



A BILL FOR AN ORDINANCE

RELATING TO TAXICAB COMPANIES AND DRIVERS, AND PRIVATE TRANSPORTATION SERVICES COMPANIES AND DRIVERS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of the Bill is to amend certain provisions under Article 12, Revised Ordinances of Honolulu 1990, as amended, and Ordinance 16-25 to further the purpose of ensuring the health and well-being of passengers and that the drivers operate in a safe manner and accord consistency with the provisions governing private transportation services companies and drivers.

SECTION 2. Section 12-1.1, Revised Ordinances of Honolulu 1990 ("Purpose – Scope -Definitions"), is amended by amending the definition of "taxicab," "taxicab company," and "taxicab driver" in subsection (b) to read as follows:

"Taxicab" means a vehicle that is manufactured to carry no more than eight (8) passengers, (excluding the driver), operated by a taxicab driver, which is (1) used in the movement of passengers for hire on the public highways, [and which is] (2) directed to a destination by the passenger for hire or on the passenger's behalf, [and which] (3) operates on call or demand, and (4) is not a prearranged ride as defined by Section 12-1.1.

"Taxicab company" means a person or business entity which holds license(s) for one or more taxicabs, and rents or leases [motor vehicles] taxicabs to certified taxicab drivers to be used or operated as taxicabs, or which operates as 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 from the department or has been certified by a taxicab company."

SECTION 3. Section 5 of Ordinance 16-25 is amended as follows:

Section 12-1.9, Revised Ordinances of Honolulu 1990, is amended by amending the criteria for application or renewal for taxicab driver certificates, with an effective date upon approval, and repealed upon the effective date of Ordinance 16-25 as provided by bill 55.

[[] "Sec. 12-1.9 Taxicab driver's certificate.



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(a) No driver of a taxicab shall use or cause to be used, for purpose of hire, a taxicab which does not have a taxicab driver's certificate mounted within 12 inches of the taximeter so that it is readily visible to all passengers (the certificate shall not be mounted on the sunvisor of the taxicab. The taxicab driver's certificate shall be issued by the director. It shall contain a photograph of the taxicab driver to be furnished by the taxicab driver, the taxicab driver's name, driver's license number and any other information specified by the director. The taxicab driver's certificate shall be laminated in plastic or so constructed so as to make alteration difficult. It shall be a violation of this section for any person to alter such taxicab driver's certificate.

(b) The director shall collect a fee of \$25.00 for the issuance of each original and \$10.00 for each duplicate taxicab driver's certificate.

(c) No taxicab driver's certificate shall be issued to any person unless such person has:

- (1) A valid State of Hawaii driver's license;
- (2) One year of driving experience prior to operating a taxicab;
- (3) Satisfactorily passed an examination showing:
 - (A) A sufficient understanding of the traffic laws or ordinances, and this article,
 - (B) A sufficient understanding of the locations of streets, roads, highways and significant landmarks within the City and County of Honolulu,
 - (C) A sufficient understanding of the English language;
- (4) Complied with the standards promulgated by the director relating to moral character and physical fitness of the applicant based on prior records or certified documents relative thereto; and
- (5) Received a taxicab driver's control number from the department. This control number shall be shown on the taxicab driver's certificate along with the driver's name and the name and telephone number of the company with which the driver is affiliated. Other personal information shall be shown on the back of the taxicab driver's certificate. The taxi driver shall



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notify the director, the insurance company and the taxi company with whom he or she is affiliated, of every change to his or her current telephone number or address, within 30 days of such change; [and]

- (6) Submitted a photograph of the person taken no more than 30 days prior to submission of the person's application[.];
 - (7) Is at least 21 years of age;
 - (8) Submitted proof that the driver is free of any known medical condition that would put a passenger at risk;
 - (9) Submitted a current traffic violations bureau certified abstract for the person; and
 - (10) Submitted proof, in the form of original documentation, of a national background check, and every two years thereafter, going back seven years on the driver, which must include a Multi-state/Multi-Jurisdiction Criminal Locator or other similar commercial or government nationwide database with validation (primary source search); and results from the National Sex Offender Public Website.
- (d) No taxicab driver certificate may issue or be renewed, and any existing certificate must be revoked for any driver who:
- (1) Has been found to have committed five infractions, as defined in HRS Section 291D-2, in the prior two-year period, other than traffic infractions involving parking, standing, or equipment, including seat belts, and offenses committed as a pedestrian;
 - (2) Has been convicted once in the prior two-year period for the offense of resisting an order to stop a motor vehicle, reckless driving, excessive speeding, racing on a highway, or driving with a suspended or revoked driver license;
 - (3) Has been convicted in the prior seven-year period of driving under the influence of an intoxicant, including drugs or alcohol;
 - (4) Has been convicted in the prior seven-year period of any of the following:



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(A) Offenses against the person or property of another, including:

- (i) Assault,
- (ii) Kidnapping,
- (iii) Manslaughter,
- (iv) Murder,
- (v) Negligent homicide,
- (vi) Reckless endangering,
- (vii) Robbery,
- (viii) Theft,
- (ix) Computer crimes,
- (x) Credit card offenses, or
- (xi) Identity theft;

(B) Offenses that are sex related, including:

- (i) Displaying indecent matter,
- (ii) Indecent exposure,
- (iii) Open lewdness,
- (iv) Promoting pornography,
- (v) Prostitution or promoting prostitution,
- (vi) Sexual assault, or
- (vii) Sexual abuse;



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(C) Offenses that are drug related, including:

(i) Promoting a dangerous drug.

(ii) Promoting a detrimental drug.

(iii) Promoting a harmful drug, or

(iv) Promoting intoxicating compounds; or

(5) Is a match in the National Sex Offender Public Website.

[(d)](e) Every taxicab driver's certificate issued under this section shall expire, unless otherwise revoked, ~~[two years]~~ six months after the issuance thereof and shall be renewed by the director on or before its expiration date upon the applicant's meeting the standards set in subsection (c). Provided, however, that every taxicab driver need not demonstrate compliance with the requirements of paragraphs (c)(3)(B) and (c)(3)(C) in order to further renew the taxicab driver's certificate and need not demonstrate compliance with the requirements of paragraph (c)(3)(A), except for once every fourth renewal. The director may accept an application for certificate renewal not more than six months prior to the date of expiration. If, however, a renewal is not applied for on or before the 90th day following the expiration date of the certificate, the applicant shall be treated as an applicant for a new certificate. A new set of photographs, taken not more than 30 days prior to submission of the application, shall be furnished with each application for renewal.

[(e)](f) Whenever the driver's license of any taxicab driver is suspended or revoked, the director shall require that the taxicab driver's certificate be surrendered to and be retained by the director, except that at the end of the period of suspension, the certificate so surrendered shall be returned to the licensee.

[(f)](g) Every taxicab driver's certificate shall have printed thereon a telephone number designated by the director as the telephone number for taxicab complaints. This telephone number shall be preceded by the following message: "If you have any complaints, call _____." The message and telephone number shall be printed in bold print letters not less than three-eighths of an inch in height.



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[(g)](h) Every taxicab driver's certificate shall also have printed thereon the following message: "This taxi is meter regulated. Receipt upon request." The message shall be printed in bold letters not less than three-eighths of an inch in height." []

SECTION 4. Section 12-1.15, Revised Ordinances of Honolulu 1990 ("Section 12-1.15 Taxicab license—Issuance--Fees"), is repealed.

[“Sec. 12-1.15 Taxicab license--Issuance--Fees.

(a) Issuance. The director shall issue taxicab licenses and collect the required fees in accordance with the provisions of this article and any other applicable provisions of the law. Prior to the initial issuance and renewal of the taxicab license, the director shall inspect the condition of each vehicle to ensure it is in compliance with the provisions of this ordinance. The issued licenses shall not be transferable.

(b) Fees.

(1) The annual fee for a taxicab license shall be \$50.00; provided, that when a license fee has already been paid on a vehicle and that vehicle is, within the year, replaced by another vehicle, the unexpired portion of the license fee paid on the vehicle so replaced shall be credited to the license fee payable for the substitute vehicle. For the purposes hereof, the unexpired portion of the license fee paid on the vehicle which has been replaced shall be that portion of the annual fee which is equal to eight and one third percent of said fee multiplied by the number of full months remaining during the current licensing year. Whenever a vehicle licensed as a taxicab is replaced by another vehicle under the provisions of this article, the sum of six dollars in addition to the license fee shall be assessed against the owner of the vehicle so replaced to defray the administrative costs incurred by the city.

(2) Upon surrender, the license shall be canceled.

(c) Surrender and Cancellation.

(1) The holder of a taxicab license shall immediately surrender said license to the director when the taxicab licensed thereunder has not been used to carry passengers for hire for a consecutive period of 30 days.



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- (2) The above period shall be extended to a total of 180 days if the nonuse is caused by the vacation, illness or injury of the regular taxicab driver or due to the delay of repair due to parts or receipt of a replacement taxicab.
- (3) Upon surrender, the taxicab license shall be canceled.”]

SECTION 5. Section 12-1.17, Revised Ordinances of Honolulu 1990 (“Section 12-1.17 Violation – Penalty”), is amended by amending the penalty provision from a criminal offense to and administrative fine, to read as follows:

Section 12-1.17 Violation – Penalty

The director, or any person or agency designated by the director, may issue citations to taxicab drivers in violation of any provisions of this article.

Any person or entity violating any of the provisions of this article and cited by any enforcement officer or inspector shall, upon conviction thereof, be subject to a fine not exceeding \$1,000.00 or imprisonment for a period not exceeding one year, or to both such fine and imprisonment per violation.

Any person or entity violating any of the provisions of this article and cited by the department, shall be subject to a fine not exceeding \$1,000.00 per violation and shall not be duplicative of any fine issued after conviction. The director is authorized to promulgate rules pursuant to the provisions of HRS Chapter 91 to implement and enforce this section.

SECTION 6. Section 12-1.20, Revised Ordinances of Honolulu 1990 (“Taxicab control numbers”), is amended by changing “control” to read “certification” as follows:

Section 12-1.20 Taxicab [control] certification numbers.

No person may operate a taxicab unless the taxicab is clearly identified and marked as prescribed herein with a taxicab [control] certification number assigned by the director. The taxicab [control] certification number shall be prominently posted on the exterior surfaces of the front and rear bumpers and on the sign or dome light, described in Section 12-1.16, of the taxicab. The taxicab [control] certification number posted on the taxicab as prescribed in this section shall be no less than [one and one-half] two inches in height, and [may be either painted onto the surfaces or be comprised of opaque plastic or decals provided by the taxicab company, owner or operator]



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obtained from the director, and shall conform to such other requirements or specifications as the director may prescribe by rule.

SECTION 7. Article 12-__, Revised Ordinances of Honolulu 1990, as enacted by Section 2 of Ordinance 16-25, is amended by amending the title thereof to read as follows:

"Article __. Private Transportation [Services] Companies and Drivers"

SECTION 8. Article 12-__ of the Revised Ordinances of Honolulu 1990, is amended to read as follows:

Sec. 12-__.1 Definitions

As used in this article:

"Department" means the department of customer services.

"Digital network" means any online-enabled application, software, website, or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers.

"Director" means the director of customer services of the city, or the director's duly authorized subordinates.

"Personal vehicle" means a motor vehicle that is:

- (1) Used by a transportation network company driver to provide a prearranged ride;
- (2) Owned, leased, or otherwise authorized for use by the transportation network company driver; [and]
- (3) Not a taxicab, limousine, or other for-hire vehicle[.] and
- (4) Must be a passenger vehicle operated by a private transportation driver.

"Passenger vehicle" is a vehicle manufactured with seating accommodations for eight or fewer passengers, (excluding the driver), and shall



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not include motorcycles, mopeds, motor scooters, trucks, three-wheeled vehicles, low-speed vehicles, or driverless vehicles.

"Prearranged ride" means the provision of transportation by a transportation network company driver to a passenger, beginning when a transportation network company driver accepts a passenger's request for a ride through a digital network or software application service controlled by a transportation network company, continuing while the transportation network company driver transports the requesting passenger, and ending when the requesting passenger, or the last passenger from the requesting passenger's party, departs from the personal vehicle. A prearranged ride shall not include transportation provided through a ridesharing arrangement, as defined in HRS section 279G-1; use of a taxicab, limousine, or other for-hire vehicle; or a regional transportation provider.

"Private transportation company" means a taxicab company or a transportation network company.

"Private transportation driver" or "driver" means an individual who:

- (1) Is a taxicab driver as defined in Section 12-1.1; or
- (2) Receives connections to potential riders and related services from a transportation network company in exchange for payment of a fee to the transportation network company, and uses a personal vehicle to offer or provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee.

"Taxicab company" means the same as defined in Section 12-1.1.

"Transportation network company" means a person or an entity that uses a digital network or software application service to connect passengers to transportation network company drivers; provided that the person or entity:

- (1) Does not own, control, operate, or manage the personal vehicles used by transportation network company drivers; and
- (2) Is not a taxicab company or a for-hire vehicle owner.

Sec. 12-_.2 Director of customer services—Authority.



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- (a) The director is authorized to ensure that all private transportation companies comply with the provisions of this article. The director is authorized to suspend or revoke any private transportation driver's certification or private transportation company vehicle certification for noncompliance with the provision in this article. For violations by a private transportation company, the director is authorized to suspend or revoke the operating license of a private transportation company and demand the suspension or revocation of all certifications of its private transportation company drivers. The director may deny a license application or license renewal application. [Any company] Private transportation drivers and private transportation companies must be afforded an opportunity for a hearing before the director or a hearing officer appointed by the director, pursuant to HRS Chapter 91, if the director determines there has been a violation of this article.
- (b) The director shall maintain a database of private transportation [company database] companies and require the licensing of each private transportation company. The director shall determine the contents of a private transportation company database necessary to effectuate the purposes and administration of this article.
- (c) The director is authorized to adopt rules that are consistent with this article, having the force and effect of law, as provided for in HRS Chapter 91, in the administration and enforcement of this article.

Sec. 12-_.3 Private transportation driver's certification.

- (a) No person shall act as a private transportation driver in the city without certification by a private transportation company or by the department, pursuant to this article. A private transportation driver must be certified by the department if the private transportation driver and private transportation company are one and the same person.
- (b) The procedure for the private transportation driver's certification and the fees relating to the certification shall be determined by the director and established by rule.
- (c) Subject to subsection (d), no private transportation driver's certification may be issued to or renewed for any person unless such person has:
 - (1) A valid State of Hawaii driver's license;



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- (2) One year of driving experience;
 - (3) Is at least 21 years of age;
 - [(3)](4) Satisfactorily displayed:
 - (A) A sufficient understanding of the traffic laws and ordinances, and this article;
 - (B) A sufficient understanding of the locations of streets, roads, highways and significant landmarks within the City and County of Honolulu;
 - (C) A sufficient method of communicating with passengers; and
 - (D) A sufficient ability to respond to emergency situations, including, but not limited to, the ability to call for emergency assistance and knowledge of locations of major medical facilities;
 - [(4)](5) Complied with the standards promulgated by the director relating to moral character and physical fitness of the applicant based on prior records or certified documents relative thereto;
 - [(5)](6) Submitted proof that the driver is free of any known medical condition that would put a passenger at risk;
 - [(6)](7) Submitted a current traffic violations bureau certified abstract for the person; and
 - [(7)](8) Submitted proof, in the form of original documentation, of a national background check consistent with the provisions in Section 12-__4.
- (d) No private transportation driver may be certified and any existing certification must be revoked for any driver who:
- (1) Has been found to have committed five infractions, as defined in HRS Section 291D-2, in the prior two-year period, other than traffic infractions involving parking, standing, or equipment, including seat belts, and offenses committed as a pedestrian;



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- (2) Has been convicted once in the prior two-year period for the offense of resisting an order to stop a motor vehicle, reckless driving, excessive speeding, racing on a highway, or driving with a suspended or revoked driver license;
- (3) Has been convicted in the prior seven-year period of driving under the influence of an intoxicant, including drugs or alcohol;
- (4) Has been convicted in the prior seven-year period of any of the following:
 - (A) Offenses against the person or property of another, including:
 - (i) Assault,
 - (ii) Kidnapping,
 - (iii) Manslaughter,
 - (iv) Murder,
 - (v) Negligent homicide,
 - (vi) Reckless endangering,
 - (vii) Robbery,
 - (viii) Theft,
 - (ix) Computer crimes,
 - (x) Credit card offenses, or
 - (xi) Identity theft;
 - (B) Offenses that are sex related, including:
 - (i) Displaying indecent matter,
 - (ii) Indecent exposure,



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- (iii) Open lewdness,
 - (iv) Promoting pornography,
 - (v) Prostitution or promoting prostitution,
 - (vi) Sexual assault, or
 - (vii) Sexual abuse;
- (C) Offenses that are drug related, including:
- (i) Promoting a dangerous drug,
 - (ii) Promoting a detrimental drug,
 - (iii) Promoting a harmful drug, or
 - (iv) Promoting intoxicating compounds; or
- (5) Is a match in the National Sex Offender [Registry database] Public Website.
- (e) When a private transportation company is made aware of a driver's failure to comply with any requirement of this article or if the driver submits false information to the company, the private transportation company must notify the department and ensure that the driver does not operate as a private transportation driver.
- (f) The private transportation company must certify to the [city] department that the company's private transportation drivers have satisfied the requirements of subsections (c) and (d). The company must maintain records that substantiate that the requirements are satisfied. Such records must be maintained locally for a period of at least seven years. The records are subject to inspection by the department at any time. The company shall be deemed in violation of this article and subject to the penalties under Section 12-___.8 each time the department determines that the records do not substantiate compliance with the requirements for an individual driver.



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Sec. 12-_.4 Criminal background check required.

Prior to the initial certification of the private transportation driver, and every two years thereafter, the company must conduct a national criminal background check going back seven years on the driver, which must include:

- (a) Multi-state/Multi-Jurisdiction Criminal Locator or other similar commercial or government nationwide database with validation (primary source search); and
- (b) National Sex Offender [Registry database] Public Website.

Sec. 12-_.5 Private transportation company vehicle certification.

No private transportation company shall allow the use of, and no private transportation driver certified by the department shall use, a vehicle for private transportation services unless the company or department has certified for each vehicle:

- (a) Proof of registration for the motor vehicle in the name of the driver, or proof of authorization from the registered owner for the driver to operate the motor vehicle as a private transportation driver; and
- (b) Proof of current vehicle safety inspection for the motor vehicle in the name of the driver or registered owner of the motor vehicle.

Every private transportation company vehicle certification made under this section will expire [two] one year[s] after the issuance thereof, unless it has previously been revoked, and may be renewed by the company on or before its expiration date as long as the vehicle satisfies the standards set in (a) and (b).

The procedure for the private transportation company vehicle certification and the fees charged for the certification shall be determined by the director and established by rule.

Sec. 12-_.6 Identification of transportation network company vehicles and drivers.

No person shall serve as a private transportation driver unless the person is driving a vehicle that has the driver's certification in the vehicle so that it is readily visible, or if a transportation network driver, accessible via the digital network, to all



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passengers in the vehicle and made available to enforcement officers on demand. The certification must contain a photograph of the driver, the driver's name, a unique driver identifier approved by the department, a method for the passenger to seek help or file a complaint and any other information specified by the director. It is a violation of this section for any person to alter such certification.

Each private transportation driver's vehicle must display: 1) a decal, on the front and rear bumpers, with the transportation network company's, taxicab company's or independent driver's logo, name or other identifying symbol, as applicable, and any other information as specified by the director; and 2) a dome or sign as described in Section 12-1.16 for taxicabs only, or a transportation network company identifier, approved by the [city] department, in the front window visible from a distance of at least 30 feet. In addition, any vehicle for hire which transports passengers to and from the Honolulu International Airport shall display permits or decals required by the applicable state laws.

Sec. 12-_.7 Receipt.

Either the private transportation driver or the private transportation company, as applicable, must, upon request, provide the passenger with a receipt showing the total fair paid, and any other information specified by the director.

Sec. 12-_.8 Violation—Penalty.

The director, or any person or agency designated by the director, may issue citations to private transportation drivers or private transportation companies in violation of any provisions of this article.

Any person or entity violating any of the provisions of this article and cited by the police department shall, upon conviction thereof, be subject to a fine not exceeding \$1,000.00 or imprisonment for a period not exceeding one year, or to both such fine and imprisonment per violation.

Any person or entity violating any of the provisions of this article and cited by the department, shall be subject to a fine not exceeding \$1,000.00 per violation and shall not be duplicative of any fine issued after conviction. The director is authorized to promulgate rules pursuant to the provisions of HRS Chapter 91 to implement and enforce this section.



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SECTION 9. Section 12-4.1, Revised Ordinances of Honolulu 1990, as amended, ("Vehicle for Hire to be marked or numbered"), is amended to reflect changes relating to the provisions in Ordinance 16-25 and update the identification change in the name of the department of customer services as follows:

Sec. 12-4.1 Vehicle for hire to be marked or numbered.

- (a) It is unlawful for any person to operate, propel or drive any motor vehicle used for the carrying of passengers for hire, unless there is attached in plain view on the front and rear bumpers of such motor vehicle, at a location approved by the director of [finance] customer service, a numbered emblem or decal of such size, color and design as may be furnished or approved by the director of [finance] customer service, and shall be valid until the expiration of the license or certification permitting the carrying of passengers for hire. [Such emblem shall be valid until the thirtieth day of June next following the date of issue and shall be furnished by the director of finance at cost upon issuance of license to carry passenger for hire required under HRS Section 445-222, for the applicable period.]
- (b) It is unlawful to place or display the emblem or decal on or transfer it to any vehicle other than that for which it was issued, or to duplicate or alter, or to give or otherwise transfer to another person, or to wilfully damage or mutilate the same, except that it may be destroyed for the purpose of removing it upon [its] the expiration date of the license or certification, or upon termination of the use of the vehicle, for the carrying of passengers for hire.

SECTION 10. Sections 12-4.2 and 12-4.3 are repealed as follows:

[Sec. 12-4.2 Vehicles at docks.

The director of finance shall prescribe and may change from time to time rules for the regulation of carriages or vehicles carrying passengers for hire, and of their drivers [on steamer day] on streets in the vicinity of docks or wharves. Any such driver failing to observe said rules shall have such person's permit canceled by the director of finance.]



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[Sec. 12-4.3 Solicitation of passengers, hotel patrons or baggage at certain places.

It is unlawful for any person to solicit any patron for any hotel, boardinghouse or roominghouse, or to solicit any passenger or baggage for any taxi, bus, boardinghouse or hotel bus or taxi, baggage or transfer truck, or for any other vehicle licensed to carry passengers or baggage at or within 500 feet of any wharf or railroad station; provided, that this section shall not apply to any person who, at the time such person solicits any such patron, passenger or baggage is within arm's length of the vehicle in which such patron, passenger or baggage is to be transported.]

SECTION 11. Section 12-4.5, Revised Ordinances of Honolulu 1990, as amended, ("Permanent stands to be registered"), is amended to reflect changes relating to the provisions in Ordinance 16-25 and update the identification change in the name of the department of customer services as follows:

Sec. 12-4.5 Permanent stands to be registered.

Except as provided in Articles 12-1 and 12-__, [T]the person driving, owning or controlling any [carriage or] vehicle carrying passengers for hire shall have a permanent stand for the same, which stand shall be registered with the director of [finance] customer service. Such stand shall not be changed without first registering the change.

SECTION 12. There shall be a 90-day grace period from the effective date of this ordinance upon the exercise of the penalty provision under Section 12-___.8, during which period private transportation companies and drivers shall comply with the certification provisions in Article 12-__ .

SECTION 13. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material or the underscoring.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 65 (2016)

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SECTION 14. Except as provided in Section 3 above, this ordinance takes effect on _____, 2017.

INTRODUCED BY:

[Handwritten signature]

(br)

DATE OF INTRODUCTION:

OCT 27 2016

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

KIRK CALDWELL, Mayor
City and County of Honolulu