

Sec. 4-61. - Taxicabs; companies, vehicles and drivers.

(a) *Definitions:* As used in this section:

- (1) *Company license* means the written license issued by the Controller authorizing the holder to conduct a taxicab business in the City.
- (2) *Cruising* means the driving of a taxicab on the streets, alleys or public places of the City, in search of or soliciting prospective passengers for hire.
- (3) *Driver* means any person who is in actual physical control of a taxicab and is operating the taxicab for hire.
- (4) *Driver's license* means a written license issued by the Controller to a person to drive a taxicab upon the streets of the City.
- (5) *Holder* means a person to whom a company license has been issued.
- (6) *Manifest* means a daily record prepared by a taxicab driver of all trips made by such driver showing time and place of origin, destination, number of passengers and the amount of fare of each trip.
- (7) *Operator* means any person owning, in charge of or managing a taxicab business in the City.
- (8) *Rate card* means a card for display in each taxicab which contains the scheduled rates of fare charged by the operator of such taxicab with a receipt of the Controller.
- (9) *Taxicab* means a motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of twelve (12) or fewer persons, including the driver, and not operated on a fixed route.
- (10) *Taximeter* means a meter instrument or device attached to a taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based.
- (11) *Taxi stand* means a place on public property where the Board of Public Works has authorized a holder of a company license to receive passengers.
- (12) *Waiting time* means the time when a taxicab is not in motion from the time of acceptance of a passenger to the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act or fault of a passenger.
- (13) *Taxicab license* means the written license issued by the Controller authorizing the vehicle to be driven as a taxicab in the City.

(b) *Taxicab inspection; issuance of license; maintenance:*

- (1) *Inspections* . Prior to the operation of any taxicab under this section and prior to the issuance of a vehicle license, the taxicab shall be thoroughly examined and inspected by the Central Services Division and the Bureau of Weights and Measures and found to be in good operating condition, clean, free of rust and body damage, and in compliance with the requirements of this section. Each taxicab must be equipped with the following driver protection and safety features, all of which shall be in conformance with specifications adopted by the Board of Public Works:
 - a. A system enabling the silent activation of a distress or trouble signal by the driver; and
 - b. Signs or decals affixed to the taxicab advising the public that the driver carries no more than a certain sum in change. The sum specified shall be between five dollars (\$5.00) and thirty dollars (\$30.00).

The equipment required by this section shall be maintained in good working order at all times. The taxicab license for any taxicab in violation of this section shall be subject to immediate suspension, and such vehicle shall be subject to impoundment as provided hereafter. Members of the Police Department, the Department of Code Enforcement, persons with special police commissions issued by the Board of Public Safety, or the Central Services Division may conduct unannounced

inspections of taxicabs in order to ensure compliance with this section's provisions, and shall report any noncompliance to the Controller.

- (2) *License issuance upon compliance* . When the Central Services Division and the Bureau of Weights and Measures finds that a taxicab is in good operating condition, is in compliance with the requirements of this section, and has met the standards established by this section, the Controller shall issue a taxicab license to the owner or driver of the taxicab. The license shall state the authorized seating capacity of the vehicle.
- (3) *Periodic inspections* . Every taxicab operating under this section shall be periodically inspected by the Central Services Division at such intervals as necessary to ensure the maintenance of good operating conditions. In addition no license or renewal of license shall be issued for any vehicle unless it has passed both Central Services Division and Bureau of Weights and Measures inspections within sixty (60) days prior to such issuance or renewal. The scheduling of inspections is the responsibility of the taxicab company.

Every taxicab must be inspected at least once every six (6) months. If a taxicab is inspected by the St. Joseph County Airport Authority and the company owner presents a certificate no less than fourteen (14) days after it is issued to the Central Services Division six (6) months after the Central Services Division inspects and approves the taxicab, the six-month inspection requirement is satisfied. If the company owner does not present a St. Joseph County Airport Authority certificate, the owner is responsible for having the taxicab reinspected by the Central Services Division. The City Controller shall post on the City website taxicab inspection forms, used by the Central Services Division and the Airport Authority, along with the Airport Authority standards and requirements for taxicabs for hire. Taxicabs which fail to pass inspection or for which a scheduled inspection is missed will be subject to a twenty-five dollar (\$25.00) reinspection fee, which will be due at the time of reinspection.

- (4) *Cleanliness*. Every taxicab operating under this section shall be kept in a clean and sanitary condition inside the passenger area and trunk and outside the taxicab. The interior of the taxicab must be free of debris and loose dirt and foul odors. The upholstery must be free of grease, food, ashes, dirt, and stains, and not ripped or torn.
- (5) *Body and operating condition* . Taxicabs must be free from mechanical defects, rust and body damage. All taxicabs that have any body damage, mechanical disrepair, or other damage or defects must be repaired in a skilled and professional manner before being licensed or operated as taxicabs within the City. Vans and sport utility vehicles used as taxicabs must be equipped with a running board or step to assist passengers entering and exiting the taxicabs.
- (6) *Top lights* . Every taxicab operating under this section shall have a top light permanently affixed which indicates that the vehicle is a taxicab. The top light must be in good working order and must be illuminated between sundown and sunup each day while it is in operation.
- (7) *Exhaust system* . Every taxicab must be equipped with a muffler in good working condition. The engine and power mechanism of every taxicab shall be so equipped and adjusted as to prevent escape of excessive fumes, smoke or noise.
- (8) *Brakes* . Every taxicab must be equipped with service brakes upon all wheels. The brakes must be adequate to control the movement of and to stop and hold such taxicab, including two (2) separate means of applying the brakes. All brakes shall be maintained in good working order and shall be so adjusted as to operate as practicable as with respect to the wheels on the opposite sides of the taxicab.
- (9) *Bumpers* . Every taxicab must be equipped with bumpers. Bumper covers must be complete and not ripped or torn.
- (10) *Horn* . Every taxicab must be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet, but no horn shall emit an unreasonably loud or harsh whistle.

- (11) *Headlights and tail lights* . Every taxicab must be equipped with at least two (2) tail lamps mounted on the rear which when lighted shall emit a red light plainly visible from a distance of five hundred (500) feet to the rear. The lamps must be located at a height of not more than seventy-two (72) or less than twenty (20) inches. In addition, either a tail lamp or a separate lamp must be placed so as to illuminate with a white light the rear registration plate of the taxicab. Lenses must not be cracked or broken.
 - (12) *Reflectors* . Every taxicab must have on the rear, either as a part of the tail lamps or separately, two (2) red reflectors which must be mounted at a height of not less than twenty (20) inches or more than sixty (60) inches from level ground.
 - (13) *Stop lamps* . Every taxicab must be equipped with a stop lamp or lamps on the rear of the taxicab which shall display a red light and which shall be activated upon application of the foot brake. Such lamps shall be in operable condition.
 - (14) *Turn and hazard signals* . Every taxicab must be equipped with lamps or mechanical signal devices on the front and rear for the purpose of indicating an intention to turn either to the right or the left. Both front and rear lamps must flash the intended turning direction of the taxicab and must be in good working condition. Four-way hazard flashers must also be operable.
 - (15) *Mirrors* . Every taxicab must be equipped with a mirror so located as to reflect to the driver a view of the roadway for a distance of at least two hundred (200) feet to the rear of the taxicab. Lenses must not be cracked or broken.
 - (16) *Seat belts* . Every taxicab must be equipped with seat belts for the driver and for each of the passengers. These belts must be in good repair and available in plain view for passenger use.
 - (17) *Tires* . All tires on the taxicab must have rubber on the entire traction surface at least three-thirty-seconds ($3/32$) inch thick above the wear out strips on the entire periphery.
 - (18) *Windows* . All windshields and windows in every taxicab must be free of cracks, breaks or chips. No signs may be placed on a taxicab windshield except nontransparent ones which are no larger than four (4) inches square. Such signs may be placed on the windows in the lower corner furthest from the driver's position. No advertisements may be placed on windows or windshields.
 - (19) *Windshield wipers* . Every taxicab must be equipped with windshield wipers controlled by the driver. Every windshield wiper must be maintained in good working order.
 - (20) *Company association* . Every taxicab must be associated with a company licensed under this section and the company operator shall be responsible for avoiding the transfer of taxicabs from one (1) company to another or the addition or deletion of taxicabs available to the company without prior inspection and approval, and for avoiding lapses in the insurance and standards required by this section.
 - (21) *Taxicab complying with definition* . Every taxicab shall comply with the definition of a taxicab set forth in this section, including the seating capacity, in order to operate for hire.
 - (22) *[Noncompliance.]* Any taxicab which fails to meet the standards required by this section must be taken out of service and not operated until it is reinspected and passes inspection. The taxicab owner must return the City-issued taxicab plates to the Central Services Division immediately upon taking the vehicle out of service.
- (c) *Information on exterior of taxicab; no imitation of insignia; removal of identifying information:*
- (1) Every taxicab shall bear on the outside of each front or rear door, in letters between three (3) and five (5) inches in height, the name of the holder of the company license, the number of the taxicab license between three (3) and five (5) inches in height on the rear of such taxicab, and a taxicab license plate bearing the number of the license and the year of issuance.
 - (2) The taxicab may bear an identifying color, color scheme or design approved by the Central Services Division. To promote uniform standards and to assist the public in identifying taxi companies, all taxicabs licensed under the same company name shall bear the same design or

logo as the other taxicabs licensed under the same company name. No taxicab covered by the terms of this section shall be licensed whose color scheme, identifying design, monogram or insignia to be used thereon shall conflict with or imitate any color scheme, identifying design, monogram or insignia used on taxicabs already operating under this section, in such a manner as to be misleading or tend to deceive or defraud the public. If after a license has been issued for a taxicab, the color scheme, identifying design, monogram or insignia thereof is changed so as to be in conflict with or imitate any color scheme, identifying design, monogram or insignia used by any other person, owner or operator, in such a manner as to be misleading or tend to deceive the public, the license covering such taxicab shall be suspended or revoked pursuant to the provisions of section 4-16.

- (3) If a company ceases use of a vehicle as a taxicab, the company operator shall immediately remove the City license plate, company name, taxicab number and all other letters or numbers identifying the vehicle as a taxicab. The company operator shall return the license plate to the City within one (1) business day after the company ceases use of the vehicle as a taxicab. The failure of the company operator to comply with this requirement may result in fines and enforcement procedures, including company revocation, pursuant to section 4-16.
 - (4) Every taxicab must have posted on the rear passenger side door a list of all rates charged. The rate must be the same as that set forth in the company application or the most recent change of rate notice provided to the Controller. Rates must be legible and letters and numbers setting forth rates must be at least one (1) inch in height.
- (d) *License and overall service required of taxicab companies; manifest required; refusal deemed a violation; revocation:*
- (1) No person or entity shall transport or offer to transport a passenger for a fare in any vehicle required to be licensed as a taxicab unless the person or entity first obtains a company license pursuant to this section. All taxicab companies shall render service to all members of the public desiring to use taxicabs to travel to and from all locations within the City. Each company application shall be accompanied by a copy of the certificate issued by the Indiana Secretary of State demonstrating the company name and form of organization, and shall contain the business address and registered agent.
 - (2) Holders of taxicab company licenses shall maintain a properly zoned office with a telephone line answered twenty-four (24) hours a day for the purpose of receiving calls and dispatching cabs. The telephone line must be answered by a dispatcher or other person who is not operating a taxicab at the time he or she is answering the telephone or dispatching taxicabs. No taxi company may accept calls or dispatch taxicabs from a taxicab or from a property that is not properly zoned. They shall answer all calls received by them for services inside the corporate limits of the City as soon as they can do so. If the services cannot be rendered within a reasonable time, they shall then notify the prospective passengers how long it will be before the call can be answered and give the reason therefor. The failure of a company license holder to have a telephone call for service answered within in a reasonable time shall result in the issuance of fines, license suspension or revocation, or other sanctions as provided in this chapter.
 - (3) Any taxicab company or taxicab driver that refuses to accept a call anywhere in the corporate limits of the City at any time when such company or driver has available taxicabs, or who fails or refuses to give overall taxicab service, shall be deemed a violator of this section. The license granted to such violator may be revoked or suspended, or the violator may receive a citation pursuant to the provisions of section 4-16. However, any taxicab driver or company shall have the right to refuse service to a drunk or disorderly person, or to a person who has previously refused to pay the legal fare, or to a person who has threatened or menaced the taxicab driver. Any taxicab company shall also have the right to make reasonable policies and rules for the safety of its drivers and passengers, so long as it does not engage in illegal discrimination or refuse to render overall service.

- (4) All companies shall register, maintain, license and insure at least six (6) taxicabs in order to obtain taxi company licenses, and shall have in service at all times, at least two (2) taxicabs licensed under this section.
 - (5) All companies shall list on their application and at all times have registered to drive their company taxicabs at least six (6) drivers in order to obtain company licenses, with at least two (2) of those drivers operating at all times.
 - (6) If a company operating a lawful taxicab business at the time of passage of this section does not have at least six (6) taxicabs in service, and at least six (6) company drivers as required by this section, that company shall have until January 2, 2013, to meet such requirements and to submit proof of compliance to the Controller.
- (e) *Manifest required; retention:* Every taxicab driver shall maintain a daily manifest upon which are recorded all trips made each day, showing time and place of origin and destination of each trip and amount of fare. Every taxicab driver shall give all completed manifests to the operator at the conclusion of each tour of duty. The forms for each manifest shall be furnished to the driver by the operator and shall be of a character approved by the Controller. The company license holder shall provide the manifest to the City Controller, Central Services Division, South Bend Police Department or City Attorney's Office within twenty-four (24) hours of any request made in writing via mail, facsimile or electronic correspondence. The failure of a driver or a company holder to comply with this subsection may result in fines, suspension or revocation of the license held by the driver, the company, or both.
- (f) *Records required; access; retention:*
- (1) Every holder shall keep accurate records of receipts from operations, operating and other expenses, capital expenditures and such other operating information as may be required by the Controller.
 - (2) Every holder shall maintain the records containing such information and other data required by this article at a place readily accessible for examination by the Controller, the South Bend Police Department, the Central Services Division, or the City Attorney's Office.
 - (3) All records required by this subsection shall be preserved and maintained by the holder for three (3) calendar years.
- (g) *Taxicab information posting:* Every taxicab shall be equipped with a placard visible to the passengers, containing information pertaining to the taxicab's operation and the requirements of taxi companies and drivers. This placard shall minimally contain the following:
- (1) The full name of the driver;
 - (2) The name of the taxicab company;
 - (3) The taxicab identification number;
 - (4) A map of the South Bend area;
 - (5) A rate card that indicates all of the rates charged by the taxicab company for transportation of passengers and matches the rates published with the City and the rates indicated on the outside of the taxicab;
 - (6) A telephone number for the passengers to call if they have any complaints with the operation of the taxicab or its driver.

The placard may be provided by, or the specific language of the placard may be prescribed by, the Central Services Division, the Controller, or the Controller's designee.

(h) *Taximeters; specifications; inspection:*

- (1) All taxicabs operated under the authority of this section shall be equipped with taximeters fastened in front of the passengers, visible to them at all times during the day and night. After sundown, and until sunrise, the face of the taximeter shall be illuminated.

- (2) The taximeter shall be subject to inspection from time to time by the Bureau of Weights and Measures. Any inspector or other officer of the Bureau is authorized, either on complaint of any person or without such complaint, to inspect any meter. Upon discovery of any inaccuracy, the inspecting officer shall notify the person operating such taxicab to cease operation. Thereupon, no person may allow the taxicab to be operated until the taximeter is repaired and passes inspection by the Bureau of Weights and Measures.
- (3) A taximeter must be inspected and passed by the Bureau of Weights and Measures within a sixty-day period prior to the issuance or renewal of the taxicab's vehicle license. The scheduling of a taximeter inspection is the responsibility of the taxicab company. Failure to comply with this subsection's provisions shall result in the denial or revocation of a vehicle license.
- (4) Upon passing inspection, the Bureau of Weight and Measures or the Central Services Division shall attach a seal to the taximeter containing the following:
 - (i) Signature of the inspector;
 - (ii) Statement that the meter has passed inspection;
 - (iii) Date of the inspection;
 - (iv) Taxicab's State license plate number;
 - (v) Taxicab's City license plate number;
 - (vi) Name of the taxicab's owner; and
 - (vii) Such additional information as the Central Services Division may deem necessary.
- (i) *Establishment and change of rates of fare; display of rate card:*
 - (1) The operator of a taxicab company shall establish a rate of fare according to a mileage rate as measured by the taximeter, an hourly rate, or a flat rate. However, the operator is prohibited from charging any type of rate or amount in addition to or in excess of the rates allowed in this section. The rate of fare established by an operator shall be effective only after the rate has been submitted in writing to and acknowledged as received by the Controller, either in a new or renewed company license application or on a separate written notice.
 - (2) Every taxicab operated under this section shall have at all times a rate card receipted by the Controller setting forth the scheduled rates of fare displayed in plain view of all passengers. The rate set forth on the rate card must be the same as the rate set forth on the exterior of the taxicab and on the rate provided to the Central Services Division, as well as any fares posted or quoted via website, email, or social networking devices.
 - (3) The company may have more than one (1) scheduled rate of fare, to allow for times of the year or week, based on demand. However, the company may only include the charges provided in this section. The company may increase its rate during the license year, provided that it must first comply with the notice and display requirements of this subsection.
 - (4) The company shall submit to the controller its scheduled rates of fare each year along with its application for a license or a renewal of the license.
 - (5) Charges for taxicab service may only include the following:
 - (i) A pickup charge for trips resulting from a telephone request;
 - (ii) A pickup charge for trips not resulting from a telephone request;
 - (iii) A mileage charge measured in a standard increment;
 - (iv) A waiting charge;
 - (v) An extra passenger charge;
 - (vi) An alternative hourly charge;

- (vii) An alternative Notre Dame Football home game fare, on the date that the University of Notre Dame hosts home football games;
 - (viii) A flat rate, so long as the company does not have more than one (1) flat rate in existence at any one (1) time.
- (6) Effective January 2, 2013, each company shall be equipped and authorized to accept payment of the fare by credit or debit card. It shall be unlawful for a taxi company owner or driver to discourage a customer from paying by credit card or to charge an additional amount for paying by credit or debit card.
- (j) *Receipt; contents:* The driver of any taxicab shall, at the end of the trip, offer to give the passenger a written receipt for the amount charged. The receipt shall contain:
 - (1) The names of the holder and driver.
 - (2) The vehicle license number or motor number.
 - (3) The amount charged.
 - (4) The date of transaction.
- (k) *Refusal to pay legal fare:*
 - (1) No person shall refuse to pay the legal fare of any taxicab mentioned in this section after having hired the taxicab.
 - (2) No person shall hire any taxicab with intent to defraud the person from whom it is hired of the value of such service.
- (l) *Charging excess rates prohibited:* No person or company owning, operating, or driving any taxicab shall charge a passenger in excess of the rate of fare indicated on the taximeter, if the taxicab is hired by mileage, or as advertised in the card displayed inside the taxicab or on the outside of the taxicab, or in excess of the rate submitted to the Controller in writing and acknowledged by the Controller, as required by this section.
- (m) *Taxi stand license; application; approval:*
 - (1) Any holder or group of holders of a company license under this section desiring to occupy a certain designated place on a public street of the City as a taxi stand shall file an application with the Controller on forms to be furnished by the Controller.
 - (2) The application shall contain the following:
 - a. The number of taxicabs to be maintained at the particular stand;
 - b. The telephone numbers that will be used to facilitate communication between the taxicab using the stand and the central office of the holder(s); and
 - c. The location of the proposed stand.
 - (3) The Department of Public Works shall review the application for a taxi stand license and shall make a recommendation as to the application for consideration of the Controller. In making its recommendation, the Department of Public Works shall determine whether the proposed stand would be consistent with public convenience and safety.
 - (4) Upon the holder of a company license complying with the above requirements, and upon the Board's favorable recommendation, the Controller shall issue to the holder a license to occupy the taxicab stand.
- (n) *Taxi stand license fee; terms; transferability; encroachment of stand; revocation:*
 - (1) The holder of a taxi stand license shall pay one hundred and twenty-five dollars (\$125.00) per year to the Controller for each twenty-two (22) feet of the public streets occupied and used as a taxi stand.

- (2) The taxi stand license shall continue to be valid from year to year upon payment of the fee or until suspended or revoked pursuant to the provisions of this section and section 4-16.
 - (3) No taxi stand license may be transferred or assigned.
 - (4) The stand for which such license shall be issued shall not encroach upon any part of the street(s) or curb(s) zoned or designated for any other purpose.
 - (5) The taxi stand license may be revoked by the Controller for good cause shown after due notice to the taxi stand licensee and opportunity for a hearing held pursuant to section 4-16.
- (o) *Marking of taxi stands:* The Department of Public Works or its designee shall mark all taxicab stands by appropriate painting of the adjacent curb and by affixing to the curb at each end of the stand a metal standard with the words "Taxicab Stand of _____" plainly stenciled upon the standard.
- (p) *Use of taxi stands:* All taxi stands may be occupied and used only by taxicabs belonging to or under the control of the company license holder to whom the standards are assigned for the full period of twenty-four (24) hours each day. All taxi stands shall always be available for use by the Police or Fire Departments of the City and subject to the rights of reasonable ingress and egress of the abutting property owner or lessee. Private or other vehicles for hire shall not at any time occupy the space upon the streets that have been established as taxicab stands.
- (q) *Taxicabs awaiting employment to park only at stands; exceptions:*
- (1) No owner, license holder, operator, or driver of any taxicab licensed under the provisions of this section shall cause or permit the taxicab to stand while waiting employment at any place other than a taxi stand so designated and licensed to the holder under the provisions of this section. The standing of any taxicab at a stand or in an area not licensed as provided in this section shall be unlawful and shall constitute good cause for revocation of the taxicab company license, driver's license and/or vehicle license, and/or for imposition of a fine in the amount of one hundred dollars (\$100.00).
 - (2) The time reasonably necessary to take on or discharge passengers at the point of embarkment or discharge shall not be construed as a standing of the taxicab under the provisions of this section, provided that as soon as passengers have been received or discharged, the taxicab leaves the point of parking where receiving or discharging passengers has taken place, unless the act occurred at a licensed stand.
- (r) *Cruising; soliciting passengers; standards of appearance and hygiene:*
- (1) Any driver may solicit employment by driving through any public street without stopping, other than when required because of obstruction of traffic, and at such speed as not to interfere with or impede traffic.
 - (2) No driver may solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab or while standing immediately adjacent to the curbside. The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to the taxicab at all times when such taxicab is upon the public street, except that, when necessary, a driver may be absent from the taxicab for not more than ten (10) consecutive minutes. Nothing herein contained shall prohibit any driver from assisting passengers with their parcels or into or out of the taxicab or from exiting the taxicab solely for the purpose of determining whether a taxicab was called.
 - (3) No driver may solicit passengers in an unreasonably loud or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movement of any persons, or follow any person for the purpose of soliciting passengers. No driver may disrupt or interfere with the travel of other drivers or passengers of other drivers. No driver may abuse, insult, threaten, strike or harm any other driver or any passenger. No driver may refuse to transport or unreasonably delay transporting a passenger to the passenger's destination in order to attempt to obtain more passengers for hire. No driver may refuse to transport a passenger to the passenger's destination if the destination is within ten (10) miles outside the corporate limits of the City of South Bend and if the driver can safely and legally reach the destination.

- (4) All drivers must maintain a neat and clean appearance and observe reasonable standards of personal hygiene while on duty or while operating a taxicab licensed by the City. All drivers must keep the interior of their taxicabs reasonably free of body odors or odors from food or other items.
 - (5) All drivers are prohibited from smoking in their taxicabs and shall prohibit their passengers from smoking while inside their taxicabs. All taxicabs are to be designated "nonsmoking." This provision shall apply even while the taxicab is "off-duty" and not being commercially operated or for hire as a taxicab.
 - (6) All drivers shall be clean and free of body odor noticeable to a reasonable passenger. All drivers shall have visible head and facial hair neatly trimmed and combed or brushed. All drivers shall wear shirts, blouses, or dresses with sleeves and collars or necklines that are finished, sewn and not cut and hemmed slacks, shorts, skirts or dresses. All drivers shall wear clean clothing without tears or holes. Shirts or blouses must completely cover the driver's waist. No driver shall wear sweat pants, sweat shirts, trunks, tank tops, body shirts, muscle shirts, see-through clothing, any visible underwear, sandals or flip flops. These dress requirements must be met at any time a driver is operating a taxicab marked or licensed as a taxicab within the City, regardless of whether it is for hire.
 - (7) Failure to comply with the requirements of this subsection may subject the driver to a fine of one hundred dollars (\$100.00) issued by the Police Department, an officer commissioned to issue ordinance violation citations, or the Department of Code Enforcement, in addition to other penalties available under this section against the driver or holder.
- (s) *Receipt and discharge of passengers:* Drivers of taxicabs shall not receive or discharge passengers in the roadway, but shall pull up to the right-hand sidewalk as nearly as possible or, in the absence of a sidewalk, to the extreme right-hand side of the road, and there receive or discharge passengers, except upon one-way streets, where passengers may be discharged at either the right-or left-hand sidewalk, or side of the roadway, in the absence of a sidewalk.
 - (t) *Refusal to convey orderly passengers prohibited:* No driver of a taxicab may refuse or neglect to convey any orderly person upon request anywhere in the City, unless previously engaged or unable or forbidden by the provisions of this section to do so, if such person agrees to pay the fare for the use of the taxicab. However, the driver may comply with reasonable rules and policies of the taxicab company made for the safety and comfort of drivers and passengers.
 - (u) *Additional passengers:* A driver may permit persons other than the first person employing the taxicab to ride in the same taxicab, unless the first person refuses to permit additional persons.
 - (v) *Number of passengers restricted:* No driver may permit more persons to be carried in a taxicab as passengers than the rated seating capacity of the taxicab as stated in the license for the taxicab. The driver may not permit any nonfare-paying acquaintance, family member or animal to ride in the taxicab while cruising or operating it for hire.
 - (w) *Unlawful acts:* It shall be a violation of this section for any driver of a taxicab to solicit business for any hotel, or to attempt to divert patronage from one (1) hotel to another, or use a taxicab for any purpose other than the transporting of passengers and/or parcels. However, taxicab drivers and company owners are permitted and encouraged to provide literature and information on local businesses and attractions to assist their passengers.
 - (x) *Deceiving passengers prohibited:* No owner or driver of any taxicab may deceive, misinform or mislead any passenger, who may ride or desire to ride in such taxicab, as to a destination or the rate to be charged.
 - (y) *Direct route to be followed:* Any taxicab driver employed to transport passengers to a definite point shall take the shortest and most direct route possible that will carry the passengers to their destination safely and expeditiously.

- (z) *Limitation on number of persons riding in front seat:* No driver or owner of any licensed taxicab may allow more than one (1) person to ride on the front seat with the driver of the taxicab while it is engaged in the business of carrying persons for hire.
- (aa) *Disposition of articles left in taxicabs:* Whenever any package, baggage or goods of any kind are left in any taxicab or in the custody of the driver of such taxicab, the driver shall, upon the discovery of the package or article, immediately deliver the same to the company's main office and receive from such office a receipt, unless the package or article is first delivered to the owner at the owner's request. The company may charge the passenger its scheduled rate of fare for delivery of a package or article.
- (bb) *Adoption of additional rules and regulations:* The Controller shall have the power to make and adopt any additional rules and regulations as, in the Controller's judgment and discretion, are necessary and proper for safety in the driving or managing of taxicabs so long as the additional rules and regulations are consistent with the provisions of this section.
- (cc) *Enforcement of section:* The Police Department, Officers of Departments commissioned to issue ordinance violation citations, and the Department of Code Enforcement are given the authority and are instructed to observe the condition of drivers and taxicabs and conduct of holders and drivers operating under this section. Upon discovering a violation of the provisions of this section, the Officer shall issue a citation. The Officer shall report the violation to the Controller, who will order or take appropriate action under section 4-16.
- (dd) *Penalties and impoundment of vehicles:*
- (1) Any person operating a taxi company, operating as a taxi driver, or operating a vehicle as a taxi without a current license, in violations of section 4-17 or this section, shall be fined five hundred dollars (\$500.00) for the violation. Any person violating any other provisions of this section shall be fined not more than one hundred dollars (\$100.00) per violation. Each day that a violation is permitted to exist shall constitute a separate violation.
 - (2) Any fines issued for a violation of this section's provisions must be paid before a driver's license, taxicab license, or company license may be issued or renewed. If the person or entity receiving a fine does not pay the fine within ten (10) days after it is issued, the person or entity shall be required to pay a late fee in the amount of fifty dollars (\$50.00).
 - (3) If the driver of a taxicab operates the taxicab in an unsafe manner or condition or fails to produce a valid driver's license or taxicab license issued pursuant to this section at the request of any member of the Police Department, Department of Code Enforcement, an officer commissioned to issue ordinance violation citations, or Central Services Division, the vehicle shall be impounded.
 - (4) Before a person may recover possession of the impounded vehicle, the person shall provide proof that the person is the title holder or lessor of the vehicle and proof of a vehicle license and taxi driver's license for the driver from whom the vehicle was impounded. The owner or lessor shall also pay all outstanding fines and all costs incurred in the impoundment and storage of the vehicle before the vehicle is returned to the owner or lessor. A vehicle impounded because it was operated by an unlicensed driver may be returned to the owner or lessor without proof of the driver obtaining a license only if the holder of the company license first shows proof to the City that the driver is not or is no longer employed or authorized by the company to drive a taxicab for the company.
- (ee) *Company license—Required:* No person shall operate or permit a taxicab owned or controlled by that person to be operated as a vehicle for hire upon the streets of the City without having first obtained a new or renewed company license from the Controller.
- (ff) *Company license application; contents:*
- (1) An application for a company license or a renewal of a license shall be submitted to the Controller upon forms provided by the Controller and be verified under oath.
 - (2) The application shall furnish the following information:

- a. The name and address of the applicant.
- b. The financial status of the applicant, including the amounts of all unpaid judgments against the applicant, the court and cause [case] numbers where such judgments were entered, and the nature of the transaction or acts giving rise to such judgments.
- c. The experience of the applicant in the transportation of passengers.
- d. The amount and type of liability insurance coverage issued or to be issued to the applicant to cover any claims which may be made against the company, the name of the insurance company, the numbers of any policies in effect, and all policy expiration dates.
- e. The number of taxicabs to be operated or controlled by the applicant, and the year, color, make and State license plate number and City license plate number, if known, of each taxicab.
- f. The color scheme and insignia to be used to designate the taxicab of the applicant.
- g. Information as to whether the applicant for a company license has been convicted of a felony or misdemeanor, and, if so, when and where such conviction took place, and the nature of the crime for which the applicant was convicted.
- h. The mailing and street address and telephone number of the place of business.
- i. The rates of fare to be charged by the company.
- j. The names and addresses of each person authorized by the company to drive a company taxicab within the City of South Bend and the State license plate number and City license plate number, if known, of the taxicab assigned to each driver.
- k. Such further information as the Controller may require.

(gg) *Investigation of traffic and police record:*

- (1) The Police Department shall conduct an investigation of each applicant for a company license and make a recommendation to the Controller as to whether the application should be granted. In making its recommendation, the Police Department shall consider the criminal history of the applicant, if any, and the likelihood that granting the application will endanger the health, safety or welfare of the public. The Police Department shall recommend denial of the application if the applicant has been convicted of any felony or any crime against a person within twenty (20) years before the date of the application, or if the applicant has been convicted of a misdemeanor or of any crime or infraction involving dishonesty, driving while intoxicated or under the influence of alcohol or intoxicants, or driving with a suspended license within ten (10) years before the date of the application or is currently on parole or probation under the Criminal Justice System of the United States or of any state. A report of the investigation and the recommendation of the Police Department shall be attached to the application for the consideration of the Controller. Any applicant who has a valid license as of the effective date of this ordinance shall be deemed to have met the requirements for a favorable Police Department recommendation as of that date.
- (2) The Controller shall consider the recommendation of the Police Department and all information provided relevant to the application in determining whether the application should be granted.

(hh) *Issuance; denial:*

- (1) If the Controller finds that the applicant for a company license is fit, willing and able to perform such public transportation and to conform to the provisions of this section and the rules promulgated by the Controller, the Controller shall issue a company license to the applicant stating:
 - a. The name and address of the applicant.
 - b. The number of taxicabs authorized under such certificate.

c. The date of issuance.

- (2) If a company does not qualify for a license under the terms of this section, the application shall be denied. The applicant may then request a hearing pursuant to section 4-16.

(ii) *Liability insurance required; contents:*

- (1) No company license may be issued, or continued in operation, unless there is on file in the office of the Controller and in force and effect a current policy of insurance covering each vehicle to be operated as a taxicab in an amount of not less than fifty thousand dollars (\$50,000.00) for injury to or destruction of property as a result of any one (1) occurrence and a public liability policy covering accidental bodily injury, including death, to any member of the public in an amount of not less than three hundred thousand dollars (\$300,000.00) for all public liability from any one (1) occurrence. The policy of insurance shall also provide for uninsured and under insured coverage in an amount of not less than one hundred thousand dollars (\$100,000.00). The policy of insurance shall also include medical benefits in an amount of not less than fifty thousand dollars (\$50,000.00). The policy shall be updated annually and be on file with the office of the Controller before any issuance or renewal of a company license.
- (2) The policy of insurance shall insure the owner and agent against liability for the payment of any final judgment, less any deductible amounts, or retained limits not in excess of one thousand dollars (\$1,000.00) that may be rendered against the owner or agent for injury or damages to the property or person of others, or for damage for the wrongful death of others, resulting from any accident or collision for which the owner or agent will be liable on account of any act of negligence in the operation of the taxicab, or which may arise or result from any violation of any of the provisions of this article or the laws of the State, by him or any agent.
- (3) The policy of insurance on file in the office of the Controller shall contain the following provision: "The City, through the office of the Controller, will be given fifteen (15) days' notice prior to the effective date of the cancellation or other material change of this policy."

(jj) *Payment of fee prerequisite to issuance; exception:*

- (1) No company license may be issued until the holder has paid an annual license fee of one hundred dollars (\$100.00) for the right to engage in the taxicab business and fifty dollars (\$50.00) each year for each taxicab operated under the company license. The license fees shall be in addition to any other license fees or charges established by this section or any other statute or ordinance.
- (2) The license fees for companies and taxicabs as provided for in this subsection shall not apply to persons having a valid license as of the effective date of this section until the time the license for such companies and taxicabs is to be renewed in the year following the adoption of this section.

(kk) *Transferability:* No license issued pursuant to this section may be sold, assigned, mortgaged or otherwise transferred.

(ll) *Suspension or revocation; notice:*

- (1) A company license issued under the provisions of this section may be revoked or suspended by the Controller pursuant to the provisions of section 4-16, if the holder thereof has:
- a. Violated any of the provisions of this section.
 - b. Discontinued operation for more than ten (10) days.
 - c. Violated this Code or any ordinance of the City or the laws of the United States or the State of Indiana, the violation of which reflects unfavorably on the fitness of the holder to offer public transportation.
- (2) Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard, pursuant to section 4-16.

(mm) *Driver's license—Required:* No person shall drive or allow a vehicle to be driven for hire upon the streets of the City, unless the driver of such taxicab shall have first obtained and have then in force a taxicab driver's license issued under the provisions of this section.

(nn) *Application contents; physician's report; fee exception:*

- (1) An application for a taxicab driver's license shall be submitted to the Central Services Division on forms provided by the Controller and verified under oath.
- (2) The application shall contain the following information:
 - a. The names and addresses of four (4) residents of the City of South Bend who have known the applicant for a period of five (5) years.
 - b. The experience of the applicant in the transportation of passengers.
 - c. The educational background of the applicant.
 - d. A concise history of the applicant's employment, including dates of employment and addresses of employers for the ten (10) years before the date of the application.
 - e. Information as to whether the applicant for a driver's license has been convicted of a felony or misdemeanor, and, if so, when and where such conviction took place, and the nature of the crime for which the applicant was convicted.
 - f. A certified copy of the driving record of the applicant from any state or country in which the applicant has lived for the ten (10) year period preceding the application.
 - g. A certified copy of the records of the law enforcement agencies for the jurisdictions where the applicant has resided for the twenty (20) years preceding the application, for the purpose of demonstrating the criminal history of the applicant, if any.
 - h. If the application is for a new driver's license, the applicant must also provide proof that the applicant is sufficiently proficient in the English language to communicate with passengers, law enforcement officials, and persons processing the prospective driver's application. The applicant may do so by:
 - (i) Making a statement under oath that the applicant's native language is English or that the applicant has spoken English for at least five (5) years; or
 - (ii) Producing certified copies of diplomas or results of an English proficiency examination. The Controller, Central Services Division, or a designee accepting the application shall have the authority to inquire into the credentials of the organization or entity providing a diploma or examination results.
- (3) The application shall be accompanied by a photograph of the driver and a current public passenger chauffeur's license issued by the State of Indiana or the State of Michigan, certificate from a licensed physician certifying that, in the physician's opinion, the applicant is not suffering from any disease or infirmity which may make the applicant an unsafe or unsatisfactory driver.
- (4) Each applicant for a driver's license shall submit to a drug test at the applicant's expense and submit the test results with the application. Each applicant shall also be subject to requests by the City Controller, Central Services Division, City Attorney's Office, or designee thereof for drug testing and shall comply with the request within forty-eight (48) hours of the request, if a complaint or investigation demonstrates that drug testing should be required. Testing shall be conducted by an independent drug testing entity approved by the Controller. The Central Services Division shall maintain a list of the approved testing facilities.
- (5) Each applicant must be willing to submit to a testing program aimed at determining the applicant's geographical knowledge of the South Bend area. The test shall be administered at the discretion of the Controller and under the Controller's supervision.

- (6) At the time the application is filed, the applicant shall pay the Controller the sum of five dollars (\$5.00) as a processing fee. The applicant shall also pay the Controller the sum of fifteen dollars (\$16.00) per year upon approval of the application and before issuance of the license.
 - (7) The provisions of this subsection shall not apply to persons having a valid taxicab driver's license at the time this becomes effective, but such persons shall comply with the renewal provisions of this section after the effective date of this section.
- (oo) *Investigation of traffic and police record:* The Police Department shall conduct an investigation of each applicant for a taxicab driver's license. A report of the investigation and the recommendation of the Police Department shall be attached to the application for the consideration of the Controller. In making its recommendation, the Police Department shall consider the criminal history of the applicant, if any, and the likelihood that granting the application will endanger the health, safety or welfare of the public. The Police Department shall recommend denial of the application if the applicant has been convicted of any felony or any crime against a person within twenty (20) years before the date of the application, or if the applicant has been convicted of a misdemeanor or of any crime or infraction involving dishonesty, driving while intoxicated or under the influence of alcohol or intoxicants, or driving with a suspended license within ten (10) years before the date of the application or is currently on parole or probation under the Criminal Justice System of the United States or of any state. Any applicant who has a valid license as of the effective date of this ordinance shall be deemed to have met the requirements for a favorable Police Department recommendation as of that date. A report of the investigation and the recommendation of the Police Department, shall be attached to the application for the consideration of the Controller.
- (pp) *Application approval or rejection; written report if rejected:*
- (1) The Controller shall, upon consideration of the application and the reports, recommendations and certificate required to be attached thereto, approve or reject the application. If the application is rejected, the applicant may request a hearing pursuant to section 4-16 to offer evidence why the application should be reconsidered.
 - (2) The Controller shall provide the reasons for rejecting the application and any evidence pertinent to the rejection at the hearing.
- (qq) *Driver's license issuance; term:*
- (1) Upon approval of an application for a taxicab driver's license, and following payment of the licensing fee, the Controller shall issue a driver's license to the applicant which bears the name, address, age, signature and photograph of the applicant.
 - (2) The license shall be in effect until September 30 of the year after it is issued. A license for every subsequent year shall be issued upon the applicant meeting the requirements of this section.
- (rr) *Display of license:* Every driver licensed under this section shall post the driver's license in such a place as to be in full view of all passengers while such driver is operating a taxicab, and shall show the license to any passenger, prospective passenger, or South Bend Police Officer, any officer commissioned to issue ordinance violation citations, any employee of the Central Services Division, the Department of Code Enforcement or the Bureau of Weights and Measures upon demand. However, for the personal safety of the driver, the home address of the driver may be deleted from the license which is on display. The driver shall maintain on file in the Office of the City Controller the driver's current address.
- (ss) *Suspension or revocation:* The Controller may deny a license or may suspend or revoke any taxicab company, taxicab, or driver's license issued under this section for a driver failing or refusing to comply with the provisions of this Code. The suspension shall last for a period of not more than thirty (30) days. A license may not be revoked unless the driver has received notice and has had an opportunity for a hearing in accordance with section 4-16 of this Code.

- (tt) *Compliance with Federal, State and City laws:* Every driver licensed under this division shall comply with all City, State and Federal laws. Failure to do so shall justify the Controller suspending or revoking a license.
- (uu) *Length of company, driver's or taxicab licenses:* If issued or renewed on or after August 1, but before December 31, the company, driver's or taxicab license issued or renewed under this section shall be valid from the date issued or renewed until September 30 of the following year. If issued on or after January 1, but before July 31, then the company or taxicab license, issued under this section shall be valid until September 30 of that year. The fee for licenses issued between March 1 and August 1 shall be reduced by one-half ($\frac{1}{2}$).
- (vv) *[Website posting:]* The Department of Administration and Finance shall post on the City website the names of companies licensed to operate pursuant to this section, along with application and inspection forms used in licensing pursuant to this section and, where practicable, photographs or depictions of the types and appearances of taxicabs used by each licensed company.

(Ord. No. 6998-81, § 1; Ord. No. 7723-86, § 2; Ord. No. 8339-93, § 1, 1-11-93; Ord. No. 9022-99, § III; Ord. No. 10114-11, § II, 8-22-11)