
Council Bill Number: 111404

Ordinance Number: 118341

Relating to for-hire vehicles, taxicabs and for-hire drivers, adding a new chapter 6.310 to the Seattle Municipal Code to license for-hire vehicles, taxicabs, for-hire drivers and taxicab associations both for regulation and revenue, and repealing Chapters 6.208, 6.211 and 6.212 of the Seattle Municipal Code.

Status: Passed

Note: Defines graffiti as gross misdemeanor

Vote: 9-0

Date filed with the City Clerk: 1996/10/21

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Committee: Business, Economic and Community Development

Sponsor: DRAGO

Committee Recommendation: Pass

Index Terms: TAXICABS, LICENSES, PUBLIC-REGULATIONS

Electronic Copy: [PDF scan of Ordinance No. 118341](#)

Reference: Amending: Ord 102151, 117242, 117159, 116007, 117407, 117080

Text:

ORDINANCE _____

AN ORDINANCE relating to for-hire vehicles, taxicabs and for-hire drivers, adding a new chapter 6.310 to the Seattle Municipal Code to license for-hire vehicles, taxicabs, for-hire drivers and taxicab associations both for regulation and revenue, and repealing Chapters 6.208, 6.211 and 6.212 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Chapters 6.208, 6.211 and 6.212 of the Seattle Municipal Code are hereby repealed.

Section 2. A new chapter is added to the Seattle Municipal Code as follows:

Chapter 6.310

TAXICABS AND FOR-HIRE VEHICLES

I. GENERAL PROVISIONS

6.310.100 Purpose.

This ordinance is an exercise of the City of Seattle's power to license for-hire vehicles, taxicabs, for-hire drivers and taxicab associations, for regulation and revenue. Some of its regulatory purposes are to increase the safety, reliability, cost-effectiveness, and the economic viability and stability of privately-operated for-hire vehicle and taxicab services

within the City of Seattle.

6.310.110 Definitions.

For the purposes of this chapter and unless the context plainly requires otherwise, the following definitions apply:

- A. "Affected licensee" means any licensee that may incur some penalty as a result of a violation. For example, if a for-hire driver of a taxicab commits a violation, the for-hire driver, the taxicab owner, and the taxicab association with which that taxicab is associated are all affected licensees.
- B. "Affiliated taxicab" means a taxicab licensed to operate within a particular taxicab association.
- C. "Approved mechanic" means a mechanic on a list maintained by the Director. The list shall contain the name of each mechanic that has applied to the Director for inclusion and who 1) has met all requirements of the National Institute for Automotive Service Excellence, 2) has been awarded a Certificate in Evidence of Competence satisfactory to the Director, 3) does not own, lease or drive a taxicab or for-hire vehicle, and 4) has no financial interest, including any employment interest, in any taxicab association, taxicab or for-hire vehicle or in any company that owns or leases taxicabs or for-hire vehicles.
- D. "Certificate of Safety" means a document from an approved mechanic certifying that a particular vehicle meets all vehicle safety standards set forth in this chapter and in regulations adopted pursuant to this chapter.
- E. "Committed a violation" means that a licensee has been issued a Notice of Violation and either has not contested the violation or did contest the violation but lost.
- F. "Contract rate" means the rate specified in a written contract signed by both parties before the dispatch of a taxicab or for-hire vehicle for the services identified in the contract. Contracts for package delivery may be made on an oral basis.
- G. "Department" means the Department of Finance of the City of Seattle, or any department that succeeds to the Department of Finance's duties under this chapter.
- H. "Director" means the director of the Department of Finance or any successor department and the director's authorized designee.
- I. "For-hire driver" means any person in physical control of a taxicab or for-hire vehicle, who is required to be licensed under this chapter. The term includes a lease driver, owner/operator, or employee who drives taxicabs or for-hire vehicles.
- J. "For-hire vehicle" means any motor vehicle used for the transportation of passengers for compensation, except:
 - (1) Taxicabs as defined in this chapter;
 - (2) School buses operating exclusively under a contract to a school district;
 - (3) Ride-sharing vehicles under chapter 46.74 RCW;
 - (4) Limousine carriers licensed under chapter 81.90 RCW;
 - (5) Vehicles used by nonprofit transportation providers solely for elderly or handicapped persons and their attendants under chapter 81.66 RCW;
 - (6) Vehicles used by auto transportation companies licensed under chapter 81.68 RCW;
 - (7) Vehicles used to provide courtesy transportation at no charge to and from parking lots, hotels, and rental offices;

and,

(8) Charter party carriers and excursion service carriers licensed under chapter 81.70 RCW.

K. "Handicapped person" means any person who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to use mass transportation facilities and services as efficiently as persons who are not so affected. Handicapped persons include ambulatory persons whose capacities are hindered by sensory disabilities such as blindness or deafness, such mental disabilities as mental retardation or emotional illness, and physical disabilities that still permit the person to walk comfortably, or a combination of these disabilities. It also includes a semiambulatory person who requires such special aids to travel as canes, crutches, walkers, respirators, or human assistance, and a nonambulatory person who must use wheelchairs or wheelchair-like equipment to travel.

L. "Knowingly permit" means 1) to know of an action or condition that violates this chapter or any regulation promulgated pursuant to this chapter, and 2) to fail to take reasonable steps to cure the violation and to prevent future violations. There is a rebuttable presumption that a person knows a fact, action or condition of which a reasonable person in the same position would have knowledge.

M. "Lease driver" means a for-hire driver who is an independent contractor/sole proprietor who has leased a taxicab or for-hire vehicle from a taxicab or for-hire vehicle owner or taxicab association.

N. "Lessor" means an owner of a taxicab or for-hire vehicle who leases to a lease driver.

O. "Licensee" means any person or entity licensed under this chapter, including for-hire drivers, taxicab or for-hire vehicle owners, and taxicab associations.

P. "Motor vehicle" means every motorized vehicle by or upon which any person may be transported or carried upon a public street, highway or alley; provided, that vehicles used exclusively upon stationary rail tracks or propelled by use of overhead electric wires are not considered motor vehicles for purposes of this chapter.

Q. "Operating in the City of Seattle" means owning, leasing, advertising, driving, occupying and/or otherwise using a taxicab or for-hire vehicle that at any time transports any passenger or item for compensation from a point within the geographical confines of the City of Seattle. The vehicle is considered to be operating during the administering of inspections at the city's inspection facility. The term does not include being in control of a vehicle that is physically inoperable. A taxicab association is "operating in the City of Seattle" if it represents or includes any taxicab that at any time transports any passenger or item for compensation from a point within the geographical confines of the City of Seattle.

R. "Owner" means the person whose lawful right of possession of a taxicab or for-hire vehicle has most recently been recorded with the state Department of Motor Vehicles.

S. "Senior Citizen" means any person over the age of 60 with a valid identification confirming that person's age.

T. "Special rate" means discounted rates for senior citizens and handicapped persons.

U. "Taxicab" means every motor vehicle

(1) that is held out to the public as providing transportation to passengers or articles for hire;

(2) where the route traveled or destination is controlled by the customer;

(3) that carries signs or indicia of a taxicab, including the words "taxi," "taxicab," or "cab;" and

(4) where the fare is based on an amount recorded and indicated on a taximeter, or by a special contract rate permitted

under this chapter.

Despite the foregoing, "taxicab" does not include those vehicles listed in SMC 6.310.110(J)(2-8) or for-hire vehicles.

V. "Taxicab association" means a person or organization licensed under this chapter that represents or owns at least 15 taxicabs licensed by the City that use the same color scheme, trade name, and dispatch services. An individual person may be a taxicab association as long as that individual owns or represents at least 15 taxicabs and otherwise meets the requirements of this chapter.

W. "Taxicab association representative" means the person or persons that a taxicab association has authorized to:

- (1) file applications, special contract rates and charges on behalf of the taxicab association and individual owners in the taxicab association; and
- (2) receive and accept all correspondence and notices from the City pertaining to the taxicab association, or to the taxicabs, taxicab owners and/or for-hire drivers operating within the taxicab association; and
- (3) forward any correspondence, notices and/or legal process received by the association and intended for a taxicab owner and/or taxicab driver operating within the taxicab association.

X. "Taximeter" means any instrument or device by which the charge for hire of a passenger carrying vehicle is measured or calculated either for the distance traveled by such vehicle or for waiting time, or for both, and upon which such calculated charges shall be indicated by means of figures.

6.310.120 Scope.

This chapter applies to all taxicab associations, all taxicabs, all for-hire vehicles and all for-hire drivers operating within the City of Seattle. This chapter is not intended to be a part of the New License Code, Chapter 6.202 et seq.

6.310.130 Licenses required.

A. It is unlawful to own, lease, drive or otherwise operate within the City of Seattle any taxicab or for-hire vehicle within the scope of this chapter, unless:

- (1) The for-hire driver has a valid license issued under this chapter;
- (2) The for-hire vehicle or taxicab has a valid license issued under this chapter; and
- (3) If the vehicle is a taxicab, the taxicab is affiliated with a taxicab association licensed under this chapter.

B. It is unlawful to operate a taxicab association within the City without a valid license issued pursuant to this chapter.

6.310.140 Rule-making authority.

The Director is authorized to promulgate and adopt rules pursuant to SMC chapter 3.02 to implement the provisions of this chapter.

6.310.150 Fees.

The following non-refundable fees shall apply:

Taxicab Association, Taxicab, For-Hire Vehicle and For-Hire Driver Fees

- A. Taxicab association annual fee \$750.00 Late fee for taxicab association annual fee 75.00

Fingerprinting of owners and officers charge as determined by Director to cover costs.

B. Taxicab or for-hire vehicle license

Annual fee \$240.00

Late fee (renewal) 24.00

Change of equipment 50.00

Change of owner: Sept/Feb 240.00

Mar/Aug (pro-rated) 120.00

July 16-Aug 31*

Replace taxicab plate 10.00

Special inspection fee (SMC 7.04)** 30.00/hr. (1 hour

Vehicle re-inspection fee (for Class A min.)

violations) 20.00

Inspection rescheduling fee 20.00

Taxicab meter registration fee (SMC 5.00

7.04) 50.00

Taxicab change of association 50.00

affiliation

Suspension reinstatement fee (when no

penalty is assessed) or re-inspection Charge as determined by

fee (for Class B violations). Director to cover costs.

Fingerprinting of owners

* No fee is due if change of ownership takes place during July 16-Aug 31 and is in conjunction with annual license renewal.

** For re-test of taxicab meter and inspections provided to other municipalities.

C. For-hire driver

For-hire \$55.00

Add/change affiliation*** 20.00

Late fee 10.00

ID photo 2.00

Fingerprinting Charge as determined by

Director to cover costs.

Replacement license 5.00

Training class fee As determined by

Director.

*** Taxicab drivers may only drive for a maximum of three (3) associations.

II. TAXICAB ASSOCIATIONS LICENSING AND OPERATING REQUIREMENTS

6.310.200 Taxicab Association -- license application.

A. Any business or individual desiring to operate as a taxicab association within the City of Seattle shall file with the Director a signed and notarized taxicab association application, on forms approved by the Director. The application shall include the following information:

- (1) The applicant taxicab association's name, business street address and post office box address (if any), business FAX number, business phone number where the taxicab association representative can generally be reached between 9 a.m. and 5 p.m. on all non-holiday weekdays, and FCC-licensed frequencies used for dispatch or response;
- (2) The form of business entity under which the association will operate (e.g. corporation, partnership, cooperative association);
 - (a) If the applicant taxicab association is individually owned, the name, business address (or home address if no business address), telephone number and date of birth of the owner; or
 - (b) If the applicant taxicab association is a corporation, partnership or other business entity, the names, home and business addresses, telephone numbers, and date of birth of all officers, directors, general and managing partners, registered agents, and of all other persons vested with authority to manage or direct the affairs of the legal entity or to bind the legal entity in dealings with third parties, and the entity's true legal name, state of incorporation or registration with the Secretary of State of the State of Washington (if any) and State of Washington business license number, and any other information that the Director may reasonably require;
- (3) The color scheme the applicant taxicab association proposes to require for each affiliated taxicab, and two (2) 2" X 2" sample color chips;
- (4) A brief description of the uniform the applicant taxicab association proposes to require for drivers of affiliated taxicabs, which shall include full length pants (hemmed slack material), collared shirt, and shoes. The uniform may include the option to wear shorts in the summer, provided that the shorts extend no higher than 2" above the kneecap and are of a similar color and pattern to the uniform full-length pants. Further, the uniform may be modified in individual cases as necessary to 1) avoid interfering with the for-hire driver's religious beliefs and/or 2) accommodate the for-hire driver's disability or disabilities;
- (5) The name, address, phone number and date of birth of the taxicab association representative;

- (6) The taxicab number (assigned by the City/County) and the name of each taxicab vehicle owner that will be affiliated with the taxicab association;
- (7) The special and/or contract rates that will be charged by taxicabs affiliated with the taxicab association; and
- (8) Any other information required by regulations adopted pursuant to this chapter.
- (9) The above application and information must be completed for each annual license renewal.

B. All applications submitted to the Director must be accompanied by the license fee set forth in SMC 6.310.150.

C. The taxicab association applicant or licensee must inform the Director in writing within seven (7) days if any of the information provided pursuant to subsection A changes, ceases to be true or is superseded in any way by new information.

6.310.205 Taxicab association owners, partners, and principals-- Investigation.

All applicants for a taxicab or for-hire vehicle license must consent to be fingerprinted for a criminal background check.

6.310.210 Taxicab Association -- standards for license denial.

A. The operation of a taxicab association is a privilege, not a right. The taxicab association's ability to satisfy stated criteria for a taxicab association license does not create a right to a taxicab association license.

B. The Director shall deny any taxicab association license application if the Director determines that:

- (1) The applicant does not represent at least 15 affiliated taxicabs;
- (2) The application has a material misstatement or omission;
- (3) The application is incomplete; and/or
- (4) Within three (3) years of the date of application, the applicant, or any owner, officer, director, managing partner, general partner or principal of the applicant, has had a bail forfeiture, conviction or other final adverse finding for crimes of fraud, theft, larceny, extortion, embezzlement, racketeering, Uniform Controlled Substances Act, prostitution, alcohol and/or narcotics where the commission of such crime(s) involved a taxicab association, taxicab or for-hire vehicle company, taxicab, for-hire vehicle or limousine.

C. The Director may deny any taxicab association license application if the Director determines that, within five (5) years of the date of application, the taxicab association applicant, or if the taxicab association applicant is a business entity, any officer, director, managing partner, general partner, registered agent or principal of the taxicab association:

- (1) Within five (5) years of the date of application, has had a bail forfeiture, conviction or other final adverse finding involving crimes directly related to the applicant's ability to operate a taxicab association, including but not limited to prostitution, gambling, fraud, larceny, extortion, income tax evasion; and/or
- (2) Has exhibited past conduct, as evidenced by a criminal conviction, bail forfeiture or other final adverse finding (including in a civil suit or administrative proceeding) in operating a taxicab association, business or vehicle that would lead the Director to reasonably conclude that the applicant will not fulfill the taxicab association responsibilities and requirements set forth in this chapter.

6.310.220 Taxicab Association-- approval of color scheme and uniform

The Director shall have final approval over the taxicab association's color scheme and uniform, in order to ensure that there is no risk of confusion between the colors of different taxicab associations, and to ensure that the uniform meets the standards of SMC 6.310.200(A)(3&4).

6.310.230 Taxicab Association--Operating Responsibilities.

A. In addition to meeting the license application requirements set forth in 6.310.200, the taxicab association must:

(1) Maintain a business office that

(a) Is open and personally staffed all business days between 9 a.m. and 5 p.m. (Class A),

(b) Has a business telephone number that is listed in the white and yellow pages of the telephone book and can be answered during all hours of operation (Class A),

(c) Has a mailing address where the taxicab association representative will accept mail (Class A), and

(d) Stores all records that this chapter requires the taxicab association to maintain (Class A);

(2) Ensure that each affiliated taxicab is insured as required in SMC 6.310.300 (C)(5-6) and .320(D) (Class B);

(3) Ensure that each affiliated taxicab maintains the taxicab association's color scheme and identification; provided, that taxicab associations comprised exclusively of independent taxicabs need not meet this requirement until January 1, 1999. For purposes of this subsection, an "independent taxicab" means a taxicab that, prior to October 1, 1996, shared a central dispatch service with 9 or fewer other taxicabs. A taxicab permanently loses its status as an "independent taxicab" if it affiliates with a taxicab association that is not comprised exclusively of independent taxicabs (Class B);

(4) Maintain on file at the taxicab association's place of business proof of insurance required by SMC 6.310.300(C)(5-6) and .320(D) (Class A);

(5) Accept on behalf of any owner or driver of an affiliated taxicab all correspondence from the Director to that owner or driver (Class A);

(6) Deliver to the owner and for-hire driver of an affiliated taxicab any correspondence from the Director to that owner or driver as soon as reasonably possible after the taxicab association receives such correspondence (Class A);

(7) Collect and store for at least two (2) years trip sheet records for all affiliated taxicabs, including daily logs, as prescribed by the Director, of taxicabs in service, together with the driver's name, taxicab number and summary of trip sheet totals; (Class A);

(8) Collect and provide the following service information to the Director annually, at a time set by regulation adopted pursuant to this chapter:

(a) Number of service requests (trips),

(b) Average number of taxicabs operating during the year,

(c) Average number of operating hours per week per taxicab,

(d) Total paid trip miles for the past year per taxicab, and;

(e). Number of complaints received regarding

(i) driver conduct sorted by driving behavior, communication, personal dress or hygiene;

(ii) vehicle condition sorted by appearance, mechanical and/or safety; (iii) service response; and

(iv) lack of driver knowledge of route or requested destination (all subsections Class B);

(9) Maintain a log of, and forward to the Director upon request, each oral or written customer complaint that the taxicab association receives about the taxicab association or about an owner, lessee or driver of an affiliated taxicab. Where applicable, the taxicab association should include a notice of the action taken by the taxicab association to resolve the complaint and the disposition (Class A);

(10) Notify the Director within two (2) working days of the taxicab association having knowledge of the following:

(a) A conviction, bail forfeiture or other final adverse finding received by the driver or the owner of an affiliated taxicab for any criminal offense or traffic violation that occurs during or arises out of the driver's operation of the taxicab (Class A for traffic violation, Class B for any criminal offense),

(b) A conviction, bail forfeiture or other final adverse finding received by the driver or the owner of an affiliated taxicab for any other criminal offense directly bearing on the driver's fitness to operate a taxicab or the owner's fitness to own a taxicab, including but not limited to theft, fraud, robbery, burglary, assault, sex crimes, alcohol, drugs, or prostitution (Class B),

(c) A vehicle accident required to be reported to the State of Washington involving any affiliated taxicab (Class B),

(d) Any restriction, suspension or revocation of a State of Washington driver's license issued to a driver of an affiliated taxicab (Class B), and/or

(e) Any matter listed in SMC 6.310.210(B)(4) or 6.310.210 (C) (Class B);

(11) Notify the Director within five (5) working days of any change in the affiliation status of any taxicab, including any new taxicab joining the association, any taxicab leaving the association, and any suspension, termination, non-renewable or revocation of a taxicab by the taxicab association or by any jurisdiction other than the City of Seattle (Class A);

(12) Continue to affiliate with at least fifteen (15) taxicabs licensed under this chapter. If the number of taxicabs falls below fifteen (15), the taxicab association must increase the number to fifteen (15) within six (6) months from the date the number falls below fifteen (15), or combine with an already existing association, or lose its license under this chapter (Revocation or non-renewal);

(13) Comply with all regulations promulgated pursuant to this chapter (See applicable rules for penalties or actions);

(14) Permit the Director to carry out inspections without notice of all taxicab records required to be kept under this chapter, and all affiliated taxicabs (Class B); and

(15) Pay all penalties imposed by the Department that are either not contested or are upheld after review (Revocation of license)

B. Taxicab associations must meet the requirements of 6.310.200(C).

C. Failure to meet the requirements of this section (SMC 2.310.230) is a violation of this chapter.

6.310.240 Taxicab association -- transfers in the interest of a taxicab association.

A taxicab association license is not transferable. However, an interest in a business entity holding a taxicab association license may be transferred, but only after the new owner or principal has submitted an application, met the standards

and requirements contained in sections 6.310.200, 6.310.205, and 6.310.210, and secured written approval of the Director.

6.310.250 Taxicab association -- license renewals.

A taxicab association license is valid for no more than one (1) year and expires on December 31. No taxicab association license may be renewed unless the renewal fee has been paid and all outstanding penalties assessed against the taxicab association, its affiliated taxicabs and the for-hire drivers of affiliated taxicabs have been paid to the Director. The Director shall not renew the taxicab association license unless the Director determines that the taxicab association's continued operation is in the public interest. All denials of renewal applications must be set forth in writing, together with the reasons for denial. The written denial shall be delivered either personally or by first class mail to the address provided by the applicant on the license renewal application.

III. TAXICAB AND FOR-HIRE VEHICLE LICENSING AND REQUIREMENTS

6.310.300 Taxicab and for-hire vehicle license application.

A. A taxicab association representative is responsible for filing with the City a taxicab license application, on forms approved by the Director, for each taxicab that is, or is proposed to be, affiliated with the association. The taxicab owner must sign and swear to the application, which shall include the information specified in subsection C of this section.

B. A for-hire vehicle owner must file with the City a for-hire vehicle license application on forms provided by the Director.

C. The taxicab or for-hire vehicle license application shall include the following information:

(1) Ownership type:

(a) If the owner is an individual, the owner's full name, home address, home and business telephone number and date of birth (which shall be at least eighteen years prior to the date of application), or

(b) If the owner is a corporation, partnership or other legal entity, the names, home addresses, telephone numbers and date of birth (which must be at least eighteen years before the date of application) for the corporation's or entity's officers, directors, general and managing partners, registered agents, and each person vested with authority to manage or direct the affairs of the legal entity or to bind the legal entity in dealings with third parties; the corporation's, partnership's or entity's true legal name, state of incorporation or partnership registration (if any), business address and telephone and facsimile numbers and State of Washington business license number, and any other information that the Director may reasonably require.

(2) Vehicle information, including the name of the taxicab association with which a taxicab is or will be affiliated, the taxicab or for-hire vehicle number assigned by any regulatory agency, the make, model, year, vehicle identification number, Washington State vehicle license plate number, and any other vehicle information required by rule or regulation promulgated under this chapter;

(3) Information as requested by the Department pertaining to any driver's, for-hire vehicle or taxicab license suspension, denial, non-renewable or revocation, imposed in connection with a taxicab or for-hire vehicle owned or leased by the owner within the last three (3) years;

(4) Criminal history, as requested by the Department, of the owner, or if the owner is a business entity, of the persons specified in subsection (C)(1)(b) above;

(5) Certificate of insurance proving compliance with chapter 46.72 RCW, as now or hereafter amended, for each taxicab or for-hire vehicle for which a license is sought. The certificate shall:

- (a) Be issued by a company authorized to carry on an insurance business in the State of Washington,
- (b) Name the City of Seattle as a certificate holder, and
- (c) Provide that the insurer will notify the Director, in writing, of any cancellation at least thirty (30) days before that cancellation takes effect;
- (6) Certificate of underinsured motorist coverage indicating a minimum coverage of fifty thousand dollars (\$50,000) twenty-five thousand dollars (\$25,000) per person, and fifty thousand dollars (\$50,000) per accident, or a certificate of self-insurance issued pursuant to RCW 46.29.630;
- (7) State of Washington For-Hire Certificate;
- (8) State of Washington vehicle registration;
- (9) Certificate of safety as required in SMC 6.310.320(E);
- (10) Certificate of taxicab association membership (if application is for a taxicab license); and
- (11) Any other documents required by regulations promulgated under this chapter.
- (12) The above application and information must also be completed and supplied during any annual license renewal.

D. The taxicab association applicant must inform the Director in writing within seven (7) days if any of the information provided pursuant to subsection (C) changes, ceases to be true or is superseded in any way by new information.

6.310.305 Taxicab and for-hire vehicle owners--Investigation.

All applicants for a taxicab or for-hire vehicle license must consent to be fingerprinted for a criminal background check.

6.310.310 Taxicab and for-hire vehicle -- standards for license denial.

A. The Director shall deny any taxicab or for-hire vehicle owner license application if the Director determines that:

- (1) The applicant has failed to submit a complete, satisfactory application pursuant to SMC 6.310.300;
- (2) The applicant taxicab owner has failed to affiliate with a licensed taxicab association;
- (3) The applicant has made any material misstatement or omission in the application for a license;
- (4) The applicant fails to meet one or more of the applicant or vehicle requirements of a taxicab or for-hire vehicle owner licensee pursuant to SMC 6.310.320; and/or
- (5) Within three (3) years of the date of application, the applicant, or if the applicant is a business entity any officer, director, general partner, managing partner or principal of the applicant, has had a conviction, bail forfeiture or other final adverse finding of criminal fraud, larceny, theft, prostitution, extortion, racketeering, robbery, or violation of the Uniform Controlled Substances Act within three (3) years of the date of application where such crime involved the use of a taxicab, for-hire vehicle or limousine.

B. The Director may deny any taxicab or for-hire vehicle owner license application if the Director determines that:

- (1) Within five (5) years of the date of application, the applicant or, if the applicant is a business entity, any officer, director, general partner, managing partner or principal of the applicant, has had a conviction, bail forfeiture, or other

final adverse finding involving crimes reasonably related to the applicant's ability to operate a taxicab or for-hire business, including but not limited to prostitution, gambling, fraud, larceny, extortion, income tax evasion;

(2) Within two (2) years of the date of application, the applicant, or if the applicant is a business entity any officer, director, general partner, managing partner or principal of the applicant, has been found, either through a criminal conviction, bail forfeiture or other final adverse finding (including in a civil suit or administrative proceeding) to have exhibited past conduct in driving or operating a taxicab or for-hire vehicle or operating a taxicab or for-hire business which would lead the Director to reasonably conclude that the applicant will not comply with the provisions of the chapter related to vehicle requirements and the safe operation of the vehicle;

(3) Within two (2) years of the date of application, the applicant, or if the applicant is a business entity any officer, director, general partner, managing partner or principal of the applicant, has engaged in the business of operating any taxicab or for-hire vehicle within the City of Seattle without a current valid license from the City of Seattle;

(4) Within twelve (12) months of the date of application, the applicant has violated and/or caused or knowingly permitted a driver to violate, any King County or Port of Seattle ordinance or regulation pertaining to the operation of taxicabs while in those jurisdictions, if such violation would constitute grounds for license revocation or denial if occurring within the City; and/or

(5) Within twelve (12) months of the date of application, the applicant has had its City of Seattle taxicab or for-hire vehicle license revoked.

6.310.320 Taxicab and for-hire vehicle -- vehicle operating requirements.

No taxicab or for-hire vehicle licensed by the City may lawfully operate within the City of Seattle unless the following minimum vehicle requirements are met:

A. All applicable licenses specified in 6.310.130 are in force for the taxicab or for-hire vehicle (Misdemeanor and Class C);

B. For taxicabs only, and subject to section 6.310.230(A)(3), the vehicle complies with the approved color scheme of the taxicab owner's taxicab association (Suspension and Class B);

C. Vehicle age requirements:

(1) Prior to August 31, 2002. The vehicle's model year shall be no more than eight (8) years prior to the date of application. For example, vehicles licensed on August 31 of 1999 must be 1991 models or newer. All vehicles purchased and licensed after October 1, 1996 must meet this 8-year age limit. The following transition periods will apply to vehicles purchased and licensed on or before that date:

(a) Owners of single taxicabs or for-hire vehicles:

Renewal date Oldest permitted model year at renewal date

August 31, 1997 ten (10) years prior to application date

August 31, 1998 nine (9) years prior to application

August 31, 1999 eight (8) years prior to application date.

(b) Owners of more than one taxicab or for-hire vehicle:

Renewal date Percent of fleet that must meet 8-year or newer requirement

August 31, 1997 At least 33%

August 31, 1998 At least 66%

August 31, 1999 100%

Replacement of vehicles under this subsection (1)(b) shall be on an oldest vehicle first basis unless permission is granted by the Director

(2) As of August 31, 2002, the vehicle model year can be no more than seven (7) years prior to the date of application (Denial of license).

D. The vehicle has insurance as required by SMC 6.310.300(C)(5)-(6), provided, that if an insurance policy is canceled, or a vehicle is deleted from the policy, proof of a new policy including the vehicle must be filed with the Director before the vehicle is canceled or deleted from the previous policy (Suspension and Class C);

E. An approved mechanic has issued a valid certificate of safety for the vehicle within the last license year. Attached to this certificate of safety must be a certification stating that the taxicab or for-hire vehicle has passed an emissions tests conducted by an Authorized Emission Specialist who has been certified by the Washington Department of Ecology. The safety certificate and emission certification remain valid, if the vehicle is sold, until the next renewal date (Suspension and Class B);

F. The taxicab or for-hire vehicle has passed a City inspection at least once in the past license year, or more often if required by the Director because of previous violations (Suspension and Class B);

G. The taxicab or for-hire vehicle meets the vehicle and safety standards set forth in regulations promulgated by the Director (Class A for vehicle standards, Suspension and Class B for safety standards);

H. The taxicab or for-hire vehicle displays a taxicab vehicle license plate with a current year decal issued by the Director (Suspension and Class B);

I. All rates, including discounts or special rates, and all taxicab numbers and letters are displayed in the manner prescribed by rule or regulation promulgated pursuant to this chapter (Class A);

J. The vehicle contains a map of Seattle and the region published within the past two (2) years, which will be displayed to any passenger upon request (Class A);

K. The taxicab is equipped with a properly sealed, working and accurate taximeter as prescribed by the Director (Suspension and Class B);

L. The taxicab or for-hire vehicle is equipped with a consumer information board, the size, material, and placement of which is prescribed by the Director by rule. Such board shall include, at a minimum, the taxicab or for-hire vehicle name and number, the driver's license number, the taxi hotline number and consumer survey and complaint cards (Class A);

M. The taxicab contains no scanner or other type of receiver that is capable of monitoring another Taxicab Association's assigned frequency, except as otherwise permitted by the Director (Suspension and Class B);

N. The taxicab is equipped and operated so that it can be contacted by two-way radio communication in response to a telephone or other request for service by a prospective passenger. Until December 31, 1999, this requirement can be met by use of a mobile radio telephone service. After December 31, 1999, the requirement can only be met by two-way radio communication. Taxicab drivers using mobile radio telephone service must respond to Director inquiries within a time period to be specified by rule. (Class B); and

O. Any other requirements set forth in regulations adopted pursuant to this chapter (safety regulations - Class B; non-safety regulations - Class A).

6.310.330 Taxicab owner and for-hire vehicle owner responsibilities.

A. The owner of a taxicab or for-hire vehicle must ensure the taxicab or for-hire vehicle is being operated only by a driver who holds a valid for-hire driver license (Suspension (5 days) and Class B)

B. The taxicab or for-hire vehicle owner must maintain a business address and a mailing address where the owner can accept mail, and a business telephone in working order that can be answered at least 9 a.m. to 5 p.m. Monday through Friday, and during all hours of operation. The taxicab association office or dispatch center may suffice for this requirement (Class A);

C. The taxicab owner shall comply with all requirements for taxicabs under the taxicab association requirements listed in 6.310.200 - .330 (same Class violation as applied to association for same violation, except that penalty for owner will be monetary penalty only);

D. The taxicab or for-hire vehicle owner must notify the Director within three (3) working days of learning of the following occurrences:

(1) Any conviction, bail forfeiture or other final adverse finding received by the taxicab driver or for-hire vehicle driver, for any criminal offense that occurs during, or arises out of, the driver's operation of a taxicab or for-hire vehicle (Class B);

(2) Any conviction, bail forfeiture or other final adverse finding received by the taxicab or for-hire vehicle driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or any related offense (Class B);

(3) Any vehicle accident required to be reported to the State of Washington involving any taxicab operated by the taxicab driver or for-hire vehicle operated by the for-hire driver (Class B); or,

(4) Any restriction, suspension or revocation of the taxicab or for-hire vehicle driver's motor vehicle driver's license (Class B);

E. The taxicab or for-hire vehicle owner must maintain daily trip sheet records and complaint logs, as prescribed by the Director by rule for all licensed vehicles. A taxicab owner must insure that all original daily trip sheets are given to the taxicab association representative at least weekly. A The for-hire vehicle owner must keep daily trip sheets and complaint logs for a minimum of two (2) years. The for-hire vehicle owner must provide to the Director annually the following information compiled from the daily trip sheets:

(1) Number of service requests (trips) during the last year;

(2) Average operating hours per week per vehicle for the last year;

(3) Number of complaints received regarding:

(a) driver conduct categorized by driving behavior, communication, personal dress or hygiene;

(b) vehicle condition categorized by appearance, mechanical and/or safety;

(c) service response; and

(d) lack of driver knowledge including incorrect route or no knowledge of destination requested.

(4) All complaints received regarding either the for-hire driver or the taxicab or for-hire vehicle, where such complaint involves an alleged violation of this chapter, including a note of the action taken to resolve the complaint and the disposition, if known (all violations within subsection E are Class A);

F. The taxicab or for-hire vehicle's owner and driver permits the Department to inspect the vehicle without notice, upon request (Suspension and Class B);

G. The owner of a taxicab or for-hire vehicle must ensure that the for-hire driver complies with operating and conduct standards per SMC 6.310.450-475 (Same class of violation as for the for-hire driver);

H. The taxicab or for-hire vehicle owner shall comply with any applicable regulations promulgated under this chapter (Class B for safety requirements, otherwise Class A).

6.310.340 Taxicab and for-hire vehicle -- license transfer.

A for-hire vehicle or taxicab license may be transferred. No transfer of a for-hire vehicle or taxicab license can take effect until all outstanding penalties assessed against the owner and/or any driver of the for-hire vehicle or taxicab are paid in full to the Director. The proposed transferee must submit a for-hire vehicle or taxicab license application according to the standards set forth in SMC 6.310.300. The standards for denial set forth in SMC 6.310.310 apply to proposed transfers.

Transfers shall not become effective, and the proposed transferee may not operate the taxicab or for-hire vehicle, until the proposed transferee receives the taxicab or for-hire vehicle license.

6.310.350 Taxicab and for-hire vehicle -- license expiration and renewal.

A. All taxicab and for-hire licenses shall expire on August 31st of the year following issuance of the license.

B. Each taxicab or for-hire vehicle owner must renew the for-hire vehicle or taxicab license every year. No taxicab or for-hire vehicle or taxicab license may be renewed unless all outstanding penalties assessed against the owner or the for-hire driver of the taxicab or for-hire vehicle are paid in full to the Director.

C. The Director shall deny any renewal application if grounds exist for the Director to deny a license pursuant to section 6.310.310(A). If no such grounds exist, the Director shall examine all Department records on the for-hire vehicle or taxicab and may deny the renewal if grounds exist that would justify denial under 6.310.310(B).

6.310.360 Destruction, replacement, retirement or inactivity of a taxicab or for-hire vehicle.

A. The taxicab association and/or taxicab owner shall notify the Director in writing within five (5) working days whenever a taxicab is destroyed, rendered permanently inoperable, sold or is taken out of service by the owner for any reason.

B. A for-hire vehicle owner shall notify the Director in writing within five (5) working days whenever a for-hire vehicle is destroyed, rendered permanently inoperable, sold or is taken out of service by the owner for any reason.

C. Any vehicle that, for a period of at least sixty (60) days, is not legally operated as a taxicab or for-hire vehicle, shall be considered retired, and the license for each retired vehicle shall be deemed abandoned and void. The licensee shall immediately surrender the taxicab license plate and year decal, or for-hire vehicle license plate and year decal, for each such vehicle to the Director. Abandoned licenses may not be transferred or reinstated by any means without the Director's prior written permission. The Director, in considering whether to grant such permission shall consider the following nonexclusive factors:

(1) The licensee must submit a written request for an extension of time that states the specific reason additional time is required, identifies a plan and timetable for placing the taxicab or for-hire vehicle in service within the shortest possible

time, and attaches all documents substantiating the factual information contained in the request.

- (2) The plan and timetable submitted must reflect a reasonable approach for placing a taxicab or for-hire vehicle in service within the shortest possible time frame;
- (3) If the Director determines that the request for an extension of time should be granted, the Director may grant the licensee no more than thirty (30) additional calendar days (in addition to the original sixty (60) days) to place the taxicab or for-hire vehicle back into service;
- (4) No extensions will be granted to any licensee who is unable to meet the basic operational costs, including liability insurance, regulatory fees, and normal maintenance and repairs of operating a taxicab or for-hire vehicle;
- (5) No more than one extension will be granted for each vehicle license during its license year (September 1 through August 31).

6.310.370 Taxicab and for-hire vehicle -- owner surrender of vehicle license.

It is unlawful to operate a taxicab or for-hire vehicle whose license has been suspended or revoked. The taxicab association, taxicab owner and taxicab driver are jointly and severally responsible for immediately surrendering the vehicle license plate or decal and taxicab vehicle license to the Director. The for-hire vehicle owner and for-hire vehicle driver(s) are jointly and severally responsible for immediately surrendering the vehicle license plate or decal and for-hire vehicle license to the Director (Class C and Misdemeanor if violation was knowingly permitted).

IV. FOR-HIRE DRIVER LICENSING AND REQUIREMENTS

6.310.400 For-hire driver license application.

A. A for-hire driver must complete, sign, swear to and file with the Director a for-hire driver license application on forms provided by the Director to include the following information:

- (1) Name, aliases, residence and business address, residence and business telephone numbers,
- (2) Place and date of birth (which shall be at least twenty one (21) years prior to the date of application, height, weight, color of hair and eyes,
- (3) Social security number and Washington State driver's license number. The applicant must present his/her Washington State driver's license at time of renewal;
- (4) Proof that the applicant is a United States citizen or has documentation, as required by the United States Department of Justice Immigration and Naturalization Service, that the applicant is authorized to work in the United States;
- (5) The applicant's criminal history for the last five (5) years;
- (6) Information indicating whether or not the applicant has ever had a for-hire or driver's license suspended, revoked, or denied and for what cause;
- (7) A signed statement authorizing the Director to obtain a current copy of the applicant's driving record from the Washington State Department of Licensing; and
- (8) Such other information as may be reasonably required by regulation promulgated under this chapter.
- (9) The above application and information must also be completed on all annual renewals.

B. The following additional information must be filed prior to sitting for the written and oral examination:

(1) If the applicant will drive a taxicab, a certification signed under penalty of perjury by a taxi association representative certifying that the applicant has successfully completed a one week association training program in which the applicant has:

(a) Ridden with a trainer designated by the association in a taxicab for at least three 8-hour days; and

(b) Received instruction in the region's geography, important structures and sites of interest;

(2) Proof of successful completion of a certified training program per 6.310.415 approved by the Director;

C. A physician's certification signed not more than three (3) months prior to the date of initial application that complies with section 6.310.410 and certifies the applicant's fitness as a for-hire driver must be filed prior to issuance of the for-hire drivers license.

D. All applications for for-hire driver's licenses become void if the applicant, for any reason other than delay caused by the City, fails or neglects to complete the application process or obtain a license within sixty (60) days of submitting an application.

6.310.405 Criminal background check.

All applicants for a for-hire driver's license must consent to be fingerprinted for a criminal background check.

6.310.410 For-hire driver physician's certification.

A. A medical examination and certification shall be required upon initial application, and every three (3) years thereafter, on the anniversary date of the license; provided, however, the Director may at any time require any for-hire licensee or applicant to be re-examined if it appears that the licensee has become physically or mentally unfit to be a for-hire driver.

B. The required medical certification and examination shall be performed by a physician licensed to practice in Washington State under chapter 18.71 RCW and completed following that physician's physical examination of the applicant,.

C. The scope of the certificate form and the examination shall be prescribed by the Director by rule.

D. A Washington State Department of Transportation medical certification meets the requirements of this section, as long as it was signed no more than three months prior to the date of initial application, or in the case of the three-year renewal certification no more than three months prior to the date of renewal.

6.310.415 For-hire driver training program.

A. All initial for-hire driver applicants must have successfully completed, prior to taking the written and oral examination, no earlier than six (6) months before submitting the application, a training program approved by the Director that provides information about the history and geography of the Seattle and Puget Sound area, incentives for defensive driving and personal safety, enhancement of driver/passenger relations, and appearance and communication skills.

B. Currently-licensed for-hire drivers must meet the requirements of subsection (A) of this section if:

(1) they fail a one-time test given to all currently-licensed for-hire drivers administered by the Director. This one-time test will be given during 1997 at the time the for-hire driver renews his/her for-hire drivers license;

(2) a taxicab association with which the for-hire driver is affiliated requests that the for-hire driver receive a refresher

course; or

(3) the Director has reasonable grounds, based on documented complaints and/or violations, to believe that a refresher course is necessary.

6.310.420 For-hire driver written and oral examination.

A. The Director shall prescribe the content of the examination, which must test the applicant's:

(1) knowledge of taxicab, for-hire vehicle and for-hire driver requirements contained in applicable codes and regulations

(2) ability to speak and understand oral and written English,

(3) knowledge of vehicle safety requirements,

(4) knowledge of the geography of Seattle, King County and surrounding areas, and knowledge of local public and tourist destinations and attractions.

B. After submitting an application for an initial for-hire license, the applicant must pass a written and oral examination administered by the City of Seattle and/or jointly with King County.

C. An applicant who fails the written and/or oral examination is entitled to one free opportunity to retake the examination. A second failure will result in a sixty (60) day wait for another opportunity to take the examination, and another license application fee. All later examination tries will require the sixty (60) day wait, and repayment of the license application fee.

D. The written and oral examination is not required for the renewal of a for-hire driver's license unless the applicant's license has remained expired for more than one (1) year.

6.310.425 For-hire driver temporary permit.

A. Pending final action on a for-hire driver license application, the Director may issue a temporary for-hire driver license to an applicant who has filed a complete license application, meets the requirements of 6.310.400(A) and (B) and has passed the written and oral examination per section 6.310.420. The temporary license is valid for a period not to exceed sixty (60) days from the date of the application and shall not be extended or renewed. Only one temporary license may be issued to the same person within any two (2) year time period.

B. The temporary license shall not be transferable or assignable and shall be valid only for operating the taxicab(s) or for-hire vehicle(s) specified by the Director on the license.

C. The temporary license shall become void immediately upon (1) suspension, revocation or expiration of the applicant's Washington State driver's license, (2) issuance of the for-hire driver's license, or (3) the Director's denial of the for-hire driver's license application, regardless whether the applicant appeals that denial.

6.310.430 For-hire driver -- standards for license denial.

A. The Director shall deny any for-hire driver license application if the Director determines that the applicant:

(1) Has made any material misstatement or omission in the application for a license;

(2) Fails to meet any of the qualifications of a for-hire driver contained in SMC 6.310.400;

(3) Has had a bail forfeiture, conviction, or other final adverse finding for crimes pertaining to hit-and-run, or for crimes

pertaining to driving under the influence of alcohol or controlled substances while operating a taxicab or for-hire vehicle, within three (3) years of the date of application;

(4) Is required to register as a sex offender pursuant to RCW 9A.44.130.

B. The Director may deny any for-hire driver license application if the Director determines that the applicant:

(1) Has had a bail forfeiture, conviction or other final adverse finding involving crimes pertaining to prostitution, gambling, physical violence, or other crimes directly related to the applicant's honesty and integrity, including but not limited to hit-and-run, fraud, larceny, burglary, extortion and/or directly related to the driver's ability to operate a taxicab, including without limitation driving under the influence of alcohol or controlled substances, provided that such bail forfeiture or conviction was within five (5) years of the date of application; or

(2) Has been found, either through a criminal conviction, bail forfeiture or other final adverse finding (including in a civil suit or administrative proceeding), to have exhibited past conduct in driving or operating a taxicab or for-hire vehicle that causes the Director reasonably to conclude that the applicant will not comply with the provisions of the chapter related to driver/operator conduct and the safe operation of the vehicle.

6.310.440 For-hire driver license expiration and renewal.

A. All for-hire driver's licenses shall expire one (1) year from the date of application.

B. Each for-hire driver must renew the for-hire driver's license every year. No for-hire driver's license may be renewed unless all outstanding penalties against the for-hire driver are paid in full to the Director.

C. The Director shall deny any renewal application if grounds exist for the Director to deny a license pursuant to 6.310.430(A). If no such grounds exist, the Director shall examine all Department records on the for-hire vehicle or taxicab and may deny the renewal if grounds exist that would justify denial under 6.310.430(B).

6.310.450 For-hire driver operating standards.

A. A for-hire driver shall not operate a taxicab or for-hire vehicle without first obtaining and maintaining a valid for-hire drivers license (Misdemeanor and Class C).

B. No for-hire driver whose license has been revoked by the Director shall apply for a new license for one (1) year from the effective date of such revocation (denial of license).

C.

A for-hire driver, before starting each shift, shall check the lights, brakes, tires, steering, seat belts, taximeter seal, and other vehicle equipment to see that they are working properly (Class B).

D. A for-hire driver, before starting each shift, shall ensure that the state for-hire certificate, the county and/or city taxicab or for-hire vehicle license, vehicle registration and proof of insurance card are in the vehicle. (Class A)

E. A for-hire driver shall not operate a taxicab or for-hire vehicle unless the interior and the exterior of the taxicab or the for-hire vehicle is clean and in good repair. (Class A)

F. A for-hire driver shall not transport more passengers than the number of seat belts available nor more luggage than the taxicab capacity will safely and legally allow. (Suspension and Class B)

G.

A for-hire driver shall allow the Director to inspect the taxicab or for-hire vehicle without notice at any reasonable time

or place. (Class B)

H. A for-hire driver shall pay all penalties imposed by the Department that are either not contested or are ultimately upheld.

6.310.455 For-hire driver conduct standards

A. A for-hire driver shall not drink any alcoholic beverage while on duty or less than eight hours prior to going on duty, and shall not possess an open or unsealed container of any alcoholic beverage while in the for-hire vehicle or taxicab. (Suspension and Class B)

B. A for-hire driver shall, at the end of each trip, check the vehicle for any article that is left behind by passenger(s). Such articles found in taxicabs are to be reported as found property on the TAXI Hotline, as well as to the taxicab association, and such property is to be returned to the taxicab association representative at the end of the shift or sooner if possible. (Class A)

C. A for-hire driver shall have in the driver's possession a valid for-hire driver's license and valid Washington State driver's license at any time the for-hire driver is operating the taxicab or for-hire vehicle; such for-hire license shall be displayed as prescribed by the Director. (Suspension and Class B)

D. A for-hire driver shall comply with any written notice of violation issued by the Director, including notices suspending or revoking a vehicle license, and notices requiring repair. (Suspension and Class B)

E. A for-hire driver shall not operate a taxicab or for-hire vehicle when such taxicab or for-hire vehicle license has been suspended or revoked by the Director or by order of the King County official responsible for implementing taxicabs or for-hire vehicle regulations or ordinances. (Revocation and Class B)

F. A for-hire driver shall immediately surrender the vehicle license plate and year decal to the Director upon written notice that the vehicle license has been suspended, not renewed or revoked. (Revocation and Class B)

G. A for-hire driver shall not be in control of a taxicab or for-hire vehicle for more than twelve (12) hours spread over a total of fifteen (15) hours in any 24-hour period. Thereafter, such for-hire driver shall not drive any taxicab until ten (10) consecutive hours have elapsed. (Suspension and Class B)

H. A for-hire driver operating under a temporary for-hire license shall not drive, operate, or be in control of a taxicab or for-hire vehicle other than that designated on the temporary for-hire license. (Class A)

I. A for-hire driver shall not drive, be in control of or operate a taxicab or for-hire vehicle where the required customer information board is not displayed or does not contain all required information. (Class A)

J. A for-hire driver shall operate the taxicab or for-hire vehicle with due regard for the safety, comfort and convenience of passengers. (Class B for safety violations; Class A for non-safety violations)

K. A for-hire driver shall not solicit for prostitution nor allow the vehicle to be used for such unlawful purpose. (Revocation and Class C)

L. A for-hire driver shall not knowingly permit the taxicab or for-hire vehicle to be used for the illegal solicitation, transportation, or sale, or any other activity related to illegal drugs. (Revocation and Class C)

M. A for-hire driver shall deposit all refuse appropriately and shall under no circumstances litter. (Class A)

N. A for-hire driver shall not use offensive language, expressions, or gestures to any person while driving, operating, picking up customers, or in control of a taxicab or for-hire vehicle. (Class B)

O. A for-hire driver shall, upon request by the Director, a passenger, or a police officer, provide the City-issued for-hire license and/or Washington state driver's license for inspection. (Suspension and Class B, Class A if request was by passenger).

6.310.460 For-hire driver taxicab meter/rates standards.

A. A for-hire driver shall not operate any taxicab that does not have a sealed taximeter in good working order. (Suspension and Class B)

B. A for-hire driver must activate the taximeter at the beginning of each trip and deactivate the taximeter upon completion of the trip. Beginning of a trip means the point where the passenger is seated and the forward motion of the vehicle begins. (Class A)

C. A for-hire driver shall assure that the meter reading is visible from a normal passenger position at all times. (Class A)

D. A for-hire driver shall not operate a taxicab or for-hire vehicle that does not have the rate posted as prescribed by the Director. (Class A)

E. A for-hire driver shall not ask, demand or collect any rate or fare other than as specified on the meter, required by ordinance, or pursuant to special rates or contract rates on file with the Director. (Class B)

F. A for-hire driver shall complete daily tripsheets, as prescribed by the Director, and shall show all trips in an accurate and legible manner as each trip occurs. Daily tripsheets shall include the following information:

- (1) Driver's name and for-hire license number;
- (2) Owner's name and vehicle name and number;
- (3) Vehicle for-hire license number;
- (4) Beginning and ending odometer reading;
- (5) Beginning and ending time of each shift worked;
- (6) Date, time, place or origin, and dismissal of each trip;
- (7) Fare collected;
- (8) Number of passengers;
- (9) "No shows"; and
- (10) Contract rates or special rates. (All Class A).

G. A for-hire driver shall allow the Director to inspect the daily trip sheet at any time, without notice. (Class B)

H. A taxicab driver shall turn in completed trip sheets to the taxicab association at least weekly. (Class A)

6.310.465 For-hire driver-passenger relations standards.

A. A taxicab driver shall wear the uniform adopted by the association and approved by the Director (Class A).

B. A for-hire driver's clothes shall be neat and clean at all times that the driver is on the driver's shift. The term "neat and clean" as it relates to clothes shall mean that all clothing is clean, free from soil, grease and dirt and without unrepaired

rips or tears. Drivers shall not wear as an outer garment any of the following: undershirt or underwear, tank tops, body shirts (see-through mesh), swimwear, jogging or warm-up suits or sweatshirts or similar attire, shorts or trunks (jogging or bathing), sandals, or any similar clothing. Summer uniforms can include Bermuda shorts (hemmed slack material) that extend down to within two (2) inches of the top of the knee cap. (Class A)

C. A for-hire driver shall be clean and well groomed at all times while on duty. "Clean" means that state of personal hygiene, body and hair cleanliness and absence of offensive body odor normally associated with frequent clothes laundering and bathing or showering. "Well groomed" means beards and mustaches are groomed and neatly trimmed, and scalp and facial hair is neatly trimmed, and combed or brushed. (Class A)

D. A for-hire driver shall provide customers with professional and courteous service at all times. (Class A)

E. A for-hire driver shall not refuse a request for service because of the driver's position in line at a taxicab zone; a passenger may select any taxicab in line. (Class B)

F. A for-hire driver shall at all times assist a passenger by placing luggage or packages (under fifty (50) pounds) in and out of the taxicab or for-hire vehicle. (Class A)

G. A for-hire driver shall not refuse to transport in the taxicab or for-hire vehicle any passenger's wheelchair which can be folded and placed in either the passenger, driver, or trunk compartment of the taxicab or for-hire vehicle, an assist dog or guide dog to assist the disabled or handicapped, groceries, packages or luggage when accompanied by a passenger. (Class B)

H. A for-hire driver shall provide each passenger a receipt upon payment of the fare. The receipt shall accurately show the date and time, place of pickup and delivery, the amount of the fare, the taxicab name, number and association, and the printed name and for-hire driver license number of the for-hire driver. (Class A)

I. A for-hire driver shall use the most direct available route on all trips unless the passenger specifically requests to change the route. (Class B)

J. A for-hire driver shall not permit any person or pet to ride in the taxicab or for-hire vehicle unless that person or pet accompanies, or is in the vehicle at the request of, a fare-paying individual. This requirement shall not apply to uniformed driver trainees. (Class A)

K. A for-hire driver shall not refuse to transport any person except when:

(1) The for-hire driver has already been dispatched on another call;

(2) The passenger is acting in a disorderly or threatening manner, or otherwise causes the for-hire driver to reasonably believe that the for-hire driver's health or safety, or that of others, may be endangered;

(3) The passenger cannot, upon request, show ability to pay the fare. (Class B)

L. A for-hire driver shall not smoke while the taxicab or for-hire vehicle is occupied without the consent of all passengers. (Class A)

M. A for-hire driver shall be able to provide a reasonable amount of change, and if correct change is not available, no additional charge will be made to the passenger in attempting to secure the change. (Class A)

N. A for-hire driver shall not make any discriminatory charges to any person, or make any rebate or in any manner reduce the charge to any person unless such is in conformity with the discounts or surcharges contained in the filed rates. (Class B)

6.310.470 For-hire driver soliciting and cruising standards.

- A. A for-hire driver may solicit passengers only from the driver's seat or standing immediately adjacent to the taxicab or for-hire vehicle (within 12 feet), and only when the vehicle is safely and legally parked. (Class A)
- B. A for-hire driver shall not use any other person to solicit passengers. (Class A)
- C. A for-hire driver shall not hold out the for-hire vehicle or taxicab for designated destinations. (Class A)

6.310.475 For-hire driver taxi zone standards.

- A. A for-hire driver shall not leave the taxicab unattended in a taxicab zone for more than fifteen (15) minutes. Such vehicles will be impounded by order of the Director. (Class A)
- B. A for-hire driver shall occupy a taxicab zone only when available for hire. (Class A)
- C. A for-hire driver shall not perform engine maintenance or repairs on the taxicab while in a taxicab zone. (Class A)

V. ENTRY STANDARDS AND RATES

6.310.500 Taxicabs. Maximum number.

- A. The total number of taxicab licenses in effect at any one time shall not exceed the number in effect as of December 31, 1990.
- B. The Director may, at the Director's discretion, issue taxicab licenses to special service vehicles used to provide transportation to disabled persons defined in K.C.C. 6.64.010 or to handicapped persons as defined in SMC 6.310.110.

6.310.510 Response times.

The Director shall establish a schedule of optimum average taxicab response times to requests for taxicab service at selected points within the City. The Director shall periodically thereafter survey actual taxicab response times. A comparison of average actual response times to the optimum average taxicab response times shall be used as an indicator of taxicab industry performance and may be used as one criterion in evaluating and recommending rate and entry changes.

6.310.520 Director's Reports.

When requested by the Seattle City Council, the Director shall file a report with the Seattle City Council based upon data collected on tripsheets or through taximeter readings. The report may include but not be limited to the following:

- A. Number of taxicabs licensed in Seattle/King County during the reporting period and during the preceding year.
- B. Number of drivers licensed in Seattle/King County during the reporting period and during the preceding year.
- C. Numbers and nature of complaints.
- D. Results of any survey of taxicab response times and any changes in response times from previous reporting periods.
- E. Results of meter readings.
- F. Any other information deemed appropriate by the Director.

6.310.530 Rates.

A. The rates for taxicabs licensed to operate in Seattle shall be established by the Seattle City Council.

B. In reviewing rates the council may take into account, among other things, and with the objective of prescribing a just and reasonable rate, the following factors:

- (1) The information in a report prepared by the Director pursuant to SMC 6.310.520;
- (2) The public's need for adequate taxi service at the lowest level of charges consistent with the provision, maintenance and continuation of such service;
- (3) The rates of other licensees operating in similar areas;
- (4) The effect of such rates upon transportation of passengers by other modes of transportation;
- (5) The owners' need for revenue of a level that, under honest, efficient and economical management, is sufficient to cover the cost (including all operating expenses, depreciation accruals, rents, license fees and taxes of every kind) of providing adequate taxi service, plus an amount equal to such percentage of the cost as is reasonably necessary for the replacement of deteriorated taxicabs and a reasonable profit to the owner.
- (6) Consistency of rates with those charged by King County.

C. No taxicab shall have more than one rate on its meter.

D. Except for special or contract rates as provided for in this chapter or any per trip fee established by the Port of Seattle and set forth in any operating agreement or tariff, it shall be unlawful for anyone operating a taxicab licensed by the City of Seattle to advertise, charge, demand or receive any greater or lesser rate than the following:

Meter rate

(1) Drop charge: For passengers for first

1/9 mile \$1.80

(2) Per mile: For each 1/9 mile or fraction

thereof after the first 1/9 mile \$.20

(3) For every one minute of waiting time \$.50 *

(4) Extra charge for passengers over two

excluding children under 12 \$.50

* Waiting time charges are initiated when speedometer is less than 17 miles per hour or when taxicab is asked to wait for the customer.

E. Special rates and contract rates.

(1) Special rates as defined in this chapter shall be calculated as a percentage of the meter rate.

(2) The special rates must be filed with the Director on forms furnished by the Director.

(3) All special rates and/or contract rates shall be filed once a year at the time of application by the taxicab association representative or by the owner of a for-hire vehicle which is not a taxicab.

(4) Licensees may change the special rates filed no more than once a year.

(5) Contract rates set during the license year shall be filed within two weeks of securing such contract and before implementing the contract rate.

F. Every for-hire vehicle licensee shall file all rates and charges with the director. All rates and charges, including any adopted senior citizen discount rate shall be conspicuously displayed in the interior of the for-hire vehicle so as to be readily discernible to the passenger. The Director will prescribe the manner of such posting.

G. The rates specified in this section shall not apply to transportation of persons provided pursuant to a written contract which establishes a fare at a different rate for specified transportation and has been previously filed with the Director; provided, that no contract may include any provision the effect of which is to directly or indirectly require exclusive use of the transportation services of the contracting taxicab or for-hire vehicle.

H. It is unlawful under the Americans with Disabilities Act to charge a special service vehicle rate which is different from the taxicab rates adopted in subsection D, except in those instances where the transportation of disabled persons is pursuant to a written contract as specified in subsection G. (Class B)

VI. ENFORCEMENT

6.310.600 Penalties.

A. Violations of SMC 6.310.130 shall be a misdemeanor and upon conviction shall be punished by a fine not to exceed one thousand dollars (\$1,000), or by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment.

B. For each violation of a provision in this chapter that has a class referenced in parenthesis after the provision, a civil penalty and penalty points shall be imposed by and paid to the Department according to the provisions of SMC 6.310.605.

6.310.605 Monetary Penalties and Penalty Points.

A. For-Hire Driver or Taxicab/For-hire Vehicle Violations.

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VIOLATION PENALTIES AGAINST PENALTY POINTS

FOR-HIRE DRIVER, OR ATTRIBUTED TO TAXICAB

OWNER OF TAXICAB OR ASSOCIATION

FOR-HIRE VEHICLE

(1) Violations found away from city's inspection facility

First Class A in one \$30 2

year (Sept. 1-Aug. 31

Second Class A in one \$60 3

year

Third or more Class A \$100 4

violation in one year

First Class B violation \$60 4

in one year

Second Class B \$150 7

violation in one year

Third or more Class B \$250 10

violation in one year

All Class C violations \$1000 20

(2) Violations found during inspections at city's inspection facility.

Class A violation found Vehicle re-inspection 2 each violation

during inspection at fee. See fee schedule

city's inspection in Section 6.310.150

facility.

Class B violation found Vehicle re-inspection 4 each violation

during inspection at fee. See fee schedule

city's inspection in Section 6.310.150

facility.

B. Taxicab Association Violations.

VIOLATION PENALTY POINTS AGAINST TAXICAB

ASSOCIATION

First Class A violation in one year 5

(September 1 - August 31)

Second Class A violation in one 6

year

Third or more Class A violation in 7

one year

First Class B violation in one year 10

Second Class B violation in one 12

year

Third or more Class B violation in 15

one year

As soon as an association accumulates more than 5 penalty points per affiliated taxicab, on average, it must pay a penalty to the Director of \$100 per affiliated taxicab. As soon as an association accumulates more than 7 penalty points per affiliated taxicab, on average, it must pay an additional penalty to the Director of \$150 per affiliated taxicab. As soon as an association accumulates more than 10 points per affiliated taxicab, on average, it must pay an additional penalty to the Director of \$250 per affiliated taxicab. For purposes of this subsection, average number of penalty points per affiliated taxicab means total association penalty points divided by number of taxicabs within the association.

Upon renewal of the taxicab association license, the association will start the new year with zero (0) penalty points.

C. Taxicab or For-Hire Vehicle Owner's Responsibility for Penalties Incurred by For-Hire Drivers. A taxicab or for-hire vehicle owner is jointly and severally liable for each monetary penalty assessed against any for-hire driver who commits a violation while operating a taxicab or for-hire vehicle belonging to that owner. The City is not required to pursue collection of the penalty from the driver as a prerequisite to pursuing collection of the penalty from the owner.

D. Taxicab Association's Responsibility for Penalties Incurred By For- Hire Drivers and Taxicab Owners. In addition to incurring penalty points, the taxicab association is jointly and severally liable for each monetary penalty assessed against any for-hire driver or taxicab affiliated with the taxicab association. The City is not required to pursue collection of the penalty from the for-hire driver or the taxicab owner as a prerequisite to pursuing collection of the penalty from the taxicab association.

6.310.610 Suspension or Revocation.

A. Summary suspension or revocation. Notwithstanding any other provision of this chapter, the Director may summarily suspend or revoke a license issued under this chapter prior to any hearing if the Director determine that grounds for license suspension or revocation exist and that summary suspension or revocation is necessary to prevent a clear, substantial and imminent hazard to life, safety, or property.

B. Suspension standards.

(1) The Director may suspend any license issued under this chapter for three or more class B violations occurring during a twelve (12) month period. The Director may suspend any for-hire driver found to have committed three or more traffic violations during a two-year period. All suspensions issued under this subsection shall extend for one (1) month, or until expiration of the license, whichever occurs first.

(2) The Director may suspend any license issued under this chapter upon a violation of any provision that indicates suspension as a penalty in parentheses after the provision. All suspensions, other than summary suspensions, issued under this subsection shall extend until the violation is cured, or for the specified number of days in parentheses following the requirement.

C. Revocation standards.

(1) Any license. The Director shall revoke a license issued under this chapter if the Director determines that:

(a) The licensee has violated any of the provisions of this chapter that indicate a revocation as a penalty in parentheses after the provision.

(b) The license application contained a material misstatement or omission;

(c) The licensee fails to pay a monetary penalty imposed under this chapter within thirty (30) days after an unappealed notice of violation or final decision or order imposing such monetary penalty is issued.

(2) Taxicab associations.

(a) The Director shall revoke a taxicab association license if during the license period the taxicab association, or any owner, officer, director, managing partner, general partner or principal of the taxicab association, receives a bail forfeiture, conviction or other final adverse finding for crimes of fraud, theft, larceny, extortion, embezzlement, racketeering, Uniform Controlled Substances Act, prostitution, alcohol and/or narcotics where the commission of such crimes involved or used a taxicab association, taxicab, for-hire vehicle or limousine. If an owner, officer, director, managing partner, general partner or principal of the taxicab association found in violation of this subsection is (i) removed immediately from all operational or management duties or authority and (ii) is divested of all ownership in the taxicab association as soon as possible, the license may be reinstated.

(b) The Director may revoke a taxicab association license if during the license period the taxicab association, or any owner, officer, director, managing partner, general partner or principal of the taxicab association, receives a bail forfeiture, conviction or other final adverse finding involving crimes directly related to the applicant's ability to operate a taxicab association, including but not limited to prostitution, gambling, fraud, larceny, extortion, income tax evasion. If an owner, officer, director, managing partner, general partner or principal of the taxicab association found in violation of this subsection is (i) removed immediately from all operational or management duties or authority and (ii) is divested of all ownership in the taxicab association as soon as possible, the license may be reinstated

(3) Taxicab and For-Hire Vehicle Licenses.

(a) The Director shall revoke a taxicab or for-hire vehicle owner license if

(i) the licensee, or any officer, director, general partner, managing partner or principal of the licensee, has had a conviction, bail forfeiture or final adverse finding of criminal fraud, larceny, theft, prostitution, extortion, racketeering, robbery or violation of the Uniform Controlled Substances Act, where the crime is associated with operating a taxicab or for-hire vehicle;

(ii) the licensee has had the license suspended twice within a one- year period for lack of a current, valid insurance policy;

(iii) the licensee's State of Washington for-hire certificate has been revoked; or

(iv) the licensee is not affiliated with a taxicab association licensed under this chapter.

(b) The Director may revoke a taxicab or for-hire vehicle license if:

(i) the licensee, or any officer, director, general partner, managing partner or principal of the licensee, receives a bail forfeiture or conviction involving crimes reasonably related to the applicant's ability to operate a taxicab or for-hire business, including but not limited to prostitution, gambling, fraud, larceny, extortion, income tax evasion; or

(ii) the licensee commits three or more Class B violations within one year.

(4) For-Hire Driver's Licenses.

(a) The Director shall revoke a for-hire driver's license if:

(i) the for-hire driver receives a bail forfeiture, conviction, or other final adverse finding for crimes pertaining to hit-and-run, or for crimes pertaining to driving under the influence of alcohol or controlled substances while operating a taxicab or for-hire vehicle;

(ii) the for-hire driver's Washington State driver's license expires or is revoked; or

(iii) the for-hire driver has committed one (1) Class C violations in any one-year period.

(b) The Director may revoke a for-hire driver's license if:

(i) the for-hire driver is found to be in possession of illegal drugs or an open container of alcohol while in control of or while operating any taxicab or for-hire vehicle; or

(ii) the for-hire driver has received a conviction, bail forfeiture, or other final adverse finding involving crimes pertaining to prostitution, gambling, physical violence, Uniform Controlled Substances Act, fraud, theft, robbery, larceny, burglary, extortion and/or crimes directly related to the driver's ability to operate a taxicab.

D. Effect of Notice of Suspension or Revocation.

(1) Summary suspension or revocation. Whenever any license is summarily suspended or revoked the suspension or revocation is effective upon issuance of the notice. Such notice may be appealed pursuant to the procedures of 6.310.635. If a timely appeal is not filed by the licensee, the notice of summary suspension or revocation shall be final. Such summary suspension shall extend until any administrative or judicial appeal is finally concluded in the licensee's favor, until the license expires, or until evidence satisfactory to the Director is produced showing that the violation is cured, whichever occurs first. Summary revocations shall extend until the end of the annual license period or until any administrative or judicial appeal is finally concluded in the licensee's favor, whichever occurs first.

(2) Suspension or revocation. If the licensee does not file a timely appeal pursuant to section 6.310.635, the notice of suspension or revocation shall be final. Suspensions or revocations become effective upon the date any notice of suspension or revocation or order on appeal affirming such notice becomes final. Unless a time period is specified in a particular section of this ordinance, suspensions shall extend until the license expires or until evidence satisfactory to the Director is produced showing that the violation is cured, whichever occurs first. Revocations shall extend until the end of the annual license period.

(3) Except in the case of a summary suspension or revocation as provided in subsection (1) above, whenever a timely appeal is filed pursuant to section 6.310.635, a licensee may continue to engage in the activity for which the license is required pending a final decision on appeal.

6.310.635 Notice and Hearing for Denials, Violations, Suspensions and Revocations.

A. For each violation, and for each denial, suspension or revocation, the Director shall give written notice to the affected licensee. If the affected licensee is a taxicab driver, the Director shall at the same time give written notice of violations to the taxicab owner and the taxicab association. If the affected licensee is a taxicab owner, the Director shall at the same time give written notice of violations to the taxicab association. All notices directed to a taxicab driver or taxicab owner may be served by personal delivery to, or by first-class mail addressed to, the taxicab association.

B. Any notice of denial, violation, suspension or revocation shall state that the driver, owner and/or taxicab association is entitled to a hearing to respond to the notice and introduce any evidence to refute or mitigate the violation. Upon written request filed within ten (10) days after the date of the notice of denial, violation, suspension or revocation, the Director shall set a hearing date and time to be held as soon as possible and not more than fourteen (14) days from the date of the request.

C. The hearing shall be held by the Director or the Director's designee, provided that the designee may not be a person

who directly supervises the inspector who issued the notice of denial, violation, suspension or revocation.

D. The hearing shall be informal, but shall be recorded by electronic means provided by the Director. Within twenty (20) days of the hearing, the Director shall issue a written ruling including factual findings and the Director's conclusion, with supporting reasons, affirming, modifying or reversing the notice. The decision shall be mailed by first class mail to each affected licensee at the address listed on the application, or in any supplemental materials. However, if the licensee is a taxicab owner or taxicab driver, the decision shall be mailed by first class mail to the licensee at the address of the taxicab association.

E. The decision of the Director is final if a monetary penalty only is imposed or if no timely appeal is filed pursuant to subsection.

F. If the Director's decision imposes or affirms a denial, suspension or revocation, any affected licensee may appeal the entire decision to the Hearing Examiner by filing a notice of appeal with the Hearing Examiner within ten (10) days after the date of mailing of the decision.

G. If a timely notice of appeal is filed pursuant to subsection (F) above, a hearing shall be scheduled and conducted by the Hearing Examiner according to the Hearing Examiner rules for contested cases. At the Hearing Examiner hearing, the Department shall have the burden of proving by a preponderance of the evidence that the alleged violation occurred.

H. The Hearing Examiner may affirm, modify or reverse the decisions of the Director.

VII. MISCELLANEOUS

6.310.700 Consumer complaint hotline.

The Director may establish, in conjunction with King County and the Port of Seattle, a shared consumer complaint telephone number and complaint process.

6.310.710 Passenger complaint process.

A. Upon receiving a written complaint involving the conduct of the for-hire driver, the route of transportation, the rate charged for the transportation, passenger injury or property damage not arising from a vehicle accident, or other incident, the Director shall:

- (1) Issue a notice of complaint to the for-hire driver and vehicle owner, and company, if applicable, advising such person of the allegation(s) made in the complaint;
- (2) Require the for-hire driver, vehicle owner, and the taxicab association if applicable, to respond, in writing, to the allegation(s) in the notice of complaint within ten days of receipt of the notice of complaint;
- (3) Investigate the allegation(s) in the written complaint and the response submitted by the for-hire driver, vehicle owner, and taxicab association, if applicable; and
- (4) Make a finding as to the validity of the allegation(s) in the written complaint. If it is found to be a valid complaint the director shall issue a notice of violation pursuant to SMC 6.310.635.

B. Failure to respond in writing within ten days to a Notice of Complaint shall constitute a waiver of the for-hire driver's, vehicle owner's, and association's, if applicable, right to contest the allegation(s) in the written complaint and shall be conclusive evidence that the allegation(s) are valid.

C. Failure to comply with any Notice and Order issued as a result of the above process is a Class B violation.

6.310.720 Renewal of license, registration or permit - late penalty.

A late penalty shall be charged on all applications for renewal of a license, registration or permit received later than ten working days after the expiration date of such license, registration or permit as set forth in the respective resolution or ordinance establishing the expiration date of such license, registration or permit. The amount of such late penalty is fixed in SMC 6.310.150.

6.310.730 Plates, tags, etc. property of City.

All taxicab or for-hire vehicle license plates, year decals shall remain the property of the City.

Section 3. Unless otherwise specifically stated in this ordinance, the provisions of this ordinance relating to taxicab associations, the requirement that taxicab owners and for-hire drivers join associations, and the provisions relating to penalty points associated with violations shall take effect May 1, 1997. The fee provisions of section 6.310.150 and the provisions of section 6.310.605 imposing monetary penalties shall become effective January 1, 1997. Taxicab association license fees paid in 1997 shall be prorated on a monthly basis. New license requirements for taxicab or for-hire vehicle owners or drivers shall take effect upon the person's license anniversary date.

Section 4. Severability.

Should any section, subsection paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity remaining portion of this chapter.

Section 5. This ordinance shall take effect and be in force January 1, 1997 after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 1996, and signed by me in open session in authentication of its passage this _____ day of _____, 1996.

President _____ of the City Council

Approved by me this _____ day of _____, 1996.

Mayor

Filed by me this _____ day of _____, 1996.

City Clerk

(Seal)