

Chapter 5.78

TAXICABS AND VEHICLES FOR HIRE

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5.78.010 License required.

It is unlawful for any person, firm or corporation to hold out, advertise, solicit, operate, drive or use any vehicle as a for-hire vehicle in the city of Yakima without having first obtained the licenses required by the provisions of this chapter. (Ord. 147 § 1, 1960).

5.78.020 Definitions.

“Application” or “app” means a program or piece of software, most commonly downloaded to a device including, but not limited to, a computer and/or mobile device, that is designed to fulfill a particular purpose and/or provides content such as text, graphics, images, maps, communications, banking, payment services, music, or other materials available to users of the computer, mobile device or other device.

“Application dispatch” means technology that allows consumers to directly request transportation services from for-hire drivers and/or for for-hire drivers to accept compensation for transportation services via the internet using electronic devices, computer devices or mobile interfaces such as, but not limited to, smartphone and tablet applications. The app may include mapping services to show the locations of available for-hire drivers.

“Dispatch services” means a service which connects for-hire drivers to persons seeking transportation or persons engaging in peer-to-peer transportation, whether via radio, telephone, internet, mobile application, computer or other mechanical or electrical means.

“For-hire driver” means a person physically engaged in driving a for-hire vehicle that is providing or soliciting transportation services, which may include, but is not limited to a taxi driver or peer-to-peer transportation, whether or not said person is the owner of or has any financial interest in the ownership of said for-hire vehicle, or whether or not the person is using an application, dispatch service, information service, or similar method to provide transportation services for compensation.

“For-hire transportation services company” means (1) a person who owns and operates a for-hire vehicle and uses their own City-approved color scheme and trade name, or allows other people who own vehicles to affiliate for-hire vehicles with their City-approved color scheme and trade name (commonly referred to sometimes as a taxi company); or (2) a transportation network company, as defined in this Chapter.

“For-hire vehicle,” wherever used in this chapter, means any motor vehicle, whether a personal vehicle, fleet or commercial vehicle, or transportation network company affiliated vehicle, not more than ten (10) years old, held out to the public for hire or used for the transportation of persons for compensation, subject to call by the public, generally, where the route traveled or destination is controlled by the customer, the compensation is calculated on the basis of an amount recorded and indicated on a taximeter, mobile device app or application dispatch service, contract or invoice signed by both parties, or based on an initial fee, distance traveled, wait time or any

combination thereof as permitted under this Chapter, which includes, but is not limited to a “taxicab”, “uber” or “sightseeing car,” but does not include the following:

Comment [1]: Our name is specifically called out in this text.

1. Limousine service and carriers licensed under Chapter 46.72A;
2. School buses operating exclusively under a contract to a school district;
3. Ride-sharing vehicles as outlined in Chapter 46.74 RCW;
4. Vehicles used by non-profit transportation providers solely for elderly or persons with disabilities and their attendants under Chapter 81.66 RCW;
5. Vehicles used by auto transportation companies licensed under Chapter 81.68 RCW;
6. Vehicles used to provide courtesy transportation at no charge to and from parking lots, hotels, and rental vehicle offices; and
7. Vehicles licensed under, and used to provide “charter party carrier” and “excursion service carrier” services as defined in, and required by, Chapter 81.70 RCW.

Comment [2]: Pertains to vanpools and coordinated carpools

“For-hire vehicle owner” means a person who owns a for-hire vehicle.

“Licensee” means any person or entity licensed under this Chapter.

“Limousine service,” wherever used in this chapter, means every self-propelled vehicle, commonly referred to as a limousine, with seating capacity for four to sixteen persons, excluding the driver. Limousine services are regulated by RCW 81.90 et seq. and not by this section of the Yakima Municipal Code.

“Operating a for-hire vehicle” means having a passenger in a for-hire vehicle, the for-hire vehicle is parked in a for-hire stand, the taximeter is engaged in the for-hire vehicle, the dispatch records show the vehicles has been dispatched, the for-hire vehicle top light is illuminated, the trip records show that the for-hire vehicle has started a shift and there is no record for ending a shift, the for-hire driver is signed in to and active on the application dispatch service, the for-hire driver has offered transportation services to a passenger, the for-hire driver is engaged in commercial activity or any other facts reasonably showing that a for-hire driver has offered, or is available to offer, its services to passenger. Operating a for-hire vehicle does not include using a personal vehicle for personal use.

“Operating within the City of Yakima” means owning, leasing, advertising, driving occupying or otherwise operating a for-hire vehicle that at any time transports any passenger for compensation from a point within the City of Yakima. A for-hire transportation services company is operating within the City of Yakima if it provides application dispatch services to any affiliated for-hire driver at any time for the transport of any passenger or item for compensation from a point within the City of Yakima. The term does not include being in control of a for-hire vehicle that is physically inoperable.

“Person” means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, co-partnership, joint venture, club, company, joint stock company, business trust, municipal corporation, political subdivision of the State of Washington, corporation, limited liability company, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, and the United States or any instrumentality thereof.

“Sightseeing car,” wherever used in this chapter, means every motor vehicle used for the transportation for hire of passengers used exclusively for sightseeing purposes over a fixed route and charging a regularly established fare for each trip.

“Taxicab,” wherever used in this chapter, means every motor vehicle used for the transportation of passengers for hire and not operated exclusively over a fixed route, *with the fare based upon the amount recorded and indicated on a taximeter.* “Taxicab” does not mean a “limousine service,” nor is it a “TNC vehicle.”

“Taximeter,” wherever used in this chapter, means any instrument or device by which the charge for hire is mechanically or electronically measured or calculated either for the distance traveled or for the time waiting, or both, upon which such charges shall be indicated by means of figures.

“Transportation network company” or “TNC” means a *corporation, partnership, sole proprietorship, or other entity* person operating in the City of Yakima, or coordinating vehicles that operate in the City of Yakima, that enables affiliated drivers to provide prearranged transportation services for compensation using an online-enabled application or platform which connects passengers with for-hire drivers using their personal vehicles and that is subject to the licensing requirements under this Chapter. Examples of a TNC include, but are not limited to, Uber and Lyft. *A TNC vehicle is not a taxicab or a limousine. A Transportation Network Company shall not be deemed to control, direct or manage the TNC Personal Vehicles or Transportation Network Company Drivers that connect to its Digital Network, except where agreed to by written contract.*

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Comment [3]: As written, would include TNCs under definition of a taxicab, even though TNC is defined below

Comment [4]: This could be our app.

Comment [5]: Defines TNC as a person, not a company.

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“Transportation network affiliated vehicle” means a personal motor vehicle used for the transportation of passengers for compensation that is affiliated with a transportation network company. A personal vehicle while used for personal use is not considered a transportation network affiliated vehicle.

5.78.030 Licenses required—Certain vehicles excepted.

No person, firm or corporation shall engage in the business of hauling passengers for hire ~~without having first obtaining a for hire operator’s license. Such, operate a for hire vehicle, or be a for hire driver, without having first obtained a for hire vehicle and/or for hire drivers license~~ for each vehicle and driver used in such business. The provisions of this chapter shall not apply to common carriers of passengers operating under a franchise issued by the city of Yakima or under a certificate of public convenience and necessity issued by either the state of Washington or the Interstate Commerce Commission of the United States of America; nor shall the provisions of this chapter apply to any for hire vehicle operated generally outside the city of Yakima which enters the corporate limits of the city only for the purpose of discharging a passenger having entered such vehicle at a point outside the city; provided, a for hire vehicle which solicits employment or is engaged by a passenger within the city limits of the city of Yakima and transports such passenger to a point outside the city of Yakima is not excepted from the provisions of this chapter. (Ord. 1030 § 2, 1968; Ord. 147 § 3, 1960).

Comment [6]: Does not meet our minimum requirements.

A. It is a violation of this chapter for any TNC to operate in the City of Yakima without a current and valid City of Yakima TNC license.

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B. The Director or designee may issue a TNC license provided that the TNC applicant submits an affidavit sworn under penalty of perjury, on a form provided by the City, that to the best of the applicant’s knowledge, formed after a diligent inquiry into the facts, the TNC is in full compliance with this chapter, including, but not limited to, all driver, vehicle, insurance, and operational requirements.

Comment [7]: Same thing as above -- Are we giving on the individual licensing in Yakima?

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C. The TNC license shall be effective for one year.

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D. The annual TNC license fee shall be \$1,000 and shall be paid in full at the time of submitting all initial and renewal applications.

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Comment [8]: This recommendation is language identical to both Olympia & Bellingham.

5.78.040 Number of for-hire vehicle licenses.

It is found and determined that in the interests of public convenience and necessity the maximum number of for-hire vehicles licensed as authorized to operate in the city shall never exceed the ratio of one for-hire vehicle for each two thousand persons of population in the city based on the most recent United States census data.

5.78.050 Application for for-hire vehicle license—Information required.

~~All for hire vehicle owners shall file with the City a for hire vehicle license application each year. The model year of for hire vehicles shall not be more than ten (10) years prior to the date of application. All applications for for hire vehicle licenses shall be made on forms provided by the city clerk and shall include the following information for each for hire vehicle that is owned by such for hire vehicle owner and operated in Yakima:~~

~~A. The make, model by year, vehicle identification number, vehicle registration and Washington state license plate number of the vehicle to be licensed.~~

~~B. The name of the person, and all previous aliases used, who owns the vehicle to be licensed;~~

~~C. The assumed business name of the person, firm or corporation engaged in the business which will operate the vehicle to be licensed.~~

~~D. The distinguishing color scheme design, including any monogram or insignia, which will be used on the vehicle to be licensed if the vehicle will be a taxicab.~~

~~E. Information as requested by the City pertaining to any license suspension or denial or revocation of any for hire vehicle or driver's license imposed in connection with a for hire vehicle owned or leased by the owner within the last three (3) years.~~

~~F. A certificate of insurance or proof of insurance meeting the requirements of this Chapter.~~

~~G. If applying as a transportation network company affiliated vehicle, a letter or documentation from the TNC which indicates that the applicant is authorized to affiliate the for hire vehicle with the TNC using their application and that all for hire vehicle requirements of this chapter have been met.~~

~~H. If using a taximeter in the for hire vehicle, proof that the taximeter has been inspected and found to be accurate and sealed.~~

~~I. Such other information as the city clerk may require in order to effectively administer the provisions and regulations of this chapter. (Ord. 3136 § 1, 1988; Ord. 1030 § 3, 1968; Ord. 147 § 5, 1960).~~

~~If information provided pursuant to this section changes, ceases to be true or is superseded in any way by new information, the for hire vehicle owner shall inform the City in writing within seven (7) days.~~

5.78.060 Fees.

The license fee for the respective types of for-hire vehicles shall be as follows:

Comment [9]: Competition will manage the number of vehicles. Since TNC-affiliated drivers only drive part time in most cases, creating a numerical standard here is unfair both for them and for taxis.

Comment [10]: Access to the app and waybill are certification from Uber that the driver has meet the standards for operating within the city.

~~(a) For-hire vehicle, fifty-five dollars per year, or for any portion of a year;~~

(b) Sightseeing car, one hundred ten dollars per vehicle per year, or for any portion of a year. (Ord. 1880 § 21, 1975: Ord. 1195 § 28, 1969: Ord. 1030 § 4; 1968: Ord. 147 § 6, 1960).

5.78.070 Interchange and replacement.

~~There shall be no interchange of taxicabs and sightseeing cars, but rather, each such type of vehicle shall be operated exclusively in its respective classification. For-hire vehicles may be replaced with other vehicles as the owner may desire; provided, that in case of such replacement the owner of any replacement vehicle shall, prior to placing such replacement vehicle in operation, furnish the city clerk with such information concerning such replacement vehicle as is required by Section 5.78.050 of this chapter. (Ord. 1030 § 5, 1968: Ord. 147 § 7, 1960).~~

5.78.080 Renewal—Forfeiture.

~~For-hire vehicle licenses and for-hire driver's licenses shall be renewed from year to year in accordance with the provisions of this chapter and holders of existing licenses shall be given preference in issuing the same; provided, however, that an application for a renewal after the expiration date thereof shall forfeit such right of preference; and further provided, that any license issued for a for-hire vehicle which was not actually in operation during the preceding year shall also be grounds for forfeiture of a for-hire vehicle license. (Ord. 147 § 8, 1960).~~

5.78.085 Vehicle markings.

Every taxicab operated within the city of Yakima and required by this chapter to be licensed shall bear insignia indicating it is a vehicle for hire. Such insignia shall include a raised placard or sign on the roof of the vehicle indicating the vehicle is a taxicab or vehicle for hire. In addition, the vehicle shall bear an insignia indicating the name of the taxicab business. All markings required by this section shall be removed from the vehicle as soon as the vehicle is removed permanently from taxicab service. (Ord. 96-39 § 1, 1996).

5.78.090 Color scheme.

Every taxicab operated within the city of Yakima and required by this chapter to be licensed shall be painted in a distinctive color scheme in accordance with the information contained in the for-hire vehicle license application referred to in Section 5.78.050 of this chapter, which color scheme shall be distinctive from any other color scheme previously adopted by any other person, firm or corporation licensed under the provisions of this chapter. (Ord. 96-39 § 2, 1996: Ord. 1030 § 6, 1968: Ord. 147 § 9, 1960).

5.78.100 Taxicab rates and zones.

Comment [11]: Instead of a license fee per vehicle, recommend a simple business license. Some drives only drive a few hours, making these fees unfair compared to a taxi driver and vehicle that will operate full time.

Comment [12]: The definition of taxicabs needs to be resolved to not include TNC-affiliated vehicles, so that regulations solely pertaining to taxicabs can be understood as such.

Comment [13]: TNC-affiliated drivers come and go from year to year. No cities have caps on numbers of TNC drivers or give preferential treatment to previous license-holders. The market can decide number of licenses as more people choose different models of travel.

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Comment [14]: This section works if the definition of taxis is adjusted to not include TNCs, which are separately defined.

Comment [15]: Definition must change.

A. ~~Taxicab~~ Rates.

~~(1) The following rate schedule of taxicab rates is established and adopted as the maximum rates that may be charged for taxi fare in the city of Yakima, and it shall be unlawful for any person driving or operating, or engaged in the business of operating, any taxicab to charge any greater rate for taxicab fare than that specified therein.~~

TAXICAB RATES

For one passenger for the first one-fifteenth mile or fraction thereof	\$2.00
Thereafter for each additional one-fifteenth mile or fraction thereof	\$0.17 and annually updated by the methods described in subsection (A)(2) of this section
For each additional passenger (per trip)	\$0.50
(No charge shall be made for children under six years of age when accompanied by an adult.)	
For each twenty seconds of waiting time after the first three minutes	\$0.20

~~(2) Beginning March 1, 2008, and adjusted annually March 1st thereafter, the additional one-fifteenth mile or fraction thereof rate for taxicabs will be calculated by the city of Yakima finance department as follows:~~

~~Starting with a base amount of \$0.17 each and every year, the amount will be adjusted using the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index for All Urban West Region All Items Annual Number beginning with 2006 of 205.7. The rate of annual increase or decrease will be computed as a percentage to the nearest hundredth of a percent. The percentage increase or decrease will be multiplied to the \$0.17 base amount and round up or down to the nearest cent. That will be the adjustment for that year. All subsequent years will be computed using 205.7 as the base number and determining the percentage from the latest annual CPI number compared to the base.~~

~~This rate shall be filed in the office of the city clerk by February 20th or the next business day if February 20th falls on a weekend or holiday.~~

B. Posting Notices of Rates.

Comment [16]: TNCs do not currently operate in markets where TNC rates are regulated under normal conditions. It would be equitable to consider removing this section for taxis.

(1) Maximum Rates. A copy of the schedule of maximum rates specified by this section shall be posted in each taxicab so as to be plainly visible to every passenger seat in the vehicle; and it shall be unlawful for any person to drive or operate a taxicab unless a copy of such rate schedule is so posted.

(2) Actual Rates. In the event uniform rates lower than the maximum rates provided by this section are charged by any taxicab driver or operator of any taxicab business, a schedule of those actual uniform rates shall be posted in each taxicab so as to be plainly visible to every passenger seat in the vehicle; and, in such event, it shall be unlawful for any person to drive or operate a taxicab unless a copy of such actual uniform rate schedule is so posted.

(3) Contract Rates. No provision of this section shall preclude any taxicab driver or operator of a taxicab business from charging a reduced fare, based on rates less than those posted in the taxicab, to any passenger pursuant to an agreement for such a reduced fare; provided, in the event such reduced fares are charged by any taxicab driver or taxicab business operator, the schedule of actual rates charged, posted in each taxicab, shall include the phrase "other rates by contract," or other language of similar import.

(4) Discounted Fares. The person charging the fares authorized in this section shall reduce the total fare charged to any physically, sensory or mentally handicapped person or person sixty-two years of age or older a minimum of ten percent. It shall be the obligation of the person benefited by this subsection to request the discount and offer proof of such disability or age to the person charging the fare; provided, that each taxicab shall have posted in its passenger section a sign which shall read substantially as follows:

Physically, sensory or mentally handicapped passengers or persons sixty-two years of age and over may receive a minimum of ten percent fare discount. This subsection shall not be applicable to contract fares.

~~C. Zones:~~

~~(1) Zone Map and Schedule. The city of Yakima is zoned into nine zones numbered Zone 0 through Zone 8, as depicted on a map entitled "Taxicab Zone Rate Map," dated and filed in the office of the city clerk. In addition to the taxicab rates set forth in subsection A of this section, a zone fare may be charged per trip as follows:~~

~~Zone 0~~

~~\$0.00~~

Comment [17]: This seems discriminatory to riders based upon their location.

Zone 1	0.50
Zone 2	1.00
Zone 3	1.50
Zone 4	2.00
Zone 5	2.50
Zone 6	3.00
Zone 7	3.50
Zone 8	4.00

If the passenger's point of origin or destination is in Zone 0, no additional zone fare shall be charged. If the passenger's point of origin and point of destination fall within the same zone, the zone fare for that zone may be charged. If the passenger's point of origin and point of destination fall in different zones, neither of which is in Zone 0, the zone fare for the higher rate zone may be charged, regardless of whether the point of origin or point of destination falls within the higher rate zone.

(2) Posting Zone Map. A copy of the zone map referred to in this subsection shall be posted in each taxicab so as to be plainly visible to every passenger seat in the vehicle; and it shall be unlawful for any person to drive or operate a taxicab unless a copy of such map is so posted. (Ord. 2007-27 § 1, 2007-Ord. 2004-05 § 1, 2004-Ord. 96-39 § 3, 1996-Ord. 3136 § 2, 1988-Ord. 2377 § 1, 1980-Ord. 2172 § 1, 1978-Ord. 1560 § 2, 1973-Ord. 1030 § 7, 1968-Ord. 147 § 10, 1960).

5.78.110 Taximeters.

(a) It is unlawful for any person to drive or operate, or engage in the business of operating, a taxicab unless each of said taxicabs is equipped with a taximeter which has been approved as being accurate by the chief of police.

(b) Except when a reduced fare is charged as contemplated by YMC 5.78.100(B)(3), it is unlawful for any person to drive or operate, or engage in the business of operating, a taxicab or taxicabs unless a taximeter is at all times used in each taxicab to determine the actual fare to be charged; and it is unlawful for any person operating or driving, or in the business of operating, a taxicab or taxicabs to charge any fare which is not directly based, measured and computed on the reading face of the taximeter used in such taxicab and the additional zone charge, if any, according to YMC 5.78.100. It is unlawful for any person to use or employ any other or different method of computing distance or time charges than the method specifically provided in this chapter.

Comment [18]: Assume does not apply to TNCs.

(c) It shall be the duty of the owner or any other person having possession or control of any taxicab to keep the taximeter accurate at all times and to have the taximeter approved by the chief of police before being placed in service. When any taximeter has been approved as accurate by the chief of police, his seal or certificate shall be plainly posted on such taximeter in a conspicuous place. Any taximeter installed in any for-hire vehicle shall be subject to and available for inspection by any peace officer at any reasonable time.

(d) Every taximeter shall be installed at the right side of the driver, and the reading face of each taximeter shall at all times be well-lighted and readily discernible to passengers riding in the taxicab.

(e) It is unlawful to change the size of the wheels or tires of any taxicab, or the gears operating any taximeter, or to change any taximeter from one taxicab to another unless such taximeter is reinspected and approved for accuracy by the chief of police before such taximeter is placed in service.

(f) It is unlawful for the driver of any taxicab, while carrying passengers or under employment, to display the flag or other indicator of the taximeter at any position denoting that the taxicab is not engaged or to throw the flag to a recording position or to otherwise activate the meter when such vehicle is not employed, or to fail to throw the flag of the taximeter to a nonrecording position, or to fail to otherwise cancel the reading on the taximeter at the termination of each and every service. (Ord. 2377 § 2, 1980; Ord. 2172 § 2, 1978; Ord. 1959 §§ 2, 3, 1976; Ord. 1030 § 8, 1968; Ord. 147 § 11, 1960).

5.78.140 Sightseeing cars.

It is unlawful for any person to operate a sightseeing car in the city of Yakima without first filing with the city clerk, upon blanks furnished for that purpose, a statement showing the number of cars to be operated, the capacity, the route or routes to be followed, the terminal rates to be charged and such other information as may be deemed necessary for proper supervision and the public good. Where more than one route is specified, each route shall be numbered and each car furnished with a white card printed in black with the word "route" and the number of the route in black letters and in figures not less than one inch in height. This card must be prominently and continuously displayed in the forward end of the car during the entire time of loading and unloading as well as during the trip. (Ord. 147 § 14, 1960).

5.78.145 Insurance.

All for-hire vehicle owners, or transportation network companies on behalf of for-hire vehicle owners, shall provide proof that each for-hire vehicle has liability insurance that meets the requirements of this section, and that each for-hire vehicle has liability insurance in an amount not less than required by RCW 46.72.050 for vehicles not affiliated with a transportation network company, and not less than required by RCW 48.177.010

Comment [JH19]: Preferred approach is much simpler and only 1 sentence for TNCs:
<http://www.codepublishing.com/WA/Olympia/html/Olympia05/Olympia05111.html#5.11.080>

for vehicles associated with a transportation network company while such vehicles are logged into the transportation network company's digital network or software application, as those statutes exist or are hereafter amended. A certificate of insurance~~The insurance policy and any related for-hire driver contracts, if applicable,~~ must be submitted to the City. All insurance policies shall:

- (a) At a minimum be issued by either an admitted carrier in the State of Washington with an A.M. Best rating of not less than B VII, or a surplus line insurer with an A.M. Best rating of not less than B+ VII;
- (b) Name the City of Yakima as an additional insured;
- (c) ~~Provide~~Provide that the insurer will notify the City, in writing, of any cancellation and/or non-renewal at least thirty (30) days prior to any cancellation and/or non-renewal taking effect;
- (d) Contain underinsured motorist coverage indicating a minimum of \$100,000.00 per person, \$300,000.00 per occurrence coverage per accident for non-TNC affiliated for-hire vehicles, or to the extent the amounts required by RCW 48.177.010, as it exists or is hereafter amended for TNC affiliated for-hire vehicles; and
- (e) Not include aggregate limits, or named driver requirements or exclusions. Other limitations or restrictions beyond standard insurance services office business auto policy form are subject to approval by the City.

5.78.160 Prohibited practices.

It is unlawful for the owner or operator of any for-hire vehicle to:

- (a) Operate a for-hire vehicle in the city of Yakima without possessing a valid and subsisting Washington state driver's license and proof of registration and insurance are in the vehicle while operating a for-hire vehicle, or to allow any for-hire vehicle owned by him to be operated by another person not possessed of a valid and subsisting Washington state driver's license;
- (b) Knowingly permit any for-hire vehicle to be driven by any person affected by or addicted to the use of drugs or intoxicating liquors, or by any person convicted of any felony or any misdemeanor or gross misdemeanor involving larceny, morals offenses or liquor violations;

~~(c) Allow any nonpaying passenger, except a nonpaying child/passenger accompanied by an adult paying passenger, to ride in a for-hire vehicle occupied by any paying passenger, or to pick-up an additional passenger, or passengers in a for-hire vehicle occupied by a paying passenger without the express consent of the original passenger;~~

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Comment [20]: "License valid in Washington state?" Military personnel and families are often prevented from driving by codes written like this.

Comment [21]: This could complicate uberPOOL at some point in the future? Implicit consent is contained in requesting uberPOOL.

- (d) Leave any for-hire vehicle unattended or repair, wash or service the same, on any street, alley or public thoroughfare of the city of Yakima;
- (e) Fail to inspect vehicle equipment, including, but not limited to lights, brakes, tires, steering, seat belts, to ensure proper working order before operating a for-hire vehicle;
- (f) Operate any for-hire vehicle, or allow the same to be operated, when vehicle is not in a clean, sanitary and safe condition for transportation of passengers, has a seatbelt for each passenger, or has not been inspected pursuant to this chapter;
- (g) Operate a for-hire vehicle or allow the same to be operated, without having first obtained any permit or license required by law from the city of Yakima or the state of Washington, and without having filed any required bond or insurance with the state of Washington, as may be required by law, and without having filed with the city clerk a certificate evidencing the issuance of any such bond or insurance required by law. or,
- (h) If operating a transportation network company affiliated vehicle, accepting a passenger hailing the for-hire vehicle from the street for transport; and
- (i) No for-hire driver shall discriminate against passengers or potential passengers on the basis of race, color, national origin or ancestry, religious belief or affiliation, sex, disability, age, sexual orientation, marital status, gender identity, familial status or honorably discharged veteran or military service.

5.78.170 City for-hire driver's license—Application and renewal fee.

(a) No person shall drive a for-hire vehicle in the city without first obtaining a license to do so by making application to the city clerk on forms furnished by the city clerk, which application shall be signed and sworn to by the applicant before a notary public or some other officer authorized to administer oaths, and upon the payment to the city clerk of an application fee in the amount of ten dollars (\$10.00), none of which shall be returned to the applicant in the event his application is denied.

(b) The City shall not issue a for-hire driver's license to any person who has not reached the age of 21.

(c) The fee for a city driver's license is fixed at eleven (\$11.00) dollars each year. (Ord. 1880 § 23, 1975; Ord. 1245 § 1, 1970; Ord. 1195 § 29, 1969; Ord. 1030 § 11, 1968; Ord. 147 § 17, 1960).

5.78.180 City for-hire driver's license—Application—Information required.

Each applicant for a for-hire driver's license shall state on the form provided, the following information:

(a) The applicant's name, aliases, residence and business addresses and telephone numbers, place of birth and places of residence for five years prior to making application, and last place of employment with name and address of employer;

(b) Height, weight and color of eyes;

(c) Social security number and Washington State driver's license number, and the applicant shall provide his or her Washington State driver's license at the time of application, a copy of which shall be made by the City;

(d) Documentation that a full criminal background check, going back at least 7+0 years, has been completed on the applicant through Washington State Patrol and Federal Bureau of Investigation criminal databases or through a City-approved third party vendor and was reviewed as required in this chapter. If a criminal background check is not conducted through an approved entity, then the applicant shall consent to be fingerprinted and the City will conduct a state and national Washington State Patrol and Federal Bureau of Investigation criminal background check at applicant's expense, and to be paid in advance.

(e) Information indicating whether the applicant has ever had a for-hire driver's license, or Washington State driver's license suspended, revoked or denied, and for what cause;

(f) A copy of the applicant's driving abstract from the Washington State Department of Licensing dated within 30 days of the application being submitted;

(g) A statement under penalty of perjury of their physical and mental fitness to act as a for-hire driver;

(h) One current full face digital photograph of the applicant, submitted electronically or consent to a full face photograph taken by the City, which photograph shall become a part of the applicant's license, if issued; and a copy of the full face photograph shall be filed with the application;

(i) If driving a taxicab, a letter from the owner of the company which indicates the applicant is authorized to operate a for-hire vehicle using the approved color scheme and name;

(j) If affiliating with a transportation network company, a letter or documentation from the TNC which indicates the applicant is authorized to affiliate with the TNC and to use their application and that all for-hire driver requirements outlined in this chapter have been met; and

(k) Such other information as may be reasonably required.

Comment [22]: "TNC drivers shall certify that they have no known physical or mental infirmity which jeopardizes their ability to safely operate as a TNC driver transporting the public."

Comment [23]: This section should state the requirements of the TNC operator (company) to verify certain requirements of drivers in order to maintain license for operating in the city.

Comment [24]: 5.11.060 TNC requirements:
<http://www.codepublishing.com/WA/Olympia/html/Olympia05/Olympia0511.html>

Comment [25]: 6.55.040 TNC license required.
<http://www.codepublishing.com/WA/Bellingham/html/Bellingham06/Bellingham0655.html#6.55.100>

5.78.190 City for-hire driver's license—Qualifications.

Each applicant for a city driver's license provided for in this chapter shall:

1. Be at least twenty-one years of age;
2. Be duly licensed to operate a motor vehicle for hire under the laws of the state of Washington and the City of Yakima;

~~3. Submit with the application a certification from a medical doctor licensed to practice in Washington State, that applicant is free from any infirmities of body or mind likely to render him or her unfit to drive a for-hire vehicle, and specifically that applicant is free from epilepsy, vertigo or heart trouble, or submit a United States Department of Transportation medical certification;~~

4. (a) Not have been convicted, within ~~7~~^{ten} years preceding the time of making the application, of committing any felony directly related to the applicant's ability to operate a motor vehicle for hire;

(b) Not have been convicted or forfeited bail within five years of any crime, other than the aforementioned felonies, ~~reasonably related to the applicant's ability to operate a motor vehicle~~ for hire;

(c) Not have committed, forfeited bail or paid a penalty within the past five years on three or more moving motor vehicle traffic violations, except that the city may deem this requirement to be satisfied, if, after reviewing the motor vehicle traffic record of an applicant, the chief of police recommends to the city that the five year-three violation criterion of this subsection should be waived, on the grounds that one or more of the violations appearing on the applicant's driving record should be disregarded either because of the age or because of the relatively minor character of such violation(s).

Comment [26]: "TNC drivers shall certify that they have no known physical or mental infirmity which jeopardizes their ability to safely operate as a TNC driver transporting the public."

Comment [27]: This is really vague. We should ask for an edit that cites to the penal code.

5.78.200 City for-hire driver's license—Investigation—Temporary license.

Each applicant for a city driver's license shall be subject to a criminal background check as specified in Section 5.78.180. A photograph of applicant shall be affixed to his or her city driver's license in such a manner that the photograph cannot be removed, altered or substituted without detection. If the applicant satisfies all provisions and requirements of this chapter, a city driver's license shall be issued to him or her; otherwise, no such license shall be issued. At the time of application, the city clerk shall issue a temporary license to the applicant, upon the written request of the person, firm or corporation desiring to employ the applicant, which temporary license shall be valid for a period not to exceed sixty days pending the outcome of the application and investigation. (Ord. 1030 § 13, 1968; Ord. 147 § 20, 1960).

5.78.220 City for-hire driver's license—Renewal.

Each such driver's license shall be renewed yearly by the making of an application therefor on forms furnished by the city clerk calling for such information as may be deemed necessary by the city clerk to administer the provisions of this chapter. Each application for renewal must be accompanied by a health certificate of the type specified in Section 5.78.190. (Ord. 3310 § 2, 1990: Ord. 1030 § 14, 1968: Ord. 147 § 22, 1960).

5.78.230 City for-hire driver's license—Other offenses.

It is unlawful for any person to operate a for-hire vehicle in the city of Yakima:

- (a) Without his or her city driver's license being displayed in the for-hire vehicle in a conspicuous place visible to passengers;
- (b) To fail or refuse to display his or her city driver's license to any peace officer if demand for such display is made while the driver is on duty. (Ord. 96-39 § 5, 1996. (Ord. 96-39 § 5, 1996: Ord. 1030 § 15, 1968: Ord. 147 § 23, 1960).

5.78.235 Denial of license.

A. Denial of a for-hire vehicle license.

1. The City shall deny any for-hire vehicle license application if the city determines that such license should not be issued pursuant to the provisions fo this chapter, or any other part of the Yakima Municipal Code, or if the city determines that:

- (a) The applicant has failed to submit a complete application pursuant to this chapter;
- (b) The applicant has made a material misstatement or omission in his or her application for a license;
- (c) The applicant fails to meet one or more of the applicant or vehicle requirements of a for-hire vehicle license pursuant to this chapter; or
- (d) Within three (3) years of the date of application, the applicant, or if the applicant is a business entity, any officer or partner, has had a conviction, bail forfeiture or other final adverse finding for offenses pertaining to hit and run; reckless driving; attempting to elude a police officer; vehicular assault; vehicular homicide; driving under the influence of alcohol or controlled substances or related offense as in RCW 46.61.502, RCW 46.61.503 or RCW 46.51.504; or has been found to be a habitual traffic offender by the Washington State Department of Licensing; or any other felony offense.

2. The City may deny any for-hire vehicle license application if the City determines that:

(a) Within ~~ten (10)~~ seven (7) years of the date of application, the applicant, or if the applicant is a business entity any officer or partner, has had a conviction, bail forfeiture or other final adverse finding for any felony offense, or any offense involving a motor vehicle, including, but not limited to driving with a suspended license, driving while under the influence, and negligent driving;

(b) Within two (2) years of the date of application, the applicant, or if the applicant is a business entity, any officer or partner of the applicant, has been found, either through a criminal conviction, bail forfeiture, or other final adverse finding, including a civil suit or administrative proceeding, or it has been proven by a preponderance of evidence, regardless of whether the same was charged as a civil infraction, crime or not charged or cited at all, to have exhibited past conduct in driving or operating a for-hire vehicle or operating a for-hire vehicle business which would lead the city to reasonably conclude that the applicant will not comply with the provisions of the chapter related to vehicle requirements and the safe operation of the vehicle; or

(c) Within twelve months of the date of application the applicant has had its city of Yakima for-hire vehicle license revoked.

B. Denial of a for-hire driver's license.

1. The city shall deny any for-hire driver's license application if the city determines that such license should not be issued pursuant to this chapter, or any other part of the Yakima Municipal Code, or if the city determines that:

(a) The applicant made any material misstatement or omission in the application for a license;

(b) The applicant fails to meet any of the requirements for a for-hire driver contained in this chapter;

(c) The applicant has had a bail forfeiture, conviction, or other final adverse finding for offenses pertaining to hit-and-run; reckless driving; attempting to elude a police officer; vehicular assault; vehicular homicide; driving under the influence of alcohol or controlled substances, or related offense as in RCW 46.61.502, RCW 46.61.503 or RCW 46.61.504; or has been found to be a habitual traffic offender by the Washington State Department of Licensing; or any other felony offense;

(d) Has been convicted of a sex offense or kidnapping offense against a minor pursuant to RCW Title 9 or Title 9A; or

(e) Is required to register as a sex offender.

2. The city may deny any for-hire driver license application if the city determines that the applicant:

(a) Has had a bail forfeiture, conviction or other final adverse finding of any felony offense, and/or any other offense directly related to the driver's ability to operate a for-hire vehicle, including, without limitation, driving under the influence of alcohol or controlled substances, hit-and-run, reckless driving or a finding from the Washington State Department of Licensing that the applicant is a habitual traffic offender within the last ten (10) years; or

(b) Has been found, either through a criminal conviction, bail forfeiture, or other final adverse finding, including a civil suit or administrative proceeding, or it has been proven by a preponderance of evidence, regardless of whether the same was charged as a civil infraction, crime or not charged or cited at all, to have exhibited past conduct in driving or operating a for-hire vehicle or operating a for-hire vehicle business which would lead the city to reasonably conclude that the applicant will not comply with the provisions of the chapter related to vehicle requirements and the safe operation of the vehicle.

5.78.240 Revocation.

All licenses and permits issued pursuant to this chapter are subject to revocation by the city manager in the event the holder thereof, or any person employed by him or her in the operation of any for-hire vehicle, shall fail to comply with, or shall otherwise violate, any of the terms or provisions of this chapter or any ordinance of the city of Yakima relative to the operation or use of vehicles upon the public streets or highways, or to the use of such streets or highways, or relating to traffic upon the same, or who shall knowingly use any for-hire vehicle for the unlawful transportation of any narcotic drug or intoxicating liquor in violation of any law, or who knowingly uses or knowingly permits the use of a for-hire vehicle for the transportation or harboring of any person who may illegally possess any narcotic drug or intoxicating liquor, or who shall knowingly use, or knowingly permit, any for-hire vehicle to be used for the purpose of transporting any person who may be contributing to, or attempting to or having design of contributing to, the delinquency of any minor, or who shall knowingly use or knowingly permit a for-hire vehicle to be used for the purpose of practicing or soliciting prostitution, or who shall violate any of the ordinances of the city of Yakima in or by the use or operation of any such vehicle. (Ord. 1030 § 16, 1968; Ord. 147 § 24, 1960).

5.78.245 Review of license denial or revocation.

Any applicant who feels aggrieved by the denial of a license for which application is made pursuant to this chapter, and any license holder who feels aggrieved by the city manager's revocation of a license pursuant to Section 5.78.240, may appeal that denial or revocation to the hearing examiner by serving on the Yakima city clerk a notice of such appeal within five business days from the date of the denial or revocation from which the appeal is taken, which notice shall be in writing and shall specify all the grounds relied on by the appellant as reasons for the issuance or reissuance, as the case may be, of the license which was denied or revoked. After the timely filing of such a notice, the city clerk shall set a time and place for a hearing thereon by the hearing examiner, which shall occur within thirty (30) days of the date the appeal is received, after which hearing the hearing examiner shall make a final determination on the matter of the denial, revocation, issuance or reissuance of the license. The hearing examiner may add conditions if the final determination is to reissue or issue the license. (Ord. 2015-013 § 1, 2015; Ord. 95-63 § 1, 1995; Ord. 2082 § 2, 1977).

5.78.250 Term.

All licenses or permits issued under this chapter shall expire on the thirty-first day of August of each and every year and all fees payable hereunder shall be paid on or before the first day of September of each and every year. (Ord. 147 § 25, 1960).

5.78.255 For-hire drivers—Reports to the City

Every for-hire driver shall report within forty-eight (48) hours to the City and his or her affiliated for-hire employer, contractor, taxi company or TNC, the occurrence of any of the following:

- A. Any arrest, charge or conviction of the for-hire driver for any criminal offense, or commitment of a criminal law violation that occurs during, or arises out of the for-hire driver's operation of the for-hire vehicle.
- B. Any arrest, charge or conviction of the for-hire driver for any offense involving theft, moral turpitude or felony offense.
- C. Any vehicle accident required to be reported to the State of Washington involving any for-hire vehicle operated by the for-hire driver.
- D. Any restriction, suspension or revocation of the for-hire driver's Washington State driver's license, insurance, or registration of the vehicle.
- E. Any changes in health or medical condition of the for-hire driver that might render the for-hire driver to be unfit for the safe operation of any for-hire vehicle.

5.78.260 Severability.

If any section, subsection, subdivision, sentence, clause or phrase of this chapter is for any reason held to be unconstitutional or void, then such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 147 § 27, 1960).

