

Chapter 86 - VEHICLES FOR HIRE^[1]

ARTICLE I. - IN GENERAL

Secs. 86-1—86-30. - Reserved.

ARTICLE II. - VEHICLES FOR HIRE

DIVISION 1. - GENERALLY

Sec. 86-31. - Definitions.

The following words, terms and phrases, when used in this article, 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, **to or from a location within the City limits** ~~over the streets of the city,~~ and includes, but is not limited to: taxis, **cabs, shuttles, and** 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 used for the primary purpose of sightseeing and tours outside of the City, vehicles operated by a business where transportation is incidental to the primary line of business, vehicles of a business that operate on a charter or reservation-only basis,** vehicles owned or operated by the state or a political subdivision of the state, and commercial vehicles as defined **regulated** by state **or federal** 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.

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

(Code 1960, § 8.106; Ord. No. 5477, § 31, 7-1-2008; Ord. No. 5853, § 1, 8-13-2011; Ord. No. 5982, § 1, 6-27-2015, Ord. No. 6055, § 1, 07-29-2017)

Cross reference— Definitions generally, § 1-2.

Secs. 86-32—86-50. - Reserved.

DIVISION 2. - COMPANY AND VEHICLE PERMITS

Sec. 86-51. - Permit required.

- (a) No business entity may operate or cause to be operated upon the streets of the city any vehicle for hire company unless the entity holds a valid vehicle for hire company permit issued by the city clerk. No permit will be issued for a period greater than two years. An individual vehicle for hire permit is required for each vehicle operated by the vehicle for hire company under this chapter. 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) Any person operating a vehicle or causing a vehicle to be so operated in violation of subsection (a) of this section will be deemed guilty of a misdemeanor and upon conviction of such offense by a court is subject to punishment as prescribed in FGC section 1-15.
- (c) Permit and application fees are set forth in the city's schedule of fees and charges for services.

(Code 1960, § 8.101; Ord. No. 5611, § 1, 8-13-2005; Ord. No. 5744, § 31, 7-1-2008; Ord. No. 5853, § 1, 8-13-2011; Ord. No. 5982, § 1, 6-27-2015)

Sec. 86-52. - Vehicle registration and proof of insurance.

An application for a 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 vehicle to be operated under the permit. Such insurance must 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 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 be provided in writing to each vehicle for hire company at least six months before the change is implemented.

(Code 1960, § 8.102; Ord. No. 5370, § 1, 11-14-1998; Ord. No. 5744, § 31, 7-1-2008; Ord. No. 5914, § 1, 8-1-2013; Ord. No. 5982, § 1, 6-27-2015)

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

- (a) The application for a vehicle for hire company permit must 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 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 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 of any lettering, logos, graphics or numbers to appear on each vehicle's 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 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 be submitted to the city clerk upon request. All records of such information must be preserved by the applicant for not less than two years.

(Code 1960, § 8.103; Ord. No. 5853, § 1, 8-13-2011; Ord. No. 5982, § 1, 6-27-2015)

Sec. 86-54. - Revocation; suspension.

- (a) A vehicle for hire company permit may be temporarily suspended or permanently revoked by 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 permit holder of any covenant or agreement undertaken in making application for such permit.
- (b) The city clerk will inform the permit holder in writing of a revocation or a suspension of a permit.

(Code 1960, § 8.104; Ord. No. 5853, § 1, 8-13-2011; Ord. No. 5982, § 1, 6-27-2015)

Sec. 86-55. - Transfer; assignment.

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

(Code 1960, § 8.105; Ord. No. 5744, § 31, 7-1-2008; Ord. No. 5853, § 1, 8-13-2011; Ord. No. 5982, § 1, 6-27-2015)

Secs. 86-56—86-75. - Reserved.

DIVISION 3. - DRIVERS

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

- (a) No person may operate a vehicle for hire upon the streets of the city unless the person has a valid chauffeur's license issued by the city.
- (b) Any person operating or driving a vehicle in violation of subsection (a) of this section will be deemed guilty of a misdemeanor and upon conviction is subject to punishment as prescribed in FGC section 1-15(a).

(Code 1960, § 8.201(a), (b); Ord. No. 5853, § 1, 8-13-2011; Ord. No. 5982, § 1, 6-27-2015)

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

- (a) All applications for issuance or renewal of a chauffeur's license must be made upon forms provided by the city clerk and submitted to the city clerk for review. All applicants must meet the following requirements:
- (1) Must be 21 years of age or older and furnish proof if requested.
 - (2) Must be able to read, write and speak the English language.
 - (3) Must have 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) Must not have had a conviction within 24 months of:
 - a. Reckless or negligent driving;
 - b. Driving while license is canceled, suspended, revoked, or in violation of a limitation.
 - (7) 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;
 - c. Any felony or misdemeanor assault;
 - d. Burglary, felony theft, 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. 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.
 - (8) The applicant must not be addicted to the use of intoxicants or narcotics.
 - (9) The applicant must not be a sex offender or kidnapper subject to the registration requirements of AS Title 12, Chapter 63.
 - (10) The applicant must be a citizen of the United States or prove that they can be lawfully employed in the United States.**
- (b) The city clerk's office will 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.

(Code 1960, § 8.201(c)(1)–(6); Ord. No. 5484, § 1, 5-11-2002; Ord. No. 5562, § 1, 3-13-2004; Ord. No. 5853, § 1, 8-13-2011; Ord. No. 5875, § 1, 2-27-2012; Ord. No. 5982, § 1, 6-27-2015, Ord. No. 6055, § 1, 07-29-2017)

Sec. 86-78. - Reserved.

Editor's note— Ord. No. 5853, § 1, effective August 13, 2011, repealed § 86-78, which pertained to fingerprinting required and derived from § 8.201(c)(8) of the 1960 Code.

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 chauffeur's license within the last five years or if the applicant lives within 250 miles of the City of Fairbanks.

(Code 1960, § 8.201(c)(9); Ord. No. 5853, § 1, 8-13-2011; Ord. No. 5982, § 1, 6-27-2015)

Sec. 86-80. - Reserved.

Editor's note— Ord. No. 5853, § 1, adopted August 13, 2011, repealed § 86-80, which pertained to fee and derived from § 8.201(c)(10) of the 1960 Code.

Sec. 86-81. - Reserved.

Editor's note— Ord. No. 5875, § 1, effective February 27, 2012, repealed § 86-81, which pertained to chauffeur's training required and derived from § 8.201(c)(7) of the 1960 Code; Ord. No. 5484, § 1, 5-11-2002; Ord. No. 5853, § 1, 8-13-2011.

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

- (a) Upon an applicant's compliance with the requirements of this article, the city clerk will issue a chauffeur's license to the applicant. Chauffeur's licenses are not transferable or assignable. A temporary chauffeur's license, valid for 30 days, 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. No chauffeur's license will be issued for a period greater than two years.

(Code 1960, § 8.201(d); Ord. No. 5484, § 1, 5-11-2002; Ord. No. 5744, § 32, 7-1-2008; Ord. No. 5853, § 1, 8-13-2011; Ord. No. 5982, § 1, 6-27-2015)

Sec. 86-83. - Suspension; revocation.

The city clerk 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 driver's license; or conviction of a traffic offense which places restrictions upon the licensee's driver's license.
- (4) Conviction of a felony, conviction of a misdemeanor involving moral turpitude, or any conviction relating to prostitution.
- (5) Delinquent city criminal or traffic fines or fees.

(Code 1960, § 8.201(e); Ord. No. 5484, § 1, 5-11-2002; Ord. No. 5853, § 1, 8-13-2011; Ord. No. 5982, § 1, 6-27-2015)

Sec. 86-84. - Reserved.

Editor's note— Ord. No. 5982, § 1, effective 6-27-2015 , repealed former § 86-84 in its entirety which pertained to an exemption for regional and interstate bus drivers and derived from the Code of 1960, § 8.202.

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

No owner of a vehicle for hire company may allow any driver to operate a vehicle for hire unless the operator is a licensed chauffeur. 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.

(Code 1960, § 8.203; Ord. No. 5484, § 1, 5-11-2002; Ord. No. 5853, § 1, 8-13-2011; Ord. No. 5982, § 1, 6-27-2015)

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

No licensed chauffeur may operate nor may the owner of a vehicle for hire company allow a driver to operate a 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.

(Code 1960, § 8.204; Ord. No. 5853, § 1, 8-13-2011; Ord. No. 5982, § 1, 6-27-2015)

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

No driver of a 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.

(Code 1960, § 8.205; Ord. No. 5853, § 1, 8-13-2011; Ord. No. 5982, § 1, 6-27-2015)

Sec. 86-88. - Alcoholic beverages, marijuana, and controlled substances.

No driver of a vehicle for hire may ~~consume~~^{drink} alcoholic beverages or any form of marijuana or be under the influence of a depressant, hallucinogenic, stimulant or narcotic drug, or any ~~controlled~~ substance listed as being controlled under AS 11.71, ~~as defined by AS 28.33.190~~, while on duty or within eight hours prior to operating a vehicle for hire.

(Code 1960, § 8.206; Ord. No. 5853, § 1, 8-13-2011; Ord. No. 5982, § 1, 6-27-2015, Ord. No. 6055, § 1, 07-29-2017)

Sec. 86-89. - Most direct route.

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

(Code 1960, § 8.207; Ord. No. 5982, § 1, 6-27-2015)

Sec. 86-90. - Exclusive use of taxi.

A driver of a taxi may not transport 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.

(Code 1960, § 8.208; Ord. No. 5982, § 1, 6-27-2015)

Sec. 86-91. - Fares and receipts.

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

(Code 1960, § 8.209; Ord. No. 5982, § 1, 6-27-2015)

Sec. 86-92. - Records.

A driver must carry at all times in the vehicle for hire those documents commonly known as trip sheets. For each fare charged, a driver must record the following information:

- (1) Driver's full name, vehicle number and date of report.
- (2) Times between which the driver operates the vehicle for hire 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.

(Code 1960, § 8.210; Ord. No. 5982, § 1, 6-27-2015)

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

All vehicles for hire must carry notice 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 to passengers upon request.

(Code 1960, § 8.211; Ord. No. 5853, § 1, 8-13-2011; Ord. No. 5982, § 1, 6-27-2015)

Sec. 86-94. - Transporting alcohol **or marijuana products** without passengers.

It is unlawful for any driver of a vehicle for hire to purchase, transport or deliver alcohol **or marijuana products** at the request of any individual. Any transportation of alcohol **or marijuana products** in a vehicle for hire must be by a passenger riding in the vehicle.

(Code 1960, § 8.212; Ord. No. 5982, § 1, 6-27-2015, Ord. No. 6055, § 1, 07-29-2017)

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.
- (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) The city council may consider appeals of an individual whose chauffeur's license application has been denied or whose chauffeur's license has been suspended or revoked. The city council may, for good cause, waive compliance with the requirements of this chapter, except that the city council will not consider an appeal if the reason is for a conviction for a sexual offense, a felony drug offense, driving while intoxicated or refusal, or if the applicant has more than one conviction for offenses listed in section 86-77(a)(7)(a)—(i) 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.

(Ord. No. 5853, § 1, 8-13-2011; Ord. No. 5925, § 1, 9-28-2013; Ord. No. 5982, § 1, 6-27-2015)

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.

(Ord. No. 5853, § 1, 8-13-2011; Ord. No. 5982, § 1, 6-27-2015)