

AN ORDINANCE *No. 87-151-156*
ADOPTED JUL 13 1987

To amend and reordain Article I, In General, of Chapter 31, Vehicles for Hire, of the Code of the City of Richmond, 1985, concerning definition of terms and notice requirements; to further amend Chapter 31, Vehicles for Hire, by adding therein a new Article, entitled: "Article II-A, TAXICABS", consisting of fifty sections numbered Sections 31-100.1 through 31-100.50; and to repeal Article II, Taxicabs, of said Chapter 31.

Patron - City Manager

Approved as to form and legality
by City Attorney

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That Article I, In General, of Chapter 31, Vehicles for Hire, of the Code of the City of Richmond, 1985, be and is hereby amended and reordained as follows:

ARTICLE I. IN GENERAL

Sec. 31-1. Definitions.

The following words and phrases, when used in this chapter, shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

Certificate shall mean the certificate of public convenience and necessity granted by the city to owners of taxicabs or for-hire vehicles to authorize such owners to

engage in the business of providing taxicab or for-hire vehicle service in the city as provided in this chapter.

Certificate holder shall mean:

(1) Taxicab. The owner of a taxicab who holds a valid unexpired or unrevoked certificate of public necessity and convenience to operate a taxicab under the provisions of this chapter.

(2) Other. The owner of a for-hire vehicle or suburban cab (noncity based), who holds a valid, unexpired or unrevoked certificate of public convenience and necessity to operate a for-hire vehicle or a suburban (noncity based) cab under the provisions of this chapter.

Director shall mean the director of public safety of the city or his duly authorized representative.

Driver shall mean:

(1) Taxicab. The person in control of and operating or driving a taxicab.

(2) Other. The person in control of and operating or driving a for-hire vehicle, ambulance, suburban (noncity based) cab, interurban bus or suburban bus.

For-hire vehicle shall mean a passenger-carrying, self-propelled motor vehicle maintained for hire by the public for use for periods of one hour or more with a chauffeur or driver and operated or driven on the streets

of the city in the transportation of persons for compensation, but not including suburban (noncity based) cabs, passenger buses, taxicabs as defined in this section, interurban buses, suburban buses, vehicles used exclusively in conducting funerals or in connection with the burial of deceased persons, ambulances and for-hire vehicles maintained for hire by the public without a chauffeur or driver.

Interurban bus shall mean a passenger-carrying, self-propelled motor vehicle designed to transport more than seven (7) persons at the same time operated or driven on the streets of the city in the transportation of persons for compensation from points within the city to points without the city within a radius of more than fifteen (15) miles from the corporate limits, or from points without the city within a radius of more than fifteen (15) miles from the corporate limits to points within the city.

Motor vehicle shall mean any vehicle, machine, tractor, trailer or semi-trailer propelled or drawn by mechanical power and used upon the public roads of the city and the roads open to the public on the property of public bodies, in the transportation of passengers or property, not including any vehicle, locomotive or car operated exclusively on a rail or rails.

[Owner shall mean:

(1) --Taxicab. --The person who holds legal title to a taxicab. --If the taxicab is subject to an agreement for the conditional sale or lease thereof, with the right of purchase upon performance of conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, the conditional vendee or lessee shall be deemed the owner for the purposes of this chapter, except, that when the rent paid by the lessee includes charges for services of any nature or when the lease does not provide that the title shall pass to the lessee upon payment of the rent stipulated, the lessor shall be regarded as the owner of the taxicab. --If the taxicab is subject to a mortgage and the mortgagor is entitled to possession, the mortgagor shall be deemed the owner of the taxicab.

(2) --Other. --The person who holds the legal title to a for-hire vehicle, ambulance, suburban (noncity-based) cab, U-Drive-It vehicle, interurban bus or suburban bus. --If any such vehicle is subject to an agreement for the conditional sale or lease thereof, with the right of purchase upon the performance of conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, the conditional vendee or

~~lessee shall be deemed the owner for the purposes of this chapter; except, that when the rent paid by the lessee includes charges for services of any nature or when the lease does not provide that the title shall pass to the lessee upon payment of the rent stipulated, the lesser shall be regarded as the owner of such vehicle:--If such vehicle is subject to a mortgage and the mortgagor is entitled to possession, the mortgagor shall be deemed the owner of such vehicle.]~~

Owner shall mean any person in the business of providing taxicab or for-hire vehicle service and having control of the operation or maintenance of a taxicab or for-hire vehicle and including the purchaser under conditional sales contract or other title-reserving agreement, and persons controlling the operation of independently owned vehicles through methods such as, but not limited to, radio dispatched systems and name licensing agreements.

Person shall mean:

(1) Taxicab. Every individual, firm, copartnership, association or corporation and every owner, certificate holder and driver.

(2) Other. Every individual, firm, copartnership, association or corporation and every owner, certificate holder and driver.

Suburban bus shall mean a passenger-carrying, self-propelled motor vehicle designed to transport more than seven (7) persons at the same time, operated or driven on the streets of the city in the transportation of persons for compensation from points within the city to points without the city within a radius of fifteen (15) miles or less from the corporate limits, or from points without the city within a radius of fifteen (15) miles or less from the corporate limits to points within the city.

Suburban (noncity based) cab shall mean a passenger-carrying, self-propelled motor vehicle maintained for hire by the public with a chauffeur or driver and operated or driven on the streets of the city in the transportation exclusively and regularly of persons for compensation from points within the city to points without the city or from points without the city to points within the city; except that such term shall not refer or apply to any taxicab for which a certificate of necessity has been issued by a jurisdiction with which the city has established reciprocity under section 31-100.48.

~~[Taxicab shall mean a passenger-carrying, self-propelled motor vehicle equipped with a taximeter, maintained for hire by the public with a chauffeur or driver or by a certificate holder acting as the chauffeur or driver, and operated or driven on the streets of the city in the transportation of-~~

~~passengers-for-compensation,-but-not-including-passenger
buses.]~~

Taxicab shall mean a passenger-carrying, self-propelled motor vehicle, equipped with a taximeter, not operating on a regular route or between fixed terminals and having room for not more than seven (7) persons including the driver.

Taxicab stand shall mean a stand designated for the sole use of taxicabs in accordance with this chapter.

U-Drive-It vehicle shall mean a passenger-carrying, self-propelled motor vehicle maintained for hire by the public without a chauffeur or driver and operated or driven on the streets of the city.

Sec. 31-2. Display on sides of for-hire vehicles of name and address of owner.

It shall be unlawful for any person to operate or cause to be operated or to permit the operation of a for-hire vehicle over or on any highway, unless the name and address of the owner of such vehicle plainly appears on both sides of such vehicle in letters not less than three (3) inches in height; provided, that the provisions contained in this section shall not apply to any motor vehicle the use of which is restricted to wedding, ambulance or funeral services, nor to any motor vehicle rented without chauffeur and operated under a valid lease agreement, which provides that the lessee of such vehicle shall have exclusive control

thereof, but this exemption shall not include motor vehicles leased to common or contract carriers of persons or property which operate or should operate under certificates or permits issued by the state corporation commissioner or the Interstate Commerce Commission. This section shall not be construed to apply to taxicabs complying with section [31-77] 31-100.4.

Sec. 31-3. Notice to driver, etc., of suspension or revocation of special permit and privilege granted thereby.

Whenever the director of public safety determines that a basis exists to suspend[s] or revoke[s] the special permit and the privilege granted thereby issued to a driver of a taxicab, for-hire vehicle or suburban cab defined in this chapter, he shall give notice of such suspension or revocation in writing to the driver and to the person who is authorized by the provisions of this chapter to operate taxicabs, for-hire vehicles or suburban cabs upon the streets of the city and who employed the driver. Such notice shall be given by delivering or mailing a statement to the effect to the last known post office address of such driver and person [~~immediately after such suspension or revocation, but failure to give such notice shall not affect the action of the director or the suspension or revocation of the special permit~~].

Sec. 31-4. Applicability of chapter.

The provisions of this chapter are adopted in the exercise of the police power granted to the city by its Charter and general law. This chapter is not intended to grant or offer a franchise to use the streets, but it is intended to regulate the operation of taxicabs and other vehicles for hire, including for-hire vehicles, ambulances, suburban or noncity based cabs, U-Drive-It vehicles, interurban buses, suburban buses and intraurban buses, and the use thereof. The city council reserves the right to amend or repeal this chapter at any time. Upon the repeal of this chapter, all privileges granted hereunder shall cease and terminate.

§ 2. That the Code of the City of Richmond, 1985, be and is hereby amended by adding therein in Chapter 31, Vehicles for Hire, a new article consisting of sections 31-100.1 through 31-100.50, as follows:

ARTICLE II-A. TAXICABS

Sec. 31-100.1. Compliance with article.

No vehicle shall be operated or driven on the streets of the city as a taxicab, unless the certificate holder and driver thereof shall conform to and comply with the provisions, terms and conditions of this article.

Sec. 31-100.2. Certificate of public convenience and necessity.

(a) Required. It shall be unlawful to operate or cause to be operated within the city any taxicab unless a certificate of public convenience and necessity has been issued to the owner thereof by the director covering the operation of such vehicle and unless the conditions, regulations and restrictions set forth and prescribed in this chapter have been complied with by such owner. The certificate shall provide for the operation of a specified number of taxicabs, and it shall be unlawful to operate or cause to operate more vehicles than the number provided in the certificate. Additional vehicles may be operated by a certificate holder only upon written application on a form provided by the director, approval

of such application, payment of fees provided hereunder and compliance with all other provisions of this chapter.

(b) Expiration; application and renewal. The initial certificate of public convenience and necessity shall remain in effect until January 31 following its issuance and may be renewed thereafter annually. The director shall prescribe a form to be used in initially applying for the certificate and a form to be used in applying for a renewal.

(c) Interruption of use; lapsing. A certificate of public convenience and necessity shall lapse with respect to an individual vehicle or any one of the specified number of vehicles for which the certificate has been issued, when the particular vehicle has not been used to provide taxicab service for sixty (60) or more consecutive days.

(d) Nontransferable. A certificate of public convenience and necessity shall not be transferable.

(e) Fees. In addition to any other fees prescribed elsewhere in this code, each applicant for a certificate of public convenience and necessity shall pay an initial application fee of twelve dollars (\$12.00) per vehicle listed in the certificate and upon each annual request for renewal of such certificate shall pay the same fee.

(f) Limitation of number issued. When it appears that it is in the public interest to limit the number of owner's

certificates issued by the director, the council may, if it finds after an advertised public hearing that it is in the public interest, prescribe the maximum number of vehicles for which such certificates are to be issued. Thereafter, no new certificates shall be issued until the total number of vehicles for which certificates are outstanding is less than the prescribed number; provided, that renewal of an existing certificate shall not be regarded as a new certificate for purposes of this section.

(g) Age of vehicles under certificate. It shall be unlawful for a certificate holder to place into service a taxicab which is more than five (5) model years old at the time it is placed into service; provided, however, that once properly placed in service a vehicle may continue to be used as a taxicab indefinitely by the same certificate holder if such vehicle otherwise meets the requirements of this chapter and if the certificate under which it is operated does not lapse, is renewed annually and is not revoked.

Sec. 31-100.3. Inspection of vehicles.

Every taxicab operated within the city shall be inspected by the director, or some member of the bureau of police designated by him or such other reputable agency as the director may prescribe, at regular intervals of at least every twelve (12) months, and at such other times as the director may, in his discretion, determine. If such

vehicle shall be found to be in an unsafe, unfit or unclean condition, or to have torn seats or upholstery the owner thereof shall be notified by the director at once of such defect and such vehicle shall not be operated thereafter until such defect has been remedied.

Sec. 31-100.4. Approval of color scheme, number, etc., by director.

There shall be painted or printed on every taxicab lettering clearly showing the name of the owner thereof and indicating that such vehicle is a taxicab. Taxicabs shall use only the words "taxi," "cab" or "taxicab" to indicate that such vehicle is a taxicab. The color scheme and the size, content and character of such lettering and the position thereof on each such vehicle shall be approved by the director and no vehicle shall be operated under the provisions of this article unless and until such approval has been obtained. The failure of any owner to comply with such approval specifications also shall constitute a violation of this article.

No vehicle shall be operated under the provisions of this article unless the director has first assigned to such vehicle a decal which shall be affixed to the rear bumper and which shall contain a number registered with the director. Such decal shall not be transferred to another

vehicle, shall be displayed at all times and shall not be removed except when such vehicle is no longer in service in the certificate holder's fleet or except upon direction of the director.

It shall be unlawful to operate a vehicle which does not meet the requirements of this section.

Sec. 31-100.5. Taximeters; failure, etc., to use.

Every taxicab shall be equipped with a taximeter prescribed by the director by which the charge for-hire is mechanically or electronically calculated, both for distance traveled and for waiting time, and upon which such charge shall be indicated by means of figures clearly visible to the passenger. The taximeters shall be equipped with a mechanical or electronic device by which the driver of a taxicab can put the taximeter in operation and the device shall be kept in an operating position at all times during the transportation of paying passengers. It shall be unlawful for a driver to fail, refuse or neglect to put the taximeter in operation by means of the device when the transportation of every passenger is begun in the city and to keep the device in an operating position at all times during the transportation of each passenger. Taximeters shall be inspected and validated for accuracy during such inspections provided in section 31-100.3; provided, that

the director may require the meter's accuracy to be validated by such independent testing agencies as may be approved by him. In the event such independent testing agency is used, the owner shall pay the costs of such validation. Any taxicab found to have a defective taximeter shall not be operated for taxicab service until such defect is corrected.

Sec. 31-100.6. Rates - generally.

Rates to be charged to passengers engaging a taxicab shall be fixed, prescribed or established by the council and it shall be unlawful for the owner or driver of any such vehicle to charge a rate above or below the rate so fixed, prescribed or established.

Sec. 31-100.7. Same - enumerated; special discount for elderly passengers and visually impaired passengers.

(a) The rates to be charged passengers by certificate holders or drivers of taxicabs shall be as follows, and it shall be unlawful for a certificate holder to permit or a driver to make any greater or lesser charge for the transportation of passengers and baggage:

For the first one-fifth mile \$1.50

For each succeeding one-fifth mile . . \$0.30

For each one minute of waiting time. . \$0.30

Waiting time shall include the time consumed while the taxicab is stopped or moving at a speed less than ten

(10) miles per hour, and time consumed waiting for a passenger beginning five (5) minutes after the time of arrival at the place to which it has been called and the time consumed while it is standing at the direction of the passenger. Waiting time shall not include, and no charge shall be made for, the time lost on account of inefficiency of the taxicab, or its operation, or time consumed by premature response to a call. No charge shall be made for mileage while waiting time is being charged.

For each additional passenger over one \$0.30

Provided, that children six (6) years of age or younger, when accompanying a fare-paying passenger, shall not be deemed additional passengers for the assessment of such additional charge.

(b) For a trip originating between the hours of 9:00 p.m. and 6:00 a.m. of the day following, in addition to the charges registered on the meter, a surcharge of fifty cents (\$0.50) per trip shall be added to compute the fare for such trip.

(c) The owner of any taxicab may, upon receipt of satisfactory proof that a person is sixty (60) years of age or older, which proof may be presentation of a medicare card and satisfactory proof of the identity of the holder of such card, or any other proof that may be deemed satisfactory in lieu of such presentation of a medicare card and proof of

identity, issue to any person sixty (60) years of age or older, scrip or a coupon book entitling such person to transportation and services of the value of five dollars (\$5.00) for a consideration of four dollars and twenty-five cents (\$4.25).

(d) The owner of any taxicab may, upon receipt of satisfactory proof that a person is legally blind or visually handicapped, which proof may be presentation of an identification card issued by the American Foundation for the Blind, Inc., and satisfactory proof of the identity of the holder of such card, or any other proof that may be deemed satisfactory in lieu of such presentation of an identification card issued by the American Foundation for the Blind, Inc., and proof of identity, issue to any person legally blind or visually handicapped, scrip or a coupon book entitling such person to transportation and services of the value of five dollars (\$5.00) for a consideration of four dollars and twenty-five cents (\$4.25).

Sec. 31-100.8. Same - Display.

No taxicab shall be operated on the streets of the city in which there is not displayed at some conspicuous point inside of such vehicle, in full view of the passenger or person hiring such vehicle, the rates fixed, prescribed or established for use of any such vehicle. Such rates

shall also be displayed on the exterior of each side of any taxicab in a manner to be approved by the director.

Sec. 31-100.9. Roof light; failure, etc., to use.

Each taxicab shall be equipped with a light prescribed by the director mounted to the roof of the taxicab which shall indicate to the public that the vehicle is or is not under hire. The roof light shall be lit when the vehicle is available to the public for hire. It shall be unlawful for a driver to fail, refuse or neglect to operate such roof light or to operate such light in a misleading manner. Such light shall be inspected during such inspections as provided for in section 31-100.3. Any vehicle found to have a defective roof light shall not be operated as a taxicab until such defect is corrected.

Sec. 31-100.10. Solicitation regulated.

No driver, or any other person on behalf of a driver, shall solicit patronage for any taxicab by word, signal or otherwise on any public street or public property in the city other than at such stands as may be designated and assigned in accordance with section 31-100.11; provided, that this provision shall not be construed to prevent a customer from hailing a taxicab.

Sec. 31-100.11. Taxicab stands.

(a) The director shall designate such places in the streets of the city as taxicab stands as will, in his

opinion, best serve the convenience of the public and shall prescribe the number of taxicabs that may be parked or stopped in each stand at any one time.

(b) Any taxicab for the operation of which a certificate of convenience and necessity has been issued shall have the privilege of parking or stopping in any taxicab stand when space is available therefor. It shall be unlawful for a driver to park or stop a taxicab at or near a taxicab stand when the number of taxicabs prescribed for the stand are parked or stopped in the stand. Only taxicabs may park at taxicab stands.

Sec. 31-100.12. Carrying of more than one passenger.

No person other than the first person taken into a taxicab for transportation shall be allowed to enter the taxicab except upon the direction of the first person so taken into the cab, and the certificate holder shall not authorize or permit the driver of the taxicab or any other person, nor shall the driver or any other person request, the first person taken into a taxicab for transportation to allow any other to be transported in the taxicab. Should the first person taken into a taxicab for transportation direct the driver to allow another to be transported in the taxicab, the first person so taken into the taxicab shall be liable for the payment of the fare for the transportation of

all persons transported at the rates prescribed in this article, unless otherwise agreed upon by the driver and any one or all of the persons transported in the taxicab.

Sec. 31-100.13. Limitation on number of passengers in front and rear seats.

It shall be unlawful for a driver to transport in a taxicab more than two (2) passengers in the front seat or more than four (4) passengers in the rear at the same time.

Sec. 31-100.14. Transportation of passengers by most direct route; payment of toll charge.

Every driver of a taxicab shall transport each passenger from the place the passenger is received in such vehicle to the destination of the passenger by the most direct route, unless otherwise directed by the passenger. When such route requires the payment of a toll, the driver shall transport the passenger across the toll when the passenger agrees to pay the toll charge.

Sec. 31-100.15. Nonpaying passengers.

No nonpaying passenger shall be transported with a paying passenger in any taxicab, except a police officer engaged in the performance of his duty and unable to obtain other adequate means of transportation.

Sec. 31-100.16. Refusal of drivers to make trips; preference in response to service requests.

(a) No owner or driver of any taxicab shall refuse to transport any passenger to any part of the city or to the

counties of Chesterfield, Hanover and Henrico for a trip originating in the city; provided, however, no driver shall be required to drive the vehicle operated by him to any place when it may be physically detrimental to such vehicle to do so or when it may endanger the driver or any of the occupants thereof.

(b) Every certificate holder and driver shall give preference to calls or other requests for taxicab service in the order of their receipt.

Sec. 31-100.17. Receiving and discharging passengers.

Every taxicab shall receive and discharge passengers only at the right-hand curb of the street and only when at a full stop; except that passengers may enter or leave a taxicab from the left side at the left-hand curb of a one-way street.

Sec. 31-100.18. Drivers to remain with vehicles.

The driver of any taxicab shall remain in the vehicle or within five (5) feet of same at all times while such vehicle is on the streets while under hire or parked at a taxicab stand, except while engaged at the request of the passenger hiring the vehicle in loading or unloading the baggage or other property of such passenger or in the event of an emergency.

Sec. 31-100.19. Driving, etc., under influence of intoxicating beverage, narcotic, etc.

It shall be unlawful for a driver to operate and drive a taxicab at any time while under the influence of any intoxicating beverage, narcotic, sedative, barbituate, marijuana or other substance producing the effects of a narcotic or sedative, or to be under such influence while on duty to provide taxicab service, whether or not actually operating or driving a taxicab, or to operate and drive a taxicab at any time with any alcoholic beverage in any quantity in his possession, either on his person or in such vehicle.

Sec. 31-100.20. Duty of driver as to use of taxicab for lewd, etc., purpose or for acquisition, etc., of alcoholic beverage.

It shall be unlawful for a driver to permit a taxicab to be used for lewd or indecent purposes, or to transport any person in a taxicab to any place for such purposes, or to knowingly acquire or transport for another in a taxicab any alcoholic beverage, narcotics, marijuana or any controlled substance.

Sec. 31-100.21. Driving with firearms, etc., in possession of driver.

It shall be unlawful for a driver to operate and drive a taxicab at any time with firearms or dirk, bowie knife, nunchahka, nunchuck, shvriken, throwing star, oriental dart, blackjack, brass or metal knuckles or

knife with a blade longer than three (3) inches in length in his possession, either on his person or in the taxicab; provided, however, that if the driver of a taxicab is regularly employed as a sworn police officer, such driver may have in his possession any firearm issued to him for the usual and customary performance of duties as a sworn police officer.

Sec. 31-100.22. Duty of driver to keep taxicab clean, etc.

It shall be unlawful for a driver to fail, refuse or neglect to keep any vehicle which he operates under the provisions of this article clean and efficiently lighted at night.

Sec. 31-100.23. Drivers not to drive longer than thirteen hours in twenty-four.

No certificate holder shall require a driver to, and no driver shall, drive a taxicab or remain on duty for such purpose longer than thirteen (13) hours in any twenty-four (24) hour period.

Sec. 31-100.24. Hindering, retarding, etc., transportation.

No person shall in any way intentionally hinder, retard or interfere with, or cause to be hindered, retarded or interfered with, the furnishing of transportation by any taxicab. Improper, misleading, false or unauthorized calls for taxicab service shall be prima facie evidence of the

intention to hinder, retard or interfere with the proper operation of a taxicab and the furnishing of transportation thereby.

Sec. 31-100.25. Certificate holder to have telephone listing.

Every owner holding a certificate of public convenience shall provide and maintain at all times a listed telephone in the name in which the certificate holder is doing taxicab business, by which calls may be made for taxicab service, which telephone listing, if the certificate holder operates five (5) or more taxicabs, shall also appear in the classified telephone directory.

Sec. 31-100.26. Monitoring radio dispatches.

It shall be unlawful to monitor radio communications between a dispatcher and a taxicab or between two (2) or more taxicabs for the purpose of responding to a call for taxicab service without the permission of the participants to the communication or of the company for whom they are employed.

Sec. 31-100.27. Lost and found property.

(a) It shall be unlawful for a driver to knowingly fail, refuse or neglect to preserve any property left in a taxicab by any passenger and to deliver it to the certificate holder.

(b) Each certificate holder shall carefully preserve all property left in a taxicab by any passenger

delivered to the certificate holder by a driver, which property shall be kept by the certificate holder at some convenient place within the city where it may be called for by its owner. When the property shall have been identified and ownership established, it shall be promptly delivered to its owner. Any property which shall not be called for within three (3) months may be disposed of according to law.

Sec. 31-100.28. Application of traffic laws.

Every taxicab operated on the streets of the city shall be subject to all laws and ordinances regulating traffic applicable to other vehicles.

Sec. 31-100.29. Manifests; record of calls to be kept.

(a) The owner and the driver of a taxicab shall keep a "manifest," which shall be a permanent record of the transportation of each passenger. Each manifest shall include:

- (1) The name of the driver of the taxicab.
- (2) The number of the taxicab registered with the director.
- (3) The address of place where the transportation of each passenger originated, and the date and time thereof.
- (4) The address of place and the date and time the transportation of each paying passenger terminated, which shall be recorded on the

manifest upon the termination of each such transportation and before transportation of any other paying passenger has begun.

(b) A manifest shall be carried by the driver in the taxicab at all times during his operation of such vehicle and a separate manifest shall be kept for each day of operation of the vehicle; provided, that a driver operating a taxicab at midnight may continue to use the manifest bearing the date his work period commenced through the end of such work period; no later than twenty-four (24) hours after the final entry on a manifest, it shall be delivered to the main office of the taxicab owner. The manifest, whether in possession of the driver or at the place from which the business is conducted or directed, shall be subject at all times to examination or inspection by the director. Each manifest shall be kept and preserved for four (4) months, and thereafter any manifest involved in any investigation made or being made by any police officer shall be kept and preserved for such length of time as the director shall require, upon written notice from the director to the certificate holder to that effect. No owner of a taxicab nor driver shall exhibit a manifest or be compelled to exhibit a manifest except to the director or to such person as the director may direct, or upon court order.

Sec. 31-100.30. Public liability insurance required.

No owner shall be permitted to operate a taxicab or taxicab service within the city unless and until such owner shall have secured and deposited with the director a certificate of insurance against public liability and property damage for each such vehicle so operated within the city, issued by a solvent insurance company licensed and duly authorized to execute such policy within the commonwealth and to carry on business within the commonwealth. Such certificate of insurance shall be issued to such owner on each taxicab owned or operated by such owner within the city and shall provide for the payment of any final judgment, not to exceed the sum of one hundred thousand dollars (\$100,000) for injury or death to any one person, the sum of five hundred thousand dollars (\$500,000) for total public liability for any one accident, the sum of fifty thousand dollars (\$50,000) property damage in any accident and the sum of ten thousand dollars (\$10,000) for cargo liability, which may be rendered against such insured for or on account of damage to property for which such owner and drivers may be liable while operating or permitting to be operated such taxicab within the city, or by reason of or growing out of the careless or negligent operation of such vehicle by such insured or his agent, drivers or employees within the city.

Such certificate of insurance shall contain a clause obligating the company issuing the same to give ten (10) days' written notice to the director before cancellation thereof. The insurance certificates required to be submitted to the state corporation commission under article 7 of chapter 12 of title 56 of the Code of Virginia shall be accepted in satisfaction of this provision.

Sec. 31-100.31. Driver's permit - required.

No person shall drive a taxicab subject to the requirements of this article unless such person first obtains a driver's permit from the director. The initial driver's permit shall last for twelve (12) months following its issuance and may be renewed thereafter annually. The director shall prescribe a form to be used in applying for a renewal. Each applicant for a driver's permit shall pay an initial application fee of twenty dollars (\$20.00) and upon each annual request for renewal of such permit shall pay a fee of twenty dollars (\$20.00). The fee for replacement of lost, stolen or damaged permits shall be ten dollars (\$10.00). The permit shall be valid for the operation of only those vehicles subject to a certificate of public convenience and necessity issued under this article.

Sec. 31-100.32. Same - application.

(a) Application for a driver's permit shall show the following:

- (1) Full name of applicant.
- (2) Present address.
- (3) Age and place of birth.
- (4) Places of previous address and employment for the past five (5) years.
- (5) Height, weight, color of eyes, color of hair, and sex.
- (6) Whether or not applicant is in good physical condition.
- (7) Whether or not applicant has good hearing and good eyesight.
- (8) Whether or not the applicant is, or has been, within the period of two (2) years last past, addicted to the use of intoxicating liquors, drugs or other forms of narcotics and, if so, to what extent.
- (9) Whether or not applicant has ever been convicted of, pleaded guilty to, or entered a plea of nolo contendere to any larceny, robbery, assault, battery, crime of moral turpitude, felony, or operating a vehicle while under the influence of alcohol or drugs and, if so, such other information as may be required by the director.

- (10) The record of applicant with respect to traffic offenses connected with the operation of motor vehicles and other offenses affecting the suitability of the applicant as a person who should be permitted to operate a taxicab including violations of this chapter or the provisions of any other law in this commonwealth governing the operation of taxicabs or other for-hire vehicles.
- (11) Whether or not applicant has previously been employed or licensed as a chauffeur and, if so, whether or not his license or permit has ever been revoked or suspended for any reason.
- (12) What experience, if any, applicant has had in the operation of motor vehicles.
- (13) The name and address of owner of the taxicab to be operated by the applicant and if different, the name and address of the company for whom applicant will be driving.

(b) Each applicant shall apply for his permit in person and have his fingerprints taken, which fingerprints shall constitute a part of his application, and each applicant shall have filed with his application, two (2) recent

photographs of himself, of a size designated by the director, one of which shall be attached to and shall become a part of the application, and the other of which shall be attached to the permit, if issued, in such a manner that no other photograph may be substituted therefor without probability of detection.

Sec. 31-100.33. Same - investigation of applicant; issuance of permit; contents and display.

(a) The director, upon the filing of an application as set forth in the preceding section and after notice to the applicant and opportunity afforded the applicant to be heard, shall promptly make an investigation of the matters stated therein, and if he shall find, upon such investigation, that the applicant possesses the necessary qualifications on the basis of the information furnished in the application and his investigation thereof, he shall issue to him a permit card, which shall bear a number and which shall contain the name, home address, business address and a photograph of the applicant, and the name of the owner of the vehicles to be operated by the applicant and, if different, the name of the company for whom applicant will be driving. The driver shall post his permit card in full view of the passenger in any taxicab which is being operated or is in charge of the applicant. The permit shall be valid

only for the operation of such vehicle owned the person or persons listed on such permit card and shall not be valid for operation of any other taxicab until such time as the driver has provided written notification, on a form provided by the director and shall have had the name of the owner of such other vehicle indicated on his permit.

(b) The possession by a person of a valid, current chauffeur's license issued to him by the state department of motor vehicles shall create a presumption that such person has the minimum physical and mental qualifications provided herein for driving a taxicab but, if he has doubts as to an applicant's physical and/or mental capability, then the director may require the applicant to submit to a physical examination by a licensed doctor of medicine and to verify by written report filed by such doctor the applicant's physical or mental capabilities.

Sec. 31-100.34. Refusal of permit.

Subject to the provisions of section 31-100.41, the director shall refuse to issue a driver's permit to a person who has filed an application as set forth in the preceding section if based upon the application and after investigation, he finds any of the following:

(1) The applicant has been convicted of, pleaded guilty to, or pleaded nolo contendere within the past three (3) years to any felony;

(2) The applicant has been convicted of, pleaded guilty to, or pleaded nolo contendere within the past twelve (12) months to any larceny, assault, battery, crime of moral turpitude or illegal possession of controlled substances where such crime is other than a felony;

(3) The applicant has been convicted of, pleaded guilty to, or pleaded nolo contendere within the past twelve (12) months to operating a motor vehicle while under the influence of alcohol or drugs;

(4) The applicant has been convicted of, pleaded guilty to, or pleaded nolo contendere within the past twelve (12) months to three (3) or more moving violations under the motor vehicle laws of this commonwealth other than those involving operating a motor vehicle while under the influence of alcohol or drugs;

(5) The applicant has been convicted of, pleaded guilty to, or pleaded nolo contendere within the past twelve (12) months to three (3) or more violations of this chapter or of any other local law in the commonwealth governing the operation of taxicabs or other for-hire vehicles;

(6) The applicant knowingly makes, or causes to be made, either directly or indirectly, any false statement on his application; or

(7) The applicant otherwise lacks the following minimum physical or mental qualifications:

- a. Drivers shall have no mental, nervous, organic or functional disease, likely to interfere with safe driving.
- b. Drivers shall have no loss or impairment of use of foot, leg, fingers, hand or arms or other structural defect or limitation, likely to interfere with safe driving.
- c. Drivers shall in any and all other respects satisfy the minimum mental and physical requirements for issuance of a chauffeur's license by the state department of motor vehicles.

(8) The applicant is less than eighteen (18) years of age.

(9) The applicant does not possess a valid and current chauffeur's license issued to him by the state department of motor vehicles.

Sec. 31-100.35. Revocation of permit.

Subject to the provisions of section 31-100.41, the permit of any driver of a taxicab shall immediately become void and shall be immediately surrendered upon the occurrence of any of the following:

(1) The driver is convicted of, pleads guilty to, or pleads nolo contendere to any felony;

(2) The driver is convicted of, pleads guilty to, or pleads nolo contendere to any larceny, assault, battery, crime of moral turpitude or illegal possession of controlled substances where such crime is other than a felony;

(3) The driver is convicted of, pleads guilty to, or pleads nolo contendere to operating a motor vehicle while under the influence of alcohol or drugs;

(4) The driver is convicted of, pleads guilty to, or pleads nolo contendere within a twelve (12) month period to three (3) or more moving violations under the motor vehicle laws of this commonwealth other than those involving operating a motor vehicle while under the influence of alcohol or drugs;

(5) The driver is convicted of, pleads guilty to, or pleads nolo contendere within a twelve (12) month period to three (3) or more violations of this chapter or of any other local law in this commonwealth governing the operation of taxicabs or other for-hire vehicles;

(6) The director finds, after investigation, that the driver has made a charge above or below the rates prescribed by section 31-100.7;

(7) The director finds, after investigation, that the driver knowingly made, or caused to be made, either directly or indirectly, any false statement on his application for a permit which was issued; or

(8) The director finds, after investigation, that the driver no longer possesses the physical or mental qualifications prescribed in section 31-100.34(7).

(9) The driver no longer possesses a valid and current chauffeur's license issued to him by the state department of motor vehicles.

Sec. 31-100.36. Issuance of permit after refusal; reissuance after revocation.

Except as provided in section 31-100.37 below, any person refused a driver's permit under the provisions of section 31-100.34 or whose driver's permit is revoked under the provisions of section 31-100.35 shall not be eligible for issuance of a new permit until such time as the grounds for refusal of a permit under section 31-100.34 no longer apply; provided, however, that if a driver's permit is refused or revoked for knowingly making, or causing to be made, either directly or indirectly, any false statement, or for making a charge above or below the rates prescribed by section 31-100.7, such driver shall not be eligible until twelve (12) months from the date of refusal or revocation.

Sec. 31-100.37. Probationary permit.

(a) The director may issue a probationary permit to an applicant for a driver's permit who fails to meet the standards set forth in section 31-100.34(1), upon the recommendation of a court whose conviction of the applicant resulted in his ineligibility for a permit hereunder; provided, however, that a probationary permit shall not be issued to any such applicant who has, within twelve (12) months of the date of his application, been convicted at trial of a felony, or has pleaded guilty or nolo contendere thereto.

(b) The director may issue a probationary permit to a driver, following revocation of such driver's permit under section 31-100.35(1), upon the recommendation of a court whose conviction of the driver resulted in his ineligibility for a permit hereunder; provided, however, that a probationary permit shall not be issued to such driver sooner than twelve (12) months from the date of revocation of his permit.

(c) A probationary permit shall be effective until such time as the driver is eligible for reissuance under section 31-100.40; provided, however, that a probationary permit may be revoked at any time by the director upon a finding of violation of any provisions of this chapter.

Sec. 31-100.38. Refusal of certificate of necessity.

Subject to the provisions of section 31-100.41, the director shall refuse to issue a certificate of public convenience and necessity to a person or entity who or which has filed an application therefor under this chapter if, after investigation, he finds any of the following:

(1) The applicant's vehicles do not meet the standards set forth in sections 31-100.3, 31-100.4, 31-100.5, 31-100.8 or 31-100.9;

(2) The applicant fails to meet the requirements of sections 31-100.25, 31-100.29 or 31-100.30;

(3) The applicant has been convicted of, pleads guilty to, or pleads nolo contendere within the past twelve (12) months to three (3) or more violations of this chapter or of any other local law in the commonwealth governing the operation of taxicabs or other for-hire vehicles; or

(4) The applicant knowingly makes, or causes to be made, either directly or indirectly, any false statement on his application.

Sec. 31-100.39. Revocation of certificate of necessity.

Subject to the provisions of section 31-100.41, the certificate of public convenience and necessity shall immediately become void and shall be immediately surrendered upon the occurrence of any of the following:

(1) The director determines, after investigation, that any or all of the vehicles subject to the certificate fail to comply with sections 31-100.3; 31-100.4, 31-100.5, 31-100.8 or 31-100.9, and the certificate holder, after notification of the violations, knowingly operates, or permits to be operated, such vehicle prior to correcting the violation;

(2) The director determines, after investigation, that the certificate holder is in violation of sections 31-100.25, 31-100.29 or 31-100.30, and the certificate holder knowingly fails to comply with such sections within thirty (30) days after notification of such violation;

(3) The certificate holder is convicted of, pleads guilty to, or pleads nolo contendere within a twelve (12) month period to three (3) or more violations of this chapter or of any other local law in this commonwealth governing the operation of taxicabs or other for-hire vehicles;

(4) The director finds, after investigation, that the certificate holder has knowingly made, or caused to be made, either directly or indirectly, any false statement on his application for a permit which was issued; or

(5) The director finds, after investigation, that a charge has been made above or below the rates prescribed by section 31-100.7 with the knowledge, consent or permission of the certificate holder.

Sec. 31-100.40. Issuance of certificate after refusal;
reissuance after revocation.

Any person refused a certificate of public convenience and necessity under the provisions of section 31-100.38 or whose certificate of public convenience and necessity is revoked under the provisions of section 31-100.39 shall not be eligible for issuance of a new certificate until such time as the grounds for refusal of a certificate under section 31-100.38 no longer apply; provided, however, that if a certificate is refused or revoked for knowingly making, or causing to be made, either directly or indirectly, any false statement, or for the fact that a charge was made above or below the rates prescribed by section 31-100.7 with the knowledge, consent or permission of the certificate holder, such owner shall not be eligible until twelve (12) months from the date of refusal or revocation.

Sec. 31-100.41. Procedure upon refusal or revocation
of certificate or permit.

If an application for a certificate of public convenience and necessity or a driver's permit is refused, or if a certificate of public convenience and necessity or a driver's permit is revoked, the director shall notify in writing the applicant or certificate or permit holder of such decision, the reason therefor, and the right to a hearing if a request therefor is made in writing to the

director within ten (10) days of the notice. If a request for a hearing is not made within ten (10) days of notice, the decision of the director shall be final. The hearing shall be held by the director or his designee and the applicant or certificate or permit holder shall have the right to present his own case or have his counsel do so. Within a reasonable time after the hearing, the director shall render his decision. In the event that the director shall refuse to issue or shall revoke a certificate or permit after a hearing, the holder thereof may, within ten (10) days after the date of such action, file with the circuit court of the city a petition, in writing, to review the action of the director, with a copy of such petition to be served on the director. The filing of the petition with the circuit court shall not postpone the effective date of the decision of the director except by order of the court.

Sec. 31-100.42. Same - false statement in application.

It shall be unlawful for any person to knowingly make or cause to be made, either directly or indirectly, any false statement on an application for a certificate of necessity or an application for a driver's permit required under the provisions of this article.

Sec. 31-100.43. Compliance with article requisite to use of terms "taxi," "taxicab," etc. in advertising.

No person shall use the term "taxi," "taxicab," "cab," or any term of similar meaning in advertising, nor

shall any person, by any means, hold himself out as the operator, driver or chauffeur of a taxicab unless he shall have complied with the provisions of this article insofar as the same shall be applicable.

Sec. 31-100.44. Enforcement.

The provisions of this article shall be enforceable by all sworn law enforcement officers to the extent of their authority.

Sec. 31-100.45. Penalties.

Any person violating the provisions of this article shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00).

Sec. 31-100.46. Unlawful for certificate holder to permit driver to violate article.

It shall be unlawful for a certificate holder of a vehicle operated under the provisions of this article to knowingly permit a driver operating such vehicle to violate the provisions of this article.

Sec. 31-100.47. Exceptions.

The foregoing provisions notwithstanding, this article shall not apply to vehicles listed in section 56-274 of the Code of Virginia with the exception of those vehicles listed in subsections (2) and (11) of such section, nor to common carriers of persons or property operating as public carriers by authority of the state corporation commission or under a franchise granted by the city.

Sec. 31-100.48. Reciprocity.

Upon a finding by the director that the county of Henrico has adopted an ordinance containing provisions comparable to the city ordinance and providing for reciprocity with the city, then vehicles for which a person holds a current and valid certificate of public necessity issued by the county of Henrico and drivers who hold a current and valid permit issued by the county of Henrico will be deemed to have complied with the certificate and permit requirements of this article and shall be deemed to possess comparable certificates or permits, as the case may be, issued by the city while such county certificates or permits remain in good standing, provided, that no certificate or permit issued by the county of Henrico shall be valid in the city where the holder of such certificate or permit has applied for and been refused a permit or certificate by the city, or has had such permit or certificate revoked by the city under the provisions of this article and is not eligible for issuance of a permit or certificate by the city.

Sec. 31-100.49. Effect of article on existing owners and operators.

All persons holding a certificate of public convenience and necessity and/or a driver's permit from the city at the time of adoption of this ordinance and desiring

to continue such certificate and/or permit in force must apply prior to the expiration of their existing certificate and/or permit for a new certificate and/or permit under the terms and conditions set forth herein except as follows:

(1) If such an application is filed by a driver who has held a valid driver's permit from the city continuously for a period beginning at least six (6) months prior to the effective date of this article through the time of application hereunder then such applicant shall be exempt from the provision of section 31-100.34(1).

(2) If such an application is filed by a certificate holder who has operated a vehicle under a certificate of public convenience and necessity issued by the city continuously for a period beginning at least six (6) months prior to the effective date of this article through the time of application hereunder and such vehicle was during such operation more than five (5) model years old then such vehicle shall be exempt from the age restrictions of section 31-100.2(g) if such vehicle otherwise meets the requirements of this chapter.

Sec. 31-100.50. Authority of director to make rules and regulations.

The director is authorized and empowered to make such rules and regulations concerning the operation of taxicabs as are necessary and are not in conflict with this chapter

for the purpose of administering, executing and making effective the provisions of this article. Such rules and regulations so promulgated may include without limitation, requirements for the provisions of such safety devices and procedures as the director may deem necessary for the safety of passengers and operations; additional disciplinary rules, sanctions, and procedures as may be necessary and proper; and appropriate rules governing the dress, hygiene and general appearance of taxicab drivers.

§ 3. That Article II of Chapter 31 of the Code of the City of Richmond, as follows, be and is hereby repealed:

ARTICLE II. TAXICABS*

DIVISION 1. GENERALLY

Sec. 31-21. Compliance with article.

No vehicle shall be operated or driven on the streets of the city as a taxicab, unless the certificate holder and driver thereof shall conform to and comply with the provisions, terms and conditions of this article.

(Code 1975, § 30-5)

Sec. 31-22. False statement as inducement for issuance of certificate of public convenience and necessity or special permit to drive.

It shall be unlawful for any person to knowingly make or cause to be made, either directly or indirectly, any false statement as an inducement for the issuance of a certificate of public necessity

and convenience or a special permit to operate or drive a taxicab under this article.
(Code 1975, § 30-6)

Sec. 31-23. Taximeters.

No vehicle shall be operated or driven as a taxicab under this article, unless it is equipped with a taximeter, by which the charge for hire is mechanically calculated, both for distance traveled and for waiting time, and upon which such charge shall be indicated by means of figures visible to passengers. The taximeters shall be equipped with a mechanical device by which the driver of a taxicab can put the taximeter in operation, and the device shall be kept in an operating position at all times during the transportation of passengers. It shall be unlawful for a driver to fail, refuse or neglect to put the taximeter in operation by means of the device when the transportation of every passenger is begun and to keep the device in an operating position at all times during the transportation of each passenger.
(Code 1975, § 30-7)

Sec. 31-24. Manifests.

(a) The certificate holder and the driver shall keep in connection with the operation of the taximeter a "manifest," which shall be a permanent record of the transportation of each passenger. Each manifest shall include:

- (1) The name of the driver of the taxicab;
- (2) The number of the taxicab, approved by the director;
- (3) The time the taxicab began and stopped operation on the streets;
- (4) If the driver changes from the operation of one taxicab to another, the time the change was made and the numbers approved by the director of the taxicabs involved in the change;
- (5) The address or place where the transportation of each passenger originated, and the date and time thereof;
- (6) The place, date and time the transportation of each paying passenger terminated, which shall be recorded on the manifest upon the termination of each such transportation and before transportation of any other paying passenger is begun.

(b) A manifest shall be carried by the driver in the taxicab at all times during his operation of the taxicab, and a separate manifest shall be kept for each day of operation of the cab; provided, that a driver operating a cab at midnight may continue to use the manifest bearing the date his work period commenced through the end of such work period; no later than twenty-four (24) hours after the final entry on a manifest, it shall be delivered to the main office of the certificate holder. The manifest, whether in possession of the driver or at the place from which the business is conducted or directed, shall be subject at all times to examination or inspection by the director. Each manifest shall be kept and preserved for four (4) months, and any manifest involved in any investigation made or being made by any police officer shall be kept and preserved for such length of time as the director shall require, upon written notice from the director to the certificate holder to that effect. No certificate holder nor driver shall exhibit a manifest, or be compellable to exhibit a manifest, except to the director or to such person as the director may direct.
(Code 1975, § 30-8)

Sec. 31-25. Approval of color scheme, etc., by director.

No taxicab shall be operated under this article, unless the color scheme, lettering and marks to be used thereon by the certificate holder has been approved by the director.
(Code 1975, § 30-9)

Sec. 31-26. Annual finding and report as to number of taxicabs deemed necessary.

At least once each year the director shall make a finding as to the number of taxicabs deemed necessary, and the city manager shall make a report thereon to the city council.
(Code 1975, § 30-10)

Sec. 31-27. Reduction in number of taxicabs for which certificates have been issued.

If the director shall at any time find that the public convenience and necessity does not require the operation of the number of taxicabs for which

certificates of public necessity and convenience have been issued under this article, the city manager shall make a report thereon to the council. If the city council determines that the number should be reduced, the director shall require all certificate holders to whom certificates have been issued to operate more than one taxicab to surrender them to him, and shall reduce the number of taxicabs authorized to be operated by each certificate by a like number, until the required reduction has been made by endorsement thereon, and shall reissue the amended certificates to the certificate holders; provided, that in no case shall the director reduce the number of taxicabs authorized to be operated by any one owner below one taxicab.

(Code 1975, § 30-11)

Sec. 31-28. Right of appeal of certificate holder or driver from decision of director or of director of finance.

Any certificate holder or driver aggrieved by any final act of the director or of the director of finance under this article shall have the right of appeal therefrom within fifteen (15) days from the date such action is taken to the circuit court, division I of the city. The appeal shall be taken by petition filed in the clerk's office of the court and by delivering a copy thereof to the director or the director of finance, as the case may be. The court shall fix a time for hearing the appeal, and its decision with respect to the matters involved therein shall be final. Pending an appeal and decision by the court, the action of the director shall be valid and binding.

(Code 1975, § 30-12)

Sec. 31-29. Qualifications of drivers generally.

No person shall drive nor shall a certificate holder permit any person to drive a taxicab under this article, unless such person possess the following minimum qualifications:

- (1) *Mental and physical condition:*
 - a. Drivers shall have no mental, nervous, organic or functional disease, likely to interfere with safe driving.
 - b. Drivers shall have no loss or impairment of use of foot, leg, fingers, hand or arm or

other structural defect or limitation, likely to interfere with safe driving.

- (2) *Eyesight.* The eyesight of drivers shall comply with the following requirements: Visual acuity of at least 20/40 (Snellen) in each eye, either without glasses or by correction with glasses; form field of vision in the horizontal meridian shall not be less than a total of one hundred forty (140) degrees; ability to distinguish colors, red, green and yellow. Drivers requiring correction by glasses shall wear properly prescribed glasses at all times when driving.
- (3) *Hearing.* Hearing of drivers shall not be less than 10/20 in the better ear, for conversational tones, with or without hearing aid. Drivers requiring aids shall wear the same, in proper operating condition, at all times when driving.
- (4) *Liquor, narcotics and drugs.* Drivers shall not be addicted to the use of narcotics or habit forming drugs, or the excessive use of alcoholic beverages or liquors.

(Code 1975, § 30-13)

Sec. 31-30. Continuation of violation of certain provisions of article after violation brought to attention of certificate holder.

It shall be unlawful for a certificate holder to knowingly permit a driver engaged for the purpose of operating and driving a taxicab to continue to violate the provisions, terms and conditions or any requirement or prohibition imposed upon or applicable to a driver by this article after any such violation is brought to the attention of the certificate holder.

(Code 1975, § 30-14)

Sec. 31-31. Taxicab stands—Designation and use generally.

The director shall designate such places in the streets of the city as taxicab stands as will, in his opinion, best serve the convenience of the public and shall describe the number of taxicabs that may be parked or stopped in each stand at any one time. Any taxicab for the operation of which

a certificate of convenience and necessity has been issued shall have the privilege of parking or stopping in any taxicab stand when there is space available therefor.
(Code 1975, § 30-15)

Sec. 31-32. Same—Duty of drivers to stay near taxicabs.

It shall be unlawful for a driver to leave and move away from a taxicab driven by him into a taxicab stand for a distance greater than twenty-five (25) feet, except in the case of an emergency.
(Code 1975, § 30-16)

Sec. 31-33. Same—Parking at or near when designated number of taxicabs already parked.

It shall be unlawful for a driver to park or stop a taxicab at or near a taxicab stand designated under this article when the number of taxicabs prescribed for the stand by this director are parked or stopped in the stand.
(Code 1975, § 30-17)

Cross reference—Stopping, standing and parking generally, § 29-241 et seq.

Sec. 31-34. Loitering, etc., by drivers on streets adjacent to taxicab stands.

It shall be unlawful for a driver to loiter or congregate with others on the streets adjacent to taxicab stands designated under this article.
(Code 1975, § 30-18)

Sec. 31-35. Rates generally; special discount for elderly passengers; extra passengers.

(a) The rates to be charged passengers by certificate holders or drivers of taxicabs shall be as follows, and it shall be unlawful for a certificate holder to permit or a driver to make any greater or lesser charge for the transportation of passengers and baggage:

- (1) For the first one-fifth mile \$ 0.95
- (2) For each succeeding one-fifth mile 0.20
- (3) For each one minute of waiting time 0.20

Waiting time shall include the time consumed while the taxicab is stopped

or moving at a speed less than ten (10) miles per hour, and time consumed waiting for a passenger beginning five (5) minutes after the time of arrival at the place to which it has been called and the time consumed while it is standing at the direction of the passenger. Waiting time shall not include and no charge shall be made for the time lost on account of inefficiency of the taxicab, or its operation, or time consumed by premature response to a call. No charge shall be made for mileage while waiting time is being charged.

- (4) For each additional passenger over one 0.30

Provided, that children six (6) years of age or younger, when accompanying a fare-paying passenger, shall not be deemed additional passengers for the assessment of such additional charge.

- (5) For a trip originating between the hours of 9:00 p.m. and 6:00 a.m. of the day following, in addition to the charges registered on the meter, a surcharge of fifty cents (\$0.50) per trip shall be added to compute the fare for such trip.

(b) The owner of any cab may, upon receipt of satisfactory proof that a person is sixty (60) years of age or older, which proof may be presentment of a medicare card and satisfactory proof of the identity of the holder of such card, or any other proof that may be deemed satisfactory in lieu of such presentment of a medicare card and proof of identity, issue to any person sixty (60) years of age or older, scrip or a coupon book entitling such person to transportation and services of the value of five dollars (\$5.00) for a consideration of four dollars and twenty-five cents (\$4.25).

(c) No person other than the first person taken into a taxicab for transportation shall be allowed to enter the taxicab, except upon the direction of the first person so taken into the cab, and the certificate holder shall not authorize or permit the driver of the taxicab or any other person, nor shall the driver or any other person request, the

first person taken into a taxicab for transportation to allow any other to be transported in the taxicab. Should the first person taken into a taxicab for transportation direct the driver to allow another to be transported in the taxicab, the first person so taken into the taxicab shall be liable for the payment of the fare for the transportation of all persons transported at the rates prescribed in this section, unless otherwise agreed upon by the driver and any one or all of the persons transported in the taxicab. If any charge is made in excess of or less than the rates herein prescribed with the knowledge or consent or permission of any certificate holder, the certificate issued to the certificate holder for the operation of a taxicab may be revoked by the director. If any charge is made in excess of or less than the rates herein prescribed by the driver of a taxicab, the special permit issued to him for operating a taxicab may be revoked by the director.

(Code 1975, § 30-19; Ord. No. 81-104-121, § 1, 7-13-81)

Sec. 31-36. Display of rates.

No taxicab shall be operated on the streets of the city, unless there is displayed in some conspicuous place on the inside and outside of the taxicab, in full view of all prospective passengers, a painted or stenciled sign in a manner approved by the director, containing a clear and understandable schedule of the rates established for the use of the taxicab.

(Code 1975, § 30-20; Ord. No. 81-104-121, § 1, 7-13-81)

Sec. 31-37. Transportation of passengers by most direct route; payment of toll bridge charge.

Every driver of a taxicab shall transport each passenger from the place the passenger is received in the taxicab to the destination of the passenger by the most direct route. When such route requires the crossing of a toll bridge, the driver shall transport the passenger across the bridge, when the passenger agrees to pay the toll charge.

(Code 1975, § 30-21)

Sec. 31-38. Duty of passenger to pay fare.

It shall be unlawful for any person who has been transported in a taxicab to wilfully fail, refuse or neglect to pay the driver of the taxicab the fare provided for in this article at the rates prescribed therefor immediately upon termination of the transportation, unless satisfactory arrangements are otherwise made with the driver for the payment of such fare. Every person who violates the provisions of this section shall be subject to a fine of not more than twenty-five dollars (\$25.00) for each offense.

(Code 1975, § 30-22)

Sec. 31-39. Public liability and property damage insurance policy—Required.

No taxicab shall be operated and driven on the streets of the city, until the certificate holder shall deposit with the director of finance, for each taxicab, a public liability and property damage insurance policy issued by an insurance company authorized to do business in the state, in the form approved by the city attorney, which policy shall insure the liability of the certificate holder and driver resulting directly or indirectly from the operation of such taxicab in at least the limits hereinafter set forth: for injury to or death of any one person in any one accident to the extent of fifty thousand dollars (\$50,000.00); and, subject to that limit for any one person, to a limit of one hundred thousand dollars (\$100,000.00) because of bodily injury to or death of two (2) or more persons in any one accident; and, to a limit of twenty-five thousand dollars (\$25,000.00) because of injury to or destruction of property of others in any one accident. No policy shall be approved by the city attorney or accepted by the director of finance which contains any provision releasing the insurer from liability because of the failure of the certificate holder or driver to notify the insurer of the happening of any accident resulting in injuries, death or property damage. The policy shall contain a provision obligating the insurer issuing it to give twenty (20) days' written notice to the director and the director of finance before cancellation, lapse or expiration of the policy. The certificate of public convenience and necessity cov-

ered by the policy for the operation of the taxicab upon the streets covered by the policy shall expire upon the cancellation, lapse or expiration of the policy, subject to reinstatement upon compliance with the provisions of this section, but such cancellation, lapse or expiration shall not relieve the insurer issuing the policy of liability arising before such cancellation, lapse or expiration becomes effective.

(Code 1975, § 30-23; Ord. No. 81-104-121, § 1, 7-13-81)

State law reference—Insurance, surety bonds, etc., for taxicab operators, Code of Virginia, § 56-299 et seq.

Sec. 31-40. Same—Cash deposit or bond in lieu thereof.

In lieu of the public liability and property damage insurance policy required by section 31-39, a certificate holder may:

- (1) Deposit one hundred seventy-five thousand dollars (\$175,000.00) in cash or securities acceptable to the director of finance, in escrow to secure the prompt payment of any final judgment that may be obtained by any person on account of injuries, death or property damage resulting directly or indirectly from the operation of a taxicab on the streets, such escrow agreement to provide that in the event an impairment of such deposit for any reason occurs, the escrow agent therein named shall be obligated to notify the director of finance and the director of the fact of such impairment; and further, to provide that such escrow deposit shall remain posted for a minimum period of five (5) years after the certificate holder shall have ceased to operate thereunder, other than by compliance with section 31-41, and to be otherwise in the manner and form approved by the city attorney; or
- (2) File with the director of finance a bond with corporate surety executed by a surety company authorized to execute such bonds in the state, approved by the city attorney, in the amount of one hundred seventy-five thousand dollars (\$175,000.00) conditioned to secure the prompt payment of any final judgment that may be obtained by any person on account of injuries, death or property damage resulting directly or indirectly from the operation of a

taxicab under this article. The certificate of public convenience and necessity for the operation of any taxicab covered by an escrow agreement and deposit of cash or securities shall expire upon the impairment in any manner of such escrow deposit, subject to reinstatement upon the deposit by the certificate holder of such additional cash or securities approved by the director of finance with the escrow agent under the escrow agreement, as will be sufficient to make good such impairment, or until the certificate holder shall have otherwise complied with the requirements of this article. The bond shall contain a provision obligating the surety company to give twenty (20) days' written notice to the director and the director of finance before cancellation, lapse or expiration of the bond. Subject to reinstatement upon compliance with the provisions of this section, but such cancellation, lapse or expiration shall not relieve the surety company of liability arising before such a cancellation, lapse or expiration becomes effective.

(Code 1975, § 30-24; Ord. No. 81-104-121, § 1, 7-13-81)

Sec. 31-41. Same—Certificate of exemption issued to certain certificate holders.

A certificate holder whose net assets shall not be less than three hundred thousand dollars (\$300,000.00) may carry his own liability insurance in lieu of the requirements of sections 31-39 and 31-40 provided, that the certificate holder can obtain a certificate of exemption from the director of finance as hereinafter set forth. Any certificate holder desiring to exempt himself from the requirements of sections 31-39 and 31-40 shall make application to the director of finance, showing his financial ability to pay such damages as may be reasonably anticipated, and the director of finance, if reasonably satisfied of the applicant's financial ability, shall by written order make such exemption, and shall issue a certificate thereof to such certificate holder and deliver a duplicate copy thereof to the director, which duplicate copy of such exemption shall remain with the director so long as the net assets of such certificate holder shall remain at not less than three hundred thou-

sand dollars (\$300,000.00), and the order of the director of finance shall remain in force. Such certificate holder shall file quarterly with the director of finance written statements of financial ability giving such information as the director of finance may require. The director of finance may from time to time require additional statements of the financial ability of such certificate holder, and if at any time the director of finance may deem it advisable, he may require the certificate holder to furnish a statement verified by a certified public accountant. If at any time, in the opinion of the director of finance, such certificate holder appears no longer able to pay the damages hereinbefore mentioned, the director of finance shall revoke the order granting the exemption and notify the certificate holder and the director of such revocation, whereupon the director shall revoke the certificate of public convenience and necessity issued to the certificate holder until the certificate holder shall insure his liabilities as required by the provisions of sections 31-39 and 31-40.

(Code 1975, § 30-25; Ord. No. 81-104-121, § 1, 7-13-81)

Sec. 31-42. Prerequisites to advertising or offering to furnish service generally.

No person shall advertise or offer to furnish taxicab service in any manner, unless that person is a certificate holder, nor shall any person advertise or offer to furnish taxicab service in any manner, unless a license has been issued by the city and state for a vehicle for operation on the streets as a taxicab, and such license is in force.

(Code 1975, § 30-26)

Sec. 31-43. Compliance with article prerequisite to use of terms "taxi" or "taxicab" in advertising.

No certificate holder or driver shall use the term "taxi" or "taxicab" in advertising signs, trade names or otherwise, unless such certificate holder or driver shall have previously thereto complied with all of the provisions of this article.

(Code 1975, § 30-27)

Sec. 31-44. Hindering, retarding, etc., transportation.

No person shall in any wise intentionally hinder, retard or interfere with, or cause to be hindered, retarded or interfered with, the furnishing of transportation by any taxicab. Improper, misleading, false or unauthorized calls for taxicab service shall be prima facie evidence of the intention to hinder, retard or interfere with the proper operation of a taxicab and the furnishing of transportation thereby.

(Code 1975, § 30-28)

Sec. 31-45. Parking while awaiting instructions to move elsewhere or request for transportation after discharge of passenger.

Any taxicab driver may, after discharging his passengers, park his taxicab anywhere, except in the areas specified in section 31-44, that is open for parking by the general public, for such length of time not exceeding one hour, as may be necessary for the driver to receive instructions to move elsewhere, or until he receives a request for transportation unsolicited by the driver; provided, that no more than one taxicab shall be parked in any one block at any one time. At no time shall any taxicab be parked in violation of any lawful parking regulation.

(Code 1975, § 30-30)

Sec. 31-46. Disposition of property left in vehicles.

(a) It shall be unlawful for a driver to knowingly fail, refuse or neglect to preserve any property left in a taxicab by any passenger and to deliver it to the certificate holder.

(b) Each certificate holder shall carefully preserve all property left in a taxicab by any passenger delivered to the certificate holder by a driver, which property shall be kept by the certificate holder at some convenient place within the city where it may be called for by its owner. When the property shall have been identified and ownership established, it shall be promptly delivered to its owner. Any property which shall not be called for within three (3) months may be disposed of according to law.

(Code 1975, § 30-31)

Sec. 31-47. Physical condition of taxicabs, etc.

Every taxicab, taximeter and the equipment used in connection therewith shall at all times be kept in proper physical condition to the satisfaction of the director so as to render safe, adequate and proper public service and so as not to be a menace to the safety of passengers or of the general public.

(Code 1975, § 30-32)

Sec. 31-48. Inspection of taxicabs, etc.; correction of defects, etc.

(a) The director may at any time compel a certificate holder to submit any taxicab owned by such holder to an inspection of its mechanism and equipment by an official inspection station designated for the inspection of motor vehicles by the superintendent of the department of state police, under section 46.1-318 of the Code of Virginia. The director shall compel such inspection at least four (4) times in each year of twelve (12) consecutive months and shall designate the station at which such inspections shall be made. Inspection of taxicabs when required under the laws of the state at such stations shall be accepted in lieu of the inspections required by this subsection. No taxicab shall be operated and driven after each such inspection until all defects found in its mechanism or equipment by such inspection have been corrected and the operator of such station certifies in writing to the director that the taxicab was inspected at such station and that all defects in its mechanism and equipment have been corrected.

(b) The director shall have the power at all times to inspect any taxicab, taximeter or other equipment used in connection therewith, and the certificate holder shall make such repairs and adjustments or cause such repairs or adjustments to be made when ordered so to do by the director.

(Code 1975, § 30-33)

Sec. 31-49. Duty of driver to keep taxicab clean, etc.

It shall be unlawful for a driver to fail, refuse or neglect to keep the taxicab he is operating or driving clean and efficiently lighted at night.

(Code 1975, § 30-34)

Sec. 31-50. Maintenance of public service by certificate holders.

An adequate and efficient public service shall at all times be maintained by a certificate holder. Certificate holders operating more than twenty (20) taxicabs shall provide twenty-four-hour service and shall make a substantial number of their taxicabs available to the public at all times when required on the streets, at railroad and bus stations or by telephone.

(Code 1975, § 30-35)

Sec. 31-51. Certificate holder to have telephone listing.

Every certificate holder shall provide and maintain at all times a listed telephone in the name in which the certificate holder is doing taxicab business, by which calls may be made for taxicab service, which telephone listing, if the certificate holder operates five (5) or more taxicabs, shall also appear in the classified telephone directory.

(Code 1975, § 30-36)

Sec. 31-52. Preference in answering calls for service.

Every certificate holder and driver shall give preference to calls for taxicab service in the order of their receipt.

(Code 1975, § 30-37)

Sec. 31-53. Drivers not to drive, etc., longer than thirteen hours in twenty-four.

No certificate holder shall require a driver to, and no driver shall, drive a taxicab or remain on duty for such purpose longer than thirteen (13) hours in any twenty-four-hour period.

(Code 1975, § 30-38; Ord. No. 81-104-121, § 1, 7-13-81)

Sec. 31-54. Driving, etc., under influence of intoxicating beverage, narcotic, etc.

It shall be unlawful for a driver to operate and drive a taxicab at any time while under the influence to any degree of any intoxicating beverage, narcotic, sedative, barbiturate, marijuana or other substance producing the effects of a narcotic or

sedative, or to be under such influence during a tour of duty for such purpose, whether or not actually operating or driving a taxicab.
(Code 1975, § 30-39)

Sec. 31-55. Driving with alcoholic beverage in possession of driver.

It shall be unlawful for a driver to operate and drive a taxicab at any time with any alcoholic beverage in any quantity in his possession, either on his person or in the taxicab.
(Code 1975, § 30-40)

Sec. 31-56. Duty of driver as to use of taxicab for lewd, etc., purpose or for acquisition, etc., of alcoholic beverage.

It shall be unlawful for a driver to permit a taxicab to be used for lewd or indecent purposes, or to transport any person in a taxicab to any place used for such purposes, or to acquire or transport in a taxicab any alcoholic beverage for another.
(Code 1975, § 30-41)

Sec. 30-57. Driving with firearms, etc., in possession of driver.

It shall be unlawful for a driver to operate and drive a taxicab at any time with firearms or black-jack, brass or metal knucks or knife with a blade longer than three (3) inches in length in his possession, either on his person or in the taxicab; provided, however, that if the driver of a taxicab is regularly employed as a sworn police officer of the bureau of police, department of public safety of the city, such driver may have in his possession any firearm issued to him for the usual and customary performance of duties as a sworn police officer of the city.
(Code 1975, § 30-42)

Cross reference—Weapons generally, § 20-146 et seq.

Sec. 31-58. Transportation of person who is not bona fide passenger.

It shall be unlawful for a driver to transport in a taxicab any person, male or female, who is not a bona fide passenger.
(Code 1975, § 30-43)

Sec. 31-59. Limitation on number of passengers in front and rear seats.

It shall be unlawful for a driver to transport in a taxicab more than two (2) passengers in the front seat or more than four (4) passengers in the rear at the same time.
(Code 1975, § 30-44)

Sec. 31-60. Duty of driver to proceed to destination of first person applying for transportation.

It shall be unlawful for a driver to fail, refuse or neglect to proceed with all reasonable dispatch by the nearest practical route to the destination of the first person applying to him for transportation, unless the person has granted permission to take on or wait for additional passengers.
(Code 1975, § 30-45)

Sec. 31-61. Refusal of transportation by driver when taxicab is not previously engaged.

No driver of a taxicab shall unreasonably refuse to transport any person applying to him for transportation within the limits of the city when the taxicab has not been previously engaged by another.
(Code 1975, § 30-46)

Sec. 31-62. Duty of driver to observe and comply with orders of police officer, etc., as to operation of vehicles.

It shall be unlawful for a driver to fail, refuse or neglect to observe and comply with orders given by word or sign by a police officer and all laws and ordinances relating to the operation of vehicles upon the streets of the city.
(Code 1975, § 30-47)

Sec. 31-63. Duty of driver as to passengers entering or leaving taxicab.

No driver shall wilfully permit any passenger to enter or leave his taxicab on a public way by the left rear door or side thereof, except on one-way streets, when such vehicle is stopped on the left side of the street for the purpose of taking on or discharging a passenger.
(Code 1975, § 30-48)

Sec. 31-64. Authority of director to make rules and regulations.

The director is authorized and empowered to make such rules and regulations concerning the operation of taxicabs as are necessary and are not in conflict with this article for the purpose of administering, executing and making effective the provisions of this article, which rules and regulations so promulgated may include requirements for the provision of such safety devices and procedures as the director of public safety may deem necessary for the safety of taxicab passengers and operators.

(Code 1975, § 30-49)

Sec. 31-65. Reciprocity with County of Henrico.

Upon a finding by the director of public safety that the County of Henrico has adopted an ordinance containing provisions substantially comparable to this article, and providing for reciprocity with the city, then vehicles for which a certificate holder holds a current and valid certificate of public necessity issued by the County of Henrico and drivers who hold a current and valid permit issued by the County of Henrico will be deemed to have complied with the certificate and permit requirements of this article and shall be deemed to possess comparable certificates or permits, as the case may be, issued by the city while such County of Henrico certificates or permits remain in good standing.

(Ord. No. 81-105-122, § 1, 7-13-81)

Secs. 31-66—31-70. Reserved.

**DIVISION 2. CERTIFICATES OF
PUBLIC CONVENIENCE
AND NECESSITY**

Sec. 31-71. Prerequisites to issuance.

No certificates shall be issued by the director for the operation of taxicabs, unless he makes a finding as to whether the public convenience and necessity requires the operation of additional taxicabs upon the streets and the city manager makes report thereon to the council and the council determines that additional certificates shall be is-

sued. The finding by the director shall be based on the total number of taxicabs then in actual operation on the streets, the number of unfilled telephone requests for taxicab service made over average twenty-four-hour periods, the demand for taxicab service at taxicab stands that is unfilled, the average waiting time of persons at taxicab stands before taxicab service is available to them, the adequacy of taxicab service provided at railroad stations and bus terminals, the extent of vehicular traffic congestion in the streets and the effect thereon of permitting the operation of additional taxicabs.

(Code 1975, § 30-50)

Sec. 31-72. Cost.

No certificate of public convenience and necessity shall be issued or reissued under the provisions of this division, unless the applicant therefor shall pay to the city a fee of six dollars (\$6.00) for each taxicab described in the certificate to defray the cost incident to the administration and enforcement of the provisions of this article.

(Code 1975, § 30-51)

Sec. 31-73. Issuance of additional certificates upon direction of city council.

If the city council shall determine that additional certificates of public convenience and necessity for the operation of taxicabs should be issued, it shall direct the issuance of such additional certificates.

(Code 1975, § 30-52)

Sec. 31-74. Expiration and reissuance.

(a) Each certificate of public convenience and necessity for the operation of taxicabs issued under this division shall expire one year from the first day of April of each year and shall be reissued by the director for a period of one year from such date, when it shall appear to the director that the owner of the taxicabs has substantially complied with the provisions, terms and conditions of this article.

(b) Before the director shall refuse to so reissue any such certificate, he shall give ten (10) days' written notice of his intention to do so to the

affected certificate holder, and an opportunity shall be afforded such certificate holder to be heard by the director with respect thereto.
(Code 1975, § 30-53)

Sec. 31-75. Transfer of; substitution of taxicabs.

(a) No certificate of public convenience and necessity for the operation of taxicabs issued under this division shall be transferred from one certificate holder or person to another, either by act of the parties or by operation of law as a result of the acts of the parties; except, that a new or other taxicab may be substituted for a taxicab that has become worn out or obsolete upon notice given in writing to that effect to the director; provided, that certificates may be transferred under any of the following circumstances and upon the following terms and conditions:

- (1) A certificate holder who holds a valid certificate and who ceases to engage in the business of operating taxicabs upon the streets of the city may transfer the certificate to another certificate holder who holds a valid certificate or to any other person who is duly qualified and proposes to operate a taxicab under this article.
- (2) A corporation holding a valid certificate may transfer the certificate to a corporation existing through the lawful merger of two (2) or more corporations holding valid certificates, for the purpose of continuing to operate taxicabs under this article.

(b) The transfer of a certificate shall not be made until such transfer is approved by the director, who shall give such approval when he is satisfied that the transferee will conform to and comply with the provisions, terms and conditions of this article. Acceptance of a certificate so transferred by the transferee shall constitute an agreement that the transferee will be bound by, observe and comply in all respects with the provisions, terms and conditions of this article as they exist or may be hereafter amended. Such certificates may be revoked at any time by the director under the circumstances and conditions contained in section 31-76.

(c) No certificate shall be transferred directly or indirectly for money or any other tangible or

intangible thing of value, and every such transfer of a certificate shall be void and shall ipso facto revoke the certificate.
(Code 1975, § 30-54)

Sec. 31-76. Revocation generally.

(a) The director may revoke at any time a certificate of public convenience and necessity issued to a certificate holder under this division when it shall appear to him:

- (1) That the certificate holder has not been and is not complying with the provisions, terms and conditions of this article;
- (2) That adequate and efficient public service is not being rendered and maintained by the certificate holder at all times;
- (3) That the certificate holder has not obtained a city and state license plate for the taxicab for which a certificate of convenience and necessity has been issued within thirty (30) days after the issuance of such certificate, and the holder has not obtained such license plates for each succeeding year within the time required by law for the taxicab for which the certificate was issued;
- (4) That a corporate certificate holder's charter has been revoked or that the certificate holder has been adjudicated a bankrupt and that the certificates held by the certificate holder have not been transferred as provided in this division.

(b) Before any certificate of convenience and necessity are revoked by the director under the provisions of this section, he shall offer such certificates to other certificate holders and other qualified applicants.
(Code 1975, § 30-55)

Sec. 31-77. Display on doors, etc., of taxicab of name of certificate holder and number of taxicab.

There shall be printed or painted on the front or rear door of each side of each taxicab, in letters not less than two (2) inches in height, the name of the certificate holder as the same appears on the records of the division of motor vehicles of the state. The number of the taxicab approved by the

director shall be printed or painted on each side and the rear of each taxicab, in figures not less than three (3) inches in height.

(Code 1975, § 30-56)

Secs. 31-78—31-85. Reserved.

DIVISION 3. SPECIAL PERMITS TO DRIVE

Sec. 31-86. Effect of valid chauffeur's license issued by state division of motor vehicles; physical and mental fitness of applicant.

(a) The possession by a person of a valid, current chauffeur's license issued to him by the state division of motor vehicles shall create a presumption that such person is physically and mentally capable of driving a taxicab and entitled to the issuance of the special permit provided for in section 31-87; but the director shall require any applicant for a special permit to submit to a physical examination by a licensed doctor of medicine, and such doctor shall furnish the director of public safety, within seven (7) days of the date of issuance of the special permit, a report showing whether the person to whom the special permit has been issued is or is not physically and mentally qualified to operate a taxicab, which report shall be in writing and shall show the nature of any conditions or requirements that must be met by such person as a requisite for operating a taxicab, such conditions being, by way of illustration and not limitation, glasses required, hearing aid required, etc. If the doctor's report is not furnished as required herein, or if such report shows that the person to whom the special permit has been issued is not qualified physically or mentally to operate a taxicab, the special permit issued to such person shall be null, void and of no effect, and such special permit shall be surrendered immediately to the director.

(b) Whenever a person holding a special permit, because of illness or injury were he not then licensed to operate a motor vehicle, would be subject to disqualification under the provisions of article 3 of chapter 5 of title 46.1 of the Code of Virginia (section 46.1-357 et seq.), or subject to

special testing to establish that he is not so disqualified, such person shall not operate, or be permitted by an owner to operate, a taxicab, until the attending physician of such person shall certify in writing that the person is physically and mentally capable of resuming the operation of a taxicab.

(Code 1975, § 30-57)

Sec. 31-87. Application; issuance.

Every person who desires to drive a taxicab under this article shall apply for a special permit to do so to the director, in writing, and the director shall issue such special permit to such person; provided, that such person qualifies therefor under the provisions of this article.

(Code 1975, § 30-58)

Sec. 31-88. Age of applicant.

The director shall not issue a special permit to drive to any applicant who is under the age of eighteen (18) years.

(Code 1975, § 30-59)

Sec. 31-89. Fingerprints and photographs of holders.

Every person to whom a special permit to drive a taxicab under this article is issued shall be fingerprinted, if such has not already been done, and such person shall furnish the director with his photograph, in duplicate, of a size prescribed by the director. One copy of the photograph shall be securely fastened to the special permit issued to such person, and the other shall be retained by the director.

(Code 1975, § 30-60)

Sec. 31-90. Fee for issuance or reissue.

For each special permit to drive a taxicab under this article issued to an applicant therefor, the applicant shall pay to the city at the office of the bureau of police ten dollars (\$10.00), which shall be credited to the general fund. For reissue of a special permit, the applicant shall pay the bureau of police five dollars (\$5.00).

(Code 1975, § 30-61; Ord. No. 82-97-118, § 1, 5-28-82)

Sec. 31-91. Hearing upon refusal to issue.

If an applicant for a special permit to drive a taxicab under this article desires to be heard upon a refusal to issue such special permit to him, the director shall give him an opportunity to be heard and to present evidence in his behalf.
(Code 1975, § 30-62)

Sec. 31-92. Posting in taxicab.

Every director shall keep his special permit to drive a taxicab under this article posted in a conspicuous place within the taxicab, so that it shall be in full view of all passengers in the taxicab and in such place and manner as are approved by the director.
(Code 1975, § 30-63)

Sec. 31-93. Suspension or revocation generally.

The director shall suspend the special permit to drive a taxicab issued to a driver and the privilege granted thereby for the periods of time herein prescribed and shall revoke such permit and privilege when it shall appear:

- (1) That the driver has driven a taxicab with firearms or blackjack, brass or metal knuckles or knife with blade longer than three (3) inches in length in possession, either on his person or in a taxicab. For the first occurrence, the suspension shall be for thirty (30) days; for the second occurrence, the permit and privilege shall be revoked.
- (2) That the driver has transported in a taxicab a person, male or female, who is not a bona fide passenger. For the first occurrence the suspension shall be for one day; for the second occurrence, two (2) days; for the third occurrence, the permit and privilege shall be revoked.
- (3) That the driver has transported in a taxicab more than two (2) passengers on the front seat or more than four (4) passengers on the rear seat at the same time. For the first occurrence, the suspension shall be for one day; for the second occurrence, two (2) days; for the third occurrence, the permit and privilege shall be revoked.
- (4) That the driver has operated and driven a taxicab with any alcoholic beverage in any quantity in his possession, either on his person or in a taxicab. For the first occurrence, the suspension shall be for ten (10) days; for the second occurrence, the permit and privilege shall be revoked.
- (5) That the driver has failed, refused or neglected to proceed with all reasonable dispatch by the nearest practical route to the destination of the first person applying to him for transportation, unless that person has granted permission to take on or wait for additional passengers. For the first occurrence, the suspension shall be for one day; for the second occurrence, two (2) days; for the third occurrence, the permit and privilege shall be revoked.
- (6) That the driver has been found loitering or congregating with others on the streets adjacent to taxicab stands designated under this article. For the first occurrence, the suspension shall be for one day; for the second occurrence, two (2) days; for the third occurrence, the permit and privilege shall be revoked.
- (7) That the driver has refused to transport any person applying to him for transportation within the limits of the city when the taxicab has not been previously engaged by another. For the first occurrence, the suspension shall be for one day; for the second occurrence, two (2) days; for the third occurrence, the permit and privilege shall be revoked.
- (8) That the driver has failed, refused or neglected to make, keep and preserve the record or manifest required in section 31-24. For the first occurrence, the suspension shall be for one day; for the second occurrence, ten (10) days; for the third occurrence, the permit and privilege shall be revoked.
- (9) That the driver has parked or stopped a taxicab at or near a taxicab stand designated under this article when the number of taxicabs prescribed for the stand by the

director are already parked or stopped in the stand. For the first occurrence, the suspension shall be for one day; for the second occurrence, two (2) days; for the third occurrence, the permit and privilege shall be revoked.

- (10) That the driver has been finally convicted during his period of employment as a taxicab driver in the city by a court of competent jurisdiction of the offense of reckless driving. For the first conviction of any such offense committed within any twelve-month period, the suspension shall be for two (2) days; for the second conviction of any such offense committed within any twelve-month period, the permit and privilege shall be revoked.
- (11) That the driver has been finally convicted by a court of competent jurisdiction of the offense of violating any traffic law, ordinance, rule or regulation pertaining to the operation and movement of vehicles, or failing to observe, while in motion, any sign, signal or marking erected or established in accordance with law or ordinance for the regulation and control of traffic. For the first conviction of any such offense committed within any twelve-month period, the suspension shall be for one day; for the second conviction of any such offense committed within any twelve-month period, the suspension shall be for two (2) days; for the third conviction of any such offense committed within any twelve-month period, the permit and privilege shall be revoked.
- (12) That the driver has failed, refused or neglected to keep the taxicab he was then driving clean and efficiently lighted at night. For the first occurrence, the suspension shall be for one day; for the second occurrence, two (2) days; for the third occurrence, the permit and privilege shall be revoked.
- (13) That the driver has permitted a taxicab to be used for lewd or indecent purposes, or has knowingly transported persons in a taxicab to places used for such purposes, or has acquired or transported in a taxicab any alcoholic beverage for another. For the first

occurrence, the suspension shall be for thirty (30) days; for the second occurrence, the permit and privilege shall be revoked.

- (14) That the driver has failed, refused or neglected to observe and comply with orders given by word or sign by a police officer. For the first occurrence, the suspension shall be for one day; for the second occurrence, five (5) days; for the third occurrence, the permit and privilege shall be revoked.
- (15) That the driver has failed, refused or neglected to preserve any property left in a taxicab by any passenger and to deliver it to the certificate holder of the taxicab. For the first occurrence, the suspension shall be for ten (10) days; for the second occurrence, thirty (30) days; for the third occurrence, the permit and privilege shall be revoked.
- (16) That the driver has failed, refused or neglected to put the taximeter in operation by means of the mechanical device, when the transportation of each paying passenger is begun, as required by section 31-23, or to keep the device in an operating position at all times during transportation of each passenger. For the first occurrence, the suspension shall be for one day; for the second occurrence, ten (10) days; for the third occurrence, the permit and privilege shall be revoked.
- (17) That the driver has failed to post or to keep posted his special written permit in the place and manner required by section 31-92. For the first occurrence, the suspension shall be for one day; for the second occurrence, two (2) days; for the third occurrence, the permit and privilege shall be revoked.
- (18) That the driver has driven a taxicab or remained on duty for such purpose longer than thirteen (13) hours in any twenty-four-hour period as prohibited by section 31-53. For the first occurrence, the suspension shall be for two (2) days; for the second occurrence, the permit and privilege shall be revoked.

(Code 1975, § 30-64; Ord. No. 81-104-121, § 1, 7-13-81)

Sec. 31-94. Grounds for revocation.

The director shall revoke the special permit to drive a taxicab issued to a driver, and the privilege granted thereby, when it shall appear:

- (1) That the driver has been finally convicted by a court of competent jurisdiction of a felony or a misdemeanor involving moral turpitude;
- (2) That the driver has operated a taxicab at any time while under the influence to any degree of any intoxicating beverage, narcotic, sedative, barbiturate, marijuana or other substance producing the effects thereof;
- (3) That the driver, during the time he was engaged in the operation of a taxicab, was under the influence to any degree of any intoxicating beverage, narcotic, sedative, barbiturate, marijuana or other substance producing the effects thereof, whether or not he was at the time actually driving the taxicab.

(Code 1975, § 30-65)

Sec. 31-95. Reinstatement of revoked permit.

The director shall reinstate the special permit to drive a taxicab under this article issued to a driver, which has been revoked under the provisions of this division, not less than sixty (60) days after the revocation thereof, when he is fully satisfied upon the giving of evidence for and against

the driver that, irrespective of the cause of revocation of the permit, the driver is, nevertheless, qualified to and will properly drive a taxicab under this article. Every permit that is reinstated shall be subject to revocation and subsequent reinstatement as provided in this section.
(Code 1975, § 30-66)

Sec. 31-96. Driving when permit is suspended or revoked.

It shall be unlawful for a driver to drive a taxicab after the special permit issued to him therefor has been revoked or during the period for which the special permit has been suspended.
(Code 1975, § 30-67)

Sec. 31-97. Probationary permit to drive.

The director may issue or reissue a probationary permit to drive a taxicab under this article which shall be effective until such time as he is fully satisfied that the driver should have the special permit to drive a taxicab under this article. A probationary permit may be revoked at any time by the director upon conviction for violation of any law or ordinance.

§ 4. This ordinance shall be in force and effect upon adoption.