

**DEPARTMENT OF FINANCE
COUNTY OF HAWAI‘I
STATE OF HAWAI‘I**

RULES AND REGULATIONS OF THE DIRECTOR OF FINANCE

RULE 17

RULES AND REGULATIONS RELATING TO TAXICABS

Rule 17.1 Purpose of Rules.

These rules and regulations are intended to clarify and implement the provisions of Chapter 18, Hawai‘i County Code, relating to public transportation.

Rule 17.2 Definitions.

For the purpose of these rules and regulations, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- (a) “Certificate” means a Certificate of Public Convenience and Necessity issued by the Hawai‘i County Transportation Commission.
- (b) “Chief of Police” means the Chief of Police of the County of Hawai‘i or his duly authorized subordinates.
- (c) “Commission” means the Hawai‘i County Transportation Commission.
- (d) “Director” means the Director of Finance of the County of Hawai‘i or his duly authorized subordinate.
- (e) “Permit” means a taxicab driver’s permit issued by the Director of Finance.
- (f) “Taxi” or “taxicab” means a vehicle designed to carry not more than eight passengers equipped with a taximeter operated by a taxicab driver, which is used in the movement of passengers 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 or demand.
- (g) “Taxicab company” means any person or entity which holds licenses for one or more taxicabs, leases motor vehicles to drivers to be used as taxicabs, or which operates a central dispatch service for one or more taxicabs.

[Rule 17.3 — Application for license.

(a) — ~~Any person who wishes to obtain a license to operate a taxicab must first obtain a Certificate of Public Convenience and Necessity from the Transportation Commission of the County of Hawai‘i. After submitting evidence to the Director that the person has a valid certificate, the Director shall supply the person with an application form (Appendix A), an inspection form to be completed by the Director (Appendix B), and a control number which is to be applied to the exterior of the vehicle to be used as a taxicab.~~

(b) — ~~The application form shall be submitted to the Director with the following:~~

~~(1) — Inspection certificate.~~

~~(2) — Copy of the current Certificate of Registration and valid six-month safety inspection certificate.~~

~~(3) — Evidence of financial responsibility.~~

~~(4) — Annual license fee.~~

~~Upon receipt of all of the above, the Director shall issue a license to the applicant and a license decal to be placed on the left rear bumper of the vehicle.~~

(c) — ~~No license shall be issued to operate a taxicab unless the inspection form signed by the Director indicates that the vehicle to be used as a taxicab is in compliance with all of the requirements specified in Rule 17.7.]~~

Rule [17.4]17.3 Moral Character of Applicant.

Each applicant for a new permit or a renewal of an existing permit shall obtain a criminal abstract from the Office of the Attorney General, Hawai‘i Criminal Justice Data Center, and a traffic abstract from the Traffic Violations Bureau of the District Court and shall present these documents to the Director of Finance prior to the issuance of a permit. The date of the criminal and traffic abstract shall not be more than thirty days before issuance of the taxicab driver’s permit. The application for an initial permit or for a renewal of a permit shall be denied if:

(1) The applicant has ~~[committed any]~~ a criminal [offense] conviction involving offenses against the person or property of another, including: theft, [robbery, burglary, assault, sex crimes, drugs, gambling, prostitution, or weapons;] assault, kidnapping, manslaughter, murder, negligent homicide, reckless endangering, robbery, or larceny (2nd degree); any criminal conviction involving offenses that are sex related, including: displaying indecent matter, indecent exposure, open lewdness, promoting pornography, prostitution or promoting prostitution, rape, sexual abuse, or sodomy; criminal

convictions involving offenses that are drug related, including: promoting a dangerous drug, promoting a detrimental drug, promoting a harmful drug, or promoting an intoxicating compound; criminal convictions involving traffic violations while operating a moving vehicle, including: driving under the influence of an intoxicant, driving under the influence of drugs, or heedless and careless driving while operating a vehicle.

(2) The applicant has [~~committed~~] conviction/fines for any major traffic offense [or repeated minor traffic offenses, including driver under the influence of intoxicating liquor or narcotic substances;], including: driving under the influence of intoxicating liquor, driving under the influence of drugs, operating a vehicle under the influence of an intoxicant, heedless and careless driving while operating a vehicle, reckless driving, racing on highways, speeding in school zone or construction area, or excessive speeding.

(3) The applicant has been convicted of repeated minor traffic offenses, including all moving violations not listed above and any regulatory violations, within the past year.

~~(3)~~(4) The applicant has [~~committed~~] been convicted of or fined for] a violation of any county, state or federal law relating to the use, possession, or sale of alcoholic beverages or substances regulated by the State Controlled Substance Act; or

~~(4)~~(5) The applicant has demonstrated through past relevant work performance and contacts with people, insufficient emotional stability to effectively operate a taxicab and deal with the public.

The Director may use discretion, to deny an application for a permit if a criminal offense has occurred which is determined to be detrimental to public safety. The Director may grant a permit despite the presence of one or more of the factors enumerated in subsections 1, 2, 4 and 5 above if the Director concludes that the applicant has established to the Director's satisfaction that the behavior evidenced by such factor is not likely to reoccur, or is remote in time, or occurred under circumstances which diminish the seriousness of the factor as it relates to the purposes of this Rule.

Rule ~~[17.5]~~17.4 Physical Fitness of Applicant.

Each applicant for a new permit or a renewal of an existing permit shall present to the Director of Finance a Finding of Physical Fitness that shall specifically comment on standards (a) and (b) of this section, from a [~~physician~~] medical doctor or doctor of osteopathy licensed to practice in the State of Hawai'i. The application for an initial permit or for a renewal of a permit shall be denied by the Director of Finance if the Findings of Physical Fitness states that:

- (a) The applicant suffers from epilepsy, vertigo, heart trouble, or any other infirmity of body or mind which might render him unfit for the safe operation of a public vehicle; or
- (b) The applicant is a habitual drunkard or is addicted to the use of narcotic drugs.

The Director may grant a permit despite the presence of one or more factors in subsection a and b above if a licensed medical doctor or doctor of osteopathy states on the Findings of Physical Fitness that applicant is permitted to drive.

The Director of Finance may at ~~[his]~~ the Director's discretion require an applicant to undergo a physical examination by a licensed ~~[physician]~~ medical doctor or doctor of osteopathy if ~~[he]~~ the Director deems it necessary to ensure compliance with this rule.

~~[Rule 17.6 — Taxicab Control Numbers.~~

- ~~(a) — The Director shall assign each taxicab a control number to aid in identifying that particular vehicle as a taxicab. The control number shall consist of up to five digits. The last three digits shall indicate the Certificate number issued to that person or company for that particular vehicle. The first two digits shall be letters of the alphabet assigned by the Director.~~
- ~~(b) — The control number assigned to a taxicab shall be posted on the left rear bumper of the vehicle to the right of the license decal, and on the right front bumper. The control number may be either painted on the bumper surfaces or be comprised of decals provided by the taxicab company, owner, or operator. The numbers shall measure at least three inches in height and shall be black in color, unless the bumper to which they are to be affixed is black. In that case, the numbers shall be white. The number shall also appear on the annual license issued by the Director. When a vehicle is taken out of service as a taxicab, the control numbers shall be immediately removed from the bumpers.]~~

~~[Rule 17.7]~~ Rule 17.5 Department of Finance Inspection as Evidence of Compliance.

- (a) The Director shall inspect each vehicle to be used as a taxicab at least once a year prior to the issuance of the annual taxicab license. The Director shall examine each vehicle to determine whether it is in compliance with the following as required by Article 2, Chapter 18 of the Hawai'i County Code, and these rules:
- (1) Taxicab driver's permit mounted so that it is visible to all passengers.
 - (2) Schedule of the rates of fare posted in a conspicuous place within the taxicab so that it is readily visible to all passengers.
 - (3) Bilingual (English and Japanese) notice of where to file complaints posted in a conspicuous place within the taxicab so that it is readily visible to all passengers.
 - (4) Vehicle is in reasonably clean and safe condition, inside and out.

- (5) Vehicle is identified as a taxicab by a roof sign (which may be a dome light sign), and what the roof sign reads on front, back and sides shall be recorded on the inspection form.
 - (6) Taxicab control numbers are posted on the front and rear bumpers as provided by this rule.
 - (7) The taximeter installed is sealed and has a current certificate of inspection by the State Division of Measurement Standards.
- (b) The Director shall indicate compliance with or violations of these requirements on an inspection form supplied to the applicant by the Director.

~~[Rule 17.8 — Renewal of License.~~

- ~~(a) — Thirty days prior to the expiration of a license, the Director will mail to the license holder a renewal reminder and an inspection form to be completed by the Director. The inspection performed pursuant to Rule 17.7 shall be required before a renewal application will be processed by the Director.~~
- ~~(b) — The Director will renew a license and issue a new license decal upon receipt of the following from the applicant:~~
- ~~(1) — Renewal reminder or old (expiring) license.~~
 - ~~(2) — Completed inspection certificate.~~
 - ~~(3) — Copy of current Certificate of Registration and valid six-month safety inspection certificate.~~
 - ~~(4) — Evidence of financial responsibility.~~
 - ~~(5) — Annual license fee.~~

~~Rule 17.9 — Transfer of License to Different Vehicle.~~

~~A license issued to a taxicab can be transferred to a different vehicle. The Director shall require the following before approving the transfer:~~

- ~~(a) — Return of license and license decal issued to vehicle being replaced.~~
- ~~(b) — Completed inspection certificate for replacement vehicle.~~

- ~~(c) — Copy of current Certificate of Registration and valid six-month safety inspection certificate for the replacement vehicle.~~
- ~~(d) — Evidence of financial responsibility.~~
- ~~(e) — Fee prescribed by law for replacement of vehicle.~~

~~Rule 17.10 — Transfer of License to New Owner Prohibited; Return of License.~~

~~The annual license issued pursuant to Article 2, Chapter 18, Hawai'i County Code, and this rule is not transferable. When a taxicab operator sells or otherwise disposes of his Certificate of Convenience and Necessity, the new owner of the certificate must make application to the Director as required by Rule 17.3. Upon the termination of his business as a taxicab operator, the former owner of the certificate must remove the license decal located on the rear bumper and return it to the Director along with the license issued for the current year for cancellation. No refund of license fees paid will be made for any unexpired portion of the license year upon cancellation of a license. The fee paid by the new operator shall be prorated as provided by Article 2, Chapter 18, Hawai'i County Code.~~

~~Rule 17.11 — Notice in Writing.~~

~~A new application form shall be filed with the Director of Finance by a taxicab operator in the following circumstances:~~

- ~~(a) — Change of business name (dba).~~
- ~~(b) — In the case of a corporation, a change in the corporate officers.~~
- ~~(c) — In the case of a partnership, a change in the general partners.~~
- ~~(d) — Change of mailing or business address.~~
- ~~(e) — Transfer of license to a new vehicle (see Rule 17.9).~~
- ~~(f) — Change of insurance carrier. This must be accompanied by evidence of financial responsibility from the new carrier.~~
- ~~(g) — Change in the geographical areas served, or a major change in the hours or days of operation.~~

Rule 17.12 — Trade Name.

~~The trade name shown on the application for license as the “dba” shall be the name shown on the required roof sign or dome light sign. If any trade name is shown elsewhere on the vehicle, it shall also be the same as the trade name on the application on file with the Director. A trade name other than that on file with the Director shall not appear anywhere on the taxicab.~~

Rule 17.13 — Lease of Taxicab.

- ~~(a) — If a Certificate of Convenience and Necessity is leased to another person or company, a copy of the lease document must be submitted to the Director of Finance. The lessee shall obtain the annual license required by law in accordance with Rule 17.3 as if the lessee owned the Certificate. However, the lessor (owner of the Certificate) shall also be responsible for ensuring that the taxicab operated by the lessee is licensed and in compliance with all County laws and this rule.~~
- ~~(b) — If a lease takes effect during a license year, the lessee must make application immediately to the Director as required by Rule 17.3. The license issued to the lessor cannot be used by the lessee. The procedures set forth in Rule 17.10 regarding return of license by a former owner also apply in this case.~~

Rule 17.14 — Receipt Required.

~~The driver of a taxicab must furnish any passenger so requested a receipt for the fare amount charged. The receipt shall include the following information:~~

- ~~(a) — The amount charged.~~
- ~~(b) — The date and time of the trip.~~
- ~~(c) — The place the passenger was picked up and where his trip ended.~~
- ~~(d) — The control number of the taxicab.~~
- ~~(e) — The taxicab company operating the taxicab.~~
- ~~(f) — The signature of the taxicab driver.]~~

Rule ~~[17.15]~~17.6 Severability.

If any provision of these rules or the applicability thereof should be held invalid for any reason, such invalidity shall not affect other provisions or applications which can be given effect

without the invalid provisions or applications and to this end these rules are declared to be severable.

Rule [~~17.16~~]17.7 Effective date.

This rule shall become effective ten days after filing with the County Clerk.