

Chapter 12

REGULATIONS OF COMMON CARRIERS AND THEIR FEES

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Article 1. Taxicabs

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Sec. 12-1.1 Purpose—Scope—Definitions.

- (a) Because the transporting of passengers or property for hire in a taxicab is a vital and integral part of the public transportation system in the city, it shall be supervised, regulated and controlled exclusively pursuant to this article.
- (b) As used in this article, unless the context otherwise requires:
"Council" means the council of the City and County of Honolulu.
"Cruising" means the movement or standing of a taxicab on a public highway or at a public place, for the

purpose of searching for or soliciting a passenger for hire.

"Director" means the director of customer services of the city, or the director's duly authorized subordinates.

"Passenger for hire" means a person transported in a taxicab for consideration.

"Property for hire" means property transported in a taxicab for consideration.

"Road taxi stand" means a space set aside on a public street or city-controlled facility by the council for the exclusive use of taxicabs.

"Shared-ride taxicab" means a taxicab utilized in transporting passengers to and from unrelated locations, which locations may be other than terminals or fixed stands.

"Taxicab" means a vehicle that is manufactured to carry no more than eight passengers (excluding the driver), operated by a taxicab driver, which is:

- (1) Used in the movement of passengers for hire on the public highways;
- (2) Directed to a destination by the passenger for hire or on the passenger's behalf; and
- (3) Operated on call or demand."

"Taxicab company" means any person or entity which holds licenses for one or more taxicabs, rents or leases taxicabs to certified taxi drivers to be used or operated as taxicabs, or which operates as a central dispatch service for one or more taxicabs.

"Taxicab driver" means a person duly licensed as a driver of a motor vehicle who has obtained a valid taxicab driver's certificate from the department or has been certified by a taxicab company.

"Total stoppage" means the complete halting of bus transportation service furnished by a public bus system, resulting from a labor strike and/or a disaster.

"Waiting time" means the period during which a taxicab is standing at the direction of or on behalf of a passenger for hire and the time consumed due to traffic delays while transporting a passenger for hire, which time is automatically computed by the taximeter when the speed of the vehicle falls at or below the speed at which the fare computed using the basic distance rate is equal to the fare computed using the basic time rate. (Sec. 12-1.1, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 88-98, 05-005, 16-25, 16-38)

Sec. 12-1.2 Establishment of road taxi stands—Fees.

- (a) The council shall establish road taxi stands on public streets and city-controlled facilities upon recommendation of the department of transportation services. The department of transportation services shall study and recommend to the council the site placement of such stands. The director shall issue, upon application therefor on forms furnished by the director and upon the payment of annual fees as provided in this chapter, permits for the parking of taxicabs. A permit, deemed granted upon approval of the application, shall expire on June 30th of the year issued. However, an application for the renewal of such permit for the following year may be made on or after the first day of June and approval thereof may be granted upon the payment of the permit fee. The permit shall be evidenced by an appropriate decal furnished by the director which shall be placed as near as practicable on the upper right corner of the front bumper.
- (b) The director shall charge and collect an annual fee of \$120.00 for each permit, and a fee of one dollar for each decal; provided, that where the application for such permit is made in any month other than July, the permit fee shall be reduced by \$10.00 for each full month of the then permit year which shall have elapsed at time of the application; provided further, that when an annual permit fee has already been paid on the vehicle and that vehicle is within the year replaced by another vehicle, the unexpired portion of the permit fee payable for the substitute vehicle and for the purpose hereof, the unexpired portion of the permit fee shall be reduced by \$10.00 for each full month remaining of the current permit year. Where a decal is mutilated, defaced or lost, a replacement decal shall be issued upon payment of one dollar. The sums collected shall be deposited in the highway fund.

(Sec. 12-1.3, R.O. 1978 (1983 Ed.); Am. Ord. 88-98)

Sec. 12-1.3 Director of customer services—Authority. (effective until 3-16-17 per Ord. 16-38)

- (a) Suspension or Revocation of Taxicab Driver's Certificate. The director is authorized to suspend or revoke any taxicab driver's certificate if a taxicab driver violates any of the provisions contained in this article or in Article 6, Section 12-6.3. Any taxicab driver must be afforded an opportunity for a hearing pursuant to HRS Chapter 91 if a certificate is suspended or revoked by the director.
- (b) Rule-Making Powers. The director is authorized to adopt rules or regulations not inconsistent with this chapter, having the force and effect of law, as provided for in HRS Chapter 91, in the administration and enforcement of this chapter.

(Sec. 12-1.4, R.O. 1978 (1983 Ed.); Am. Ord. 05-005, 16-25, 16-38)

Sec. 12-1.3 Director of customer services—Authority. (effective 3-16-17 per Ord. 16-38)

The director is authorized to adopt rules not inconsistent with this chapter, having the force and effect of law,

as provided for in HRS Chapter 91, in the administration and enforcement of this chapter.
(Sec. 12-1.4, R.O. 1978 (1983 Ed.); Am. Ord. 05-005, 16-25, 16-38)

Sec. 12-1.4 Prohibited acts.

- (a) Backing From and Into a Taxi Stand. No person shall back a taxicab from a taxi stand onto a public highway. No person shall back a taxicab from a public highway into a taxi stand where it is otherwise legally possible to maneuver such taxicab so as to thereafter emerge from said taxi stand without backing onto the highway.
- (b) Intoxicating Liquor. Intoxicating liquor, as defined by HRS Section 281-1, as amended, shall not be carried in any taxicab during the business hours of such taxicab, except as the property of a passenger riding in said taxicab, or as property for hire.
- (c) Responding to Calls. The operator of a taxicab or taxicab company shall not refuse to furnish an unengaged, available taxicab and driver during the business hours of such taxicab or taxicab company upon call or request from an orderly person located within two miles of such stand, by the most direct street route. No taxicab driver, while on duty and not engaged in another call, shall fail to drive an available taxicab in response to a call or request from an orderly person.
- (d) Additional Passengers. Except as provided in Section 12-1.24 relating to shared-ride taxicab service, additional passengers shall not be picked up without the consent of all the passengers for hire, already in the taxicab. The fare of the additional passengers for hire shall be based upon a new taximeter reading from the point of departure of the last departing passenger for hire to the destination of the additional passengers for hire.
- (e) Kickbacks.
 - (1) Taxicab companies and drivers are prohibited from paying kickbacks to hotel doorpersons or other persons that dispatch taxicabs. It shall also be unlawful for a hotel doorperson or other person to solicit or receive such a kickback from a taxicab company or taxi driver. This provision shall not apply to legitimate commissions paid to tour and travel companies, legitimate payments to taxicab companies or salaries or wages paid to dispatchers employed by taxicab companies.
 - (2) For the purpose of this subsection, "kickback" means a payment by a taxicab company or driver to a hotel doorperson or other person who dispatches the taxicab company or driver to carry a passenger for hire, property for hire or both, when the payment is required, explicitly or implicitly, by the hotel doorperson or other person as consideration for the dispatch.

(Sec. 12-1.5, R.O. 1978 (1983 Ed.); Am. Ord. 88-98, 89-13, 93-85)

Sec. 12-1.5 Fraudulent call and nonpayment.

It is unlawful for any person to call for a taxicab for purposes of hire without intending to use such taxicab or to use a taxicab for hire without intending to pay the legal fare upon completion of the trip. (Sec. 12-1.6, R.O. 1978 (1983 Ed.))

Sec. 12-1.6 Bulky items.

A taxicab driver may refuse to transport any item not capable of being transported within the confines of the rear passenger compartments or the trunk of the taxicab. (Sec. 12-1.7, R.O. 1978 (1983 Ed.))

Sec. 12-1.7 Disorderly persons.

Notwithstanding any of the foregoing provisions, the operator of a taxicab stand may refuse to dispatch a taxicab to, and a taxicab driver may refuse to furnish transportation to a disorderly person. (Sec. 12-1.8, R.O. 1978 (1983 Ed.))

Sec. 12-1.8 Taximeters.

- (a) Installation. Each taxicab shall be equipped with a digital electronic taximeter calibrated to charge the current fare established pursuant to Section 12-1.10 and which shall meet or exceed the requirements of subsection (b).
- (b) The specifications, tolerances, and other technical requirements relating thereto shall be as established by the state division of weights and measures. The operation, visibility, lighting and inspection will conform to all applicable state laws or regulations.
- (c) Inspection. No driver, owner or operator of a taxicab or taxi stand shall use or cause to be used a taxicab for purposes of hire before the taximeter, installed therein, has been inspected for accuracy in accordance with all applicable laws and regulations.
- (d) Current Rates. No driver, owner or operator of a taxicab or taxi stand shall use or cause to be used for purposes of hire, a taxicab installed with a taximeter not reflecting the current rates.

(Sec. 12-1.9, R.O. 1978 (1983 Ed.); Am. Ord. 88-98, 90-84)

(Sec. 12-1.9 Taxicab driver's certificate. Repealed by Ord. 16-25.)

Sec. 12-1.9 Taxicab driver's certificate. (Automatically repealed on 3-16-17 per Ord. 16-38.)

- (a) No driver of a taxicab shall use or cause to be used, for purpose of hire, a taxicab which does not have a taxicab driver's certificate mounted within 12 inches of the taximeter so that it is readily visible to all passengers (the certificate shall not be mounted on the sun visor of the taxicab). The taxicab driver's certificate shall be issued by the director. It shall contain a photograph of the taxicab driver to be furnished by the taxicab driver, the taxicab driver's name, driver's license number and any other information specified by the director. The taxicab driver's certificate shall be laminated in plastic or so constructed so as to make alteration difficult. It is a violation of this section for any person to alter such taxicab driver's certificate.
- (b) The director shall collect a fee of \$25.00 for the issuance of each original and \$10.00 for each duplicate taxicab driver's certificate.
- (c) No taxicab driver's certificate may be issued to any person unless such person has:
 - (1) A valid State of Hawaii driver's license;
 - (2) One year of driving experience prior to operating a taxicab;
 - (3) Satisfactorily passed an examination showing:
 - (A) A sufficient understanding of the traffic laws or ordinances, and this article;
 - (B) A sufficient understanding of the locations of streets, roads, highways and significant landmarks within the City and County of Honolulu; and
 - (C) A sufficient understanding of the English language;
 - (4) Complied with the standards promulgated by the director relating to moral character and physical fitness of the applicant based on prior records or certified documents relative thereto;
 - (5) Received a taxicab driver's control or certification number from the department. This control or certification number shall be shown on the taxicab driver's certificate along with the driver's name and the name and telephone number of the company with which the driver is affiliated. Other personal information shall be shown on the back of the taxicab driver's certificate. The taxi driver shall notify the director, the insurance company and the taxi company with whom he or she is affiliated, of every change to his or her current telephone number or address, within 30 days of such change;
 - (6) Submitted a photograph of the person taken no more than 30 days prior to submission of the person's application;
 - (7) Submitted proof that the driver is at least 21 years of age;
 - (8) Submitted proof that the driver is free of any known medical condition that would put a passenger at risk;
 - (9) Submitted a current traffic violations bureau certified abstract for the person; and
 - (10) Submitted proof, in the form of original documentation, of a national background check, and every two years thereafter, going back seven years on the driver, which must include a Multi-state/Multi-Jurisdiction Criminal Locator or other similar commercial or government nationwide database with validation (primary source search); and results from the National Sex Offender Public Website.
- (d) No taxicab driver certificate may be issued or be renewed, and any existing certificate must be revoked for any driver who:
 - (1) Has been found to have committed five infractions, as defined in HRS Section 291D-2, in the prior two-year period, other than traffic infractions involving parking, standing, or equipment, including seat belts, and offenses committed as a pedestrian;
 - (2) Has been convicted once in the prior two-year period for the offense of resisting an order to stop a motor vehicle, reckless driving, excessive speeding, racing on a highway, or driving with a suspended or revoked driver license;
 - (3) Has been convicted in the prior seven-year period of driving under the influence of an intoxicant, including drugs or alcohol;
 - (4) Has been convicted in the prior seven-year period of any of the following:
 - (A) Offenses against the person or property of another, including:
 - (i) Assault,
 - (ii) Kidnapping,
 - (iii) Manslaughter,
 - (iv) Murder,
 - (v) Negligent homicide,
 - (vi) Reckless endangering,
 - (vii) Robbery,
 - (viii) Theft,
 - (ix) Computer crimes,
 - (x) Credit card offenses, or
 - (xi) Identity theft;

- (B) Offenses that are sex related, including:
 - (i) Displaying indecent matter,
 - (ii) Indecent exposure,
 - (iii) Open lewdness,
 - (iv) Promoting pornography,
 - (v) Prostitution or promoting prostitution,
 - (vi) Sexual assault, or
 - (vii) Sexual abuse;
 - (C) Offenses that are drug related, including:
 - (i) Promoting a dangerous drug,
 - (ii) Promoting a detrimental drug,
 - (iii) Promoting a harmful drug, or
 - (iv) Promoting intoxicating compounds; or
- (5) Is a match in the National Sex Offender Public Website.
- (e) Every taxicab driver's certificate issued or renewed under this section expires, unless earlier revoked, on March 16, 2017 and may be renewed by the director on or before its expiration date upon the applicant's meeting the standards set forth in subsection (c). Provided, however, that a taxicab driver need not demonstrate compliance with the requirements of paragraphs (c)(3)(B) and (c)(3)(C) in order to further renew the taxicab driver's certificate and need not demonstrate compliance with the requirements of paragraph (c)(3)(A), except for once every fourth renewal. The director may accept an application for certificate renewal not more than six months prior to the date of expiration. If, however, a renewal is not applied for on or before the 90th day following the expiration date of the certificate, the applicant must be treated as an applicant for a new certificate. A new set of photographs, taken not more than 30 days prior to submission of the application, must be furnished with each application for renewal. For purposes of this section, an application filed pursuant to Section 12-1.9, repealed under Section 5 of Ordinance 16-25, will continue to be processed under this section.
 - (f) Whenever the driver's license of any taxicab driver is suspended or revoked, the director shall require that the taxicab driver's certificate be surrendered to and be retained by the director, except that at the end of the period of suspension, the certificate so surrendered shall be returned to the licensee.
 - (g) Every taxicab driver's certificate shall have printed thereon a telephone number designated by the director as the telephone number for taxicab complaints. This telephone number shall be preceded by the following message: "If you have any complaints, call _____." The message and telephone number shall be printed in bold print letters not less than three-eighths of an inch in height.
 - (h) Every taxicab driver's certificate shall also have printed thereon the following message: "This taxi is meter regulated. Receipt upon request." The message shall be printed in bold letters not less than three-eighths of an inch in height.
 - (i) All existing and outstanding taxicab driver certificates on the effective date of this section shall continue in effect, unless earlier revoked, until March 16, 2017. All such taxi certificates, and any taxi certificate issued or renewed under this section, shall be revoked on March 16, 2017.

(Added by Ord. 16-38)

Sec. 12-1.10 Director to establish rate of fare and baggage charge—Exceptions—Conditions—Receipt required upon request.

- (a) The maximum fares and baggage charges that may be charged to passengers of taxicabs shall be established by the director. The fares and charges shall be established by rules adopted by the director. The fares and charges shall be reviewed by the director at least once every two years following January 1, 1992 and shall be amended, as necessary, to reflect changes in the private transportation component of the consumer price index for Honolulu, as determined by the U.S. Bureau of Labor Statistics; provided, that the director may amend the fares and charges more frequently than once every two years if deemed necessary.
- (b) In addition to the fares and charges established in subsection (a), the director may establish a fuel surcharge for taxicab operators to be charged to passengers. Every six months, the director shall determine whether a fuel surcharge should be established based on any increase in the base amount and the average fuel prices. Any fuel surcharge shall be established by rules adopted by the director pursuant to HRS Chapter 91.
- (c) The fares or charges established pursuant to this section shall be subject to the following exceptions or conditions, whichever the case may be:
 - (1) When Fares or Charges Permitted. Fares are only applicable to the use of the taxicab when actually occupied by or standing at the direction of the passenger for hire or when occupied by parcels or baggage transported for hire; provided, that no other charges shall be made for the use of a taxicab for hire except as provided herein.
 - (2) Posting of Fares and Charges. The schedule of fares and charges established pursuant to this section shall be printed in bold type letters, not less than three-sixteenths of an inch in height, posted within 12 inches

of the taximeters and readily visible to all passengers for hire.

- (3) Exceptions and Conditions for Use of Fares and Charges Lower Than Those Established. A taxicab driver or taxicab company may adjust the meters on a taxicab so that a lower fare or charge may be assessed than those established pursuant to this section; provided, that if a taxicab driver or taxicab company owns or operates more than one taxicab, all of the taxicabs shall have their taximeters adjusted to the lower fare or charge; and provided further, that such lower fare or charge shall be posted as prescribed in paragraph (2). The taxicab driver or taxicab company may waive the baggage charges established pursuant to this section.
 - (4) This section shall not be construed to preclude a taxicab driver or taxicab company from charging a passenger less than the amount due indicated by the taximeter.
 - (5) The fares for shared-ride taxicab service shall be established by the tariff filed under Section 12-1.24, rather than the fares and charges established pursuant to this section.
- (d) Receipt Required upon Request.
- (1) At the end of the taxicab trip, the operator shall upon request provide at least one passenger with a receipt that records the following information: origin, destination, time and date of the taxicab service; all fares and charges; the name of the taxicab operator, printed or written so that it is legible; the printed name and telephone number of the taxicab company; a telephone number, as designated by the director, to call for the filing of complaints; and any other information deemed necessary by the director.
 - (2) All taxicab receipt forms shall be approved by the director before use by a taxicab company.
- (Sec. 12-1.11, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 88-98, 90-84, 93-85, 94-87, 05-005, 08-9)

Sec. 12-1.11 Special operations.

Notwithstanding any provision contained herein to the contrary, any taxicab operator may operate his/her taxicab as a jitney during a public bus service total stoppage subject to the following:

- (a) The fare per passenger shall be no more than twice the current per-trip adult city bus fare;
- (b) The taxicab operator may operate the taxicab as a jitney only along existing public bus service routes; provided, that the director is authorized to add new jitney routes in addition to the routes mentioned in this section whenever the director has sufficient evidence that the public, utilizing the public transit service, is desirous of having such additional jitney routes for their convenience;
- (c) There shall be prominently displayed on the taxicab being operated as a jitney a sign reading "jitney" and indicating the fare per passenger, which shall be facing outward so it shall be visible by potential passengers and such signs shall be furnished by the director;
- (d) The loading or unloading of passengers shall take place only at established public bus service bus stops along the routes prescribed herein;
- (e) A baggage fee may be assessed during jitney operations according to the fee for baggage established pursuant to Section 12-1.10.

(Sec. 12-1.12, R.O. 1978 (1983 Ed.); Am. Ord. 88-98, 90-84)

(Sec. 12-1.11A Special operations for an interim period for Hanauma Bay Nature Park. Automatically repealed on 12-31-94 per Ord. 93-80)

Sec. 12-1.12 Trip records.

- (a) All taxicab drivers shall keep a trip record containing the following entries:
 - (1) Number of passengers, time (to the minute), date and odometer reading when leaving the boarding point;
 - (2) The time (to the minute), date, fare charged and odometer reading at the discharge point;
 - (3) The time (to the minute), date and odometer reading of departure and return to taxi stand when making trips for a personal purpose.
- (b) The trip record shall be open to inspection by the director during regular business hours in accordance with rules adopted by the director.

(Sec. 12-1.13, R.O. 1978 (1983 Ed.); Am. Ord. 05-005)

Sec. 12-1.13 Soiling of taxicab.

A taxicab driver may require a passenger for hire, whose condition may be likely to soil the seats of the taxicab, to sit upon protective material furnished by such driver. Upon noncompliance with the request, the taxicab driver may refuse to transport such passenger. (Sec. 12-1.14, R.O. 1978 (1983 Ed.))

Sec. 12-1.14 Condition of taxicabs.

No vehicle shall be operated as a taxicab unless it is in a reasonably clean and safe condition inside, so as not to damage the person, clothing or possessions of a passenger. The vehicle's exterior shall be reasonably clean and shall be essentially free from cracks, breaks and major dents. It shall be painted to provide adequate protection and

appearance. Each operating wheel shall be equipped with hub caps or wheel covers. Repairs done to comply with this section shall be done within a reasonable time based on availability of parts and labor. (Sec. 12-1.15, R.O. 1978 (1983 Ed.))

(Sec. 12-1.15 Taxicab license—Issuance—Fees. Repealed by Ord. 16-38.)

Sec. 12-1.15 Reserved.

Sec. 12-1.16 Taxi sign.

A taxicab shall be identified with a sign (which may be a dome light sign) on the roof of the taxicab. The name of the individual owning or operating the taxicab or the name of the firm shall be shown on the front of the sign and it will be optional to place either the name or telephone number of such individual or firm on the rear of the sign. Such sign may have flashing actuators. A taxicab driver may actuate such sign to call for police or other assistance in cases when a robbery is in progress. The use of a flashing dome light, except to signal when a robbery is in progress, shall be in violation of Section 15-19.22, traffic code of the City and County of Honolulu. Except as provided herein, the type, design and placement of the sign shall be as specified by the director. The sign may be a detachable type so that it may be removed when the vehicle is not used for taxicab purposes. (Sec. 12-1.17, R.O. 1978 (1983 Ed.); Am. Ord. 05-005)

Sec. 12-1.17 Violation—Penalty.

The director, or any person or agency designated by the director, may issue citations to taxicab drivers in violation of any provisions of this article.

Any person or entity violating any of the provisions of this article and cited by any enforcement officer or the director shall, upon conviction thereof, be subject to a fine not exceeding \$1,000.00 or imprisonment for a period not exceeding one year, or to both such fine and imprisonment per violation.

Any person or entity violating any of the provisions of this article and cited by the director, shall be subject to a fine not exceeding \$1,000.00 per violation and shall not be duplicative of any fine issued after conviction. The director is authorized to adopt rules pursuant to the provisions of HRS Chapter 91 to implement and enforce this section.

(Sec. 12-1.18, R.O. 1978 (1983 Ed.); Am. Ord. 16-38)

(Sec. 12-1.18 Appeals. Repealed by Ord. 16-25.)

Sec. 12-1.18 Reserved.

Sec. 12-1.19 Severability.

The provisions of this article are declared to be severable. In accordance therewith, if any portion of said article is held invalid for any reason, the validity of any other portion of this article shall not be affected and if the application of any portion of this article to any person, property or circumstance is held invalid, the application hereof to any other person, property or circumstance shall not be affected.

(Sec. 12-1.20, R.O. 1978 (1983 Ed.))

Sec. 12-1.20 Taxicab certification numbers.

No person may operate a taxicab unless the taxicab is clearly identified and marked as prescribed herein with a taxicab certification number assigned by the director. The taxicab certification number shall be prominently posted on the exterior surfaces of the front and rear bumpers and on the sign or dome light, described in Section 12-1.16, of the taxicab. The taxicab certification number posted on the taxicab as prescribed in this section must be no less than two inches in height, and must conform to such other requirements or specifications as the director may prescribe by rule.

(Added by Ord. 88-98; Am. Ord. 93-85, 16-38)

Sec. 12-1.21 Trip route.

No operator of a taxicab may transport a passenger except to the requested trip destination by the most direct or economical route unless specifically instructed or agreed to by the passenger.

(Added by Ord. 88-98)

(Sec. 12-1.22 Annual reports. Repealed by Ord. 14-24.)

Sec. 12-1.22 Reserved.

Sec. 12-1.23 Evidence of financial responsibility.

(a) The director shall require evidence of financial responsibility from the owner and/or operator of a taxicab company before issuing a taxicab license and decal to engage in the taxicab business. The owner and/or operator shall have insurance in force or other evidence of financial responsibility so long as the taxicab is used in business. Such evidence of financial responsibility may be in one of the following two forms:

(1) Insurance Policy.

(A) The director shall retain the original insurance policy issued by a company licensed to do business in the State of Hawaii. The policy shall be duly countersigned by its authorized Hawaii agent complete with all endorsements and attachments or a certified copy thereof. Such policy shall provide for primary public liability insurance coverage in the amount of \$100,000.00 because of bodily injury to or death of one person in any accident, and in the amount of \$200,000.00 because of bodily injury to or death of two or more persons in any one accident, and property damage insurance in the amount of \$50,000.00 because of damage to or destruction of property of others in any one accident for each taxicab for hire. All policies must be valid for the duration of the taxicab business license. Insurance policies on vehicles regulated under this article shall contain a provision that the policy will not be reduced in coverage or canceled without 30 calendar days' prior written notice to the director by the authorized Hawaii agent for the insurance company.

(B) The director may accept a binder for the issuance of an insurance policy in lieu of the policy itself for a period not exceeding 90 days; provided, that the binder indicates that the policy shall be in conformance with the requirements of this paragraph; provided, that a binder shall not be accepted in lieu of a policy for an owner and/or operator who has canceled or has had canceled an insurance policy referred to in this subdivision within the previous three years.

(2) Legal Tender or Other Securities. A deposit with the director of legal tender, cashier's check, bank draft, irrevocable letter of credit, certified check, bond or other security determined to be satisfactory by the director in the total amount of \$200,000.00. Such security shall be held by and made payable to the director and shall not expire for a period of two years after the termination of the taxicab license for the taxicab carrying passengers or property for hire. The licensee shall not receive interest for such deposit. Upon expiration of such two-year period, the licensee shall be refunded the deposit or balance thereof, provided no suit against the proceeds of such security has been commenced during such period. The conditions of liability for the security in this subdivision shall be the same as specified for the policy of insurance contained in this section. The director shall satisfy from the proceeds of such security any judgment against the licensee and/or operator arising from the operation of a taxicab for hire. Neither the city, its officers, employees, agents or appointees shall be liable to the licensee and/or operator for any payments made pursuant to such judgment.

(b) If at any time after the issuance of the taxicab license and license decal:

(1) The required insurance coverage is reduced or canceled and the licensee fails to immediately replace such coverage with the securities described in subsection (a) of this section; or

(2) The security deposited with the director falls below the required amount as a result of claims satisfied against the licensee and said licensee fails to immediately replenish such security to the required amount, the director shall revoke or suspend the taxicab license and license decal.

(c) If a binder is accepted in lieu of an insurance policy, and a policy which conforms to the requirements of subsection (a)(1) of this section is not provided to the director within 90 days of issuance of the taxicab license and taxicab decal, the director shall revoke or suspend the taxicab license and taxicab decal.

(Added by Ord. 88-98; Am. Ord. 89-54, 93-85)

Sec. 12-1.24 Shared-ride service.

(a) Notwithstanding any provision contained in this article to the contrary, any taxicab company or operator may provide shared-ride taxicab service, whether or not utilizing vehicles such as multi-passenger vans and limousines.

(b) A taxicab company or operator which offers shared-ride taxicab services shall file a tariff of shared-ride services and fares with the director. The tariff may include fares classified according to the type of vehicle utilized, such as multi-passenger vans and limousines.

(Added by Ord. 88-98)

Sec. 12-1.25 Loading and unloading passengers.

Notwithstanding any provision in Chapter 15 to the contrary relating to the prohibition of parking, stopping, standing, loading or unloading in tow zones, taxicabs may load or unload passengers for hire or property for hire in such tow zones provided that such loading or unloading shall not exceed 30 seconds. (Added by Ord. 88-98)

Sec. 12-1.26 No smoking prohibition in taxicabs.

- (a) Any taxicab company or a taxicab driver may elect to prohibit smoking in the company's or driver's taxicab while in service. Any taxicab designated as a non-smoking taxicab shall display the international "no smoking" emblem characterized by a lit cigarette within a red circle with a red slash line drawn through the cigarette in the following locations:
 - (1) Inside the taxicab on the glove compartment so that it is visible to any person seated in the front passenger seat area and on the back of the front seat so that it is visible to any passenger seated in the rear seat of the taxicab; and
 - (2) Outside the taxicab below each of the passenger door handles or affixed to the upper part of the windows of each passenger door. Such exterior emblems may be a plastic decal, magnetic, or painted directly on the vehicle doors or windows. The no smoking emblem in the interior and on the exterior of taxicabs must be at least three inches in diameter.
 - (b) Notwithstanding the provisions of Section 12-1.4(c), the driver of a taxicab displaying the no smoking emblems required by subsection (a) may refuse to transport any person who refuses to comply with the ban on smoking in the taxicab.
 - (c) A taxicab driver or taxicab company may waive the no smoking prohibition in the company's or driver's taxicab.
 - (d) It is unlawful for any person to smoke in any taxicab designated as a non-smoking taxicab pursuant to this section. Any person violating this subsection shall be punished by a fine of not more than \$20.00 for each violation. Section 12-1.17 shall not apply to a violation of this subsection.
 - (e) Enforcement of subsection (d) shall be under the jurisdiction of the police department, which shall have the same authority with respect thereto to issue summonses or citations and to eject persons from taxicabs as is provided in subsections (a) and (d) of Section 41-21.6.
 - (f) As used in this section, "smoke" or "smoking" means the same as is defined in Section 41-21.1.
- (Added by Ord. 93-88)

Article 2. U-Drive Motor Vehicles

Sections:

- 12-2.1 Public purpose and intent.**
- 12-2.2 Definitions.**
- 12-2.3 License—Application—Required—Exceptions— Revocation.**
- 12-2.4 Fixed stands— Requirements.**
- 12-2.5 Duty of licensee.**
- 12-2.6 Violation— Penalties.**
- 12-2.7 Prohibited act.**

Sec. 12-2.1 Public purpose and intent.

It is declared to be the legislative intent of the council, City and County of Honolulu, in enacting these provisions that the regulation of the operation and use by U-Drive vehicles on the streets, highways, public thoroughfares in alleys of the city, providing for licensing and safeguards to the public thereof, is for the proper protection of the health, life and property of the inhabitants and the preservation of good government, order and security of the city. (Sec. 12-2.1, R.O. 1978 (1983 Ed.))

Sec. 12-2.2 Definitions.

As used in this article, unless the context otherwise requires:

"Customer" means any person, persons, partnership, corporation or association renting or leasing a motor vehicle from an operator of a U-Drive rental business; provided, however, that this term shall not include the transactions between an operator of a U-Drive rental business and a wholesale supplier of motor vehicles who is solely in the business of providing vehicles to such licensee and provided that there is no contractual relationship between the member of the general public ("customer") and the wholesale supplier providing the vehicle to the licensee.

"Director of finance" means the director of finance of the City and County of Honolulu.

"Fixed stand" means a place or places from which the U-Drive rental business is conducted.

"Licensee" means any person, partnership, corporation or association obtaining a license to operate a U-Drive rental business. This term shall exclude a wholesale supplier of motor vehicles who is solely in the business of providing motor vehicles to such "licensee" and who does not engage in renting or leasing motor vehicles to a "customer" as defined in this section.

"U-Drive rental business" means the business of renting or leasing to a customer, as defined in this section, a

motor vehicle for a period of six months or less notwithstanding the terms of the rental or lease if in fact the motor vehicle is rented or leased for a period of six months or less.

"U-Drive vehicle" means a motor vehicle which is rented or leased or offered for rent or lease to a customer. (Sec. 12-2.2, R.O. 1978 (1983 Ed.))

Sec. 12-2.3 License—Application—Required—Exceptions—Revocation.

- (a) Application for License. A verified application for license to conduct a U-Drive rental business signed by a duly authorized person of the licensee shall contain the following information:
- (1) Name, address and principal place of business of the applicant.
 - (2) If the applicant is a partnership, the names of all partners, including general, special or limited partners.
 - (3) If the applicant is a corporation, the names and addresses of all officers and directors.
 - (4) If the applicant is an association, the names and addresses of all officers and directors.
 - (5) The name and address of each fixed stand from which the applicant will conduct a U-Drive rental business.
 - (6) The current registration number of each motor vehicle which is rented or leased, or offered for rent or lease as a U-Drive vehicle.
 - (7) The name or trade name under which the applicant will conduct his U-Drive rental business.
 - (8) Whether any applicant, and if such applicant is a partnership, corporation or association, whether any officer or director thereof, has been convicted in any jurisdiction of any felony or of any misdemeanor involving moral turpitude, and if so, and for each conviction, the name of the person convicted, the offense, the date of conviction, the sentence imposed and the court in which the conviction took place.
- (b) License Required. No person, partnership, corporation or association shall engage in the U-Drive rental business without first filing an application for license, obtaining a license from the director of finance in compliance with the provisions of this article and the payment of an annual license fee of \$50.00, said amount to be retained by the city. The license shall be kept in full force and effect so long as the licensee is engaged in the U-Drive rental business.
- (c) License Not Issued to Certain Persons. No license shall be issued to any person, partnership, corporation or association so long as any person whose name is set forth in the application has been convicted of any felony or misdemeanor involving moral turpitude within two years prior to the date of the filing of the application.
- (d) Suspension or Revocation of License. The director of finance may suspend any license issued under this article upon 10 days written notice for the following reasons:
- (1) For violation by a licensee of any provision in this article;
 - (2) Upon the conviction of any person whose name is set forth in the application of any felony or misdemeanor involving moral turpitude in any jurisdiction;
 - (3) Upon the conviction of any agent or employee of a licensee of any felony or misdemeanor involving moral turpitude in any jurisdiction.

If after an additional 20 days the licensee has not remedied the grounds for the suspension, the director of finance shall revoke the license. The licensee is then required to reapply for a license as provided in this article.

(Sec. 12-2.3, R.O. 1978 (1983 Ed.); Am. Ord. 92-71)

Sec. 12-2.4 Fixed stands—Requirements.

- (a) Fixed Stand Required. No license shall be issued to any person, partnership, corporation or association unless the U-Drive vehicle is rented or leased from a fixed stand, the address of which shall be indicated on the license.
- (b) Change of Fixed Stand. Any change in location of a fixed stand shall be reported to the director of finance within 10 days from the date of the change and said change of address shall be noted on the license by the director of finance.

(Sec. 12-2.4, R.O. 1978 (1983 Ed.); Am. Ord. 94-23)

Sec. 12-2.5 Duty of licensee.

The duties of the licensee shall be as follows:

- (a) Contract in Writing. Every rental or lease of a U-Drive vehicle shall be evidenced by a contract in writing and a copy of said contract shall be furnished to the customer.
- (b) Mileage Noted on Contract. The contract shall show the mileage of the U-Drive vehicle at the time of the rental or lease.
- (c) Operator's License of Prospective Customer. To inspect the motor vehicle operator's license of each prospective customer, comparing the signature on such license with that of said customer and if said signature is not alike or if said operator's license is not current and valid to authorize the prospective customer to operate a passenger motor vehicle in the city, no vehicle shall be rented or leased to the prospective customer.
- (d) Condition of U-Drive Vehicle. To inspect the U-Drive vehicle to be rented or leased and to make a notation of all damage existing at time of rental or lease over the signature of the customer on the contract or agreement as to the condition of the vehicle and this requirement shall be a condition precedent to making any claim

against a customer for damage allegedly caused by such person to said vehicle.

- (e) Daily Log Record. To maintain a daily record of the name and address of each customer, the number of the customer's motor vehicle operator's license and the date and place where said license was issued, the registration number of the U-Drive vehicle rented to said customer, the time and place of turning over the possession or control of said vehicle to said customer, the time and place of the return of said vehicle and shall keep all such records for not less than six years for inspection by any authorized person.

(Sec. 12-2.6, R.O. 1978 (1983 Ed.); Am. Ord. 94-23)

Sec. 12-2.6 Violation—Penalties.

- (a) Any U-Drive rental business violating Section 12-2.7 shall, upon conviction thereof, be subject to a fine not exceeding \$500.00.
- (b) Except as provided in subsection (a), any person violating any of the provisions of this article shall, upon conviction thereof, be subject to a fine not exceeding \$500.00 or imprisonment for a period not exceeding six months or both. (Sec. 12-2.8, R.O. 1978 (1983 Ed.); Am. Ord. 93-61, 94-23, 96-58)

Sec. 12-2.7 Prohibited act.

In addition to complying with the provisions contained in this article, U-Drive motor vehicles shall not have visible identification tags, labels, stickers, or any other markers that would identify to the public that the vehicle is a rental car of any business licensed as a U-Drive rental business under Section 12-2.3, except that emblems, markers or markings used for vehicle inventory control purposes only which do not identify or advertise the U-Drive rental business by name or logo and do not exceed more than two inches by four inches in size and notices and signs required by state law shall be permitted. This section shall only apply to passenger-carrying vehicles and not to motor vehicles used primarily in the transportation of property such as trucks, trailers or a combination of vehicles as defined in Section 15-2.28 and Section 15-2.29. (Added by Ord. 93-61; Am. Ord. 94-23)

Article 3. Tour Services

Sections:

- 12-3.1 Definitions.**
- 12-3.2 Rates.**
- 12-3.3 Posting of maximum charges.**
- 12-3.4 Violation—Penalty.**

Sec. 12-3.1 Definitions.

Whenever used in this article, the term "touring automobile service" shall refer to the hiring of an automobile for touring or sightseeing as distinguished from the hiring of a taxicab or any automobile subject to call from a garage, stand, station or other public resort, for short hauls or trips within the city limits other than for touring or sightseeing purpose; and the term "city limits" shall apply to that area within the district of Honolulu bounded on the ewa side by Puuloa Road and on the diamond head side by Kahala Avenue and Kealaolu Road. (Sec. 12-3.1, R.O. 1978 (1983 Ed.))

Sec. 12-3.2 Rates.

- (a) Around-the-island Trips. The maximum rates for touring automobile services for around-the-island trips shall be as follows:
 - (1) Seven-passenger cars (one or more persons):
 - (A) Around the island via the Pali\$30.00
 - (B) Around the island via Koko Head..... 35.00
 - (C) Honolulu to the Pali, returning via Waimanalo and Koko Head 14.00
 - (D) Waikiki to Pali and return6.00
 - (E) Honolulu (central portion) to Pali and return4.00
 - (2) Five-passenger cars (one or more persons):
 - (A) Around the island via the Pali\$20.00
 - (B) Around the island via Koko Head..... 25.00
 - (C) Honolulu to the Pali, returning via Waimanalo and Koko Head9.00
 - (D) Waikiki to Pali and return5.00
 - (E) Honolulu (central portion) to Pali and return3.50
- (b) Within-the-city Trips. The maximum rates for touring automobile services for trips within the city limits shall be:
 - (1) Seven-passenger cars (one or more persons), per hour..... \$4.00

(2) Five passenger cars (one or more persons), per hour..... 3.00
(Sec. 12-3.2, R.O. 1978 (1983 Ed.))

Sec. 12-3.3 Posting of maximum charges.

Every owner or operator of an automobile used in touring service shall keep prominently posted at such person's place of business a printed or typewritten copy of the maximum charges prescribed in this article and shall also keep a copy securely placed in a plain and visible location in the vehicle operated. (Sec. 12-3.3, R.O. 1978 (1983 Ed.))

Sec. 12-3.4 Violation—Penalty.

Any person violating any provision of this article shall upon conviction, be punished by a fine not exceeding \$500.00 or imprisonment not exceeding six months or by both. (Sec. 12-3.4, R.O. 1978 (1983 Ed.))

(Article 4. General Provisions. Repealed by Ord. 16-38)

Article 4. Reserved

Article 5. Pedicab

Sections:

- 12-5.1 Definitions.**
- 12-5.2 Business license—Issuance—Fee—Surrender.**
- 12-5.3 License—Decal.**
- 12-5.4 Bicycle license and tag.**
- 12-5.5 Evidence of financial responsibility.**
- 12-5.6 Certificate for pedicab operator for hire.**
- 12-5.7 Compliance with all applicable provisions of the traffic code.**
- 12-5.8 Prohibited acts.**
- 12-5.9 Fares.**
- 12-5.10 Establishment of road pedicab stands.**
- 12-5.11 Limitation of pedicabs.**
- 12-5.12 Condition of pedicabs for hire.**
- 12-5.13 Authority of director of finance.**
- 12-5.14 Transportation of bulky items.**
- 12-5.15 Disorderly persons.**
- 12-5.16 Soiling of pedicab.**
- 12-5.17 Violation—Penalty.**
- 12-5.18 Business license, operator's certificate or application—Notice of suspension, revocation or denial—Hearing—Review.**
- 12-5.19 Severability.**

Sec. 12-5.1 Definitions.

As used in this article, unless the context otherwise requires:

"Chief of police" means the chief of police of the City and County of Honolulu, or the chief of police's duly authorized subordinates.

"Council" means the council of the City and County of Honolulu.

"Director of finance" means the director of finance of the City and County of Honolulu or the director of finance's duly authorized representative(s).

"Director of transportation services" means the director of the department of transportation services of the City and County of Honolulu or the director of transportation's duly authorized representative(s).

"Passenger for hire" means a person transported in a pedicab for consideration.

"Pedicab" means a multi-wheeled hooded or unhooded passenger vehicle that is moved by human power or any pushcart or rickshaw-type vehicle with two wheels pulled or propelled by any person, which is used in the movement of passengers or property for hire on the public highways and which is directed to a destination by the passenger for hire or on the passenger's behalf and which operates on call, demand or on a schedule.

"Pedicab operator" means a person duly licensed as the operator of a pedicab who has obtained a valid pedicab operator's certificate.

"Property for hire" means property transported in a pedicab for consideration.

"Road pedicab stand" means a space set aside on a public street or city-controlled facility by the council for the exclusive use of pedicabs.

"Waiting time" means and includes the period during which a pedicab is standing at the direction of or on behalf of a passenger for hire and the time consumed due to traffic delays while transporting a passenger for hire. (Sec. 12-5.1, R.O. 1978 (1983 Ed.))

Sec. 12-5.2 Business license—Issuance—Fee—Surrender.

(a) Issuance.

- (1) The director of finance shall issue business licenses for pedicabs for hire and collect the required fees in accordance with the provisions of this article and any other applicable provisions of the law.
- (2) The issued business licenses shall not be transferable and shall be mounted within the cab so that they are readily visible to all passengers.

(b) Fees.

- (1) The annual fee for a business license for a pedicab shall be \$26.00 per vehicle; provided, that when a business license fee has already been paid on a vehicle and that vehicle is, within the year, replaced by another vehicle, the unexpired portion of the business license fee paid on the vehicle so replaced shall be credited to the business license fee payable for the substitute vehicle. For the purposes hereof, the unexpired portion of the business license fee paid on the vehicle which has been replaced shall be that portion of the annual fee which is equal to eight and one-third percent of said fee multiplied by the number of full months remaining during the current licensing year. The business licensing year shall start on July 1st and terminate on June 30th, the year following.

Whenever a vehicle licensed as a pedicab is replaced by another vehicle under the provisions of this article, the sum of six dollars in addition to the business license fee shall be assessed against the owner of the vehicle so replaced to defray the administrative costs incurred by the city.

The sums collected shall be deposited in the general fund.

- (2) Upon surrender, the license shall be canceled.

(c) Surrender and Cancellation.

- (1) The holder of a business license for a pedicab shall immediately surrender said license to the director of finance:
 - (A) Upon close out, transfer or reassignment of the business for which a license has been issued. The director of finance shall be notified in writing within 30 calendar days of such closing out, transfer or reassignment;
 - (B) If in the interim, the vehicle is taken out of service permanently for any reason.
- (2) Upon surrender, the license for a pedicab shall be canceled.

(Sec. 12-5.2, R.O. 1978 (1983 Ed.); Am. Ord. 92-70)

Sec. 12-5.3 License—Decal.

- (a) The director of finance shall annually furnish the owner of a pedicab a business license decal similar to that currently issued in the licensing of taxis and buses upon the payment of two dollars which shall be valid until the 30th day of June next following the date of issue.
- (b) The sums collected shall be deposited in the general fund.
- (c) The decal is partly for identification of the pedicab. It shall be large enough to be legible from a reasonable distance.
- (d) The decal shall be fastened or displayed on the rear of the vehicle for which it was issued. The decal shall be kept reasonably clean and displayed entirely unobscured.
- (e) The decal shall be nontransferable and shall be removed and returned to the director of finance for destruction upon the termination, transfer or reassignment of the business.
- (f) No pedicab shall be operated on a public highway or other public property without a pedicab decal issued to that pedicab. All violators shall be cited by the chief of police.
- (g) Any person who uses a license or decal not furnished in accordance with this article or uses any license or decal described in such article for two consecutive years, or who counterfeits any such license or decal or who fraudulently removes such a license or decal from any pedicab shall be fined not more than \$1,000.00.

(Sec. 12-5.3, R.O. 1978 (1983 Ed.); Am. Ord. 92-70)

Sec. 12-5.4 Bicycle license and tag.

No provisions in this part shall be construed to relieve a pedicab owner from complying with the requirements of HRS Section 249-14, relating to bicycle tax. (Sec. 12-5.4, R.O. 1978 (1983 Ed.))

Sec. 12-5.5 Evidence of financial responsibility.

- (a) The director of finance shall require evidence of financial responsibility from the owner and/or operator of the

pedicab for hire before issuing a business license and decal to engage in a pedicab for hire. The owner and/or operator shall have insurance in force or other evidence of financial responsibility so long as the pedicab is used in business.

- (b) Such evidence of financial responsibility may be in one of the following two methods:
- (1) Insurance Policy. The director of finance shall retain the original insurance policy issued by a company licensed to do business in the State of Hawaii. The policy shall be duly countersigned by its authorized Hawaii agent complete with all endorsements and attachments or a certified copy thereof. Such policy shall provide for primary public liability insurance coverage in the amount of \$100,000.00 because of bodily injury to or death of one person in any accident, and in the amount of \$200,000.00 because of bodily injury to or death of two or more persons in any one accident, and property damage insurance in the amount of \$20,000.00 because of damage to or destruction of property of others in any one accident for each pedicab for hire. All policies shall be on a fiscal year basis ending on June 30th of each year. Insurance policies on vehicles regulated under this article shall contain a provision that the policy will not be reduced in coverage or canceled without 30 calendar days' prior written notice to the director of finance by the authorized Hawaii agent for the insurance company.
 - (2) Legal Tender or Other Securities. A deposit with the director of finance of legal tender, cashier's check, bank draft, irrevocable letter of credit, certified check, bond or other security determined to be satisfactory by the director of finance in the total amount of \$200,000.00. Such security shall be held by and made payable to the director of finance and shall not expire for a period of two years after the termination of the business license for the secured pedicab carrying passengers or property for hire. The licensee shall not receive interest for such deposit. Upon expiration of such two-year period, the licensee shall be refunded the deposit or balance thereof, provided no suit against the proceeds of such security has been commenced during such period. The conditions of liability for the security in this subsection shall be the same as specified for policy of insurance contained hereinabove. The director of finance shall satisfy from the proceeds of such security any judgment against the licensee and/or operator arising from the operation of a pedicab for hire. Neither the city, its officers, employees, agents or appointees shall be liable to the licensee and/or operator for any payments made pursuant to such judgment.
 - (3) Revocation of Business License and License Decal. If, at any time after the issuance of the business license and license decal:
 - (A) The required insurance coverage is reduced or canceled and the licensee fails to immediately replace such coverage with the securities described in paragraph (2) of this subsection; or
 - (B) The security deposited with the director of finance falls below the required amount as a result of claims satisfied against the licensee and said licensee fails to immediately replenish the proceeds of such security to the required amount,the director of finance shall revoke or suspend the business license and license decal. Such revocation shall be done in accordance with the provisions of Section 12-5.13 (a) of this article.

(Sec. 12-5.5, R.O. 1978 (1983 Ed.))

Sec. 12-5.6 Certificate for pedicab operator for hire.

- (a) No operator of a pedicab shall use or cause to be used, for purpose of hire, a pedicab which does not have an operator's certificate mounted within the pedicab at a location fixed by the director of finance so as to be visible from within and from outside the cab. The certificate for an operator of a pedicab for hire shall be issued by the director of finance. The face of the certificate shall contain a photograph of the operator to be furnished by the operator, the operator's name, and the operator's number, which shall be issued and stamped on the certificate by the director of finance. Any other information specified by the director of finance shall be placed on the back of the pedicab operator's certificate. The operator's certificate shall be laminated in plastic or so constructed so as to make alteration difficult. The photograph shall be unretouched and must show a reasonable likeness of the operator. It shall be a violation of this article for any person to alter such operator's certificate.
- (b) The director of finance shall collect a fee of \$25.00 for the issuance of each original operator's certificate and two dollars for each duplicate operator's certificate which will authorize the parking of one pedicab in one authorized sidewalk pedicab stand and in one road pedicab stand. The sums collected shall be deposited in the general fund.
- (c) No certificate for an operator of a pedicab shall be issued to any person unless such person has:
 - (1) Satisfactorily passed an examination showing:
 - (A) A sufficient understanding of the traffic laws or ordinances of the City and County of Honolulu, and this article,
 - (B) A sufficient understanding of the locations of streets, roads, and highways within the City and County of Honolulu,
 - (C) A sufficient understanding of the English language by successfully completing this examination;
 - (2) Complied with the rules adopted by the director of finance relating to moral character and physical fitness

of the applicant based on prior records or certified documents relative thereto; and

(3) Obtained a state general excise tax license.

The director of finance shall furnish every pedicab operator a copy of this article and any other pertinent laws and rules for information and guidance. The cost shall be included in the \$25.00 operator's certificate fee.

- (d) Every pedicab operator's certificate issued under this section shall expire, unless otherwise revoked, one year after the issuance thereof and shall be renewed on or before its expiration date upon meeting the standards set in subsection (c) of this section, to determine the fitness of the applicant to continue as a pedicab operator for hire by the director of finance. A new set of unretouched photographs showing a reasonable likeness of the operator shall be furnished with each application for renewal.
- (e) Whenever the operator's certificate of any pedicab operator is suspended or revoked, the director of finance shall require that the pedicab operator's certificate be surrendered to and be retained by the director of finance except that at the end of the period of suspension the certificate so surrendered shall be returned to the licensee.
- (Sec. 12-5.6, R.O. 1978 (1983 Ed.); Am. Ord. 92-70, 94-11)

Sec. 12-5.7 Compliance with all applicable provisions of the traffic code.

- (a) Pursuant to Section 15-4.5, every person operating a pedicab shall be subject to provisions of Chapter 15 (traffic code), as amended, applicable to the driver of any vehicle, except those provisions which by their very nature can have no application. This is not to be interpreted to authorize pedicabs to travel at low speeds in the fast lanes of traffic; to cut in and out of traffic abruptly; to travel counter to the normal flow of traffic; to disregard traffic signals, markings and signs; to use the wrong side of the street; to block traffic and pedestrians; to use sidewalks for any purpose except as specifically authorized; to stop or park except in authorized places; to go the wrong way on one-way streets; or to authorize any other uses not legally allowed the operator (driver) of any other private vehicle. The preceding acts by pedicab operators are specifically prohibited and violators shall be cited by the chief of police.
- (b) Any other provision of law to the contrary notwithstanding, no pedicab shall be operated on any sidewalk except as provided in other parts of this article and below:
- (1) While in motion on a sidewalk, a pedicab shall be walked by its operator;
 - (2) No pedicab shall be stopped, parked, or left standing, whether attended or unattended, on any sidewalk, for any purpose except in an authorized pedicab stand area. All portions of the pedicab shall be within the marked pedicab stand while so stopped, parked or left standing;
- (c) Pedicabs shall be allowed to utilize exclusive bus lanes but shall at no time interfere with, slow or block a bus that is in the bus lane. No pedicab shall stop in a bus lane for any period of time, reason or purpose whatsoever.
- (d) Every person operating a pedicab upon a roadway at a speed less than the normal speed of traffic moving in the same direction at such time shall ride as near to the righthand curb or edge of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction except under any of the following situations:
- (1) When preparing for a left turn at an intersection or into a private road or driveway, except where prohibited by official traffic control devices;
 - (2) When reasonably necessary to avoid conditions (including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, etc. or substandard width lanes) that make it unsafe to continue along the righthand curb or edge. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a pedicab and a vehicle to travel safely side by side within the lane; or when a roadway is designated and signposted to carry traffic in one direction only and has two or more marked traffic lanes, a person operating a pedicab may ride as near to the left-hand curb or edge of such roadway as practicable.

(Sec. 12-5.7, R.O. 1978 (1983 Ed.); Am. Ord. 96-58)

Sec. 12-5.8 Prohibited acts.

In addition to complying with various provisions contained in this article as well as the applicable traffic code:

- (a) Pedicabs shall not be operated or allowed on sidewalks except to park in an authorized sidewalk pedicab stand and for the purpose of crossing, for ingress or egress to and from a public highway in the shortest time and distance possible and as provided in another section of this article.
- (b) No person shall back a pedicab from a public highway into a fixed stand where it is otherwise legally possible to maneuver such pedicab so as to thereafter emerge from said fixed stand without backing onto the highway.
- (c) There shall be no more than two passengers to a pedicab at any one time who shall remain seated throughout the ride.
- (d) An additional passenger shall not be picked up without the consent of the other passenger for hire already in the pedicab. The fare of the additional passenger for hire shall be determined by the passengers for hire among themselves. The total fare shall be the same as for one passenger.

- (e) Pedicabs shall not be parked on public property except in those locations specifically designated as "road pedicab stands" or in other locations designated for the parking of vehicles. When in metered stalls, all fees shall be paid.
 - (f) Pedicabs shall not violate pedestrians' rights-of-way at any time.
 - (g) Pedicabs shall not be operated side by side with or abreast of each other at any time, except when passing.
 - (h) No procession, caravan, parade or train of more than 15 shall occupy or proceed along any street except in accordance with a permit issued by the director of transportation services and such other regulations as are set forth herein and in the traffic code which may apply.
No pedicab procession, caravan, parade or train of any number shall be permitted during the hours of six-thirty to eight-thirty a.m. and three-thirty to five-thirty p.m., Monday through Friday, except holidays.
 - (i) No person shall use any pedicab upon the highway unless it is equipped with a bell or any other device, except a siren or a whistle which are prohibited, capable of giving a signal audible for a distance of at least 100 feet.
- (Sec. 12-5.8, R.O. 1978 (1983 Ed.))

Sec. 12-5.9 Fares.

- (a) Time Charges. Unless reduced or waived by the pedicab operator pursuant to subsection (d), any driver, owner or operator of a pedicab shall charge \$2 per minute for the use of a pedicab for purposes of hire per trip, regardless of the number of passengers on the trip. The fare shall be measured by a meter, approved by the director, calibrated to charge the current fare on a per-minute basis. The meter shall be reset at the beginning of each trip.
 - (b) Posting of Fares. Signs indicating the current fare to be charged per minute shall be in English and Japanese and shall be posted and visible from within and from outside the cab. Information on the fare shall specify the charge per minute on a per-trip basis. Such signs shall also indicate a 24-hour telephone number to call for pedicab complaints. During all hours when vehicles are required to be lighted, the signs and the meter shall also be readily discernible to the passengers for hire. Signs posting the fares shall be printed in bold type letters and numerals not less than three-eighths of an inch in height, shall not be abbreviated and shall be approved by the director of finance before they are mounted on the pedicab.
 - (c) Fares may only be charged for the use of the pedicab when actually occupied by the passenger for hire. No other charges shall be made for the use of a pedicab for hire.
 - (d) The collection of any charge may, at the option of the pedicab operator, be reduced or waived.
 - (e) At the end of a pedicab trip, the operator shall provide at least one passenger with a receipt that records the passenger's name, date of pedicab service, the number of minutes of the pedicab trip, the fare received, the name of the pedicab operator and the pedicab operator's number.
- (Sec. 12-5.9, R.O. 1978 (1983 Ed.); Am. Ord. 92-126, 94-11)

Sec. 12-5.10 Establishment of road pedicab stands.

The city council shall establish road pedicab stands on public streets and city-controlled facilities upon recommendation of the director of transportation services. The director of transportation services shall study and recommend to the city council the site placement of such stands. The director of finance shall issue pedicab operator certificates under another section of this article which will automatically include pedicab stand permits. The fees for such pedicab stand permits shall be established pursuant to law.

(Sec. 12-5.10, R.O. 1978 (1983 Ed.))

Sec. 12-5.11 Limitation of pedicabs.

- (a) The city council shall establish a limit on the number of pedicabs used to carry fare-paying passengers for hire operating in the City and County of Honolulu upon a finding of public convenience and necessity based on the recommendation by the director of transportation services. The director of transportation services may periodically recommend modification of the established limit to the city council based upon the director of transportation services' study and review, which shall include, but not be limited to, the following:
 - (1) The effect on the consumer;
 - (2) The number of pedicabs for hire already in operation;
 - (3) Whether existing transportation is adequate to meet the public needs;
 - (4) The probable effect of pedicab for hire service on traffic conditions, especially in the Waikiki resort areas;
 - (5) The effect on revenues of existing holders of taxi business licenses;
 - (6) The effect on the wages or compensation and working conditions of existing pedicab licensees;
 - (7) Public convenience and necessity; and
 - (8) Any other facts which the director deems relevant.
- (b) Subsequent to the adoption and approval of this article, there will be no issuance of any business license for pedicabs for hire until action by the city council, or the recommendation on the limit on the number of such

vehicles, is taken.

(Sec. 12-5.11, R.O. 1978 (1983 Ed.); Am. Ord. 14-24)

Sec. 12-5.12 Condition of pedicabs for hire.

No vehicle shall be operated as a pedicab for hire unless it is in a reasonably clean and safe condition inside, as well as externally, so as not to injure or damage the person, clothing or possessions of a passenger. The vehicles exterior shall be reasonably clean and shall be essentially free from cracks, breaks and major dents. It shall be painted to provide adequate protection and a neat and clean appearance. Repairs done to comply with this section shall be done within a reasonable time based on availability of parts and labor. Every pedicab while on a public street shall carry a battery or generator operated headlight and taillight and shall carry spoke reflectors placed on each wheel and tape type reflectors showing the front and the back width of the vehicle.

(Sec. 12-5.12, R.O. 1978 (1983 Ed.))

Sec. 12-5.13 Authority of director of finance.

(a) Denial, Suspension, or Revocation of Pedicab Operator's Certificate or Business License and License Decal. The director of finance is authorized to deny initial issuance or renewal or suspend or revoke any certificate for a pedicab operator for hire and to suspend or revoke any business license and license decal if an applicant cannot meet the requirements set forth in this article, or an operator violates any of the provisions contained in this article. In the case of suspension or revocation of a certificate or business license and license decal by the director of finance, the pedicab operator shall be afforded notice and an opportunity for a hearing prior to the suspension or revocation, pursuant to the provisions of HRS Chapter 91.

(b) Rule Making Powers. The director of finance is authorized to promulgate any rules or regulations not inconsistent with this article, having the force and effect of law, as provided for in HRS Chapter 91, in the administration and enforcement of this article.

(Sec. 12-5.13, R.O. 1978 (1983 Ed.))

Sec. 12-5.14 Transportation of bulky items.

A pedicab operator may refuse to transport any item not capable of being transported within the confines of the passenger compartment of the pedicab.

(Sec. 12-5.14, R.O. 1978 (1983 Ed.))

Sec. 12-5.15 Disorderly persons.

Notwithstanding any of the foregoing provisions, the operator of a fixed stand may refuse to dispatch a pedicab to, and the operator may refuse to furnish transportation to a disorderly person. (Sec. 12-5.15, R.O. 1978 (1983 Ed.))

Sec. 12-5.16 Soiling of pedicab.

A pedicab operator may require a passenger for hire, whose condition may be likely to soil the seats of the pedicab, to sit upon protective material furnished by such operator. Upon noncompliance with the request, the pedicab operator may refuse to transport such passenger. (Sec. 12-5.16, R.O. 1978 (1983 Ed.))

Sec. 12-5.17 ViolationCPenalty.

(a) Unless otherwise provided for in this article or subsection (b) of this section, any person violating any of the provisions of this article shall, upon conviction thereof, be subject to a fine not exceeding \$2,000.00 or imprisonment for a period not exceeding one year or to both such fine and imprisonment.

(b) Any person who violates or causes a pedicab to violate any provision of Section 12-5.7 or Section 12-5.8 shall be fined not less than \$15.00, but not more than \$500.00.

(Sec. 12-5.17, R.O. 1978 (1983 Ed.); Am. Ord. 90-77, 94-11)

Sec. 12-5.18 Business license, operator's certificate or application—Notice of suspension, revocation or denial—Hearing—Review.

(a) Notice of Intent. The director of finance shall issue and serve upon a licensee, permittee or applicant (hereinafter referred to as "appropriate party") a notice of intent to suspend, revoke or deny a business license or operator's certificate and license decal (hereinafter referred to as "business documents") before the director of finance shall take any of the foregoing actions until and unless the appropriate party has been granted a hearing unless the appropriate party waives such hearing. If the appropriate party waives such person's right or privilege for a hearing, the director of finance may issue in writing an appropriate decision and order.

(b) Service of Notice. The director of finance shall serve the notice of intent by mailing the notice by certified or registered mail to the appropriate party at the party's last known address.

- (c) Request for Hearing. The appropriate party who has received a notice of intent as prescribed in subsection (a) of this section shall, if the party desires a hearing, affix such person's signature as designated on the copy and have same returned to the director of finance either through the process server or by certified mail.
 - (d) Notice of Date of Hearing. Whenever the appropriate party requests a hearing, the director of finance shall issue a notice of such hearing to the appropriate party, and such hearing shall be held no later than 20 working days after the director of finance has received the request for hearing from the appropriate party.
 - (e) Procedure for Hearing. Any hearing conducted hereunder shall be pursuant to rules and regulations promulgated under HRS Chapter 91. Such hearing may be conducted by a panel consisting of three officers of the executive branch who shall be appointed by the mayor.
 - (f) Panel to Suspend, Revoke or Deny Business Documents. After the panel has conducted a hearing, it may rule either in favor or against the action to be taken by the director of finance and if its decision is adverse to the appropriate party, it shall be in writing or stated in the record and shall be accompanied by separate findings of fact and conclusions of law.
 - (g) Judicial Review. Any person aggrieved by the final decision and order of the panel may appeal same to the circuit court as provided in HRS Section 91-14.
- (Sec. 12-5.18, R.O. 1978 (1983 Ed.); Am. Ord. 94-11)

Sec. 12-5.19 Severability.

The provisions of this article are declared to be severable. In accordance therewith, if any portion of said article is held invalid for any reason, the validity of any portion of this article shall not be affected and if the application of any portion of this article to any person, property or circumstance is held invalid, the application hereof to any other person, property or circumstance shall not be affected. (Sec. 12-5.19, R.O. 1978 (1983 Ed.))

Article 6. Private Transportation Companies, Vehicles, and Drivers

Sections:

- 12-6.1 Definitions.**
- 12-6.2 Director of customer services—Authority.**
- 12-6.3 Private transportation company—Registration.**
- 12-6.4 Trade dress, logo or company identifier —Approval.**
- 12-6.5 Certification of private transportation driver.**
- 12-6.6 Private transportation driver operating standards, passenger relations standards, and standards of moral character.**
- 12-6.7 Private transportation driver's certificate.**
- 12-6.8 Receipt.**
- 12-6.9 Private transportation company vehicle certification.**
- 12-6.10 Suspension of private transportation vehicles.**
- 12-6.11 Identification of private transportation vehicles.**
- 12-6.12 Audit or inspection of records of private transportation companies, drivers and vehicles.**
- 12-6.13 Audit or inspection of specific private transportation driver or vehicle records.**
- 12-6.14 Violations—Penalty.**
- 12-6.15 Suspension or revocation of a private transportation company's registration or denial of renewal of registration—Other.**

Sec. 12-6.1 Definitions.

As used in this article:

"Department" means the department of customer services.

"Digital network" means any online-enabled application, software, website, or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers.

"Director" means the director of customer services of the city, or the director's duly authorized subordinates.

"Passenger vehicle" is a vehicle manufactured with seating accommodations for eight or fewer passengers, (excluding the driver), but does not include motorcycles, mopeds, motor scooters, trucks, three-wheeled vehicles, or low-speed vehicles.

"Personal vehicle" means a motor vehicle that is:

- (1) Used by a transportation network company driver to provide a prearranged ride;
- (2) Owned, leased, or otherwise authorized for use by the transportation network company driver;
- (3) Not a taxicab, limousine, or other for-hire vehicle; and
- (4) A passenger vehicle operated by a private transportation driver.

"Prearranged ride" means the provision of transportation by a transportation network company driver to a passenger, beginning when a transportation network company driver accepts a passenger's request for a ride through a digital network or software application service controlled by a transportation network company, continuing while the transportation network company driver transports the requesting passenger, and ending when the requesting passenger, or the last passenger from the requesting passenger's party, departs from the personal vehicle. A prearranged ride does not include transportation provided through a ridesharing arrangement, as defined in HRS Section 279G-1; use of a taxicab, limousine, or other for-hire vehicle; or a regional transportation provider.

"Private transportation company" means a taxicab company or a transportation network company.

"Private transportation driver" or "driver" means an individual who:

- (1) Is a taxicab driver; or
- (2) Is a transportation network company driver.

"Private transportation vehicle" means a personal vehicle used by a transportation network company driver or a taxicab.

"Taxicab" means the same as defined in Section 12-1.1.

"Taxicab company" means the same as defined in Section 12-1.1.

"Taxicab driver" means the same as defined in Section 12-1.1.

"Transportation network company" means a person or an entity that uses a digital network or software application service to connect passengers to transportation network company drivers; provided that the person or entity:

- (1) Does not own, control, operate, or manage the personal vehicles used by transportation network company drivers; and
- (2) Is not a taxicab company or a for-hire vehicle owner.

"Transportation network company driver" means a person who receives connections to potential riders and related services from a transportation network company in exchange for payment of a fee to the transportation network company, and uses a personal vehicle to offer or provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee.

(Added by Ord. 16-25; Am. Ord. 16-38)

Sec. 12-6.2 Director of customer services—Authority.

- (a) The director is authorized to ensure that all private transportation companies comply with the provisions of this article. The director is authorized to suspend or revoke any private transportation driver's certification or private transportation company vehicle certification for noncompliance with the provisions of this article. For violations by a private transportation company, the director is authorized to suspend or revoke the registration of a private transportation company and demand the suspension or revocation of all certifications of the private transportation company's drivers. The director may deny the registration or renewal of a registration for a private transportation company. Private transportation drivers and private transportation companies must be afforded an opportunity for a hearing before the director or a hearing officer appointed by the director, pursuant to HRS Chapter 91, if the director determines there has been a violation of this article.
- (b) The director shall maintain a database of private transportation companies and require the registration of each private transportation company.
- (c) The director is authorized to adopt rules that are consistent with this article, having the force and effect of law, as provided for in HRS Chapter 91, for the administration and enforcement of this article.

(Added by Ord. 16-25; Am. Ord. 16-38)

Sec. 12-6.3 Private transportation company—Registration.

Any person or entity operating as a private transportation company in the city must register with the director annually. The director may establish fees, to be collected by the department, for registering a private transportation company and the renewal of such registration. No private transportation company registration may be renewed unless the renewal fee, if any, and all outstanding penalties assessed against the private transportation company, have been paid to the department.

(Added by Ord. 16-38)

Sec. 12-6.4 Trade dress, logo or company identifier—Approval.

The private transportation company must submit the trade dress, logo or company identifier, which will be placed on the personal vehicle or taxicab for the director's approval at the time of the initial application.

(Added by Ord. 16-38)

Sec. 12-6.5 Certification of private transportation driver.

- (a) No person shall act as a private transportation driver in the city without certification by a registered private

transportation company or by the department if the private transportation driver and private transportation company are one and the same person, pursuant to this article.

In the event a private transportation company is required to certify the driver, the private transportation company shall conduct an investigation regarding the certification of the driver at no expense to the city concerning the character, experience, and qualifications of the driver to determine whether or not the driver is fit, willing and able to operate a vehicle for hire in a manner consistent with the general welfare of the public and in accordance with the requirements of this article and all other applicable laws, rules, and regulations.

- (b) No private transportation driver may be certified, and any existing certification must be revoked for any driver, who:
- (1) Has been found to have committed five infractions, as defined in HRS Section 291D-2, in the prior two-year period, other than traffic infractions involving parking, standing, or equipment, including seat belts, and offenses committed as a pedestrian;
 - (2) Has been convicted once in the prior two-year period for the offense of resisting an order to stop a motor vehicle, reckless driving, excessive speeding, racing on a highway, or driving with a suspended or revoked driver license;
 - (3) Is not at least 21 years of age;
 - (4) Has been convicted in the prior seven-year period of driving under the influence of an intoxicant, including drugs or alcohol;
 - (5) Has been convicted in the prior seven-year period of any of the following:
 - (A) Offenses against the person or property of another, including:
 - (i) Assault,
 - (ii) Kidnapping,
 - (iii) Manslaughter,
 - (iv) Murder,
 - (v) Negligent homicide,
 - (vi) Reckless endangering,
 - (vii) Robbery,
 - (viii) Theft,
 - (ix) Computer crimes,
 - (x) Credit card offenses, or
 - (xi) Identity theft;
 - (B) Offenses that are sex related, including:
 - (i) Displaying indecent matter,
 - (ii) Indecent exposure,
 - (iii) Open lewdness,
 - (iv) Promoting pornography,
 - (v) Prostitution or promoting prostitution,
 - (vi) Sexual assault, or
 - (vii) Sexual abuse; or
 - (C) Offenses that are drug related, including:
 - (i) Promoting a dangerous drug,
 - (ii) Promoting a detrimental drug,
 - (iii) Promoting a harmful drug, or
 - (iv) Promoting intoxicating compounds; or
- (6) Is a match in the National Sex Offender Public Website.
- (c) In order to determine if a driver is qualified for certification, the private transportation company shall, at a minimum, obtain records to establish that the driver:
- (1) Has a current and valid Hawaii State driver's license;
 - (2) Has one year of driving experience;
 - (3) Is at least 21 years of age;
 - (4) Has a valid automobile insurance policy as required by law;
 - (5) Completed a seven year national criminal background check which includes a director approved Multi-state/Multi-Jurisdiction Criminal Locator or other similar validated nationwide database and National Sex Offender Public Website search, which reflects the absence of convictions for any of the offenses identified in this article. The criminal background check must be conducted prior to the initial certification of the driver and every two years thereafter;
 - (6) Has certified that the driver is physically and mentally fit to be a private transportation driver and is free of any known medical condition that would put a passenger at risk;
 - (7) Submitted a current traffic violations bureau certified abstract; and
 - (8) Has met all other qualifications under this article.

- (d) As part of the certification process, a private transportation company or a third party vendor retained at the private transportation company's cost, shall determine whether that the driver has a sufficient:
 - (1) Understanding of the traffic laws and ordinances applicable in the city;
 - (2) Understanding of the locations of streets, roads, highways and significant landmarks within the city;
 - (3) Method of communicating with passengers; and
 - (4) Ability to respond to emergency situations, including, but not limited to, the ability to call for emergency assistance and knowledge of locations of major medical facilities.
 - (e) A private transportation company shall suspend a driver's certificate and require the driver to submit a medical clearance from a physician licensed in the State of Hawaii, if there are indications that the driver is or has become physically or mentally unfit to be a private transportation driver.
 - (f) When a private transportation company is made aware of a driver's failure to comply with any requirement of this article or that the driver submitted false information to the company, the private transportation company must notify the department and ensure that the driver does not operate as a private transportation driver.
 - (g) The private transportation company must certify to the department that the company's private transportation drivers have satisfied the requirements of this article. The company must maintain records that substantiate that the requirements are satisfied. Such records must be maintained within the city for a period of at least two years following the date on which a private transportation driver is no longer affiliated with a private transportation company or is no longer permitted to act as a transportation network company driver on the transportation network company's digital network. The records are subject to inspection by the department in accordance with Sections 12-6.12 and 12-6.13. The private transportation company will be deemed in violation of this article and subject to the penalties under this article each time the department determines that the records do not substantiate compliance with the requirements for an individual driver.
- (Added by Ord. 16-38)

Sec. 12-6.6 Private transportation driver operating standards, passenger relations standards, and standards of moral character.

- (a) The private transportation drivers must comply the following operating, conduct, and passenger relations standards:
 - (1) Private transportation drivers shall not transport more passengers than the number of seat belts available nor more luggage than the vehicle capacity will safely and legally allow;
 - (2) Private transportation drivers shall not operate a vehicle that was not certified by a private transportation company to transport passengers;
 - (3) Private transportation drivers shall have evidence of a valid vehicle insurance policy in their possession at all times;
 - (4) Private transportation drivers shall report articles left behind by passengers to the private transportation company as found articles, and follow the private transportation company's lost and found policy and procedures;
 - (5) Private transportation drivers shall permit the department to inspect the private transportation vehicle upon request;
 - (6) Private transportation drivers shall not consume any alcohol while on duty or less than eight hours prior to going on duty;
 - (7) Private transportation drivers shall not have any container of any alcoholic beverage in the private transportation vehicle unless the container belongs to the passenger;
 - (8) Private transportation drivers shall comply with any written notice of violation issued by the director;
 - (9) Private transportation drivers shall not operate a private transportation vehicle:
 - (A) With an expired, suspended or revoked driver's license;
 - (B) When the private transportation vehicle has an expired registration or safety inspection sticker; or
 - (C) When the private transportation vehicle fails the annual safety inspection;
 - (10) Private transportation drivers shall immediately surrender their driver certification and vehicle certification to the director upon written notice that the driver certification has been suspended, not renewed or revoked by either the private transportation company or the director. Any decal, logo or unique company identifier must be removed from the front and rear bumper;
 - (11) Private transportation drivers shall operate the private transportation vehicle with due regard for the safety, comfort and convenience of passengers;
 - (12) Private transportation drivers shall not allow or knowingly permit the private transportation vehicle to be used for any unlawful purpose;
 - (13) Private transportation drivers shall transport their passengers using the most cost effective and direct route, unless:
 - (A) Directed otherwise by the passenger; or
 - (B) An emergency situation, such as road closure or accident, requires an alternate direct route;

- (14) Private transportation drivers shall keep their vehicles in a clean condition, and deposit all refuse appropriately and shall under no circumstances litter;
 - (15) Private transportation drivers shall not use offensive language, expressions, or gestures to any person while driving, operating, picking up customers, or in control of a private vehicle or taxicab;
 - (16) Private transportation drivers shall not smoke in the private transportation vehicle while a passenger is in the vehicle;
 - (17) Private transportation drivers shall, upon request by the director or a police officer, provide the private transportation driver certificate, the vehicle certificate and any other documents requested for inspection;
 - (18) Private transportation drivers shall not operate any electronic, digital or GPS device in a private transportation vehicle without a hands-free mount and in hands-free mode;
 - (19) Private transportation drivers shall not sublease or permit another to operate their private transportation vehicle as a private transportation driver; and
 - (20) Private transportation drivers shall not refuse to transport any person except when upon arrival at the place of pick-up, the passenger is acting in a disorderly or threatening manner, or otherwise is acting in a manner that would cause a reasonable person to believe that the private transportation driver's health or safety, or that of others, may be endangered.
- (b) A violation of any of the standards set forth in subsection (a), may result in the suspension or revocation of the transportation driver certificate by the director, in addition to the assessment of a fine.
- (Added by Ord. 16-38)

Sec. 12-6.7 Private transportation driver's certificate.

Every private transportation driver shall have a driver's certificate within the private transportation vehicle readily visible to passengers in the vehicle. The private transportation driver's certificate must be printed or available electronically.

(Added by Ord. 16-38)

Sec. 12-6.8 Receipt.

Either the private transportation driver or the private transportation company, as applicable, must, upon request, provide any passenger with a printed or electronic receipt showing the total fare paid, and any other information specified by the director.

(Added by Ord. 16-38)

Sec. 12-6.9 Private transportation company vehicle certification.

- (a) No vehicle may be used for private transportation services unless the private transportation company or the department, if the driver and the company are one and the same, has certified for each vehicle:
 - (1) Proof of registration for the motor vehicle in the name of the driver, or proof of authorization from the registered owner for the driver to operate the motor vehicle as a private transportation driver; and
 - (2) Proof of current vehicle safety inspection for the motor vehicle in the name of the driver or registered owner of the motor vehicle.
 - (b) A private transportation company shall certify each motor vehicle in compliance with subsection (a) and include the following information:
 - (1) The vehicle identification number (VIN);
 - (2) The registered owner's full legal name;
 - (3) License plate number and expiration date;
 - (4) Date of the annual safety inspection; and
 - (5) Proof of insurance.

Every private transportation company vehicle certificate provided under this section will expire two years after the issuance thereof, unless it has previously been revoked.
 - (c) No private transportation vehicle may be recertified unless all outstanding penalties assessed against the private transportation driver operating the vehicle being recertified are paid in full to the director.
 - (d) A private transportation company shall ensure that the private transportation driver has timely renewed the private transportation vehicle's annual registration and passed the annual safety inspection. A private transportation company shall suspend the private transportation driver's access to its digital network or dispatch system upon discovery of a private transportation driver's failure to timely renew the private transportation vehicle's annual registration and passed the annual motor vehicle safety inspection. Access to digital network or dispatch system may be restored upon the private transportation driver's submission of documents confirming the renewal of the private transportation vehicle's annual registration and passing the annual safety inspection.
 - (e) Each failure to meet any of these requirements constitutes a separate violation.
- (Added by Ord. 16-38)

Sec. 12-6.10 Suspension of private transportation vehicles.

Upon notification that a private transportation vehicle has been involved in an accident, the private transportation company shall suspend the private transportation driver's access to its digital network or dispatch system until the private transportation driver has provided to the private transportation company proof that the vehicle can be safely operated.

(Added by Ord. 16-38)

Sec. 12-6.11 Identification of private transportation vehicles.

Upon approval by the director, the private transportation company will direct its drivers on the placement of the trade dress, logo or company identifier on the personal vehicle or taxicab, whichever the case may be, but trade dress, logo or company identifier placed on the front and rear bumpers pursuant to this article must be between 2 inches and 3 inches in height, and a minimum of 4 inches in width. The trade dress, logo or company identifier may be placed on the vehicle's body, but not on the roof (unless it is a taxi sign or dome) or cover any window, vehicle lights, or obscure the view of any mirrors. In addition, any vehicle for hire which transports passengers to and from the Honolulu International Airport shall display permits or decals required by the applicable State laws.

(Added by Ord. 16-38)

Sec. 12-6.12 Audit or inspection of records of private transportation companies, drivers and vehicles.

- (a) The department may visually inspect, no more than annually, a sample of records, randomly selected by the department, that a private transportation company is required to maintain for the sole purpose of verifying that the private transportation company is in compliance with the requirements of this article. The records of the private transportation company must substantiate the certification of the private transportation drivers and vehicles, and include all complaints made against the private transportation driver to the company by any passenger or member of the general public. Any record furnished to the department may exclude information that would tend to identify specific drivers or riders. The records must be located at the local business address stated in the private transportation company's registration with the department, in accordance with Section 12-6.3, for inspection, and may be in either paper or electronic format. The records must be retained by the private transportation company for a period of two years.
- (b) Any records inspected by the department pursuant to this section are: (1) designated confidential, (2) not subject to disclosure to a third party by the department without prior written consent of the private transportation company, and (3) exempt from disclosure under HRS Chapter 92F, the Hawaii Uniform Information Practices Act ("UIPA"). Nothing in this section shall be construed as limiting the applicability of any other exemptions under HRS Chapter 92F.

(Added by Ord. 16-38)

Sec. 12-6.13 Audit or inspection of specific private transportation driver or vehicle records.

- (a) Upon notice of a passenger complaint, traffic accident, arrest or other incident which jeopardized or may have jeopardized the safety, health or welfare of the passengers or members of the general public by a specific private transportation driver, the department may immediately demand, and the private transportation company shall provide, unrestricted access to the records of or pertaining to that private transportation driver. Any record furnished to the department may exclude information that would tend to identify specific drivers or riders, unless the identity of a driver is relevant to the complaint.
- (b) Any records inspected by the department pursuant to this section are: (1) designated confidential, (2) not subject to disclosure to a third party by the department without prior written consent of the private transportation company, and (3) exempt from disclosure under HRS Chapter 92F, the Hawaii Uniform Information Practices Act ("UIPA"). Nothing in this section shall be construed as limiting the applicability of any other exemptions under HRS Chapter 92F.

(Added by Ord. 16-38)

Sec. 12-6.14 Violations—Penalties.

- (a) The director, and any person or agency designated by the director may issue citations to a private transportation company or private transportation driver that is in violation of any provision of this article.
- (b) Each citation must be in writing and describe the basis of the citation, including the specific provisions alleged to have been violated, and an assessment of administrative fines as provided in this article.
- (c) Any person or entity violating any of the provisions of this article and cited by the police department shall, upon conviction thereof, be subject to a fine not exceeding \$1,000.00 or imprisonment for a period not exceeding one year, or to both such fine and imprisonment for each violation.
- (d) Any person or entity violating any of the provisions of this article and cited by the director, shall be subject to an administrative fine not exceeding \$1,000.00 per violation and/or suspension or revocation of the

certification for a private transportation driver or vehicle, which shall not be duplicative of any fine issued or penalty imposed after conviction. The director is authorized to adopt rules pursuant to the provisions of HRS Chapter 91 to implement and enforce this section.

- (e) Service of a citation issued under this section will be made by personal service or by certified mail, restricted delivery, sent to the mailing address of the private transportation company listed in the private transportation company's registration with the department pursuant to Section 12-6.3.
- (f) Any private transportation company or private transportation driver cited by the director may submit a written request to the director for a hearing with respect to the violations alleged or the amount of the administrative fine assessed. Such request must be submitted within twenty days from the date of service of the citation.
- (g) If a private transportation company or private transportation driver cited under subsection (a) timely notifies the director of the request for a hearing, the director shall afford an opportunity for a hearing under HRS Chapter 91. The hearing shall be conducted by the director or the director may designate a hearings officer to hold the hearing. The director or any hearings officer designated by the director shall have the power to issue subpoenas, administer oaths, hear testimony, find facts, make conclusions of law, and issue a final order.
- (h) If the private transportation company or private transportation driver issued a citation does not submit a written request to the director for a hearing within twenty days from the date of service of the citation, the citation shall be deemed a final order of the director.

(Added by Ord. 16-38)

Sec. 12-6.15 Suspension or revocation of a private transportation company's registration or denial of renewal of registration—Other.

The director may suspend or revoke the registration of a private transportation company, and suspend or revoke all of the certifications of its private transportation drivers, if a private transportation company has been found to have engaged in a pattern or practice of violating the provisions of this article governing the certification of private transportation drivers or vehicles, or the inspections or audits by the department. Any notice of intent to suspend or revoke the private transportation company's registration based upon multiple violations within a six month period will issue by personal service or by certified mail, to the mailing address of the private transportation company listed in the private transportation company's registration with the department pursuant to Section 12-6.3, and afford the private transportation company an opportunity to be heard in accordance with the procedures set forth in Section 12-6.14.

(Added by Ord. 16-38)