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## A BILL FOR AN ACT

RELATING TO TAXICAB REGULATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that section 46-16.5,  
2 Hawaii Revised Statutes, authorizes the counties to protect the  
3 public health, safety, and welfare by licensing, controlling and  
4 regulating public passenger vehicle services, including the  
5 picking up and discharging of passengers from various unrelated  
6 locations by taxicabs. Therefore, the counties adopted  
7 ordinances and administrative rules that address the  
8 supervision, regulation, and control of the transporting of  
9 passengers or property for hire in a taxicab. The county laws  
10 provide for criminal history background checks on applicants for  
11 taxicab drivers' certificates to determine whether an applicant  
12 may pose a danger to the health, safety, or welfare of the  
13 traveling public. The legislature finds that the counties'  
14 authority to access the database of the Federal Bureau of  
15 Investigation or other agencies for the purpose of conducting  
16 nationwide criminal history background checks on applicants for  
17 taxicab drivers' certificates is not certain.



1           The purpose of this Act is to adopt statutory authority for  
2 the counties to conduct national and international criminal  
3 background checks on taxicab drivers and applicants for taxicab  
4 drivers' certificates. This Act will increase the safety and  
5 security of Hawaii residents and visitors who use taxicab  
6 services.

7           SECTION 2. Section 46-16.5, Hawaii Revised Statutes, is  
8 amended to read as follows:

9           "**§46-16.5 Public passenger vehicle regulation.** (a) The  
10 legislature finds and declares the following:

- 11           (1) The orderly regulation of vehicular traffic on the  
12 streets and highways of Hawaii is essential to the  
13 welfare of the State and its people;
- 14           (2) Privately-operated public passenger vehicle service  
15 provides vital transportation links within the State.  
16 Public passenger vehicle service operated in the  
17 counties enables the State to provide the benefits of  
18 privately-operated, demand-responsive transportation  
19 services to its people and to persons who travel to  
20 the State for business or tourist purposes;



- 1           (3) The economic viability and stability of privately-  
2           operated public passenger vehicle service is  
3           consequently a matter of statewide importance;
- 4           (4) The policy of the State is to promote safe and  
5           reliable privately-operated public passenger vehicle  
6           service to provide the benefits of that service. In  
7           furtherance of this policy, the legislature recognizes  
8           and affirms that the regulation of privately-operated  
9           public passenger vehicle service is an essential  
10          governmental function;
- 11          (5) The policy of the State is to require that counties  
12          regulate privately-operated public passenger vehicle  
13          service and not subject a county or its officers to  
14          liability under the federal antitrust laws;
- 15          (6) The policy of the State is to further promote  
16          privately-operated public passenger vehicle service,  
17          including [~~but not limited to,~~] the picking up and  
18          discharge of passengers from various unrelated  
19          locations by taxicabs; and
- 20          (7) The policy of the State is to further promote  
21          privately-operated public passenger vehicle service by



1 requiring jitney services not regulated by the  
2 counties to be under the jurisdiction of the public  
3 utilities commission. For the purposes of this  
4 paragraph, "jitney services" means public  
5 transportation services utilizing motor vehicles that  
6 have seating accommodations for six to twenty-five  
7 passengers, operate along specific routes during  
8 defined service hours, and levy a flat fare schedule.

9 (b) Any other law to the contrary notwithstanding, where  
10 not within the jurisdiction of the public utilities commission,  
11 every county may provide rules to protect the public health,  
12 safety, and welfare by licensing, controlling, and regulating,  
13 by ordinance or resolution, public passenger vehicle service  
14 operated within the jurisdiction of the county; provided that  
15 the counties shall promote the policies set forth in subsection

16 (a).

17 (c) Every county is empowered to regulate:

18 (1) Entry into the business of providing public passenger  
19 vehicle service within the jurisdiction of that  
20 county.



1           (2) The rates charged for the provision of public  
2           passenger vehicle service.

3           (3) The establishment of stands to be employed by one or a  
4           limited number of providers of public passenger  
5           vehicle service.

6           (d) The counties may conduct a background check of the  
7           records stored in state, national, or international record  
8           repositories for any criminal history of an applicant for the  
9           issuance or renewal of a license, certificate, registration, or  
10           other approval for public passenger vehicle service within the  
11           jurisdiction of that county. The county may require an  
12           applicant to:

13           (1) Submit the applicant's fingerprints; or

14           (2) Submit the fingerprints of each of the applicant's  
15           control persons, executive officers, directors,  
16           general partners, and managing members, if the  
17           applicant is not an individual,

18           for submission to the Federal Bureau of Investigation and any  
19           governmental agency or entity authorized to receive the  
20           fingerprints for a state, national, or international criminal  
21           history background check."



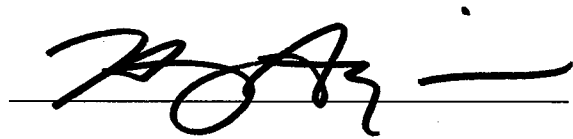
1 SECTION 3. If any provision of this Act, or the  
2 application thereof to any person or circumstance, is held  
3 invalid, the invalidity does not affect other provisions or  
4 applications of the Act that can be given effect without the  
5 invalid provision or application, and to this end the provisions  
6 of this Act are severable.

7 SECTION 4. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect upon its approval.

10

INTRODUCED BY:



JAN 27 2016



# H.B. NO. 2691

**Report Title:**

Taxicab Regulation; Criminal History Background Checks

**Description:**

Authorizes the counties to conduct criminal history background checks of taxicab operators.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

