

By Senator Dawson

30-1003-00

1 A bill to be entitled
 2 An act relating to vehicles for hire; defining
 3 terms; requiring chauffeurs to obtain permits
 4 from the Department of Business and
 5 Professional Regulation; requiring operators of
 6 vehicles for hire to obtain a certificate of
 7 public conveyance from that department;
 8 requiring all vehicles for hire to have a
 9 vehicle-for-hire permit issued by the
 10 Department of Highway Safety and Motor
 11 Vehicles; establishing license requirements and
 12 guidelines for both permits and the
 13 certificate; providing fees; providing
 14 penalties; providing for the distribution of
 15 fees; requiring the establishment of tax class
 16 codes; requiring annual safety inspections;
 17 providing insurance requirements; exempting
 18 certain vehicles for hire from registration
 19 requirements; requiring mandatory alcohol or
 20 drug testing; preempting certain local
 21 ordinances; providing an effective date.

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 23 Be It Enacted by the Legislature of the State of Florida:

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 25 Section 1. For-hire vehicles.--
 26 (1) DEFINITIONS.--As used in this section, the term:
 27 (a) "Chauffeur" means the operator who is in actual
 28 physical control of a vehicle for hire.
 29 (b) "Department" means the Department of Highway
 30 Safety and Motor Vehicles.

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1 (c) "Operative condition" means a good and safe
2 operating condition and, when applicable, within
3 specifications established by the manufacturer.

4 (d) "Owner" means a person, as defined in section
5 316.003, Florida Statutes, who owns a motor vehicle, covered
6 by this section or owns or operates a vehicle-for-hire
7 business.

8 (e) "Taxicab" means a motor vehicle that transports a
9 maximum of 14 passengers, that has permanent markings
10 identifying it as a taxicab, and for which the fare charged is
11 calculated by an electronic meter.

12 (f) "Vehicle for hire" means a vehicle defined in
13 section 320.01(15), Florida Statutes.

14 (2) CHAUFFEUR PERMIT.--

15 (a) A person who drives a vehicle for hire while it is
16 carrying passengers must have a chauffeur permit issued by the
17 Department of Business and Professional Regulation in his
18 possession. The department shall adopt rules and forms for the
19 issuance and renewal of chauffeur permits and shall collect an
20 annual fee of \$40, \$20 of which shall be forwarded to the
21 municipality in which the chauffeur resides and \$20 of which
22 shall be retained by the department for its administrative
23 costs.

24 (b) An applicant for a chauffeur permit must file an
25 application with the department and include with the
26 application two completed sets of fingerprints, which the
27 department shall forward to the Florida Department of Law
28 Enforcement and the Federal Bureau of Investigation to conduct
29 a criminal-history check. An applicant who has been found
30 guilty of a crime against persons, a crime involving weapons,
31 a felony, a crime involving alcohol or illegal substances, or

1 a crime of moral turpitude within the preceding 5 years, who
2 is on probation or community control in any jurisdiction, may
3 not be issued a permit.

4 (c) The Department of Business and Professional
5 Regulation shall also obtain from the Department of Highway
6 Safety and Motor Vehicles a motor vehicle driver's check at
7 the time of initial application and at each annual renewal of
8 the chauffeur permit. A permit may not be issued or renewed
9 for an applicant who has been found guilty of a traffic
10 offense involving alcohol, illegal substances, or reckless
11 driving or who has had more than three moving violations or
12 three at-fault traffic accidents resulting in personal
13 injuries or property damage exceeding \$500.

14 (3) CERTIFICATE OF PUBLIC CONVEYANCE; OCCUPATIONAL
15 LICENSE.--

16 (a) The owner or operator of a business that offers
17 vehicles for hire must hold a certificate of public conveyance
18 issued by the Department of Business Regulation and must have
19 an occupational license from the municipality where it
20 operates.

21 (b) That department shall adopt rules and forms for
22 the issuance and renewal of the certificates and shall collect
23 an annual fee of \$75, \$25 of which shall be forwarded to the
24 municipality in which the business operates and \$50 of which
25 shall be retained by the department for its administrative
26 costs.

27 (c) An application for a certificate of public
28 conveyance, must include the full legal name, date of birth,
29 social security number, actual residence address, and driver's
30 license number and state of issuance of any person who owns a
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1 10 percent or greater interest in the applicant's
2 vehicle-for-hire business.

3 (d) An applicant must include with an application two
4 completed sets of fingerprints for each person listed on the
5 application, which the department shall forward to the Florida
6 Department of Law Enforcement and the Federal Bureau of
7 Investigation to conduct a criminal-history check. An
8 applicant who has been found guilty of a crime against
9 persons, a crime involving weapons, a felony, a crime
10 involving alcohol or illegal substances, or crime of moral
11 turpitude, within the preceding 5 years or who is on probation
12 or community control in any jurisdiction may not be issued a
13 permit.

14 (4) VEHICLE-FOR-HIRE PERMIT.--

15 (a) A vehicle for hire operated in this state must
16 have a vehicle-for-hire permit issued by the Department of
17 Highway Safety and Motor Vehicles.

18 (b) The Department of Highway Safety and Motor
19 Vehicles shall adopt rules and forms for the issuance and
20 renewal of vehicle-for-hire permits and, in addition to the
21 appropriate license plate fees for the vehicle, shall collect
22 an annual fee of \$150, \$120 of which shall be forwarded to the
23 municipality in which the vehicle operates, which shall be
24 paid by the municipality to the law enforcement agency having
25 jurisdiction within the municipality. Thirty dollars of the
26 fee shall be paid to the Florida Highway Patrol. The funds
27 provided to law enforcement agencies are to provide for
28 increased law enforcement and increased public safety, and
29 must be used as follows:

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1 1. Funds distributed to a law enforcement agency in
2 excess of \$50,000 in any calendar year must be used to employ
3 full-time law enforcement officers within that agency.

4 2. Funds distributed to a law enforcement agency which
5 total less than \$50,000 in any calendar year must be used only
6 for the direct support of officers within that agency, such as
7 for the purchase of weapons, uniforms, protective equipment,
8 and marked patrol vehicles.

9 (5) TAX CLASS CODES.--

10 (a) The Department of Highway Safety and Motor
11 Vehicles shall use the existing county designation method of
12 vehicle registration and shall establish tax class codes for
13 the following types of vehicles for hire to track each type
14 within each local jurisdiction:

15 1. Ambulance, which is a motor vehicle that transports
16 passengers for emergency medical purposes, has permanent
17 markings identifying it as such, is equipped with visible and
18 audible emergency equipment, and for which the fare is
19 determined by a flat rate or time basis, but not by an
20 electronic meter.

21 2. Bus, which is a motor vehicle that transports more
22 than 14 passengers and for which the fare is determined by a
23 flat rate or time basis, but not by an electronic meter.

24 3. Limousine, which is a motor vehicle that transports
25 a maximum of 10 passengers, has been altered from its original
26 design, meets United States Department of Transportation,
27 Federal Highway Administration, and National Transportation
28 Safety Administration requirements, and for which the fare is
29 determined by a flat rate or time basis, but not by an
30 electronic meter.

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1 4. Luxury sedan, which is a motor vehicle that has a
2 maximum capacity of 5 passengers, is not altered from its
3 original design, and for which the fare is determined by a
4 flat rate or time basis but not by an electronic meter.

5 5. Nonemergency medical transport, which is a motor
6 vehicle that transports passengers for nonemergency medical
7 purposes only, has permanent markings identifying it as such,
8 and for which the fare is determined by a flat rate or time
9 basis, but not by an electronic meter.

10 6. Taxicab, which is a motor vehicle that has a
11 maximum capacity of 14 passengers, has permanent markings
12 identifying it as such, for which the fare is determined by an
13 electronic meter, and that may provide only on-demand service
14 without prior reservation or arrangement which is obtained by
15 the consumer at the point where the service originates.

16 (b) The department shall design a special license
17 plate for vehicles for hire, which shall be produced in
18 duplicate and attached to the front and rear of the vehicle.
19 The word "Florida" must appear at the top of the plate and the
20 word "Livery" must appear at the bottom of the plate. The
21 plate shall also serve as the vehicle-for-hire permit.

22 (6) MECHANICAL AND SAFETY INSPECTION REQUIREMENTS.--

23 (a) A vehicle for hire that is more than 1 year old or
24 has more than 10,000 odometer miles must be inspected
25 annually, and a form evidencing that such inspection was
26 passed must be filed with the Department of Highway Safety and
27 Motor Vehicles before a vehicle-for-hire permit may be issued
28 or renewed. The operator must maintain a copy of the
29 inspection form at its principal place of business and in the
30 vehicle.

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1 (b) A vehicle for hire must be inspected for
2 compliance with the following standards:

3 1. Brakes must be within the manufacturer's safety
4 limits, with at least 1/16 inch of brake-pad material
5 remaining. The parking brakes must be in working order, and
6 where applicable, the brake systems must comply with sections
7 316.261, 316.262, and 316.263, Florida Statutes.

8 2. The exhaust system may not be modified as to sound
9 or appearance and must be free of leaks.

10 3. The lights, horn, door locks, and safety belts must
11 be in operative condition.

12 4. The floor must not have any areas that are rusted
13 through or unable to bear the weight for which it was
14 designed, doors must be securely attached, seats must be
15 securely fastened to the body, and the welds on any vehicle
16 that has been modified from the manufactured design must be
17 intact and free of cracks or signs of distress.

18 5. Steering may not exceed 3 inches of play to the
19 left or right of center.

20 6. Tires must be in good condition and have at least
21 2/32 inches of tread.

22 7. A fire extinguisher that meets all applicable
23 safety standards must be easily accessible to the chauffeur.

24 8. One seat belt must be available for each occupant
25 position, including the chauffeur, and child restraints, as
26 required in section 316.613, Florida Statutes, must be easily
27 accessible to passengers accompanied by children.

28 9. Optional equipment, such as intercoms, climate
29 controls, lighting controls, and entertainment devices must be
30 in operative condition.

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1 10. The vehicle must be in compliance with the
2 manufacturer's standards for its rated capacity, as approved
3 by the National Traffic Safety Administration. Such capacity
4 may not exceed the established gross-vehicle-weight rating for
5 the vehicle.

6 (c) Taxicabs must also have the following equipment:

7 1. An electronic meter that is operative, sealed, and
8 clearly visible to the passengers and that conforms to the
9 advertised rates.

10 2. A top light that is permanently mounted to the
11 exterior of the roof and that is able to be illuminated
12 manually from inside the vehicle.

13 3. Markings that are permanently affixed to both sides
14 of the vehicle, which provide, in letters at least 2 inches in
15 height, the name and telephone number of the operator and the
16 cab number and, in letters at least 1 inch in height, the
17 rates. The word "TAXI" must also appear on both sides of the
18 vehicle. Magnetic signs are prohibited.

19 (d) Inspections must be performed by a technician
20 certified by the Automotive Safety Engineers at an automobile
21 repair facility that is licensed by the Department of
22 Agriculture and Consumer Affairs. An operator that maintains
23 repair facilities for its vehicles may conduct
24 self-examinations if they are performed by a full-time
25 employee who is certified by the Automotive Safety Engineers.
26 Before conducting self-examinations, an operator must obtain
27 prior approval from the department on departmental forms.

28 (7) INSURANCE REQUIREMENTS.--A vehicle for hire must
29 be covered by liability insurance in minimum amounts of
30 \$100,000 per single injury per occurrence, \$300,000 aggregate
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1 personal injury per occurrence, and \$50,000 property damage
2 per occurrence.

3 (8) VIOLATIONS; PENALTIES.--A violation of this
4 section is a misdemeanor of the second degree, except that a
5 subsequent violation or the falsification of a vehicle
6 inspection report is a misdemeanor of the first degree,
7 punishable as provided in section 775.082 or section 775.083,
8 Florida Statutes.

9 (9) EXEMPTIONS.--

10 (a) Vehicles for hire that are registered in another
11 state and that originate passenger service outside this state
12 may operate in this state without complying with the
13 registration requirements of this section if they travel in
14 this state for the sole purpose of completing the service and
15 they remain exclusively with the person who contracted for
16 such service. Such vehicles may not originate vehicle-for-hire
17 service in this state, however, without complying with all the
18 provisions of this section.

19 (b) Vehicles for hire that are registered and
20 permitted by the United States Department of Transportation
21 and that bear a registration number issued by the United
22 States Department of Transportation are exempt from the
23 registration requirement of this section if they are not
24 operated primarily in this state and do not provide services
25 from a point of origin in this state on more than three
26 occasions within a 30-day period.

27 (10) MANDATORY ALCOHOL OR DRUG TESTING.--A chauffeur
28 who is involved in an accident while operating a vehicle for
29 hire in which a person is killed or injured, or who is
30 suspected by a law enforcement officer to be operating a
31 vehicle under the influence of alcohol, controlled substances,

1 or any substance prohibited in section 877.111, Florida
2 Statutes, must immediately submit to an approved chemical or
3 physical blood, breath, or urine test.

4 (11) PREEMPTION.--This section preempts any local
5 government ordinance or other act regulating or requiring
6 permits for any person or activity regulated by this section.

7 Section 2. This act shall take effect July 1, 2000.

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SENATE SUMMARY

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Established regulations for vehicles for hire. Requires
chauffeurs and vehicles for hire to have certain permits
and requires operators of such businesses to obtain a
certificate. Establishes licensure requirements, sets
fees, and provides penalties. Provides exemptions.
Requires alcohol and drug testing in certain situations.
(See bill for details.)

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