

**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 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 a criminal conviction involving offenses against the person or property of another, including: theft, assault, kidnapping, manslaughter, murder, negligent homicide, reckless endangering, robbery, or larceny (2<sup>nd</sup> 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 conviction/fines for any major traffic offense, 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.
- (4) The applicant has 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
- (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 17.4      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 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 the Director's discretion require an applicant to undergo a physical examination by a licensed medical doctor or doctor of osteopathy if the Director deems it necessary to ensure compliance with this rule.

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 17.6 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 Effective date.

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