

ORDINANCE 816

CITY OF LACEY

AN ORDINANCE RELATING TO THE REGULATION OF FOR-HIRE VEHICLES,
REPEALING CHAPTER 5.24 OF THE LACEY MUNICIPAL CODE AND ENACTING A
NEW CHAPTER 5.24 OF SAID CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON, as follows:

Section 1. Chapter 5.24 of the Lacey Municipal Code is hereby repealed.

Section 2. There is hereby added to the Lacey Municipal Code a new chapter, 5.24, to read as follows:

"5.24.010. Purpose. Under the police power of the City of Lacey, this chapter is intended to enact reasonable regulations governing the operation of for-hire vehicles within the City of Lacey and to license persons who drive such vehicles. These regulations are necessary to protect the health, safety and welfare of the citizens of the City of Lacey who use these vehicles as transportation.

"5.24.020. Definitions. For purposes of this chapter, the terms set forth below shall have the following meanings:

"'Person' means any natural person of either sex, firms, corporations, partnerships and associations either acting by themselves or by servant, agent or employee. The singular shall include the plural and the masculine pronoun shall include the feminine and neuter.

"'For-hire vehicle' includes all vehicles used for the

transportation of passengers for compensation, except auto stages, buses and ride share vehicles. The term primarily includes taxi cabs and limousines.

"'Limousine' wherever used in this chapter means a vehicle operated at a specified cost per hour or trip, and used for the transportation of passengers who have arranged for their transportation through the business office of the operator.

"'Driver and operator' shall mean the person physically engaged in driving a for-hire vehicle, whether or not said person is the owner of or has any financial interest in said vehicle.

"'Director' shall mean the Director of Finance for the City of Lacey.

"5.24.030. Vehicle license required. No for-hire vehicle shall be operated upon the streets of the City of Lacey without being licensed under this chapter. Such license, if issued, shall be for the calendar year, or any portion thereof and shall be effective for such period of time unless sooner suspended or revoked as provided in this chapter.

"Application for a for-hire vehicle license shall be filed with the Director. The application shall contain the following:

"A. The full name and both business and residence address of the owner;

"B. The number, kind, make, condition and seating capacity of each vehicle;

"C. The number of vehicles to be used; and

"D. The state permit number and the vehicle license

number issued by the State of Washington for each said vehicle. If these numbers are not available from the State of Washington at the time of application, the licensee shall furnish them to the Director within fifteen days of the issuance of the license hereunder.

"Each application shall be accompanied by the payment of an annual license fee in the amount of \$30.00 per for-hire vehicle; provided, that the fee assessed hereunder shall be reduced to \$10.00 upon a showing by the applicant that a for-hire vehicle license has been procured for the calendar year in question, with full fee paid and vehicle inspection approved, from either the City of Olympia or Tumwater. In addition, the owner/applicant shall provide Lacey with the following information:

"A. Proof that he has procured all licenses or permits required by the laws of the State of Washington for the operation of such for-hire vehicles. If these permits or licenses are not available from the State of Washington at the time of application, licensee shall furnish such proof to the Director within fifteen days of issuance of the license hereunder.

"B. Proof of insurance for each vehicle as required by this chapter;

"C. Proof that he has complied with the inspection requirements of this chapter;

"D. Proof that he owns or has a leasehold interest in the vehicle(s) for the term of the license.

"5.24.040. Issuance of vehicle for-hire license. Upon receipt of a license application under this chapter accompanied by

the appropriate fee required and the information required with the application, the Director shall issue the license to the applicant if the application meets the standards of this chapter.

"Licenses are renewable upon compliance with the requirements of this chapter. The license renewal fee shall be the same as the original license fee.

"Licenses issued hereunder shall be nontransferable.

"Each operator's license issued as herein provided shall be granted upon the express condition that the operator shall provide the service to the public on a 24-hour daily basis, and telephone service shall be maintained so that prospective for-hire users may call for service at any time. Provided, that if a licensee experiences equipment malfunction which temporarily prevents operation on a 24-hour basis, the licensee shall maintain 24-hour telephone service and shall advise any caller of said malfunction and shall resume 24-hour service as soon as is reasonably possible.

"5.24.050. Liability insurance. Upon application for a vehicle for-hire license, every applicant shall file with the Director evidence of an insurance policy on a form approved by the city attorney. Said policy shall provide liability insurance coverage for each and every vehicle owned or operated by the applicant issued by an insurance company or companies authorized to do business in the State of Washington. The policy shall provide coverage for injury to or death of any person injured or killed in any manner for which the owner or operator of said vehicle would be liable on account of any liability imposed by law, regardless of whether the

vehicle was being driven by the owner, his agent, employee or lessee. Said policy shall contain coverage limits in an amount of not less than \$500,000.00 for each occurrence.

"Every such insurance policy shall be continued in full force, notwithstanding any recovery thereon and shall provide that the liability of the insurer shall not be affected by the insolvency or bankruptcy of the insured.

"Each insurance policy required hereunder shall extend for the period to be covered by the license applied for, and the insurer shall be obliged to give the Director not less than ten days' written notice in the event of any change or cancellation prior to the expiration date. The cancellation or other termination of any such policy shall automatically revoke and terminate the licenses issued hereunder for the vehicle covered by such policy, unless another insurance policy to comply with the provision of this section shall be provided and be in effect at the time of such cancellation or termination.

"5.24.060. Rates to be filed and posted. Upon receipt of a vehicle for-hire license, the licensee shall immediately file with the Director a schedule of for-hire vehicle rates charged to the public. This schedule shall include rates for the following:

- "A. Minimum charge;
- "B. Rate per mile or fraction thereof above the minimum;
- "C. Charges for each additional passenger above one;
- "D. Charge for vehicle waiting time;
- "E. Additional charge for baggage or suitcases;

"F. Any separate rate for service during the hours of midnight to six a.m.

"The rate schedule shall be on file with the Director for inspection by the public during normal city business hours. In addition, each for-hire licensee hereunder, except limousine operators, shall conspicuously display in the interior of the vehicle the rates of fare as required to be filed above. This posting must be located in the passenger compartment in a typewritten notice so as to be easily read by a passenger.

"When the licensee changes its rates, in total or in part, the licensee shall file a schedule of new rates with the Director at least ten days before said new rates become effective. Likewise, the new rates shall be posted within the interior of the vehicle prior to the effective date of the new rates.

"The licensee shall charge only those rates set forth in a schedule of rates required under this section.

"5.24.070. Limousines--license required. No limousine shall be regularly operated upon the streets of the City of Lacey without being licensed under this chapter. The requirements, procedures and fees relative to for-hire vehicles and drivers shall in like manner apply to limousines, except as provided herein. Provided, that a limousine license shall not authorize the holder thereof to operate a taxicab.

"5.24.080. Inspection of vehicles. Prior to the licensing of any for-hire vehicle hereunder, the applicant shall request the Chief of Police to inspect any and all vehicles for

safety considerations. The chief or his designee shall inspect each such vehicle with respect to brakes, lights, tires, glass, seat-belts, cleanliness and general appearance. For purposes of such inspections, the Chief of Police shall promulgate standards for safety under the provisions of this chapter which shall be the standards used in the inspections required by this section.

"An applicant may achieve compliance with this section by showing evidence that his vehicle(s) were inspected and approved by either the City of Olympia or Tumwater incidental to an application for a for-hire vehicle license for the calendar year in question.

"In addition, each vehicle so licensed under this chapter may be periodically inspected by the Chief of Police or his designee.

"Upon inspection of for-hire vehicles under this section, the Chief of Police or his designee shall either approve the vehicle for operation or indicate that the vehicle does not meet the standards promulgated under this section. In either case, the Chief of Police shall issue a notice to the licensee/applicant indicating whether the vehicle is either approved or not approved. Until approved, a vehicle may not be licensed or used as a for-hire vehicle within Lacey.

"5.24.090. Upon receipt of a passenger complaint, the Director shall evaluate the same and, if deemed appropriate, send written notice to the licensee, either personally or by mail with a certificate of mailing attached. The notice shall specify the vehicle license number, the nature of the complaint received and the date upon which the complaint was conveyed. If the complaint

alleges a vehicle defect, the notice will require that the licensee or his agent present the vehicle for inspection to the Chief of Police or his designee within five days of receipt of the notice or be subject to license revocation proceedings under this chapter.

"If upon inspection the vehicle is determined to be in violation of the standards promulgated pursuant to this chapter, the Chief of Police will notify the Director of said violation.

"5.24.100. . Revocation, suspension or denial of vehicle for-hire license. Any license required hereunder may be revoked, suspended or denied if the Director finds that:

"A. The applicant/licensee has failed to comply with the inspection requirements of this chapter;

"B. A for-hire vehicle is being operated in an unsafe condition which constitutes a danger to the safety and welfare of passengers or the public;

"C. The licensee has failed to maintain the requirements of obtaining a license;

"D. The licensee has charged rates which exceed those set forth in the posted or filed rate schedule;

"E. The licensee has failed to procure and maintain liability insurance as required by this chapter;

"F. The licensee has violated Section 5.24.110 of this code.

"Prior to the revocation, suspension or denial of a for-hire vehicle license hereunder, the Director shall notify the licensee/applicant at least five days prior to such suspension,

revocation or denial. Said notice shall advise the licensee/ applicant that he has the right to a hearing before said Director prior to the effective date of any such suspension, revocation or denial.

"5.24.110. Other violations. In addition to other provisions of this chapter, it is a violation for any licensee to:

"A. Falsify any record, document or information required to be kept or submitted to the City of Lacey by this chapter;

"B. Drive or authorize any person to drive a for-hire vehicle which is not properly equipped and in safe condition as required by the provisions of this chapter as now or hereafter amended;

"C. Drive or authorize any person to drive a for-hire vehicle which is not equipped with seatbelts for all passengers;

"D. Allow the operation of any for-hire vehicle by a driver who is not licensed under the provisions of Section 5.24.120 of this code or who is under the influence of intoxicating liquor or drugs while operating the for-hire vehicle.

"5.24.120. For-hire driver's license--required. No person shall drive a for-hire vehicle within the City of Lacey without first obtaining a license therefor from the City of Lacey. For-hire driver's license shall be granted for the calendar year in which the application is received. The annual fee for a for-hire license shall be \$25.00 per driver; provided that the fee assessed hereunder shall be reduced to \$10.00 upon a showing that the applicant has procured a for-hire driver's license for the calendar year

in question, with full fee paid and background check made from either the City of Olympia or Tumwater.

"5.24.130. For-hire driver's license--application. Each applicant for a for-hire driver's license shall:

"A. Submit to fingerprinting by the Lacey Police Department, provided, however, the Police Chief may waive such fingerprinting for those applicants already licensed by the City of Olympia or Tumwater;

"B. File with the application three recent photographs of the applicant of a size designated by the Chief of Police which may be easily attached to his license. One such photograph shall be attached to the license when issued, another shall be filed with the police department and the third shall accompany the application, provided, however, that the Police Chief may only require one photograph from those applicants holding a license with either the City of Olympia or Tumwater, which one photograph shall be filed with the police department;

"C. Be at least 18 years of age;

"D. Have no physical or mental infirmity which jeopardizes his ability to operate a for-hire vehicle and have eyesight correctable to a reasonable level determined by the Director.

"E. Have a valid Washington driver's license and be so licensed for at least two years prior to the date of application for a license;

"F. Not have been convicted of a felony, or of operating a motor vehicle while under the influence of intoxicating liquor or

drugs or of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drugs, or of reckless driving or negligent driving, or of vehicular homicide or vehicular assault, within five years proceeding the date of application for a license;

"G. Not have been convicted of three or more moving violations during a one year period during the five years proceeding the date of the application for a license.

"Application shall be made to the Director. A renewal application shall be made in the same manner upon submittal of the fee and other information and items required for the initial application, including photographs.

"All licenses shall expire on December 31 of the year of issue.

"5.24.140. For-hire driver's license--revocation, suspension or denial. A license issued hereunder may be revoked, suspended or denied by the Director for any of the following:

"A. A failure to have or maintain any of the requirements or qualifications set forth above in this chapter for obtaining a for-hire driver's license.

"B. The commission of three or more moving violations in any one year period.

"C. Repeated or aggravated violations of Section 5.24.150 of this code.

"D. Conviction of any criminal vehicular violations set forth in Section 5.24.130(6) of this code.

"Prior to any revocation, suspension or denial of a license, the Director shall inform the applicant/licensee of his right to a hearing thereon. Such hearing, if requested, shall be conducted before the Director prior to the implementation of any revocation, suspension or denial.

"5.24.150. For-hire driver's license--other violations. In addition to the other provisions of this chapter, it is a violation for any licensee to:

"A. Permit any person to alight from any vehicle while it is in motion.

"B. Operate or be in physical control of a vehicle while under the influence of intoxicating liquors or drugs.

"C. Allow passenger consumption of intoxicating liquor or drugs in the for-hire vehicle. Provided that this section shall not prohibit consumption of alcoholic beverages by a passenger in a limousine as authorized by RCW 66.44.250.

"D. Willfully carry any passenger to a destination by a route that is not the most direct route, unless a customer specifically authorizes a deviation or alternate route.

"E. Pick up additional passengers without the express consent of the original passenger.

"F. Activate the meter when the for-hire vehicle is not employed or activate any equipment which indicates that the for-hire vehicle is carrying a passenger when it is not.

"5.24.160. Refusal to pay fare. It is unlawful for any

person to refuse to pay the posted fare for a for-hire service after the service has been rendered.

"5.24.170. Violation deemed misdemeanor. Any person violating the provisions of this chapter shall be deemed guilty of a misdemeanor."

Section 3. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or application of the provision to other persons or circumstances shall be unaffected.

Section 4. Effective date. The regulatory features of this ordinance shall become effective January 1, 1988, and the licensing provisions contained herein shall be effective for all licenses to be issued or renewed for the 1988 calendar year and thereafter.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON, this 3rd day of December, 1987.

CITY COUNCIL

By Kay M. Boyd
Mayor

Attest:

Timothy McGuire
City Clerk

Approved as to form:

[Signature]
City Attorney

Published: _____

SUMMARY FOR PUBLICATION
ORDINANCE NO. 816

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed, on December 3, 1987, Ordinance 816 entitled "AN ORDINANCE RELATING TO THE REGULATION OF FOR-HIRE VEHICLES, REPEALING CHAPTER 5.24 OF THE LACEY MUNICIPAL CODE AND ENACTING A NEW CHAPTER 5.24 OF SAID CODE."

A section by section summary of this Ordinance is as follows:

Section 1 repeals all of Chapter 5.24 of the Lacey Municipal Code which was the existing regulations of the City for taxi cabs and other for-hire vehicles.

Section 2 adds a new Chapter 5.24 to the Lacey Municipal Code to provide for new regulations of taxi cabs and limousines in the City. These new regulations define appropriate terms, provide for the licensing of for-hire vehicles and the drivers of such vehicles with the procedures for such licensing and the fees established designed in such a way that the licensing process will be reciprocal between the Cities of Lacey, Olympia and Tumwater and simplified for those persons regulated. The new chapter also provides for liability insurance, requires rates to be filed and posted for public view, contains provisions regarding the handling of complaints by passengers and sets procedures for the revocation, suspension or denial of licenses called for in the chapter. The new chapter also contains a number of provisions which are either required or prohibited on the part of licensees and passengers. Section 5.24.170 of the new chapter adopted by Section 2 states as follows: "Any person violating the provisions of this chapter shall be deemed guilty of a misdemeanor."

Section 3 of the Ordinance provides that if any portion of the Ordinance is declared invalid the remainder of the Ordinance shall, nevertheless, be unaffected.

Section 4 provides for an effective date of January 1, 1988 for the regulatory features of the Ordinance and makes the licensing provisions of the Ordinance effective for those licenses issued or renewed for the 1988 calendar year.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

SUMMARY APPROVED BY MOTION OF THE CITY COUNCIL THIS 3rd
DAY OF DECEMBER, 1987.

Kay M. Boyd
Mayor