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# A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that Act 57, Session Laws  
2 of Hawaii 2022 established a statewide regulation of  
3 transportation network companies to provide operational  
4 consistency across the State and a permitting process within the  
5 department of transportation.

6       The legislature further finds that transportation network  
7 companies are required to adopt a policy of non-discrimination  
8 on the basis of destination, race, color, ancestry, national  
9 origin, religious belief or affiliation, sex, disability, age,  
10 sexual orientation, or gender identity or expression with  
11 respect to riders and potential riders and notify the  
12 transportation network company drivers of the policy.

13       The legislature additionally finds that transportation  
14 network company drivers are required to comply with all  
15 applicable laws to accommodate service animals. Despite these  
16 requirements, there have been many reports of passengers being



1 denied service by drivers due to being accompanied by a service  
2 animal.

3 Accordingly, the purpose of this Act is to require the  
4 civil rights commission to receive and investigate complaints  
5 related to acts of discrimination committed by transportation  
6 network company drivers and report its findings to the  
7 department of transportation, which shall issue penalties to  
8 transportation network companies.

9 SECTION 2. Chapter 279J, Hawaii Revised Statutes, is  
10 amended by adding a new section to be appropriately designated  
11 and to read as follows:

12 **"§279J- Complaint against unfair discrimination;**  
13 **service animals; civil rights commission.** (a) The civil rights  
14 commission shall receive complaints of unfair discriminatory  
15 treatment of riders by transportation network company drivers in  
16 violation of section 279J-10(c) in accordance with the  
17 procedures established under chapter 368.

18 (b) The civil rights commission shall complete their  
19 investigation and respond to the complaint within days  
20 after receiving a complaint."



1       SECTION 3. Section 279J-10, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       "~~{}~~§279J-10~~{}~~ **Non-discrimination; accessibility.** (a)

4 The transportation network company shall adopt a policy of  
5 non-discrimination on the basis of destination, race, color,  
6 ancestry, national origin, religious belief or affiliation, sex,  
7 disability, age, sexual orientation, or gender identity or  
8 expression with respect to riders and potential riders and shall  
9 notify transportation network company drivers of the policy.

10 The transportation network company shall be accountable for and  
11 ensure compliance with this section.

12       (b) In addition to any policy established pursuant to  
13 subsection (a), transportation network company drivers shall  
14 comply with all applicable laws regarding non-discrimination  
15 against riders or potential riders on the basis of destination,  
16 race, color, ancestry, national origin, religious belief or  
17 affiliation, sex, disability, age, sexual orientation, or gender  
18 identity or expression.

19       (c) Transportation network company drivers shall comply  
20 with all applicable laws to accommodate service animals. For



1 purposes of this subsection, "service animal" has the same  
2 meaning as ~~[defined]~~ in section 347-2.5.

3 (d) A transportation network company shall not impose  
4 additional charges for providing services to persons with  
5 physical disabilities.

6 (e) Notwithstanding section 279J-11, when the civil rights  
7 commission, pursuant to section 279J- , has found that a  
8 transportation network company driver has violated subsection  
9 (c), the civil rights commission shall report the results of its  
10 investigation of the complaint to the department, which shall  
11 issue penalties to the transportation network company as  
12 follows:

13 (1) For each violation, a fine of \$5,000;  
14 (2) For three violations within a period of twelve  
15 consecutive months, a warning that the transportation  
16 network company's permit is at risk of suspension; and  
17 (3) For ten or more cumulative violations, suspension of a  
18 transportation network company's permit for a period  
19 of no less than twelve consecutive months.

20 The department shall make the penalties established pursuant to  
21 this section publicly available on the department's website."



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

4       SECTION 5. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6       SECTION 6. This Act shall take effect on July 1, 3000.



**Report Title:**

Transportation Network Companies; Civil Rights Commission;  
Discrimination; Service Animals; Violations; Penalties; Fines

**Description:**

Requires the Civil Rights Commission to receive and investigate complaints related to acts of discrimination committed by transportation network company drivers against riders with service animals and report the results of its investigation to the Department of Transportation, which shall issue penalties to transportation network companies. Effective 7/1/3000. (HD1)

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

