

Chapter 587: Vehicle for Hire Owner's License

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587.01 Regulation by the Vehicle for Hire Board

The Board may adopt rules and regulations to supplement this chapter.

587.02 Allowing Operation of an Unlicensed Vehicle for Hire

No person shall solicit, drive, operate, or otherwise be in physical control of any vehicle for the purpose of carrying the public generally as passengers for hire, gift, donation, or other consideration unless:

(a) The owner of such vehicle has obtained a City of Columbus Vehicle for Hire Owner's License issued pursuant to this Chapter prior to operation and such license is not under suspension or revocation;

(b) Each driver of the licensed vehicle has obtained a City of Columbus Vehicle for Hire Driver's License issued pursuant to Chapter 589 prior to operation and such license is not under suspension or revocation;

(c) The current decal issued by the License Section is clearly and properly displayed; and

(d) The vehicle for hire driver has brought passengers from outside Columbus' corporate limits into its corporate limits and does not pick up any passengers within these corporate limits.

This Chapter shall not apply to such vehicles and operations as provided in C.C.C. 585.02, nor to private vehicles used for the convenience of the owner or operator and not for compensation or

as a portion of other services rendered or to be rendered for compensation. It shall be unlawful to license a vehicle for more than one vehicle for hire operation as defined in 585.01.

587.03 Application Information

Applications shall be made to the Director upon forms provided by the License Section and shall set forth:

- (a) The name and address of the applicant;
- (b) The applicant's business name;
- (c) The make, model, year and interior space of the vehicle for which the license is desired;
- (d) The seating capacity which shall be determined by the number of manufacturer installed safety belts or permanent fasteners and safety restraints for wheelchair specialty vehicles; and
- (e) The design, color scheme, lettering and marks proposed to be used on such vehicles in accordance with C.C.C. 591.03, 592.03 and 594.07(b)(11).

The Director has the authority to request additional information to clarify the applicant's application when necessary.

587.04 License Fees

The annual license fee shall be based on the type of vehicle that is being licensed. All fees must be paid in advance and shall be in addition to any fee required under the laws of the state on all motor vehicles.

- (a) A taxicab owner shall pay a license fee of two hundred and twenty-five dollars (\$225.00) per taxicab;
- (b) A pedicab owner shall pay a license fee of fifty dollars (\$50.00) per pedicab; and
- (c) A livery owner shall pay a license fee of two hundred and twenty-five dollars (\$225.00) per livery vehicle;
- (d) A horse drawn carriage owner shall pay a license fee of one hundred and fifty dollars (\$150.00) per horse carriage.

Additional administrative fees may be assessed by the Director pursuant to the Directors authority to promulgate rules and regulations under Chapter 501.

587.05 Issuance of License

(a) The Board may receive applications whenever Vehicle for Hire Owner's Licenses are available. If the Board finds that the application has been completed as provided in Section 587.03, the Board shall authorize the Director to issue a license. Licenses shall be issued to such eligible applicants upon completion of the following:

- (1) Payment of the proper license fee pursuant to C.C.C. 587.04;
- (2) All applicable information pertaining to the particular vehicle to be licensed. Information shall include:
 - (A) State license number;
 - (B) Motor and serial numbers;
 - (C) Name and address of the person from whom the vehicle was purchased or leased; and
 - (D) A copy of the certificate of title or memorandum certificate of title.
- (3) Evidence of liability protection as required in Section 587.14; and
- (4) Certification by the Director under C.C.C. 587.12, 591.06, 592.05, 594.08 and 594.11 that the vehicle to be licensed has been inspected and complies with all pertinent safety regulations. The vehicle shall be reasonably clean and in safe condition so as to not cause personal injury or

damage the clothing or possessions of the passenger(s). The vehicle must also be clearly identified by appropriate markings as required by C.C.C. 591.03, 592.03 and 594.07(b)(11).

(5) The Director has the authority to request additional information to clarify the applicant's application when necessary.

(b) After a vehicle successfully completes the inspection, a decal shall be issued by the Director and shall be affixed to the vehicle in the proper location pursuant to C.C.C. 591.02(d), 592.02(d), 593.02(d) and 594.03(f). The decal shall clearly indicate that the vehicle has satisfied the inspection.

(c) If no licenses are available and the requirements of Section 587.03 are met, the Director shall issue to the applicant a written notice of eligibility, which shall expire sixty (60) days after the date of issuance thereof, unless rescinded or extended by the Board for good cause. Licenses shall be issued to holders of valid notices of eligibility in order of issuance of those notices as such licenses become available and upon payment of the proper license fee pursuant to Section 587.04.

587.06 Expiration

All licenses shall expire annually on the following dates as specified below:

(a) Taxicabs shall expire at midnight on October 31;

(b) Livery vehicles shall expire at midnight on October 31;

(c) Pedicabs shall expire at midnight on June 30; and

(d) Horse drawn carriages shall expire at midnight on May 1.

587.07 Renewal

All vehicles for hire licensed in accordance with the terms of Chapters 587 through 594 shall have their licenses renewed for each succeeding year if applicable fee requirements and other requirements of the Columbus City Code are met.

587.08 Transfer of License to Other Vehicle

In the event the owner of a licensed vehicle shall cease to own the same, or in the event that such vehicle shall become unsuitable for operation after inspection, an affidavit to such effect may be filed with the Board. The Board shall, upon its approval, transfer the license to any other vehicle belonging to such owner once the following requirements have been met:

(a) The vehicle is approved by the Director;

(b) The vehicle complies with applicable provisions of Chapter 587 through 594 specifying vehicle for hire requirements; and

(c) Payment of a processing fee of one hundred and fifty dollars (\$150.00) for taxicabs, livery vehicles and horse drawn carriages and a processing fee of fifty dollars (\$50.00) for pedicabs to the License Section.

587.09 Transfer of License to Other Owner

No Vehicle for Hire Owner's License shall be transferred from one owner to another unless an application for transfer has been filed with the License Section and a hearing is held by the Board, which may grant or deny the application. The applicant for the transfer of a license shall file with his or her application the written consent of the existing owner of the license and shall comply with all the terms and conditions of the Columbus City Code governing vehicles for hire. A processing fee of two hundred and fifty dollars (\$250.00) shall be imposed for such transfer.

Every owner of a licensed vehicle for hire shall notify the Director upon the sale of any licensed vehicle when it is intended that the purchaser shall continue to operate it as a vehicle for hire within the city.

587.10 Records; Trip Sheets

(a) The owner or operator shall maintain a record of all vehicles showing the body number, the city license number, and data necessary to identify the driver of such vehicle at all times. The owner or operator shall also keep a record of the time of departure from and arrival at his or her garage or headquarters of such vehicle(s).

(b) Owners shall require their drivers to submit completed trip sheets on a regular basis, but in no case shall this be greater than weekly. The trip sheet shall record the identification number of the vehicle, name of the driver, date of trip, number of passengers and the total amount of the fare paid. Pedicab and livery drivers are exempt from keeping trip sheets under this section but pedicab and livery owners must otherwise comply with Sections 587.10(a) and (c).

(c) All such records shall be maintained and not destroyed for a period of six (6) months, and shall be subject to inspection at all times by the Division of Police and by the Director.

587.11 Grounds for Permanent Revocation, Revocation and Suspension of Vehicle for Hire Owner's License

The Director may permanently revoke, revoke or suspend the license of any licensed owner for any of the following acts or omissions by the owner:

(a) Permitting the operation of a vehicle for hire by any person who is not licensed pursuant to Chapter 589;

(b) Obtaining a license by a false statement in his or her application;

(c) Misrepresenting or otherwise making false statements in his or her affidavit when applying for a duplicate license or driver identification card;

(d) Knowingly permitting the operation of a vehicle for hire by any person who is not suitably dressed, neat in appearance, and exercising good personal hygiene habits;

(e) Failing to post and maintain the schedule of rates filed with the Director for that vehicle in an area readily visible to the passenger;

(f) Knowingly permitting the operation of a vehicle for hire which displays the emblem of a credit card program or a discount program when the owner does not participate in such program;

(g) Knowingly permitting the operation of a vehicle for hire that displays the emblem of a credit card program but the credit card machine is currently out of service or not functioning properly;

(h) Failing to supply blank receipts; such receipts, when issued, must contain the name of the owner of the vehicle, its identification number, the identification of the driver, the date, a list of all items for which a charge is made, and the total amount paid;

(i) Failing to maintain the records and trip sheets required by Section 587.10;

(j) Soliciting or knowingly permitting the solicitation of potential passengers by employees, agents or drivers operating the owner's vehicles by any means at a facility served by a designated taxi stand or by horn, bell, or other audible signal at any location. Solicitation shall not include the direction of a passenger to the first vehicle in a loading area, or to courtesy phones or nonaudible advertising located on the taxicab;

(k) Failing to appear before the Board when properly notified to do so;

(l) Disruptive behavior or misconduct at a meeting of the Board that prevents or disrupts an orderly meeting. This includes but is not limited to the use of profanity, yelling or screaming,

preventing a recognized speaker from speaking, and failing to follow the rulings of the chairperson;

(m) Verbally threatening or attempting to intimidate any employee of the City of Columbus for actions taken in the enforcement of the provisions of Chapters 585 through 594; or

(n) Any other form of misconduct, which shall mean conduct apart from the generally accepted practices of vehicle for hire owners, which demonstrates personal, corporate, managerial, ethical or professional characteristics or disposition rendering a person unsuitable to own a vehicle for hire.

The Director shall revoke or permanently revoke an owner's license if it appears upon investigation and hearing that the license has been obtained by willful misrepresentation.

587.12 Inspections

(a) The Director shall establish the criteria and the procedure for a reasonable inspection to be performed prior to initial licensing and prior to any renewal.

(1) The Director shall provide all vehicle for hire owners with a City of Columbus annual mechanical inspection form for the specific vehicle to be licensed. The owner must have the vehicle inspected by one of the following: a certified mechanic, ASE Blue Seal Shop, dealership that is not employed by the driver and/or owner of the vehicle and that does not have a vested interest in the management affairs of the driver and/or owner of the vehicle. With respect to pedicabs an inspection must be obtained from a reputable bicycle shop that does not have a vested interest in the management affairs of the driver and/or owner of the pedicab. The inspection form must be signed and stamped by the mechanic and/or inspecting facility and submitted to the License Section with original invoice and any defect repair paperwork.

(2) The inspecting establishment shall provide a copy of the annual mechanical inspection form to the owner of the vehicle. The original form shall be taken to the License Section prior to the issuance or renewal of the license for that vehicle, pursuant to Section 587.05.

(3) All inspection criteria must be satisfactory prior to the approval of licensing. If any portion of the inspection is unsatisfactory, the vehicle owner shall cause the condition to be corrected and shall have the vehicle reinspected by the original certified mechanic or inspection facility.

(b) The Director shall make or cause to be made additional inspections of vehicles for hire at least once during the twelve month period after initial licensure or at any other time at the discretion of the Director at no charge to the owner or operator.

(1) If, upon any inspection, a vehicle is found to be unsafe, unclean or unsightly, a license officer or law enforcement officer may remove the decal and direct the vehicle be taken out of service until the vehicle is in compliance. Such vehicle taken out of service must be reinspected at a cost of twenty-five dollars (\$25.00) per additional inspection and approved by a license officer before being returned to service.

(2) The license officer shall cause a memorandum of such inspection failure to be recorded on the record of the owner of said vehicle that is maintained by the License Section.

(3) The license officer shall provide the vehicle owner the cause(s) for failure in writing.

(c) After a vehicle successfully completes the inspection and pays a decal fee of ten dollar (\$10.00), the decal shall be issued by the Director and be affixed to the vehicle in an assigned location. The decal shall clearly indicate that the vehicle has received and satisfied the inspection.

587.13 Discontinuance of Use as a Vehicle for Hire

(a) When any vehicle for hire is removed from service, the owner shall:

(1) Remove or paint over all numbering and company or trade name identification if such vehicle is to be sold without permission to use such identification; or

(2) Clearly indicate by markings that such vehicle is no longer in service as a vehicle for hire if such vehicle is to be retained for use by the owner. This can be accomplished by adding lettering of the same size as that of the largest lettering in the approved scheme designating its purpose.

(b) This section shall not apply to sales by trustees in bankruptcy, sales by creditors, or sales to salvage yards of vehicles which are incapable of being returned to service.

(c) Upon determination that a violation of this section has occurred, the Director shall cause the licensee to be notified of the violation by phone or certified mail. Corrective measures must be made within ten (10) days of receiving the notification.

(1) If the vehicle remains in service after the designated time without correction, the Director can, upon proper hearing, suspend or revoke the right of the owner to operate any other vehicles for hire.

(2) If the vehicle remains in service after the designated time without correction and the owner is no longer in operation, a notation shall be made to require an appearance before the Board prior to the issuance of any vehicle for hire license in the future. If the Board finds such act to be with willful and knowing intent, the Board may refuse to issue any vehicle for hire license to such owner or may delay the issuance of the license for a period not to exceed ninety days.

587.14 Liability Protection Required

No vehicle for hire owner's license shall be issued or renewed by the Board without evidence of liability protection. It shall be unlawful to operate or permit the operation of any vehicle for hire until the owner of the vehicle has deposited and maintained on deposit with the Director, subject to the approval of the Board, evidence of liability protection. The liability protection limit shall not be less than the amount listed below for the specific vehicle for hire to be licensed for liability imposed by law for damages on account of bodily injuries, death or property damages (other than injuries, death or property damages of the owner or vehicle for hire driver) in any one

(1) accident resulting from the ownership, maintenance or use of each such vehicle for hire:

(a) Three hundred thousand dollars (\$300,000) for taxicabs;

(b) Three hundred thousand dollars (\$300,000) for pedicabs;

(c) Five hundred thousand dollars (\$500,000) for livery vehicles; and

(d) Three hundred thousand dollars (\$300,000) for horse carriages.

587.15 Evidence of Liability Protection

Evidence of liability protection as required under Section 587.14 may be given by filing any of the following:

(a) A policy of insurance pursuant to Section 587.16;

(b) A bond pursuant to Section 587.17(a);

(c) A liability agreement pursuant to Section 587.17(b); and

(d) A combination of an insurance policy pursuant to Section 587.16 and a liability agreement pursuant to Section 587.17(b) provided that the deposit required pursuant to Section 587.17(b) shall be an amount equal to the deductible amount of the insurance policy.

587.16 Insurance

Evidence of liability protection may be furnished by filing with the Director a policy of insurance in the amount of not less than the amount listed below for the specific vehicle for hire to be licensed, known as combined single limit insurance coverage, of an insurance company duly licensed to transact such business in the state of Ohio or of an insurance company not authorized to transact business in this state, provided such insurance is written through a citizen of the state duly licensed as provided by Ohio Revised Code 3905.30 et seq., insuring the owner of a vehicle for hire and any person operating that vehicle in the city as a vehicle for hire and agreeing to pay any judgment creditor, to the extent specified in such policy, any final judgment rendered against the insured or operator by reason of such liability as provided in Section 587.14:

- (a) Three hundred thousand dollars (\$300,000) for taxicabs;
- (b) Three hundred thousand dollars (\$300,000) for pedicabs;
- (c) Five hundred thousand dollars (\$500,000) for livery vehicles; and
- (d) Three hundred thousand dollars (\$300,000) for horse carriages.

587.17 Bonds; Liability Agreement

(a) Evidence of liability protection may be furnished by filing with the Director a bond executed by a solvent and responsible surety company, authorized under the laws of Ohio, holding and binding the principal and sureties and conditioned that they will pay any judgment creditor, to the extent specified in such bond, any final judgment rendered against the owner or operator of each such taxicab by reason of such liability and to the extent provided in Section 587.14. The total amount of the bond shall be computed by the number of taxicabs to be licensed by the owner as follows:

<u>Number of Taxicabs</u>	<u>Bond Amounts</u>
<u>1-5</u>	<u>\$300,000</u>
<u>6-15</u>	<u>\$315,000</u>
<u>16-50</u>	<u>\$345,000</u>
<u>51-150</u>	<u>\$390,000</u>
<u>151 or More</u>	<u>\$450,000</u>

Such bond shall contain a further provision obligating the surety company to give twenty-one (21) days written notice before cancellation of the bond to the Director.

(b) Evidence of liability protection may be provided by filing with the Director an agreement with the city that such applicant or owner shall pay all final judgments recovered against the owner or taxicab driver by reason of such liability as set forth in Section 587.14 and within the limits set forth in Section 587.14. Such limits shall be construed, however, to limit the liability of the owner only for the purposes of the agreement.

(1) Such agreement shall be secured by the deposit by the applicant or owner of cash, or obligations of the United States government, or bank certificates of deposit, or bonds issued by the city, and deposited with the City Treasurer or placed in a custodial account as approved by the City. However, in case of discontinuance of the operation of taxicabs by the owner, the dissolution of the corporation or partnership authorized to provide liability protection for a group of owners under this subsection, or the subsequent substitution by an owner with the consent of the city of bonds or policies of insurance in lieu of such agreement, the city shall hold the cash or

obligations deposited with the city under this section, or shall require the cash or obligations to remain in a custodial account approved by the city, for a period of time as shall equal the applicable state statute of limitations for the filing of claims by adult claimants for damages covered by Section 587.14. At the end of this period an appraisal shall be made of all claims pending against such owner and a sufficient amount of cash or collateral deposited shall be retained to guarantee the payment of such claims. The balance of the deposited cash or collateral shall be returned to the owner or owner corporation or partnership or their proper agent once there has been satisfactory proof that outstanding claims have been paid or satisfied.

(2) The city shall not be obligated to pay any interest upon the deposited cash or collateral; nor shall the city be entitled to the accruals upon any collateral deposited under such agreement so long as there is no default on the obligation of the owner or owner corporation or partnership. Any interest accruing on cash or obligations deposited with the city for the purposes of providing liability protection under this subsection shall be added to such fund for the purpose of providing additional liability protection.

(3) The amount of the deposits shall be computed by the number of taxicabs to be licensed by the owner or the number of taxicabs licensed by the owners participating in an owner corporation or partnership permitted by this subsection as follows:

<u>Number of Taxicabs</u>	<u>Bond Amounts</u>
<u>1-5</u>	<u>\$300,000</u>
<u>6-15</u>	<u>\$315,000</u>
<u>16-50</u>	<u>\$345,000</u>
<u>51-150</u>	<u>\$390,000</u>
<u>151 or More</u>	<u>\$450,000</u>

The requirements of this subsection may be fulfilled by an initial deposit of one hundred and twenty thousand dollars (\$120,000) by the owner with the City Treasurer followed by three (3) deposits of sixty thousand dollars (\$60,000) each every ninety (90) days thereafter and five (5) deposits of thirty thousand dollars (\$30,000) each every ninety (90) days thereafter until the amount required by this section is deposited with the City Treasurer.

If the amount deposited with the City Treasurer falls below one hundred and twenty thousand dollars (\$120,000) then within thirty (30) days the owner shall deposit with the City Treasurer an amount equal to one hundred and twenty thousand dollars (\$120,000) and thereafter make deposits as set forth in this subsection until the total amount required to be deposited is reached.

If the amount deposited with the City Treasurer falls between one hundred and twenty thousand dollars (\$120,000) and one hundred and eighty thousand dollars (\$180,000) then within thirty (30) days the owner shall deposit with the City Treasurer an amount equal to one hundred and eighty thousand dollars (\$180,000) and thereafter make deposits as set forth in this subsection until the total amount required to be deposited is reached.

If the amount deposited with the City Treasurer falls between one hundred and eighty thousand dollars (\$180,000) and two hundred and forty thousand dollars (\$240,000) then within thirty (30) days the owner shall deposit with the City Treasurer an amount equal to two hundred and forty thousand dollars (\$240,000) and thereafter make deposits as set forth in this subsection until the total amount required to be deposited is reached. If the amount deposited with the City Treasurer falls between two hundred and forty thousand dollars (\$240,000) and three hundred thousand dollars (\$300,000) then within

thirty (30) days the owner shall deposit with the City Treasurer an amount equal to three hundred thousand dollars (\$300,000) and thereafter make deposits as set forth in this subsection until the total amount required to be deposited is reached. If the amount deposited with the City Treasurer falls between three hundred thousand dollars (\$300,000) and the amount required to be deposited with the City Treasurer by this subsection then within thirty (30) days the owner shall make an additional deposit of thirty thousand dollars (\$30,000) every ninety (90) days until the total amount required to be deposited is reached.

(4) For the purpose of providing liability protection required by Section 587.14, an association of taxicab owners may create a partnership or corporation for the purpose of providing the liability protection required by Section 587.14 for the owner members of such partnership or corporation. Such partnership or corporation shall be registered with the Secretary of State and Department of Public Safety. The partnership or corporation may provide evidence of liability protection required by Section 587.14 for each taxicab owner who is a member of the partnership or corporation by filing a liability agreement as provided in Section 587.17(b) that agrees to pay all final judgments recovered against any owner who is a member of the partnership or corporation within the limits set forth in Section 587.14. This agreement shall be secured by the partnership or corporation's deposit of cash or obligations of the United States Government, deposit of bank certificates or bond issued by the City of Columbus with the City Treasurer, or placed in a custodial account as approved by the city, the amounts and under the conditions set forth in Section 587.17(b)(1), (2) and (3). The partnership or corporation shall be considered one (1) partnership for such purposes.

The partnership or corporation shall immediately provide to the Director the names and addresses of all owners and taxicabs operated by owners that are covered under the partnership or corporation's liability protection. The partnership or corporation shall notify the Director in writing twenty-one (21) days prior to the cancellation, change of cancellation or of any change in the membership status of any owner or member which would result in the owner or members having less than the minimum amount of liability coverage required with the organization.

587.18 Insurance Cancellation

(a) The insurance policy as provided in Section 587.16 must provide for written notice of cancellation by the insurer to the Director but this provision shall not be construed to waive any lawful notice which the insurer must give to the insured.

(b) The owner or a designee shall provide notice of cancellation of insurance to the Director at least seven (7) days prior to the day of cancellation and, at the time of cancellation, voluntarily surrender the Vehicle for Hire Owner's License and decal for which the cancellation is effective. If the license is voluntarily surrendered, the Director may, upon the filing of proof of insurance required by Section 587.15, and its approval by the City Attorney, reinstate such license.

(c) If an owner shall fail to comply with the requirements of Section 587.18(b) prior to the Director receiving notice from the insurer of such cancellation, the Director may suspend the license of any vehicle covered by said policy. If proof of insurance is given prior to the effective date of the suspension, the suspension can be waived by the Director.

(d) Upon the effective date of the suspension, the owner must surrender the license and decal for each vehicle not covered by an insurance policy. The Director may reinstate such license upon the filing of proof of insurance required by Section 587.15, its approval by the City Attorney, the reinspection of each vehicle covered by the policy, and the payment of any fees required by reinstatement.

(e) The owner shall notify the License Section within ten (10) days of the removal of a licensed driver from the insurance coverage by the insurer.

587.19 Approval by City Attorney

Any liability protection obtained by an owner pursuant to Section 587.15 whether in the form of an insurance policy, bond, liability agreement or combination of these, shall be subject to the approval of the City Attorney as to its compliance with this chapter and as to its form and legality.

587.20 Annual Statement of Claims and Judgments

Every licensee shall furnish to the Director at the time of license renewal each year a full and complete statement of claims filed and judgments rendered against such licensee arising out of the operation of the vehicle for hire. The statement shall be in the form the Director has prescribed.

587.21 Nonpayment of Judgment

In the event of recovery of any final judgment and termination of final appeal proceedings, if any, against the owner of any vehicle for hire, for damages on account of bodily injuries or death or for damage to property (other than injuries, death or property damage of the owner or vehicle for hire driver) resulting from such ownership, maintenance or use of such vehicle for hire in the city, and nonpayment of the judgment for a period of thirty (30) days thereafter, the Director shall revoke all licenses of all for-hire vehicles of such owner.

587.99 Penalties

(a) Whoever violates Sections 587.02(a) and 587.11(a) shall be guilty of a misdemeanor of the first degree. Any such violation shall constitute a separate offense on each successive day continued.

(b) Whoever violates Section 587.02(c) shall be guilty of a minor misdemeanor.

(c) No penalty shall be imposed for a violation of Sections 587.12(a), 587.12(b), 587.19 and 587.20.

(d) A violation of any section of Chapter 587 shall be grounds for the suspension, revocation or permanent revocation of the vehicle for hire owner's license(s), or in the case of a new application shall be grounds to refuse to issue such license for a determinate period of time up to ninety (90) days or permanently.