

# REQUEST FOR LEGAL SERVICES

**RECEIVED**

By Corporation Counsel at 10:30 am, Oct 25, 2024

**Date:** October 25, 2024  
**From:** Yuki Lei K. Sugimura, Chair  
Budget, Finance, and Economic Development Committee


TRANSMITTAL  
**Memo to:**

**DEPARTMENT OF THE CORPORATION COUNSEL**  
**Attention: Kristina C. Toshikiyo, Esq.**

**Subject: BILL 141 (2024), AMENDING CHAPTER 5.16, MAUI COUNTY CODE, RELATING TO TAXICABS** (BFED-106)

**Background Data:** Please see revised bill. Please submit your response to bfed.committee@mauicounty.us with a reference to BFED-106.

**Work Requested:**  FOR APPROVAL AS TO FORM AND LEGALITY  
 OTHER:

Requestor's signature  Yuki Lei K. Sugimura, Chair	Contact Person <u>James Krueger or Carla Nakata</u> (Telephone Extension: <u>7761 or 5519, respectively</u> )
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ROUTINE (WITHIN 15 WORKING DAYS)       RUSH (WITHIN 5 WORKING DAYS)  
 PRIORITY (WITHIN 10 WORKING DAYS)       URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): November 6, 2024  
REASON: Posting for the November 15, 2024, Council Meeting

### FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: <u>KCT</u>	ASSIGNMENT NO. <u>2023-0087</u>	BY: <u>maa</u>
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TO REQUESTOR:  APPROVED  DISAPPROVED  OTHER (SEE COMMENTS BELOW)  
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE):  
Please see the attached revised bill, with revisions to subsection D consistent with BFED committee action and discussion.

DEPARTMENT OF THE CORPORATION COUNSEL

Date 11/7/24

By  (Rev. 7/03)

bfed:ltr:106acc01:jgk

Attachment

ORDINANCE NO. \_\_\_\_\_

BILL NO. 141, CD1 (2024)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 5.16,  
MAUI COUNTY CODE, RELATING TO TAXICABS

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Section 5.16.080, Maui County Code, is amended to read as follows:

**“5.16.080 Rates of fare and baggage charge.** A. No driver, owner, licensee, or operator of a taxicab while operating the same within the County ~~[shall]~~ will charge, cause to be charged, demand, collect, or receive a fare other than as provided in this section. No driver, owner, licensee, or operator of a taxicab ~~[shall]~~ will use or cause to be used for purposes of hire, a taxicab installed with a taximeter not reflecting the current rates, as provided in this section.

B. Initial meter actuation ~~[shall]~~ must equal ~~[\$3.50]~~ \$5 and ~~[shall]~~ will entitle a passenger to ~~[one-tenth]~~ one-eighth of a mile or less, or ~~[one minute]~~ 45 seconds waiting time or less; thereafter, for each additional ~~[one-tenth]~~ one-eighth of a mile or fraction thereof, ~~[thirty]~~ 50 cents; and for each additional ~~[one-minute]~~ 45 seconds of waiting time or fraction thereof, ~~[thirty]~~ 50 cents. Nothing contained in this subsection ~~[shall]~~ may be construed to permit charging mileage or waiting time rates of fare which are different.

C. Whenever, ~~[pursuant to]~~ by a request, it is necessary for a taxicab driver to pick up a passenger, the distance traveled to the point of pickup ~~[shall]~~ must not be added to the distance over which ~~[such]~~ the passenger is actually transported when computing the total amount of fare which may be charged under this section, nor ~~[shall]~~ will the distance a taxicab must travel in order to return after discharging a passenger be included in the mileage for which any fare may be charged.

D. For each piece of equipment or baggage, other than ~~[wheelchairs,]~~ large pet crates, bicycles, and surfboards, handled by the driver in loading, unloading, or both, a charge of ~~[thirty]~~ 50 cents may be ~~[made]~~ added per trip. For each motorized wheelchair unaccompanied by its user, large pet crate, surfboard, or bicycle transported, a charge of ~~[\$3]~~ \$10 may be ~~[made.]~~ added. Motorized

and non-motorized wheelchairs will be transported at no charge when accompanied by their users.

E. An airport pick-up fee of \$5 may be added to the fare.

F. Notwithstanding subsection (B), a flat rate of \$20 will be charged when the distance traveled is three miles or less.

G. Passengers not traveling together but agreeing to share the taxicab to the same destination or along the same route, will each pay the metered rate and receive a 20 percent discount to the fare.”

SECTION 2. Section 5.16.120, Maui County Code, is amended to read as follows:

**“5.16.120 Special operation. [A. Additional Passengers.]**

**[1.] Additional passengers [shall] must not be picked up [with-out] without the consent of the original (first) passenger. The taxicab [dispatcher] driver may inquire of the original (first) [passengers] passenger if the passenger would be willing to share the [taxi on a pro rata basis.] taxicab at the discounted rate in accordance with subsection 5.16.080(G). The [dispatcher shall] taxicab driver must fully explain the [pro rata share] discounted rate arrangement to all passengers prior to the [taxi’s] taxicab’s departure.**

**[2.] The taximeter [shall] must be continuously running in its employed position until the final destination is reached[; provided, that each passenger shall pay his pro rata share of the fare as shown on the taximeter when his destination is reached].**

**[B. Personal Use. Whenever a taxicab equipped with a taximeter is in personal use of the driver and not for hire, the “special” sign shall be affixed to the taximeter.**

**C. The director shall prescribe the size and specification of the metal sign and the same shall be furnished by the director at cost.]”**

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:



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KRISTINA C. TOSHIKIYO  
Department of the Corporation Counsel  
County of Maui

bfed:misc:106abill01:cmn

## BFED Committee

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**From:** Kristina Toshikiyo <Kristina.C.Toshikiyo@co.maui.hi.us>  
**Sent:** Thursday, November 7, 2024 10:00 AM  
**To:** BFED Committee  
**Cc:** Alice Hale; Carla M. Nakata; James G. Krueger  
**Subject:** Transmitting BFED-106 Bill 141, CD1 Amd Ch. 5.16 Taxicabs  
**Attachments:** BFED-106 2024-11-07 RAFL Closing Bill 141 CD1 Amd Ch. 5.16 Taxicabs.pdf

Hi,

Please see the attached revised and approved bill.

Thank you!

Kristina

\*\*\*Department of the Corporation Counsel emails may contain attorney-client privilege information and should not be forwarded without approval.

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