

CITY AND COUNTY OF HONOLULU ADMINISTRATIVE RULES

TITLE 9

DEPARTMENT OF CUSTOMER SERVICES

SUBTITLE 1 MOTOR VEHICLE, LICENSING AND PERMITS

CHAPTER 2

RULES AND REGULATIONS RELATING  
TO PRIVATE TRANSPORTATION COMPANIES AND DRIVERS

Pursuant to and by virtue of the authority set forth in Article 12, Section 12-\_\_\_2(a), Revised Ordinances of Honolulu 1990 (ROH), as amended, and Chapter 91, Hawaii Revised Statutes, the Director of the Customer Services of the City and County of Honolulu hereby adopts the following Rules and Regulations on Procedures relating to private transportation companies and private transportation drivers.

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SUBCHAPTER 1  
GENERAL PROVISIONS

§9-2-1 Purpose. These rules govern the procedures and standards to be followed for the issuance of the private transportation company business license and certification of private

transportation drivers and vehicles, private transportation company vehicle requirements, standards for operating in the City and County of Honolulu as a private transportation company and driver, and maximum fares, and baggage charge. [Eff\_\_\_\_\_](Auth: ROH §§12-\_.2, 12-2.3, 12-\_\_.5, 12-\_\_.8) (Imp: ROH §§12-\_.2, 12-2.3, 12-\_\_.5, 12-\_\_.8)

§9-2.2 Scope. This chapter applies to all taxicab companies, all transportation network companies, all taxicab drivers, all transportation network company drivers, all taxicabs, and all personal vehicles used for transportation network company services operating in the City and County of Honolulu. [Eff\_\_\_\_\_](Auth: ROH §§12-\_.1, 12-2.2) (Imp: ROH §§12-\_.1, 12-2.2)

§9-2-3 Definitions. As used in these rules, unless the context clearly requires otherwise:

- (a) "Director" means the director of customer services of the City and County of Honolulu, or the Director's duly authorized subordinates.
- (b) "Department" means the Department of Customer Services.
- (c) "Digital network" means any online-enabled application, software, website, or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers.
- (d) "Personal vehicle" means a motor vehicle that is:
  - (1) Used by a transportation network company driver to provide a prearranged ride;
  - (2) Owned, leased, or otherwise authorized for use by the transportation network company driver; and
  - (3) Not a taxicab, limousine, or other for-hire vehicle.
- (e) "Prearranged ride" means the provision of transportation by a transportation network company driver to a passenger, beginning when a transportation network company driver accepts a passenger's request for a ride through a digital network or software application service controlled by a transportation network company, continuing while the transportation network company driver transports the requesting passenger, and ending when the requesting passenger, or the last passenger from the requesting passenger's party, departs from the personal vehicle. A prearranged ride shall not include transportation provided through a ridesharing arrangement, as defined in HRS section 279G-1; use of a taxicab, limousine, or other for-hire vehicle; or a regional transportation provider.
- (f) "Private transportation company" means a taxicab company or a transportation network company.
- (g) "Private transportation driver" or "driver" means an individual who:
  - (1) Is a taxicab driver; or

- (2) Receives connections to potential riders and related services from a transportation network company in exchange for payment of a fee to the transportation network company, and uses a personal vehicle to offer or provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee.

(i) "Taxicab" means a vehicle that is manufactured to carry no more than eight (8) passengers, (excluding the driver), operated by a taxicab driver, which is (1) used in the movement of passengers for hire on the public highways, (2) directed to a destination by the passenger for hire or on the passenger's behalf, (3) operates on call or demand, and (4) is not a prearranged ride.

(j) "Taxicab company" means any person or entity which holds license(s) for one or more taxicabs, and / or rents or leases taxicabs to certified taxicab drivers to be used or operated as taxicabs, or which operates as a central dispatch service for one or more taxicabs.

(k) "Taxicab driver" means a person duly licensed as a driver of a motor vehicle who has obtained a valid taxicab driver's certificate or has been certified by a taxicab company."

(l) "Transportation network company" means an entity that uses a digital network or software application service to connect passengers to transportation network company drivers; provided that the entity:

- (1) Does not own, control, operate, or manage the personal vehicles used by transportation network company drivers; and
- (2) Is not a taxicab company or a for-hire vehicle owner.

(m) "Transportation network company driver" means a driver certified by a licensed transportation network company to accept and provide prearranged rides from a licensed transportation network company' digital network. For purposes of this chapter, at any time while a driver is active on the digital network, the driver is considered a transportation network company driver. [Eff\_\_\_\_\_](Auth: ROH §§12-\_.1.) (Imp: ROH §§12-\_.1.)

§9-1-4 Amendment or Repeal of Rules. (a) The Director may amend or repeal these rules or add to them as provided in chapter 91, HRS.

(b) Any interested person may petition the Director requesting the amendment or repeal of any of these rules or adoption of new rules as provided in chapter 91, HRS. [Eff\_\_\_\_\_](Auth: ROH §12-\_\_.2) (Imp: ROH §12-\_\_.2)

§9-2-5 Severability. If any portion of these rules or the applicability thereof should be held invalid for any reason, such invalidity shall not affect over 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. [Eff\_\_\_\_\_](Auth: ROH §12-\_\_.2) (Imp: ROH §12-\_\_.2)

SUBCHAPTER 2  
PRIVATE TRANSPORTATION COMPANY LICENSE

§9-2-6 Private Transportation Company License – Database. (a) Any person or entity desiring to operate as a private transportation company in the City and County of Honolulu shall obtain a license from the Department, by filing a signed and notarized application form approved by the Director.

- (1) The application shall include the following information:
  - (A) The applicant's private transportation company's name;
  - (B) The principal business street address and Post Office box address (if any), principal business telephone number and email address;
  - (C) A local street address and telephone number of the applicant's office. Said telephone number must be manned by a private transportation company representative who can generally be reached during business hours.
  - (D) A local or toll-free telephone number and email address for passenger complaints;
  - (E) The form of business entity under which the private transportation company will operate or is operating (e.g. corporation, partnership, cooperative association; sole proprietor; individual, etc.);
  - (F) A photograph of the private transportation company's trade dress, logo or other company identifier which will be placed on the personal vehicle or taxicab;
  - (G) The number of personal vehicles or taxicabs the private transportation company will operate or is operating at the time of the application;
- (2) Private transportation companies must annually renew its license with the Department.
- (3) The initial license application and every application for renewal submitted to the Director must be accompanied by a non-refundable application fee of \$1000.00.

(b) The private transportation company must inform the Director in writing within ten (10) days if any of the information provided pursuant to subsection (a) changes, ceases to be true or is superseded in any way by new information.

(c) The Director may deny an application for license, or suspend or revoke any private transportation company license if the Director determines that:

- (1) The application has a material misstatement or omission; or
- (2) The application is incomplete.

(d) A private transportation company license is not transferable. When the interest in a business entity holding a private transportation company license is transferred, the new owner or principal must submit an application for license within thirty (30) days of the transfer of interest.

(e) The Director will maintain a database of private transportation companies licensed by the Department to operate within the City and County of Honolulu.

[Eff\_\_\_\_\_](Auth: ROH §12-\_\_\_.2) (Imp: ROH §12-\_\_\_.2)

§9-2-7 Private Transportation Company - License renewals. A private transportation company license is valid for one (1) year. No private transportation company license may be renewed unless the renewal fee has been paid and all outstanding penalties assessed against the private transportation company and its private transportation drivers have been paid to the Director. The denial of an applications for license renewal will be set forth in writing, together with the reasons for denial. The written denial shall be delivered by first class mail to the address provided by the licensee on the license renewal application. [Eff\_\_\_\_\_](Auth: ROH §12-\_\_\_.2) (Imp: ROH §12-\_\_\_.2)

§9-2-8 Trade Dress, Logo or Company Identifier –Approval. The private transportation company registrant must submit the trade dress, logo or company identifier for the Director’s approval at the time of the initial application. [Eff\_\_\_\_\_](Auth: ROH §12-\_\_\_.2; §12-\_\_\_.6) (Imp: ROH §12-\_\_\_.2; §12-\_\_\_.6)

§9-2-9 Private Transportation Company Operating Responsibilities. In addition to meeting the license application requirements set forth in Rule 9-2-6, the private transportation company must:

(a) Maintain a business office that:

- (1) Is open and personally staffed during all business hours within the City and County of Honolulu;
- (2) Has a local or toll-free business telephone number, and toll-free passenger complaint hotline, that is answered during all hours that private transportation drivers are operating and must be answered during all hours that its drivers are operating;
- (3) Has a mailing address where the private transportation company will accept mail;
- (4) Stores records, either in hardcopy or electronic format, relating to each driver and vehicle certified under ROH Sections 12-\_\_\_.3 and 12-\_\_\_.4, passenger

complaints and driver investigations, and private transportation driver or vehicle accidents; and

(5) Provides secure storage for all items left in a private transportation vehicle by a passenger and can be retrieved by the passenger.

(b) Limit access to the digital network or dispatch system to only certified private transportation drivers operating certified private transportation vehicles;

(c) Ensure that each private transportation vehicle is insured as statutorily required;

(d) Accept on behalf of, and send via first class mail to, its private transportation driver all correspondence from the Director to that private transportation driver.

(e) Notify the Director within three (3) working days of the private transportation company having knowledge of the following:

(1) A conviction of its private transportation driver for any criminal offense or traffic violation that occurred during or arose out of the driver's operation of a private transportation vehicle;

(2) A conviction of its private transportation driver for any other criminal offense directly bearing on the driver's fitness to operate as a private transportation driver, including but not limited to any of the offenses listed in ROH Section 12-\_\_\_3(d)(4);

(3) A vehicle accident involving its private transportation driver while transporting a passenger; and

(4) Any restriction, suspension or revocation of a State of Hawaii driver's license issued to its private transportation driver.

(f) Permit the Director to carry out inspections and audits without limitation any or all private transportation driver and vehicle records;

(g) Obtain an executed written authorization from each private transportation driver for the release by the Department to the private transportation company of any and all information which the Department may have concerning the driver's ability or fitness to operate as a private transportation driver, including but not limited to criminal history information, and a release of the City from all liability which may result from the furnishing of such to the private transportation company;

(h) Obtain an executed written authorization from each private transportation driver for the release to the Department, information, without limitation, which the private transportation company may have concerning the driver's ability or fitness to operate at a private transportation driver, and release of the private transportation company and the City from all liability which may result from the furnishing of such by the private transportation company;

(i) Pay all penalties imposed by the Department that are either not contested or are upheld after review; and

(j) Determine whether its private transportation driver, who has been the victim of a crime of assault or robbery, has reported the crime to 911. If not, the private transportation company shall call 911 and report the crime immediately. [Eff\_\_\_\_\_] (Auth: ROH §12-\_\_\_.2; §12-\_\_\_.3) (Imp: ROH §12-\_\_\_.2; §12-\_\_\_.3)

§9-2-10 Private Transportation Company - Prohibited Conduct – Suspension or Revocation of License. A licensed private transportation company is prohibited from performing the following:

- (a) Allowing anyone to operate as its driver who has not met the requirements set forth in ROH Section 12-\_\_\_.3 and 12-\_\_\_.4;
- (b) Lease, permit, or otherwise allow an unlicensed private transportation company to use its digital network;
- (c) Refuse access to any record in the Department's audit or inspection; or
- (d) Engage in any conduct to unreasonably delay the Department's audit or inspection of records.

The Director may suspend or revoke a private transportation company's license and the certification of its drivers upon the violation of any prohibited conduct listed above.

The Director may fine a private transportation company under ROH Section 12-\_\_\_.8, or suspend or revoke a private transportation company's license and the certification of its drivers under ROH Section 12-\_\_\_.2 if the Director determines from an audit or inspection that the private transportation company certified drivers or motor vehicles without proper documentation required under ROH Section 12-\_\_\_.3 and Section 12-\_\_\_.4. [Eff\_\_\_\_\_] (Auth: ROH §12-\_\_\_.2; §12-\_\_\_.3; §12-\_\_\_.8) (Imp: ROH §12-\_\_\_.2; §12-\_\_\_.3; §12-\_\_\_.8)

§9-2-11 Transportation Network Company Operating Responsibilities. In addition to meeting the license application requirements set forth in Rule 9-2-\_\_\_, and the operating standards in Rule 9-2-\_\_\_, a transportation network company must:

- (a) Require that each personal vehicle certified by the transportation network company has its dress trade, logo or company identifier on the vehicle at all times while active on its digital network;
  - (b) Require that its private transportation drivers do not pick up hails, cruise or otherwise solicit trips;
  - (c) Require that the passengers be able to view a picture of the driver and vehicle license plate number on their smart phone, tablet or other mobile device used to connect with transportation network company's digital network before the trip is initiated.
- [Eff\_\_\_\_\_](Auth: ROH §12-\_\_\_.2; §12-\_\_\_.3; §12-\_\_\_.6) (Imp: ROH §12-\_\_\_.2; §12-\_\_\_.3; §12-\_\_\_.6)



SUBCHAPTER 3  
PRIVATE TRANSPORTATION DRIVER CERTIFICATION

§9-2-12      Certification of Private Transportation Driver. (a) A private transportation company may not allow a person who it has not certified of having met the requirements of ROH Section 12-\_\_\_\_.3(c) to operate as a private transportation driver. The private transportation company shall conduct an investigation at no expense to the City concerning the character, experience and qualifications of the applicant to determine whether or not the applicant is fit, willing and able to operate a vehicle for hire in a manner consistent with the general welfare of the public and in accordance with the requirements of Article 12-\_\_\_\_, rules and regulations established by the Director, and all other applicable laws, rules and regulations.

(b) Before a private transportation driver is allowed to operate and access the digital network or dispatch system, the private transportation company shall comply with the following private transportation driver certification process by obtaining the records establishing that the driver:

- (1) Has current and valid Hawaii State driver's license.
- (2) Is twenty-one (21) years of age or older.
- (3) Has a valid automobile insurance policy as required by law;
- (4) Completed a seven (7) year national criminal background check which includes a Director approved Multi-state/Multi-Jurisdiction Criminal Locator or other similar validated nationwide database and National Sex Offender Public Website, which reflects the absence of convictions identified in ROH Section 12-\_\_\_\_.3(d)(4);
- (5) Submitted a Director's medical clearance form signed by a physician currently licensed to practice medicine in the State of Hawaii;
- (6) Submitted a current traffic violations bureau certified abstract;
- (7) Met all other qualifications under ROH Section 12-\_\_\_\_.3(c)(3). A private transportation company or a third party vendor retained at the private transportation company's cost, shall administer private transportation driver examinations which demonstrate the applicant's:
  - (A) Knowledge of the traffic laws and ordinances, ROH Articles 12-1 and 12-\_\_\_\_;
  - (B) Knowledge of the locations of streets, roads, highways and significant landmarks within the City and County of Honolulu;
  - (C) Has a sufficient method of communicating with passengers; and

- (D) A sufficient ability to respond to emergency situations, including, but not limited to, the ability to call for emergency assistance and knowledge of locations of major medical facilities.

(c) As part of the certification process, the private transportation company shall require from the proposed driver:

- (1) Written authorization in writing for the release by the City to the private transportation company of any and all information which the City may have concerning the proposed driver, including but not limited to criminal history information, and a release of the City from all liability which may result from the furnishing of such to the private transportation company; and
- (2) Written authorization for the release by the private transportation company to the Department of any and all information, without limitation, which the private transportation company may have concerning the proposed driver, and a release of the private transportation company and the City from all liability which may result from the furnishing of such by the private transportation company;

(d) Each private transportation driver must consent to a criminal background check as described in ROH Section 12-\_\_\_.4. The criminal background check must be conducted by a government entity, or by a private entity approved by the Director, and the background check includes the name of the applicant, all aliases or previously known names, date and place of birth, the applicant's residence and business addresses for the past seven (7) years, and social security number.

(e) Upon meeting all the requirements of this section the private transportation company shall issue to the private transportation driver a certificate which is approved by the Director. The non-refundable fee of \$50.00 for each certificate issued by the private transportation company shall be submitted to the Director within ten (10) days of the driver's certification. [Eff\_\_\_\_\_] (Auth: ROH §12-\_\_\_.2; §12-\_\_\_.3) (Imp: ROH §12-\_\_\_.2; §12-\_\_\_.3)

§9-2-13      Certification of Physical Fitness to Drive.      A private transportation company shall suspend a private transportation driver's access to its digital network or dispatch system and require the driver to submit a medical fitness examination certification from a physician licensed in the State of Hawaii, if there are indications that the driver is or has become physically or mentally unfit to be a private transportation driver.      (Auth: ROH §12-\_\_\_.2; §12-\_\_\_.3) (Imp: ROH §12-\_\_\_.2; §12-\_\_\_.3)

§9-2-14      Private transportation driver operating standards, passenger relations standards and standards of moral character.

(a) In addition to meeting the certification process set forth in §9-2-12, the private transportation drivers must comply the following operating, conduct, and passenger relations standards:

- (1) Private transportation drivers shall not transport more passengers than the number of seat belts available nor more luggage than the vehicle capacity will safely and legally allow;
- (2) Private transportation drivers shall not operate a vehicle that was not certified by a private transportation company to transport passengers;
- (3) Private transportation drivers shall have evidence of a valid vehicle insurance in their possession at all times;
- (4) Private transportation drivers shall report articles left behind by passengers to the private transportation company as found articles, and follow the private transportation company's lost and found policy and procedures;
- (5) Private transportation drivers shall permit the Department to inspect the private transportation vehicle upon request.
- (6) Private transportation drivers shall not consume any alcohol while on duty or less than eight (8) hours prior to going on duty;
- (7) Private transportation drivers shall not have any container of any alcoholic beverage in the private transportation vehicle unless the container belongs to the passenger;
- (8) Private transportation drivers shall comply with any written notice of violation issued by the Director;
- (9) Private transportation drivers shall not operate a private transportation vehicle:
  - (A) With an expired, suspended or revoked driver's license;
  - (B) When the private transportation vehicle has an expired registration or safety inspection sticker; or
  - (C) When the private transportation vehicle fails the annual safety inspection.
- (10) Private transportation drivers shall immediately surrender their driver certification and vehicle certification to the Director upon written notice that the driver certification has been suspended, not renewed or revoked by either the private transportation company or the Director. Any decal, logo or unique company identifier must be removed from the front and rear bumper.

- (11) Private transportation drivers shall operate the private transportation vehicle with due regard for the safety, comfort and convenience of passengers;
- (12) Private transportation drivers shall not allow or knowingly permit the private transportation vehicle to be used for any unlawful purpose;
- (13) Private transportation drivers shall transport their passengers using the most cost effective and direct route, unless (1) directed otherwise by the passenger; or (2) an emergency situation, such as road closure or accident, requires an alternate direct route;
- (14) Private transportation drivers shall keep their vehicles in a clean condition, and deposit all refuse appropriately and shall under no circumstances litter;
- (15) Private transportation drivers shall not use offensive language, expressions, or gestures to any person while driving, operating, picking up customers, or in control of a private transportation vehicle;
- (16) Private transportation drivers shall not smoke in the private transportation vehicle while a passenger is in the vehicle;
- (17) Private transportation drivers shall, upon request by the Director or a police officer, provide the private transportation driver certificate, the private transportation vehicle control number and any other documents requested for inspection;
- (18) Private transportation drivers shall not operate any electronic, digital or GPS device in a transportation private vehicle without a hands-free mount and in hands-free mode.
- (19) Private transportation drivers shall not sublease or permit another to operate their private transportation vehicle as a private transportation driver.
- (20) Private transportation drivers shall not refuse to transport any person except when upon arrival at the place of pickup, the passenger is acting in a disorderly or threatening manner, or otherwise is acting in a manner that would cause a reasonable person to believe that the private transportation driver's health or safety, or that of others, may be endangered.

(b) A violation of any of the above standards, may result in the suspension or revocation of the transportation driver certificate by the Director, in addition to the assessment of a fine under ROH Section 12-\_\_\_.8. [Eff\_\_\_\_\_](Auth: ROH §12-\_\_\_.2; §12-\_\_\_.3; §12-\_\_\_.8) (Imp: ROH §12-\_\_\_.2; §12-\_\_\_.3; §12-\_\_\_.8)

SUBCHAPTER 4  
PRIVATE TRANSPORTATION MOTOR VEHICLE CERTIFICATION

§9-2-15 Certification of Private Transportation Motor Vehicle. (a) A private transportation company may not allow a private transportation driver to operate a vehicle to transport passengers unless it certifies that the vehicle has met the following requirements:

- (1) Proof of a valid, unexpired registration for the motor vehicle in the name of the driver, or proof of authorization from the registered owner for the driver to operate the motor vehicle as a private transportation driver; and
- (2) Proof of current vehicle safety inspection for the motor vehicle in the name of the driver or registered owner of the motor vehicle.

The private transportation company shall at its expense collect, examine, maintain and store the above records for a period of seven (7) years.

(b) A private transportation company shall certify each motor vehicle in compliance with section (a) above, on a form approved by the Director and include supporting documentation establishing the following information:

- (1) The vehicle identification number (VIN);
- (2) The registered owner's full legal name;
- (3) License plate number and expiration date;
- (4) Date of the annual safety inspections; and
- (5) Proof of insurance

The private transportation company shall maintain said form in files located in its business office, and make such form available for inspection at the inspection or audit conducted by the Department.

(c) Upon the initial application for license, and upon every renewal of the license, the private transportation company shall supply the number of vehicles to be certified for operation and pay a fee determined by the Director for each certified private transportation vehicle.

(d) No private transportation vehicle may be recertified unless all outstanding penalties assessed against the private transportation driver operating the vehicle being recertified are paid in full to the Director.

(e) A private transportation company shall ensure that the private transportation driver has timely renewed the private transportation vehicle's annual registration and passed the annual safety inspection. A private transportation company shall suspend the private transportation driver's access to its digital network or dispatch system upon discovery of a private transportation driver's failure to timely renew the private transportation vehicle's annual registration and passed the annual motor vehicle safety inspection. Access to digital network or dispatch system may be restored upon the private transportation driver's submission of

documents confirming the renewal of the private transportation vehicle's annual registration and passing the annual safety inspection.

(f) Failure to meet any of these requirements constitutes a violation and shall result in a penalty under ROH section 12-\_\_\_.8. [Eff\_\_\_\_\_](Auth: ROH §12-\_\_\_.2; §12-\_\_\_.5; §12-\_\_\_.8) (Imp: ROH §12-\_\_\_.2; §12-\_\_\_.5; §12-\_\_\_.8)

§9-2-16 Recertification of Private Transportation Motor Vehicle. Upon notification that a private transportation motor vehicle has been involved in an accident, the private transportation company shall suspend the private transportation driver's access to its digital network or dispatch system until the private transportation driver has provided to the private transportation company proof that the motor vehicle can be safely operated. [Eff\_\_\_\_\_](Auth: ROH §12-\_\_\_.2) (Imp: ROH §12-\_\_\_.2)

## SUBCHAPTER 5

### IDENTIFICATION OF PRIVATE TRANSPORTATION VEHICLES AND DRIVERS

§9-2-17 Private Transportation Driver Certificate.(a) Every private transportation driver shall have a driver certificate within the private transportation vehicle readily visible to passengers in the vehicle. The driver certification shall be in a format approved by the Director, and must contain the company trade dress or logo, a 2 inch by 2 inch photograph of the driver, the driver's name, a unique driver identifier provided by the private transportation company, and the expiration date of the certification. The certificate shall also list the private transportation company telephone number and/or email address through which a passenger may file a complaint, and further list the Department's telephone number if complaints are not resolved. The private transportation driver shall permit the inspection of the driver certificate upon request by a police officer, an inspector from the Department or passenger.

(b) Any person who forges, alters, defaces or counterfeits or who attempts to forge, alter, deface or counterfeit a driver certificate, or has possession of a driver certificate which has been forged, altered, defaced or counterfeited shall be in violation of Article 12-\_\_\_. In addition, the Department may refer the matter relating to the forged or counterfeit driver certificate to the police department for investigation, or to the prosecutor's office under HRS chapter 708-850 et seq. [Eff\_\_\_\_\_](Auth: ROH §12-\_\_\_.2; §12-\_\_\_.6) (Imp: ROH §12-\_\_\_.2; §12-\_\_\_.6)

§9-2-18 Identification of Private Transportation Vehicles. Upon approval by the Director, the private transportation company will direct its drivers on the placement of the trade dress, logo, decal or company identifier on the personal vehicle or taxicab. The trade dress, logo, decal or company identifier shall be placed on the front and rear bumpers pursuant to ROH Section 12-\_\_\_.6. [Eff\_\_\_\_\_](Auth: ROH §12-\_\_\_.2; §12-\_\_\_.6) (Imp: ROH §12-\_\_\_.2; §12-\_\_\_.6)

SUBCHAPTER 6  
AUDIT OF RECORDS OR INSPECTION OF VEHICLES

§9-2-19 Audit or Inspection of Records of Private Transportation Companies, Drivers and Vehicles. Every private transportation company shall allow to the Department unrestricted access to periodically audit or inspect the records of any private transportation driver or any private transportation vehicle to ensure compliance with the certification process of private transportation drivers and vehicles. The records of the private transportation company shall substantiate the certification of the private transportation drivers and vehicles, and include all complaints made against the private transportation driver by any passenger or member of the general public. The records shall be located at the local business address stated in the license application for inspection, and may be in either paper or electronic format. The records shall be retained by the private transportation company for a period of seven (7) years. [Eff\_\_\_\_\_](Auth: ROH §12-\_\_\_.2; §12-\_\_\_.3) (Imp: ROH §12-\_\_\_.2; §12-\_\_\_.3)

§9-2-20 Audit or Inspection of Specific Private Transportation Driver or Vehicle Records. Upon notice of a passenger complaint, traffic accident, arrest or other incidents which may or may have jeopardized the safety, health or welfare of the passenger(s) or member(s) of the general public by a specific private transportation driver, the Department may immediately demand, and the private transportation company shall provide, unrestricted access to the records of that private transportation driver. [Eff\_\_\_\_\_](Auth: ROH §12-\_\_\_.2; §12-\_\_\_.3) (Imp: ROH §12-\_\_\_.2; §12-\_\_\_.3)

SUBCHAPTER 7  
VIOLATIONS – PENALTIES

§9-2-21 Violations – Penalties. (a) The Director, and any person or agency designated by the Director may issue citations to a private transportation company or private transportation driver in violation of any provisions of Article 12-\_\_ or these rules.

(b) Each citation shall be in writing and describe the basis of the citation, including the specific statutory provisions alleged to have been violated, and an assessment of administrative fines as provided in this section.

(c) Any person or entity violating any of the provisions of Article 12-\_\_ or these rules shall be assessed an administrative fine not exceeding \$1,000.00 per violation.

(d) Service of a citation issued under this section shall be made by personal service or by certified mail, restricted delivery, sent to the mailing address of the private transportation company on the license renewal application.

(e) Any private transportation company or private transportation driver cited by the Director may submit a written request to the director for a hearing, within twenty days from the service of the citation date, with respect to the violations alleged, or the amount of the administrative fine assessed.

(f) If a private transportation company or private transportation driver cited under this section timely notifies the Director of the request for a hearing, the Director shall afford an opportunity for a hearing under chapter 91. The hearing shall be conducted by the Director or the Director may designate a hearings officer to hold the hearing. The Director or any hearings officer designated by the Director shall have the power to issue subpoenas, administer oaths, hear testimony, find facts, make conclusions of law, and issue a final order.

(g) If the private transportation company or private transportation driver issued a citation does not submit a written request to the Director for a hearing within twenty (20) days from the receipt of the citation, the citation shall be deemed a final order of the Director.  
[Eff \_\_\_\_\_](Auth: ROH §12-\_\_\_.2; §12-\_\_\_.8) (Imp: ROH §12-\_\_\_.2; §12-\_\_\_.8)

§9-2-22 Suspension or Revocation of Private Transportation Company License or Denial of Renewal of License – Other. The Director may suspend or revoke the license of a private transportation company to operate, and suspend or revoke all of the certifications of its private transportation drivers, if a private transportation company has been found to have engaged in a pattern or practice of violating the provisions governing the certification of private transportation drivers or vehicles, or the provisions governing inspections or audits by the Department. Any notice of intent to suspend or revoke the private transportation company's license based upon multiple violations within a six (6) month period will be issued by personal service or by certified mail, to the mailing address of the private transportation company on the license renewal application, and afford the private transportation company an opportunity to be heard.  
[Eff \_\_\_\_\_](Auth: ROH §12-\_\_\_.2; §12-\_\_\_.8) (Imp: ROH §12-\_\_\_.2; §12-\_\_\_.8)