

DRAFT CHAPTER 25.1 OF THE COUNTY CODE - 2/17/09 VERSION

Chapter 25.1 *TAXICABS*

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§ 25.1-1. Purpose and persons covered

(a) The purpose of this Chapter is to regulate and control Taxicab Service, the operation of Taxicabs for hire in Arlington County, rates and charges for service, and the character and qualifications of operators, in order to preserve the health, safety, welfare, and property of the citizens of Arlington County.

(b) Persons covered. Any Person who transports individuals for hire in a Taxicab, engages in the Taxicab Business, or provides Taxicab Service in Arlington County shall be governed by the provisions of this Chapter. Persons covered also include Certificate-holders, Drivers, Passengers and any other Person who is an Applicant for authority pursuant to this Chapter.

§25.1-2. Definitions

Unless it clearly appears from the context that a different meaning is intended, the following words and phrases, when used in this Chapter, shall have the meanings ascribed to them by this section:

Applicant means any individual, company, corporation, partnership or other such legal entity that seeks a Certificate, a Public Vehicle Driver's License, or an amendment, modification, or revision to such Certificate or Public Vehicle Driver's License.

Certificate means the certificate of public convenience and necessity granted to Persons in the Taxicab Business as provided in this Chapter. A Certificate indicates the total number of Taxicabs which the Certificate-holder is authorized to operate in Arlington County.

Certificate-holder means any Person that has been granted a Certificate.

County Board or Board means the County Board of Arlington County, Virginia.

County Manager means the County Manager of Arlington County.

Day means a calendar day, unless otherwise provided in this Chapter. If the last day on which to satisfy an obligation set forth in this Chapter is a Saturday, Sunday, federal holiday, or County holiday, then the obligation shall not be required to be satisfied until the next day which is not a Saturday, Sunday, federal holiday or County holiday.

Driver means the individual who operates, or is in actual physical control of, a Taxicab on a street, highway, or other place open to use by the public for the purpose of vehicular travel.

Passenger means a person carried or transported in a Taxicab in consideration of a fare.

Person(s) means any individual, corporation, partnership, association, cooperative, limited liability company, trust, joint venture, government, political subdivision, or any other legal or commercial entity, and any successor, representative, agent, agency, or instrumentality thereof.

Person with Disability means any individual person who has a physical or mental impairment which substantially limits one or more major life activities of that individual, an individual person who has a record of such impairment, or who is regarded as having such impairment. For the purposes of this Chapter, the term "major life activities" means functions such as, but not limited to, caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Prepaid Purchase means the advance payment, for ten (10) or more Taxicab trips.

Public Vehicle Driver's License means the license issued to a Taxicab Driver by the County Manager, or his designee, authorizing the Taxicab Driver to operate a Taxicab pursuant to this Chapter.

Service Animal means any animal individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. Some, but not all, service animals wear special collars and harnesses. A pet is not necessarily a service animal.

Taxicab or Other Motor Vehicle Performing Taxicab Service means any motor vehicle having a seating capacity of not more than six passengers, excluding the driver, not operating on a regular route or between fixed terminals, used in the transportation of passengers for hire or for compensation, and not a common carrier or restricted common carrier as defined in Chapter 20, Title 46.2 of the Code of the Commonwealth of Virginia.

Taxicab Business means the activity of transporting Passengers for compensation by a Taxicab or other vehicle performing a Taxicab Service.

Taxicab Inspector means the individual or individuals authorized to enforce specified provisions of this Chapter.

Taxicab Service means the operation of any Taxicab upon any street, highway, or other place open to use by the public for the purpose of vehicular travel, on call or on demand, accepting or soliciting passengers indiscriminately for transportation for hire between such points along streets or highways as may be directed by the passenger or passengers so being transported.

Taxicab Stand means a location which has been designated by signage for use by Taxicabs for passenger hire.

Taximeter means an instrument or device by which the charge for hire of a Taxicab is calculated either by distance traveled, or waiting time, or both, and upon which such charge shall be indicated by figures.

Transfer means any transaction in which an ownership interest, rights or obligations or other interest in a Certificate-holder or its Taxicab Business is sold, conveyed, assigned, exchanged, or transferred from one (1) Person or group of Persons to another Person or group of Persons so that control of a Certificate-holder or its Taxicab Business is transferred. The term "control" means working control, in whatever manner exercised. By way of illustration, and not limitation, the addition, deletion, or other change of (i) any general partner of a Certificate-holder, or (ii), any Person who owns or controls a Certificate-holder is a change of control.

Transportation Commission means the advisory group by that name created by the County Board.

Vehicle Owner means any Person having title to any Taxicab.

Wheelchair-accessible Taxicab means a Taxicab that has been constructed, modified, or specially equipped with the installation of lifts or other equipment necessary for the transport of persons who use wheelchairs or wheelchair conveyances.

§ 25.1-3. Certificate of public convenience and necessity

(a) Certificate required

Unless otherwise specifically provided in this Chapter, it shall be unlawful for any Person to engage in the Taxicab Business within Arlington County without having first obtained a Certificate.

(b) Application for Certificate

(1) Each application for a Certificate shall be made, under oath, by each prospective Certificate-holder by filing an application with the County Manager, or his designee, upon forms provided by the County for such purpose. Applications for Certificates shall be filed only between July 1 and September 1 of each even-numbered year. Any amendment, modification, or revision to an existing Certificate requires the filing of an application for a Certificate.

(2) Each Applicant for a Certificate, which Applicant is not, as of the day of the application, a current Certificate-holder, shall provide, with the application, the following information and supporting documents:

- i. The full name and the home and business address(es) of the Applicant. If the Applicant is not an individual, certified copies of documents indicating that the Applicant is a legally existing entity, in good standing, and further indicating the Person or Persons authorized to legally bind the Applicant.
- ii. The trade name (if any) and the telephone number under which the Applicant does, or proposes to do, business, and documents indicating that the Applicant is legally authorized to use such trade (or fictitious) name.
- iii. The financial status and the fiscal and operational fitness of the Applicant, including evidence that the Applicant has the ability to engage in the Taxicab Business, to acquire and to maintain the Taxicabs proposed to be operated pursuant to a

Certificate.

- iv. The number and ownership of the Taxicabs proposed to be operated pursuant to a Certificate, and the seating capacity of each vehicle.
- v. A proposed color scheme, insignia, and cruising light design which shall be unique and readily distinguishable from previously approved color schemes, insignia and light design.
- vi. The address, condition, and all proposed uses of each Taxicab depot, terminal and garage to be involved in the Taxicab Business for which a Certificate is required.
- vii. A description of the proposed communications systems to be used between or among the dispatcher, the depots, terminals, garages and Taxicabs.
- viii. A description of the Taxicab Service proposed to be provided, including times of day and night, and limitations on days and types of Taxicab Service.
- ix. True copies of court records clearly indicating each conviction of or plea of guilty or *nolo contendere* by the Applicant for each violation of any criminal or traffic law, whether such violation or violations be of an ordinance, state law or federal law. If the Applicant is not an individual, then true copies of records of such convictions, pleas, and violations shall be submitted for each officer, director, partner, and member of such Applicant who is legally authorized to bind the Applicant.
- x. The specific experience of the Applicant in the transportation of passengers for hire and the Taxicab Business.
- xi. All facts or circumstances upon which the Applicant bases his or her belief that public convenience and necessity would be enhanced by the granting of the application.
- xii. A description of the provision of Taxicab Service, different than the services provided by existing Certificate-holders, which will enhance the provision of Taxicab Service in Arlington County.
- xiii. The Applicant's five (5) year business plan for providing Taxicab Service in Arlington County.
- xiv. The facts, with supporting documents, described in section __ below, if applicable.
- xv. All other information and documents requested or required by the County Manager, or his designee.

(3) Each Applicant for a Certificate, which Applicant is, as of the day of the Application, a current Certificate-holder, shall provide, with the application, the information and documents specified above in subsections (2)i, (2)ii, (2)iii, (2)iv, (2)vi, (2)vii, (2)viii, and (2)xi. .

(c) Upon receipt of an application for a Certificate, the County Manager, or his designee, shall notify each Certificate-holder that an application has been filed. Certificate-holders will be provided an opportunity, at the appropriate time, to express to the Commission the Certificate-holder's views about such application.

(d) The County Manager, or his designee, will forward copies of the applications to the Commission no later than September 15 of each even-numbered year.

(e) In order to carry out the purposes of this Chapter, the County Manager, or his designee, may request from the Applicant relevant information and documents in addition to that provided with the application.

(f) False information on any application for a Certificate.

It shall be unlawful for any Person knowingly to make or cause to be made, either directly or indirectly, any materially false statement on any application for a certificate, accompanying documents or reports submitted pursuant to this Chapter. Any such application containing a materially false statement may be rejected by the County Manager, or his designee. Upon rejection of the application for a Certificate, the Applicant shall not be permitted to resubmit an application for a period of two (2) years after the date of the application containing the false statement(s).

§25.1-4. Determination of number of Taxicabs, Issuance of Certificates

(a) The number of Taxicabs for which Certificates are proposed to be authorized shall be determined by the County Manager, on a biennial basis, by July 1 of each even-numbered year, after considering for the immediately preceding two (2) years:

- (1) the percentage change in residents, trips, business activity, tourism, and public transportation use (jointly "Market Change") within Arlington County; and,
- (2) Taxicab industry and Certificate-holder performance.

(b) Upon making such determination, the County Manager shall issue a statement indicating the number of Certificates proposed to be authorized and the rationale therefore.

(c) If an Applicant applies for a Certificate, the issuance of which would authorize an increase in the number of Taxicabs, and which increase would exceed the number of Taxicabs determined by the County Manager pursuant to subsection (__) above, then the application shall include relevant facts indicating the reasons that the Applicant contends that the Market Change, industry performance, and Certificate-holder performance is other than that determined by the County Manager.

(d) The County Manager shall recommend to the Board, not later than October 15 of each even-numbered year, the number of additional Taxicabs (to be authorized by Certificates) allocated to each Applicant, including the number of Wheelchair accessible Taxicabs and hybrid or non-gasoline fueled vehicles.

(e) In making such recommendation, the County Manager shall consider the following criteria and such other relevant information as the Manager deems appropriate:

1. Hail and Taxi Stand service
2. Telephone reservation and dispatch service
3. Wheelchair-accessible vehicles
4. Credit or debit cards for fare payment
5. Hybrid or non-gasoline fueled vehicles for all additional vehicles
6. Vehicle Productivity
7. Vehicle Efficiency
8. Days and Hours of Service Availability
9. Customer Service
10. Fleet Sustainability

The County Manager, or his designee, may transmit to the Applicants and to all Certificate-holders written notice of the County Manager's recommendations.

(f) The County Manager, or his designee, prior to the public hearing on the application(s) before the Board, will furnish to the Commission all appropriate documents concerning the application(s) under consideration, and will request a recommendation thereon from the Commission. Not later than November 15 of each even-numbered year, the Commission shall make its written recommendation to the Board. The recommendation shall state whether or not the Commission recommends that the Board grant any or all the application(s), in whole or in part. If the Commission does not forward a recommendation to the Board by November 15, then the Board may act without any such recommendation.

(g) After receipt by the Board of recommendations from the County Manager, and not sooner than November 15 of each even-numbered year, the Board, after a public hearing, after considering the criteria contained in subsection ____ above, and after determining whether the public health, safety and welfare will be enhanced, may authorize the County Manager to issue Certificate(s) to any or all of the Applicants as the Board deems appropriate, concerning the application(s). The Board may determine that no Certificate(s) shall be issued, in which case all existing Certificate(s) shall remain in effect.

(h) If the Board authorizes the County Manager to issue any new Certificate(s) then, upon the surrender to the County Manager of any existing Certificate(s), the County Manager, or his designee, shall issue a new Certificate(s) to the Certificate-holder(s).

(i) Decrease in number of Taxicabs authorized under a Certificate:

(1) At the time the County Manager issues recommendations to the County Board pursuant to subsection (__) above, the County Manager shall indicate the number of Taxicabs, authorized by a Certificate, that were not operated during any of the immediately preceding ninety (90) calendar days. Thereafter, the County Manager shall give written notice to the Certificate-holder and afford the Certificate-holder an opportunity to be heard by the County Manager. If the County Manager determines that a decrease in the number of Taxicabs authorized by Certificates is warranted because Taxicabs were not operated during the above time period, then, upon receipt of notice of said determination, the Certificate-holder shall surrender the existing Certificate to the County Manager. The County Manager will issue a new Certificate authorizing the appropriate corresponding lesser number of Taxicabs to the Certificate-holder.

(2) This subsection __ shall not apply, for a period of one year, to new or additional Taxicabs authorized under a Certificate.

§25.1-5. Annual Certificate fees and application fees.

(a) The following fees shall be paid, as applicable, to the Treasurer of Arlington County. All fees are non-refundable.

(b) For each Taxicab authorized under an existing Certificate, the annual fee is \$150.00, which shall be paid not later than February 1 of each year.

(c) Application fees, which shall be paid upon submission of an application, are as follows:

(1) For each application for a Certificate by a Person who is not a Certificate-holder, the fee is: \$500.00 plus an additional \$100.00 for each Taxicab requested, in excess of five Taxicabs.

(2) For each application for a Certificate by a Person who is a Certificate-holder, the fee is: \$100 for each Taxicab requested in excess of number of Taxicabs authorized under the existing Certificate.

§25.1-6. Certificate form, term, transferability, transfer of control.

(a) Each Certificate will state the following:

(1) The name and address of the Certificate-holder.

- (2) The number of Taxicabs authorized by the Certificate. The Certificate may indicate the specific number of Wheelchair-accessible Taxicabs authorized and hybrids or non-gasoline fueled vehicles.
- (3) The date of issuance of the Certificate.
- (4) The fact that the Certificate is subject to the provisions of this Chapter and all other laws and ordinances governing the operation of public vehicles, Taxicabs, for-hire vehicles in Arlington County, and the Taxicab Business.

(b) Every Certificate shall be valid from the date of issuance until surrendered, suspended or revoked.

(c) In cases of death, sickness or unusual circumstances, the County Manager may authorize in writing to the Certificate-holder the continued operation of an existing Certificate for a reasonable time specified in such authorization.

§25.1-7. Insurance requirements. [UNDER REVIEW]

(a) Every Vehicle Owner operating from any point within Arlington County, which for the purpose of this section includes Arlington National Cemetery, Washington National Airport and the Pentagon reservation, or any other federal or state enclave, reservation or area within the boundaries of Arlington County, to any other point within Arlington County, including Arlington National Cemetery, Washington National Airport and the Pentagon reservation, or any other federal or state enclave, reservation or area within the boundaries of Arlington County, shall keep in effect at all times, and file with the County Manager, or his designee, a certificate of insurance evidence of a policy of insurance with a reputable insurance company duly licensed or otherwise authorized to do business in the Commonwealth of Virginia, in the amount specified in this section covering damages for any liability incurred on account of any injury to persons or damage to property resulting from the operation of such Taxicab in the amounts prescribed in this section, or provide a combination of self-insurance and policy of insurance in the total amount herein specified covering such damages. Such combination to be subject to the approval of the County Manager, or his designee; provided, however, this section shall not apply to Taxicabs operating in Arlington County which Taxicabs operate solely on federal or state enclaves.

(b) The required insurance coverage shall be as follows:

(1) If a purchased insurance policy is furnished, the minimum amount of coverage will be:

For injury to one person in any one accident: \$300,000.00

For injury to two or more persons in any one accident: \$ 500,000.00

For property damage in any one accident: \$50,000.00

(2) If a combination of self-insurance and a policy of insurance is approved, such combination will provide the coverage specified in section ____.

(c) Each insurance policy offered as fulfillment of the requirements of this section shall contain a clause to the effect that the insurance carrier may not cancel the policy except upon thirty (30) day's written notice to the County Manager, or his designee, as well as other notices as may be required by law to be given to the policy holder.

(d) If an insurance policy or a state issued self-insurance certificate or permit offered as fulfillment of the requirement of this section is cancelled, then the Certificate-holder shall not permit any Taxicab to be operated that was covered by such policy, certificate or permit until other insurance is furnished as required by this section.

(e) If judgment is rendered against the Vehicle Owner or Driver, or both, in any court of competent jurisdiction by reason of any accident for which self-insurance or an insurance policy is provided in this section, then the Vehicle Owner shall, within 24 hours after the rendition of such judgment, whether appealed from or not, maintain the total amount of insurance required by this section or any other provision of law, whichever is greater, so that no reduction in insurance coverage results from such judgment.

(f) Self-insurance.

Up to \$100,000.00 of the insurance required under section ____ may be provided by self-insurance. A Vehicle Owner may self-insure only up to \$100,000.00 and only if such owner has obtained a certificate of self-insurance pursuant to Section 46.2-368 of the Code of Virginia, and has fulfilled the requirements and obtained a certificate or permit under Title 56, Chapter 12, Section 56-299 et seq., of the Code of Virginia, provided that the certificates or permits for self-insurance shall be in full force and effect at all times. Evidence of such certificates or permits shall be filed with the County Manager, or his designee, before the issuance of any Certificate and shall require notice by the Commonwealth of Virginia to the County Manager, or his designee, before termination of the self-insurance certificates or permits. The remaining insurance shall be provided as required by section ____, and the following requirements must be met:

(1) Application for approval, partially to meet County insurance requirements through self-insurance up to \$100,000.00 shall be made by the Certificate-holder or his duly authorized agent upon forms provided by the County Manager, or his designee, and upon such forms the Applicant shall supply the following information:

i. Proof that all requirements for self-insurance established by the Virginia Department of Motor Vehicles and the Virginia State

Corporation Commission have been met, including copies of the state certificate documents and all documents filed with the State in order to obtain certification as a self-insurer.

ii. A written statement from the Virginia Department of Motor Vehicles and the Virginia State Corporation Commission that they will notify the County Manager, or his designee, prior to the termination of the state issued self-insurance certificates or permits.

iii. Claims history for the Applicant for the preceding four-year period.

iv. The most current financial statement of the Applicant.

(2) The Certificate-holder has a continuing obligation to file with the County Manager, or his designee, copies of all documents, statement, filed with the Virginia Department of Motor Vehicles and the Virginia State Corporation Commission in order to obtain or maintain state self-insurance certification.

(3) The Certificate-holder must submit a report to the County Manager, or his designee, two years to the day after receiving approval from the County Manager, or his designee, to self-insure, and every other year thereafter, concerning the company's claims history and claims procedures. The report will be ordered and undertaken at the Certificate-holder's expense.

(4) If at any time it should appear that the Certificate-holder no longer meets the criteria required for approval as a self-insurer as set forth herein or fails to file any required documents, then the Certificate-holder will be given written notice identifying the particular criteria or filing default. The written notice will stipulate a reasonable date and time by which the Certificate-holder must furnish evidence, satisfactory to the County Manager, or his designee, that the approval criteria are again met or the default cured. Failure to respond in a timely manner to the notice, failure to meet approval criteria or failure to cure a default will result in revocation of the right to self-insure.

§25.1-8. Suspension or revocation of Certificates

(a) Certificates may be suspended for a period of one to thirty (30) calendar days, or revoked, by the County Manager for any of the following reasons:

1. Failure to operate Taxicabs in strict accordance with this Chapter,
2. Failure to maintain Taxicabs in good order and repair,
3. Failure to maintain insurance as required by this Chapter,
4. Repeated and persistent violations by the Certificate-holder or Drivers, of the Code of Arlington County, Virginia, or the motor vehicle laws of the Commonwealth of Virginia,
5. Failure to report any accident as required by this Chapter,
6. Failure of the Certificate-holder to pay any fees required by this Chapter, or
7. Failure to submit information or documents required by any provision of this Chapter.

(b) Process and effect. [UNDER REVIEW]

Upon determination of public need for the suspension or revocation of a Certificate, the County Manager, or his designee, shall notify such Certificate-holder by certified mail of the impending suspension or revocation. If the reason(s) for the impending suspension or revocation is determined by the County Manager, or his designee, to constitute an immediate hazard to public health, safety or welfare, then immediate action may be taken to suspend or revoke the Certificate. Otherwise, the Certificate Owner shall be granted fourteen (14) calendar days after receipt of written notice of the impending revocation or suspension to remedy the failure(s) or violation(s) giving rise to the proposed action. Upon expiration of the fourteen (14) day period, if the failure(s) or violation(s) is not remedied to the satisfaction of the County Manager, or his designee, then the Certificate may be suspended or revoked to be effective upon receipt by the Certificate-holder of notice thereof.

(c) Application after revocation of Certificate. If the County Manager, or his designee, revokes a Certificate then the prior holder of the revoked Certificate may not engage in the Taxicab Business in Arlington County unless the prior Certificate-holder reapplies for a Certificate in accordance with the application process of this Chapter the prior Certificate-holder shall not be entitled to reapply for a Certificate for three hundred and sixty five (365) calendar days after the effective date of the revocation.

(d) In the case of a Certificate suspension, the Certificate-holder shall not be required to reapply for a Certificate at the end of the suspension period.

§ 25.1-9. Public Vehicle Driver's Licenses.

(a) License required, limitations on the transporting of Passengers.

(1) It shall be unlawful for any person to drive a Taxicab for hire from an origin within Arlington County to a destination within or outside of Arlington County except as provided in section __ of this Chapter, unless the Driver has first obtained, and has in his possession, a valid Public Vehicle Driver's License.

(2) Upon the request of the Taxicab Inspector, his designee, or any law-enforcement officer, a Driver shall produce to the Taxicab Inspector, his designee, or law-enforcement officer, the Public Vehicle Driver's License, a current motor vehicle operator's license and any other requested identification.

- (3) The Public Vehicle Driver's License is valid only during such time as the Driver is operating a Taxicab authorized by a Certificate. The Public Vehicle Driver's License is not valid during such time as the Driver is operating a Taxicab authorized, licensed, or having a certificate issued from any other jurisdiction.
- (4) Each Public Vehicle Driver's License is the property of the County. Each Driver to which a license has been issued shall immediately surrender such License to the County Manager, or his designee, when such License is suspended or revoked.
- (5) This Chapter does not prohibit a Driver from transporting passengers into Arlington County if the trip originated in a jurisdiction where the Driver and Taxicab are authorized to operate.
- (6) Except to the extent expressly permitted by federal or state law, unless a person has a valid Public Vehicle Driver's License issued pursuant to this Chapter, such person shall not solicit business or pick up and transport a Passenger in Arlington County, provided that a Passenger may like a Taxicab to transport such Passenger into Arlington County, wait for that Passenger, and then transport such Passenger to another location.

(b) Application for a Public Vehicle Driver's License:

(1) Application for a Public Vehicle Driver's License shall be made in person, under oath, to the County Manager, or his designee.

(2) The Applicant shall provide the following information and supporting documents with the application:

- i. Required personal data.
- ii. Physical condition of Applicant.
- iii. Traffic record (excluding parking citations) for ten (10) years immediately prior to the date of the application.
- iv. Criminal record including, but not limited to, an FBI Record Check.
- v. Prior driving experience.
- vi. Four copies of a recent photograph of the Applicant, of size and manner prescribed by the County Manager, or his designee.

(c) The Applicant shall permit the County to make a record of his or her fingerprints.

(d) The Applicant shall successfully complete a written examination concerning the laws, rules and regulations governing the operation of Taxicabs, the County street system, and the location of prominent buildings and landmarks in Arlington County.

(e) Investigation of Applicant. The County Manager, or his designee, will cause to have an investigation made of the facts stated in an application for a Public Vehicle Driver's License and of other relevant matters. Unless otherwise prohibited by law, the file containing such investigation will be available to the Applicant, for inspection, upon written request.

(f) Issuance of Public Vehicle Driver's License:

(1) If the County Manager, or his designee, determines that the Applicant satisfies the requirements of this Chapter, then the County Manager will issue a Public Vehicle Driver's License to the Applicant.

(2) The County Manager, or his designee, may refuse to issue a Public Vehicle Driver's License to an Applicant for, among other things, any of the following reasons:

- i. Repeated and persistent violations of motor vehicle laws of any jurisdiction.
- ii. Conviction, plea of guilty, or plea of *nolo contendere* to the violation of any law involving: the commission of a felony; any sex offense; solicitation of prostitution; alcohol; marijuana; any drugs classified as controlled substances under federal or state laws; gambling; larceny; theft; assault; battery; burglary; disorderly conduct; drunk in public or related charge; impaired driving; driving while intoxicated or under the influence; or a crime involving moral turpitude.
- iii. Applicant is on parole or probation for a criminal or traffic offense.
- iv. Applicant is younger than 21 years of age.

(g) A Public Vehicle Driver's License shall not be issued to any person who has less than six (6) months' experience as a licensed driver of a motor vehicle anywhere in the United States or any of its possessions.

(h) Form of license, term, transferability, surrender, renewal:

(1) The form of the Public Vehicle Driver's License shall be prescribed by the County Manager, or his designee. The Public Vehicle Driver's License shall bear a recent photograph of the Public Vehicle Driver's License holder.

(2) The Public Vehicle Driver's License shall be valid for one (1) year from the date of issuance. A Public Vehicle Driver's License may be renewed for a two (2) year period, provided that the investigation by the County Manager, or his designee, of the Driver's traffic and criminal record reveals no criminal or traffic violations during the period of the expiring Public Vehicle Driver's License, and further provided that the Applicant meets all other relevant requirements of this Chapter. If the investigation reveals such violations, then the Public Vehicle Driver's License may be renewed for one (1) year only. Temporary Public Vehicle Driver's Licenses may be issued by the Taxicab Inspector, or his designee, and shall not be valid for more than sixty (60) calendar days.

(3) The Public Vehicle Driver's License is the property of the County and is not transferable.

(4) Such License immediately shall be surrendered by the Driver to the County Manager, or his designee, upon such Driver's ceasing to drive a Taxicab in Arlington County and upon other instances required by this Chapter.

(5) Renewal of Public Vehicle Driver's License. An application for a renewal of a Public Vehicle Driver's License shall conform to the procedures set forth in section ____.

(i) Public Vehicle Driver's License fees:

- (1) For each original application for a Public Vehicle Driver's License the fee shall be: \$65.00
- (2) For each renewal application for a Public Vehicle Driver's License the fee shall be: \$40.00
- (3) For each retest application for a Public Vehicle Driver's License the fee shall be: \$30.00
- (4) For each replacement Public Vehicle Driver's License the fee shall be: \$20.00

(j) It shall be unlawful to operate a Taxicab without the Driver's Public Vehicle Driver's License being conspicuously displayed so as to be clearly visible at all times to Passengers.

(k) Suspension and surrender of a Public Vehicle Driver's License

(1) The County Manager, or his designee, may suspend, for a period of one to sixty (60) calendar days, or revoke, the Public Vehicle Driver's License of any Driver licensed under this Chapter for any of the following reasons:

- i. Repeated and persistent violations of motor vehicle laws of any jurisdiction;
 - ii. Conviction of the crime of reckless driving;
 - iii. Failure to report, to the Taxicab Inspector, any accident, however slight, involving a Taxicab and the License holder;
 - iv. Driving of any Taxicab not in good order or repair;
 - v. Violations of this Chapter, regulations adopted hereunder, or any other applicable federal, state or County laws or ordinances;
 - vi. A consistent pattern of reasonably verified complaints against the License holder or Driver within any twelve (12) month period, or a reasonably verified complaint involving a threat to health, safety or welfare related to the provision of Taxicab Service;
 - vii. Conviction, plea of guilty, or plea of *nolo contendere* to the violation of any law involving: the commission of a felony; any sex offense; solicitation of prostitution; alcohol; marijuana; any drugs classified as controlled substances under federal or state laws; gambling; larceny; theft; assault; battery; burglary; disorderly conduct; drunk in public or related charge; impaired driving; driving while intoxicated or under the influence; or a crime involving moral turpitude;
 - viii. Creating or maintaining an incomplete, inaccurate, or false manifest; or
 - ix. Failure to comply with the requirements of any applicable Taxicab reciprocity agreement approved by the Board.
- (2) Notice of such revocation or suspension shall be given by the County Manager, or his designee, to the Public Vehicle Driver's License holder and shall be effective ____.

(3) If any Public Vehicle Driver's License has been expired for a period greater than six (6) months, then the Driver may thereafter obtain authorization to operate a Taxicab in Arlington County by completing the application process.

(l) The Public Vehicle Driver's License of any Driver shall automatically become void and shall be immediately surrendered by the Driver to the County Manager, or his designee, whenever the Driver's applicable permit or license to drive issued by the Commonwealth of Virginia or any other licensing jurisdiction has been revoked, suspended, or interrupted for any reason. Thereafter, a Public Vehicle Driver's License may only be obtained by such person upon making application therefor and satisfying the applicable requirements of this Chapter.

(m) Revocation of a Public Vehicle Driver's License.

The Public Vehicle Driver's License of any Driver shall automatically be revoked, without the necessity of any action by the County, and such License immediately shall be surrendered to the Taxicab Inspector, or his designee, by the Driver upon such Driver's conviction of, or a plea of, guilty or *nolo contendere*, to the violation of any law involving any:

1. Commission of a felony;
2. Sex offense;
3. Prostitution or solicitation thereof;
4. Narcotics; or
5. Revocation of driving permits issued by the Commonwealth of Virginia. [UNDER REVIEW]

(n) When an application for a Public Vehicle Driver's License has been denied or a License revoked, the Applicant or licensee may not reapply for a new License for a period of two (2) years after the date of application denial or license revocation.

§ 25.1-10. Appeal from suspension, revocation, or denial of a certificate or public vehicle driver's license.

(a) Appeal procedure for Certificate-holders or Applicants

(1) The appeal of a decision of the County Manager, or his designee, concerning the suspension, revocation, or denial of a Certificate shall be by notice of appeal, made in writing, signed by the Certificate-holder, stating an address at which the Certificate-holder will receive subsequent notifications. The notice of appeal shall be filed with and received by the Clerk of the County Board no later than fourteen (14) calendar days after the date a notice of such decision has been mailed by certified mail. The notice of appeal shall clearly and specifically state: the decision appealed from, all reasons why the decision is claimed to not be in accordance with this Chapter, and the requested relief. Any such notice which is not timely filed or fails to provide such

required information shall be denied.

(2) The Clerk of the County Board will notify the County Manager, or his designee, of the filing of a notice of appeal.

(3) After the receipt by the Clerk of the notice of appeal, the Certificate-holder will be entitled to a hearing by the Board which shall be held no sooner than ten (10) calendar days after the filing of the notice of appeal.

(4) The Certificate-holder will have the right to present his case in person or by counsel licensed to practice law in the Commonwealth of Virginia.

(5) The Board will consider information and documents offered by the Certificate-holder and County staff. The hearing need not be conducted according to technical rules relating to evidence and witnesses, provided, however, that the Board only need consider relevant information and documents. The Board may affirm, reverse, or modify the decision of the County Manager, or his designee.

(6) If the Board reverses the County Manager's decision, so as to restore a Certificate, then the Board will direct the County Manager, or his designee, to restore the Certificate in accordance with the order of the Board.

(7) During the pendency of an appeal, the decision of the County Manager, or his designee, shall remain in full force and effect.

(b) Appeal procedure for Public Vehicle Driver's License holders or Applicants

(1) The appeal of a decision of the County Manager, or his designee, concerning the suspension, revocation or denial of a Public Vehicle Driver's License or application shall be by notice of appeal, made in writing, signed by the License holder or Applicant, stating an address at which the License holder or Applicant will receive notices. The notice shall be filed with the Clerk of the County Board not later than fourteen (14) calendar days after the date a notice of such decision has been mailed by certified mail. The notice of appeal shall clearly and specifically state: the decision appealed from, all reasons why the decision is claimed to not be in accordance with this Chapter, and the requested relief. Any such notice which is not timely filed or fails to provide such required information shall be denied.

(2) The Clerk of the County Board will notify the County Manager, or his designee, of the filing of a notice of appeal.

(3) After the filing a notice of appeal, the License holder or Applicant will be entitled to a hearing before a hearing examiner, who will be a lawyer admitted to practice in the Commonwealth of Virginia, and employed by the County for the purpose of conducting such hearings. The time and place of the hearing will be scheduled by the Clerk of the County Board. The Clerk shall give notice of the hearing to the hearing examiner and shall give notice, by certified mail, of the date, time and location of the hearing to the license holder or Applicant..

(4) The License holder or Applicant will have the right to present his case in person or by counsel licensed to practice law in the Commonwealth of Virginia.

(5) The hearing examiner will consider documentary evidence as well as statements offered by the License holder or Applicant, and County staff. The hearing need not be conducted according to technical rules relating to evidence and witnesses, provided, however, that the hearing examiner only need consider relevant documents and statements. The hearing examiner may confirm, modify, or reverse the County Manager's decision from which the License holder or Applicant is appealing.

(6) If, in a case of suspension, revocation or denial of a License by the County Manager, the hearing examiner's decision is to reverse such suspension, revocation or denial, then the hearing examiner will advise the County Manager, or his designee, to issue or restore the Public Vehicle Driver's License in accordance with the order of the hearing examiner.

(7) If the hearing examiner's has the effect of neither issuing, reinstating, nor restoring a Public Vehicle Driver's License, then the appealing License holder or Applicant shall not file a new application within two (2) years after the date of the final decision by of the hearing examiner on the appeal.

(8) During the pendency of an appeal, the decision of the County Manager shall remain in full force and effect.

(9) The automatic revocation a Public Vehicle Driver's License, pursuant to section ___ above, cannot be appealed. [UNDER REVIEW]

§25.1-11. Records and reports.

(a) Information to be kept on file by Certificate-holders with the County. Upon the effective date of the enactment of this Chapter, every Certificate-holder shall maintain on file with the County Manager, or his designee, the Certificate-holder's name, all business street addresses, depot, terminal and garage addresses, all business telephone numbers listed in the Certificate-holder's name, the names of all Drivers, such Driver's Public Vehicle Driver's License numbers and street addresses, the names and addresses of all Vehicle Owners, and the make and meter number of the Taximeter in each Taxicab Vehicle. Not later than forty eight (48) hours after a request for information concerning any change in any of the above-required information, the Certificate-holder shall provide to the County Manager, or his designee, in writing, such changed information.

(b) Driver's daily manifest.

(1) Each Driver shall maintain a daily manifest upon which shall be recorded accurately by the Driver, at the end of each trip, and which shall indicate: the time the Taxicab began and ceased operation on the street; the Taxicab number and Driver's name; all trips made each day, showing time and place of origin and destination of each trip; the number of Passengers; and the corresponding amount of fare. In addition, the Driver shall record on the manifest: the meter register readings at the beginning and end of each tour of duty for total miles during such tour; paid miles; trips; units; extra Passengers; and the speedometer readings.

- (2) Drivers of Wheelchair-accessible Vehicles, operating under Special Certificates, shall designate on the manifest the trips made by persons in wheelchairs.
- (3) All completed manifests shall be delivered by the Driver to the Certificate-holder at the conclusion of the Driver's tour of duty. If the Driver changes Taxicabs during a tour of duty, then such Driver shall maintain a separate manifest for that portion of the tour of duty in which another vehicle is used.
- (4) The forms for such records will be furnished to the Driver by the Certificate-holder and shall be subject to the approval of the County Manager, or his designee.
- (c) It shall be unlawful for any Driver to create or maintain an incomplete, inaccurate or false manifest.
- (d) Every Certificate-holder shall retain and preserve all Drivers' manifests in a safe place for one (1) year after the end of the tour of duty.
- (e) Driver's manifests shall be made available immediately upon demand for inspection by the Taxicab Inspector, or his designee.
- (f) Accident reports. Every motor vehicle accident or crash in which any Taxicab is involved shall be reported in writing by the Certificate-holder, Vehicle Owner, or by the Driver to the Taxicab Inspector, or his designee, within five (5) calendar days of such accident or crash.
- (g) Financial information. The County Manager, or his designee, periodically may require every Certificate-holder and/or Vehicle Owner to provide written information, with supporting documentation, accurately indicating the revenues, expenses, and property owned by such Person or entity, and all other financial and statistical information required by the County Manager, or his designee regarding the Taxicab Business. Such information shall be provided in a format required by the County Manager or his designee. Upon such a request by the County Manager, or his designee, each Certificate-holder and/or Vehicle Owner shall supply the complete and accurate information and supporting documents within thirty (30) calendar days after the date of the request.
- (h) Financial agreements. The County Manager, or his designee, may at any time require that all Certificate-holders deliver to the County Manager, or his designee, true copies of all current agreements between the Certificate-holder and Owners, and agreements among Certificate-holder or Vehicle Owners and third parties, which agreements address the payment for any or all of the following: use of Taxicab, rental payment for use of colors, rental payment for use of radio equipment, payment for dispatching service, obligation of Drivers to perform unpaid services for Certificate-holders or Owners, and arrangements between Certificate-holders and Drivers concerning credit card fees, and any other agreements which the County Manager, or his designee, determines necessary to implement the provisions of this Chapter. The County Manager, or his designee, may require that Certificate-holders and/or Vehicle Owners at designated times deliver updated true copies of such agreements. All such agreements shall be delivered to the County Manager, or his designee, within the time period specified in the request. The term "agreements" as used in this subsection shall include accurate written summaries of verbal agreements, if any.
- (i) Other information and documents concerning a Certificate-holder's Taxicab Business. The County Manager, or his designee, periodically may require a Certificate-holder to provide to the County with documents and information regarding Certificate-holder's Taxicab Business, which documents shall be accurate and complete.
- (j) It shall be unlawful for any Certificate-holder to create or maintain false records and documents.

§25.1-12. Rate schedule, tolls, payment.

The rate schedule for fares and service charges is as follows:

- (a) For the first one-fifth (1/5) mile (initial drop charge): \$2.75
- (b) For each succeeding one-fifth (1/5) mile or fraction thereof (mileage charge): \$0.40
- (c) For each 64 seconds of wait time: \$0.40

Waiting time begins five (5) minutes after the appointed pickup time, once the Taxicab arrives at the pickup location specified by the potential Passenger. The Driver shall not charge a Passenger for early response to any call for Taxicab Service. Waiting time will also be charged while the Taxicab is stopped, or slowed for traffic to a speed of less than 10 miles per hour. While such stopping or slow traffic time is charged, there shall be no charge for mileage. Waiting time includes time consumed because of stopovers en route at the direction of a Passenger, but shall not include time lost due to the inefficiency of a Taxicab or Driver.

- (d) For each additional Passenger over six (6) years of age when more than one Passenger is transported: \$1.00

Should more than one Passenger enter a Taxicab, bound for different destinations, the fare shall be as follows: whenever a Passenger exits the Taxicab and pays the fare, the Driver shall reset the meter upon the Passenger's departure. Whenever a passenger exits the taxicab and does not pay the fare the Driver shall not reset the meter.

(e) For each suitcase (in excess of two), if handled by the Driver: \$ 0.50

(f) For each footlocker or similar-size case handled by the Driver: \$ 2.00

(g) Tolls paid by the Driver between the point of Passenger pickup and the Passenger destination will be added to the Passenger's fare, provided that the Passenger is first informed by the Driver of the existence of a toll, and further provided that the Driver first gives the Passenger the option of the Taxicab taking an alternative route, which route would not require the payment of a toll. The Passenger shall be provided a receipt for such toll if the Passenger so requests.

(h) Provided that the Passenger is first informed by the Driver of the existence of an airport surcharge, where the Driver pays such surcharge, the surcharge will be added to the total fare. The Passenger shall be provided a receipt for such airport surcharge if the Passenger so requests.

(i) Fare receipt. When so requested by a Passenger, the Driver shall give to the Passenger a written receipt signed by the Driver indicating the Public Vehicle Driver's License number, the Taxicab number, the origin and destination of the trip, items for which charge is made, the amount paid, time and date.

(j) Certificate-holders may offer discounts to Passengers for prepaid or bulk purchases of Taxicab Service. The amount of such discounts may not exceed ten (10) percent. In addition, Certificate-holders may offer discounts to senior citizens and Persons with Disabilities in an amount not to exceed twenty five (25) percent, the amount of which and eligibility criteria therefore to be stated on the Certificate card and display cards pursuant to sections __ and __ of this Chapter. The County Manager, or his designee, may promulgate and amend rules relating to the offering of such discounts.

(k) Payment for Taxicab Service which is prepaid may be made by coupons or vouchers purchased before the time of the Taxicab trip. Alternatively, a pre-payer may open an account with the Taxicab Company, pay for Taxicab Service in advance, and then draw down the prepaid account.

§25.1-13. Rate display cards.

(a) The County Manager, or his designee, will issue, to each Certificate-holder, two County-approved rate display cards for each Taxicab authorized to operate under a Certificate. Such display cards shall be issued upon payment to the County of the actual cost of printing and shipping such cards. Such display cards shall indicate the rates of fare as provided by, or authorized in, this Chapter. Each display card shall be attached by the Certificate-holder or Driver to the Taxicab's right and left rear windows, in such a fashion as to be clearly visible, at all times, from the inside and outside of the Taxicab. The rate display cards shall neither be transferred nor resold to any Person, and shall not be transferred or resold to any Person other than the Vehicle Owner. If such rate display cards are sold to any vehicle owner, then the price to the Vehicle Owner shall be the price paid by the Certificate-holder to the County.

(b) Violations of this section. Willful violation of this section by a Certificate-holder shall be cause for revocation or suspension of the Certificate. A willful violation of this section by a Driver, without knowledge or consent of the Certificate-holder, shall be cause for suspension or revocation of the Driver's Public Vehicle Driver's License.

§25.1-14. Duty of Driver and Certificate-holder to charge authorized fare or charge.

It shall be unlawful for any Driver or Certificate-holder or to charge, cause to be charged, or knowingly allow to be charged, any fare or service charge other than provided by, or authorized in, this Chapter.

25.1-15. Duty of Passenger to pay fare or charge.

It shall be unlawful for any person who receives Taxicab Service in Arlington County, Virginia, to fail or refuse to pay any lawful fare or charge due to a Taxicab Driver.

§ 25.1-16. Adjustments in rates of fare.

(a) Rate adjustment process. The County Board may, from time to time, after public notice, and after a public hearing, prescribe just and reasonable rates of fare, changes in rates, and other charges or surcharges. The rates so prescribed may be maximum rates or rates certain. The Board may adopt regulations regarding rates, charges, and surcharges.

(b) Upon petition by any Certificate-holder to the County Manager, received not later than June 30 in odd-numbered years, or the County Manager, on his own accord, may consider recommending to the County Board ordinance amendments regarding changes in rates of fares, charges or surcharges. The County Manager also may make such other recommendations as the Manager deems necessary and appropriate.

(c) Any petition described in subsection () above shall be filed by the Certificate-holder simultaneously with the County Manager and the Clerk of the County Board. A copy of such petition will be sent by the County Manager, or his designee, to all Certificate-holders within seven (7) Days of receipt of such petition by the County Manager.

(d) Each petition shall contain the following:

1. The existing rates of fares, charges, and surcharges which are requested to be changed;
2. The proposed new rates of fares, charges, and surcharges; and
3. A sample billing analysis which shall indicate the cost to a typical Passenger, in terms of first drop and mileage charge only, for each of 20 trips, ranging from one mile to 20 miles, in one-mile increments, using existing rates and proposed new rates of fare, including for each increment the percent change. Trip lengths analyzed will be precise to the tenth of a mile, with the decimal portion (i.e., 0.0 through 0.9) selected at random.

(e) Rate change petitions will be analyzed by the County Manager, or his designee, using information submitted by the Certificate-holder under section ___ and other relevant data required by the County Manager, or his designee, as well as information which the County Manager deems relevant and appropriate to the determination of changes in rates of fares, charges, and surcharges.

(f) The Commission may review such petitions and the County Manager's recommendation(s) for the purpose of making a recommendation to the County Board. The Commission may hold a hearing to consider evidence related to such petitions or recommendations, or related to any rule, regulation, or practice regarding the same, as a basis for Commission recommendations to the County Board concerning the appropriate Taxicab rates, charges, or surcharges. Any Commission recommendation provided to the County Board shall be provided not later than a date determined by the County Manager. Thereafter, the County Board may consider enacting an ordinance or ordinance amendment changing the rates of fares, charges, or surcharges. If the Commission does not forward a recommendation to the County Board by the date determined or the County Manager, then the Board may act without any such recommendation.

(g) Notwithstanding the biennial consideration by the County Manager of any requested or proposed changes in rates of fares, charges, or surcharges, such consideration shall not prohibit the County Board from enacting at anytime any ordinance amendments, regarding Taxicab rates or otherwise, on an emergency basis or otherwise.

(h) Gasoline surcharge increases and decreases due to changes in gasoline costs. Rates of fare may be increased by a gasoline surcharge authorized by the County Manager, if the County Manager first determines that: there is a sustained increase in the retail price of gasoline in the Washington, D.C. metropolitan area; that such increase requires a surcharge to maintain stability in the provision of Taxicab Service in Arlington County; a surcharge is necessary to prevent such gasoline price increase from having a serious adverse financial impact on the Drivers or Certificate-holders. If, after considering the above criteria, the County Manager determines that a surcharge is necessary and appropriate, then the surcharge amount, after the notices hereinafter provided, shall be as set forth in such notices. The established or increased surcharge amount shall be based upon the County Manager's determination of the range of retail gasoline prices, as set forth in the table below:

<u>Range of retail gasoline price:</u>	<u>Established or increased surcharge:</u>
\$3.35-\$3.84	\$0.50
\$3.85-\$4.34	\$1.00
\$4.35-\$4.84	\$1.50
\$4.85 or greater	\$2.00

If, after considering the above criteria, the County Manager determines that a surcharge reduction or elimination is necessary and appropriate, then the reduced or eliminated surcharge amount, after the notices hereinafter provided, shall be as set forth in such notices. The reduced or eliminated surcharge shall be as follows based upon the County Manager's determination of the range of retail gasoline prices, as set forth in the table below:

<u>Range of retail gasoline price:</u>	<u>Reduced or eliminated surcharge:</u>
\$3.25 or less	\$0.00
\$3.26-\$3.75	\$0.50
\$3.76-\$4.25	\$1.00
\$4.26-\$4.75	\$1.50

If the County Manager determines that either an established or increased surcharge, or a reduced or eliminated surcharge, is necessary and appropriate, then the County Manager shall notify each Certificate-holder in writing of any such surcharge. Such notice shall indicate the amount of the surcharge and the effective date thereof. In addition, the County Manager shall cause to be advertised, once per week for two successive weeks, in a newspaper of general circulation in Arlington County, a notice of such surcharge and the effective date thereof. The second notice shall appear in the newspaper before the effective date of the surcharge. The Certificate-holder shall cause such notice of the County Manager to be conspicuously displayed, and each Driver shall display such notice in each Taxicab to Passengers at all times.

§ 25.1-17. Operation of Taxicabs.

(a) Out-of-service notice.

When a Taxicab is not available for transporting any Passenger, the Driver shall conspicuously display, upon or in the Taxicab, a notice or placard, in a form approved by the County Manager, or his designee, indicating that the Taxicab is out of service.

(b) Duty to accept and convey Passengers.

When directed by the Taxicab dispatcher or upon request of any potential Passenger each Driver shall accept and convey any potential Passenger, unless:

- (1) the Taxicab is out of service;
- (2) the Driver is expressly committed to accept or convey another Passenger or potential Passenger; or
- (3) the Driver is prohibited by this Chapter or by law from hiring or accepting such potential Passenger.

(c) Any Driver refusing to transport a potential Passenger for any reason other than those stated in subsection (___) above shall:

- (1) immediately report the incident to the dispatcher or to the Certificate-holder, and
- (2) not later than forty eight (48) hours after the occurrence, deliver a written report to the Taxicab Inspector or his designee, in an approved method, which report shall include the date, time, address or location, and a description of the incident, and all reasons why the transportation was refused.

(d) A Driver may terminate the transportation of a Passenger or refuse to transport a potential Passenger if the Driver reasonably believes the Driver's life or safety is in danger. In such event, the Driver shall make the reports required by subsections (___) and (___) above.

(e) Smoking and offensive use of tobacco by Driver. A Driver, while the Taxicab is occupied by a Passenger, shall not have in his or her possession a lighted cigarette, lighted cigar or lighted pipe. No Driver shall engage in chewing tobacco or using snuff while the Taxicab is occupied by a Passenger.

(f) Use of cell phone, sound system, and radio by Driver. No Driver, while the Taxicab is occupied by a Passenger, shall use a cell phone or play a sound system or radio if the Passenger or Passengers request that the Driver not do so. This subparagraph shall not apply to any method of communication used by a Driver to: communicate with a Taxicab dispatcher; communicate with law enforcement personnel; or obtain traffic information.

(g) Receiving and discharging passengers. No Driver shall stop a taxicab, or any portion thereof, on the traveled portion of any highway, street, or other place open to use by the public for vehicular travel, to receive or discharge any Passenger or their belongings, except where motor vehicle parking or stopping is specifically permitted by law. When so permitted, the Driver shall park or stop the Taxicab in the manner permitted by law. No Driver shall load or unload Passengers or their belongings in a manner that impedes or interferes with the orderly flow of vehicular traffic.

(h) How Passenger of the vehicle, to enter or leave Taxicab. A Driver shall not permit any potential Passenger to enter a Taxicab, or permit a Passenger to exit a Taxicab, from the left side, except when the Taxicab is at the left curb of a one-way street or when the Taxicab is parked or standing perpendicular to the curb at a location where such parking or standing is permitted.

(i) Restriction on number of Passengers in any Taxicab. A Driver shall not permit more persons to be enter a Taxicab in Arlington County in excess of the seating capacity thereof, as rated by the Taxicab's manufacturer, of the Taxicab, including the Driver.

(j) Acceptance of additional Persons. Whenever any Taxicab is occupied by a Passenger, the Driver shall not permit any other Person to occupy such Taxicab, unless the Passenger, having been requested by the Driver, gives affirmative permission to the Driver to do so.

(k) Deception of Passengers. A Driver shall not deceive any Passenger, or potential Passenger, as to the destination, route, rate of fare, or any other provision of this Chapter.

(l) Trips to be made by most direct route.

A Passenger may request that a Driver take a Passenger-specified route to the Passenger's destination. If a Passenger does not specify a route, then a Driver shall take the most direct route from the point of pickup to the destination. A Driver may suggest, and a Passenger may approve, a less direct route.

(m) Compliance with lawful requests of Passengers. All Drivers shall comply with all reasonable and lawful requests of Passengers.

(n) Lost personal property. All personal property found in a Taxicab at the end of a trip shall be immediately returned by the Driver or Certificate-holder to the Passenger who left the item(s) in the Taxicab, if the identity of the Passenger is known or can be reasonably ascertained. Otherwise, the personal property shall be deposited by the Driver with the Certificate-holder at the conclusion of the Driver's tour of duty. A notation describing the property, any identifying marks therein, and its estimated value shall be made on the Driver's manifest. A written report including a description of the property and its estimated value shall be submitted by the Driver or Certificate-holder to the Taxicab Inspector within twenty four (24) hours of the finding of the property.

(o) Alcohol and narcotics. No Driver shall ingest or be under the influence of alcoholic beverages, narcotics or other habit-forming drugs while operating a Taxicab. No Driver shall transport in a Taxicab alcoholic beverages or narcotics other than those carried in possession of a paying Passenger.

(p) Length of driver's working day. No Driver of any Taxicab shall operate, nor shall a Certificate-holder require or permit any Driver to operate, a Taxicab for more than thirteen (13) hours within any consecutive twenty four (24) hour period.

(q) Solicitation. No Driver shall solicit potential passengers by word, signal or otherwise.

(r) Leaving Public Vehicle Driver's License in unattended Taxicab. A Driver shall not leave any Public Vehicle Driver's License in an unattended Taxicab.

(s) Use of Taxicab for unlawful purposes. No Driver or Vehicle Owner or Certificate-holder shall use, or permit to be used any Taxicab for any unlawful purpose.

(t) Drivers to be clean and neat. Every Driver of a Taxicab while on duty shall be clean and neat in dress and in person.

(u) Taxicabs to be attended by Drivers. Every Taxicab, while in operation and available for the transportation of Passengers, shall be attended by the Driver at all times, except when such Driver is engaged in loading or unloading Passengers or baggage.

(v) Taxicab stands. No Taxicab shall occupy a Taxicab stand except for the purpose of being held forth for hire. Taxicabs shall enter public stands only at the rear approach to such stands. Every Taxicab shall move forward toward the front of the stand immediately as space becomes available for the Taxicab by either the departure or movement of preceding Taxicab(s). When a Taxicab stand is fully occupied by the maximum number of Taxicabs authorized for such stand, then no Driver shall loiter or wait nearby for the purpose of occupying a space expected to become available within the Taxicab stand. Prospective passengers may choose to hire any Taxicab occupying any position in a Taxicab stand.

(w) Compliance with laws and ordinances. Every Taxicab shall be operated in accordance with all applicable federal, state and local laws, ordinances and regulations.

§25.1-18. Taximeters, equipment, maintenance and inspection.

(a) Taximeter required.

(1) All Taxicabs operating under the authority of this Chapter shall be equipped with Taximeters capable of computing fares on a mileage and time basis. Taximeters must register on visual counters displaying the following information: total miles, paid miles, number of trips, and the cost of extras.

(2) Every Taximeter shall be set in strict accordance with the current rates of fare established by this Chapter. The Taximeter shall accurately compute the fare, and shall clearly satisfy all other requirements of this Section.

(b) Requirements prior to use.

Prior to being used in passenger service, each Taximeter required by this section shall be calibrated by a Commonwealth of Virginia-certified Weights & Measures technician indicated by a Placed in Service Report and a tamper-proof seal affixed thereto.

(c) Tampering of Taximeters prohibited.

(1) It shall be unlawful for any Person to tamper with any Taximeter required by this section.

- (2) It shall be unlawful for any Person to change or cause to be changed any part of any Taximeter or any part of any Taxicab to which such Taximeter is attached, directly, or indirectly, which change may alter the accuracy of such Taximeter.
- (3) It shall be unlawful for any Person to operate or permit to be operated any Taxicab for hire if such Taxicab's Taximeter has not been properly sealed in accordance with this section.
- (4) It shall be unlawful for any Person to operate, or permit to be operated, a Taxicab for hire with knowledge that the Taxicab is not in strict compliance with this subsection (___).

(d) Inspection of Taximeters.

All Taximeters shall be subject to inspection at all times, at a place designated by the Taxi Inspector, by the Taxicab Inspector, or his designee, for compliance with the requirements of this Chapter and any rules and regulations promulgated hereunder.

§25.1-19. Vehicles and contents.

(a) All motor vehicles meeting the definition of Taxicab shall be subject to the requirements of this Chapter. Unless otherwise provided in this Chapter, every Taxicab shall be of passenger car design, carry no more than six passengers excluding the driver, and shall be equipped with at least two doors for the entrance and exit of Passengers, in addition to the front door located on the Driver's side. All passenger doors shall be constructed so as to remain securely fastened during normal operation of the Taxicab, provided, however, that such passenger doors shall be designed so as to be easily opened by a Passenger in an emergency. Every Taxicab shall be equipped with tires having at least two thirty-seconds of an inch (2/32") of tread. No Taxicab shall be operated with unsafe tires or tires not meeting the above tread requirement. Every Taxicab shall be equipped with a properly inflated spare tire mounted on the appropriate rim.

(b) No Taxicab shall be equipped or modified in such a way as to shield the occupants or Driver from observation from outside the Taxicab.

(c) Every Taxicab in service shall be equipped with a properly installed speedometer and odometer, each maintained in good working order and each exposed to view. If a Taxicab is found to have a defective speedometer or odometer, then the Taxicab shall not be operated until the speedometer or odometer is repaired. The Certificate-holder shall provide to the Taxicab Inspector or his designee, within fifteen (15) Days of any odometer replacement, the date of change, old odometer reading, reading on replacement odometer at the time of installation thereof, and Taxicab number.

(d) The upholstery covering the interior lining of every Taxicab shall be of a nonabsorbent, washable material, with the exception of a "kick" strip not exceeding a reasonable height at the bottom of the doors. The rear cushion shall be removable. No floor mat shall be permitted in any Taxicab, unless it is made of nonabsorbent washable material and easily removable, except when such floor covering material is cemented in place on the floor of a Taxicab and the entire area of the floor is covered.

(e) Every Taxicab shall be so constructed and shall be maintained as to provide for the safety of the public and for continuous and satisfactory operation. Every Taxicab shall be further constructed and manufactured to reduce to a minimum, noise and vibration caused by operation. Every Taxicab shall be structurally sound and shall neither be placed in, nor remain in, service unless the taxicab has passed state inspection at the required times. All factory-installed safety equipment shall be in good working condition at all times. A Certificate-holder will be given a reasonable time to complete needed repairs, except in cases where the defect affects the safety of the Taxicab and/or the Passengers therein. In such cases, the Taxicab shall not be operated until all defects have been corrected. Every Taxicab shall be painted to give reasonable protection to all exposed surfaces from the elements, and all identifying marks shall be clearly legible at all times.

(f) Every Taxicab shall be equipped with cruising lights mounted on the forward portion of the roof of the Taxicab. The lights shall be of a design so as to clearly identify the vehicle as a Taxicab. A Driver, when offering Taxicab Service, shall have the cruising light on from sunset to sunrise. Each Taxicab shall also be equipped with two marker lights on either side or on top of the cruising lights. The marker lights shall be connected to, and shall be operated by the Taximeter such that when the Taximeter is on, the marker lights are off and vice versa.

(g) Color scheme and insignia for Taxicabs:

(1) Every Taxicab authorized under a Certificate shall have a color scheme, insignia and cruising light of design, uniform with other Taxicabs authorized under such Certificate, and approved by the County Manager, or his designee.

(2) No approved color scheme, insignia, cruise light design, or addition of advertising or advertising devices on or within Taxicabs shall be changed without the prior written approval of the County Manager, or his designee.

(h) All identifying marks on Taxicabs shall be plainly distinguishable in letters not less than three inches in height. The Taxicab number shall not be less than four inches in height, permanently painted or otherwise permanently affixed to each of the two front quarter panels of the Taxicab and to the right and left side of the rear window. The lettering shall indicate the name of the Taxicab Company.

(i) Every Wheelchair-accessible Taxicab shall be plainly marked with a reflective six-inch by six-inch blue with white markings international wheelchair symbol on each side of the Taxicab and on the rear of the Taxicab. All wheelchair symbols shall be above door handle height. A reflective four-inch-by-four-inch international wheelchair symbol shall be placed on the top center of the windshield.

(j) If a vehicle is taken out of service as a Taxicab on a permanent basis, then the Certificate-holder shall, within seventy two (72) hours thereafter, remove or cause to be removed the Taxicab markings along with all other indications of the vehicle's previous use as a Taxicab.

(k) Every Taxicab shall be equipped with a light capable of illuminating the interior of the Taxicab and controlled by the operation of the doors or manually controlled by the Driver.

(l) Every Taxicab shall be kept in as clean and sanitary a condition as is reasonably possible considering existing weather conditions. A Certificate-holder shall be given reasonable time in which to clean a Taxicab upon direction of the Taxicab Inspector or his designee.

(m) Every Taxicab shall be equipped with heating and air conditioning units in good working condition at all times. Such units shall be turned on or off by the Driver at the Passenger's request.

(n) The average fuel efficiency (based on the United States Environmental Protection Agency (EPA) ratings for city driving), calculated, at any time during the specified twelve (12) month period, among all Taxicabs placed into service as additional and replacement vehicles by such Certificate-holder shall be: [UNDER REVIEW]

12-Month Periods beginning July 1 and ending June 30	Average EPA City Fuel-Efficiency Rating for Replacement and New Vehicles (miles per gallon)
2010/11 and 2011/12	23.5 or greater
2012/13 and 2013/14	25.0 or greater
2014/15 and 2015/16	26.5 or greater
2016/17 and 2017/18	28.0 or greater
2018/19 and 2019/20	29.0 or greater
2020/21 and thereafter	30.0 or greater

Wheelchair-accessible Taxicabs and Taxicabs not powered by gasoline or diesel fuels shall be excluded from the above fuel-efficiency calculations.

(o) Prior to placing in service a Wheelchair-accessible Taxicab, the Certificate-holder shall present to the County Manager, or his designee, proof of the Driver's successful completion of training in the use of wheelchair lifts, in accordance with the County Manager's requirements.

§25.1-20. Age of vehicles. [UNDER REVIEW]

(a) It shall be unlawful for any Certificate-holder to place, or permit to be placed, into Taxicab Service in Arlington, County any motor vehicle which has been previously used for any purpose, with a model-year age greater than two years, or with greater than 80,000 recorded miles of use, and such vehicle shall be approved by the County Manager, or his designee, after being satisfied as to the condition of the Taxicab. Notwithstanding the above, a Wheel-chair-accessible motor vehicle, which has been used previously for any purpose, having a model-year age of less than four years and not greater than 125,000 miles, may be approved by the County Manager, or his designee, after being satisfied as to the condition of the Taxicab.

(b) It shall be unlawful for any Certificate-holder to operate, or permit to operate, a motor vehicle for Taxicab Service any vehicle having a model-year age greater than seven (7) years or with greater than 350,000 recorded miles of use. [UNDER REVIEW]

§25.1_21. Inspection of Taxicabs; inspection fee; procedure when Taxicab is found in unsafe, unfit or unclean condition

(a) Each Taxicab operating under a Certificate within Arlington County, Virginia shall be subject, at all times, to inspection by the Taxicab Inspector, his designee, or any law enforcement officer, at such times and places determined by such persons.

(b) The fee for each inspection of a new or in service Taxicab operating under a Certificate in Arlington County, Virginia shall be \$20.00. Such fee shall be paid at such times as determined by the Taxicab Inspector or his designee.

(c) If, after an inspection, any Taxicab is determined by the Taxi Inspector to be in unsafe condition, then the Taxicab shall immediately be removed from service. The Taxicab shall not be operated thereafter until the unsafe condition has been remedied and the Taxicab Inspector or his designee has re-inspected such Taxicab.

§25.1-22. Obstruction and hindering of investigations; false statements

- (a) It shall be unlawful for any Person to prevent, hinder or obstruct the County Manager, his designee, the Taxicab Inspector, his designee, or any law-enforcement officers in the performance of their duties authorized by this Chapter.
- (b) It shall be unlawful for any Person to obtain, or attempt to obtain, any Certificate, Public Vehicle Driver's License, authorization, or permission, pursuant to this Chapter, by fraud, misrepresentation, false or misleading statement, or omission of any material fact.[UNDER REVIEW]

§25.1-23. Transfer of certificates.

(a) Board approval required.

(1) A Certificate is a privilege that is in the public trust and personal to the Certificate-holder. A Certificate-holder's obligations under its Certificate involve services whose performance involves trust and confidence in the Certificate-holder.

(2) No Transfer (including, but not limited to, transfer as a result of forced or voluntary sale, merger, consolidation, receivership, or any other means) shall occur unless prior application is made by the Certificate-holder to the County Manager, or his designee, and the Board's prior written consent is obtained, pursuant to this Chapter, subject to such terms and conditions as the Board deems necessary and proper. Any Transfer without the Board's prior consent shall be considered to impair the County's assurance of due performance by the Certificate-holder. The granting of approval for a Transfer in one (1) instance shall not render unnecessary approval of any subsequent Transfer.

(b) Application.

(1) A Certificate-holder shall promptly notify the County Manager, or his designee, of any proposed Transfer.

(2) At least one hundred twenty (120) calendar days prior to the proposed effective date of a Transfer, the Certificate-holder shall submit to the County Manager or his designee, a request for approval of the Transfer. The request shall provide complete information on the proposed transaction, including details on the legal, financial, technical, and other qualifications of the proposed transferee, and on the potential impact of the Transfer on Taxicab Service in Arlington County, and copies of the following:

- (i) All information and documents required by section 25.1-3(b) of this Chapter, concerning the proposed transferee;
- (ii) All contracts, transfer agreements, financing documents, or other documents that relate to the proposed transaction, and all documents, schedules, exhibits, or the like referred to therein;
- (iii) Complete financial statements for the proposed transferee for the last three (3) years, including balance sheets, income statements, profit and loss statements, and documents detailing capital investments and operating costs;
- (iv) A detailed description of the sources and amounts of funds to be used in the proposed transaction;
- (v) Complete information regarding any potential impact of the Transfer on Taxicab Service in Arlington County.

(3) In addition to providing the information specified above, the Certificate-holder shall, at the request of the County Manager, or his designee, furnish any other information necessary to provide a complete and accurate understanding of the financial position of the Certificate-holder's Taxicab Business before and after the proposed Transfer.

(4) For the purpose of determining whether it shall consent to a Transfer, the Board, the County Manager, the Taxicab Inspector, or their designees, may inquire into all qualifications of the prospective transferee and such other matters as the County may deem necessary and relevant to determine whether the Transfer is in the public interest and should be approved, denied, or conditioned. A Certificate-holder and the prospective transferee shall assist the County in any such inquiry. If the Certificate-holder or transferee fail to do so, the request for a Transfer may be denied.

(c) *Determination by the Board.* In making a determination as to whether to grant, deny, or grant subject to conditions, a request for a Transfer, the Board may consider, without limitation: the legal, financial and operational qualifications of the transferee to operate a taxicab business and provide taxicab service in Arlington County; any potential effects of the transfer on Taxicab Service, whether a Certificate-holder is in compliance with the existing Certificate and this Chapter and, if not, the proposed transferee's commitment to cure such noncompliance; whether the transferee owns or controls any other Taxicab Business, and whether operation by the transferee or approval of the Transfer would adversely affect the provision of Taxicab Service in Arlington County, or the health, safety and welfare of the citizens of Arlington County.

(d) *Transferee's agreement.* No request for a Transfer of a Certificate shall be granted unless the transferee agrees in writing that it will abide by and accept all terms of this Chapter and any conditions placed upon the transfer by the Board. Upon approval of a Transfer, the Certificate-holder shall surrender to the County Manager the Certificate and a new Certificate, consistent with the Board approval, shall be issued by the County Manager or his designee, to the transferee.

(e) *Approval does not constitute waiver.* Approval by the Board of a Transfer does not constitute a waiver or release of any of the rights of the County under this Chapter, whether arising before or after the date of the Transfer.

§25.1-24. Rules and regulations.

The County Manager may promulgate such rules and regulations as deemed necessary to regulate and control Taxicab Service, the operation of Taxicabs, and the character and qualifications of Drivers in Arlington County.

§ 25.1-25. Reciprocity. [UNDER REVIEW]

(a) Notwithstanding the provisions of subsections __ and __ of this Chapter regarding the obtaining of a Certificate or a Public Vehicle Driver's License, every duly authorized Taxicab, Certificate-holder, or Driver in Arlington County shall abide by all applicable provisions of every current reciprocity agreement between the County and any other state, locality, or entity.

(b) The Driver of a Taxicab which is duly authorized to operate as a Taxicab in any other jurisdiction of the Commonwealth of Virginia, or in any other state, or in the District of Columbia may convey into and may discharge within Arlington County a passenger or passengers. If required by the passenger or passengers, the Taxicab Driver conveying the passenger or passengers into Arlington County may wait for the passenger or passengers and convey the passenger or passengers to his or her or their ultimate destination. The driver of a Taxicab registered in any jurisdiction other than Arlington County shall not otherwise solicit, pick up, transport, convey, or wait for any passenger or passengers within Arlington County, except as permitted in. [UNDER REVIEW]

§ 25.1-26. Enforcement.

The provisions of this Chapter may be enforced by the County Manager, his designee, the Taxicab Inspector, his designee, or any law-enforcement officer.

§25.1-27. Penalties.

Any Vehicle Owner or Driver who violates any provision of this Chapter, or any rule or regulation promulgated hereunder, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than One Hundred Dollars (\$100.00) for the first offense, and not more than Five Hundred Dollars (\$500.00) for each subsequent offense.

§25.1-28. Effect of enactment of this chapter.

Every Certificate and Public Vehicle Driver's License in effect on the date of the enactment of this Chapter shall continue in full force and effect [UNDER REVIEW]