

THE RALEIGH POLICE DEPARTMENT

1110-17

TAXIS AND TOWING

PURPOSE

The purpose of this procedure is to govern the application, investigation and licensing for taxicab owners and drivers and for private towing companies that receive police dispatched calls and tow vehicles at Police Department request.

VALUES REFLECTED

This directive reflects our value of *Service*. By ensuring that taxis and tow trucks abide by the rules and regulations that have been established to govern them we seek to maximize the wellbeing of the community members who use their services.

UNITS AFFECTED

All Personnel
City Finance Department/Purchasing
Inspections/Zoning

REFERENCES/FORMS

Raleigh City Ordinances 12-2021 to 12-2093 "Vehicles for Hire"

City Procedure 502-4 "Purchasing Taxi Licenses"

N.C.G.S. 20-87 "Vehicle for Hire Registrations"

N.C.G.S. 160A-304 "Regulation of Taxis"

Raleigh City Code 10-2046(b) "Storage Yards for Wrecked Vehicles"

Raleigh City Code 10-2073 "Special Use Permit to Operate Storage Yards for Wrecked Automobiles"

Raleigh City Code 12-7001 "Removal and Disposition of Abandoned and Nuisance Vehicles"

May be Released to the Public

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Approved By: Ruffin Hall
City Manager

GENERAL POLICIES

Police Taxi-Towing Inspectors are primarily responsible for enforcement of ordinances involving taxi owners and drivers. The Inspector reports directly to the Special Operations Code Enforcement Sergeant. Inspectors are responsible for processing applications, maintaining records, and investigating complaints regarding taxis and rotation tow trucks. This responsibility, though, is shared by all officers of the Department. Officers should familiarize themselves with definitions contained in City Ordinance 12-2022 and the driver's requirements contained in City Ordinance 12-2028 to 12-2046.

Inspectors are responsible for conducting appropriate investigations to ensure that the conditions of the tow truck contract are satisfied and will investigate complaints against rotation tow truck companies for vehicles towed under the City contract. Complaints of alleged breach of contract will be referred to the Police Attorney for evaluation.

Inspectors will conduct annual and unscheduled inspections of businesses and individual vehicles to ensure that City ordinances are complied with, and that the safety of the public is protected.

TAXI OWNERS AND FRANCHISES

Inspectors will accept initial applications (City Code 12-2052) and annual renewals (City Code 12-2055) from those persons wishing to operate taxi services within the City. All owners' permits expire on December 31 of each year (City Code 12-2055).

Applications

Persons wishing to establish a taxi business must submit a "Taxicab Owner's Permit" application form. Applicants must indicate the number of vehicles they intend to operate, vehicle identification numbers, liability insurance coverage, and intended service to be provided (City Code 12-2052).

- New taxi franchise operators must also submit a proposed color scheme (City Code 12-2030).
- Any changes in business ownership will void a current owner's permit, and application for a new permit must be made (City Code 12-2059).
- If vehicles to be operated under the franchise are owned by persons other than the franchise applicant, the owners of those vehicles must submit an additional application (Section II form).

Background Investigations

Inspectors will interview the applicant, ensure fingerprints are on file, and require a criminal history check on all new applicants for owner's permits. Inspectors will conduct a follow-up on renewal applicants as may be required, based on information and/or complaints received about the owner or drivers. Inspectors will also conduct an inquiry into debt and financial liability information provided by the applicant (City Code 12-2025 and 12-2052).

Inspector's Recommendation

Inspectors will prepare a written recommendation regarding the applicant's ability to provide safe and reliable service to the public. This recommendation will be forwarded through the Chief's Office to the City Manager. Applicants will receive a negative recommendation if the Inspector determines that:

- The applicant has not complied with all of the provisions of the City Code pertaining to "Vehicles for Hire" (Section 12, Article B).
- The criminal record of the applicant or company officers is such that it would be against the public interest.
- The applicant has made a deliberately false or misleading statement in the applicant's application.
- The applicant has been convicted of a felony, or of a Federal or State statute involving controlled substances, intoxicating liquors, or prostitution.
- That the applicant is a habitual user of intoxicating liquors or narcotic drugs.

Vehicle Inspections

Prior to issuing a permit, Inspectors will inspect each vehicle for which an owner's permit is requested. The vehicle must be of a body type specified by City Code 12-2027, and possess the equipment specified by City Code 12-2028, including a certified taximeter.

- Every owner will be required to file a description for each vehicle for which an owner's permit is held. No equipment will be substituted for that vehicle on the owner's permit until it has been approved by an Inspector (City Code 12-2029).
- Every owner shall institute a system of monthly inspections of vehicles. Records of these inspections must be kept and presented to an Inspector upon request (City Code 12-2032). Both the interior and exterior of vehicles must be kept clean (City Code 12-2033).
- No permit will be issued unless the owner can provide reliable service for the required number of hours per day as defined in City Code 12-2056.

Owner's Permits

If all the conditions for issuance have been met, an Inspector will issue a permit bearing the name of the owner, the vehicles, and type of operation authorized (City Code 12-2054). The Inspector will also issue "Memorandum Permits" for each vehicle covered under the owner's permit. They will be displayed at all times inside the vehicle for which it was intended (City Code 12-2058).

Following issuance of permits, an Inspector will complete a "Division of Motor Vehicles Certification of Taxi Operators" Form. This form will enable the owner to purchase their N.C. license plates and City of Raleigh taxi decals.

Annual Renewals

Owner's permits and franchise licenses will expire on December 31 of each year. Application for renewal must be filed with an Inspector prior to October 1 of that year. An Inspector will review complaints against the owner, and conduct an inspection to verify that all original conditions for the owner's permit are still being complied with. A permit will not be renewed in the event that civil penalties, imposed for violations of taxi ordinances, remain unpaid by the applicant or employee of the applicant (City Code 12-2024).

Suspension or Revocation

An owner's permit may be suspended or revoked by the City Council at any time if the Council determines that (City Code 12-2060):

- The past service record of the permit holder is unsatisfactory.
- The business was operated in violation of City Code pertaining to taxis.
- The taxis belonging to the owner have been operated at a rate of fare other than that approved by Council.
- The holder of the permit has failed to properly register with the State Division of Motor Vehicles.
- The permit holder has been convicted of a felony for Federal or State statutes relating to controlled substances, intoxicating liquors, or prostitution [City Code 12-2060(A)(5)].
- The holder of a permit has made a deliberately false or misleading statement on the holder's application.

An Inspector will review the conduct of the owner's permit holders in terms of the above conditions. An Inspector will notify the Special Operations Code Enforcement Sergeant of circumstances warranting suspension or revocation, and prepare a recommendation for submission to the Chief's Office.

SHARED TAXI SERVICE

Any person wishing to operate a shared taxi service as defined by City Code 12-2022(3) will first submit an application to an Inspector. A "Certificate of Convenience and Necessity" must then be granted by the City Council.

Shared Taxi Application

Applications for shared Taxi Service must include verification that the applicant already holds a owner's permit for premium taxi service. The application will also include a description of the vehicles to be used, and a complete description of the proposed operations (City Code 12-2073). Following initial application, an Inspector will submit their findings to the Special Operations Code Enforcement Sergeant. A recommendation will then be prepared and forwarded to the Chief's Office.

Annual Shared Taxi Survey

The Inspectors will prepare a survey at least annually, or at the will of the City Council, to determine the adequacy of shared taxi service in the City. This survey will include (City Code 12-2072):

- The number of operators and the number of vehicles in operation by the time of day.
- The number of filled and unfilled telephone requests for shared taxi services on average days.
- A percentage distribution of response time and travel time.
- Percentage of instances where arrival at origin exceeded estimated arrival time by more than 5 minutes.
- Percentage of instances in which arrival at the destination exceeded estimated time of arrival by more than 10 minutes.
- The average occupancy of vehicles along with the percentage of trips in which 3 or more parties share a trip.

TAXI DRIVER

All persons operating taxicabs within the City must have a Taxi Driver's Permit issued by an Inspector. An identification card, issued as evidence of the permit, must be displayed at all times the driver is on duty (City Code 12-2081).

Application

Upon paying an application fee to the City Revenue Collectors Office, persons may submit applications to an Inspector to obtain a driver's permit. This application must be notarized on forms provided by the Inspector. The application will include the items in City Code 12-2082 and will specifically include:

- A statement of criminal and driving history.
- A physician's statement and Board of Health certificate indicating that the applicant has no infectious diseases, has acceptable eyesight and hearing, and has no disabilities that would make them an unsafe driver.
- Affidavits from the applicant's last employer and two reputable citizens stating the applicant is of good character.
- Four passport-type photographs of the applicant.
- A letter of introduction from their prospective employer.

60-Day Probationary Permit

Following an initial interview and background check from locally available sources, an Inspector may in their discretion issue a 60-day temporary permit. This probationary permit may be issued pending receipt of a criminal history check (City Code 12-2083).

Background Investigations

Inspectors will obtain fingerprints on the applicant and initiate an investigation into the applicant's criminal and driving record. Inspectors will also conduct such investigations, as necessary, to determine if grounds for a denial of permit exists as stated in City Code 12-2084 to 12-2086. The applicant may be examined orally or in writing as to his/her knowledge of traffic regulations, taxi regulations, and the geography of the City.

Two (2) Year Taxi Driver's Permits

Following successful conclusion of the background investigation, Inspectors may then issue a full taxi driver permit to probationary licensees. This first permit will expire on the applicant's birthday following the date of issuance. Subsequent renewals would be for a 24-month period.

Applications for renewals of a Taxi Driver's Permit must be received no later than 10 days before expiration of the current permit.

Every taxicab, while in operation for solicitation for passengers, shall be attended by the driver (City Code 12-2042). Inspectors will periodically monitor the operation of taxis to ensure compliance with taxi ordinances.

- Each driver shall maintain a daily manifest of fares. These manifests will be retained by the owner for 180 days and will be subject to inspection (City Code 12-2034).
- Taxis offering premium service will not accept additional passengers unless the original passengers consent. If the original passenger is under 14 years of age, then the parent or guardian must consent to additional passengers. An excess number of passengers will also not be accepted (City Code 12-2035 and 12-2036).
- No driver shall refuse to carry orderly passengers, nor convey a passenger to a place other than that requested. No driver will charge a rate other than that approved by Council (City Code 12-2037 to 12-2039).
- Every driver will inspect their vehicle for lost articles following each fare. Lost articles are to be returned to the property owner, the taxi owner, or the Police Department within 24 hours (City Code 12-2041).
- No driver will smoke while a passenger is being carried in their cab.

Revocation of Driver's Permit

Inspectors will recommend to the Chief revocation of a driver's permit if at any time they discover (City Code 12-2091):

- The person holding the permit has made a material false statement in their application or attachments.
- The permit holder has had his/her State license or chauffeur's license revoked, or has accumulated enough points for revocation.
- The driver has become addicted to drugs or alcohol.
- The driver has been convicted of a felony or offenses related to drugs, vice, or liquor as described in City Code 12-2091(8).

Notification of revocations will be issued by the Chief of Police. Following revocation, the taxi driver will immediately surrender their permit to an Inspector.

Appeals

An applicant who is denied a driver's permit or a driver who has had their permit revoked may appeal the decision of an Inspector. Appeals will be initiated by submitting a written notice within 10 days of each successive administrative refusal. The chain of appeals shall be from the Inspector to the Chief of Police, to the City Manager, to the City Council (City Codes 12-2087 and 12-2091).

RECORDS RELATED TO TAXIS

Inspectors will maintain sufficient records and information concerning background and criminal history checks. These records and information shall be held secure

Active Records

Information on currently operating taxi owners or drivers will be held as long as they continue operation. These records will include:

- A master index of taxi owners and drivers, including those who were denied permits. The master index should include an application with attachments, complaints, and inspection reports.
- A suspension file showing the expiration date of current driver's permits.
- A log of complaints and findings against owners or drivers.
- A log showing the date and result of inspections performed by the Inspector.

Records Destruction

Records on owners or drivers who are no longer operating in the City of Raleigh will be retained for a period of two years from the expiration or denial date of their last permit. Thereafter, the Inspectors are responsible for the proper destruction of those records.

ROTATION TOW TRUCKS

All private towing companies wishing to receive police dispatched calls must agree to sign a contract with the City of Raleigh agreeing to provide a standard level of service.

Fees and Contracts

Agreements on fees, levels of service, and contracts will be coordinated through the City's Purchasing Office. Proposed agreements must be submitted to the City Council for approval.

Applications from Towing Companies

Those companies wishing to provide towing services under a rotating agreement must submit an application to the Purchasing Office. Purchasing will notify an Inspector of the application, and this Inspector will send a copy of the standard contract to the towing company.

TOWING COMPANY INSPECTIONS AND INVESTIGATIONS

Inspectors will conduct an initial interview with towing applicants to ensure that they are familiar with the requirements of the towing contract. The Inspectors will conduct background investigations and on-site inspections to verify compliance with the contract requirements.

Background Investigations

Towing company owners will be required to submit a list of vehicles and registration numbers as part of their application. Inspectors will then verify and document that:

- The required number and types of vehicles required by the City contract are operational and in good condition.
- The additional required equipment (dollies, fire extinguisher, etc.) is present.
- The owner has the required insurance coverage as specified in the City contract.
- The certificates of title and registration information on the vehicles.
- The names and addresses of the tow truck drivers. The Inspector shall also verify that provisions have been made to ensure that the trucks and a driver will be present at the place of business 24 hours per day.

On-Site Inspection

The towing service applicant will notify an Inspector when they are prepared for an on-site inspection of their ability to meet contract provisions. The Inspector, together with a Raleigh Zoning Inspector, will conduct an inspection of the facilities. The Inspector and the Zoning Inspector will examine the premises and equipment to determine if all contract and code provisions are properly met by the potential towing service company. The Inspector will then file a "Contract Towing Inspection" check-off sheet, indicating either approval or disapproval.

Recommendations

Once all inspections and investigations are completed, an Inspector will file a copy of the inspection report and insurance certification. A recommendation for approval or disapproval will be submitted to the Chief of Police along with all documentation.

AWARDING TOWING CONTRACTS

The Police Department's recommendation, along with all required documents, will be forwarded to the City Manager's Office and scheduled for Council hearing.

Final Approval

Following Council approval, signed and notarized contracts and required documents will be forwarded to the City Manager for signature and to the City Clerk for verification of final approval. The City Clerk will then send a completed, signed copy of the towing contract to persons awarded contracts. Copies will also be sent to the Chief of Police.

Police Notification

The Chief of Police will send by certified mail a letter of notification, along with a list of items of particular contractual concern to those who have been awarded contracts. The Emergency Communications Center will also be notified of those towing companies who are ready to receive rotation towing calls.

Monitoring Rotation Calls

Inspectors will receive daily rotation logs completed by Emergency Communications, and will review any comments made by ECC.

Records Maintenance and Retention

Inspectors will permanently maintain records pertinent to the monitoring of rotation towing companies having active contracts with the City of Raleigh. These records shall include:

- A master list of towing companies that were approved or disapproved along with inspection reports, copies of signed contracts, and vehicle certifications.
- A log of complaints and dispositions involving rotation tow trucks.
- A log of inspections showing the time, date, and outcome of on-site inspections.
- Rotation towing call logs provided by the Emergency Communications Center.
- Monthly Towing and Charges Report provided by the towing company.

Inspectors will retain records on companies no longer possessing valid contracts with the City for a period of two years from the date of expiration of their last contract. The Inspector will then verify the proper destruction of inactive records.

INVESTIGATION OF COMPLAINTS

Inspectors will receive all complaints involving the operation of taxis or rotation tow trucks.

Complaints Against Taxis

Inspectors will log and investigate complaints involving drivers or owners. Enforcement of violations may take the form of verbal warnings, written warnings, or citations for civil offenses (City Ord. 12-2024). The City Council will be notified through the Chief's Office of any violations which might warrant revocation of permits.

Complaints Against Rotation Tow Trucks

Inspectors will investigate and recommend actions involving complaints against rotation towing companies. Substantiated complaints will be referred to the Special Operations Code Enforcement Sergeant. Unresolved complaints shall be referred to the Police Attorney to evaluate in terms of breach of contract.

INSPECTIONS

Inspectors will conduct scheduled and unscheduled inspections of businesses and individuals under the Inspector's review to ensure they are operating within law or City ordinance.

Taxi Owners

Owners must submit renewal applications by October 1 of each year. Prior to October 31, a scheduled inspection will be conducted to verify conditions specified in City Ord. 12-2025 to 12-2034. This inspection should include:

- Accuracy of the trip meter.
- Verification of owner, driver, vehicle inventory, and insurance information.
- Verification of vehicle maintenance logs, which must be maintained for 180 days.
- Verification of driver manifests, which must be maintained for 180 days.

Inspectors will conduct unscheduled inspections to ensure that vehicles are clean, sanitary, and in a safe operating condition.

Drivers

Prior to granting a renewal of a Taxi Driver's Permit, an Inspector will review the driver's criminal and driving record together with the personal conduct of the driver, in terms of the conditions for revocation as stated in City Ord. 12-2091.

Rotation Tow Trucks

Contracts with rotation tow trucks must be renewed annually. Prior to renewal, an Inspector will conduct an unscheduled inspection of the towing company site to determine if provisions of the

current contract are being followed. The Inspector will make additional inspections as required to ensure that any changes in new contracts are adopted.