

Sponsored by: Mayor Eberhart  
Introduced: June 8, 2015

**ORDINANCE NO. 5982**

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE  
CHAPTER 86 VEHICLES FOR HIRE**

**WHEREAS**, The City Clerk's Office continually strives to provide consistent and up-to-date services to Fairbanks residents through streamlined licensing procedures; and

**WHEREAS**, some sections of Chapter 86 have not been updated for many years; and

**WHEREAS**, some of the terms and definitions in this Chapter are lengthy and difficult to understand; and

**WHEREAS**, the definitions do not clearly describe each type of commercial transportation service operating within the City; and

**WHEREAS**, transportation network companies such as Uber and Lyft have begun operating in many municipalities throughout the U.S. and are not specifically addressed in the Fairbanks General Code; and

**WHEREAS**, there are certain types of commercial transportation services that should be exempted from the color scheme requirements due to the nature and limitations of their operation; and

**WHEREAS**, the Clerk's Office has noted some confusion among Chauffeur applicants in regard to the background screening criteria for drivers and would like to further clarify the language on felony and misdemeanor convictions; and

**WHEREAS**, it has come to the attention of the City Clerk that a significant number of individuals being licensed as Chauffeurs have delinquent City traffic or criminal fines, which should be paid in full prior to licensing.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:**

**SECTION 1.** That Fairbanks General Code Chapter 86 Vehicles for Hire, Article II is hereby amended as follows [new text in **underlined bold** font; deleted text in ~~striketrough~~ font]:

ARTICLE II. - VEHICLES FOR HIRE~~COMMERCIAL TRANSPORT VEHICLE~~

DIVISION 1. - GENERALLY

Sec. 86-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Vehicle for hire means any motor vehicle used to transport passengers to any specified destination, upon request and for a fee, over the streets of the city, and includes, but is not limited to: taxis, limousines, tours and shuttles, and vehicles operated in conjunction with transportation network companies such as Uber and Lyft. Specifically excluded from regulation under this Chapter are: school buses, church buses, vehicles owned or operated by the state or a political subdivision of the state, and commercial vehicles as defined by state law [AS 28.90.990(a)(2)].

Vehicle for hire company means any business entity that employs or dispatches the operation of any vehicle subject to regulation under this Chapter upon the streets of the City of Fairbanks.

Business entity means any business organization of any type.

~~Commercial passenger transport vehicle (CPTV) means any of the following types of vehicles:~~

- ~~(1) Taxicab defined as any motor vehicle used for the purpose of transporting passengers, upon request, for a fee, over the streets of the city, the routes of which are neither fixed, defined nor regulated by law or municipal directive.~~
- ~~(2) Motorbus or van defined as any motor vehicle having a seating capacity of five or more passengers, according to the manufacturer's rating, operating over established and fixed routes, under private charter or passenger for a fee agreement, whether paid at the time of transport or otherwise. School buses, church buses, any transportation service provided at no charge by a nonprofit corporation, transportation provided at no charge by an employee of a hotel, restaurant, or other business to or from their locations of operation, and motorbuses owned or operated by the state or a political subdivision of the state shall not be governed by this article.~~
- ~~(3) Limousine defined as any vehicle used for the purpose of transporting passengers, upon request, for a fee, over the streets of the city, the routes of which are neither fixed, defined nor regulated by law or municipal directive.~~

~~Operate shall means picking up passengers in, delivering passengers to, or transporting passengers through the city.~~

## DIVISION 2. – COMPANY AND VEHICLE PERMITS

### Sec. 86-51. Permit Required.

(a) No ~~business entity~~ person may ~~shall~~ operate or cause to be operated upon the streets of the city any ~~commercial passenger transport vehicle~~ for hire company business unless the entity applicant ~~shall first obtain, through application to the city, and thereafter holds;~~ a valid ~~commercial passenger transport vehicle~~ for hire company permit issued by the city clerk ~~authorizing the operation of such business upon the streets of the city.~~ No permit will ~~shall~~ be issued for a period greater than two years; ~~and a~~ An individual vehicle for hire permit is ~~shall~~ be required for each vehicle operated by the vehicle for hire company under this ~~chapter~~ section. Applications for a vehicle for hire company permit submitted to the city clerk must be accompanied by a current copy of the applicant's State of Alaska and city business licenses.

(b) ~~After being given notice by the city, a~~ Any person operating a vehicle or causing a vehicle to be so operated in violation of subsection (a) of this section will ~~shall~~ be deemed guilty of a misdemeanor and upon conviction of such offense by a court is subject ~~shall be liable to~~ punishment as prescribed in FGC Section 1-15.

(c) ~~License, p~~ Permit and application fees are set forth in the city's schedule of fees and charges for services.

### Sec. 86-52. Vehicle registration and Pproof of insurance.

~~There shall be submitted with a~~ An application for a ~~commercial passenger transport vehicle~~ for hire permit must include a copy of current vehicle registration and copies of policies of commercial liability or indemnity insurance providing coverage and protection against loss through personal injury or property damage arising from negligence covering the all vehicles to be operated under ~~by virtue of the permit;~~ ~~s~~ Such insurance must ~~to~~ afford coverage in an amount determined to be satisfactory to the city attorney but not less than \$300,000.00 for all personal injuries sustained in any one accident, coverage in the amount of \$50,000.00 for property damage arising out of any one accident, and \$100,000.00 for all persons injured or who died in any one accident caused by an uninsured motorist. Each policy must ~~shall~~ further contain a clause, addendum or endorsement providing that the insurer or his local agent will give written notice of the cancellation, revocation, termination or expiration of that policy, such notice to be submitted to the city clerk not later than five days prior to such eventuality. Any change in the city attorney's determination of what constitutes adequate insurance will ~~shall~~ be provided in writing to each ~~commercial passenger transport vehicle~~ for hire company business with at least six months before the change is implemented ~~advance notice.~~

### Sec. 86-53. Dispatch location; color scheme; written records.

(a) The application for a vehicle for hire company CPTV permit must ~~required in this division shall provide:~~

- (1) The identity of the location of the terminal or dispatch office from which the vehicles are to operate or whether they will be dispatched by cellular phone;

- (2) A statement by the applicant that the company applicant will establish and maintain a central radio dispatch office or will operate dispatch by cellular phone, and will keep a daily log of all cellular calls and provide cellular phone numbers to the owner-company and the city clerk's office;
- (3) The distinctive single color scheme of the company which will be applied to the exterior of each vehicle to be operated under the permit, including schematics the color scheme of any lettering, logos, graphics or numbers to appear on each vehicle's the exterior. A color scheme exemption may be granted by the city clerk to certain companies whose operation is limited or restricted in nature;
- (4) A statement by the applicant that he agrees to maintain a written record of all dispatches of vehicles operated under the permit; a regularly-maintained listing, ~~maintained current,~~ of all drivers of vehicles operated under the foregoing permit, reflecting termination dates of drivers who withdraw from such positions; and a record of the daily hours of use for each vehicle operated under such permit; and
- (5) Such other data as may be required by the police chief or city clerk.

(b) The information required in subsection (a) of this section must ~~shall~~ be submitted to the city clerk upon request ~~police chief within five days after the end of the month, except insofar as expressly waived by the police chief.~~ All records of such information must ~~shall~~ be preserved by the applicant for not less than two years ~~and made available to the police chief upon request.~~

#### **Sec. 86-54. Revocation; suspension.**

(a) A vehicle for hire company permit ~~required in this division~~ may be temporarily suspended or permanently revoked by action ~~of the city clerk~~ for any of the following occurrences:

- (1) Breach of any condition, limitation or modification imposed under this article in approving the application for permit.
- (2) Breach by the ~~holder of the permit~~ holder of any covenant or agreement undertaken by ~~the holder~~ in making application for such permit.
- (3) ~~Delinquency on the part of the holder of the permit or on the part of the individual drivers in payment to the city of any taxes or fees imposed on fares collected for the transportation of passengers in vehicles operated under the permit.~~

(b) ~~Before suspending or revoking any permit, t~~The city clerk will inform the permit holder in writing of a revocation or a suspension of a permit ~~shall set the time and place for a hearing and conduct the hearing.~~

#### **Sec. 86-55. Transfer; assignment.**

No permit or license required in this chapter ~~division~~ may ~~shall~~ be transferred or assigned by the holder without application to and the approval of the city clerk. All approved transfers or assignments will ~~shall~~ require payment of a fee, set forth in the city's schedule of fees and charges for services; ~~except that the city clerk may waive such fee where the real party in interest remains substantially unchanged.~~

Secs. 86-56—86-75. Reserved.

DIVISION 3. - DRIVERS

**Sec. 86-76. Chauffeur's license required.**

(a) No person ~~may~~ shall operate a ~~commercial passenger transport vehicle~~ **for hire** upon the streets of the city ~~unless until~~ the person has ~~been issued and thereafter holds in effect~~ a **valid** chauffeur's license ~~issued~~ **granted** by the city.

(b) Any person operating or driving a vehicle in violation of subsection (a) of this section **will** ~~shall~~ be deemed guilty of a misdemeanor and upon conviction **is** ~~of such offense by a court shall~~ be subject to punishment as prescribed in FGC Section 1-15(a).

**Sec. 86-77. Application for chauffeur's license.**

(a) All applications for issuance or renewal of a chauffeur's license ~~must~~ **shall** be made upon forms provided ~~for this purpose~~ by the city clerk ~~and~~ **and** ~~and the applications shall be submitted to the city clerk for review.~~ **All applicants must meet the following requirements** ~~The requirements to be fulfilled prior to issuance of a chauffeur's license shall be as follows:~~

- (1) ~~The applicant m~~**Must** be 21 years of age or older and furnish proof if requested.
- (2) ~~The applicant m~~**Must** be able to read, write and speak the English language.
- (3) ~~The applicant m~~**Must** **have** be in possession of a current Alaska State Driver's License.
- (4) Must not have any delinquent City criminal or traffic fines or fees.**
- (5) Must not have had their driver's license suspended or revoked within two years of the date of application.**
- ~~(6)~~**(4)** ~~The applicant m~~**Must** not have had a conviction within 24 months of:
  - ~~a. A moving traffic violation which results in suspension or revocation of the applicant's driver's license pursuant to AS 28.15.221 through 28.15.261;~~
  - ab. Reckless or negligent driving;**
  - be. Driving while license is canceled, limited, suspended, or revoked, or in violation of a limitation.;**
- ~~(5) The applicant must not have had his driver's license suspended or revoked within two years prior to the application date.~~
- ~~(7)~~**(6)** Except as otherwise provided in this subsection, the applicant must not have had a felony conviction within eight years or a misdemeanor conviction within four years of:
  - a. Prostitution or promotion of prostitution;
  - b. Any offense **involving a controlled substance** under AS Title 11, Chapter 71 **or the laws of another jurisdiction having substantially similar elements;** ~~Controlled Substances.~~



- c. Any felony or misdemeanor assault~~which includes as an element the use or threat of force upon a person;~~
- d. Burglary, felony theft~~larceny~~, fraud or embezzlement;
- e. Any sexual offense;
- f. Any homicide or assault involving operation of a motor vehicle;
- g. Two separate felony convictions of any type;
- h. ~~Operation or d~~Driving a vehicle while intoxicated within five years or within eight years for a felony conviction;
- i. Refusal to submit to a chemical test as defined in AS 28.35.032 within five years or within eight years for a felony conviction.

(~~87~~) The applicant must not be addicted to the use of intoxicants or narcotics.

(~~8~~) ~~The applicant must be of good moral character and repute.~~

(9) The applicant must not be a sex offender or kidnapper subject to the registration requirements of AS Title 12, Chapter 63.

(b) The city clerk's office will ~~shall~~ procure an online criminal history report for each applicant, the cost of which will be included in the chauffeur license application fee in the city schedule of fees and charges for services.

**Sec. 86-78. Reserved.**

**Sec. 86-79. Residency.**

An applicant for a chauffeur's license must have resided within the Fairbanks North Star Borough for a minimum of 30 days immediately prior to application. This residency requirement may be waived by the city clerk if the applicant has had a city Fairbanks chauffeur's license within the last five years or if the applicant lives within 250 miles of the City of Fairbanks.

**Sec. 86-80. Reserved.**

**Sec. 86-81. Reserved.**

**Sec. 86-82. Issuance of a chauffeur's license; non-transferability; temporary license; fees; term of licenserefund; expiration.**

(a) Upon an applicant's compliance with the requirements of this article, the city clerk will ~~shall~~ issue a chauffeur's license to the applicant; ~~said license shall be carried upon that person at all times when operating a vehicle as a licensed chauffeur. No e~~Chauffeur's licenses are not shall be transferable or assignable. A temporary chauffeur's license, valid for 30 days, ~~only~~ may be issued to the applicant pending final action on the application.

(b) Chauffeur's license and application fees are set forth in the city's schedule of fees and charges for services. A licensed chauffeur is not required to obtain a city business license under section 14-601 if working exclusively (as an employee or on contract) for a licensed vehicle for hire company ~~commercial passenger transport operator who possesses a valid city business license.~~ No chauffeur's license will be issued for a period greater than two years.

**Sec. 86-83. Suspension; ~~s or~~ revocations.**

The city clerk ~~or his designee~~ may temporarily suspend or permanently revoke a chauffeur's license for any of the following causes:

- (1) False or erroneous material statements contained in the licensee's application.
- (2) Conviction for a violation of any section of this chapter or failure to comply with any section of this chapter.
- (3) Subsequent conviction of a traffic offense which has resulted in the suspension or revocation of the licensee's ~~state~~ driver's license; or conviction of a traffic offense which places restrictions upon the licensee's ~~individual's State of Alaska~~ driver's license.
- (4) Conviction of a felony, ~~or~~ conviction of a misdemeanor involving moral turpitude, or any conviction relating to prostitution.

**(5) Delinquent City criminal or traffic fines or fees.**

**~~Sec. 86-84. Regional and interstate bus drivers exempt.~~**

~~Operators of motor buses are exempted from the provisions of this division provided such operators are licensed by the Interstate Commerce Commission.~~

**Sec. 86-85. Requirement to carry Posting of chauffeur's license.**

No owner of a vehicle for hire company ~~CPTV business~~ may allow any driver to operate a ~~commercial passenger transport vehicle~~ for hire unless evidence, including his full name, that the operator is a licensed chauffeur is visibly posted on the dashboard in the interior of the vehicle. All chauffeurs must carry their chauffeur's license on their person at all times while operating a vehicle for hire and must present it upon request.

**Sec. 86-86. Maximum number of hours per day.**

No licensed chauffeur may operate nor may the owner of a vehicle for hire company ~~CPTV business~~ allow a driver to operate a ~~commercial passenger transport vehicle~~ for hire in excess of 12 consecutive hours or perform any combination of chauffeuring and other gainful occupation for more than 12 hours in any 24-hour period.

**Sec. 86-87. Duty to serve public.**

No driver of a ~~commercial passenger transport vehicle~~ **for hire** may refuse or neglect to convey any orderly person upon request if the proper fee is tendered by such person, unless the driver is then engaged or would violate this chapter by conveying such person.

**Sec. 86-88. Alcoholic beverages and controlled substances.**

No driver of a ~~commercial passenger transport vehicle~~ **for hire** may drink alcoholic beverages or be under the influence of a depressant, hallucinogenic, stimulant or narcotic drug, or any controlled substance, as defined by AS 28.33.190, while on duty or within ~~for~~ eight hours prior to operating a ~~commercial passenger transport vehicle~~ **for hire**.

**Sec. 86-89. Most direct route.**

Every driver of a ~~commercial passenger transport vehicle~~ **for hire must shall** follow the most direct route to the passenger's destination unless otherwise directed by the passenger.

**Sec. 86-90. Exclusive use of taxicab.**

A driver of a taxi may not transport ~~cab shall allow no~~ more than one passenger or one group of passengers, except driver trainees, at any one time without the express consent of that passenger or group of passengers.

**Sec. 86-91. Fares and receipts.**

On request of any passenger paying a fare, a driver of a ~~commercial passenger transport vehicle or other for hire vehicle~~ **for hire must shall** provide a receipt indicating the fare received, the date, permit number, dispatch company, and driver's legibly printed name.

**Sec. 86-92. Records.**

~~(a) At all times, a~~ **A driver must shall carry at all times** in the ~~commercial passenger transport vehicle~~ **for hire** those documents commonly known as trip sheets. For each fare charged, a driver **must shall** record ~~on a trip sheet~~ the following information:

- (1) Driver's full name, vehicle number, ~~taximeter number~~ and date of report.
- (2) Times between which the driver operates the **vehicle for hire** ~~taxicab~~ on the day the trip sheet is prepared.
- (3) For each request for service, the time and place of passenger pickup and delivery, the number of passengers and the amount of the fare received.

**Sec. 86-93. PostingNotice of insurance, fares and complaint procedure.**

~~The police chief shall designate a place in the interior of all commercial passenger transport~~ **All vehicles for hire must carry the posting of a notice stating the name of the vehicle's** insurance carrier, fares charged for service and procedures for making complaints to the police department. No person may provide service with a vehicle **for hire** unless such notice is **made available** ~~visible to passengers~~ **upon request**.



**Sec. 86-94. Transporting alcohol without passengers.**

It ~~is~~ shall be unlawful for any driver of a ~~commercial passenger transport vehicle~~ for hire to purchase, transport or deliver alcohol at the request of any individual. Any transportation of alcohol in a ~~commercial passenger transport vehicle~~ for hire must be by a passenger ~~who is actually riding in the vehicle.~~

**Sec. 86-95. Appeals.**

(a) An individual whose application for a chauffeur's license has been denied or whose chauffeur's license has been suspended or revoked may appeal such denial, suspension, or revocation. ~~applicant claiming a factual or clerical error must provide any relevant document to the city clerk at which time the city clerk, upon verification, may reverse the license denial.~~

(b) Appeals involving factual or clerical errors must first be appealed to the city clerk who will review the matter and, if appropriate, reverse the license denial, suspension, or revocation.

~~(c)~~ (c) The city council may consider appeals of an individual ~~applicant whose~~ chauffeur's license application ~~for a chauffeur's license has been denied or whose chauffeur's license has been suspended or revoked by the city clerk.~~ The city council may, for good cause, waive compliance with the requirements of ~~86-77(a)~~ this chapter, except that the city council will not consider an appeal if the reason ~~for the denial is~~ for a conviction for a sexual offense, ~~for a felony drug offense, for driving while intoxicated, or for refusal, within the time indicated in section 86-77~~ or if the applicant has more than one conviction for offenses listed in section 86-77 (a)(76)(a)-(ig) within the time indicated.

(d) In considering whether to grant an appeal, the council may consider whether the applicant:

- (1) Has made significant efforts at rehabilitation, including successful completion of any court-ordered treatment program; applicant must provide a copy of a certificate showing completion of the recommended program. If the denial was based upon conviction for a crime involving domestic violence, as defined under Alaska Law, the applicant must provide a certificate of completion of a program for rehabilitation of perpetrators of domestic violence that is approved by the State of Alaska Department of Corrections.
- (2) Has successfully completed any period of probation;
- (3) Has made positive contributions to society in general.

**Sec. 86-96. Penalties.**

(a) Violations of the following sections of this chapter are misdemeanors subject to the penalties set out in FGC Sec. 1-15(a): Sections 86-51, 86-55, 86-76, 86-82, 86-88, and 86-94.

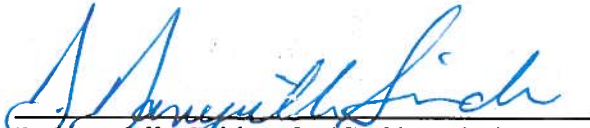
(b) Violations of the following sections of this chapter are infractions subject to a maximum fine of \$300.00 and a mandatory minimum fine of \$100.00: Sections 86-85, 86-86, 86-87, 86-89, 86-90, 86-91, 86-92, and 86-93.

**SECTION 2.** That the effective date of this Ordinance shall be the 27th day of June 2015.

  
**John Eberhart, City Mayor**

AYES: Staley, Matherly, Gatewood, Pruhs, Cleworth, Walley  
NAYS: None  
ABSENT: Eberhart  
ADOPTED: June 22, 2015

ATTEST:

  
D. Danyelle Snider, CMC, City Clerk

APPROVED AS TO FORM:

  
Paul J. Ewers, City Attorney