

CHAPTER 15
PUBLIC TRANSPORTATION

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4-15-1: Purpose.

The purpose of this Chapter is to regulate every person performing Public Transportation Service as herein defined.

4-15-2: Definitions.

For purposes of this Chapter, the following terms, phrases, and words shall have the following meanings:

A. Bus. Any motor vehicle, other than a courtesy vehicle, limousine, public conveyance or taxicab, capable of seating ten (10) or more passengers, not including the operator, and used to carry passengers for hire.

B. Certified Inspector– a motor vehicle service or repair business that

(1) has been certified, or employs professionals who have been certified, by the National Institute for Automotive Service Excellence (“ASE”) or by another nationally recognized organization that customarily certifies motor vehicle service or repair professionals, and

(2) holds and maintains a general liability insurance policy of a minimum of one million dollars (\$1,000,000).

C. Courtesy Vehicle. Any motor vehicle, other than a bus, public conveyance, or taxicab, used primarily to transport persons to or from any hotel, motel, lodge or any other similar tourist accommodations.

D. Public Conveyance. Any vehicle, other than a bus, courtesy vehicle, or taxicab, used or offered on a regular or continuing basis, whether or not for hire, to transport persons within the City.

E. Public Transportation Operator. A person who provides a Public Transportation Service utilizing a bus, courtesy vehicle, public conveyance or taxicab.

F. Public Transportation Owner. A person who owns or has a financial or other property interest in a bus, courtesy vehicle, public conveyance, or taxicab.

G. Public Transportation Service. Engaging in the business of carrying or transporting any person(s) for compensation within twenty-five (25) miles of City limits, with or by means of a bus, courtesy vehicle, public conveyance or taxicab, by prearranged appointment, at hourly, daily, or weekly rates as agreed upon between the passenger and the motor vehicle operator or motor vehicle owner, and where such is not operating on a fixed route or not operating adjunct to a fixed route (such as Dial-A-Ride or paratransit).

H. Taxicab. Any motor vehicle, other than a bus or courtesy vehicle, used to carry passengers for hire.

4-15-3: Exemptions.

A. Public Transportation Owner License. The Public Transportation Owner licensing provisions of this Chapter shall not apply to the following types of motor vehicles:

- (1) Motor vehicles used in interstate or foreign commerce.
- (2) Motor vehicles for which a valid license or permit has been issued under the Idaho Single State Registration System (SSRS), as issued by the State of Idaho Division of Motor Vehicles, One Stop Shop.
- (3) Motor vehicles owned and operated by a school or school district and used exclusively to transport students or teachers to and from educational institutions or to and from approved school activities.
- (4) Motor vehicles operated through or into the City incidental to the conduct of a public conveyance business located outside the City.

(5) Motor vehicles used primarily to transport members of the motor vehicle owner's family or agents or employees of such motor vehicle's owner.

(6) Motor vehicles owned by or under contract with a regional Public Transportation authority authorized to operate within Bonneville County, Idaho, pursuant to the provisions of Chapter 21, Title 40, Idaho Code, such as Targhee Regional Public Transportation Authority (TRPTA), Dial-A-Ride, and the like.

B. Public Transportation Operator License. The operator's licensing provisions of this Chapter shall not apply to the following kinds of Public Transportation Service operators:

(1) Operators of motor vehicles used in interstate or foreign commerce.

(2) Operators of motor vehicles owned and operated by a school or school district and used exclusively to transport students or teachers to and from educational institutions or to and from approved school activities

(3) Operators of motor vehicles operated through or into the City incidental to the conduct of an interstate or intrastate public conveyance business.

(4) Operators of motor vehicles used primarily to transport members of the motor vehicle owner's family or agents or employees of such motor vehicle's owner.

4-15-4: Public Transportation License Required.

Every person who performs a Public Transportation Service in the City, as defined in this Chapter, shall first obtain a Public Transportation Operator's license or a Public Transportation Owner's license, as required by this Chapter.

4-15-5: Application.

Every person, before providing Public Transportation Service, shall apply to the City for a Public Transportation Operator's license or Public Transportation Owner's license, as required by this Chapter, on the application form furnished by the City. Every applicant shall supply all information requested on the application form, which shall, among other things, include the full name, date of birth, and residential address of the applicant. The application also shall state whether the applicant holds a valid, unrevoked driver's license issued by the State and the class of such driver's license. The applicant shall consent to being photographed and fingerprinted as a condition for issuance of a license. Every applicant shall supply a full set of fingerprints with every application, except that fingerprints will not be required for any license renewal that occurs within three (3) years of the latest submittal of fingerprints by the applicant. It shall be applicant's responsibility to pay for the actual cost or fee of fingerprinting. The application shall be verified by the applicant before a person authorized to administer oaths. The application shall be submitted to the Clerk together with a nonrefundable application fee in an amount set from time to time by Resolution of the Council.

The City, upon receipt of a completed application form, fingerprints, payment of the proper Public Transportation Service license fees, and other required information, as specified, and upon compliance with the requirements of this Chapter, shall issue a Public Transportation Operator's license or a Public Transportation Owner's license.

4-15-6: License Fees.

Any person providing Public Transportation Service shall pay an annual Public Transportation Service Operator's or Owner's license fee in an amount set from time to time by Resolution of the Council. An issued Public Transportation Service Operator's license shall expire one (1) year from the date that the license is issued. An issued Public Transportation Service Owner's license shall expire on the 31st of December of the year that the license is issued.

4-15-7: Insurance Required.

No person shall provide a Public Transportation Service without public liability and property damage insurance in some good and reliable insurance company for the vehicle being utilized for such public transportation service, with combined single limits of Three Hundred Thousand (\$300,000) Dollars, or with split limits of not less than One Hundred Thousand (\$100,000) Dollars for personal injuries to one (1) person, and not less than Three Hundred Thousand Dollars (\$300,000) for personal injuries caused by any one (1) accident, and not less than Fifty Thousand (\$50,000.00) Dollars for property damage caused by any one (1) accident. No person shall provide a Public Transportation Service without underinsured and uninsured motorist insurance for the vehicle being utilized in such Public Transportation Service.

The City shall not issue a license to any applicant for a Public Transportation Operator's or Public Transportation Owner's license until the applicant has furnished proof satisfactory to the Clerk that insurance of the type and in the amount required by this Chapter has been purchased for the vehicle to be utilized in such public transportation service and that the City has been made an insurance certificate holder in such insurance.

4-15-8: Vehicle Inspection.

A. Annual Inspections - All motor vehicles to be utilized to provide Public Transportation shall have a vehicle inspection performed annually by a Certified Inspector at the expense of the Public Transportation Owner.

(1) The Certified Inspector shall inspect the motor vehicle and document the results of the inspection on a form furnished by the Idaho Falls Police Department. The form shall include a pass or fail standard.

(2) The Certified Inspector shall provide a copy of the completed inspection form to the Idaho Falls Police Department and the motor vehicle's Public Transportation Operator or Public Transportation Owner.

B. Proof of Inspection - Public Transportation Owner shall maintain a copy of the motor vehicle's inspection form within the motor vehicle at all times.

C. City Issued Inspection Sticker - Upon receipt of

- (1) a completed and passing inspection form, and
- (2) a proof of license fee payment receipt

the Idaho Falls Police Department shall issue an inspection sticker to the Public Transportation Operator or Public Transportation Owner to be prominently affixed onto the motor vehicle's windshield. The sticker shall indicate an expiration date of the 31st of December of the year that the inspection was conducted.

D. *Additional Inspections* - At any time there is reason to believe that a motor vehicle inspection is warranted, the Idaho Falls Police Department may require, at the expense of Public Transportation Owner, additional inspection. The Certified Inspector shall inspect the motor vehicle and document the additional inspection in the same manner as the annual inspection. The Public Transportation Owner may request and receive a new City Issued Inspection Sticker. The new sticker shall indicate an expiration date of the 31st of December of the year that the additional inspection was conducted.

4-15-9: License Documents Subject To Inspection.

Any person providing a Public Transportation Service shall tender the relevant Public Transportation Services License, insurance policies, vehicle registration, driver's license, and fair information, to the administrative authority of the City, including a peace officer, for examination, upon request.

4-15-10: Smoking Prohibited While Public Transportation Service Is Being Provided.

Smoking in motor vehicles regulated by this Chapter shall be prohibited at all times any passenger is present during the provision of Public Transportation Service.

4-15-11: Operator's Photo Identification To Be Prominently Displayed.

Any person providing Public Transportation Service shall display their City-issued photo identification in a place where it can be seen by every passenger at all times while such service is being provided.

4-15-12: Public Transportation Service Vehicles To Be Prominently Marked.

Motor Vehicles regulated under this Chapter, shall, at all times where Public Transportation Services are provided, be prominently marked as a bus, courtesy vehicle, public conveyance, or taxicab. Marking may be accomplished by a means of a temporary sign, magnetic sign, permanent sign, overhead light, paint, etc. Such marking may be displayed inside or outside of the vehicle and shall be of a font size and type that can be seen clearly from at least twenty feet (20') from the outside of the motor vehicle used for Public Transportation Services.

4-15-13: Fares to be Prominently Displayed.

Except where pre-paid Public Transportation Services are being provided, any person providing Public Transportation Services shall, at all times, prominently display all fares for such services. All fares shall immediately be made available to any person who requests them. No person providing Public Transportation Services shall charge any fare for such services unless such fare

is prominently displayed and is immediately available to a person requesting such fares to be charged.

4-15-14: Mandatory Drug Testing; Denial or Revocation.

A. Every person licensed under this Chapter who is involved in an accident resulting in injury to or death of any person, while providing Public Transportation service, shall submit to one (1) or more tests as may be required to determine the amount of alcohol, narcotics, prescription and non-prescription drugs are present in such licensed person. Any such required test(s) shall be at such licensed person's own expense.

B. If a required test shows the presence of illegal drugs, alcohol in excess of the legal limit established in Idaho Code Title 18, Chapter 80, prescription drugs used other than as prescribed, or evidence of intoxicants, such person's license shall be immediately revoked. Refusal to submit to any test required shall result in the immediate revocation of the Public Transportation Operator's license. Following revocation under this subsection, no Public Transportation Operator's license shall be granted until five (5) years immediately following the last violation of this subsection.

4-15-15: Investigation.

Before any license shall be issued under this Chapter, the City shall complete a background check of every applicant.

Such background check may utilize the fingerprints submitted. Any background check requests made to the Federal Bureau of Investigation shall be conducted pursuant to applicable law, including, but not limited to, Idaho Code Section 67-3008, as amended. The background check may include the statewide criminal identification bureau; the Federal Bureau of Investigation (FBI) criminal history; the National Crime Information Center (NCIC); the statewide child abuse registry; sex offender register regional record check; and/or other inquiries as deemed necessary to carry out the intent of this Chapter.

4-15-16: Denial of License.

No Public Transportation Operator license shall be issued:

A. Where the applicant or licensee has:

(1) Been found guilty of, plead guilty to, received a withheld judgment, or admitted to the elements of any of the following enumerated crimes, or admitted that sufficient evidence exists which could be likely to convince a judge or jury to find the applicant or licensee to be guilty beyond a reasonable doubt, or any substantially similar provision of foreign criminal violation, notwithstanding the form of judgment(s):

a. Felony injury of a child, Section 18-1501, Idaho Code.

- b. The sexual abuse of a child under sixteen years of age, Section 18-1506, Idaho Code.
- c. The ritualized abuse of a child under eighteen years of age, Section 18-1506A, Idaho Code.
- d. The sexual exploitation of a child, Section 18-1507 or 18-1507A, Idaho Code.
- e. Lewd conduct with a child under the age of sixteen years, Section 18-1508, Idaho Code.
- f. The sale or barter of a child for adoption or other purposes, Section 18-1511, Idaho Code.
- g. Murder in any degree, Section 18-4001 or 18-4003, Idaho Code.
- h. Assault with intent to murder, Section 18-4015, Idaho Code.
- i. Voluntary manslaughter, Section 18-4006, Idaho Code.
- j. Rape, Section 18-6101 or 18-6108, Idaho Code.
- k. Incest, Section 18-6602, Idaho Code.
- l. Forcible sexual penetration by use of foreign object, Section 18-6608, Idaho Code.
- m. Abuse, neglect or exploitation of a vulnerable adult, Section 18-1505, Idaho Code.
- n. Aggravated, first degree, second degree and third-degree arson, Sections 18-801 through 18-805, Idaho Code.
- o. Crimes against nature, Section 18-6605, Idaho Code.
- p. Kidnapping, Sections 18-4501 through 18-4503, Idaho Code.
- q. Mayhem, Section 18-5001, Idaho Code.
- r. Poisoning, Section 18-4014 or 18-5501, Idaho Code.
- s. Robbery, Section 18-6501, Idaho Code.
- t. Stalking in the first degree, Section 18-7905, Idaho Code.

- u. Video voyeurism, Section 18-6609, Idaho Code.
- v. Enticing of children, Section 18-1509 or 18-1509A, Idaho Code.
- w. Inducing individuals under eighteen years of age into prostitution, Section 18-5609, Idaho Code.
- x. Inducing a person under eighteen years of age to patronize a prostitute, Section 18-5611, Idaho Code.
- y. Any felony punishable by death or life imprisonment.
- z. Attempt, Section 18-306, Idaho Code, conspiracy, Section 18-1701, Idaho Code, or accessory after the fact, Section 18-205, Idaho Code, to commit any of the crimes designated in this subsection.

(2) Been classified as a voluntary patient or involuntary patient pursuant to Chapter 3, Title 66, Idaho Code, or similar provision in another jurisdiction, unless:

- a. Such person has been released from, and is no longer under, any form of treatment in relation to such classification, and
- b. Such person has been examined by at least one (1) professional licensed to evaluate mental health and such professional certifies that the person is no longer mentally ill and presents no threat or danger to any child. Such examination shall not be at City expense.

B. Where the applicant or licensee has:

(1) Been found guilty of, plead guilty to, or received a withheld judgment, or admitted to the elements of any of the following enumerated crimes, or any substantially similar provision of foreign criminal violation, notwithstanding the form of judgment(s) for any offense involving neglect or any physical injury to, or other abuse of a child, or any of the following offenses or a similar provision in another jurisdiction, for a period of five (5) years immediately preceding the date of application for license or renewal:

- a. Aggravated assault, Section 18-905, Idaho Code.
- b. Aggravated battery, Section 18-907(1), Idaho Code.
- c. Burglary, Section 18-1401, Idaho Code.
- d. Felony theft, Sections 18-2403 and 18-2407(1), Idaho Code.

- e. Forgery of a financial transaction card, Section 18-3123, Idaho Code.
- f. Fraudulent use of a financial transaction card or number, Section 18-3124, Idaho Code.
- g. Forgery or counterfeiting, Chapter 36, Title 18, Idaho Code.
- h. Misappropriation of personal identifying information, Section 18-3126, Idaho Code.
- i. Insurance fraud, Section 41-293, Idaho Code.
- j. Damage to or destruction of insured property, Section 41-294, Idaho Code.
- k. Public assistance fraud, Section 56-227, Idaho Code.
- l. Provider fraud, Section 56-227A, Idaho Code.
- m. Attempted strangulation, Section 18-923, Idaho Code.
- n. Misdemeanor injury to a child, Section 18-1501(2), Idaho Code.
- o. Felony domestic violence, Section 18-918, Idaho Code.
- p. Any violation (felony or misdemeanor) of the Uniform Controlled Substances Act, Chapter 27, Title 37, Idaho Code.
- q. Grand theft, section 18-2407(1), Idaho Code.
- r. Disseminating obscene material to minors, as defined in Sections 18-1513 through 18-1515, Idaho Code.
- s. Arson, as defined in Sections 18-801 through 18-804, Idaho Code.
- t. Transporting a minor in a motor vehicle while under the influence, Section 18-1501(3), Idaho Code.
- u. Driving without privileges, Section 18-8001, Idaho Code.
- v. Driving under the influence of alcohol, drugs, or other intoxicating substances, Section 18-8004, Idaho Code.
- w. Persons under twenty-one (21) years of age with less than point zero eight (0.08) alcohol concentration, Section 18-8004A, Idaho Code.

- x. Driving under the influence with excessive alcohol concentration, Section 18-8004C, Idaho Code.
- y. Any person who pleads guilty to or is found guilty of a violation of the provisions of Section 18-8004(1)(a), Section 18-8005, Idaho Code.
- z. Aggravated driving while under the influence of alcohol, drugs, or any other intoxicating substances, Section 18-8006, Idaho Code.
- aa. Leaving scene of accident resulting in injury or death, Section 18-8007, Idaho Code.
- bb. Reckless driving, Section 49-1401(1), Idaho Code.
- cc. Any person who is eighteen (18) years of age or older who sells, gives, or furnishes, or causes to be sold, given, or furnished, alcoholic beverages, including any distilled spirits, beer or wine, to a person under the age of twenty one (21) years, Section 23-603, Idaho Code.
- dd. Misdemeanor theft as defined in Title 18, Chapter 24 of the Idaho Code.
- ee. Any felony as defined by Idaho Code, Sections 18-111 and 18-111A, other than those listed in Subsection A.1. hereinabove.
- ff. Any crime of physical violence against persons, other than those listed in Section A.1. hereinabove.
- gg. Attempt, Section 18-306, Idaho Code, conspiracy, Section 18-1701, Idaho Code, or accessory after the fact, Section 18-205, Idaho Code, to commit any of the crimes designated in this subsection.

C. To any applicant or licensee who has supplied false or misleading information, failed or refused to provide or to disclose information required on the application form or by this Chapter, failed to disclose a suspension or revocation of a driver's license, or refused to authorize the investigation required herein. No such applicant or licensee shall be able to apply to receive a license under this Chapter for a period of less than six (6) months following the date of the denial or revocation of the Transportation Operator's license under this Subsection or for a period of six (6) months following the date that the Clerk became aware of disqualifying information, whichever is later in time.

D. 1) To any Public Transportation licensee who has violated any of the provisions of this Chapter during Public Transportation licensure. Violation of any provision of this Chapter during Public Transportation licensure, shall result in immediate and automatic revocation of the Public Transportation Operator's license.

Such revocation of the Public Transportation Operator's license shall be effective as of the date of such violation. No such person shall be qualified to apply to receive a Public Transportation license under this Chapter for a period of less than six (6) months following the date of the revocation of the Public Transportation Operator's license under this Subsection or for a period of six (6) months following the date the Clerk became aware of such information, whichever is later in time, unless otherwise provided in this Chapter.

2) Effect of Driver's License Suspension or Revocation. Suspension or revocation of the driver's license held by any licensed Public Transportation Operator shall result in the immediate and automatic revocation of such Public Transportation Operator's license, effective as of the date of such driver's license suspension or revocation. No such person shall be qualified to apply to receive a Public Transportation license under this Chapter for a period of less than six (6) months following the date of full reinstatement of the driver's license or for a period of not less than six (6) months following the date the Clerk became aware of such driver's license suspension or revocation, whichever is later in time.

E. Where an applicant or licensee does not meet the conditions of licensure in this Chapter.

4-15-17: Appeals.

A. 1) Any person aggrieved by the action of denial, suspension or revocation of the license by the Clerk for a reason other than disqualification under Subsection (A) or (B) of the "Denial of License" section of this Chapter, shall have the right of appeal to the Council pursuant to Chapter 1 of Title 4 of this Code.

2) If a license application is revoked or denied because of disqualification of the Applicant or Licensee under Subsection (A) or (B) of the "Denial of License" section of this Chapter, such disqualification shall not be waived. Review of revocation or denial of a license because of disqualification of the Applicant or Licensee under Subsection (A) of the "Denial of License" section of this Chapter shall be limited to a review of whether the information upon which such denial or revocation was based is true and accurate.

4-15-18: Penalties.

A. Any person violating any provision of this Chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished pursuant to this Code and the Idaho Code.

B. Any person violating any provision of this Chapter shall have any current Public Transportation Service license revoked. Upon proof of eligibility following revocation, such person shall be issued a Public Transportation Service license, unless otherwise prohibited by this Chapter.