

HB

67

22-LS0299J
Ford
4/4/01

Adopted

CS FOR HOUSE BILL NO. 67(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE ROKEBERG

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to motor vehicle liability insurance for taxicabs."

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * Section 1. AS 28.20.440(b) is amended to read:

4 (b) The owner's policy of liability insurance must

5 (1) designate by description or appropriate reference all vehicles that it
6 covers;

7 (2) except as required under AS 28.22.101(g), insure the person
8 named and every other person using the vehicle with the express or implied
9 permission of the named insured, against loss from the liability imposed by law for
10 damages arising out of the ownership, maintenance, or use of the vehicle within the
11 United States or Canada, subject to limits exclusive of interest and costs, with respect
12 to each vehicle, as follows: \$50,000 because of bodily injury to or death of one person
13 in any one accident, and, subject to the same limit for one person, \$100,000 because of
14 bodily injury to or death of two or more persons in any one accident, and \$25,000
15 because of injury to or destruction of property of others in any one accident;

1 (3) contain coverage in not less than the amounts set out in (2) of this
2 subsection for the protection of the persons insured under the policy who are legally
3 entitled to recover damages from owners or operators of uninsured or underinsured
4 motor vehicles because of bodily injury or death, or damage to or destruction of
5 property arising out of the ownership, maintenance, or use of the uninsured or
6 underinsured motor vehicle; this coverage must comply with the provisions of
7 AS 28.20.445.

8 * Sec. 2. AS 28.22.101(d) is amended to read:

9 (d) Except as provided under (g) of this section, a [A] motor vehicle
10 liability policy must provide coverage in the United States or Canada, subject to limits
11 exclusive of interest and costs, with respect to each vehicle, as follows:

12 (1) \$50,000 because of bodily injury to or death of one person in one
13 accident, and, subject to the same limit for one person, \$100,000 because of bodily
14 injury to or death of two or more persons in one accident; and

15 (2) \$25,000 because of injury to or destruction of property of others in
16 one accident.

17 * Sec. 3. AS 28.22.101 is amended by adding a new subsection to read:

18 (g) A motor vehicle liability policy that covers a taxicab must provide
19 coverage in the United States or Canada, subject to limits exclusive of interest and
20 costs, with respect to each vehicle, as follows:

21 (1) \$100,000 because of bodily injury to or death of one person in one
22 accident, and, subject to the same limit for one person, \$300,000 because of bodily
23 injury to or death of two or more persons in one accident; and

24 (2) \$50,000 because of injury to or destruction of property of others in
25 one accident.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSHB67 (L&C)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title: "An Act relating to motor vehicle liability insurance for taxicabs..." BRU: Motor Vehicles
Sponsor: Representative Rokeburg Component: _____
Requester: House Judiciary Component Number: 2348

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPLRATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CSHB 67 (L&C) has no impact on the Division of Motor Vehicles.

Prepared by: Mary Marshburn, Director Phone 269-5559
Division: Motor Vehicles Date/Time 04/05/01
Approved by: J.m Duncan, Commissioner Date 4/5/01
Agency: Department of Administration

For distribution information, call the Governor's Legislative Office

ALASKA STATE LEGISLATURE

House of Representatives

COMMITTEE ASSIGNMENTS:

JUDICIARY COMMITTEE, CHAIRMAN
LABOR & COMMERCE COMMITTEE, MEMBER
LEGISLATIVE COUNCIL, MEMBER
SPECIAL COMMITTEE ON ECONOMIC DEVELOPMENT &
TOURISM, MEMBER

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Representative Norman Rokeberg

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SPONSOR STATEMENT

CSHB 67 (L&C)

An Act relating to motor vehicle liability insurance for taxicabs.

CSHB 67 (L&C) places in state statute minimum liability insurance limits for taxicabs of: \$300,000 for bodily injury or death of one person in one accident; \$500,000 for bodily injury or death of two more persons in one accident; and \$100,000 for injury to or destruction of property of others in one accident.

This minimum would in no way interfere with the ability of the local government to establish higher minimums to operate in a local area; it just sets a floor for statewide levels. Prudent business practice, and some local laws, already call for liability policies but this would make sure that all Alaskans have a reasonable expectation that the cab they are utilizing is covered by minimum insurance.

Your support of this legislation would be appreciated.

ED2:04/03/2001

Note: The draft JUD CS lowers the limits to \$100,000/\$300,000/\$50,000

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 67(L&C)
 (H) Publish Date: 3/30/01

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title: HB 67 "An Act relating to motor vehicle BRU: _____
 liability insurance for taxicabs." Component: _____
 Sponsor: Representative Rokeberg _____
 Requester: House Labor & Commerce Component Number: _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill requires taxicabs to carry motor vehicle liability insurance. There is no anticipated fiscal impact to the state as a result of this legislation.

Prepared by: Amy Erickson, Committee Aide HL&C Phone 465-4954

Representative Murkowski Date 3/29/01
 Committee Chair

Anchorage

TITLE 11 TRANSPORTATION*

Chapter 11.20 TAXICABS, LIMOUSINES AND VEHICLES FOR HIRE*

11.20.100 Taxicabs--Insurance required.

11.20 100 Taxicabs--Insurance required.

- A. Before any permit is issued for any taxicab, the applicant shall furnish one or more policies or certificates of liability insurance issued by an insurance company that is an authorized insurer within the meaning of AS 21.90.900(5).
- B. The insurance required by this section for vehicles with a manufacturer's rated seating capacity (or, if a mini-van, the seating capacity after seat removal to accommodate baggage), of six persons or less shall provide coverage as follows:
1. Combined single limit for all bodily injury or property damage arising from one accident: \$500,000.00; and
 2. For all persons injured or dead in any one accident caused by an uninsured motorist: \$300,000.00.
- C. The insurance required by this section for vehicles with a manufacturer's rated seating capacity (or, if a mini-van, the seating capacity after seat removal to accommodate baggage), of seven persons or more shall provide coverage as follows:
1. Combined single limit for all bodily injury or property damage arising from one accident: \$1,000,000.00; and
 2. For all persons injured or dead in any one accident caused by an uninsured motorist: \$300,000.00.
- D. The policy or policies of liability insurance shall be approved as to substance and form by the risk manager for the Municipality and filed with the Transportation Inspector. Insurance policies shall be issued for periods of not less than one year.
- E. Every insurance policy or certificate shall contain a clause obligating the insurer or surety to give the Transportation Inspector written notice no less than 30 days before the cancellation, expiration, nonrenewal, lapse, or other termination of such insurance. A lapse, cancellation, expiration, nonrenewal, or termination of insurance coverage shall work an automatic suspension of any permit for so long as the permittee is without insurance as required by this section, and it shall be a violation of this chapter to provide taxicab service with a vehicle not insured as required by this section. The insurance policy shall list as a certificate holder:

Municipality of Anchorage
Transportation Inspection Division
P.O. Box 196650
Anchorage, Alaska 99519

(AO No. 57-75; AO No. 78-177; AO No. 79-58; AO No. 80-19(S); AO No. 81-149; AO No. 81-167; AO No. 85-87; AO No. 87-8; AO No. 87-126(S); AO No. 89-63; AO No. 98-51(S), § 2, 5-4-99; AO No. 2000-107, § 2, 7-25-00)

State law reference(s)--Insurance, AS 28.22.

11.20.110 Posting of insurance notice.

The Transportation Inspector shall designate a place in the interior of all vehicles regulated by this title for the posting of a notice stating "This vehicles is insured according to Municipal ordinances." No person may provide services with a regulated vehicle unless this notice is properly posted therein.

(AO No. 57-75; AO No. 78-177; AO No. 80-19(S); AO No. 87-8; AO No. 87-126(S); AO No. 98-51(S), § 2, 5-4-99)

11.20.120 Taxicabs--Records of service.



A. Every taxicab permittee shall ensure the maintenance of a current and accurate daily list for the taxicab operated pursuant to his or her permit of:

1. The name, address, telephone number, license number and expiration date for each chauffeur operating such taxicab and whether the chauffeur's working hours comply with AMC 11.30.060;
2. The dates of hire and termination for each chauffeur operating such taxicab;
3. The daily hours worked by each chauffeur operating such taxicab;
4. The number of daily hours each such taxicab is operated during each calendar month; and
5. The time and place of passenger pickup and delivery, the number of passengers, the amount of fare received, the time of the call for service and the name and license number of the chauffeur responding to that call. This information shall be provided for taxicabs on a "trip sheet."



B. A taxicab permittee may designate an agent to provide the records required by this section so long as:

1. Such agent is a resident of Alaska; and
2. The taxicab permittee executes an agreement establishing the agency relationship. The agreement shall be on a form provided by the Transportation Inspector with signatures notarized, and shall be filed with the Transportation Inspector.



C. The records maintained pursuant to subsection A of this section as well as any other records related to the operation of the permit shall be retained by the taxicab permittee for at least two years and shall be made available upon request of the Transportation Inspector or a police officer. The Transportation Inspector may request that the taxicab permittee forward the record to him or her on a monthly basis.

(AO No. 57-75; AO No. 78-177; AO No. 79-58; AO No. 80-19(S); AO No. 87-8)

11.20.130 Chauffeur training.

Every regulated vehicle permittee shall maintain or participate in maintenance of a chauffeur training and testing program approved by the Commission, providing training as described in section 11.30.020.C. The Commission shall have final authority for evaluation of the training and testing programs, but may delegate that authority. The Transportation Inspector shall evaluate test results to determine whether a chauffeur's license shall be issued pursuant to section 11.30.020.C.

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PART II CODE OF ORDINANCES

Chapter 86 VEHICLES FOR HIRE*

ARTICLE II. COMMERCIAL TRANSPORT VEHICLE

DIVISION 1. GENERALLY

Sec. 86-31. Definitions.

Faubanks

(1) *Taxicab* means any motor vehicle used for the purpose of transporting passengers, upon request, for a fee, over the streets of the city, the routes of which are neither fixed, defined nor regulated by law or municipal directive.

(2) *Motorbus* means any motor vehicle having a seating capacity of nine persons or more, according to the manufacturer's rating, operating over established and fixed routes or under private charter agreement, and serving the public at large or any person who is willing to pay the fare or fee assessed. School buses, church buses, any transportation service provided at no charge by a nonprofit corporation, shuttle buses or vans owned and used by hotels for pickup and delivery of hotel guests, and motorbuses owned or operated by the state or a political subdivision of the state shall not be governed by this article.

Limousine means a large luxury buslike sedan used for the purpose of transporting passengers, upon request, for a fee, over the streets of the city, the routes of which are neither fixed, defined nor regulated by law or municipal directive.

Operate shall mean picking up passengers in, delivering passengers to, or transporting passengers through the city.

(Code 1960, § 8.106)

Cross reference(s)--Definitions generally, § 1-2.

Secs. 86-32--86-50. Reserved.

DIVISION 2. PERMIT

Sec. 86-51. Required.

(a) No person shall operate or cause to be operated upon the streets of the city any commercial passenger transport vehicle unless the applicant shall first obtain, through application to the city, and thereafter hold effective a permit authorizing the operation of such vehicle upon the streets of the city. No permit shall be issued for a period greater than one year, and a permit shall be required for each vehicle operated under this section.

(b) After being given notice by the city, any person operating a vehicle or causing a vehicle to be so operated in violation of subsection (a) of this section shall be deemed guilty of a misdemeanor and upon conviction of such offense by a court shall be liable to punishment as prescribed in section 1-15.

(c) Upon approval of an application for a permit, the city clerk shall cause to be executed, under the seal of the city and signature of the city clerk, a proper permit signifying the approval and issuance of a permit to the applicant. The applicant shall pay a permit fee of \$50.00 for each vehicle.

(Code 1960, § 8.101)

Sec. 86-52. Proof of Insurance.

There shall be submitted with an application for a permit required in this division copies of policies of liability or indemnity insurance providing coverage and protection against loss through personal injury or property damage arising from negligence on the part of the owner of all vehicles to be operated by virtue of the permit, such insurance to afford coverage in an amount not less than \$300,000.00 for all personal injuries sustained in any one accident or \$500,000.00 if the applicant uses a cellular phone dispatch without a central dispatch, coverage in the amount of \$25,000.00 for property damage arising out of any one accident, and \$50,000.00 for all persons injured or who died in any one accident caused by an uninsured motorist. Each policy shall further contain a clause, addendum or endorsement providing that the insurer or his local agent will give written notice of the cancellation, revocation, termination or expiration of that policy, such notice to be submitted to the city clerk not later than five days prior to such eventuality.

(Code 1960, § 8.102; Ord. No. 5370, § 1, 11-14-1998)

Sec. 86-53. Dispatch location; color scheme; written records.



(a) The application for a permit required in this division shall provide:

- (1) The identity of the location of the terminal or dispatch office from which the vehicles are to operate or whether they will be dispatched by cellular phone upon the granting of the permit;
- (2) A statement by the applicant that the applicant will establish and maintain a central radio dispatch office or will operate dispatch by cellular phone, keeping a daily log of all cellular calls and providing cellular phone numbers to the owner company and the city clerk's office;
- (3) The distinctive single color scheme of the company which the applicant shall apply and which shall be applied to the exterior of each vehicle to be operated under the permit, including the color scheme of any lettering or numbers to appear on the exterior;
- (4) A statement by the applicant that he agrees to maintain a written record of all dispatches of vehicles operated under the permit; a listing, maintained current, of all chauffeurs or drivers of vehicles operated under the foregoing permit, reflecting termination dates of chauffeurs or drivers who withdraw from such positions; and a record of the daily hours of utilization for each vehicle operated under such permit; and
- (5) Such other data as may be from time to time required by the director of public safety.

(b) The information required in subsection (a) of this section shall be submitted to the director of public safety within five days after the end of the month, except insofar as expressly waived by the director of public safety. All records of such information shall be preserved by the applicant for not less than two years to be made available to the director of public safety upon request of the latter.

(Code 1960, § 8.103)

Sec. 86-54. Revocation; suspension.



(a) A permit required in this division may be temporarily suspended or permanently revoked by action of the city clerk for any of the following occurrences:

- (1) Breach of any condition, limitation or modification imposed under this article in approving the application for permit.
- (2) Breach by the holder of the permit of any covenant or agreement undertaken by the holder in making application for such permit.
- (3) Delinquency on the part of the holder of a permit or on the part of the individual chauffeurs or drivers in payment to the city of any taxes or fees imposed on fares collected for the transportation of passengers in vehicles operated under the permit.



Chapter 20.40

FOR-HIRE VEHICLES

Sections:

- 20.40.010 Definitions.
- 20.40.020 Certificate of public convenience and necessity required.
- 20.40.025 Interstate bus operations.
- 20.40.030 Certificate ? Application.
- 20.40.040 Certificate ? Application ? Public hearing.
- 20.40.050 Certificate ? Issuance.
- 20.40.052 Certificate ? Type.
- 20.40.060 Certificate ? Term ? Renewal.
- 20.40.070 Certificate ? Transfer.
- 20.40.080 Certificate ? Suspension and revocation.
- 20.40.085 Mandatory minimum penalties.
- 20.40.090 Certificate ? Indemnity bond or liability insurance required.
- 20.40.100 License fees.
- 20.40.110 Public vehicles ? Equipment and maintenance.
- 20.40.115 Taximeter certification.
- 20.40.120 Designation of public vehicles.
- 20.40.130 Professional driver?s permit required.
- 20.40.135 Maximum number of hours per day.
- 20.40.140 Professional driver?s permit ? Application.
- 20.40.150 Current state motor vehicle operator?s license required.
- 20.40.160 Professional driver?s permit ? Police investigation of applicant.
- 20.40.170 Professional driver?s permit ? Consideration of application.
- 20.40.180 Professional driver?s permit ? Issuance ? Duration ? Annual fee ? Physical examination.
- 20.40.190 Professional driver?s permit ? Issuance of temporary permit.
- 20.40.200 Professional driver?s permit ? Suspension and revocation.
- 20.40.210 Driver ? Compliance with city, state and federal laws.
- 20.40.220 Professional driver?s permit ? Defacing unlawful.
- 20.40.230 Rate cards, taximeters, and fares.
- 20.40.240 Receipts.
- 20.40.250 Refusal of passenger to pay legal fare.
- 20.40.260 Solicitation, acceptance and discharge of passenger.
- 20.40.270 Drivers ? Reporting accidents required.
- 20.40.280 Service.
- 20.40.290 Manifests.
- 20.40.300 Holder?s records and reports.
- 20.40.310 Advertising.
- 20.40.320 Chapter enforcement.
- 20.40.330 Criminal liability.

20.40.010 DEFINITIONS. The following words and phrases when used in this chapter have the meaning as set out in this section:

?Bus? means any public vehicle having a seating capacity of more than fourteen passengers;

(3) Been convicted of a felony or a misdemeanor involving moral turpitude which reflects unfavorably on the fitness of the holder to offer public transportation.

Prior to suspension, revocation or amendment, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard. (JCC ? 5-9-8).

20.40.085 MANDATORY MINIMUM

PENALTIES (a) It is the intent of the assembly that certificate holders be accountable for compliance by their drivers with the provisions of this chapter. If a holder or a driver operating one of the certificated vehicles violates a provision of this chapter which results in a conviction, the court shall impose fines as follows:

(1) First violation: two-hundred-and-fifty-dollar fine;

(2) Second violation within twelve months: five-hundred-dollar fine.

(b) If a certificate holder or a driver operating a taxicab or other for-hire vehicle for the certificate holder is convicted of violating more than two provisions of this chapter within a twelve-month period, the court, in addition to the criminal penalty imposed, shall suspend or revoke the holder's certificate in accordance with the following schedule:

(1) Third violation within twelve months: maximum sixty days suspension of certificate and minimum five days suspension;

(2) Fourth violation within twelve months: maximum sixty days suspension of certificate and minimum ten days suspension;

(3) Fifth violation within twelve months: revocation of holder's certificate is mandatory and the court shall take physical possession of the certificate and forward it to the city clerk.

(c) If a certificate is revoked, the holder is ineligible for a new certificate for one year from the date of revocation.

(d) Any time a certificate holder's driver is issued a citation or otherwise charged with a violation of any provision of this chapter, the certificate holder shall also be charged.

(e) Violation of the terms of a suspension or revocation imposed pursuant to subsections (a) or (b) of this section is a separate violation of this chapter. (Serial No. 86-66 ? 8, 1986).

20.40.090 CERTIFICATE ? INDEMNITY BOND

OR LIABILITY INSURANCE REQUIRED. (a) No certificate of public convenience and necessity shall be issued or continued in operation unless there is in full force and effect an indemnity bond for each vehicle authorized in the amount of one hundred thousand dollars for bodily injury to any one person; in the amount of three hundred thousand dollars for injuries to more than one person which are sustained in the same accident, and fifty thousand dollars for property damage resulting from any one accident. The bond or bonds shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, his servants, or agents. The bond or bonds shall be approved by the city and borough attorney and filed in the office of the clerk and shall have as surety thereon a surety company authorized to do business in the state of Alaska.

(b) The assembly may, in its discretion, allow the holder to file, in lieu of bond or bonds, a liability insurance policy issued by an insurance company authorized to do business in the state of Alaska. The policy shall conform to the provisions of this section relating to bonds.

(c) The liability insurance or the bonds shall contain a clause that the same may not be canceled or terminated or allowed to expire by insurer without thirty days' notice to the city and borough. A certificate showing issuance of the policy or the bonds, containing statements as to coverage and cancellation clause and payment of premium shall be filed with the clerk.

(d) The assembly may, in its discretion, allow the holder to file individual liability insurance policies for each and every vehicle authorized by the certificate. When the owner of a vehicle operated pursuant to a certificate is not the holder, the owner may purchase the policy. It is the responsibility of the certificate holder to at all times have on file with the clerk the individual certificates of insurance. If, at any time, there is not in full force and effect a liability insurance policy for each and every vehicle authorized by the certificate, the certificate shall not be issued nor shall it be continued in operation.

(e) The clerk is given the authority to suspend or revoke any certificate issued under this chapter for any violation of this section. Any holder whose certificate is thus suspended or revoked may appeal the decision of the clerk to the assembly, and such holder shall be entitled to a hearing before the assembly and a final determination on the suspension or revocation by the assembly. (Serial No. 86-66 ? 9, 1986; JCC ? 5-9-9).

20.40.100 FEES. (a) No certificate shall be issued or renewed unless the holder thereof has paid the applicable annual fee or fees as follows:

(1) Taxicabs: one hundred dollars to engage in the public vehicle business and twenty-five dollars for each vehicle operated under a certificate;

(2) Limousines: one hundred dollars to engage in the public vehicle business and twenty-five dollars for each vehicle operated under a certificate;

(3) Vans: one hundred dollars to engage in the public vehicle business and fifty dollars for each van operated under a certificate;

(4) Buses: one hundred dollars to engage in the public vehicle business and one hundred dollars for each bus operated under a certificate;

(5) Speciality Service: one hundred dollars to engage in the public vehicle business and twenty-five dollars for each speciality vehicle operated under a certificate;

(b) The fees shall not be prorated. Fees shall be for one year beginning on the first day of January and shall be in addition to any other license fees or charges established by any proper authority and applicable to the owner or holder of a vehicle or vehicles under the holder's operation and direction. (Serial No. 96-19 ? 4, 1996; Serial No. 94-35am ? 7, 1995; Serial No. 86-66 ? 10, 1986).

20.40.110 PUBLIC VEHICLES ? EQUIPMENT AND MAINTENANCE. (a) Vehicles Inspections. Prior to the operation of any public vehicle under the provisions of this chapter, the vehicle shall be thoroughly examined and inspected by a N.I.A.S.E.-certified mechanic, or the owner may present evidence that the vehicle has within the preceding year been inspected and approved for general

Subject: Re: Bethel Taxicabs

Date: Wed, 4 Apr 2001 13:29:19 -0700

From: "Bob Herron" <bobherron@alaska.com>

To: "Janet Seitz" <Janet_Seitz@legis.state.ak.us>

Janet,

Current code for City of Bethel is "as required by AS 28.22.101(d)".

On April 10th, City Council will have a final public hearing on a new taxi ordinance.

The new insurance section it will read:

with manufacturer's rated seating capacity of six or less...

Combined single limit for all bodily injury or property damage arising from one accident: \$300,000.00; and

For all persons injured or dead in any one accident caused by an uninsured motorist: \$100,000.00.

with manufacturer's rated seating capacity of seven or more...

Combined...\$700,000.00

Uninsured...\$100,000.00

if you need anything else, let me know.

Bob

-----Original Message-----

From: Janet Seitz <Janet_Seitz@legis.state.ak.us>

To: bobherron@alaska.com <bobherron@alaska.com>

Date: Wednesday, April 04, 2001 10:22 AM

Subject: Bethel Taxicabs

>Bob:

>

>Hi!

>

>Does the City of Bethel have any minimum liability limits for taxicab operators? If so, could you tell me what they are?

>

>Thanks for your help.

>

>Janet

>Rep. Rokeberg's Office

>

e: To the chief

Kotzebue

Subject: Re: To the chief

Date: Wed, 4 Apr 2001 11:14:24 -0800

From: "Chief Gregory A. Russell" <kotzpd@otz.net>

To: "Janet Seitz" <Janet_Seitz@legis.state.ak.us>

Janet,

Yes, there are requirements for taxi insurance. They are required to have that insurance information on file with the City Clerk's Office in order to have their permits. They are also required to have them posted in all the taxi's. The City Clerk (Nancy Mercer) is working with the new owners of the Cab Co. right now and they should have their permits in place this week.

I'm including text from the Kotzebue Municipal Code
Kotzebue Police Department for your information:

KMC 5.08.090

A. Before any permit is issued for any taxicab the applicant shall furnish one or more policies or certificates of liability insurance by an insurance company authorized to do business in the state. The policy shall cover personal injuries, death or damage to property suffered during the time for which insurance is in effect and resulting from the operation, maintenance or use of the taxicab.

B. The insurance required by this section shall provide coverage as follows:

1. Injury or death of any one person in any one accident, one hundred thousand dollars;
2. For all persons injured or dead where more than one person is injured or killed in any one accident, three hundred thousand dollars;
3. Damage to property in one accident, twenty five thousand dollars;
4. Injury or death of any one person in any one accident caused by an uninsured motorist, twenty five thousand dollars;
5. For all persons where more than one person is injured or killed in any one accident caused by an uninsured motorist, fifty thousand dollars.

C. The policy or policies of liability insurance shall be approved as to substance and form by the city attorney and filed with the city manager.

D. Every insurance policy or certificate shall contain a clause obligating the insurer or surety to give the city manager written notice no less than thirty days before termination of such insurance. A lapse, cancellation, expiration, nonrenewal or termination of insurance coverage shall work an automatic suspension of any permit.

Hope this is useful.

GREG

Box 46
Kotzebue, AK 99752
(907) 442-3351

www.kotzebuepolice.com

----- Original Message -----

From: "Janet Seitz" <Janet_Seitz@legis.state.ak.us>

To: <kotzpd@otz.net>

Sent: Wednesday, April 04, 2001 09:32

Subject: To the chief

> Does Kotzebue have any minimum insurance limits for taxicabs? If so,
> what are they?

4/4/01 11:19 AM

KODIAK CITY ORDINANCE

5.40.030 Application for taxicab or limousine permit. (a) A completed application for a taxicab or limousine permit shall be submitted to the city clerk on a form provided by the city clerk. The application shall include, but not be limited to, the following information:

- (1) The name and address of the applicant;
- (2) The nature of the business entity, if other than a natural person, and the name and address of each owner, partner, member, shareholder, and director;
- (3) The name under which the applicant will conduct business;
- (4) The make, model, year of manufacture, engine or serial number, and Alaska license number of a vehicle registered to the applicant which will be operated under the taxicab or limousine permit; and
- (5) On an application for a taxicab permit: the name, address, and telephone number of the licensed dispatch service to be utilized by the applicant and a description of any distinctive color scheme utilized by the dispatch service, including any lettering or numbering, which will be applied to the exterior of the taxicab prior to utilization.

(b) The application shall be accompanied by:

- (1) Any required fees established by resolution or motion of the city council.;
- (2) An insurance policy or certificate of insurance reflecting coverage by a company authorized to do business in this state for personal injury or property damage arising or resulting from the operation or use of the vehicle described in the application, including uninsured motorist coverage, with limits of not less than one hundred thousand dollars for bodily injury or death for one person, three hundred thousand dollars for bodily injury or death to two or more persons in any one accident, and \$50,000 for injury or destruction to property of others in any one accident. The policy or certificate shall reflect a provision in or rider to the policy requiring written notice to the city not less than thirty days prior to cancellation of the policy;
- (3) On application for a taxicab permit: a letter from a licensed dispatch service stating that the dispatch service has agreed to provide the applicant with services; and

(4) A full and complete set of fingerprints taken by the Kodiak police department or a copy of the applicant's current chauffeur's license. (Ord. 1066 §3, 1998; Ord. 1060 §6, 1998; Ord. 1041 §1, 1997; Ord. 938 §10, 1992; Ord. 876 §1 & §2, 1990; Ord. 512 §1 (part), 1978)

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HOMER CITY ORDINANCE

8.12 450 Insurance. A copy of current liability and indemnity insurance policies providing coverage and protection against loss through personal injury or property damage arising from negligence on the part of the owner or driver of all vehicles to be operated by virtue of the public transportation vehicle permit shall be on file in the office of the City clerk prior to issuance of such vehicle permits.

a. The insurance required by this section for vehicles with a seating capacity of ten persons or less shall provide coverage as

follows: Minimum insurance requirements are:

1. For bodily injury and property damage, a limit not less than three hundred thousand dollars comprehensive single limit liability;
2. For all persons injured or dead in any one accident caused by and uninsured motorist, fifty thousand dollars.

b. The insurance required by this section for vehicles with a seating capacity of eleven persons or more shall provide coverage as follows:

1. For bodily injury and property damage a limit not less than five hundred thousand dollars comprehensive single limit liability;
2. For all persons injured or dead in any one accident caused by an uninsured motorist, fifty thousand dollars.

c. Each policy shall contain an endorsement providing that the insurer or his local agent will give written notice of cancellation, revocation, termination or expiration of that policy. Such notice shall be submitted to the City Clerk not later than five days prior to such eventuality. (Ord. 85-28, 1985; Ord. 85-7 1 (part), 1985).



Ketchikan Municipal Code

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Title 5: REVENUE AND FINANCE Index KETCHIKAN MUNICIPAL CODE Index

Chapter 5.40 PUBLIC VEHICLES

Sections:

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| <u>5.40.020 Certificate Required.</u> | <u>5.40.160 Driver's Permit - Police Investigation of Applicant.</u> |
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| <u>5.40.070 Taxicab Certificate - Transfer.</u> | <u>5.40.235 Limousine and Sightseeing Fares.</u> |
| <u>5.40.080 Certificate - Suspension and Revocation.</u> | <u>5.40.240 Receipts.</u> |
| <u>5.40.085 Penalties and Injunctive Relief.</u> | <u>5.40.260 Solicitation, Acceptance and Discharge of Passenger.</u> |
| <u>5.40.090 Certificate - Indemnity Bond or Liability Insurance Required.</u> | <u>5.40.265 Open Stands.</u> |
| <u>5.40.100 License Fees.</u> | <u>5.40.270 Drivers - Reporting Accidents Required.</u> |
| <u>5.40.110 Equipment and Maintenance.</u> | <u>5.40.280 Taxicab Service.</u> |
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5.40.010 Definitions.

The following words and phrases when used in this chapter have the meaning as set out in this section:

- (1) "Airporter" means a public vehicle which transports persons to or from the Ketchikan

International Airport or the airport ferry terminal on a schedule designed to meet every major airline flight arriving or departing from said airport. The transportation of each passenger on an airporter must either begin or end at the airport or airport ferry terminal; an airporter may also provide prearranged group transportation services in strict compliance with the definition in subsection (11) of this section;

(2) "Certificate" means a written certificate of public convenience and necessity issued for taxicab service, or in the case of other public vehicles, a public vehicle certificate, authorizing the holder thereof to conduct a public vehicle business in the city;

(3) "Child Transport Vehicle" means a public vehicle used to transport children to or from their schools, babysitters, day-care centers, churches, recreational centers, latchkey centers, homes, parents or other child care;

(4) "Cruising" means the driving of a public vehicle on the streets, alleys, or public places of the city in search of, or soliciting prospective passengers;

(5) "Handicapped transportation vehicle" means a public vehicle which is specifically equipped with a wheelchair lift; is in compliance with all requirements to be fully wheelchair accessible; and is used to transport physically handicapped and elderly persons and their companions to any destination determined by the handicapped or elderly person;

(6) "Holder" means a person to whom a certificate has been issued;

(7) "Limousine" means a public vehicle designated by its manufacturer as a limousine which is operated to carry no more than six passengers at a time and which is available for passenger use only through reservations made no less than ninety minutes in advance of service;

(8) "Manifest" means a daily record prepared by a taxicab driver or dispatcher, of all trips made by the driver showing time and place or origin, destination, number of passengers and the amount of fare of each trip.

(9) "Open stand" means a public place along side of the curb of a street or elsewhere in the city which has been reserved exclusively for the use of taxicabs;

(10) "Permittee" means a person who has been issued a driver's permit or a valid driver's license issued under prior city ordinances;

(11) "Pre-arranged group transportation service" means transporting an organized group of eight passengers or more where such services are arranged in advance of the public vehicle's arrival at the point of departure and where the holder, public vehicle owner, or driver has not directly or indirectly formed or organized the group. The transportation of all passengers in a pre-arranged group transportation service must either begin or end at the same location.

(12) "Public vehicle" means a vehicle offered for commercial passenger service on public streets in which the driver is furnished by the owner or holder. The term public vehicle includes, but is not limited to, taxicabs, sightseeing vehicles, limousines, airporters, child transport vehicles, handicapped transport vehicles, and includes non-motorized vehicles. Vehicles operated by or providing services under contract to the city, borough, or the school district, are not included in this definition and are not subject to the provisions of this chapter.

Vehicles operated by another municipality in the borough and vehicles which are being operated under contract to another municipality in the borough are not subject to the provisions of this chapter unless they are operated as sightseeing vehicles or are operated away from routes approved by the police department. Courtesy vehicles, which are operated by or under contract with a business which is not otherwise engaged in commercial passenger service on public streets and which are used solely to provide incidental transportation for the business' customers or employees to or from the place where the primary business or employment occurs, are not public vehicles unless the customer or employee is separately charged for such transportation. Vehicles operated by or under contract with nonprofit organizations are not public vehicles when such vehicles are directly used in the course of providing religious, educational or charitable services which are exempt from the city's sales tax. A vehicle is offered for commercial passenger service if the owner or operator advertises for, solicits or otherwise seeks out passengers or receives compensation.

(13) "Rate card" means a card for display in each taxicab which contains the rates of fare then in force;

(14) "Sightseeing vehicle" means a public vehicle which provides pre-arranged group transportation service or which transports passengers on guided tours of cultural, natural, or historic sites. Tour passengers must be transported in groups with no passengers added after the tour begins and no passengers departing until the tour is completed. A shuttle service or other transportation which primarily transports passengers to or from commercial areas or transportation facilities is not a sightseeing vehicle. A vehicle which is advertised as available for tours shall be considered a sightseeing vehicle and shall operate as required under this paragraph.

(15) "Taxicab" means a public vehicle, which provides any commercial passenger service beyond that described in the definition of an airporter, child transport vehicle, handicapped transport vehicle, limousine, or sightseeing vehicle. A vehicle for which a taxicab certificate has been issued may operate as an airporter, limousine, child transport vehicle, handicapped transport vehicle, or sightseeing vehicle. A public vehicle which is not a limousine, airporter, handicapped transportation vehicle, or child transportation vehicle, but which operates on call or hail to provide point to point transportation to any destination determined by the passenger is a taxicab;

(16) "Driver's permit" means the written permission granted by the chief of police or the chief's designee to a person to drive a taxicab, handicapped transportation vehicle, or child transport vehicle upon the streets of the city, "driver's permit" also means a valid driver's license issued under prior city ordinances;

(17) "Taximeter" means a mechanical or electrical instrument or device which measures distance driven or time, or both, upon which the rates of fare of a taxicab are based;

(18) "Vehicle" means every device in, upon or by which any person may be transported or drawn upon a highway excepting vehicles used exclusively upon stationary rails or tracts;

(19) "Waiting time" means the time when a taxicab is not in motion from the time of acceptance of a passenger or passengers to the time of discharge but does not include any time that the taxicab is not in motion if due to any cause other than the request, act, or fault of a passenger or passengers. (Ord. 1256 2, 1993) KMC 5.40

default in payment for property or business assets conveyed as part of the earlier transfer of the certificate, any former holder which previously has filed with the city clerk a notice of its financing agreement and of its address shall be sent notice, addressed to the address filed with the city clerk, of any proceeding to revoke or suspend the certificate. Said notice shall be sent at the same time notice is given to the current holder, unless the current holder has previously presented competent evidence, acknowledged by the former holder, to the city manager showing that the debt that is the subject of the financing agreement has been paid in full.

(2) Upon revocation of a certificate as to which notice of the revocation proceeding was required to be given to the former holder pursuant to section 5.40.080(c)(1), the council shall issue the certificate to the former holder, or to the formerholder's assignee, provided:

(A) The former holder requests that the certificate be issued to the former holder or to the former holder's assignee;

(B) The former holder shows that the debt that is the subject of the financing agreement has not been paid in full;

(C) The former holder or its assignee is qualified to hold a certificate;
and

(D) The earlier transfer of the certificate was approved by the city council. (Ord. 1256 2, 1993) KMC 5.40

5.40.085 Penalties and injunctive relief.

(a) The violation of any provision of this chapter shall be an infraction, and any person convicted of such a violation shall be subject to a fine of not more than \$300.00.

(b) In addition to any other remedy or penalty provided by this section, a person who violates a provision of this chapter or a municipal regulation promulgated under this chapter shall be subject to a civil penalty of not more than \$500.00 for each offense, or injunctive relief to restrain the person from continuing the violation or threat of violation, or both such civil penalty and injunctive relief. Upon application by the city for injunctive relief and a finding that a person is violating or threatening to violate a provision of this chapter, the superior court shall grant injunctive relief to restrain the violation.

(c) Each day during which a violation described in this section occurs shall constitute a separate offense. (Ord. 1256 2, 1993) KMC 5.40

5.40.090 Certificate - indemnity bond or liability insurance required.

(a) No certificate shall be issued or continued in operation unless there is in full force and effect liability insurance policy for each vehicle authorized in the amount of \$100,000.00 for

bodily injury to any one person; in the amount of \$300,000.00 for injuries to more than one person which are sustained in the same accident, and \$50,000.00 for property damage resulting from any one accident. The policy shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, his servants or agents, and issued by an insurance company authorized to do business in the state.

(b) The liability insurance policy shall contain a clause that the same may not be cancelled or terminated or allowed to expire by insurer without thirty days' notice to the city. A certificate showing issuance of the policy, containing statements as to coverage and cancellation clause and payment of premium shall be filed with the clerk.

(c) The council may, in its discretion, allow the holder to file individual liability insurance policies for each and every vehicle authorized by the certificate. When the owner of a vehicle operated pursuant to a certificate is not the holder, the owner may purchase the policy. It is the responsibility of the certificate holder to at all times have on file with the clerk the individual certificates of insurance. If, at any time, there is not in full force and effect a liability insurance policy for each and every vehicle authorized by the certificate, the certificate shall not be issued nor shall it be continued in operation.

(d) The city manager is given the authority to suspend or revoke any certificate issued under this chapter for any violation of this section. Any holder whose certificate is thus suspended or revoked may appeal the decision of the manager to the council, and such holder shall be entitled to a hearing before the council and a final determination on the suspension or revocation by the council. (Ord. 1256 2, 1993) KMC 5.40

5.40.100 License fees.

(a) No certificate shall be issued or renewed unless the holder thereof has paid the applicable annual fee or fees as follows:

(1) Taxicabs: \$10.00 to engage in the public vehicle business and \$20.00 for each vehicle operated under a certificate;

(2) All other public vehicles: \$25.00 for each service for which an endorsement is requested.

(b) The license fees shall not be prorated. Fees shall be for one year beginning on the first day of January and shall be in addition to any other license fees or charges established by any proper authority and applicable to the owner or holder of a vehicle or vehicles under the holder's operation and control. (Ord. 1256 2, 1993) KMC 5.40

5.40.110 Equipment and maintenance.

(a) Vehicle inspection. Prior to the use and operation of any taxicab and annually thereafter, each vehicle operated as a taxicab under this chapter shall be inspected by the chief of police or the chief's designee to determine that the vehicle is clean, properly painted and lettered and

Subject: City of Wasilla - taxicab insurance requirements

Date: Thu, 5 Apr 2001 09:42:34 -0800

From: Jamie Newman <JNewman@ci.wasilla.ak.us>

To: "Janet_Seitz@legis.state.ak.us" <Janet_Seitz@legis.state.ak.us>

Mayor Palin requested that I forward you the following information regarding insurance requirements for taxicabs in the city of Wasilla. Per WMC 6.12.050, the following limits apply:

6.12.050 Insurance requirement.

A. A taxicab permit may not be issued unless the business files a certificate of liability insurance from an insurance company authorized to do business in the state of Alaska.

B. Each vehicle shall be insured in the following amounts:

1. Liability coverage with limits of not less than one hundred thousand dollars (\$100,000.00) per person and three hundred thousand dollars (\$300,000.00) per accident for bodily injury, and not less than fifty thousand dollars (\$50,000.00) per accident for property damage; and

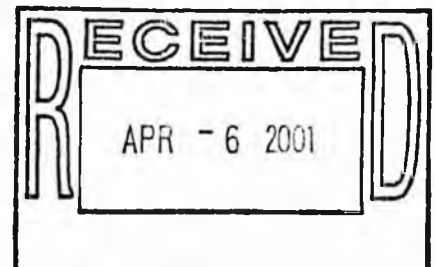
2. Uninsured or underinsured motorist coverage with limits of not less than one hundred thousand dollars (\$100,000.00) per person and three hundred thousand dollars (\$300,000.00) per accident for bodily injury, and fifty thousand dollars (\$50,000.00) per accident for property damage.

C. Every insurance policy or certificate of insurance shall contain a clause obligating the insurer or surety to give the city clerk written notice no less than twenty (20) days before the cancellation, expiration, nonrenewal, lapse or other termination of such insurance.

D. A lapse, cancellation, expiration, non-renewal, or termination of insurance coverage shall be a violation of this chapter and shall constitute an automatic suspension of a taxicab permit until the policy is reinstated. (Prior code § 9.16.050)

If I may be of further assistance, please do not hesitate to contact me - thanks and have a great day!

Jamie Newman, Deputy City Clerk
City of Wasilla - City Clerk's Office
Phone: (907) 373-9090
Fax: (907) 373-9092
Email: jnewman@ci.wasilla.ak.us



Re: Taxicab

Subject: Re: Taxicab

Date: Fri, 6 Apr 2001 09:49:35 -0800

From: "Jane Nelson" <cityclerk@barrow.com>

Organization: City of Barrow

To: "Janet Seitz" <Janet_Seitz@legis.state.ak.us>

Janet,

In the City of Barrow Code, Title 7 Taxicab , Section 7.36.040 Insurance required

A. Before any permit is issued for a taxicab, the applicant shall furnish one or more policies or certificates of liability

insurance issued by an insurance company authorized to do business in the state of Alaska..

B. The insurance required by this section for each vehicle operated under the permit shall provide coverage as follows:

1. Combined single limit for all body injury or property damage arising from one accident: Three hundred thousand dollars; and

2. For all persons injured or killed in any one accident caused by an uninsured motorist: one hundred thousand dollars.

C. The policy or policies of liability insurance shall be approved as to substance and form by the executive director and filed with him or her.

D. Every insurance policy or certificate shall contain a clause obligating the insurer or surety to give the executive director

written notice no less than thirty days before the cancellation, expiration, nonrenewable, lapse or other termination of

such insurance. A lapse, cancellation, expiration, nonrenewable or termination of insurance coverage shall work an

automatic suspension of any permit for so long as the permittee is without insurance as required by this section, and it is a

violation of this chapter to operate a taxicab service with a vehicle not insured as required by this section.

D----- Original Message -----

From: Janet Seitz <Janet_Seitz@legis.state.ak.us>

To: <CityClerk@barrow.com>

Sent: Wednesday, April 04, 2001 10:01 AM

Subject: Taxicab

> Does the City of Barrow have ordinances concerning insurance coverage
> for taxicabs? If so, could you tell me what the minimum amounts are?

>

> Thank you.

>

> Janet

>



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Executive Taxi Inc.

3300 Lakeview Dr. shop C P.O. Box 85011
 Fairbanks, AK 99701 Fairbanks, AK 99708
 Dispatch (907) 455-8899 Fax (907) 458-8294

APR 02 2001

April 2, 2001

Attn: Rep. Norman Rokeberg

Dear Mr. Rokeberg:

I received your fax today on House Bills 67 and 68.

You suggest minimums of ~~\$3,000,000.00~~^{\$300,000}, \$500,000.00, and \$100,000.00 on the first page. These are absurd and completely unnecessary. They will quadruple our insurance premiums that are already costing thousands per vehicle a year.

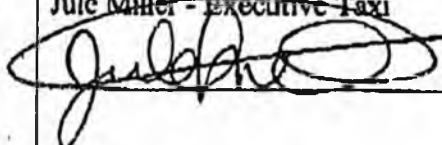
Under Sec. 3. AS28.22.101 (g)(1), having a limit of \$500,000.00 would increase our policy limits in Fairbanks by \$200,000. I would prefer not to have our policy limit of \$300,000 be raised to \$500,000. I in no way wish to endanger the public by being underinsured. I only wish to maintain reasonable insurance so that I can remain cost competitive.

As to transporting people intoxicated for free, I doubt that is going to happen. If they want to give people free rides in Anchorage, that's fine but somebody is still going to pay for it indirectly. If you want to address the liability issue, go ahead. You have to remember that most of the taxis in Alaska are in small towns and villages. People that often rely on taxis are people that can't afford their own transportation and often live below the poverty.

Something that is a much bigger problem in Alaska is uninsured vehicles. If someone has an accident without insurance and it is their fault, their vehicle should be impounded or forfeited until the economic damage has been paid. It seems unfair that we cannot do anything to a taxicab without insurance, but yet people with no insurance hit us regularly. We either end up paying for our vehicle to get fixed ourselves or paying more for insurance to cover uninsured motorist.

Thank you for your time.

Jule Miller - Executive Taxi



Date: April 2, 2001



Alaska State Legislature

APR 09 2001

Please enter into the record my testimony to the House Judiciary
committee name

committee on HB 67, dated 4-7-01
bill/subject

I know several people who were in accidents with people that were driving uninsured and/or without a license. In every case, the non-insured motorists was at fault. Nothing happened to that person. Taking driver's licenses is not keeping them off the road. My friends all had uninsured motorists protection (most of them have it because the military requires us to carry insurance). In these cases, the person at fault goes unpunished, and the victim's insurance rates increase.

I propose we make it mandatory to show proof of insurance when applying for the PFD. If the person is involved in any vehicle incident after showing proof, regardless of fault, impose a fine like most other states (MT, NJ, CA) and revoke PFD privileges that year. Annual insurance rates are far cheaper than the PFD check.

Signed: Julie A. Mullett In fact, I use my check for my insurance.
Testifier

my friends who are victims of uninsured motorists
Representing (Optional)

P.O. Box 672326 Chugiak AK 99567
Address

907-357-5455
Phone No.

Thank you

HOUSE BILLS 67 AND 68
ADDITIONAL INFORMATION

APR 04 2001

LAW OFFICES

HEDLAND, BRENNAN, HEIDEMAN & COOKE
A PROFESSIONAL CORPORATION

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BETHEL:

CHRISTOPHER R. COOKE
JIM J. VALCARCE

April 4, 2001

Via Mail & Facsimile No.: 907-465-2040

Honorable Norman Rokeberg
House of Representatives
Alaska State Legislature
State Capitol - Mail Stop 3100 (Room 118)
Juneau, Alaska 99801-1182

Re: Proposed HB 67 and HB 68; Taxicab Insurance / Immunity for Transport
of Intoxicated Persons or Their Vehicles

Dear Representative Rokeberg:

I represent the Anchorage Taxicab Permit Owners Association (ATPOA), on whose behalf I provide the following comments regarding the above-referenced proposed legislation. Your efforts are commendable in attempting to address the potentially uninsured liability of the taxicab industry where it seeks to participate in programs to transport intoxicated persons and their vehicles back to their residences. Unfortunately, this is a thorny issue, requiring very carefully worded legislation to fully address the liability concerns. Separately, ATPOA has concerns regarding HB 67 and the proposed mandatory taxicab insurance law language.

I. HB 67. Section 3 of this Bill would add new mandatory insurance coverage limits for taxicabs. ATPOA does not object to this concept, but the specific limits in the Bill should be revised. The Bill currently provides for separate limits for 1) bodily injury or death (\$300,000 for one claimant, \$500,000 for two or more claimants), and 2) property destruction (\$100,000). The separate limit for property damages is excessive and unnecessary. The property damage should be rolled in with the damages for bodily injury or death, in the \$300,000/\$500,000 limits. This would be in accordance with the recently increased limits under Anchorage Municipal Code §11.20.100, which provides, in pertinent part,

Taxicabs - Insurance Required.

A. Before any permit is issued for any taxicab, the applicant shall furnish one or more policies or certificates of liability insurance issued by an insurance company that is an authorized insurer within the meaning of AS 21.90.900(5).

B. The insurance required by this section for vehicles with a manufacturer's rated seating capacity (or, if a mini-van, the seating capacity after seat removal to accommodate baggage) of six persons or less shall provide coverage as follows:

1. Combined single limit for all bodily injury or property damage arising from one accident: \$500,000;

If HB 67 passes in its current form, the Anchorage ordinance, and all taxicab insurance policies written thereunder, will be out of compliance because they do not provide a separate limit for property damage.

Property damage liability claims ordinarily do not even approach \$100,000; they are better included within the overall limit for the total of bodily injury, death, and property damage claims. ATPOA would therefore request that HB 67, in Section 3, revise the added subsection (g) to read:

(g) A motor vehicle liability policy that covers a taxicab must provide coverage in the United States or Canada, subject to limits exclusive of interest and costs, with respect to each vehicle, of \$300,000 because of injury to or destruction of property of others or bodily injury to or death of one person arising out of one accident and, subject to the same limit for one person, \$500,000 because of injury to or destruction of property of others or bodily injury to or death of two or more persons arising out of one accident.

II. HB 68. We would suggest modifications to the proposed new section AS 09.65.280, in order to 1) extend the statutory immunity to all potentially liable parties associated with the taxicab's operation and 2) to maximize the ability of third persons, injured because of a taxicab driver's operation of an intoxicated person's vehicle, to recover from the intoxicated person's automobile liability policy.

If immunity is to be provided, it is important that all potentially liable persons connected to the taxicab's operation be covered by the immunity; otherwise, injured parties will simply pursue claims against those who have been left "uncovered" by the immunity law. In Anchorage, for example, the current language of the Bill, referring to the "owner or an employee of the taxicab business" is ambiguous and perhaps even inapplicable to many of the potentially liable businesspersons. In Anchorage, there are four categories of businesspersons affiliated with operation of a taxicab: 1) the taxicab chauffeur (driver) who is an independent contractor, not an employee (cf. AS 23.10.055(13), exempting taxicab drivers from Alaska Wage and Hour Act, and AS 23.30.230(a)(7), exempting taxicab drivers from Alaska Workers Compensation Act), who ordinarily lease a taxicab from a taxicab owner and ordinarily operate under municipal taxicab permit rights held by a permit owner; 2) taxicab owners (referred to in Anchorage as "operators," who lease their cabs to chauffeurs; 3) taxicab permit owners, who enter into agreements authorizing operators and chauffeurs to operate under their permits; and

4) dispatch companies, who are licensed to receive calls for taxicab services and dispatch calls to taxicabs who in turn "subscribe" to dispatch and pay a fee to the dispatch companies for such services. Although a chauffeur (driver) is not the employee of either the taxicab vehicle owner, the taxicab permit owner or the taxicab dispatch company, all of such persons and entities have in the past been the subject of claims or lawsuits by persons injured in taxicab accidents. If only some of these parties are immunized in connection with services performed in transporting intoxicated persons or their vehicles, then the remaining persons or entities will be the ripe targets. I would therefore suggest that all references in proposed AS 09.65.280(a) and (c) be changed to read:

. . . may not bring a civil action to recover damages from the taxicab driver, the owner of the taxicab which the driver operates, the owner of any taxicab permit or license under which the taxicab driver operates, or the owner of a taxicab dispatch service which dispatches taxicab drivers to customers seeking taxicab service.

I believe that the foregoing language would address not only Anchorage's situation, but also the various types of taxicab businesses which exist in other towns and cities in Alaska, whether or not a taxicab driver is an employee.

The second concern mentioned above is that the legislation should preserve, to the maximum extent possible, the ability of a third party to bring a claim covered by the intoxicated person's own automobile insurance coverage, when his automobile is being driven by a taxicab driver who is returning the intoxicated person's vehicle to his residence. As you are aware, taxicab insurance covers only the specifically listed taxicab vehicles, and will not cover a taxicab driver when he or she steps out of his or her cab to operate an intoxicated person's vehicle. This is the reason why statutory immunity is required for such circumstance, as you have done in the proposed AS 09.65.280(c).

The problem, however, is that where a taxicab driver negligently operates an intoxicated person's vehicle, injuring a third person, the third person may be left with no viable claim against a person covered by liability insurance. Among the concerns this presents are 1) the legislation may not pass if it is perceived that the victims in such cases cannot pursue any automobile liability coverage, and 2) faced with such predicament, the victim in a large claim will be motivated to challenge the constitutionality of this entire immunity statute. It therefore seems advisable to maximize the ability of injured third parties to recover from the intoxicated person's automobile liability policy, where a taxicab driver operates the person's automobile.

Under AS 28.20.440(b)(2), an automobile policy must, at least for the minimum statutory coverage limits (\$50,000 one person / \$100,000 multiple persons), insure "the person named in the policy and every other person using the vehicle with the express or implied permission of the named insured. . . ." It is also typical for auto insurance liability policies, including taxicab policies, to cover persons using the covered auto with the permission of the insured. To preserve the ability of an injured third party to bring a claim against the intoxicated person's own

April 4, 2001
Honorable Norman Rokeberg
Page 4

auto liability policy, it is therefore important that the intoxicated person be deemed to have given his or her permission to the taxicab driver to drive his automobile.

One means of accomplishing this would be to provide in the law for an "Implied" permission, analogous to Alaska's existing implied consent law, AS 28.35.031, under which a person who operates or drives a motor vehicle in this state is considered by law to have given consent to breathalyzer testing. You could add to the language of proposed AS 09.65.280 a provision that a person who operates or drives a motor vehicle in this state who either acknowledges that he is intoxicated or is determined by a law enforcement officer to be intoxicated shall be considered to have given permission to a licensed taxicab driver to operate the person's motor vehicle for purposes of returning it to the person's residence. In fact, to further strengthen the ability of an injured third party, an "Implied permission" statute should also provide that the taxicab driver operating under such implied permission is an agent of the intoxicated person.

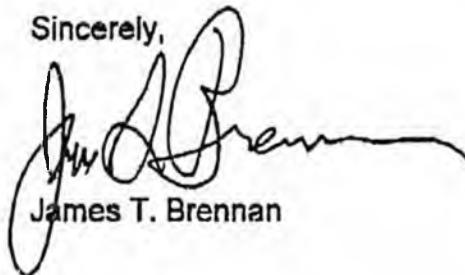
If such Implied permission cannot be written into the law, I will have to advise my clients not to participate in any program to return drunk drivers' vehicles to their residences, unless they first obtain the written consent or authorization by the person.

Even if statutory implied permission or expressed written consent is obtained, this is an imperfect solution, in that some intoxicated persons do not have their own automobile liability coverage, or may not be the owner or named insured on the insurance covering the automobile they are operating. Nevertheless, it seems advisable that measures be taken to maximize the possibility of bringing a claim against the intoxicated person's insurance, when we are seeking to immunize the taxicab driver from liability.

Finally, subsection (b) of the proposed statute would exclude "gross negligence" from immunity. I do not believe the term "gross negligence" is defined in Alaska law, and believe the statutory exclusion should therefore be limited to reckless or intentional misconduct.

Thank you for your attention to these concerns. If you or your assistants have any questions, please give me a call.

Sincerely,



James T. Brennan

JTB:dp

cc: CHARR

2763Rokeberg Ltr

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Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 6, 2001

SUBJECT: Taxicab insurance - (CSHB 67(JUD))

TO: Representative Norman Rokeberg
Attn: Janet

FROM: Michael F. Ford 
Legislative Counsel

You have asked for my comments on a suggestion that the required levels of liability insurance contained in sec. 3 of CSHB 67(JUD) be changed to create one combined level of coverage for any form of liability. While the legislature could require a combined level of liability insurance coverage, this may result in denial of coverage in a situation where more than one person is injured. In short, I believe that the reason the coverage is divided and larger for situations when more than one person is injured is to allow the available coverage to be spread among all injured parties. This kind of differentiation between bodily injury, multiple bodily injury, and property damage is typical for all mandatory coverage levels in state law.

Regarding combined limits allowed under municipal ordinance, I believe that while this may satisfy municipal law, this does not exempt a taxicab from compliance with AS 28.22.101(d), that requires separate coverage for bodily injury, multiple bodily injury, and property damage at the applicable limits. Again, the legislature could change existing law to allow combined coverage to be imposed by municipal law, but is not required to do so.

Please contact me if you have further questions.

MFF:jhb
01-007:jhb

Subject: Re: Response to HB 67 and HB 68

Date: Wed, 4 Apr 2001 21:19:02 -0800

From: "Becca Robinson" <darksky@ptialaska.net>

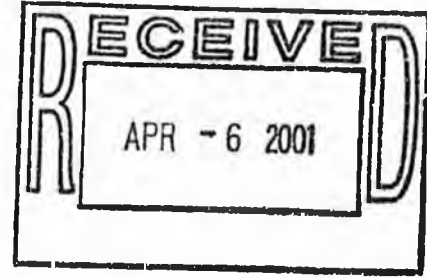
To: <Representative_Norman_Rokeberg@legis.state.ak.us>

To: Rep. Norman Rokeberg

From: Rebecca Robinson

Date: April 2, 2001

Re: HB 67 and HB 68



Dear Representative,

I appreciate and support what you are proposing. A large part of my decision to start a taxicab business in Cordova was because of the problem of intoxicated drivers in our community. Cordova has a high amount of DUI's for the number of people in this community. Our local Moose Lodge offers intoxicated patrons a similar service to what you are proposing. Their bartenders give the customer a card to give to the cab driver. In return the cab company would provide the customer a ride home and a free return trip to the customer's vehicle before noon the following day. At the end of the month, the cards that had been used would be returned to the Moose Lodge for a reimbursement of 1/2 the fares provided. I have also tried to offer a program that allows bartenders to give out a free cab ride card to intoxicated customers who may otherwise have the intention of driving. Unfortunately, it was the drivers who had many objections to this service.

I think the intention of this proposal is wonderful and in larger cities it has the potential to operate well. Although in smaller communities, I already see some amendments that would be needed for it to work more effectively.

Cordova is a very small community right now of only about 1500 people. In the summertime we may grow to about 2500. We have two cab companies, and in the summertime the community can provide enough business support both companies, but in the wintertime, there is only enough to support one. Each company only has one cab online at a time, so this service falls completely on the one driver operating at that time.

First of all, your proposal is set up with the idea that the drivers are employees of the cab company. Many cab services hire their drivers as independent contractors, which limits the companies from requiring drivers to perform specific services. As the owner, I try to convince my drivers that by providing this service, the bartenders really appreciate it and in return they will give us more business.

In the evening, bar patrons provide at least two-thirds of our business. Unfortunately many of the bartenders take advantage of this free service. Some see it as a way to continue over-serving their customers, knowing the customer can always get a free ride home. The bartender does not have to worry about cutting off their customers as quickly and having a potential argument. Some bartenders also feel they can offer these cards to their friends whether they drove to the bar or not. Some bartender may give out 7 free rides in one evening. Drivers object to this abuse because they work on commission and know they will not be reimbursed for these fares and often miss other paying fares while taking care of these free rides.

In theory, it sounds like a good practice. Many bartenders do appreciate the service and will try to call our company before the other one. Customers may remember that they received a free ride from our company and will think of using us first next time they need a ride. Drivers think it is a good idea because it makes them feel safer on the road, but they also feel the abuses have made the service much more of a nuisance to them and they would rather not give the rides any more.

Financially, it is not beneficial to smaller communities. My company does not provide me with an income after paying drivers and expenses, so I have been unable to offer compensation for free rides. Therefore, drivers being independent contractors may decline this service without more incentive. Perhaps if there was some city or state reimbursement provided for smaller communities, this service would be more accepted.

If this bill were to pass and became public knowledge, how would it keep customers from expecting these services every time they decided to frequent a bar? Is it really helping customers, or actually making mis-use of alcohol more socially acceptable? These are some issues I believe need to be addressed in this bill.

This past year, three of my close personal friends received DUI's anyways, even knowing that my company would provide them with this service. I realized that the ones who need the service the most will remain in denial until its too late. It's a sad fact, but the truth.

Perhaps another issue could be addressed in this bill that I have seen a problem with. I have found no law prohibiting cab drivers in Alaska from drinking alcohol while on duty. Although it is against the law for cab drivers to actually be drunk while driving, many individuals are incapable of realizing when they are drunk. This has been a problem in our community, where the cab driver is more intoxicated than the patrons they are picking up. Bartenders knowingly serve and buy drivers drinks and shots while on duty and it is an acceptable practice. I have been in cabs where small bottles of liquor roll out from under the seat. Commercial airline pilots are required not to drink within 8 hours of duty or while on duty. Is there a way to make this a state requirement for cab drivers also?

Thank you for faxing me a copy of your proposal. I wish I could provide more answers to these issues. I realize that it is frustrating to just hear the problems. Maybe others will have more solutions for you. I would be interested to receive any other amendments to this bill.

Sincerely,

Rebecca Robinson

Owner/Operator

Millennium Cab

P.O. Box 46

Cordova, AK 99574

Fax/phone: 907-424-5157

E-mail: darksky@ptialaska.net

POM for Representative Rokeberg



From: Mr J Harold Michal
PO Box 3549

Telephone: -

Valdez, AK 99686

NON Constituent

Registered Voter: V

Email:

Bill: HB 68 Title: NO CIVIL LIAB FOR TAXI TRANSPORTING DRUNK
Message:

Please support this bill

Entered in VAL on 3/02/01 POMID:99387

Distribution: 60

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Message 1 out of 1.

POM for Representative Rokeberg



From: Mr J Harold Michal
PO Box 3549

Telephone: -

Valdez, AK 99686

NON Constituent

Registered Voter: V

Email:

Bill: HB 67 Title: MOTOR VEHICLE REGISTRATION/INSURANCE

Message:

Please support this bill

Entered in VAL on 3/02/01 POMID:99386

Distribution: 60

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