

Honolulu, Hawaii

FEB 18 2016

RE: S.B. No. 3115  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committees on Transportation and Energy and Public Safety, Intergovernmental, and Military Affairs, to which was referred S.B. No. 3115 entitled:

"A BILL FOR AN ACT RELATING TO TAXICABS,"

beg leave to report as follows:

The purpose and intent of this measure is to authorize the counties to:

- (1) Conduct background checks for criminal history for applicants for taxicab drivers' certificates; and
- (2) Require applicants to submit fingerprints to governmental agencies for background checks of the applicant.

Your Committees received testimony in support of this measure from the Department of Customer Services of the City and County of Honolulu and one individual. Your Committees received comments on this measure from the Department of the Attorney General.

Your Committees find that section 46-16.5, Hawaii Revised Statutes, authorizes the counties to protect the public health, safety, and welfare by licensing, controlling, and regulating public passenger vehicle services, including the picking up and discharging of passengers from various unrelated locations by taxicabs. In accordance with this authority, the counties have adopted ordinances and administrative rules addressing the



supervision, regulation, and control of the transporting of passengers or property for hire in a taxicab, including criminal background checks for applicants of taxicab drivers' certificates and are used in determining whether an applicant may pose a danger to the health, safety, or welfare of the traveling public.

Your Committees further find that there is uncertainty as to whether the counties have the authority to access the database of the Federal Bureau of Investigation's or other agencies databases in order to conduct nationwide criminal background checks on applicants for taxicabs drivers' certificates.

Your Committees have amended this measure on the recommendation of the Attorney General by:

- (1) Conforming the authorization for every county to conduct criminal history record checks on taxicab drivers and applicants for taxicab drivers' certificates to the preferred protocol of the Hawaii Criminal Justice Data Center; and
- (2) Deleting the requirement for submission of fingerprints from applicants.

As affirmed by the records of votes of the members of your Committees on Transportation and Energy and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3115, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3115, S.D. 1, and be referred to your Committee on Judiciary and Labor.

Respectfully submitted on  
behalf of the members of the  
Committees on Transportation  
and Energy and Public Safety,  
Intergovernmental, and Military  
Affairs,



CLARENCE K. NISHIHARA, Chair



LORRAINE R. INOUE, Chair



The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Transportation and Energy**  
**TRE**

Bill / Resolution No.:* <i>SB 3115</i>	Committee Referral: <i>TRE/PSM, JDL</i>	Date: <i>2-11-16</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUE, Lorraine R. (C)	/			
GABBARD, Mike (VC)				/
CHUN OAKLAND, Suzanne	/			
ENGLISH, J. Kalani				/
KIDANI, Michelle N.	/			
NISHIHARA, Clarence K.	/			
SLOM, Sam				/
<b>TOTAL</b>	<i>4</i>			<i>3</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Public Safety, Intergovernmental and Military Affairs**  
**PSM**

Bill / Resolution No.:* SB3115	Committee Referral: TRE/PSM, JDL	Date: 2/11/16		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	X			
ESPERO, Will (VC)	X			
BAKER, Rosalyn H.				X
INOUYE, Lorraine R.	X			
SLOM, Sam				X
<b>TOTAL</b>	<b>3</b>			<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Will Espero</div>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes