

1 **BY AUTHORITY**

2 ORDINANCE NO. _____
3 SERIES OF 2016

COUNCIL BILL NO. 16-1196
COMMITTEE OF REFERENCE:
4 Business, Arts, Workforce & Aeronautical Services (BIZ)

5 **A BILL**

6 **For an ordinance repealing Article II of Chapter 55 and section 119 of Article II of**
7 **Chapter 32 of the Denver Revised Municipal Code concerning the licensing and**
8 **regulation of drivers and vehicles for hire.**

9 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

10 **Section 1.** Article II of Chapter 55 of the Denver Revised Municipal Code shall be repealed
11 in its entirety by deleting the language stricken as follows:

12 **~~ARTICLE II. – VEHICLES FOR HIRE~~**

13
14 **~~DIVISION 1. - GENERALLY~~**

15
16 **~~Sec. 55-16. - Definitions.~~**

17 ~~The following words and phrases, when used in this article, shall have the meanings~~
18 ~~respectively ascribed to them:~~

19 ~~(1) *Bus* shall mean a motor vehicle for the transport of people with a minimum capacity of~~
20 ~~sixteen (16) passengers, which is hired to provide services for a person or group of persons~~
21 ~~travelling from one (1) location to another for a common purpose or which provides regular~~
22 ~~route service from one (1) location to another and has been designated as a bus by the~~
23 ~~public utilities commission.~~

24 ~~(2) *Driver* shall mean any person who drives a vehicle for hire and may include an operator or~~
25 ~~any employee of an operator.~~

26 ~~(3) *Limousine* shall mean a motor driven passenger automobile used to transport passengers~~
27 ~~for hire which has been issued a certificate of public convenience and necessity by the public~~
28 ~~utilities commission with charter authority.~~

29 ~~(4) *Luxury limousine* shall mean a luxury, motor-driven passenger automobile used to transport~~
30 ~~passengers for hire on a charter basis which has been issued a luxury limousine registration~~
31 ~~and vehicle identification by the public utilities commission.~~

32 ~~(5) *Operator* shall mean any person engaged in the business of transporting persons for hire by~~
33 ~~means of one (1) or more than one (1) vehicle for hire.~~

34 ~~(6) *Public utilities commission* shall mean the public utilities commission of the State of~~
35 ~~Colorado.~~

1 ~~(7) Taxicab shall mean a motor-driven passenger automobile used to transport passengers for~~
2 ~~public hire which has been issued a certificate of public convenience and necessity by the~~
3 ~~public utilities commission with call-and-demand authority.~~

4 ~~(8) Van shall mean a motor-driven passenger vehicle, other than an automobile, used to~~
5 ~~transport passengers for hire, having a seating capacity of more than five (5) persons, not~~
6 ~~including the driver. Van shall not include a bus.~~

7 ~~(9) Vehicle for hire shall mean a motor vehicle used to transport persons for hire or other~~
8 ~~consideration and shall include limousines, luxury limousines, taxicabs and vans. Vehicle~~
9 ~~for hire shall not include buses and shall not include vehicles used for people service~~
10 ~~transportation or volunteer transportation as those terms are defined in Article 1.1 of Title 40~~
11 ~~of the Colorado Revised Statutes.~~

12 **~~Sec. 55-17. -- Record of telephone calls requesting service.~~**

13 ~~The director of excise and licenses shall require that the operator keep a permanent~~
14 ~~record of each telephone call received requesting taxicab service.~~

15 **~~Sec. 55-18. -- Display of identification.~~**

16 ~~It shall be the duty of the owner, operator or driver of every vehicle for hire operating~~
17 ~~in and on the streets of the city to have posted in a conspicuous place, clearly visible to~~
18 ~~passengers at all times, a sign stating the proper identifying name of the company operating~~
19 ~~the vehicle for hire and, in the case of a taxicab, the permanent fleet number of the taxicab in~~
20 ~~numerals at least three (3) inches high.~~

21 **~~Sec. 55-19. -- Possession of alcoholic beverages by drivers prohibited.~~**

22 ~~Drivers, while on duty or in possession of a taxicab, are prohibited from having in their~~
23 ~~possession on their person or in their taxicab any fermented malt beverage and vinous or~~
24 ~~spirituous liquors at any time whatsoever.~~

25 **~~Sec. 55-21. -- Unlawful to transport nonpaying passengers.~~**

26 ~~It shall be unlawful for any operator or driver to transport or offer to transport in any~~
27 ~~taxicab any person other than a paying passenger except law enforcement officials in the~~
28 ~~course of their duties and officers or employees of such operator or driver going to and from~~
29 ~~work and their bona fide trainees and supervisory cab personnel in the course of their duties.~~

30 **~~Sec. 55-22. -- Prohibited conduct.~~**

31 ~~(a) It shall be unlawful for the driver or operator of any vehicle for hire to attempt to divert patronage~~
32 ~~from any hotel, restaurant, nightclub, cabaret, bar or any other business establishment to~~
33 ~~another business establishment for consideration in any form.~~

- 1 ~~(b) It shall be unlawful for the driver of any vehicle for hire to sell intoxicating liquors except pursuant~~
2 ~~to a properly issued public transportation liquor license or to solicit business for any illegal~~
3 ~~purpose, prostitute or house of ill repute.~~
- 4 ~~(c) It shall be unlawful for the driver of any vehicle for hire to invite business or customers or attract~~
5 ~~attention of the public by word of mouth, signal, nods or other signs from the vehicle for hire~~
6 ~~while it is parked at any appropriate stand for vehicles for hire or by driving up to the curb for~~
7 ~~that purpose or while cruising.~~
- 8 ~~(d) It shall be unlawful for the operator or driver of any vehicle for hire to pay compensation in any~~
9 ~~form, directly or indirectly, to any person for the right to pick up passengers from any hotel, motel,~~
10 ~~apartment, restaurant, nightclub, bar or any other business establishment or public facility except~~
11 ~~pursuant to a contractual relationship between a business establishment and a vehicle for hire~~
12 ~~operator.~~
- 13 ~~(e) It shall be unlawful for any person to accept compensation in any form, either directly or~~
14 ~~indirectly, from any operator or driver of a vehicle for hire for the right to pick up passengers from~~
15 ~~any business establishment or public facility.~~
- 16 ~~(f) It shall be unlawful for any operator or driver of a taxicab to engage in the multiple-loading of~~
17 ~~passengers except at terminals for other modes of transportation or to and from sporting events,~~
18 ~~conventions or other events where a large number of passengers are seeking transportation or~~
19 ~~during storms or other emergencies or from specially designated home stands; provided,~~
20 ~~however, that the passengers already in the taxicab offer no objection.~~
- 21 ~~(g) It shall be unlawful for the driver, owner or operator of a taxicab to refuse service based solely~~
22 ~~on the length of the trip requested by the passenger anywhere within the city.~~

23 **Sec. 55-23. – Trip-sheets.**

- 24 ~~(a) It shall be the duty of every operator of any vehicle for hire to furnish regularly to the driver~~
25 ~~thereof an adequate number of printed trip-sheets which shall contain the name of the driver of~~
26 ~~the vehicle for hire and, either specifically or by a code number reference, the driver's address~~
27 ~~and license number, the license number of the vehicle for hire and the date. Such sheets shall~~
28 ~~contain blank spaces which shall be filled in by the driver showing the time and place at which~~
29 ~~any passenger engaged the vehicle for hire, the number of such passengers, the time and place~~
30 ~~at which such passengers were delivered to their destinations and the amount of the fare~~
31 ~~received by the driver. It shall be the duty of the driver to have stamped on each trip-sheet with~~
32 ~~an automatic time-clock mechanism kept at the garage of the operator for that purpose or, if a~~
33 ~~time clock is not reasonably available, to write on each trip-sheet and initial the time the driver~~

1 takes the vehicle for hire from the garage and the time at which the vehicle for hire is returned
2 to the garage. An operator may maintain computer records in lieu of printed trip sheets so long
3 as such records contain all the information required herein.

4 ~~(b) The trip sheets, when completed at the end of a shift, shall be returned to the operator, who shall
5 file them consecutively by date and retain them as permanent records for a period of not less
6 than two (2) years.~~

7 ~~(c) Such trip sheets may be examined by the director of excise and licenses or the chief of police
8 or any person designated by either of them at any time upon request.~~

9 **Sec. 55-24. - Charges to passengers.**

10 ~~(a) It shall be unlawful for any operator or driver of any taxicab to demand or collect a different
11 charge for taxicab service than those established from time to time by the authorized ratemaking
12 body, or to accept anything of value other than money as a charge for taxicab service, whether
13 as payment or as security pledge, or otherwise.~~

14 ~~(b) It shall be unlawful for a passenger or person engaging a taxicab to refuse to pay any fare
15 registered on the taximeter in accordance with the rates.~~

16 **Sec. 55-25. - Inspectors.**

17 ~~The director of excise and licenses shall appoint a suitable number of inspectors and
18 other employees to carry out, prevent violations of, and enforce the provisions of this article
19 and the rules and regulations adopted by the director pursuant to section 55-26, and to
20 perform any one (1) or more of the acts, functions or duties of the director under and in relation
21 to this article, provided that such delegation of performance by the director is not prohibited
22 by Charter or general law.~~

23 **Sec. 55-26. - Rules and regulations.**

24 ~~(a) The director of excise and licenses shall have the power, and is hereby authorized and directed
25 to adopt and publish such reasonable rules and regulations, not inconsistent with the provisions
26 of this article, as the director may deem necessary, advisable or expedient to carry out or enforce
27 the provisions hereof.~~

28 ~~(b) Copies of such rules and regulations, when adopted, shall be available for distribution at the
29 office of the director of excise and licenses.~~

30 ~~(c) It shall be the duty of every operator and every driver licensed under the provisions of this article
31 to observe all such rules and regulations.~~

32 ~~(d) Any violation of any such rule or regulation duly adopted by the director of excise and licenses
33 shall be deemed a violation of this article and shall be punishable as such.~~

1 **DIVISION 2. -- DRIVER'S LICENSE**

2 **Sec. 55-41. -- Required.**

3 It shall be unlawful for any person to drive or be permitted to drive a vehicle for hire on
4 the streets of the city for business purposes unless such person is properly licensed by the
5 director of excise and licenses.

6 **Sec. 55-42. -- Fees.**

7 Application and license fees under this division are prescribed in section 32-119.

8 **Sec. 55-43. -- Qualifications.**

9 No license shall be issued under this division unless the applicant shall:

- 10 (1) ~~Age.~~ Be of the age of eighteen (18) years or over.
- 11 (2) ~~Physical condition.~~ Be found, upon physical examination, to be of sound physique, with good
12 eyesight and not subject to epilepsy, vertigo, heart trouble or any other infirmity of body or
13 mind which might render the applicant unfit for the safe operation of a taxicab.
- 14 (3) ~~Literate.~~ Be able to speak, read and write in the English language.
- 15 (4) ~~Appearance and habit.~~ Be clean in dress and person and not addicted to the use of
16 intoxicating liquors or drugs.
- 17 (5) ~~Character.~~ Produce, on forms to be provided by the director of excise and licenses, affidavits
18 of good character from two (2) reputable persons who have known the applicant personally
19 during two (2) years next preceding the date of the application, and a further testimonial, on
20 a form provided for that purpose, from the last employer, unless, in the estimation of the
21 director, sufficient reason is given for its omission.
- 22 (6) ~~Signed and sworn forms.~~ Fill out, upon a blank form to be provided by the director of excise
23 and licenses, a statement giving full name, residence, place of residence for eight (8) years
24 previous to moving to the present address, age, color, height, color of eyes and hair, place
25 of birth, length of time the applicant has resided in the city, whether a citizen of the United
26 States, places of previous employment, whether married or single, whether the applicant
27 has ever been arrested for, charged with or convicted of a felony or misdemeanor, and, if
28 so, the circumstances thereof, whether the applicant has previously been licensed as a
29 driver or chauffeur, and, if so, whether a license has ever been revoked and for what cause,
30 which statement shall be signed and sworn to by the applicant and filed by the director as a
31 permanent record.

32 **Sec. 55-44. -- Examination of applicant.**

1 ~~Every applicant for a driver's license under this article shall be examined by the director~~
2 ~~of excise and licenses as to skill and ability to operate a vehicle for hire, knowledge of the~~
3 ~~provisions covering the operation of vehicles for hire and other motor vehicles, and general~~
4 ~~knowledge of the streets and public places and institutions of the city.~~

5 ~~**Sec. 55-45. – Photograph of driver.**~~

6 ~~(a) Each applicant for a driver's license must file with the application two (2) photographs of the~~
7 ~~applicant, taken within three (3) months, of a size which may be easily attached to the license,~~
8 ~~one (1) of which shall be attached to the license if and when issued and the other filed with the~~
9 ~~application to the director of excise and licenses.~~

10 ~~(b) The photograph shall be so attached to the license that it cannot be removed and another~~
11 ~~photograph substituted without detection.~~

12 ~~(c) Each licensed driver shall, upon demand of an inspector of license, a police officer or a~~
13 ~~passenger, exhibit the license and photograph for inspection.~~

14 ~~**Sec. 55-46. – Investigation.**~~

15 ~~(a) The director of excise and licenses may make such investigation of each applicant as in the~~
16 ~~director's judgment may be appropriate to determine the record of such applicant, for law abiding~~
17 ~~behavior, attendance to duties, competence as a driver and trustworthiness.~~

18 ~~(b) Pending such investigation, the director of excise and licenses may issue a temporary driver's~~
19 ~~license for a period not to exceed thirty (30) days.~~

20 ~~(c) In passing upon any application for a driver's license, the director of excise and licenses may, at~~
21 ~~the director's discretion, require the applicant to be fingerprinted and photographed.~~

22 ~~**Sec. 55-47. – Effect of previous criminal record.**~~

23 ~~(a) No driver's license shall be issued to any applicant who has been convicted of a felony or been~~
24 ~~an inmate of a reform school or penitentiary as a result of a conviction for a felony within five (5)~~
25 ~~years prior to the application for such license except that if the applicant shall have received a~~
26 ~~pardon or been placed on probation, the director of excise and licenses may, at the director's~~
27 ~~discretion, issue the license if all other provisions of this section are fully complied with.~~

28 ~~(b) Where such conviction has been prior to five (5) years preceding the application, a license may~~
29 ~~be issued to such applicant if in the judgment of the director of excise and licenses the applicant~~
30 ~~has since release conducted himself/herself as a law abiding person, and may be safely~~
31 ~~entrusted with the responsibility of transporting members of the public in a taxicab.~~

32 ~~(c) The director of excise and licenses may refuse to issue a license to any applicant whose police~~
33 ~~record shows convictions for drunkenness, repeated moving traffic violations, or for any other~~

1 good and just cause, which, in the opinion of the director, would be inimical to the public health,
2 safety or morals.

3 **Sec. 55-48. – Issuance; to be carried on person.**

4 Upon satisfactory fulfillment of the requirements of this division, there shall be issued
5 to the applicant a license which the applicant shall carry at all times.

6 **Sec. 55-49. – Defacement prohibited.**

7 Any licensee who defaces, removes or obliterates any official entry made upon the
8 license shall be punished by the revocation of the license.

9 **Sec. 55-50. – Identification card.**

10 In addition to the license provided for in this division, the licensee shall be furnished
11 with an identification card, the content and form of which shall be determined by the director
12 of excise and licenses. Such identification card must be continuously displayed within the
13 vehicle for hire operated by the licensee so as to be easily visible to the passengers thereof.
14 In the event of defacement or removal of the card, the licensee shall make prompt application
15 to the director for a replacement.

16 **Sec. 55-51. – Expiration and renewal.**

17 All drivers' licenses shall expire on December thirty-first of each year unless sooner
18 revoked, but upon receipt on or before that date of the annual license fee herein provided, the
19 director of excise and licenses may renew a driver's license from year to year by appropriate
20 endorsement thereon. A driver, in applying for a renewal of a license, shall make such
21 application upon a form to be furnished by the director. Upon receipt of such renewal
22 application, the director may require an examination and investigation as provided herein.

23 **Sec. 55-52. – Revocation or suspension.**

- 24 (a) Drivers' licenses may be revoked for the conviction of any criminal statute; any provisions of this
25 article or other city ordinance, state or federal law relative to the sale, possession or delivery of
26 intoxicating liquor or drugs; drunk or reckless driving, regardless of whether the driver at the time
27 of the commission of the offense was on duty or not.
- 28 (b) Such license may be suspended or revoked if the licensee is found guilty of repeated moving
29 traffic violations while driving a vehicle for hire.
- 30 (c) Drivers licenses may be suspended or revoked at any time by the director of excise and licenses
31 for other good cause shown; and summarily for a period not to exceed thirty (30) days, pending
32 inquiry or investigation of alleged violation of this article.

1 ~~(d) Upon the final conviction of any licensee for the violation of any provision of law or ordinance~~
2 ~~while on duty or driving a vehicle for hire, the director of excise and licenses may revoke or~~
3 ~~suspend the license.~~

4 ~~(e) Any suspension or revocation shall be noted on the driver's record, together with a statement of~~
5 ~~the reasons therefor, and the driver shall be deprived of the badge and license by the director of~~
6 ~~excise and licenses, the badge and license in case of suspension, to be returned to the driver at~~
7 ~~the expiration of the period for which the license was suspended.~~

8 **~~Sec. 55-53. - Hearing for reissuance.~~**

9 ~~No driver whose license has been revoked shall again be licensed as a vehicle for hire~~
10 ~~driver in the city except upon a new application made to the director of excise and licenses~~
11 ~~as provided in this division and a formal hearing thereon at which the applicant must produce~~
12 ~~evidence to the satisfaction of the director that another license should be issued to the~~
13 ~~applicant. No application shall be considered by the director prior to twelve (12) months~~
14 ~~following the date of revocation.~~

15 **Section 2.** Article II of Chapter 32 of the Denver Revised Municipal Code shall be amended
16 by deleting the language stricken to read as follows:

17 **~~Sec. 32-119. - Vehicle-for-hire drivers.~~**

18 ~~Vehicle-for-hire drivers shall pay the following fees:~~

- 19 ~~(1) Application fee \$50.00~~
20 ~~(2) License fee per year 25.00~~

1 COMMITTEE APPROVAL DATE: November 30, 2016

2 MAYOR-COUNCIL DATE: December 6, 2016

3 PASSED BY THE COUNCIL: _____

4 _____ - PRESIDENT

5 APPROVED: _____ - MAYOR _____

6 ATTEST: _____ - CLERK AND RECORDER,
7 EX-OFFICIO CLERK OF THE
8 CITY AND COUNTY OF DENVER

9 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____, 2016; _____, 2016

10 PREPARED BY: Marley Bordovsky, Assistant City Attorney DATE: December 8, 2016

11 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
12 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
13 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
14 3.2.6 of the Charter.

15 Kristin Bronson, Denver City Attorney

16 BY: _____, Assistant City Attorney DATE: _____