

AN ORDINANCE PERTAINING TO TAXICABS

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 82 of the Code of Ordinances of the City of Lewiston, Maine, is hereby amended as follows:

CHAPTER 82

VEHICLES FOR HIRE

ARTICLE II TAXICABS

DIVISION 1. GENERALLY

~~Sec. 82-28. Display of cards required. Reserved.~~

- ~~(a) — All licensed taxicabs shall have cards of such size and form as may be required by the city clerk which shall show:
 - ~~(1) — The license number assigned to the vehicle by the city clerk and a statement to the effect that in cases of complaint, the city clerk shall be notified, giving the number of the taxicab license.~~
 - ~~(2) — The driver's identification card and number.~~~~
- ~~(b) — The cards required by this section shall be displayed on the interior of the vehicle in clear view of the passenger and so placed or secured in the frame in which enclosed that they may not be easily tampered with or destroyed.~~

~~Sec. 82-31. Inspection; costs. Reserved.~~

- ~~(a) — The city clerk shall have the power to designate such person and place of inspection as the city clerk may deem proper to determine whether taxicabs are being maintained in adequate repair.~~
- ~~(b) — Whenever an inspection is made by a person designated by the city clerk, the cost of such inspection shall be paid by the owner of the taxicab.~~

Sec. 82-47. Application.

- (a) Applications for licenses required under this division shall be filed in accordance with chapter 22. In addition to the requirements of that chapter:
 - (1) *Taxicab business licenses:*
 - a. Every application shall be signed and verified by each of the principal officers of the applicant if the applicant is a corporation, and in all other cases by all persons having actual ownership interests in the applicant.

If the applicant is a corporation, the application shall state the name and address and the date and place of birth of each of the principal officers of the applicant and of every person having management authority in the business of the applicant. In all other cases, the application shall state the name and address and the date and place of birth of every person having an actual ownership interest or having management authority in the business of the applicant.

- b. A record of any disqualifying criminal conviction or a statement that no such conviction exists shall be provided.
- c. The make, type, year, serial number and license plate number of each vehicle for which a taxicab business license is sought and the address of the garage or other terminal at which the vehicle will be stationed when not in service shall be stated.
- d. A detailed description of the graphic design, insignia, working and coloring which will appear upon the vehicle, if licensed, shall be included.
- e. The application shall contain an appropriate form of statement over the signature of each person signing the application, giving all persons and governmental agencies having information relevant to the above items permission to release the same to the clerk.

~~(2) — Taxicab drivers' licenses. The taxicab driver's license shall:~~

- ~~a. — State the age of the applicant;~~
- ~~b. — Contain a complete statement of the applicant's health and physical condition;~~
- ~~c. — Contain a complete record of the applicant with respect to any disqualifying criminal conviction or a statement that no such conviction exists;~~
- ~~d. — Contain a record of convictions for reckless driving, driving to endanger, operating or attempting to operate under the influence during the year preceding the application; and~~
- ~~e. — State whether any driver's license held by the applicant is presently revoked or has been revoked during the three years preceding the application and the reasons for such revocation or revocations.~~

~~(b) — The application shall contain an appropriate form of statement over the signature of the applicant giving all persons and governmental agencies having information relevant to the items required under this section permission to release such information to the clerk and shall be accompanied by two photographs of the applicant of such size as the clerk may specify.~~

Sec. 82-48. Standards for denial.

In addition to those standards set forth in chapter 22, a license under this division shall be denied to the following persons:

- (1) *Taxicab business licenses.*
- a. A corporation which is not licensed to do business in the state;
 - b. An applicant other than the registered owner of the vehicle;
 - c. A corporation if any principal officer thereof or any person having actual ownership interest therein has a disqualifying criminal conviction;
 - d. An applicant, other than a corporation, if such applicant or any person having an actual ownership interest or management authority therein has a disqualifying criminal conviction;
 - e. Any applicant whose taxicab business license has been revoked within the three years preceding the application; and
 - f. Any applicant, if any person whose taxicab license has been revoked within the three years preceding the application, and who was a principal of any corporation whose taxicab business license has been revoked within the three years preceding the application, is or will be substantially involved in the ownership or management of the business.

The clerk shall make and keep a written record of every decision to deny an application for a taxicab business license in the manner required by 1 M.R.S.A. § 401 et seq.

- ~~(2) *Taxicab driver's licenses.*~~
- ~~a. An applicant who has not attained the age of 18 years;~~
 - ~~b. An applicant who is unable to safely operate a taxicab or who presents a danger to the health, safety or general welfare to the public;~~
 - ~~c. An applicant who has been convicted of (a) any class A, class B or class C crime; or (b) a crime committed under the laws of the United States of America or of any other state or territory thereof, which is punishable (whether or not such punishment was actually imposed) by a sentence at least as harsh as that which is authorized for the commission of a class C crime under Maine law; provided that such conviction was for an offense which is rationally related to the purpose of licensing taxicab drivers;~~
 - ~~d. An applicant who has been given a disqualifying criminal conviction at any time during the five years immediately preceding application; or who has been imprisoned at any time during such~~

~~period for a disqualifying criminal conviction; provided that such conviction was for an offense which rationally related to the purpose of licensing taxicab drivers;~~

- ~~e. — An applicant who has been convicted at any time during the three years immediately preceding application of reckless driving; driving to endanger; operating under the influence; operating after suspension of driver's license; attempting to operate under the influence; or an equivalent offense in any other jurisdiction; or whose privilege to operate a motor vehicle in any jurisdiction has been revoked at any time during such period for any reason;~~
- ~~f. — Any applicant whose taxicab driver's license has been suspended, withdrawn or revoked within the three years preceding the application. If the driver's license was suspended, withdrawn or revoked due to nonpayment of state mandated child support or due to lack of personal vehicle insurance coverage, this standard for denial is not applicable;~~
- ~~g. — Any applicant who does not possess a current and valid Maine driver's license;~~
- ~~h. — Any applicant who has outstanding warrants of arrest in Maine or any other jurisdiction; and~~
- ~~i. — Any applicant who is a convicted sex offender and who is required to register as a sex offender within the state.~~

~~The clerk shall make and keep a written record of every decision to deny an application for a taxicab driver's license in the manner required by 1 M.R.S.A. § 401 et seq.~~

~~Sec. 82-49. Inspection prerequisite to issuance. Reserved.~~

- ~~(a) — Before a taxicab license shall be granted, all taxicabs shall be thoroughly inspected in regard to mechanical condition and general appearance.~~
- ~~(b) — Every person operating a taxicab shall present such taxicab for inspection whenever the city clerk may require it.~~

~~Sec. 82-53. City clerk's power to suspend.~~

- ~~(a) *Business or driver's license.* In addition to the grounds for suspension or revocation of licenses set forth in chapter 22, ~~either~~ a taxicab business license ~~or~~ a taxicab driver's license may be suspended or revoked upon a determination that the licensee:
 - ~~(1) Knowingly took a longer route to his destination than was necessary, unless so requested by the passenger;~~~~

- (2) Knowingly conveyed any passenger to a place other than that which the passenger specified;
 - (3) Transported any person other than the passenger first engaging the taxicab without the express consent of such passenger;
 - (4) Drove a taxicab when not clean and neat in appearance;
 - (5) Refused to transport any orderly person upon request unless, in the case of a single taxicab business, the taxicab is engaged, or in the case of a taxicab business operating more than one taxicab, all taxicabs operated by such business and then in service are engaged. If no taxicab is available at the time when a request for taxicab service is telephoned to a dispatch service, the dispatch service shall arrange with the caller for transportation by the next available taxicab using such dispatch service unless the caller expressly declines to make such arrangement;
 - (6) Charged more than the maximum fare specified in this article; ~~or~~
 - (7) Failed to notify the clerk of any change of any material fact set forth in the application for such license; ~~or~~;
 - (8) ~~Removed from a taxicab or obscured or caused to be removed from a taxicab or obscured the notice required by section 82-28.~~
- ~~(b) Taxicab drivers' licenses only. In addition to the provisions of subsection (a) of this section, a taxicab driver's license may be suspended or revoked upon the determination that the driver:~~
- ~~(1) Engaged in any loud argument, fight or other disturbance; harassed, threatened or assaulted another person; intentionally damaged, destroyed or threatened to damage or destroy any property; or in any other manner engaged in conduct detrimental to the orderly and efficient transportation of passengers;~~
 - ~~(2) Is unable to safely operate a taxicab or presents a danger to the health, safety or general welfare to the public;~~
 - ~~(3) Has been convicted or adjudicated of a disqualifying criminal conviction at any time since such license was last issued or renewed; or~~
 - ~~(4) Has been convicted at any time since such license was last issued or renewed of reckless driving; driving to endanger; operating under the influence; attempting to operate under the influence; or an equivalent offense in any other jurisdiction; or whose privilege to operate a motor vehicle in any jurisdiction has been revoked.~~

~~Maximum suspensions of taxicab driver's licenses shall be as follows: Five days for the first violation, 14 days for the second violation, 30 days for the third violation within a one-year period. Fourth violations shall result in revocation of the taxi driver's license~~

~~and may be the basis for further action with respect to the taxicab business license.~~

- (e)(b) *Taxicab business licenses.* In addition to the provisions of subsection (a) of this section, taxicab business licenses shall be subject to suspension or revocation where it is determined that there have been repeated violations by the driver or drivers thereof which resulted in four or more suspensions for similar conduct by the same driver, or eight or more suspensions by employees of the same person holding more than one taxicab business license for similar conduct, establishing a pattern of conduct by the holder of the taxicab business licenses.
- ~~(d)~~ ~~Either license.~~ Notwithstanding the foregoing provisions of this section, a taxicab business ~~or driver's license~~ may be suspended or revoked if a licensee used, or allowed another to use, a taxicab in connection with, or to promote or solicit for, any unlawful business or activity.

~~Sec. 82-54. Right to appeal from suspension or denial; procedure. Reserved.~~

~~Any applicant or licensee under this division aggrieved by an order of suspension or denial shall have the right to appeal, provided such applicant or licensee submits an application to the board of appeals a request for a hearing. The board of appeals shall have the power to temporarily suspend, revoke or deny a taxicab driver's license when operation by the license holder presents a danger to the health, safety or general welfare of the public. After such hearing, the board of appeals may affirm, modify or vacate the order of suspension appealed from.~~

Note: Additions are underlined; deletions are ~~struck-out~~.