

CITY OF LYNNWOOD

ORDINANCE NO. 2387

AN ORDINANCE RELATING TO TAXICABS AND FOR-HIRE VEHICLES, PROVIDING FOR THE LICENSING AND REGULATION OF TAXICABS, FOR-HIRE VEHICLES AND FOR-HIRE DRIVERS; ADDING A NEW CHAPTER, 5.40 TO THE LYNNWOOD MUNICIPAL CODE, REPEALING CHAPTER 5.42 AND CHAPTER 5.46 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION.

THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:

Section 1: Repealer. Chapter 5.42 of the Lynnwood Municipal Code is hereby repealed.

Section 2: Repealer. Chapter 5.46 of the Lynnwood Municipal Code is hereby repealed.

Section 3: New Chapter. A new chapter of the Lynnwood Municipal Code is hereby enacted as follows:

Chapter 5.40 TAXICABS AND FOR-HIRE VEHICLES

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I. GENERAL PROVISIONS

5.40.010 PURPOSE

This ordinance is an exercise of the City of Lynnwood’s power to license for-hire vehicles, taxicabs, and for-hire drivers and for regulation and revenue. Some of its regulatory purposes are to increase the safety, reliability, cost-effectiveness, and the economic viability and stability of privately-operated for-hire vehicle and taxicab services within the City of Lynnwood. This Ordinance provides for regulation of taxicabs pursuant to RCW Chapter 81.72.

5.40.020 DEFINITIONS

For the purposes of this chapter and unless the context plainly requires otherwise, the following definitions apply:

- A. “Approved mechanic” means a mechanic on a list maintained by the Finance Director. The list shall contain the name of each mechanic that has applied to the Finance Director for inclusion and who (1) has met all requirements of the National Institute for

Automotive Service Excellence, (2) has been awarded a Certificate in Evidence of Competence satisfactory to the Finance Director, (3) does not own, lease or drive a taxicab or for-hire vehicle, and (4) has no financial interest including any employment interest, in any taxicab or for-hire vehicle or in any company that owns or leases taxicabs or for-hire vehicles. An “approved mechanical facility” means a garage or repair facility that employs approved mechanics and Authorized Emission Specialists certified by the Washington Department of Ecology.

- B. “Cabulance” means a for-hire vehicle designed and used to transport a person confined to a wheelchair or persons other physically restricted.
- C. “Certificate of Safety” means a document from an approved mechanic certifying that a particular vehicle meets all vehicle safety standards set forth in this chapter and in regulations adopted pursuant to this chapter.
- D. “Committed a violation” means that a licensee has been issued a Notice of Violation and either has not contested the violation or did contest the violation but lost.
- E. “Contract rate” means the rate specified in a written contract signed by both parties before the dispatch of a taxicab or for-hire vehicle for the services identified in the contract. Contracts for package delivery may be made on an oral basis.
- F. “Department” means the Administrative Services Department of the City of Lynnwood, or any department that succeeds to that of Administrative Services Department’s duties under this chapter.
- G. “Director” or “Finance Director” means the Finance Director of the City of Lynnwood or the Director of any successor department and the Finance Director’s authorized designee.
- H. “For-hire driver” means any person in physical control of a taxicab or for-hire vehicle, who is required to be licensed under this chapter. The term includes a lease driver, owner/operator, or employee who drives taxicabs or for-hire vehicles.
- I. “For-hire vehicle” means any motor vehicle used for the transportation of passengers for compensation, except:
 - 1. Taxicabs as defined in this chapter;
 - 2. School buses operating exclusively under a contract to a school district;
 - 3. Ride-sharing vehicles under RCW chapter 46.74;
 - 4. Limousine carriers licensed under RCW chapter 81.90;
 - 5. Vehicles used by nonprofit transportation providers solely for elderly or handicapped persons and their attendants under RCW chapter 81.66;
 - 6. Vehicles used by auto transportation companies licensed under RCW chapter 81.68;

7. Vehicles used to provide courtesy transportation at no charge to and from parking lots, hotels, and rental offices; and,
 8. Charter party carriers and excursion service carriers licensed under RCW chapter 81.70;
 9. Ambulances licensed under RCW chapter 18.73.
- J. "Handicapped person" means any person who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to use mass transportation facilities and services as efficiently as persons who are not so affected. Handicapped persons include ambulatory persons whose capacities are hindered by sensory disabilities such as blindness or deafness, such mental disabilities as mental retardation or emotional illness, and physical disabilities that still permit the person to walk comfortably, or a combination of these disabilities. It also includes a semi-ambulatory person who requires such special aids to travel as canes, crutches, walkers, respirators, or human assistance, and a non-ambulatory person who must use wheelchairs or wheelchair-like equipment to travel.
- K. "Knowingly permit" means 1) to know of an action or condition that violates this chapter or any regulation promulgated pursuant to this chapter, and 2) to fail to take reasonable steps to cure the violation and to prevent future violations. There is a rebuttable presumption that a person knows a fact, action or condition of which a reasonable person in the same position would have knowledge.
- L. "Lease driver" means a for-hire driver who is an independent contractor/sole proprietor who has leased a taxicab or for-hire vehicle from a taxicab or for-hire vehicle owner or taxicab owner.
- M. "Lessor" means an owner of a taxicab or for-hire vehicle who leases to a lease driver.
- N. "Licensee" means any person or entity licensed under this chapter, including for-hire drivers, and taxicab or for-hire vehicle owners.
- O. "Motor vehicle" means every motorized vehicle by or upon which any person may be transported or carried upon a public street, highway or alley; provided, that vehicles used exclusively upon stationary rail tracks or propelled by use of overhead electric wires are not considered motor vehicles for purposes of this chapter.
- P. "Operating in the City of Lynnwood" means owning, leasing, advertising, driving, occupying or otherwise using a taxicab or for-hire vehicle that at any time transports any passenger or item for compensation from or to a point within the geographical confines of the City of Lynnwood. The vehicle is considered to be operating during the administering of inspections at the City's designated inspection facility. The term does not include being in control of a vehicle that is physically inoperable.
- Q. "Owner" means the person whose lawful right of possession of a taxicab or for-hire vehicle has most recently been recorded with the State Department of Motor Vehicles.

- R. "Senior Citizen" means any person, 60 years or older, with a valid identification confirming that person's age.
- S. "Special rate" means discounted rates for senior citizens and handicapped persons.
- T. "Taxicab" means every motor vehicle:
 - 1. That is held out to the public as providing transportation to passengers or articles for hire;
 - 2. Where the route traveled or destination is controlled by the customer ;
 - 3. That carries signs or indicia of a taxicab, including the words "taxi", "taxicab", or "cab", and;
 - 4. Where the fare is based on an amount recorded and indicated on a taximeter, or by a special contract rate permitted under this chapter.
- U. "Taximeter" means any instrument or device by which the charge for hire of a passenger carrying vehicle is measured or calculated either for the distance traveled by such vehicle or for waiting time, or for both, and upon which such calculated charges shall be indicated by means of figures.

5.40.030 SCOPE

This chapter applies to all taxicabs, all for-hire vehicles and all for-hire drivers operating within the City of Lynnwood.

5.40.040 LICENSES REQUIRED

- A. It is unlawful to own, lease, drive or otherwise operate within the City of Lynnwood any taxicab or for-hire vehicle within the scope of this chapter, unless:
 - 1. The for-hire driver has a valid license issued under this chapter;
 - 2. The for-hire vehicle or taxicab has a valid license issued under this chapter;
 - 3. The owner or owners of a taxicab or for-hire vehicle business have a valid license issued under this chapter.

5.40.050 FEES

The license fees are fixed in the amount shown in the following schedule and shall be payable annually in advance.

FOR-HIRE VEHICLE BUSINESS	\$150.00 per licensing year per company
FOR-HIRE VEHICLE DRIVER'S LICENSE FEE	40.00 for initial license and 30.00 per year for renewal

FINGERPRINTING

Charges as determined by Finance Director to cover costs.

The fees set forth in this schedule may be changed hereinafter by ordinance of the City Council.

II. TAXICAB/OWNER-LICENSE

5.40.060 TAXICAB OWNER-LICENSE APPLICATION

- A. Any business or individual desiring to operate as a taxicab owner within the City of Lynnwood shall file with the Finance Director a signed and notarized taxicab owner application, on forms approved by the Finance Director. The application shall include the following information:
1. The applicant taxicab owner's name, business street address and post office box address (if any), business facsimile number, business phone number where the taxicab owner's representative can generally be reached between 9 a.m. and 5 p.m. on all non-holiday weekdays, and Federal Communications Commission-licensed frequencies used for dispatch or response;
 2. The form of business entity under which the owner will operate (e.g., corporation, partnership, cooperative owner);
 - a. If the applicant taxicab owner is individually owned, the full name, business address (or home address if no business address), telephone number and date of birth of the owner; or
 - b. If the applicant taxicab owner is a corporation, partnership or other business entity, the names, home and business addresses, and telephone numbers, and the date of birth of all officers, directors, general and managing partners, registered agents, and of all other persons vested with authority to manage or direct the affairs of the legal entity or to bind the legal entity in dealings with third parties, and the entity's true legal name, state of incorporation or registration with the Secretary of State of the State of Washington (if any) and State of Washington business license number, and any other information that the Finance Director may reasonably require;
 3. The color scheme the applicant taxicab owner proposes to require for each owned taxicab;
 4. The name, address, phone number and date of birth of the taxicab owner's representative;
 5. The taxicab number for each vehicle owned by the applicant;
 6. The special or contract rates that will be charged by taxicabs owned by the taxicab owner; and
 7. Any other information required by regulations adopted pursuant to this chapter.

7. Any other information required by regulations adopted pursuant to this chapter.
- B. All applications submitted to the Finance Director must be accompanied by the license fee set forth in LMC 5.40.050.
- C. The taxicab owner applicant or licensee must inform the Finance Director in writing within seven (7) days if any of the information provided pursuant to subsection A changes, ceases to be true or is superseded in any way by new information.

5.40.070 TAXICAB OWNER – OWNERS, PARTNERS, AND PRINCIPALS – INVESTIGATION

All applicants for a taxicab or for-hire vehicle owner license must consent to be fingerprinted for a criminal background check. Each applicant shall pay the costs of the fingerprinting in addition to the license fee.

5.40.080 TAXICAB OWNER – STANDARDS FOR LICENSE DENIAL

- A. The operation of a business in the City of Lynnwood is a privilege, not a right. The taxicab owner's ability to satisfy stated criteria for a taxicab owner license does not create a right to a taxicab owner license.
- B. The Finance Director shall deny any taxicab owner license application if the Finance Director determines that:
 1. The application has a material false or misleading statement or omission;
 2. The application is incomplete; or
 3. Within three (3) years prior to the date of application, the applicant, or any owner, officer, director, managing partner, general partner or principal of the applicant, has had a conviction, bail forfeiture, or other final adverse finding or disposition for crimes reasonably related to the applicant's ability to operate a taxicab, including but not limited to fraud, theft, robbery, extortion, embezzlement, racketeering, assault, sex offenses, violations of the Uniform Controlled Substances Act, prostitution, alcohol, driving or traffic-related offenses, gambling or income tax evasion.
- C. The Finance Director may deny any taxicab owner license application if the Finance Director determines that:
 1. Within five (5) years prior to the date of application, the applicant, or any owner, officer, director, managing partner, general partner or principal of the applicant, has had a conviction, bail forfeiture, or other final adverse finding or disposition for crimes reasonably related to the applicant's ability to operate a taxicab, including but not limited to, fraud, theft, robbery, extortion, embezzlement, racketeering, assault, sex offenses, violations of the Uniform Controlled Substances Act, prostitution, alcohol, driving or traffic-related offenses, gambling or income tax evasion.

2. Has exhibited past conduct, as evidenced by a criminal conviction, bail forfeiture or other final adverse finding or disposition (including a civil suit or administrative proceeding) in operating a taxicab, business or vehicle that would lead the Finance Director to reasonably conclude that the applicant will not fulfill the taxicab owner responsibilities and requirements set forth in this chapter.

5.40.090 TAXICAB OWNER – APPROVAL OF COLOR SCHEME

The Finance Director shall have final approval over the taxicab owner's color scheme, in order to ensure that there is no risk of confusion between the colors of different taxicab owners.

5.40.100 TAXICAB OWNER – OPERATING RESPONSIBILITIES

- A. In addition to meeting the license application requirements set forth in LMC 5.40.060, the taxicab owner must:
 1. Maintain a business office that;
 - a. Is open and personally staffed all business days between 9 a.m. and 5 p.m.,
 - b. Has a business telephone number that is listed in the white and yellow pages of the telephone book and can be answered during all hours of operation,
 - c. Has a mailing address where the taxicab owner representative will accept mail, and
 - d. Stores all records that this chapter requires the taxicab owner to maintain.
 2. Ensure that each owned taxicab is insured as required in LMC 5.40.130 (C)(5-6) and .160(D);
 3. Ensure that each owned taxicab maintains the taxicab owner's color scheme and identification;
 4. Maintain on file at the taxicab owner's place of business proof of insurance required by LMC 5.40.130(C)(5-6) and .160(D);
 5. Accept on behalf of any driver of an owned taxicab all correspondence from the Finance Director to that driver.
 6. Deliver to the for-hire driver of an owner taxicab any correspondence from the Finance Director to that owner or driver as soon as reasonably possible after the taxicab owner receives such correspondence;
 7. Collect and store for at least two (2) years trip sheet records for all owned taxicabs, including daily logs, as prescribed by the Finance Director, of taxicabs in service, together with the driver's name, taxicab number and summary of trip sheet totals;

8. Collect annually, and provide to the Finance Director on request the following service information;
 - a. Number of service requests (trips),
 - b. Average number of taxicabs operating during the year,
 - c. Average number of operating hours per week per taxicab,
 - d. Total paid trip miles for the past year per taxicab, and;
 - e. Number of complaints received regarding
 - (1) Driver conduct sorted by driving behavior, communication, personal dress or hygiene;
 - (2) Vehicle condition sorted by appearance, mechanical or safety;
 - (3) Service response; and
 - (4) Lack of driver knowledge of route or requested destination.
9. Maintain a log of, and forward to the Finance Director upon request, each oral or written customer complaint that the taxicab owner receives about the taxicab owner or about an owner, lessee or driver of an owned taxicab. Where applicable, the taxicab owner should include a notice of the action taken by the taxicab owner to resolve the complaint and the disposition;
10. Notify the Finance Director within two (2) working days of the taxicab owner having knowledge of the following:
 - a. A conviction, bail forfeiture or other final adverse finding or disposition received by the driver or the owner of an owned taxicab for any criminal offense or traffic violation that occurs during or arises out of the driver's operation of the taxicab;
 - b. A conviction, bail forfeiture or other final adverse finding or disposition received by the driver or the owner of an owned taxicab for any other criminal offense directly bearing on the driver's fitness to operate a taxicab or the owner's fitness to own a taxicab, including but not limited to the crimes of fraud, theft, robbery, extortion, embezzlement, racketeering, assault, sex offenses, violations of the Uniform Controlled Substances Act, prostitution, alcohol, driving or traffic-related offenses, gambling or income tax evasion;
 - c. A vehicle accident required to be reported to the State of Washington involving any owned taxicab;
 - d. Any restriction, suspension or revocation of a State of Washington driver's license issued to a driver of an owned taxicab; or

11. Permit the Finance Director to carry out inspections without notice of all taxicab records required to be kept under this chapter, and all owned taxicabs; and
 12. Pay all penalties imposed by the Director that are either not contested or are upheld after review.
- B. The taxicab owner licensee must inform the Finance Director in writing within seven (7) days if any of the information provided pursuant to subsection A changes, ceases to be true or is superseded in any way by new information.
 - C. Failure to meet the requirements of this section (LMC 5.40.100) is a violation of this chapter.

5.40.110 TAXICAB OWNER – TRANSFERS IN THE INTEREST OF A TAXICAB OWNER

A taxicab owner license is not transferable, except an interest in a business entity holding a taxicab owner license may be transferred, after the new owner or principal has (1) submitted an application pursuant to LMC 5.40.060, (2) met the standards and requirements for an owner, and (3) secured written approval of the Finance Director.

5.40.120 TAXICAB OWNER LICENSE RENEWALS

A taxicab owner license is valid for no more than one (1) year and expires on July 31. No taxicab owner license may be renewed unless the renewal fee has been paid and all outstanding penalties assessed against the taxicab owner and the for-hire drivers of the owner's taxicabs have been paid to the Finance Director. The Finance Director shall not renew the taxicab owner license unless the Finance Director determines that the taxicab owner's continued operation is in the public interest. All denials of renewal applications must be set forth in writing, together with the reasons for denial. The written denial shall be delivered either personally or by certified mail to the address provided by the applicant on the license renewal application.

III. TAXICAB AND FOR-HIRE VEHICLE LICENSES

5.40.130 TAXICAB AND FOR-HIRE VEHICLE LICENSE APPLICATION

- A. A taxicab owner shall file with the Finance Director a signed and notarized taxicab license application, on forms approved by the Finance Director, for each taxicab the owner owns. The application shall include the information specified in subsection C of this section.
- B. A for-hire vehicle owner shall file with the Finance Director a signed and notarized for-hire vehicle license application on forms provided by the Finance Director for each for-hire vehicle the owner owns. The application shall include the information specified in subsection C of this section.
- C. The taxicab or for-hire vehicle license application shall include the following information:
 1. Ownership type:

1. **Ownership type:**
 - a. **If the owner is an individual, the owner's full name, home address, home and business telephone number and date of birth (which shall be at least eighteen years prior to the date of application), or;**
 - b. **If the owner is a corporation, partnership or other legal entity, the full names, home and business addresses, and telephone numbers and date of birth (which must be at least eighteen years before the date of application) for the corporation's or entity's officers, directors, general and managing partners, registered agents, and each person vested with authority to manage or direct the affairs of the legal entity or to bind the legal entity in dealings with third parties; the corporation's, partnership's or entity's true legal name, state of incorporation or partnership registration (if any), business address and telephone and facsimile numbers and State of Washington business license number, and any other information that the Finance Director may reasonably require.**
2. **Vehicle information, including the taxicab or for-hire vehicle number assigned by any regulatory agency, the make, model, year, vehicle identification number, Washington State vehicle license plate number, and any other vehicle information that the Finance Director may reasonably require;**
3. **Information as requested by the Finance Director pertaining to any driver's, for-hire vehicle or taxicab license suspension, denial, non-renewal or revocation, imposed in connection with a taxicab or for-hire vehicle owned or leased by the owner within the last three (3) years;**
4. **Criminal history, as requested by the Finance Director, of the owner, or if the owner is a business entity, of each person specified in subsection (C)(1)(b) above;**
5. **Certificate of insurance proving compliance with RCW chapter 46.72, as now or hereafter amended, for each taxicab or for-hire vehicle for which a license is sought. The certificate shall:**
 - a. **Be issued by a company authorized to carry on an insurance business in the State of Washington,**
 - b. **Name the City of Lynnwood as a certificate holder, and**
 - c. **Provide that the insurer will notify the Finance Director, in writing, of any cancellation at least thirty (30) days before that cancellation takes effect;**
6. **Certificate of underinsured motorist coverage indicating minimum coverage as required by RCW 46.72.040 as now or hereafter amended or a certificate of self-insurance issued pursuant to RCW 46.29.630;**
7. **State of Washington For-Hire Certificate;**

8. State of Washington vehicle registration;
9. A valid certificate of safety issued by an approved mechanic for the vehicle within the last license year. Attached to this certificate of safety must be a certification stating that the taxicab or for-hire vehicle has passed an emissions test conducted by an Authorized Emissions Specialist who has been certified by the Washington Department of Ecology. The safety certificate and emission certification remain valid, if the vehicle is sold, until the next renewal date;
10. A completed and satisfactory equipment inspection by the City of Lynnwood as required in LMC 5.40.160(F).
11. Any other information or documents reasonably required by the Finance Director;
12. The above application and information must also be completed and supplied for each annual license renewal.

5.40.140 TAXICAB AND FOR-HIRE VEHICLE OWNERS – INVESTIGATION

All applicants for a taxicab or for-hire vehicle license must consent to be fingerprinted for a criminal background check. Each applicant shall pay the costs of the fingerprinting in addition to the license fee.

5.40.150 TAXICAB AND FOR-HIRE VEHICLE – STANDARDS FOR LICENSE DENIAL

- A. The Finance Director shall deny any taxicab or for-hire vehicle owner license application if the Finance Director determines that:
 1. The applicant has failed to submit a complete, satisfactory application pursuant to LMC 5.40.130;
 2. The applicant has made any material false or misleading statement or omission in the application for a license;
 3. The applicant fails to meet one or more of the applicant or vehicle requirements of a taxicab or for-hire vehicle owner licensee pursuant to LMC 5.40.160; or
 4. Within three (3) years prior to the date of application, the applicant, or if the applicant is a business entity any officer, director, general partner, managing partner or principal of the applicant, has had a conviction, bail forfeiture or other final adverse finding or disposition for crimes reasonably related to the applicant's ability to operate a taxicab, including but not limited to fraud, theft, robbery, extortion, embezzlement, racketeering, assault, sex offenses, violations of the Uniform Controlled Substances Act, prostitution, alcohol, driving or traffic-related offenses, gambling or income tax evasion.
- B. The Finance Director may deny any taxicab or for-hire vehicle owner license application if the Finance Director determines that:

1. Within five (5) years prior to the date of application, the applicant or, if the applicant is a business entity, any officer, director, general partner, managing partner or principal of the applicant, has had a conviction, bail forfeiture, or other final adverse finding or disposition involving crimes reasonably related to the applicant's ability to operate a taxicab or for-hire business, including but not limited to the crimes of fraud, theft, robbery, extortion, embezzlement, racketeering, assault, sex crimes, violations of the Uniform Controlled Substances Act, prostitution, alcohol, driving or traffic-related offenses, gambling or income tax evasion.
2. Within two (2) years prior to the date of application, the applicant, or if the applicant is a business entity, any officer, director, general partner, managing partner or principal of the applicant, has been found, either through a criminal conviction, bail forfeiture or other final adverse finding or disposition (including in a civil suit or administrative proceeding) to have exhibited past conduct in driving or operating a vehicle or operating a taxicab or for-hire business which would lead the Finance Director 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;
3. Within two (2) years prior to the date of application, the applicant, or if the applicant is a business entity, any officer, director, general partner, managing partner or principal of the applicant, has engaged in the business of operating any taxicab or for-hire vehicle within the City of Lynnwood without a current valid license from the City of Lynnwood;
4. Within twelve (12) months prior to the date of application, the applicant has violated or caused or knowingly permitted a driver to violate, any ordinance or regulation pertaining to the operation of taxicabs of Snohomish or King County, or any City within those Counties, if such violation would constitute grounds for license revocation or denial if occurring within the City; or
5. Within twelve (12) months prior to the date of application, the applicant has had its City of Lynnwood taxicab or for-hire vehicle license revoked.

5.40.160 TAXICAB AND FOR-HIRE VEHICLE – VEHICLE OPERATING REQUIREMENTS

No taxicab or for-hire vehicle licensed by the City may lawfully operate within the City of Lynnwood unless the following minimum vehicle requirements are met:

- A. All applicable licenses specified in LMC 5.40.040 are in force for the taxicab or for-hire vehicle;
- B. For taxicabs only, and subject to section LMC 5.40.100(A)(3), the vehicle complies with the approved color scheme of the taxicab owner;
- C. Vehicle age requirements:
 1. The vehicle's model year shall be no more than ten (10) years prior to December 31 of each year.

- D. The vehicle has insurance as required by LMC 5.40.130(C)(5-6), provided, that if an insurance policy is canceled, or a vehicle is deleted from the policy, proof of a new policy including the vehicle must be filed with the Finance Director before the vehicle is canceled or deleted from the previous policy.
- E. An approved mechanic has issued a valid certificate of safety for the vehicle within the last license year. Attached to this certificate of safety must be a certification stating that the taxicab or for-hire vehicle has passed an emissions test conducted by an Authorized Emissions Specialist who has been certified by the Washington Department of Ecology. The safety certificate and emission certification remain valid, if the vehicle is sold, until the next renewal date;
 - I. The certificate of safety required in the City of Lynnwood shall be performed by an approved mechanic as defined in this chapter. Such inspection shall ensure the mechanical and structural integrity of the vehicle and shall include:
 - a. Adequate braking system including emergency or auxiliary as per the manufacturer's allowable tolerance;
 - b. Adequate suspension system to prevent excessive motion when the vehicle is in operation;
 - c. Adequate steering system as per the manufacturer's allowable tolerance;
 - d. Exhaust system that is free of leaks, defects, or tampering and that meets State of Washington motor vehicle emissions standards;
 - e. No fluid leaks, including but not limited to motor oil, antifreeze, transmission fluid and brake fluid;
 - f. Air conditioning system free of CFC leaks, if the vehicle has such system;
 - g. No excessive noise;
 - h. Mechanically sound;
 - i. Front end aligned.
- F. The taxicab or for-hire vehicle has passed an equipment inspection by the City of Lynnwood at least once in the past license year, or more often if required by the Finance Director because of previous violations. The licensee shall pay the cost of the inspection for each vehicle. The Finance Director may, in his or her discretion, accept an inspection of the vehicle performed for another jurisdiction upon presentation by the licensee of proof of such inspection;
- G. The taxicab or for-hire vehicle displays a taxicab vehicle license plate with a current year decal issued by the Finance Director;
- H. All rates, including discounts or special rates, and all taxicab numbers and letters are displayed in the manner prescribed by rule or regulation promulgated pursuant to this chapter and prescribed by the Finance Director;
- I. The vehicle contains a map of Lynnwood and the region (provided by the owner or driver) published within the past two (2) years, which will be displayed to any passenger upon request;

- J. The taxicab is equipped with a properly sealed, working and accurate taximeter pursuant to the requirements of LMC 5.40.290.
- K. The taxicab or for-hire vehicle is equipped with a consumer information board, the size, material, and placement of which is prescribed by the Finance Director by rule. Such board shall include, at a minimum, the taxicab or for-hire vehicle name and number, the driver's license number, the taxi hotline number and consumer survey and complaint cards;
- L. The taxicab contains no scanner or other type of receiver that is capable of monitoring another taxicab owner's assigned frequency;
- M. The taxicab is equipped and operated so that it can be contacted by two-way radio communication in response to a telephone or other request for service by a prospective passenger;
- N. Any other documents or information reasonably required by the Finance Director.

5.40.170 TAXICAB OWNER AND FOR-HIRE VEHICLE OWNER RESPONSIBILITIES

- A. The owner of a taxicab or for-hire vehicle must ensure the taxicab or for-hire vehicle is being operated only by a driver who holds a valid for-hire drivers license;
- B. The taxicab or for-hire vehicle owner must maintain a business address and a mailing address where the owner can accept mail, and a business telephone in working order that can be answered at least 9 a.m. to 5 p.m. Monday through Friday, and during all hours of operation. The taxicab owner's office or dispatch center may suffice for this requirement;
- C. The taxicab or for-hire vehicle owner must notify the Finance Director within three (3) working days of learning of the following occurrences:
 - 1. Any conviction, bail forfeiture or other final adverse finding or disposition received by the taxicab driver or for-hire vehicle driver, for any criminal offense that occurs during, or arises out of, the driver's operation of a taxicab or for-hire vehicle;
 - 2. Any conviction, bail forfeiture or other final adverse finding or disposition received by the taxicab or for-hire vehicle driver for any criminal offense involving the crimes of fraud, theft, robbery, extortion, embezzlement, racketeering, burglary, assault, sex offenses, violations of the Uniform Controlled Substances Act, prostitution, alcohol, driving or traffic-related offenses, gambling, or income tax evasion or any related offense;
 - 3. Any vehicle accident required to be reported to the State of Washington involving any taxicab operated by the taxicab driver or for-hire vehicle operated by the for-hire driver; or
 - 4. Any restriction, suspension or revocation of the taxicab or for-hire vehicle driver's motor vehicle driver's license;

- D. The taxicab or for-hire vehicle owner must maintain daily trip sheet records as prescribed by the Finance Director by rule for all licensed vehicles. A taxicab owner must insure that all original daily trip sheets are given to the taxicab owner's representative at least weekly. The for-hire vehicle owner must keep daily trip sheets for a minimum of two (2) years:
 - 1. Number of service requests (trips) during the last year;
 - 2. Average operating hours per week per vehicle for the last year.
- E. The taxicab or for-hire vehicle's owner and driver permits the Finance Director to inspect the vehicle without notice, upon request;
- F. The owner of a taxicab or for-hire vehicle must ensure that the for-hire driver complies with operating and conduct standards per LMC 5.40.270-280;
- G. The taxicab or for-hire vehicle owner shall comply with all other rules reasonably required by the Finance Director.

5.40.180 TAXICAB AND FOR-HIRE VEHICLE-LICENSE TRANSFER

A for-hire vehicle or taxicab license may be transferred. No transfer of a for-hire vehicle or taxicab license can take effect until all outstanding penalties assessed against the owner or any driver of the for-hire vehicle or taxicab are paid in full to the Finance Director. The proposed transferee must submit a for-hire vehicle or taxicab license application according to the standards set forth for a new license. The standards for denial set forth in LMC 5.40.150 apply to proposed transfers. Transfers shall not become effective, and the proposed transferee may not operate the taxicab or for-hire vehicle, until the proposed transferee receives the taxicab or for-hire vehicle license.

5.40.190 TAXICAB AND FOR-HIRE VEHICLE – LICENSE EXPIRATION AND RENEWAL

- A. All taxicab and for-hire license shall expire July 31 each year of the year following issuance of the license;
- B. Each taxicab or for-hire vehicle owner must renew the for-hire vehicle or taxicab license every year. No for-hire vehicle or taxicab license may be renewed unless all outstanding penalties assessed against the owner or the for-hire driver of the taxicab or for-hire vehicle are paid in full to the Finance Director;
- C. The Finance Director shall deny any renewal application if grounds exist for the Finance Director to deny a license pursuant to section LMC 5.40.150(A). If no such grounds exist, the Finance Director shall examine all Department records on the for-hire vehicle or taxicab and may deny the renewal if grounds exist that would justify denial under LMC 5.40.150(B).

5.40.200 DESTRUCTION, REPLACEMENT, RETIREMENT OR INACTIVITY OF A TAXICAB OR FOR-HIRE VEHICLE

- A. The taxicab owner shall notify the Finance Director in writing within five (5) working days whenever a taxicab is destroyed, rendered permanently inoperable, sold or is taken out of service by the owner for any reason;
- B. A for-hire vehicle owner shall notify the Finance Director in writing within five (5) working days whenever a for-hire vehicle is destroyed, rendered permanently inoperable, sold or is taken out of service by the owner for any reason;
- C. Any vehicle that, for a period of at least sixty (60) days, is not legally operated as a taxicab or for-hire vehicle, shall be considered retired, and the license for each retired vehicle shall be deemed abandoned and void. The licensee shall immediately surrender the taxicab license plate and year decal, or for-hire vehicle license plate and year decal, for each such vehicle to the Finance Director. **Abandoned licenses may not be transferred or reinstated by any means without the Finance Director's prior written permission.** The Finance Director, in considering whether to grant such permission shall consider the following nonexclusive factors:
 - 1. The licensee must submit a written request for an extension of time that states the specific reason additional time is required, identifies a plan and timetable for placing the taxicab or for-hire vehicle in service within the shortest possible time, and attaches all documents substantiating the factual information contained in the request;
 - 2. The plan and timetable submitted must reflect a reasonable approach for placing a taxicab or for-hire vehicle in service within the shortest possible time frame;
 - 3. If the Finance Director determines that the request for an extension of time should be granted, the Finance Director may grant the licensee no more than thirty (30) additional calendar days (in addition to the original sixty (60) days) to place the taxicab or for-hire vehicle back into service;
 - 4. No extensions will be granted to any licensee who is unable to meet the basic operational costs, including liability insurance, regulatory fees, and normal maintenance and repairs of operating a taxicab or for-hire vehicle;
 - 5. No more than one extension will be granted for each vehicle license during its license year (August 1 through July 31).

5.40.210 TAXICAB AND FOR-HIRE VEHICLE—OWNER SURRENDER OF VEHICLE LICENSE

It is unlawful to operate a taxicab or for-hire vehicle whose license has been suspended or revoked. The taxicab owner and taxicab driver are jointly and severally responsible for immediately surrendering the vehicle license plate or decal and taxicab vehicle license to the Finance Director. The for-hire vehicle owner and for-hire vehicle driver(s) are jointly and severally responsible for immediately surrendering the vehicle license plate or decal and for-hire vehicle license to the Finance Director.

IV. FOR-HIRE DRIVER LICENSES

5.40.220 FOR-HIRE DRIVER LICENSE APPLICATION

- A. A for-hire driver must complete, sign, swear to and file with the Finance Director a for-hire driver license application on forms provided by the Finance Director to include the following information:
1. Name, aliases, residence and business address, residence and business telephone numbers;
 2. Place and date of birth (which shall be at least twenty-one (21) years prior to the date of application (height, weight, color of hair and eyes);
 3. Social Security number and Washington State driver's license number. The applicant must present his/her Washington State driver's license at time of renewal;
 4. Proof that the applicant is a United States citizen or has documentation, as required by the United States Department of Justice Immigration and Naturalization Service, that the applicant is authorized to work in the United States;
 5. The applicant's criminal history for the last five (5) years;
 6. Information indicating whether or not the applicant has ever had a for-hire or driver's license suspended, revoked, or denied and for what cause;
 7. A signed statement authorizing the Finance Director to obtain a current copy of the applicant's driving record from the Washington State Department of Licensing; and
 8. Such other information as may be reasonably required by regulation promulgated under this chapter;
 9. The above application and information must also be completed on all annual renewals.
- B. A physician's certification signed not more than six (6) months prior to the date of initial application that certifies the applicant's fitness as a for-hire driver must be filed prior to issuance of the for-hire drivers license;
- C. All applications for for-hire driver's licenses become void if the applicant, for any reason other than delay caused by the City, fails or neglects to complete the application process or obtain a license within sixty (60) days of submitting an application.

5.40.230 CRIMINAL BACKGROUND CHECK

All applicants for a for-hire driver's license must consent to be fingerprinted for a criminal background check.

5.40.240 FOR-HIRE DRIVER PHYSICIAN'S CERTIFICATION

- A. A medical examination and certification shall be required upon initial application, and every two (2) years thereafter, on the anniversary date of the license; provided, however, the Finance Director may at any time require any for-hire licensee or applicant to be re-examined if it appears that the licensee has become physically or mentally unfit to be a for-hire driver;
- B. The required medical certification and examination shall be performed by a physician licensed to practice in Washington State under RCW Chapter 18.71 and completed following that physician's physical examination of the applicant;
- C. The scope of the certificate form and the examination shall be prescribed by the Finance Director.

5.40.250 FOR-HIRE DRIVER – STANDARDS FOR LICENSE DENIAL

- A. The Finance Director shall deny any for-hire driver license application if the Finance Director determines that the applicant:
 - 1. Has made any material misstatement or omission in the application for a license;
 - 2. Fails to meet any of the qualifications of a for-hire driver contained in LMC 5.40.220;
 - 3. Has had a bail forfeiture, conviction, or other final adverse finding or disposition for crimes pertaining to hit-and-run, driving under the influence of alcohol or controlled substances, or any other crime committed while operating a vehicle, within three (3) years prior to the date of application;
 - 4. Is required to register as a sex offender pursuant to RCW Chapter 9A.44.130.
- B. The Finance Director may deny any for-hire driver license application if the Finance Director determines that the applicant:
 - 1. Has had a conviction, bail forfeiture, or other final adverse finding or disposition for crimes reasonably related to the applicant's ability to operate a vehicle including but not limited to, fraud, theft, robbery, extortion, embezzlement, racketeering, assault, sex offense, violations of the Uniform Controlled Substances Act, alcohol, prostitution, gambling, or income tax evasion, provided that such conviction, bail forfeiture or adverse finding or disposition was within five (5) years prior to the date of application or;
 - 2. Has been found, either through a criminal conviction, bail forfeiture or other final adverse finding or disposition (including in a civil suit or administrative proceeding), to have exhibited past conduct in driving or operating a taxicab vehicle or for-hire vehicle that causes the Finance Director reasonably to conclude that the applicant will not comply with the provisions of the chapter related to driver/operator conduct and the safe operation of the vehicle.

5.40.260 FOR-HIRE DRIVER LICENSE EXPIRATION AND RENEWAL

- A. All for-hire driver's license shall expire July 31 of each year;

- B. Each for-hire driver must renew the for-hire driver's license every year;
- C. The Finance Director shall deny any renewal application if grounds exist for the Finance Director to deny a license pursuant to LMC 5.40.250(A). If no such grounds exist, the Finance Director shall examine all Department records on the for-hire vehicle or taxicab and may deny the renewal if grounds exist that would justify denial under LMC 5.40.250(B).

5.40.270 FOR-HIRE DRIVER OPERATING STANDARDS

- A. A for-hire driver shall not operate a taxicab or for-hire vehicle without first obtaining and maintaining a valid for-hire driver's license;
- B. No for-hire driver whose license has been revoked by the Finance Director shall apply for a new license for one (1) year from the effective date of such revocation without permission from the Finance Director;
- C. A for-hire driver, before starting each shift, shall check the lights, brakes, tires, steering, seat belts, taximeter seal, and other vehicle equipment to see that they are working properly;
- D. A for-hire driver, before starting each shift, shall ensure that the state for-hire certificate, the county or city taxicab or for-hire vehicle license, vehicle registration and proof of insurance card are in the vehicle;
- E. A for-hire driver shall not operate a taxicab or for-hire vehicle unless the interior and the exterior of the taxicab or the for-hire vehicle is clean and in good repair;
- F. A for-hire driver shall not transport more passengers than the number of seat belts available nor more luggage than the taxicab capacity will safely and legally allow;
- G. A for-hire driver shall allow the Finance Director to inspect the taxicab or for-hire vehicle without notice at any reasonable time or place.

5.40.280 FOR-HIRE DRIVER CONDUCT STANDARDS

- A. A for-hire driver shall not:
 1. Drink any alcoholic beverage while on duty or less than eight hours prior to going on duty;
 2. Shall not possess an open or unsealed container of any alcoholic beverage while in the for-hire vehicle or taxicab;
 3. Ingest any illegal drug while on duty or less than eight hours prior to going on duty; or
 4. Ingest any legal drug which carries with it a warning not to drive a vehicle after taking the drug while on duty or less than eight hours prior to going on duty.
- B. A for-hire driver shall, at the end of each trip, check the vehicle for any article that is left behind by passenger(s). Such articles found in taxicabs are to be reported as found

property to the taxicab owner, and such property is to be returned to the taxicab owner's representative at the end of the shift or sooner if possible;

- C. A for-hire driver shall have in the driver's possession a valid for-hire driver's license and valid Washington State driver's license at any time the for-hire driver is operating the taxicab or for-hire vehicle; such for-hire license shall be displayed as prescribed by the Finance Director;
- D. A for-hire driver shall comply with any written notice of violation issued by the Finance Director, including notices suspending or revoking a vehicle license, and notices requiring repair;
- E. A for-hire driver shall not operate a taxicab or for-hire vehicle when such taxicab or for-hire vehicle license has been suspended or revoked by the Finance Director or by order of any jurisdiction's official responsible for implementing taxicabs or for-hire vehicle regulations or ordinances;
- F. A for-hire driver shall immediately surrender the vehicle license plate and year decal to the Finance Director upon written notice that the vehicle license has been suspended, not renewed or revoked;
- G. A for-hire driver shall not be in control of a taxicab or for-hire vehicle for more than twelve (12) hours spread over a total of fifteen (15) hours in any 24-hour period. Thereafter, such for-hire driver shall not drive any taxicab until ten (10) consecutive hours have elapsed;
- H. A for-hire driver shall not drive, be in control of or operate a taxicab or for-hire vehicle where the required customer information board is not displayed or does not contain all required information;
- I. A for-hire driver shall operate the taxicab or for-hire vehicle with due regard for the safety, comfort and convenience of passengers;
- J. A for-hire driver shall not solicit for prostitution nor allow the vehicle to be used for such unlawful purpose;
- K. A for-hire driver shall not knowingly permit the taxicab or for-hire vehicle to be used for the illegal solicitation, transportation, or sale, or any other activity related to illegal drugs;
- L. A for-hire driver shall deposit all refuse appropriately and shall under no circumstances litter;
- M. A for-hire driver shall not use offensive language, expressions, or gestures to any person while driving, operating, picking up customers, or in control of a taxicab or for-hire vehicle;
- N. A for-hire driver shall, upon request by the Finance Director, a passenger, or a police officer, provide the City-issued for-hire license and Washington State driver's license for inspection.

- O. Must not have been convicted of a crime for which he/she is required to register as a sex offender pursuant to RCW 9A.44.130.

5.40.290 FOR-HIRE DRIVER TAXICAB METER/RATES STANDARDS

- A. No license shall be issued for a taxicab until the taximeter attached thereto has been inspected and found to be in accordance with the standards of RCW 19.94.195 and WAC 16.662, which incorporates by reference the specifications of National Institute of Standards and Technology Handbook 44, *Specifications, Tolerances, and Other Technical Requirements of Weighing and Measuring Devices* (as hereinafter amended).
- B. A for-hire driver shall not operate any taxicab that does not have a currently inspected and sealed taximeter in good working order. Provided, however, that the Finance Director may waive this requirement for cabulances provided that the cabulance has an approved rate card on file with the City and the rate card is displayed as may be required by the Finance Director;
- C. A for-hire driver must activate the taximeter at the beginning of each trip and deactivate the taximeter upon completion of the trip. Beginning of a trip means the point where the passenger is seated and the forward motion of the vehicle begins;
- D. A for-hire driver shall assure that the meter reading is visible from a normal passenger position at all times;
- E. A for-hire driver shall not operate a taxicab or for-hire vehicle that does not have the rate posted as prescribed by the Finance Director;
- F. A for for-hire driver shall not ask, demand or collect any rate or fare other than as specified on the meter, required by ordinance, or pursuant to special rates or contract rates on file with the Finance Director;
- G. A for-hire driver shall complete daily tripsheets, as prescribed by the Finance Director, and shall show all trips in an accurate and legible manner as each trip occurs. Daily tripsheets shall include the following information:
 - 1. Driver's name and for-hire license number;
 - 2. Owner's name and vehicle name and number;
 - 3. Vehicle for-hire license number;
 - 4. Beginning and ending odometer reading;
 - 5. Beginning and ending time of each shift worked;
 - 6. Date, time, place or origin, and dismissal of each trip;
 - 7. Fare collected;
 - 8. Number of passengers;

- 9. "No shows"; and
- 10. Contract rates or special rates.
- H. A for-hire driver shall allow the Finance Director to inspect the daily trip sheet at any time, without notice;
- I. A taxicab driver shall turn in completed trip sheets to the taxicab owner at least weekly.

5.40.300 FOR-HIRE DRIVER-PASSENGER RELATIONS STANDARDS

- A. A taxicab driver shall wear the uniform adopted by the owner;
- B. A for-hire driver's clothes shall be neat and clean at all times that the driver is on the driver's shift. The term "neat and clean" as it relates to clothes shall mean that all clothing is clean, free from soil, grease and dirt and without unrepaired rips or tears. A for-hire driver shall be clean and well groomed at all times while on duty. "Clean" means that the state of personal hygiene, body and hair cleanliness and absence of offensive body odor normally associated with frequent clothes laundering and bathing or showering. "Well groomed" means beards and mustaches are groomed and neatly trimmed, and scalp and facial hair is neatly trimmed, and combed or brushed;
- C. A for-hire driver shall provide customers with professional and courteous service at all times;
- D. A for-hire driver shall not refuse a request for service because of the driver's position in line at a taxicab zone; a passenger may select any taxicab in line;
- E. A for-hire driver shall at all times assist a passenger by placing luggage or packages (under fifty (50) pounds) in and out of the taxicab or for-hire vehicle;
- F. A for-hire driver shall not refuse to transport in the taxicab or for-hire vehicle any passenger, regardless of race, color or creed, or any passenger's wheelchair which can be folded and placed in either the passenger, driver or trunk compartment of the taxicab or for-hire vehicle, a service dog or guide dog to assist the disabled or handicapped, groceries, packages or luggage when accompanied by a passenger;
- G. Upon request, a for-hire driver shall provide each passenger a receipt upon payment of the fare. The receipt shall accurately show the date and time, place of pickup and delivery, the amount of the fare, the taxicab name, number and owner, and the printed name and for-hire driver license number of the for-hire driver;
- H. A for-hire driver shall use the most direct available route on all trips unless the passenger specifically requests to change the route;
- I. A for-hire driver shall not permit any person or pet to ride in the taxicab or for-hire vehicle unless that person or pet accompanies, or is in the vehicle at the request of, a fare-paying individual. This requirement shall not apply to uniformed driver trainees;
- J. A for-hire driver shall not refuse to transport any person except when:

1. The for-hire driver has already been dispatched on another call;
 2. The passenger is acting in a disorderly or threatening manner, or otherwise causes the for-hire driver to reasonably believe that the for-hire driver's health or safety, or that of others, may be endangered;
 3. The passenger cannot, upon request, show ability to pay the fare.
- K. A for-hire driver shall not smoke while the taxicab or for-hire vehicle is occupied without the consent of all passengers;
- L. A for-hire driver shall be able to provide a reasonable amount of change, and if correct change is not available, no additional charge will be made to the passenger in attempting to secure the change;
- M. A for-hire driver shall not make any discriminatory charges to any person, or make any rebate or in any manner reduce the charge to any person unless such is in conformity with the discounts or surcharges contained in the filed rates.

5.40.310 FOR-HIRE DRIVER SOLICITING AND CRUISING STANDARDS

- A. A for-hire driver may solicit passengers only from the driver's seat or standing immediately adjacent to the taxicab or for-hire vehicle (within 12 feet), and only when the vehicle is safely and legally parked;
- B. A for-hire driver shall not use any other person to solicit passengers;
- C. A for-hire driver shall not hold out the for-hire vehicle or taxicab for designated destinations.

V. ENTRY STANDARDS

5.40.320 FINANCE DIRECTOR'S REPORTS

When requested by the Lynnwood City Council, the Finance Director shall file a report with the Lynnwood City Council based upon data collected on tripsheets or through taximeter readings. The report may include but not be limited to the following:

- A. Number of taxicabs licensed in Lynnwood during the reported period and during the preceding year;
- B. Number of drivers licensed in Lynnwood during the reporting period and during the preceding year;
- C. Number and nature of complaints;
- D. Results of any survey of taxicab response times and any changes in response times from previous reporting periods;
- E. Results of meter readings;

F. Any other information deemed appropriate by the Finance Director.

5.40.330 RATES

A. The rates for taxicabs licensed to operate in Lynnwood shall be established by the Lynnwood City Council;

B. In reviewing rates the Council may take into account, among other things, and with the objective of prescribing a just and reasonable rate, the following factors:

1. The information in a report prepared by the Finance Director pursuant to LMC 5.40.320;
2. The public's need for adequate taxi service at the lowest level of charges consistent with the provision, maintenance and continuation of such service;
3. The rates of other licensees operating in similar areas;
4. The effect of such rates upon transportation of passengers by other modes of transportation;
5. The owners' need for revenue of a level that, under honest, efficient and economical management, is sufficient to cover the cost (including all operating expenses, depreciation accruals, rents, license fees and taxes of every kind) of providing adequate taxi service, plus an amount equal to such percentage of the cost as is reasonably necessary for the replacement of deteriorated taxicabs and a reasonable profit to the owner;
6. Consistency of rates with those charged by other jurisdictions.

C. No taxicab shall have more than one rate on its meter;

D. Except for special or contract rates as provided for in this chapter or any per trip fee established by the City and set forth in any operating agreement or tariff, it shall be unlawful for anyone operating a taxicab licensed by the City of Lynnwood to advertise, charge, demand or receive any greater rate than the following:

1. Meter rate:
 - a. One dollar eighty cents (\$1.80) per flag drop;
 - b. One dollar eighty cents per mile (\$1.80); \$.20 for each one-ninth (1/9) mile or fraction thereof;
 - c. Thirty dollars (\$30.00) per hour waiting time; \$.50 for each one minute of waiting time or fraction thereof;
 - d. Fifty cents (\$.50) for each additional passenger carried for the entire trip.
 - e. No charge for extras.

E. Special rates and contract rates:

1. Special rates as defined in this chapter shall be calculated as a percentage of the meter rate;
 2. The special rates must be filed with the Finance Director on forms furnished by the Finance Director;
 3. All special rates or contract rates shall be filed once a year at the time of application by the taxicab owner's representative or by the owner of a for-hire vehicle which is not a taxicab;
 4. Licensees may change the special rates filed no more than once a year;
 5. Contract rates set during the license year shall be filed within two weeks of securing such contract and before implementing the contract rate.
- F. Every for-hire vehicle licensee shall file all rates and charges with the Finance Director. All rates and charges, including any adopted senior citizen discount rate or special rates, i.e., Sea-Tac Airport, shall be conspicuously displayed in the interior of the for-hire vehicle so as to be readily discernible to the passenger. The Finance Director will prescribe the manner of such posting;
- G. The rates specified in this section shall not apply to transportation of persons provided pursuant to a written contract which establishes a fare at a different rate for specified transportation and has been previously filed with the Finance Director; provided, that no contract may include any provision the effect of which is to directly or indirectly require exclusive use of the transportation services of the contracting taxicab or for-hire vehicle;
- H. It is unlawful under the Americans with Disabilities Act to charge a special service vehicle rate which is different from the taxicab rates adopted in subsection D, except in those instances where the transportation of disabled persons is pursuant to a written contract as specified in subsection G.

VI. ENFORCEMENT

5.40.340 PENALTIES

- A. Violations of LMC 5.40.040 shall be a misdemeanor and upon conviction shall be punished by a fine not to exceed one thousand dollars (\$1,000), or by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment;
- B. All violations of this chapter may be enforced pursuant to the provisions of the Chapters 1.40 and 1.45 of the Lynnwood Municipal Code.
- C. A taxicab or for-hire vehicle owner is jointly and severally liable with the taxicab or for-hire vehicle driver for any violation of this Chapter while operating a taxicab or for-hire vehicle belonging to that owner. The Finance Director is not required to pursue action against the driver as a prerequisite to pursuing action against the owner.

5.40.350 SUSPENSION OR REVOCATION

- A. Summary suspension or revocation, notwithstanding any other provision of this chapter, the Finance Director may summarily suspend or revoke a license issued under this chapter prior to any hearing if the Finance Director determines that grounds for license suspension or revocation exist and that summary suspension or revocation is necessary to prevent a clear, substantial and imminent hazard to life, safety, or property;
- B. Revocation and suspension standards:
 - 1. Taxicab and For-Hire Vehicle Owner License:
 - a. The Finance Director shall revoke a taxicab or for-hire vehicle owner license if:
 - (1) the licensee, or any officer, director, general partner, managing partner or principal of the licensee, has had a conviction, bail forfeiture or final adverse finding or disposition for the crimes of fraud, theft, robbery, extortion, embezzlement, racketeering, assault, sex offenses, violations of the Uniform Controlled Substances Act, prostitution, alcohol, driving or traffic-related offenses, gambling or income tax evasion;
 - (2) the licensee has had the license suspended twice within a one-year period for lack of a current, valid insurance policy;
 - (3) the licensee's State of Washington for-hire certificate has been revoked; or
 - b. The Finance Director may revoke or suspend a taxicab or for-hire vehicle owner license if:
 - (1) the licensee, or any officer, director, general partner, managing partner or principal of the licensee, receives a bail forfeiture or conviction or other adverse finding or disposition involving crimes reasonably related to the applicant's ability to operate a taxicab or for-hire business, including but not limited to fraud, theft, robbery, extortion, embezzlement, racketeering, assault, sex offenses, violations of the Uniform Controlled Substances Act, prostitution, alcohol, driving or traffic-related offenses, gambling, or income tax evasion.
 - 2. For-Hire Driver's Licenses:
 - a. The Finance Director shall revoke a for-hire driver's license if:
 - (1) the for-hire driver receives a conviction, bail forfeiture, or other final adverse finding or disposition for crimes pertaining to hit and run, or for crimes pertaining to driving under the influence of alcohol or controlled substances
 - (2) the for-hire driver's Washington State driver's license expires or is revoked; or

- b. The Finance Director may revoke or suspend a for-hire driver's license if:
 - (1) the for-hire driver is found to be in possession of illegal drugs or an open container of alcohol while in control of or while operating any vehicle;
 - (2) the for-hire driver has received a conviction, bail forfeiture, or other final adverse finding or disposition involving crimes pertaining to fraud, theft, robbery, extortion, embezzlement, racketeering, assault, sex offenses, violations of the Uniform Controlled Substances Act, prostitution, alcohol, driving or traffic-related offenses, gambling or other crimes.

C. Effect of Notice of Suspension or Revocation:

- 1. Summary suspension or revocation. Whenever any license is summarily suspended or revoked, the suspension or revocation is effective upon issuance of the notice. Such notice may be appealed pursuant to the procedures of LMC 5.40.360. If a timely appeal is not filed by the licensee, the notice of summary suspension or revocation shall be final. Such summary suspension shall extend until any administrative or judicial appeal is finally concluded in the licensee's favor, until the license expires, or until evidence satisfactory to the Finance Director is produced showing that the violation is cured, whichever occurs first. Summary revocations shall extend until the end of the annual license period or until any administrative or judicial appeal is finally concluded in the licensee's favor, whichever occurs first;
- 2. Suspension or revocation. If the licensee does not file a timely appeal pursuant to section LMC 5.40.360, the notice of suspension or revocation shall be final. Suspensions or revocations become effective upon the date any notice of suspension or revocation or order on appeal affirming such notice becomes final. Unless a time period is specified in a particular section of this ordinance, suspensions shall extend until the license expires or until evidence satisfactory to the Finance Director is produced showing that the violation is cured, whichever occurs first. Revocations shall extend until the end of the annual license period;
- 3. Except in the case of a summary suspension or revocation as provided in subsection one (1) above, whenever a timely appeal is filed pursuant to section LMC 5.40.360, a licensee may continue to engage in the activity for which the license is required, pending a final decision on appeal.

5.40.360 NOTICE AND HEARING FOR DENIALS, VIOLATIONS, SUSPENSIONS AND REVOCATIONS

- A. For each violation, and for each denial, suspension or revocation, the Finance Director shall give written notice to the affected licensee. If the affected licensee is a taxicab driver, the Finance Director shall at the same time give written notice of violations to the taxicab owner. All notices directed to a taxicab driver or taxicab owner may be served by personal delivery to, or by first-class mail addressed to, the taxicab owner;

- B. Any notice of denial, violation, suspension or revocation shall state that the driver or owner is entitled to a hearing to respond to the notice and introduce any evidence to refute or mitigate the violation. Upon written request filed within ten (10) days after the date of the notice of denial, violation, suspension or revocation, the Finance Director shall set a hearing date and time to be held as soon as possible and not more than fourteen (14) days from the date of the request;
- C. The hearing shall be held by the Finance Director or the Finance Director's designee, provided that the designee may not be a person who directly supervises the inspector who issued the notice of denial, violation, suspension or revocation;
- D. The hearing shall be informal, but shall be recorded by electronic means provided by the Finance Director. Within twenty (20) days of the hearing, the Finance Director shall issue a written ruling including factual findings and the Finance Director's conclusion, with supporting reasons, affirming, modifying or reversing the notice. The decision shall be mailed by first class mail to each affected licensee at the address listed on the application, or in any supplemental materials;
- E. If the Finance Director's decision imposes or affirms a denial, suspension or revocation, any affected licensee may appeal the entire decision to the Hearing Examiner by filing a notice of appeal with the Finance Director within ten (10) days after the date of mailing of the decision;
- F. If a timely notice of appeal is filed pursuant to subsection (E) above, a hearing shall be scheduled and conducted by the Hearing Examiner according to the LMC 1.35.200 *et seq.* At the hearing, the Department shall have the burden of proving by a preponderance of the evidence that the alleged violation occurred.

VII. MISCELLANEOUS PROVISIONS

5.40.370 PASSENGER COMPLAINT PROCESS

- A. Upon receiving a written complaint involving the conduct of the for-hire driver, the route of transportation, the rate charged for the transportation, passenger injury or property damage not arising from a vehicle accident, or other incident, the Finance Director shall:
 - 1. Issue a notice of complaint to the for-hire driver and vehicle owner, and company, if applicable, advising such person of the allegation(s) made in the complaint;
 - 2. Require the for-hire driver, vehicle owner, and the taxicab owner if applicable, to respond, in writing, to the allegation(s) in the notice of complaint within ten (10) days of receipt of the notice of complaint;
 - 3. Investigate the allegation(s) in the written complaint and the response submitted by the for-hire driver, vehicle owner, and taxicab owner, if applicable; and
 - 4. Make a finding as to the validity of the allegation(s) in the written complaint. If it is found to be a valid complaint, the Finance Director shall issue a notice of violation pursuant to LMC 5.40.360.

- B. Failure to respond in writing within ten (10) days to a Notice of Complaint shall constitute a waiver of the for-hire driver's, vehicle owner's, and owner's, if applicable, right to contest the allegation(s) in the written complaint and shall be conclusive evidence that the allegation(s) are valid.

5.40.380 RENEWAL OF LICENSE, REGISTRATION OR PERMIT – LATE PENALTY

A late penalty of one hundred fifty percent (150%) of the fee payable on original application shall be charged on all applications for renewal of a For-Hire Vehicle Business License received after September 15 of each year.

5.40.390 PLATES, TAGS, ETC. PROPERTY OF CITY

All taxicab or for-hire vehicle license plates, year decals shall remain the property of the City of Lynnwood.

Section 4: Severability. If any section, subsection, sentence, clause, phrase, or word of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this Ordinance.

Section 5: This ordinance shall be in full force and effect five (5) days after passage and publication as provided by law. Publication shall be by summary publication of the ordinance title.

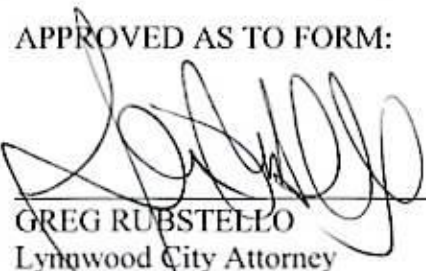
PASSED this 24th day of September, 2001, and signed in authentication of its passage this 25th day of September, 2001.


TINA ROBERTS-MARTINEZ, MAYOR

ATTEST:

APPROVED AS TO FORM:


MICHAEL E. BAILEY
Finance Director


GREG RUBSTELLO
Lynnwood City Attorney

SUMMARY OF ORDINANCE NO. 2387

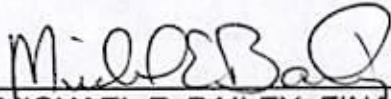
of the City of Lynnwood, Washington

On the 24th day of September, 2001, the City Council of the City of Lynnwood, passed Ordinance No. 2387. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE RELATING TO TAXICABS AND FOR-HIRE VEHICLES, PROVIDING FOR THE LICENSING AND REGULATION OF TAXICABS, FOR-HIRE VEHICLES AND FOR-HIRE DRIVERS; ADDING A NEW CHAPTER, 5.40 TO THE LYNNWOOD MUNICIPAL CODE, REPEALING CHAPTER 5.42 AND CHAPTER 5.46 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION.

The full text of this Ordinance will be mailed upon request.

DATED this 25th day of September, 2001.



MICHAEL E. BAILEY, FINANCE DIRECTOR