

Honolulu Hale
Honolulu, Hawaii
City Council
Bill 36 Relating to Private Transportation Services and Drivers

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~~2016 APR 22 AM 7:42~~

2016 May 2

Dale Krupa
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Honolulu, HI 96815
Tel: 808-561-3657
April 30, 2016

Aloha distinguished Chair and Council members,

My name is Dale Krupa, I have driven a Taxi in Honolulu since 1992 under contract with "The Cab". I oppose bill 36. And, any new bills regulating so called TNC's.

In my opinion as in other testimonies I have submitted is that TNC's are Taxis and Taxi Companies as defined in Chapter 12 Honolulu Taxi Rules and Regulations Article 1, section 12.1.1

"Taxicab" means a vehicle, 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 operated 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 or operated 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 certificate.

I have not heard any comments why Uber and Lyft do not fall into this. The Director of Customer Services said technically they do not fit this but did not say why.

In my opinion, this dispute between Traditional legal Taxis and the so called TNC's belongs in court for a Judge to decide if TNC's fit into the definitions in Chapter 12.

City Council claims they are so concerned about public safety. Then tell the TNC's to cease and desist. Let them go to court and have a Judge decide if they are Taxis or something new. Then, if they win City Council can pass new rules for them. I think City Council is using a cowardly approach to their regulation. Last meeting TNC's said they had 3000 drivers, this time they said 4000. Who are they? What are their names? License plate numbers? Etc. If TNC's can't provide you with this info then don't let them operate until a Judge decides what they are. If you told them to cease and desist a year ago this alleged rape of a 16 year old would have not happened. That 16 year old is going to sue the City for allowing Uber to operate illegally and win.

Bill 36 has many issues, I know this is just a start but for example:

The "Transportation Network Company" definition in Bill 36 also fits current Taxi Companies business model. "The Cab" "Eco Cab" Charley's" use a digital network to connect to their riders. The Cab has a T-Mobile sim card stuck in their drivers onboard in car computers that connect to cell towers and to riders for dispatching or "connecting" as your poor choice of language calls it. In fact that is what you're doing. Bill 36 uses synonyms for the same language in Chapter 12 Taxicab rules. That is why a Judge should read the definitions in the current Chapter 12 and make a ruling.

I think the sticker on the window is a poor choice to identify TNC's The Police need to see it on the front and rear of the car, just like Taxis. Stickers on windows may be illegal. State Law.

Also, allowing drivers to simply turn in a certified document of a background check is reckless. Fraudulent documents can be made. I think it is mandatory that the City does the background check and is issued the results directly from the agency providing this.

The requirement of turning in a Hawaii State Excise License number I think is not in your jurisdiction. The State of Hawaii Tax Collector handles this. In is unclear who should hold the Excise license anyway. The TNC driver or the TNC Company? When an TNC passenger makes a payment it is not to their driver it is to Uber in San Francisco and then a week later Uber transfers the funds to the drivers bank account minus their commission. So, since Excise Tax is on gross receipts Uber Company should be adding on the 4.5% to their passengers fare. That is why this is something the State of Hawaii Tax Collector has to get after them about and not City Council.

Bill 36 does not mention issuing a owner of a TNC vehicle a business license, this is obviously mandatory. The way to do it is the way you regulate Taxis. The business license is issued for one year June 30 to June 30 the following year and when it is renewed the TNC vehicle owner must show insurance policy issued from June 30 to June 30 next year, other documents like Safety Check, registration, etc. Having insurance issued for a different time period other than a one year June 30 to June 30 contract is not in the interest of public safety.

This term "private vehicle" "private transportation" driver is something new and may have legal challenges. When an Uber driver logs on to their app and is for hire how is that a private vehicle? Especially when it will have a decal on it somewhere with a control number and company name.

Originally when Uber started five years ago or so it was a "ride sharing" company. For example, someone who lived in Oakland, Calif. went to work everyday to San Francisco's Fisherman's wharf so, he logged onto his app and would pick up sometimes someone very near to him who was going to Fisherman's wharf also, like going my way buddy or hitch hiking. Later their Uber drivers changed the business model to traditional Taxi service to where they sought out passengers from everywhere and went where their passengers directed them to.

I looked into the history of Taxicabs. The first ones appeared in London and Paris in the 1600's and were horse drawn, later cars came, then meters, then radio dispatched, now internet cell tower, app, dispatched or connected as you like to call it. During the four hundred history they always remained Taxis. The radio-dispatching was a bigger breakthrough than connecting through an app. But they still remained Taxis.

Also, having a meter inspected by the State's Bureau of weights and measures is an old system. But, isn't that the way it should be? A scale at a supermarket checkout stand is inspected by them also. So is the gas pump. Didn't you notice that sticker on the pump by the State Weights and Measures.

But overall I encourage a Judge to make a ruling as to the current Taxi Cab Rules and regulations Chapter 12 definitions of "taxicab" "taxi company" "taxi driver" When that happens then I won't complain anymore and you can write new rules for them if they win.

But, until then I think you should inform Uber Technologies at this meeting to tell their drivers to cease and desist or face being cited by H.P.D. Or Customer Service's agents.

In fact I think you should invite a H.P.D. representative to City Council to give their input. They will be enforcing things.

Sincerely, Dale Krupa

April 30, 2016

Speaker Registration/Testimony

All fields marked "*" are required and must be completed in order for this form to be valid.
Note: Registrations are not accepted prior to the agendas being posted.

Name(*) Dale Krupa
Phone (*) 808-561-3657
Email (*) cab580@operamail.com
Meeting Date (*) 2016-05-04
Council/PH Committee (*) Council
Agenda Item (*) BILL 36
Your position on the matter (*) Oppose
Representing (*) Self

Organization

Do you wish to speak at the hearing? (*) No

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Written Testimony

Aloha, regarding bill 36, background checks for TNC's. Us Taxi driver's within a month after the 09/11/2001 attacks were and still are required to show a social security card in person for every renewal and new application for a certificate. TNC's should also. This is to prove who you are in addition to a driver's license. Also, next meeting I think you should demand Uber to supply you with a list of all their 4000 drivers within a week. Name, address, photo, S.S. number, D.L. number, license plate number. If they are so high-tech this is easy for them. If they refuse then tell them cease and desist operations. I think they may be pulling your leg as to how many drivers they have to make you think the Director of Public Safety can't handle the large amount of drivers and will let Uber handle the background check themselves. Also, when Uber adds more drivers you won't know it unless they tell you. Mahalo, Dale A. Krupa

Testimony Attachment

Accept Terms and Conditions (*) 1

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Name(*) Dale Krupa
Phone (*) 808-561-3657
Email (*) cab580@operamail.com
Meeting Date (*) 2016-05-04
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Agenda Item (*) bill 36
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Organization

Do you wish to speak at the hearing? (*) No

Written Testimony

Aloha, Can a City Council member please ask Uber Tech. Co. If they have a Hawaii business license and also a Hawaii General Excise License? And to show them to Council. We know they operate unregulated but are they following any Hawaii laws? Mahalo, Sincerely, Dale Krupa

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