

**ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672**

**8388 SENATE LABOR & COMMERCE**

(16)

We, the undersigned taxi cab drivers of Anchorage, Alaska, hereby support legislation which would maintain our existing status as independent contractors and not as "employees" for purposes of employment security (unemployment) contributions, wage and hour laws, and workers compensation laws.

NAME	ADDRESS	TELEPHONE #	CHAUFFEUR'S LICENSE #	ADL #
Kurt Gerhan	8301 RANGEVIEW #3 Anch	338-5166	5500	6458584
Mark Potterville	Box 244671	258 7778	4226	0750323
Bill Lane	1402 BOX 7701 Palmer	745-0591	6071	5216761
Andy King	4108 N. Flamin 3 ANCH AK 99501	278-2249 349-4026	4858	0351012
Art E. Lick	3215 Mt. View Anch. AK	274-3333	5171	0910506
Dave Peterson	509 N. Bragaw Anch. AK	279-7823	4669	0417334
Steve Boynton	P.O. Box 90820 Anch AK 99504	—	3408	5621071
Proby & Billy	100 99503 3811 M. ...	563 3114 108	5818	1004456
Ronald V. White	7100 Miranda Dr anch ak 99507	349-3879	5619	6286914
Wayne Olson	701 S. Kevin #119 Anchorage	338-1483	3363	80770078
Margo Marsh	3001 Boniface 28A Anch ak 99504	337-7146	1939	0938524
Levi Kelly	P.O. Box 100547 Anch AK 99510	563-6553	5979	5014321
Jessie Ross Sr	1047 #4A Lingou Breen Anch 99515	344-9764	2563	5873610
Pat ...	701 S. Kevin #81 Anch 99504	220 0794	5170	0-100 0369100
Eric ...	1526 W 3c 99502	—	5721	0361148
MIKE ONEILL	705 MULLOON #112 99504	333-5054	4818	0060192

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NAME	ADDRESS	TELEPHONE #	CHAUFFEUR'S LICENSE #	ADL #
George C. Mikkelsen	480 Peffer Road <sup>loop</sup>	333-8951	5948	0265029
Edward F Engellsr	2221 Muldoon <sup>821</sup> anch. ak	333-4495	0848	0400815
Tim Gates	3304 Eide Anch. AK 99525	275-3151	6094	6671613
C. Olson	134 Schodde	276-8907	5686	0267114
Robert Kops	716 Irwin	274-1192	3796	5308461
Danallo Stuart	501 Airport Hts #31	258-0690	5039?	0942888
Mehmet Yucetas	3005 W 33 <sup>rd</sup> Ave <sup>not 4</sup>	243 12 43	5822	6600507
Dennis Hartz	1402 Nunakka	337-7642	4322	5493020
Ralph L. Peters	5100 Lake Otis #2	—	1451	0885700
Mattias S. Skaalum	3420 Cordova Cir	243-0204	4630	6357582
Jonas Mattson	429 East	<del>272</del> 2148	01K	0378041
Jimmy Bow	NONE	NONE	5528	5741920
Ishakullah	5660 COPE ST Khalid ANCH AK	562-7937	4692	6295655
Adam Pipien	2608 W 30	349-5969	4252	555-3031
KEITH STOKES	4619 E 4TH #5	338-4318	6080	6613124

# Please Sign & Read 15

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NAME	ADDRESS	TELEPHONE #	CHAUFFEUR'S LICENSE #	ADL #
A.M. Samdani	INDIANA ST 3505 # 5 AIXH	563-5229	4884	6373386
Atisullah Khalil	<del>INDIANA ST</del> 732-10. KLEVIN	562-7937	3133	52184221
DEL BOULES	732-10. KLEVIN	274-0711	5268	0452132
Ronald Lane	7231 Christopher	344-4083	2350	0525173
Franklin D. Brown	201 11-11 <sup>th</sup> St 8	276-8556	5083	0157021
Antonio J. Lopez	2921 MAST cr.	243-0296	2876 <del>4421</del>	5923721
Husein Abdolleh	Box 230421	277-1779	4822	508231
Mike [Signature]	801 AIRPORT HTS ST #1	258-0690	5940	6244091
Jamy Light	#24 W 25 #4	279 6667	5812	6533143
Karen Chasse	2641 Lyonna Lane	278-5855	4670	2507
Ben Guzman	Box 91708	244-7883	0563	391810
SCOTT E HARLOW	6911 E. 11TH #1	337-8780	4748	5009531
Domingo Beloy	7036 WEIMER ST #3	243 5116	6017	6101094
Daniel T. Zanter	200 W. 34 <sup>th</sup> Ave #305 Anch. Ak 99503	258-3825	5757	0072781
[Signature]	731 MUMFORD ST #10 DR. AK 99508	258-2174	6084	6676230

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NAME	ADDRESS	TELEPHONE #	CHAUFFEUR'S LJENSE #	ADL #
Mari W. [unclear]	801 Airport HI #449	—	4512	844425
Charles [unclear]	1344 W 26	—	0325	0089336
Richard [unclear]	P.O. Box 91751 ANCHORAGE AK 99509	213 5810/5517		053 7008
Polina	3542 GRISSON	243-0194	5347	6490846
William L. [unclear]	3605 ARCTIC #1454	—	3840	5762511
DEONTE [unclear]	1303 W 32	274-1481	0670	0370122
Robert L. Olson	1327 W 25 #322	272-7844	4526	6906879
Colby [unclear]	824 25 2	258-2865	5128	6320543
FERNANDO M.V.	3210 DEBAR	274-7787	5461	6513717
ARBEN RIZUANOLLI	7048-WEIMER #7	243-0965	5564	6522886
Alakem R. Eymungon	Anch. AK. P.O. Box 200102	248-7440	5263	0398745
J DIN CANDRO	Box 202304 ANCH AK 99520	274-9190	4334	5658311
Anthony G. [unclear]	905 Richardson Vista #274	—	3304	5763911
Zimit GREVA	830 CEDAR ST. ANCH. AK 99501	277-6398	5159	6360941
EDWARD CHAYOT	2737 W 67 <sup>th</sup> AV ANCH AK 99502	218-5763	4402	5618411

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NAME	ADDRESS	TELEPHONE #	CHAUFFEUR'S LICENSE #	ADL #
Robert Drexler	5901 E 6 <sup>th</sup> #243	332-7439	1020	161484
V. M. [unclear]	1703 [unclear] #3	561-2373	5882	6615421
Robert J. Brandy	1857-60 <sup>th</sup> St	NONE	3929	0333419
Jose Esquivel	4010 Lois Dr.	563-7498	#0086	0406581
A. Singh Prasad	P.O. Box 92713 AK 9959	276-6043	5733	1234588
D. Sinclair	P.O. Box 221456	344-2025	6050	6352688
S. Khan	3505 Indiana #5 Anch. AK 99563	563-5229	4114	6311956
[unclear]	P.O. Box 441 PALMIR 99445 ANCH AK 99522	NA	2080	2932973
William J. Reid	P.O. Box 220266	248-4859	5911	5189511
Balvinder Gauram	P.O. Box 220421	248-2130	4687	685661
THOMAS SPITLER	1836 W 37 <sup>th</sup> AVE ANCHORAGE AK 99516	NONE	6061	5645098
William W. Summersville	P.O. Box 101467 Anchorage AK 99516	NDN	3941	0257603
HASSAN ZOK	P.O. Box 104555	561-7418	3129	5343321
Shawn Kong	6801 Dickerson 16402 HOME PLACE #41	338 0249	6024	6483889
DAVE STANTON	EAGLE RIVER AK 99517	694 5962	3851	5334470

# LIST TO READ & SIGN

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NAME	ADDRESS	TELEPHONE #	CHAUFFEUR'S LICENSE #	ADL #
Edmund Alexander	905 Richardson Vista	907-277-2158	3058	5766770
Michael Lee	5711 AMBER BAY	907 349834	2036	0584618
Jeffrey W. Ristich	3227 Mineral Pl	907 279-5163	5712	6345302
Kathy Stallen	429 E 10th	907 272 2148	4484	868 2562
Eric VanBuren	2201 Pacey Willow #1	907 337 8880	1747	5628640
Bruce Olmstead	2221 Muldoon #77	907-338-4148	3815	0584905
John Ennos	1614 Fairview	907 272 9155	4041	0351050
VANCO YALCOV	640 W. 34th Ave. #371	907-565-5162	5785	6529971
DON STEVIG	601 W. 32nd #78	907-563-1021	0761	0201867
Victor Motz	808 N. Flower 2	272-5187	5080	5976591
Mohamed Barman	P.O. Box 24222 ANCHORAGE, AK	348-1015	5200	5977281
Johnny W. Ward	P.O. Box 91892 ANCHORAGE, AK	272-0869	2944	0640053
Roy Peck	7800 DeBarf	99511 338-7784	6058	6434321
Tom Schuler	7015 Klevin #72	337-4392	1991	0529589
Pat Tallon	3301 Dorbrandt	563-5353	1907	0236038

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NAME	ADDRESS	TELEPHONE #	CHAUFFEUR'S LICENSE #	ADL #
Luc A. Pink	2400 Buford Ave	None	2231	5016700
Dean [unclear]	3007 Turnagain #2	248-4835	6072	6449694
Rachel [unclear]	4300 Arctic #47	562-3966	6012	5992980
DALE MITCHELL	ANCHorage 7409 SPRING Rd #7	344-4471	2140	0908949
Dean Parker	217 Frontalena	258-3031	3935	0903261
Lewis Beavers	1131 Friendly Ln.	333-0475	5157	0095205
[unclear]	335 Buford Pl #7	None	5703	6292075
Timothy G. Dore	4304 MTN VW CHUGIAK	338-5194	5449	0461206
DONALD KRULL	PO. BOX 670171 ANCHORAGE	696-2117	0019	0011795
MARC V. V. [unclear]	6461 COLLIER WAY	337-0097 243-5691	0477	041071
Kous [unclear]	403 W. 22. # 308	2586350	3946	017995
Ben Koerber	401 E45 #1	<del>5637081</del> <del>262226</del>	5158	6293226
Kent Baskin	3100 Pile St	561 0382	3909	0401894
K.L. Burns	5800 Glenn St	337-5486	19811	0681670
[unclear]	518 W 74C	522 4598	2019	0369194

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NAME	ADDRESS	TELEPHONE #	CHAUFFEUR'S LICENSE #	ADL #
<i>Be [unclear]</i>	Box 141936 ANCH 99514	333-4754	5858	5412201
Donnie White	602 N. LANCASH, #200	258-4564	6078	0375821
Samuel A. Lewis	1970 Fyle	661-5591	6471	35598
Tony Foss	574 SARAZI WAY WASILLA	376-6474	4509	0034092
Alan Drennon	2603 Blueberry ANCHAK	279-6290	2174	0602505
Eric VanBuren	3301 PINEAPPLE HILL	337-8880	1747	5628640
Bruce Porter	3632 ALEXANDER AVE	272-9365	6100	6298355
Pete Pancost	733 W 4th #713	338-5598	2638	5838590
Adel Holm	7601 W. 30th AVE # 99517	222-7221	3855	3394042
George E. Jones	P.O. BOX 1677 SEWARD, AK.	—	1070	0276172
Anton A. [unclear]	P.O. BOX 1677 ANCH 99517	—	2411	0614111
[unclear]	6311 Delbar 273 ANC. AK 99504	—	0841	0378149
Bell [unclear]	2205 FURK 145	272-8477	5587	6519570
George [unclear]	905 [unclear] APT 162 - BANC &	258 3581	0150	208 558
Polanski M. Tondal	4201 COPE ST ANCH. AK - 99503	563-6009	2252	0916530

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<i>Rich Turner</i>	3344 W 8 <sup>th</sup> Anchorage, AK 99502	243-5875	1932	0742161
<i>Michael Schwartz</i>	4703 Kiewit Ave. Anch., AK. 99508	344-2128	1389	0368982
<i>William Walker</i>	3101 EUBENSTADT Anch AK 99503	562-7335	1078	0330789
<i>Mark M. Brundis</i>	310 W 32 <sup>nd</sup> #18 Anch AK 99503	562-4790	4718	5404171
<i>Charles D. Denny</i>	330 KILBURN Anch., AK 99501	272-9435	0057	0332745
<i>RIMBIK Denny</i>	24250 L HAVL AK	561-3808	5368	6488291
STEVE BUDAY	3311 Woodland Park	248-0159	3203	0902486
<i>It M. Sandoz</i>	3505 AT Road	563-5229	4884	<del>623</del>
SAFDAR HUSSAIN	3703 Lios ST #2	258-7927	5740	6297819
<i>Perparim Lena</i>	8221 Sue <sup>2</sup>	248-9813	5953	0415600
<i>George K. G.</i>	6615 E 11 <sup>th</sup> Anch. AK 99504	337-9103	1935	5615860
<i>Salvador Garcia</i>	929 E 20 <sup>th</sup> C	279-8862	4354	6347903
<i>Paul Wosew</i>	3212 LEE STR.	337-3873	6069	6509680
<i>David [unclear]</i>	ANCH. AK. 99501 705 KILLISTA	274-3338	3328	0949746
<i>Juan [unclear]</i>	1200 W Diamond	344-7309	5453	6347903

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NAME	ADDRESS	TELEPHONE #	CHAUFFEUR'S LICENSE #	ADL #
RICHARD CAULFIELD	PO Box 190331 ANCHORAGE AK 99555	561-8983	1219	0280540
<i>[Signature]</i>	1501 5th Ave		6085	0045371
Amy L. MULLER	824 W 25th AVE #2	258-2565	5247	6234306
<del><i>[Signature]</i></del>	<del>2011 5th Ave</del>	<del>563-1022</del>	<del>4788</del>	<del>5550801</del>
<i>[Signature]</i>	701 W 45th #1	563-1022	4788	5550801
Zuo. Kodzo	1000 W 23	272-2338	5772	6483975
Kenneth Hanson	1336 W 23	—	5255	6322485
Michelle Snyder	701 W 45th	—	5808	5770781
W R GRANTAM	Rosay		3955	0583134
R. Lakefield	2207 Lincoln Dr Suite 2394		433	0299655
FELGELZ	3605 Arctic Anch	277-9133	5813	1762223
<i>[Signature]</i>	57 W 23		5617	6142165
<i>[Signature]</i>	2200 Gambell Box 115 Anchorage AK	277-9133	5824	6570805
J. McCAMBRIDGE	4003 MINNESOTA ST ANCHORAGE AK 99503	563-8463	5651	0321109
Geoffrey D Rockwell	2440 E Tular #1 # Anchorage AK 99503	374-4296	75936	5564770

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NAME	ADDRESS	TELEPHONE #	CHAUFFEUR'S LICENSE #	ADL #
<del>Donco Greva</del>	<del>P.O. Box 10115T Anch. AK 99510</del>	<del>272-6879</del>	<del>2008</del>	<del>0413190</del>
SURILIA DEMA	1912 W 47TH #1 Anch. AK 99517	243-2781	#1795	0905117 <del>0335076</del>
<del>NEFI ALIMI</del>	<del>640 - D - W 47 ANCH. AK 99505</del>	<del>562-4785</del>	<del>2104</del>	<del>0335646</del>
<del>Unstict Aika</del>	<del>1912 W 47th #2 ANCH. AK 99517</del>	<del>243 5104</del>	<del>5271</del>	<del>0464332</del>
LENA SULEJMIAN	8221 SUE ST ANCH. AK 99503	248-9813	1156	0417263
RAHIT ALIMI	905 RICH VISTAR B-6 ART III ALI 99501	279-3632	5235	0396780
ARITON DEMA	7048 WETHER #3 ANCH. AK 99502	563-5353	5854	5421581
<del>Donco Greva</del>	<del>83 CEDAR ST ANCH. AK 99501</del>	<del>277-6378</del>	<del>5159</del>	<del>6360991</del>
DONCO STAMATOWSKI	1400 W 25 TH #22 Anch. AK 99517	-	2874	0379134
ARBEV DEWAT	1912 W 47th Anch. AK 99517	243-2781	5736	6350986
Israel Corvijo	533 W 20th Anch. AK 99507	274-5465	5670	6424514
David Satterlund	9720 Vanguard Dr	344 0121	1045	0418317
AFRIM GREVA	830 CEDAR ST	277-6398	5159	6361229
SPJJA NISINGAI MINNS	3007 Arctic # 82	563 5426	5604	6534502
Uicenta Santelha	618 Gambell #3 Ach. Ach 99501	2740634	1493	0352917

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NAME	ADDRESS	TELEPHONE #	CHAUFFEUR'S LICENSE #	ADL #
SWARAN SINGH	P.O. Box 92821	342-1027W 252-2684	5452	6474272
DAVID E. CLOYD	500 MAYFAIR #151	258-4775	1663	0292719
Alan C. Glenn	Box # 7770 Star Pt. B Palmer, Ak. 99645		3939	0329305
<del>Bill L...</del>	<del>4502 Box 7701 Palmer AK</del>	<del>745 0591</del>	<del>6071</del>	
Stanley L Eckman	3900 Goodland Anch AK 99503	562-4994	4600	0604135
Dave O'Malley	3601 Arctic Blvd	—	2916	5398621
Robert G...	239 C 5th	3448457	6029	0288657
Shawn Wash...	Box 90153	278-5551	0165	0387573
HUGH R. BROWN	4314 PENGUIN	563-4822	2304	0032513
Mirosław A. Hajdecki	131 Sorcerer Ct.	344-1916	2430	5398770
JOHN SAGIELA	4220 Ambler Anch. AK 99504	338-1758	2586	0906169
RANDY KUBINA	7700 MAYFAIR ANCH AK 99502	343-1230	3809	6253501
RONALD CHUBOT	7434 FOXHOLEWAY Anch, Ak. 99512	344-9170	0630	0399446
MARCEL WASHINGTON	6491 TESLAR DR	349-8800	2471	5006570
Rocky C. Zta	6000 CRAIG DR	333-6169	2768	0405979

ROGER SYMPSON  
4300-2 KLONDIKE AVENUE  
ANCHORAGE, ALASKA 99508

25 March 1995

Senator Tim Kelly  
Chairman, Senate Labor & Commerce Committee  
State Capitol, Room 101  
Juneau AK 99811-1182

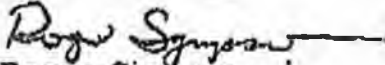
Dear Senator Kelly:

I received wind that there is a possibility that you would be willing to sponsor a Senate Bill similar to House Bill 233 which would give "independent contractor status" to taxicab drivers. I respectfully solicit your support for such a bill, because it's a situation that should be addressed now so as to preserve the viability of rendering taxi service to the riding public. The Alaska Department of Labor is "nipping at our heels" and should an "employee situation" be required there would be downright calamity in taxi operations since all drivers would be required to go on payroll, which they would resent vehemently, thereby causing bad relations between them and dispatch companies which could ultimately result in poor customer service response and erosion to the industry. Also, it would place heavy workload and administrative costs on the dispatch companies which would have to be passed to the consumer through fare increase. Not to mention loss of drivers who quit because of this, thus a shortage of drivers would transpire causing a breakdown in meeting daily needs.

At present I am a taxi permit owner, but I worked as an independent contractor in the taxicab industry for a long time, earning a good living, always meeting everyday needs for sustaining my household, and considered myself to be "competitively essential" in the Alaskan business mainstream of providing public transportation. It was through hard work and attentiveness to customer service demands that enabled me to accumulate financially and purchase my own taxi permit. Were I not an Independent Contractor, I seriously doubt that I could have reached this goal. Many others have also achieved the goal of obtaining their own taxi permit by virtue of being an "independent contractor" and they too are thriving today with excellence. Complete responsibility for taxes, health and welfare was readily accepted as being mine because with the right to do business without interference while operating as an independent contractor most certainly outbalanced the rigorism of having to work and survive under an employer/employee atmosphere.

Independent Contractors are as American as "apple pie" and I humbly urge you to sponsor a bill providing for this status among taxicab drivers.

Respectfully;

  
Roger Sympon

March 25, 1993

Senator Tim Kelly, Chairman  
Senate Labor & Commerce Committee  
Senate Capitol Room 101  
Juneau AK 99801-1182

Dear Senator Kelly:

I have been driving Yellow Cab in Anchorage for the past twenty years. I remember some of my customers as Senator Stevens, Senator Murkowski and you dear Senator Kelly. In all of these years I have been an independent contractor leasing my taxicab from private owners. I do all my own finances and file Schedule C and SE with the IRS every year as a self employment taxed person.

I feel changing the present system of lessor/lessee into an employer/employee system will be cumbersome and unworkable as far as I am concerned. Other veteran cab drivers I have talked to express the same opinion.

I appreciate your time and concern Senator in helping us keep our livelihood as independent contractors.

Sincerely,



John Drescher  
5901 E. 6th sp#243  
Anchorage, AK 99504  
333-7439

# STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

## DEPARTMENT OF LABOR

### DIVISION OF WORKERS' COMPENSATION

1111 WEST 8TH, ROOM 305  
P.O. BOX 25512  
JUNEAU, ALASKA 99802-5512  
PHONE: (907) 465-2790  
FAX: (907) 465-2797

March 26, 1993

Meredith Marshall  
Southeast Alaska Cab Co., Inc.  
dba Alaska Cab  
P.O. Box 7418  
Ketchikan, AK 99901

Re: Taxicab Drivers as Employees for Workers' Compensation Purposes

Dear Ms. Marshall:

The Alaska Workers' Compensation Act requires that an employer provide workers' compensation insurance coverage to its employees. If the Alaska Department of Labor, Workers' Compensation Division receives information that an employer may not be providing coverage for all of its employees an investigation is done.

Based on a request by one of your former taxicab drivers, the Workers' Compensation Division has reviewed the Taxicab Lease Agreement used by your firm. We reviewed the Agreement to determine if your drivers are employees rather than independent contractors. The Alaska Supreme Court has required that we use what is termed the "Relative Nature Of The Work" test to determine employee status. From our review of your Taxicab Lease Agreement it appears your drivers are employees.

The relative-nature-of-the-work test looks at the work being performed in relation to the employer's business. The test has several factors and looks at whether the work: is a separate calling or business; is a regular part of the employer's business or service; can be expected to carry its own accident burden; involves little or no skill or experience; is intermittent as opposed to continuous; and is sufficient to amount to the hiring of continuous services as distinguished from contracting for the completion of a particular job. Our review indicates that most of the factors must be resolved in favor of employee status for your drivers instead of independent contractors.

I have enclosed a copy of the Workers' Compensation regulation pertaining to determining employee status for your records.

Southeast Alaska Cab Co.  
March 26, 1993  
Page 2

Please provide this office with proof of workers' compensation insurance policy covering your taxicab drivers within 30 days of the date of this letter. If we have not received the required proof of insurance this case will be brought before the Alaska Workers' Compensation Board and a Stop Work Order requested.

If you disagree with this finding you may petition the Alaska Workers' Compensation Board for a hearing on whether your drivers are employees or independent contractors.

Sincerely,



Richard G. Austerman  
Investigator  
Workers' Compensation Division

Enclosure

STEPHANIE RAINWATER  
PO BOX 7295  
KETCHIKAN, ALASKA 99901  
907-225-9794

MARCH 27, 1993

DEAR LEGISLATORS:

I WOULD LIKE TO VOICE MY SUPPORT FOR SENATE BILL 174 AND  
HOUSE BILL 233.

I HAVE BEEN A MEMBER OF THE INLAND BOATMAN'S UNION FOR 6  
YEARS. I DON'T SEE THIS AS AN ISSUE THAT HARMS UNION LABOR.

I ALSO HAVE BEEN A TAXICAB PATRON FOR MANY YEARS. I HAVE  
NOTICED THAT THE DRIVERS WHO OPERATE AS INDEPENDANT  
CONTRACTORS TAKE GREAT PRIDE IN THEIR WORK. THEY TREAT ME AS  
MOST SMALL BUSINESSPEOPLE WOULD TREAT THEIR CUSTOMERS, LIKE  
GOLD BECAUSE OF MY REPEAT BUSINESS. I OWNED MY OWN RESTAURANT  
FOR MANY YEARS SO I CAN RESPECT THE DEDICATION THESE PEOPLE  
HAVE FOR THEIR BUSINESSES.

PLEASE HELP THESE PEOPLE RETAIN THEIR LIFESTYLES AND FREEDOM.

SINCERELY:

*Stephanie Rainwater*  
STEPHANIE RAINWATER

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## HEDLAND, FLEISCHER, FRIEDMAN, BRENNAN &amp; COOKE

A PROFESSIONAL CORPORATION

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March 30, 1993

## BETHEL:

CHRISTOPHER R. COOKE

FAX NO. 465-3756

Senator Tim Kelly, Chairman  
Senate Labor & Commerce Committee  
State Capitol Room 101  
Juneau AK 99801-1182

RE: SB 174

Dear Senator Kelly:

Thank you for the opportunity to participate telephonically in the March 30 Committee hearing in this matter. This is in response to matters raised by the Department of Law and Department of Labor after I spoke.

I heard the Department of Law's concern that changes to the final section (now Section 6) of the Bill might not "entirely handle" the issue of legality of a retrospective law because of concern for "vested rights". AS 23.20.475 clearly provides that there is "no vested right of any kind" arising out of the Employment Security Act statutes. The concern raised regarding the constitutionality of Section 6 is a red herring, particularly since it has been modified to apply only to determinations of employment status not yet made by the Department of Labor, under AS 23.20.315. There is nothing "unfair" about treating matters under investigation which have not yet resulted in a formal notice of determination of employment status any different from any other taxicab business which has not yet been determined to be an "employer". In fact, it would seem unfair to regard some entities as an "employer" simply because they were under investigation, while only those who are not subject to an investigation would be covered by the new law.

Unemployment insurance fund manager Jim Coate indicated that SB 174 might expose people in the taxicab industry

Senator Tim Kelly  
March 30, 1993  
page 2

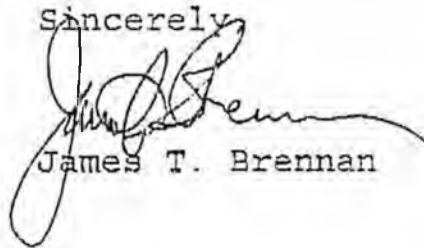
to a heavier unemployment tax, if the federal government regards them as employees. This is another red herring. The federal government allows for a substantial variability among state unemployment statutes; they are not all precisely the same. In response to Senator Salo's question, there is ample case precedent from other states regarding the status of taxicab drivers under unemployment statutes. In some cases the drivers are found to be independent contractors; in others, they are found to be employees. The decision depends upon (1) the precise economic relationship between drivers and taxicab companies, which varies from location to location; and (2) the wording of the particular state's unemployment statute involved, which also vary from state to state. If Alaska adopts a statute which clearly establishes taxicab drivers as independent contractors under the circumstances described in SB 174, this will actually be in accord with the majority of decisions from other states. Adoption of SB 174 would therefore not create such a large departure from federal government standards as to create the exposure of the type Mr. Coate alluded to.

As was pointed out at hearing, the federal government, under IRS Revenue Ruling 71-572, adopted a rule essentially identical to that of proposed SB 174, regarding taxicab drivers. If a taxicab operator, under a "lessor-lessee" relationship pays "only fixed fees at regular intervals for the use of both the company's taxicabs and services", the drivers are "not employees of the company for Federal employment tax purposes." Attached hereto is a copy of the Revenue Ruling; see "Situation 2". This is to be distinguished from the circumstance in which the taxicab driver shares a set percentage of his fare receipts with the taxicab company, which the IRS regards as an employer-employee relationship (see "Situation 1"). This is the same distinction as would be adopted by SB 174.

Senator Tim Kelly  
March 30, 1993  
page 3

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "James T. Brennan".

James T. Brennan

JTB/bjf

Enclosure

2763\029

IRS Revenue Ruling 71-572

The purposes of this Revenue Ruling are to update and restate, under the current statute and regulations the positions set forth in Min. 6652, CB. 1951-2 162 (see Situation 2 below) and Revenue Ruling 66-267, C)B) 1966-2, 443 (see Situation 1 below).

The issue presented is whether taxi-cab owners or operators, carrying on

(go to page 2)

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## Section 3122

their transportation services pursuant to "lease" agreements with a taxicab company under the circumstance described below are employees of the taxicab company for purposes of the Federal Insurance Contributions Act, the Federal Unemployment Tax Act, and the Collection of Income Tax at Source (chapters 21, 23, and 24, respectively, Internal Revenue Code of 1954).

Individuals are employees for Federal employment tax purposes if they have the status of employees under the usual common law rules applicable in determining the employer-employee relationship. Guides for determining that status are found in three substantially similar sections of the Employment Tax Regulations, namely, sections 31.3121(d)-1, 31.3306(i)-1, and 31.3401(e)-1.

Generally, the relationship of employer and employee exists when the person for whom the services are performed has the right to control and direct the individual who performs the services, not only as to the results to be accomplished by the work but also as to the details and means by which the result is accomplished. That is, the employee is subject to the will and control of the employer not only as to what shall be done but how it shall be done. In this connection, it is not necessary that the employer actually direct and control the manner in which the services are performed; it is sufficient if he has the right to do so.

In the case of "leases" of taxicabs, the first question to be asked is whether a valid lessor-lessee relationship exists since, if it does, an employer-employee relationship cannot exist at the same time between the same parties with respect to the same subject matter. However, some of the "control" factors usually considered relevant in determining whether or not an employer-employee relationship exists are equally relevant in determining the existence of a valid lessor-lessee relationship. Thus, the use of two-way radio communication, dispatchers, and advertis-

ing media, although usually considered important factors in establishing an employer-employee relationship in taxicab cases, is not repugnant to the interests of both lessor and lessee in a true lessor-lessee relationship since it will enhance the lessee's profits by making more "trips" available to him at the same time that it increases the lessor's ability to rent his taxicabs to the optimum extent, thereby increasing his profits.

On the other hand, "controls" which are not economically beneficial to the lessee's interests (or are even detrimental), tend to suggest both that a lessor-lessee relationship does not actually exist and that an employer-employee relationship does. None of the "control" factors mentioned above are of this latter type.

In each of the situations described below, the company operating the taxicab system provides the services mentioned above that are generally provided in the operation of a taxicab business, namely, two-way radio communication, the use of a dispatcher, and the use of advertising media. However, the following differences exist:

Situation 1. The taxicab company owns the taxicabs and "leases" them to taxicab operators who pay as a regular fee a set percentage of the fares they collect. In order to insure that it receives the proper amount, the company requires the submission of financial reports by the operators showing the amounts of the fares they have received for providing taxicab services.

It is concluded, upon the basis of the stated facts in the instant situation, that the taxicab company exercises, or has the right to exercise, such direction and control over the taxicab operators in the performance of their services as is necessary to establish the relationship of employer-employee under the usual common law rules. The receipt-sharing arrangement diminishes the likelihood of a true lessor-lessee relationship since the company necessarily retains the right to direct and control

the drivers in the performance of their services, including requiring an accounting from them with respect to the fares that they have collected, in order to protect its investment and to insure the receipt of the maximum amount of income possible in return for its financial risks. Accordingly, it is held that the taxicab operators who use the taxicabs furnished by the company under the circumstances described above are employees of the company for purposes of the Federal Insurance Contributions Act, the Federal Unemployment Tax Act, and the Collection of Income Tax at Source on Wages.

Situation 2. The taxicab company has (a) a contractual relationship with taxicab owners who operate their own cabs and pay the company only fixed fees at regular intervals for its services in connection with the operation of their cabs, or (b) a "lessor-lessee" relationship with taxicab operators who pay only fixed fees at regular intervals for the use of both the company's taxicabs and services. The company does not require an accounting by the owner or operator of the fees received, its interest being limited to the receipt of fixed fees at regular intervals.

It is concluded, upon the basis of the stated facts in the instant situation, that the taxicab company does not exercise, nor does it have the right to exercise, such direction and control over the taxicab owners or the taxicab operators in the performance of their services as is necessary to establish the relationship of employer-employee under the usual common law rules. The company has only the right to receive the specified regular payment. It has no right to obtain, for its own benefit, an accounting with respect to the fares collected for operation of the taxicabs by either the owners or the "lessees". In the case of the "lessors," it possesses no other "control" factors that would be detrimental to their interests and negate a true lessor-lessee relationship. Accordingly, it is held that the taxicab owners who utilize the services of the company and the taxicab operators

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page 3

who use the taxicabs and services provided by the company under the circumstances described above are not employees of the company for Federal employment tax purposes. However, their income from the operation of the taxicabs must be taken into account in computing net earnings from self-employment for purposes of the Tax on Self-Employment Income (chapter 2 of subtitle A of the Code) and in determining whether they are required to file declarations of estimated income tax and self-employment tax returns under sections 6015 and 6017 of the Code.

Compare Revenue Ruling 71-571, page 347, this Bulletin, concerning the status of drivers who purchase their taxicabs from a taxi association under conditional sales agreements.

Mim. 6652, C.B. 1951-2, 162, and Revenue Ruling 66-367, C.B. 1968-2, 443, are superseded, since the positions set forth therein are restated under current law in this Revenue Ruling.

# Alaska State Legislature

Senator Tim Kelly, Chair  
Senator Steve Rieger, Vice Chair  
Senator Drue Pearce  
Senator Judy Salo  
Senator Georgianna Lincoln



## SENATE LABOR AND COMMERCE COMMITTEE

STATE CAPITOL, SUITE 101  
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### **SENATE LABOR & COMMERCE COMMITTEE - April 1, 1993** **Additional Packet Materials for SB 174 - Taxicab Operator Exemptions**

- **Draft Committee Substitute**
- Letter from DOL regarding their audit of Taku/Glacier Cab
- Letter from James Brennan re: legality of retrospective law  
unemployment tax & the federal  
government  
IRS Ruling on Taxicab Operators
- Petitions of support from Drivers in Juneau
- Petitions of support from Drivers in Ketchikan
- Letter of support from Fairbanks dispatch owner
- Memo from Rich Deakins (Hesson & Deakins, Inc.) regarding  
the Internal Revenue Code and the IRS's ruling on independent  
taxicab operators in Juneau at Capital Cab, Inc.
- Letters of opposition from Jim Campbell & Joyce Godkin
- Dept. of Labor Docket on Mr. Campbell's complaint regarding  
Unemployment Insurance
- Letter from Michael Moody regarding Mr. Campbell's opposition
- Letter of support from Stephanie Rainwater

Jim Campbell  
1150 Woodland Avenue  
Ketchikan, AK 99901-8842

April 1, 1988

Senator Tim Kelley, Chairman  
Alaska State Legislature  
SENATE LABOR AND COMMERCE COMMITTEE  
Juneau, Alaska 99801-1182

Dear Chairman Kelley and all Committee Members:

RE: Senate Bill No. 174

This disturbing bill is also in the House as HB-233. There is another hidden agenda behind it's passage that you must be cautious with. Besides the real agenda, the wrath of employee taxi drivers and the Federal Government could be brought on the state if it ever should get passed. Constitutional protection and the Fair Labor Standards Act would likely come into play in that event.

This undefinable category of "certain taxcab operators" is vague, as is their term of "contractual arrangements." Our experience with taxi owner's contracts has been a long nightmare and we did finally get ruled employees; first by the E.S.D. in 1985 that was upheld in Superior Court on August 31, 1987 and made retroactive to April 1, 1985. Then recently by Wage and Hour as some drivers could take home as little as \$7.00 for a twelve (12) hour shift, because the owners put out far too many taxis. Then by the Workers' Compensation as drivers were forced to pay damages to taxis, their own medical bills and were even held liable for third party lawsuits. One taxi driver was crippled forever in the winter of 1986 and had no coverage, he was eventually made a "ward of the state," this was all allowed because of their "contractual arrangement." They could next try to get the I.R.S. to waive their taxes and make taxi drivers pay their own Social Security. This has to stop now! These laws protect unprotected workers as they are employees and not independent contractors who are already exempt from Alaska Labor Laws. This precedent could bring forth other employers whose employees are forced to sign an employment contract that could be worded, without them knowing it, in such a way to take advantage of them as the taxi owner's contract was. They made taxi drivers pay their insurance that provided them no protection, from which they derived a substantial profit, and we didn't even realize we were not covered under the terms of their "contractual arrangement."

This is a horrid, unconscionable bill designed to take advantage of taxi drivers who have things rough enough as it is. Please don't give them a blank check to gouge them anymore; they are in dire need of state protection. Placing them in a class with part-time baby-sitters and house cleaners is unfathomable, there simply is no comparison here.

Thank you for your attention and think of the taxi driver's and the Alaska cities who have employee taxi drivers first, this bill would promote scanning and fare-stealing, high-flagging, drug dealing, prostitution and violence among Alaska's competing taxi drivers.

Very truly yours,

*Jim Campbell*

Jim Campbell, KETCHIKAN

**CONCERNED TAXI DRIVERS OF KETCHIKAN**

Post Office Box 6252  
Ketchikan, Alaska 99901-1252  
Phone (907) 225-2446 or 755-2525  
Fax (907) 225-4100

March 31, 1993

\*\*\*VIA FAX\*\*\*

The Honorable Tim Kelly, Chairman  
and Members, Kelly, Reiger, Pearce, Lincoln, Salo  
Alaska State Legislature  
SENATE LABOR AND COMMERCE COMMITTEE  
Juneau, Alaska 99801-1182

Dear Chairman Kelly and Committee Members:

RE: SENATE BILL NO. 174

This bill seeking to exempt "certain taxicab operators" from coverage under Alaska Labor Laws would end up in the courts if it ever gets passed. As a long-time ex-taxi drivers in Ketchikan, we worked hard to get some of this protection back. It is essential that I remind you that taxi drivers in Alaska are already exempt from over-time. To usurp any more rights would ensure a challenge from outside federal agencies and taxi drivers alike who need state protection from the mistreatment that we experienced.

State and federal tests and factors for determining what is an "employee" and what is an "independent contractor" are very well defined. The E.S.D. uses the "ABC Test," Wage and Hour uses the six-point Superior Court test case of Department of Labor vs. Jeffcoat and Lawn, Inc., and Workers' Compensation uses the Alaska Supreme Court's ruling of the "Relative Nature Of The Work" test. The United States Supreme Court has ruled six points found in the Employment Relationship Under the Fair Labor Standards Act and the Internal Revenue Service goes by twenty (20) factors outlined in Publication 937. Taxicab operators have perpetually fallen under either of these two (2) categories.

This bill wishes to distinguish a THIRD category for taxicab operators, so only in Alaska would there be:

- a) employee taxicab operators
- b) self-employed taxicab operators
- and c) certain taxicab operators

This would bring up legal challenges for all categories of workers that could be tied up for years in court, and likely to be overruled anyway by the Fair Labor Standards Act of 1938. It is too vague, who could properly define "certain?" Our Department of Labor has had problems distinguishing between a) and b), to give them a c) would be a nightmare to all involved. Please allow

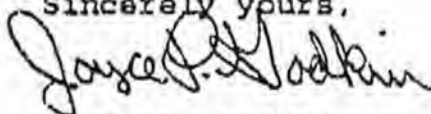
them to sort out the two categories the rest of the nation uses.

Employees are controlled, this master-servant relationship comes with it's obligations for the employee's and society's good. To usurp anymore would likely be unconstitutional. Even Zoe Baird's nanny makes minimum wage and has other protection. I am 62 years old now and blacklisted along with other veteran drivers for bringing our problems before the Department of Labor and I am too old to go back to tending bar. I drove taxi for 12 years in Ketchikan and am not allowed to anymore. If this gets passed, I would make more money baby-sitting than driving taxi; it would give them Carte Blanche to do anything they wished. We are still fighting for the rights of Ketchikan's taxi drivers that was taken away under present owners and we have just recently begun to get some of them back. Putting taxi drivers in a category with part-time baby-sitters would be ludicrous and unfair. Under their former "contract," insurance was unavailable for taxi drivers and it made taxi drivers liable for lawsuits against the company. Many hidden factors come into this when it comes to "contractual arrangements" whose sole purpose was to screw the taxi driver as it was easier than competing in the open market. It got so blatant that we had to pay for THEIR insurance and didn't even realize it because of the way it was "contractually agreed." Many unknown factors exist here. All Alaska cities that engage employee taxi drivers must be considered if they are to be provided safe and competent taxi service.

Taxi drivers who are independent contractors know their risks and can take steps to protect themselves, employee taxi drivers without labor law protection would be at the mercy of their employers. Driving a taxi is tough job of either complete boredom or high stress of fighting heavy traffic for twelve hours and trying to please a public that cannot always be pleased, for the good of the employers to project them in a good public image. All other employers must abide by labor laws, taxi owners who employ drivers to perform services for them are not different or special and they deserve no exemptions simply to ensure higher profits. The workers MUST be considered first. Other employers would come crying for similar exemptions and you would open an ugly can of worms that would be hard to close. Please carefully consider this usurpatory act and the repercussions that would be sure to follow in it's ugly wake.

Thank you for listening and please be cautious on this bill.

Sincerely yours,



Joyce F. Godkin  
Vice-President

**DIVISION OF LEGAL SERVICES**

**LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA**

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Mail Stop 3101

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

**MEMORANDUM**

April 2, 1993

**SUBJECT:** Application of amendments to unemployment compensation law  
(CSSB 174 (L&C) -- taxicab drivers)

**TO:** Senator Tim Kelly  
Attention: Josh Fink

**FROM:** Teresa B. Cramer *TBC*  
Legislative Counsel

You have asked for a discussion concerning the retrospective application of the changes to unemployment compensation program in CSSB 174(L&C).

Section 3 of the bill amends AS 23.20.526(a), which lists exclusions from the definition of "employment" for the unemployment compensation program, to exclude certain taxicab operators. Section 6 of the bill applies that amendment to determinations concerning work done before the Act takes effect so long as the department has not issued a determination about whether the work should be treated as employment covered by the program. You have asked whether there are legal questions raised by applying the amendment in this fashion.

In my opinion, the bill would probably survive a legal challenge. AS 23.20.475 states

Sec. 23.20.475. AMENDMENT OR REPEAL. There may be no vested right of any kind against the state as the result of enactment, amendment, or repeal of this chapter.

I could not find any cases in which the Alaska Supreme Court interpreted or applied this provision. However, the courts in other states have applied similar language to give effect to amendments to the unemployment compensation program that were enacted after the employee had ended his or her employment but before the employee applied for unemployment compensation. In Moore v. Bureau of Unemployment Compensation, 56 N.E.2d 520 (Ohio 1943), the court applied the Ohio statute, which made the rights conferred by the state law "subject to the power of the general assembly to amend or repeal" the law at any time. The court found that a claimant who asserted a vested right to having benefits determined under the

Senator Tim Kelly  
April 2, 1993  
Page 2

law that existed at the time she had worked, and therefore made contributions to the system, was without merit because of the reservation of rights to the general assembly. See also In re Ohlbaum, 93 N.Y.S.2d 374 (1949) and Hagerty v. Administrator. Unemployment Compensation Act, 75 A.2d 406 (Connecticut, 1950).

In my opinion, the Alaska courts would apply the language of AS 23.20.475 to give effect to changes enacted by the legislature so long as rights to benefits had not actually been determined by the department.

Please let me know if I can be of further assistance.

TC:lmb  
93-103.lmb

Distributed by  
Sen Kelly

PETER KENNEDY JR.  
PO BOX 3037  
KETCHIKAN, ALASKA 99901  
225-5446

APRIL 5, 1993

HONORABLE MEMBERS OF THE SENATE;

I AM ANGERED BY SENATOR DONNALLY'S INFERENCE THAT WE ARE CHILD LIKE INDIVIDUALS WHO NEED TO BE PROTECTED. I SUPPORT SB174 BECAUSE I ENJOY MY FREEDOM TO CHOOSE MY OCCUPATION, BUILD MY OWN BUSINESS AND SUPPORT MYSELF. I WAS NOT COERCED INTO SIGNING ANY PETITION, NOR COULD I BE. THERE IS NO POLITE TERM FOR WHAT I THINK OF THAT SUGGESTION.

SINCERELY;



PETE KENNEDY

ROGER SYMPSON  
4800-2 KLONDIKE AVENUE  
ANCHORAGE, ALASKA 99508  
(907) 338-3700

VIA FAX #465-3756

5 April 1995

Senator Tim Kelly  
Chairman, Senate Labor & Commerce Committee  
State Capitol, Room 101  
Juneau AK 99811-1182

Dear Senator Kelly:

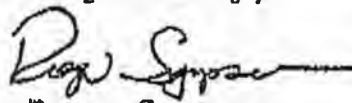
Received your letter of March 29th and I would like to take the opportunity to thank you, express my sincere appreciation and to laud you for your sponsorship and support of Senate Bill No. 17. It's a bill that is urgently needed by taxicab drivers and long overdue. One might say "it would be a Godsend".

The outstanding leadership and integrity that you continue to display in Juneau is clearly indicative of the keen sense you possess in recognizing the needs of others.

Please continue in your endeavors to effectively serve us Alaskans and I assure you that I will stay actively involved with SB #174 and other issues.

Have A Super Day!

Respectfully;

  
Roger Sympson

Ssnator Tim Kelly  
FAX 455-3756

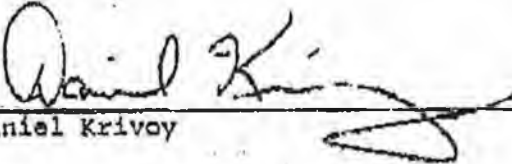
4/5/91

As an employee, I will be held responsible to work at all times that I am scheduled.

Also, the employer might find it necessary to lay off or fire an employee who isn't producing.

As an independent contractor, my profits are greater as I work harder. An employee will make only a percentage of his extra effort.

Independent contractors are free to take time off as needed.

  
Daniel Krivoy

Senator Tim Kelly  
FAX 465-3756

April 5, 1993

Senator Tim Kelly  
Room 101  
State Capitol  
Juneau, AK 99801-1182

Dear Senator Kelly:

My name is Mohammed Arif and I am a taxicab driver in Anchorage. I would like to thank you for sponsoring SB #174 and for your continued support for the bill.

I came from Pakistan to the United States in 1972 and became a citizen of the United States in 1989.

While I have only been driving cab in Anchorage for a short time, it certainly is important to me to maintain an independent contractor status. I have another small business of my own and pride myself on being a small businessman, both inside the taxi and outside. I like being responsible for my own monies and financial obligations and clearly understood what I forfeited by being independent. I made that choice freely.

I can see the possible financial collapse of the industry if status quo is not maintained, and the importance of this piece of legislation to assure disaster does not happen.

It pleases me to see politicians taking care of the little businessman. Again, thank you for your support.

Respectfully,

*Mohammed Arif*

Mohammed Arif  
5033 Marlowe #1  
Anchorage, AK 99508  
337-1776

Senator Tim Kelly  
FAX 465-3756

April 7, 1993

Senator Tim Kelly  
Room 101  
State Capitol  
Juneau, AK 99801-1182

Dear Senator Kelly:


Thank you for sponsoring SB #174, a bill that is vitally important to me.

I've been driving cab since 1974 and in that time I've raised a family of five children and sixty one foster children. The financial responsibility and the time necessary for my family would not have been possible without the freedom involved in being an independent contractor within my business.

I presently own one taxicab and contract with two lease drivers that work my off shift. If I was forced into an employer situation, the cost of doing business would go up, thereby causing me to single shift my cab. The loss in revenue would force me to raise my meter rate and the customer would be paying more, also during my off shift there would be one less taxi on the road for customers. Not to mention the personal loss in my own income and my ability to take care of my family.

I know you are already in support of SB #174 and appreciate that. Please feel free to contact me for any additional information I could provide or if there is anyone you are aware of that I should contact please let me know.

Sincerely,



Andrew D. Nutt  
1740 Skilak Cir.  
Anchorage, AK 99504  
337-7824

Senator Tim Kelly  
FAX 465-3756

April 8, 1993

Senator Tim Kelly  
Room 101  
State Capitol  
Juneau, AK 99801-1182

Dear Senator Kelly:

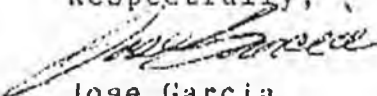
Having been a taxi driver in Anchorage for the past three years, and knowing what has been going on with the Department of Labor, I was gratified when I became aware that you were the sponsor of SB#174.

This is a bill that has been needed for along time, for the protection of the taxi industry and the clarification of a system that has been in existence for some time.

As a driver I collect all my money from my customers, and I do not want to turn all my money over at the end of a day to anyone. I am a responsible person and enjoy taking care of my own finances, not to mention the other freedoms that come with being independent. I can work when I want, quit when I want, give a break to my customers if I want. Realizing the other things that come the way of employees, I can only tell you that I prefer to be independent than be an employee. If I am made an employee, that is what I will always be, never able to advance in the taxi industry.

Again, thank you for your support and I will encourage all I know in favor of this to spread the word to their Senators that we in the taxicab will appreciate their support also.

Respectfully,



Jose Garcia  
5335 E. 24th B  
Anchorage, AK 99508  
333-3916

Senator Tim Kelly  
FAX 465-3756

April 9, 1993

Dear Senator:

I'm aware that in some cases the Department of Labor has declared taxicab drivers to be employees. I do not want to see any such thing happen in Anchorage.

SB #174 addresses exemptions from Alaska Wage & Hour Act, Alaska Employment Security Act and the Alaska Workers' Compensation Act for taxicab drivers operating under contractual agreements.

This bill clarifies the independent contractor status that has existed for decades in the taxi industry. One of the last truly small businesses around.

Drivers have the ability to be their own businessmen within the system, by contracting and paying flat rates. They are able to have their own personal clients that ride exclusively with them, they can negotiate rates with their customers and offer specialized services. They are responsible for and answerable to only themselves. This ability would not exist with any other system.

Knowing that your income directly reflects what you put into your business is what makes one strive for excellence of service.

Freedom of choice is a wonderful thing we have in America. This bill does not preclude anyone from operating under an employee/ employer status if they choose. It just assures those of us who wish to remain independent that we can do so without fear of reprisals.

The passage of this bill is vital to the taxi industry and I urge your support of SB #174.

Sincerely,



1402 Nunaka  
Anchorage, AK 99504  
337-7662

Senator Tim Kelly  
FAX465-3756

April 9, 1993

Dear Senator:

I'm aware that in some cases the Department of Labor has declared taxicab drivers to be employees. I do not want to see any such thing happen in Anchorage.

SB #174 addresses exemptions from Alaska Wage & Hour Act, Alaska Employment Security Act and the Alaska Workers' Compensation Act for taxicab drivers operating under contractual agreements.

This bill clarifies the independent contractor status that has existed for decades in the taxi industry. One of the last truly small businesses around.

Drivers have the ability to be their own businessmen within the system, by contracting and paying flat rates. They are able to have their own personal clients that ride exclusively with them, they can negotiate rates with their customers and offer specialized services. They are responsible for and answerable to only themselves. This ability would not exist with any other system.

Knowing that your income directly reflects what you put into your business is what makes one strive for excellence of service.

Freedom of choice is a wonderful thing we have in America. This bill does not preclude anyone from operating under an employee/ employer status if they choose. It just assures those of us who wish to remain independent that we can do so without fear of reprisals.

The passage of this bill is vital to the taxi industry and I urge your support of SB #174.

Sincerely,



Eren Ali  
6110 E 12th #9  
Anchorage, AK 99504  
337-8847

Senator Tim Kelly  
FAX 465-3756

April 9, 1993

Dear Senator:

I am an independent contractor of the taxi industry who is deeply troubled with the current turmoil going on between the Department of Labor and taxicab personnel.

We taxi people take great pride in being individual business operators and are especially proud of being a significant cog in providing sound community service and relations. Not to mention the actual impact we have on providing reliable tourist assistance and transportation when needed.

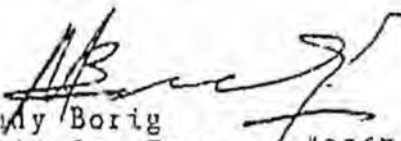
My forte has always been to work for myself, which I am presently able to do by independently contracting with a local taxicab owner/operator. - I favor the status of handling my own business and desire it to remain so. I could care less about the benefits that employees get. Being able to only report to myself inspires me to excel in my daily actions, and I want to handle my own taxes and financial well-being.

Please don't let labor grab away our independent contractor status, which images the way of American democratic lifestyle mandated by our forefathers.

The passing of SB #174 will put an end to the problems we are currently experiencing in the taxi industry for all segments. We can then get back to doing business without disturbance, in our struggle to compete.

Your support of SB #174 would certainly be greatly appreciated.

Respectfully,



Rudy Borig  
4343 San Ernesto #206B  
3331644

Senator Tim Kelly  
FAX 465-3756

April 9, 1993

Dear Senator:

I'm aware that in some cases the Department of Labor has declared taxicab drivers to be employees. I do not want to see any such thing happen in Anchorage.

SB #174 addresses exemptions from Alaska Wage & Hour Act, Alaska Employment Security Act and the Alaska Workers' Compensation Act for taxicab drivers operating under contractual agreements.

This bill clarifies the independent contractor status that has existed for decades in the taxi industry. One of the last truly small businesses around.


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Knowing that your income directly reflects what you put into your business is what makes one strive for excellence of service.

Freedom of choice is a wonderful thing we have in America. This bill does not preclude anyone from operating under an employee/ employer status if they choose. It just assures those of us who wish to remain independent that we can do so without fear of reprisals.

The passage of this bill is vital to the taxi industry and I urge your support of SB #174.

Sincerely,

  
John Jagiela  
4220 Ambler Cir.  
Anchorage, AL 99504  
338-1758

M E M O R A N D U M

FROM: James T. Brennan

DATED: April 8, 1993

RE: Sectional Analysis of CS for SB 174, An Act Exempting Certain Taxicab Operators from Coverage Under the Alaska Wage and Hour Act, the Alaska Employment Security Act, and the Alaska Worker's Compensation Act; and Providing for an Effective Date

This bill was designed to correct unintended consequences resulting from agency and judicial interpretation of statutory definitions of "employee" in the context of taxicab drivers. These statutes have sometimes been construed to treat as "employers", subject to statutory employer obligations, individuals and businesses who pay no wage or other compensation to the taxicab drivers.

Section 1. This contains a statement of legislative intent to clarify the existing law regarding classification of taxicab drivers as independent contractors or employees, rather than to change the law from what the legislature previously intended it to mean. The statutory clarification contained in this bill is, in fact, consistent with substantial case law precedent from other states, as well as federal IRS treatment. The statute should therefore be viewed as a legislative correction to preclude misapplication of employer obligations upon taxicab companies, permit owners or operators who pay no compensation to drivers, and who share no set percentage of their receipts.

Section 2. Section 2 applies specifically to exempt certain described taxicab drivers from the Wage and Hour Act, by adding them to the existing exemption statute in that Act. The section provides a specific and strictly limited exemption from employee status, to only those taxicab drivers who are (1) exclusively compensated by customers, and not by a permit owner, operator, or dispatch company; and (2) who have written contracts, based upon flat contractual rates, e.g., a monthly lease rate or dispatch subscription fee, with the owners of the taxicab permits, vehicles, or dispatch services. By contrast, a taxicab company which shares 50% of a driver's receipts would be treated as an employer of the employee driver. By limiting application to the flat fee lease arrangement, there is no financial interest of the dispatch company or vehicle or permit owner in the driver's income, resulting in a pure independent contract relationship. The profits of the taxicab driver remain his business alone, and not that of the taxicab companies or permit owners or operators, where there is no right of these businesses to a set share of the driver's revenues.

Section 3. This adopts the same statutory definition as Section 2's for purposes of excluding the described taxicab drivers from the definition of "employment" for purposes of the Employment Security Act.

Section 4. This section includes within the "persons not covered" statute of the Worker's Compensation Act the taxicab drivers as described in Section 2.

Memorandum  
April 8, 1993  
page 3

Section 5. This section deletes a statutory exemption from the overtime statute of the Wage and Hour Act, which existed for an employee of an employer engaged in the business of operating taxicabs. That exemption would be superseded because it is treated more specifically by this bill.

Section 6. Under this section, if the Department of Labor, Employment Security Division has not yet made a notice of determination under AS 23.20.315 that an individual or business is an employer of a taxicab driver, then this statute will apply to all Employment Security Act determinations after the effective date of the statute, even if a particular employment status issue has already been the subject of an investigation. This bill would not, however, operate to set aside a notice of determination or other legal determination of employment status of taxicab drivers which has already been made before the effective date of this bill. In short, prior determinations of employer obligations for E.S.C. contributions, penalties, etc. would not be set aside. From the effective date of the bill forward, however, taxicab drivers satisfying the conditions of section 2 would henceforth be treated as independent contractors, for purposes of future employer obligations, even if such taxicab drivers had previously been held to be employees.

Memorandum  
April 8, 1993  
page 4

Section 7. This is to specifically reiterate the severability intent of the legislature, so that if any portion of this bill is held invalid, the remainder of the bill continues to be enforceable.

Section 8. Provides for an immediate effective date, consistent with the bill's intent to clarify existing law.

2763\031

STEPHEN WRIGHT  
P.O. BOX 210148  
AUKE BAY, AK 99821

APRIL 9, 1993

AK STATE LEGISLATURE  
STATE CAPITOL  
JUNEAU, AK 99801

TO WHOM IT MAY CONCERN:

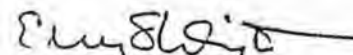
I AM WRITING TO EXPRESS MY SUPPORT FOR SENATE BILL 174 AND HOUSE BILL 233, WHICH WOULD EXEMPT INDEPENDENT TAXI CAB DRIVERS FROM BEING CLASSIFIED AS "EMPLOYEES" BY THE LABOR DEPARTMENT. THE PASSAGE OF THESE BILLS WILL STOP UNREASONABLE INVESTIGATIONS OF DISPATCH COMPANIES WHO HAVE INDEPENDENT CONTRACT DRIVERS AND ENSURE THE CONTINUED VIABILITY OF THE TAXI INDUSTRY.

I RECENTLY RELOCATED TO JUNEAU FROM DUTCH HARBOR FOR THE EXPRESS PURPOSE OF SETTLING DOWN AND STARTING MY OWN BUSINESS. I DECIDED TO PURCHASE A 1986 DODGE CARAVAN IN SEATTLE AND HAVE BROUGHT IT UP ON THE FERRY. I AM SUBSEQUENTLY APPLYING FOR MY BUSINESS LICENSE AND HAVE PROCURED THE NECESSARY PERMITS AND INSURANCE TO START UP MY BUSINESS AS AN INDEPENDENT CONTRACT DRIVER FOR TAKU GLACIER TAXI.

I HAVE TO DATE INVESTED SINCE JUNE OF 92, THE SUM TOTAL OF MY SAVINGS IN ORDER TO GO AHEAD WITH THIS PLAN BY THE END OF APRIL. THE FACT THAT CONTINUED FRICTION AND MISUNDERSTANDING BETWEEN THE LABOR DEPARTMENT AND THE TAXI CAB INDUSTRY MIGHT PRECLUDE MY BUSINESS AND FORCE MY RETURN TO DUTCH HARBOR IS I THINK UNJUST.

PLEASE UNDERSTAND HOW IMPORTANT THIS IS TO ME, AND TO THE MANY INDEPENDENT DRIVERS WHO HAVE SERVED YOU AND THE CITY OF JUNEAU FAITHFULLY OVER THE YEARS. I URGE YOUR IMMEDIATE SUPPORT AND THE SWIFT PASSAGE OF EITHER S.B. 174 OR H.B. 233. THANK YOU KINDLY FOR YOUR CONSIDERATION.

RESPECTFULLY,

  
STEPHEN WRIGHT

April 14, 1993

I am a current taxicab driver in Anchorage and have been in the business for sixteen years. It is my understanding that the concerned taxicab drivers of Ketchikan that Joyce Godkin referred to in her letter of April 14, consists of a small group of ex taxicab drivers.

I disagree with Ms. Godkins assesment of the necessity for SB #174.

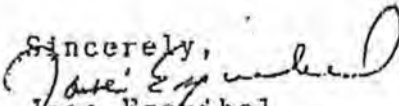
I have always operated as an independent contractor and file taxes as a self-employed person. I am in short an independent small businessman.

I have the ability to be my own businessman within the system, by contracting with owner/operators. I am able to have my own personal clients, who ride exclusively with me. I can negotiate rates with my customers if I choose and offer specialized services. I'm answerable solely to myself, I punch no time clock and come and go as I please.

All my income is derived from my customers. No one knows how much money I make except myself and the IRS. No wages are paid to me. The ability to control my own financial destiny leaves open the possibility for me to invest and advance in the taxicab business if I desire by becoming an owner/operator myself.

While I agree that the Senators have equally important issues to consider, I do not consider SB #174 unimportant. It is vital to my ability to remain an independent businessman, and was one of the reasons I chose to get into the taxicab business in the first place. Nor do I consider it to be a special favor for my legislators to take an interest in what is important to me, that is what we all elect them to do. This issue is as important to me as a driver as it is to the taxi owners Ms. Godkin refers to.

Sincerely,

  
Jose Esquibel

4010 Lois  
Anchorage, AK 99517  
563-7498  
272-2422

March 24, 1993

Senator Tim Kelly, Chairman  
Senate Labor & Commerce Committee  
State Capitol Room 101  
Juneau AK 99801-1182

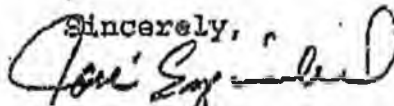
Dear Senator Kelly:

I have heard that you may sponsor a senate bill which, like HB 233, would clearly treat taxicab drivers as independent contractors rather than employees. I have been a taxicab driver in Anchorage for 15 years, and strongly support such a bill.

Most drivers in Anchorage, like myself, do not want to be considered as employees of a dispatch company, permit owner, or anyone else. We value our independence. We take home all our receipts from taxicab customers, and cover our own costs. We receive no pay from dispatch companies, permit owners, or operators. We pay them a flat fee for their dispatch services or to lease their permits or vehicles. How much we make on a given day is none of their business. We'd like to keep it that way.

I have heard that the Department of Labor has begun forcing an employer/employee relationship on taxicab companies and drivers in other cities in Alaska, and that they may do that here. The way I see it, if we become employees, we will have to turn over our customer receipts to whoever the employer is, who will then start deducting withholding for income tax, social security, unemployment, etc. Drivers don't want that. Up to now, we have been independent contractors, responsible for our own taxes. We have not been covered by worker's compensation. I don't feel it is the government's business to tell us we have to become employees.

Sincerely,



Jose Esquivel  
4010 Lois  
Anchorage, AK 99517  
563-7498

April 14, 1993

I am in support of SB #174, which would recognize that taxi drivers are in fact independent contractors, and disagree with the letter written by Joyce Godkin of April 14, 1993.

Since 1974 I've been a licensed taxi driver in Anchorage. I've also driven taxi in Boston as an independent contractor and in New York as an employee.

The reason I've stayed in the business so long in Alaska is because I find the independent contractor system far superior to the employer/employee system.

With the independent contractor system I have control of my hours and days, cash on hand every day, seasonal flexibility, in other words freedoms not enjoyed as an employee. I don't worry about being laid off or fired during hard economic times, I budget my monies to carry me through the tough times and always have work.

Having worked under an employer/employee status I found it to be cumbersome for both the operator and driver. Driver can actually lose money under such a system since meter readings are taken and when a driver is shorted or burned on a fare, he must still pay the percentage to the owner. Here I can control my own meter and make adjustments for customers with no penalty involved.

I feel so strongly about this issue that I would not be a taxicab driver again under such a system.

Independence and small business is an American and Alaskan way, as is our representatives taking to heart and representing the interests of all they serve, no matter how small it may seem to some, such as Ms. Godkin. I have been actively supporting SB #174 and will continue to do so and urge all our legislators in Juneau not to forget the small businessman.

*Dave Stanton*

Dave Stanton  
16402 Home Place #41  
Eagle River, AK 99577  
694-5962



Official Business

# Alaska State Legislature

**SENATOR TIM KELLY**

State Capitol  
Juneau, AK 99801-1182

## MEMORANDUM

**TO:** Representative Al Vezey, Chair  
House State Affairs Committee

**FROM:** Senator Tim Kelly

**DATE:** April 19, 1993

**RE:** CS SB 174 (L&C) AM - Exempting Certain Taxicab Drivers from  
Employment Laws

-----

I would appreciate your scheduling SB 174 for a hearing before the House State Affairs Committee at the Committee's earliest convenience.

This legislation, introduced at the request of taxicab drivers, permit owners, dispatchers, and cab riders, would clarify the law to maintain the independent working status of taxi cab drivers who currently operate as independent contractors. (In fact, more than 177 drivers from Anchorage signed a petition or sent letters requesting this legislation. 291 drivers and cab riders from Juneau, 15 drivers from Fairbanks, 20 drivers from Nome, and 16 drivers from Ketchikan.)

Specifically, SB 174 would amend existing law to clarify that taxicab drivers who receive compensation only from customers and whose relationship with permit owners, operators, or dispatch companies is based solely on a contractual flat fee payment by the driver, are exempt from the Alaska Wage and Hour Act, the Alaska Employment Security Act, and the Alaska Workers' Compensation Act. While taxicab drivers operating as "independent businessmen and women" have traditionally not been considered employees, this situation is threatened by recent findings and rulings from the Department of Labor. This bill would not affect those taxicab drivers who are compensated with a percentage of the drivers' receipts.

SB 174 was amended in the Senate Labor & Commerce Committee to incorporate two amendments suggested by the Department of Labor, as well as a severability provision and effective date. The committee substitute requires that the contractual arrangement between the driver and dispatcher or driver

Representative Al Vezey  
Memorandum - CS SB 174 (L&C) AM  
April 19, 1993  
Page 2

and permit holder be in writing. In addition, it limits the retroactivity of the bill to investigations by the Employment Security Division in cases where a notice of determination has not yet been made.

This legislation was further amended on the floor of the Senate to stipulate that for a taxicab driver to be considered an independent operator exempt from the Wage & Hour Act, his or her contract with the permit owner, operator, or radio dispatch specifically provides that the contract places no restrictions on hours worked by the individual or on areas in which the individual may work except to comply with local ordinances.

My office has received overwhelming support from drivers, customers, dispatchers, and permit owners statewide for this legislation. CS SB 174 (L&C) will ensure independent taxicab drivers remain independent, prevent the lowering of compensation for all those involved in the taxicab industry, and maintain the availability of taxi service as an important mode of transportation.

For your reference I've attached an analysis and sectional, a legal opinion from Terry Cramer regarding the retrospective application of this bill, and a few sample letters from taxicab drivers indicative of their support for SB 174.

Thank you for your support.



Official Business

# Alaska State Legislature

**SENATOR TIM KELLY**

State Capitol  
Juneau, AK 99801-1182

## MEMORANDUM

**TO:** All Representatives

**FROM:** Senator Tim Kelly

**DATE:** April 20, 1993

**RE:** CS SB 174 (L&C) AM - Exempting Certain Taxicab Drivers from Employment Laws

-----

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SB 174 was amended in the Senate Labor & Commerce Committee to incorporate two amendments suggested by the Department of Labor, as well as a severability provision and effective date. The committee substitute requires that the contractual arrangement between the driver and dispatcher or driver and permit holder be in writing. In addition, it limits the retroactivity of the bill to investigations by the Employment Security Division in cases where a notice of determination has not yet been made.

All Representatives  
Memorandum - CS SB 174 (L&C) AM  
April 20, 1993  
Page 2

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For your reference I've attached an analysis and sectional, a legal opinion from Terry Cramer regarding the retrospective application of this bill, and a few sample letters from taxicab drivers indicative of their support for SB 174.

Thank you for your support.

June 27, 1993

Gene A. Mellins,  
PO Box 3026,  
Ketchikan Alaska 99901

Senator, Jim Kelly,  
Labor and Commerce Committee  
State Capital  
Juneau, Alaska 99801-1182

Dear Mr. Kelly,

I'm writing you regarding the, so called independent working conditions for Taxis/Drivers. These independent working conditions as you state in your letter to me, of April 10, is just a way for Taxi operators to cover up what is really going on.

These low flat rates that you speak of, are in fact very high, often more than 10. Drivers makes in a day. Many times having to pay \$120.00 on a \$110.00 day, making the Driver take home nothing, in fact less than he or she started with.

I drove Alaska Cabs for a long time, and I was told that I was independent, but I found nothing independent about it. If I was having a real bad day and wanted to push my cab, then I had to pay the lease anyway.

The days off are set by Alaska cab, and the hours worked each day is set by Alaska cab. What is independent about that?

The number of cars that is to be on the road is set by Alaska Cab, and if a driver wants to get off the road, because its slow, then the other drivers have to buy that driver out. In other words, pay his lease for him. Tell me do, you call that independent?

To show you that these lease rates are very high, I will send you a few of the facts. With these, you will see that the lease has gone up when a driver does good, making it harder to make any money at all. at least my lease rate was a floating rate. I don't know if the other drivers were treated in that way? I just know I was.

I do know that there is four drivers there, who go and come, as they please. Take as much time off as they need, and set their own hours. But the rest of us were ruled by Alaska Cab office.

I feel that if a driver is to be independent, he or she, should be able to sign a one year contract with Alaska Cab. That states the lease rate very clear. With each driver getting a copy of the contract that they sign.

There is nothing independent about Alaska Cab.

Thank you.

Gene A. Mullins.

Oct. 1992

Date	Rate	Net Meter	Paid. to Pub. Co.	Take Home		Page under No.	
9/30/92	96.00	134.	108.82	25.18		25.18	1
10/1/92	95.00	140.76	106.20	34.06		34.06	2
10/2/92	95.00	203.24	116.70	86.54			
10/4/92	95.00	141.14	111.65	29.49		29.49	3
10/5/92	95.00	207.81	116.35	91.46			
10/6/92	95.00	137.52	111.47	26.05		26.05	4
10/7/92	95.00	169.24	110.62	58.62			
10/8/92	95.00	179.14	115.00	64.14			
10/11/92	95.00	167.81	115.00	52.81			
10/12/92	95.00	142.00	111.69	30.31		30.31	5
10/13/92	90.00	103.14	103.38	-.24		-.24	6
10/14/92	95.00	128.86	112.40	16.46		16.46	7
10/15/92	95.00	147.14	116.40	30.74		30.74	8
10/17/92	95.00	142.38	115.00	27.38		27.38	9
10/19/92	95.00	128.75	94.20	34.55		34.55	10
10/20/92	95.00	157.62	113.84	43.78		43.78	11
10/21/92	95.00	191.52	116.91	74.61			
10/24/92	85.00	127.43	100.96	26.47		26.47	12
10/25/92	105.00	199.62	115.31	84.31			
10/26/92	95.00	134.86	114.07	20.79		20.79	13
10/27/92	95.00	125.43	110.86	14.57		14.57	14
10/28/92	95.00	202.76	116.10	86.66			
10/29/92	95.00	137.71	102.00	35.71		35.71	15

Total

3414.88 ~~3055.43~~  
3415.88 2446.61

969.51

-.24  
969.27

28.4 %  
Take Home

Nov. 1992

Date	Lease	Gross meter	Paid to alk. Cnt.	<del>Sub</del> Home	Sub Home	Days Lease Sub Home
11/1/92	95.00	159.05	112.54			46.51
11/2/92	95.00	132.76	109.86			22.90
11/3/92	95.00	144.95	113.21			31.74
11/4/92	95.00	147.52	106.14			41.38
11/5/92	95.00	158.48	114.00			44.78
11/8/92	100.00	183.62	120.14	<del>63.48</del>	63.48	
11/9/92	95.00	139.62	114.31			25.31
11/10/92	95.00	163.05	115.48		47.59	
11/11/92	95.00	135.71	106.81			28.90
11/12/92	95.00	175.33	112.50		62.83	
11/15/92	100.00	178.38	119.88		58.50	
11/16/92	50.00	43.43	54.65			- 11.22 -
11/17/92	95.00	165.95	114.21		51.74	
11/18/92	95.00	155.14	112.35			42.79
11/19/92	95.00	122.86	111.00			11.86 -
11/22/92	100.00	176.48	119.78		56.70	
11/23/92	85.00	136.48	100.95			35.53
11/24/92	75.00 95.00	120.19	90.60			29.59
11/25/92	<del>95.00</del>	161.14	111.42		49.72	
11/26/92	50.00	148.38	68.38		50.00	
11/29/92	100.00 95.00	213.33	123.00		90.33	
11/30/92	<del>200.00</del>	200.00	117.33		82.67	

<b>Total</b>		3361.85	2,368.54		1004.85	- 11.22 - 11/16/93 -
					993.63	

Dec. 1992

Date.	Lease	Total meter.	Paid to ak cab.	Take Home.	Take Home Below med. wage	Take Home
12/1/92	95.00	185.33	116.68	68.73		
12/2/92	95.00	142.00	113.06		28.94	24
12/06/92	95.00	179.14	114.92	64.22		-
12/7/92	95.00	179.14	116.29	62.85		-
12/8/92	95.00	197.52	117.21	80.31		
12/9/92	95.00	163.05	114.11	48.94		
12/10/92	105.00	196.10	118.83	77.27		
12/13/92	95.00	212.67	117.96	94.71		
12/14/92	95.00	163.05	115.48	47.57		
12/15/92	95.00	164.29	114.17	50.12		
12/16/92	95.00	203.71	117.52	86.19		
12/17/92	105.00	182.29	125.07	57.22		
12/20/92	105.00	223.62	128.51	95.11		
12/21/92	105.00	220.57	125.16	95.41		
12/24/92	95.00	160.10	112.59	47.51		
12/27/92	95.00	123.05	112.11		10.94	25.
12/28/92	105.00	186.38	111.28	75.10		
12/29/92	105.00	171.50	125.90		45.60	
12/30/92	95.00	140.76	113.00		27.76	26

Total.		<del>\$229.87</del> \$229.77		\$1164.52		33.3 %
	\$3394.27					

Jan 6 1993

Date	Amount of Lease	Total Meter.	Paid to ak. Cab.		Take Home.	Day below meter usage Take Home
1/3/93	85.00	135.92	103.44			32.48 - 27
1/4/93	32.00	60.38	42.17			18.21 28
1/5/93	95.00	180.95	115.91		65.04	
1/6/93	85.00	138.01	103.55			34.46 29
1/7/93	85.00	152.61	104.35		48.25	
1/10/93	90.00	153.08	109.38			43.70
1/11/93	95.00	152.80	115.73			37.07 30
1/12/93	75.00	122.65	91.34			31.31 31
1/13/93	85.00	131.66	101.83			29.83 32
1/14/93	85.00	104.64	100.35			4.24 33
1/17/93	95.00	203.79	118.54		85.25	
1/18/93	85.00	160.28	106.15		54.13	
1/19/93	85.00	154.88	105.85		49.03	
1/20/93	85.00	155.92	105.91		50.01	
1/21/93	85.00	148.06	105.47			42.59
1/24/93	85.00	146.35	105.38			40.97
1/25/93	85.00	151.75	102.94		48.81	
1/26/93	85.00	135.73	103.43			32.30 34
1/27/93	85.00	131.00	103.16			27.84 35
1/31/93	85.00	153.27	103.02		50.25	
		2873.73	2047.90		\$ 825.83	28.7%
						28.7%

Feb 1993

Date	Lease	Total meter	Paid to ab. Cab.	Take Home	<del>Take</del> Days Below. men Wedges
2/1/93	85.00	170.05	105.31	64.74	
2/2/93	75.00	116.68	92.38		24.30 30
2/3/93	80.00	138.20	98.56		39.64 37
2/7/93	80.00	147.30	100.43	46.87	
2/8/93	80.00	149.29	99.17	50.12	
2/9/93	80.00	168.91	101.62	67.29	
2/10/93	80.00	154.41	99.45	54.96	
2/11/93	61.00	114.88	75.70		39.18 38
2/14/93	80.00	186.45	101.21	85.24	
2/15/93	50.00	104.27	66.69		37.58 39
2/16/93	80.00	150.05	100.58	49.47	
2/17/93	80.00	140.76	98.70		42.06
2/18/93	25.00	51.64	35.00		16.66 40
2/21/93	80.00	156.11	102.29	53.82	
2/22/93	80.00	140.05	102.28	87.27	
2/23/93	70.00	120.57	84.85		35.72 41
2/24/93	80.00	141.61	98.75		42.86
2/25/93	30.00	59.81	38.77		<del>21.04</del> 42
2/28/93	80.00	147.01	100.92	46.09	

404.91

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We, the undersigned taxi cab drivers of Anchorage, Alaska, hereby support legislation which would maintain our existing status as independent contractors and not as "employees" for purposes of employment security (unemployment) contributions, wage and hour laws, and workers compensation laws.

NAME	ADDRESS	TELEPHONE #	CHAUFFEUR'S LICENSE #	ADL #
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David L. Shroy	10307 Caribou	6942182	6002	249745
Jeffrey N. Romner	7801 Chaimi Loop	337-0923	3454	0418031
Shawn D. [unclear]	P.O. Box 143191	333-2109	3802 SF	5100130
[unclear]	10465 Borwick	341-1312	2687	0343074
[unclear]	17916 [unclear]	333-7524	0019	9221735
JAMES M. MILLER (CRUISE)	203 HEINZMAN WAY 1425 W. 27th St. #14	276-7521	4524	6330634
CECILIA M. BITUM	SP. ANCH. AK 99503	276-6524	0561	0901028
ROBERT C. ROBERTS	9300 GREEN HAVEN DR #	243-5595	5839	5986930
RENÉE ALYER	441 FREDRICKS DR	337-7646	5613	5985691
MOLIANI [unclear]	5033 Malibu	333-9666	6012	6550007
MARIO TORREALBA	P.O. BOX - 90764 ANCH. AK. 99509	349-1833	3195	5357831

Anchorage

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NAME	ADDRESS	TELEPHONE #	CHAUFFEUR'S LICENSE #	ADL #
Steve M. Jnr	P.O. Box 210511 Anch 99501	338-2398	4305	5614300
Joe Whelley	P.O. Box 716 Tok ALASKA 99780		0472	0331762
Stephen C. Rosen	4223 Peterkin Dr Anch, AK	227-9985	1968	0673321
Tyrrell L. Wilson	P.O. Box 92456 Anch. Ak. 99509		3717	5775001
Bernad Wolfer	P.O. Box 90883 Anch. Ak. 99509	276-4413	0730	0254019
Dave Paulic	2831 Muldoon Dr Anch AK 99504	335-9715	6092	5622281
Paul Tashas	1326 W 25 St Anch. 99503	272-5014	0195	5361715
Sam Stank	7749 Brighton Dr Anch 99503	345-3263	4649	6230151
Tommy Chapone	405 Peckham Dr Anch AK 99503	274-8104	2508	0901180
David Lee	4200 E 45th St Anch AK 99508	337-0057	0573	0410309
Leslie Jettell	441 E. 15th Anchorage, Ak	276-2960	6098	2442430
Milton Wohlill	535 E 74th Anch AK 99518	344-6530	4123	0014489
Matthew A. Ours	3215 Mt. Hill Dr Anch AK 99503	770-7762	2063	5181720
William Cunningham	1350 ALUTIAN ST Anch AK 99503	272-6957	5101	5170411
Wayne A. Alene	1200 W. Di Sp 4-108 Anch, AK	338-1079	4546	0346357
MIKE BERRY	711 S BRAGAW #7 ANCH AK 99508	337-1844	4003	6641823

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NAME	ADDRESS	TELEPHONE #	CHAUFFEUR'S LICENSE #	ADL #
Kurt Gerha	8301 RANGELINE #3 anch	338-5146	5500	6458584
Mark Potterville	Box 244671	258-7778	4226	0750323
Bill Lane	1402 BOX 7701 Paine	745-0591	6071	5216761
Andy King	408 N Flower 3 ANCH AK 99501	278-2244 348-4026	4858	0351012
John Blue	3215 Mt. View Anch. AK	274-3333	5171	0910506
Dave Hanson	509 N. Bragaw Anch. AK	279-7823	4669	0417334
Steve Engstrom	PO Box 90820 Anch AK 99509	—	3408	5621071
Patry G. Kelly	108 99501 3811 N. ...	563 3114 108	5818	10044156
Ronald V. White	7100 Miranda Dr anch ak 99507	344-3879	5619	6286914
Wayne Olson	701 S. Kevin #119 Anchorage	338-1483	3363	00770078
Margo Marsh	3001 Boniface 20A Anchorage 99504	337-7146	1939	0938524
Larry Valls	P.O. Box 10547 Anch AK 99510	563-6553	5979	5014321
Jerome Ross Sr.	1047 #4A Ligon Anch 99515	344-9764	2563	5873610
Pat ...	701 S. ... #81 Anch 99504	220-0794	5190	0-100 0369100
Eric ...	1506 W 32 99504	—	5721	0361148
MIKE O'NEILL	705 MILLERON #112 99504	333-5034	4818	0060192

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NAME	ADDRESS	TELEPHONE #	CHAUFFEUR'S LICENSE #	ADL #
George Chickewitz	480 Peirce Rd <sup>loop</sup>	333-8951	5948	0265029
Edward F Engellor	2221 Muldoon St Anch. Ak	333-4495	0848	0400815
Tim Gates	3304 Eide Anch. Ak. 99525	275-3151	6094	6671613
C. Olsen	134 Schodde	276-8907	5686	0267214
Robert Kops	716 Irwin	274-1192	3796	5308461
Danella Stuart	501 Airport Hts #51	258-0690	5039?	0442588
Mehmet Yucetas	3005 W 33rd Ave <sup>14th St</sup>	243 12 43	5822	6600507
Dennis Hartz	1402 NUNAKA	337-7642	4322	5493020
Ralph L. Peters	5100 LAKE OTIS #2	—	1451	0885700
Michael S. Tom	3172 East Harbor	245 6204	1413	6357582
Jonas Mattson	429 EAST	<del>272</del> 2148	01K	0378041
Jonas Mattson	NONE	NONE	5528	5741920
Ishakullah	5660 COPE ST Khalid ANCH AK	562-7937	4692	6295655
Adawn Pipien	2608 W 30	349-5969	4252	555-3031
KEITH STOKES	4619 E 4TH #5	338-4318	6080	6613120

# Please Sign & Read 15

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NAME	ADDRESS	TELEPHONE #	CHAUFFEUR'S LICENSE #	ADL #
A.M. Samdani	INDIANA ST 3505 # 5 ALEX	563-5229	4884	6373386
Atiyah K. Khalil	INDIANA ST 1716 W. K. C. B.	562-7937	3133	52184221
DEL BOWLES	732 - W. KLEVIN	274-0711	5268	0452132
Ronald Lane	7231 Christopher	344-4083	2350	0525173
Joseph D. Peterson	201 W. 11 <sup>th</sup> St # 8	276-8556	5083	0157021
Genio J. Alvarez	8921 MAST cr.	243-0296	<del>4471</del> 2876	5923721
Husein Abdullah	Box 230421	277-1779	4892	508231
Mike [Signature]	801 AIRPORT HTS ST #1	258-0690	5940	6244091
Jamy Hight	824 W 25 #4	279-6667	5812	6535743
Karen Chasse	2641 Lyanna Lane	278-5855	4670	4965071
Ben Guzman	Box 91708	244-7883	0563	391810
SCOTT E. HARLOW	6911 E. 11TH #1	337-8780	4748	5009531
Domingo Beluy	7036 Welmer St #3	213 5116	<del>6017</del> 6017	6101094
DANIEL T. ZANTER	200 W. 34 <sup>th</sup> St #305 Anch. AK 99503	258-3825	5957	0072701
[Signature]	731 Munford St. #10 DR. PR 55908	258-2774	6084	6676230

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NAME	ADDRESS	TELEPHONE #	CHAUFFEUR'S LICENSE #	ADL #
<i>William [unclear]</i>	<i>800 [unclear]</i>	<i>—</i>	<i>—</i>	<i>411185</i>
Charles Steel	1344 W-26	—	0325	0089336
Richard [unclear]	P.O. Box 91731 ANCHORAGE 243-5890	243-5890	0/5867	0537008
Robain	3542 GRISSON	243-0194	5347	6490846
<i>William [unclear]</i>	<i>3000 [unclear]</i>	<i>—</i>	<i>—</i>	<i>5763511</i>
DEONTE RUDIN	Box 4232	274-481	0670	0370122
Robert L. Olson	1327 W 25 <sup>th</sup> St	272-9844	4526	6906879
Colly R. Musser	824 25 2	258-2565	5126	6320543
FERNANDO M/V	3210 LeBAR	274-2789	5461	6513717
ARBEN RIZUANOLLI	7048-WEIMER #7	243-0965	5564	6522886
<i>[unclear]</i>	<i>[unclear]</i>	<i>487440</i>	<i>5263</i>	<i>0398745</i>
J DIN CONNARD	Box 202304 ANCH AK 99520	274-9190	4334	5658311
<i>Anthony [unclear]</i>	<i>1105 R. [unclear]</i>	<i>—</i>	<i>—</i>	<i>5763911</i>
<i>[unclear]</i>	<i>370 [unclear]</i>	<i>274-6097</i>	<i>5159</i>	<i>6360941</i>
EDWARD CHAYOT	2737 W 67 <sup>th</sup> AV ANCH AK 99502	218-5763	4902	5618911

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NAME	ADDRESS	TELEPHONE #	CHAUFFEUR'S LICENSE #	ADL #
Robert D. Dineen	5901 E. 6 <sup>th</sup> #243	332-7439	1020	161484
V. M. [unclear]	1703 McCully <sup>#3</sup>	561-2373	5882	6615421
Robert J. [unclear]	1857 W. 36 <sup>th</sup> St	NONE	3929	0333419
Jose Esquivel	4010 Lois Dr.	563-7498	#0086	0406581
A. Singh [unclear]	P.O. Box 92713 Anchorage	276-6043	5733	1234578
D. Sinclair	PO Box 221456	344-2075	6050	6352688
S. [unclear]	3505 Indiana Ave Anch. AK 99563	563-5229	4114	6311956
[unclear]	P.O. Box 441 ANCH. AK 99522	N/A	2080	0932978
William D. [unclear]	PO Box 220266	248-4859	5911	5189511
Balvinder Gantam	P.O. Box 220421	248-2130	4687	685661
THOMAS SPITLER	1836 W 37 <sup>th</sup> Ave	NONE	6061	5645028
William W. Summerville	PO Box 101461 Anchorage AK 99516	NONE	3941	0257603
HASSAN ZEK	P.O. Box 104555	561-7418	3129	5342321
Shawn Kang	6801 Dickerson 16402 HOME PLACE #41	338 0249	6024	6483889
DAVE STANTON	EAGLE RIVER AK 99577	694 5962	3851	5334470

# PLEASE READ & SIGN

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NAME	ADDRESS	TELEPHONE #	CHAUFFEUR'S LICENSE #	ADL #
Eileen Aleson	905 Richardson Vista	907-277-2158	3058	5766770
Michael Lane	3711 AMBER BAY	907 349834	2036	0584618
Jeffrey W. Ristola	3227 Municipal Pt	907-279-5163	5712	6345302
Kathy Hallen	429 E 10th	907 273 2148	4484	8682562
Eric Van Buren	3301 Percy Willow #1	907 337 8880	1747	5628640
Bruce Olmstead	2221 Muldoon #77	907-338-4148	3815	0584905
John Ennis	1614 Fairview	907 272 455	4045	0351050
YANKO YALOV	640 W. 34th Ave. #321	907-563-5162	5785	6529971
DON STEVIG	601 N 32 #78	907-563-1021	0761	0201867
Victor Mofa	808 N. Flower 2	272-5187	5080	5976521
Mohamed Barman	P.O. Box 242222 <small>ANCH, AK 99502</small>	348-1015	5200	5977281
John W. Wainwright	P.O. Box 91892 <small>ANCH, AK 99502</small>	272-0869	2944	0640053
Roy Beck	7800 Debarre	99511 338-7784	6058	6434321
Tom Schuler	7015 Klevin #72	337-4392	1991	0529589
Pat Fullerton	3301 Dorbrandt	563-5353	1907	0236038

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NAME	ADDRESS	TELEPHONE #	CHAUFFEUR'S LICENSE #	ADL #
Luca Parker	2400 Buford Ave		2231	5016740
Dean Parker	3007 Turnage #2	248-4835	6072	6449694
Rachel Hauken	4300 Arctic #17	562-3961	10062	5992980
DALE MITCHELL	ANCHorage 7400 SPRING Rd	344-4470	2110	0508949
Dean Parker	217 Haintelena	258-3031	3935	0903261
Lewis Beavers	1131 Friendly Ln.	333-0475	5157	0095205
[Signature]	335 Buford Pl #7	None	5703	6292075
Timothy G. Rose	4304 MTNVIEW CHUGIAK	338-5194	5449	0461506
DONALD KRULL	P.O. BOX 670171 ANCHORAGE	696-2117	0019	0011795
MARC V. VILAKS	6261 COLLIER WAY	397-0097 243-5891	0477	041071
Kouso [Signature]	403 W 22 #308	2586350	710	0171995
Ben Koehler	401 E45 #1	<del>5631081</del> <del>6292226</del>	5158	6293226
Kent Barker	3100 Eide St	561 0382	3909	0401894
T. L. Burns	5800 Glenn St	337-5486	19611	0681630
[Signature]	518 W 74 C	522 4598	2019	0369194

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NAME	ADDRESS	TELEPHONE #	CHAUFFEUR'S LICENSE #	ADL #
<i>[Signature]</i>	Box 141936 ANCH 99514	333-4754	5857	5412201
Loanna White	1120 <sup>th</sup> 602 N. LANCHE	252-4569	6078	0375821
Samuel A. Lou	1970 Fyle	661-5591	6471	85598
Tony Furs	574 SAKZAK WAY WASILLA	376-6474	4509	0034092
Alan Drennon	2603 Blueberry ANCH AK	279-6200	2174	0602505
Eric VanBuren	3301 russell/willow	337 8880	1747	5628640
BRUCE PORTER	3632 ALEXANDER AVE	272-9365	6100	6298355
Pete Pancost	753 W 4 <sup>th</sup> # 713	378-5578	2638	5838590
Adell Holman	29517 7631 W. 30 <sup>th</sup> AVE #	262-7221	3855	3392042
John E. Jones	Second, AK. P.O. Box 1677	—	1070	0276172
<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
<i>[Signature]</i>	6311 Debar 273 ANC AK 99504	799 -	0841	0378149
Bell Rein	2205 Funka 145	272-8477	5587	6519570
Geary Juman	405 Mulberry Overlook 17+162-BWC-8	258 3581	0180	209556
Polowsky M. Tomalho	4201 COPE ST ANCH. AK - 99503	563-6009	2252	0916530

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NAME	ADDRESS	TELEPHONE #	CHAUFFEUR'S LICENSE #	ADL #
Rich Turner	3344 W 8 <sup>th</sup> Anchorage, AK 99562	242-5895	1932	0742161
Michael Schwartz	4703 KILGORE L ANCH. AK 99509	344-2128	1389	0368982
William Walker	3101 EUREKAST #A ANCH AK 99503	562-7335	1078	0330789
Mark M. Brandis	310 W 32 #18 Anch AK 99503	562-4790	4718	5404171
Charles J. Owens	330 E 14 <sup>th</sup> ANCH. AK 99501	272-9435	00517	0332745
RITNIBIN Dose	242502 HALL AK	561-3808	5368	6488291
STEVE BUDAY	3311 Woodland PARK	248-0159	3203	0902406
A M Sarda	3505 #5 S. D.	563-5724	4884	633
SAFDAR HUSSAIN	3703 Lios ST #2	258-7927	5740	6297219
Perparim Leno	8231 SUC <sup>2</sup>	248-9813	5953	64156 2nd
James B. B.	4615 E 1 <sup>st</sup> ANCH AK 99501	337-9103	1935	64153
Jakob G. G.	929 E 20 <sup>th</sup> C	279-8862	4754	6597903
Paul Wozniak	3212 LEE STR. ANCH. AK 99501	337-3873	6069	6509680
David J. J.	705 Air Hill ST A	274-3338	3328	0949746
Juan Antonio	1200 W Diamond	344-7309	5453	6317903

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NAME	ADDRESS	TELEPHONE #	CHAUFFEUR'S LICENSE #	ADL #
RICHARD CAULFIELD	PO Box 190331 ANCHORAGE AK 99515	561-8993	1219	0280590
<del>_____</del>	<del>_____</del>	<del>_____</del>	<del>_____</del>	<del>_____</del>
AMY L. MILLSER	874 W 25th AVE #2	258-2565	5247	6343016
<del>_____</del>	<del>_____</del>	<del>_____</del>	<del>_____</del>	<del>_____</del>
<del>_____</del>	<del>_____</del>	<del>_____</del>	<del>_____</del>	<del>_____</del>
KEVIN HANSON	1336 W 23	---	5255	6322485
<del>_____</del>	<del>_____</del>	<del>_____</del>	<del>_____</del>	<del>_____</del>
W R GRHAM	ROSBY		3955	0583134
<del>_____</del>	<del>_____</del>	<del>_____</del>	<del>_____</del>	<del>_____</del>
<del>_____</del>	<del>_____</del>	<del>_____</del>	<del>_____</del>	<del>_____</del>
<del>_____</del>	<del>_____</del>	<del>_____</del>	<del>_____</del>	<del>_____</del>
<del>_____</del>	<del>_____</del>	<del>_____</del>	<del>_____</del>	<del>_____</del>
<del>_____</del>	<del>_____</del>	<del>_____</del>	<del>_____</del>	<del>_____</del>
J. M. CAMBRIDGE	4003 M... ANCHORAGE AK 99503	277-9133	5224	0321109
<del>_____</del>	<del>_____</del>	<del>_____</del>	<del>_____</del>	<del>_____</del>

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NAME	ADDRESS	TELEPHONE #	CHAUFFEUR'S LICENSE #	ADL #
DAVID E. CLOYD	800 MAYFAIR # 1051	258-4775	1663	0292719
Alan C. Glenn	Box # 7770 Star Pt B Palmer, Ak. 99645		3939	0329305
<del>Bill L...</del>	<del>1402 Box 7701 Palmer AK</del>	<del>745-0591</del>	<del>6071</del>	
Stanley L Eckman	3900 Greenlax Anch AK 99503	562-4994	4600	0604135
Dave O'Malley	3601 Arctic Blvd	—	7916	5398601
Robert...	2309 C St	344-8457	6029	0200257
Shawn...	Box 90153	278-5551	0115	0387517
HUGH R. BROWN	4314 PENGUIN	563-4822	2304	0032513
Miroslaw A. Hojocki	131 Screener Ct.	344-1916	2430	5898770
JOHN SAGIELA	4220 Ambler Anch. AK 99504	338-1758	2586	0906169
RANDY KUBINA	7700 MAYFAIR ANCH AK 99502	348-1230	3809	6253501
RONALD CHUBOT	7434 FOXHIDEWAY Anch, ak. 99512	344-9170	0630	0399446
MARCEL WASHINGTON	6481 TESLAR DR	849-8800	2471	5006570
Rocky C. Zta	6000 CRAIG DR	333-6169	2768	0405979

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NAME	ADDRESS	TELEPHONE #	CHAUFFEUR'S LICENSE #	ADL #
<del>Thompson, Juan</del>	P.O. Box 10118 Anchorage AK 99510	272-6879	2008	0613190
SURIJA DEMA	1912 W 47th #1 Anch. AK. 99517	243-2781	#1795	0905117 <del>0335046</del>
NEFI ALI	640 - D - W 47 ANCH. AK 99503	562-4788	2104	0335646
Kostinot Aka. LENA	1912 W 47th #2 ANCH. AK. 99517	243 5104	5271	0464322
SULEJMAN	8221 SUE ST ANCH AK-99503	248 9813	1156	0417203
RAHIT ALIMI	905 RICH. VISTA BL. 6 APT III ANCH 99501	279-3637	5235	0396780
ARITON DEMA	7048 WETMER #3 ANCH. AK 99502	563-5353	5854	5421581
<del>ZIMT GREVA</del>	<del>830 CEDAR ST. ANCH. AK 99501</del>	<del>277-6398</del>		<del>6360991</del>
STAMATOVSKI DONCO	1400 W 25th #22 Anch. AK-99517	-	2874	0379134
ARBEV DEVA	1912 W 47th Anch. AK 99517	243-2781	5736	6350980
Israel Corvijo	533 W 20th Anch. AK. 99503	274-5465	5670	6424514
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Submitted by:  
Prepared by: Department of Law  
For reading:

ANCHORAGE, ALASKA  
AO NO. 93- \_\_\_\_\_

AN ORDINANCE OF THE MUNICIPALITY OF ANCHORAGE AMENDING CHAPTER 11.40 OF THE ANCHORAGE MUNICIPAL CODE REGARDING TAXI DRIVER TRAINING, DRESS CODE AND DRUG TESTING.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1: A new Anchorage Municipal Code section 11.40.110 is enacted to read as follows:

11.40.110 Dispatch Service Authority to Regulate Driver Conduct

A. Dispatch service license holders <sup>shall</sup> ~~may~~ require all taxicab drivers operating in connection with that dispatch service comply with requirements regarding ~~any or all of~~ the following:

1. driver appearance;
2. drug testing; and
3. driver training.

B. Any program or requirements established by a dispatch service under subsection A of this section must comply with the applicable standards for such programs which the Transportation Commission may set forth by regulation.

Section 2: That within 6 months of passage of this ordinance the Transportation Commission shall propose regulations for Assembly approval which establish standards for taxicab driver dress codes, drug testing and driver training.

Section 3: That this ordinance shall become effective immediately upon passage and approval.

Senator Tim Kelly

DRAFT 6

OK

March 26, 1993

«TITLE» «FIRST NAME» «LAST NAME»

«Address 1»

«City», «State» «Zip»

Dear «Title» «Last Name»:

Thank you for your support regarding independent working conditions for taxicab drivers. I have received many messages asking for legislation and I sincerely appreciate your taking the time to let me know of your concern for the issue and giving me the viewpoint of those affected by it.

In response, I have sponsored SB 174 which will exempt taxicab drivers from coverage under the Alaska Wage and Hour Act, the Alaska Employment Security Act, and the Alaska Workers' Compensation Act. This legislation will allow dispatch operators to continue to offer their leasing services to independent taxicab drivers without having to increase their rates due to increased costs from social security, unemployment, and workers' compensation insurance payments. It will also guarantee that taxicab drivers will continue to be independent operators who are paid exclusively by customers using their cabs and whose payments to vehicle, permit, and dispatch owners are based on flat rates rather than on a percentage of the drivers receipts.

SB 174 was introduced on the floor of the Senate on March 25th, was referred to the Labor and Commerce Committee, which I chair, and is scheduled to be heard at 1:30 P.M. on Tuesday March 30th. Messages of support can be sent FREE to all legislators by calling 561-7007 in Anchorage. Since organized labor is ~~is~~ opposing the bill, it is important that we show all of the support that we can.

Thank you again for expressing your concern and your interest. I hope that you will continue to stay involved with this and other issues.

Sincerely,

TIM KELLY  
State Senator

## TAXICAB TASK FORCE

### MINORITY REPORT

Assembly Resolution 92-98 formed the Taxicab Task Force and directed it to examine present taxicab industry practices, identify existing problems and offer reasonable solutions. The Task Force was further directed to prepare a report. In its October 6th amendment to the Resolution, the Assembly identified nine specific subject areas to be included in the review and report by the Task Force.

As discussed below, a substantial minority of the Task Force does not believe that the majority really addressed the assigned "task". Therefore, we have made the effort to prepare a minority report which, we believe, more directly addresses the realities of the Anchorage taxicab industry.

#### I. General Approach of Task Force.

Many of those appointed to the Task Force were interested in conducting a real review of the taxicab system in Anchorage, and in how well, or how badly, the existing ordinances were working. If problems were shown to exist, we were interested in a truly constructive approach to solving them.

Unfortunately, the majority of the Task Force, under the leadership of the Chairman, came into the process with a preconceived ideological approach, heavy on economic theory but seemingly uninterested in (1) actual realities of the taxicab industry in Anchorage; and (2) the experience of other cities

that have experimented with various types of deregulation, based upon economic theory. Incredibly, the Task Force initially made a point of not wanting to even look at the existing ordinances; only with great reluctance did the majority finally review a few of the ordinances, at the insistence of minority members.

The Chairman was interested in creating a new system in a vacuum, without taking into consideration the experiences of Anchorage and other cities. He consistently lectured on his basic premise -- that all forms of regulation are bad -- comparing the taxicab system to the computer industry and other purely "private" industries rather than to industries which bear some of the features of a public utility, which supply a public service by handling the unprofitable ride fares along with the profitable ones. Comparisons with grocery stores don't work well here.

The Chairman, and some of the members of the majority, also assumed that the existence of some degree of municipal regulation and control of the taxicab industry has resulted in a complete destruction of competition and incentives, mischaracterizing this industry as a "monopoly". The reality, however, is that competition does exist among drivers and among dispatch services, within the confines of a regulated environment which requires response to all requests for service.

The Task Force was run in a manner that appeared tailored to a preconceived result: A recommendation for an automatic increase in the number of taxicab permits. Timely agendas were not prepared or circulated until the last few

meetings, and then only at the insistence of minority members. Minutes of the Task Force meetings found themselves into the hands of others before going to Task Force members themselves, and before being adopted and approved. For example, the unapproved minutes of the September 21st Task Force meeting were presented by "ex officio" member Homer Burrell to the Transportation Commission along with his request that the Commission take action based upon those minutes. Minority members of the Task Force still have not been provided with copies of the September 21st minutes, which have never been approved.

From time to time, testimony arranged by the Chairman or the Transportation Inspector would be taken, though no notice was given to others that there would be any opportunity to testify. In at least one instance, when others then attempted to testify, the Chairman sought to cut them off on grounds that the time allocated had expired.

Despite having the Open Meetings Act read to them by one of the members of the minority, the Task Force voted to authorize "secret" voting, on the advice of the "parliamentarian" appointed by the Chairman, Homer Burrell. Mr. Burrell claimed that the Task Force was exempt from the Open Meetings Act because it is not "supported in whole or in part by public money or authorized to spend public money", which is plainly not true.

The majority also voted to authorize "proxy" voting, as if the Task Force was a corporate board of directors. This proxy voting was used on some of the critical votes.

In general, the agenda and direction of the Task Force was controlled by Chairman Rohachek, ex officio member Homer Burrell, and Transportation Inspector MacAtee.

Despite the majority's ideological approach to the tasks for which it was organized, and despite the above procedural shortcomings, minority members have been able to identify certain problems, and to propose concrete solutions to them. Regrettably, the manner in which the Task Force's meetings were conducted precluded full airing of the issues discussed below, and of the minority's recommendations for addressing these issues.

The Assembly's October 6th amendment to the resolution forming the Task Force specified nine topics which the majority report should address, and the following discussion is similarly organized.

## II. Minority's Recommendations.

### A. Driver and Passenger Safety.

Even though safety was the concern which initially triggered the move to form a Task Force, it received absolutely no attention from the Task Force, with the exception of recommending mandatory drug testing for licensed chauffeurs. The minority supported this recommendation.

The only other recommendation the minority has on this subject is as part of Driver Education, which is discussed in the following section.

A January, 1992 study of taxi driver safety by the City of Winnipeg concluded that, at the present time, mandatory safety training programs for all taxi drivers is the only feasible effective method for dealing with safety risks. The study listed 17 "Safe Driving Practices" (see attachment at the end of Section B) which should be included in taxi driver safety training. For the most part, these points apply equally to Anchorage. The need for driver safety training was reinforced by the occurrence of three hold-up attempts in one night in Anchorage last week.

The Winnipeg study also addressed potential technological approaches to driver safety. The use of emergency alarm switches was discussed. A limited effort in this area was attempted by one small dispatch company in Anchorage. The emergency alarm switch merely blinked the taxicab lights on and off as an effort to alert others to the emergency, and this approach was abandoned.

According to the Winnipeg study, more recent, rapid developments in Global Positioning System (GPS) technology may soon result in development of a cost-feasible Automatic Vehicle Location (AVL) system for taxicabs. When an emergency alarm in a taxicab is switched on, this is transmitted (via satellite) to a centralized office which can determine both the existence of the emergency and the precise location of the taxicab. A California manufacturer estimates that recent electronic developments have reduced the unit cost of an AVL unit from \$2500 per vehicle to \$750 per vehicle. The minority recommends that the Transporta-

tion Inspector investigate and monitor these developments, particularly if other cities begin experimenting with AVL taxi safety systems. If such systems become economically feasible, the Transportation Inspector should bring the matter to the Transportation Commission for full discussion and hearing, and otherwise explore cooperative implementation by the dispatch services and drivers.

B. Driver Training.

Driver education is needed because the taxi industry is a vital part of the overall transit system.

It can also help in the following areas:

1. Tourism
2. Professionalism
3. Ability to serve more calls
4. Safety
5. Public relations
6. Appearance

It has been proposed in the past that eight hours of class would be ideal. We could have 2 hours of drivers education, 2 hours of Municipal rules and ordinances, 2 hours of APD training on safety and public relations and 2 hours on dispatch rules and procedure.

This could be on an all volunteer basis with the Municipality keeping the entire fee paid by the driver for this class.

The estimated cost of the class would be \$25.00 and would be set by the ordinance.

## SAFE DRIVING PRACTICES

While the focus of taxi driver safety has been on safety and protection devices to be attached to a taxicab, there is much that a driver can do to provide himself with a measure of protection to keep himself out of trouble before it happens. All of these are of course fundamental within a training program, but it is imperative that all drivers, no matter what the temptation, abide by these basic rules of taxi driver safety and survival:

1. At shift start, check proper operation of your emergency alarm switch as part of your routine vehicle condition and equipment check procedures.
2. Do periodically throughout your shift, read and seriously consider all the possibilities in your safety tip sheet.
3. Never accept a ride without a stated destination, particularly if the instruction is to go out of town.
4. Always radio in your destination to your dispatcher at start of trip, and point of origin if you are not at the location of your previously radioed destination.
5. Always keep your front doors locked, and allow a passenger to sit up front only if you feel comfortable with your perception of that passenger.
6. Never take more than 4 passengers, and only then if you feel comfortable with having one of them sit in the front seat.
7. Never allow 2 passengers to sit up front with you.
8. Never keep more than \$20 cash in the cab, open a bank account and periodically deposit your surplus in any neighborhood "ABM" (automatic banking machine).
9. Never keep your available cash in plain sight in your shirt pocket. This is an open invitation to robbery. And never keep your available cash all in a single location. Split it up into various locations.
10. Do use, encourage, and advertise the use of credit cards to help minimize the amount of cash in the cab.
11. Never admit to having a good shift in response to customer inquiry.
12. Do observe your customer's attitude. Be on your guard if he appears nervous, apprehensive, agitated, or some other unusual behaviour other than simple comfort and confidence in your ability.
13. Where possible, park your cab with no space between you and the car behind, to force an approaching customer to be seen from the front before entry. Size him up, watch his mannerisms, watch his appearance, assess if he might be on a chemically induced "trip". Rely on your instincts.

14. If a passenger leaves your cab with the rear door open, **DONT GET OUT!** Drive forward briefly to use inertia to slam the door shut. If you fail to do so, you invite a nearby accomplice to appear from nowhere and overcome you with the element of surprise.
15. Be wary of young, attractive, innocent looking young women. In recent months, there have been a rash of taxi driver robberies by such people. Some may be young men in "drag".
16. If directed to drive into a dark alley or similar secluded area, reverse your car and back in. If you need to leave in a hurry, it is infinitely more productive to drive out forward than in reverse.
17. Never take your car out of gear. always leave it in gear, with your foot on the brake to stop creeping. If you are ever approached from your blind left rear side by an armed assailant, simple removal of your foot from the brake may just give you that split-second edge over your assailant. Even if the weapon is a firearm that is discharged, the element of surprise at that moment can mean the difference between death and injury.

C. Identify Gaps in Existing Services and Explore Special Fares/Rates to Customer Subgroups.

The dispatch services should be encouraged to consider and experiment with market strategies addressed to seniors, inebriates, tourists, and the Native population. However, the minority does not believe that this is an area that is appropriate for government regulation requiring special fares or rates for a particular subgroup or subgroups of consumers. Instead, the Transportation Commission should encourage active involvement of representatives of these customer subgroups, seek to identify problems and encourage cooperative solutions between such groups and the dispatch services.

One such effort has begun in the case of disabled consumers. One year ago, the Taxicab Company put on a van with a motorized lift for wheelchairs. They are currently handling only about ten calls per week, but are optimistic that, as word gets out, there will be more demand for this service. If this occurs, it is probable that other dispatch companies will follow this lead.

D. Taxicab Services at Anchorage Airport; Service Refusal Problems.

The Anchorage International Airport Director has indicated that a problem exists in that some of the taxicab drivers have refused service to travelers seeking only short, low fare trips. As with many other real or perceived problems with

taxicab services, these concerns may be addressed through better enforcement of existing rules.

The Airport currently issues certificates to cabs to authorize them to pick up customers at the Airport. In order to obtain this authority from the Airport, the cab owner must agree to the Airport's rules, which includes a rule that taxicabs cannot refuse service at the Airport.

The minority is not aware that refusal of service at the Airport is a common occurrence. The Airport has no documentation of such complaints, but taxicab industry representatives have acknowledged that this problem does occur from time to time.

To the extent that a service refusal problem exists, it can be remedied by a better enforcement system. The Airport Security Police currently enforce the rule; however, they cannot be expected to stand by and watch customers trying to hire cabs. The rule would be much better enforced if the customers themselves were aware of the rule, and knew to whom to voice a complaint. The minority therefore recommends that the Airport place a single, noticeable sign at the Airport cab stand, which would advise cab customers that airport rules prohibit taxicabs from refusing service to a customer solely on the basis of the size of the fare. The sign would also advise customers to report violations, specifying the cab number and the time and date of refusal (this would enable identification of the violative driver), to the Airport Security Police, giving their telephone number. If refusals of service are now occurring, such a sign

should deter them. If it does not, the sign would lead to better enforcement of the existing Airport rule.

On a more general level, refusal of service by a taxicab driver, whether at the Airport or anywhere else in Anchorage, should be treated more seriously by the taxicab ordinances than is presently the case. Under a public convenience and necessity system, which is like a transportation utility, the taxicab industry owes a duty to the public to provide requested service, and failure to do so should be penalized. Incredibly, this is not the case.

Anchorage Ordinance 11.30.070(A) states the basic rule that no chauffeur may refuse or neglect to convey any orderly person or persons upon request, if the proper fee is tendered and the chauffeur is not otherwise engaged. Unfortunately, there is no penalty for violation of this rule. Under 11.10.090, the Transportation Inspector can issue citations for violation of the rule, but such citations would be meaningless. Anchorage Ordinance 11.10.110(A) says that a chauffeur's license can be suspended or revoked only if (1) the chauffeur is convicted by a court of certain offenses described in Ordinance 11.30.040, which offenses do not include violations related to refusal to supply taxicab services. The only other ground for revoking the chauffeur's license is a showing that the chauffeur is incapable of safely operating his motor vehicle. Similarly, a chauffeur cannot be denied renewal of his license on grounds that he or she violated the "duty to serve public" ordinance. The "duty to