

Chapter 90 VEHICLES FOR HIRE*

***Cross references:** Buildings and building regulations, ch. 18; businesses, ch. 22; law enforcement, ch. 50; offenses, ch. 58; streets, sidewalks and other public places, ch. 78; taxation, ch. 82; traffic and vehicles, ch. 86.

State law references: Reciprocal agreements as to operation of vehicles registered in other states inapplicable to motor vehicles for hire, O.C.G.A. § 40-2-95.

Sec. 90-1. Penalty for violation of chapter.

Any person who violates any provision of this chapter may, in addition to any suspension or revocation action by the chief of police or his designated representative, be punished, upon conviction, as provided in section 1-6.

(Code 1982, § 9-4-10)

Sec. 90-2. Applicability of chapter.

- (a) For purposes of this chapter, taxicabs, limousines and other passenger-carrying vehicles are defined as any motor vehicle or other vehicle for hire designed or used for the purpose of transporting passengers for consideration or charges which are determined by agreement, by contract, by mileage or by the length of time the vehicle is used. Excluded from this definition are vehicles regulated by the state public service commission.
- (b) Any person shall be deemed doing business in the city under this chapter if such person is picking up passengers in the city and accepting or soliciting any consideration, charge or fee which is determined by agreement, by mileage, by the length of time the vehicle is used, or by contract for the use of any motor vehicle or other vehicle designed or used for the purpose of transporting passengers. Any person shall also be deemed doing business in the city under this chapter if such person has established a business relationship with independent contractors or operates vehicles for hire on his own behalf for the purpose of transporting passengers in the city.

(Code 1982, §§ 9-4-1, 9-4-3(a))

Sec. 90-3. Business license, driver's permit and inspection sticker generally.

No person shall conduct the business of operating vehicles for hire in the incorporated area of the city without first meeting the requirements of this chapter and having been issued a city business license for operation in the geographical boundaries of the city. No business licensed for operating vehicles for hire shall use any vehicle that has not been inspected and had a county inspection sticker affixed nor employ any driver that has not first met the requirements of this chapter and been issued a driver's permit. All company licenses, individual vehicle stickers and driver permits are nontransferable and shall expire on December 31 of each year. Such licenses, individual

vehicle stickers and driver permits shall be renewed on or before January 31 of each year. The license must be posted in public view at any licensed location; driver permits must be posted on the dash or sun visor of the vehicle being driven so that it is visible from the passenger area. Any person failing to comply with the requirements of this chapter shall be subject to the penalties provided by this chapter.

(Ord. No. 366, § 9-4-2, 11-13-92)

Sec. 90-4. Application for business license; prerequisites for issuance of license.

Any applicant for a license to operate a business under this chapter is required to provide information showing qualifications on a form provided by the city police department, to provide any information requested by the city police department, and to submit to a police clearance consisting of a background investigation or fingerprinting. If the applicant is other than a sole proprietor, all partners, officers, managers and stockholders holding a ten percent or more interest in the company shall be subject to the provisions of this chapter. An applicant must:

- (1) Be at least 21 years of age.
- (2) Be a citizen of the United States or an alien admitted for permanent residence or who has otherwise been granted employment authorization by the United States Immigration and Naturalization Service.
- (3) Have not been convicted, been on probation or parole, or been imprisoned, for a period of five years previous to the date of application, for the violation of any of the following offenses of the state, of any other state or of the United States: homicide; rape; aggravated battery; burglary; aggravated assault; kidnapping; robbery; driving under the influence of drugs or alcohol; child molestation; criminal solicitation to commit any of these listed offenses; attempts to commit any of these listed offenses; any felony where a motor vehicle was used; any crime of violence or theft; any crime of possession, sale or distribution of illegal drugs; moral turpitude; homicide by vehicle; manslaughter resulting from the operation of a vehicle; failure to stop, render aid or identify himself as required by O.C.G.A. § 40-6-271; racing on highways and streets; using a motor vehicle in fleeing or attempting to elude an officer; and hit and run or leaving the scene of an accident. First offender status is recognized.
- (4) Show on the application a company dispatch location or dispatch terminus located within the geographical boundaries of the county from which business as defined by this chapter will be conducted. Applicants for limousine operations having no more than three vehicles for hire shall be excepted from having a county-based business location. The dispatch location must be staffed by company agents or employees, have a published telephone number and have sufficient parking for accommodating its vehicles for hire when not in use.
- (5) Maintain an automobile liability insurance policy, appropriate vehicle-for-hire insurance coverage, a vehicle license for use in the city (excluding vehicles for limousine service), and a minimum of insurance coverage on each vehicle as follows:

- a. Minimum insurance coverage for vehicles other than vehicles to be used as limousines is as follows:
 1. Coverage in the amount of \$15,000.00 for bodily injury, per person;
 2. Coverage in the amount of \$30,000.00 for bodily injury, per occurrence;
 3. Coverage in the amount of \$10,000.00 for property damage;
 4. Coverage in the amount of \$5,000.00 for personal injury protection or medical payment coverage.
- b. Any and all vehicles for limousine service shall provide a minimum coverage in the following sums:
 1. Coverage in the amount of \$100,000.00 for bodily injury, per person;
 2. Coverage in the amount of \$300,000.00 for bodily injury, per occurrence;
 3. Coverage in the amount of \$50,000.00 for property damage; and
 4. Coverage in the amount of \$5,000.00 for personal injury protection.
- c. The applicant shall provide a current copy of the insurance policy along with the application evidencing such coverage. The policy shall provide that the insolvency or bankruptcy of the insured shall not release the insurer from the payment of damages for injuries sustained or losses that occurred while coverage is in force. It should also state that if execution against the insured is returned unsatisfied because of insolvency or bankruptcy, an action may be maintained by the injured or his personal representative against the insurer under the terms of the policy for the amount of the judgment not to exceed the policy limits. Before the policy is canceled for nonpayment of premium or other cause, notice thereof shall be given in writing to the police department at least 30 days before the policy lapses. The policy shall further provide that it shall not be canceled or rendered unenforceable because the insured failed to notify the insurer of an accident or injury, or any other condition upon which notice of claim is ordinarily required.

(Code 1982, § 9-4-3(b); Ord. No. 366, § 9-4-3(5), 11-13-92)

Sec. 90-5. Application for driver's permit; prerequisites for issuance of permit.

- (a) No request for a driver's permit under this chapter will be processed unless the permit applicant presents a letter to the city police department requesting

issuance of a driver's permit to the named individual. The driver's permit applicant will further furnish the information requested on a form to be provided by the police department, and submit to a police clearance consisting of a background investigation or fingerprinting. Driver's permit applicants must meet the following requirements:

- (1) Be at least 21 years of age.
 - (2) Be a citizen of the United States or an alien admitted for permanent residence or who has otherwise been granted employment authorization by the United States Immigration and Naturalization Service.
 - (3) Possess a current valid state driver's license. Such license must not be limited as defined in O.C.G.A. §§ 40-5-58 and 40-5-64.
 - (4) Exhibit a proficiency with the English language so as to be able to comprehend and interpret traffic signs, issue written receipts to passengers and obey lawful orders of police and others in lawful authority.
 - (5) Have not been convicted, been on probation or parole or been imprisoned, for a period of five years previous to the date of application, for the violation of any of the following offenses of the state, of any other state or of the United States: homicide; rape; aggravated battery; burglary; aggravated assault; kidnapping; robbery; driving under the influence of drugs or alcohol; child molestation; criminal solicitation to commit any of these listed offenses; attempts to commit any of these listed offenses; any felony where a motor vehicle was used; any crime of violence or theft; any crime of possession, sale or distribution of illegal drugs; moral turpitude; homicide by vehicle; manslaughter resulting from the operation of a vehicle; failure to stop, render aid or identify himself as required by O.C.G.A. § 40-6-271; racing on highways and streets; using a motor vehicle in fleeing or attempting to elude an officer; and hit and run or leaving the scene of an accident. First offender status is recognized.
- (b) Drivers are responsible for reporting any change in qualifications or other licensing or permitting information previously supplied to the city police department within ten days of the change.

(Code 1982, § 9-4-4)

Sec. 90-6. Fee for business license or driver's permit.

Each application for a business license under this chapter shall be accompanied by a fee of \$50.00 for each vehicle to be operated in the city. Fees for driver's permits shall be recommended by the city police department for approval by the mayor and council. Fees are nonrefundable and are not prorated.

(Code 1982, § 9-4-3(c))

Sec. 90-7. Suspension or revocation of business license or driver's permit.

A business license issued under this chapter may be suspended or revoked by the chief of police or his designated representative, and a driver's permit may be

suspended or revoked by the chief of police or his designated representative, for the following reasons:

- (1) Furnishing of fraudulent or untruthful information by the applicant or omitting information requested in the application for a license or permit.
- (2) Failure to pay all fees, taxes or other charges imposed by the provisions of this chapter.
- (3) Failure to maintain the general qualifications applicable to the initial issuance of a license or driver's permit.
- (4) Violation of any part of this chapter.
- (5) Charging a fare in excess of those fares on file with the city police department.
- (6) Having four or more moving traffic violations in any 12-month period.
- (7) Refusing to accept a passenger solely on the basis of race, color, national origin, religious belief, sex or sexual orientation. For purposes of this section, the term "sexual orientation" means the state of being heterosexual, homosexual or bisexual. Operators shall not refuse to accept a passenger unless the passenger is obviously intoxicated or dangerous.
- (8) Allowing the required insurance coverage to lapse, or allowing a vehicle to operate in the city without a county inspection sticker.

(Code 1982, § 9-4-7)

Sec. 90-8. Appeals.

- (a) Decisions of the city police department that adversely affect or aggrieve any applicant or licensee under this chapter may be appealed to the mayor and council. Decisions of the police department that adversely affect or aggrieve any permittee may be appealed to the mayor and council. Any such appeal shall be by written petition filed in the office of the city clerk within 15 days after the final decision by the police department.
- (b) A hearing shall be conducted on each appeal within 30 days of the date of filing the written petition, unless a continuance of such hearing is agreed to by the appellant and the mayor and council. The appellant at such hearing shall have the right to be represented by an attorney, at the expense of the appellant, and to present evidence and cross examine witnesses.
- (c) The findings of the mayor and council shall be final unless appealed within 30 days of the date of such findings by certiorari to the superior court of the county.

(Code 1982, § 9-4-8)

Sec. 90-9. Service of notices.

For purposes of this chapter, notice shall be deemed delivered when personally served or, when served by mail, within three days after the date of deposit in the United States mail.

(Code 1982, § 9-4-9)

Sec. 90-10. Vehicle inspections; issuance of inspection sticker.

- (a) All vehicles for hire to be used by a licensee in the city shall be inspected annually and approved by the public safety department of the county. Once a vehicle meets the requirements of the inspection, a county sticker will be affixed to the left side of the windshield. The additional requirements that each vehicle must meet are as follows:
 - (1) Exterior inspection shall ensure that headlights, taillights, brake lights, directional signal lights, license plate lights, windshield wipers, all vehicle glass, window crank or electric windows, doors and door locks, trunk lid, body, tires and other vehicle parts are in good condition and functioning properly. There shall be no tears or rust holes in the vehicle body and no loose pieces hanging from the vehicle body. There shall be no unrepaired body damage or any body condition which would create safety problems or interfere with the operation of the vehicle.
 - (2) Interior inspection shall include the rearview mirror, steering wheel, foot brakes, parking brakes, air conditioning and heating systems, to ensure that each item is in good operating condition. The upholstery, floor mats, headlining, door panels and trunk compartment shall be inspected to ensure that there are no tears, that they are clean and have no offensive odors and that the trunk has sufficient space for passenger luggage.
 - (3) The vehicle shall have a spare tire and jacks, a functional two-way radio and a taximeter. The taximeter is to be positioned so that it is visible from the passenger compartment. Taximeter accuracy shall be verified according to the county public safety department's published rules and regulations for vehicles for hire. Limousines are excepted from having a two-way radio and a taximeter.
- (b) The inspection sticker for the city is proof that the vehicle met the licensing and insurance requirements at the time of license issuance and that the vehicle passed the last vehicle inspection of the county. Each vehicle operator must have in his vehicle proof of current insurance coverage. Any company or vehicle operator letting insurance coverage lapse shall have the inspection stickers removed by the city police department. Business operations shall not be resumed until proof of insurance is provided to the police department, the license reinstated and the vehicle reinspected and new inspection stickers issued by the police department.
- (c) Inspection stickers are not transferable from vehicle to vehicle, and fees are nonrefundable if the vehicle is wrecked or taken out of service for any reason. The police department must be notified within ten days of any vehicle taken out of service. Stickers from vehicles taken out of service must be turned in to the police department. Stickers for replacement vehicles or additional vehicles are issued under the same procedures as original inspection stickers.
- (d) Vehicles shall be subject to random inspections at any time. Vehicles found to be substandard shall be removed from service immediately and shall be subject to immediate removal of the city vehicle inspection sticker by the police department.

Additional inspection requirements may be outlined in the county public safety department's vehicle rules and regulations governing passenger-carrying vehicles.

(Code 1982, § 9-4-6)

Sec. 90-11. Responsibility of licensee for checking driver's permit and inspection sticker.

Company licensees under this chapter are responsible for checking drivers to ensure that each driver has a current driver's permit in his possession and posted on the dash or sun visor of the vehicle being operated, along with a visible vehicle inspection sticker.

(Code 1982, § 9-4-5(f))

Sec. 90-12. Responsibility of licensee for violations by drivers.

Company licensees under this chapter are responsible for violations of this chapter by their vehicle operators, whether such operator is a direct employee or an independent contractor.

(Code 1982, § 9-4-5(i))

Sec. 90-13. Driver's dress and conduct.

- (a) Drivers operating a vehicle for hire must practice good personal hygiene and wear proper dress while operating a vehicle for hire. Proper dress shall mean the wearing of shoes, ankle length pants, and a shirt or blouse with sleeves and collar. Hats must be of the baseball style or a chauffeur's cap. Clothing must be clean and not visibly soiled. Licensees are responsible for driver dress and conduct.
- (b) Drivers are not to smoke or play a radio or tape player if objected to by a passenger.

(Code 1982, § 9-4-5(a), (c))

Sec. 90-14. Daily trip sheets.

Drivers operating a vehicle for hire must maintain daily trip sheets or logs of all passengers, which shall include the time and place of entry and the destination of each passenger, the amount charged, and an itemization of any personal property left in the vehicle for hire. Trip sheets must be maintained in the vehicle for 48 hours, and thereafter transferred to and maintained at the licensed business premises for a period of 30 days.

(Code 1982, § 9-4-5(b))

Sec. 90-15. Vehicle markings and equipment; condition of vehicles.

- (a) Drivers are not to operate a vehicle and company licensees are not to allow drivers to operate a vehicle without the name under which the licensee does

business as a taxicab company permanently marked upon at least two sides of the vehicle in letters or numerals at least three inches high, a statement of rates permanently marked or affixed upon both left and right sides of the vehicle in letters no less than one-quarter inch high and numerals no less than one-half inch high, and an operational two-way radio, a taximeter, a permanently affixed operating top light bearing the word "taxi" and an inspection sticker as outlined in this chapter. Limousines are exempted from having markings, top lights, two-way radios or taximeters; however, limousines are required to have a plate attached to their front or rear bumper indicating the company business name.

- (b) Drivers and company licensees are responsible for maintaining each vehicle in a clean and mechanically safe condition. The interior and exterior shall meet the requirements set out as inspection requirements in this chapter.

(Code 1982, § 9-4-5(d); Ord. No. 366, 9-4-5(d), 11-13-92)

Sec. 90-16. Cruising.

Company licensees under this chapter are responsible for ensuring that no driver participates in cruising. For purposes of this section, cruising is defined as moving about the streets of the city for the purpose of picking up and transporting passengers who have not previously requested such service by telephone or by personal command. Company licensees shall ensure that their drivers use open stands on a nonexclusive, first come, first served basis.

(Code 1982, § 9-4-5(g))

Sec. 90-17. Call jumping.

Company licensees under this chapter shall not participate in or allow their drivers to practice call jumping or the act of intercepting a passenger who has requested service from another company.

(Code 1982, § 9-4-5(h))

Sec. 90-18. Maximum number of passengers.

No person shall drive a taxicab upon the streets of the city when the vehicle contains more passengers than available seatbelts in the vehicle.

(Code 1982, § 9-4-12)

Sec. 90-19. Receiving and discharging passengers.

Drivers of taxicabs shall not receive or discharge passengers in the roadway, but shall drive to the sidewalk or curb on the righthand side of the roadway and there receive or discharge passengers.

(Code 1982, § 9-4-13)

Sec. 90-20. Refusal to pay fare.

Any person using a taxicab in the city without paying the amount of fare or

charges requested by the taxicab driver, within the limits prescribed for such fare or charges, shall be guilty of a misdemeanor.

(Code 1982, § 9-4-11)