



## City Code Regarding Taxi Cab Licenses

### ARTICLE VII. - TAXICABS AND LIMOUSINES

#### DIVISION 1. - GENERALLY

##### Sec. 38-341. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Public highway mean and includes every public street, alley, avenue, road, highway or thoroughfare of any kind in the city, used by the public.

Taxicab means every and all self-propelled or motor driven vehicles engaged as such in the carriage of persons for hire, used upon any of the public highways of the city otherwise than upon fixed tracks or routes, provided that the following motor vehicles shall not be deemed taxicabs within the meaning thereof:

- (1) Motor vehicles operated under a franchise from the city or operating under the authority or jurisdiction of the state corporation commission; and
- (2) Motor vehicles owned by undertakers and used exclusively for funeral purposes.

Vehicle for hire means a taxicab or limousine service.

(Code 1995, § 8-201)

##### **Cross reference—** Definitions generally, § 1-2.

##### Sec. 38-342. - Use of streets for stalls and parking places.

It shall be unlawful for any person to use the streets of the city as a stall or parking place from which to conduct the business of operating a taxicab, except such stalls that shall be designated and marked for taxicab parking by the governing body and the chief of police.

(Code 1995, § 8-212)

##### **Cross reference—** Streets, sidewalks and other public places, ch. 70.

##### Sec. 38-343. - Rates.

No person operating any taxicab shall charge more for carrying each person to any point within the corporate limits of the city than the rates established by resolution of the governing body.

(Code 1995, § 8-220)

##### Sec. 38-344. - Maintenance.

No vehicle for hire shall be used or operated on the public highways of the city unless it is maintained in a clean and serviceable condition and in adequate repair, and the police department of the city shall have the right to inspect, as often as they deem proper, every such vehicle for hire in order to determine whether it is being maintained in the condition and state of repair required by this article.

(Code 1995, § 8-221)

Sec. 38-345. - Intoxicating liquor.

If the driver of a vehicle for hire is convicted in the municipal court of the city for driving a taxicab while under the influence of intoxicating liquor, or is convicted of having liquor in his possession while operating the vehicle for hire, the license for such vehicle for hire shall be suspended for a period of 30 days.

(Code 1995, § 8-222)

**Cross reference**— Alcoholic beverages, ch. 6.

Secs. 38-346—38-370. - Reserved.

## DIVISION 2. - VEHICLE LICENSE

Sec. 38-371. - Required.

No person shall operate, or permit to be operated, a vehicle for hire upon the public highways of the city, without having first procured a license as provided in this division.

(Code 1995, § 8-202)

Sec. 38-372. - Application.

Any person desiring to operate a vehicle for hire in the city shall file a written application with the city clerk, setting forth:

- (1) The name and address of the owner of the vehicle for hire and the applicant;
- (2) A complete description of the vehicles for hire proposed to be operated, including the motor and serial numbers, and the number of vehicles for hire proposed to be operated; and
- (3) Such other information and statements as the city clerk may require regarding the condition, equipment and ownership of such vehicles for hire.

(Code 1995, § 8-203)

Sec. 38-373. - Insurance required.

It shall be unlawful to operate, or permit to be operated, a vehicle for hire in the city, and no license for the operation thereof shall be granted by the governing body until the applicant for such license shall deposit with the city clerk a policy of liability insurance issued to, and covering, such applicant and each and every vehicle for hire described in the application, in such form as shall be acceptable to, and approved by, the governing body. Such policy shall provide for umbrella or all perils coverage of not less

than \$500,000.00. The insurance coverage shall be effective whether the vehicle for hire is driven by the owner or his agent, employee, lessee or licensee. The policy of insurance shall further provide that it cannot be canceled until timely written notice of such cancellation has been filed with the city clerk. The cancellation or other termination of any insurance policy issued for or in compliance with the provisions of this section shall automatically terminate any license issued for the vehicle for hire covered by such insurance policy unless another policy complying with the provisions of this section shall be provided and shall be in full force and effect at the time such cancellation becomes effective.

(Code 1995, § 8-205; Ord. No. 3082, § 1, 12-10-2012)

Sec. 38-374. - Taxicab certificate of convenience.

- (a) Before any taxicab license shall be issued by the city clerk to any person for the operation of taxicabs within the corporate limits of the city which are not in lawful operation under a license prior to the effective date of the ordinance from which this article is derived, such application for a license shall first be presented to the governing body to determine whether or not public convenience and necessity require the operation of additional taxicabs in the city and that persons in lawful operation of taxicabs under the license previously issued are unable to render or incapable of rendering service or in fact failing to render sufficient service to meet the needs of the public, provided that the city clerk shall, without referring the applications to the governing body, issue licenses for taxicabs upon the approval of the insurance policy provided for in section 38-373 and upon payment of the license fee provided for in section 38-375 to any person in lawful operation of a taxicab at the time of the passage and effective date of the ordinance from which this article is derived.
- (b) Upon the filing of an application with the city clerk for a taxicab license by any person, the applicant shall fill out an application as provided in subsection (a) of this section. The city clerk shall then refer the application to the governing body at their next regular meeting subsequent to the filing of such application and the payment of the license fee and the filing of the policy of such applicant for a taxicab license. The governing body, at the next regular meeting after such application has been referred to them, shall fix a time and place for a hearing thereon, which shall not be more than ten days after such application shall have been referred to the governing body. The city clerk shall then cause notice to be served upon every taxicab licensee operating taxicabs within the city of the time and place of such hearing. At such hearing, the governing body shall hear testimony for or against the granting of such license. If the governing body finds that public convenience will be promoted by the additional taxicab service, a license shall be issued upon fulfillment of the other requirements set out in this section. If the governing body shall find that public convenience and necessity do not require the operation of additional taxicabs in the city, the license shall be denied and the applicant is then entitled to be reimbursed for the amount of the license fee paid and to have the policy of insurance returned to him.
- (c) In hearing whether or not an application for a license shall be approved and the license issued, the governing body shall take into consideration the systems of transportation already operating, the probable congestion of traffic with the additional systems of transportation, the question of whether or not the existing systems of transportation are rendering the service required to meet the needs of the public and all other facts which are necessary to determine whether or not public convenience and necessity require the operation of an additional taxicab service within the corporate limits of the city.

(Code 1995, §§ 8-206—8-208)

Sec. 38-375. - Fees; expiration.

The amount to be paid for a license for each vehicle for hire under the provisions of this division shall be as set by resolution of the governing body for the first vehicle and each additional vehicle, for a period

of one year, or any fraction thereof. Such license shall expire on December 31 of the calendar year in which the license is issued.

(Code 1995, § 8-204)

Sec. 38-376. - Issuance; applicability; assignability and transferability.

- (a) Within five days after the approval of the application for a license for a vehicle for hire and approval by the governing body, and after approval of the policy of insurance as provided for in section 38-373 and payment of the license fee as provided for in section 38-375, the city clerk shall issue a license for the vehicle for hire.
- (b) Any license for the operation of a vehicle for hire shall apply to, and cover only, the specified vehicle described in the application therefor until, upon application duly made by the licensee, the right to transfer such license to another vehicle is granted by the governing body.
- (c) No license issued for the operation of a vehicle for hire shall be assigned or transferred to any other person, except upon application for such transfer made to, and granted by, the governing body, and it shall be unlawful for any person to use, drive or operate any vehicle for hire within the city which shall not have been duly licensed or which is not being operated by the person to whom the license for such vehicle was issued, or on which any license has been cancelled or which has ceased to be operated by the licensee named in the license or in the duly approved transfer thereof.

(Code 1995, § 8-209)

Sec. 38-377. - Reduction of taxicab licenses.

The governing body may, upon its own application or the application of other transportation systems or taxicab licenses operating within the corporate limits of the city, upon one week's notice to all parties interested, hear evidence to determine whether or not the taxicabs operating in the city are more than sufficient for the public convenience and necessity of the city and if, upon the hearing of such evidence, the governing body shall find that there are more taxicabs operating in the corporate limits of the city than are necessary for public convenience and necessity, the governing body shall have the power to reduce the number of taxicabs operating under any license, to become effective at the expiration date of each license as provided for in this division.

(Code 1995, § 8-210)

Sec. 38-378. - Taxicab license tags.

- (a) Upon issuing any taxicab license, the city shall furnish the licensee with two license tags for each taxicab to be operated under such license and upon which shall be placed a number designating the taxicab upon which such license tag is to be used, together with the word "TAXI." Such license tag shall be immediately placed above or below the state license plate in the front and rear of such taxicab and kept there, at all times, in a readable condition.
- (b) Each taxicab shall have the word "TAXI" painted in letters of a contrasting color, not less than four inches high, on each front door and on the rear of the body of such taxicab. Each taxicab shall be equipped with a small lamp mounted on the top front portion of the taxicab, displaying an amber or white light. The lamp shall be clearly visible in the nighttime from both the front and rear of the taxicab.

(Code 1995, § 8-211)

Sec. 38-379. - Registration.

The city clerk shall keep a register showing the name and address of each person owning a vehicle for hire license, as well as the license number, description and make of such vehicle for hire. Such register shall be a public record and open to inspection by the public at all times.

(Code 1995, § 8-213)

Secs. 38-380—38-400. - Reserved.

DIVISION 3. - DRIVER'S LICENSE

Sec. 38-401. - Required.

It shall be unlawful for any person to act as a driver of a taxicab or other vehicle for hire without first having secured a license as a driver to be issued by the city clerk.

(Code 1995, § 8-214; Ord. No. 2842, § 1, 4-4-2005)

Sec. 38-402. - Application.

- (a) A taxicab or vehicle for hire driver's license shall be applied for in writing, on such forms as the city clerk may prescribe, and such application shall include the following:
  - (1) Name, age, sex, weight, height, color of eyes and hair of applicant, his or her residence and address, and length of residence in the city.
  - (2) State of issuance, class and expiration date of applicant's driver's license; whether the applicant has ever had a driver's license revoked or suspended, and if so, the cause and date of each revocation or suspension.
  - (3) Whether or not the applicant has ever been licensed as a taxi driver or vehicle for hire driver, and if so, when and by what city or state, and whether any such license has ever been revoked or suspended, and if so, the date of such revocation and suspension.
  - (4) Number of times and places arrested and/or convicted of traffic violations (other than parking violations).
  - (5) Experience the applicant has had in driving motor vehicles and in driving taxicabs or other vehicles for hire.
  - (6) Name of the person by whom the applicant is employed, and whether or not the applicant has ever been convicted of a felony or misdemeanor (other than traffic violations listed as required above), giving the particulars of each such conviction.
  - (7) A photograph of the applicant, to be taken by the police department. The applicant shall submit to thumb printing by the police department. A copy of the photograph shall be attached to the copy of the application filed in the police department, and a copy shall be attached to the application filed with the city clerk.
  - (8) The names, addresses and telephone numbers of three reputable persons, named by the applicant, who have known the applicant for one year or more immediately prior to such application. Such persons given as references must be residents of the State of Kansas.
- (b) The application shall be accompanied by the payment of an examination fee as set by resolution of the governing body and if the applicant is refused a license, such fee shall be retained by the city.

(Code 1995, § 8-214; Ord. No. 2842, § 1, 4-4-2005)

Sec. 38-403. - Investigation.

- (a) Before a vehicle for hire driver's license is issued, the chief of police shall cause an investigation to be made of the facts set forth in the application and shall not approve the issuance of a license to any person that has been convicted of any of the following, within the time frames specified:
  - (1) Any felony at any time;
  - (2) Driving while under the influence of alcohol or drugs within the past five years;
  - (3) Driving while under the influence of alcohol or drugs more than once, regardless of when the convictions occurred (for purposes of this paragraph, a diversion will count as a prior conviction);
  - (4) Any sex offense at any time;
  - (5) Any domestic violence offense at any time;
  - (6) Any misdemeanor offense involving controlled substances within the past five years;
  - (7) Any failure at any time to stop and give information or render aid after an accident involving death, personal injury or damage to vehicles or other property;
  - (8) Any failure at any time to notify the owner of an unattended vehicle or other property of damage to such property or failure to report an accident required by law to be reported;
  - (9) Any giving at any time of false information in an accident report;
  - (10) Reckless driving at any time;
  - (11) Fleeing or attempting to elude a police or other law enforcement officer at any time;
  - (12) Transportation of alcoholic beverage in an open container within the past five years;
  - (13) Driving while one's license has been canceled, suspended, or revoked within the past five years.
- (b) In addition, no license shall be issued to any person who does not possess a valid Kansas driver's license of a class sufficient to allow operation of a taxicab or vehicle for hire, or is not physically fit to operate a taxicab, or to any person whose general reputation and integrity or responsibility, or whose previous criminal record is, in the opinion of the chief of police, such as to render the applicant unfit for such occupation.

(Code 1995, § 8-215; Ord. No. 2842, § 1, 4-4-2005)

Sec. 38-404. - Age requirement; approval or disapproval by chief of police.

Every applicant for a vehicle for hire driver's license must be at least 18 years of age. The chief of police shall note upon the application the chief's approval of the issuance of a license to the applicant, and, if required to do so by the governing body, shall state the reasons for disapproval in writing to the governing body.

(Code 1995, § 8-216; Ord. No. 2842, § 1, 4-4-2005)

Sec. 38-405. - Issuance.

If the applicant for a vehicle for hire driver's license shall successfully pass the investigation conducted by the city, the application shall be approved by the governing body and the applicant shall

pay, in advance, the required fees. The city clerk shall thereupon issue a license to the applicant, and the license shall be signed by the commissioner of public facilities and city clerk.

(Code 1995, § 8-218; Ord. No. 2842, § 1, 4-4-2005; Ord. No. 3151, § 2, 8-11-2014)

Sec. 38-406. - Expiration and renewal.

All vehicle for hire drivers' licenses shall expire on December 31 each year. Upon the expiration of a license, the driver shall be required to obtain a new license upon the payment of the fee as set by resolution of the governing body. Each application for a new or renewal license shall be accompanied by a fee as set by resolution of the governing body, which shall be paid to the city clerk; however, before any new or renewal license is issued, the applicant must secure the approval of the chief of police upon the requirements provided for in this division, and new photographs to be taken if, in the opinion of the chief of police, such photographs are necessary for proper identification. No refund shall be made for any reason whatsoever.

(Code 1995, § 8-217; Ord. No. 2842, § 1, 4-4-2005)

Sec. 38-407. - Display; transferability and assignability.

- (a) The vehicle for hire driver's license shall be conspicuously displayed in such a manner that the entire card or sheet is visible from the rear seat of the vehicle which the driver is operating and the only driver's license displayed shall be the one belonging to the driver who is on duty at the time. The license shall be enclosed in a frame with a glass or other transparent front so that the license shall be clearly discernible to, and easily readable by, a passenger in the rear seat. No driver shall operate a vehicle for hire unless he shall have the license card displayed in such manner.
- (b) No vehicle for hire driver's license shall be subject to transfer or assignment to any person other than the person to whom it was issued.

(Code 1995, § 8-218)

Sec. 38-408. - Revocation.

A vehicle for hire driver's license may be suspended or revoked at any time by the governing body upon the recommendation of the chief of police for a violation of any of the provisions of this division or any other ordinance of the city or any law of the state or for any other reason the governing body deems right and proper, and such decision by the governing body shall be final. Any such suspension shall be noted on the suspended license, together with a statement of the reasons for such suspension, and the driver shall immediately surrender his license to the chief of police, to be retained by the chief of police during the period of such suspension. A second suspension for any cause shall automatically revoke any license. No driver whose license shall have been revoked shall again be licensed as a driver of a vehicle for hire, except upon presentation of reasons satisfactory to the governing body. Upon revocation of a vehicle for hire driver's license, the license shall be surrendered to the chief of police. No part of any driver's fee shall be refunded upon revocation of any such license and such license shall be purchased and issued upon the conditions set forth in this section.

(Code 1995, § 8-219)

Secs. 38-409—38-450. - Reserved.