

JAN 27 2016

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# A BILL FOR AN ACT

RELATING TO TAXICABS.

**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. In accordance with this authority, the  
7 counties have adopted ordinances and administrative rules  
8 addressing the supervision, regulation, and control of the  
9 transporting of passengers or property for hire in a taxicab.  
10 Specifically, criminal background checks for applicants for  
11 taxicab drivers' certificates are used in determining whether an  
12 applicant may pose a danger to the health, safety, or welfare of  
13 the traveling public.

14           The legislature further finds that there is uncertainty as  
15 to whether the counties have the authority to access the  
16 database of the Federal Bureau of Investigation or other



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1 agencies in order to conduct nationwide criminal background  
2 checks on applicants for taxicabs drivers' certificates.

3 The purpose of this Act is to increase the safety and  
4 security of Hawaii residents and visitors who utilize taxicab  
5 services by expressly authorizing the counties to conduct  
6 criminal background checks on taxicab drivers and applicants for  
7 taxicab drivers' certificates.

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

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

12 (1) The orderly regulation of vehicular traffic on the  
13 streets and highways of Hawaii is essential to the  
14 welfare of the State and its people;

15 (2) Privately-operated public passenger vehicle service  
16 provides vital transportation links within the State.  
17 Public passenger vehicle service operated in the  
18 counties enables the State to provide the benefits of  
19 privately-operated, demand-responsive transportation  
20 services to its people and to persons who travel to  
21 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.



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- 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) When reviewing applicants for taxicab drivers'
- 7 certificates, every county may:
  - 8           (1) Conduct a background check of records stored in state,
  - 9           national, or international record repositories for any
  - 10           criminal history; and
  - 11           (2) Require the submission of fingerprints for submission
  - 12           to any governmental agency or entity authorized to
  - 13           receive the fingerprints for a state, national, or
  - 14           international criminal history background check."

15           SECTION 3. New statutory material is underscored.

16           SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: Clarence Michikawa  
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**Report Title:**

Counties; Transportation; Taxicab Certificates

**Description:**

Authorizes the counties to: (1) Conduct background checks for criminal history for applicants for taxicab drivers' certificates; and (2) Require the submission of applicants' for taxicab drivers' certificates fingerprints, which will be submitted to governmental agencies for background checks of the applicant.

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

