

CHAPTER 18

PUBLIC TRANSPORTATION

Article 1. Common Carriers.

Division 1. General Provisions.

- Section 18-1. Definitions.
- Section 18-2. Safety glass required.

Division 2. County Transportation Commission.

- Section 18-3. Membership.
- Section 18-4. Mass transit administrator as chief administrator.
- Section 18-5. Commission's powers and duties.

Division 3. Certificate of Public Convenience and Necessity.

- Section 18-6. Required; hearing; issuance.
- Section 18-7. Issuance in two or more names.
- Section 18-8. Revocation; causes.
- Section 18-9. Rates, routes, safety standards, and insurance set by commission.
- Section 18-10. Rules; procedure and evidence.
- Section 18-11. Notice of hearing.
- Section 18-12. Penalty; injunction.
- Section 18-13. Appeals.
- Section 18-14. Applicability of other laws.

Division 4. Passenger Capacity.

- Section 18-15. Determination of carrier capacity.
- Section 18-16. Children excepted from consideration.
- Section 18-17. Seating capacity determined by examiner of chauffeurs.
- Section 18-18. Vehicle to bear notice of seating capacity.
- Section 18-19. Rated capacity limit.
- Section 18-20. Penalty.

Division 5. Bus Terminals and Parking.

- Section 18-21. Bus terminal location; city buses.
- Section 18-22. Bus terminal location; country buses.
- Section 18-23. Rules and regulations.
- Section 18-24. Parking fee.

Article 2. Taxicabs.

Division 1. General Provisions.

Section 18-31.	Purpose; scope; definitions.
Section 18-32.	Certificate of public convenience and necessity.
Section 18-33.	Hearing; factors considered; revocation.
Section 18-34.	Personal use by driver.
Section 18-35.	Cruising.
Section 18-36.	Unauthorized possession of taxicab paraphernalia.
Section 18-37.	Penalties.
Section 18-37.1.	Taxicab license.
Section 18-37.2.	Establishment of road taxi stands.
Section 18-37.3.	Prohibited acts.
Section 18-37.4.	Fraudulent call and nonpayment.
Section 18-37.5.	Notice required.
Section 18-37.6.	Bulky items.
Section 18-37.7.	Disorderly persons.
Section 18-37.8.	Soiling of taxicab.
Section 18-37.9.	Condition of taxicabs.
Section 18-37.10.	Taxi sign.
Section 18-37.11.	Taxicab control numbers.
Section 18-37.12.	Trip route.
Section 18-37.13.	Evidence of financial responsibility.
Section 18-37.14.	Rulemaking powers.
Section 18-37.15.	Appeals.
Section 18-37.16.	Trade names and markings.
Section 18-37.17.	Shared-ride taxi service.

Division 2. Driver's Permit.

Section 18-38.	Permit required; content.
Section 18-39.	Issuance requirements; exception.
Section 18-40.	Expiration; renewal; waiver of examination.
Section 18-41.	Permit fee.
Section 18-42.	Permit revocation or suspension.
Section 18-43.	Appeal to circuit court.

Division 3. Taximeters and Fares.

Section 18-44.	Installation requirements.
Section 18-45.	Operation during taxi use.
Section 18-46.	Registration and inspection required.
Section 18-47.	Inspection fees.

Section 18-48.	Repair and testing of defective meter.
Section 18-49.	Schedule of fares.
Section 18-50.	Waiting time stipulation.
Section 18-51.	Computation of distance for fares.
Section 18-52.	Baggage charge.
Section 18-53.	Rate charges.
Section 18-54.	Multiple loading.
Section 18-55.	Posting of rates of fare.

Article 3. School Buses.

Division 1. General Provisions.

Section 18-56.	Definitions.
Section 18-57.	Penalty.

Division 2. Specifications and Equipment.

Section 18-58.	School bus construction; inspections.
Section 18-59.	Fuel tank location; diesel exception.
Section 18-60.	Exhaust pipe requirements.
Section 18-61.	Door specifications.
Section 18-62.	Emergency exits.
Section 18-63.	Aisles and ceilings.
Section 18-64.	Seat location.
Section 18-65.	Seat specifications.
Section 18-66.	Required safety equipment.
Section 18-67.	Sanitary condition required.
Section 18-68.	Metal screening required; exception.
Section 18-69.	Identification markings.

Division 3. Drivers and Bus Operations.

Section 18-70.	Liquor prohibited.
Section 18-71.	Smoking restricted.
Section 18-72.	Driver hours limited.
Section 18-73.	Talking with driver unnecessarily prohibited.
Section 18-74.	Inspection before operating vehicles.
Section 18-75.	Unsafe vehicle; alternative transportation.
Section 18-76.	Repair of deficient vehicle; certification required.
Section 18-77.	Conduct of passengers; driver's responsibility.
Section 18-78.	Discharging riders in a safe manner required.
Section 18-79.	Driving violations to be reported to police.
Section 18-80.	Manner of operation.

Section 18-81. Bus operation.
Section 18-82. Dangerous loading prohibited.
Section 18-83. Doors closed while vehicle in motion.
Section 18-84. Manner of stopping vehicle outside city.
Section 18-85. Manner of backing vehicle.
Section 18-86. Use of clutch.
Section 18-87. Pulling trailer or transporting freight prohibited.

Division 4. Inspections.

Section 18-88. Inspection of vehicles; issuance of certificate.
Section 18-89. Monthly inspection required; certificate of inspection.

Article 4. Public Transit System.

Division 1. Island-Wide Fare Structure.

Section 18-90. Fares.
Section 18-91. Baggage.
Section 18-92. Fare schedules.

Division 2. Paratransit Service.

Section 18-93. Establishment of paratransit service.
Section 18-94. Definitions.
Section 18-95. Eligibility.
Section 18-96. Suspension of service.
Section 18-97. Appeals.

CHAPTER 18**PUBLIC TRANSPORTATION****Article 1. Common Carriers.****Division 1. General Provisions.****Section 18-1. Definitions.**

As used in this chapter:

“Carrier” means every person, individual, corporation, joint stock company, firm, association, lessee, trustee, receiver, or trustee appointed by any court, who or which owns, controls, operates, or manages a passenger-carrying motor vehicle, such as a sampan bus, taxi or other vehicle exempted from chapter 271, Hawai‘i Revised Statutes, operated in the transportation of the general public, over a prescribed route on a regular schedule over any public street or highway within the County, but not including:

- (1) Persons transporting passengers without charge in motor vehicles owned or operated by such person, where such transportation is provided in conjunction with and in furtherance of a related primary business purpose or enterprise of that person, except that this exemption shall not apply to persons making any contract, agreement, or arrangement to provide, procure, furnish, or arrange for transportation as a travel agent or broker or a person engaged in tour or sightseeing activities, nor shall this exemption apply where the transportation is undertaken by a person to evade the regulatory purposes of this chapter;
- (2) Sightseeing buses;
- (3) Private transportation services of churches and employers;
- (4) Student transportation; and
- (5) Any mass transit system owned, maintained, and operated by the County including, but not limited to, motor buses, street railroads, and fixed rail facilities.

“Commission” means the County transportation commission.

“Director of finance” means the director of finance or a person designated by the director of finance.

“Handicapped” means any individual meeting one or more of the following standards and guidelines:

- (1) Any individual who by reason of illness, injury, advanced age, congenital malfunction, or other incapacity or disability, is unable to compete in the open job market for a period of more than one year.

- (2) Any individual unable to perform one or more of the following functions necessary to effectively utilize public transportation facilities without significant difficulty:
- (A) Negotiate a flight of stairs;
 - (B) Boarding or alighting from a public transit vehicle; or
 - (C) Walking more than two hundred feet.
- (3) Any individual unable without special facilities, special assistance, and special planning or design to utilize the public transit system as effectively as persons who are not so affected.

Supporting evidence of the handicap shall be required by a licensed physician or agency involved in physical or mental handicap programs. The handicap identification card issued by the County transportation agency shall be recognized for certified handicapped individuals.

“Public highways” mean the same as the definition of public highways in section 264-1, Hawaii Revised Statutes, including both State and County highways, but operation upon rails is not transportation on the public highways.

“Safety glass” means any product composed of glass, manufactured, fabricated, or treated so as to substantially prevent shattering and flying of the glass when struck or broken or any other or similar product as may be approved by the director of finance.

“Senior citizen” means any individual age sixty and over who maintains a senior citizen identification card issued by the County department of parks and recreation, elderly activities division.

“Student” means any individual currently attending an educational institution certified by the State and maintains supporting evidence of present enrollment such as a student identification card.

“Taxi” or “taxicab” means a vehicle designed to carry not more than eight passengers 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.

(1983 CC, c 18, art 1, sec 18-1; am 1979, ord 464, sec 1; am 1982, ord 805, sec 1; am 1986, ord 86-15, sec 1; am 1990, ord 90-19, sec 2; am 2008, ord 08-107, sec 2; am 2009, ord 09-74, sec 2.)

Section 18-2. Safety glass required.

No person shall sell any new motor vehicle nor shall a reconstructed motor vehicle be registered which is designed or to be used for the purpose of transporting passengers for compensation or as a school bus unless the vehicle is equipped with safety glass wherever glass is used in doors, windows, and windshields.

(1983 CC, c 18, art 1, sec 18-2.)

Division 2. County Transportation Commission.**Section 18-3. Membership.**

There shall be a County transportation commission composed of nine commissioners. One commissioner shall be appointed from each of the nine respective County council districts. Commissioners shall be appointed by the mayor with the approval of the council and may be removed by the mayor with the approval of the council. Commissioners shall serve staggered terms of five years, one member to be appointed to a term of one year, two for a term of two years, two for a term of three years, two for a term of four years, and two for a term of five years. No member shall be eligible for a second appointment to the commission prior to the expiration of two years, provided that members of the commission initially appointed for a term of one year and two years shall be eligible to succeed themselves for an additional term. In the transitional period following the amendment of this section of the code, vacancies on the transportation commission shall be filled in ascending council district order as such order may exist at the time an appointment is made by the mayor.

(1983 CC, c 18, art 1, sec 18-3; am 1987, ord 87-57, sec 1; am 1993, ord 93-69, sec 1.)

Section 18-4. Mass transit administrator as chief administrator.

The mass transit administrator shall be the chief administrator and may assign any clerk, stenographer, agent or other assistant from the mass transportation agency* to the commission as may be necessary and define their powers and duties.

(1983 CC, c 18, art 1, sec 18-4; am 1995, ord 95-18, sec 2; am 2004, ord 04-58, sec 4.)

* **Editor's Note:** The mass transportation agency was renamed the mass transit agency, by Ordinance 04-58, section 3.

Section 18-5. Commission's powers and duties.

The commission shall have general supervision over carriers including taxicabs and shall perform the duties and exercise the powers imposed or conferred upon it by division 3 of this article and article 2 of this chapter. In addition, the commission may serve as an advisory body to the mass transit agency and, upon request of the mayor or council, advise on other transportation-related matters.

(1983 CC, c 18, art 1, sec 18-5; am 1987, ord 87-57, sec 1; am 1990, ord 90-19, sec 3.)

Division 3. Certificate of Public Convenience and Necessity.**Section 18-6. Required; hearing; issuance.**

- (a) No carrier operating upon and using the public highways of the County shall furnish any service without first obtaining from the commission a certificate declaring that public convenience and necessity require the operation and service.
- (b) Before issuing any certificate the commission shall hold a public hearing to determine whether there is a need for the operation and service. Any carrier who was in operation on May 8, 1972, shall be presumed to be engaged in an operation that is necessary to public convenience and necessity. Every certificate issued whether an original issuance or a renewal, shall be valid for an indefinite term.

- (c) The commission, after hearing, may suspend, alter, amend, or revoke any certificate issued, or may issue a temporary certificate. Every carrier shall operate and furnish service in strict conformity with the terms and provisions of the carrier's certificate, except in cases of emergency defined by the commission. (1983 CC, c 18, art 1, sec 18-6; am 1979, ord 464, sec 2; am 1990, ord 90-119, sec 2.)

Section 18-7. Issuance in two or more names.

Any certificate issued in the names of two or more persons shall be presumed to be owned in joint tenancy, unless otherwise specifically stated by a written form submitted to the commission. (1983 CC, c 18, art 1, sec 18-7.)

Section 18-8. Revocation; causes.

Any certificate of a carrier issued under this division may be suspended or revoked only for any of the following causes:

- (1) The failure of the carrier to comply with the terms and conditions of its certificate.
- (2) The discontinuance by the carrier of the business of transporting passengers as a common carrier of passengers operating upon and using the public highways for a period of thirty consecutive days or more; provided that this paragraph shall not prevent the commission from altering or amending any certificate by reducing the service required thereunder when the discontinuance of the business relates only to one or more but less than all of the vehicles operated by the carrier.
- (3) The conviction of any driver of a vehicle operated by a certificated carrier of the charge of driving while intoxicated or under the influence of intoxicating liquor or of violating chapter 329 or chapter 281, Hawaii Revised Statutes.
- (4) The wilful refusal of the owner of a bus to pay for use of parking area in the bus terminal as provided in division 5 of this article.
- (5) The failure of the carrier to comply with this division and any lawful order of the commission.

(1983 CC, c 18, art 1, sec 18-8.)

Section 18-9. Rates, routes, safety standards, and insurance set by commission.

- (a) The commission by order shall fix, prescribe, and establish routes, schedules, rates, standards of safety, and insurance requirements as set forth in this section. All these matters shall be determined as to each carrier upon the hearing in connection with the original application for certificate of convenience and necessity, and thereafter, after a hearing upon application, complaint, or the commission's own motion, may be changed, amended or altered.

- (b) Any rate, fare, and charge made or charged by any carrier or by two or more carriers jointly shall be just and reasonable. Any schedule and route shall be established in accordance with the public convenience and necessity. Any standard of safety shall accord with best practices for the safety of the public.

No common carrier shall operate and use the public highways until it has filed a bond or policy of insurance or other contract in writing with the commission under the same conditions as are required for common carriers under the control of the public utilities commission, except that in the case of taxicabs, the insurance requirement shall be as set forth in article 2 of this chapter.

- (c) No hearing shall be held regarding any matter covered by this section except after published notice, that is, notice by publication in a daily newspaper of general circulation in the County in accordance with the requirements of chapter 91, Hawai'i Revised Statutes.

(1983 CC, c 18, art 1, sec 18-9; am 1979, ord 464, sec 3; am 1990, ord 90-119, sec 3.)

Section 18-10. Rules; procedure and evidence.

The commission may make and amend rules not inconsistent with law respecting the procedure before it and shall not be bound by the strict rules of evidence but may exercise its own discretion in those matters with a view to doing substantial justice.

(1983 CC, c 18, art 1, sec 18-10.)

Section 18-11. Notice of hearing.

Whenever any hearing is conducted by the commission, reasonable notice in writing of the hearing and of any subject to be considered shall be given to the carrier concerned, together with a copy of the complaint, if any, and a notice in writing of the date and place fixed by the commission for beginning the hearing shall be served upon the carrier and the complainant, if any, by registered or certified mail with return receipt requested at least fifteen days before the hearing.

(1983 CC, c 18, art 1, sec 18-11; am 1979, ord 464, sec 4.)

Section 18-12. Penalty; injunction.

Any carrier violating this division shall be fined not more than \$500 and may be enjoined by the circuit court from carrying on its business while the violation continues.

(1983 CC, c 18, art 1, sec 18-12.)

Section 18-13. Appeals.

Any carrier who has been refused a certificate of convenience and necessity or whose certificate has been suspended, altered, amended, or revoked by the commission, may appeal from the refusal, suspension, alteration, amendment, or revocation to the circuit judge of the third circuit, at chambers, by filing a petition in the court within twenty days of the date of the order or decision appealed from; provided that the appeal shall not operate as a stay to the order or decision of the commission. The appeal shall be subject to the rules prescribed by the court and the Hawai'i Rules of Civil Procedure.

(1983 CC, c 18, art 1, sec 18-13.)

Section 18-14. Applicability of other laws.

A carrier shall not be deemed a public utility within the meanings of chapters 381, 269, 270,* and 239, Hawai'i Revised Statutes, and chapters 381, 269, 270,* and 239, Hawai'i Revised Statutes, shall not apply to carriers regulated under this article except as specifically provided otherwise.

(1983 CC, c 18, art 1, sec 18-14.)

* **Editor's Note:** Chapter 270, Hawai'i Revised Statutes, was repealed pursuant to Act 102, SLH 1986.

Division 4. Passenger Capacity.**Section 18-15. Determination of carrier capacity.**

The seating (i.e., passenger carrying) capacity of each motor vehicle common carrier of passengers, as defined in section 288-2, Hawai'i Revised Statutes, operating over any public street or highway within the County shall be determined and rated as follows:

- (1) If the length of any seating space in the vehicle is twenty-two inches or less, the seating capacity of the space is one passenger.
- (2) If the length of any seating space is more than twenty-two inches but not more than thirty-eight inches, the seating capacity is two passengers; provided, that for any motor vehicle common carrier transporting children to and from school or during school excursions and outings under any school bus transportation contract with the State, if the length of any seating space is more than thirty-eight inches but less than forty inches, the seating capacity is three passengers below nineteen years of age.
- (3) Each additional fifteen inches shall be seating space for an additional passenger.
- (4) In determining the seating capacity of a vehicle of the so-called "sampan bus" type, where there is no divisional space between the side and end seats, the inside perimeter of the seat shall be measured to determine the length of the seat and the same shall be considered as but one continuous seating space.
- (5) The seating space occupied by the chauffeur shall be included in and considered as part of the rated seating space of each vehicle.

- (6) In fixing the capacity of any vehicle whose passenger seating capacity, as determined by subsection (a), is in excess of seventeen passengers, if the examiner of chauffeurs of the County department of finance finds that the minimum inside distance from the aisle floor to the ceiling of any vehicle is seventy-four inches, except any vehicle used exclusively for the transportation of school students in which case the minimum inside distance shall be seventy inches, and that the construction of the vehicle may safely carry an additional number of standing passengers in excess of the actual passenger seating capacity of the vehicle, then the examiner of chauffeurs may fix and allow a rated passenger carrying capacity to the vehicle in excess of the "rated seating capacity," and for all purposes of this article, the rated passenger carrying capacity, so determined, shall be the "rated seating capacity" of the vehicle, except that the motor vehicle common carrier transporting children to and from school or during school excursions and outings under any school bus transportation contract with the County, the rated passenger carrying capacity shall be the actual passenger seating capacity of the vehicle.
- (A) In determining the number of standing passengers which the vehicle may carry in excess of its actual passenger seating capacity, the examiner of chauffeurs shall consider as a basis for a determination, but not be limited to, a minimum area of one and one-half square feet of aisle floor space per standing passenger.
- (B) No vehicle, whose "rated seating capacity," includes standing passengers therein shall be permitted to carry passengers in excess of its actual passenger seating capacity (as distinguished from its "rated seating capacity") within any area of the County outside the geographical limits of the City of Hilo; provided that the council may by resolution extend and take away the privilege of carrying standing passengers in any vehicle to any other area of the County and for any period as the council finds necessary.

(1983 CC, c 18, art 1, sec 18-15; am 2008, ord 08-107, sec 3.)

Section 18-16. Children excepted from consideration.

A child under the age of five years not occupying seating space shall not be considered a passenger within the meaning of this division.

(1983 CC, c 18, art 1, sec 18-16.)

Section 18-17. Seating capacity determined by examiner of chauffeurs.

The examiner of chauffeurs of the County department of finance shall measure the seating space of every common carrier vehicle and shall determine the seating capacity of each vehicle.

(1983 CC, c 18, art 1, sec 18-17; am 2008, ord 08-107, sec 4.)

Section 18-18. Vehicle to bear notice of seating capacity.

The seating capacity of each vehicle, except a sedan operated as a taxicab, shall be painted in numerals at least six inches high upon the right exterior of the vehicle, in a place and color as the examiner of chauffeurs shall direct. The seating capacity of each vehicle shall also be indicated in numerals two inches high, painted in the upper right corner of the windshield in a manner as to be readily legible from the inside of the vehicle.

(1983 CC, c 18, art 1, sec 18-18.)

Section 18-19. Rated capacity limit.

No license shall be issued in the County under section 445-222,* Hawaii Revised Statutes, for any motor vehicle common carrier of passengers allowing for the carrying of passengers of a number in excess of the rated seating capacity of the vehicle.

(1983 CC, c 18, art 1, sec 18-19.)

* **Editor's Note:** Section 445-222, Hawaii Revised Statutes, was repealed pursuant to Act 67, SLH 1996.

Section 18-20. Penalty.

If any common carrier motor vehicle for passengers operating upon or using the public streets or highways of the County carries passengers (including the chauffeur) in excess of the rated seating capacity, the chauffeur of the vehicle shall be guilty of a misdemeanor and shall be sentenced to pay a fine up to \$500.

(1983 CC, c 18, art 1, sec 18-20.)

Division 5. Bus Terminals and Parking.**Section 18-21. Bus terminal location; city buses.**

The Waiākea portion of the bayfront parking area next to Mo'ohau Park is set aside for the purpose of a bus terminal for city buses.

(1983 CC, c 18, art 1, sec 18-21.)

Section 18-22. Bus terminal location; country buses.

The Waiākea-makai portion of the bayfront parking area is set aside for the purpose of a bus terminal for country buses.

(1983 CC, c 18, art 1, sec 18-22.)

Section 18-23. Rules and regulations.

The council shall make rules and regulations for the parking of city and country buses.

(1983 CC, c 18, art 1, sec 18-23.)

Section 18-24. Parking fee.

The finance director shall collect from the owner or operator of each bus parking in a bus terminal the sum of \$3.50 per month.

(1983 CC, c 18, art 1, sec 18-24.)

Article 2. Taxicabs.**Division 1. General Provisions.****Section 18-31. Purpose; scope; definitions.**

- (a) Because the transportation of passengers or property for hire in a taxicab is a vital and integral part of the public transportation system in the County, it shall be supervised, regulated and controlled exclusively pursuant to this chapter.
- (b) As used in this article, unless the context otherwise requires:
- “Chief of police” means the chief of police of the County of Hawai‘i or the chief of police’s duly authorized subordinates.
- “Commission” means the County transportation commission.
- “Council” means the council of the County of Hawai‘i.
- “Cruise” or “cruising” means the movement or standing of a taxicab on a public highway or at a public place in the County for the purpose of searching for or soliciting a passenger for hire.
- “Director” means the director of finance of the County, or the director’s duly authorized subordinates.
- “Multiple loading” means individuals or groups of individuals, not traveling together, who agree to share a taxicab to destinations in the same area or along the same route, from a common origin. (Multiple loading, when radio dispatched, may be initiated from other than points of common origin.)
- “Passenger for hire” means a person transported in a taxicab for consideration.
- “Property for hire” means property transported in a taxicab for consideration.
- “Road taxi stand” means a space set aside on a public street or County-controlled facility by the council for the exclusive use of taxicabs.
- “Shared-ride taxi” shall mean a taxicab operating under a public transit program administered by the County of Hawai‘i.
- “Taxicab” means a vehicle designed to carry not more than eight passengers, 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.
- “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.
- “Taxicab driver” means a person duly licensed as a driver of a motor vehicle who has obtained a valid taxicab driver’s permit.

“Waiting time” means the period during which a taxicab is standing at the direction of or on behalf of a passenger for hire and the time consumed due to traffic delays while transporting a passenger for hire, which time is automatically computed by the taximeter when the speed of the vehicle falls at or below the speed at which the fare computed using the basic distance rate is equal to the fare computed using the basic time rate.

(1983 CC, c 18, art 2, sec 18-31; am 1990, ord 90-19, sec 4; ord 90-37, sec 2.)

Section 18-32. Certificate of public convenience and necessity.

No person or company shall operate a taxicab without first obtaining from the commission a certificate declaring that the public convenience and necessity require the operation and service, in accordance with section 18-6 of this chapter. The procedure for obtaining a certificate to operate a taxicab is hereby established.

- (a) An applicant for a certificate to operate a taxicab shall submit an application to the director at least forty-five days before a scheduled meeting of the commission. The application shall be accompanied by a nonrefundable filing fee of \$10 and shall contain the following information:
- (1) The full name and address of applicant.
 - (A) If applicant is a partnership, the full name and address of all partners.
 - (B) If applicant is a corporation or association, the full name and address of all the officers and directors thereof.
 - (2) A statement detailing any previous experience in the taxicab business, if any, of the applicant, the partners, or if the applicant is a corporation or association, the officers and directors thereof.
 - (3) A criminal abstract of the applicant. If the applicant is a partnership, then a criminal abstract of the partners. If the applicant is a corporation or association, then a criminal abstract of the officers, directors, and supervising employees thereof, including the general manager, if any.
 - (4) The number of taxicabs the applicant desires to operate.
 - (5) The passenger capacity of each vehicle the applicant intends to use as a taxicab according to the manufacturer’s rating, along with the type of vehicle to be used and the name of the manufacturer.
 - (6) Written assurance that each vehicle employed under this certificate shall be kept clean and in good mechanical and physical condition at all times.
 - (7) The insurance proposed to be carried, the amount and name of provider.
 - (8) Details of the service to be provided, including the geographic area of the island to be served and the hours of the proposed service.
 - (9) Any written evidence available to support the contention by the applicant that the public convenience and necessity justify the issuance of this certificate. The burden of proof of this is on the applicant.

- (b) The director shall review each application for completeness and accuracy. Upon a determination by the director that the application is complete in compliance with this section, a public hearing on the application will be scheduled for the next meeting of the commission. Notice of the hearing will be given to the applicant, any other interested parties as determined by the director, and to the public by publication of the notice of hearing in a newspaper as required by chapter 91, Hawai'i Revised Statutes.
- (c) The applicant will appear at the hearing and present an overview of intended operations, experience, and financial responsibility. If the applicant does not appear, the commission may defer action on the application until the next commission meeting. The director will present any evidence or recommendations as the director may deem necessary to the commission. Any other interested parties may also appear and testify or submit written testimony either in favor of or against the issuance of the certificate.
- (d) Any certificate which is in effect at July 1, 1990 to operate a taxicab shall continue to be valid for an indefinite term as if it had been issued in accordance with these provisions.

(1990, ord 90-119, sec 5.)

Section 18-33. Hearing; factors considered; revocation.

- (a) After a hearing held in accordance with section 18-32, the commission will either grant or refuse to grant a certificate based on consideration of the following factors:
 - (1) The current status of the public transportation system in the County, including but not limited to that system's current and future ability to provide for the timely and effective movement of people;
 - (2) The demonstrated need, as shown by the applicant for a certificate, for additional taxicab service in the County that is not, or cannot be, accomplished by existing companies;
 - (3) The financial responsibility of the applicant;
 - (4) In consideration of the current status of the County's public transportation system, the ratio of population in the area to be served to the number of taxicabs currently in operation;
 - (5) Any prior experience by the applicant in the taxicab industry, and the moral character of the applicant;
 - (6) The interests of the applicant in establishing a local business to legitimately serve the citizens of this County as well as visitors to the island; and
 - (7) Any other factors which the commission may deem advisable or necessary.
- (b) Upon approval by the commission of an application, an applicant will be issued a certificate. Each certificate will authorize the applicant to operate one taxicab. The certificate may contain such other terms or conditions as the commission deems appropriate. It will be a condition of the certificate that the applicant has thirty days to comply with the requirements of this chapter regarding taxicabs and obtain a taxicab license for the current year.

- (c) Certificates to operate taxicabs are transferable with the prior approval of the commission. An application must be submitted for approval to the commission by the proposed new owners in accordance with the requirements of section 18-32 in the same manner as an application for a new taxicab. The commission shall hold a hearing on the proposed change of owner in the same manner as for a new application, except that if the service is to be provided under the same terms and conditions as provided in the original certificate, the service will be assumed to be justified by public convenience and necessity. Upon the approval of a transfer of ownership, the new certificate holder will have thirty days to comply with the requirements of this chapter regarding taxicabs and obtain a taxicab license in the certificate holder's name for the current year.
- (d) A successful applicant for a certificate who fails to obtain a taxicab license for the current year within thirty days after the certificate is granted shall be subject to revocation proceedings by the commission under section 18-8 of this chapter.
- (e) An applicant whose application for a certificate is denied by the commission shall receive in writing a statement detailing the reasons for denial of the application. An appeal of the decision of the commission may be made to the circuit court of the third circuit in accordance with section 18-13 of this chapter.

(1990, ord 90-119, sec 6.)

Section 18-34. Personal use by driver.

- (a) Whenever a taxicab equipped with a taximeter is in personal use of the driver and not for hire, a "special" sign shall be affixed to the flag of the taximeter.
- (b) The director of finance shall prescribe the size and specification of the "special" metal sign and the sign shall be furnished by the director at cost.

(1983 CC, c 18, art 2, sec 18-34; am 2008, ord 08-107, sec 5.)

Section 18-35. Cruising.

- (a) Except in those areas controlled by the Federal or State government or its agencies where cruising is prohibited by statute, rule, regulation, directive, or order, a driver of a taxicab shall be permitted to cruise in search of patronage at anytime.
- (b) This section shall not apply to any taxicab driver soliciting patronage at any steamship wharf or airplane terminal.

(1983 CC, c 18, art 2, sec 18-35.)

Section 18-36. Unauthorized possession of taxicab paraphernalia.

No person who does not possess a valid taxicab license issued pursuant to the provisions of this article shall permit any motor vehicle owned, operated or otherwise under the control of such person to be equipped with, carry or display any:

- (a) Taximeter;
- (b) Fare box;
- (c) Taxicab driver's permits; or
- (d) Any sign, light, or other device that identifies such motor vehicle as a taxicab.

(1983 CC, c 18, art 2, sec 18-36; am 1990, ord 90-19, sec 6.)

Section 18-37. Penalties.

Any person violating any of the provisions of this article shall, upon conviction thereof, be subject to a fine not exceeding \$500.

(1983 CC, c 18, art 2, sec 18-37.)

Section 18-37.1. Taxicab license.

- (a) The director of finance shall issue taxicab licenses and collect the required fees in accordance with the provisions of this article and any other applicable provisions of the law. Each license issued shall allow the applicant to operate one taxicab. The issued licenses shall not be transferable.
- (b) No taxicab license shall be issued to any applicant unless the applicant has been granted a certificate of public convenience and necessity by the commission and submit evidence of compliance with the requirements of this article regarding:
 - (1) Posting of taxicab driver's permit;
 - (2) Posting of fare schedule;
 - (3) Physical condition of taxicab;
 - (4) Taxicab roof sign;
 - (5) Taxicab control number;
 - (6) Taximeter inspection;
 - (7) Trade name and markings; and
 - (8) Financial responsibility.
- (c) Fees.
 - (1) All licenses issued under this section shall expire on June 30 of the current licensing year. An application for the renewal of such license for the following year may be made on or after the first day of June.
 - (2) The annual fee for a taxicab license shall be \$120; provided that, when a license fee has already been paid on a vehicle and that vehicle is, within the year, replaced by another vehicle, the unexpired portion of the license fee paid on the vehicle so replaced shall be credited to the license fee payable for the substitute vehicle. For the purposes hereof the unexpired portion of the license fee paid on the vehicle which has been replaced shall be that portion of the annual fee which is equal to one-twelfth of said fee multiplied by the number of full months remaining during the current licensing year.

Whenever a vehicle licensed as a taxicab is replaced by another vehicle under the provisions of this article, the sum of \$10 in addition to the license fee shall be assessed against the owner of the vehicle so replaced to defray the administrative costs incurred by the County.

When the initial application for such license is made in any month other than July, the license fee shall be reduced by one-twelfth of the annual fee for each full month of the license year which shall have elapsed at time of the application.

- (3) Upon payment of fees required by this section, the director of finance shall issue a decal to be placed on the left side of the rear bumper as evidence that current fees have been paid. When a decal is lost, stolen or mutilated, a replacement shall be issued upon collection of a fee of \$1.
- (d) Surrender and cancellation.
 - (1) The holder of a taxicab license shall immediately surrender said license and decal to the director of finance when the taxicab license thereunder has not been used to carry passengers for hire for a consecutive period of thirty days.
 - (2) The above period shall be extended to a total of one hundred eighty days if the nonuse is caused by the vacation, illness or injury of the regular taxicab driver or due to the delay of repair due to parts or receipt of a replacement taxicab.
 - (3) Upon surrender, the taxicab license shall be cancelled.
- (e) License revocation or suspension.
 - (1) Any taxicab license issued pursuant to this article may be suspended or revoked by the commission after a hearing held in compliance with section 18-11 of this chapter and chapter 91, Hawai'i Revised Statutes, whenever the holder of the taxicab license fails to comply with the requirements of any section of this article.
 - (2) Any taxicab license issued pursuant to this article may be suspended for up to thirty days by the director for violations of this article. Within the thirty-day suspension period, the commission shall conduct a hearing to either uphold or rescind the actions of the director.
- (f) Use of fees.

Annual license fees collected pursuant to this section shall be used exclusively for enforcement of County taxi industry regulations.
(1990, ord 90-19, sec 15; am 1997, ord 97-127, sec 2.)

Section 18-37.2. Establishment of road taxi stands.

The council may establish road taxi stands on public streets and County-controlled facilities upon recommendation of the commission. The commission shall study and recommend to the council the site placement of such stands. The director shall issue, upon application therefor on forms furnished by the director and upon the payment of annual fees as hereinafter provided, permits for the parking of taxicabs. All permits issued under this section shall be valid for a permit year commencing with the first day of July. A permit, deemed granted upon approval of the application, shall expire on June 30 of the permit year issued. However, an application for the renewal of such permit for the following year may be made on or after the first day of June and approval thereof may be granted upon the payment of the permit fee. The permit shall be evidenced by an appropriate decal furnished by the director which shall be placed on the left side of the rear bumper adjacent to the taxicab license decal.

The director shall charge and collect a permit fee, consisting of an annual fee to be determined by the council for each permit, and a fee of \$1 for each decal; provided that, where the application for such permit is made in any month other than July, the permit fee shall be reduced by one-twelfth of the annual fee amount for each full month of the then permit year which shall have elapsed at time of the application; provided further that, when an annual permit fee has already been paid on the vehicle and that vehicle is within the year replaced by another vehicle, the unexpired portion of the permit fee paid on the vehicle so replaced shall be credited to the permit fee payable for the substituted vehicle and for the purpose hereof, the unexpired portion of the permit fee shall be reduced by one-twelfth of the annual fee amount for each full month remaining of the current permit year. Where a decal is mutilated, defaced or lost, a replacement decal shall be issued upon payment of \$1.

(1990, ord 90-19, sec 16.)

Section 18-37.3. Prohibited acts.

(a) Intoxicating liquor.

- (1) Intoxicating liquor, as defined by section 281-1, Hawai'i Revised Statutes, as amended, shall not be carried in any taxicab during the business hours of such taxicab, except as the property of a passenger riding in said taxicab, or as property for hire.
- (2) No person shall consume any intoxicating liquor as defined by section 281-1, Hawai'i Revised Statutes, as amended, while a passenger in any taxicab upon any public street, road, or highway.
- (3) No person shall possess, while a passenger in a taxicab upon any public street, road, or highway, any bottle, can or other receptacle containing any intoxicating liquor as defined by section 281-1, Hawai'i Revised Statutes, as amended, which has been opened, or a seal broken, or the contents of which have been partially removed.
- (4) No person shall drive a taxicab while having any alcohol in that person's blood, body or breath.

- (b) The operator of a taxicab or taxicab company shall not refuse to furnish an unengaged, available taxicab and driver during the business hours of such stand upon call or request from an orderly person located within one mile of such taxicab or taxicab company, by the most direct street route.

- (c) Taxicab companies and drivers are prohibited from paying kickbacks to hotel doorpersons or other persons that dispatch taxicabs. It shall also be unlawful for a hotel doorperson or other person to solicit or receive such a kickback from a taxicab company or taxicab driver. This provision shall not apply to legitimate commissions paid to tour and travel companies, legitimate payments to taxicab companies, or salaries or wages paid to dispatchers employed by taxicab companies.

For the purpose of this subsection, “kickback” means a payment by a taxicab company or driver to a hotel doorperson or other person who dispatches the taxicab company or driver to carry a passenger for hire, property for hire, or both, when the payment is required, explicitly or implicitly, by the hotel doorperson or other person as consideration for the dispatch.

(1990, ord 90-19, sec 17.)

Section 18-37.4. Fraudulent call and nonpayment.

It shall be unlawful for any person to call for a taxicab for purposes of hire without intending to use such taxicab or to use a taxicab for hire without intending to pay the legal fare upon completion of the trip.

(1990, ord 90-19, sec 18.)

Section 18-37.5. Notice required.

Each vehicle used as a taxicab shall display at all times a notice in the taxicab interior in both English and Japanese which is readily visible to and readable by passengers. This notice shall be provided by the director and shall read as follows:

“The driver of this taxicab is required to give a receipt for service provided to any customer who requests a receipt. Any complaint about taxicab service or charges may be directed to the County Director of Finance, (mailing address), (telephone number).”

(1990, ord 90-19, sec 19.)

Section 18-37.6. Bulky items.

A taxicab driver may refuse to transport any item not capable of being transported within the confines of the rear passenger compartments or the trunk of the taxicab.

(1990, ord 90-19, sec 20.)

Section 18-37.7. Disorderly persons.

Notwithstanding any of the foregoing provisions, the operator of a taxicab or taxicab company may refuse to dispatch a taxicab to, and a taxicab driver may refuse to furnish transportation to a disorderly person.

(1990, ord 90-19, sec 21.)

Section 18-37.8. Soiling of taxicab.

A taxicab driver may require a passenger for hire, whose condition may be likely to soil the seats of the taxicab, to sit upon protective material furnished by such driver. Upon noncompliance with the request, the taxicab driver may refuse to transport such passenger.

(1990, ord 90-19, sec 22.)

Section 18-37.9. Condition of taxicabs.

No vehicle shall be operated as a taxicab unless it is in a reasonably clean and safe condition inside, so as not to damage the person, clothing or possessions of a passenger. The vehicle's exterior shall be reasonably clean and shall be essentially free from cracks, breaks and major dents. It shall be painted to provide adequate protection and appearance. Each operating wheel shall be equipped with hub caps, wheel covers, or other suitable covering. Repairs done to comply with this section shall be done within a reasonable time based on availability of parts and labor.

(1990, ord 90-19, sec 23; am 2008, ord 08-107, sec 6.)

Section 18-37.10. Taxi sign.

A taxicab shall be identified with a sign (which may be a dome light sign) on the roof of the taxicab. The name of the individual owning or operating the taxicab or the name of the firm shall be shown on the front of the sign and it will be optional to place either the name or telephone number of such individual or firm on the rear of the sign. Except as provided in this article, the type, design, and placement of the sign shall be as specified by the director of public works of the County of Hawai'i. The sign may be a detachable type so that it may be removed when the vehicle is not used for taxicab purposes.

(1990, ord 90-19, sec 24; am 2001, ord 01-108, sec 1; am 2008, ord 08-107, sec 7.)

Section 18-37.11. Taxicab control numbers.

No person may operate a taxicab unless the taxicab is clearly identified and marked as prescribed herein with a taxicab control number assigned by the director of finance. The taxicab control number shall be prominently posted on the exterior surfaces of the front and rear bumpers of the taxicab. The taxicab control number posted on the taxicab as prescribed herein may be either painted onto the surfaces or be comprised of decals provided by the taxicab company owner, or operator, and shall conform to such other requirements or specifications as the director of finance may prescribe by rule.

(1990, ord 90-19, sec 25.)

Section 18-37.12. Trip route.

No operator of a taxicab may transport a passenger except to the requested destination by the most direct or economical route unless specifically instructed or agreed to by the passenger.

(1990, ord 90-19, sec 26.)

Section 18-37.13. Evidence of financial responsibility.

- (a) The director of finance shall require evidence of financial responsibility from the owner and/or operator of a taxicab or taxicab company before issuing a taxicab license and decal to engage in the taxicab business. The owner and/or operator shall have insurance in force and other evidence of financial responsibility so long as the taxicab is used in business.

Such evidence of financial responsibility shall be evidenced by an insurance policy as required below.

The director of finance shall retain the original copy of the insurance policy issued by a company licensed to do business in the State of Hawai'i. The policy shall be duly countersigned by its authorized Hawai'i agent complete with all endorsements and attachments or a certified copy thereof. Such policy shall provide for primary public liability insurance coverage in the amount of \$100,000 because of bodily injury to or death of one person in any accident, and in the amount of \$200,000 because of bodily injury to or death of two or more persons in any one accident, and property damage insurance in the amount of \$50,000 because of damage to or destruction of property of owners in any one accident for each taxicab for hire. All policies shall be on a fiscal year basis ending on June 30 of each year. Insurance policies on vehicles regulated under this article shall contain a provision that the policy will not be reduced in coverage or cancelled without thirty calendar days' prior written notice to the director of finance by the authorized Hawai'i agent for the insurance company.

In addition to the coverage above, if the taxicab operator or taxicab company is participating in a County sponsored shared-ride taxi program or renting a road taxi stand space from the County, they shall comply with the insurance requirements of those programs and the County of Hawai'i shall be named as additional insured on the policy.

- (b) If at any time after the issuance of the taxicab license and license decal the required insurance coverage is reduced or cancelled, the director of finance shall revoke or suspend the taxicab license and license decal. Such revocation shall be done in accordance with section 18-11 hereof and chapter 91, Hawai'i Revised Statutes.

(1990, ord 90-19, sec 27.)

Section 18-37.14. Rulemaking powers.

The director of finance and the chief of police are authorized to promulgate any rules or regulations not inconsistent with this chapter, having the force and effect of law, as provided for in chapter 91, Hawai'i Revised Statutes, in the administration and enforcement of this article.

(1990, ord 90-19, sec 28.)

Section 18-37.15. Appeals.

An applicant whose application for a taxicab license has been denied, revoked or suspended by the director of finance may file within thirty days after receipt of said revocation, suspension or denial an appeal for a hearing with the commission.
(1990, ord 90-19, sec 29.)

Section 18-37.16. Trade names and markings.

The director shall have the power to approve or disapprove the use of a trade name or marking by a taxicab or taxicab company. A trade name or marking may be disapproved if its use may cause confusion or misidentification, or it is in any other way undesirable.
(1990, ord 90-19, sec 30.)

Section 18-37.17. Shared-ride taxi service.

Notwithstanding any provision contained in this article to the contrary, any taxicab company or operator may provide public transit service by participating in a County-sponsored shared-ride taxi program.
(1990, ord 90-37, sec 6.)

Division 2. Driver's Permit.**Section 18-38. Permit required; content.**

No person shall drive a taxicab without first obtaining a taxicab driver's permit from the director of finance. The permit shall be mounted in a prominent place within the taxicab being driven by the person to whom it was issued. The permit shall be mounted so that it is visible to all passengers. The permit shall bear a permit number, the name of the person, name of the taxicab company, and a recent color photograph of the person, two copies of which shall be furnished by the applicant, the photograph to be no less than three inches in height and two inches in width. It shall be a violation of this section for any person to alter such taxicab driver's certificate.
(1983 CC, c 18, art 2, sec 18-38; am 1990, ord 90-19, sec 7; am 2008, ord 08-107, sec 8; Am 2009, ord 09-74, sec 3.)

Section 18-39. Issuance requirements; exception.

No taxicab driver's permit shall be issued to any person unless such person shall:

- (1) Have a reasonable knowledge of the traffic laws of the County;
- (2) Have a reasonable knowledge of the locations of streets, roads, and highways, and of important County and State buildings and places within the County;
- (3) Be able to speak and understand the English language well enough to converse satisfactorily with English-speaking people, except that this paragraph shall not apply to any applicant whose sole occupation from September 1, 1955, has been that of a taxicab driver;
- (4) Be eighteen years of age or older at the time of application;
- (5) Have a valid State of Hawai'i driver's license; and

- (6) Be in compliance with the standards promulgated by the director of finance relating to moral character and physical fitness of the applicant based on prior records or certified documents thereto.

(1983 CC, c 18, art 2, sec 18-39; am 1990, ord 90-19, sec 8; am 2008, ord 08-107, sec 9.)

Section 18-40. Expiration; renewal; waiver of examination.

- (a) Every taxicab driver's permit issued under this article shall expire, unless otherwise revoked or cancelled, one year after the issuance thereof and shall be renewed on or before its expiration date upon reexamination. A new set of color photographs shall be furnished by an applicant with each application for renewal.
- (b) The director of finance may waive examination upon renewal of a permit.
- (c) Whenever a driver's license of any taxicab driver is suspended or revoked, the director of finance shall require that the taxicab driver's permit be surrendered to and be retained by the director of finance, except that at the end of the period of suspension, the permit so surrendered shall be returned to the licensee.

(1983 CC, c 18, art 2, sec 18-40; am 1990, ord 90-19, sec 9; am 2008, ord 08-107, sec 10.)

Section 18-41. Permit fee.

The following fees are established for the issuance of a taxi driver permit; the fees to be deposited in the general fund of the County:

- (1) Initial issuance, \$10.
- (2) Renewal, \$5.
- (3) Duplicate to replace lost or mutilated certificate, or corrected certificate, \$5.

(1983 CC, c 18, art 2, sec 18-41; am 1977, ord 315, sec 1; am 1990, ord 90-19, sec 10.)

Section 18-42. Permit revocation or suspension.

Any taxicab driver's permit issued pursuant to this article may be suspended or revoked by a court of competent jurisdiction whenever:

- (1) The holder of the permit is found to be disqualified by any of the provisions of this article;
- (2) The holder of the permit has been convicted for a violation of this article;
- (3) The holder of the permit ceases to drive a taxicab for a period of thirty consecutive days without previously having filed with the director of finance a written notice of intention to cease driving and having been granted permission by the director of finance authorizing the cessation of operation or driving; or
- (4) The holder of the permit has been convicted of driving while intoxicated or of violating chapter 329, Hawaii Revised Statutes, or the Federal narcotics laws.

(1983 CC, c 18, art 2, sec 18-42; am 1990, ord 90-19, sec 11; am 2008, ord 08-107, sec 11.)

Section 18-43. Appeal to circuit court.

Any applicant who has been refused a taxicab driver's permit after at least three examinations, or who has been refused any examination, may appeal the refusal to the circuit court by filing a petition in the court within thirty days of the date of the refusal. The appeal shall not operate as a stay to the order or decision appealed from. The appeal shall be subject to the procedure and rules prescribed by the court. (1983 CC, c 18, art 2, sec 18-43; am 1990, ord 90-19, sec 12.)

Division 3. Taximeters and Fares.**Section 18-44. Installation requirements.**

- (a) Every taxicab while operating within the County shall be equipped with a taximeter so mounted in the taxicab that the reading indicator showing the amount of fare to be charged shall at all times be plainly visible to the passenger. The taximeter shall also be attached to the taxicab so that it is possible for a person standing outside the vehicle to tell whether the taximeter is in use or not.
- (b) Between the hours of sunset and sunrise, the reader indicator showing the amount of fare to be charged shall be well lighted and readily discernible by the passenger riding in the taxicab.
- (c) The taximeter shall be operated mechanically by a mechanism of standard design and construction. Except when a taximeter is being cleared, the primary indicating element shall be susceptible of advancement only by motion of the vehicle wheels or by time mechanism.
- (d) The taximeter shall have a position recording mileage only and another position waiting time. The taximeter may also have a position to calculate fares upon the basis of a combination of mileage traveled and time elapsed, as provided in section 18-49.
- (e) The taximeter shall have thereon a flag or other convenient and effective means to denote when the taxicab is employed and when it is not employed.
- (f) The taximeter shall be sealed at all points and connections which, if manipulated, would affect its correct reading and recording.

(1983 CC, c 18, art 2, sec 18-44; am 1979, ord 501, sec 1.)

Section 18-45. Operation during taxi use.

- (a) When a taxicab equipped with a taximeter is employed by a passenger, it shall be the duty of the driver to throw the flag or other convenient and effective means of the taximeter into the appropriate employed position, so as to record mileage while the taxicab is in motion and to record waiting time while the taxicab is standing at the direction of the passenger.

- (b) When a taximeter designed to calculate fares upon the basis of a combination of mileage traveled and time elapsed is operative with respect to fare indication, the fare-indicating mechanism shall be actuated by the mileage mechanism whenever the vehicle is in motion at such a speed that the rate of mileage revenue equals or exceeds the time rate, as determined by the division of measurement standards of the State department of agriculture, and may be actuated by the time mechanism whenever the vehicle speed is less than this and when the vehicle is not in motion.
- (c) Means shall be provided for the vehicle operator to render the time mechanism either operative or inoperative with respect to the fare-indicating mechanism.
- (d) The flag or other convenient and effective means of the taximeter shall be kept in the appropriate employed position until the termination of the trip. At the termination of the trip, it shall be the duty of the driver to throw the flag or other convenient and effective means of such taximeter into the nonemployed position.
- (e) This section shall not apply when a taxicab is being operated as a shared-ride taxi under a County-sponsored public transit program.

(1983 CC, c 18, art 2, sec 18-45; am 1979, ord 501, sec 1; am 1990, ord 90-37, sec 3.)

Section 18-46. Registration and inspection required.

- (a) No driver or owner of a taxicab shall offer or let the taxicab for hire unless the taximeter installed therein or adjusted for any change in mileage rate is first registered with and inspected by the State division of measurements standards and found to calculate and register fares correctly in conformity with the rates as set forth in this article and a seal attesting thereto is placed on the taximeter.
- (b) It shall be the duty of the owner or driver of any taxicab equipped with a taximeter to submit the taxicab to the State division of measurements standards for inspection, testing, and sealing on the date established by the division. Every inspection shall include the examination and inspection of the taximeter affixed in the taxicab, every wheel, tire, gear shaft, and every part of the taxicab which may affect or control the operation of the taximeter.

(1983 CC, c 18, art 2, sec 18-46.)

Section 18-47. Inspection fees.

The taxicab driver shall pay the fees as may be established by the State division of measurements standards for each taximeter inspection, the frequency of which shall be established by the division.

(1983 CC, c 18, art 2, sec 18-47.)

Section 18-48. Repair and testing of defective meter.

- (a) If, upon the required inspection, the State division of measurements standards finds that a taximeter is not calculating and registering a fare in conformity with the rates set forth in this article, no person shall operate the taxicab for business purposes or permit the taxicab to be operated until its taximeter is repaired, inspected, tested, and found to be calculating and registering a fare in conformity with the rates set forth in this article and a seal is placed thereon.
- (b) Nothing contained in this section shall prohibit the replacement of a taximeter with another which conforms with this article.

(1983 CC, c 18, art 2, sec 18-48.)

Section 18-49. Schedule of fares.

- (a) No driver or owner of a taxicab while operating the taxicab within the County shall charge, demand, collect, or receive a fare other than that based on the following schedule, except as provided by this section:
 - (1) Initial meter actuation shall equal \$3 and shall entitle customer to one-eighth of a mile or less, or one minute waiting or elapsed time or less.
 - (2) Thereafter, 40 cents for each additional one-eighth of a mile or fraction thereof.
 - (3) Forty cents for each additional one minute of waiting or elapsed time or fraction thereof.
- (b) Where a taximeter is designed to calculate fares upon the basis of a combination of mileage traveled and time elapsed, as provided in section 18-44 the rates of fare upon the combination of mileage traveled and time elapsed shall be the same as fixed by subsection (a).
- (c) The foregoing rates or charges shall be subject to the following exceptions and conditions whichever the case may be:
 - (1) Fares are only applicable to the use of the taxicabs when actually occupied by or standing at the direction of the passenger for hire or when occupied by parcels, baggage or property transported for hire; provided that no other charges shall be made for the use of a taxicab for hire except as provided herein.
 - (2) A driver, owner or lessee who owns, operates, controls or dispatches a taxicab may give a discount to handicapped persons, senior citizens, or students. Such discount shall not exceed twenty percent of the meter fare.
 - (3) The driver, owner or lessee of a taxicab may waive the baggage charges prescribed in section 18-52.
- (d) This section shall not apply when a taxicab or taxicab company is carrying passengers under a County-sponsored public transit program.
- (e) The schedule of fares may be evaluated on an annual basis, no later than June 30 of each year, to make a determination of either proposed increase or decrease to the current taxi fares.

(1983 CC, c 18, art 2, sec 18-49; am 1988, ord 88-19, sec 1; ord 88-39, sec 1; am 1990, ord 90-19, sec 13; ord 90-37, sec 4; am 1996, Ord. 96-161, sec 1; am 2005, ord 05-24, sec 1; am 2008, ord 08-149, sec 1.)

Section 18-50. Waiting time stipulation.

No taxicab driver shall charge for waiting time, unless a passenger directs the taxicab driver to wait.

(1983 CC, c 18, art 2, sec 18-50.)

Section 18-51. Computation of distance for fares.

Whenever, pursuant to a request, it is necessary for a taxicab to leave its fixed taxi stand to pick up a passenger, the distance between the fixed taxi stand and the point of pickup shall not be added to the distance over which the passenger is actually transported, when computing the total amount of fare which may be charged under section 18-49. The distance a taxicab must travel in order to return to its fixed taxi stand after discharging a passenger shall not be included in the mileage for which any fare may be charged.

(1983 CC, c 18, art 2, sec 18-51.)

Section 18-52. Baggage charge.

A taxicab driver may charge \$1 for each piece of baggage, except that any small bag such as a train case, briefcase, or a package that is carried into the cab by the passenger shall be conveyed without charge. For each surfboard or bicycle transported a charge of \$3 may be made.

(1983 CC, c 18, art 2, sec 18-52; am 1990, ord 90-19, sec 14.)

Section 18-53. Rate charges.

The rates of fare effective on January 3, 1980 shall not be charged by individual taxicabs until taximeters have been adjusted by owners and the meters have been tested and sealed by the State division of measurements standards no later than ninety days after January 3, 1980.

(1983 CC, c 18, art 2, sec 18-53.)

Section 18-54. Multiple loading.

- (a) Multiple loading of passengers is prohibited except in cases where the first passenger engaging the taxicab consents to the multiple loading.
- (b) Each separate party of individuals or groups of individuals not traveling together who agree to share a taxicab shall pay the normal shortest route fare from point of origin to their destination, except that each fare of \$1.20 or more (not including nonmeter charges for baggage, surfboards, or bicycles) shall be reduced by twenty percent.

- (c) A copy of a rate schedule containing the reduced rates for multiple loading shall be posted conspicuously within the taxicab in clear view of passengers. The rate schedule shall be purchased from the commission.
 - (d) This section shall not apply when a taxicab is being operated as a shared-ride taxi under a County-sponsored public transit program.
- (1983 CC, c 18, art 2, sec 18-54.)

Section 18-55. Posting of rates of fare.

- (a) A schedule of the rates of fare as provided in this article shall be posted in a conspicuous place within each taxicab so as to be readily visible to any passenger riding within the taxicab.
 - (b) The schedule of the rates of fare shall be legibly printed in bold-type letters not less than three thirty-seconds of an inch in height.
- (1983 CC, c 18, art 2, sec 18-55.)

Article 3. School Buses.

Division 1. General Provisions.

Section 18-56. Definitions.

As used in this article:

- (1) "Driver" means any person in actual physical control of a school bus.
- (2) "School bus" means the same as the definition for school bus in section 296-47,* Hawai'i Revised Statutes.
- (3) "School bus operator" means and includes every natural person, firm, copartnership, association, or corporation, binding itself into contract with the County to furnish transportation of school children to or from school as provided by section 296-47,* Hawai'i Revised Statutes.

(1983 CC, c 18, art 3, sec 18-56.)

* **Editor's Note:** Section 296-47, Hawai'i Revised Statutes, was repealed.

Section 18-57. Penalty.

Any person convicted of a violation of this article shall, in addition to any penalty provided by contract, be sentenced to pay a fine of not more than \$500.

(1983 CC, c 18, art 3, sec 18-57.)

Division 2. Specifications and Equipment.

Section 18-58. School bus construction; inspections.

No vehicle shall be used as a school bus unless the County director of finance determines that the vehicle is safely constructed.

(1983 CC, c 18, art 3, sec 18-58; am 2008, ord 08-107, sec 12.)

Section 18-59. Fuel tank location; diesel exception.

- (a) Any gasoline tank shall be located entirely outside that part of the school bus utilized for carrying passengers. Each gasoline tank shall be equipped with an inlet for filling on the exterior of the bus.
- (b) This section shall not apply to any diesel-powered bus.
(1983 CC, c 18, art 3, sec 18-59.)

Section 18-60. Exhaust pipe requirements.

The placement and installation of exhaust pipes of each school bus shall be as approved by the County department of finance. Every school bus shall be constructed and maintained as to prevent exhaust gases from entering the vehicle through the floor.
(1983 CC, c 18, art 3, sec 18-60; am 2008, ord 08-107, sec 13.)

Section 18-61. Door specifications.

The entrance and exit door of any school bus, shall be placed on the right-hand side of the front of the bus, and shall be directly within the view and under the control of the driver. The entrance and exit shall at all times be kept clear for the ingress and egress of passengers. Every door shall be capable of positive uniform operation at all times.
(1983 CC, c 18, art 3, sec 18-61.)

Section 18-62. Emergency exits.

Each school bus shall be equipped with an emergency exit in the rear, or on the opposite side of the entrance door, to be opened outward and capable of being opened from either the interior or exterior of the bus. The emergency exit shall be equipped with positive devices to keep it closed when not in use and of a character to permit it to be opened readily when necessary without undue accessibility for unauthorized use. The size, location, and type of the emergency exit must meet with the approval of the County department of finance.
(1983 CC, c 18, art 3, sec 18-62; am 2008, ord 08-107, sec 14.)

Section 18-63. Aisles and ceilings.

No aisle in a school bus shall be less than twelve inches in width. The ceiling of every school bus must be free from any projection likely to cause injury to a pupil. The ceiling over the aisle and backrest of seats of a school bus must be free from any projection.
(1983 CC, c 18, art 3, sec 18-63.)

Section 18-64. Seat location.

No seats for pupils shall be placed ahead of a line drawn crosswise of the bus immediately back of the driver's seat.
(1983 CC, c 18, art 3, sec 18-64.)

Section 18-65. Seat specifications.

Each pupil carried shall be provided with a sitting space which shall be free from any projection, safe, and of sufficient size to accommodate the student. Every seat shall be securely fastened to the part of the school bus supporting the seat.
(1983 CC, c 18, art 3, sec 18-65.)

Section 18-66. Required safety equipment.

Every school bus shall be equipped with an adequate horn, dual or supplementary braking system, rear vision mirror, headlights, taillights, speedometer, windshield constructed of safety glass, windshield wiper, steering, mechanical hand-signalling device if needed, and other equipment required by law.
(1983 CC, c 18, art 3, sec 18-66.)

Section 18-67. Sanitary condition required.

Every school bus shall be cleaned daily and kept in a sanitary condition at all times.
(1983 CC, c 18, art 3, sec 18-67.)

Section 18-68. Metal screening required; exception.

- (a) Every side opening between the driver's seat and the rear shall be screened with metal screen of not more than one and three-fourths inch mesh and not less than no. sixteen gauge, all to the satisfaction of the County department of finance.
 - (b) This section shall not apply to any school bus equipped with safety glass windows which are permanently adjusted to permit not more than fifty percent of the top portion of the side openings from being opened.
- (1983 CC, c 18, art 3, sec 18-68; am 2008, ord 08-107, sec 15.)

Section 18-69. Identification markings.

The words "School Bus" shall be painted on the front and rear of each vehicle used as a school bus in a place and color as the examiner of chauffeurs shall direct. The wordings shall be in letters of not less than eight inches in height and in strokes of not less than three-quarters inch in width.
(1983 CC, c 18, art 3, sec 18-69.)

Division 3. Drivers and Bus Operations.**Section 18-70. Liquor prohibited.**

No intoxicating liquor shall at any time be carried in a school bus or upon the person of the driver.
(1983 CC, c 18, art 3, sec 18-70.)

Section 18-71. Smoking restricted.

Smoking by the bus driver shall be prohibited whenever pupils are being carried.
(1983 CC, c 18, art 3, sec 18-71.)

Section 18-72. Driver hours limited.

No driver shall work as an operator or be otherwise employed for more than twelve hours in any twenty-four hour period.

(1983 CC, c 18, art 3, sec 18-72.)

Section 18-73. Talking with driver unnecessarily prohibited.

No driver of a school bus shall carry on unnecessary conversation while the bus is in motion.

(1983 CC, c 18, art 3, sec 18-73.)

Section 18-74. Inspection before operating vehicles.

Each school bus shall be inspected daily by the driver before use, to ascertain that the windshield is clean and that the lights, horn, and other equipment and mechanical features of the bus are in good and safe operating condition.

(1983 CC, c 18, art 3, sec 18-74.)

Section 18-75. Unsafe vehicle; alternative transportation.

When any accident or damage occurs to or defect develops in the bus so as to make it unsafe for traveling, the driver shall immediately thereupon discontinue the use of the bus. The driver shall make all necessary arrangements for the safe transportation of the pupils to and from their respective destinations by another means.

(1983 CC, c 18, art 3, sec 18-75.)

Section 18-76. Repair of deficient vehicle; certification required.

If any school bus is at any time found or known by the driver to be dangerous or unsafe for operation or reported by anyone to the driver as being dangerous or unsafe, the use of the school bus for the transportation of pupils shall be discontinued immediately, until properly examined, and if necessary, repaired, and a certification that the bus is in a safe condition must first be obtained in writing from an official inspection station appointed by the County director of finance.

(1983 CC, c 18, art 3, sec 18-76; am 2008, ord 08-107, sec 16.)

Section 18-77. Conduct of passengers; driver's responsibility.

Pupils being transported in a school bus shall be under the authority and control of and responsible directly to the driver of the bus. Continued disorderly conduct, or persistent refusal to submit to the authority of the driver shall be sufficient reason for refusing transportation to any pupil and for other punishment as the local school regulations may provide. The driver of any school bus shall be held responsible for the orderly conduct of pupils transported and shall immediately report any case of misconduct to the principal of the school.

(1983 CC, c 18, art 3, sec 18-77.)

Section 18-78. Discharging riders in a safe manner required.

Whenever a school bus stops to discharge pupils who must cross the street or highway in order to reach their destination, the pupils must cross the street or highway in front of the bus, except that when it is not practicable to cross the street or highway in front of the bus, pupils may cross behind the bus. In either case, the bus shall not be moved until all pupils have crossed the street or highway. In either case, also, it shall be the responsibility of the driver to see that pupils do not cross the street or highway until they may safely do so.

(1983 CC, c 18, art 3, sec 18-78.)

Section 18-79. Driving violations to be reported to police.

Each school bus operator shall report to the police department the license number of any motor vehicle, the operator of which is guilty of a violation of any traffic regulation, when the violation in any way endangers the safety of the pupils being transported.

(1983 CC, c 18, art 3, sec 18-79.)

Section 18-80. Manner of operation.

Drivers of a school bus shall at all times operate the vehicle in a safe, prudent, and careful manner with due regard to the traffic and the use of highway by others.

(1983 CC, c 18, art 3, sec 18-80.)

Section 18-81. Bus operation.

No driver while transporting school children shall leave the bus while the engine is running or the brakes are released.

(1983 CC, c 18, art 3, sec 18-81.)

Section 18-82. Dangerous loading prohibited.

No person shall operate a school bus when it is so loaded or when any person is so seated as to interfere or obstruct the vision of the driver to the front, side, or, by means of the mirror, to the rear, or interfere with the operation of the bus.

(1983 CC, c 18, art 3, sec 18-82.)

Section 18-83. Doors closed while vehicle in motion.

Every door shall be kept closed while the bus is in motion.

(1983 CC, c 18, art 3, sec 18-83.)

Section 18-84. Manner of stopping vehicle outside city.

A school bus stopping to load or discharge pupils outside the City of Hilo shall stop as far to the right of the roadway as possible whenever the stop can be made with safety.

(1983 CC, c 18, art 3, sec 18-84.)

Section 18-85. Manner of backing vehicle.

No school bus shall be put in reverse or be backed while on the school grounds or at any point or place where children enter or leave the bus unless the movement can be made in safety.

(1983 CC, c 18, art 3, sec 18-85.)

Section 18-86. Use of clutch.

No school bus shall be operated with the clutch disengaged except when coming to a stop, or with the gears in neutral except when the bus is not in motion.

(1983 CC, c 18, art 3, sec 18-86.)

Section 18-87. Pulling trailer or transporting freight prohibited.

No school bus shall, when being used for the transportation of pupils, be operated or driven with any trailer or other vehicle attached thereto, nor shall any school bus transport freight other than the school books and other school material carried by pupils while carrying school children.

(1983 CC, c 18, art 3, sec 18-87.)

Division 4. Inspections.**Section 18-88. Inspection of vehicles; issuance of certificate.**

The County director of finance or the director of finance's duly authorized subordinate, which shall include any official vehicle inspection station, shall, before any passenger license is issued to the bus, inspect the bus for which a license is requested, and if such person finds the bus to be in good serviceable and safe condition for the safe transportation of passengers, such person shall deliver to the applicant therefor a certificate setting forth the fact that the bus has been inspected and found to be safe for the transportation of pupils.

(1983 CC, c 18, art 3, sec 18-88; am 2008, ord 08-107, sec 17.)

Section 18-89. Monthly inspection required; certificate of inspection.

- (a) Any vehicle used for the transportation of school children shall be subject to a thorough inspection monthly, by the County department of finance or any official inspection station so designated and authorized by the director of finance. When a vehicle has been inspected and found to be in a satisfactory operating condition, the department or inspection station shall issue a certificate of inspection, which certificate shall include a check list printed on the reverse side, certifying as to the equipment and mechanisms checked, and certifying to the adequacy and safety of the vehicle and equipment.
- (b) No vehicle without a certificate of inspection shall be used and no claims for the transportation of school children shall be paid unless accompanied by a certificate of inspection. A copy of the certificate shall be submitted each month to the district superintendent, Hawai'i island schools.

(1983 CC, c 18, art 3, sec 18-89; am 2008, ord 08-107, sec 18.)

Article 4. Public Transit System.**Division 1. Island-Wide Fare Structure.****Section 18-90. Fares.**

- (a) Unless otherwise provided for in this section, every person using the mass transit service owned, maintained or operated by the County shall be charged a \$2 cash one-way fare.
- (b) Discounted fares for senior citizens, person with a disability and students.
The following persons shall be charged a \$1 cash one-way fare:
 - (1) Senior citizens age sixty and older after providing proof of age from a valid state ID card, County of Hawai'i senior ID card, driver's license, birth certificate or passport;
 - (2) A person with a disability with a valid, "Person With Disability Identification Card" issued by the County of Hawai'i; and
 - (3) Students (through college) with a valid school identification card.
- (c) Fare prepayment discounts.
 - (1) All tickets for travel can be prepurchased at a discount of twenty-five percent off the scheduled cash fare by purchasing a sheet of ten tickets for \$15 per sheet with no expiration date ("Ten Ride Discount Sheet").
 - (2) Senior citizens age sixty and older may prepurchase a sheet of ten tickets for \$7.50 per sheet with no expiration date ("Ten Ride Discount Sheet"), after providing proof of age from a valid state ID card, County of Hawai'i senior ID card, driver's license, birth certificate or passport.
 - (3) A person with a disability may prepurchase a sheet of ten tickets for \$7.50 per sheet with no expiration date ("Ten Ride Discount Sheet"), with a valid, "Person With Disability Identification Card" issued by the County of Hawai'i.
 - (4) Students (through college) may prepurchase a sheet of ten tickets for \$7.50 per sheet with no expiration date ("Ten Ride Discount Sheet"), with a valid school identification card.
 - (5) A monthly bus pass fare plan may be purchased at a cost of \$60 for unlimited rides on all routes. Monthly passes shall be valid through the last calendar day of each month with no grace period.
 - (6) Senior Citizens age sixty and older may purchase a discounted monthly bus pass offered at a cost of \$45 for unlimited rides on all routes, after providing proof of age from a valid state ID card, County of Hawai'i senior ID card, driver's license, birth certificate or passport. Monthly passes shall be valid through the last calendar day of each month with no grace period.
 - (7) A person with a disability may purchase a discounted monthly bus pass offered at a cost of \$45 for unlimited rides on all routes, with a valid, "Person with Disability Identification Card" issued by the County of Hawai'i Monthly passes shall be valid through the last calendar day of each month with no grace period.

- (8) Students (through college) may purchase a discounted monthly bus pass offered at a cost of \$45 for unlimited rides on all routes, after providing a valid school identification card. Monthly passes shall be valid through the last calendar day of each month with no grace period.
- (9) The Ten Ride Discount Sheet, the monthly pass, and any pilot program pass must be purchased directly from the mass transit agency or its designated representative.
- (d) Fare waived for children under the age of five.
All fares for travel by children under the age of five shall be waived.
- (e) Paratransit service fares.
Under the Americans with Disabilities Act (ADA), the fare for a trip charged to an ADA paratransit eligible user of the complementary paratransit service shall not exceed twice the fare that would be charged to an individual paying full fare (i.e., without regard to discounts) for a trip of similar length, at a similar time of day, on the entity's fixed route system:
 - (1) A one-way paratransit rider fare shall be twice the fare of the current full fare (e.g. without any discounts) on the fixed-route system;
 - (2) The fares for individuals accompanying ADA paratransit eligible individuals, who are provided service under section 37.123 (f) of the ADA, shall be the same as for the ADA paratransit eligible individuals they are accompanying; and
 - (3) A personal care attendant shall not be charged for complementary paratransit service.
- (f) Shared-ride fares.
Shared-ride program coupons may be purchased by the public through the mass transit agency and its designated coupon sales outlets in accordance with the following schedule:

Coupon Price	
Single coupon	\$6
5 coupon book	\$15 (\$3 per coupon)
10 coupon book	\$25 (\$2.50 per coupon)
15 coupon book	\$30 (\$2 per coupon)

- For one-way travel limited to a maximum of nine miles under the shared-ride program the fare to be collected is set out in fare schedule A in section 18-92.
- (g) Promotional fares.
 - (1) The purpose of this subsection is to provide lower bus fares when a new route or service is provided or to boost ridership on established routes.

- (2) The transit administrator may establish fares on a temporary basis for a period not to exceed one hundred and eighty calendar days for bus routes and services.
- (h) Suspension of fares; non-applicability to some services; terminates December 31, 2025.
 - (1) All fares established by this section shall be suspended through December 31, 2025. Riders boarding and alighting any mass transit service owned, maintained, or operated by the County, shall ride free of charge.
 - (2) This subsection shall not apply to County-contracted shared-ride services and County-operated curb-to-curb van services operated by the department of parks and recreation.
 - (3) The suspension of fares shall automatically terminate on December 31, 2025, unless extended by the council.
 - (4) Each year, no later than July 30 after the close of the fiscal year, the mass transit administrator shall provide a report to the council regarding the performance of the mass transit system, including passenger trips carried by route, comparison to the prior year and any other service performance data requested by the council to evaluate the suspension of fares prescribed by this subsection.

(1986, ord 86-15, sec 2; am 1990, ord 90-37, sec 7; ord 90-91, sec 1; am 2004, ord 04-141, sec 1; am 2005, ord 05-151, sec 1; am 2007, ord 07-141, sec 2; am 2009, ord 09-160, sec 2; am 2011, ord 11-62, sec 2; am 2012, ord 12-36, sec 1; am 2013, ord 13-32, sec 1; ord 13-76, sec 2; ord 13-109, sec 1; am 2016, ord 16-95, sec 2; am 2022, ord 22-12, sec 2; ord 22-94, sec 2.)

Section 18-91. Baggage.

A driver of any mass transit bus owned, maintained and operated by the County shall charge \$1 for each piece of baggage, including large backpacks, except that any small bag such as a train case, handbag, briefcase, or a package that can be carried on the lap of the passenger and within the passenger's respective seat shall be conveyed without charge.

(1986, ord 86-15, sec 2; am 2011, ord 11-62, sec 2.)

Section 18-92. Fare schedules.

FARE SCHEDULE A	
Shared-Ride Fares	
One-Way Mileage	No. of Coupons (Per Person)
0 — 4.0 miles	1 coupon
4.1 — 9.0 miles	2 coupons

Rates are maximum charge per zone. Shared-ride carriers may charge less at their discretion.
 (1990, ord 90-37, sec 8; ord 90-91, sec 4; am 2001, ord 01-82, sec 1; ord 01-84, sec 1; am 2011, ord 11-62, sec 2.)

Division 2. Paratransit Service.

Section 18-93. Establishment of paratransit service.

- (a) The mass transit agency shall provide a paratransit service to complement the fixed route services operated by the County. This paratransit service shall be referred to as Hele-On Kāko‘o.
- (b) Hele-On Kāko‘o shall comply with all federal and state regulations that relate to paratransit as a complement to fixed route services for public transportation.
 (2016, ord 16-108, sec 1.)

Section 18-94. Definitions.

As used in this division, unless the context otherwise requires:

“Paratransit service” means the County public transportation service which complements the current fixed routes providing origin-to-destination service to eligible individuals under the Americans with Disabilities Act of 1990.

“Rider” means a person deemed eligible to ride on the paratransit service in accordance with the Americans with Disabilities Act of 1990; Code of Federal Regulations 49, part 37, subpart F, section 37.123 or a person certified as eligible for paratransit services by the mass transit agency.

(2016, ord 16-108, sec 1.)

Section 18-95. Eligibility.

- (a) The mass transit agency shall approve or deny applications for Hele-On Kāko‘o services within twenty-one calendar days after receipt. Approval may include a finding that an applicant is eligible for some but not all of Hele-On Kāko‘o services. Specific reasons shall be cited for any decision other than complete approval.
- (b) If a decision has not been made within twenty-one calendar days, the applicant shall be deemed eligible for paratransit service on a temporary basis until a decision has been made.

- (c) Individuals found eligible for Hele-On Kāko‘o service will be issued a paratransit identification card.
(2016, ord 16-108, sec 1.)

Section 18-96. Suspension of service.

- (a) The mass transit agency may suspend the provision of Hele-On Kāko‘o services to riders who miss three or more scheduled trips.
 - (b) Trips missed by an individual for reasons beyond the individual’s control including, but not limited to, trips missed due to operator error, shall not be included in any count of missed scheduled trips.
 - (c) Before suspending service, the mass transit agency shall notify the individual in writing:
 - (1) That the County proposes to suspend service, citing the extent of the suspension, the basis for, and the length of the proposed suspension or restriction of service; and
 - (2) Of their opportunity to appeal the mass transit agency’s decision.
- (2016, ord 16-108, sec 1.)

Section 18-97. Appeals.

- (a) Any applicant or rider who is aggrieved by a decision by the mass transit agency regarding eligibility or suspension, may appeal the decision to the County transportation commission.
 - (b) Appeals must be filed with the commission within sixty days of notification of the agency’s determination.
 - (c) The commission shall afford the applicant or rider an opportunity to be heard and to present information or arguments or both.
 - (d) The commission shall provide a final decision within thirty days of the completion of the appeal process. The County shall not be required to provide paratransit service to the individual pending the resolution of the appeal. However, if the commission does not provide a decision within this time, service shall resume or be provided to the individual.
- (2016, ord 16-108, sec 1.)

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