

Chapter 585: Vehicle for Hire Board

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585.01 Definitions

When used in Chapters 585 through 594 of the Columbus City Code:

(a) "Board" shall mean the Vehicle for Hire Board as constituted in Chapter 585 of the Columbus City Code;

(b) "Director" shall mean the Director of Public Safety, or his or her designee;

(c) "License" shall mean an official document issued by the Department of Public Safety authorizing operation of a licensed taxicab, livery, pedicab, horse drawn carriage or vehicle for hire on the streets of the city;

(d) "License Section" shall mean the Department of Public Safety, Division of Support Services, License Section and is further defined in C.C.C. 501.02 and 501.03;

(e) "Suspend" shall mean to temporarily deprive a licensee of rights or privileges under a license for a period not to exceed ninety (90) days;

(f) "Revoke" shall mean to terminate all rights or privileges under a license for a period not to exceed ninety (90) days after which the individual must reapply for a license;

(g) "Permanently revoke" shall mean to terminate all rights and privileges under a license for a period of ninety (90) days or greater and to render the holder of a license ineligible to reapply for said license;

(h) "Vehicle for hire" shall mean any passenger vehicle engaged in the transportation of person(s) from or entirely within the corporate limits of Columbus with the intent to receive direct or indirect compensation that is determined by mutual agreement, by contract, by mileage, or by the length of time the vehicle is used for providing such transportation;

(i) "Vehicle for hire owner" shall mean every corporation, association, joint stock association, person, firm or partnership, their lessees, directors, receivers, trustees, appointees by any court whatsoever, or the heirs, executors, administrators, or personal representatives or assignees of any deceased owner, owning, controlling, operating or managing any vehicle for hire. However, a vehicle for hire driver, driving a vehicle for hire pursuant to a contract of employment or a

lease arrangement with the holder of a license for such vehicle, shall not be deemed a "vehicle for hire owner;"

(j) "Vehicle for hire driver" shall mean the individual driving, operating or in physical control of the vehicle for hire;

(k) "Operator" shall mean the individual who manages one or more vehicles for hire whether as the owner, an employee of the owner or as an independent contractor;

(l) "Taxicab" shall mean all public passenger motor vehicles carrying the public generally as passengers for hire, gift, donation or other consideration either direct or indirect on the streets of the city, where the route traveled and trip destination are controlled by the passenger and at a charge or fare based upon time and mileage as recorded and indicated on a taximeter.

The term "taxicab" includes all motor vehicles that are used as taxicabs, cabs or for-hire cars, and engaged as such in the transport of passengers for hire, gift, donation or other consideration, either direct or indirect;

(m) "Taxicab owner" shall mean every corporation, association, joint stock association, person, firm or partnership, their lessees, directors, receivers, trustees, appointees by any court whatsoever, or the heirs, executors, administrators, or personal representatives or assignees of any deceased owner, owning, controlling, operating or managing any taxicab. A taxicab driver, driving a taxicab pursuant to a contract of employment or a lease arrangement with the holder of a license for such taxicab, shall not be deemed a "taxicab owner;"

(n) "Taxicab driver" shall mean the individual driving, operating or in physical control of a taxicab;

(o) "Taximeter" shall mean an instrument or device attached to a taxicab which measures mechanically or electronically the distance driven and the waiting time upon which the fare is based;

(p) "Waiting time" shall mean any time a taxicab is engaged or hired by a passenger but not in motion;

(q) "Livery vehicle" shall mean:

(1) A limousine or specialized passenger vehicle not equipped with a taximeter and for hire only by prearrangement at a rate charged per hour or fixed in advance, provided that all such livery vehicles are:

(A) To be for hire for continuous periods of one hour or more, whether actually used for one hour or not;

(B) Of a type and configuration not generally licensed as a taxicab in the city; and

(C) Not to drive in search of patronage or park on any public street, or place of assemblage to solicit patronage not prearranged.

(2) Rental vehicles for use in the performance of the business of a limousine company.

(3) Any other vehicle for hire not equipped with a taximeter and for hire only by prearrangement. This is intended to cover omnibuses and other vehicles not otherwise covered by the Columbus City Code;

(r) "Prearranged" shall mean an agreement to provide transportation by registration in advance of boarding from a specific location in a livery vehicle at an agreed upon rate for a minimum of a one-hour period of time without regard to whether the trip requires less than one hour or not. The key factor in determining the cost of a prearranged livery service shall be the length of time the vehicle is in use, measured in hourly increments or an agreed upon fixed rate that exceeds the normal hourly rate for one hour and not the distance traveled;

(s) "Omnibus" shall mean a motor vehicle designed to carry sixteen (16) or more passengers;

(t) "Scheduled limousine" or "shuttle vehicles" shall mean an omnibus or similar vehicle operated over an established route and on a regular schedule, regardless of whether passengers are present for pickup or not. This type of service will generally be provided pursuant to a contract for a prearranged service. The rate charged shall be a flat fee charged equally to all locations on the route regardless of time or distance traveled. Scheduled limousines shall not be sedans or station wagons. These vehicles will comply with the licensing requirements established in Chapter 593 for liveries;

(u) "Livery chauffeur" shall mean the individual driving, operating or in physical control of a livery vehicle;

(v) "Pedicab" shall mean a bicycle upon which a person may ride, propelled by human power through a belt, chain or gears, or powered by electronic assist, and constructed in such a manner as to engage in the business of carrying passengers for hire, gift, donation or other consideration either direct or indirect on the streets of the city, where route traveled and trip destination are controlled by the passenger;

(w) "Bicycle" shall have the same meaning as defined in C.C.C. 2101.04;

(x) "Pedicab driver" shall mean the individual driving, operating or in physical control of a pedicab;

(y) "Horse carriage" shall mean a horse drawn vehicle or carriage operating in such a manner as to engage in the business of carrying passengers for hire, gift, donation or other consideration either direct or indirect on the streets of the city, where route traveled and trip destination are controlled by the passenger;

(z) "Wheelchair specialty vehicle" shall mean a motor vehicle that is specifically designed, constructed, or modified and equipped and is intended to be used for the transportation of persons who require use of a wheelchair.

(aa) "Contract vehicle" shall mean a vehicle providing for hire transportation by a written contract agreement with an entity, not the passenger, and when the contract entity compensates the for-hire service and no compensation is accepted from the passenger. A contract vehicle shall not engage in cruising or operating on demand service or accept other passengers not covered by the contract.

(bb) "Church bus" shall mean a vehicle owned by a church and used exclusively for church activities and licensed and registered by the state of Ohio as defined in Ohio Revised Code 4503.07;

(cc) "Funeral vehicle" shall mean vehicles owned by a funeral director and used exclusively for funeral services or vehicles for hire while being used for funeral services. This does not prohibit a vehicle from being used as a livery vehicle and a funeral vehicle, such vehicle when used as a livery vehicle must be licensed in accordance with C.C.C Chapters 585 through 594;

(dd) "Motor bus" shall mean a vehicle owned by a registered common carrier and registered with the Public Utilities Commission of the State of Ohio (PUCO), and operated for the purpose of intrastate or interstate commerce on regulated routes or schedules;

(ee) "Hotel and/or motel courtesy vehicles" shall mean a limousine, specialized passenger vehicle, omnibus or similar vehicle operated by a hotel or motel as a courtesy for its patrons or its employees at no cost to its patrons or employees. These vehicles will comply with the licensing requirements established by Chapter 593 for liveries if at any time they carry the general public in violation of this definition;

(ff) “Day care facility and automobile dealer shuttle/bus” shall mean a vehicle operated by a daycare facility or automobile dealer to transport its customers and patrons at no cost to said customers and patrons;

(gg) “Hourly rate” shall be a charge for the actual time consumed in the transportation of passengers together with any waiting time consumed at the direction of the passenger;

(hh) “Special trip” shall mean a trip to and from points of interest for which a rate, approved by the Vehicle for Hire Board, is filed with the Director of Public Safety;

(ii) “Complainant” shall mean a person that has filed a verbal or written complaint against a vehicle for hire owner or driver.

585.02 Exemptions

The following vehicles are specifically exempted from the regulatory requirements of Chapters 585 through 594: church buses, funeral vehicles, motor buses, hotel or motel courtesy vehicles, omnibuses and day care and automobile dealer shuttles/buses.

585.03 Vehicle for Hire Board Created

(a) There is created a Vehicle for Hire Board consisting of fifteen (15) members as follows:

(1) The Director of Public Safety or a representative;

(2) The City Auditor or a representative;

(3) The chairperson of the public safety committee of the City Council or a representative;

(4) The owner of one (1) or more but less than twenty-five (25) licensed taxicab(s) who has been selected by a majority vote of owners of one (1) or more but less than twenty-five (25) taxicab(s) licensed by the city;

(5) The owner of twenty-five (25) or more licensed taxicabs who has been selected by a majority vote of the owners of twenty-five (25) or more taxicabs licensed by the city;

(6) A licensed taxicab driver selected as provided in. Section 585.04;

(7) Two (2) owners of licensed liveries;

(8) The owner of one (1) or more licensed pedicab(s); and

(9) Six (6) members appointed by the Mayor with the concurrence of City Council.

(b) The appointed membership shall consist of:

(1) A member of the Chamber of Commerce or a representative;

(2) A member of the Columbus Regional Airport Authority or a representative;

(3) A member of Experience Columbus or a representative;

(4) A member of the Greater Columbus Lodging Council; and

(5) Two (2) private citizens.

(c) If a tie occurs in the vote for any category for a member, the Mayor shall select the board member from those tied for the seat.

(d) The purpose of the Board shall be to administer or supervise the administration of the provisions of Chapters 585 through 594.

(e) No person may be appointed to the Board if he or she has any financial interest in the vehicle for hire industry. This shall not limit those representative members elected to the Board.

585.04 Licensed Taxicab Driver Member

The Director shall conduct an annual election among the licensed taxicab drivers for the taxicab driver representative. Licensed taxicab drivers who are also licensed vehicle for hire owners shall not be eligible to serve as the taxicab driver representative. This does not preclude licensed

taxicab drivers who are also licensed vehicle for hire owners from voting for the taxicab driver representative. Nominations will be by petition bearing the name of the licensed taxicab driver and the signatures of not less than five percent (5%) of the licensed taxicab drivers, determined as of December 1. Each licensed driver will be allowed one (1) vote, to be cast in person, according to such rules and procedures as the Director shall establish. The election shall be conducted in December and the candidates shall be notified of the results on or before the first Monday in January. The driver shall be selected by a majority of the votes cast. If no petitions are received bearing the valid signatures of at least five percent (5%) of the licensed taxicab drivers, the Board shall, subject to appointment by the Mayor, select the taxicab driver member from among the licensed taxicab drivers. In the event of a tie vote, the Mayor shall select which of those tied shall serve on the Board.

585.05 Licensed Vehicle for Hire Owner Member

The Director shall conduct an annual election among the licensed vehicle for hire owners for a representative from each of the classes of owners as given in Section 585.03. Nominations will be by petition bearing the name of the licensed vehicle owner and the signatures of not less than five percent (5%) of the owners in each class of owners, determined as of December 1. Each licensed owner will be allowed one (1) vote, to be cast in person, to be counted only in the class of owner to which he or she is determined, according to such rules and procedures as the Director shall establish. Each licensed livery owner will be allowed two (2) votes to be cast in person, to be counted one (1) for each of the two livery owners selected by the voter. The election shall be conducted in December and each of the candidates shall be notified of the results on or before the first Monday in January. The owners shall each be selected by a majority of the votes cast in each class. If no petitions are received bearing the valid signatures of at least five percent (5%) of the owners in each class of owners, the Board shall, subject to the appointment by the Mayor, select the vehicle for hire owner member from among the licensed vehicle for hire owners in the appropriate class.

585.06 Notification of Board Member Selections

On or before the first Monday in January of each year, notice of the selection of board members shall be given to the Director as follows:

- (a) The License Section shall submit the names of elected representatives by means of a letter;
- (b) The Mayor shall submit the names of the six (6) members which were appointed as provided in Section 585.03 by means of a letter; and
- (c) The Mayor shall announce his tie breaking selection as provided in Section 585.03 by means of a letter.

585.07 Powers of the Board

The Board shall have the power and authority to:

- (a) Adopt rules and regulations governing the issuance of all licenses pertaining to taxicabs, liveries, pedicabs, and horse drawn carriages; the inspection of all vehicles for hire and their appurtenances; or any other matter under its supervision and control, as are reasonable, necessary and consistent with Chapters 585 through 594. A copy of all such rules and regulations shall be distributed to licensed vehicle for hire drivers and owners at the time of issuance or renewal of licenses; and
- (b) Grant or deny any vehicle for hire license.

585.08 Taxicab and Pedicab License Moratorium

The Board shall at least once a year conduct a public meeting to recommend to City Council the total number of taxicabs and pedicabs which may be licensed within the city based on consideration of public convenience and necessity. The Board's recommendation shall be based upon the following factors:

(a) Public demand for taxicab and pedicab service;

(b) Adequate service for the public by existing licensed taxicab and pedicab service and other forms of mass transportation;

(c) The relationship of the total number of licenses to the revenue of the existing license holders and the effect on the wages or compensation, hours, or conditions of service of drivers of taxicabs and pedicabs;

(d) Metropolitan area population and statistics including tourist population, new construction starts, retail sales, geographical expansion, and passenger landings at Port Columbus International Airport;

(e) The effect on traffic congestion and the safety of existing vehicular and pedestrian traffic; and

(f) Such other factors as the Board finds to be relevant.

The Board shall forward its recommendation to City Council, which shall determine the total number of taxicabs and pedicabs which may be licensed within thirty (30) days of receiving the recommendation.

585.09 Voting; Quorum

All members of the Board will be voting members. Eight (8) members of the Board shall constitute a quorum for the transaction of business and a majority vote of those members present shall be necessary to approve or deny any application, or to enact any other item of business. The Director shall be counted as a vote if necessary to complete the requirements for a quorum, but otherwise will vote only in the event of a tie vote.

585.10 Appeals

Any action of the Director may be appealed to the Board of License Appeals as provided in Chapter 505. The Director shall abstain from voting on appeals of decisions he or she has made.

585.11 Board Officers

The Director or his or her representative shall serve as chairperson of the Board. In his or her absence, the City Auditor or his or her representative shall serve as vice chairperson.

585.12 Board Members' Terms; Compensation

The Director and the City Auditor shall serve during their incumbency. The chairperson of the public safety committee of City Council shall serve as long as he or she holds this position on City Council. All other members shall serve for a term of one (1) year. All members shall serve without compensation.

585.13 Board Vacancies

(a) The Board shall declare a vacancy in board membership if any member:

(1) Resigns, dies or becomes incapacitated;

(2) Has been convicted of a violation of any provision of Chapters 587 through 594;

- (3) Fails to attend three (3) successive monthly meetings of the Board; or
(4) Fails to attend four (4) monthly meetings of the Board during the term of office.
(b) If a vacancy of owner members is declared, the Director shall notify the appropriate class of owners within fifteen (15) days. The appropriate class of owners shall have thirty (30) days after receipt of such notice to select a new board member and notify the Director of their selection pursuant to Sections 585.05 and 585.06. However, if the vacancy occurs between September 1 and December 31, the owner member vacancy shall be filled by the Board. The newly elected or appointed member shall serve the remaining unexpired term.
(c) If a vacancy of a driver member is declared, the Director shall notify the drivers within fifteen (15) days. The drivers shall have thirty (30) days after receipt of such notice to select a new board member and notify the Director pursuant to Section 585.04. However, if the vacancy occurs between September 1 and December 31, the driver member vacancy shall be filled by the Board. The newly elected or appointed member shall serve the remaining unexpired term.
(d) If a vacancy of a member appointed by the Mayor is declared, the Director shall notify the Mayor within fifteen (15) days. The Mayor shall appoint a new board member pursuant to Section 585.03, and shall submit the name of the new member to the Director pursuant to Section 585.06 within thirty (30) days of the receipt of the notice. The newly elected or appointed member shall serve the remaining unexpired term.

585.14 Meetings; Hearings

The Board shall meet at least once every month, at a time and place designated by the Board. The Board shall consider applications for vehicle for hire licenses and perform other duties necessary to fulfill requirements assigned to the Board in Chapters 585 through 594. If a quorum cannot be assembled on the designated meeting date, then the meeting can be postponed until a time that a quorum can be assembled.

585.15 Notice

Whenever a hearing is required concerning a licensed owner or driver, notice shall be given to the owner, driver and/or complainant no later than ten (10) days prior to the hearing. This time period may be voluntarily waived by the affected owner, driver and/or complainant.

The notice shall be sent by the License Section by means of certified mail or personal service, addressed to the address given on the application, petition or complaint, or to the last known address of the person, corporation, partnership or other entity accused of a violation of a provision of Chapters 587 through 594.

An applicant, petitioner, or other entity requested to appear before the Director, or who exercises his or her right to appear before the Director pursuant to a provision in Chapters 585 through 594, shall have an opportunity to address the Director after receipt of the notice as provided herein. At any hearing during which the Director considers the suspension or revocation of a license, the licensee may be represented by counsel.

585.99 Penalties

No penalty shall be assessed for any violation of Chapter 585. All procedure violation charges shall be filed by an interested party with the chairperson of the Board of License Appeals who will hear such charges.