

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

2 "Department" means the department of transportation.

3 "Digital network" means any online-enabled technology
4 application service, website, or system offered or used by a
5 transportation network company that enables the prearrangement
6 of rides with transportation network company drivers.

7 "Director" means the director of transportation.

8 "Dynamic pricing" means offering prearranged rides at prices
9 that reflect changing market conditions at a time of greater
10 rider demand and driver availability.

11 "Personal vehicle" means a vehicle with a passenger seating
12 capacity of not more than seven passengers, including the
13 driver, that is owned, leased, or otherwise authorized for use
14 by the transportation network company driver and used by a
15 transportation network company driver to provide a prearranged
16 ride.

17 "Prearranged ride" means the provision of transportation by
18 a transportation network company driver to a passenger,
19 beginning when a transportation network company driver accepts a
20 passenger's request for a ride through a digital network or
21 software application service controlled by a transportation



1 network company, continuing while the transportation network
2 company driver transports the requesting passenger, and ending
3 when the requesting passenger, or the last passenger from the
4 requesting passenger's party, departs from the personal vehicle.

5 "Transportation network company" or "company" means an
6 entity registered pursuant to this chapter that uses a digital
7 network or software application service to connect passengers to
8 transportation network company drivers and does not own,
9 control, operate, or manage the personal vehicles used by
10 transportation network company drivers.

11 "Transportation network company driver" or "driver" means
12 an individual who:

- 13 (1) Operates a personal vehicle that is owned, leased, or
14 otherwise authorized for use by the individual;
- 15 (2) Is contracted by a transportation network company, to
16 transport a passenger between points chosen by the
17 passenger and prearranged through a transportation
18 network company; and
- 19 (3) Is logged onto the transportation network company's
20 digital network or software application service and
21 engaged in a prearranged ride.



1 "Transportation network company rider" or "rider" means an
2 individual or person who uses a transportation network company's
3 digital network to connect with a transportation network company
4 driver who provides prearranged rides to the rider in a
5 transportation network company vehicle between destination
6 points chosen by the rider.

7 "Transportation network company vehicle" or "vehicle" means
8 a personal vehicle that is used by a transportation network
9 company driver while connected to the digital network of a
10 transportation network company and providing a prearranged ride
11 to a passenger.

12 **§ -2 Director of transportation; authority.** The
13 director shall:

- 14 (1) Enforce this chapter and the rules relating to
15 transportation network companies and transportation
16 network drivers;
- 17 (2) Investigate the actions of any person or organization
18 acting in the capacity of a transportation network
19 company driver; and
- 20 (3) Have the right to inspect the records of a
21 transportation network company for the purpose of



1 verifying that the company is in compliance with the
2 requirements of this chapter.

3 § -3 **Transportation network company registration; fee;**

4 **fine.** (a) No person shall engage in business as a
5 transportation network company in the State without first
6 registering with the director of transportation, the application
7 for which shall be in a form to be determined by the director of
8 transportation, which shall include:

9 (1) The name of the company, in-state address, in-state
10 agent, phone number, and other contact information
11 required by the director;

12 (2) If the company is registered out-of-state, in addition
13 to the information required in paragraph (1), the
14 name, address, and out-of-state contact information
15 required by the director; and

16 (3) The general excise tax license number issued to the
17 company pursuant to chapter 237.

18 (b) The director shall issue a registration to each
19 applicant that satisfies the requirements established pursuant
20 to this section and pays a registration fee of \$.



1 (c) Any transportation network company operating in the
2 State without a valid registration shall be fined \$.

3 (d) Any transportation network company operating in the
4 State before the effective date of this chapter may continue
5 operating upon fulfilling the requirements of subsection (a)
6 (1), (2), and (3) and the payment of the initial registration
7 fee.

8 **§ -4 Unlawful operation; revocation or suspension of**
9 **registration; suits by persons injured.** The director may revoke
10 or suspend the registration of a transportation network company
11 upon determining that the company has:

- 12 (1) Engaged in unfair or deceptive business practices
13 prohibited by section 480-2;
- 14 (2) Engaged in any dishonest, fraudulent, or deceitful
15 act;
- 16 (3) Misrepresented any material fact in obtaining
17 registration; or
- 18 (4) Violated any of the provisions of this chapter.

19 (b) Any person who is injured by any unfair or deceptive
20 act or practice prohibited by section 480-2 or by any provision
21 of this chapter may bring proceedings to enjoin the unlawful



1 practices and shall be awarded reasonable attorney's fees
2 together with the costs of suit.

3 **§ -5 Transportation network company vehicles;**

4 **certification.** (a) No vehicle may be used by a transportation
5 network company unless the company has certified, for each
6 vehicle:

- 7 (1) The vehicle identification number;
- 8 (2) The registered owner's full legal name;
- 9 (3) Proof of registration for the motor vehicle in the
10 name of the driver;
- 11 (4) The license plate number and expiration date;
- 12 (5) Proof of current vehicle safety inspection and date of
13 the annual inspection for the motor vehicle; and
- 14 (5) Proof of insurance.

15 (b) A company shall ensure that the driver has renewed the
16 vehicle's annual registration and passed the annual safety
17 inspection. The company shall suspend a driver's access to its
18 digital network or software application service upon discovery
19 of a driver's failure to renew the vehicle's annual registration
20 or vehicle safety inspection. Access to its digital network or
21 software application service may be restored upon the driver's



1 submission of documents confirming the renewal of the vehicle's
2 annual registration and passing the annual safety inspection.

3 (c) No vehicle may be recertified unless all outstanding
4 penalties assessed against the driver operating the vehicle
5 being recertified are paid in full to the director.

6 (d) A transportation network company shall suspend the
7 private transportation driver's access to its digital network or
8 dispatch system upon discovery of a private transportation
9 driver's failure to timely renew the annual registration or pass
10 the annual motor vehicle safety inspection.

11 **§ -6 Identification of transportation network company**

12 **vehicles and drivers.** (a) The transportation network company's
13 digital network shall display a picture of the transportation
14 network company driver, the license plate number of the
15 transportation network company vehicle, proof of motor vehicle
16 insurance coverage, and any other information specified by the
17 director upon receipt of a request for a prearranged ride from a
18 potential rider and before the rider enters the vehicle.

19 (b) The transportation network company vehicle shall
20 display a company-issued sign or marking to identify it as a
21 transportation network company vehicle, which shall be:



- 1 (1) Large enough to be read at least fifty feet away from
- 2 the vehicle during daylight hours, and
- 3 (2) Reflective, illuminated, or otherwise visible in the
- 4 dark.

5 **§ -7 Security for protection of the public.** (a) No
 6 transportation network company shall engage in business as a
 7 transportation network company unless the company provides
 8 evidence of financial responsibility sufficient to cover
 9 transportation network drivers, while the drivers:

- 10 (1) Are logged onto the company's digital network or
- 11 software application service; and
- 12 (2) Are engaged in prearranged rides.
- 13 (b) The evidence of financial responsibility may include:
- 14 (1) An insurance policy that meets the requirements of
- 15 section 431:10C-703;
- 16 (2) Legal tender or other securities that is:
- 17 (A) In the form of a cashier's check, bank draft,
- 18 irrevocable letter of credit, certified check,
- 19 bond or other security determined to be
- 20 satisfactory by the director in the total amount
- 21 of \$; or



1 (B) Security held by and made payable to the
2 director, which shall not expire for a period of
3 two years after the termination of the
4 transportation network company registration; or

5 (3) Self-insurer's certification:

6 (A) A certificate of self-insurance issued by the
7 insurance commissioner if the commissioner is
8 satisfied that the company has the financial
9 ability to pay judgments as a self-insurer; or

10 (B) An affidavit filed with the director by a company
11 holding a certificate of self-insurance reciting
12 that its certificate of self-insurance remains in
13 full force and effect at the end of each calendar
14 year or at any other time specified by the
15 director.

16 § -8 Fare; dynamic pricing; disclosure, electronic

17 receipt. (a) Before a prearranged ride, the transportation
18 network company shall disclose the fare or estimated fare and
19 the methodology of calculating the fare to a potential rider
20 before the beginning of a prearranged ride.



1 (b) The transportation network company shall disclose to a
2 potential rider:

3 (1) When dynamic pricing is in effect because of an
4 emergency declaration of the governor, an emergency
5 declaration of the president of the United States, or
6 because of greater rider demand than driver
7 availability at the usual the fare; and

8 (2) When dynamic pricing is in effect, the fare or
9 estimated fare, and the methodology of calculating the
10 fare before the beginning of a prearranged ride.

11 (c) Following the completion of a prearranged ride, the
12 transportation network company shall transmit an electronic
13 receipt to the rider that shall include:

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

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

18 (3) The total fare paid.

19 **§ -9 Non-discrimination; accessibility.** (a) The
20 transportation network company shall adopt a policy of non-
21 discrimination on the basis of destination, race, color,



1 national origin, religious belief or affiliation, sex,
2 disability, age, sexual orientation, or gender identity with
3 respect to riders and potential riders and shall notify the
4 transportation network company drivers used by the company of
5 the policy.

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

12 (c) Transportation network company drivers shall comply
13 with all applicable laws to accommodate service animals.

14 For purposes of this subsection, "service animal" has the
15 same meaning as in section 347-2.5.

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

19 **§ -10 Records.** A transportation network company shall
20 maintain:



- 1 (1) Global positioning system records and electronic
2 records for each period during which a transportation
3 network company driver is logged onto the
4 transportation network company's digital network or
5 software application service or is engaged in a
6 prearranged ride for at least five years from the date
7 each prearranged ride was provided;
- 8 (2) Transportation network company driver records at least
9 until the five-year anniversary of the date on which a
10 transportation network company driver's activation on
11 the transportation network company digital network or
12 software application service has ended; and
- 13 (3) The records for a transportation network vehicle for
14 five years after the vehicle was last used to provide
15 a prearranged ride.
- 16 (b) Records maintained under this section shall be made
17 available not later than ten days after receipt of a written
18 request for the record for purposes of any accident
19 investigation or for resolving any other dispute related to a
20 transportation network company driver while the driver is logged
21 onto the transportation network company's digital network or



1 software application service or while the driver is engaged in a
2 prearranged ride.

3 § -11 Complaints; investigation and examination. (a)

4 Any person having reason to believe that this chapter or the
5 rules adopted pursuant thereto have been violated, or that the
6 registration of a transportation network company under this
7 chapter should be suspended or revoked, may file a written
8 complaint with the director setting forth the details of the
9 alleged violation or the grounds for suspension or revocation.

10 (b) The director is authorized to conduct investigations,
11 examinations, and hearings of any violations or complaints
12 arising from the operations of transportation network companies
13 or a specific complaint against a transportation network company
14 driver. The director may:

15 (1) Direct, subpoena, or order the attendance of, and
16 examine under oath, all persons whose testimony may be
17 required about the operations of a transportation
18 network company or complaint against a driver;

19 (2) Direct, subpoena, or order the production of books,
20 accounts, files, and other documents the director
21 deems relevant to the inquiry;



1 (3) Interview the officers, directors, employees, drivers,
2 independent contractors, agents, and customers of the
3 company subject to this chapter; and

4 (4) Hold hearings.

5 (c) To carry out the purposes of this section, the
6 director may:

7 (1) Retain attorneys, accountants, or other professionals
8 and specialists, who may be exempt from chapter 76, as
9 examiners, auditors, or investigators to conduct or
10 assist in the conduct of examinations or
11 investigations; and

12 (2) Use, hire, contract, or employ public or privately
13 available analytical systems, methods, or software to
14 examine or investigate the company or person subject
15 to this chapter.

16 (d) The director may charge an examination or
17 investigation fee, as established by rule, based upon the cost
18 per hour per examiner for all transportation network companies
19 and persons subject to this chapter who are examined or
20 investigated by the director.



1 (e) Unless otherwise provided by chapter 92F, the
2 government records of any investigation or examination arising
3 from a complaint of a violation of this chapter shall be made
4 public only after a hearing.

5 **PART II. TRANSPORTATION NETWORK COMPANY DRIVERS**

6 **§ -12 Transportation network company driver**

7 **requirements; prohibitions.** (a) An applicant to become a
8 transportation network company driver shall submit an
9 application to the transportation network company, which shall
10 include:

- 11 (1) The applicant's name and address;
- 12 (2) A copy of the applicant's valid driver's license;
- 13 (3) A copy of the registration of the personal vehicle to
14 be used by the applicant to provide transportation to
15 a passenger;
- 16 (4) A copy of the motor vehicle insurance identification
17 card for the personal vehicle to be used by the
18 applicant;
- 19 (5) A copy of the applicant's general excise tax license;
- 20 (6) The applicant's certified abstract from the traffic
21 violations bureau; and



1 (7) A certificate from a physician, selected by the
2 applicant who attests that the applicant is free of
3 any known medical condition that would put a passenger
4 at risk.

5 (b) The transportation network company shall not permit a
6 person to act as a transportation network company driver on its
7 digital network who:

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

- 11 (A) Attempting to evade police;
- 12 (B) Reckless driving;
- 13 (C) Driving on a suspended or revoked license; or
- 14 (D) Driving under the influence of an intoxicant,
15 including drugs or alcohol;

16 (2) Within the past seven years has been:

- 17 (A) Convicted of any felony; or
- 18 (B) Convicted of any misdemeanor relating to driving
19 or to violent or sexual offenses;

20 (3) Is registered on the national sex offender registry or
21 any state sex offender registry;



- 1 (4) Does not possess a valid driver's license;
- 2 (5) Does not possess proof of registration for the motor
- 3 vehicle or vehicles used to provide prearranged rides;
- 4 (6) Does not possess proof of motor vehicle insurance for
- 5 the motor vehicle or vehicles used to provide
- 6 prearranged rides; or
- 7 (7) Is not at least nineteen years of age.

8 **§ -13 Transportation network driver; insurance.** (a) A
9 transportation network driver shall maintain a motor vehicle
10 insurance policy on the personal vehicle used by a
11 transportation network company driver to provide prearranged
12 rides that meets the minimum coverage required by section
13 431:10C-703.

14 (b) A transportation network company shall provide each
15 driver with a motor vehicle insurance identification card or
16 other proof of coverage at all times during the transportation
17 network company driver's use of a personal vehicle in connection
18 with a transportation network company's digital network or
19 software application service. If an accident occurs involving a
20 transportation network company driver, the transportation
21 network company driver shall provide this proof of insurance



1 coverage information to the directly interested parties, motor
2 vehicle insurers, and investigating police officers. The driver
3 shall also disclose to directly interested parties, motor
4 vehicle insurers, and investigating police officers whether the
5 transportation network company driver was logged on to the
6 transportation network company's digital network or software
7 application service or engaged in a prearranged ride at the time
8 of the accident.

9 **§ -14 Criminal history record check.** (a) The
10 transportation network company shall conduct a criminal history
11 background check of each applicant to be a transportation
12 network company driver that shall include criminal history
13 record checks in accordance with section 846-2.7. The fee
14 charged by the Hawaii criminal justice data center to perform a
15 criminal history record check may be passed on to the applicant.

16 (b) The State, the Hawaii criminal justice data center,
17 and their respective officers and employees, shall be immune
18 from civil liability for any official act, decision, or omission
19 performed pursuant to this section that is not the result of
20 gross negligence or willful misconduct. The State, the Hawaii
21 criminal justice data center, and their respective officers and



1 employees shall be immune from civil liability for any act,
2 decision, omission to act or decide, or use of the information
3 by any transportation network company who receives information
4 pursuant to this section."

5 SECTION 3. Section 431:10C-701, Hawaii Revised Statutes,
6 is amended to read as follows:

7 "[+]§431:10C-701[+] **Definitions.** As used in this part:

8 "Personal vehicle" means a vehicle [~~that is:~~

9 ~~(1) Used] used by a transportation network company driver
10 to provide a prearranged ride[+~~

11 ~~(2) Owned, leased, or otherwise authorized for use by the
12 transportation network company driver; and~~

13 ~~(3) Not a taxicab, limousine, or other for hire vehicle.],~~
14 as defined in section -1.

15 "Prearranged ride" means the provision of transportation
16 [~~by a transportation network company driver to a passenger,~~
17 ~~beginning when a transportation network company driver accepts a~~
18 ~~passenger's request for a ride through a digital network or~~
19 ~~software application service controlled by a transportation~~
20 ~~network company, continuing while the transportation network~~
21 ~~company driver transports the requesting passenger, and ending~~



1 ~~when the requesting passenger, or the last passenger from the~~
2 ~~requesting passenger's party, departs from the personal vehicle.~~
3 ~~A prearranged ride shall not include transportation provided~~
4 ~~through a ridesharing arrangement, as defined in section 279C 1,~~
5 ~~use of a taxicab, limousine, or other for hire vehicle; or a~~
6 ~~regional transportation provider.] as defined in section -1.~~

7 "Transportation network company" means an entity [~~that uses~~
8 ~~a digital network or software application service to connect~~
9 ~~passengers to transportation network company drivers; provided~~
10 ~~that the entity:~~

- 11 ~~(1) Does not own, control, operate, or manage the personal~~
12 ~~vehicles used by transportation network company~~
13 ~~drivers; and~~
14 ~~(2) Is not a taxicab association or a for hire vehicle~~
15 ~~owner.] as defined in section -1.~~

16 "Transportation network company driver" or "driver" means
17 [~~an individual who operates a personal vehicle used to transport~~
18 ~~a passenger between points chosen by the passenger and~~
19 ~~prearranged through a transportation network company and that~~
20 ~~is:~~



- 1 ~~(1) Owned, leased, or otherwise authorized for use by the~~
- 2 ~~individual,~~
- 3 ~~(2) Not a taxicab or for hire vehicle; and~~
- 4 ~~(3) Used to provide prearranged rides to passengers.]~~

5 a transportation network company or company as defined in
 6 section -1."

7 SECTION 4. Section 846-2.7, Hawaii Revised Statutes, is
 8 amended by amending subsection (b) to read as follows:

9 "(b) Criminal history record checks may be conducted by:

- 10 (1) The department of health or its designee on operators
- 11 of adult foster homes for individuals with
- 12 developmental disabilities or developmental
- 13 disabilities domiciliary homes and their employees, as
- 14 provided by section 321-15.2;
- 15 (2) The department of health or its designee on
- 16 prospective employees, persons seeking to serve as
- 17 providers, or subcontractors in positions that place
- 18 them in direct contact with clients when providing
- 19 non-witnessed direct mental health or health care
- 20 services as provided by section 321-171.5;



- 1 (3) The department of health or its designee on all
2 applicants for licensure or certification for,
3 operators for, prospective employees, adult
4 volunteers, and all adults, except adults in care, at
5 healthcare facilities as defined in section 321-15.2;
- 6 (4) The department of education on employees, prospective
7 employees, and teacher trainees in any public school
8 in positions that necessitate close proximity to
9 children as provided by section 302A-601.5;
- 10 (5) The counties on employees and prospective employees
11 who may be in positions that place them in close
12 proximity to children in recreation or child care
13 programs and services;
- 14 (6) The county liquor commissions on applicants for liquor
15 licenses as provided by section 281-53.5;
- 16 (7) The county liquor commissions on employees and
17 prospective employees involved in liquor
18 administration, law enforcement, and liquor control
19 investigations;
- 20 (8) The department of human services on operators and
21 employees of child caring institutions, child placing



1 organizations, and foster boarding homes as provided
2 by section 346-17;

3 (9) The department of human services on prospective
4 adoptive parents as established under section
5 346-19.7;

6 (10) The department of human services or its designee on
7 applicants to operate child care facilities, household
8 members of the applicant, prospective employees of the
9 applicant, and new employees and household members of
10 the provider after registration or licensure as
11 provided by section 346-154, and persons subject to
12 section 346-152.5;

13 (11) The department of human services on persons exempt
14 pursuant to section 346-152 to be eligible to provide
15 child care and receive child care subsidies as
16 provided by section 346-152.5;

17 (12) The department of health on operators and employees of
18 home and community-based case management agencies and
19 operators and other adults, except for adults in care,
20 residing in community care foster family homes as
21 provided by section 321-15.2;



1 (13) The department of human services on staff members of
2 the Hawaii youth correctional facility as provided by
3 section 352-5.5;

4 (14) The department of human services on employees,
5 prospective employees, and volunteers of contracted
6 providers and subcontractors in positions that place
7 them in close proximity to youth when providing
8 services on behalf of the office or the Hawaii youth
9 correctional facility as provided by section 352D-4.3;

10 (15) The judiciary on employees and applicants at detention
11 and shelter facilities as provided by section 571-34;

12 (16) The department of public safety on employees and
13 prospective employees who are directly involved with
14 the treatment and care of persons committed to a
15 correctional facility or who possess police powers
16 including the power of arrest as provided by section
17 353C-5;

18 (17) The board of private detectives and guards on
19 applicants for private detective or private guard
20 licensure as provided by section 463-9;



- 1 (18) Private schools and designated organizations on
2 employees and prospective employees who may be in
3 positions that necessitate close proximity to
4 children; provided that private schools and designated
5 organizations receive only indications of the states
6 from which the national criminal history record
7 information was provided pursuant to section 302C-1;
- 8 (19) The public library system on employees and prospective
9 employees whose positions place them in close
10 proximity to children as provided by section
11 302A-601.5;
- 12 (20) The State or any of its branches, political
13 subdivisions, or agencies on applicants and employees
14 holding a position that has the same type of contact
15 with children, vulnerable adults, or persons committed
16 to a correctional facility as other public employees
17 who hold positions that are authorized by law to
18 require criminal history record checks as a condition
19 of employment as provided by section 78-2.7;
- 20 (21) The department of health on licensed adult day care
21 center operators, employees, new employees,



- 1 subcontracted service providers and their employees,
2 and adult volunteers as provided by section 321-15.2;
- 3 (22) The department of human services on purchase of
4 service contracted and subcontracted service providers
5 and their employees serving clients of the adult
6 protective and community services branch, as provided
7 by section 346-97;
- 8 (23) The department of human services on foster grandparent
9 program, senior companion program, and respite
10 companion program participants as provided by section
11 346-97;
- 12 (24) The department of human services on contracted and
13 subcontracted service providers and their current and
14 prospective employees that provide home and community-
15 based services under section 1915(c) of the Social
16 Security Act, title 42 United States Code section
17 1396n(c), or under any other applicable section or
18 sections of the Social Security Act for the purposes
19 of providing home and community-based services, as
20 provided by section 346-97;



- 1 (25) The department of commerce and consumer affairs on
2 proposed directors and executive officers of a bank,
3 savings bank, savings and loan association, trust
4 company, and depository financial services loan
5 company as provided by section 412:3-201;
- 6 (26) The department of commerce and consumer affairs on
7 proposed directors and executive officers of a
8 nondepository financial services loan company as
9 provided by section 412:3-301;
- 10 (27) The department of commerce and consumer affairs on the
11 original chartering applicants and proposed executive
12 officers of a credit union as provided by section
13 412:10-103;
- 14 (28) The department of commerce and consumer affairs on:
- 15 (A) Each principal of every non-corporate applicant
16 for a money transmitter license;
- 17 (B) Each person who upon approval of an application
18 by a corporate applicant for a money transmitter
19 license will be a principal of the licensee; and
- 20 (C) Each person who upon approval of an application
21 requesting approval of a proposed change in



1 control of licensee will be a principal of the
2 licensee,

3 as provided by sections 489D-9 and 489D-15;

4 (29) The department of commerce and consumer affairs on
5 applicants for licensure and persons licensed under
6 title 24;

7 (30) The Hawaii health systems corporation on:

8 (A) Employees;

9 (B) Applicants seeking employment;

10 (C) Current or prospective members of the corporation
11 board or regional system board; or

12 (D) Current or prospective volunteers, providers, or
13 contractors,

14 in any of the corporation's health facilities as
15 provided by section 323F-5.5;

16 (31) The department of commerce and consumer affairs on:

17 (A) An applicant for a mortgage loan originator
18 license, or license renewal; and

19 (B) Each control person, executive officer, director,
20 general partner, and managing member of an



1 applicant for a mortgage loan originator company
2 license or license renewal,
3 as provided by chapter 454F;

4 (32) The state public charter school commission or public
5 charter schools on employees, teacher trainees,
6 prospective employees, and prospective teacher
7 trainees in any public charter school for any position
8 that places them in close proximity to children, as
9 provided in section 302D-33;

10 (33) The counties on prospective employees who work with
11 children, vulnerable adults, or senior citizens in
12 community-based programs;

13 (34) The counties on prospective employees for fire
14 department positions which involve contact with
15 children or vulnerable adults;

16 (35) The counties on prospective employees for emergency
17 medical services positions which involve contact with
18 children or vulnerable adults;

19 (36) The counties on prospective employees for emergency
20 management positions and community volunteers whose
21 responsibilities involve planning and executing



- 1 homeland security measures including viewing,
2 handling, and engaging in law enforcement or
3 classified meetings and assisting vulnerable citizens
4 during emergencies or crises;
- 5 (37) The State and counties on employees, prospective
6 employees, volunteers, and contractors whose position
7 responsibilities require unescorted access to secured
8 areas and equipment related to a traffic management
9 center;
- 10 (38) The State and counties on employees and prospective
11 employees whose positions involve the handling or use
12 of firearms for other than law enforcement purposes;
- 13 (39) The State and counties on current and prospective
14 systems analysts and others involved in an agency's
15 information technology operation whose position
16 responsibilities provide them with access to
17 proprietary, confidential, or sensitive information;
- 18 (40) The department of commerce and consumer affairs on:
19 (A) Applicants for real estate appraiser licensure or
20 certification as provided by chapter 466K;



1 (B) Each person who owns more than ten per cent of an
2 appraisal management company who is applying for
3 registration as an appraisal management company,
4 as provided by section 466L-7; and

5 (C) Each of the controlling persons of an applicant
6 for registration as an appraisal management
7 company, as provided by section 466L-7;

8 (41) The department of health or its designee on all
9 license applicants, licensees, employees, contractors,
10 and prospective employees of medical cannabis
11 dispensaries, and individuals permitted to enter and
12 remain in medical cannabis dispensary facilities as
13 provided under sections 329D-15(a)(4) and
14 329D-16(a)(3);

15 (42) The department of commerce and consumer affairs on
16 applicants for nurse licensure or license renewal,
17 reactivation, or restoration as provided by sections
18 457-7, 457-8, 457-8.5, and 457-9;

19 (43) The county police departments on applicants for
20 permits to acquire firearms pursuant to section 134-2



1 and on individuals registering their firearms pursuant
2 to section 134-3;

3 (44) The department of commerce and consumer affairs on:

4 (A) Each of the controlling persons of the applicant
5 for licensure as an escrow depository, and each
6 of the officers, directors, and principals who
7 will be in charge of the escrow depository's
8 activities upon licensure; and

9 (B) Each of the controlling persons of an applicant
10 for proposed change in control of an escrow
11 depository licensee, and each of the officers,
12 directors, and principals who will be in charge
13 of the licensee's activities upon approval of
14 such application,

15 as provided by chapter 449;

16 (45) The department of taxation on current or prospective
17 employees or contractors who have access to federal
18 tax information in order to comply with requirements
19 of federal law, regulation, or procedure, as provided
20 by section 231-1.6;



1 (46) The department of labor and industrial relations on
2 current or prospective employees or contractors who
3 have access to federal tax information in order to
4 comply with requirements of federal law, regulation,
5 or procedure, as provided by section 383-110;

6 (47) The department of human services on current or
7 prospective employees or contractors who have access
8 to federal tax information in order to comply with
9 requirements of federal law, regulation, or procedure,
10 as provided by section 346-2.5;

11 (48) The child support enforcement agency on current or
12 prospective employees, or contractors who have access
13 to federal tax information in order to comply with
14 federal law, regulation, or procedure, as provided by
15 section 576D-11.5; ~~and~~

16 (49) Transportation network companies on applicants for
17 positions as transportation network company drivers;
18 and

19 ~~[(49)]~~ (50) Any other organization, entity, or the State, its
20 branches, political subdivisions, or agencies as may
21 be authorized by state law."



1 SECTION 5. Section 431:10C-704, Hawaii Revised Statutes,
2 is repealed.

3 [~~"§431:10C-704~~] ~~Records.~~ (a) ~~A transportation network~~
4 ~~company shall maintain:~~

5 ~~(1) Global positioning system records and electronic~~
6 ~~records for each period while a transportation network~~
7 ~~company driver is logged onto the transportation~~
8 ~~network company's digital network or software~~
9 ~~application service or is engaged in a prearranged~~
10 ~~ride for at least five years from the date each~~
11 ~~prearranged ride was provided; and~~

12 ~~(2) Transportation network company driver records at least~~
13 ~~until the five-year anniversary of the date on which a~~
14 ~~transportation network company driver's activation on~~
15 ~~the transportation network company digital network or~~
16 ~~software application service has ended.~~

17 ~~(b) Records maintained under this section shall be made~~
18 ~~readily available for purposes of an accident investigation~~
19 ~~pursuant to section 431:10C-703(k) or resolving any other~~
20 ~~dispute related to transportation network company drivers while~~
21 ~~they are logged onto the transportation network company's~~




1 ~~digital network or software application service or while they~~
2 ~~are engaged in a prearranged ride, no later than ten days after~~
3 ~~receipt of a written request for such record."]~~

4 SECTION 6. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 7. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 8. This Act shall take effect on January 1, 2021.

10

INTRODUCED BY: 

JAN 22 2020



H.B. NO. 2463

Report Title:

Transportation Network Companies; DOT; Registration

Description:

Requires transportation network companies to be registered with the Director of Transportation. Establishes requirements for transportation network company drivers.

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

