

ORDINANCE NO. 2023-12-039

AN ORDINANCE OF THE CITY OF BELLINGHAM AMENDING THE VEHICLE LICENSE REQUIREMENTS FOR TAXICABS AND FOR-HIRE VEHICLES; AMENDING BMC 6.54.020, 6.54.050, 6.54.060, AND 6.54.070, ADDING NEW SECTIONS TO BMC 6.54, AND REPEALING BMC 6.54.100, 6.54.110, 6.54.120, 6.54.130, 6.54.140, AND 6.54.150.

WHEREAS, the City of Bellingham has an interest in regulating taxicab and for-hire vehicles in the City of Bellingham to preserve public health, safety, and welfare; and

WHEREAS, the City currently regulates taxicabs and for-hire vehicles in Bellingham Municipal Code 6.54; and

WHEREAS, the City desires to provide equal treatment to local taxicab and for-hire companies as to transportation network companies regulated by RCW 46.72B; and

WHEREAS, the City's current background check policy for taxicab and for-hire vehicles differs from transportation network companies; and

WHEREAS, simplifying the vehicle license application benefits the City and the taxicab and for-hire companies.

WHEREAS, the City's current taxicab and for-hire vehicle code provides that Bellingham Police officers are responsible for conducting vehicle inspections to ensure the vehicles are, among other things, properly equipped, in good working order, and equipped with an accurate taximeter; and

WHEREAS, the public, taxicabs, for-hire vehicles, and City would be better served having vehicle inspections performed by certified mechanics, who are trained and skilled in the vehicle repair trade, to ensure vehicles are in good working order and properly equipped; and

WHEREAS, new local taxicab and for-hire drivers should be subject to the same background check requirements as transportation network companies; and

WHEREAS, the City desires to audit vehicle inspections and background checks at the discretion of the finance department; and

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. Section 6.54.020 of the Bellingham Municipal Code shall be amended to read as follows:

6.54.020 Definitions.

For the purpose of this chapter, the following definitions shall apply:

“Approved mechanic” means a mechanic who is not employed by or associated with the applicant and who is certified by the National Institute of Automotive Service Excellence.

“Compensation” means any payment received by the driver of a vehicle for transportation of passengers, including, but not limited to, fares, salary, wages, gratuities, or donations.

“Driver” means a person who drives a taxicab or for-hire vehicle being used to convey passengers for compensation.

“For-hire vehicle” means a vehicle used for the transportation of passengers for compensation, except auto stages, school buses operating exclusively under a contract to a school district, ride sharing vehicles, and transportation network company vehicles.

“Owner” means the legal entity, person, firm, association or corporation owning, managing or otherwise carrying on a business of conveying passengers for-hire in taxicabs or for-hire vehicles.

“Taxicab” means a for-hire vehicle operated to a destination determined by the passenger, with the fare based upon the amount recorded and indicated on a taximeter.

“Taximeter” means a permanently mounted instrument or device by which the charge for-hire of a taxicab is calculated either for distance traveled by the vehicle, or for waiting, or for both, and upon which such charges shall be indicated by means of dollars and cents.

Section 2. Section 6.54.050 of the Bellingham Municipal Code shall be amended to read as follows:

6.54.050 Vehicle license application – contents.

Applicants for a vehicle license must file a written application on a form provided by the city of Bellingham. The application shall be filed with the finance department and shall include the following:

A. Name and owner of company.

B. Business address.

~~C. List of all drivers operating vehicles controlled by the applicant.~~

~~D. Liability insurance policy as provided in this chapter.~~

~~E. Vehicle inspection report approved by the Bellingham police department.~~

C. Number of vehicles to be licensed for the Owner.

D. An affidavit sworn under penalty of perjury, on a form provided by the City, that to the best of the applicant’s knowledge, formed after a diligent inquiry into the facts, the owner and its taxicab or for-hire vehicle drivers are in full compliance with this chapter, including, but not limited to, all driver, vehicle, insurance, and operational requirements.

Section 3. Section 6.54.060 of the Bellingham Municipal Code shall be amended to read as follows:

6.54.060 Liability Insurance.

~~A. Prior to the issuance of any taxicab or for-hire vehicle license, every applicant shall file with the finance department the policy or policies of public liability insurance, approved as to sufficiency by the finance department, issued by an insurance company or companies authorized to do business in the state of Washington, providing indemnity for or protection to the city, as well as providing public liability insurance coverage for each and every taxicab or for-hire vehicle owned, operated and/or leased by the applicant, for injury to or death of persons, passengers, or otherwise, in accidents resulting from any cause by which the owner of the vehicle would be liable on account of any liability imposed upon him by law, regardless of whether the taxicab or for-hire vehicle was being driven by the owner or his agent. Such insurance shall be in the sum of \$100,000 for the injury or death of one person, or \$300,000 for the injury or death of more than one person in any one accident, and \$50,000 for property damage.~~

~~B. Every such policy of insurance shall continue to the full amount thereof notwithstanding any recovery thereon and shall provide that the liability of the insurer shall not be affected by the insolvency or bankruptcy of the insured. Each insurance policy required under this section shall extend for the period covered by the license applied for and the insurer shall be obliged to give not less than 10 days' written notice to the finance department in the event of change or cancellation.~~

A. Each taxicab company and taxicab driver must comply with the surety and automobile liability insurance requirements contained in RCW 46.72 as enacted or subsequently amended.

B. Each taxicab driver shall maintain within his or her motor vehicle proof of insurance satisfying the requirements of this chapter. Such proof may be provided electronically.

Section 4. Section 6.54.070 of the Bellingham Municipal Code shall be amended to read as follows:

6.54.070 Vehicle Inspection.

~~A. Each vehicle to be used in conveying passengers shall be inspected and approved by the Bellingham police department. Inspection shall include:~~

- ~~1. Confirmation of current state vehicle license and registration.~~
- ~~2. Proof of liability insurance as required by this chapter.~~
- ~~3. Confirmation that each vehicle is equipped in accordance with state law and city ordinances and that all required equipment is in good working order.~~
- ~~4. Taxicabs shall be checked for an accurate taximeter; other vehicles are not subject to this requirement. It is unlawful for an owner or driver to operate a taxicab with an~~

~~inaccurate taximeter. Violation shall constitute a misdemeanor as provided in BMC 6.54.190.~~

~~5. A schedule of fare rates shall be posted so it can be clearly read by passengers.~~

~~6. Any additional inspection regulations promulgated by the Bellingham police department. These regulations shall be reasonable and necessary to promote the health, safety and welfare of the general public. The items to be inspected shall be listed on a form to be provided by the Bellingham police department.~~

A. Each taxicab or for-hire vehicle shall pass an inspection prior to commencing services in the city of Bellingham, and annually thereafter, by an approved mechanic, as defined in this chapter. The applicant shall file an affidavit annually with the finance department that each vehicle passed a safety inspection performed by an approved mechanic. Such an inspection shall, at a minimum, include inspection of the following components:

1. Foot brakes;
2. Parking brakes;
3. Steering mechanism;
4. Windshield;
5. Rear window and other glass;
6. Windshield wipers;
7. Headlights;
8. Taillights;
9. Turn indicator lights;
10. Stop lights;
11. Front seat adjustment mechanism;
12. Doors (open, close, lock);
13. Horn;
14. Speedometer;
15. Bumpers;
16. Muffler and exhaust system;
17. Condition of tires, including tread depth;

18. Interior and exterior rear view mirrors; and

19. Safety belts for driver and passenger(s).

~~B. Upon satisfactory inspection, the Bellingham police department shall apply a Bellingham vehicle inspection sticker to the left rear window of the vehicle, and shall notify the finance department of vehicle approval.~~

~~C. Vehicles shall be inspected at least once a year at a time and place scheduled with the Bellingham police department. Annual inspections shall be scheduled during January each year by appointment with the Bellingham police department. Reinspections of vehicles that fail the annual inspection will be rescheduled by appointment during January or by appointment on the second and fourth Tuesday of each month thereafter.~~

~~D. Any additional or replacement vehicles must be inspected before being used as a taxicab or for-hire vehicle. Appointments for such inspections or any reinspection of such additional or replacement vehicles that may fail the initial inspection that may be necessary shall be scheduled by appointment with the Bellingham police department on the second and fourth Tuesday of each month.~~

~~B. E. It is unlawful for an owner or driver to operate a taxicab or for-hire vehicle without a current, valid, properly posted and clearly visible city of Bellingham inspection sticker, and valid vehicle license issued by the city of Bellingham pursuant to BMC 6.54.090. Proof of vehicle license for a taxicab or for-hire vehicles must be provided at the request of a law enforcement officer. Violation shall constitute a misdemeanor as provided in BMC 6.54.190.~~

~~C. F. It is the responsibility of the owner to maintain all taxicabs or for-hire vehicles in compliance with the requirements of RCW Title 46; WAC Titles 204 and 308 and municipal vehicle ordinances at all times.~~

~~G. Vehicles are subject to inspection by the Bellingham police department upon verified complaint of a citizen, or on a police officer's reasonable suspicion of violation of any state or municipal traffic or vehicle equipment law.~~

~~D. H. Failure to comply with state vehicle requirements of RCW Title 46; WAC Titles 204 and 308; and municipal vehicle ordinance requirements is cause for a vehicle to be suspended from use as a taxicab or for-hire vehicle in the city until compliance is met. To prove compliance, the vehicle must be reinspected by the Bellingham police department. To prove compliance, the vehicle must be reinspected by an approved mechanic who certifies that the vehicle complies with the state vehicle requirements of RCW Title 46; WAC Titles 204 and 308, and the requirements of this chapter.~~

Section 5. Section 6.54.080 of the Bellingham Municipal Code shall be amended to read as follows:

6.54.080 Vehicle Fees.

~~A. The applicant shall pay a \$35.00 inspection fee for each vehicle inspection conducted by the Bellingham police department, regardless of whether the vehicle passes inspection. Each~~

~~reinspection of a vehicle that has failed an inspection shall require a \$20.00 reinspection fee. The inspection fee does not apply to inspections based upon a citizen complaint or inspections based on a reasonable suspicion of an equipment or traffic law violation by a police officer, but does apply to reinspection to prove compliance following a finding of an equipment or safety violation during a citizen complaint or inspection based on a reasonable suspicion of an equipment or traffic law violation by a police officer.~~

~~B. The applicant shall pay a \$20.00 license fee to the finance department for each vehicle licensed.~~

The annual taxicab or for-hire vehicle fee shall be \$50.00 per vehicle and shall be paid in full at the time of submitting all initial and renewal applications.

NEW SECTION. Section 6. A new section is added to the Chapter 6.54 of the Bellingham Municipal Code to read as follows:

6.54.085 Driver Requirements.

A. Before allowing an individual to become a driver for taxicab or for-hire vehicle the Owner shall and annually thereafter:

(1) The individual must submit an application to the taxicab and for-hire company, which includes information regarding his or her name, address, phone number, age, driver's license number, motor vehicle registration, automobile liability insurance, and other information required by the taxicab and for-hire company;

(2) The Owner, or a designated third party on behalf of the Owner that is nationally accredited, must conduct an annual local and national criminal background check for the applicant to include a review of:

- (i) A multistate/multijurisdictional criminal records locator or other similar commercial nationwide database with validation; and
- (ii) The United States department of justice national sex offender public website; and

(3) The taxicab or for-hire company, or designated third party, must obtain and review a driving history report for the individual.

B. An Owner must not permit an individual to act as a driver its taxicabs or for-hire vehicles who:

(1) Has had more than three moving violations in the prior three-year period, or one of the following major violations in the prior three-year period:

- (i) Attempting to elude the police pursuant to RCW 46.61.024;
- (ii) Reckless driving pursuant to RCW 46.61.500; or

(iii) Driving on a suspended or revoked driver's license pursuant to RCW 46.20.342 or 46.20.345;

(2) Has been convicted, within the past seven years, of:

(i) Any class A or B felony in Title 9A RCW;

(ii) Any violent offense as defined in RCW 9.94A.030 or serious violent offense as defined in RCW 9.94A.030;

(iii) Any most serious offense as defined in RCW 9.94A.030; or

(iv) Driving under the influence, hit and run, or any other driving-related crime pursuant to RCW 46.61.500 through 46.61.540;

(3) Has been convicted of any sex offense as defined in RCW 9.94A.030 or is a match in the United States department of justice national sex offender public website;

(4) Does not possess a valid driver's license;

(5) Does not possess proof of automobile liability insurance for the motor vehicle or vehicles used to provide prearranged rides;

(6) Is not at least 20 years of age; or

(7) Has not self-certified that he or she is physically and mentally fit to be a taxi or for-hire vehicle driver.

C. (1) Subsection (B)(1) and (2) of this section applies to any conviction of any offense committed in another jurisdiction that includes all of the elements of any of the offenses described or defined in subsection (B)(1) and (2) of this section.

(2) For purposes of subsection (B)(1) of this section, multiple moving violations shall be treated by the Owner as a single moving violation if the driver can demonstrate that the violations arose from a single incident.

(3) Any collision where the driver can demonstrate that he or she was not at fault for the collision, shall not be considered a moving violation under subsection (B)(1).

D. Owner must establish a clear background check policy consistent with this section that informs drivers of any thresholds for categories of violations and any other factors which will result in a restriction of driving taxicabs or for-hire vehicles.

Section 7. Section 6.54.090 of the Bellingham Municipal Code shall be amended to read as follows:

6.54.090 Issuance of Vehicle License.

The finance department shall issue a vehicle license upon ~~satisfactory police department inspection, application, compliance with the insurance requirements of this chapter, and payment of the prescribed vehicle license fee.~~

NEW SECTION. Section 8. A new section is added to Chapter 6.54 of the Bellingham Municipal Code to read as follows:

6.54.095 Records Maintenance and Right of Inspection.

A. An Owner must maintain the following records for three years:

1. Proof of background check for individual drivers as required by 6.54.085; and
2. Proof of annual vehicle inspection as required by 6.54.070.

B. Once per year, the finance department may review the Owners records to verify compliance with this chapter. The records must be chosen randomly by the finance department or in a manner agreeable to both parties.

Section 9. Sections 6.54.100 through 6.54.150 of the Bellingham Municipal Code are each repealed:

~~**6.54.100 Driver's license required — Expiration.**~~

~~A. It is unlawful to drive a taxicab or for hire vehicle without a current and valid Bellingham driver's license as provided in this chapter.~~

~~B. It is unlawful for an owner of a taxicab or for hire vehicle business to employ, subcontract a vehicle to, or otherwise permit a vehicle under their control to be operated by a driver who does not have a current and valid Bellingham driver's license.~~

~~C. A driver's license expires on December 31st of the year of issuance.~~

~~D. Application for a driver's license must be made at least 30 days before expiration of the current driver's license. Failure to make timely application shall result in a late penalty fee of \$10.00.~~

~~**6.54.110 Driver's license — Application contents.**~~

~~A. Applicants for a driver's license must file a written application on a form provided by the city of Bellingham. The application must be filed with the finance department, and must contain the following information:~~

- ~~1. Name, description, address, date of birth, and social security number of the applicant.~~
- ~~2. Name and address of last employer.~~
- ~~3. Signature of the applicant authorizing the police department to take fingerprints and conduct an investigation of the applicant.~~

~~4. The fingerprints of the applicant applying for the license.~~

~~B. Applicants for a driver's license must show proof that they are over 18 years of age and have a current, valid Washington State driver's license with any required endorsements.~~

~~6.54.120 Driver's license — Applicant investigation.~~

~~A. Upon receipt of a completed application for a driver's license, the original shall be referred to the police department for investigation of the applicant. The investigation shall include review of any felony, misdemeanor, and traffic convictions which have occurred in the last 10 years.~~

~~B. Upon completion of investigation of the applicant, the police department shall make a recommendation of approval or disapproval to the finance department. Any recommendation of disapproval must be for good cause including, but not limited to, unsatisfactory criminal history of felony, misdemeanor, or traffic convictions that are directly related to fitness for a taxicab or for-hire vehicle driver's license.~~

~~C. The police department recommendation for approval or disapproval shall be made to the finance department no later than five days from the date of application.~~

~~6.54.130 — Driver's license — Fees.~~

~~A. The applicant shall pay a \$35.00 fee to the Bellingham police department to cover the costs of the investigation.~~

~~B. Upon approval, the applicant shall pay a \$20.00 license fee to the finance department.~~

~~6.54.140 — Issuance or denial of license.~~

~~The finance department shall issue a license upon a recommendation by the Bellingham police department to approve the licensee and payment of the prescribed license fees. In the event of police department disapproval, the finance department shall notify the applicant of the denial and the procedures for appeal pursuant to BMC [6.54.170](#).~~

~~6.54.150 — Revocation of driver's license.~~

~~A driver's license may be revoked by the finance department, upon recommendation of the police department, subject to appeal pursuant to BMC [6.54.170](#). Licenses may only be revoked for good cause including, but not limited to:~~

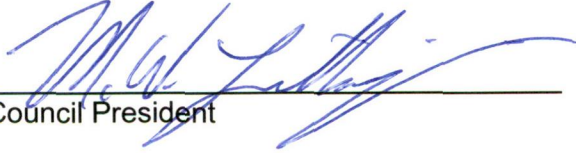
~~A. Fraud, misrepresentation, or false statement contained in the application for license.~~

~~B. Any felony or misdemeanor or traffic conviction directly related to fitness to drive a taxicab.~~

~~C. Any violations of the provisions of this chapter.~~

~~D. Three or more convictions for violations of BMC [11.33.175](#) within a one-year period.~~

PASSED by the Council this 11th day of December, 2023.



Council President

APPROVED by me this 21 day of December, 2023.



Mayor

ATTEST: 

Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

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