
A BILL FOR AN ACT

RELATING TO TRANSPORTATION NETWORK COMPANIES.

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

1 PART I

2 SECTION 1. The legislature finds that statewide regulation
3 of transportation network companies is needed to ensure the
4 safety, reliability, and cost-effectiveness of rides provided by
5 transportation network company drivers, as well as to preserve
6 and enhance access to important transportation options for
7 residents and visitors of the State.

8 The purpose of this part is to enact statewide regulation
9 of transportation network companies to provide operational
10 consistency across the State and establish a permitting process
11 within the department of transportation.

12 SECTION 2. The Hawaii Revised Statutes is amended by
13 adding a new chapter to be appropriately designated and to read
14 as follows:

15 "CHAPTER

16 TRANSPORTATION NETWORK COMPANIES

17 § -1 Definitions. As used in this chapter:



1 "Department" means the department of transportation.

2 "Digital network" means any online-enabled technology
3 application service, website, or system offered or utilized by a
4 transportation network company that enables prearranged rides
5 with transportation network company drivers.

6 "Director" means the director of transportation.

7 "Prearranged ride" has the same meaning as defined in
8 section 431:10C-701.

9 "Transportation network company" has the same meaning as
10 defined in section 431:10C-701.

11 "Transportation network company driver" has the same
12 meaning as defined in section 431:10C-701.

13 "Transportation network company rider" or "rider" means a
14 person who uses a transportation network company's digital
15 network to connect with a transportation network company driver
16 who provides prearranged rides to the rider in a transportation
17 network company vehicle between destination points chosen by the
18 rider.

19 "Transportation network company vehicle" means a vehicle
20 that is:



- 1 (1) Manufactured with seating accommodations for eight or
2 fewer passengers;
- 3 (2) Not a semitrailer, tractor-semitrailer combination,
4 truck, or truck-tractor, as those terms are defined in
5 section 286-2;
- 6 (3) Used by a transportation network company driver to
7 provide a prearranged ride;
- 8 (4) Owned, leased, or otherwise authorized for use by the
9 transportation network company driver; and
- 10 (5) Not operating as a taxicab, limousine, or other for-
11 hire vehicle.

12 § -2 Relation to other laws; commercial vehicle; for-
13 hire vehicle; registration; exemption. Neither a transportation
14 network company nor transportation network company driver shall
15 be considered a motor carrier under chapter 271. No
16 transportation network company driver shall be required to
17 register a transportation network company vehicle as a
18 commercial or for-hire vehicle.

19 § -3 Transportation network company; permit required.

20 (a) No person shall operate a transportation network company in
21 the State without first having obtained a permit from the



1 director. The application shall be in a form and content as
2 prescribed by the director; provided that any transportation
3 network company operating in the State before the effective date
4 of this chapter may continue operating until the director has
5 established a permitting process for existing transportation
6 companies and sets a permitting deadline.

7 (b) The director shall issue a permit to each applicant
8 that satisfies the requirements for a transportation network
9 company as set forth by the director and shall collect an annual
10 permit fee of up to \$25,000 from the applicant prior to the
11 issuance of a permit. The fees collected pursuant to this
12 subsection shall be deposited into the state highway fund
13 established by section 248-8.

14 **§ -4 Fare transparency.** A transportation network
15 company's fare structure shall be transparent and visible to a
16 rider before the rider confirms a ride. To satisfy the
17 requirements of this section, a transportation network company
18 shall clearly display:

19 (1) The fare for the prearranged ride;

20 (2) The option to receive an estimated fare for the
21 prearranged ride; or



(3) The basis and rate on which the fare is to be calculated, and any additional fees or charges that may apply.

§ -5 Agent for service of process. Any transportation network company operating in the State shall maintain an agent for service of process in the State.

§ -6 Identification of transportation network company drivers and transportation network company vehicles. During a prearranged ride, a transportation network company's digital network shall display a picture of the transportation network company driver and the license plate number of the transportation network company vehicle.

§ -7 Electronic receipt. Following the completion of a prearranged ride, the transportation network company shall transmit an electronic receipt on behalf of the transportation network company driver that includes the following information:

(1) The origin and destination or destinations of the prearranged ride;

(2) The total time and distance of the prearranged ride;
and

(3) The total fare paid.



1 § -8 Disclosure; limitations; insurance requirements.

2 The requirements of section 431:10C-703 shall apply to
3 transportation network companies and transportation network
4 company drivers.

5 § -9 Transportation network company driver requirements.

6 (a) Prior to allowing an individual to act as a transportation
7 network company driver and accepting a request for a prearranged
8 ride through a transportation network company's digital network:

9 (1) The individual shall submit an application to the
10 transportation network company that includes the
11 following information:

12 (A) The individual's address;

13 (B) The individual's age;

14 (C) A copy of the individual's valid driver's
15 license;

16 (D) A copy of the applicable motor vehicle
17 registration;

18 (E) A copy of the applicable motor vehicle insurance;
19 and

20 (F) Any other information deemed necessary by the
21 transportation network company;



(2) The transportation network company shall conduct national and local criminal background checks for each applicant and each driver on an annual basis. The criminal background check shall include a review of:

(A) A multi-state and multi-jurisdictional criminal records locator or other similar commercial nationwide database with validation (primary source search); and

(B) The United States Department of Justice National Sex Offender Public Website; and

(3) The transportation network company shall obtain and review, or have a third-party entity obtain and review, a driving history research report of the individual.

(b) The transportation network company shall not permit an individual to act as a transportation network company driver on its digital network who:

(1) Has more than three moving violations within the prior three years, or one of the following major violations in the prior three years:

(A) Driving on a suspended or revoked license;



1 (B) Reckless driving of vehicle;

2 (C) Resisting an order to stop a motor vehicle in the
3 first or second degree; or

4 (D) Resisting arrest;

5 (2) Within the prior seven years has been:

6 (A) Convicted of any felony; or

7 (B) Convicted of any misdemeanor relating to driving,
8 acts of violence, or sexual offenses;

9 (3) Is registered on the United States Department of
10 Justice National Sex Offender Public Website or any
11 publicly accessible state sex offender registry;

12 (4) Does not possess a valid driver's license;

13 (5) Does not possess proof of a current and valid
14 registration for the motor vehicle used to provide
15 prearranged rides;

16 (6) Does not possess proof of valid motor vehicle
17 insurance for the transportation network company
18 vehicle; or

19 (7) Is not at least nineteen years of age.

20 § -10 Non-discrimination; accessibility. (a) The
21 transportation network company shall adopt a policy of



1 non-discrimination on the basis of destination, race, color,
2 ancestry, national origin, religious belief or affiliation, sex,
3 disability, age, sexual orientation, or gender identity or
4 expression with respect to riders and potential riders and shall
5 notify transportation network company drivers of the policy.

6 (b) In addition to any policy established pursuant to
7 subsection (a), transportation network company drivers shall
8 comply with all applicable laws regarding non-discrimination
9 against riders or potential riders on the basis of destination,
10 race, color, ancestry, national origin, religious belief or
11 affiliation, sex, disability, age, sexual orientation, or gender
12 identity or expression.

13 (c) Transportation network company drivers shall comply
14 with all applicable laws to accommodate service animals. For
15 purposes of this subsection, "service animal" has the same
16 meaning as defined in section 347-2.5.

17 (d) A transportation network company shall not impose
18 additional charges for providing services to persons with
19 physical disabilities.

20 § -11 Audit procedures; complaint investigation;
21 confidentiality of records. (a) No more than annually, the



1 department shall have the right to visually inspect a sample of
2 records maintained by a transportation network company for the
3 sole purpose of verifying that a transportation network company
4 is in compliance with the requirements of this chapter. The
5 sample shall be chosen randomly by the department in a manner
6 agreeable to both parties. The audit shall take place at a
7 mutually agreed upon location in the State. Any record
8 furnished to the department shall exclude information that could
9 lend to the identification of specific transportation network
10 company drivers or riders.

11 (b) In response to a specific complaint against any
12 transportation network company driver or transportation network
13 company, the department shall be authorized to inspect records
14 held by the transportation network company that are necessary to
15 investigate and resolve the complaint. The department and
16 transportation network company shall conduct the inspection at a
17 mutually agreed upon location in the State. Any record
18 furnished to the department shall exclude information that could
19 lend to the identification of specific transportation network
20 company drivers or riders, unless the identity of a



1 transportation network company driver or rider is relevant to
2 the complaint.

3 (c) Any records inspected by the department under this
4 section shall be confidential, shall not be subject to
5 disclosure to a third party by the department without prior
6 written consent of the transportation network company, and shall
7 be exempt from disclosure under chapter 92F. Nothing in this
8 section shall be construed as limiting the applicability of any
9 other exemptions under chapter 92F.

10 § -12 Uniform statewide regulation. (a) This chapter
11 shall apply uniformly throughout the State and to all political
12 subdivisions of the State.

13 (b) This chapter shall supersede any ordinance or other
14 regulation adopted by a political subdivision that specifically
15 governs transportation network companies, transportation network
16 company drivers, or transportation network company vehicles,
17 including those adopted before the effective date of this
18 chapter.

19 § -13 Rules. The department may adopt rules pursuant to
20 chapter 91 necessary for the purposes of this chapter."

21 PART II



SECTION 3. The legislature finds that Act 236, Session Laws of Hawaii 2016 (Act 236), was enacted to close the insurance gaps associated with transportation network companies by establishing motor vehicle insurance requirements for transportation network companies and transportation network company drivers. Act 236 was scheduled to repeal on September 1, 2021. Act 132, Session Laws of Hawaii 2021 (Act 132), extended the repeal date to September 1, 2023.

Accordingly, the purpose of this part is to repeal the sunset date of Act 236, as amended by Act 132, and make permanent the motor vehicle insurance requirements for transportation network companies and transportation network company drivers.

SECTION 4. Act 236, Session Laws of Hawaii 2016, section 6, as amended by section 2 of Act 132, Session Laws of Hawaii 2021, is amended to read as follows:

"SECTION 6. This Act shall take effect upon its approval; provided that section 2 of this Act shall take effect on September 1, 2016 [~~provided further that this Act shall be repealed on September 1, 2023~~]."

PART III



1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken.

3 SECTION 6. This Act shall take effect on January 1, 2023.



Report Title:

Transportation Network Companies; Transportation Network Company Drivers; Regulation; Permits; Motor Vehicle Insurance

Description:

Establishes requirements and permitting procedures for transportation network companies operating in the State. Makes permanent insurance requirements for transportation network companies and transportation network company drivers. Takes effect 1/1/2023. (SD1)

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

