

## Chapter 20 Vehicles for Hire

### Subchapter 1 General Provisions

#### §2100 Authority.

This ordinance is adopted pursuant to §3.1(46) of the City Charter.

#### §2101 Short title.

This ordinance may be known as the "Taxi Ordinance".

#### §2102 Definitions.

Unless otherwise expressly provided, the following words for the purpose of this chapter shall have the meanings herein indicated:

"Business" shall mean a single act of transporting a passenger or passengers for hire.

"City" shall mean the City of Rutland, Vermont and the police jurisdiction thereof.

"City Operator's driver's license" shall mean a license issued by the license board for the operation of a vehicle for hire by an applicant therefor.

"Driver" shall mean a person operating a vehicle for hire upon the public streets of the city. "For hire" shall mean a transaction whereby there is compensation paid to the driver or his or her employer by a passenger or the passenger's agent for the transport of the passenger.

Compensation shall mean any form of payment, donation or gratuity. Vehicles for hire that only accept gratuities, tips, etc., are considered to be providing "for-hire" transportation services.

"Operate" shall mean the picking up ~~or dropping off~~ of a passenger for hire within the city, ~~or through the city, and shall be synonymous with the word "drive."~~ Operate shall also mean ~~stopping or parking a vehicle for hire within the city limits.~~

"Owner" shall mean a person owning or controlling one or more vehicles for hire and ~~driving~~ operating or causing any such vehicle to be ~~driven~~ operated upon the public streets for hire.

"Passenger" shall mean a person other than the driver who is an occupant of a vehicle for hire and for the purpose of this chapter, such person or persons shall be presumed to be a passenger or passengers for hire.

"Person" shall mean an individual, partnership, firm, association, corporation or any other legal entity.

"Vehicle for Hire" shall mean a motor vehicle used in the business of transporting passengers for hire in the city and accepting or discharging all such persons as may offer themselves for transportation and not operated on a fixed route. The term also includes vehicles commonly

known as limousines, cabs, taxis, and jitneys. The classification "vehicle for hire" shall not apply to any motor vehicle which is:

(1) Used exclusively by or under a written agreement with a hotel, motel, airport, hospital, club or other such entity for the transportation of its members, guests, patients or clients; provided, that each vehicle under such agreement will have the same distinctive visible outside-painted appearance as each other vehicle under the agreement to any such hotel, motel, airport, hospital, club or other such entity.

(2) Operated as a bus on a fixed route under the authority of a regional transit district or state authority.

§2103 City held harmless.

In accepting any license under this chapter, the licensee shall agree to indemnify and hold the city, its agents, servants, or employees harmless from any and all claims, demands, damages, causes of actions, and costs, including all costs of litigation, costs of any kind including attorney's fees arising out of the operation or use of a vehicle for hire licensed under this chapter.

§2104 Effective Date.

The provisions of this chapter shall become effective October 1, 2014.

## **Subchapter 2. Vehicle for Hire Business License Requirements and Procedures**

§2110. License Required.

It shall be unlawful for any owner of any vehicle for hire to operate or to permit the same to be operated upon the public streets of the city without having first obtained and having then in force a business license therefore pursuant to Chapter 1 of this title.

§2111 License Application.

Every person who desires a business license to operate vehicles for hire shall, prior to obtaining a business license from the city license board, pay an application fee of \$65.00 and make a written application for a license to the city clerk on a form provided, verified under oath stating or providing:

(1) The name and address of the applicant, specifying, in the case of any unincorporated association, partnership or firm, the names and addresses of each member thereof, and the quantum of interest of each member; and in the case of any corporation, the names and addresses of each stockholder, officer and director thereof with the number of shares of stock owned or held by each of them.

(2) A complete statement by the applicant, specifying the amounts of all unpaid judgments against the applicant, each member, officer or director, and the nature of the transaction or acts giving rise to the judgments and the name and location of the court in which, and the date on which, each was entered.

(3) All misdemeanors or felonies of which the applicant and any member thereof, if an unincorporated association, partnership or firm, and any officer or director, if a corporation, have been convicted stating the names and locations of the court in which, and the date on which, such convictions were held and the penalties imposed therefor.

(4) The number of vehicles which the applicant wishes to operate.

(5) A description of each motor vehicle to be operated by the applicant pursuant to the license, including the make, model, passenger seating capacity, year of manufacture, state license number, serial number thereof, and the name and address of the owner.

(6) A certificate of insurance that the applicant and each motor vehicle license is insured against public liability in the minimum limits of \$100,000 for personal injury to any one person in any one accident and \$300,000 for personal injury to two or more people in any one accident and \$20,000 for property damage in any one accident, which insurance policy and certificate shall provide that the city shall be given at least 30 days prior notice of cancellation. Such policy shall not be canceled or suspended either by the insured or the insurer unless at least 30 days' notice in writing of the intention to cancel or suspend policy has been filed with the office of the city attorney, and upon such suspension or cancellation of insurance, the license of the insured shall stand suspended until such time as an acceptable policy and certificate of insurance shall be on file with the city revenue department.

(7) Any other relevant information which the City Clerk may require.

#### §2112 Hearing on Issuance.

The chief of police shall review the application for a vehicle for hire business license and the reports and the certificates required to be attached thereto and recommend to the license board whether to approve or reject the application. If the chief of police recommends that the application be rejected, the license board shall hold a hearing pursuant to R.O.R. §1515 on the issuance of the license. At such hearing, the applicant may appear and present evidence as to why the recommendation of the chief of police should not be followed and a business license issued to the applicant. The hearing shall take place within thirty (30) calendar days of the receipt of the chief of police's recommendation.

#### §2113 Issuance of License.

If the license board determines that the applicant is qualified and able to perform public transportation and conform with the provisions of this chapter, then the license board shall instruct the city clerk to issue upon payment of a fee established by the board of aldermen, a business license stating the name and address of the business license applicant, the date of the issuance thereof, the number of vehicles the applicant is licensed to operate, and at the same time, the city clerk shall furnish to the individual a written statement of restrictions, limitations or requirements, if any, the license board may wish to further impose along with a statement of the number of vehicles the applicant is authorized to operate, and the number assigned to each

#### §2114 License Renewal.

Any license issued under this subchapter may be renewed annually for additional periods of one year each from the date of expiration upon the certification under oath that there have been no changes in the information submitted as required by §1007, payment of a \$40.00 annual renewal fee, and the approval of the license board pursuant to §1008, provided, however, that no license shall be renewed after May 1 each year without reapplying therefor as herein provided.

#### §2115 Licenses Nontransferable.

The business license issued pursuant to this subchapter shall not be transferable without written consent of the city.

#### §2116. Additional Licensed Vehicles.

(a) Every person licensed under this subchapter who shall desire to add to the number of vehicles the person is then or has previously operated shall, additionally for each new vehicle, pay a filing fee of \$25.00 and make a written application to the city upon forms to be furnished by the city clerk, verified under oath stating:

- (1) The name and address of the applicant.
- (2) A statement of whether any information furnished on the original application has changed, and if so, indicate the changes.
- (3) A description of each such additional vehicle, including the make, model, passenger seating capacity, year of manufacture, state license number, motor number, and name and address of the owner.
- (4) Any other relevant information which the city clerk may require.

(b) The procedure outlined in §2111-2112 to determine whether a business license shall be granted shall be followed in determining whether a person shall add to the number of vehicles the person is then operating.

#### §2117 Suspension or Revocation of License.

(a) A license issued under the provisions of this subchapter may be revoked or suspended by the license board pursuant to §2160(c) of this chapter if the holder has:

(1) Violated any of the provisions of this chapter,

(2) Discontinued operations for more than 60 days,

(3) Violated any of the provisions of this chapter, other ordinances of the city, or the laws of the United States or of the state, the violation of which reflects unfavorably on the fitness of the holder to offer public transportation, or

(4) In the event of recovery of any final judgment and termination of final appeal proceedings, if any, against the holder for damages on account of bodily injuries or death or for damage to property resulting from the ownership, maintenance or use of vehicles for hire in the city and nonpayment thereof for a period of 80 days thereafter; provided, however, that such licensee has been given a 10-day written notice in person or addressed and mailed to licensee at the address furnished on the application and full opportunity to be heard in licensee's own defense.

(b) It shall be unlawful and cause for suspension or revocation of the applicable application and license to fail to operate for a period of over 60 days; provided, however, a vehicle for hire shall not be deemed to be out of operation for the purposes of this subsection for a period of 60 days from the date such vehicle for hire failed to be certified as herein provided.

#### §2118 Changes in License Information.

Any change in the information furnished in the application for a business license pursuant to this subchapter must be reported to the city clerk in writing within 10 days and failure to so report shall be cause for suspension or revocation of the license.

#### §2119. Notification of Sale of Vehicle; Removal of Markings.

(a) Every licensee upon the sale or other disposition of a licensed vehicle for hire shall within 24 hours notify the city clerk of such sale or other disposition.

(b) All identification markings shall be removed prior to delivery of a vehicle for hire upon sale or other disposition thereof.

### **Subchapter 3 Operator License Requirements and Procedures**

#### §2120. Vermont Operator's License Required.

No person shall operate a vehicle for hire upon the streets of the city and no person who owns or controls a vehicle for hire shall permit it to be so driven and no vehicle for hire licensed by the city shall be so driven at any time for hire, unless the driver of such vehicle for hire shall have first obtained and shall have then in force a Vermont operator's license issued by the Vermont Department of Motor Vehicles.

§2121. City Operator's License Required.

(a) No person shall operate a vehicle for hire upon the streets of the city and no person who owns or controls a vehicle for hire shall permit it to be so ~~driven-operated~~ and no vehicle for hire licensed by the city shall be so ~~driven-operated~~ at any time for hire, unless the driver of such vehicle for hire shall have first obtained and shall have then in force a city operator's license issued under the provisions of this subchapter.

(b) No holder shall permit any of its vehicle for hire to be ~~driven-operated~~ upon the streets of the city by any person who does not have a city operator's license.

§2122. City Operator's License Application.

(a) An application for a city operator's license shall be filed with the license board on forms provided by the city. Such application shall be verified under oath and shall contain the following information:

- (1) That the applicant is a citizen of the United States.
- (2) That the applicant is able to speak, read, and write the English language.
- (3) That the applicant is 18 years of age or over, and has no less than two (2) years of driving experience.
- (4) That the applicant is free of defective vision, defective hearing, epilepsy, vertigo, heart trouble, communicable social diseases and any other infirmity, physical or mental, which in the opinion of the chief of police would render *[him/her]* unfit for the safe operation of a vehicle for hire.
- (5) That the applicant is not addicted to the use of alcohol or drugs and such.
- (6) Have a letter from a vehicle for hire business licensee licensed under this chapter stating that the applicant is currently employed by the business licensee or that the applicant has an offer of employment conditioned upon issuance of a city operator's license, except for single vehicle for hire owner-operators.
- (7) A statement by the applicant agreeing to hold the city harmless from any and all claims, demands, damages, causes of actions, and costs, including all costs of litigation,

costs of any kind including attorney's fees, arising out of the operation or use of a vehicle for hire licensed under this chapter; and

(8) A statement by the applicant agreeing to abide by the terms and conditions of this chapter and to comply with all federal, state or local laws.

(9) Such other information reasonably required by the city clerk or licensing board.

(10) In the case of a single vehicle for hire owner-operator, be applying for both a city operator's license and a vehicle for hire business license concurrently.

(b) Each application for a city operator's license shall be accompanied by a certificate from a physician licensed by the state of Vermont who shall certify, after examination of the applicant, that the applicant is free from each and every infirmity mentioned in subsection (a) hereof and that the applicant is not afflicted with any disease or infirmity which might make applicant an unsafe or unsatisfactory driver.

(c) The applicant shall file with the application for a city operator's license three photographs, two inches by three inches in size, which photograph shall have been taken within 30 days next preceding the date of application. Each application shall be accompanied by a set of the applicant's fingerprints, which fingerprints shall be taken by the police department of the city.

#### §2123 Investigation of city operator's license applicant.

The police department shall conduct an investigation of each applicant for a city operator's license and a report of such an investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the chief of police.

#### §2124 Hearing on Issuance.

The chief of police shall, upon consideration of the application for a city operator's license and the reports and the certificate required to be attached thereto, recommend to the license board whether to approve or reject the application. If the chief of police recommends that the application be rejected, the license board shall hold a hearing pursuant to R.O.R. §1515 on the issuance of the license. At such hearing, the applicant may appear and present evidence as to why the recommendation of the chief of police should not be followed and a city operator's license issued to the applicant. The hearing shall take place within thirty (30) calendar days of the receipt of the chief of police's recommendation.

#### §2125 City Operator's License Fee.

Every driver of a vehicle for hire, before receiving a city operator's license, shall pay a fee of \$50.00 for the first year and \$50.00 per annum for renewals thereof.

#### §2126 Issuance of city operator's license.

Upon approval of an application for a city operator's license and the payment of the required fee, the city clerk shall issue a license to the applicant.

§2127 Renewal of city operator's license.

(a) City operator's licenses as provided in this subchapter shall expire on the last day of April of each year. Applications for renewal thereof shall be filed with the chief of police at least 30 days prior to the expiration date of each such license.

(b) Each renewal application form shall contain a certificate from a physician licensed by the state, which certificate shall set forth the same information that is required under an application for an original city driver's license.

(c) A recommendation shall be made on each such application for renewal by the chief of police to the license board prior to its expiration. If the chief of police does not recommend renewal of such license, the proceedings before the license board shall be the same as in the cases in which the chief recommended that an original application for a city operator's license not be issued.

§2128. City operator's license nontransferable.

No city operator's license shall be assigned or transferred to any other person.

§2129 Revocation or Suspension.

The license board may revoke or suspend the city operator's license of any vehicle for hire driver pursuant to §2160(c) of this chapter for any of the following reasons:

- (1) Any false statements made in the application for a driver's license or the renewal thereof.
- (2) If the licensee has become physically or mentally incapable of driving a vehicle for hire.
- (3) If the licensee has contracted and is suffering from a communicable social disease.
- (4) Any immoral conduct while in charge of a vehicle for hire.
- (5) Failing or refusing to comply with the provisions of this chapter.
- (6) The revocation, suspension, or lack of a state operator's license.
- (7) The failure to comply with all provisions of this chapter, other ordinances of the city, and all laws of the United States and the state of Vermont.

(8) For defacing any license, badge, tag, identification card or rate card issued under the provisions of this chapter.

(9) For allowing some other person to use licensee's driver's license, badge or identification card.

§2130. Change in city operator's license information.

Every person holding a city operator's license shall have a residence address on file with the city clerk at all times and in case of any change of address shall notify the city clerk of such change within seven days after making the same. Such person shall appear before the city clerk, bringing the license and identification card for correction.

§2131. Notice of Loss, Revocation, or Suspension of License or Change of Address.

Every vehicle for hire driver licensed as such pursuant to this subchapter shall within seven days notify the city clerk and his or her employer of any change of address or loss of city driver's license. Additionally, every driver of a vehicle for hire shall notify his or her employer and the city clerk upon suspension or revocation of his or her Vermont Operator's License.

**Subchapter 4 Vehicle and Insurance Requirements**

§2140. Vehicle Requirements.

Every vehicle for hire shall be kept clean, sanitary, fit, and of good appearance, and in a safe condition for the transportation of passengers and conform to the following standards:

(1) Each vehicle for hire shall bear on each side, in painted letters not less than 2½ inches in height, the name of the owner or the trade name under which the owner does business.

§2141 Vehicle Insurance.

(a) In addition to obtaining and providing proof of jitney insurance as required by 23 V.S.A. § 841-3, each vehicle for hire operated within the city limits or police jurisdiction thereof shall be required to carry and maintain in effect the following minimum personal injury and property damage liability insurance:

(1) Comprehensive general liability insurance, public liability including premises, products and complete operations:

a. Bodily injury liability:

Each person: \$250,000

Each occurrence: \$500,000

b. Property damage liability:  
Each occurrence: \$100,000

or in lieu of a. and b., above

c. Bodily injury and property damage combined:  
Single limit: \$500,000

(2) Comprehensive automobile liability insurance including owned, nonowned and hired vehicles:

a. Bodily injury liability:  
Each person: \$250,000  
Each occurrence: \$500,000

b. Property damage liability:  
Each occurrence: \$100,000  
or in lieu of a. and b., above

c. Bodily injury and property damage combined:  
Single limit: \$500,000

(b) No permit required by this chapter or business license shall be granted to any person to operate any vehicle for hire upon the streets or elsewhere in the city or its police jurisdiction until such person shall have first filed with the office of the city attorney a certificate of the above stated insurance requirements, issued to such person by a public liability insurance company authorized to do business in the state.

(c) The insurance coverage required by this section shall at all times be maintained for the full amount. The certificate of each policy or policies of insurance required by this section to be filed with the city revenue department shall contain a clause obligating the company issuing the same to give not less than 30 days' written notice to the city revenue department before cancellation thereof. Notice of cancellation shall not relieve the company issuing such policy or policies of liability insurance for any injury or claim arising before the cancellation becomes effective. The cancellation of any such policy shall have the effect of suspending the permit of such person to operate any vehicle for hire or business covered thereby until a new policy or policies complying with the provisions of this section is filed with the office of the city attorney.

(d) Every insurance policy required hereunder shall contain a provision for a continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon, that the liability of the insurer shall not be affected by the insolvency or the bankruptcy of the insured, and that until the policy is canceled the insurance company will not be relieved from liability on account of nonpayment of premium, or any act or omission by the named insured. Such policy of insurance shall further provide for the payment of any and all judgments, up to the limits of such

policy, recovered against any person other than the owner, the owner's agent or employee of any such business, who may operate the same with the consent or acquiescence of the owner.

#### §2142. Vehicle Inspection.

All vehicles for hire must have a valid Vermont State Inspection as required by law. A Vermont State inspection certificate shall be presented to the city when applying for a vehicle for hire business license. The issuance of a business license to the owner of such vehicle shall be conditioned upon the receipt by the city clerk's office of such inspection certificate.

### **Subchapter 5 Operation Requirements**

#### §2150 Cleanliness and Safety of Vehicles.

It shall be the duty of every person operating a vehicle for hire to keep and maintain any such vehicle at all times in a safe, comfortable, clean and sanitary condition. The seats, floors, steps, running boards, upholstery and baggage compartments of any such vehicle shall be thoroughly cleaned in such a manner as to be free of grass, dirt, dust, soil, trash and rubbish of every description.

No person shall ~~drive-operate~~ any vehicle for hire upon the streets of the city unless there is displayed in such vehicle for hire, in a manner in which it is clearly visible and can be readily observed by all passengers therein the valid city operator's license of the driver.

#### §2154. Driver's Appearance.

Each driver of a vehicle for hire while operating such vehicle for hire shall be neat and clean in appearance, shall wear shirts or blouses and shoes at all times while operating a vehicle for hire upon the streets of the city.

#### §2155 Smoking prohibited.

Smoking or the use of tobacco products is prohibited by the driver or the passenger in any vehicle for hire at any time, including times when there are no passengers in the permitted vehicle or when the permitted vehicle is not in operation.

### **Subchapter 6 Penalties**

#### §2160 Penalties.

(a) The penalties set forth herein and in the City Charter and Ordinances shall be in addition to and not instead of any other penalties imposed by any other applicable law, code, rule or regulation of any other governmental or regulatory agency or entity.

(b) An offense against any provision of this chapter shall constitute a civil violation not to exceed \$500 with waiver penalties to be determined by the Board of Aldermen.

(c) In addition to the penalties herein provided, any license issued pursuant to this chapter shall be subject to suspension or revocation pursuant to R.O.R. §1516. The license holder may appear before the license board and give evidence as to why the license should not be suspended or revoked. Any other interested party may appear before the license board and give evidence as to whether the license should be suspended or revoked.

(1) Suspensions. In addition to any fines or conditions, the license board may impose a suspension of up to ninety (90) days for violations of this chapter. A suspension that begins in one license period may extend into the following license period if so ordered by the license board.

(2) Revocation. Where there is sufficient evidence that continued licensing or permitting would undermine the vehicle for hire industry and/or would pose serious risk to public safety and welfare, the license board may revoke a license as set herein. The licensee may not apply for a license or permit for a minimum period of three (3) years from the date of revocation.

(d) Violations cumulative. If a person or business has more than one license under this chapter, violations under any of those licenses or permits shall be cumulative for purposes of determining the number of violations by such person and/or business.

(e) The city may take any appropriate action to enjoin or abate any violation of this chapter. In addition to the penalty set forth herein, the city shall recover its costs of suit including reasonable attorney's fees and costs associated with enjoining or abating said violation(s).