

Chapter 5

TAXICABS

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Sec. 5-1. Purpose.

The purpose of this Chapter is to regulate every person performing Taxicab Service as herein defined.
(Ord. 99-02, 2/16/1999; 2008-19, 09/02/2008)

Sec. 5-2. Definitions.

For purposes of this Chapter, the following terms, phrases, and words shall have the following meanings:

Carriage. Any horse or other animal-drawn cart, wagon, vehicle or attached apparatus used for the purpose of transporting persons for compensation.

Operation. The conducting of a general Taxicab, Pedicab, or Carriage business including, but not limited to, owning, contracting, or leasing the business or an individual vehicle, cart, or wagon.

Operator or Driver. An individual, including a Taxicab, Pedicab, or Carriage Owner, authorized to operate, drive, or staff a Taxicab, Pedicab, or Carriage upon and through the streets and alleys of the City.

Pedicab. Any human-powered vehicle

that is able to be pedaled without any motor assistance, used for the purpose of transporting persons. A motor may be permitted as long as it does not replace or become the primary source of power in moving the unit and is seven hundred fifty (750) Watts or less, is one (1) horsepower or less, and cannot exceed twenty (20) miles per hour.

Taxicab. Any motor vehicle used for the purpose of transporting persons for compensation utilizing a Taxicab, limousine, transport van, luxury town car, stretch sport utility vehicle or other motor vehicle utilized for Taxicab service by mileage, hourly, daily or weekly rates as agreed upon between the passenger and Taxicab Operator or Owner, not operating on a fixed route (such as Dial-A-Ride or paratransit), providing the “Taxicab”, as herein stated and defined, shall not include school buses or other motor vehicles used exclusively for the transportation of children to and from school, nor a motor bus with a seating capacity of over seven (7) passengers operated on a regular schedule over regularly designated streets.

Taxicab, Pedicab, or Carriage Owner. The persons, firm, partner, corporation, individual or association securing a license to operate a Taxicab(s), limousine(s), Pedicab(s) or Carriage(s) upon and through the streets and alleys of the City.
(Ord. 2008-19, 09/02/2008; 2014-22, 12/01/2014)

Sec. 5-3. Taxicab, Pedicab, and Carriage License Required.

Every person who performs a Taxicab, Pedicab, or Carriage Service in the City shall first obtain a Taxicab, Pedicab, or Carriage Operator’s License or a Taxicab, Pedicab, or Carriage Owner’s License as required by this Chapter.

(Ord. 99-02, 2/16/1999; 2008-19, 09/02/2008; 2011-09; 07/18/2011; 2014-22, 12/01/2014)

Sec. 5-4. Application.

Application for Taxicab, Pedicab, or Carriage Operator, or Taxicab, Pedicab, or Carriage Owner, as required by this Chapter, shall be in writing upon a form to be

furnished by the City and made to the City through the City Clerk. Every applicant shall supply a full set of fingerprints with every application, except that fingerprints will not be required for any renewal that occurs within five (5) years of the latest submittal of fingerprints by the applicant. Applicant shall submit a copy of applicant's valid driver's license or other DMV approved identification.

Every applicant for a Taxicab Owner license shall supply a completed Idaho Annual Driver Education Vehicle Check form (as required by the Idaho Driver Education Public and Commercial School Standards and related Idaho State Board of Education Administrative [IDAPA] Rules) for each vehicle to be used for Taxicab Services. The City, upon receipt of payment of the proper Taxicab, Pedicab, or Carriage Service license fees, and other required information, as specified, and upon compliance with the requirements of this Chapter, shall be issued a Taxicab, Pedicab, or Carriage Operator's license or a Taxicab, Pedicab, or Carriage Owner's license.

(Ord. 2008-19, 09/02/2008; 2011-09, 07/18/2011; 2014-13, 08/18/2014; 2014-22, 12/01/2014)

Sec. 5-5. Renewal of License.

The City Clerk may renew a Taxicab, Pedicab, or Carriage Operator License, or Taxicab, Pedicab, or Carriage Owner's license from year to year by appropriate endorsement thereon. An application for renewal of a Taxicab, Pedicab, or Carriage Operator's license or a Taxicab, Pedicab, or Carriage Owner's license shall be made in writing on a form provided by the City. The application shall be filled out with the full name and current address of the applicant along with the statement of the date upon which the original Taxicab, Pedicab, or Carriage Operator's license or Taxicab, Pedicab, or Carriage Owner's license was granted. A copy of applicant's valid driver's license or other DMV approved identification shall be provided. The Taxicab, Pedicab, or Carriage Operator's license or Taxicab, Pedicab, or Carriage Owner's license fee, in an amount as set from time to time by Resolution of the City

Council, shall be paid to the City for a Taxicab, Pedicab, or Carriage Operator's license or Taxicab, Pedicab, or Carriage Owner's license.

(Ord. 2014-13, 08/18/2014; 2014-22, 12/01/2014)

Sec. 5-6. License Fees.

Any person providing Taxicab, Pedicab, or Carriage Service shall pay an annual Taxicab, Pedicab, or Carriage Service Operator or Owner license fee established by Resolution adopted by the Council from time to time. No license shall be granted for less than six (6) months. A Taxicab, Pedicab, or Carriage Owner's license shall be issued for a period of not longer than one (1) year. A Taxicab, Pedicab, or Carriage Owner's license shall expire before midnight on December 31st of each year.

(Ord. 2008-19, 09/02/2008; 2014-22, 12/01/2014)

Sec. 5-7. Insurance Required.

No person shall provide a Taxicab, Pedicab, or Carriage Service without public liability and property damage insurance in some good and reliable insurance company for the vehicle being utilized for such Taxicab, Pedicab, or Carriage Service. Before any license is issued for any Taxicab, Pedicab, or Carriage, the Owners thereof shall be required to file with the City Clerk a certified copy of a policy of insurance executed by an insurance company authorized to do business within the state ensuring the public against any loss or damage which may result to any person or persons from the operation of said Taxicab, Pedicab, or Carriage, provided for limited amount of liability in such policy of insurance specified shall be as follows:

- A. Property damage: not less than one hundred thousand dollars (\$100,000) except for Carriages and Pedicabs, which shall be not less than twenty thousand dollars (\$20,000).
- B. Public liability: minimum five hundred thousand dollars (\$500,000) per incident except for Carriages and Pedicabs, which shall be not less than one hundred thousand dollars (\$100,000).
- C. Provide for notice to the City of nonrenewal or cancellation of insurance

coverage.

- D. The license to operate such Taxicab, Pedicab, or Carriage business shall expire of itself or terminate upon the cancellation of said insurance for failure to pay premiums or for any other reason and no license shall be granted or be effective unless the Taxicab, Pedicab, or Carriage for which said license is requested has been fully covered with insurance as hereinabove specified.

No person shall provide a Taxicab Service without underinsured and uninsured motorist insurance for the vehicle being utilized in such Taxicab Service.

The City shall not issue a license to any applicant for a Taxicab, Pedicab, or Carriage Operator's or Taxicab, Pedicab, or Carriage Owner's license until the applicant has furnished proof satisfactory to the Clerk that insurance of the type and in the amount required by this Chapter has been purchased for the vehicle to be utilized in such Taxicab, Pedicab, or Carriage Service and that the City has been made an insurance certificate holder in such insurance.

(Ord. 99-02, 2/16/1999; 2008-19, 09/02/2008; 2014-22, 12/01/2014)

Sec. 5-8. Policies Subject to Inspection.

Any person providing a Taxicab, Pedicab, or Carriage Service shall submit the relevant insurance policies to the administrative authority of the City for examination, upon request.

(Ord. 2008-19, 09/02/2008; 2014-22, 12/01/2014)

Sec. 5-9. Smoking Prohibited While Taxicab Service is Being Provided.

Smoking in Taxicabs, Pedicabs, or Carriages shall be prohibited at all times any passenger is present during the provision of Taxicab, Pedicab, or Carriage Service.

(Ord. 2011-09, 07/18/2011; 2014-22, 12/01/2014)

Sec. 5-10. Fares to be Prominently Displayed.

Except where pre-paid limousine services are being provided, any person providing Taxicab, Pedicab, or Carriage

Services shall, at all times, prominently display all fares for such services. Additionally, all fares for Taxicab, Pedicab, or Carriage Services of any type shall be disclosed immediately to anyone who requests them.

(Ord. 2011-09, 07/18/2011; 2014-22, 12/01/2014)

Sec. 5-11. Miscellaneous.

- A. Horse or animal drawn Carriages shall be equipped with manure catching device which will capture and retain animal manure. All manure will be removed from the capture device as soon as is practical and stored in a covered metal container provided by the Carriage operator. The Carriage Operator will be responsible for the disposal of animal manure at an approved location outside the City limits.

- B. All Pedicabs and Carriages operating at night must use headlights.

(Ord. 2014-22, 12/01/2014)

Sec. 5-12. Mandatory Drug Testing; Denial or Revocation.

- A. Every person licensed under this Chapter who is involved in an accident resulting in injury to or death of any person, or damage to the property of any one (1) person in excess of One Thousand Five Hundred Dollars (\$1,500) while providing Taxicab Service shall submit to one or more tests as may be required to determine the amount of alcohol, narcotics, and prescription and non-prescription drugs present in such person. Any such required test(s) shall be at such licensed person's own expense.

- B. If a required test shows the presence of illegal drugs, alcohol in excess of the legal limit established in Idaho Code Title 18, Chapter 80, prescription drugs used other than as prescribed, or evidence of intoxicants, such person's license shall be immediately revoked. Refusal to submit to any test required shall result in the immediate revocation of the Taxicab Service license.

Following revocation under this subsection, no Taxicab Service license shall be granted until five (5) years immediately following the last violation of this subsection.

(Ord. 1999-02, 2/16/99; 2011-09, 07/18/2011; 2014-13, 08/18/2014, 2014-22, 12/01/2014)

Sec. 5-13. Background Check Required.

Before any license shall be issued under this Chapter, the City shall complete a background check of every applicant.

Such background check may utilize the fingerprints submitted. Any back-ground check requests made to the Federal Bureau of Investigation shall be conducted pursuant to applicable law, including, but not limited to, Idaho Code Section 67-3008, as amended. The background check may include the statewide criminal identification bureau; the Federal Bureau of Investigation (FBI) criminal history; the statewide child abuse registry; and/or other inquiries as deemed necessary to carry out the intent of this Chapter. New fingerprints are required every five (5) years.

A. Requirements. To determine the suitability of prospective applicants for a Taxicab, Pedicab, or Carriage Service License, the City Police Department and/or City Clerk for the City of Moscow shall require an applicant to provide information and fingerprints necessary to obtain criminal history information from the Idaho State Police (ISP) and the Federal Bureau of Investigation (FBI). Pursuant to Idaho Code Section 67-3008, and congressional enactment Public Law 92-544, the City Police Department and/or City Clerk for the City of Moscow shall submit the required fees and a set of fingerprints obtained from the applicant, to the ISP, Bureau of Criminal Identification, for a criminal records check of State and National databases per Public Law 92-544. The submission of fingerprints and information required by this section shall be on forms prescribed by the ISP. The City Police Department and/or City

Clerk for the City of Moscow is authorized to receive criminal history information from the ISP and from the FBI for the purpose of evaluating the fitness of applicants for a Taxicab, Pedicab, or Carriage Service License. As required by state and federal law, further dissemination or other use of the criminal history information is prohibited. The applicant authorizes the use of FBI records for the screening process.

B. Background Check Guidelines. All background checks require a complete set of fingerprints; a signed statement that contains the applicant’s name, address, and date of birth appearing on a valid identification document issued by a governmental entity, as well as furnishing if such applicant has or has not been convicted of a crime, and the particulars and description of the same. (Ord. 2011-09, 07/18/2011; 2014-13, 08/18/2014, 2014-22, 12/01/2014; 2019-06, 07/01/2019)

Sec. 5-14. Denial of License.

No Taxicab, Pedicab, or Carriage license shall be issued:

- A. Where the applicant or licensee has:
 - 1. Been found guilty of, plead guilty to, received a withheld judgment, or admitted to the elements of any of the following enumerated crimes, or admitted that sufficient evidence exists which could be likely to convince a judge or jury to find the applicant or licensee to be guilty beyond a reasonable doubt, or any substantially similar provision of foreign criminal violation, notwithstanding the form of judgment(s):
 - a. Felony injury of a child, Section 18-1501, Idaho Code.
 - b. The sexual abuse of a child under sixteen (16) years of age, Section 18-1506, Idaho Code.
 - c. The ritualized abuse of a child under eighteen years of age, Section 18-1506A, Idaho Code.
 - d. The sexual exploitation of a

child, Section 18-1507 or 18-1507A, Idaho Code.

e. Sexual abuse of a child under the age of sixteen years, Section 18-1506, Idaho Code.

f. Lewd conduct with a child under the age of sixteen years, Section 18-1508, Idaho Code.

g. The sale or barter of a child for adoption or other purposes, Section 18-1511, Idaho Code.

h. Murder in any degree, Section 18-4001 or 18-4003, Idaho Code.

i. Assault with intent to murder, Section 18-4015, Idaho Code.

j. Voluntary manslaughter, Section 18-4006, Idaho Code.

k. Rape, Section 18-6101 or 18-6108, Idaho Code.

l. Incest, Section 18-6602, Idaho Code.

m. Forcible sexual penetration by use of foreign object, Section 18-6608, Idaho Code.

n. Abuse, neglect or exploitation of a vulnerable adult, Section 18-1505, Idaho Code.

o. Aggravated, first degree, second degree and third degree arson, Sections 18-801 through 18-805, Idaho Code.

p. Crimes against nature, Section 18-6605, Idaho Code.

q. Kidnapping, Sections 18-4501 through 18-4503, Idaho Code.

r. Mayhem, Section 18-5001, Idaho Code.

s. Poisoning, Section 18-4014 or 18-5501, Idaho Code.

t. Possession of sexually exploitative material, Section 18-1507A, Idaho Code.

u. Robbery, Section 18-6501, Idaho Code.

v. Stalking in the first degree, Section 18-7905, Idaho Code.

w. Video voyeurism, Section 18-6609, Idaho Code.

x. Enticing of children, Section 18-1509 or 18-1509A, Idaho Code.

y. Inducing individuals under eighteen years of age into prostitution, Section 18-5609, Idaho Code.

z. Inducing a person under eighteen years of age to patronize a prostitute, Section 18-5611, Idaho Code.

aa. Any felony punishable by death or life imprisonment.

bb. Attempt, Section 18-306, Idaho Code, conspiracy, Section 18-1701, Idaho Code, or accessory after the fact, Section 18-205, Idaho Code, to commit any of the crimes designated in this subsection.

2. Been classified as a voluntary patient or involuntary patient pursuant to Chapter 3, Title 66, Idaho Code, or similar provision in another jurisdiction, unless:

a. Such person has been released from, and is no longer under, any form of treatment in relation to such classification, and

b. Such person has been examined by at least one (1) professional licensed to evaluate mental health and such professional certifies that the person is no longer mentally ill and presents no threat or danger to any child. Such examination shall not be at City expense.

B. Where the applicant or licensee has:

Been found guilty of, plead guilty to, or received a withheld judgment, or admitted to the elements of any of the following enumerated crimes, or any substantially similar provision of foreign criminal violation, notwithstanding the form of judgment(s) for any offense involving neglect or any physical injury to, or other abuse of a child, or any of the following offenses or a similar provision in another jurisdiction, for a period of five (5) years immediately preceding the date of application for license or renewal:

1. Aggravated assault, Section 18-905, Idaho Code.

2. Aggravated battery, Section 18-907(1), Idaho Code.

3. Burglary, Section 18-1401, Idaho Code.
 4. Felony theft, Sections 18-2403 and 18-2407(1), Idaho Code.
 5. Forgery of a financial transaction card, Section 18-3123, Idaho Code.
 6. Fraudulent use of a financial transaction card or number, Section 18-3124, Idaho Code.
 7. Forgery or counterfeiting, Chapter 36, Title 18, Idaho Code.
 8. Misappropriation of personal identifying information, Section 18-3126, Idaho Code.
 9. Insurance fraud, Section 41-293, Idaho Code.
 10. Damage to or destruction of insured property, Section 41-294, Idaho Code.
 11. Public assistance fraud, Section 56-227, Idaho Code.
 12. Provider fraud, Section 56-227A, Idaho Code.
 13. Attempted strangulation, Section 18-923, Idaho Code.
 14. Misdemeanor injury to a child, Section 18-1501(2), Idaho Code.
 15. Felony domestic violence, Section 18-918, Idaho Code.
 16. Any violation (felony or misdemeanor) of the Uniform Controlled Substances Act, Chapter 27, Title 37, Idaho Code.
 17. Grand theft, Section 18-2407(1), Idaho Code.
 18. Disseminating obscene material to minors, as defined in Sections 18-1513 through 18-1515, Idaho Code.
 19. Arson, as defined in Sections 18-801 through 18-804, Idaho Code.
 20. Transporting a minor in a motor vehicle while under the influence, Section 18-1501(3), Idaho Code.
 21. Driving without privileges, Section 18-8001, Idaho Code.
 22. Driving under the influence of alcohol, drugs, or other intoxicating substances, Section 18-8004, Idaho Code.
 23. Persons under twenty one (21) years of age with less than point zero eight (0.08) alcohol concentration, Section 18-8004A, Idaho Code.
 24. Driving under the influence with excessive alcohol concentration, Section 18-8004C, Idaho Code.
 25. Any person who pleads guilty to or is found guilty of a violation of the provisions of Section 18-8004(1)(a), Section 18-8005, Idaho Code.
 26. Aggravated driving while under the influence of alcohol, drugs, or any other intoxicating substances, Section 18-8006, Idaho Code.
 27. Leaving scene of accident resulting in injury or death, Section 18-8007, Idaho Code.
 28. Reckless driving, Section 49-1401(1), Idaho Code.
 29. Any person who is eighteen (18) years of age or older who sells, gives, or furnishes, or causes to be sold, given, or furnished, alcoholic beverages, including any distilled spirits, beer or wine, to a person under the age of twenty one (21) years, Section 23-603, Idaho Code.
 30. Misdemeanor theft as defined in Title 18, Chapter 24 of the Idaho Code.
 31. Any felony as defined by Idaho Code, Sections 18-111 and 18-111A, other than those listed in Subsection A.1. hereinabove.
 32. Any crime of physical violence against persons, other than those listed in Section A.1. hereinabove.
 33. Attempt, Section 18-306, Idaho Code, conspiracy, Section 18-1701, Idaho Code, or accessory after the fact, Section 18-205, Idaho Code, to commit any of the crimes designated in this subsection.
- C. To any applicant or licensee who has supplied false or misleading information, failed or refused to provide or to disclose information required on the application form or by this Chapter, failed to disclose a suspension or revocation of a driver's license, or refused to authorize the investigation required herein. No such applicant or licensee shall be able to apply to receive

a license under this Chapter for a period of less than six (6) months following the date of the denial or revocation of the Taxicab, Pedicab, or Carriage license under this Subsection or for a period of six (6) months following the date that the Clerk became aware of disqualifying information, whichever is later in time.

- D. 1. To any Taxicab, Pedicab, or Carriage licensee who has violated any of the provisions of this Chapter during Taxicab, Pedicab, or Carriage licensure. Violation of any provision of this Chapter during Taxicab, Pedicab, or Carriage licensure shall result in immediate and automatic revocation of the Taxicab, Pedicab, or Carriage license. Such revocation of the Taxicab, Pedicab, or Carriage license shall be effective as of the date of such violation. No such person shall be qualified to apply to receive a Taxicab, Pedicab, or Carriage license under this Chapter for a period of less than six (6) months following the date of the revocation of the Taxicab, Pedicab, or Carriage license under this Subsection or for a period of six (6) months following the date the Clerk became aware of such information, whichever is later in time, unless otherwise provided in this Chapter.
2. Effect of Driver's License Suspension or Revocation. Suspension or revocation of the driver's license held by any licensed Taxicab Operator shall result in the immediate and automatic revocation of such Taxicab Operator license, effective as of the date of such driver's license suspension or revocation. No such person shall be qualified to apply to receive a Taxicab license under this Chapter for a period of less than six (6) months following the date of full reinstatement of the driver's license or for a period of not less than six (6) months following the date the Clerk became aware of such driver's license suspension or revocation, whichever is later in time.

- E. Where an applicant or licensee does not meet the conditions of licensure in this Chapter.

(Ord. 2008-26, 12/15/2008; 2011-09, 07/18/2011; 2012-14, 07/16/2012; 2012-12, 10/15/2012; 2014-22, 12/01/2014)

Sec. 5-15. Appeals.

- A. 1. Any person aggrieved by the action of denial, suspension or revocation of the license by the Clerk for a reason other than disqualification under Subsection (A) or (B) of the "Denial of License" Section of this Chapter, shall have the right of appeal to the Council.
2. If a license application is revoked or denied because of disqualification of the Applicant or Licensee under Subsection (A) or (B) of the "Denial of License" Section of this Chapter, such disqualification shall not be waived. Review of revocation or denial of a license because of disqualification of the Applicant or Licensee under Subsection (A) of the "Denial of License" Section of this Chapter shall be limited to a review of whether the information upon which such denial or revocation was based is true and accurate.
- B. Such appeal shall be taken by filing with the Clerk written notice thereof within ten (10) business days after the denial or the entry of the order of suspension or revocation. The notice of appeal shall specify an address at which the person appealing may be given notice of hearing on the appeal.
- C. At the appeal hearing before the Council, the applicant or person appealing shall be entitled to appear in person and offer evidence pertinent to the denial, suspension or revocation or may appear through legal counsel. City staff shall likewise be entitled to appear at the hearing and offer evidence in support of the denial, order of suspension or revocation. Failure by applicant, person appealing, or their representative to appear before Council at the time scheduled to hear such an appeal shall result in the automatic denial of such appeal.

- D. The Council shall determine whether the denial, suspension or revocation shall be sustained and shall make a final reasoned statement in writing within fifteen (15) business days following the close of the hearing.

(Ord. 2009-06, 02/17/2009; 2011-09, 07/18/2011; 2012-14, 07/16/2012; 2014-22, 12/01/2014)

Sec. 5-16. Penalties.

- A. Any person violating any provision of this Chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished pursuant to this Code and the Idaho Code.
- B. Any person violating any provision of this Chapter shall have any current Taxicab, Pedicab, or Carriage Service license revoked. Upon proof of eligibility following revocation, such person shall be issued a Taxicab, Pedicab, or Carriage Service license, unless otherwise prohibited by this Chapter.

(Ord. 99-02, 2/16/99; Ord. 2000-20, 09/18/00; 2011-09, 07/18/2011; 2014-22, 12/01/2014)