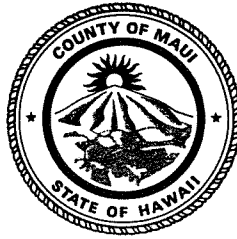


ALAN M. ARAKAWA
Mayor



PATRICK K. WONG
Corporation Counsel

EDWARD S. KUSHI
First Deputy

LYDIA A. TODA
Risk Management Officer
Tel. No. (808) 270-7535
Fax No. (808) 244-2646

DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
200 SOUTH HIGH STREET, 3RD FLOOR
WAILUKU, MAUI, HAWAII 96793
EMAIL: CORPCOUN@MAUICOUNTY.GOV
TELEPHONE: (808) 270-7740
FACSIMILE: (808) 270-7152

September 10, 2013

T O: Elle Cochran
Council Member

F R O M: Jeffrey Ueoka, Deputy Corporation Counsel *JU*

SUBJECT: CHAPTER 5.16, MAUI COUNTY CODE, RELATING TO TAXICAB
OPERATION IN THE LAHAINA HARBOR AREA (PAF 13-168)

We are in receipt of your request for opinion dated July 30, 2013. Without reviewing any proposed legislation, we are unable to definitively opine. However, we are able to provide you with the following general response:

1. Does the County have the authority to regulate individual taxicab vendors operating on County roadways in the vicinity of the Lahaina Harbor by requiring a central dispatching system?

Chapter 5.16, Maui County Code ("MCC"), is silent on the issue of a centralized dispatching system, therefore, the County does not have the authority to regulate individual taxicab vendors operating on County roadways in the vicinity of the Lahaina Harbor by requiring one.

2. If your response is "No", may the Council by ordinance, regulate taxicab operations on County roadways in the vicinity of the Lahaina Harbor by requiring a central dispatching system?

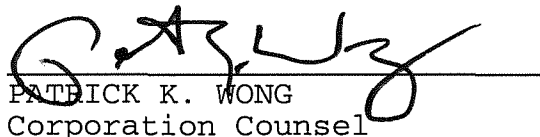
At this time we are unaware of exactly what a "central dispatching system" entails so we are unable to opine on whether the Council may, by ordinance, regulate taxicab operations on County roadways in the vicinity

Elle Cochran, Council Member
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September 10, 2013

of the Lahaina Harbor by requiring a central dispatching system. In reviewing the legislation authorizing the Counties to regulate public passenger vehicle service¹ it is clear that the County, with certain limitations, "may provide rules to protect the public health, safety, and welfare[.]" It is possible that this broad authority could be interpreted to allow the County to require a central dispatching system, however, without reviewing the proposed legislation, we are unable to definitively opine.

While drafting this legislation it is recommended that the State of Hawaii, Department of Transportation, and the State of Hawaii, Public Utilities Commission, be consulted.

APPROVED FOR TRANSMITTAL:



PATRICK K. WONG
Corporation Counsel

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Webpage

¹Section 46-16.5, Hawaii Revised Statutes