

KAUAI COUNTY DEPARTMENT OF FINANCE

RULES AND REGULATIONS
THE DIRECTOR OF FINANCE
RELATING TO TAXICABS

Section 1. Definitions. As used in these Rules and Regulations, unless modified herein, Definitions shall follow the definitions stated in the Kaua'i County Code 1987, Chapter 23, Regulations of Business and Trades, Article 1, Taxis, and as may be amended. In addition, the following definitions shall apply:

- 1.1 Director of Finance. "Director of Finance" shall mean the Director of Finance or his duly authorized subordinates within the Driver Licensing Section of the Finance Department.
- 1.2 Taxicab Driver's Certificate. "Taxicab Driver's Certificate" as used in this rule shall have the same meaning as "Taxicab Driver's Permit."
- 1.3 Annual Taxicab Inspection. "Annual Taxicab Inspection" shall mean an inspection of a taxi vehicle that is required every year to obtain a Taxi Vehicle Permit and is performed by an inspector at the Driver License Department
- 1.4 Taxicab Vehicle Permit. "Taxicab Vehicle Permit" as used in this rule shall have the same meaning as "Taxicab Permit". A Taxicab Vehicle Permit is required for every taxicab operating on Kaua'i.

Section 2. Taxicab Driver's Certificate.

- 2.1 Form of Certificate. Every operator of a taxicab shall possess a Taxicab Driver's Certificate, which shall be mounted within the taxicab as prescribed by the Taxicab Ordinance of the County of Kaua'i and shall be as shown in Appendix 1.

A card, 5" x 8", shall be furnished by the Director of Finance to be known as a **TAXICAB DRIVER'S CERTIFICATE** which shall contain the following information:

- a) A taxicab driver's certificate number issued in numerical order.
- b) A certificate issuance date.
- c) The operator's drivers license number.
- d) The operator's full name.

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- e) Age, date of birth, height, weight, color of eyes and hair, and build of the operator and any conspicuous marks or scars.
 - f) A photograph of the operator, 2" x 3", passport type.
- 2.2 Fees. There shall be a fee of twenty dollars (\$20.00) for each Taxicab Driver's Certificate. In addition, there shall be a test fee of one dollar (\$1.00) for each written test taken by the applicant.
- 2.3 Renewal. Every certificate issued under this rule shall expire unless otherwise revoked or canceled, one (1) year after issuance and shall be renewed as prescribed in Section 23-1.3© of the Kaua'i County Code 1987, as may be amended.
- 2.4 Records and Documents Required by Applicant.
- A. The applicant shall submit the following items at the time of application:
 - 1) Typed and signed letter from employer not over thirty (30) days old on company's letterhead stationery.
 - 2) Two recent photographs, 2" x 3", passport type. Applicants restricted to wearing glasses while driving shall be required to provide a photograph made with glasses on for identification purposes.
 - 3) Traffic abstract of the applicant's driving record. The Drivers License Department will be responsible for providing each applicant with a traffic abstract of the applicant's driving record.
 - 4) Criminal record check from the Kaua'i Police Department. The date of the criminal record check shall be no more than 30 days prior to the issuance of the Taxicab Driver's Certificate.
 - 5) Passing score on test on Taxicab Ordinance, local geography, and traffic laws of the County of Kaua'i and satisfactory demonstrate to the examiner the ability to speak and understand English language well enough to comprehend and communicate satisfactory such safety and regulatory requirements applicable to taxicabs.
 - 6) If an applicant is a foreign national, an unexpired form I-551 (green card) or a form I-94 with a current I-551 stamp issued by the United States Bureau of Citizenship and Immigration Service, Department of Homeland Security.
- 2.5 Standards of Moral Character and Driving History.

A. The Director of finance shall deny the applicants if any of the following convictions are shown on the traffic abstract or criminal record check of the applicant:

- 1) Any record of criminal convictions involving crimes which are sex-related within 10 years prior to the date of application.
- 2) Any record of criminal convictions involving the promotion or abuse of controlled substances including the violation of Chapter 329, HRS, as may be amended, or the provisions of the federal narcotics laws within 5 years prior to the date of application.
- 3) More than 3 convictions for moving traffic violations within 2 years prior to the date of application.
- 4) Any other criminal conviction which has a bearing on the health, safety or welfare of the residents or the traveling public involving crimes against persons or property within 3 years prior to the date of application.

Section 3. Appeal procedure Governing Denial of Taxicab Driver's Certificate.

- 3.1 Right of the Applicant or Licensee to a Hearing, When the Director of Finance denies a certificate under the existing Taxicab Ordinance, the applicant or the licensee shall be entitled to a hearing.
- 3.2 Notice to the Applicant or Licensee. The Director of Finance shall place the matter on his agenda, and in conformity with the provisions of Section 91-9, Hawai'i Revised Statutes, relating to contested cases, notice, hearings, records, notify the applicant or licensee either by registered mail, certified mail, or personal service of his opportunity to be heard. Such notice shall be sent immediately after denial of a certificate under the existing Taxicab Ordinance, and in no event, less than five (5) calendar days before the date of the scheduled hearing.
- 3.3 Hearing. At such hearing, the Director of Finance shall afford the applicant or the licensee an opportunity to be heard. Such hearing shall be conducted in conformity with the applicable provisions of said Chapter 91, Hawai'i Revised Statutes.

3.4 Decision and Order. After the hearing, the Director of Finance may rescind or affirm the denial of the certificate. Each decision and order adverse to the applicant or the licensee shall be in writing or stated in the record. If any party to the proceedings has filed proposed findings of fact, the Director of Finance shall incorporate in the decision a ruling upon each proposed finding presented. Parties to the proceedings shall be notified by delivery or mailing of a certified copy of the decision and order and accompanying findings and conclusions within a reasonable time to each party or to his attorney or record.

3.5 Rehearing.

a) The Director of Finance may rehear any decision adverse to the applicant or the licensee.

b) The applicant or the licensee may apply in writing for a rehearing setting forth:

- 1) The name, mailing address and telephone number of the applicant.
- 2) The particular sections of the ordinances and regulations involved.
- 3) All new pertinent facts or charges of circumstances.
- 4) The action of the Director of Finance.
- 5) Reasons for the hearing.

c) Such request for a hearing shall be submitted within thirty (30) calendar days following receipt of the adverse decision. The Director of Finance may in his or her sole discretion, either grant or deny a timely request for a rehearing.

3.6 Judicial Review. Judicial Review of the decision and order or ruling rendered in the hearing shall be as provided by Chapter 91, Hawai'i Revised Statutes.

Section 4. Taximeters and Sign on Taxicabs.

4.1 Taximeter. The installation and operation of taximeters shall be as prescribed in the Kaua'i County Code 1987, and as may be amended.

4.2 Registration, Inspection and Fees. The registration, inspection and fees shall be as prescribed in the Kaua'i County Code 1987, and as may be amended.

- 4.3 Rooftop Signs. All taxicabs shall be equipped with rooftop signs as prescribed in the Kaua'i County Code 1987, and as may be amended.

Section 5. Rates of Fare and Baggage Charge.

- 5.1 Rates of fare within the County of Kaua'i shall be as prescribed in the Kaua'i County Code 1987, and as may be amended.
- 5.2 Special Operations. Special operations relating to additional passengers shall be as prescribed in the Kaua'i County Code 1987, and as may be amended.

Section 6. Posting of Rates of Fare and Information about Filing Complaints. Schedules of rates of fare and information about filing complaints shall be posted as prescribed in the Kaua'i County Code 1987, and as may be amended.

Section 7. Severability. If any portion of the foregoing rule or the applicability thereof to any person, property or circumstances is held invalid for any reason, such invalidity shall not affect other provisions or applications and to this end, these rules are declared to be severable.

Section 8. Trip Route. No operator of a taxicab may transport a passenger except to the requested trip destination by the most direct or economical route, unless specifically instructed or agreed to by the passenger.

Section 9. Annual Taxicab Inspection Requirement and Procedures.

- 9.1 Vehicle registration and safety check. Inspect original, valid County of Kaua'i Certificate of Registration and State of Hawai'i Vehicle Inspection Form.
- 9.2 Certificate of Insurance. The Director of Finance shall retain the original certificate of insurance issued by a company licensed to do business in the State of Hawai'i. The certificate shall be duly countersigned by its authorized Hawai'i agent. The certificate shall list all vehicles that are covered and must note that vehicles are used for taxi operation. Such certificate shall provide for the public liability insurance coverage in the minimum amount of \$100,000.00 because of bodily injury or death of one person in any accident, and in the minimum amount of \$300,000.00 because of bodily injury or death of two or more persons in any one accident, and property damage insurance in the minimum amount of \$50,000.00 because

of damage to or destruction of property of others in any one accident for each taxicab for hire. All policies must be valid for the duration of the taxicab permit. Insurance certificates on vehicles regulated under this article shall contain a provision that the policy will not be reduced in coverage or cancelled without 30 calendar day's prior written notice to the Director of Finance by the authorized Hawai'i agent for the insurance company.

- 9.3 Rooftop Sign and Light. Inspection of proper signage, operation and secure ness as prescribed in the Kaua'i County Code 1987, and as may be amended.
- 9.4 Taxi Meter and Seal. Inspection of the installation, operation, seal and fees as prescribed in the Kaua'i County Code 1987, and as may be amended.
- 9.5 Posting of Schedule of the Rates of Fare, Information to File Complaints, Taxicab Driver Permit, Taxicab Vehicle Permit. Inspection of the posting and legibility of the schedule of the rates of fare, complaint card, taxicab driver permit and taxicab vehicle permit as prescribed in the Kaua'i County Code 1987, and as may be amended.

Section 10. Taxicab Vehicle Permit.

- 10.1 Form of Permit. Every taxicab shall possess a Taxicab Vehicle Permit, which shall be mounted within the taxicab as prescribed in the Kaua'i County Code 1987, and as may be amended. The issued permit shall not be transferable. A permit 4 $\frac{3}{4}$ " x 6 $\frac{1}{2}$ ", shall be furnished by the Director of Finance to be known as the Taxicab Permit which shall contain the following information.
 - a) Business Name
 - b) Business Address
 - c) Owners Name
 - d) Validation Number
- 10.2 Fees. There shall be a fee of one hundred twenty-five dollars (\$125.00) for each Taxicab Permit.
- 10.3 Renewal. Unless otherwise revoked or cancelled earlier, every permit issued under this rule shall expire one (1) year after issuance and shall be renewed as prescribed in the Kaua'i County Code 1987, and as may be amended. Permit may not be renewed if the Director determines the taxi vehicle has been inactive as indicated by such evidence as the permit holder's failure to file the

General Excise Tax Return in the prior permitted year or a lapse, cancellation, or reduction in insurance coverage of the Certificate of Insurance.

10.4 Record and Documents Required by Applicant.

A. The applicant shall submit the following items at the time of application.

- 1) Annual tax inspection checklist.
- 2) General Excise Tax Certificate and monthly, quarterly, semi-annual and annual returns with proof of payment.

10.5 Surrender and Cancellation.

a) The holder of a taxicab permit shall immediately surrender said permit to the Director of finance when the taxicab there under has not been active for hire for a consecutive period of thirty (30) days, as determined by such evidence including failure to file the General Excise Tax Return or a notice of reduction or cancellation of a Certificate of Insurance by the authorized Hawai'i agent for the insurance company.

b) Notwithstanding section 10.5(a) above, the holder of the taxicab permit may be granted an extension of up to ninety (90) days if the non-use is caused by vacation, illness or injury of the regular taxicab driver or due to the delay of repair due to parts or receipts of a replacement taxicab, provided that the request for an extension is made in writing to the Director of Finance, prior to the expiration of the first consecutive thirty (30) days.

c) Upon surrender, the taxicab permit shall be cancelled and the applicant must resubmit to the lottery process as prescribed in Kaua'i County Code 1987, and as may be amended.

10.6 Duplicate Taxi Vehicle Permit. When a permit is lost, stolen, or mutilated, a replacement shall be issued upon collection of a fee of Five Dollars (\$5.00).

Section 11. Lottery Process for a Taxicab Permit. The Director of Finance shall conduct a public lottery to insure that each qualified applicant has a fair and equal chance for the drawing of each Taxi Vehicle Permit available. Information and date of the lottery shall be publicized, pursuant to Chapter 91, Hawai'i Revised Statutes, as amended.

11.1 Lottery Procedures.

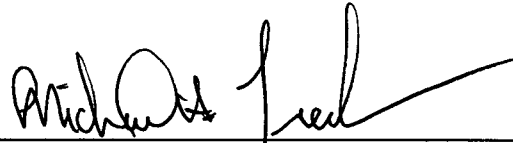
- a) Each qualified applicant 18 years or older (individual, partnership, or corporation) must submit a lottery application card stating the following:
- 1) Name of applicant (individual, partnership, or corporation)
 - 2) Mailing address & telephone number
 - 3) Registration number
 - 4) The number of licenses applying for
 - 5) Signature of applicant (individual, partnership, or corporation)
 - 6) Notary Signature
- b) Each qualified card will be then placed in a drawing box and the Director of Finance will conduct the drawing of each available license by rounds in numerical sequence, starting from round one.
- c) Alternates will be drawn in the same manner as describe in the above procedures and such winners will be used as substitute winners for original winners who are disqualified for any reason. Original winners shall be provided further instructions to fully meet further application requirements.
- d) Each applicant that is awarded a Taxi Vehicle Permit through the lottery process will have 30 days to comply with the requirements as prescribed in the Kaua'i County Code 1987, Article 1 and the Kaua'i County Director of Finance Rules and Regulations Relating to Taxicabs, and as may be amended. Should the applicant cannot meet the requirements in 30 days, that applicant would be disqualified and the Taxi Vehicle Permit would be awarded to the drawn alternate.

CERTIFICATION

I, Michael H. Tresler, Director of Finance, County of Kaua'i, do hereby certify:

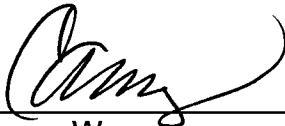
1. That the foregoing is a full, true and correct copy of the Rules and Regulations Relating to Taxicabs; which were amended and adopted by the Director of Finance, County of Kaua'i, on February 10, 2005.

2. That notice of public hearing on the foregoing Rules, which notice included a statement of the substance of the proposed Rules, was published in the Garden Island Publication on December 8, 2004; that public hearing was held at Conference Room 2A/2B, Mo'ikeha Building, 4444 Rice Street, Lihu'e, Hawai'i 96766 on January 10, 2005.



MICHAEL H. TRESLER
Director of Finance
County of Kaua'i

APPROVED AS TO FORM:



W. Carmen Wong
Deputy County Attorney, County of Kaua'i

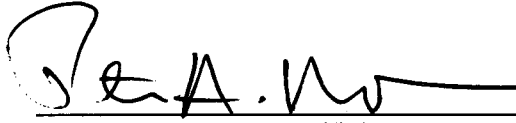
APPROVED ON THIS 10th DAY OF March, 2005



BRYAN J. BAPTISTE
Mayor, County of Kaua'i

RECEIVED AND FILED THIS 14th DAY OF March, 2005

CERTIFICATION OF COUNTY CLERK



PETER A. NAKAMURA
County Clerk, County of Kaua'i

Thereby certify that on March 14, 2005, I have accepted for filing from the Director of Finance, County of Kaua'i the Rules and Regulations Relating to Taxicabs amended and adopted by the Director of Finance and the Department of Finance, County of Kaua'i, on February 10, 2005.

and