

HAWAII ADMINISTRATIVE RULES

TITLE 9

DEPARTMENT OF CUSTOMER SERVICES

SUBTITLE 1 MOTOR VEHICLE, LICENSING AND PERMITS

PART 1 Business Licenses and Permits

CHAPTER 1

TAXICABS

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Historical Note: This chapter is based  
substantially upon the Rules and Regulations of the  
Director of Finance, Part XXVI. [Eff 6/27/84; am  
6/27/89; am 12/20/93; am 6/21/01; R 5/19/05; am  
11/13/05]

SUBCHAPTER 1

GENERAL PROVISIONS

§9-1-1 Purpose. These rules govern the  
procedures to be followed for the issuance of the  
taxicab business license and taxicab driver's  
certificate, the design of the signs on taxicabs, and  
maximum fares, baggage charge, and airport surcharges.  
[Eff 5/19/05] (Auth: ROH §§12-1.1, 12-1.3, 12-1.10)  
(Imp: ROH §§12-1.1, 12-1.3, 12-1.10)

§9-1-2 Definitions. As used in these rules,  
unless the context clearly requires otherwise:

(a) "Director" means the director of customer  
services of the city and county of Honolulu, or the  
director's duly authorized subordinates.

(b) "Taxicab" shall have the same meaning as  
defined in section 12-1.1, ROH.

(c) "Taxicab drivers" shall have the same meaning as defined in section 12-1.1, ROH. [Eff 5/19/05] (Auth: ROH §12-1.1) (Imp: ROH §12-1.1)

§9-1-3 Amendment or Repeal of Rules.

(a) The director may amend or repeal these rules or add to them as provided in chapter 91, HRS.

(b) Any interested person may petition the director requesting the amendment or repeal of any of these rules or adoption of new rules as provided in chapter 91, HRS.

[Eff 5/19/05] (Auth: ROH §12-1.4) (Imp: ROH §12-1.4)

§9-1-4 Severability. If any portion of these rules or the applicability thereof should be held invalid for any reason, such invalidity shall not affect over provisions or applications which can be given effect without the invalid provisions or applications and to this end these rules are declared to be severable. [Eff 5/19/05] (Auth: ROH §12-1.19) (Imp: ROH §12-1.19)

SUBCHAPTER 2

TAXICAB BUSINESS LICENSE

§9-1-5 Required Documents. The taxicab business license shall be issued in accordance with applicable laws and these rules. Applicants must have the following documents in order to obtain a taxicab business license.

(a) Current certificate of registration for the vehicle to be used as a taxicab and registered in the name of the applicant.

(b) Current state department of transportation periodic motor vehicle inspection certificate for that vehicle.

(c) Evidence of taxicab inspection for that vehicle within the preceding twelve month period.

(d) Evidence of financial responsibility for that vehicle with the applicant designated as the primary insured. [Eff 5/19/05] (Auth: ROH §12-1.15, 12-1.23) (Imp: ROH 12-1.15, 12-1.23)

§9-1-6 Surrender and Cancellation.

(a) The holder of a taxicab business license may hold the license in abeyance pursuant to section 12-1.15(c), ROH, for a maximum period of 180 days or up to the expiration of the business license, whichever is earlier. At no time will the period of inactivity be permitted to span two fiscal year periods unless satisfactory written evidence is presented to the director substantiating the reason for the inactivity. This written evidence must be submitted during the renewal period of the taxicab business license or the taxicab business license will be automatically canceled upon the expiration of the current fiscal year's business license period.

(b) Holders of the taxicab business license must inform the director, in writing, of any inactivity in excess of thirty days and substantiated by appropriate documents, e.g. medical certificates, mechanic's statement, or canceled travel tickets. The current business license and taxicab bumper decals issued by the business license section must be returned to the director to preclude the unauthorized use by others. If the vehicle insurance is canceled during the period of inactivity, the holder must submit evidence of insurance reinstatement or a new policy of insurance in order to continue business at the end of the idle period.

(c) Pursuant to section 431:10C-114, HRS, the holder of a taxicab business license must immediately surrender the certificate of registration and license plates for the taxicab to the director upon cancellation of such insurance policy without the filing of a substitute policy. The director shall immediately recall, confiscate, and cancel the issued taxicab business license. [Eff 5/19/05] (Auth: ROH §12-1.15) (Imp: ROH §12-1.15)

### SUBCHAPTER 3

#### TAXICAB DRIVER'S CERTIFICATE

##### §9-1-7 Form of Taxicab Driver's Certificate.

(a) Every operator of a taxicab shall possess a taxicab driver's certificate which shall be mounted within the taxicab as prescribed by section 12-1.9, ROH.

(b) A laminated card, five inches by eight inches shall be furnished by the director to be known as a taxicab driver's certificate which shall contain the following information:

- (1) A taxicab driver's certificate number issued in numerical order.
- (2) Certificate issuance date.
- (3) Cash register validation date.
- (4) Full name of applicant.
- (5) Height, weight, color of eyes and hair, build, and any conspicuous marks or scars.
- (6) Passport type photograph.

§9-1-8 Records and Documents Required by Applicants for Taxicab Driver's Certificate. In order to determine the moral character and physical fitness of the applicant pursuant to section 12-1.9, ROH, the director will consider all pertinent records and certified documents relating to the applicant's fitness to be a taxicab driver, including, but not limited to, the following:

(a) Letter from previous employer, if any, dated not more than thirty days of the issuance of the taxicab driver's certificate.

(b) Three identical photographs (two inches by two inches passport type) that were taken no more than thirty dates before issuance of the taxicab driver's certificate. Applicants restricted to wearing glasses while driving shall be required to provide photographs made with glasses on for identification purposes. Any photograph which is subject to fading shall not be acceptable.

(c) Traffic abstract of the applicant's driving record. The date of the traffic abstract shall be not more than thirty days before issuance of the taxicab driver's certificate.

(d) State department of transportation medical examiner's certificate.

(e) Criminal record check, including fingerprint check, from the Honolulu police department records division. The date of the criminal record check shall be not more than thirty days before issuance of the taxicab driver's certificate.

(f) Passing score on the written test of the taxicab ordinance. There shall be one week waiting period before retesting.

(g) Passing score on the oral test of local geography. There shall be a one week waiting period before retesting.

(h) If an applicant is a foreign national, an I-94 card with the endorsement "Employment Authorized" issued by the Federal Immigration and Naturalization Service. [Eff 5/19/05] (Auth: ROH §12-1.9) (Imp: ROH §12-1.9)

§9-1-9 Standard of Moral Character and Physical Fitness of Applicants for Taxicab Driver's Certificate. Based on the aforementioned records and certified documents, the director shall examine the total record of the applicant. Upon examination, evidence of any of the following criteria may, but need not necessarily be, a basis for denial of the taxicab driver's certificate. The decision shall be made by the director as to whether evidence of such criteria in each individual's case poses a danger to the health, safety or welfare of the traveling public. The criteria include:

(a) Any activity involving mental or physical exertion of eight hours or more per day which would detract from the applicant's physical fitness, including, but not limited to the following:

(1) Full-time student.

(2) Full-time employee of any business establishment, including individuals on active military duty.

(b) Any record of conviction involving criminal offense or traffic violation as defined in the HRS or ROH occurring within two years prior to the date of application which has a bearing on the health, safety or welfare of the traveling public, including:

(1) Criminal conviction involving offenses against the person or property of another, including:

- (A) Assault.
- (B) Kidnapping.
- (C) Manslaughter.
- (D) Murder.
- (E) Negligent homicide.
- (F) Reckless endangering.
- (G) Robbery.
- (H) Larceny, 2<sup>nd</sup> degree.

(2) Criminal conviction involving offenses that are sex related, including:

- (A) Displaying indecent matter.
- (B) Indecent exposure.
- (C) Open lewdness.
- (D) Promoting pornography.
- (E) Prostitution or promoting prostitution.
- (F) Rape.
- (G) Sexual abuse.
- (H) Sodomy.

(3) Criminal conviction involving offenses that are drug related, including:

- (A) Promoting a dangerous drug.
- (B) Promoting a detrimental drug.
- (C) Promoting a harmful drug.
- (D) Promoting an intoxicating compound.

(4) Criminal convictions involving traffic violations while operating a moving vehicle, including:

- (A) Driving under the influence of intoxicating liquor.

- (B) Driving under the influence of drugs.
- (C) Heedless and careless driving while operating a vehicle.
- (D) Speeding.

[Eff 5/19/05] (Auth: ROH §12-1.9) (Imp: ROH §12-1.9)

#### SUBCHAPTER 4

#### TAXICAB SIGNS

§9-1-10 Taxicab Signs. (a) As provided by section 12-1.16 and 12-1.20, ROH, all taxicabs shall be identified with a sign to be known as a dome or roof light.

(c) The taxicab sign shall meet the following specifications:

- (1) Color and Material - The taxicab sign shall be amber in color, with internal illumination, non-glare, translucent, heatproof, waterproof and of durable plexiglass material. With the exception of the lettering which shall be black, the dome or roof light shall be of one color and no combination of colors will be permitted.
- (2) Height of sign - Not more than six inches and not less than four inches, excluding mounting base.
- (3) Width of sign - Not more than six and one-half inches or less than five inches at the base, excluding mounting base.
- (4) Length of sign - Not more than twenty-four inches or less than eighteen inches, excluding mounting base.
- (5) Shape of Sign - Shall be oblong in shape with the front and rear surfaces sloped.
- (6) Numbering and Lettering - The name of the company shall be on the front

vertical slope of the dome or roof light. The taxicab control numbers shall be shown on the rear portion of the dome or roof light. The taxicab control numbers shall be black in color. The taxicab control numbers will consist of the last five numbers of the business-profession-occupation license. The company name, telephone number or company or company logo may be placed below the taxicab control number but the size of the letters or numbers shall not be larger than the size of the taxicab control numbers.

- (7) Location of sign - The roof or dome light shall be centered from either side of the top of the taxicab.
- (8) Lighting - The lighting system of the dome or roof light shall consist of not more than three light sockets of four candlepower bulbs each. The illumination shall be controlled by a switch independent of the headlight switch. The roof or dome light shall be illuminated at all times when lights are required and the cab is being operated. However, when a fare is occupying the cab or the cab is not available for hire, the roof or dome light may be turned off. At no time shall a flickering or blinking light be used while the vehicle is being operated as a taxicab except that in an emergency, or when the driver or passengers, or both, are under duress, the driver may activate a flashing yellow light emanating from the dome or roof light as a means of calling for help or assistance.
- (9) Additional signing - In addition to the roof or dome light sign, appropriate company names may be on the sides of

the taxicab, and on the rear panel of the taxicab, if a stationwagon.

- (10) All taxicab roof or dome lights must be approved by the director before issuance of a taxicab business license. Approval need not be obtained if the roof or dome light is of the same design and color as previously approved. When requesting approval of the design and color of a roof or dome light, the requester shall furnish the director an actual model of the requested roof or dome light, or drawings and photographs sufficient for the director to make a decision on the design and color of the roof or dome light. [Eff 5/19/05] (Auth ROH §§12-1.16, 12-1.30) (Imp: ROH §§12-1.16, 12-1.30)

§9-1-11 Special Operation Signs. As provided in section 12-1.11 ROH, any taxicab operator may operate as a jitney during a public service total stoppage. The director shall furnish two placards, reading "jitney" and the cost per passenger to be affixed to the right-hand visor of the jitney, one of which shall be facing outward so it shall be visible by potential passengers and the other affixed to said right-hand visor facing the passenger riding therein. [Eff 5/19/05] (Auth: ROH §12-1.11) (Imp: ROH §12-1.11)

§9-1-12 Taxicab Control Numbers. The taxicab control numbers that are to prominently posted on the exterior surfaces of the front and rear bumpers pursuant to section 12-1.20, ROH, shall be of a color that will be prominent in relation to the color of the bumper, such as black on chrome bumper. [Eff 5/19/05] (Auth: ROH §12-1.20) (Imp: ROH §12-1.20)

SUBCHAPTER 5

RATE OF FARE, BAGGAGE CHARGE AND SURCHARGE

§9-1-13 (a) Rate of Fare and Baggage Charge. Pursuant to section 12-1.10(a), ROH, no taxicab driver or taxicab company shall assess a passenger more than the following maximum fares or charges:

- (1) Mileage Rate.  
For the first one-eighth of a mile  
or fraction thereof .....\$3.10  
For each additional one-eighth of a mile  
or fraction thereof .....\$0.40
- (2) Waiting Charge  
For each forty-five seconds  
or fraction thereof .....\$0.40
- (3) Small Baggage, Parcel or Object Charge.  
For each purse, briefcase, airline handbag,  
camera, grocery bag (less than twenty-five pound  
size), parcel less than four cubic feet in size or  
collapsible wheelchair..... No Charge
- (4) Regular Baggage, Parcel or Object Charge.  
For each piece of baggage, parcel or object except  
those enumerated in subsection (c) or (e).....\$0.50
- (5) Extra Large or Heavy Baggage, Parcel or  
Object Charge.  
For each piece of baggage, parcel or object, greater  
than ten cubic feet in size, exceeding eighty pounds  
in weight, or exceeding four feet in length, and for  
each surfboard or bicycle.....\$4.50

(b) Fuel Surcharge.

(1) Pursuant to section 12-1.10(b), ROH, a taxicab driver or taxicab company may assess a passenger a fuel surcharge, as determined by the director, for each separate trip when the taxicab is actually occupied by the passenger for hire or when occupied by parcels or baggage transported for hire, subject to the provisions of subsection (3) below.

(2) The fuel surcharge shall be calculated every six months using the following factors:

- (i) "Fuel Cost Per Gallon Of Unleaded Regular Gas" means the Six-month Average Fuel Cost Per Gallon Of Unleaded Regular Gas less Average Fuel Cost Per Gallon Of Unleaded Regular Gas Since Last Rate or Fuel Surcharge.
- (ii) "Total Average Miles Driven Per Day" means the Average Taxicab Trips Per Day multiplied by Average Miles Per Trip when the taxicab is actually occupied by the passenger for hire or when occupied by parcels or baggage transported for hire.
- (iii) "Total Gallons Consumed Per Day" means the Total Average Miles Driven Per Day divided by the Average Vehicle Fuel Consumption.
- (iv) "Cost Of Fuel Consumed Per Day" means the Total Gallons Consumed Per Day multiplied by the Fuel Cost Per Gallon of Unleaded Regular Gas.
- (v) "Fuel Surcharge" means the Cost Of Fuel Consumed Per Day divided by Average Taxicab Trips Per Day. The fuel surcharge shall be rounded to the nearest ten cents.

(3) If the taxicab driver or taxicab company chooses to assess a fuel surcharge, the following shall apply:

- (i) The approved fuel surcharge shall be disclosed on the schedule of fares and charges as part of the initial charge indicated on the taximeter.

(ii) The fuel surcharge is a set amount per trip and cannot be altered by a taxicab company or taxicab driver. This section does not affect the ability of a taxicab company or taxicab driver from charging a passenger less than the amount due indicated by the taximeter pursuant to section 12-1.10(c)(4), ROH.

(iii) If a taxicab company that owns or operates more than one taxicab chooses to assess a fuel surcharge, all of its taxicabs shall have their taximeters and schedule of fares and charges adjusted and approved to include the fuel surcharge.

(iv) If the fuel surcharge is changed following a determination by the director, taximeters and schedules of fares and charges shall be adjusted within 30 calendar days to reflect said changes.

[Eff] 05/01/09 Auth: ROH §12-1.10) (Imp: ROH §12-1.10)

SUBCHAPTER 6

DENIAL, SUSPENSION OR REVOCATION; APPEAL

§9-1-14 Investigation of Complaints - Suspension or Revocation. (a) All complaints against a licensee shall be submitted to the director in writing. Verbal complaints shall be accepted but action withheld until a written complaint is received.

(c) The director shall notify the licensee in writing either by registered mail, certified mail or personal service and offer the licensee the opportunity to review and comment on the allegations.

(d) Upon receipt of the rebuttal, or if a rebuttal is not received within five working days, or if the director's letter is returned as undeliverable, the director shall submit the complaint and rebuttal, if available, to the motor vehicle control section, division of motor vehicle, licensing and permits, for investigation and recommendation.

(e) Based upon the findings of the investigation, the director shall take whatever action the director may deem necessary. The director shall notify both the complainant and licensee of the director's decision.

(f) If the complaint is resolved between the complainant and the licensee, the director shall file the complaint and notify both the complainant and licensee of the director's action.

(g) The decision of the director shall not prevent the complainant or licensee from taking whatever legal action available to them. However, appeal of the suspension or revocation of a taxicab business license or driver's certificate shall be governed by section 9-1-15. [Eff 5/19/05]  
(Auth: ROH §12-1.3) (Imp: ROH §12-1.3)

§9-1-15 Appeal Procedure Governing Denial, Suspension or Revocation. (a) When the director denies, suspends or revokes a taxicab business license or driver's certificate, the director shall

immediately notify the applicant or licensee in writing either by registered mail, certified mail, or personal service and afford that person a hearing.

(b) The director shall schedule a hearing pursuant to chapter 91, HRS, notify the applicant or licensee either by registered mail, certified mail, or personal service of his opportunity to be heard. Such notice shall be sent immediately after denial, suspension or revocation and in no event less than five calendar days before the date of the scheduled hearing.

(c) After the hearing, the director may rescind or affirm the denial, suspension or revocation. Each decision and order adverse to the applicant or licensee shall be in writing or stated in the record. If any party to the proceeding has filed proposed findings of fact, the director shall incorporate in the decision a ruling upon each proposed finding presented. Parties to the proceedings shall be notified by delivery or mailing of certified copies of the decision and order and accompanying findings and conclusions within a reasonable time after the hearing.

(d) Appeals to the decision of the director after the hearing shall be in accordance with this subchapter. [Eff 5/19/05] (Auth: ROH §12-1.3)  
(Imp: ROH §12-1.3)

§9-1-16 Rehearing of Denial, Suspension or Revocation After Decision and Order. (a) The director may rehear any decision adverse to the applicant or licensee of a taxicab business license or driver's certificate.

(b) The applicant or licensee shall submit in writing for a rehearing setting forth:

- (1) The applicant or licensee's name, mailing address and telephone number.
- (2) The particular sections of the ordinance or rules involved.
- (3) Any new pertinent facts or changes of circumstances.
- (4) The action requested of the director.

(5) The reasons for the rehearing.

(c) Such request for rehearing shall be submitted within 30 calendar days following receipt of the adverse decision. The director may, at the director's sole discretion, either grant or deny a timely request for a rehearing.

(d) Judicial review of the decision and order or ruling rendered in the hearing or rehearing shall be as provided in chapter 91, HRS. [Eff 5/19/05] (Auth: ROH §12-1.3) (Imp: ROH §12-1.3)



BERNICE K. N. MAU  
ACTING CITY CLERK

*Copy*  
OFFICE OF THE CITY CLERK  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3077 / TELEPHONE 768-3810

April 22, 2009

Ms. Dana Takahara-Dias, Director  
Department of Customer Services  
City and County of Honolulu  
Honolulu, Hawaii 96813

Dear Ms Takahara-Dias:

I am transmitting the original rules of the Department of Customer Services, City and County of Honolulu, relating to Rate of Fare, Baggage Charge and Surcharge, Part 1, Chapter 1, filed by your department on April 21, 2009.

Sincerely,

*Bernice K.N. Mau*

BERNICE K. N. MAU  
Acting City Clerk

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Attachment

DEPARTMENT OF CUSTOMER SERVICES

Amendment of Rules and Regulations of the  
Director of Customer Services, Part 1, Chapter 1, Subchapter 5, Relating to Taxicabs  
April 6, 2009

SUMMARY

1. Amend Subchapter 5, Rate of Fare, Baggage Charge and Surcharge

SUBCHAPTER 5

RATE OF FARE, BAGGAGE CHARGE AND SURCHARGE

§9-1-13 (a) Rate of Fare and Baggage Charge.

Pursuant to section 12-1.10(a), ROH, no taxicab driver or taxicab company shall assess a passenger more than the following maximum fares or charges:

- (1) Mileage Rate.  
For the first one-eighth of a mile  
or fraction thereof .....\$3.10  
For each additional one-eighth of a mile  
or fraction thereof .....\$0.40
- (2) Waiting Charge  
For each forty-five seconds  
or fraction thereof .....\$0.40
- (3) Small Baggage, Parcel or Object Charge.  
For each purse, briefcase, airline handbag,  
camera, grocery bag (less than twenty-five pound  
size), parcel less than four cubic feet in size or  
collapsible wheelchair ..... No Charge
- (4) Regular Baggage, Parcel or Object Charge.  
For each piece of baggage, parcel or object except  
those enumerated in subsection (c) or (e) .....\$0.50
- (5) Extra Large or Heavy Baggage, Parcel or  
Object Charge.  
For each piece of baggage, parcel or object, greater  
than ten cubic feet in size, exceeding eighty pounds in  
weight, or exceeding four feet in length, and for each  
surfboard or bicycle.....\$4.50

(b) Fuel Surcharge.

(1) Pursuant to section 12-1.10(b), ROH, a taxicab driver or taxicab company may assess a passenger a fuel surcharge, as determined by the director, for each separate trip when the taxicab is actually occupied by the passenger for hire or when occupied by parcels or baggage transported for hire, subject to the provisions of subsection (3) below.

(2) The fuel surcharge shall be calculated every six months using the following factors:

- (i) "Fuel Cost Per Gallon Of Unleaded Regular Gas"  
means the Six-month Average Fuel Cost Per Gallon Of  
Unleaded Regular Gas less Average Fuel Cost Per Gallon

Of Unleaded Regular Gas Since Last Rate or Fuel Surcharge.

(ii) "Total Average Miles Driven Per Day" means the Average Taxicab Trips Per Day multiplied by Average Miles Per Trip when the taxicab is actually occupied by the passenger for hire or when occupied by parcels or baggage transported for hire.

(iii) "Total Gallons Consumed Per Day" means the Total Average Miles Driven Per Day divided by the Average Vehicle Fuel Consumption.

(iv) "Cost Of Fuel Consumed Per Day" means the Total Gallons Consumed Per Day multiplied by the Fuel Cost Per Gallon of Unleaded Regular Gas.

(v) "Fuel Surcharge" means the Cost Of Fuel Consumed Per Day divided by Average Taxicab Trips Per Day. The fuel surcharge shall be rounded to the nearest ten cents.

(3) If the taxicab driver or taxicab company chooses to assess a fuel surcharge, the following shall apply:

(i) Prior to assessing the fuel surcharge, the taxicab driver or taxicab company shall inform the Director that it intends to assess the fuel surcharge and shall submit for approval the placard or notice referenced in section (ii)(b) below.

(ii) The approved fuel surcharge shall be disclosed:

(a) on the schedule of fares and charges; and

(b) on a separate placard or notice that is conspicuously displayed to the passengers in the rear passenger compartment alerting the passenger of the approved fuel surcharge. The placard or notice shall be approved by the Director and shall be displayed in a manner that is in compliance with applicable law.

(iii) The fuel surcharge is a set amount per trip and cannot be altered by a taxicab company or taxicab driver. This section does not affect the ability of a

taxicab company or taxicab driver from charging a passenger less than the amount due indicated by the taximeter pursuant to section 12-1.10(c)(4), ROH.

(iv) If a taxicab company that owns or operates more than one taxicab chooses to assess a fuel surcharge, all of its taxicabs shall have their placards or notices specified in section (ii) above and schedule of fares and charges adjusted and approved to include the fuel surcharge.

(v) If the fuel surcharge is changed following a determination by the director, placards or notices specified in section (ii) above and schedules of fares and charges shall be adjusted within 30 calendar days to reflect said changes.

(vi) If a fuel surcharge is assessed and if a receipt is requested, the receipt shall indicate the amount of the fuel surcharge as a separate item.

[Eff] **MAY 01 2009** (Auth: ROH §12-1.10) (Imp: ROH §12-1.10)

DEPARTMENT OF CUSTOMER SERVICES

Part 1, Chapter 1, Subchapter 5, Department of Customer Services Administrative Rules, on the Summary Page dated April 6, 2009 following a public hearing held on April 6, 2009 after public notice was given in the Honolulu Advertiser and Honolulu Star Bulletin on March 5, 2009.

These rules shall take effect ten days after filing with the City Clerk.

*Dana Takahara-Dias*

Dana Takahara-Dias  
Director of Customer Services

APPROVED AS TO FORM:

*[Signature]*

Deputy Corporation Counsel

*[Signature]*

Iufi Hannemann  
Mayor

Date:

APR 21 2009

Filed

Received this 21<sup>st</sup> day of  
APRIL, 2009.

*Berwile K. U. Mau*  
City Clerk