

Chapter 16 – VEHICLES FOR HIRE
(entire chapter revised Ord. 2020-01, 6/16/20)

Sec. 16-1. Definitions.

In this chapter, unless otherwise provided, the following shall have the meaning indicated:

Cab means a taxicab as herein defined.

Driver means the driver of a taxicab.

Operator means a person operating a taxicab service which receives and discharges passengers for hire, with or without baggage, in the city, and the operator of a jitney service as defined by general law. The term shall not apply to a person whose service is wholly within the jurisdiction of the state public service commission or the interstate commerce commission.

Taxicab means any motor vehicle used by an operator in providing taxicab service, excluding vehicles which are subject to regulation by the state public service board or the interstate commerce commission, except when such vehicles are engaged in rendering services not regulated by the board of commission.

Courtesy Vehicle. courtesy vehicle is a motor vehicle that carries persons between the airport and off-airport businesses such as valet parking lots, hotels, motels, and rental car companies, which the passengers pay no direct charge, or car dealer courtesy vehicles. These are not vehicles for hire.

Transportation Network Company (TNC). Transportation Network Company or TNC is a Vehicle For Hire business that uses a digital network or software application service to connect passengers to Transportation Network Services provided by Transportation Network Company Drivers The vehicle used to provide Transportation Network Company Services are Vehicles For Hire for purpose of this chapter.

Transportation Network Company (TNC) Driver, An individual who (a) receives connections to potential passengers and related services from a TNC in exchange for payment of a fee to the TNC and (b) operates a motor vehicle that is owned, leased or otherwise authorized for use by the individual and used to provide TNC Services. A TNC shall not be deemed to control, direct or manage the personal vehicle or the TNC Driver that connect to the TNC's digital network except where agreed to by written contract.

Transportation Network Company (TNC) Services. Transportation Network Company (TNC) Services is transportation of a passenger or passengers between points chosen by the passenger and prearranged with a TNC Driver through the use of a TNC digital network or software application. TNC Services shall begin when a TNC Driver accepts a request for transportation received through the TNC's digital network or software application service, continue while the TNC Driver transports the passenger in the TNC Driver's vehicle, and end when the passenger exits the TNC Drivers vehicle.

Vehicle For Hire. A vehicle for hire is a passenger vehicle transporting passengers for compensation of any kind, vehicles for hire include taxicabs, TNC vehicles, limousines, jitneys, car services, contract vehicles, shuttle vans, and such vehicles transporting passengers for compensation of any kind, except:

- (1) Those which an employer uses to transport employees;
- (2) Those which are used primarily to transport elderly, special needs and handicapped persons for whom special transportation programs are designed and funded by state, federal, or local authority or otherwise exempted
- (3) Buses, trolleys, or other similar mass transit vehicles; or
- (4) Courtesy vehicles for which the passenger pays no direct charge, such as hotel or car dealer shuttle vans

Vehicle For Hire Company. Vehicle for hire company is any business entity that owns, operates, controls, dispatches, or otherwise deals with Vehicles For Hire, including a TNC.

Sec. 16-2. License required; fee; limitations.

Every Vehicle For Hire operation in the City, whether an individual, corporation, d/b/a, limited liability corporation, partnership, or other legal entity, shall obtain a vehicle for hire business license from the City Clerk. There shall be an annual application fee for each license, as set out in schedule, which shall be determined and approved by City Council and posted with the administration office. TNC Drivers and drivers who do not own their own Vehicles for Hire business do not require a business license.

(a) It shall be unlawful to be an operator of a vehicle for hire service in the city without first having procured a vehicle for hire operator's license in accordance with the applicable provisions of this chapter.

(b) Before a vehicle for hire operator's business license is issued, the application therefor shall be referred to the chief of police for investigation and approval.

(c) A person shall not be eligible for a vehicle for hire operator's license, if they or any stockholder thereof, has been convicted, within the previous five (5) years of a felony, or has been convicted of three (3) moving motor vehicle violations within the past five (5) years. The applicant shall also satisfy the chief of police that the vehicle or vehicles to be used in providing vehicle for hire service are in good mechanical condition, are suitable for the purpose of transporting passengers, and in all respects comply with the requirement of the state law.

(d) There will be annual license fees to be paid by the operator for the first vehicle for hire operated and for each additional vehicle for hire operated. The fees for the license shall be designated by the city council and upon adoption of the rates the council shall publish the rate changes thirty (30) days prior to the effective date of the rate changes. (Ord. No. 1983-1, 1-13-83, Ord. No. 1989-4, 6-6-89, Ord. No. 1993-6, 1-2-94, Ord. No. 2005-1, 8/18/05)

Sec. 16-3. Driver's license required; limitation.

(a) It shall be unlawful for a person to drive a vehicle for hire, while carrying passengers for hire, unless they have a vehicle for hire driver's license procured from the City of Barre, and the vehicle is also licensed.

(b) Before a vehicle for hire driver's license is issued, the application therefor shall be referred to the chief of police for investigation and approved.

(c) A vehicle for hire driver's license shall not be issued to a person who while driving a motor vehicle has been involved in an accident or collision which occurred through their fault or negligence, which resulted in property damage of more than one thousand dollars (\$1,000).

(d) Additional requirements for lawful operation of a vehicle for hire in the City of Barre

(1) Be twenty-one (21) years of age or older; and

(2) Hold a valid operator's license, including any necessary endorsement; and

(3) Have at least one (1.) year of driving experience; and not have ever been convicted of homicide, manslaughter, kidnapping, or sexual assault, or is required by a governmental entity to register as a sex offender in any jurisdiction and not have been convicted of any of the following offenses in any jurisdiction in the past seven (7) years:

(a) Operating a motor vehicle while under the influence of either drugs or alcohol •

(b) Refusing to submit to an evidentiary alcohol or drug test for operating under the influence•

(c) Any felony involving the sale or possession of controlled substances or narcotics •

(d) Any offense involving threats, physical violence. or the use of a weapon:

(e) Any felony involving theft, fraud, or dishonesty:

(f) Any felony involving reckless driving, negligent operation, or leaving the scene of an accident

(g) Not have been convicted of more than three (3) moving motor vehicle violations within the past three (3) years or convicted of driving on a suspended or revoked driver's license within the last three (3) years in any jurisdiction: and

(h) Not have any pending unresolved criminal charges which if convicted would disqualify the Driver.

(i) Is not at the time of the application subject to an active abuse prevention order or its equivalent in any jurisdiction.

(j) Has not had a Vehicle for Hire license or its equivalent revoked for safety-related reasons by the City or any other jurisdiction within the previous three (3) years;

Sec. 16-4. Suspension and revocation.

Upon finding of probable cause by a judge or any offense/violations contained in (2) and (3) of the above section a vehicle for hire driver's license may be suspended by the council. If the offense is a violation of a minor traffic law or ordinance, the vehicle for hire driver's license may be suspended for not more than five (5) days for a first offense, and not more than twenty (20)

days for any subsequent offense. In cases of a charge involving a felony or crime against a person, the vehicle for hire driver's license may be revoked.

Sec. 16-5. Duties of drivers.

- (a) It shall be the duty of a vehicle for hire driver to obey traffic laws and ordinances
- (b) It shall be the duty of a vehicle for hire driver to accept as a passenger any person who seeks to use the vehicle for hire service, provided the person is not intoxicated and conducts themselves in an orderly manner. No person shall be admitted to a vehicle for hire occupied by a passenger unless the passenger consents.
- (c) It shall be the duty of the driver to have an official Barre City Vehicle for Hire designation displayed in their window at all times.

Sec. 16-6. Inspections.

Every vehicle used in vehicle for hire service in the city shall be inspected annually by an authorized motor vehicle inspection station, approved by the state department of motor vehicles. A vehicle for hire shall not be operated unless the station certifies that the vehicle for hire meets the requirements of state law and regulations. (Ord. 1993 -6, 1/2/94)

Sec. 16-7. Reserved.

Editor's note- Pursuant to Ord. No. 1983-1, adopted Jan. 13, 1983, Sec. 16-7, relative to package delivery service, has been deleted.

Sec. 16-8. Designation of vehicle for hire stands.

Other provisions of this Code notwithstanding, the council may from time to time, by resolution, designate portions of streets or parking lots as vehicle for hire stands, to be used only by vehicles for hire in providing vehicle for hire service. It shall be unlawful for a person to occupy or park a vehicle, other than a vehicle for hire in a vehicle for hire stand.

Sec. 16-9. Reserved

Editor's note - Pursuant to Ord. No. 1983-1, adopted Jan. 13, 1983, Sec. 16-9 relative to fares, has been deleted. Formerly said section did not carry a history note, but was amended by Ord. No. 1977-1, adopted Feb. 12, 1977.

Sec. 16-10. Minimum Insurance Coverage,

- (a) Each TNC Licensee shall, for each vehicle operation under its License, maintain primary automobile liability coverage of at least One Million Dollars (\$1,000,000) of liability coverage for bodily injury and property damage arising from the operation of a vehicle for hire.

- (i) This coverage shall be applicable once a vehicle for hire accepts a ride request through the company's digital platform, website, telephone, or any other method of communication and shall continue until the last requesting passenger departs the vehicle.
- (b) Each TNC Licensee must also maintain contingent liability coverage of at least fifty thousand dollars (\$50,000) per person and at least one hundred thousand dollars (\$100,000) per accident, and at least twenty five thousand dollars (\$25,000) for property damage per accident during the time that a TNC Driver is logged into a company's digital network and available to receive requests for transportation service but has not accepted a ride request from a passenger.
 - (i) The coverage required under this section (b) shall be maintained by a TNC and provide coverage in the event a TNC Driver's own automobile liability policy excludes coverages according to its policy terms or does not provide coverage of at least the limits required in this subsection.
- (c) In every instance where insurance maintained by a TNC Driver to fulfill the insurance requirements of this section has lapsed, failed to provide the required coverage, denied a claim for the required coverage or otherwise ceased to exist, insurance maintained by the TNC shall provide the coverage required by this Section beginning with the first dollar of a claim.
- (d) Each other Licensee shall for each vehicle operating under its License, maintain commercial liability insurance coverage of at least Five Hundred Thousand Dollars (\$500,000) for bodily injury and property damage arising from the operation of a vehicle for hire.
- (e) Insurance required under this section must be placed with an insurer authorized to do business in the state of Vermont or with a surplus lines insurer eligible.
- (f) Each Licensee is under a continuing obligation to maintain valid insurance coverage of at least the minimums required by this section at all times. Failure to maintain insurance as required by this section shall be grounds for suspension or revocation of a license.

Sec 16-11 Records

- (a) All Licensees shall maintain:
 - (1) Individual trip records for at least two (2) years from the date each trip was provided;
 - (2) Driver records, including background checks, for at least two (2) years after the last date a driver's relationship with the licensee has ended;
 - (3) Proof that each vehicle for hire operating under the licensee passed an inspection in accordance with this chapter for a period of at least two (2) years after the vehicle was last driven in service for the licensee;
- (b) Records may be maintained electronically;

Sec. 16-12 Reporting and Audits

(a) For the purpose of ensuring public safety and verifying that the vehicle for hire company is in compliance with the requirements of this Chapter, the Chief of Police or their designee shall have the right to request, visually inspect, and audit records, no more than semi-annually of the driver and vehicle for hire records of the Business Licensees then transfer records to City Clerk if needed. The purpose of the record request, inspection and audit is to verify that the Licensee is in compliance with the driver and vehicle standards and insurance requirements of this chapter. The terms of the record request, inspection and audit procedure shall be established by a memorandum of understanding between the City and the Licensee and approved by the City Council, records provided must show;

- (1) Proof that the vehicle(s) meet the standard of this Chapter, and
- (2) Proof of adequate insurance coverage for each driver and vehicle as required by this chapter.

(b) The City Clerk or their designee may conduct an audit on a more frequent basis if it has reasonable basis to suspect that a business licensee is not in compliance with the requirements of the chapter. If the city receives a complaint against any driver or licensee, the driver and/or licensee shall cooperate with the city in investigating the complaint, including by producing any records held by the licensee that the city deems necessary to investigate and resolve the complaint.

Sec. 16-13 Violation; penalty.

- (a) For any violation of this Chapter, City Council, after notice and hearing, may impose any of the following penalties;
- (1) The City Council may place legal conditions on a licensee that it deems necessary to ensure adherence to the requirements of this chapter and ensure the public's safety and welfare.
 - (2) In addition to, or instead of suspension of a license, the City Council may impose a fine of up to eight hundred dollars (\$800) per day for each knowing violation of this chapter.
 - (3) In addition to any fines or conditions, the City Council may impose a suspension of up to ninety (90) days for violation of this chapter.
 - (4) Where there is sufficient evidence that continued licensing would undermine the vehicle for hire industry and/or would pose serious risk to public safety and welfare, the City Council may revoke a license. A licensee may not apply for a new license for a minimum period of two (2) years from the date of revocation.
 - (5) The Board or police may remove or impound any unauthorized vehicle for hire, including one being operated that has been ordered out of service, or any vehicle being operated by any unauthorized person. A vehicle impounded in accordance with this subsection shall be done so in accordance with due process of law and

then removed to a designated facility as determined by the Chief of Police and a fine of up to eight hundred dollars (\$800), as determined by City Council, shall be due from the registered owner of the vehicle.

(b) The City may take any appropriate action to enjoin or abate any violation of this chapter. In addition to the penalties set forth herein, the city shall recover its costs of enforcement, including reasonable attorney's fees and costs associated with enjoining or abating said violation(s).