

ORDINANCE NO. 5875

**AN ORDINANCE AMENDING CHAPTER 86 VEHICLES FOR HIRE
CHAUFFEUR REQUIREMENTS**

WHEREAS, the City seeks to streamline the issuance of chauffeur licenses and provide a one-stop-shop for applicants eliminating the need for applicants to go to the State Division of Motor Vehicles and Alaska State Troopers Offices for required reports; and

WHEREAS, online criminal background checks are now available which provide instant results and a more thorough nationwide criminal history search; and

WHEREAS, the current character references requirement has proven to be problematic, has not proven to be a good measure of an applicant's character, and has not achieved its intended purpose; and

WHEREAS, the proposed changes make it more affordable and convenient for renewal applicants who are already seasoned career drivers who have proven their safety and driving capabilities; and

WHEREAS, the proposed changes will streamline the application process, will provide instant results for applicants, and will be less costly for the majority of applicants,

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. 86-76. - 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 license.

(a) 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 four years of:
 - a. Prostitution or promotion of prostitution;
 - b. Any offense under AS Title 11, Chapter 71 Controlled Substances.
 - 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 AS Title 12, Chapter 63.

(b) The City Clerk's Office 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. 86-79. - 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 residence requirement may be waived by the city clerk if the applicant has had a Fairbanks chauffeur's license within the last five years.

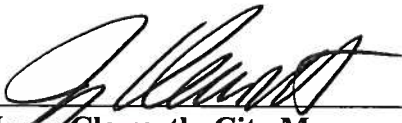
Sec. 86-80. - Reserved.

~~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.~~


SECTION 2. That the effective date of this Ordinance shall be the 27th day of February 2012.



Jerry Cleworth, City Mayor


AYES: Matherly, Hilling, Roberts, Stiver, Gatewood
NAYS: None
ABSENT: Eberhart
ADOPTED: February 27, 2012

ATTEST:



Janey Hovenden, CMC, City Clerk

APPROVED AS TO FORM:



Paul J. Ewers, City Attorney