

## **Chapter 84.1 – Public Transportation**

### **CODE County of FAIRFAX, VIRGINIA**

**Codified through  
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### **THE CODE OF THE COUNTY OF FAIRFAX VIRGINIA 1976**

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THE GENERAL ORDINANCES OF THE COUNTY

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## CHAPTER 84.1 Public Transportation.1

**1.Editor's note--** Ord. No. 4-00-84.1, adopted Jan. 24, 2000, repealed the former Chapter 84.1, §§ 84.1-1-1--84.1-10-2, and enacted a new Chapter 84.1 as set out herein. The former Chapter pertained to similar subject matter. See the Code Comparative Table.

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## **ARTICLE 1. In General.**

### **Section 84.1-1-1. Purpose of Chapter.**

The purpose of this Chapter is to regulate the operation of taxicabs for hire within the County in order to provide the citizens of the County with safe, reliable, adequate and efficient taxicab service and to prescribe a schedule of reasonable rates for the services regulated herein. (4-00-84.1)

### **Section 84.1-1-2. Definitions.**

For the purpose of this Chapter, the following words and phrases have the meanings respectively ascribed to them by this Section, except in those instances where the context clearly indicates a different meaning:

*Board* means the Board of Supervisors of Fairfax County, Virginia.

*Certificate holder* or *certificated operator* means one (1) who has applied for, been awarded, and holds one (1) or more operator's certificates.

*Commission* means the Consumer Protection Commission of Fairfax County, Virginia.

*Cruising* means the driving of a taxicab upon the highways, roads, streets or other public ways and places in the County in search of or soliciting prospective passengers for hire.

*Department* means the Fairfax County Department of Telecommunications and Consumer Services.

*Director* means the Director of the Department of Telecommunications and Consumer Services of Fairfax County or the duly authorized agent of the Director of the Department.

*Driver association* means any membership organization which is authorized by law to do business in Virginia and which is composed of at least twenty-five (25) taxicab drivers currently licensed to operate taxicabs that are certificated by Fairfax County.

*Driver* means the individual person who is driving or physically operating the taxicab.

*Fairfax County* and *County* mean Fairfax County, Virginia, and depending on the context, these words may refer to a political subdivision of the Commonwealth of Virginia or to a geographic location.

*Hacker's license* means the license, issued pursuant to this Chapter, permitting a driver to operate a taxicab which is certificated pursuant to this Chapter.

*Handicapped accessible taxicab* means a taxicab that has been significantly modified and specially equipped with the installation of lifts or other equipment necessary for the transport of handicapped persons who use wheel chairs or wheel chair conveyances.

*Handicapped person* means any individual person who has a physical or mental impairment which substantially limits one or more major life activities. For the purposes of this Section, the term "major life activities" means functions such as, but not limited to, caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Proof of handicapped status includes, but is not limited to, a handicapped identification card issued by the Virginia Division of Motor Vehicles, the Washington Metropolitan Area Transit Authority or a certificate from a physician.

*Operator's certificate* means the operating authority required by the provisions of this Chapter to be obtained by any individual, company, partnership, corporation, or other organization to engage in the taxicab business upon the highways, roads, streets, or public ways and places in the County, and specifically, when so indicated, to individual numbered certificates issued by the Director under such grant of operating authority pursuant to this Chapter.

*Parking* means stopping the taxicab along the edge of a highway, road, street, or other public way or place for the purpose of soliciting prospective passengers.

*Passenger* means a person carried or transported in consideration of a fare.

*Personal service* means any service, at the request of the passenger, which requires the driver to leave the vicinity of the taxicab.

*Senior citizen* means an individual person who is sixty (60) years of age or older.

*Taxicab* means a vehicle for passenger conveyance held for public hire, and carrying passengers to destinations without following any fixed routes.

*Taxicab inspector* means the investigator designated by the Director to enforce the provisions of this Chapter.

*Taximeter* means an instrument approved by the Director for use in taxicabs certificated by the County by which the fare for hire of a taxicab is computed for mileage and for waiting time and upon which such fare is plainly visible to the passenger.

*Taxi stand* means a designated location which has been marked for passenger hire by taxicab owner or operators. Taxi stands may be exclusive to certain taxicabs or open to all certificated taxicabs. (4-00-84.1)

### **Section 84.1-1-3. Consumer Protection Commission duties and hearings.**

(a) In addition to all other duties, the Commission shall consider applications for operator's certificates and rate changes and act upon appeals from actions taken by the Director.

(b) All hearings or other public proceedings conducted by the Commission in accordance with this Chapter shall be conducted in an informal manner. The Commission shall have the discretion to admit all evidence which may be of probative value even if that evidence is not in accord with formal rules of legal practice and procedure. Applicants and appellants may appear, either by personal appearance, legal counsel, or other representation, to present argument and evidence on their behalf. In addition, the Commission may establish rules of procedure for the conduct of hearings which are consistent with law. Any interested party may record all public proceedings of any hearing in any manner which will not impede the orderly conduct of the hearing.

(c) The Commission shall report all recommendations and/or decisions in writing, and the Commission shall furnish copies of those decisions to the Director and to any applicant or appellant affected thereby. To any other person entitled to receive a copy pursuant to the Virginia Freedom of Information Act, the Commission shall furnish copies in accordance with that Act. (4-00-84.1)

### **Section 84.1-1-4. Filing requirements for driver associations.**

All driver associations shall notify the Department within thirty (30) days after beginning activities within the County, and that date shall be the earliest date upon which an association had at least twenty-five (25) members currently licensed to drive taxicabs by Fairfax County, and the organization was qualified to do business in the Commonwealth of Virginia. In addition, such associations shall file an annual notification with the Department no later than January 31 of each year. All such notifications shall include the name of the organization, the business address of the organization, the officers of the organization, and a list of members of the organization. (4-00-84.1)

## **ARTICLE 2. Operator's Certificates.**

### **Section 84.1-2-1. Operator's certificate required.**

No person shall operate or permit to be operated a taxicab or taxicabs upon the highways, roads, streets or other public ways in the County without having been approved for and been issued operator's certificates by the County. The individual numbered certificate, issued by the Department, must be carried in the taxicab to which it pertains at all times during operation and must be presented, upon request, to any taxicab inspector or police officer. The driver of a taxicab which is duly licensed as a taxicab in any other jurisdiction of this State or in any other state may convey into and discharge within the County a passenger or passengers; and, if required by the passenger or passengers, the taxicab driver who conveyed the passenger or passengers into the County may wait for the passenger or passengers and convey him to his ultimate destination. The driver of a taxicab registered in any other jurisdiction shall not otherwise convey, pick up, wait for or solicit a passenger or passengers within this County, except as permitted in Section 84.1-10-1 or Section 84.1-10-2. (4-00-84.1)

**Section 84.1-2-2. Application; forms; contents; notice of application.**

(a) Applications for operator's certificates or for an increase in the number of individual certificates authorized to be issued to a certificate holder will be accepted on a biennial basis, in odd numbered years, only during the period extending from March 1 through March 31. Incomplete applications will be returned to the applicant, who will be given five (5) business days after receipt of a rejected application to correct any deficiencies. A resubmitted application which remains incomplete will be returned and will not be processed.

(b) Application for operator's certificates, or for an increase in the number of individual certificates authorized to be issued, shall be made by the proposed operator or his duly authorized agent upon forms provided and in the format requested by the Department. The applicant shall provide full answers to all questions on the application, and that information will be submitted under oath. The Director may require full disclosure of all corporate, financial and business interests of the applicant and of all corporate, financial and business interests of persons having a corporate, financial or business interest in the applicant. Information required on the application will be related to the considerations of the Commission in its investigation of the public convenience and necessity of additional certificates as stated in Section 84.1-2-6(b).

(c) The fee for the processing of each application for operator's certificates shall be one hundred dollars (\$100.00) for each vehicle to be operated under the application. This application processing fee is nonrefundable, and it shall be paid by check or money order upon submission of the application to the Director.

(d) In order to carry out the purposes of this Chapter, the Department, the Commission, or the Board may ask for information in addition to that provided on the application from the applicant.

(e) An applicant for operator's certificates, or a certificate holder applying for an increase in the number of individual certificates authorized to be issued to such certificate holder, shall, within five (5) days of such application, provide written notice of such application to all other County certificate holders, to any driver association as defined herein, and if a current County Certificate holder, shall conspicuously display notice of such application at the applicant's place of business. Such notice shall be provided by mail to the regular place of business of other certificate holders and to the legal address of any driver association as defined herein. Notice shall be sufficient if it describes the number of certificates sought, the area to be served, identification of the applicant, and the date of the application.

(f) If the Department has not received proof of notification by any applicant within two (2) weeks from the date of the receipt by the Department, that applicant's application will be returned and not processed during that year. (4-00-84.1)

**Section 84.1-2-3. False statements on applications.**

It shall be unlawful for any person to knowingly and intentionally make or cause to be made any false statement in writing for the purpose of procuring an operator's certificate or a hacker's license, or to knowingly and intentionally make any false statements or entry on the records required to be kept by this Chapter. (4-00-84.1)

**Section 84.1-2-4. Investigation of applicant; procedure.**

Upon the Director's determination that an application filed under Section 84.1-2-2 of this Chapter is technically complete, the Director shall cause to be made a thorough investigation of the character, traffic and criminal record of the applicant, and the financial status and service plan of the company, among other relevant factors. Upon completion of the investigation, the information obtained as a result of this investigation, together with all pertinent documents, shall be submitted to the Commission. The Director's report pertaining to all applications for certificates will be distributed to members of the Commission and shall be made available to applicant companies and the public not later than ten (10) days before the scheduled hearing date. (4-00-84.1)

### **Section 84.1-2-5. Establishment of public convenience and necessity; burden of applicant.**

The number of certificates that are available to be issued on a biennial basis, will be determined by the Board, based on public convenience and necessity, after considering any appropriate recommendations submitted by the Commission or the Director and such other information as the Board chooses to consider. That number shall be reviewed and established by resolution of the Board after January 1 of each odd numbered year, but the Board reserves the right to revise that number by subsequent resolution as the Board deems appropriate. The burden shall be upon the applicant to establish the existence of all facts and statements within the applicant's application and to provide such other information as is required or requested pursuant to this Chapter. If the applicant applies for certificates in excess of the number determined by the Board, based on public convenience and necessity, the burden of proof for the excess certificates shifts to the applicant. The applicant will then have the burden of establishing that public welfare will be enhanced by the award of the certificates of public convenience and necessity requested in the application. The applicant will be required to provide factual documented evidence indicating the demand and establishing public welfare. (4-00-84.1)

### **Section 84.1-2-6. Public hearing; requirements; regulations.**

(a) Upon the filing of applications for operator's certificates, or for any additions to the number of individually numbered certificates issued to an existing certificate holder, the Commission shall hold hearings as promptly as practical, prior to June 30 of each year, or as soon thereafter as the Commission conveniently may schedule the matter for hearing. The Commission shall give the applicant, other certificate holders, and any driver association as defined herein notice of the hearing at least fourteen (14) days prior to the hearing date and shall cause notice to be published once a week for two (2) successive weeks in a newspaper published or circulated in the County. If the application is for an increase in the number of certificates, the applying certificate holder must conspicuously display notice of such application and the hearing date and place at the applicant's place of business at least ten days prior to the hearing date.

(b) The Commission shall, upon holding public hearings and after such further investigation as it may deem advisable, recommend to the Board of Supervisors, for approval, the appropriate allocation of taxicab certificates, among applicants, which have been designated by the Board for the given year. If an applicant meets the burden of proof for excess certificates as set forth in 84.1-2-5, the Consumer Protection Commission may recommend to the Board additional allocations. In making these recommendations, the Commission shall consider the following:

- (1) Current and potential levels of usage of taxicab services in the Fairfax County market as set forth in 84.1-2-5;
  - (2) Areas of the County to be served, and the adequacy of existing public vehicle service, existing taxicab service and other forms of passenger transportation in those areas;
  - (3) The conformance of proposed operational facilities with zoning and other legal requirements;
  - (4) The financial status of the company and its effect on permanence and quality of service, as demonstrated by the applicant's ability to provide, maintain and operate the number of vehicles proposed in accordance with the character of service proposed in the application;
  - (5) The kind, class and character of the vehicles to be used, and the adequacy of the proposed dispatch system;
  - (6) The character and responsibility and related business experience of the applicant;
  - (7) The investigative report of the Director and the applications of the applicants.
- (c) All parties notified under Section 84.1-2-2(e) shall have the right to present comments when the Commission holds public hearings to investigate the public convenience and necessity of applied for certificates. (4-00-84.1)

### **Section 84.1-2-7. Issuance of operator's certificate; contents.**

(a) Upon the approval by the Board of operator's certificates, the Director shall issue such certificates upon receiving proof that each proposed vehicle is ready for service.

(b) All operator's certificates issued shall contain the following information:

(1) Name, including trading as name if not the same as name, and business address of the certificate holder.

(2) The make, model, model year, vehicle identification number, seating capacity of the vehicle and the lettering, marks and color scheme to be used on the vehicle authorized by the certificate to be operated.

(3) The date of issuance and expiration.

(4) A number assigned in a manner determined by the Director.

(5) Such other information as the Director determines may assist in carrying out the purpose of this Chapter.

(c) Each operator's certificate issued by the Director shall remain the property of the County, and it shall be returned to the Director in the event that it is revoked or suspended in accordance with Section 84.1-2-12. (4-00-84.1)

#### **Section 84.1-2-8. Certificate license fee.**

The annual license fee for each taxicab shall be one-hundred fifty (\$150.00). However, the license fee for newly certificated taxicabs shall be established on a pro rata basis from the date of initial issuance until December 31 of that calendar year in which the certificate was issued. An annual vehicle inspection fee of twenty dollars (\$20.00) shall be paid for each certificate owned by an operator. That annual inspection fee shall be paid on a calendar year basis, and be received no later than the thirty-first day of January of each calendar year. If a vehicle substitution is made in accordance with Section 84.1-2-13, the operator shall pay a substitution fee of twenty-five dollars (\$25.00). The Director may issue replacement certificates when appropriate, and operators who are issued replacement certificates shall be charged a replacement fee of twenty-five dollars (\$25.00) per certificate. (4-00-84.1)

#### **Section 84.1-2-9. Duration of operator's certificates; nontransferable.**

(a) No operator's certificates shall be issued under this Article nor continued in effect until all fees and taxes imposed by this Chapter of the County Code, as amended, are paid.

(b) Such certificates shall be nontransferable by sale, lease or otherwise and shall be valid from the date of issuance until relinquished or revoked as provided in this Chapter; provided, if any certificate holder shall fail to place in operation, within six (6) months of the date of authorization for new or additional taxicab certificates, any taxicabs so authorized for operation under a numbered certificate, such unused certificates shall become null and void. If a certificate holder faces extenuating circumstances which prohibit the operation of vehicles within six (6) months, an application for an extension may be filed no later than two (2) weeks prior to the six-month deadline. Requests for extensions will be reviewed by the Director and granted for valid reasons only.

(c) In the event that a taxicab is permanently removed from service, the certificate holder may substitute a new replacement vehicle on that numbered certificate, but any such replacement vehicle shall meet the requirements of Section 84.1-8-5 and the holder shall submit that replacement vehicle to Director for inspection prior to placement in service. If the new replacement vehicle is not placed in service within nine (9) months, such unused certificates shall become null and void. If a certificate holder faces extenuating circumstances which prohibit the operation of vehicles within nine (9) months, an application for an extension may be filed no later than two (2) weeks prior to the nine (9) month deadline. Requests for extensions will be reviewed by the Director and granted for valid reasons only. (4-00-84.1)

#### **Section 84.1-2-10. Notice of any sale agreement, transfer or change in management of the operating company.**

(a) Within thirty (30) business days of any agreement to sell or transfer any company holding taxicab operator's certificates hereunder, including, but not limited to, any form of lease-purchase, inheritance, or other long-term arrangements, the owner or manager of the company certificated to operate taxicabs in Fairfax County must seek the approval of the County for the sale or

ownership transfer of company held certificates. The prospective owner must submit appropriate information to the Director to establish the intended manager's or operator's ability to provide taxicab services consistent with requirements of this Chapter. Failure to do so, as herein required, may lead to certificate revocation.

(b) In the event any holder of Fairfax County taxicab operator's certificates enters into a contract or agreement with any person or company to operate the certificate holder's taxicab vehicles on the certificate holder's behalf, the company certificated to operate taxicabs in Fairfax County must provide notification of such agreement or contract, including the name and business address of the person or company which has been contracted with to operate the service, to the Director no less than thirty (30) business days before such a change in the management and/or operation of the vehicles takes effect. The certificate holder must submit appropriate information to the Director to establish the intended manager's or operator's ability to provide taxicab services consistent with requirements of this Chapter. Failure to provide notice as herein required and to establish the capability of the intended manager or operator to provide service as required by this Chapter, may lead to certificate revocation. (4-00-84.1)

#### **Section 84.1-2-11. Insurance requirements; self-insurance requirements.**

(a) Except as otherwise provided by Subsection (d) or (e) of this section, no operator's certificates shall be issued or continued in effect unless there is in full force and effect a public liability automobile insurance policy for each vehicle certificated in the amount of at least one hundred thousand dollars (\$100,000.00) for bodily injury or death to any person, and in the amount of at least three hundred thousand dollars (\$300,000.00) for injuries or death to more than one (1) person sustained in the same accident, and in the amount of twenty-five thousand dollars (\$25,000.00) for property damages resulting from any one (1) accident.

(b) Such insurance policy shall inure to the benefit of any person who may be injured or his estate in the event of death, or to the benefit of any persons sustaining damage to property for which the certificate holder may be liable.

(c) Evidence of such insurance shall be filed with the Director prior to the issuance of any operator's certificate and shall include provisions for notice by the insurance carrier to the Director prior to termination of such coverage. In the case where the certificate holder is not the vehicle owner, the certificate holder is fully responsible for providing evidence of insurance for all vehicles certificated under his company, and for ensuring that all owner-operators maintain adequate insurance according to this Chapter. The certificate holder must notify the Director prior to termination of any owner-operator's insurance coverage. In the event an owner-operator's insurance has lapsed, and the owner-operator incurs a liability from an accident or other circumstance, the certificate holder's insurance must be so written that it will cover such liability up to the coverage levels prescribed in this Chapter.

(d) If the minimum State automobile insurance requirements exceed the above rates, those requirements shall automatically apply.

(e) The requirements of this Section may be met in part by a self-insurance certificate which has been adopted and approved by the Commonwealth of Virginia in accordance with Code of Virginia, Section 46.2-368, as amended, and that such self-insurance certificate shall be in full force and effect at all times and that evidence of such a policy shall be filed with the Director prior to the issuance of any operator's certificates and shall include provision for notice by the Commonwealth of Virginia to the Director prior to termination of such coverage; provided, if the minimum State insurance requirements do not equal or exceed the requirements of this Section, the certificate holder may self-insure up to the amount of one hundred thousand dollars (\$100,000.00) and must carry an umbrella insurance policy against all risks specified above in an amount at least equal to the amounts specified in Subsection (a) above and further provided that the following requirements are met:

(1) Application for approval to partially meet County insurance requirements through self-insurance up to one hundred thousand dollars (\$100,000.00) shall be made by the certificate holder or his duly authorized agent upon forms provided by the Department. The applicant shall



provide full answers to all questions on the application, and that information will be submitted under oath. In addition, the applicant must provide:

- (A) Proof that all requirements for self-insurance established by the Virginia Department of Motor Vehicles and the Virginia State Corporation Commission have been met;
- (B) Claims history for the company for the preceding four-year period.
- (2) The certificate holder must file all documents and other materials required by the Virginia Department of Motor Vehicles and the Virginia State Corporation Commission with the Department of Telecommunications and Consumer Services, simultaneous with the filing requirements established by the Virginia Department of Motor Vehicles and Virginia State Corporation Commission.
- (3) The certificate holder must submit a report to the Department of Telecommunications and Consumer Services two (2) years to the day after receiving approval, and every other year thereafter, concerning the company's claims history and claims procedures. The report will be ordered and undertaken at the company's expense.
- (4) If at any time it should appear that the certificate holder no longer meets the criteria required for approval as a self-insurer as set forth herein or fails to file any required documents, the certificate holder shall be given written notice identifying the failure of criteria or filing default. The written notice shall stipulate a reasonable date and time by which the certificate holder must furnish evidence, satisfactory to the Director, that the approval criteria are again met or the default cured. Failure to timely respond to the notice, failure to meet approval criteria or failure to cure a default shall result in revocation of the right to self-insure. Nothing in this Subsection shall preclude the suspension of a certificate holder's certificate(s) pursuant to the Code of Virginia, Section 84.1-2-12(a)(4) for failure to maintain adequate insurance during the time a certificate holder fails to meet the criteria for approval as a self-insurer. (4-00-84.1)

#### **Section 84.1-2-12. Revocation or suspension of certificates.**

- (a) In response to any finding that the public safety and welfare so demands, the Director may suspend any individual numbered certificate(s) of a certificate holder, until proof of compliance is met to his satisfaction for any of the following reasons:
  - (1) Failure to maintain the taxicab(s) and/or meter(s) identified in such certificates in good order and repair, in accordance with Article 8 of this Chapter.
  - (2) Failure to pay any fees lawfully assessed upon the ownership or operation of any such vehicle(s), identified as taxicabs in such individual numbered certificates, under this Chapter.
  - (3) Failure to supply information required under Sections 84.1-2-11(c) and (e) and 84.1-5-2 of this Code pertinent to any taxicabs operated under such certificates.
  - (4) Failure to maintain proper insurance, as required by this Chapter, on any vehicle including any vehicle operated by an owner-operator. The certificate holder's right to operate such vehicle shall be suspended for as long as the required amount of insurance is not in effect.
  - (5) Failure to comply with the vehicle inspection requirements set forth in Section 84.1-8-6.
- (b) A certificate holder's entire operating authority and all individual numbered certificates issued to the certificate holder may be suspended by the Director until proof of compliance is met to the satisfaction of the Director upon his finding that the public safety and welfare so demands, for any of the following reasons:
  - (1) Discontinuance of service of the entire business of the certificate holder for more than five (5) consecutive calendar days.
  - (2) Failure to pay all fees and taxes imposed by this Chapter or any other Chapter of this Code insofar as such fees relate to operation of a taxicab business within the County.
  - (3) Three (3) or more violations by the certificate holder of any of the provisions of this Chapter within a twelve-month period; provided, that failure to suspend an individual numbered operator's certificate for any of the causes set forth in Subsection (a) of this Section shall not impair the authority of the Director to suspend all certificates held by a certificated operator based on such causes.
- (c) A certificate holder's entire operating authority and all individual numbered certificates there under may be revoked by the Director for any of the following reasons:

- (1) If the certificate holder knowingly and intentionally makes or causes or allows to be made any false statement in writing for the purpose of procuring operator's certificates, or any additions to an existing number of operator's certificates;
- (2) If the certificate holder knowingly and intentionally makes or causes or allows to be made any false statement or entry on the records required to be kept by this Chapter; or
- (3) Operates or permits to be operated a taxicab upon the highways, roads, streets or other public ways in the County with knowledge that the individual numbered operator's certificate under which the taxicab was placed in service is under suspension.
- (d) Written notice of any suspension or revocation pursuant to Subsection (a), (b) or (c) of this Section shall be given to the certificate holder by certified mail by the Director. Such suspension or revocation shall be effective three (3) days after deposit in the mails of the notice of such action; except that no delayed effective date shall be required for a suspension pursuant to Subsection (a), Paragraph (4) of this Section. The Director shall notify the Commission of any revocation or suspension of any operator's certificate within three (3) days of mailing the notice to the certificate holder.
- (e) The Director, upon a determination that the certificate holder is not operating the authorized taxicabs in such a manner as to serve the public adequately, safely, and efficiently, may suspend or revoke its grant of authority to the certificate holder to operate a taxicab business and all individual numbered certificates issued there under. Such determination shall be based upon the Director's consideration of evidence showing violation, by the certificate holder of [or] his agents, of one (1) or more of the provisions of Article 7 or Article 8 of this Chapter. Such suspension or revocation shall only be taken after such certificate holder has been notified of such proposed action and given an opportunity for a hearing.
- (f) It shall be unlawful for a person to operate or permit to be operated a taxicab upon the highways, roads, streets or other public ways in the County when the operator's certificate under which the taxicab was placed in service is under suspension or revocation.
- (g) A certificate that has been suspended or revoked shall be returned to the Director within five (5) working days from the effective date of the revocation or suspension. (4-00-84.1)

#### **Section 84.1-2-13. Filing for vehicle substitution.**

- (a) A certificate holder or his agent may at any time substitute a new vehicle for a vehicle that has an individual numbered certificate and is to be retired from service, if the addition does not increase the total number of taxicabs authorized by the operator's certificates.
- (b) Such substituted vehicle shall comply with all provisions of this Chapter, including Section 84.1-2-11. The Director shall, upon receipt of insurance certificate and vehicle data, issue an addendum to the operator's certificate.
- (c) If the substituted vehicle is a used vehicle, the certificate holder or his agent shall present to the Director for inspection the title or current registration for the vehicle, and documented proof of the vehicle's mileage.
- (d) The fee for vehicle substitution is \$25.00 per vehicle. (4-00-84.1)

#### **Section 84.1-2-14. Filing after denial or revocation of operator's certificates.**

- (a) An applicant who has had his application for operator's certificates denied or a certificate holder who has had his operator's certificates revoked may not file another application for certificates until the following open period specified in Section 84.1-2-2.
- (b) A certificate holder who has had his application for the addition of vehicles to his authorized number of individual certificates denied may not file another application until the following open period specified in Section 84.1-2-2. (4-00-84.1)

### **ARTICLE 3. Hacker's License.**

#### **Section 84.1-3-1. License required.**

- (a) It shall be unlawful for any person to drive a taxicab for hire from an origin within the County to a destination within or without the County except as provided in Sections 84.1-2-1, 84.1-10-1 and 84.1-10-2, unless he has obtained and has in his possession a County hacker's license.
- (b) The County hacker's license is valid only while operating a taxicab which is duly licensed in Fairfax County with a taxicab certificate issued by Fairfax County. This license is not valid while operating a taxicab certificated in any other jurisdiction.
- (c) Each hacker's license issued by the Director shall remain the property of the County, and it shall be returned to the Director in the event that it is revoked or suspended in accordance with Section 84.1-2-12. (4-00-84.1)

#### **Section 84.1-3-2. Application; forms; contents; requirements.**

- (a) Application for a hacker's license, and for renewals thereof, shall be made in person on forms provided by the Department. The applicant shall provide full answers to all questions on the application under oath. Information required to be provided by the applicant shall include, but not be limited to, pertinent personal data, description of physical characteristics, traffic and criminal history records, experience in operating motor vehicles, and experience in driving taxicabs for hire.
- (b) Each applicant shall be required to furnish the Department with three (3) full-face and one (1) profile photographs, in a size designated by the Department.
- (c) Each applicant shall be required to be fingerprinted by the Fairfax County Police Department.
- (d) Each applicant shall have a valid driver's license issued by the Commonwealth of Virginia or a valid driver's license issued by another state or by the District of Columbia which is recognized as a lawful license to drive a motor vehicle on the highways of the County by the Commonwealth of Virginia. If the applicant's state of residence requires a classified license to operate a taxicab, then the applicant shall be required to present such license. If the applicant's home state does not issue such a classified license, then the applicant must present a valid driver's license of the type that is required by that state from applicants for taxicab licenses.
- (e) Each applicant, upon initial application for a hacker's license, shall be required to successfully pass a general examination which tests the applicant's knowledge of Chapter 84.1 of the Fairfax County Code, major landmarks, hospitals, clinics, airports, governmental centers and shopping centers within the County and major airports near the boundaries of the County. The applicant must also show basic knowledge of the major roadways within the County. The Director may administer a validated objective test of the applicant's ability to communicate orally with passengers in the English language concerning the trip, destination, fares, route and related matters. (4-00-84.1)

#### **Section 84.1-3-3. Investigation of applicant; procedure.**

The Director shall have an investigation made of the applicant for a hacker's license, and a confidential record of the investigation shall be kept on file by the Department. The record shall be made available to the Commission upon request; such record shall also be made available to the applicant, upon the request of the applicant. The record shall be kept until such time as the license shall be no longer in effect. (4-00-84.1)

#### **Section 84.1-3-4. Issuance of hacker's license.**

- (a) If the Director determines that the applicant for a hacker's license has complied with all provisions of this Chapter and, based upon the information supplied in Section 84.1-3-2 and the information obtained in accordance with Section 84.1-3-3, he further determines that there are no reasons for refusal pursuant to Section 84.1-3-4(c), he shall issue a hacker's license containing such information thereon as he deems pertinent.
- (b) The Director may issue an applicant a temporary license for a period not to exceed sixty (60) days pending investigation and processing of the application. In deciding whether to issue a temporary license, the Director shall conduct a preliminary review and consider the following:
  - (1) Applicant's score on a written exam;
  - (2) Applicant's traffic record; and

(3) Applicant's criminal history.

(c) The Director may refuse to issue a hacker's license to any applicant for any of the following reasons:

(1) Loss of a valid driver's license issued by the Commonwealth of Virginia or a valid driver's license issued by another state or by the District of Columbia, which is recognized as a lawful license to drive a motor vehicle on the highways of this State by the Commonwealth of Virginia.

(2) Conviction of a felony; a crime of moral turpitude; a violation of any law regulating sexual conduct; production, sale, possession, or use of alcohol or narcotics; gambling; or any crime of violence.

(3) Applicant is less than twenty-one (21) years of age.

(4) Applicant has not been issued a driver's license by the Commonwealth of Virginia or by another state or by the District of Columbia which is recognized as a lawful license to drive a motor vehicle on the highways of this State by the Commonwealth of Virginia.

(5) Applicant has less than one (1) year's driving experience.

(6) Applicant has had his driving permit revoked in any jurisdiction within the preceding five (5) years; provided, that a financial responsibility revocation shall not be grounds for denial if the applicant has present proof of financial responsibility in accordance with the motor vehicle laws of this State.

(7) Applicant has knowingly made a false statement of material and relevant facts on an application for a hacker's license.

(8) Conviction of any of the offenses of state law that would require the Commissioner of the Virginia Department of Motor Vehicles to revoke a driver's license to operate a motor vehicle on the highways of this State.

(9) Persistent and repeated violations, while operating a moving vehicle, of the motor vehicle laws of Virginia, other states or the enactments of local jurisdictions regulating traffic and the operation of motor vehicles.

(10) In the case of applications for renewal of a hacker's license, any of the grounds for suspension or revocation of a hacker's license under Section 84.1-3-7.

(d) In the event the Director denies a hacker's license application, he shall notify the applicant in writing within three (3) days of the action taken. (4-00-84.1)

### **Section 84.1-3-5. Duration of license; fees.**

A nonrefundable application fee of twenty dollars (\$20.00) shall be payable each time an application is made for a hacker's license. A fee of thirty dollars (\$30.00) will be paid for the initial issuance and the annual renewal of each license. The applicant shall bear the cost of obtaining traffic and criminal history reports. A hacker's license shall be valid for one (1) year from the date of issuance. The Director may issue replacement hacker's licenses when appropriate, and persons who are issued a replacement license shall be charged a replacement fee of fifteen dollars (\$15.00). (4-00-84.1)

### **Section 84.1-3-6. Posting of license.**

Every driver licensed under this Chapter shall post his taxicab license in such a place as to be in full view of any passenger seat, while the cab is for hire, and only at such times. (4-00-84.1)

### **Section 84.1-3-7. Suspension or revocation.**

(a) The Director may suspend a hacker's license for a period extending from one (1) to sixty (60) days, or until the reason for the suspension is resolved. In addition, the Director may revoke a hacker's license for any of the following reasons:

(1) Driving of any taxicab known to the driver not to be in safe condition.

(2) Any violations of any Articles of this Chapter which regulate driver conduct and record-keeping.

(3) Occurrence of any of the grounds for refusal to issue a license, listed in Subsection (c) of Section 84.1-3-4.

- (4) Conviction of a violation of the Code of Virginia, Section 46.2-852, as amended, or of any violation of state statute or local ordinance for reckless driving of a motor vehicle on any highway.
- (5) Using or attempting to use a County hacker's license for the purpose of operating, within or outside the jurisdiction of Fairfax County, a taxicab not certificated in Fairfax County.
- (6) Failure to file a report prescribed by Subsection (d) or (e) of this Section.
- (7) Failure to file a notice of change in employment prescribed by Section 84.1-3-9.
- (8) Driving of any taxicab not sufficiently covered by insurance.
- (b) Written notice of any suspension or revocation under the above provisions of this Section shall be given by the Director to the driver by certified mail. Such suspension or revocation shall be effective three (3) days after the deposit of such notice in the mail. However, any suspension for a violation of Section 84.1-3-4(c)(2), (6) or (8) or 84.1-3-7(a)(5) shall become effective upon the date of any such violation.
- (c) It shall be unlawful for any person to drive a taxicab upon the highways, roads, streets or other public ways of the County when his hacker's license is under suspension or revocation.
- (d) The driver of a taxicab involved in any accident when a passenger is in the taxicab shall, within five (5) days from the date of the accident, report such accident to the Taxicab Inspector, giving him such facts in the case as the Inspector may reasonably require.
- (e) A driver licensed under this Chapter shall report to the Taxicab Inspector each arrest or summons issued for a traffic offense while operating a motor vehicle or any offense identified in Paragraph (2) of Subsection (c) of Section 84.1-3-4, within five (5) days of such arrest or receipt of such summons.
- (f) A hacker's license that has been suspended or revoked shall be returned to the Director within five (5) days of the effective date of suspension or revocation. (4-00-84.1)

#### **Section 84.1-3-8. Filing after denial or revocation of license.**

An application for a hacker's license may not be filed by an individual for a period of one (1) year after the application for a license has been denied or whole license has been revoked, except as otherwise designated in this Chapter. For the purposes of this Chapter, the one (1) year period shall run from the effective date of any such denial or revocation under this Article or the provisions of Subparagraph (D) of Subsection (a) of Section 84.1-4-1. (4-00-84.1)

#### **Section 84.1-3-9. Filing of notice of any change in employment with a Fairfax County taxicab company.**

Notice of any change in employment with a Fairfax County taxicab company from the company listed on the initial application for a hacker's license shall be furnished in writing by any driver to the Taxicab Inspector within fifteen (15) days of any such employment change. Any failure to notify the Taxicab Inspector in writing of such employment change within fifteen (15) days may lead to the suspension or revocation of the hacker's license under the provisions of Section 84.1-3-7. (4-00-84.1)

### **ARTICLE 4. Appeals.**

#### **Section 84.1-4-1. Appeals from decisions of the Director; procedure.**

If the Director denies, suspends or revokes any hacker's license or revokes or suspends any or all operator's certificates, or denies or revokes a certificate holder's approval to self-insure, any party aggrieved thereby may appeal such decision to the Commission.

Any appeal shall be filed with the Department of Telecommunications and Consumer Services by the appellant or by the legal representative of the appellant. Appeals shall be in writing, and appeals shall include a brief statement of the reasons thereof. Appeals shall be filed within forty-five (45) days of receipt of the notice of denial, suspension or revocation, and appeals shall be signed by the appellant or the legal representative of the appellant.

Upon receipt of any notice of appeal, the Commission shall set a time and place for such hearing and shall give the appellant or legal representative and the Director reasonable notice thereof. All hearings on appeals shall be scheduled and determined as promptly as practicable and in no event more than sixty (60) days from the date the notice of appeal is filed.

The Commission shall consider the case record as well as the statement offered by any interested party and shall consider the matter de novo, and the Commission shall, upon the basis of the record before it, affirm, modify or reverse the decision of the Director.

If the Commission affirms the decision of the Director to suspend or revoke a hacker's license, any operator's certificates, or a certificate holder's approval to self-insure, then the suspension or revocation shall be effective from the date of the Commissioner's order.

If the Commission reverses the decision of the Director, then the Commission shall direct the Director to issue or restore the hacker's license, operator's certificates, or a certificate holder's approval to self-insure in accordance with its order.

Except as otherwise provided in this Subsection, an appeal of the decision of the Director to suspend or revoke a hacker's license under Section 84.1-3-7 of this Chapter, or the suspension or revocation of any or all operator's certificates under Section 84.1-2-12 of this Chapter shall stay the effective date of the suspension or revocation. However, if any suspension or revocation of any operator's certificates is based on Paragraph (4) of Subsection (a) of Section 84.1-2-12, or if any suspension or revocation of any hacker's license is based on Paragraph (2), (6) or (8) of Subsection (c) of Section 84.1-3-4 or Paragraph (5) of Subsection (a) of Section 84.1-3-7, then the order of the Director shall remain in effect until the Commission has rendered its decision on the appeal. (4-00-84.1)

## **ARTICLE 5. Records and Reports.**

### **Section 84.1-5-1. Records to be maintained; inspection and examination.**

(a) A certificate holder shall maintain books and records of his operations under County certificates to show the following in sufficient detail, consistent with generally accepted accounting procedures:

- (1) Total revenues, by category of service and source derived;
- (2) Operating expenses, by category;
- (3) Capital expenditures;
- (4) Depreciation expenses, by category.

(b) A certificate holder shall maintain records of the following in sufficient detail to comply with information filing requirements of this Chapter:

- (1) Requests for taxicab service received by the certificate holder and responses thereto;
- (2) Number of taxicabs available for service and in operation on a daily basis;
- (3) Maintenance and repair records of taxicabs and other equipment employed in operating the certificate holder's taxicab business;
- (4) Number of calls for handicapped accessible taxicab service referred to other Fairfax County operators;
- (5) Requests for handicapped accessible taxicab service received by the certificate holders and responses thereto;

(6) Daily manifests, completed by drivers as provided in Subsection(c) of this Section.

(c) Each driver shall complete a daily manifest upon which the driver shall record the following:

- (1) The date and time of the day (stated as to a.m., p.m. or military time) the driver began operation and stopped operation on the street.
- (2) The taxicab number and the driver's name.
- (3) All trips made each day, showing the time and place of origin, destination, time of arrival, number of passengers and the amount of the fare for each trip, recorded at the beginning and end of each trip as required.
- (4) The taxicab meter readings of the following: total miles, paid miles, trips, units and extras. These readings shall be recorded on the driver's manifest at the beginning and end of each

driver's tour of duty, and these readings shall not be transferred from one taxicab to another if a driver changes taxicabs during a tour of duty. A separate manifest shall be maintained for each taxicab. Drivers of handicapped accessible vehicles, shall designate on the manifest the particular trips made by persons in wheelchairs.

(5) The odometer reading at the beginning and end of each driver's tour of duties in a given taxicab. All completed manifests shall be returned to the certificate holder by the driver as soon as is practical after the end of his tour of duty.

(d) A certificate holder shall retain and preserve all of the records required by this Section to be maintained, for a period of no less than three (3) years. Such records may be kept in any reasonable form in ordinary business practice; provided, manifests must be preserved as originally filed, although their contents may be abstracted for other record or filing requirements.

(e) The books and records required to be maintained by a certificate holder under the provisions of this Section shall be made available, within a reasonable period of time not to exceed thirty (30) days after request for inspection and examination by the Department, except that manifests shall be made available within five (5) business days after request for inspection. If it should become necessary for the Department to remove manifests or other records from the certificate holder's offices, the certificate holder shall be given a receipt reasonably identifying the items so removed. (4-00-84.1)

#### **Section 84.1-5-2. Reports to be filed.**

In order to accomplish the purpose of this Chapter, each certificate holder shall file, under oath, to his best knowledge, with the Department on a biennial basis (or more frequently if requested by the Department), financial and statistical reports. Such reports shall include data solely related to the operations of Fairfax County certificated taxicabs. Such reports must be filed during the three-month period beginning with January 1 and ending with March 31. The following data must be filed with the Department in every odd-numbered year, for the preceding two (2) calendar years; each separately stated, according to generally accepted accounting principals:

(1) Certificate holder's balance sheet.

(2) Certificate holder's income statement.

(3) Copies of certificate holder's income tax returns which shall remain confidential and for governmental use only.

(4) Operating and service data, for each of the two (2) preceding calendar years, shall include: total meter revenue; total handicapped accessible taxicab meter revenue; number and types of cabs; number of drivers affiliated with the company, including number of owner operators; miles operated, including total, paid, dead; number of trips; number of units; number of passengers; copies of manifests; schedule of the company's lease rates; average number of cabs in service on weekdays; number of calls for service referred to other Fairfax County operators; number of calls for handicapped accessible service referred to other Fairfax County operators; and such other data as may reasonably be requested in furtherance of this Chapter. The Director may provide forms or specify the format for the information to be collected and reported by certificate holders. (4-00-84.1)

### **ARTICLE 6. Rates, Fares and Charges.**

#### **Section 84.1-6-1. Criteria for establishment of rates, fares and charges.**

In the exercise of its authority to regulate rates and charges for taxicab service, the Board shall consider factors relevant to the need to assure safe, economical, adequate and reliable privately operated taxicab service for the riding public. (4-00-84.1)

#### **Section 84.1-6-2. Changes in rates, fares and charges; procedures.**

- (a) Changes in rates, fares and charges, or any rule, regulation or practice thereto, for taxicab services rendered by certificate holders, shall be approved by the Board after notice and hearing held by the Commission.
- (b) The Board may consider changes in rates, fares or charges upon recommendation of the Director, or the Commission.
- (c) On a biennial basis, in odd-numbered years, the Board may also consider changes in rates, fares or charges, upon petition by a certificate holder or a driver association. Any petition by a certificate holder or driver association for changes in rates, fares or charges must be filed simultaneously with the Clerk to the Board and the Director by March 31 of the odd-numbered years. A copy of such requests must be sent by the Director to the Commission, certificate holders, and any driver association within five (5) business days of submission to the Clerk to the Board.
- (d) Any petition for a change in rates, fares or charges shall contain the following:
- (1) The rates, fares or charges which are proposed for approval; and
  - (2) A sample billing analysis which shall show the cost to riders for trips ranging from one mile to twenty miles in one-mile increments, using existing rates and proposed rates, including for each increment, the percent change.
- (e) Rate change petitions will be analyzed by the Director, using information submitted under Section 84.1-5-2, and Subsection (d) of this Section, and other relevant data. The Director will use the following standard as part of his consideration of whether the request is justified: The change since the last adoption of rates (plus or minus a zone of reasonableness of two percent (2%)), in the Fairfax County Taxicab Industry Price Index, which is in the following form:

Fairfax County Taxicab Price Index

TABLE INSET:

Taxicab Cost Element	BLS Index	Weight
Salaries, Wages and Profits	CPI	0.62
Vehicle Purchase	New Cars	0.14
Fuel	Motor Fuel	0.11
Insurance and Other	Other Private Transportation Services	0.08
Maintenance, Parts and Equipment	Private Transportation Maintenance and Repairs	0.05
<b>TOTAL COMPOSITE INDEX</b>		<b>1.00</b>

- (f) The Commission shall review all recommendations or petitions for rate changes, along with the report of the Director, and the Commission shall hold a hearing to consider evidence related to such recommendations or petitions for changes in rates, fares and charges, or any rule, regulation, or practice thereto, as soon as analysis and scheduling permit. After holding a public hearing and after such further investigation as the Commission may deem advisable, the Director shall convey the recommendations of the Commission and the Director concerning the appropriate taxicab rates to the Board for consideration and approval.
- (g) Emergency rate relief requests will be considered in as timely a manner as possible, under the same procedures and criteria as set forth herein, except that emergency rate relief petitioners must demonstrate that dire financial needs as a result of circumstances beyond their control necessitate an increase prior to the next biennial filing period. Rate review according to Section 84.1-6-2, Subsections (a) through (f) will supersede any rate change granted on an emergency basis.
- (h) In all cases, certificate holders shall provide notice to the public of proposed changes in fares, rates, charges, rules, regulations or practices thereto, by means of a sign posted in a



conspicuous place in each of their vehicles operated as taxicabs in Fairfax County. Such notice shall be on a document no smaller than 8.5 by 11.0 inches, printed in no smaller than 12-point type, and shall contain substantially the following legend:

Notice of Proposed Fare Change  
(Insert the Name of the Certificate Holder)

A proposed change in taxicab fares is under consideration by the Fairfax County government. The proposed fares are: (Insert description of the proposed changes).

The proposed taxicab fare change will be considered by the Consumer Protection Commission at a public hearing. The date, time and location of the public hearing may be obtained by calling the Department of Telecommunications and Consumer Services. Any interested person may appear before the Commission to be heard on this proposed change. Persons who wish to be placed on the speakers' list or who wish further information should call the Department of Telecommunications and Consumer Services at (703) 222-8435.

Notices with respect to the request for a rate change shall be posted within ten (10) days of the filing of a petition for such change and shall remain posted until the change in fares is denied or becomes effective. (4-00-84.1)

**Section 84.1-6-3. Rates, fares and charges established.**

(a) Rates, fares and charges for transportation and related services performed by certificate holders and their driver agents shall be established as set forth herein upon the approval by ordinance by the Board.

(b) It shall be unlawful for the certificate holder or driver of any taxicab to charge, or knowingly allow to be charged, any fare or service charge except as is provided in this Article.

(c) The rates and charges for County by taxicabs shall be as follows:

(1) For one passenger, for the first one-fifth of a mile or fraction thereof, the sum of \$2.75 and for each subsequent one-fifth of a mile or fraction thereof, the sum of \$0.35.

(2) For each passenger over 12 years of age, carried in excess of one passenger, the sum of \$1.00, regardless of distance traveled.

(3) For each 60 seconds of waiting time, the sum of \$0.35. Waiting time includes:

(A) Time consumed while the taxicab is waiting and unavailable to other passengers for hire, beginning five minutes after time of arrival at the place to which it has been called.

(B) Time consumed while the taxicab is stopped, or slowed for traffic for a speed less than ten miles per hour. While such time is charged, there shall be no charge for mileage under (c)(1) above.

(C) Time consumed for delays or stopovers in route at the direction of the passenger. Waiting time does not include time lost caused by the inefficiency of a taxicab or a taxicab driver.

(4) A transportation charge not to exceed twenty-five cents (\$0.25) per grocery bag or articles of similar size, handled by the driver, in excess of two (2) per passenger and not exceeding a one dollar (\$1.00) charge per passenger. A transportation charge not to exceed fifty cents (\$0.50) per luggage piece and a transportation charge for trunks of two dollars (\$2.00). A trunk is defined as a piece of luggage having minimum contents of three (3) cubic feet. None of the charges authorized by this Subsection shall be allowed unless the driver informs his passenger of such charges at the point of pickup.

(5) A charge for personal service, as defined below, such charge not to exceed seventy-five cents (\$0.75); except that no such charge shall be made for persons who are blind, handicapped or disabled. Each time a driver is required to leave the vicinity of the taxicab at the request of the passenger shall constitute a separate personal service for which a separate charge may be made.

(6) Animals shall be transported only at the discretion of the driver and only if the passenger agrees to keep the animal under control. A charge for each animal shall not exceed one dollar (\$1.00); provided, that all seeing-eye dogs shall be transported free of charge when in proper harness and accompanying a blind person. An additional charge of four dollars (\$4.00) may be made if the taxicab is left in an unsanitary condition which requires the taxicab to be cleaned immediately after completion of the trip.

- (7) Rate cards provided by the Department of Telecommunications and Consumer Services shall be posted in such a manner as to be easily visible to all passengers in a taxicab.
- (8) A notice, provided by the Department of Telecommunications and Consumer Services shall be posted in each taxicab in such a manner as to be easily visible to all passengers. That notice will advise passengers that comments and complaints about taxicab service may be directed to the Fairfax County Department of Telecommunications and Consumer Services, and the notice shall include the address and phone number to which such comments and complaints may be forwarded.
- (9) When a driver has taken into a taxicab a passenger for transportation and has actually begun the transportation of such passenger, no other person shall be received by the driver into such taxicab until the destination is reached, without the consent of such original passenger; and except as otherwise provided herein, no charge shall be made for an additional passenger except when the additional passenger rides beyond the original passenger's destination, and then only for the additional distance traveled.
- (10) In cases where more than one (1) passenger enters a taxicab at the same time bound for different destinations, except as otherwise provided herein, the fare shall be charged as follows: Whenever a passenger gets out the fare shall be paid, the meter shall be reset, and the last passenger shall pay the remaining fare.
- (11) Where an airport surcharge is paid by the taxicab driver, that surcharge may be added to the fare of the trip causing the surcharge to be assessed.
- (12) Where a highway toll is paid by the taxicab driver for travel along a route to a passenger's destination, the toll may be charged to the passenger. However, if there is a reasonable alternative route to a passenger's destination which does not require the payment of a highway toll, then prior to commencing the trip the passenger shall be informed of the toll and given the option of taking an alternative route which does not require the payment of the toll. Under no circumstances shall a driver recover more than the total amount of toll paid during any trip.
- (13) Certificated operators may offer to senior citizens and handicapped persons discounts for taxicab service in an amount not to exceed twenty-five percent (25%) for all applicable rates and charges for transportation and other services.
- (A) Any certificated operator offering a discount rate must make the rate available to both senior citizens and handicapped persons.
- (B) Any such discount rate and the eligibility criteria for the discount rate must be posted by the certificated operator offering the discount in each taxicab for which it holds a certificate.
- (C) Notice of any discontinuance or modification of a discount rate must be posted by the certificated operator in each taxicab for which it holds a certificate thirty (30) days prior to being discontinued or modified.
- (D) Any such discount rate and a description of how it will be implemented must be registered with the Director thirty (30) days prior to the discount being offered.
- (E) Discontinuance or modification of a discount rate program must be registered with the Director thirty (30) days prior to being discontinued or modified. (4-00-84.1; 2-01-84.1; 24-05-84.1.)

## **ARTICLE 7. Operation.**

### **Section 84.1-7-1. General requirements and standards for the operation of taxicabs; notification requirements.**

#### **(a) *Certificate holder's business.***

- (1) All persons engaged in the taxicab business in the County shall maintain a place of business or office with telephone service within the County (which for the purposes of this Section shall be deemed to include any incorporated towns and cities which were formerly incorporated towns within the County, and military reservations). The certificate holder or his agents must be available in person twenty-four (24) hours per day to receive calls and dispatch cabs. If requests for service are received at a time when no taxicabs are available, the certificate holder or his agent shall refer

the caller to another Fairfax County taxicab certificate holder. In providing such referral, the certificate holder must include a current telephone number and firm or trade name.

(2) Certificate holders shall respond to all calls and requests for service within a three-mile radius of any taxicab stand, dispatching facility or other operational facility within the County from which taxicabs may respond to calls and requests for service. Should such request be for service beyond the three-mile radius, the certificate holder shall have the option of responding to the call for service or referring the caller to another taxicab certificate holder whose place of business is at a shorter distance in the County from the caller.

(b) *Load refusal.* No driver may refuse transportation to any orderly person from any place in the County to another place within the County in any vehicle while operating as a taxicab, except under the following conditions:

(1) Such vehicle is already engaged by another passenger;

(2) Such vehicle is en route to pick up a passenger for service in response to an order for service received by telephone, radio or otherwise, in which case, a "not in service," "not for hire" or "on call" sign must be exhibited;

(3) Such vehicle is out of service because of the end of the driver's shift or for other reasons, in which case a "not for hire" or "off duty" sign shall be displayed. None of the above circumstances shall permit refusal while a taxicab occupies a taxicab stand of the certificate holder;

(4) The driver reasonably believes that the driver's own life would be endangered by picking up a person who otherwise would be entitled to transportation.

(c) *Use of tobacco and radio.* No driver, while his taxicab is occupied by a passenger, shall smoke or play a radio other than the one used for communications with his dispatcher if his passenger or passengers request that he not do so.

(d) *Receiving and discharging passengers.* No taxicab or part thereof shall be stopped on the traveled portion of any highway to take on or discharge passengers except where parking is permitted, and when so permitted the taxicab shall be parked in the manner prescribed by law.

(e) *Maximum number of persons in taxicabs.* No taxicab driver shall permit more passengers in a taxicab than the number authorized by the County certificate issued for that vehicle, and no taxicab driver shall permit more persons in a taxicab than the number of seat belts which are available for use within the vehicle.

(f) *Front seat occupancy.* No taxicab driver shall permit more than two (2) passengers on the front seat of any taxicab, and no taxicab driver shall permit more passengers on the front seat than the number of seat belts which are available for use by passengers on the front seat.

(g) *Additional passengers.* When a taxicab is occupied by one (1) or more passengers, the driver shall not accept additional passengers unless he has the concurrence of all passengers.

(h) *Deception of passengers.* It shall be unlawful for a driver to deceive or attempt to deceive any passenger as to the rate or fare to be charged or to take a longer route to a destination than necessary, unless requested to do so by the passenger.

(i) *Passenger receipts.* The driver of any taxicab shall, upon request of a passenger, give a receipt to the passenger for any fare charged. If the passenger requests any of the following information, the receipt shall include it: The name of the driver, the license number of the taxicab, the origin and destination of the trip. All receipts shall contain the name of the certificate holder, the amount of fare charged, and the date of the trip.

(j) *Advance payment.* Any driver may, at his discretion, demand estimated payment in advance of the rendering of any service. Adjustments shall be made at the passenger's destination in accordance with the rates and charges established by this Chapter.

(k) *Acceptance of checks.* Acceptance of checks in payment of fares and charges for transportation shall be at the discretion of the driver. However, if a driver has a policy of discretionary acceptance or a policy of refusal of all checks then the driver shall post that policy in the taxicab in such a manner as to be easily visible to all passengers.

(l) *Refusal to pay fare.* It shall be unlawful for any person to refuse to pay the legal fare or to engage any taxicab with the intent to defraud the certificate holder or driver of the value of such service.

- (m) *Lost articles.* Any article found in a taxicab shall be returned with reasonable promptness to the owner if he is known or the owner shall be promptly notified of the whereabouts of the article so that he may claim it. If the owner is not known, the driver shall immediately inform his dispatcher and return the article at the close of his tour of duty to the certificate holder's base of business. The certificate holder shall maintain the lost article in a safe place for at least thirty (30) days. If the lost article is not claimed by its owner within thirty (30) days, the article shall be turned over by the certificate holder to the driver.
- (n) *Alcoholic beverages.* It shall be unlawful for a driver knowingly to transport alcoholic beverages in the taxicab unless such beverages are in the possession of a passenger.
- (o) *Length of work day.* No driver shall physically operate or be required to physically operate a taxicab for more than thirteen (13) hours in any consecutive twenty-four-hour period, nor shall any driver physically operate a taxicab if his physical condition may impair his ability to operate the vehicle.
- (p) *Notice of any change in residence or business address.* Notice of any change in residence or business address shall be furnished by any driver or certificate holder to the Taxicab Inspector within fifteen (15) days of any such change of address.
- (q) *Use of licenses and certificates.* It shall be unlawful for any person to lend to or knowingly permit the use of, by one not entitled thereto, any hacker's license or operator's certificate, and it shall be unlawful for any person to display or represent as his own any hacker's license or operator's certificate not issued to the person or vehicle displaying the same.
- (r) *Carrying money.* No driver shall be required to carry more than twenty dollars (\$20.00) in change. (4-00-84.1)

## **ARTICLE 8. Taximeters, Equipment, Maintenance and Inspection.**

### **Section 84.1-8-1. Taximeter required.**

- (a) All taxicabs operating under the authority of this Chapter shall be equipped with taximeters capable of computing fares on a mileage and time basis. Taximeters must register on visual counters that display the following information: total miles, paid miles, number of units, number of trips and number of extras.
- (b) A taximeter set in accordance with the rates hereby established and which computes and clearly indicates the fare shall meet the requirements of this Section. (4-00-84.1)

### **Section 84.1-8-2. Inspection and approval prior to use.**

Prior to being used in passenger service, the taximeter required by Section 84.1-8-1 shall be inspected for accuracy by the Taxicab Inspector, and upon being approved shall be sealed with a tamper-proof seal affixed only by the Taxicab Inspector. All taximeters shall be capable of being so sealed. (4-00-84.1)

### **Section 84.1-8-3. Tampering with prohibited.**

- (a) It shall be unlawful for any person to tamper with any taximeter required by Section 84.1-8-1, or to in any manner change or cause to be changed any part of any taximeter or any part of any vehicle to which such taximeter is attached, directly, or indirectly, which may alter the accuracy of such meter.
- (b) It shall be unlawful for any person to operate or permit to be operated any taxicab for hire if such taxicab's meter has not been properly sealed in accordance with Section 84.1-8-2 or to operate or permit to be operated a taxicab for hire with knowledge of a violation of Subsection (a) of this Section. (4-00-84.1)

### **Section 84.1-8-4. Inspection generally.**

All taximeters shall be subject to inspections at all reasonable times by the Taxicab Inspector for accuracy, and all taximeters shall be inspected by the Taxicab Inspector at least once every six (6) months at a place designated by the Taxicab Inspector. (4-00-84.1)

#### **Section 84.1-8-5. Vehicles and contents.**

(a) Every taxicab shall be a sedan or van type of motor vehicle, and every taxicab shall be equipped with at least two doors for the entrance and exit of passengers, in addition to the front door located on the driver's side. All passenger doors shall be so constructed that they will remain securely fastened during normal operation but may be easily opened by a passenger in an emergency. Every taxicab shall be equipped with tires having at least two-thirty-seconds of an inch of tread, and no taxicab shall be operated with unsafe tires. Every taxicab shall be equipped with a properly inflated spare tire mounted on the appropriate rim. Snow tires or tire chains shall be used when emergency snow plans are put into effect.

(b) No taxicab shall be equipped with shades or curtains which can be manipulated in such a way as to shield the occupants or driver from observation from outside the vehicle.

(c) Every taxicab in service shall be equipped with a properly installed speedometer and odometer, maintained in good working order and exposed to view. When a speedometer or odometer is defective or found not to be in good working order, it shall be repaired and put back in good working order within five (5) calendar days. If a taxicab is found to have a defective speedometer or odometer after five (5) calendar days from the date it was found to be defective, then the taxicab shall not be operated until the speedometer or odometer is repaired or put in good working order. Certificate holder shall provide to the Director, within fifteen (15) days of the odometer replacement, the date of change, old odometer reading, reading on replacement odometer at the time of installation and taxicab number.

(d) The upholstery covering the interior lining of every taxicab shall be of a nonabsorbent, washable material with the exception of a "kick" strip not exceeding a reasonable height at the bottom of the doors. The rear cushion shall be removable. No floor mat shall be permitted in any taxicab, unless it shall be made of some nonabsorbent washable material and easily removable, except that such floor covering material may be cemented in place on the floor of a taxicab when the whole area of the floor is covered.

(e) Every taxicab shall be so constructed and maintained as to provide for the safety of the public and for continuous and satisfactory operation and to reduce to a minimum, noise and vibration caused by operation. Every taxicab shall be structurally sound as to all of its parts, shall not have broken or cracked fenders or cracked glass, which will not pass state inspection, or be in need of body repair. All safety equipment shall be in good working condition at all times. A certificate holder shall be given a reasonable time to effect needed repairs, except in cases where the defect affects the safety of the taxicab and/or the passengers therein. In such cases the taxicab shall not be operated until the defect has been corrected. Every taxicab shall be painted to give reasonable protection to all exposed surfaces from the elements, and all identifying marks shall be clearly legible at all times.

(f) Every taxicab shall have cruising lights mounted on the top of the taxicab in the forward portion thereof. The light is to be of such a design as to identify the vehicle as a taxicab. Drivers, when holding forth their cab for hire, shall have the cruising light on from sunset to sunrise. Each taxicab shall also be equipped with two (2) marker lights on either side of the cruising lights. The marker lights shall be connected to, and operated by, the meter such that when the meter is on, these lights are off, and when the meter is off, these lights are on.

(g) Effective January 1, 2006, all identifying marks on taxicabs shall be plainly distinguishable in letters not less than three (3) inches in height. The taxicab number shall not be less than four (4) inches in height, permanently painted or otherwise permanently affixed to each of the two (2) front quarter panels of the taxicab and to the right rear side of the taxicab. The lettering shall show the name of the company, individual or association and by whom the taxicab certificate is held. Certificate holder shall remove identifying markings from taxicabs that are permanently taken out of service.

- (h) Every taxicab shall be equipped with a light capable of illuminating the interior of the taxicab and controlled by the operation of the doors or manually controlled by the driver.
- (i) Every taxicab shall be kept in as clean and sanitary a condition as is reasonably possible considering existing weather conditions. A certificate holder shall be given reasonable time in which to clean a taxicab upon direction of the Taxicab Inspector.
- (j) Every taxicab shall be equipped with a taximeter as prescribed by this Chapter.
- (k) A used vehicle may not be placed in service as a taxicab in the County; except that a vehicle which is not more than two (2) model years old and that has fewer than eighty-thousand (80,000) miles may be allowed to operate by the Director if he is satisfied that the vehicle meets all the requirements of this Chapter. Except for handicapped accessible taxicabs, it shall be unlawful to operate as a taxicab in the County any vehicle that is older than six (6) model years or that has more than three hundred eighty thousand (380,000) miles, whichever occurs first. It shall be unlawful to operate a handicapped accessible taxicab in the County that is older than seven (7) model years or that has more than four hundred fifty thousand (450,000) miles, whichever occurs first. For example, in determining and applying this vehicle model year requirement, all vehicles of a manufacturer's model year 2000 which are not handicapped accessible shall be replaced before December 31, 2006. All handicapped accessible taxicabs of model year 2000 shall be replaced before December 31, 2007.
- (l) Every taxicab shall be equipped with heating and air conditioning to be maintained in good working condition at all times and to be turned on by the driver at the passenger's request.
- (m) Effective on and after January 1, 2001, every certificated operator having authority to operate twenty-five (25) or more taxicabs shall have at least four (4%) percent of those taxicabs which qualify as handicapped accessible taxicabs. In the event that four (4%) percent of the number of taxicabs in any certificated operator's fleet is not a whole number, then this requirement shall be computed on the number of certificated taxicabs and rounded to the nearest whole number. For example, a certificated operator having authority to operate sixty (60) taxicabs shall have at least two (2) handicapped accessible taxicab,  $60 \times 0.04 = 2.4$  which is rounded to 2.0 vehicles, but an operator having sixty-five (65) taxicabs shall have at least three (3) handicapped accessible taxicabs,  $65 \times 0.04 = 2.6$  which is rounded to 3.0. (4-00-84.1)

#### **Section 84.1-8-6. Inspection of vehicles.**

- (a) Prior to the use and operation of any vehicle under the provisions of this Chapter, the vehicle shall be inspected by the Taxicab Inspector and found to comply with the provisions of Section 84.1-8-5 and the current motor vehicle laws adopted by the State Commissioner of Motor Vehicles. If such vehicle is approved as complying with such regulations, a certificate setting forth such approval and stating the authorized seating capacity of the vehicle shall be issued by the Director to the applicant. The certificate holder of the vehicle shall cause the same to be inspected as required in this Chapter at intervals of no longer than six (6) months.
- (b) Every certificate holder shall permit all reasonable inspections by the Taxicab Inspector of taxicabs licensed to operate under this Chapter.
- (c) The Director shall, from time to time, order the inspection of all licensed taxicabs by the Taxicab Inspector. If any taxicab shall be found unsafe for the transportation of passengers, or in an unsanitary condition, or its taximeter not registering accurately, notice shall be given to the certificate holder; and it shall be unlawful to operate the taxicab until the deficiencies have been corrected and re-inspected and approved for such service; except that the certificate holder shall be given a reasonable time, considering the existing weather conditions, to clean a taxicab unless the interior of the taxicab is in such an unsanitary state as to be unfit for the transportation of passengers, in which event the taxicab shall not be placed in service until the condition is corrected. (4-00-84.1)

### **ARTICLE 9. Penalties.**

#### **Section 84.1-9-1. General penalties.**

Any person who violates any provision of this Chapter shall be guilty of a misdemeanor. Upon conviction, any person who violates this Chapter shall be fined not more than one hundred dollars (\$100.00) for the first offense and not more than five hundred dollars (\$500.00) for each subsequent offense. (4-00-84.1)

## **ARTICLE 10. Jurisdictional Reciprocity and Sightseeing Operations.**

### **Section 84.1-10-1. Jurisdictional reciprocity.**

Notwithstanding the provisions of Section 84.1-2-1 respecting the obtaining of an operator's certificate, a taxicab duly licensed in Fairfax County will be required to abide by any current reciprocity agreement. (4-00-84.1)

### **Section 84.1-10-2. Sightseeing operations.**

A taxicab or other vehicle for hire not licensed in the County, which brings passengers from another jurisdiction into the County for the purpose of sightseeing, may pick up and wait for such passengers for the purpose of continuing such sightseeing trip either within or without the County. Such taxicab may not pick up other passengers in the County except pursuant to the provisions of Section 84.1-10-1. (4-00-84.1)