

Chapter 11.10 GENERAL PROVISIONS

11.10.010 Definitions.

When used in chapters 11.10—11.40:

Amusement or novelty rides means any transportation for hire not operated on public streets and highways.

Chauffeur means a person authorized by the transportation inspector through the issuance of a chauffeur's license to operate a vehicle regulated by this title.

Chauffeured transportation means transportation through a vehicle controlled or driven by an operator or chauffeur.

Commission means the Anchorage Transportation commission.

Courtesy vehicle means a motor vehicle having a manufacturer's stated seating capacity of 15 or fewer passengers, which capacity included the driver, and is operated for the benefit of a customer without charge by an entity that derives its revenue from sources other than operation of the vehicle transporting that customer.

Criminally offensive sexual behavior includes the offenses named in Article 4 of AS 11.41 or identified by similar elements under Anchorage Municipal Code or the law of another jurisdiction, and offenses included as sexual offenses under the law of another jurisdiction within the United States.

Curbside service means taxicab service procured by a curbside hail, or approaching or waiting at a taxicab stand or zone, without the use of a digital dispatch application.

Dispatch service means a business authorized pursuant to chapter 11.40 to engage in the dispatch of taxicabs to persons desiring to hire them.

Division of measurement standards means the Division of Measurement Standards of the Department of Transportation and Public Facilities of the State of Alaska.

Fuel efficient vehicle means a motor vehicle satisfying vehicle requirements of chapters 11.10—11.40 and a hybrid vehicle or alternative fuel vehicle (AFV), as defined by the Energy Policy Act of 1992 (EPA Act), as amended, including any dedicated, flexible-fuel, or dual-fuel vehicle designed to operate on at least one alternative fuel. Alternative fuels include but are not limited to the following:

- a. Compressed natural gas (CNG),
- b. Biodiesel (B20 blend or higher),
- c. Propane,
- d. Hydrogen, or
- e. Electricity.

Hybrid vehicle means a commercially available, mass-produced vehicle originally equipped by the manufacturer with a combustion engine system and an electric propulsion system that operate in an integrated manner.

Limousine means a luxury vehicle designated by its manufacturer as a limousine and used to transport passengers for hire by means of a chauffeur over unfixed and undefined routes based upon hourly rates. Limousines shall include executive sedans specifically approved as luxury vehicles by the commission. Executive sedans are further defined as four-door luxury vehicles each having a seating capacity of not more than five

passengers, which capacity does not include the driver. Executive sedans shall be permitted only to a bona fide luxury limousine company.

Medical transport vehicle for hire means any motor vehicle or accessible vehicle designed or used to transport passengers, on a pre-arranged basis by a certified care coordinator for visits to medical care providers or other destinations related to health and welfare that require "protective oversight" of passengers with special needs; but shall not mean an ambulance.

Non-motorized vehicle means any type of passenger conveyance which is moved by means other than motorized means and is operated on municipal rights-of-way and is offered for hire. A non-motorized vehicle includes a vehicle drawn by one or more horses.

Operate means to drive, pick up, transport or discharge passengers.

Permit means a written authorization approved by the commission and issued by the transportation inspector allowing the operation of a vehicle regulated by this title. A permit to operate may be separate from ownership or leases of the vehicle or service operated. A permit to operate does not include a chauffeur's license. Such a permit is separate and distinct from a chauffeur's license.

Permittee means a person authorized by the commission to put a regulated vehicle in service.

Quasi-criminal refers to an offense which characteristically involves conduct inappropriate to an orderly society but does not denote criminally in its commission and does not give rise to the possibility of incarceration, disability, or legal disadvantage based on conviction of a crime.

Rate means every rate, toll, fare, rental charge or other form of compensation demanded, charged or collected by a permittee or chauffeur for its services.

Regulated vehicle means any vehicle regulated by this title. Vehicles with reconstructed titles shall not be permitted as regulated vehicles.

Taxicab means a chauffeured motor vehicle equipped with a taximeter or approved metering application or both used to transport passengers for hire having a manufacturer's rated seating capacity of nine or fewer persons, which capacity includes the driver and which is not operated over fixed or defined routes.

Taximeter means an instrument, device, or system attached to a taxicab and by means of which the charge for such vehicle is mechanically or electronically calculated and displayed in dollars and cents. Such calculations may be premised upon the distance traveled or waiting time, or both.

Transportation inspector means the chief administrative officer of the transportation inspection division or his or her designee.

Vehicle for hire means any form of motorized chauffeured passenger transportation offered for hire having a manufacturer's stated seating capacity of 15 or fewer persons, which capacity includes the driver, and does not mean an ambulance, a horse-drawn vehicle, a taxicab, a limousine or a vehicle owned or leased by the municipality and used to transport passengers for hire in connection with the municipality's operation of its mass transit system. A vehicle for hire is intended to satisfy a demonstrated, specific need for passenger transport by offering and providing limited purpose or exclusive passenger transportation services as may be authorized by the commission.

(AO No. 57-75; AO No. 78-177; AO No. 80-19(S); AO No. 81-149; AO No. 84-18; AO No. 87-8; AO No. 87-126(S); AO No. 94-21(S), § 1, 4-12-94; AO No. 97-134(S-1), § 1, 12-9-97; AO No. 98-51(S), § 1, 5-4-99; AO No. 2011-91(S-2), § 1, 9-27-11; AO No. 2013-109(S-1), § 1, 12-3-13; AO No. 2014-116, § 1, 10-21-14; AO No. 2018-6(S), § 1, 4-10-18)

Cross reference(s)—Definitions and rules of construction generally, § 1.05.020.

11.10.020 Anchorage Transportation Commission.

The commission shall be composed of seven members appointed by the mayor and confirmed by the assembly. The commission should contain at least one member with knowledge of the needs of persons with disabilities or the senior community, and at least one member from either Girdwood or Chugiak-Eagle River. The Transit Director or his or her designee shall serve as an ex officio member of the commission.

(AO No. 57-75; AO No. 78-177; AO No. 87-126(S); AO No. 98-51(S), § 1, 5-4-99; AO No. 2013-109(S-1), § 1, 12-3-13)

Cross reference(s)—Appointment of boards and commissions, ch. 4.05; transportation commission, § 4.40.120.

11.10.030 Anchorage Transportation Commission—Powers and duties.

- A. The commission shall regulate all vehicles that are chauffeured and provide transportation services on request for a fee or charge for such transportation, chauffeurs, dispatch services in accordance with this title except for those vehicles for hire which the commission determines to be subject to a comprehensive regulatory program established by Alaska or federal law or where preempted by state or federal law. Unless excluded by this section, no motorized vehicle may be offered for hire to transport passengers in the municipality without being a regulated vehicle, or a vehicle owned or leased by the municipality and used to transport passengers for hire in connection with the municipality's operation of its mass transit system. The commission shall not regulate amusement or novelty rides; courtesy vehicles; buses or bus service; unless the operation of the vehicle is the same as or substantially similar to the operation of a limousine, a courtesy vehicle which derives its revenue from or on behalf of a passenger, or a taxicab, as those terms are defined in section 11.10.010, which shall be subject to regulation by the commission. Vehicles with a manufacturer's rated seating capacity of 16 or more persons, which capacity includes the driver, shall not be regulated by the commission. The purpose of the regulations set forth in chapters 11.10—11.40 or adopted by the commission shall be to protect the public's interest with respect to the price, quality of service, and reasonable safety standards provided by regulated vehicles. Such regulations may set maximum charges for service and minimum standards for service.
- B. The commission shall hold at least one public hearing biennially to investigate the quality of services rendered by regulated vehicles and their permittees and shall make such recommendations to the assembly as it deems necessary for the improvement of such service. The commission may make recommendations to the municipal traffic engineer regarding the location and hours of taxicab and vehicle for hire stands, passenger loading zones, and freight loading zones that are available for regulated vehicle use.
- C. The commission or its designee may administer oaths, certify to all official acts, and issue subpoenas and other process to compel the attendance of witnesses and the production of testimony, records, papers, accounts and documents in an inquiry, investigation, hearing or proceeding before the commission. The commission may petition a court of this state to enforce its subpoenas or other process.

(AO No. 57-75; AO No. 78-177; AO No. 81-149; AO No. 85-87; AO No. 87-8; AO No. 88-21; AO No. 93-220, § 1, 2-22-94; AO No. 98-51(S), § 1, 5-4-99; AO No. 2013-109(S-1), § 1, 12-3-13; AO No. 2014-116, § 2, 10-21-14; AO No. 2018-6(S), § 1, 4-10-18)

11.10.040 Anchorage Transportation Commission—Regulations.

Pursuant to chapter 3.40 of this Code, the commission may promulgate regulations relating to chauffeurs, the operation of regulated vehicles, and dispatch services. Such regulations may not be inconsistent with the provisions of chapters 11.10—11.40, and are subject to approval by the assembly pursuant to section 3.40.040.

(AO No. 57-75; AO No. 78-177; AO No. 81-149; AO No. 85-87; AO No. 98-51(S), § 1, 5-4-99; AO No. 2013-109(S-1), § 1, 12-3-13)

11.10.050 Rates charged by regulated vehicles and services.

- A. The commission may promulgate regulations for implementation and enforcement through the transportation inspector of:
 - 1. Maximum rates to be charged for taxicab curbside service; and
 - 2. Allowable fuel surcharge amounts which may be added to taxicab rates, and the duration of the surcharge period.
- B. In addition to the fees and rates established pursuant to subsection A., the following may be charged:
 - 1. A credit card or debit card processing fee not to exceed \$1.25 per transaction for taxicab service, to recover administrative costs. This charge may be in addition to the maximum charges allowed for taxicab service.
- C. Charging a rate or fee other than as provided by this section or the regulations adopted pursuant to subsection A. is prohibited and a violator is subject to a penalty as set forth in section 11.10.130.
- D. All rates shall be nondiscriminatory.
- E. A statement of actual taxicab rates for curbside service charged by a taxicab, other than flat or group rates established by contractual agreement between dispatch service companies and individuals or other businesses, shall be conspicuously posted on the interior and exterior of every taxicab in a manner prescribed by the transportation inspector. The interior sign shall include contact information for the transportation inspector's office or transportation commission, as directed by the transportation inspector.
- F. No person may require payment of taxicab rates greater than those authorized pursuant to this section and chapter 11.40. Taxicab fares may be prepaid, so long as the payment required at the end of the trip is no greater than the fare rate applicable to the trip as established pursuant to this section, and excess prepaid amounts are refunded to the customer or credited as prepayment for a future fare. No person may require payment of dispatch service rates other than those implemented pursuant to this section and chapter 11.40.
- G. Regulated vehicle services and limousine services may establish their own individual rates, subject to rates established by regulation or as a condition of the issuance of the permit. Each vehicle operated as a vehicle for hire shall conspicuously post a sign on each side of the vehicle, such sign stating the full name of the vehicle for hire service and, if required by the transportation inspector, the fare to be charged. The transportation inspector may require an interior sign which shall include contact information for the transportation inspector's office or transportation commission, as directed by the transportation inspector.

(AO No. 57-75; AO No. 78-177; AO No. 79-58; AO No. 81-149; AO No. 84-18; AO No. 85-87; AO No. 87-8; AO No. 89-63; AO No. 89-97; AO No. 98-51(S), § 1, 5-4-99; AO No. 2011-105(S), § 1, 10-25-11; AO No. 2013-109(S-1), § 1, 12-3-13; AO No. 2016-140, § 1, 12-20-16; AO No. 2018-6(S), § 1, 4-10-18; AO No. 2022-33, § 1, 3-1-22)

Cross reference(s)—Rates, fares and fees, AMCR section 11.10.009.

11.10.055 Anchorage Transportation Commission—Complaints and civil and criminal citations.

- A. The commission, through the transportation inspector, shall:

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1. Establish a record of all complaints and civil and criminal and quasi-criminal citations registered against chauffeurs of regulated vehicles or against the condition of a regulated vehicle. The record shall identify the chauffeur, permit number, and permittee of the vehicle involved in the complaint or citation, as well as the name, address, and/or telephone number of the complainants if available. A complainant's identification may be held confidential by the commission upon request of the complainant(s). Absent additional evidence, an anonymous complaint does not constitute a sufficient basis for a civil citation or penalty.
 2. Require dispatch companies to establish a record of all complaints registered against chauffeurs of regulated vehicles, or against the condition of a regulated vehicle. The record shall identify the chauffeur, permit number, and permittee of the vehicle involved in the complaint, as well as the name, address, and/or telephone number of the complainants if available. A complainant's identification may be withheld from the complaint log by the dispatch company and instead transmitted confidentially to the transportation inspector upon request of the complainant. Absent additional evidence, an anonymous complaint does not constitute a sufficient basis for a civil citation or penalty. The dispatch companies shall, on a monthly basis, provide the transportation inspector with a complete copy of logged complaints.
 3. Require that within all regulated vehicles, except for limousines, a commission-approved notice of the telephone numbers required for the filing of complaints with the commission and the number of the vehicle utilizing the permit shall be prominently displayed in a manner, size, and location designated by the transportation inspector. This notice shall be at least 6 by 8 inches in size, clearly visible to passengers, and protected from accidental damage.
 4. Make available to permittees, upon request, a monthly summary of all logged complaints, civil citations, criminal and quasi-criminal citations and convictions entered against chauffeurs or vehicles operating under their permits, containing the information described in subsection 1. of this section.
 5. Within two working days of issuance of a civil or quasi-criminal citation, criminal complaint, or criminal citation by the Transportation Inspection Office or criminal conviction against any chauffeur or vehicle operating under a permit, mail notice of such complaint or citation or conviction to the permittee at the permittee's current address as filed with the transportation inspector pursuant to sections 11.20.020.B and 11.10.150.
 6. Where non-renewal is recommended by the transportation inspector, provide to the commission, the assembly, and the permittee 30 days prior to commission's annual review of the permit for possible renewal, a summary of all investigated and substantiated complaints, criminal citations and convictions and civil citations filed against the permit during the prior 12 months. As used in this section, the term "citation" means a charging document issued pursuant to chapter 11.10 or 11.20 which has either been confirmed on appeal or was never appealed within the time limit imposed by law for such appeals.
 7. Utilize citation and conviction findings in the annual review process to determine whether the renewal of an individual permittee's permit to operate remains in the continued public interest and welfare.
 8. Provide current information in response to any public request, as to the number of civil and quasi-criminal citations issued by the Transportation Inspection Office and criminal convictions issued against a chauffeur or permittee within the preceding twelve (12) or eighteen (18) months, respectively, as well as the number of criminal citations currently pending.

(AO No. 93-220, § 2, 5-23-94; AO No. 98-51(S), § 1, 5-4-99; AO No. 2013-109(S-1), § 1, 12-3-13)

11.10.060 Hearing officer.

- A. The commission may conduct hearings and make rulings regarding the admission of evidence and procedure, or the chairman of the commission may appoint a hearing officer to do so without a quorum of the commission being present. This subsection applies to matters heard pursuant to section 11.10.030.
- B. A municipal hearing officer appointed under Title 14 of this Code is empowered to conduct the following administrative hearings or quasi-judicial proceedings and the decision issued by the hearing officer shall constitute the final municipal decision in the matter:
 - 1. Appeals of a decision to deny a license or permit under section 11.10.110A.
 - 2. Appeals of the transportation inspector's decision to suspend or revoke a chauffeur's license under section 11.10.110B.
 - 3. Administrative hearings to determine whether to suspend or revoke a permit, following an accusation filed by the transportation inspector under section 11.10.110C.
 - 4. Other administrative or quasi-judicial hearings provided for in chapters 11.10 through 11.40.
- C. Except for appeals of citations issued for violations which subject the violator to a civil penalty as set forth on the fine schedule in section 14.60.030, matters heard by a hearing officer shall be conducted under the procedures set forth in chapter 3.60.

(AO No. 78-177; AO No. 84-18; AO No. 88-21; AO No. 98-51(S), § 1, 5-4-99; AO No. 2013-109(S-1), § 1, 12-3-13)

11.10.070 Powers and duties of the transportation inspector.

- A. In addition to the other duties and powers granted by this title, the transportation inspector shall:
 - 1. Act as recording secretary to the commission;
 - 2. Keep records relating to regulated vehicles, chauffeurs, and dispatch services licensed under this title;
 - 3. Investigate, inspect and examine vehicles, drivers, records and any and all other things related to the operation of regulated vehicles, and to issue citations and commence actions to deny, suspend or revoke licenses and permits;
 - 4. Receive and process all applications for permits and licenses;
 - 5. Administer contracts and serve as the municipal representative for outsourced services such as drug testing and vehicle inspection;
 - 6. Identify and refer license and permit applicants to specialized training providers and resources, as needed, to assist with the special needs of accessible transportation for persons with disabilities;
 - 7. Identify and require vehicle inspections, as needed, to protect the health and safety of persons and property;
 - 8. Identify and require licensee and permittee recordkeeping protocols and record submission schedules; and
 - 9. Provide a current checklist for reference by an applicant, licensee, permittee, and the public of the notices and information required by code for display on the interior and exterior of regulated vehicles.

(AO No. 78-177; AO No. 80-19(S); AO No. 81-149; AO No. 84-18; AO No. 98-51(S), § 1, 5-4-99; AO No. 2013-109(S-1), § 1, 12-3-13)

11.10.080 Vehicle inspections, mechanical equipment standards and accident reporting.

- A. *Periodic inspections:* Vehicles shall be inspected at least once annually. The permittee/vehicle owner will be responsible for arranging the inspections. The transportation inspector will designate the location, scope of inspection, and vendor with qualified persons to inspect the regulated vehicles. The cost for reasonable cause inspections will be the responsibility of the permittee/vehicle owner.
- B. *Review by transportation inspector:* When a regulated vehicle has been permitted for two years or has accumulated a total of 200,000 miles, the inspection frequency may be increased to a total of two inspections annually. The transportation inspector shall be responsible for notifying the permittee or vehicle owner of the increased inspections. The transportation inspector may make a determination that the regulated vehicle is mechanically unsound or does not present a proper appearance to continue in service. In the event a vehicle is determined to no longer be suitable for service, the permittee or vehicle owner shall take the vehicle out of service immediately. The transportation inspector shall not permit a vehicle with a reconstructed title as a regulated vehicle of any type.
- C. *Accident and damage reporting; use of substandard repair parts prohibited:* The owner of a damaged regulated vehicle shall notify the permittee and transportation inspector of the damage sustained no later than 5:00 p.m. of the next Municipal workday and arrange for an inspection of the regulated vehicle. The operator of a regulated vehicle in a collision of any type shall notify the transportation inspector of a collision immediately, or no more than 8 hours following the accident. No person may operate a vehicle as a regulated vehicle unless such vehicle is in a safe, clean condition and in compliance with all applicable laws. No person shall authorize or perform the installation of substandard parts in the repair and maintenance of a regulated vehicle.
- D. *Out of service parked vehicle:* The transportation inspector may require a regulated vehicle to be parked until such time as it has been inspected if he or she has reason to believe that the regulated vehicle poses a threat to the safety of persons or property.
- E. *Mechanical equipment standards:* No person may operate a regulated vehicle unless it complies with these mechanical equipment standards:
 - 1. The steering mechanism shall be in good mechanical working order and wheel play does not exceed two inches.
 - 2. All door hinges and latches shall be in good mechanical working order so that doors open easily and close securely. All door locks shall function with key-activated locks placed on the outside of doors.
 - 3. All windows shall be fully operable, free from cracks and composed of approved safety glass. Interior and exterior mirrors shall be attached securely to the vehicle.
 - 4. All brakes shall be in good mechanical working order. When pressed the brake pedal shall be not less than 1¾ inches from the floorboard. Brake linings shall not be less than 1/32 of an inch at any point. Brake drums shall not exceed 40/1000 in excess of factory specifications.
 - 5. The exhaust system, gaskets, tailpipes and mufflers shall be in good condition. Exhaust fumes shall not penetrate into the interior of the vehicle.
 - 6. The vehicle shall be equipped with four tires each of which shall have depth tread measurements at approximately every 120 degrees of its circumference not less than 2/32 of an inch. Each wheel shall be aligned so as to prevent unusual tire wear.
 - 7. The speedometer shall be properly installed, maintained in good working order and exposed to view.
 - 8. The interior of the vehicle shall be clean, free from torn upholstery and from damaged or broken seats.

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9. All exterior and interior lights and turn signals shall be in good mechanical order. Headlights shall be properly aligned for both high and low beam use and shall not be fogged.
 10. The horn and two windshield wipers shall be in good mechanical working order.
 11. All wire connections shall be permanent and located out of the way of the driver and passengers.
 12. The taximeter shall be fully functional and sealed or certified. This paragraph does not apply to limousines or vehicles for hire.
 13. The vehicle shall be structurally sound and operate within the noise and vibration limits permitted by section 15.70.090.
 14. Springs and shackles shall be free from cracks and breaks. Shocks shall be securely mounted and functional. Fluid leakage shall not exceed light dampness.
 15. The vehicle shall not have cracked, broken or badly dented fenders and shall be painted so as to provide reasonable protection against structural deterioration. Body and sheet metal should have all the manufactured parts securely mounted with no dangerous protuberances.
 16. The vehicle shall be washed daily, and the interior shall be maintained in a clean, sanitary and smoke free condition.
 17. The vehicle shall meet all applicable vehicle emissions standards.
 18. Defrosting and heating systems shall be operational.
 19. There shall be no leakage of fluids or oil from any part of the vehicle.
 20. The vehicle shall be equipped with accessible and operable seat belts for all seats.
 21. Taxicabs shall be equipped with a silent electronic alarm.
 22. Taxicabs shall be equipped with a surveillance system meeting the requirements of section 11.10.185.
 23. Specialized equipment in vehicles permitted under subsection 11.20.037 F. shall be in safe, operable condition, as intended by the original manufacturer or approved after market conversion.
- F. All taxicabs, limousines and vehicles for hire shall be subject at all times to an inspection by the transportation inspector or a designee. All regulated vehicles are subject to inspection by a police officer who has reason to believe that the vehicle does not comply with all federal, state and local vehicle equipment laws or regulations, including vehicle requirements of this code and regulations.
- G. Inspection fees for regulated vehicles shall be established in the inspection service provider contract administered by the transportation inspector.

(AO No. 57-75; AO No. 78-177; AO No. 80-19(S); AO No. 81-149; AO No. 84-18; AO No. 87-126(S); AO No. 93-220, § 3, 2-22-94; AO No. 98-51(S), § 1, 5-4-99; AO No. 2013-109(S-1), § 1, 12-3-13; AO No. 2018-6(S), § 1, 4-10-18)

11.10.085 Drug and alcohol testing.

- A. The commission shall:
1. Cause to be established a drug and alcohol testing program for chauffeurs of regulated vehicles. The program shall:
 - a. Include chauffeur drug and alcohol reasonable cause, post-accident, and post-citation tests.
 - b. Provide for the immediate denial, suspension, or revocation of the chauffeur's license by the transportation inspector of any chauffeur failing, or failing to submit to, a chauffeur drug or

alcohol test under this section. The denial, suspension, or revocation shall be for a period of not less than six months for a first offense. In the case of a suspension or revocation under this section, the period may continue beyond six months until such time as the chauffeur shall submit evidence of successful completion of a drug or alcohol abuse treatment program.

- c. Provide for the immediate revocation by the transportation inspector of the chauffeur's license of any chauffeur failing or failing to submit to a reasonable cause, post-accident, or post-citation test, for a period of not less than two years for a second or subsequent failure or refusal to submit to a required drug and/or alcohol test within a ten year period.
2. Establish fees to pay for drug and alcohol testing. Costs of testing for reasonable cause tests, post-accident drug or alcohol tests, and post-citation drug or alcohol tests shall be borne by permittees.
- B. A design, cost structure, and fee determination for the drug and alcohol testing program shall be developed and implemented by the transportation inspector subject to the following conditions:
 1. Direct operational costs for the post-accident, post-citation, and reasonable cause drug and alcohol testing program shall be borne by permittees.

(AO No. 93-220, § 4, 5-23-94; AO No. 94-93(S), § 1, 5-16-94; AO No. 97-79, § 1, 6-3-97; AO No. 97-92, § 1, 7-1-97; AO No. 98-51(S), § 1, 5-4-99; AO No. 2013-109(S-1), § 1, 12-3-13; AO No. 2018-6(S), § 1, 4-10-18)

Cross reference(s)—Offenses against property, ch. 8.20; alcoholic beverages, ch. 10.50; chauffeurs, ch. 11.30; dispatch service, ch. 11.40.

11.10.090 Enforcement authority.

The mayor or his or her designee shall have the power of a peace officer to enforce the terms of this Code and to enforce the terms of chapters 11.10 through 11.40 by issuing citations, permit and license denials, suspensions, revocations, penalties and filing complaints with the municipal administrative hearings officer under Title 14. The Transportation Inspector is the designee for enforcement of chapters 11.10 through 11.40, and police officers may enforce said chapters.

(AO No. 80-19(S); AO No. 84-18; AO No. 98-51(S), § 1, 5-4-99; AO No. 2013-109(S-1), § 1, 12-3-13)

11.10.100 Hearings—Appeals.

- A. A person aggrieved by the denial, suspension, or revocation of a chauffeur's license, or the denial of a permit or dispatch service license by the transportation inspector under provisions of chapters 11.10—11.40 may, within 15 days of the denial, suspension, or revocation decision, and upon payment of the filing fee required by section 11.10.160, appeal that decision to the administrative hearing officer appointed under this chapter.
- B. In addition to sustaining the denial, suspension, or revocation of a chauffeur's license by the transportation inspector, the hearing officer may authorize the conditional or unconditional issuance or reinstatement of a denied, suspended, or revoked license upon the hearing officer's finding, by a clear and convincing evidence, any one or more of the following:
 1. The appellant fully meets the requirements of this title, and denial of the license or permit by the transportation inspector is in error.
 2. The appellant has been rehabilitated and demonstrates the ability to responsibly exercise the benefits and obligations of a licensee or permittee under chapters 11.10—11.40.
 3. The transportation inspector exceeded his or her authority.

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4. Continued suspension of or refusal to issue or reinstate the license would otherwise work a substantial injustice contrary to the provisions of chapters 11.10—11.40.
- C. An appeal from any final decision of the hearing officer under this title shall be made to the Superior Court, Third Judicial District, Anchorage, Alaska, no later than 30 days following service of that decision upon the affected chauffeur or permittee or dispatch company at their last known address. Review by the court shall be limited to determining whether the decision of the hearing officer is supported by substantial evidence.
 - D. A permittee, a chauffeur or a dispatch service who has been issued a civil citation imposing a fine set forth in section 14.60.030 may request a hearing under the procedures set forth in chapter 14.30. A person who has been subjected to a penalty under the provisions of chapters 11.10 through 11.40, other than a permit or dispatch license suspension or revocation, for which no fine is included in section 14.60.030 may appeal that penalty to the administrative hearings officer designated in this chapter and the appeal shall be conducted under the provisions of chapter 3.60.
 - E. A permittee, a chauffeur or a dispatch service who seeks to appeal a citation, penalty, denial, suspension, or revocation after expiration of the appeal filing period shall file a letter with the transportation inspector within 30 days from the date of the close of the applicable appeal period stating the reasons with good cause why he or she did not appeal within the applicable period. This subsection shall not apply to a permit or dispatch license suspension or revocation action under section 11.10.110 C.; a request to allow an untimely or late appearance after the administrative hearing is held in such an action shall be by motion to the administrative hearing officer whom shall decide the motion using independent judgment. The transportation inspector shall forward the letter to the commission for consideration at its next regularly scheduled meeting.
 1. The Transportation commission shall consider each letter as a request to waive for good cause strict enforcement of the filing deadline. The transportation commission shall not waive the filing deadline unless good cause is shown and the commission finds waiver of strict enforcement will not promote use of the permit contrary to the public safety and welfare, or prejudice the Municipality's enforcement of chapters 11.10—11.40.
 2. The Transportation commission's determination shall be based on the letter and supporting documentation on whether the deadline for appealing the transportation inspector's determination to the hearing officer should be waived for good cause.
 3. An applicant for waiver of the appeal deadline must demonstrate compelling reasons or circumstances which would prevent a reasonable person under the circumstances from filing a timely appeal.
 4. The transportation inspector shall notify the applicant of the decision on the waiver within five days of receipt of the request. If the request is granted, the waiver applicant may file a notice of appeal with the transportation inspector. If the request is denied, the transportation commission's denial may be appealed to the administrative hearing officer.

(AO No. 57-75; AO No. 78-177; AO No. 79-58; AO No. 80-19(S); AO No. 81-149; AO No. 84-18; AO No. 85-87; AO No. 87-126(S); AO No. 88-21; AO No. 93-220, § 5, 2-22-94; AO No. 98-51(S), § 1, 5-4-99; AO No. 2011-72, § 1, 6-28-11; AO No. 2011-91(S-2), § 2, 9-27-11; AO NO. 2013-109(S-1), § 1, 12-3-13)

11.10.110 Denial, suspension, or revocation of license or permit.

- A. If the transportation inspector determines that a license application for a chauffeur's license or the application for a regulated vehicle permit or dispatch service license does not meet the requirements of this title, the transportation inspector shall deny the application. The transportation inspector shall issue a written decision to the applicant which shall state the specific reasons for that denial. Such written decision will be issued no later than seven working days of the denial.

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- B. The transportation inspector shall have the power to suspend or revoke a chauffeur's license.
1. The transportation inspector shall suspend or revoke a chauffeur's license if a chauffeur is convicted by a court of competent jurisdiction of an offense set forth in section 11.30.040.
 2. The transportation inspector may suspend or revoke a chauffeur's license upon receipt of evidence sufficient to cause the transportation inspector to conclude by a preponderance of the evidence (i.e., that it is more likely than not) that a chauffeur is incapable of controlling a motor vehicle safely. Such evidence may include violation of this title, Title 9 of this Code, and/or any relevant medical or psychological evidence presented.
 3. The transportation inspector shall deny, suspend, or revoke the chauffeur's license of any chauffeur failing or refusing to take a drug and/or alcohol test as authorized by section 11.10.085.
 4. The transportation inspector may suspend or revoke the chauffeur's license of a chronic violator. As used in this section, "chronic violator" means a chauffeur who accumulates four or more citations issued under authority of section 11.10.090 during a period of 12 consecutive months. Citations which have been dismissed on appeal do not count towards the sum of the four citations. When two or more citations are issued for separate violations related to a single incident on the same date, the incident shall count as one citation toward the sum of four. This paragraph does not preclude suspension of a license on other grounds, when less than four citations have been issued in a 12-month period.
 5. The transportation inspector shall suspend the chauffeur's license upon receipt of a criminal charging document or verifiable information disclosing the circumstances of an arrest sufficient to cause the transportation inspector to conclude by a preponderance of the evidence (i.e., that it is more likely than not) the chauffeur used a regulated vehicle, chauffeur license, or uniform to gain physical proximity or the trust of the victim for criminally offensive sexual behavior by the chauffeur. The suspension shall be immediate. The suspension shall continue until final judicial adjudication of the arrest, unless the transportation inspector makes a written finding that restrictions have been judicially imposed on the chauffeur for the period until final judicial adjudication of the arrest is complete, the public is best protected by the judicially imposed restrictions, and the public trust is preserved. For purposes of this subsection, final adjudication of the arrest includes a dismissal or withdrawal of the criminal charges, with or without prejudice.
 6. Upon suspension or revocation of a chauffeur's state driver's license, his or her chauffeur's license shall simultaneously and automatically become void. Such a chauffeur shall not thereafter operate a vehicle for which a chauffeur's license is required unless he or she is first issued a new chauffeur's license in accordance with section 11.30.040.
 7. A chauffeur must surrender his or her chauffeur's license to the transportation inspector within three days of any suspension or revocation of the chauffeur's license.
- C. Actions against permits.
1. The transportation inspector may serve a permittee with an accusation or notice stating the intent to suspend or revoke a permit in accordance with section 3.60.025. The municipal administrative hearing officer appointed under this chapter is the official empowered to issue the final determination to suspend or revoke a permit after an administrative hearing. A permit may be suspended or revoked upon a finding that:
 - a. A preponderance of the evidence supports the conclusion that the permittee has committed an offense set forth in chapters 11.10—11.40;
 - b. A preponderance of the evidence supports the conclusion that the permittee has failed to use the permit in a manner and fashion consistent with the public safety and welfare; or
 - c. Continued operation of the permit will result in substantial risk to the public health or welfare.

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2. Except where a permit suspension or revocation is based on imminent and substantial risk to the public health or welfare, the penalty of suspension or revocation shall not be imposed when the permittee contests it or enters an appearance with the hearing officer until the hearing officer has an opportunity to determine whether to suspend the permit during the administrative hearing process pending the final decision in accordance with this subsection. If the permittee fails to contest the notice or appear, the hearing officer may immediately suspend or revoke the permit.

The hearing officer shall address the question of suspension or revocation pending a final decision at its first hearing following the filing of the accusation or notice of suspension or revocation, and may defer the effective date of suspension or revocation action until the matter is decided. If, at its first hearing in the matter, the hearing officer finds that continued operation of the permit during the appeal process presents substantial further risk to the public health or welfare, or of continuing violations of chapters 11.10 through 11.40, the hearing officer may order the immediate suspension of the permit.

3. The transportation inspector may immediately suspend or revoke a permit upon service on the permittee of a notice of revocation under section 3.60.025 if the transportation inspector determines that continued operation of the permit will result in immediate and substantial risk to the public health or welfare. An immediate suspension or revocation notice shall state the justification for immediate action and the hearing officer shall, at the first hearing in the matter, determine whether to continue that suspension or revocation pending the final adjudication of the matter. The hearing officer shall set a date for the first hearing at the earliest possible time in accordance with section 3.60.040A.
 4. The transportation inspector may reverse or revise a penalty, including a revocation, if a civil or criminal conviction contributing substantially to the determination of revocation of a permit is reversed on appeal to court.
- D. The transportation inspector may suspend or revoke a dispatch service license by the same process as that for permits in subsection C., upon a finding after a hearing that:
1. During a period of 12 consecutive months, such dispatch service has been issued four citations. As used in the preceding sentence, the term "citation" means a civil citation issued for violation of any requirement of this title which has either been confirmed on appeal or was never appealed within the time limit imposed by law for such an appeal.
- E. Violation of the terms of a suspension or revocation imposed by this section is a separate violation of this title.
- F. A decision by the transportation inspector to deny, suspend, or revoke a license or permit, or to seek such action in an accusation or notice served on the licensee or permittee, shall be issued in writing separately from any citations or other penalty, and may be appealed in accordance with section 11.10.100.

(AO No. 57-75; AO No. 78-177; AO No. 80-19(S); AO No. 81-149; AO No. 84-18; AO No. 85-87; AO No. 87-8; AO No. 87-126(S); AO No. 88-21; AO No. 92-50; AO No. 93-220, § 6, 5-23-94; AO No. 93-220, § 7, 2-22-94; AO No. 93-220, §§ 8, 9, 8-21-94; AO No. 94-93(S), § 2, 5-16-94; AO No. 98-51(S), § 1, 5-4-99; AO No. 2011-91(S-2), § 3, 9-27-11; AO No. 2013-109(S-1), § 1, 12-3-13; AO No. 2018-6(S), § 1, 4-10-18)

Cross reference(s)—Alcohol and drug offenses, ch. 8.35; alcoholic beverages, ch. 10.50; chauffeurs, ch. 11.30.

11.10.120 Repealed.

Editor's note(s)—AO No. 98-51(S), § 1, adopted May 4, 1999, repealed § 11.10.120, which pertained to chronic violations by chauffeurs. See the Code Comparative Table.

11.10.130 Penalties and remedies.

- A. The violation of any provision of chapters 11.50, Don Young Port of Alaska, and 11.60, Municipal Airports, or any municipal regulation promulgated pursuant thereto shall be an infraction, and any person convicted of such a violation shall be subject to a fine of not more than \$300.00.
- B. In addition to any other remedy or penalty provided by this section, a person or permittee who violates a provision of this title or a municipal regulation promulgated under this title shall be subject to a civil penalty as set forth in section 14.60.030, or, if no penalty is set forth in that section, a civil penalty of not more than \$1,000.00 for each offense, or injunctive relief to restrain the person from continuing the violation or threat of violation, or both such civil penalty and injunctive relief. Upon application by the Municipality for injunctive relief and a finding that a person or permittee is violating or threatening to violate a provision of this title or a municipal regulation promulgated under this title, the Superior Court shall grant injunctive relief to restrain the violation.
- C. Unless a different penalty amount is set forth in this Code, any violator of any provision of chapters 11.10 through 11.40 or a regulation promulgated pursuant thereto shall be subject to a civil penalty, which, except for suspensions and revocations, may be issued as a citation in accordance with Title 14 of this Code, for such violations as follows:
 - 1. *First violation.* A warning notice warning of additional and/or increased fines for subsequent violations in accordance with this subsection or a fine not to exceed \$100.00 or both, plus a warning of the consequences of further violations;
 - 2. *Second violation.* Suspension of the violator's license or permit for a period not to exceed 15 days or a fine not to exceed \$300.00 or both, plus a warning of the consequences of further violations;
 - 3. *Third violation.* Suspension of the license or permit for not to exceed 30 days or a fine not to exceed \$750.00 or both, plus a warning of the consequences of further violations;
 - 4. *Fourth violation.* Any of the above penalties or revocation of the license or permit, or both. A person whose license or permit is revoked under this subsection shall not be eligible to apply for a new license or permit for a period of six months after the date the first license or permit revocation becomes effective and for a period of two years after the date the second or subsequent license or permit revocation becomes effective.

Only violations occurring within the 12 months immediately preceding the most recent citation shall be considered for purposes of this subsection, except violations occurring within the prior five years may be considered when imposing penalties for violations of section 11.30.150, tampering with safety equipment, which penalties shall apply the fine amounts set forth in section 14.60.030.

- D. Upon issuance of a civil citation or a criminal or quasi-criminal conviction against a chauffeur, the transportation inspector shall determine whether the citation or conviction demonstrates use of the permit contrary to public safety and welfare and, if so, shall notify the permittee of such determination.
- E. The transportation inspector may relax or suspend, in whole or in part, penalties against a permittee for the conduct, actions or omissions of a chauffeur ("chauffeur-caused penalties") set forth for offenses under a permit, but only upon a clear and convincing showing by the permittee that:
 - 1. The chauffeur-caused offenses were through no contributory fault of permittee in lack of oversight or control of operations under the permit; and
 - 2. The permittee has no history of similar penalties within the most recent five-year period; and
 - 3. The permittee has taken appropriate remedial action to prevent the same violation from recurring.

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- F. The transportation inspector may relax or suspend, in whole or in part, penalties against a permittee for civil violations by the permittee's agent or lease operator under contract upon a clear and convincing demonstration by the permittee that:
1. The offenses were through no contributory fault of permittee in lack of oversight or control of operations under the permit; and
 2. The permittee has no history of similar penalties within the most recent five-year period; and
 3. The permittee has taken appropriate remedial action to prevent the same violation from recurring.
- G. Change of personnel in the chauffeur, agent, or lease operator, taken alone, shall not constitute clear and convincing demonstration that appropriate remedial action has been taken to prevent the same violation from recurring.
- H. Each day during which a violation described in this section occurs shall constitute a separate offense. A citation shall be effective for violations of operation as of the date the citation is served.
- I. All civil penalties collected shall be dedicated to the operations of the transportation inspection office.
- J. Fines shall be paid within 30 days of service of the citation or within 30 days after any appeal is denied. The previous sentence applies to fines levied before, on, and after the effective date of this ordinance [December 3, 2013]. Failure to pay fines within the established times will result in immediate suspension of license or permit until such time as the fine has been paid. The above requirement applies to chauffeurs, permittees and dispatch service licenses.

(AO No. 57-75; AO No. 78-177; AO No. 80-131; AO No. 84-18; AO No. 85-87; AO No. 93-167(S-1), § 10, 4-13-94; AO No. 93-220, § 10, 8-21-94; AO No. 94-170, § 1, 9-20-94; AO No. 98-51(S), § 1, 5-4-99; AO No. 98-51(S), § 1, 5-4-99; AO No. 2013-109(S-1), § 1, 12-3-13; AO No. 2017-122(S), § 7, 10-24-17; AO No. 2023-81, § 7, 1-9-24)

11.10.140 Renewal of license or permit.

- A. A permit or dispatch service license issued pursuant to chapters 11.10 through 11.40 of this title, other than a vehicle for hire permit issued for a designated period of six months or less by the applicant, shall be valid until December 31 immediately following the date of its original issuance, unless a different expiration date is set by the commission at the time of issuance. Thereafter such a permit or dispatch service license shall be renewable for a term of one year, commencing on January 1. A chauffeur's license issued pursuant to chapter 11.30 shall be valid for two years from the date of issuance. A temporary vehicle for hire permit issued for a designated period of six months or less shall expire at the end of that period. A permit, dispatch service, or chauffeur's license shall expire automatically unless an application for its renewal is received by the transportation inspector before its expiration date.
- B. An application to renew a taxicab, limousine or vehicle for hire permit, or to renew a chauffeur's license or a dispatch license shall be made to the transportation inspector in the same manner as an original application and shall be treated in the same manner as an original application except that for license renewal, a chauffeur need not comply with subsection 11.30.020B.3.
- C. If a permittee, chauffeur or dispatch service is no longer qualified to hold his or her taxicab, limousine, or vehicle for hire permit or license at the time of renewal, the transportation inspector shall not renew the permit or license, and it shall lapse and become ineffective. If an applicant to renew a taxicab permit is no longer qualified, that permit shall become available for re-issuance in the same manner as a new permit in accordance with section 11.20.030. The re-issued permit shall be in addition to any new permits scheduled for issuance.

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- D. Any person who has forfeited a license or taxicab, limousine or vehicle for hire permit pursuant to section 11.10.110 may not apply for a new license or taxicab, limousine or vehicle for hire permit for a period of one year.

(AO No. 78-177; AO No. 80-19(S); AO No. 81-149; AO No. 87-8; AO No. 87-126(S); AO No. 88-21; AO No. 93-220, § 11, 8-21-94; AO No. 94-214(S), § 2, 12-13-94; AO No. 95-219(S), § 1, 12-31-95; AO No. 98-51(S), § 1, 5-4-99; AO No. 2013-109(S-1), § 1, 12-3-13; AO No. 2016-124(S), § 1, 12-20-16; AO No. 2018-6(S), § 1, 4-10-18)

11.10.150 Duty to maintain current application, compliance with applicable laws and regulations.

- A. A permittee, chauffeur or dispatch service is under a continuing obligation to keep the information on his or her application current. Failure to do so shall be a violation of this title. A permittee, chauffeur or licensee shall give written notice to the transportation inspector of any change to be made on his or her application within ten (10) days, and the transportation inspector shall amend the application accordingly.
- B. No person may knowingly make a false or misleading statement on his or her application for a permit or license under this title.
- C. A permittee, chauffeur or dispatch service shall comply with all federal, state and local laws applicable to the operation of their business or provision of the service, including worker's compensation insurance laws.

(AO No. 78-177; AO No. 80-19(S); AO No. 84-18; AO No. 2013-109(S-1), § 1, 12-3-13)

11.10.160 Fees.

- A. The commission shall promulgate regulations establishing the amount of a fee for:
1. The issuance and renewal of permits and licenses;
 2. Transfer of a general permit under section 11.20.040;
 3. Appeals of a civil penalty or the denial of a license or permit;
 4. Inspection, certification and sealing or resealing of a taximeter or inspection and certification of other approved device;
 5. Substitution or change of vehicle operated under a permit;
 6. Other privileges or services provided by the municipality as deemed necessary by the commission.

(AO No. 57-75; AO No. 78-177; AO No. 79-58; AO No. 80-19(S); AO No. 81-149; AO No. 83-199; AO No. 84-18; AO No. 85-87; AO No. 87-8; AO No. 87-126(S); AO No. 88-21; AO No. 93-220, § 12, 8-21-94; AO No. 94-214(S), § 3, 12-13-94; AO No. 95-169, § 1, 9-12-95; AO No. 95-219(S), § 2, 12-31-95; AO No. 98-51(S), § 1, 5-4-99; AO No. 2003-152S, § 6, 1-1-04; AO No. 2004-151, § 3, 1-1-05; AO No. 2013-109(S-1), § 1, 12-3-13; AO No. 2018-6(S), § 1, 4-10-18)

Editor's note(s)—The fees were relocated to AMCR section 11.10.009 by AO 2013-109(S-1), effective December 3, 2013.

11.10.170 Review and certification of application.

- A. Upon receipt of an application which meets the requirements of chapters 11.10—11.40, the transportation inspector shall determine whether the applicant is in compliance with the specific laws or municipal regulations administered and enforced by the following departments:
 - 1. Finance department. The chief fiscal officer or his or her designee shall determine whether the applicant owes any taxes, assessments, judgments or bills for collection in connection with the business or activity for which a license is sought. If no such obligations are outstanding, the chief fiscal officer shall so certify.
- B. Upon receipt of the proper certifications from all necessary municipal departments or officials, the transportation inspector shall issue a chauffeur's or dispatch service license as this title may require, or in the case of a permit application shall certify the application satisfies section 11.20.020 and that the applicant may participate in bidding under subsection 11.20.030D.
- C. Departments or officials requested to certify applications under chapters 11.10—11.40 shall complete their review as soon as practicable following the request by the transportation inspector.

(AO No. 78-177; AO No. 80-19(S); AO No. 81-149; AO No. 82-49; AO No. 84-18; AO No. 85-87; AO No. 87-126(S); AO No. 2013-109(S-1), § 1, 12-3-13)

11.10.180 Compliance with AS 28.05.095 required.

Every regulated vehicle shall comply with Alaska Statute 28.05.095(b) which regulates and requires child safety restraints.

(AO No. 98-51(S), § 1, 5-4-99)

11.10.185 Surveillance system required for regulated vehicles.

- A. Except for horse drawn or other exempt vehicles, and as otherwise provided in this title, every regulated vehicle shall be equipped at all times with a video camera surveillance system and have global positioning system capability. The surveillance and GPS systems shall be capable of recording and storing the data of at least 72 hours of in-service operations. The recorded data shall be stored on board the taxicab or transmitted for storage. The stored data for the immediately preceding 72 hours of recording shall not be altered or manipulated by any person, and the data storage medium or device shall be subject to seizure or copying at any time by the transportation inspector for purposes of enforcement of chapters 11.10 through 11.40, or by a peace officer as defined in AS 1.10.060. If the transportation inspector or a peace officer removes and takes possession of the data storage medium or device, the permittee or lease operator shall be given notice as soon as possible. If a data storage device is seized, either it shall be replaced by the seizing agency or the data needed shall be copied and the device returned to the vehicle, the permittee or the operator, as soon as practicable. For good cause, the transportation inspector may order retention of recorded data of specific dates, trips, or incidents for up to two years.
 - 1. The video camera surveillance system shall have the capability to operate 24 hours a day, record video only, and be compatible with surveillance during both daytime and nighttime. The surveillance system shall either have continuous operation or be activated by the opening of a door, the starting of the taxicab meter, or some other self-initiating device which does not require the specific decision or action by the chauffeur to activate the surveillance system. The system shall be capable of producing high-quality pictures for law enforcement use. The system shall have cameras facing the front and rear and positioned in a manner that provides views of the regulated vehicle interior that are visible to

passerby and does not violate privacy rights. A limousine shall not have video surveillance of the passenger area designed and intended to provide privacy from the chauffeur and public view, but may have a view into that area when a privacy partition or device is open.

2. The global positioning system capability of any regulated vehicle shall either have continuous operation or be activated by a self-initiating device which does not require the specific decision or action by the chauffeur to activate the global positioning system. The global positioning system in taxicabs must be capable of alerting the monitoring station of emergencies. The dispatch company or a company within the municipality approved by the transportation inspector will be the monitoring station for a taxicab's global positioning system.

(AO No. 2013-109(S-1), § 1, 12-3-13; AO No. 2018-6(S), § 1, 4-10-18)

11.10.190 Regulated vehicles from other municipalities.

Regulated vehicles as defined in this chapter authorized to operate in designated areas such as Chugiak-Eagle River and Girdwood, or by another city or municipality, may transport passengers one way or round trip from said designated area, city or municipality to any place or point within the Municipality of Anchorage without being permitted or licensed in Anchorage, but the chauffeur, driver or owner of such vehicle shall not accept a fare or transport a passenger for hire, or offer to accept any passenger for hire, for a one way or round trip or leg commencing within the municipality or otherwise operate within the Municipality of Anchorage without a permit or license under this title.

(AO No. 2013-109(S-1), § 1, 12-3-13)

11.10.195 Compliance with AMC Title 5 required.

Regulated vehicles and services under chapters 11.10—11.40 constitute public accommodation as defined in AMC 5.20.010. Permittees, chauffeurs, dispatch services, operators of regulated vehicles and services under chapters 11.10—11.40, and their agents and contractors, shall not engage in unlawful discriminatory practices within the meaning of Title 5. Enforcement jurisdiction is set out in Title 5.

(AO No. 2013-109(S-1), § 1, 12-3-13)