

Chapter 21

TAXICABS AND OTHER FOR-HIRE VEHICLES*

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***Cross references**-Licenses, Ch. 12; motor vehicles and traffic, Ch. 13.

State law references-Localities may not require license except for taxicabs; prosecutions for operation of vehicle without license or while suspended, Code of Va., ' 46.2-310; taxicabs generally, Code of Va., ' 56-291.1 et seq.

Sec. 21-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Certificate. The certificate of public convenience and necessity granted by the county to persons in the business of operating for-hire cars as provided in this chapter.

Chief of police. The chief of police for James City County, Virginia.

County administrator. The county administrator of James City County or his designee.

Driver. Any person operating a for-hire car while such car is available for public hire or is being used by the public.

For-hire car. A motor vehicle regularly engaged in the business of transporting passengers for hire, but excluding common carriers of persons or property operating as public carriers under a certificate of convenience and necessity issued by the state corporation commission.

Manifest. A daily record prepared by a for-hire car driver of all trips made by the driver showing the driver's name, time, date, place of origin, destination, number of passengers and the fare amount of each trip.

Motor vehicle. Any vehicle, machine, tractor, trailer or semitrailer propelled or drawn by mechanical power and used upon the public roads of the county and the roads open to the public on the property of public bodies in transportation of passengers property, but excluding any vehicle, locomotive or car operated exclusively on a rail or rails.

Taxicab. A for-hire car not operating on a regular route or between fixed destinations. (Ord. No. 155, 12-3-84)

Sec. 21-2. Certificate of public convenience and necessity.

(a) *Required.* The operation of for-hire cars within the county shall be subject to the conditions, regulations and restrictions set forth in this chapter. It shall be unlawful for any owner or driver of a for-hire car to take on passengers within the limits of the county unless such owner or driver has been issued a certificate under the terms of this chapter, and unless the conditions, regulations and restrictions set forth in this chapter have been and will be complied with by such owner.

(b) *Expiration; renewal.* The initial certificate issued hereunder shall last until December 31 following its issuance and may be renewed annually thereafter. The county administrator shall prescribe a form to be issued in initially applying for the certificate and a form to be used for the renewal application.

(c) *Interruption of use; lapse.* A certificate shall lapse if not used for 45 consecutive days.

(d) *Nontransferable.* A certificate shall not be transferable without the county administrator's consent.

(e) *Suspension and revocation:*

- (1) A certificate issued under the provisions of this chapter may be suspended or revoked by the county administrator if the holder thereof has violated any of the provisions of this chapter or has violated any laws of the United States.
- (2) Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall be given an opportunity to be heard by the board of supervisors. A request for hearing shall be filed with the county administrator within seven days of the holder's receipt of notice.

(f) *Fees.* No certificate shall be issued or continued in operation unless the holder thereof has paid an annual fee of \$75.00 for the right to engage in the for-hire car business and \$60.00 each year for each vehicle operated under a certificate issued hereunder. The fee(s) shall be for the calendar year commencing January 1 and shall be in addition to any other fee(s) or charge(s) established by proper authority and applicable to said holder or the vehicle(s) under his operation and control. The fees authorized herein shall be reduced and computed on a pro-rata basis for individuals licensing a for-hire car businesses after August 1. A partial month shall be counted as a whole month. (Ord. No. 155, 12-3-84)

Sec. 21-3. Application for certificate; filing deadline.

An application for a certificate shall be filed with the county administrator upon forms provided by the county; said application shall be verified under oath and 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 and the nature of the transactions or acts that give rise to said judgments.
- (c) The applicant's previous experience in passenger transportation.
- (d) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate.
- (e) The number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals.
- (f) The color scheme and insignia to be used to designate the applicant's vehicle(s).
- (g) Evidence that all vehicles to be used are owned by or under written lease to the applicant and are under the applicant's control.
- (h) Such further information as the county administrator and/or the applicant may deem appropriate.

Applications for renewal certificates shall be filed with the county administrator on or before November 1 of each year. Applications for new certificates or to amend existing certificates to increase the total number of vehicles allowed to a certificate holder shall be filed with the county administrator before the tenth day of any calendar month. (Ord. No. 155, 12-3-84)

Sec. 21-4. Issuance of certificate.

(a) Upon the county administrator's finding that the applicant has proved the applicant is fit, willing and able to perform such public transportation in accordance with the provisions set forth in this chapter, a certificate shall be issued. Absent such a finding, the application shall be denied.

(b) In making the above findings, the county administrator shall consider the character, experience and responsibility of the applicant and other factors deemed appropriate by the county administrator.

(c) Upon determination of the county administrator to grant a certificate(s), the same shall be transmitted to the applicant giving the name and address of the holder, the number, kind and description of vehicle(s) and date of issuance and expiration of the certificate(s). Unless revoked or suspended, such certificate(s) shall expire at the end of the thirty-first day of December annually.

(d) In the event that the county administrator shall refuse to issue a certificate to an applicant, the applicant may, within ten days from the date of such refusal, file with the board of supervisors a petition in writing to review the findings of the county administrator.

(e) Upon the filing of such a petition, the board of supervisors shall fix a time and place for a hearing and shall notify the applicant thereof. The hearing shall be held within 30 days after the request is filed. Any interested person shall be permitted to participate in the hearing and present evidence.

(f) Within ten days after the conclusion of the hearing provided for in subsection (e), the board of supervisors shall approve or disapprove the application for a certificate. If the application is denied, the reason for such denial shall be in writing and shall be transmitted to the applicant. (Ord. No. 155, 12-3-84)

Sec. 21-5. Indemnity bond or liability insurance required.

(a) No certificate shall be issued or continued in operation unless there is in full force and effect a liability insurance policy issued by an insurance company authorized to do business in the commonwealth. Said policy shall cover each authorized vehicle and shall provide for coverage in amounts at least equal to the minimum liability limits then required by the Virginia State Corporation Commission. Such policy shall require 15 days' notice to the county administrator by the issuing insurer prior to cancellation. The applicant shall deliver to the county administrator a certificate of insurance demonstrating the existence of such insurance coverage together with a written certification from the Virginia State Corporation Commission showing that such insurance meets all current regulatory requirements of the commission regarding liability insurance.

(b) In no event shall a certificate be issued hereunder to a self-insured applicant. If, however, the applicant has filed with the Virginia State Corporation Commission surety bonds in lieu of liability insurance coverage as permitted by applicable Virginia law, the county administrator shall accept the bonds in lieu of the insurance required hereunder upon the following conditions; provided, however, such bonds shall be approved as to form by the county attorney:

- (1) The bonds shall cover each authorized vehicle; and
- (2) The applicant shall provide to the county administrator copies of the bonds certified by the clerk of the Virginia State Corporation Commission together with the commission's certification that such bonds meet all commission regulatory requirements regarding surety bonds given in lieu of liability insurance.

(Ord. No. 155, 12-3-84)

State law references-Surety bonds, insurance and securities required prior to issuance of certificate or permit, Code of Va., ' 56-299; when taxicab operator a self-insurer, Code of Va., ' 56-299.1.

Sec. 21-6. Inspection of vehicles.

Every for-hire car operating within the county shall be thoroughly inspected annually by the chief of police, his designee or such other reputable agency as the chief of police may prescribe, prior to its use and operation and at any other time as the chief of police may determine. If such vehicle is found to be in an unsafe, unfit or unclean condition, the owner thereof shall be notified by the chief of police at once and such vehicle shall not be permitted to operate as a for-hire car thereafter until such defective or unclean condition has been remedied. (Ord. No. 155, 12-3-84; Ord. No. 155A-1, 2-16-93)

Sec. 21-7. Rates-Generally.

Rates to be charged passengers engaging for-hire cars shall be available from the driver of any such vehicle upon request of a passenger. It shall be the responsibility of each certificate holder to provide the county administrator with a current list of rates. If such rates change, the county administrator shall be notified in writing within ten days of such change. (Ord. No. 155, 12-3-84)

Sec. 21-8. Marking vehicles.

There shall be painted or printed on every for-hire car lettering clearly showing the owner's name and indicating that such vehicle is a for-hire car. For-hire cars shall use only the words Ataxi,@Acab@ or Ataxicab@ to so identify such vehicles. (Ord. No. 155, 12-3-84)

Sec. 21-9. Duty of for-hire car driver to keep vehicle clean.

No driver shall fail, refuse or neglect to keep any for-hire vehicle under his control or operation clean. Any such failure, refusal or negligent act shall be a violation of this chapter. (Ord. No. 155, 12-3-84)

Sec. 21-10. For-hire car service-Generally.

All persons engaged in the for-hire car business in the county operating under the provisions of this chapter shall render an overall service to the public desiring the use of such vehicles. Holders of certificates shall maintain a central place of business within five miles of the nearest county line as measured by traversing public roads. Such offices shall be open 24 hours a day for the purpose of receiving calls and dispatching for-hire cars. Such offices shall answer all calls received by them for services inside the county as soon as possible and if such services cannot be rendered within a reasonable time shall notify the prospective passengers of the anticipated length of delay. Every owner holding a certificate shall at all times maintain a listed telephone in the name of the certificate holder's business, by which calls may be made for service. Any certificate holder who shall unreasonably refuse to accept a call anywhere within the county at any time when such holder has available for-hire cars or who shall fail or refuse to give overall service shall be in violation of this chapter. Upon the finding of such a violation, the certificate granted to the holder may be revoked at the discretion of the county administrator. (Ord. No. 155, 12-3-84)

Sec. 21-11. Solicitation, acceptance and discharge of passengers.

(a) *Solicitation of passengers by driver.* No driver shall solicit passengers for a for-hire car except when sitting in the driver's compartment of such vehicle or while standing immediately adjacent to the curbside thereof. The driver of any for-hire vehicle shall remain in the driver's compartment or immediately adjacent to such vehicle at all times when such vehicle is in operation within the county, except, when necessary a driver may be absent from a for-hire vehicle for not more than ten consecutive minutes, provided nothing herein contained shall prohibit a driver from assisting passengers into or out of a for-hire car. All passengers shall be received and discharged within 30 inches of the right-hand curb of the street and only when the for-hire vehicle is at a full stop.

(b) *Restriction of number of passengers.* No driver shall permit more persons to be carried in a for-hire car as passengers than the rated seating capacity as prescribed by the auto manufacturer of said vehicle, provided a child in arms shall not be counted as a passenger.

(c) *Refusal to carry passengers prohibited.* No driver shall refuse or neglect to transport person(s) upon request, unless previously engaged or unable or forbidden to so transport by the provisions of this chapter.

(d) *Prohibited acts.* No driver of a for-hire car shall solicit business for any motel or place of lodging or attempt to divert patronage from one motel or place of lodging to another. No driver shall engage in selling intoxicating liquors, solicit business for any house of ill repute or use his vehicle for any purpose other than the simple transporting of passengers. A commission of any of the aforementioned proscribed acts shall be a violation of this chapter. (Ord. No. 155, 12-3-84)

Sec. 21-12. Transportation of passengers by most direct route.

Every driver of a for-hire car shall transport each passenger to the desired destination by the most direct route, unless otherwise directed by the passenger. (Ord. No. 155, 12-3-84)

Sec. 21-13. Refusal of drivers to make trips.

No driver of any for-hire car shall refuse to transport any passenger to any part of the county, provided no driver shall be required to drive his vehicle to any place which may be physically detrimental to such vehicle or which would endanger any occupants. (Ord. No. 155, 12-3-84)

Sec. 21-14. Receipts.

The driver of any for-hire car shall, upon demand of the passenger, render to such passenger a receipt for the amount charged either by a mechanically printed receipt or by a specially prepared receipt on which shall appear the name of the owner, license number, amount of charges and date of transaction. (Ord. No. 155, 12-3-84)

Sec. 21-15. Refusal of passenger to pay legal fare.

No person shall, after utilizing the services of a for-hire car, refuse to pay the legal fare due, nor shall any person hire any for-hire car with intent to defraud its operator of the value of services rendered. (Ord. No. 155, 12-3-84)

Sec. 21-16. Consumption of alcoholic beverages, sedatives or barbiturates prohibited.

No driver shall consume while on duty as a for-hire car operator any alcoholic beverage, sedatives or barbiturates. (Ord. No. 155, 12-3-84)

Sec. 21-17. Possession of weapons prohibited.

No driver shall operate or drive a for-hire car at any time with firearms, metal knuckles, knives blades longer than three inches in length or any other deadly weapon on his person or in the for-hire car. (Ord. No. 155, 12-3-84)

Sec. 21-18. Hindering, retarding, etc., transportation.

No person shall intentionally hinder, retard or interfere with or cause intentional hindrance, retardation or interference with the furthering of transportation by any for-hire car. Commission of such an act shall be a violation of this chapter. Improper, misleading, false or unauthorized calls requesting for-hire car service shall be prima facie evidence of an intention to hinder, retard or interfere with the proper operation of a for-hire car. (Ord. No. 155, 12-3-84)

Sec. 21-19. Lost and found property.

Any property left or found in a for-hire car shall be turned over to the chief of police and, if unclaimed, returned to the owner of such for-hire car at the expiration of 90 days. (Ord. No. 155,12-3-84)

Sec. 21-20. Application of traffic laws.

Every for-hire car operating within the county shall be subject to all laws generally regulating traffic of vehicles. (Ord. No. 155, 12-3-84)

Sec. 21-21. Record of calls to be kept.

(a) The owner and driver of a for-hire car shall keep a manifest which shall be a permanent record of the transportation of each passenger. Each manifest shall include:

- (1) The name of the driver of the for-hire car.
- (2) The number or designation of the for-hire car.
- (3) The address where the transportation of each passenger originated, the date and time thereof.
- (4) The place, date and time the transportation of each passenger terminated, which entry shall be recorded immediately upon the termination of each transportation and before the transportation of any other passenger is begun.

(b) The driver shall carry the manifest in his vehicle at all times during his operation and a separate manifest shall be kept for each day of operation, provided a driver operating a for-hire car at midnight may continue to use the manifest bearing the date his work period commenced through the end of such work period. Each manifest shall be delivered to the main office of the for-hire business owner within 24 hours after completion.

(c) Every owner of a for-hire car business shall retain and preserve all drivers' manifests in a safe place for at least the calendar year next preceding the current calendar year, provided any manifests involved in any official investigation shall be retained and preserved for such period as the county administrator may require. All manifests shall be all times subject to examination by the county administrator or any member of the county police department. (Ord. No. 155, 12-3-84)

Sec. 21-22. Certificate holder's records.

(a) Every certificate holder shall keep accurate records of operation receipts, operation expenses, capital expenditures, all additional expenses and any such other information as the county administrator may require. Such records shall be maintained at a place readily accessible for examination by the county administrator or his designee.

(b) Every certificate holder shall submit annual reports of receipts, expenses and operational statistics to the county administrator in accordance with a uniform system prescribed by the county administrator. Such reports shall be due on or before the thirty-first day of January of the year following the calendar year for which such reports are prepared.

(c) All accidents arising from or in connection with the operation of for-hire cars, which are required to be reported to the Virginia Division of Motor Vehicles pursuant to state law, shall be reported immediately to the police chiefs' office on a form furnished by said office. (Ord. No. 155, 12-3-84)

Sec. 21-23. For-hire permit-Required.

No person shall drive a for-hire car which is required to obtain a certificate under the terms of this chapter unless such person first obtains a for-hire permit from the county administrator. Conviction of, within five years preceding the date of the application, a felony or a misdemeanor involving moral turpitude or driving under the influence of alcohol or drugs while operating a taxicab or for-hire car shall be grounds for denial of any such permit.

Each applicant for a driver's permit shall pay an initial application fee of \$10.00 and upon each annual request for renewal of such permit shall pay a fee of \$10.00. (Ord. No. 155, 12-3-84)

Sec. 21-24. Same-Application.

Application for a driver's permit shall show the following:

- (a) Full name of applicant.
- (b) Present address.
- (c) Age and place of birth.

- (d) Places of previous address and employment for the past five years.
- (e) Height, weight, color of eyes, color of hair, and sex.
- (f) A certificate from a physician stating that the applicant has no physical conditions that would interfere with his ability to operate a for-hire car.
- (g) Whether or not applicant has good hearing and good eyesight.
- (h) Whether or not the applicant is, or has been, within the period of the last two years, addicted to the use of intoxicating liquors, drugs or other forms of narcotics and, if so, to what extent.
- (i) The applicant's record of all criminal offenses of which the applicant has been convicted.
- (j) The applicant's records of all traffic offenses connected with the operation of motor vehicles.
- (k) Whether or not applicant has previously been employed or licensed as a chauffeur and, if so, whether or not his license or permit has ever been revoked or suspended for any reason.
- (l) What experience, if any, applicant has had in the operation of cars.

Each applicant shall apply for his permit in person and have his fingerprints taken, such fingerprints shall constitute a part of his application, and each applicant shall file with his application two recent photographs of himself, of a size designated by the chief of police. One of the photographs shall be attached to and shall become a part of the application, the other shall be attached to the permit, if issued, in such a manner that no other photograph may be substituted therefor without probability of detection. (Ord. No. 155, 12-3-84)

Sec. 21-25. Same-Investigation of applicant; issuance of permit; contents and display.

The county administrator, upon the filing of an application as set forth in the preceding section and after notice to the applicant and opportunity afforded the applicant to be heard, shall promptly make an investigation of the matters stated therein, and if he shall find, upon conclusion of such investigation, that the applicant possesses the necessary qualifications on the basis of the information furnished in the application and his investigation thereof, he shall issue to him a for-hire permit card, which shall bear a number and contain the name, home address, business address, photograph of the applicant, and the name of his employer. The driver shall post his for-hire permit card in full view of the passenger in any for-hire car which is being operated by or is in the charge of the applicant. If the county administrator is not satisfied that the applicant possesses the necessary qualifications as required by the chapter on the basis of the information furnished in the application and his investigation thereof, he shall refuse to issue such permit. The reasons for such refusal shall be in writing and shall be transmitted to the applicant. In the event the county administrator shall refuse to issue any such permit to the applicant therefor, the applicant may, within ten days from the date of such refusal, file with the board of supervisors a petition in writing to review the findings of the county administrator. Upon the filing of such a petition, the board of supervisors shall fix a time and place for a hearing and shall notify the applicant thereof. The hearing shall be held within 30 days after the request is filed. At the hearing the applicant may present evidence in support of the application. Any interested person shall be permitted to participate in the hearing and present evidence. Within ten days after the conclusion of the hearing, the board of supervisors shall approve or disapprove the application for a permit.

The possession by a person of a valid, current chauffeur's license issued to him by the Division of Motor Vehicles of the Commonwealth of Virginia shall create a presumption that such person is physically and mentally capable of driving a taxicab. (Ord. No. 155, 12-3-84)

Sec. 21-26. Same-Suspension or revocation.

(a) The permit of any driver of a for-hire car shall immediately become void and immediately shall be surrendered by him upon his conviction of a misdemeanor involving moral turpitude, a felony or two convictions in any calendar year of reckless driving or driving under the influence.

(b) The county administrator, upon ten days' notice to any driver permitted hereunder, shall have the power to revoke or suspend the permit of such driver for any of the following causes:

- (1) Repeated violations of traffic and safety laws and ordinances.
- (2) Violation of any provisions of this chapter, including knowingly making a false statement on an application for a driver's permit required under this chapter.

Upon such a revocation or suspension, the aggrieved driver shall be entitled to a review of the county administrator's decision by the board of supervisors in accordance with section 21-25.
(Ord. No. 155, 12-3-84)

Sec. 21-27. Compliance with chapter required.

No person shall use the term "public vehicle," "taxi," "taxicab," "cab," "limousine," "for-hire car" or any term of similar meaning in advertising, nor shall any person, by any means, hold himself out as the operator, driver or chauffeur of a for-hire car unless he shall have complied with the provisions of this chapter insofar as the same shall be applicable. (Ord. No. 155, 12-3-84)

Sec. 21-28. Enforcement.

The provisions of this chapter shall be enforceable by all sworn law enforcement personnel to the extent of their authority including special police officers whose jurisdiction is limited geographically to certain areas of the county. (Ord. No. 155, 12-3-84)

Sec. 21-29. Exceptions.

The foregoing provisions notwithstanding, this chapter shall not apply to vehicles listed in section 56-274 of the Code of Virginia with the exception of those vehicles listed in subsection (2) of such section, nor to funeral vehicles, nor to common carriers of persons or property operating as public carriers by authority of a state corporation commission or under a franchise granted by the county. (Ord. No. 155, 12-3-84)

Sec. 21-30. Penalties.

Any person who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$1,000.00 and up to 12 months in jail, either or both in the discretion of the judge or jury. (Ord. No. 155, 12-3-84)

Sec. 21-31. Severability.

Each of the provisions of this chapter are severable, and if any provision shall be declared to be invalid, the remaining provisions shall not be affected but shall remain in full force and effect. (Ord. No. 155, 12-3-84)