

## **Chapter 589: Vehicle for Hire Driver's License**

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### **589.01 Regulation by the Vehicle for Hire Board**

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

### **589.02 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 Chapter 587 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 this chapter prior to operation and such license is not under suspension or revocation;
- (c) The driver identification card of the driver is properly displayed while operating, driving or in physical control of the licensed vehicle for hire;
- (d) The current decal issued by the License Section is clearly and properly displayed; and
- (e) The operator has brought passengers from outside Columbus' corporate limits into its 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 C.C.C. 585.01.

### **589.03 Application Information**

- (a) Applications shall be made to the Director upon forms provided by the License Section and shall set forth that the applicant is:
  - (1) A citizen of the United States or a legal alien;

- (2) In possession of a valid Ohio Driver License and has been a licensed driver for at least six (6) months prior to the application date;
- (3) Eighteen (18) years of age or older;
- (4) Able to speak, read and write the English language; and
- (b) The Director has the authority to request additional information to clarify the applicant's application when necessary.
- (c) Along with each application, all applicants are required to submit:
  - (1) A criminal background check and driver abstract at a cost to the applicant;
  - (2) A certificate from a licensed physician or licensed nurse practitioner who, after examination of the applicant, shall:
    - (A) Certify that the applicant is free from defective or uncorrected vision, defective or uncorrected hearing, epilepsy, vertigo, heart trouble, and any other infirmity, physical or mental, detected upon examination which would prevent the applicant from safely operating a vehicle for hire; and
    - (B) Set forth the applicant's condition as to visual acuity, field of vision and color visions, together with a statement that the applicant has no eye condition which would prevent the applicant from driving a vehicle for hire.
- (3) Evidence that he or she has had at least six (6) months' experience in operating a motor vehicle and shall, if required, demonstrate his or her skill, ability and knowledge of the city and traffic regulations.

#### **589.04 License Fee**

Every driver of a vehicle for hire shall pay a fee of fifty dollars (\$50.00) with the submission of his or her application. Any applicant who is denied a license shall have this fee returned. Additional administrative fees may be assessed by the Director pursuant to the Director's authority to promulgate rules and regulations under Chapter 501.

#### **589.05 Issuance of License**

- (a) If the Director determines that an applicant satisfies the requirements for operating a vehicle for hire, under the provisions of Chapters 585 through 594 and under the rules or regulations adopted by the Board pursuant to C.C.C. 585.07, the Director shall have the authority to issue the license upon payment of the proper fee(s) as provided in Section 589.04.
- (b) No license shall be issued to any applicant that has been convicted of the following offenses within the last seven (7) years:
  - (1) Operating, driving or being in physical control of a vehicle while under the influence of intoxicating liquor or drugs;
  - (2) Manslaughter or homicide of any degree resulting from the operation of a motor vehicle;
  - (3) Any felony in which physical violence is used;
  - (4) A felony, misdemeanor or code violation involving a sex offense, trafficking in controlled substances, or any offense of violence as defined in C.C.C. 2301.0; or
  - (5) A weapon violation.
- (c) No license shall be issued to any applicant that is required to register with the Sheriff's Office in the county he or she resides as a sexual offender or sexual predator pursuant to Ohio Revised Code 2950.03.
- (d) The Board shall review the application of the following persons prior to issuing a license and may require additional information and/or a personal appearance by the applicant:

- (1) Any person on probation or parole for a felony or aggravated felony at the time of application;
- (2) Any person released from a correctional facility within twelve months from the date of application; or
- (3) Any person convicted of two (2) or more offenses relating to the illegal use or possession of drugs.
- (e) Any applicant who has accumulated eight (8) or more points on his or her Ohio Driver License within the three (3) year period preceding the date of application may be required to appear before the Director who shall determine if a vehicle for hire driver's license should be issued.
- (f) Nothing in this section shall be construed to limit the discretion of the Director to refuse to issue a license for these or other background related issues that may be outside of the above listed look back periods.
- (g) The Director shall have the authority to require up to four (4) hours of training or review relevant to the vehicle for hire industry as a prerequisite to the issuance or renewal of a Vehicle for Hire Driver's License. The applicant or licensee shall be responsible for any cost associated with this training.

#### **589.06 Expiration**

Vehicle for Hire Driver's Licenses issued pursuant to this chapter shall expire at midnight on March 31 of each year.

#### **589.07 Change of Address**

Any licensed vehicle for hire driver shall notify the License Section of any change of address within seven (7) days of such change. Failure to provide notice shall result in a one (1) day suspension for each day the change of address is not provided after the seventh (7) day.

#### **589.08 Driver Standards**

- (a) Any license officer shall have the power to inspect a vehicle for hire driver upon any complaint or for any other reason.
- (1) If, upon any inspection, a driver is found to be not in compliance with the standards established for drivers in the rules and regulations adopted by the Board, the license officer shall impound the driver identification card of the driver until he or she has corrected the condition.
- (2) If the driver desires to contest the action of the license officer, the driver must inform the license officer at the time the driver identification card is impounded. A formal complaint will then be filed by the license officer who will present the complaint to the Director. Such a request by the driver shall be deemed a waiver of the ten (10) day notice required by C.C.C. 585.15. Any driver who requests a formal review shall be allowed to retain his or her driver identification card and the right to drive pending action by the Director.
- (b) No person shall operate, drive or be in physical control of a vehicle for hire while under the influence of intoxicating liquor or illegal drugs.
- (c) No driver shall talk or text on a mobile/smart phone while operating, driving or in physical control of a vehicle for hire while a paying fare is in the vehicle.

### **589.09 Grounds for Permanent Revocation, Revocation and Suspension**

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

(a) Obtained a license by a false statement on his or her application, or upon misrepresentation or false statements in his or her affidavit in applying for a duplicate license or driver identification card;

(b) Has become physically or mentally incapable of operating a vehicle for hire;

(c) Been convicted of a crime involving moral turpitude;

(d) The driver has been found guilty of misconduct, which includes, but is not limited to:

(1) Failing to report within twenty-four (24) hours any accident in which the licensee is involved to the appropriate law enforcement agency;

(2) Possessing or using any controlled substance, as defined in Ohio Revised Code 3719.01 not specifically prescribed for him or her by a physician, or possessing any open intoxicating liquor container while in a vehicle for hire;

(3) Operating, driving or otherwise being in physical control of a vehicle while under the influence of intoxicating liquor or drugs;

(4) Operating, driving or otherwise being in physical control of a vehicle for hire where gambling is occurring regardless of whether the operator receives a percentage of the proceeds or not;

(5) Failing to display his or her driver identification card in the rear passenger compartment, or failing to provide his or her driver identification card upon demand of the passengers of a livery, failing to preserve such card in good order and condition, or displaying an expired driver identification card;

(6) Permitting a non-fare paying passenger to occupy a vehicle for hire while a paying passenger is present in the vehicle;

(7) Failing to deliver a correct and legible receipt to the person paying for the vehicle for hire if a receipt is requested. The receipt shall contain the identification numbers of the vehicle and its driver, all items for which a charge is made, the total amount paid and the date of payment;

(8) Failing to maintain the operator records and trip sheets required by C.C.C. 587.10;

(9) Operating a vehicle for hire which is unclean or unsightly. If, upon inspection under C.C.C. 587.12, a vehicle is found to be in violation of this subsection, the Director shall cause a memorandum of the inspection failure to be placed on the record of the driver, in addition to any action taken against the license of the vehicle;

(10) Operating a vehicle for hire while not in compliance with the standards established for drivers in the rules and regulations adopted by the Board. Any reprimand for this subsection shall be recorded on the permanent record of the driver.

(11) Subsequent offenses, extreme situations, or appeals of a license officer's determination under this subsection or Section 589.08 shall be brought before the Director;

(12) Accumulating twelve (12) or more points within a three (3) year period on the driver's Ohio Driver License. This shall apply whether any number of such points were accumulated before the granting of a Vehicle for Hire Driver's License or while operating a vehicle for hire;

(13) Any offenses enumerated in Sections 589.05(b) and (c), or committing any crime which demonstrates personal characteristics rendering a person unsuitable to drive a vehicle for hire;

(14) Violating Section 589.08(b);

(15) Operating a vehicle for hire while wearing earphones, earbuds or headsets over the ears or with a television operating in the vehicle;

- (16) Entering the airport grounds during a period for which the airport administrator or his or her designee has suspended the right of the driver to operate on those grounds, except that such driver may discharge a passenger at the airport if the trip has originated off airport property;
- (17) Failing to summon the closest available vehicle if the vehicle for hire becomes disabled causing a delay that is unacceptable to the passenger(s). The operator may not charge more than what the original trip would have cost if the disability did not occur;
- (18) Failing to appear before the Board when properly notified to do so;
- (19) Any other form of misconduct which shall mean conduct apart from the generally accepted practices of vehicle for hire drivers which demonstrates personal characteristics rendering a person unsuitable to operate a vehicle for hire;
- (20) Engaging in disruptive behavior or misconduct at a meeting of the Board which prevents or disrupts an orderly meeting. This includes but is not limited to the use of profanity, yelling, screaming, preventing a recognized speaker from speaking, and failing to follow the rulings of the chairperson; or
- (21) 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

#### **589.10 Suspension by Director**

When a vehicle for hire driver presents an immediate danger to the health, safety or welfare of the citizens of Columbus, the Director may immediately suspend the license of such person at his or her discretion. When a driver is notified of the suspension, he or she shall surrender his or her license and driver identification card to the Director or the License Section. Pending a decision by the Director, the License Manager may impose a temporary suspension for a period not to exceed twenty-four (24) hours. This temporary suspension shall not be extended by the License Manager.

A driver shall have the right of appeal to the Board of License Appeals any such suspension in accordance with C.C.C. 505.06.

#### **589.11 Driving While Ohio Driver License is Suspended or Revoked**

Whenever a licensed driver has his or her Ohio Driver License suspended or revoked, the Vehicle for Hire Driver's License shall be suspended or revoked for the same period of time.

#### **589.12 Defacing License, Driver Identification Card, Fare Rate Sticker; Assignment**

No licensed driver shall knowingly deface any license, identification card or fare rate sticker, or remove, tamper with, or alter a fare rate sticker displayed in a vehicle for hire. If a violation occurs, the Director shall revoke the drivers Vehicle for Hire Driver's License and such revocation shall be in addition to any other penalty imposed. No license or driver identification card issued to any person under the provision of this chapter shall be assigned or transferred.

#### **589.13 Return of License and Driver Identification Card**

Upon the Board's refusal to grant renewal under the provisions of Section 589.05, or upon the Director's suspension, revocation or permanent revocation of any Vehicle for Hire Driver's License, the driver shall return to the Director his or her Vehicle for Hire Driver's License and driver identification card. In the event such items have been lost, the driver shall file an affidavit to that effect with the Director. Failure to file such affidavit or to return the license and driver identification card shall be punishable according to Section 589.99.

### **589.14 Reapplications**

When an applicant has been denied a license or an applicant's license has been revoked, no new application shall be considered for a period of ninety (90) days. If the license was revoked for driving a vehicle during a period for which the applicant's license had been suspended, as provided in Section 589.10, the applicant shall not be eligible to receive a new license for a period of one (1) year from the date of revocation. In cases of permanent revocation, the applicant is not eligible to reapply.

### **589.99 Penalties**

(a) Whoever violates Sections 589.02(a) and 589.02(c) shall be guilty of a misdemeanor of the first degree.

(b) Whoever violates Sections 589.02(b), 589.02(d) and 589.13 shall be guilty of a minor misdemeanor upon subsequent conviction such person shall be deemed guilty of a misdemeanor of the third degree. Any violation shall constitute a separate offense for each successive day continued.

(c) No penalty shall be imposed for a violation of Sections 589.05, 589.11, or 589.14.

(d) A violation of any other section of Chapter 589 shall be grounds for the suspension, revocation, or permanent revocation of the Vehicle for Hire Driver's License. In the case of a new application, a violation of any other section of Chapter 589 shall be grounds to refuse to issue such license for a determinate period of time up to ninety (90) days or permanently.