

## ORDINANCE NO. 5339

AN ORDINANCE to amend 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 Chapter 12 of Title 9 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended as follows, by deleting the language shown in strikethrough and adding the language shown as underlined:

#### 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 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.

(7.2) *Reserved.*

(7.3) *Documented city trip.* A non-dispatched trip served by the driver while on duty that originates without a call to a central dispatch center in one of the following manners: a) a pick-up from an authorized Alexandria taxi stand; b) a pick-up from a Metro Station located within the City of Alexandria; c) a pick-up from Washington Reagan Airport where the final destination is within the City of Alexandria; or d) a trip arranged by direct communication between the customer and the driver. With respect to each of the foregoing, in order to constitute a documented city trip, such trip must be contemporaneously documented on the company's business records via a regular established business procedure, so that a company record of the trip exists independent of what may be recorded in a driver's manifest, including, without limitation, the date of the trip, the time and location of both the origination and termination point of the trip and the number of passengers served on the trip.

(8) *Hack inspector.* The individual designated by the ~~chief of police~~ City Manager to fill this position pursuant to this article.

(9) *Manifest.* A daily record prepared by the driver of a taxicab of all trips made by the driver, showing the time and place of origin, destination, number of passengers and the amount of fare of each trip.

(10) *Owner.* The person who holds legal title to any taxicab, or any person who holds beneficial title to any such taxicab or any person having possession of any such taxicab under a conditional sales contract, lease, bailment or any instrument in the nature of a lien.

(11) *Person.* Any natural person, firm, partnership, limited partnership, corporation, company, limited liability company, joint venture, cooperative, association or joint stock association, including any trustee, receiver, assignee or personal representative thereof.

(12) *Regulation.* The rules and regulations promulgated by the city manager pursuant to this article.

(13) *Street.* The entire width between the boundary lines of every way or place of whatever nature open to the use of the public for purposes of vehicular travel in the commonwealth including streets, highways, alleys and publicly maintained parking lots.

(14) *Taxicab.* Any motor vehicle having a seating capacity of not more than six passengers and not operating on a regular route or between fixed terminals, used in transportation of passengers for hire or compensation, and subject to regulation under this article and applicable law.

(15) *Taximeter.* A meter, instrument or device, ~~approved by the hack inspector~~, attached to a taxicab which accurately and reliably measures the distance driven and the waiting time upon which the fare is based.

(16) *Taxicab company.* A person who regularly engages in the provision of taxicab services to and from points in the city ~~and maintains a place of business within the city for the management and dispatch of such services.~~

(17) *Taxicab services.* The operation of a motor vehicle upon the streets, on call or on demand, accepting or soliciting passengers indiscriminately for transportation for hire between such points along the streets as directed by the passenger or passengers being transported, except as excluded by applicable law.

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

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

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

- (a) It shall be unlawful for any person to operate, drive or provide taxicab services in any taxicab required by this article to obtain a permit from the city, unless such person, and such taxicab, shall conform to and comply with the provisions of this article.
- (b) It shall be unlawful for any person to operate a taxicab company required by this article to obtain a certificate of public convenience and necessity from the city, unless such person shall conform to and comply with the provisions of this article.
- (c) Any person who violates any provisions of this article shall be guilty of a class 2 misdemeanor, unless another penalty is expressly provided in this article.

Sec. 9-12-3 - Hack inspector.

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

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

- (a) The city manager may designate a person or persons to administer some or all of the provisions of this article.
- (b) The city manager is authorized to make such reasonable rules and regulations as may be necessary to administer the provisions of this article.

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

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

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

- (a) Every taxicab owner for which a vehicle permit has been issued under this article shall keep in full force and effect at all times either:
- (1) A public liability and property damage insurance policy with a company authorized to do business within the state covering each driver authorized by the vehicle owner to operate the vehicle as a taxicab in at least the amount of \$450,000 combined single limit, with not less than \$300,000 coverage for death, not less than \$100,000 coverage for bodily injury, and not less than \$50,000 coverage for property damage, and every such policy shall contain a clause obligating the company issuing the same to give 15 days' notice in writing to the hack inspector and the company with which the owner is affiliated before any cancellation thereof. Every taxicab owner for which a vehicle permit has been issued under this article shall also keep in full force and effect at all times uninsured motorist coverage and underinsured motorist coverage in a minimum amount of \$100,000, and every such policy shall contain a clause obligating the company issuing the same to give 15 days' notice in writing to the hack inspector and the company with which the owner is affiliated before any cancellation thereof; or
  - (2) An indemnity bond of a surety company, authorized to do business within the state in the same amounts and for the same purposes as the insurance ~~policy~~ policies stated in subsection (1) of this section; provided, that the director of finance of the city, after investigation, shall be fully satisfied as to the financial responsibility of the surety company on such bond.
- ~~(b) (3)~~—Each certificate holder shall be responsible for maintaining records documenting compliance with the foregoing insurance requirements, including a certificate of insurance or insurance binder for all affiliated taxicabs and all authorized drivers. Such documents shall be available for inspection by the hack inspector during normal business hours. In addition, each certificate holder shall provide the hack inspector an annual report, at a time of the hack inspector's determination, setting forth:
- A. All affiliated taxicabs, including make, model, production year and VIN;
  - B. All drivers authorized to drive each affiliated taxicab vehicle; and
  - C. The manner in which each authorized driver and affiliated taxicab comply with the requirements of this section, including, without limitation, the name of the insurer and a certification that the policy complies the requirements of this section.
- ~~(c) (4)~~—In the event that the insurance provider or surety changes for one of its affiliated vehicles or authorized drivers, the certificate holder shall report such change to the hack office in writing within 48 hours of receiving notice of same.

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

## DIVISION 2 - Certificates of Public Convenience and Necessity

Sec. 9-12-21 - Certificate required.

It shall be unlawful for any person to operate or engage in business as a taxicab company unless a certificate of public convenience and necessity shall have been issued pursuant to this

article. It shall be unlawful for any person to operate or engage in business as a taxicab company under an expired, suspended or revoked certificate.

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

- (a) An application for the initial issuance of a certificate of public convenience and necessity shall be made to the city manager, on or before May 1 of each year, on the form provided by the city manager.
- (b) The applicant shall provide the following:
  - (1) The full name and business address of the applicant and, if the applicant is a corporation, a certified copy of the articles of incorporation;
  - (2) The full name and address of the registered agent or other person or persons upon whom legal process may be served and upon whom all notices or other matters relating to the administration and enforcement of this article should be made;
  - (3) The trade name and the telephone numbers under which the applicant does or proposes to do business;
  - (4) The financial status and responsibility of the applicant;
  - (5) The maximum number and ownership of taxicabs to be operated ~~under the applicant's color scheme~~;
  - (6) A description of the type of service to be provided including the geographic area of the city to be served;
  - (7) A description of the communications system to be used with specific reference as to the applicant's plan to provide adequate dispatch service to the public;
  - (8) A description of ~~the color scheme, insignia and cruising light design~~ trade dress to be used on each taxicab, which shall conform to regulations issued by the city manager;
  - (9) ~~Any conviction, plea of guilty or nolo contendere of the applicant, or if the applicant is a corporation, each of the officers of the corporation, arising out of any violation of a federal, state or municipal law; [Reserved];~~
  - (10) The specific experience of the applicant in the transportation of passengers for hire and the management of a business engaged therein, including, without limitation, the disclosure of any ownership interest in any taxicab company anywhere at any time;
  - (11) All facts or circumstances which the applicant asserts to meet the applicant's burden of demonstrating that the public convenience and necessity requires granting the certificate;
  - (12) ~~Fingerprints of the applicant, or if the applicant is a corporation, each of the officers of the corporation; and [Reserved]~~
  - (13) Such additional information as the city manager may require.
- (c) All applications must be signed (1) by the president if a corporation or (2) by the legal representative if a business entity other than a corporation, and must be notarized.
- (d) Such forms shall include a statement that "It is unlawful for any person to make a false or misleading statement in connection with this application and the making of any false or

misleading statement shall be grounds for denial of the application or subsequent revocation of a certificate, and for criminal prosecution."

Sec. 9-12-23 - Fees.

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

Sec. 9-12-24 ~~Investigation of applicant.~~

~~Upon the filing of any application for a certificate, the chief of police shall make or cause to be made a thorough investigation of the qualifications, and traffic and criminal records, of the applicant. The results of this investigation shall be submitted to the city manager on or before the public hearing held under section 9-12-25. [Repealed]~~

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

- (a) *Burden:* The applicant shall have the burden of demonstrating that the public convenience and necessity require the operation of a new taxicab company and the authorization of any additional taxicabs that may be requested.
- (b) *Notice and written comments:* Upon receipt of a completed application for an initial certificate and authorization of any additional taxicabs, the city manager shall notify all existing certificate holders by mail, and the public by advertisement in a newspaper of general circulation published within the city, that the application has been filed, and that written comments on the application may be filed with the city manager within 30 days after publication of the notice. No application shall be considered complete unless all of the information in sections 9-12-22 and 9-12-32 has been provided.
- (c) *Public hearing:* The board shall hold a public hearing and make its recommendation to the city manager as to whether the public convenience and necessity requires granting the application for a new certificate and authorization of any additional taxicabs that may be requested. In making its recommendation, the board shall apply the criteria set forth in subsection (d) of this section. This hearing shall be held at the next regular meeting of the board after the written comment period has closed, and may be continued from time to time thereafter by the board.
- (d) *Criteria for consideration.* The city manager shall determine whether public convenience and necessity require the operation of a new company and authorization of any additional taxicabs that may be requested in the application. In making this determination, the city manager shall consider:
  - (1) The representations of the applicant as set forth in its application;
  - (2) ~~The results of the investigation made under section 9-12-24;~~ [Reserved]
  - (3) Any information presented at the public hearing held pursuant to paragraph (c) of this section, and the recommendation of the traffic and parking board;
  - (4) Information as contained in the city manager's most recent report on the economic conditions of the taxi industry required by section 9-12-31;

- (5) Any shortcomings or deficiencies in existing taxicab service and other forms of transportation for passengers already in existence;
- (6) The probable permanence and quality of the service offered by the applicant;
- (7) The financial status, qualifications and responsibility of the applicant as demonstrated by the applicant's ability to provide, maintain and operate the number of vehicles proposed to be operated in accordance with the character of service proposed in the application, ~~the applicant's criminal and traffic record and the applicant's credit record, if any;~~
- (8) The experience of the applicant in taxicab operations as an owner or manager or as a taxicab driver; and
- (9) The effect on promoting competition and improving the quality of taxi service provided in Alexandria. There shall be a prohibition, based on potential anti-competitive impact, against any entity owning, in whole or in part, an interest in more than one taxicab company authorized to do business in the city. Any entity in violation of this provision ~~as of [the effective date]~~ shall have 18 months from the effective date to come into compliance therewith.
- (f) *Decision:* The city manager may grant the certificate of public convenience and necessity applied for and approve any additional taxicabs requested by the applicant or approve a lesser number of taxicabs than requested, or the city manager may deny the certificate. If the city manager denies the certificate or grants the certificate with a lesser number of taxicabs than requested by the applicant, the city manager shall notify the applicant by certified mail.
- (g) *Re-application:* An applicant may not reapply for a certificate, or for the authorization of additional taxicabs, for one year from the date of decision by the city manager.

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

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

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

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

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

Sec. 9-12-28 - ~~Color scheme of vehicles; insignia or trade name.~~ Trade dress for vehicles.

- (a) Each applicant for a certificate shall adopt ~~a unique, identifying color scheme, insignia and trade name, different from the appearance of ordinary vehicles,~~ trade dress for each authorized vehicle which shall be submitted for approval with the application for the certificate. Upon the granting of the certificate and approval of the ~~color scheme, insignia and trade name~~ trade dress, the certificate holder shall cause all vehicles ~~that it operates~~ operated under the certificate to conform to such ~~color scheme and bear such insignia and trade name~~ trade dress. No other certificate holder, owner or driver shall use such ~~color scheme, insignia or trade name~~ trade dress.
- (b) No ~~color scheme, insignia or trade name~~ trade dress shall be approved if it conflicts with or imitates the ~~color scheme, insignia or trade name~~ trade dress used by another certificate holder in such manner as to mislead, confuse or tend to deceive the public.
- (c) It shall be unlawful and grounds for revocation of a certificate for any certificate holder to change or allow to be changed the approved ~~color scheme insignia or trade name~~ trade dress, except as hereinafter provided.
- (d) Any owner or driver connected with a certificate holder who is allowed to use the ~~color scheme, insignia, or trade name~~ trade dress of such certificate holder, shall immediately upon separation or discharge from the holder's company discontinue use of any taxicab until the ~~color scheme, insignia and trade name~~ trade dress on such taxicab has been changed or removed.

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

- (a) A certificate of public convenience and necessity issued pursuant to this article shall remain the property of the city, and no such certificate may be sold or transferred by the certificate holder to any other person.
- (b) Merger or transfer of control of a taxicab company, either de facto or de jure, is prohibited unless approved by the city manager after a determination that such merger or transfer of control is in the public interest. Any person who proposes to merge or acquire control of a taxicab company shall submit to the city manager an application in writing, setting forth such relevant information as to the proposed merger or transfer as prescribed by regulation, and indicating whether the merger or transfer of control will be de facto or de jure.
- (1) The applicant shall have the burden of demonstrating that such merger or transfer of control will serve the public interest, and shall promptly respond to any requests for additional information required by the city manager.
- (2) The city manager shall cause an investigation of the financial status, qualifications and responsibility of the applicant and the experience of the applicant in the taxicab business to be conducted. The results of such investigation shall be used by the city manager in determining whether the merger or transfer is in the public interest.
- (3) ~~The city manager shall not approve a merger which results in any person controlling more than 40 percent of the taxicabs authorized under this article. This limitation may be modified~~



~~by the city manager upon a finding that the public convenience and necessity will be served by such a modification.~~ [Reserved]

- (4) The city manager may approve or deny the request for merger or transfer of control. Before granting any such request, the city manager shall make an affirmative finding that the proposed merger or transfer of control is in the public interest. Absent such finding, the city manager shall deny the application, and notify the applicant.
- (5) In the event of a merger or transfer of control, the city manager may, in the manager's discretion, waive or modify the driver transfer limits set forth in section 9-12-30.

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

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

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

- (a) Between September 1 and November 15 of 2010, and during the same period every two years thereafter, the board and city manager shall conduct a review of the taxicab industry in Alexandria. The board shall conduct a public hearing, after giving reasonable notice to all applicants, existing certificate holders and the public. The board shall receive comment as to the economic condition of the taxicab industry, the adequacy of public service rendered by the industry, and whether any changes to the regulation of the industry are necessary or desirable, including changes to the number of taxicabs authorized for each taxicab company holding a valid certificate.
- (b) Performance information required to be submitted by certificate holders pursuant to section 9-12-32 shall be considered by the board and the city manager as part of the review.
- (c) In reviewing applications to renew certificates of public convenience and necessity, the board and city manager shall consider the certificate holder's record of compliance with

section 9-12-32, and shall establish the maximum and minimum number of vehicles that may be affiliated with each certificate holder, as follows:

- (1) The minimum number of authorized taxicabs for each certificate holder shall not be fewer than 10 percent less than the number authorized at the time of the biennial review, ~~except by operation of section 9-12-30(a)(2).~~ Notwithstanding the foregoing, the minimum number of authorized taxicabs for any company that has substantially met the level of dispatch service required under this Code for the intervening two years since the prior review shall not be reduced below the number of authorizations allowed in the prior review.
- (2) The maximum number shall provide a sufficient number of taxicab authorizations for each certificate holder to provide a satisfactory level of dispatch service based on current and anticipated number of dispatch trips provided.
- (3) In the event that the board and city manager shall authorize the issuance of one or more new certificates, the minimum number of taxicabs authorized for each existing certificate holder may be further reduced by an additional five percent below the current authorization.
- (d) The board and city manager shall set the total number of vehicles to be authorized for each taxicab company holding a valid certificate, giving consideration to such factors as bear on public convenience and necessity, including but not limited to:
  - (1) the demonstrated need on a company-by-company basis on the number of cabs necessary to provide satisfactory public service, including ensuring adequate availability of taxicabs for dispatch service and taxi stands;
  - (2) changes in the number of trips actually served by taxicabs for each existing company;
  - (3) the ability of current drivers to earn a living wage;
  - (4) a demonstrated commitment to specifically serve the needs of the elderly and/or disabled community;
  - (5) the dispatch levels attained during the two-year period immediately preceding the biennial review, so that no company shall be granted more authorizations than supported by its actual dispatch performance for the prior two-year period; and
  - (6) such factors listed in section 9-12-25(d) as the board or city manager deem applicable.
- (e) [Reserved.]
- (f) Giving consideration to the comments received at the public hearing, and to any additional information made part of the record before it, the board shall forward its conclusions as to the status of the industry, and its recommendations as all matters included in the annual review of the industry, to the city manager. The report shall include the findings of fact upon which board's conclusions and recommendations are based. The report shall be transmitted to the city manager no later than November 15.
- (g) The biennial review of the taxicab industry shall also include a review of the fares and industry fees, including a review of the base fare, permitted additional charges and all fees charged to and by the certificate holders, owners and drivers. The public hearing before the board shall include comments on such fares, charges and fees and any recommended changes thereof. The board shall forward its conclusions, recommendations and findings of fact as to such fares, charges and fees as part of its report pursuant to subsection (f) of this

section. In reviewing such fares, charges and fees, the board and city manager shall, without limitation, take the following factors into consideration:

- (1) driver income compared to the City of Alexandria adopted living wage;
  - (2) cost of industry related regulatory and enforcement expenditures; and
  - (3) such factors listed in section 9-12-25(d) as the board or city manager deem applicable.
- (h) Not later than December 15 of the year in which the biennial review is conducted, the city manager shall issue an order stating the manager's findings and conclusions as to the economic condition of the taxicab industry and determinations as to any pending applications or proposals under section 9-12-30. In issuing his order, the city manager shall presume that the factual findings of the board are prima facie correct. If the manager disagrees with any of the recommendations of the board, the manager shall, with the issuance of the order, enumerate the reasons for not accepting such recommendations. The order of the city manager may be used by him in determining the public convenience and necessity under the provisions of this article.
- (i) Reserved.
- (j) After completion of the transfer review process and the review of all applications for new or renewed certificates of public convenience and necessity, the city manager may approve additional authorizations for existing companies that have requested same, based upon a finding that such a grant will be in the public convenience and necessity including, without limitation, promoting prompt dispatch and exceptional customer service.

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

Each certificate holder shall:

- (a) provide 24-hour service;
- (b) provide two-way dispatch service located within the boundaries of the city that meets the following:
  - (1) dispatch must be provided 24 hours a day, seven days a week;
  - (2) if less than 130 taxicabs are authorized under the certificate, dispatch may be provided not less than 16 hours a day, seven days a week;
  - (3) if the certificate has been issued for less than one year, dispatch may be provided not less than 16 hours a day, seven days a week until one year following the date of issuance, after which dispatch must be provided as set out in paragraph (1) or (2), depending on the size of the certificate holder;
- (c) provide the minimum level of service for dispatch and documented city trips and call response time as prescribed by regulation; however, in no circumstance may regulation set an average dispatch and documented city trip call volume equaling less than two calls per driver per day. In addition, in no circumstances may regulation provide more than 25% of the required call volume be satisfied by documented city trips. Dispatch and documented city trip service requirements shall be calculated based on the total number of properly documented calls served by the certificate holder during the time period reviewed by city staff;

- (d) ~~maintain a business office and required records within the boundaries of the city;~~  
[Reserved]
- (e) ~~have affiliated a minimum of 40 taxicabs under its color scheme, and a maximum of 50 percent of the total number of taxicabs authorized under this article.~~ This limitation may be modified by the city manager upon a finding that the public convenience and necessity will be served by such a modification;
- (f) provide a minimum of one vehicle, or one percent of the vehicles authorized under the certificate, whichever is greater, for ADA compliant handicap accessible transportation, and every vehicle permit issued for a handicap accessible vehicle shall state on the permit that it is to be used for a handicap accessible vehicle only. Each certificate holder has an affirmative obligation to make such ADA complaint vehicles available during the hours in which it provides dispatch service for dispatch to a qualified handicapped passenger in the event not less than two hours notice is provided by the passenger;
- (g) maintain a record of all taxicabs affiliated with the certificate holder, of the owners thereof and of all drivers thereof, including the current address and telephone number for each such owner and driver. This record shall be turned in not less than annually by a date to be determined by the director of T&ES and otherwise be available at all times for examination and inspection by the director, hack inspector or any police officer and shall be preserved for 12 months;
- (h) provide an alternative dispute resolution process for disputes arising between owners and/or drivers of taxicabs and the certificate holder pursuant to division 7 of this article;
- (i) provide and adhere to written policies setting forth service requirements for drivers affiliated with the certificate holder and specifying disciplinary actions that the holder will take in the event the requirements are not met. All such requirements and disciplinary actions and any revision that may from time to time be added by the certificate holder shall be provided to every affiliated driver and posted in a conspicuous location in the taxicab company offices;
- (j) not unreasonably withhold its agreement to allow an affiliated driver to transfer the authorization under which the driver is driving to another qualified driver;
- (k) provide a 30-day notice to drivers of any changes in stand dues and post such changes in a conspicuous location in the taxicab company offices with a clearly stated reason for the change, and file such changes and reasons with the city, for informational purposes;
- (l) post the most current schedule of stand dues in a conspicuous location in the taxicab company offices;
- (m) file with the city, in a manner prescribed by regulation, for informational purposes, the requirements and disciplinary actions required by subsection (i) and the stand due schedule and any changes required by subsection (k);
- (n) maintain monthly performance information and provide the following information to the city manager on a periodic basis, no less than annually, in the manner prescribed by regulation:
  - (1) dispatch call volume totals;

- (2) number of complaints by type;
- (3) a schedule of current stand dues;
- (4) dispatch call volumes and detailed call and pick up data files; and
- (5) such other information as may be prescribed by regulation.
- (o) ~~provide on an annual basis in the manner prescribed by regulation financial statements prepared in accordance with generally accepted accounting practices, including, but not limited to, all financial information permitted by Virginia Code § 46.2-2062(B) and any other applicable state law. [Reserved]~~
- (p) all information submitted to the city manager under this section shall include a statement that "It is unlawful for any certificate holder to make a false or misleading statement and the making of any false or misleading statement shall be grounds for revocation of a certificate and criminal prosecution," and shall be signed by the certificate holder or authorized representative;
- (q) all financial data information submitted pursuant to this section shall be deemed confidential financial information pertaining to the certificate holder's business license pursuant to title 9 of the City Code and exempt from disclosure to the public pursuant to Virginia Code §§ 58.1-3 and 46.2-2602(B) and shall otherwise be kept confidential to the extent permissible under the Code of Virginia and the City Code;
- (r) in the event that the City of Alexandria adopts a paratransit and/or senior citizen transportation program involving all certificate holders, each certificate holder must participate in such a program;
- (s) all certificate holders who operate as taxicab companies must have written contracts setting forth the terms and conditions of their agreements with the drivers who operate under the vehicle authorizations granted to each certificate holder; and
- (t) ensure that all affiliated vehicles accept major credit cards as payment for taxicab fares pursuant to a policy to be determined by the certificate holder, subject to the following conditions:
  - (1) If a certificate holder mandates that its affiliated drivers use a specific credit card processor, that company will:
    - i. charge drivers no more than 5% of the transaction for processing;
    - ii. provide a direct deposit option for drivers.
  - (2) Certificate holders are responsible for uniformity of service and can determine the type(s) of credit card device(s) that are allowable in their fleet;
  - (3) ~~Certificate holders shall provide the city with an annual report to be used in analyzing the effects of the mandatory credit card acceptance policy. [Reserved]~~
    - i. ~~The report will contain information regarding the average and total number of credit card transactions per driver, the percentage of the certificate holder's trips paid for using a credit card, and the total and average transaction fees paid by the driver to the taxicab company to process the credit card payments, plus such other additional information as staff may reasonable require to assess the effects of the mandatory credit card policy.~~

~~ii. Companies that do not provide this data to the city will be considered to be out of compliance with the taxicab ordinance and subject to discipline pursuant to section 9-12-33.~~

- (4) The certificate holder will ensure that for all credit card transactions, its affiliated drivers will issue a paper receipt showing date of transaction, cab number, driver name, and the amount of the transaction for all credit card transactions. The receipt may be hand-written;
- (5) The certificate holder will ensure that all credit card processing equipment authorized for use by its affiliated drivers shall be PCI DSS compliant; and
- (6) The certificate holder will take affiliated taxicabs out of service if their credit card processing equipment is inoperable.

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

- (a) Any certificate holder who violates any provisions of section 9-12-32 shall be guilty of a class two civil violation.
- (b) Certificates of public convenience and necessity may be placed on probationary status for a period of 30 to 120 days, or revoked by the city manager for any of the following causes:
  - (1) failure to manage and operate the company and fleet in such a manner as to serve the public adequately;
  - (2) failure to manage and operate the company and fleet in such manner as to cause the authorized taxicabs to be maintained in good order and repair;
  - (3) failure to manage and operate the company and fleet in such manner as to cause the insurance required by this article to be maintained for the authorized taxicabs;
  - (4) repeated and persistent violations by the certificate holder or by the drivers of authorized taxicabs of the Alexandria City Code or of the motor vehicle laws of Virginia;
  - (5) failure to report any accident as required by this article;
  - (6) failure to manage and operate the company and fleet in such manner as to cause any fees lawfully assessed upon the ownership or operation of any vehicle licensed under this article to be paid;
  - (7) failure to comply with the requirements of section 9-12-32; and
  - (8) failure to comply with any other provision of this article.
- (c) Prior to placing on probationary status or revoking any certificate, the city manager shall hold a hearing on the proposed revocation or probation. The certificate holder shall have the right to present his case in person or be represented by counsel licensed to practice law in the Commonwealth of Virginia. The certificate holder shall be given at least 10 days' notice by personal service, or by regular and certified mail, to the address shown on the certificate, of the grounds for revocation or probation and the time and place of the hearing thereon.
- (d) The city manager shall notify the certificate holder by regular and certified mail directed to the address shown on the certificate, of his decision to revoke or place on probationary status the certificate. Such decision notice shall include the grounds for revocation or probation and the length of time of probation.

- (e) A certificate holder whose certificate has been revoked may not reapply for a certificate for 365 days from the date of revocation.
- (f) The city manager may place on probationary status a certificate for such a period of time in excess of 120 days as he may, in his reasonable discretion, see fit.
- (g) If a certificate is placed on probationary status, the city manager shall impose such terms and conditions as the manager deems reasonably necessary to bring the certificate holder into compliance. In the event the certificate holder fails to comply within the time stated by the city manager, the certificate shall be revoked by operation of law.
- (h) Disposition of vehicle authorizations from a revoked certificate. The vehicle authorizations held by a certificate holder whose certificate is revoked under this section shall be returned to the city on the effective date of the revocation. Not less than 45 days prior to the effective date of revocation of the certificate, the city manager shall cause a public hearing to be held by the board regarding the public interest in the disposition of the authorizations. The board shall make a recommendation to the city manager as to the disposition of the authorizations. Not less than 21 days prior to the date of revocation, the city manager shall make a determination as to the disposition of the authorizations. There shall be a presumption, but not a guarantee, that the vehicle authorizations from a certificate holder that has its certificate revoked shall be allowed to transfer to other authorized certificate holders, unless the manager finds that such transfer will not be in the best interest of the public convenience and necessity.
- (i) The city manager's decision to place on probationary status or revoke a certificate may be reviewed on the record by the Circuit Court of the City of Alexandria, to determine whether the city manager applied the correct law, and whether the decision was arbitrary and capricious; provided a petition for review is filed with the court within 30 days of the decision. The filing of such petition shall not stay the effect of such revocation or suspension, unless otherwise ordered by the court. The court may affirm or reverse the decision of the city manager, or vacate the decision and remand the matter with instructions.

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

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

Sec. 9-12-35 - Grandfathered certificates.

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

- (a) The original holder of such an individual certificate may change affiliation at any time and for any reason, subject to compliance with the provisions of this section.

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

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

### DIVISION 3 - Driver's Permit

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

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

Sec. 9-12-42 - Application.

- (a) An application for a driver's permit under this division shall be made in writing under oath on forms provided for by the city manager, shall be filed with the hack inspector and shall provide the following:
  - (1) pertinent personal data;
  - (2) physical condition of the applicant;
  - (3) ~~traffic record for five years previous to the date of the application including what driver's licenses have previously been issued to the applicant, and whether such license has ever been revoked or suspended~~ [Reserved];
  - (4) ~~criminal record including state and local records~~ [Reserved];
  - (5) ~~prior driving experience~~ [Reserved];
  - (6) ~~whether or not the applicant has ever been convicted, forfeited or entered a plea of nolo contendere on any traffic or criminal charge of any kind; and if so, the details thereof; and~~ [Reserved]



- (7) a written certification from a company certificate holder that the applicant has taken and passed a written examination pursuant to section 9-12-46 herein, in a form reviewed and approved by the hack inspector;
- (8) a written certification from a company certificate holder stating that it has conducted a mandatory background screening of the applicant in accordance with Section 9-12-42.1 and further certifying that the company certificate holder has authorized the applicant as a driver based upon the results of that screening; and
- (9) a written certification from the applicant certifying that he or she has not had a taxicab driver's permit or a similar permit permanently revoked in any other jurisdiction.
- (b) ~~Each applicant shall apply for the permit in person and have his or her fingerprints taken, which fingerprints shall constitute a part of the application. [Reserved]~~
- (c) Each applicant shall file with the application three copies of a recent photograph, of a size designated by regulation, one of which shall be attached to and become a part of the application, another to be permanently attached to the permit, if issued.
- (d) The application shall state thereon that "It is unlawful for any person to make a false statement on this application and discovery of a false statement shall constitute grounds for prosecution and for denial or revocation of this driver's permit."
- ~~(e) Each applicant shall be subject to a brief oral examination by the hack inspector as to the applicant's ability to operate a taxicab, knowledge of the traffic laws of the city and state, knowledge of the city's roads and the laws of this article applicable to drivers at the time the driver's permit application is submitted; the applicant must successfully pass the oral examination before the hack inspector will further process the application for a driver's permit.~~

#### Sec. 9-12-42.1 – Mandatory Background Screenings.

- (a) Before authorizing an applicant as a driver, a company certificate holder shall confirm that the person is at least 18 years old, possesses a valid driver's license, and has possessed a valid driver's license for at least six months.
- (b) Before authorizing an applicant to act as a driver, and at least annually after authorizing a person to act as a driver, a company certificate holder shall obtain a national criminal history records check of that person. The background screening shall include (i) a Multi-State/Multi-Jurisdiction Criminal Records Database Search or a search of a similar nationwide database with validation (primary source search) and (ii) a search of the Sex Offender and Crimes Against Minors Registry and the U.S. Department of Justice's National Sex Offender Public Website. The person conducting the background screening shall be accredited by the National Association of Professional Background Screeners or a comparable entity that is approved by the department.
- (c) Before authorizing a person to act as a driver, and at least once annually after authorizing a person to act as a driver, a company certificate holder shall obtain and review a driving history research report on that person from the individual's state of licensure.

- (d) Before authorizing a person to act as a driver, and annually after authorizing a person to act as a driver, a company certificate holder shall verify that the person is not listed on the Sex Offender and Crimes Against Minors Registry or on the U.S. Department of Justice's National Sex Offender Public Website.
- (e) A company certificate holder shall not authorize a person to act as a driver if the criminal history records check required above reveals that the individual:
- (1) is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to Chapter 9 (§9.1-900 et seq.) of Title 9.1 of the Code of Virginia, or is listed on the U.S. Department of Justice's National Sex Offender Public Website; or
  - (2) has ever been convicted of or has ever plead guilty or *nolo contendere* to a violent felony offense as listed in subsection C of §17.1-805 of the Code of Virginia, or a substantially similar law of another state or of the United States, or pled guilty or *nolo contendere* to a violation of §46.2-894 of the Code of Virginia, or a substantially similar law of another state or of the United States; or
  - (3) within the preceding seven years has been convicted of or has plead guilty or *nolo contendere* to any of the following offenses, either under Virginia law or a substantially similar law of another state or of the United States: (i) any felony offense other than those included in subsection (2) above; (ii) an offense under §§18.2-266, 18.2-266.1, 18.2-272, or 46.2-341.24 of the Code of Virginia; or (iii) of any offense resulting in revocation of a driver's license pursuant to §46.2-389 or §46.2-391 of the Code of Virginia; or
  - (4) within the preceding three years has been convicted of or has plead guilty or *nolo contendere* to any of the following offenses, either under Virginia law or a substantially similar law of another state or of the United States: (i) three or more moving violations; (ii) eluding a law-enforcement officer, as described in §46.2-817 of the Code of Virginia; (iii) reckless driving, as described in Article 7 (§46.2-852 et seq.) of Chapter 8 of the Code of Virginia; (iv) operating a motor vehicle in violation of §46.2-301 of the Code of Virginia; or (v) refusing to submit to a chemical test to determine the alcohol or drug content of the person's blood or breath, as described in §18.2-268.3 or §46.2-341.26:3 of the Code of Virginia.
- (f) An authorized driver shall immediately inform each company certificate holder that has authorized him to act as an authorized driver, as well as the hack officer, of any event that may disqualify him from continuing to act as an authorized driver, including any of the following: the revocation, suspension, cancellation, or restriction of his driver's license; a motor vehicle moving violation; or a criminal arrest, plea, or conviction. Upon learning of a potentially disqualifying event, either from the driver, from other sources, or from the periodic screenings required above, the company certificate holder shall immediately provide written notice of the same to the hack inspector. The driver and the company

certificate holder shall cooperate with any request for information made by the hack inspector. A failure to comply with this subsection could result in the suspension or revocation of the driver's permit, or the company certificate holder's certificate of public convenience and necessity.

(g) The hack inspector shall be entitled to review the results of the mandatory background screenings immediately upon request.

(h) Any person who violates any provision of this section or who permits a violation of any provision of this section shall be guilty of a class one civil violation.

#### Sec. 9-12-43 - Charges for permit.

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

#### Sec. 9-12-44 - Medical examination.

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

#### Sec. 9-12-45 - ~~Investigation of applicant.~~

~~Upon the filing of any application for a driver's permit under this division, the chief of police shall make a thorough investigation of the qualifications and traffic and criminal record of the applicant. Such investigation may include a local records check and a state records check. The result of this investigation shall be submitted to the hack inspector and to the board upon appeal.~~  
[Reserved]

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

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

#### Sec. 9-12-47 - Reserved.

#### Sec. 9-12-48 - Reserved.

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

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

- (a) is under 18 years of age;
- (b) ~~has ever been convicted, pleaded guilty or pleaded nolo contendere to a felony involving moral turpitude, or has been convicted, pleaded guilty or pleaded nolo contendere to a misdemeanor involving moral turpitude within the last five years; provided, however, that the board may waive the provisions of this subsection if the board determines that such waiver would not be contrary to the public interest; [Reserved]~~
- (c) has had a taxicab driver's permit or similar permit permanently revoked in any other jurisdiction;
- (d) ~~has ever been convicted, pleaded guilty, or pleaded nolo contendere to a charge of hit and run, leaving the scene of an accident or any similar charge where injury to a person was involved; [Reserved]~~
- (e) ~~has repeatedly been convicted, pleaded guilty, pleaded nolo contendere, or forfeited collateral for violations of the traffic or safety laws of any city, state or the federal government; [Reserved]~~
- (f) has not provided a written certification from a company certificate holder that the applicant has taken and passed a written examination pursuant to section 9-12-46 herein, in a form reviewed and approved by the hack inspector;
- (g) has not held a valid motor vehicle operator's license for a period of at least six months;
- (h) has not passed the applicable examinations required by section 9-12-46; ~~or~~
- (i) does not have a valid work authorization from the Immigration and Naturalization Service, ~~if required; and~~
- (j) has not been authorized by a company certificate holder as required by Sections 9-12-42 and 9-12-42.1.

Sec. 9-12-50 - Issuance or denial of driver's permit by ~~chief of police~~ the hack inspector.

- (a) If the ~~chief of police~~ hack inspector finds that an applicant has satisfied the requirements of this division the ~~chief of police~~ the hack inspector shall issue a driver's permit to the applicant.
- (b) If the ~~chief of police~~ hack inspector finds that an applicant has not met the requirements of this division, or that issuance of a driver's permit to the applicant would jeopardize the health, safety or welfare of the public, the ~~chief of police~~ hack inspector shall deny the application, and give written notice thereof, including the reasons for the denial, to the applicant.
- (c) The city manager may by regulation provide for a program for the issuance of temporary driver's permits. The ~~chief of police~~ hack inspector may withhold issuance of the temporary permit if he reasonably believes that there are unresolved issues or additional information that may be required from an applicant. ~~If upon review of the application, including a local criminal check, the chief of police finds no reason to deny the application, a~~ A temporary permit may be issued to the applicant as provided by regulation. Any such temporary permit shall be valid for no more than 90 days from the date of issuance.

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

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

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

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

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

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

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

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

A driver's permit may be renewed for successive periods of two years, provided that the procedure set forth for original applications is followed, ~~including proof of compliance with the driver training requirement pursuant to section 9-12-47 and payment of~~ and all applicable fees have been paid.

Sec. 9-12-55 - Permits nontransferable.

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

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

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

Sec. 9-12-57 - Service requirements.

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

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

- (f) *Nonpaying passengers.* No nonpaying passenger shall be transported in a taxicab with a paying passenger, except bona fide officers or employees of the owner or certificate holder, or a police officer engaged in the performance of his duty.
- (g) *Drivers to take shortest route to destination.* The driver of each taxicab shall drive the same over the shortest practical route from the point of engagement to the destination of the passenger or passengers.
- (h) *Number of passengers.* No driver of a taxicab shall carry at any one time more adult passengers than the number for which the vehicle was designed.
- (i) *Passengers to occupy rear seat first.* Passengers shall fill the rear seat before using the front seat, and no driver shall carry a passenger in the front seat unless the back seat is filled, except when otherwise requested by a passenger.
- (j) *Loitering at taxi stands.* No driver shall loiter or congregate with others in sidewalks adjacent to a taxi stand in such a manner as to violate section 9-12-115 of this division or in such a manner as to unreasonably inhibit or impede the flow of pedestrian traffic on the sidewalk.
- (k) *Cruising.* The city manager may prohibit cruising throughout the city or in designated areas within the city in times of emergency, or at other times when some activity takes place within the city which will produce abnormal traffic congestion and danger to pedestrians and the city manager finds that cruising would add to the congestion and danger. No such prohibition may be issued, except in case of an emergency, without notice and public hearing before, and a recommendation from the board. When the city manager has issued such prohibition, it shall be unlawful for any person to cruise in the area designated.
- (l) *Refusal to carry passengers.* No driver of a taxicab shall refuse or neglect to convey any orderly person, upon request, unless previously engaged, off duty, or unable or forbidden by the provisions of this article to do so.
- (m) ~~*Cleanliness and appearance of drivers.* Drivers of taxicabs shall be clean and dressed in neat, clean clothing at all times when serving the public. Whenever a driver's appearance is significantly changed by haircut or hair style, or modification, addition, or removal of a beard, moustache, side burns, toupee, wig, hair coloring, or the like, he shall submit within 30 days of such change two copies of a new photograph of himself in compliance with the requirements of section 9-12-42. [Reserved].~~
- (n) *Responding to dispatch calls.* Every driver shall comply with the standards of dispatch service prescribed by regulation. Each driver must average not less than 50 percent of the average dispatch call volume set by regulation pursuant to section 9-12-32(c) for the company with which the driver is affiliated. Notwithstanding the foregoing, a company may set a different level of service for its drivers so long as the company meets the dispatch requirements set forth by regulation pursuant to section 9-12-32(c) and notifies the hack inspector of this policy.
- (o) *Complying with service regulations.* All drivers shall comply with customer service related provisions prescribed by regulation.
- (p) *Complying with company service standards.* Every driver shall comply with the service requirements issued by the taxicab company with which the driver is affiliated.

- (q) *Smoking in taxicabs.* Smoking shall be prohibited in taxicabs at all times.
- (r) *Cell phone and mobile device use.* Drivers shall not use cell phones or other mobile devices when transporting passengers except for emergencies and trip related activities.

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

- (a) The ~~chief of police or the~~ hack inspector shall have the power to suspend any driver's permit for a period not to exceed five days for any one or more of the following causes:
  - (1) any violation of section 9-12-56;
  - (2) any violation of section 9-12-57; or
  - (3) any violation of section 9-12-60.
- (b) In addition to the foregoing, any driver who violates sections 9-12-56, 9-12-57 or 9-12-60 shall be guilty of a class five civil violation. The hack inspector shall have the authority to assess the civil penalties set forth for such violations in City Code section 1-1-11 and shall coordinate with the office of the city attorney to determine when suspensions, civil penalties or a combination of both shall be imposed.

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

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

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

- (a) The board shall have the power to recommend that the city manager suspend or revoke any driver's permit issued under the provisions ~~under~~ of this division for any one or more of the following causes:
  - (1) violation of any law involving moral turpitude;
  - (2) failure to report any accident in which the driver is involved;
  - (3) violation of any law prohibiting the operation of motor vehicles while under the influence of any intoxicating beverage, controlled substance or drug;
  - (4) operation of a taxicab known by the driver not to be in good order or safe repair;
  - (5) repeated violations of traffic or safety laws of local, state or federal government;
  - (6) being impaired by a disease or infirmity which makes the driver an unsafe driver;



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

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

#### DIVISION 4 - Vehicle Permits

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

No taxicab shall be operated under the authority of a certificate of public convenience and necessity issued by the city, and no person who owns or controls a such a taxicab, shall permit it to be so operated, and no such taxicab shall be operated at any time for hire, unless the owner of

such taxicab shall have first obtained and shall have then in force a vehicle permit issued under the provisions of this division. Such permit shall be the property of the city, and shall be carried and displayed in a conspicuous place in the taxicab.

Sec. 9-12-72 - Application.

- (a) An application for a vehicle permit under this division shall be made in writing under oath on forms provided by the city manager; shall be filed with the hack inspector and shall contain at minimum the following information:
- (1) full name of the applicant;
  - (2) applicant's current address;
  - (3) make, model and year of the vehicle;
  - (4) description of the insurance policy covering the vehicle-; and
  - (5) proof that the vehicle displays a valid state inspection decal and a valid state registration decal.
- (b) The application shall state thereon that "It is unlawful for any person to make a false statement on this application and discovery of a false statement shall constitute grounds for prosecution or denial or revocation of this vehicle permit."

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

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

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

~~Upon receipt of an application for a vehicle permit, the hack inspector shall make or cause to be made an inspection of the vehicle.~~ If the hack inspector finds that the vehicle complies with the provisions of this division and with the regulations promulgated pursuant to this article, the hack inspector shall issue a vehicle permit for such vehicle. If the vehicle is found by the hack inspector not to meet the requirements, the hack inspector shall notify the applicant of all defects which must be remedied for the permit to be issued. If the defects are not corrected ~~on re-inspection~~, the application for a vehicle permit shall be denied.

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

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

- (1) vehicle permit number;
- (2) name of the certificate holder under whose certificate the vehicle will be operated;
- (3) name of the owner;
- (4) expiration date;
- (5) year, make, model and vehicle identification number (VIN);

- (6) make and serial number of taximeter; and
- (7) the fact that the permit is issued subject to the provisions of this article and may be suspended or revoked if the provisions of this article are violated.

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

All vehicle permits issued under this division shall expire one year from the date of issuance, unless sooner suspended or revoked. ~~Vehicle permit issuance shall be coordinated with the vehicle and meter inspection schedule promulgated by the hack inspector.~~ A vehicle permit shall be suspended by operation of law in the event that the state inspection or the state registration of the vehicle expires during the duration of the vehicle permit. In such an event, the vehicle permit shall be reinstated by operation of law once a new state inspection or a new state registration is obtained.

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

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

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

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

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

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

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

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

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

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

- (a) *Vehicles to be clean.* All taxicabs shall at all times be kept clean and sanitary to the satisfaction of the hack inspector.
- (b) *Ventilation of vehicles; lights.* Every taxicab shall be equipped with properly functioning heating, air conditioning and windows and passenger cabin lights.
- (c) *Body types of vehicles; seating capacity.* Every taxicab shall be of a vehicle type approved by regulation with four doors, at least two seats and not less than five-passenger capacity; provided, however, that any taxicab, otherwise in compliance with the provisions of this article may, upon the written application to and approval of the city manager, and having only three doors, may be used to provide transportation to handicapped or otherwise physically disabled persons.
- (d) *Shades and curtains.* No taxicab shall be equipped with shades or curtains which can shield any occupant from observation.
- (e) *Speedometers.* Every taxicab shall be equipped with a standard speedometer, properly installed and kept in good working order at all times.
- ~~(f) *Rear view mirror.* Every taxicab shall be equipped with an adjustable rear view mirror, properly installed.~~
- ~~(g) *"Off duty" signs.* Every taxicab shall carry, prominently displayed on the front windshield, a sign bearing the words "off duty," whenever the vehicle is driven by an operator other than a duly licensed taxicab driver, or is transporting a nonpaying passenger, or is not in service.~~
- (h) *Information to be displayed on outside of vehicle.*
  - (1) Every taxicab shall bear on the rear thereof and on each side thereof in lettering at least three inches high the word "taxicab" or "cab."
  - (2) The certificate number under which the taxicab is operated, clearly visible, shall be placed on the rear and on each side of each taxicab.
  - (3) The prevailing rates of fare shall be displayed on each side of the taxicab by means of cards or stickers, furnished by the director of finance at a cost established by regulation, placed in the side rear window in such a manner as to be visible from the outside. The form, size and content of said cards or stickers shall be as approved by the hack inspector.
- (i) *Display of permit.* Every driver shall post his driver's permit in such a place as to be in full view of all passengers while the driver is operating a taxicab.
- (j) *Display light.* Every taxicab shall be equipped with a plainly visible light signal permanently affixed on the exterior of the cab of a design approved by the hack inspector,

which signal shall be turned on and exhibited at all times when the taxicab is on duty and available for hire.

- (k) *Two-way communication.* Every taxicab shall be equipped with a means of wireless two-way communication, properly installed and kept in working order at all times. Such means of communication shall be operated in compliance with all applicable regulations of the Federal Communications Commission. Each unit will have the ability to conduct a two-way conversation with the taxicab dispatcher.
- (l) *Age of vehicles.* Except for hybrid or alternative fuel vehicles, no vehicle permit shall be issued for a taxicab that is older than 10 model years. No vehicle permit shall be issued for a hybrid or alternative fuel taxicab that is older than 12 model years.
- (m) *Taximeters.* Every taxicab shall be equipped with a taximeter in compliance with section 9-12-131.

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

#### DIVISION 5 - Taxicab Stands

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

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

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

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

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

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

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

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

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

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

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

#### DIVISION 6 - Fares

Sec. 9-12-131 - Taximeters.

- (a) All taxicabs shall be equipped with taximeters fastened in front of the passengers, visible to them at all times day and night; and, after sundown, the face of the taximeter shall be illuminated. Such taximeter shall be ~~approved in advance by the hack inspector~~, operated mechanically or electronically and accurately track the movement of the vehicle via GPS or other commercially reliable means, as approved by the hack inspector in consultation with the director of T&ES. ~~It shall be inspected and certified by the hack inspector at an annual cost determined by regulation for each meter, at all points and connections which, if manipulated, would affect its correct reading and recording.~~ Each taximeter shall be equipped with a mechanism or display which indicates when the vehicle is engaged and when it is not engaged; and the driver shall actuate the taximeter at the commencement of each trip and stop the taximeter at the termination of each trip. Any taximeter shall be subject to inspection upon demand by the hack inspector, or any police officer, and if the taximeter is determined to be inoperative or inaccurate, the taxicab shall cease to be operated until the taximeter is repaired, inspected and certified by the hack inspector.
- (b) When any taxicab is operated pursuant to a contract as permitted under section 9-12-133, any provision of this section in conflict with the terms and conditions of such contract shall not apply.
- (c) Any person who violates any provision of this section or who permits a violation of any provision of this section shall be guilty of a class one civil violation.

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

- (a) The rates to be charged to passengers in taxicabs shall be as follows. It shall be unlawful to make any greater or lesser charge:
  - (1) For the initial meter charge, \$3.
  - (2) For the second and for each additional passenger who is five years of age or older, \$1.25.

- (3) For the first one-sixth of a mile traveled and each one-sixth mile or fraction thereof thereafter traveled for one or more passengers, \$0.36.
- (4) For each one hour of waiting time for one or more passengers, \$25. The incremental cost of this charge shall be \$0.36 for each 52 seconds. Waiting time shall include time consumed while the taxicab is waiting and available to passengers beginning three minutes after the scheduled time of arrival at the place to which it has been called, time consumed while the taxicab is stopped or slowed for traffic to a speed of less than seven miles per hour and time consumed for delays or stopovers en route at the direction of a passenger. There shall be no charge for mileage when time is being charged for a taxicab that is stopped or slowed for traffic to a speed of less than seven miles per hour. Waiting time shall not include time lost on account of the inefficiency of a taxicab.
- (5) For any item placed in the cab trunk or rear of the vehicle, \$0.50 if handled by the driver. The maximum charge for all such items shall be \$7.
- (6) (Reserved)
- (7) (Reserved)
- (8) For each animal, \$2. There shall be no charge for guide dogs or service animals assisting persons with disabilities.
- (9) For each trip originating at Ronald Reagan Washington National Airport, the airport fee shall be added to the fare for the trip.
- (10) Taximeter fares shall be increased by \$5 during any period in which a snow emergency declaration of Level 2 or Level 3 has been made by the city manager or his designee, or in the event that the director of transportation and environmental services determines that driving conditions in the city are, or are reasonably expected to become, unduly hazardous due to the accumulation of snow, sleet or ice on the streets, regardless of the declaration of a snow emergency or the level thereof. The transportation division of the department of transportation and environmental services will notify each taxicab company by telephone of the exact time any such taximeter fare increase is to go into effect and the exact time that such fare increase is terminated.
- (11) Taximeter fares may be increased by a surcharge authorized by the city manager, in the event that the city manager determines that a sudden increase in the cost of gasoline requires a surcharge to maintain stability in the provision of taxicab services in the city and to prevent the gas cost increase from having a serious adverse financial impact on the drivers of taxicabs. The surcharge shall continue in effect for such period, not to exceed one year, as the city manager shall determine, but may be terminated sooner if the manager determines that the surcharge is no longer warranted. The determination of the city manager shall be based on information provided by taxicab companies, and from such other sources as the city manager deems appropriate. The transportation division of the department of transportation and environmental services will notify each taxicab company in writing of any such surcharge. Such notice shall indicate the amount of the surcharge, and the period during which such surcharge shall be permitted. A copy of such notice, shall be displayed within the vehicle in addition to the rate card required under section 9-12-134.

- (b) This section shall not apply when any taxicab is operated pursuant to a contract provided for in section 9-12-133 of this chapter.
- (c) Nothing contained herein shall prevent a certificate holder from establishing a coupon or reward program for its customers where a discount coupon, customer loyalty certificate or some other marketing device is accepted as part of the allowed fare set forth herein.

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

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

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

- (a) Every taxicab shall have displayed in such a place within the vehicle as to be in view of passengers a rate card to be furnished by the hack inspector, at a cost established by regulation, showing the rates prescribed by this article.
- (b) The rates shall also be displayed so as to be visible from the inside and outside of the vehicle ~~as provided in section 9-12-94.~~

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

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

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

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

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

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

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



If two or more passengers, bound for different destinations, agree to engage a taxicab for taxicab services, the fare shall be allocated as follows: whenever a passenger gets out and pays the fare, the meter shall be reset upon that passenger's departure, but when the departing passenger does not pay the fare, the meter shall not be reset and the full fare shall be paid by the last passenger delivered.

Secs. 9-12-139 through 9-12-140 - reserved.

## DIVISION 7 - Dispute Resolution

### Sec. 9-12-141 - Scope.

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

### Sec. 9-12-142 - Required conditions.

Every certificate of public convenience and necessity issued under division 2, and every driver's permit issued under division 3, of this article, and the right to operate a vehicle, or to suffer, permit or allow the operation of a vehicle ~~under a person's color scheme, insignia or trade name~~, pursuant to this article shall be subject to the following terms and conditions:

- (a) The license or permission held by any person who holds a valid driver's permit under division 3 to operate a vehicle under a taxicab company's ~~color scheme~~ certificate of public convenience and necessity shall not be terminated, suspended or impaired, and such driver's right to enjoy the resources and benefits provided by such company on the same basis as other similarly situated drivers for the company shall not be terminated, suspended or impaired, except where such termination, suspension or impairment is reasonable and for good cause.
- (b) For purposes of this section, "good cause" means one or more of the causes set forth in section 9-12-58 of this code for the temporary suspension of a driver's permit by the ~~chief of police or~~ hack inspector; one or more of the causes set forth in section 9-12-60 of this code for the suspension or revocation of a driver's permit by the board, or a material failure of a driver to comply with established, written rules or practices of the company or to perform in accordance with his or her written contract with the company, after reasonable notice and an opportunity to comply or perform.
- (c) Nothing in this section shall be deemed to impair the authority of the ~~chief of police, hack inspector or board~~ under this article.

### Sec. 9-12-142 - Dispute resolution procedures.

Each taxicab company may opt to have a written dispute resolution procedure as part of its agreements with its drivers, so long as such a dispute resolution procedure incorporates, at a minimum, binding arbitration pursuant to the Commercial Arbitration Rules, R-1 through R-56 of the American Arbitration Association. In the event that a taxicab company does not have an

agreement with any driver incorporating such a dispute resolution procedure and said taxicab company is involved in a dispute with such a driver, then such dispute will be subject to the provisions of this section, as follows:

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

- (a) disputes shall first be the subject of an internal grievance procedure which shall be conducted as follows:
  - (1) the aggrieved party shall submit a complaint in writing to the taxicab company within 30 days from the date of the company's action, containing a written statement of the matter in dispute and the names, addresses and telephone numbers of each party to the dispute.
  - (2) within two weeks after the submission of the written complaint, the company shall appoint a representative from within the company to hear the dispute. Such representative shall be impartial, and shall have had no direct or indirect involvement in the dispute.
  - (3) within two weeks after said appointment, the representative shall conduct an informal hearing concerning the dispute.
  - (4) both parties shall use best efforts to resolve the dispute.
  - (5) within two weeks after the hearing has been concluded, the company representative shall render a written decision.
- (b) If the dispute is not resolved through the internal grievance procedure, both parties may agree to informal or formal mediation of the dispute, pursuant to subsection (c). If the parties fail to agree to mediation, either party may elect to proceed to arbitration, pursuant to subsection (d).
- (c) Informal or formal mediation.
  - (1) within two weeks after the internal grievance procedure has been concluded, any party requesting mediation shall submit a written notice requesting mediation to all parties.
  - (2) within two weeks after such notice has been submitted, the parties may agree to an impartial person to mediate the dispute in an informal process. If the parties do not so agree, the party requesting mediation shall submit a written Request for Mediation to the American Arbitration Association (AAA). If the parties are unable to agree to mediation, either party may elect to proceed to arbitration, pursuant to subsection (d).
  - (3) a request for mediation shall contain a brief statement of the dispute, and the names and addresses and telephone numbers of each party to the dispute.
  - (4) the mediator shall notify all parties of the time, date and place of the mediation.
  - (5) the costs of the mediation shall be borne equally by the parties unless they agree otherwise in writing.
  - (6) the mediation conducted by AAA shall be in substantial accord with the American Arbitration Association Commercial Mediation Rules, M-1 through M-17. Copies of such rules shall be available ~~at city hall~~ by the hack inspector.
  - (7) the mediator may end the mediation if, in the sole discretion of the mediator, the continuation of the mediation would not be useful.

- (8) the parties in mediation shall use their best efforts to resolve the issues in controversy and the mediator may execute a written settlement agreement if agreed on by the parties but may not impose a settlement on the parties.
- (d) Where neither the internal grievance procedure, nor mediation if attempted, has resolved the issues in dispute, either party may submit the matter to arbitration, which shall be binding upon the parties. Such arbitration shall be conducted as follows:
  - (1) within two weeks after the mediation process or the internal grievance procedure has been concluded, the party requesting arbitration shall submit a written notice of intent to arbitrate to all parties.
  - (2) within two weeks after such notice has been submitted, an impartial person to arbitrate the dispute shall be agreed upon by the parties, or, if the parties do not so agree, the party requesting arbitration shall submit a written request for arbitration to the American Arbitration Association (AAA) and simultaneously mail a copy of the request for arbitration to every party to the dispute.
  - (3) a request for arbitration shall contain a brief statement of the dispute, and the names and addresses and telephone numbers of each party to the dispute.
  - (4) the arbitrator shall notify all parties and their representatives, if any, of the time, date and place of the arbitration.
  - (5) the costs of the arbitration shall be borne by the party which does not prevail, unless the parties agree otherwise in writing, or the costs are otherwise apportioned by the arbitrator if there is no prevailing party.
  - (6) the arbitration, whether conducted by AAA or another arbitrator chosen by the parties, shall be in substantial accord with the American Arbitration Association Commercial Arbitration Rules, R-1 through R-56. Such rules shall be made available to all parties ~~at~~ by the Alexandria Hack Office hack inspector.
  - (7) the arbitrator may conclude the arbitration hearing if in the sole discretion of the arbitrator, continuation of the hearing would not be useful.
  - (8) within two weeks after the arbitration hearing has been concluded, the arbitrator shall render an award in writing, which shall be binding upon the parties and which may be enforced by any court having jurisdiction over the parties.
- (e) For purposes of this section, "dispute" means a disagreement between a person who holds a division 3 permit and the company under whose ~~colors~~ certificate of public convenience and necessity he or she drives over whether an action taken by the company to terminate, suspend or impair such person's license or permission to drive under the company's ~~colors~~ certificate of public convenience or necessity, or to terminate, suspend or impair his or her right to enjoy the resources and benefits provided by the company, on the same basis as other similarly situated company drivers, was reasonable and based upon good cause.

#### Sec. 9-12-143 - Penalties.

A knowing failure to adhere to the dispute resolution procedures established by this division shall constitute a class four civil violation, pursuant to section 1-1-11 of this code, and may, in

addition, constitute grounds for suspension or revocation of a certificate of public convenience and necessity issued under division 2, or driver's permit issued under division 3, of this article.

Sec. 9-12-144 - Regulations.

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

Secs. 9-12-145 through 9-12-150 - reserved.

Section 2. That Chapter 12 of Title 9 is 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 on July 1, 2021.

Justin M. Wilson  
Mayor

Final Passage: April 17, 2021