

**ORDINANCE NO. 5853, AS AMENDED  
AN ORDINANCE AMENDING CHAPTER 86 VEHICLES FOR HIRE**

WHEREAS, numerous appeals are made to the Council as a result of the restrictions and requirements placed upon an applicant for a chauffeur's license; and

WHEREAS, the current code provisions do not provide guidance for the Council in considering such appeals; and

WHEREAS, certain restrictions and requirements are needed for protection of the public; and

WHEREAS, the changes proposed in this ordinance will provide guidance and certainty for applicants, for the administration and for the Council; and

WHEREAS, other section of this Chapter needed to be updated and clarified,

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

**SECTION 1.** Fairbanks General Code Chapter 86 Vehicles for Hire is amended as follows (new text in **underlined bold** font, deleted text in ~~strikeout~~ font):

**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:

*Commercial passenger transport vehicle* (**CPTV**) means any of the following types of vehicles operation(s):

- (1) *Taxicab* – ~~defined as~~ **means** 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~~ **means** any motor vehicle having a seating capacity of five persons or more **passengers**, according to the manufacturer's rating, operating over established and fixed routes, under private charter **or passenger for a fee** agreement, ~~or any other passenger for a fee, whether paid at the time of transport or otherwise, including transportation provided by a hotel or restaurant.~~ 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 means 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 mean picking up passengers in, delivering passengers to, or transporting passengers through the city.

#### **Sec. 86-51. Required**

(a) No person shall operate or cause to be operated upon the streets of the city any commercial passenger transport vehicle business unless the applicant shall first obtain, through application to the city, and thereafter hold, a commercial passenger transport vehicle permit license authorizing the operation of such business upon the streets of the city. No permit shall be issued for a period greater than two years, and an individual vehicle permit shall be required for each vehicle operated under this section. Applications for 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, any person operating a vehicle or causing a vehicle to be so operated in violation of subsection (a) of this section shall be deemed guilty of a misdemeanor and upon conviction of such offense by a court shall be liable to punishment as prescribed in FGC Section 1-15.

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

#### **Sec. 86-52. Proof of insurance.**

There shall be submitted with an application for a commercial passenger transport vehicle permit copies of policies of liability or indemnity insurance providing coverage and protection against loss through personal injury or property damage arising from negligence covering all vehicles to be operated by virtue of the permit, such insurance 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 \$25,000.00 for property damage arising out of any one accident, and \$50,000.00 for all persons injured or who died in any one accident caused by an uninsured motorist. Each policy 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 shall be provided in writing to each commercial passenger transport vehicle business with at least six months advance notice.

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

(a) The application for a CPTV permit 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 ~~upon the granting of the permit;~~

- (2) A statement by the applicant that the applicant will establish and maintain a central radio dispatch office or will operate dispatch by cellular phone, **and will** keeping a daily log of all cellular calls and providing cellular phone numbers to the owner company and the city clerk's office;
- (3) The distinctive single color scheme of the company which ~~will the applicant shall apply and which shall~~ be applied to the exterior of each vehicle to be operated under the permit, including the color scheme of any lettering or numbers to appear on the exterior;
- (4) A statement by the applicant that he agrees to maintain a written record of all dispatches of vehicles operated under the permit; a listing, maintained current, of all ~~chauffeurs or~~ drivers of vehicles operated under the foregoing permit, reflecting termination dates of ~~chauffeurs or~~ drivers who withdraw from such positions; and a record of the daily hours of ~~use~~utilization for each vehicle operated under such permit; and
- (5) Such other data as may be ~~from time to time~~ required by the **Police Chief**~~director of public safety or City Clerk.~~

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

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

(a) A 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 of any covenant or agreement undertaken by the holder in making application for such permit.
- (3) Delinquency on the part of the holder of a permit or on the part of the individual ~~chauffeurs or~~ 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 ~~vehicle~~ permit, the city clerk 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 division shall be transferred or assigned by the holder without the approval of the city clerk. All approved transfers or assignments 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.

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

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

(b) Any person operating or driving a vehicle in violation of subsection (a) of this section shall be deemed guilty of a misdemeanor **and upon conviction 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 licenses.**

All applications for issuance or renewal of a chauffeur's license shall be made upon forms provided for this purpose by the city clerk, and the applications shall be submitted to the city clerk for review. The applicant shall also submit a current criminal history report obtained from the state department of public safety if a state resident or, if not, a current record obtained from the state of residency, and a current driving record. The requirements to be fulfilled prior to issuance of a chauffeur's license shall be as follows:

- (1) The applicant must be 21 years of age or older, and furnish proof if requested.
- (2) The applicant must be able to read, write and speak the English language.
- (3) The applicant must be in possession of a current Alaska State Driver's License.
- (4) The applicant 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;
  - b. Reckless or negligent driving;
  - c. Driving while license is limited, suspended or revoked;
- (5) The applicant must not have had his driver's license suspended or revoked within two years prior to the application date.
- (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 **fourteen** years of:
  - a. Prostitution or promotion of prostitution;
  - b. **Any offense under Alaska Statutes Title 11, Chapter 71 Controlled Substances**~~Sale, transportation, possession or use of any controlled substance as defined in AS 11.71.140 through 11.71.190.~~
  - c. Any felony or misdemeanor which includes as an element the use or threat of force upon a person;
  - d. Burglary, felony 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 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.
- (7) The applicant must not be addicted to the use of intoxicants or narcotics.
- (8) The applicant must be of good moral character and repute, to be evidenced by two affidavits of respectable citizens who personally know the applicant.
- (9) The applicant must not be a sex offender or kidnapper subject to the registration requirements of Title 12, Chapter 63, of the Alaska Statutes.**

**~~Sec. 86-78. Fingerprinting required.~~**

~~An applicant for a chauffeur's license shall consent to fingerprinting. The set of fingerprints will thereupon be forwarded to the Federal Bureau of Investigation, Identification Division, for search and comparison purposes.~~

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

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

**~~Sec. 86-80. Fee.~~**

~~An applicant for a chauffeur's license must pay a license fee of \$25.00 at the time of application which shall not be refundable, and shall submit the fee for the chauffeur's license.~~

**Sec. 86.81. Chauffeur's training required.**

Within 24 months of issuance of a city chauffeur's license, each driver shall:

- (1) Attend a defensive driving school and furnish a copy of the certificate of completion to the city clerk.
- (2) If the city clerk does not receive the certificate described in subsection (1) by the end of the 24-month period, the license shall not be renewed.

**Sec. 86-82. Issuance of a chauffeur's license; nontransferable; temporary license; fees; refund; expiration.**

(a) Upon an applicant's compliance with the requirements of this article, the city clerk 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 chauffeur's license 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. ~~Each chauffeur's license shall expire on the expiration date of his driver's license as issued by the state. The license fee for issuance of an initial chauffeur's license shall be submitted with 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~~2~~ if working exclusively (as an employee or on contract) for a licensed commercial passenger transport operator who possesses a valid city business license.

**Sec. 86-83. Suspensions 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 ~~and which were conducive to the issuance of the license.~~
- (2) **Conviction for a violation of any section of this chapter** ~~Failure of the licensee to carry the current chauffeur's license upon their person at all times when operating a vehicle as a licensed chauffeur.~~
- ~~(3) Operation within the city of a commercial passenger transport vehicle for which a vehicle permit, as provided in section 86-51, had not been issued, or has been suspended or revoked.~~
- ~~(34)~~ 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 individual's State of Alaska driver's license.
- ~~(45)~~ Conviction of a felony, or conviction of a misdemeanor involving moral turpitude, or **any conviction relating to prostitution** ~~trafficking in women or children for immoral purposes.~~
- ~~(6)~~ ~~Soliciting passengers for hire; or cruising the streets of the city for the purpose of obtaining or inviting business; or attracting the attention of members of the public by word of mouth, signal, nod or other demonstration while in motion or parked.~~
- ~~(7)~~ ~~Parking a commercial passenger transport vehicle upon the streets of the city except for purposes of immediately loading or unloading passengers.~~

- (8) ~~Refusing to convey any orderly person upon request and tender of the proper fee unless previously engaged or unable or forbidden to do so by the provisions of this article or the laws of the state.~~
- (9) ~~Operating or remaining in physical control for purposes of operating a commercial passenger transport vehicle for a period in excess of 12 consecutive hours without six hours between shifts.~~
- (10) ~~Transporting or offering to transport in a taxicab additional passengers for a separate fare while the vehicle is occupied by a passenger and without the express permission of the latter.~~

**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. Posting of chauffeur's license.**

No owner of a CPTV business may allow any driver to may operate a commercial passenger transport vehicle 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 ~~in a manner specified by the chief of police. Failure to do so will result in a citation and a fine of \$25.00.~~

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

No licensed chauffeur driver may operate nor may the owner of a CPTV business allow a driver to operate a commercial passenger transport vehicle in excess of 12 consecutive hours nor perform any combination of chauffeuring and other gainful occupation, ~~whether chauffeuring or otherwise,~~ 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 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 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 28.335.19030 while on duty or for eight~~five~~ hours prior to operating a commercial passenger transport vehicle~~taxicab~~.

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

Every driver of a commercial passenger transport vehicle 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 taxicab 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 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 driver shall carry in the commercial passenger transport vehicle those documents commonly known as trip sheets. For each fare charged, a driver 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 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. Posting of insurance, fares and complaint procedure.**

The ~~Police Chief~~~~director of public safety~~ shall designate a place in the interior of all commercial passenger transport vehicles for the posting of a notice stating the name of the insurance carrier, ~~applicability~~, fares charged for service and procedures for making complaints to the police department ~~of public safety~~. No person may provide service with a vehicle unless such notice is visible to passengers.

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

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

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

**(a) An 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) The city council may consider appeals of an applicant whose application for a chauffeur's license has been denied by the city clerk. The city council will not consider an appeal if the reason for the denial is a conviction for a sexual offense, for a felony drug offense, for driving while intoxicated, or for refusal within the time indicated in Sec. 86-77 or if the applicant has more than one conviction for offenses listed in Sec. 86-77(6)(a)-(g) within the time indicated.**



**(c) 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): Sec. 86-51, 86-55, 86-76, 86-82, 86-88, and 86-94.**

**(b) Violations of the following sections of this chapter are infraction subject to a maximum fine of \$300.00 and a mandatory minimum fine of \$100.00: Sec. 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 13th day of August 2011.

  
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Jerry Cleworth, City Mayor

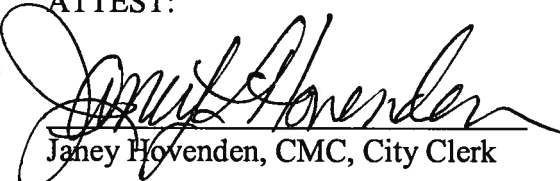
AYES: Eberhart, Gatewood, Stiver, Bratcher, Matherly, Roberts

NAYS: None


ABSENT: None

ADOPTED: August 8, 2011

ATTEST:

  
\_\_\_\_\_  
Janey Hovenden, CMC, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Paul J. Ewers, City Attorney