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Presented by: Planning & Policy
Committee
Introduced: 03/20/2000
Drafted by: B.R. Craver/J.R. Corso

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2000-09

An Ordinance Amending the Commercial Passenger Vehicle Code to Amend the Definition of Courtesy Vehicle; Amend the Code to Clarify that the Chief of Police Appoints the CPV Administrator; Establish the Offenses of Radar Detectors Prohibited, Excess Number of Passengers Prohibited, Radio Scanners in Taxis Restricted, and Use of Commercial Passenger Vehicle as Courtesy Vehicle, and Establishing Penalties for the Violation Thereof; and Amending the Purpose and Conditions of the Shuttle Endorsement to Include Scheduled Stops and Establishing as an Infraction a Failure to Follow the Schedule.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough code.

Section 2. Amendment of Section. CBJ 03.30.062 is amended by the addition of new fines and bail schedules to read:

03.30.062 COMMERCIAL PASSENGER VEHICLE FINE SCHEDULE. Pursuant to Sections 03.30.010 through 03.30.015 of this chapter, those of the following offenses which are amenable to disposition without court appearance may be disposed of upon payment of the fines listed to the municipal clerk of the court. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed below.

COMMERCIAL PASSENGER VEHICLE FINE SCHEDULE

CBJ	Offense	No. of Offenses	Fine
20.40.150(a)(2)	Holder with commercial motor vehicle in violation of laws	1*	\$100.00

1			2 nd	200.00
2			3 rd	300.00
3	20.40.150(b)(2)	Driver in violation of commercial motor vehicle laws	1 st	100.00
4			2 nd	200.00
5			3 rd	300.00
6	20.40.200(a)	Driver not issued current chauffeur's license	1 st	300.00
7			2 nd	MCA
8	20.40.200(b)	Driver not displaying chauffeur's license	1 st	50.00
9			2 nd	150.00
10			3 rd	300.00
11	20.40.300(a)(1)	Holder's vehicle without current vehicle approval	Any	300.00
12	20.40.300(a)(2)	Holder's vehicle not registered	Any	300.00
13	20.40.310(a)(1)	Holder's vehicle not mechanically safe	1 st	100.00
14			2 nd	300.00
15	20.40.310(a)(2)	Holder's vehicle not clean	1 st	25.00
16			2 nd	50.00
17			3 rd	100.00
18	20.40.310(a)(3)	Holder's vehicle not equipped	Any	300.00
19	20.40.310(a)(4)	Holder's vehicle not carrying documentation	1 st	50.00
20			2 nd	150.00
21			3 rd	300.00
22	20.40.310(a)(5)	Holder's vehicle's taximeter not accurate	Any	300.00
23	20.40.320	<i>Radar Detectors Prohibited</i>	Any	300.00
24	20.40.330	<i>Excess Number of Passengers Prohibited</i>	Any	300.00
25	20.40.340	<i>Radio Scanners in Taxis Restricted</i>	Any	300.00

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1	20.40.400	Person provides services without certificate	Any	MCA
2	20.40.410(b)	Holder provides services with unregistered vehicle or driver	Any	300.00
3	20.40.420(a)	<i>Use of commercial passenger vehicle as courtesy vehicle</i>	Any	300.00
4	20.40.430(a)(3)	Driver of taxi charges in excess of taximeter	Any	300.00
5	20.40.430(b)(4)(A)	Driver of shuttle makes unauthorized stop for passenger	Any	300.00
6	20.40.430(b)(4)(B)	Driver of shuttle stops for passenger in zone not at CPV stop	Any	300.00
7	20.40.430(b)(4)(C)	<i>Driver of shuttle stops for passenger at a time</i>		
8		<i>not scheduled for that stop, or fails to provide shuttle service</i>		
9		<i>at a stop at the time scheduled.</i>	Any	300.00
10	20.40.430(c)(3)(A)	Driver of tour makes unauthorized stop for passenger	Any	300.00
11	20.40.430(c)(3)(B)	Driver of tour stops for passenger in zone not at CPV stop	Any	300.00
12	20.40.430(e)(3)	Driver of charter provides services not according to		
13		charter conditions	Any	300.00
14	20.40.440	Holder provides services with uninsured vehicle	Any	MCA
15	20.40.500	Person intercepts request for service directed to another	Any	300.00

16 * "MCA" in the fine schedule means mandatory court appearance; fine schedule not applicable.

17 **Section 3. Amendment of Table of Contents.** The table of contents for Chapter
18 20.40, the Commercial Passenger Vehicle Code, is amended by the addition of new sections
19 to Article III, Vehicle Standards and Inspections, to read:

20 **COMMERCIAL PASSENGER VEHICLES**

21 Sections:

22 **Article I. Administrative Provisions**

- 23 20.40.100 Short title.
24 20.40.110 Purpose, findings.
25 20.40.120 Definitions.

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- 1 20.40.130 Administrator.
2 20.40.140 Permit application, issuance, and amendment.
3 20.40.150 State regulation.
4 20.40.160 Administrative sanctions.
5 20.40.170 Procedure for permit denials and administrative sanctions.
6 20.40.180 No vested rights.

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8 Article II. Driver Standards and Licenses

- 9 20.40.200 Chauffeur's license and registration required.
10 20.40.210 Chauffeur's license application.

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12 Article III. Vehicle Standards and Inspections

- 13 20.40.300 Vehicle approval required.
14 20.40.310 Vehicle standards.
15 20.40.320 *Radar detectors prohibited.*
16 20.40.330 *Excess number of passengers prohibited.*
17 20.40.340 *Radio scanners in taxis restricted.*

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19 Article IV. Certificates and Endorsements

- 20 20.40.400 Certificate of public convenience and necessity required.
21 20.40.410 Registration of drivers and vehicles.
22 20.40.420 ~~Reserved~~ *Use of commercial passenger vehicle as courtesy vehicle.*
23 20.40.430 Endorsements.
24 20.40.440 Insurance.

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1 Article V. Miscellaneous Provisions

2 20.40.500 Intercepting service call.

3 20.40.510 Application of traffic laws.

4 **Section 4. Amendment of Section.** CBJ 20.40.120, regarding definitions in the
5 commercial passenger vehicle code, is amended at the definition of "courtesy vehicle" as
6 follows:

7 "Courtesy vehicle" means a vehicle providing passenger transportation *to patrons of a*
8 *business as a regular amenity* without direct compensation.:

9 ~~_____ (a) via the most direct route between a commercial lodging facility and government~~
10 ~~facilities, the airport, a passenger vessel dock, or medical facility;~~

11 ~~_____ (b) via the most direct route between the embarkation or debarkation point for a~~
12 ~~regularly offered tour or tour product, and a commercial lodging facility, the airport, or a~~
13 ~~passenger vessel dock;~~

14 ~~_____ (c) between an automotive repair business and the residence or workplace of a~~
15 ~~customer thereof;~~

16 ~~_____ (d) to a passenger transported in the vehicle as part of a comprehensive tour~~
17 ~~purchased by the passenger before entering Alaska from the same person who owns and~~
18 ~~operates the vehicle, provided that the person also owns and operates one or more vehicles~~
19 ~~used primarily for the same purpose and with respect to which the person is exempt from~~
20 ~~regulation pursuant to CBJ 20.40.150.~~

21 (a) *The following terms used in this definition mean:*

22 (1) *"Business" means a person whose primary commercial service is one or more*
23 *of the following:*

24 (A) *commercial lodging facilities;*

25 (B) *tours or experiences, but not sightseeing in the vehicle;*

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1 (C) *automobile repair.*

2 (2) *“Patron” means a member of the public purchasing a primary service of the*
3 *business. Persons who are neither patrons nor employees of the business may not be*
4 *transported in the courtesy vehicle.*

5 (3) *“Regular amenity” means the passenger service is offered to all patrons for*
6 *the purpose of rendering the primary service more attractive or convenient, but is not itself*
7 *the primary purpose of the business and no separate charge is made to patrons for the*
8 *amenity.*

9 (4) *“Vehicle” means a vehicle used by the business and operated by a driver who*
10 *is an employee or owner of the business. An employee is a person whose wages are subject*
11 *by law to mandatory withholding. A business with more than one location may use the same*
12 *vehicle for any of its locations.*

13 **Section 5. Amendment of Subsection.** CBJ 20.40.130(a), regarding the commercial
14 passenger vehicle administrator, is amended to read:

15 (a) The ~~manager~~ *chief of police* shall designate an employee of the police department
16 as the commercial passenger vehicle administrator. The administrator shall exercise all
17 powers necessary to the administration and regulation of commercial passenger vehicles,
18 subject to the general supervision of the chief of police and provided that the chief shall
19 exercise quasi-judicial authority to decide and impose administrative sanctions.

20 **Section 6. New Section.** There is enacted a new section of the Commercial Passenger
21 Vehicle Code to read:

22 20.40.320 **RADAR DETECTORS PROHIBITED.** (a) It shall be unlawful for any
23 person to provide commercial passenger vehicle services in a vehicle equipped with any
24 device, passive or active, to detect or purposefully interfere with any radar, laser, or other
25 device employed by law enforcement personnel to measure the speed of motor vehicles for
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1 law enforcement purposes.

2 (b) This section shall not apply to a commercial passenger vehicle not in service and
3 lawfully marked as such.

4 (c) Violation of this section is an infraction.

5 **Section 7. New Section.** There is enacted a new section of the Commercial Passenger
6 Vehicle Code to read:

7 20.40.330 EXCESS NUMBER OF PASSENGERS PROHIBITED. (a) It shall be
8 unlawful for any person to provide commercial passenger vehicle services in a vehicle
9 carrying more than the maximum passenger capacity specified by the Administrator for that
10 vehicle. Each excess passenger is a separate offense.

11 (b) Violation of this section is an infraction.

12 **Section 8. New Section.** There is enacted a new section of the Commercial Passenger
13 Vehicle Code to read:

14 20.40.340 RADIO SCANNERS IN TAXIS RESTRICTED. (a) It shall be unlawful
15 for the driver of a taxicab or the holder of a certificate endorsed for taxi service to monitor
16 the radio communications of another holder or the Juneau Police Department.

17 (b) Violation of this section is an infraction.

18 **Section 9. New Section.** There is enacted a new section of the Commercial Passenger
19 Vehicle Code to read:

20 20.40.420 USE OF COMMERCIAL PASSENGER VEHICLE AS COURTESY
21 VEHICLE. (a) It shall be unlawful to operate a commercial passenger vehicle as a courtesy
22 vehicle except when it is clearly marked as a courtesy vehicle, and only if:

23 (1) The use does not exceed two weeks to substitute for the vehicle used by the
24 business as its usual courtesy vehicle, or

25 (2) The business offering the courtesy vehicle amenity to its patrons is also a holder

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1 of a commercial passenger service endorsement under this title, and is using a vehicle
2 registered to the holder's certificate to provide courtesy vehicle services to its patrons, or

3 (3) The holder of the certificate pursuant to which the vehicle is operated is a
4 business providing the courtesy vehicle service pursuant to an ongoing contractual obligation
5 to a third party to provide free transfers to persons who have purchased a comprehensive tour
6 package originating or ending outside of Juneau.

7 (b) Violation of this section is an infraction.

8 **Section 10. Amendment of Subsection.** CBJ 20.40.430(b), regarding shuttle
9 endorsements, is amended to read:

10 (b) Shuttle Endorsement.

11 (1) Purpose. The shuttle service endorsement shall authorize services which are
12 limited as to *time and* place for the purpose of providing service to an identified market
13 segment.

14 (2) Conditions. The service shall be subject to conditions specifying *scheduled*
15 stops.

16 (3) Market Segments. The administrator shall approve a proposed service only to
17 the extent the conditions proposed by the applicant are reasonably related to identified
18 transportation market segments established by regulation.

19 (4) Infractions. It shall be an infraction for a driver operating pursuant to a shuttle
20 endorsement to:

21 (A) Stop a vehicle to pick up or discharge a passenger at a *time and* place not
22 authorized by the endorsement; or

23 (B) Stop a vehicle to pick up or discharge a passenger within a commercial
24 passenger vehicle control zone at a place other than a commercial passenger vehicle stop; or

25 (C) *Fail to provide service at a scheduled stop within five minutes of the time*

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1 *scheduled on the endorsement.*

2 **Section 11. Effective Date.** This ordinance shall be effective 30 days after its adoption.

3 Adopted this day of 2000.

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Dennis Egan, Mayor

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Attest:

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Laurie J. Sica, Clerk

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