

ORDINANCE NO. _____

AN ORDINANCE to amend Article A (TAXICABS) of Chapter 12 (TAXICABS AND OTHER VEHICLES FOR HIRE) of Title 9 (LICENSING AND REGULATION) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article A, Chapter 12, Title 9 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as follows:

ARTICLE A. 1 TAXICABS

DIVISION 1 Generally

Sec. 9-12-1 Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this article, have the meanings indicated in this section:

- (1) *Board*. The traffic and parking board created by title 5, chapter 8, article A of this Code.
- (2) *Certificate*. A certificate of public convenience and necessity issued by the city manager authorizing the operation of a taxicab company under the provisions of this article.
- (3) *Certificate holder*. Any taxicab company, or taxicab owner still holding a valid certificate issued prior to February 15, 1983, which has been granted a certificate of public convenience and necessity as provided in this article.
- (4) *Cruising*. The driving of a taxicab on the streets, alleys, or public places of the commonwealth in search of, or soliciting for, prospective passengers for hire.
- (5) *Director*. The director of the department of transportation and environmental services or the director's designee.
- (5.1) *Dispatch service*. A service that receives telephone, text, app, or e-mail requests for taxi service and wirelessly dispatches those requests to taxicabs in the field.
- (5.2) *Dispatch call*. A taxicab trip generated by the customer contacting a central dispatch center and the call being dispatched to one of that company's taxicabs by the dispatch center.
- (6) *Driver*. The person operating any taxicab.
- (7) *Driver's permit*. The permit issued to a driver of a taxicab under the provisions of this article.
- (7.1) *Driver move*. When a driver leaves his existing company to another company that has a vacant authorization. A driver move may take place at any time and has no impact on the number of authorizations held under either company's certificate of public convenience and necessity.

- 1 (7.2) *Reserved*.
- 2 (7.3) *Documented city trip*. A non-dispatched trip served by the driver while on duty that
3 originates without a call to a central dispatch center in one of the following manners: a) a
4 pick-up from an authorized Alexandria taxi stand; b) a pick-up from a Metro Station located
5 within the City of Alexandria; c) a pick-up from Washington Reagan Airport where the
6 final destination is within the City of Alexandria; or d) a trip arranged by direct
7 communication between the customer and the driver. With respect to each of the foregoing,
8 in order to constitute a documented city trip, such trip must be contemporaneously
9 documented on the company's business records via a regular established business procedure,
10 so that a company record of the trip exists independent of what may be recorded in a
11 driver's manifest, including, without limitation, the date of the trip, the time and location of
12 both the origination and termination point of the trip and the number of passengers served
13 on the trip.
- 14 (8) *Hack inspector*. The individual designated by the city manager to fill this position pursuant
15 to this article.
- 16 (9) *Manifest*. A daily record prepared by the driver of a taxicab of all trips made by the driver,
17 showing the time and place of origin, destination, number of passengers and the amount of
18 fare of each trip.
- 19 (10) *Owner*. The person who holds legal title to any taxicab, or any person who holds beneficial
20 title to any such taxicab or any person having possession of any such taxicab under a
21 conditional sales contract, lease, bailment or any instrument in the nature of a lien.
- 22 (11) *Person*. Any natural person, firm, partnership, limited partnership, corporation, company,
23 limited liability company, joint venture, cooperative, association or joint stock association,
24 including any trustee, receiver, assignee or personal representative thereof.
- 25 (12) *Regulation*. The rules and regulations promulgated by the city manager pursuant to this
26 article.
- 27 (13) *Street*. The entire width between the boundary lines of every way or place of whatever
28 nature open to the use of the public for purposes of vehicular travel in the commonwealth
29 including streets, highways, alleys and publicly maintained parking lots.
- 30 (14) *Taxicab*. Any motor vehicle having a seating capacity of not more than six passengers and
31 not operating on a regular route or between fixed terminals, used in transportation of
32 passengers for hire or compensation, and subject to regulation under this article and
33 applicable law.
- 34 (15) *Taximeter*. A meter, instrument or device, attached to a taxicab which accurately and
35 reliably measures the distance driven and the waiting time upon which the fare is based.
- 36 (16) *Taxicab company*. A person who regularly engages in the provision of taxicab services to
37 and from points in the city.
- 38 (17) *Taxicab services*. The operation of a motor vehicle upon the streets, on call or on demand,
39 accepting or soliciting passengers indiscriminately for transportation for hire between such
40 points along the streets as directed by the passenger or passengers being transported, except
41 as excluded by applicable law.

1 (17.1) *Trade dress*. The color scheme, insignia, or branding for each taxicab company,
2 consistent with regulations set by the city.

3 (18) *Vehicle permit*. A permit issued by the city manager authorizing a taxicab to be associated
4 with a taxicab company, and operated under its dispatch system.

5 **Sec. 9-12-2 Compliance with article.**

6 (a) It shall be unlawful for any person to operate, drive or provide taxicab services in any
7 taxicab required by this article to obtain a permit from the city, unless such person, and such
8 taxicab, shall conform to and comply with the provisions of this article.

9 (b) It shall be unlawful for any person to operate a taxicab company required by this article to
10 obtain a certificate of public convenience and necessity from the city, unless such person
11 shall conform to and comply with the provisions of this article.

12 (c) Any person who violates any provisions of this article shall be guilty of a class 2
13 misdemeanor, unless another penalty is expressly provided in this article.

14 **Sec. 9-12-3 Hack inspector.**

15 The city manager shall appoint either a sworn officer or a civilian employee to serve at his
16 pleasure as hack inspector, and one or more assistant hack inspectors. The hack inspector shall
17 exercise the powers and duties provided for in this article and do all things necessary to make
18 effective the provisions of this article. The city manager may designate the hack inspector to
19 administer some or all of his powers and responsibilities under this article.

20 **Sec. 9-12-4 Authority of city manager.**

21 (a) The city manager may designate a person or persons to administer some or all of the
22 provisions of this article.

23 (b) The city manager is authorized to make such reasonable rules and regulations as may be
24 necessary to administer the provisions of this article.

25 **Sec. 9-12-5 False statements prohibited.**

26 (a) It shall be unlawful for any person knowingly to make or cause to be made, either directly
27 or indirectly, any false statement as an inducement for the issuance of a certificate of public
28 convenience and necessity, vehicle permit or a driver's permit provided for in this article.

29 (b) It shall be unlawful for person knowingly to make or cause to be made, either directly or
30 indirectly, any false statement in any document required to be submitted pursuant to this
31 article.

32 **Sec. 9-12-6 Insurance or bond required.**

33 (a) Every taxicab owner for which a vehicle permit has been issued under this article shall keep
34 in full force and effect at all times either:

- 1 (1) A public liability and property damage insurance policy with a company authorized to do
2 business within the state covering each driver authorized by the vehicle owner to operate the
3 vehicle as a taxicab in at least the amount of \$450,000.00 combined single limit, with not
4 less than \$300,000.00 coverage for death, not less than \$100,000.00 coverage for bodily
5 injury, and not less than \$50,000.00 coverage for property damage, and every such policy
6 shall contain a clause obligating the company issuing the same to give 15 days' notice in
7 writing to the hack inspector and the company with which the owner is affiliated before any
8 cancellation thereof. Every taxicab owner for which a vehicle permit has been issued under
9 this article shall also keep in full force and effect at all times uninsured motorist coverage
10 and underinsured motorist coverage in a minimum amount of \$100,000.00, and every such
11 policy shall contain a clause obligating the company issuing the same to give 15 days'
12 notice in writing to the hack inspector and the company with which the owner is affiliated
13 before any cancellation thereof; or
- 14 (2) An indemnity bond of a surety company, authorized to do business within the state in the
15 same amounts and for the same purposes as the insurance policies stated in subsection (1) of
16 this section; provided, that the director of finance of the city, after investigation, shall be
17 fully satisfied as to the financial responsibility of the surety company on such bond.
- 18 (b) Each certificate holder shall be responsible for maintaining records documenting
19 compliance with the foregoing insurance requirements, including a certificate of insurance
20 or insurance binder for all affiliated taxicabs and all authorized drivers. Such documents
21 shall be available for inspection by the hack inspector during normal business hours. In
22 addition, each certificate holder shall provide the hack inspector an annual report, at a time
23 of the hack inspector's determination, setting forth:
- 24 (1) All affiliated taxicabs, including make, model, production year and VIN;
25 (2) All drivers authorized to drive each affiliated taxicab vehicle; and
26 (3) The manner in which each authorized driver and affiliated taxicab comply with the
27 requirements of this section, including, without limitation, the name of the insurer and a
28 certification that the policy complies the requirements of this section.
- 29 (c) In the event that the insurance provider or surety changes for one of its affiliated vehicles or
30 authorized drivers, the certificate holder shall report such change to the hack office in
31 writing within 48 hours of receiving notice of same.

32 **Secs. 9-12-7 through 9-12-20 reserved.**

33 **DIVISION 2 Certificates of Public Convenience and Necessity**

34 **Sec. 9-12-21 Certificate required.**

35 It shall be unlawful for any person to operate or engage in business as a taxicab company
36 unless a certificate of public convenience and necessity shall have been issued pursuant to this
37 article. It shall be unlawful for any person to operate or engage in business as a taxicab company
38 under an expired, suspended or revoked certificate.

1 **Sec. 9-12-22 Initial application for a certificate.**

2 (a) An application for the initial issuance of a certificate of public convenience and necessity
3 shall be made to the city manager, on or before May 1 of each year, on the form provided by
4 the city manager.

5 (b) The applicant shall provide the following:

6 (1) The full name and business address of the applicant and, if the applicant is a corporation, a
7 certified copy of the articles of incorporation;

8 (2) The full name and address of the registered agent or other person or persons upon whom
9 legal process may be served and upon whom all notices or other matters relating to the
10 administration and enforcement of this article should be made;

11 (3) The trade name and the telephone numbers under which the applicant does or proposes to
12 do business;

13 (4) The financial status and responsibility of the applicant;

14 (5) The maximum number and ownership of taxicabs to be operated;

15 (6) A description of the type of service to be provided including the geographic area of the city
16 to be served;

17 (7) A description of the communications system to be used with specific reference as to the
18 applicant's plan to provide adequate dispatch service to the public;

19 (8) A description of trade dress to be used on each taxicab, which shall conform to regulations
20 issued by the city manager;

21 (9) [Reserved];

22 (10) The specific experience of the applicant in the transportation of passengers for hire and the
23 management of a business engaged therein, including, without limitation, the disclosure of
24 any ownership interest in any taxicab company anywhere at any time;

25 (11) All facts or circumstances which the applicant asserts to meet the applicant's burden of
26 demonstrating that the public convenience and necessity requires granting the certificate;

27 (12) [Reserved];

28 (13) Such additional information as the city manager may require.

29 (c) All applications must be signed (1) by the president if a corporation or (2) by the legal
30 representative if a business entity other than a corporation, and must be notarized.

31 ~~(d) Such forms shall include a statement that "It is unlawful for any person to make a false or~~
32 ~~misleading statement in connection with this application and the making of any false or~~
33 ~~misleading statement shall be grounds for denial of the application or subsequent revocation~~
34 ~~of a certificate, and for criminal prosecution."~~

1 **Sec. 9-12-23 Fees.**

2 The fees and charges for an application for, and for the issuance and renewal of, a certificate
3 shall be established by regulation, and no application shall be filed, and no certificate issued or
4 renewed, unless and until such fees and charges shall have been paid.

5 **Sec. 9-12-24. Reserved.**

6 **Sec. 9-12-25 Determination of public convenience and necessity; issuance of certificate.**

7 (a) *Burden.* The applicant shall have the burden of demonstrating that the public convenience
8 and necessity require the operation of a new taxicab company and the authorization of any
9 additional taxicabs that may be requested.

10 (b) *Notice and written comments.* Upon receipt of a completed application for an initial
11 certificate and authorization of any additional taxicabs, the city manager shall notify all
12 existing certificate holders by mail, and the public by advertisement in a newspaper of
13 general circulation published within the city, that the application has been filed, and that
14 written comments on the application may be filed with the city manager within 30 days after
15 publication of the notice. No application shall be considered complete unless all of the
16 information in sections 9-12-22 and 9-12-32 has been provided.

17 (c) *Public hearing.* The board shall hold a public hearing and make its recommendation to the
18 city manager as to whether the public convenience and necessity requires granting the
19 application for a new certificate and authorization of any additional taxicabs that may be
20 requested. In making its recommendation, the board shall apply the criteria set forth in
21 subsection (d) of this section. This hearing shall be held at the next regular meeting of the
22 board after the written comment period has closed, and may be continued from time to time
23 thereafter by the board.

24 (d) *Criteria for consideration.* The city manager shall determine whether public convenience
25 and necessity require the operation of a new company and authorization of any additional
26 taxicabs that may be requested in the application. In making this determination, the city
27 manager shall consider.

28 (1) The representations of the applicant as set forth in its application;

29 (2) [Reserved];

30 (3) Any information presented at the public hearing held pursuant to paragraph (c) of this
31 section, and the recommendation of the traffic and parking board;

32 (4) Information as contained in the city manager's most recent report on the economic
33 conditions of the taxi industry required by section 9-12-31;

34 (5) Any shortcomings or deficiencies in existing taxicab service and other forms of
35 transportation for passengers already in existence;

36 (6) The probable permanence and quality of the service offered by the applicant;

- 1 (7) The financial status, qualifications and responsibility of the applicant as demonstrated by
2 the applicant's ability to provide, maintain and operate the number of vehicles proposed to
3 be operated in accordance with the character of service proposed in the application;
- 4 (8) The experience of the applicant in taxicab operations as an owner or manager or as a taxicab
5 driver; and
- 6 (9) The effect on promoting competition and improving the quality of taxi service provided in
7 Alexandria. There shall be a prohibition, based on potential anti-competitive impact, against
8 any entity owning, in whole or in part, an interest in more than one taxicab company
9 authorized to do business in the city. Any entity in violation of this provision shall have 18
10 months from the effective date to come into compliance therewith.
- 11 (f) *Decision.* The city manager may grant the certificate of public convenience and necessity
12 applied for and approve any additional taxicabs requested by the applicant or approve a
13 lesser number of taxicabs than requested, or the city manager may deny the certificate. If the
14 city manager denies the certificate or grants the certificate with a lesser number of taxicabs
15 than requested by the applicant, the city manager shall notify the applicant by certified mail.
- 16 (g) *Re-application.* An applicant may not reapply for a certificate, or for the authorization of
17 additional taxicabs, for one year from the date of decision by the city manager.

18 **Sec. 9-12-26 Certificate generally; form; term.**

- 19 (a) The certificate of public convenience and necessity shall state the following:
- 20 (1) The name, home and business address of the certificate holder and registered agent or other
21 person to whom legal process may be served or notice given.
- 22 (2) The date of issuance; and
- 23 (3) That the certificate has been issued subject to the provisions of this division and all other
24 laws and ordinances governing the operation of a taxicab company.
- 25 (b) Every certificate shall expire on December 31 next after issuance. Before expiration, each
26 certificate holder shall file a renewal application with the hack inspector pursuant to section
27 9-12-27. In cases of death, sickness or unusual circumstances, the city manager may
28 authorize the continued operation of an existing certificate until the following March 31.

29 **Sec. 9-12-27 Renewal of certificate.**

30 Each certificate holder shall file an application for renewal of the certificate with the hack
31 inspector by August 1 of each year on the form provided by the city manager.

32 Each application for a renewal of a certificate shall demonstrate compliance with section 9-
33 12-32, and shall include a requested number of taxicab authorizations based on current service
34 levels.

35 **Preferred Option Sec. 9-12-28 Trade dress for vehicles.**

- 36 (a) Each applicant for a certificate shall adopt trade dress for each authorized vehicle which
37 shall be submitted for approval with the application for the certificate. Upon the granting of
38 the certificate and approval of the trade dress, the certificate holder shall cause all vehicles

1 that it operates under the certificate to conform to such trade dress. No other certificate
2 holder, owner or driver shall use such trade dress.

3 (b) No trade dress shall be approved if it conflicts with or imitates the trade dress used by
4 another certificate holder in such manner as to mislead, confuse or tend to deceive the
5 public.

6 (c) It shall be unlawful and grounds for revocation of a certificate for any certificate holder to
7 change or allow to be changed the approved trade dress, except as hereinafter provided.

8 (d) Any owner or driver connected with a certificate holder who is allowed to use the trade
9 dress of such certificate holder, shall immediately upon separation or discharge from the
10 holder's company discontinue use of any taxicab until the trade dress on such taxicab has
11 been changed or removed.

12 **Sec. 9-12-29 Sale or transfer of certificates of public convenience and necessity; transfer of**
13 **company control.**

14 (a) A certificate of public convenience and necessity issued pursuant to this article shall remain
15 the property of the city, and no such certificate may be sold or transferred by the certificate
16 holder to any other person.

17 (b) Merger or transfer of control of a taxicab company, either de facto or de jure, is prohibited
18 unless approved by the city manager after a determination that such merger or transfer of
19 control is in the public interest. Any person who proposes to merge or acquire control of a
20 taxicab company shall submit to the city manager an application in writing, setting forth
21 such relevant information as to the proposed merger or transfer as prescribed by regulation,
22 and indicating whether the merger or transfer of control will be de facto or de jure.

23 (1) The applicant shall have the burden of demonstrating that such merger or transfer of control
24 will serve the public interest, and shall promptly respond to any requests for additional
25 information required by the city manager.

26 (2) The city manager shall cause an investigation of the financial status, qualifications and
27 responsibility of the applicant and the experience of the applicant in the taxicab business to
28 be conducted. The results of such investigation shall be used by the city manager in
29 determining whether the merger or transfer is in the public interest.

30 (3) [Reserved]

31 (4) The city manager may approve or deny the request for merger or transfer of control. Before
32 granting any such request, the city manager shall make an affirmative finding that the
33 proposed merger or transfer of control is in the public interest. Absent such finding, the city
34 manager shall deny the application, and notify the applicant.

35 (5) In the event of a merger or transfer of control, the city manager may, in the manager's
36 discretion, waive or modify the driver transfer limits set forth in section 9-12-30.

37 **Sec. 9-12-30 Amending certificates of public convenience and necessity.**

38 (a) The number of taxicabs authorized by a certificate may be amended once every two years
39 during the biennial review of the industry and the following procedures shall apply:

- 1 (1) A certificate holder may apply for an amendment to the number of vehicles authorized by
2 the certificate, no later than August 1 of each year in which a review is conducted, on the
3 form provided by the city manager.
- 4 (2) Reserved.
- 5 (3) A public hearing on all such applications shall be held by the board as part of the biennial
6 review of the taxi industry pursuant to section 9-12-31, and the board shall make a
7 recommendation thereon to the city manager.
- 8 (4) The board in making its recommendation, and the city manager in making the determination
9 on such applications and proposed amendments, shall consider the factors prescribed in
10 section 9-12-31.
- 11 (c) The decision on such applications shall be part of the city manager's order setting forth the
12 conditions of the taxicab industry pursuant to section 9-12-31.
- 13 (d) Upon amendment as to the number of vehicles the certificate holder shall forthwith
14 surrender the old certificate to the city manager, and the city manager shall issue a new
15 certificate to the certificate holder.

16 **Sec. 9-12-31 Biennial review of taxi industry.**

- 17 (a) Between September 1 and November 15 of 2010, and during the same period every two
18 years thereafter, the board and city manager shall conduct a review of the taxicab industry
19 in Alexandria. The board shall conduct a public hearing, after giving reasonable notice to all
20 applicants, existing certificate holders and the public. The board shall receive comment as to
21 the economic condition of the taxicab industry, the adequacy of public service rendered by
22 the industry, and whether any changes to the regulation of the industry are necessary or
23 desirable, including changes to the number of taxicabs authorized for each taxicab company
24 holding a valid certificate.
- 25 (b) Performance information required to be submitted by certificate holders pursuant to section
26 9-12-32 shall be considered by the board and the city manager as part of the review.
- 27 (c) In reviewing applications to renew certificates of public convenience and necessity, the
28 board and city manager shall consider the certificate holder's record of compliance with
29 section 9-12-32, and shall establish the maximum and minimum number of vehicles that
30 may be affiliated with each certificate holder, as follows:
- 31 (1) The minimum number of authorized taxicabs for each certificate holder shall not be fewer
32 than ten percent less than the number authorized at the time of the biennial review.
33 Notwithstanding the foregoing, the minimum number of authorized taxicabs for any
34 company that has substantially met the level of dispatch service required under this Code
35 for the intervening two years since the prior review shall not be reduced below the number
36 of authorizations allowed in the prior review.
- 37 (2) The maximum number shall provide a sufficient number of taxicab authorizations for each
38 certificate holder to provide a satisfactory level of dispatch service based on current and
39 anticipated number of dispatch trips provided.

- 1 (3) In the event that the board and city manager shall authorize the issuance of one or more new
2 certificates, the minimum number of taxicabs authorized for each existing certificate holder
3 may be further reduced by an additional five percent below the current authorization.
- 4 (d) The board and city manager shall set the total number of vehicles to be authorized for each
5 taxicab company holding a valid certificate, giving consideration to such factors as bear on
6 public convenience and necessity, including but not limited to:
- 7 (1) the demonstrated need on a company-by-company basis on the number of cabs necessary to
8 provide satisfactory public service, including ensuring adequate availability of taxicabs for
9 dispatch service and taxi stands;
- 10 (2) changes in the number of trips actually served by taxicabs for each existing company;
- 11 (3) the ability of current drivers to earn a living wage;
- 12 (4) a demonstrated commitment to specifically serve the needs of the elderly and/or disabled
13 community;
- 14 (5) the dispatch levels attained during the two-year period immediately preceding the biennial
15 review, so that no company shall be granted more authorizations than supported by its
16 actual dispatch performance for the prior two-year period; and
- 17 (6) such factors listed in section 9-12-25(d) as the board or city manager deem applicable.
- 18 (e) [Reserved.]
- 19 (f) Giving consideration to the comments received at the public hearing, and to any additional
20 information made part of the record before it, the board shall forward its conclusions as to
21 the status of the industry, and its recommendations as all matters included in the annual
22 review of the industry, to the city manager. The report shall include the findings of fact
23 upon which board's conclusions and recommendations are based. The report shall be
24 transmitted to the city manager no later than November 15.
- 25 (g) The biennial review of the taxicab industry shall also include a review of the fares and
26 industry fees, including a review of the base fare, permitted additional charges and all fees
27 charged to and by the certificate holders, owners and drivers. The public hearing before the
28 board shall include comments on such fares, charges and fees and any recommended
29 changes thereof. The board shall forward its conclusions, recommendations and findings of
30 fact as to such fares, charges and fees as part of its report pursuant to subsection (f) of this
31 section. In reviewing such fares, charges and fees, the board and city manager shall, without
32 limitation, take the following factors into consideration:
- 33 (1) driver income compared to the City of Alexandria adopted living wage;
- 34 (2) cost of industry related regulatory and enforcement expenditures; and
- 35 (3) such factors listed in section 9-12-25(d) as the board or city manager deem applicable.
- 36 (h) Not later than December 15 of the year in which the biennial review is conducted, the city
37 manager shall issue an order stating the manager's findings and conclusions as to the
38 economic condition of the taxicab industry and determinations as to any pending
39 applications or proposals under section 9-12-30. In issuing his order, the city manager shall
40 presume that the factual findings of the board are prima facie correct. If the manager

1 disagrees with any of the recommendations of the board, the manager shall, with the
2 issuance of the order, enumerate the reasons for not accepting such recommendations. The
3 order of the city manager may be used by him in determining the public convenience and
4 necessity under the provisions of this article.

5 (i) Reserved.

6 (j) After completion of the transfer review process and the review of all applications for new
7 or renewed certificates of public convenience and necessity, the city manager may approve
8 additional authorizations for existing companies that have requested same, based upon a finding
9 that such a grant will be in the public convenience and necessity including, without limitation,
10 promoting prompt dispatch and exceptional customer service.

11 **Sec. 9-12-32 Requirements for certificate holders.**

12 Each certificate holder shall:

13 (a) provide 24-hour service;

14 (b) provide two-way dispatch service located within the boundaries of the city that meets the
15 following:

16 (1) dispatch must be provided 24 hours a day, seven days a week;

17 (2) if less than 130 taxicabs are authorized under the certificate, dispatch may be provided not
18 less than 16 hours a day, seven days a week;

19 (3) if the certificate has been issued for less than one year, dispatch may be provided not less
20 than 16 hours a day, seven days a week until one year following the date of issuance, after
21 which dispatch must be provided as set out in paragraph (1) or (2), depending on the size of
22 the certificate holder;

23 (c) provide the minimum level of service for dispatch and documented city trips and call
24 response time as prescribed by regulation; however, in no circumstance may regulation set
25 an average dispatch and documented city trip call volume equaling less than two calls per
26 driver per day. In addition, in no circumstances may regulation provide more than 25
27 percent of the required call volume be satisfied by documented city trips. Dispatch and
28 documented city trip service requirements shall be calculated based on the total number of
29 properly documented calls served by the certificate holder during the time period reviewed
30 by city staff;

31 (d) [Reserved];

32 (e) have affiliated a minimum of 40 taxicabs. This limitation may be modified by the city
33 manager upon a finding that the public convenience and necessity will be served by such a
34 modification.

35 (f) provide a minimum of one vehicle, or one percent of the vehicles authorized under the
36 certificate, whichever is greater, for ADA compliant handicap accessible transportation, and
37 every vehicle permit issued for a handicap accessible vehicle shall state on the permit that it
38 is to be used for a handicap accessible vehicle only. Each certificate holder has an
39 affirmative obligation to make such ADA complaint vehicles available during the hours in

1 which it provides dispatch service for dispatch to a qualified handicapped passenger in the
2 event not less than two hours notice is provided by the passenger;

3 (g) maintain a record of all taxicabs affiliated with the certificate holder, of the owners thereof
4 and of all drivers thereof, including the current address and telephone number for each such
5 owner and driver. This record shall be turned in not less than annually by a date to be
6 determined by the director of T&ES and otherwise be available at all times for examination
7 and inspection by the director, hack inspector or any police officer and shall be preserved
8 for 12 months;

9 ~~(h) provide an alternative dispute resolution process for disputes arising between owners and/or
10 drivers of taxicabs and the certificate holder pursuant to division 7 of this article;~~

11 ~~(i) provide and adhere to written policies setting forth service requirements for drivers
12 affiliated with the certificate holder and specifying disciplinary actions that the holder will
13 take in the event the requirements are not met. All such requirements and disciplinary
14 actions and any revision that may from time to time be added by the certificate holder shall
15 be provided to every affiliated driver and posted in a conspicuous location in the taxicab
16 company offices;~~

17 (j) not unreasonably withhold its agreement to allow an affiliated driver to transfer the
18 authorization under which the driver is driving to another qualified driver;

19 (k) provide a 30-day notice to drivers of any changes in stand dues and post such changes in a
20 conspicuous location in the taxicab company offices with a clearly stated reason for the
21 change, and file such changes and reasons with the city, for informational purposes;

22 (l) post the most current schedule of stand dues in a conspicuous location in the taxicab
23 company offices;

24 ~~(m) file with the city, in a manner prescribed by regulation, for informational purposes, the
25 requirements and disciplinary actions required by subsection (i) and the stand due schedule
26 and any changes required by subsection (k);~~

27 (n) maintain monthly performance information and provide the following information to the
28 city manager on a periodic basis, no less than annually, in the manner prescribed by
29 regulation:

30 (1) dispatch call volume totals;

31 (2) number of complaints by type;

32 (3) a schedule of current stand dues;

33 (4) dispatch call volumes and detailed call and pick up data files; and

34 (5) such other information as may be prescribed by regulation.

35 (o) [Reserved];

36 (p) all information submitted to the city manager under this section shall include a statement
37 that "It is unlawful for any certificate holder to make a false or misleading statement and the
38 making of any false or misleading statement shall be grounds for revocation of a certificate
39 and criminal prosecution," and shall be signed by the certificate holder or authorized
40 representative;

- 1 (q) all financial data information submitted pursuant to this section shall be deemed
2 confidential financial information pertaining to the certificate holder's business license
3 pursuant to title 9 of the City Code and exempt from disclosure to the public pursuant to
4 Code of Virginia, §§ 58.1-3 and ~~46.2-2602(B)~~ 46.2-2062(B) and shall otherwise be kept
5 confidential to the extent permissible under the Code of Virginia and the City Code;
- 6 (r) in the event that the City of Alexandria adopts a paratransit and/or senior citizen
7 transportation program involving all certificate holders, each certificate holder must
8 participate in such a program;
- 9 (s) all certificate holders who operate as taxicab companies must have written contracts setting
10 forth the terms and conditions of their agreements with the drivers who operate under the
11 vehicle authorizations granted to each certificate holder; and
- 12 (t) ensure that all affiliated vehicles accept major credit cards as payment for taxicab fares
13 pursuant to a policy to be determined by the certificate holder, subject to the following
14 conditions:
- 15 (1) If a certificate holder mandates that its affiliated drivers use a specific credit card processor,
16 that company will:
- 17 a. charge drivers no more than five percent of the transaction for processing;
- 18 b. provide a direct deposit option for drivers.
- 19 (2) Certificate holders are responsible for uniformity of service and can determine the type(s) of
20 credit card device(s) that are allowable in their fleet;
- 21 (3) [Reserved];
- 22 (4) The certificate holder will ensure that for all credit card transactions, its affiliated drivers
23 will issue a paper receipt showing date of transaction, cab number, driver name, and the
24 amount of the transaction for all credit card transactions. The receipt may be hand-written;
- 25 (5) The certificate holder will ensure that all credit card processing equipment authorized for
26 use by its affiliated drivers shall be PCI DSS compliant; and
- 27 (6) The certificate holder will take affiliated taxicabs out of service if their credit card
28 processing equipment is inoperable.

29 **Sec. 9-12-33 Civil penalties; revocation or suspension of certificates.**

- 30 (a) Any certificate holder who violates any provisions of section 9-12-32 shall be guilty of a
31 class two civil violation.
- 32 (b) Certificates of public convenience and necessity may be placed on probationary status for a
33 period of 30 to 120 days, or revoked by the city manager for any of the following causes:
- 34 (1) failure to manage and operate the company and fleet in such a manner as to serve the public
35 adequately;
- 36 (2) failure to manage and operate the company and fleet in such manner as to cause the
37 authorized taxicabs to be maintained in good order and repair;

- 1 (3) failure to manage and operate the company and fleet in such manner as to cause the
2 insurance required by this article to be maintained for the authorized taxicabs;
- 3 (4) repeated and persistent violations by the certificate holder or by the drivers of authorized
4 taxicabs of the Alexandria City Code or of the motor vehicle laws of Virginia;
- 5 (5) failure to report any accident as required by this article;
- 6 (6) failure to manage and operate the company and fleet in such manner as to cause any fees
7 lawfully assessed upon the ownership or operation of any vehicle licensed under this article
8 to be paid;
- 9 (7) failure to comply with the requirements of section 9-12-32; and
- 10 (8) failure to comply with any other provision of this article.
- 11 (c) Prior to placing on probationary status or revoking any certificate, the city manager shall
12 hold a hearing on the proposed revocation or probation. The certificate holder shall have the
13 right to present his case in person or be represented by counsel licensed to practice law in
14 the Commonwealth of Virginia. The certificate holder shall be given at least ten days' notice
15 by personal service, or by regular and certified mail, to the address shown on the certificate,
16 of the grounds for revocation or probation and the time and place of the hearing thereon.
- 17 (d) The city manager shall notify the certificate holder by regular and certified mail directed to
18 the address shown on the certificate, of his decision to revoke or place on probationary
19 status the certificate. Such decision notice shall include the grounds for revocation or
20 probation and the length of time of probation.
- 21 (e) A certificate holder whose certificate has been revoked may not reapply for a certificate for
22 365 days from the date of revocation.
- 23 (f) The city manager may place on probationary status a certificate for such a period of time in
24 excess of 120 days as he may, in his reasonable discretion, see fit.
- 25 (g) If a certificate is placed on probationary status, the city manager shall impose such terms
26 and conditions as the manager deems reasonably necessary to bring the certificate holder
27 into compliance. In the event the certificate holder fails to comply within the time stated by
28 the city manager, the certificate shall be revoked by operation of law.
- 29 (h) Disposition of vehicle authorizations from a revoked certificate. The vehicle authorizations
30 held by a certificate holder whose certificate is revoked under this section shall be returned
31 to the city on the effective date of the revocation. Not less than 45 days prior to the effective
32 date of revocation of the certificate, the city manager shall cause a public hearing to be held
33 by the board regarding the public interest in the disposition of the authorizations. The board
34 shall make a recommendation to the city manager as to the disposition of the authorizations.
35 Not less than 21 days prior to the date of revocation, the city manager shall make a
36 determination as to the disposition of the authorizations. There shall be a presumption, but
37 not a guarantee, that the vehicle authorizations from a certificate holder that has its
38 certificate revoked shall be allowed to transfer to other authorized certificate holders, unless
39 the manager finds that such transfer will not be in the best interest of the public convenience
40 and necessity.

- 1 (i) The city manager's decision to place on probationary status or revoke a certificate may be
2 reviewed on the record by the Circuit Court of the City of Alexandria, to determine whether
3 the city manager applied the correct law, and whether the decision was arbitrary and
4 capricious; provided a petition for review is filed with the court within 30 days of the
5 decision. The filing of such petition shall not stay the effect of such revocation or
6 suspension, unless otherwise ordered by the court. The court may affirm or reverse the
7 decision of the city manager, or vacate the decision and remand the matter with instructions.

8 **Sec. 9-12-34 Authorizations not in use.**

- 9 ~~(a) If a certificate holder fails to operate any authorized vehicles for more than 18 consecutive~~
10 ~~months, the authorization to operate such inactive vehicles shall terminate automatically and~~
11 ~~revert to the city, and the city manager shall issue a new certificate for the lesser number of~~
12 ~~authorized vehicles that remain in use.~~
- 13 ~~(b) The provisions of subsection (a) shall not be applicable to that portion of an increase in~~
14 ~~authorized vehicles granted under the provisions of section 9-12-30 for a period of 365 days~~
15 ~~after an increase in certificates is authorized.~~

16 **Sec. 9-12-35 Grandfathered certificates.**

17 A certificate which was issued to an individual owner or driver prior to February 15, 1983,
18 and remains in force and effect, including by renewal, on and after July 1, 2005, shall be subject
19 to the following provisions:

- 20 (a) The original holder of such an individual certificate may change affiliation at any time and
21 for any reason, subject to compliance with the provisions of this section.
- 22 (b) The provisions of section 9-12-32 shall not be applicable to renewals of grandfathered
23 certificates held by an individual owner or driver.
- 24 (c) Grandfathered certificates may only be transferred in the manner set forth in the following
25 section (d).
- 26 (d) Upon the holder's departure from the industry, the company with whom the grandfathered
27 certificate is at that time affiliated may request that the grandfathered certificate be
28 converted to a standard authorization, which, if granted, shall be in addition to the number
29 of authorizations then affiliated with the company. The traffic and parking board shall
30 consider any such request at a public hearing and will make the final determination
31 regarding such request. The city manager shall promulgate regulations for processing such
32 requests and scheduling them for hearing. In the event such a request is granted, then the
33 grandfathered certificate holder may transfer the vehicle permit in the same manner and
34 subject to the same regulatory requirements as those vehicle permits for vehicles with
35 standard authorizations.

36 **Secs. 9-12-36 through 9-12-40 reserved.**

37

DIVISION 3 Driver's Permit

1 **Sec. 9-12-41 Driver's permit required, display.**

2 No person shall operate a taxicab under the authority of a certificate of public convenience
3 and necessity issued by the city, and no person who owns or controls a such a taxicab, shall
4 permit it to be so driven, and no such taxicab shall be operated at any time for hire, unless the
5 driver of such taxicab shall have first obtained and shall have then in force a driver's permit
6 issued under the provisions of this division. Such permit shall be the property of the city, and
7 shall be carried and displayed in a conspicuous place in the taxicab while being operated by the
8 driver.

9 **Sec. 9-12-42 Application.**

10 (a) An application for a driver's permit under this division shall be made ~~in writing under oath~~
11 ~~on forms provided for by the city manager,~~ shall be filed with the hack inspector and shall
12 provide the following:

13 (1) pertinent personal data;

14 (2) ~~physical condition of the applicant;~~

15 ~~(3) [Reserved];~~

16 ~~(4) [Reserved];~~

17 ~~(5) [Reserved];~~

18 ~~(6) [Reserved];~~

19 (3) a written certification from a company certificate holder that the applicant has taken and
20 passed a written examination pursuant to section 9-12-46 herein, in a form reviewed and
21 approved by the hack inspector;

22 (4) a written certification from a company certificate holder stating that it has conducted a
23 mandatory background screening of the applicant in accordance with section 9-12-42.1 and
24 further certifying that the company certificate holder has authorized the applicant as a driver
25 based upon the results of that screening; and

26 (5) a written certification from the applicant certifying that he or she has not had a taxicab
27 driver's permit or a similar permit permanently revoked in any other jurisdiction.

28 (a) [Reserved];

29 (b) [Reserved];

30 (c) Each applicant shall file with the application three copies of a recent photograph, of a size
31 designated by regulation, one of which shall be attached to and become a part of the
32 application, another to be permanently attached to the permit, if issued.

33 ~~(d) The application shall state thereon that "It is unlawful for any person to make a false~~
34 ~~statement on this application and discovery of a false statement shall constitute grounds for~~
35 ~~prosecution and for denial or revocation of this driver's permit."~~

1 **Sec. 9-12-42.1 Mandatory background screenings.**

2 (a) Before authorizing an applicant as a driver, a company certificate holder shall confirm that
3 the person is at least 18 years old, possesses a valid driver's license, and has possessed a
4 valid driver's license for at least six months.

5 (b) Before authorizing an applicant to act as a driver, and at least annually after authorizing a
6 person to act as a driver, a company certificate holder shall obtain a national criminal
7 history records check of that person. The background screening shall include (i) a Multi-
8 State/Multi-Jurisdiction Criminal Records Database Search or a search of a similar
9 nationwide database with validation (primary source search) and (ii) a search of the Sex
10 Offender and Crimes Against Minors Registry and the U.S. Department of Justice's
11 National Sex Offender Public Website. The person conducting the background screening
12 shall be accredited by the National Association of Professional Background Screeners or a
13 comparable entity that is approved by the department.

14 (c) Before authorizing a person to act as a driver, and at least once annually after authorizing a
15 person to act as a driver, a company certificate holder shall obtain and review a driving
16 history research report on that person from the individual's state of licensure.

17 (d) Before authorizing a person to act as a driver, and annually after authorizing a person to act
18 as a driver, a company certificate holder shall verify that the person is not listed on the Sex
19 Offender and Crimes Against Minors Registry or on the U.S. Department of Justice's
20 National Sex Offender Public Website.

21 (e) A company certificate holder shall not authorize a person to act as a driver if the criminal
22 history records check required above reveals that the individual:

23 (1) is a person for whom registration with the Sex Offender and Crimes Against Minors
24 Registry is required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 of the Code of
25 Virginia, or is listed on the U.S. Department of Justice's National Sex Offender Public
26 Website; or

27 (2) has ever been convicted of or has ever plead guilty or nolo contendere to a violent felony
28 offense as listed in Code of Virginia, § 17.1-805(C), or a substantially similar law of
29 another state or of the United States, or pled guilty or nolo contendere to a violation of Code
30 of Virginia, § 46.2-894, or a substantially similar law of another state or of the United
31 States; or

32 (3) within the preceding seven years has been convicted of or has plead guilty or nolo
33 contendere to any of the following offenses, either under Virginia law or a substantially
34 similar law of another state or of the United States: (i) any felony offense other than those
35 included in subsection (2) above; (ii) an offense under Code of Virginia, §§ 18.2-266, 18.2-
36 266.1, 18.2-272, or 46.2-341.24; or (iii) of any offense resulting in revocation of a driver's
37 license pursuant to Code of Virginia, §§ 46.2-389 or 46.2-391; or

38 (4) within the preceding three years has been convicted of or has pled guilty or nolo contendere
39 to any of the following offenses, either under Virginia law or a substantially similar law of
40 another state or of the United States: (i) three or more moving violations; (ii) eluding a law-
41 enforcement officer, as described in Code of Virginia, § 46.2-817; (iii) reckless driving, as
42 described in Article 7 (§ 46.2-852 et seq.) of Chapter 8 of the Code of Virginia; (iv)

1 operating a motor vehicle in violation of Code of Virginia, § 46.2-301; or (v) refusing to
2 submit to a chemical test to determine the alcohol or drug content of the person's blood or
3 breath, as described in Code of Virginia, §§ 18.2-268.3 or 46.20341.26:3.

- 4 (f) An authorized driver shall immediately inform each company certificate holder that has
5 authorized him to act as an authorized driver, as well as the hack officer, of any event that
6 may disqualify him from continuing to act as an authorized driver, including any of the
7 following: the revocation, suspension, cancellation, or restriction of his driver's license; a
8 motor vehicle moving violation; or a criminal arrest, plea, or conviction. Upon learning of a
9 potentially disqualifying event, either from the driver, from other sources, or from the
10 periodic screenings required above, the company certificate holder shall immediately
11 provide written notice of the same to the hack inspector. The driver and the company
12 certificate holder shall cooperate with any request for information made by the hack
13 inspector. A failure to comply with this subsection could result in the suspension or
14 revocation of the driver's permit, or the company certificate holder's certificate of public
15 convenience and necessity.
- 16 (g) The hack inspector shall be entitled to review the results of the mandatory background
17 screenings immediately upon request.
- 18 (h) Any person who violates any provision of this section or who permits a violation of any
19 provision of this section shall be guilty of a class one civil violation.

20 **Sec. 9-12-43 Charges for permit.**

21 The fees and charges for an application for, and for the issuance and renewal of, a drivers
22 permit shall be established by regulation, and no application shall be filed, and no certificate
23 issued or renewed, unless and until such fees and charges shall have been paid.

24 **Sec. 9-12-44 Medical examination.**

25 If the application indicates that the applicant's ability to safely operate a taxicab is
26 reasonably in question, no driver's permit shall be issued or renewed until the applicant shall
27 furnish a certificate from a reputable physician, certifying that, in such physician's opinion, the
28 applicant's ability to safely operate a taxicab is not impaired.

29 **Sec. 9-12-45 Reserved.**

30 **Sec. 9-12-46 Examination of applicant as to driving ability, etc.**

31 Each applicant for a driver's permit pursuant to this division shall be required to pass a
32 written examination in a form approved by the hack inspector as to the applicant's ability to
33 operate a taxicab, knowledge of the traffic laws of the city and state, knowledge of the city's
34 roads and the laws of this article applicable to drivers. The content, nature and form of such
35 examination shall be determined by the hack inspector and may be periodically changed by the
36 hack inspector from time to time as may be deemed necessary for the public interest and safety.
37 This examination may be offered and taken by a company certificate holder or a third party and
38 must be successfully completed, with a passing score of 75% or higher prior to application for a
39 driver's permit pursuant to section 9-12-42.

1 **Sec. 9-12-47 Reserved.**

2 **Sec. 9-12-48 Reserved.**

3 **Sec. 9-12-49 Requirements for driver's permit.**

4 A driver's permit shall not be issued to any person who:

5 (a) is under 18 years of age;

6 (b) [Reserved];

7 (c) has had a taxicab driver's permit or similar permit permanently revoked in any other
8 jurisdiction;

9 (d) [Reserved];

10 (e) [Reserved];

11 (f) has not provided a written certification from a company certificate holder that the applicant
12 has taken and passed a written examination pursuant to section 9-12-46 herein, in a form
13 reviewed and approved by the hack inspector;

14 (g) has not held a valid motor vehicle operator's license for a period of at least six months;

15 (h) has not passed the applicable examinations required by section 9-12-46;

16 (i) does not have a valid work authorization from the Immigration and Naturalization Service,
17 if required; and

18 (j) has not been authorized by a company certificate holder as required by sections 9-12-42 and
19 9-12-42.1.

20 **Sec. 9-12-50 Issuance or denial of driver's permit by the hack inspector.**

21 (a) If the hack inspector finds that an applicant has satisfied the requirements of this division
22 the hack inspector shall issue a driver's permit to the applicant.

23 (b) If the hack inspector finds that an applicant has not met the requirements of this division, or
24 that issuance of a driver's permit to the applicant would jeopardize the health, safety or
25 welfare of the public, the hack inspector shall deny the application, and give written notice
26 thereof, including the reasons for the denial, to the applicant.

27 ~~(c) The city manager may by regulation provide for a program for the issuance of temporary
28 driver's permits. The hack inspector may withhold issuance of the temporary permit if he
29 reasonably believes that there are unresolved issues or additional information that may be
30 required from an applicant. A temporary permit may be issued to the applicant as provided
31 by regulation. Any such temporary permit shall be valid for no more than 90 days from the
32 date of issuance.~~

1 **Sec. 9-12-51 Appeal of a denial of a driver's permit.**

- 2 (a) When an application for a driver's permit under this division is denied, the applicant may
3 appeal to the board, which shall hold a hearing on any such appeal and make a
4 recommendation regarding same to the city manager pursuant to the procedures set forth
5 herein.
- 6 (b) Such applicant shall, within ten days after being notified of the denial, file in writing with
7 the hack inspector, a notice of appeal. The hack inspector shall schedule a public hearing
8 before the board within a reasonable time. Notice of the hearing shall be given to the
9 applicant at least ten days before the hearing date.
- 10 (c) The hack inspector shall immediately notify the applicant in writing of the board's
11 recommendation.
- 12 (d) The board shall make its recommendation to the city manager, who shall have authority to
13 affirm or reverse the decision appealed from. If the city manager finds for the applicant, the
14 hack inspector shall issue the driver's permit. If the city manager finds against the applicant,
15 the decision of the hack inspector shall stand. The action of the city manager on appeal shall
16 be final.
- 17 (e) There shall be no rehearing and any such applicant shall not be considered for a period of at
18 least one year after denial.

19 **Sec. 9-12-52 Information to be shown on permits.**

20 Each driver's permit issued pursuant to this division shall at minimum contain the following
21 information:

- 22 (a) the permit number;
- 23 (b) the name of the driver;
- 24 (c) photograph of the driver;
- 25 (d) the date of expiration; and
- 26 (e) a statement that the permit is issued subject to the provisions of this article and may be
27 suspended or revoked pursuant to the provisions of this article.

28 **Sec. 9-12-53 Expiration of permit.**

29 Each driver's permit issued under this division, ~~except for a 60-day temporary permit,~~ shall
30 expire two years from the date of issuance, unless sooner suspended or revoked.

31 **Sec. 9-12-54 Renewal of permit.**

32 A driver's permit may be renewed for successive periods of two years, provided that the
33 procedure set forth for original applications is followed and all applicable fees have been paid.

34 **Sec. 9-12-55 Permits nontransferable.**

35 No driver's permit issued under this division shall be transferable.

1 **Sec. 9-12-56 Records and reporting requirements.**

- 2 (a) *Accident reports.* The driver of every taxicab shall report within 24 hours, to the hack
3 inspector, every accident, however slight, in which a taxicab or any other vehicle operated
4 by such driver is involved.
- 5 (b) *Manifest.* Every taxicab driver shall keep, on a form prescribed by the city manager, a
6 manifest, which shall, at minimum, record the place, date and time the transportation of
7 each paying passenger commenced and terminated, and the amount of the fare, all of which
8 shall be recorded immediately upon the termination of each trip. All manifests shall be
9 subject at all times to examination or inspection by any duly authorized city official, the
10 hack inspector or any police officer. Every manifest shall be kept and preserved for 12
11 months, and shall be submitted to the city manager or the manager's designee as required by
12 regulation.
- 13 (c) *Disposition of property left in vehicles.* Every driver of a taxicab shall carefully preserve
14 any money or other property left in the taxicab and shall immediately notify the taxicab
15 company of the discovery of the property and turn over such money or other property to the
16 taxicab company within 24 hours of discovery. All taxicab companies shall maintain a lost
17 and found for such property and shall report all property so received to the hack inspector,
18 as prescribed by regulation. Such money or other property shall be surrendered promptly to
19 the owner, upon identification and proof of ownership.
- 20 (d) *Drivers and company certificate holders to report changes of affiliation.* Every driver of a
21 taxicab, as well as the company certificate holder to which the driver is changing affiliation,
22 shall notify the hack inspector within five business days when he changes his affiliation to
23 another taxicab company.

24 **Sec. 9-12-57 Service requirements.**

25 The following are minimum service requirements that must be met by all drivers holding a
26 driver's permit issued under this division:

- 27 (a) *Additional passengers.* No driver already engaged with a passenger shall take an additional
28 passenger, except with the consent of all passengers.
- 29 ~~(b) *Unlawful use of vehicles.* No driver shall use or permit the use of any taxicab for soliciting
30 business for any person or house of ill repute, for selling intoxicating liquors, for lewd or
31 indecent purposes or for transporting persons to houses of ill repute or places used for lewd
32 indecent purposes.~~
- 33 (c) *Entering and leaving vehicles.* No driver shall allow a passenger to enter or leave any
34 taxicab except along the curb of a street.
- 35 (d) *Stopping in intersections to load or unload prohibited; interfering with traffic.* No driver of
36 any taxicab shall stop, load or unload any passengers in the intersection of any streets or on
37 any crosswalk. No such driver shall in any way impede or interfere with the orderly flow of
38 traffic on the streets.
- 39 (e) *Priority of calls for service.* Every driver of a taxicab shall serve requests for service in the
40 order of receipt of such calls.

- 1 (f) *Nonpaying passengers.* No nonpaying passenger shall be transported in a taxicab with a
2 paying passenger, except bona fide officers or employees of the owner or certificate holder,
3 or a police officer engaged in the performance of his duty.
- 4 (g) *Drivers to take shortest route to destination.* The driver of each taxicab shall drive the same
5 over the shortest practical route from the point of engagement to the destination of the
6 passenger or passengers.
- 7 (h) *Number of passengers.* No driver of a taxicab shall carry at any one time more adult
8 passengers than the number for which the vehicle was designed.
- 9 (i) *Passengers to occupy rear seat first.* Passengers shall fill the rear seat before using the front
10 seat, and no driver shall carry a passenger in the front seat unless the back seat is filled,
11 except when otherwise requested by a passenger.
- 12 (j) *Loitering at taxi stands.* No driver shall loiter or congregate with others in sidewalks
13 adjacent to a taxi stand in such a manner as to violate section 9-12-115 of this division or in
14 such a manner as to unreasonably inhibit or impede the flow of pedestrian traffic on the
15 sidewalk.
- 16 (k) *Cruising.* The city manager may prohibit cruising throughout the city or in designated areas
17 within the city in times of emergency, or at other times when some activity takes place
18 within the city which will produce abnormal traffic congestion and danger to pedestrians
19 and the city manager finds that cruising would add to the congestion and danger. No such
20 prohibition may be issued, except in case of an emergency, without notice and public
21 hearing before, and a recommendation from the board. When the city manager has issued
22 such prohibition, it shall be unlawful for any person to cruise in the area designated.
- 23 (l) *Refusal to carry passengers.* No driver of a taxicab shall refuse or neglect to convey any
24 orderly person, upon request, unless previously engaged, off duty, or unable or forbidden by
25 the provisions of this article to do so.
- 26 (m) [Reserved].
- 27 (n) *Responding to dispatch calls.* Every driver shall comply with the standards of dispatch
28 service prescribed by regulation. Each driver must average not less than 50 percent of the
29 average dispatch call volume set by regulation pursuant to section 9-12-32(c) for the
30 company with which the driver is affiliated. Notwithstanding the foregoing, a company may
31 set a different level of service for its drivers so long as the company meets the dispatch
32 requirements set forth by regulation pursuant to section 9-12-32(c) and notifies the hack
33 inspector of this policy.
- 34 (o) *Complying with service regulations.* All drivers shall comply with customer service related
35 provisions prescribed by regulation.
- 36 (p) *Complying with company service standards.* Every driver shall comply with the service
37 requirements issued by the taxicab company with which the driver is affiliated.
- 38 (q) *Smoking in taxicabs.* Smoking shall be prohibited in taxicabs at all times.
- 39 (r) *Cell phone and mobile device use.* Drivers shall not use cell phones or other mobile devices
40 when transporting passengers except for emergencies and trip related activities.

1 **Sec. 9-12-58 Temporary suspension of permits and civil penalties.**

2 (a) The hack inspector shall have the power to suspend any driver's permit for a period not to
3 exceed five days for any one or more of the following causes:

4 (1) any violation of section 9-12-56;

5 (2) any violation of section 9-12-57; or

6 (3) any violation of section 9-12-60.

7 (b) In addition to the foregoing, any driver who violates sections 9-12-56, 9-12-57 or 9-12-60
8 shall be guilty of a class five civil violation. The hack inspector shall have the authority to
9 assess the civil penalties set forth for such violations in City Code section 1-1-11 and shall
10 coordinate with the office of the city attorney to determine when suspensions, civil penalties
11 or a combination of both shall be imposed.

12 **Sec. 9-12-59 Appeal from temporary suspension.**

13 Whenever the hack inspector has suspended a permit pursuant to section 9-12-58, the driver
14 may appeal to the board, by filing a written notice of appeal with the hack inspector, within five
15 days after being notified of his suspension. The hack inspector shall thereupon schedule, within a
16 reasonable time, a hearing before the board. Notice of such hearing shall be given to the
17 applicant at least five days before the hearing. Any suspension shall be stayed pending the
18 hearing before and decision of the board. The board shall have authority to affirm, reverse or
19 modify the suspension appealed from. The action of the board shall be final and there shall be no
20 rehearing. There shall be no appeal to the traffic & parking board from the imposition of a civil
21 penalty not accompanied by a suspension, but civil penalties not accompanied by a suspension
22 may be contested in the manner set forth in City Code section 1-1-11(c)(3).

23 **Sec. 9-12-60 Suspension and revocation of permits by the board.**

24 (a) The board shall have the power to recommend that the city manager suspend or revoke any
25 driver's permit issued under the provisions of this division for any one or more of the
26 following causes:

27 (1) violation of any law involving moral turpitude;

28 (2) failure to report any accident in which the driver is involved;

29 (3) violation of any law prohibiting the operation of motor vehicles while under the influence of
30 any intoxicating beverage, controlled substance or drug;

31 (4) operation of a taxicab known by the driver not to be in good order or safe repair;

32 (5) repeated violations of traffic or safety laws of local, state or federal government;

33 (6) being impaired by a disease or infirmity which makes the driver an unsafe driver;

34 (7) violation of any law prohibiting hit and run driving, leaving the scene of an accident or
35 similar law;

36 (8) failure to serve the public adequately;

- 1 (9) making a false statement prohibited by section 9-12-5 of this Code;
- 2 (10) [Reserved];
- 3 (11) doing any act or failing to do any act which act or omission jeopardizes the health, safety or
4 welfare of the public;
- 5 (12) repeated suspension pursuant to section 9-12-58 of this Code;
- 6 (13) repeated or egregious rude or discourteous conduct towards a passenger; or
- 7 (14) violation of any other provision of this article.
- 8 (b) In any hearing by the board under this section, a conviction, plea of nolo contendere or
9 forfeiture shall be conclusive evidence of a violation.
- 10 (c) The hack inspector shall give the holder of the permit at least ten days' notice by personal
11 service or by certified mail to the address shown on the permit of the grounds for
12 suspension or revocation and the time and place of hearing.
- 13 (d) The board shall conduct a public hearing, and the city attorney, when requested by the hack
14 inspector, shall present the case against the permit holder. The permit holder may present
15 his own case or be represented by counsel.
- 16 (e) If the board finds that one or more of the causes specified in subsection (a) exists, the board
17 shall recommend that the city manager suspend the driver's permit for not less than 30 days
18 nor more than 120 days, or the board may recommend that the city manager revoke the
19 driver's permit, as it may in its discretion see fit.
- 20 (f) When a driver's permit has been revoked, no application for a new permit shall be accepted
21 for one year following the revocation.
- 22 (g) The city manager's decision to suspend or revoke a driver's permit may be reviewed on the
23 record by the Circuit Court of the City of Alexandria, to determine whether the board and
24 city manager applied the correct law, and whether the decision was arbitrary and capricious;
25 provided a petition for review is filed with the court within 30 days of the decision. The
26 filing of such petition shall not stay the effect of such revocation or suspension, unless
27 otherwise ordered by the court. The court may affirm or reverse the decision of the city
28 manager, or vacate the decision and remand the matter with instructions.

29 **Secs. 9-12-61 through 9-12-70 reserved.**

30 **DIVISION 4 Vehicle Permits**

31 **Sec. 9-12-71 Vehicle permit required; display.**

32 No taxicab shall be operated under the authority of a certificate of public convenience and
33 necessity issued by the city, and no person who owns or controls a such a taxicab, shall permit it
34 to be so operated, and no such taxicab shall be operated at any time for hire, unless the owner of
35 such taxicab shall have first obtained and shall have then in force a vehicle permit issued under
36 the provisions of this division. Such permit shall be the property of the city, and shall be carried
37 and displayed in a conspicuous place in the taxicab.

1 **Sec. 9-12-72 Application.**

2 (a) An application for a vehicle permit under this division shall be ~~made in writing under oath~~
3 ~~on forms provided by the city manager;~~ shall be filed with the hack inspector and shall
4 contain at minimum the following information:

- 5 (1) full name of the applicant;
6 (2) applicant's current address;
7 (3) make, model and year of the vehicle;
8 (4) description of the insurance policy covering the vehicle; and
9 (5) proof that the vehicle displays a valid state inspection decal and a valid state registration
10 decal.

11 ~~(b) The application shall state thereon that "It is unlawful for any person to make a false~~
12 ~~statement on this application and discovery of a false statement shall constitute grounds for~~
13 ~~prosecution or denial or revocation of this vehicle permit."~~

14 **Sec. 9-12-73 Charges for vehicle permit.**

15 The fees and charges for an application for, and for the issuance and renewal of, a vehicle
16 permit shall be established by regulation, and no application shall be filed, and no vehicle permit
17 issued or renewed, unless and until such fees and charges shall have been paid.

18 **Sec. 9-12-74 Issuance of permit; inspection of vehicle.**

19 If the hack inspector finds that the vehicle complies with the provisions of this division and
20 with the regulations promulgated pursuant to this article, the hack inspector shall issue a vehicle
21 permit for such vehicle. If the vehicle is found by the hack inspector not to meet the
22 requirements, the hack inspector shall notify the applicant of all defects which must be remedied
23 for the permit to be issued. If the defects are not corrected, the application for a vehicle permit
24 shall be denied.

25 **Sec. 9-12-75 Information to be shown on permits.**

26 Each vehicle permit issued pursuant to this division shall contain at minimum the following
27 information:

- 28 (1) vehicle permit number;
29 (2) name of the certificate holder under whose certificate the vehicle will be operated;
30 (3) name of the owner;
31 (4) expiration date;
32 (5) year, make, model and vehicle identification number (VIN);
33 (6) make and serial number of taximeter; and
34 (7) the fact that the permit is issued subject to the provisions of this article and may be
35 suspended or revoked if the provisions of this article are violated.

1 **Sec. 9-12-76 Expiration of permit.**

2 All vehicle permits issued under this division shall expire one year from the date of
3 issuance, unless sooner suspended or revoked. A vehicle permit shall be suspended by operation
4 of law in the event that the state inspection or the state registration of the vehicle expires during
5 the duration of the vehicle permit. In such an event, the vehicle permit shall be reinstated by
6 operation of law once a new state inspection or a new state registration is obtained.

7 **Sec. 9-12-77 Renewal of permit.**

8 A vehicle permit may be renewed, provided the applicant follows the procedure set forth for
9 original applications. The renewed permit shall expire one year from the date of issuance.

10 **Sec. 9-12-78 Permit nontransferable before inspection.**

- 11 (a) A vehicle used as a taxicab may be transferred to a new owner, either for use as a taxicab or
12 otherwise. However, if the vehicle is to be used as a taxicab by the new owner, the vehicle
13 permit may not be transferred to the new owner unless and until the hack inspector has
14 determined that the vehicle complies with all requirements for a new permit. Such
15 determination shall be made within a reasonable period of time.
- 16 (b) If a vehicle ceases to be used as a taxicab, the permit for that vehicle shall forthwith be
17 surrendered to the hack inspector, and a new permit applied for and obtained for the
18 replacement vehicle, if any.

19 **Sec. 9-12-79 Suspension of permits.**

- 20 (a) The hack inspector shall have the power to suspend a vehicle permit for a period not to
21 exceed five days for one of the following causes:
- 22 (1) failure to maintain the taxicab in good order and repair.
23 (2) violation of the requirements set forth in section 9-12-81 of this division.
- 24 (b) The hack inspector shall have the power to suspend a vehicle permit until such time that the
25 vehicle is safe to operate if the vehicle is found to be in violation of section 9-12-80 of this
26 division.
- 27 (c) The hack inspector shall have the power to suspend a vehicle permit until such time that the
28 vehicle is insured as required by section 9-12-6 of this article.
- 29 (d) In addition to the foregoing, any vehicle owner or driver who violates section 9-12-80 or 9-
30 12-81 shall be guilty of a class two civil violation.

31 **Sec. 9-12-80 Vehicles to be in safe condition.**

32 Every taxicab and the equipment used in connection therewith, subject to a vehicle permit
33 pursuant to this division, shall be kept at all times in proper and safe mechanical and operating
34 condition to the satisfaction of the hack inspector.

1 **Sec. 9-12-81 Requirements for vehicles.**

2 Every taxicab and the equipment used in connection therewith, subject to a vehicle permit
3 pursuant to this division, shall at all times comply with the following minimum standards

4 (a) *Vehicles to be clean.* All taxicabs shall at all times be kept clean and sanitary to the
5 satisfaction of the hack inspector.

6 (b) *Ventilation of vehicles; lights.* Every taxicab shall be equipped with properly functioning
7 heating, air conditioning and windows and passenger cabin lights.

8 (c) *Body types of vehicles; seating capacity.* Every taxicab shall be of a vehicle type approved
9 by regulation with four doors, at least two seats and not less than five-passenger capacity;
10 provided, however, that any taxicab, otherwise in compliance with the provisions of this
11 article may, upon the written application to and approval of the city manager, and having
12 only three doors, may be used to provide transportation to handicapped or otherwise
13 physically disabled persons.

14 (d) *Shades and curtains.* No taxicab shall be equipped with shades or curtains which can shield
15 any occupant from observation.

16 (e) *Speedometers.* Every taxicab shall be equipped with a standard speedometer, properly
17 installed and kept in good working order at all times.

18 (f) [Reserved];

19 (g) [Reserved];

20 (h) *Information to be displayed on outside of vehicle.*

21 (1) Every taxicab shall bear on the rear thereof and on each side thereof in lettering at least
22 three inches high the word "taxicab" or "cab."

23 (2) The certificate number under which the taxicab is operated, clearly visible, shall be placed
24 on the rear and on each side of each taxicab.

25 (3) The prevailing rates of fare shall be displayed on each side of the taxicab by means of cards
26 or stickers, furnished by the director of finance at a cost established by regulation, placed in
27 the side rear window in such a manner as to be visible from the outside. The form, size and
28 content of said cards or stickers shall be as approved by the hack inspector.

29 (i) *Display of permit.* Every driver shall post his driver's permit in such a place as to be in full
30 view of all passengers while the driver is operating a taxicab.

31 (j) *Display light.* Every taxicab shall be equipped with a plainly visible light signal
32 permanently affixed on the exterior of the cab of a design approved by the hack inspector,
33 which signal shall be turned on and exhibited at all times when the taxicab is on duty and
34 available for hire.

35 (k) *Two-way communication.* Every taxicab shall be equipped with a means of wireless two-
36 way communication, properly installed and kept in working order at all times. Such means
37 of communication shall be operated in compliance with all applicable regulations of the
38 Federal Communications Commission. Each unit will have the ability to conduct a two-way
39 conversation with the taxicab dispatcher.

- 1 ~~(l) *Age of vehicles.* Except for hybrid or alternative fuel vehicles, no vehicle permit shall be~~
2 ~~issued for a taxicab that is older than 15 model years. No vehicle permit shall be issued for a~~
3 ~~hybrid or alternative fuel taxicab that is older than 17 model years.~~
- 4 (m) *Taximeters.* Every taxicab shall be equipped with a taximeter in compliance with section 9-
5 12-131.

6 **Secs. 9-12-82 through 9-12-110 reserved.**

7 **DIVISION 5 Taxicab Stands**

8 **Sec. 9-12-111 Establishment of stands.**

9 The board may establish taxicab stands at such places as it deems necessary for the public
10 convenience. The board's may act on its own motion or on the written application of any abutting
11 owner, after a public hearing and 15 days' notice to the public and to the owner of the property
12 abutting and across the street from the proposed taxicab stand. No stand shall be established
13 which would tend to create a traffic hazard or aggravate an already existing hazard.

14 **Sec. 9-12-112 Abolition of stands.**

- 15 (a) The board may, after notice and public hearing, abolish any taxicab stand which in its
16 opinion is either:
- 17 (1) no longer necessary for the taxicabs or for-hire vehicles using it;
18 (2) no longer in the best interest of the public convenience;
19 (3) creating an unduly hazardous traffic condition; or
20 (4) adversely affecting nearby property or the occupants thereof.
- 21 (b) The action of the board shall be final.

22 **Sec. 9-12-113 Doing business on street at other than duly established stands.**

23 It shall be unlawful for any owner or driver of a taxicab or certificate holder to use as a
24 place of business any parking meter space in the city or any portion of a street except at an
25 authorized stand. For the purpose of this section, the actual transportation of passengers and the
26 loading and unloading of passengers shall not be construed as doing business, but parking or
27 standing while waiting for fares, calls, or dispatch shall be construed as doing business.

28 **Sec. 9-12-114 Use of stands.**

- 29 (a) Except as provided in section (b), vehicle stands shall be used only by on duty drivers
30 authorized to perform taxicab services by this article.
- 31 (b) Any person shall have the right to stop temporarily in any taxicab stand for the purpose of
32 discharging or receiving passengers or for loading or unloading merchandise, and the owner
33 or occupant of the abutting property shall have reasonable right of ingress and egress, but no
34 person other than the driver of a taxicab authorized to use such stand shall park therein.

1 **Sec. 9-12-115 Drivers to attend and keep near vehicles at stands.**

2 Drivers of taxicabs parked at any taxicab stand, shall at all times keep their taxicab attended
3 and remain within 20 feet of their taxicab.

4 **Secs. 9-12-116 through 9-12-130 reserved.**

5 **DIVISION 6 Fares**

6 **Sec. 9-12-131 Taximeters.**

- 7 (a) All taxicabs shall be equipped with taximeters fastened in front of the passengers, visible to
8 them at all times day and night; and, after sundown, the face of the taximeter shall be
9 illuminated. Such taximeter shall be operated mechanically or electronically and accurately
10 track the movement of the vehicle via GPS or other commercially reliable means, as
11 approved by the hack inspector in consultation with the director of T&ES. Each taximeter
12 shall be equipped with a mechanism or display which indicates when the vehicle is engaged
13 and when it is not engaged; and the driver shall actuate the taximeter at the commencement
14 of each trip and stop the taximeter at the termination of each trip. Any taximeter shall be
15 subject to inspection upon demand by the hack inspector, or any police officer, and if the
16 taximeter is determined to be inoperative or inaccurate, the taxicab shall cease to be
17 operated until the taximeter is repaired, inspected and certified by the hack inspector.
- 18 (b) When any taxicab is operated pursuant to a contract as permitted under section 9-12-133,
19 any provision of this section in conflict with the terms and conditions of such contract shall
20 not apply.
- 21 (c) Any person who violates any provision of this section or who permits a violation of any
22 provision of this section shall be guilty of a class one civil violation.

23 **Sec. 9-12-132 Amount of fare to be charged.**

- 24 (a) The rates to be charged to passengers in taxicabs shall be as follows. It shall be unlawful to
25 make any greater or lesser charge:
- 26 (1) For the initial meter charge, ~~\$4.00~~ \$5.00.
- 27 (2) For the second and for each additional passenger who is five years of age or older,
28 \$1.25.
- 29 (3) ~~For the first one-sixth of a mile traveled and each one-sixth mile or fraction thereof~~
30 ~~thereafter traveled for one or more passengers, \$0.36. For each mile \$2.56 per mile or~~
31 \$0.32 per one eighth of a mile traveled and each one eighth mile or fraction thereof
32 thereafter traveled for one or more passengers.
- 33 (4) For each one hour of waiting time for one or more passengers, \$25.00. The incremental
34 cost of this charge shall be \$0.36 for each 52 seconds. Waiting time shall include time
35 consumed while the taxicab is waiting and available to passengers beginning three
36 minutes after the scheduled time of arrival at the place to which it has been called, time
37 consumed while the taxicab is stopped or slowed for traffic to a speed of less than

1 seven miles per hour and time consumed for delays or stopovers en route at the
2 direction of a passenger. There shall be no charge for mileage when time is being
3 charged for a taxicab that is stopped or slowed for traffic to a speed of less than seven
4 miles per hour. Waiting time shall not include time lost on account of the inefficiency
5 of a taxicab.

6 (5) For any item placed in the cab trunk or rear of the vehicle, \$0.50 if handled by the
7 driver. The maximum charge for all such items shall be \$7.

8 (6) (Reserved)

9 (7) (Reserved)

10 (8) For each animal, \$2.00. There shall be no charge for guide dogs or service animals
11 assisting persons with disabilities.

12 (9) For each trip originating at Ronald Reagan Washington National Airport, the airport
13 fee shall be added to the fare for the trip.

14 (10) Taximeter fares shall be increased by \$5.00 during any period in which a snow
15 emergency declaration of Level 2 or Level 3 has been made by the city manager or his
16 designee, or in the event that the director of transportation and environmental services
17 determines that driving conditions in the city are, or are reasonably expected to
18 become, unduly hazardous due to the accumulation of snow, sleet or ice on the streets,
19 regardless of the declaration of a snow emergency or the level thereof. The
20 transportation division of the department of transportation and environmental services
21 will notify each taxicab company by telephone of the exact time any such taximeter
22 fare increase is to go into effect and the exact time that such fare increase is terminated.

23 (11) Taximeter fares may be increased by a surcharge authorized by the city manager, in the
24 event that the city manager determines that a sudden increase in the cost of gasoline
25 requires a surcharge to maintain stability in the provision of taxicab services in the city
26 and to prevent the gas cost increase from having a serious adverse financial impact on
27 the drivers of taxicabs. The surcharge shall continue in effect for such period, not to
28 exceed one year, as the city manager shall determine, but may be terminated sooner if
29 the manager determines that the surcharge is no longer warranted. The determination
30 of the city manager shall be based on information provided by taxicab companies, and
31 from such other sources as the city manager deems appropriate. The transportation
32 division of the department of transportation and environmental services will notify
33 each taxicab company in writing of any such surcharge. Such notice shall indicate the
34 amount of the surcharge, and the period during which such surcharge shall be
35 permitted. A copy of such notice, shall be displayed within the vehicle in addition to
36 the rate card required under section 9-12-134.

37 (b) This section shall not apply when any taxicab is operated pursuant to a contract provided for
38 in section 9-12-133 of this chapter.

39 (c) Nothing contained herein shall prevent a certificate holder from establishing a coupon or
40 reward program for its customers where a discount coupon, customer loyalty certificate or
41 some other marketing device is accepted as part of the allowed fare set forth herein.

1 **Sec. 9-12-133 Taxicab services and fares for elderly or physically handicapped persons, or**
2 **for other specifically authorized services, pursuant to a contract between a**
3 **certificate holder and the city or a nonprofit private or public organization.**

4 Any certificate holder may enter into a contract, on an annual or semiannual basis, with the
5 city or any nonprofit private or public organization to provide taxicab services for elderly or for
6 physically handicapped persons, or for other specific services to the general public, as specified
7 in the contract, under a fare schedule agreed upon in the contract. Any person operating a taxicab
8 pursuant to such a contract shall comply with all other provisions of this article. Notwithstanding
9 the foregoing, the city is not limited to contracting with a certificate holder for the provision of
10 transportation services for such elderly or physically handicapped persons.

11 **Sec. 9-12-134 Display of rate of fare by card.**

- 12 (a) Every taxicab shall have displayed in such a place within the vehicle as to be in view of
13 passengers a rate card to be furnished by the hack inspector, at a cost established by
14 regulation, showing the rates prescribed by this article.
- 15 (b) The rates shall also be displayed so as to be visible from the inside and outside of the
16 vehicle.

17 **Sec. 9-12-135 Refusal of passenger to pay legal fare.**

18 It shall be unlawful for any person to ride in a taxicab with intent to obtain passenger
19 service without paying the lawful fare under the schedule set out in section 9-12-132 or 9-12-
20 133, whichever applies. Refusal to pay for service shall be prima facie evidence of such intent
21 under this section.

22 **Sec. 9-12-136 Receipts for amounts charged.**

23 The driver of any taxicab shall, upon request by a passenger, provide a written receipt for
24 the amount charged, stating the name of the driver, driver's permit number, vehicle permit
25 number, company name, amount of fare and additional charges and the date of the transaction.
26 Such receipt shall also include the taxicab company's phone number and the hack inspector's
27 phone number and state that complaints as to fares and services may be made to either or both
28 the company and the hack inspector.

29 **Sec. 9-12-137 Carrying additional passengers when engaged.**

30 Once a passenger has engaged and entered a taxicab for taxicab services, no other person
31 shall be transported in such taxicab until the destination is reached without the consent of such
32 passenger.

33 **Sec. 9-12-138 Carrying several passengers to different destinations.**

34 If two or more passengers, bound for different destinations, agree to engage a taxicab for
35 taxicab services, the fare shall be allocated as follows: whenever a passenger gets out and pays
36 the fare, the meter shall be reset upon that passenger's departure, but when the departing

1 passenger does not pay the fare, the meter shall not be reset and the full fare shall be paid by the
2 last passenger delivered.

3 **Secs. 9-12-139 and 9-12-140 reserved.**

4 **DIVISION 7 ~~Dispute Resolution~~**

5 **~~Sec. 9-12-141 Scope.~~**

6 ~~The provisions of this division shall apply to every certificate of public convenience and~~
7 ~~necessity issued under division 2 of this article; to every driver's permit issued under division 3~~
8 ~~of this article; to every person who operates a taxicab subject to this article, and to every person~~
9 ~~who suffers, permits or allows the operation of a taxicab subject to this article, from and after~~
10 ~~July 1, 2005.~~

11 **~~Sec. 9-12-142 Required conditions.~~**

12 ~~Every certificate of public convenience and necessity issued under division 2, and every~~
13 ~~driver's permit issued under division 3, of this article, and the right to operate a vehicle, or to~~
14 ~~suffer, permit or allow the operation of a vehicle pursuant to this article shall be subject to the~~
15 ~~following terms and conditions:~~

16 (a) ~~The license or permission held by any person who holds a valid driver's permit under~~
17 ~~division 3 to operate a vehicle under a taxicab company's certificate of public convenience~~
18 ~~and necessity shall not be terminated, suspended or impaired, and such driver's right to~~
19 ~~enjoy the resources and benefits provided by such company on the same basis as other~~
20 ~~similarly situated drivers for the company shall not be terminated, suspended or impaired,~~
21 ~~except where such termination, suspension or impairment is reasonable and for good cause.~~

22 (b) ~~For purposes of this section, "good cause" means one or more of the causes set forth in~~
23 ~~section 9-12-58 of this Code for the temporary suspension of a driver's permit by the hack~~
24 ~~inspector; one or more of the causes set forth in section 9-12-60 of this Code for the~~
25 ~~suspension or revocation of a driver's permit by the board, or a material failure of a driver to~~
26 ~~comply with established, written rules or practices of the company or to perform in~~
27 ~~accordance with his or her written contract with the company, after reasonable notice and an~~
28 ~~opportunity to comply or perform.~~

29 (c) ~~Nothing in this section shall be deemed to impair the authority of the hack inspector or~~
30 ~~board under this article.~~

31 **~~Sec. 9-12-142.1 Dispute resolution procedures.~~**

32 ~~Each taxicab company may opt to have a written dispute resolution procedure as part of its~~
33 ~~agreements with its drivers, so long as such a dispute resolution procedure incorporates, at a~~
34 ~~minimum, binding arbitration pursuant to the Commercial Arbitration Rules, R-1 through R-56~~
35 ~~of the American Arbitration Association. In the event that a taxicab company does not have an~~
36 ~~agreement with any driver incorporating such a dispute resolution procedure and said taxicab~~
37 ~~company is involved in a dispute with such a driver, then such dispute will be subject to the~~
38 ~~provisions of this section, as follows:~~

1 Disputes subject to the provisions of this division shall be subject to the following
2 procedures:

3 (a) ~~disputes shall first be the subject of an internal grievance procedure which shall be
4 conducted as follows:~~

5 (1) ~~the aggrieved party shall submit a complaint in writing to the taxicab company within 30
6 days from the date of the company's action, containing a written statement of the matter in
7 dispute and the names, addresses and telephone numbers of each party to the dispute.~~

8 (2) ~~within two weeks after the submission of the written complaint, the company shall appoint a
9 representative from within the company to hear the dispute. Such representative shall be
10 impartial, and shall have had no direct or indirect involvement in the dispute.~~

11 (3) ~~within two weeks after said appointment, the representative shall conduct an informal
12 hearing concerning the dispute.~~

13 (4) ~~both parties shall use best efforts to resolve the dispute.~~

14 (5) ~~within two weeks after the hearing has been concluded, the company representative shall
15 render a written decision.~~

16 (b) ~~If the dispute is not resolved through the internal grievance procedure, both parties may
17 agree to informal or formal mediation of the dispute, pursuant to subsection (c). If the
18 parties fail to agree to mediation, either party may elect to proceed to arbitration, pursuant to
19 subsection (d).~~

20 (c) ~~Informal or formal mediation.~~

21 (1) ~~within two weeks after the internal grievance procedure has been concluded, any party
22 requesting mediation shall submit a written notice requesting mediation to all parties.~~

23 (2) ~~within two weeks after such notice has been submitted, the parties may agree to an impartial
24 person to mediate the dispute in an informal process. If the parties do not so agree, the party
25 requesting mediation shall submit a written Request for Mediation to the American
26 Arbitration Association (AAA). If the parties are unable to agree to mediation, either party
27 may elect to proceed to arbitration, pursuant to subsection (d).~~

28 (3) ~~a request for mediation shall contain a brief statement of the dispute, and the names and
29 addresses and telephone numbers of each party to the dispute.~~

30 (4) ~~the mediator shall notify all parties of the time, date and place of the mediation.~~

31 (5) ~~the costs of the mediation shall be borne equally by the parties unless they agree otherwise
32 in writing.~~

33 (6) ~~the mediation conducted by AAA shall be in substantial accord with the American
34 Arbitration Association Commercial Mediation Rules, M-1 through M-17. Copies of such
35 rules shall be available by the hack inspector.~~

36 (7) ~~the mediator may end the mediation if, in the sole discretion of the mediator, the
37 continuation of the mediation would not be useful.~~

38 (8) ~~the parties in mediation shall use their best efforts to resolve the issues in controversy and
39 the mediator may execute a written settlement agreement if agreed on by the parties but may
40 not impose a settlement on the parties.~~

1 ~~(d) Where neither the internal grievance procedure, nor mediation if attempted, has resolved the~~
2 ~~issues in dispute, either party may submit the matter to arbitration, which shall be binding~~
3 ~~upon the parties. Such arbitration shall be conducted as follows:~~

4 ~~(1) within two weeks after the mediation process or the internal grievance procedure has been~~
5 ~~concluded, the party requesting arbitration shall submit a written notice of intent to arbitrate~~
6 ~~to all parties.~~

7 ~~(2) within two weeks after such notice has been submitted, an impartial person to arbitrate the~~
8 ~~dispute shall be agreed upon by the parties, or, if the parties do not so agree, the party~~
9 ~~requesting arbitration shall submit a written request for arbitration to the American~~
10 ~~Arbitration Association (AAA) and simultaneously mail a copy of the request for arbitration~~
11 ~~to every party to the dispute.~~

12 ~~(3) a request for arbitration shall contain a brief statement of the dispute, and the names and~~
13 ~~addresses and telephone numbers of each party to the dispute.~~

14 ~~(4) the arbitrator shall notify all parties and their representatives, if any, of the time, date and~~
15 ~~place of the arbitration.~~

16 ~~(5) the costs of the arbitration shall be borne by the party which does not prevail, unless the~~
17 ~~parties agree otherwise in writing, or the costs are otherwise apportioned by the arbitrator if~~
18 ~~there is no prevailing party.~~

19 ~~(6) the arbitration, whether conducted by AAA or another arbitrator chosen by the parties, shall~~
20 ~~be in substantial accord with the American Arbitration Association Commercial Arbitration~~
21 ~~Rules, R-1 through R-56. Such rules shall be made available to all parties by the hack~~
22 ~~inspector.~~

23 ~~(7) the arbitrator may conclude the arbitration hearing if in the sole discretion of the arbitrator,~~
24 ~~continuation of the hearing would not be useful.~~

25 ~~(8) within two weeks after the arbitration hearing has been concluded, the arbitrator shall render~~
26 ~~an award in writing, which shall be binding upon the parties and which may be enforced by~~
27 ~~any court having jurisdiction over the parties.~~

28 ~~(e) For purposes of this section, "dispute" means a disagreement between a person who holds a~~
29 ~~division 3 permit and the company under whose certificate of public convenience and~~
30 ~~necessity he or she drives over whether an action taken by the company to terminate,~~
31 ~~suspend or impair such person's license or permission to drive under the company's~~
32 ~~certificate of public convenience or necessity, or to terminate, suspend or impair his or her~~
33 ~~right to enjoy the resources and benefits provided by the company, on the same basis as~~
34 ~~other similarly situated company drivers, was reasonable and based upon good cause.~~

35 **Sec. 9-12-143 Penalties.**

36 A knowing failure to adhere to the dispute resolution procedures established by this division
37 shall constitute a class four civil violation, pursuant to section 1-1-11 of this code, and may, in
38 addition, constitute grounds for suspension or revocation of a certificate of public convenience
39 and necessity issued under division 2, or driver's permit issued under division 3, of this article.

1 **~~Sec. 9-12-144 Regulations.~~**

2 ~~The city manager may promulgate such regulations as deemed advisable for the~~
3 ~~administration and enforcement of this division 7.~~

4 **~~Secs. 9-12-145 through 9-12-150 reserved.~~**

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Section 2. That Article A as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria City Code.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

JUSTIN WILSON
Mayor

Introduction: 05/14/24
First Reading: 05/14/24
Publication:
Public Hearing: 05/18/24
Second Reading: 05/18/24
Final Passage: 05/18/24