergency exit doors shall be at a minimum two feet wide and four feet tall, and easy to open in an emergency. Emergency exits shall be certified for safety and adherence to this chapter by the chief of police.

*History: Comm. Commn. Regs., eff 1 Jan 73. Reg. 1.02; amd 2012, Rule 01-2012, eff 1 Jan 13.*

*Amendments: 2012, changed number from 19.0150. Subsection (b) added.*

### **19.01834 Loading and unloading stations**

As loading stations are established, all commercial vehicles shall pick up or discharge passengers only in such specified zones or other areas. At all times commercial vehicles shall be completely off the road when picking up or discharging passengers.

*History: Comm. Commn. Regs., eff 1 Jan 73. Reg. 1.02; amd 2012, Rule 01-2012, eff 1 Oct 12.*

*Amendments: 2012, changed number from 19.0151.*

### **19.01845 Passenger Capacity**

- (a) The safety inspector of the Commission shall determine each bus' maximum occupancy based on the number of seats available in the bus, the type of vehicle, the length of the passenger-carrying compartment, the length such passenger-carrying compartment

protrudes behind the rear wheels, the manner such compartment is attached to the chassis, the strength of shock absorbers and springs, and such other consideration deemed relevant by the inspector. This maximum occupancy number shall be identified on the ~~certificate of convenience and necessity~~ Certificate of Convenience and Necessity and visibly posted in the bus.

- (b) No bus shall be loaded beyond the maximum occupancy.
- (c) A person shall not stand, sit on the floor, or sit on the steps of an operating bus.
- (d) Any person violating a provision of this section shall be guilty of a Class B misdemeanor and sentenced accordingly. This rule may be applied to passengers, the driver, and/or the owner of the bus, and any others in violation.
- (e) In addition to A.S.A.C. 19.0185(d), an owner of the bus or taxi shall be issued a fine pursuant to A.S.A.C. 19.0202(g).

*History:* *Comm. Commn. Regs., eff 1 Jan 73. Reg. 1.02; amd 2012, Rule 01-2012, eff 1 Oct 12.*

*Amendments:* 2012, changed number from 19.0154. Added subsections (b)-(d).

#### **19.0190 Adoption and applicability of federal regulations**

The following provisions of the federal motor carrier safety regulations in force and which may hereafter be adopted, where not clearly inapplicable to American Samoa, are adopted and made applicable in American Samoa for the purposes of administering and enforcing the motor carriers safety assistance program in the territory:

- (a) ~~49 Code of Federal Regulations~~ 49 C.F.R. Parts 390 through 399;
- (b) ~~49 Code of Federal Regulations~~ 49 C.F.R. Part 107, subparts F and G; and
- (c) ~~49 Code of Federal Regulations~~ 49 C.F.R. Parts 171 through 173, 177, 178, and 180.

*History:* *Comm. Commn. Regs., eff 1 Jan 73. Reg. 1.02; amd 1995, eff 3 Sept 95; amd 2012, Rule 01-2012, eff 1 Oct 12.*

*Amendments:* 1995, added 49 CFR 180; 2012, changed number from 19.0161. Wording modified. Added adoption of federal regulations identified in subsection (b).

#### **19.0191 Inspections for hazardous materials**

- (a) In support of the safe transportation and movement of hazardous materials and wastes on the public highways of American Samoa, employees of the American Samoa Government assigned to administer the federal motor carrier safety assistance program in American Samoa are authorized to inspect the premises, equipment and freight, and the shipping papers and other documents related to the transportation of such freight for violations the regulations adopted in A.S.A.C. 19.0190.
- (b) Inspections under ~~subsection (a) of this section~~ A.S.A.C. 19.0191(a) shall be carried out in the presence of territorial law enforcement personnel.

*History:* *Comm. Commn. Regs., eff 1 Jan 73. Reg. 1.02; amd 2012, Rule 01-2012, eff 1 Oct 12.*



*Amendments: 2012, changed number from 19.0162.”*

2. The American Samoa Administrative Code Title 19 is amended to insert a new Chapter 02 as follows:

**“CHAPTER 02 – FINES**

**Sections**

**19.0201 Owner of Commercial Vehicle Fines**

**19.0202 Commercial Carrier Fines**

**19.0203 Passenger Fines**

**19.0201 Owner of Commercial Vehicle Fines.**

- (a) Failure to provide litter container in A.S.A.C. 19.0160(c): \$50.00.
- (b) Failure to display rate schedule in A.S.A.C. 19.0164: \$50.00.
- (c) Failure to comply with side loading and emergency exits of buses in A.S.A.C. 19.0183: \$75.00.
- (d) Failure to comply with the tint restrictions in A.S.A.C. 19.0154: \$50.00.
- (e) Violation of transportation of hazardous materials as defined by 49 CFR 171.8: Fine not exceeding \$25,000.00.

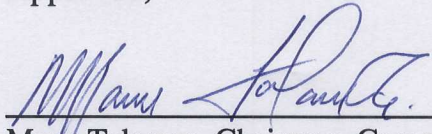
**19.0202 Commercial Carrier Fines.**

- (a) Failure to comply with small bus operation restrictions in A.S.A.C. 19.0151: \$200.00.
- (b) Failure to display copy of commercial driver's permit in A.S.A.C. 19.0161: \$50.00.
- (c) Failure to display signs prohibiting smoking in A.S.A.C. 19.0162: \$50.00.
- (d) Collection of excessive rates for bus or taxi fares in A.S.A.C. 19.0163: \$75.00.
- (e) Failure to display rate schedule in A.S.A.C. 19.0164: \$50.00.
- (f) Failure to comply with taxi markings and roof sign standards in A.S.A.C. 19.0171: \$50.00.
- (g) Operating bus or taxi beyond the maximum occupancy pursuant to A.S.A.C. 19.0185: \$200.00.
- (h) Violation of transportation of hazardous materials as defined by 49 CFR 171.8: \$300.00 per violation.
- (i) Smoking in bus or taxi pursuant to A.S.A.C. 19.0162: \$50.00.

**19.0203 Passenger Fines.**

- (a) Smoking in bus or taxi pursuant to A.S.A.C. 19.0162: \$50.00.”

Approved,



A handwritten signature in blue ink, appearing to read 'Manu Talamoa', is written over a horizontal line.

Manu Talamoa, Chairman, Commerce Commission