

TITLE 11 - TRANSPORTATION

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Footnotes:

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Cross reference— Driver's licenses, ch. 9.12; designation of public carrier stops and stands, § 9.32.040; stopping, standing and parking of taxicabs, § 9.32.060; drug and alcohol testing for chauffeurs, § 11.10.085; suspension or revocation of chauffeur's license, § 11.10.110.

11.30.010 - Chauffeur's license required.

No person may operate a regulated vehicle without first obtaining a chauffeur's license.

(AO No. 78-177; AO No. 81-149; AO No. 87-8; AO No. 92-50; AO No. 98-51(S), § 3, 5-4-99; AO No. 2013-109(S-1), § 3, 12-3-13)

11.30.020 - Application for chauffeur's license.

- A. An application for a chauffeur's license shall be made to the transportation inspector.
- B. An application shall be submitted on a form approved by the transportation inspector and shall be accompanied by:
 - 1. The fee specified in section 11.10.160.
 - 2. Photographs to be taken by the transportation inspector.

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3. The results and report of either a finger print based criminal background check from the Alaska Department of Public Safety, or a third-party primary source locator background check.
 - a. A finger print based criminal background check obtained through the Alaska Department of Public Safety, which shall:
 - i. Include processing through the Alaska automated fingerprint system;
 - ii. Include a national criminal history record check and review of the United States Department of Justice National Sex Offender database;
 - iii. Include a driving history research report or authorize the transportation inspector to obtain one on the individual;
 - iv. Be processed by the Alaska Department of Public Safety with the applicant to pay all fees requested for Federal Bureau of Investigation processing of fingerprints, and processing of information requests including fees for contacting other jurisdictions to determine the disposition of an out-of-state arrest or to clarify the nature of an out-of-state conviction; and
 - v. Have been produced less than 30 days from submission to the transportation inspector and not be altered or marked by any person other than authorized employees or agents of the Alaska Department of Public Safety or the transportation inspector's office, except that any sealed records or reports of the same shall be excluded from the submission.
 - b. A third-party primary source locator background check shall be local and national in scope and review
 - i. a multi-state or multi-jurisdiction criminal records locator or a similar commercial nationwide database with validation; and
 - ii. the United States Department of Justice National Sex Offender Public Website;
 4. Proof that the applicant currently holds a valid state of Alaska driver's license which entitles him to operate a vehicle by which persons are transported for compensation.
 5. Proof that the applicant is at least 18 years of age.
 6. The applicant has passed an examination administered by the transportation inspector or his or her designee, demonstrating the applicant's ability to read, write and speak the English language.
- D. Any person who has been denied a license pursuant to this chapter may not apply again for such a license for a period of one year except:
1. for those denied or revoked under section 11.10.085 A.2. and 3. and pursuant to section 11.10.110 A.3., who may apply in accordance with relevant provisions of chapters 11.10 and 11.30; or
 2. persons denied for not passing the English language examination, who may apply again at any time.

(AO No. 57-75; AO No. 78-177; AO No. 79-58; AO No. 79-127; AO No. 80-19(S); AO No. 80-136; AO No. 84-18; AO No. 85-87; AO No. 87-126(S); AO No. 93-220, § 20, 8-21-94; AO No. 94-93(S), § 3, 8-14-94; AO

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No. 98-187, § 4, 6-13-99; AO No. 98-51(S), § 3, 5-4-99; AO No. 2001-85, § 2, 5-22-01; AO No. 2013-109(S-1), § 3, 12-3-13)

11.30.030 - Temporary license.(Repealed)

(AO No. 84-18)

11.30.040 - Issuance of chauffeur's license.

The transportation inspector shall issue a Municipal chauffeur's license to an applicant only if:

- A. The applicant has submitted a complete application as prescribed in section 11.30.020;
- B. The applicant has not had a conviction entered by a court of competent jurisdiction within the past three (3) years of:
 1. A moving traffic violation which subjected the applicant's driver's license to suspension or revocation pursuant to AS 28.15.221—28.15.261, or a similar law of another jurisdiction;
 2. Reckless or negligent driving;
 3. Driving while license canceled, suspended, revoked, or in violation of a limitation under AS 28.15.291;
 4. Driving while under the influence of intoxicating liquor, depressant, hallucinogenic, stimulant or narcotic drugs, or any controlled substance as defined in AS 28.35.030 or any similar law of another jurisdiction; or
 5. a third or subsequent moving traffic violation, or forfeited bail for same;
- C. The applicant has not had his or her driver's license suspended or revoked within one year prior to the application date;
- D. The transportation inspector finds no charges pending against the applicant for criminally offensive sexual behavior in any jurisdiction included within the transportation inspector's review;
- E. The applicant has not had a felony or misdemeanor conviction entered by a court of competent jurisdiction within the past seven (7) years for:
 1. Assignment, prostitution, solicitation for the purpose of prostitution, offering to secure another for the purpose of prostitution, maintaining a vehicle for the purpose of prostitution or accepting money from a prostitute for any of the aforementioned purposes;
 2. Sale, transportation, possession or use of any controlled substance as defined in AS 11.71 or any similar law of another jurisdiction;
 3. Any felony or misdemeanor which includes as an element the use or threat of force upon a person;
 4. Burglary, larceny, fraud, theft or embezzlement; or
 5. Any offense which pertains to sexual abuse of a minor or sexual exploitation of a minor.

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- F. Each representation made in the application is correct. Any false or misleading statement or misrepresentation as to a material matter in an application shall be grounds for denial of the application or revocation of the license.
- G. The applicant is not required to register as a sex offender or child kidnapper:
 - 1. In the State of Alaska pursuant to AS 12.63.010; or
 - 2. In another jurisdiction pursuant to the laws of that jurisdiction, if the elements of the underlying offense are substantially similar to the State of Alaska offenses for which registration is required pursuant to AS 12.63.010.

(AO No. 57-75; AO No. 78-177; AO No. 79-58; AO No. 80-19(S); AO No. 84-18; AO No. 85-87; AO No. 87-8; AO No. 87-126(S); AO No. 98-51(S), § 3, 5-4-99; AO No. 2006-117, § 1, 8-29-06; AO No. 2011-91(S-2), § 4, 9-27-11)

Editor's note— Section 5 of AO No. 2011-91(S-2) states the amendment to section 11.30.040 G. is effective retroactively to July 1, 2011.

11.30.050 - Posting of chauffeur's license.

The chauffeur's license for the operator of a taxicab, limousine, or vehicle for hire shall be posted in the interior of the taxicab, limousine or vehicle for hire in the manner designated by the transportation inspector. No person may operate a taxicab, limousine or vehicle for hire unless his chauffeur's license is so posted.

(AO No. 57-75; AO No. 78-177; AO No. 80-19(S); AO No. 81-149; AO No. 85-87; AO No. 87-8; AO No. 98-51(S), § 3, 5-4-99)

11.30.060 - Maximum number of hours per day.

No chauffeur may operate a taxicab, limousine or vehicle for hire in excess of 12 consecutive hours. No chauffeur may engage in total gainful employment, whether chauffeuring or otherwise, for more than 16 hours in any 24-hour period if the chauffeur has actually performed any chauffeuring in that twenty-four-hour period.

(AO No. 57-75; AO No. 78-177; AO No. 81-149; AO No. 87-126(S); AO No. 98-51(S), § 3, 5-4-99)

11.30.070 - Duty to serve public.

- A. A chauffeur subject to this chapter shall not refuse to transport any passenger unless:
 - 1. The chauffeur has already been dispatched to another call;
 - 2. The passenger is acting in a disorderly or threatening manner, or otherwise causes the chauffeur to reasonably believe that his or her health or safety, or that of others, may be endangered;
 - 3. The passenger, upon request, does not show an ability to pay the estimated fare or any applicable flat or group rate;
 - 4. The passenger refuses to refrain from smoking; or

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5. The passenger, upon request, refuses to refrain from eating and drinking.
- B. The chauffeur shall immediately notify the dispatcher of any incident of service refusal.
- C. When in service and not occupied by other passengers, a chauffeur operating a taxicab permitted under section 11.20.037 F. to meet the needs of persons with disabilities for demand-responsive transportation shall respond first to dispatched calls requesting an accessible taxicab. The chauffeur shall maintain communications with the taxicab's dispatch service in accordance with section 11.40.053 at all times between the check in and check out of the chauffeur's work shift. Provision of service by permitted accessible taxicabs is not restricted to passengers with disabilities, but failure to comply with the priority response requirement of this section may result in a citation. When a chauffeur refuses to respond to a dispatched call for a wheelchair or accessible taxicab without good cause, the chauffeur shall become ineligible to receive dispatch service for the 24 hours following such refusal.
- D. A chauffeur shall inspect his or her regulated vehicle at the beginning and during his or her shift ensuring the vehicle is in a safe operating condition and clean inside and outside. Any mechanical or safety deficiencies noted shall be immediately reported to the vehicle owner. The vehicle owner shall take action to immediately correct safety deficiencies. Non-safety deficiencies shall be corrected within 72 hours of notification, except as otherwise provided in this title. Failure of the chauffeur to report a safety or mechanical deficiency may result in a citation.
- E. It shall be unlawful for any chauffeur or passenger in a regulated vehicle to smoke any cigar, pipe, or cigarette or to burn tobacco or any other material in such vehicles.
- F. A chauffeur shall not ask, allow or permit a passenger to sit or ride in the front passenger seat unless all seating rearward from the driver's seat is occupied, or the passenger specifically requests to sit in the front passenger seat.

(AO No. 57-75; AO No. 78-177; AO No. 81-149; AO No. 87-8; AO No. 94-64, § 1, 4-12-94; AO No. 98-51(S), § 3, 5-4-99; AO No. 99-105, § 1, 8-17-99; AO No. 2013-109(S-1), § 3, 12-3-13)

11.30.075 - Airport, taxicab, and curbside hail reporting. (Repealed)

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

11.30.080 - Alcoholic beverages and controlled substances.

- A. No chauffeur may drink alcoholic beverages or be under the influence of a depressant, hallucinogenic, stimulant or narcotic drug, or any controlled substance as defined by AS 28.35.030, while on duty or within the eight hours prior to operating a regulated vehicle.
- B. No chauffeur may operate a regulated vehicle when there is an open container of alcoholic beverage in the passenger compartment of the vehicle, except as provided in this section.
 1. A chauffeur may transport an open container of alcoholic beverage when the container is:
 - a. In the trunk of the regulated vehicle;
 - b. Behind the last upright seat in a station wagon, hatchback, van, or similar trunkless regulated vehicle, if the open container is enclosed within another container;

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- c. Behind a solid partition that separates the chauffeur from the area normally occupied by passengers; or
 - d. In the possession of a passenger for compensation in a regulated vehicle that has a capacity of 12 or more persons.
2. For purposes of this subsection:
- a. "Open" means that the seal around the lid, cap or cork of the container has been broken, or that the lid, cap or cork has been removed, but does not include, when repackaged or resealed in accordance with state law: (i) beer repackaged by a licensee under 3 AAC 304.365; or (ii) a resealed or recorked wine bottle.
 - b. "Passenger compartment" means the area normally occupied by the chauffeur and passengers and includes a utility or glove compartment accessible to the chauffeur or a passenger while the vehicle is being operated.
- C. No chauffeur may purchase, or solicit the purchase of an alcoholic beverage for another person in connection with performance of duties as a chauffeur.

(AO No. 57-75; AO No. 78-177; AO No. 81-149; AO No. 84-18; AO No. 98-51(S), § 3, 5-4-99; AO No. 2013-109(S-1), § 3, 12-3-13)

Cross reference— Drinking alcoholic beverages while driving, AMC 9.36.200; Package store license repackaging, 3 AAC 304.365; Resealing wine, 3 AAC 304.410.

State Law reference— Removal of alcoholic beverages, AS 4.16.120; open container, AS 28.35.029.

11.30.090 - Chauffeur use of electronic devices or mobile phones while operating a regulated vehicle.

- A. Chauffeur use of an electronic device to communicate by text while driving as set forth in AS 28.35.161(a) is prohibited by this code. The exceptions in the state statute are applicable, including devices displaying vehicle dispatching information for passenger transport.
- B. In the absence of an emergency, chauffeur use of a portable cellular phone or personal data assistant for voice communication in any capacity when a passenger is present is prohibited.

(AO No. 2013-109(S-1), § 3, 12-3-13)

Editor's note— AO No. 2013-109(S-1), § 3, effective December 3, 2013, amended 11.30.090 in its entirety to read as herein set out. Former 11.30.090, pertained to alcoholic beverages or controlled substances. See Code Comparative Table for complete derivation.

Cross reference— Use of electronic devices while driving, AS 28.35.161; Driving a motor vehicle with a screen device operating, AMC 9.28.050.

11.30.100 - Most direct route.

Every chauffeur of a taxicab shall follow the most direct route to the passenger's destination, unless otherwise directed by the passenger.

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(AO No. 57-75; AO No. 78-177; AO No. 81-149; AO No. 84-18; AO No. 87-8; AO No. 98-51(S), § 3, 5-4-99)

11.30.110 - Exclusive use of taxicab.

Every chauffeur of a taxicab shall carry no more than one passenger or one group of passengers at any one time without the express consent of that passenger or group of passengers.

(AO No. 78-177; AO No. 87-8; AO No. 87-126(S); AO No. 98-51(S), § 3, 5-4-99)

11.30.120 - Fares and receipts.

- A. No taxicab chauffeur may require payment of rates greater than those established by the Commission pursuant to section 11.10.050.
- B. On request of any passenger paying a fare, a chauffeur shall provide a receipt indicating the fare received, the date, the permit number, the dispatch company, and the chauffeur's legibly printed name.

(AO No. 57-75; AO No. 78-177; AO No. 84-18; AO No. 85-87; AO No. 87-126(S); AO No. 98-51(S), § 3, 5-4-99)

11.30.125 - Failure to pay fare; injury to property.

- A. The conduct prohibited by this section may be prosecuted as theft of services under AMC section 8.15.040; malicious destruction of property under AMC section 8.20.010, or vehicle tampering under AMC section 8.20.020. No person may:
 1. Refuse or neglect to pay for the services, rent or hire of any regulated vehicle upon discharging or engaging regulated vehicle services with the intention to defraud the owner, licensee or chauffeur of the taxicab.
 2. Obtain the services, hire, possession or use of any regulated vehicle by color or aid of any false or fraudulent representation, pretense, token or writing.
 3. Obtain credit for the services, hire, possession or use of any regulated vehicle by color or aid of any false or fraudulent representation, pretense, token or writing.
 4. Having hired any regulated vehicle, to recklessly, willfully, wantonly, or by gross negligence injure or destroy the regulated vehicle, or allow or permit any part thereof to be injured or destroyed during the period of hire through the reckless, willful, wanton, or gross negligence of the person responsible for the hire.

(AO No. 2013-109(S-1), § 3, 12-3-13)

11.30.130 - Two-way radio prohibited.

No chauffeur may possess in a taxicab or allow another to operate a radio capable of monitoring a frequency used by a dispatch service other than that used by the taxicab's dispatch service.

(AO No. 78-177; AO No. 79-58; AO No. 98-51(S), § 3, 5-4-99)

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11.30.140 - Taxicab chauffeur records.

- A. Immediately after a chauffeur goes on duty, he or she shall enter the following information on the taxicab computer or digital dispatch system, or a trip sheet if one is used:
1. The chauffeur's name and license number,
 2. taxicab number,
 3. taximeter number,
 4. date of report, and
 5. start time of shift.
- B. Immediately after the passenger(s) requesting service is in the taxicab, the chauffeur shall enter on the taxicab computer or digital dispatch system, or a trip sheet if one is used, the time and place of passenger pickup and the number of passengers transported. If the chauffeur is operating an accessible taxicab permitted under section 11.20.037 F., the chauffeur shall also note whether the transport was for passengers with disabilities who needed the accessibility features.
- C. Immediately after a taxicab chauffeur has discharged a passenger from the taxicab, he or she shall enter on the taxicab computer or digital dispatch system, or a trip sheet if one is used, the time of passenger delivery, the destination and the amount of the fare received or that no fare was received. Tampering with or altering fare and trip data is prohibited.
- D. A taxicab chauffeur shall retain all trip sheets prepared pursuant to this section for not less than the two-year license renewal period. A chauffeur shall produce any or all of his or her trip sheets upon request of the transportation inspector or a police officer. The chauffeur shall forward the trip sheets to the transportation inspector upon request, and biennially at license renewal. The information for trips documented by a taxicab computer, metering application and digital dispatch system shall be retained by the dispatch company in accordance with section 11.40.

(AO No. 80-136; AO No. 85-87; AO No. 87-8; AO No. 87-126(S); AO No. 98-51(S), § 3, 5-4-99; AO No. 2013-109(S-1), § 3, 12-3-13)

11.30.145 - Requirement of check-in and check-out.

- A. Each chauffeur of a taxicab must check in with the dispatch service engaged by the permittee when the chauffeur begins a work shift and check out when the chauffeur departs a work shift.
- B. Communications equipment between the taxicab and dispatch service shall remain on at all times during chauffeur's work shift.

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

11.30.150 - Safety equipment tampering prohibited.

Except for maintenance or repair, no person shall disconnect, cover, misdirect or cause to be non-functional the radio identifier, silent electronic alarm, surveillance or security camera, or global positioning system in a regulated vehicle. Tampering with the safety equipment as described herein is a violation subject to civil penalty under section 11.10.130, or as set forth in section 14.60.030.

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(AO No. 2000-107, § 3, 7-25-00; AO No. 2013-109(S-1), § 3, 12-3-13)

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