CHAUFFEUR LICENSE PACKET

HOMER POLICE DEPARTMENT
4060 HEATH ST
HOMER, AK 99603
PHONE: (907) 235-3150
FAX: (907) 235-3151

CITY OF HOMER
CHAUFFEUR LICENSE APPLICATION

Please print:

Last Name:	First Name:	MI:	Date of Birth:

Mailing Address	City:	State:	Zip Code:

Physical Address:	City:

Contact Number:	Social Security Number:	Alaska Driver's License Number

LIST ALL STATES YOU HAVE BEEN PREVIOUSLY LICENSED IN:

LIST ALL OTHER NAMES YOU HAVE USED:

HOW LONG HAVE YOU LIVED IN THE HOMER AREA?	Previous Address:

Current Employer:	Employer's Address:	Employer's Telephone No.

STATEMENT OF APPLICANT

Each question must be answered with "YES" or "NO" checked in the appropriate box for each question. ALL "YES" answers must included an explanation. Explanations should be put on the reverse side of this form, however explanations on a separate piece of paper will be accepted.

		YES	NO
A.	Do you have a driver's license that is suspended or revoked in any other state?	☐	☐
B.	Have you ever been convicted of a sexual offense?	☐	☐
C.	Have you ever been convicted of a felony involving a controlled substance?	☐	☐
D.	Are you a fugitive from justice?	☐	☐
E.	Have you ever been convicted of a felony or misdemeanor involving a crime of violence?	☐	☐
F.	Have you ever been convicted of a misdemeanor involving contributing to the delinquency of a minor?	☐	☐
G.	Are you currently under indictment or awaiting trial or other disposition on a felony or misdemeanor charge?	☐	☐

I hereby acknowledge that I have read and understand all provisions of the Homer City Code 8.12 pertaining to public transportation.

AND

I certify all information provided on this application is true and correct.

Applicant's Signature	Date of Application

OFFICIAL USE ONLY

FEES COLLECTED
RECEIPT # _____
By: _____

☐ Fingerprinted
By: _____

☐ APPROVED

☐ REJECTED

By: _____

NOTICE: MAKING FALSE STATEMENTS ON THIS WRITTEN FORM IS PUNISHABLE AS A MISDEMEANOR OFFENSE UNDER A.S. 11.56.210(A0(2)

REVERSE SIDE

Explanations pertaining to "Statement of Applicant":

A.

B.

C.

D.

E.

F.

G.

OTHER:

CHAUFFEUR LICENSING PROCEDURE

1. Obtain a Chauffeur License Packet from the Homer Police Department.

2. Read Homer City Ordinance, Chapter 8.12 – Public Transportation, provided with the packet, to determine whether or not you meet the requirements as set forth in Section 8.12.200 of the Homer City Ordinance.

3. Complete the Chauffeur License Application, provided in the packet.

4. Return the completed and signed application to the Homer Police Department along with:

   a. Proof of a physical exam within the last thirty days (forms provided by your doctor);

   b. Check or money order made payable to the State of Alaska in the amount of $35, to cover fingerprint processing fees. **No cash will be accepted for this fee;**

   c. Check or money order made payable to the City of Homer in the amount of $75 to cover application processing fee. Cash will be accepted for this fee. The fee is non-refundable.

5. You will be fingerprinted by an officer of the Homer Police Department at the time you submit your application and pay the licensing fees. If there is no officer available to finger print you at that time, you will be asked to submit your application, and pay your fees, at a later time. Applications will not be accepted without a completed blue FBI identification fingerprint card. There is generally no officer available for fingerprinting during the hours of 12:30pm and 3:00pm, Monday-Friday, due to court obligations.

6. Applications are usually processed by dispatch within twenty-four hours. However, processed applications can only be reviewed by department administration Monday through Friday, 8am-4pm (not including holidays). At the time you pay your fees and are fingerprinted, the Dispatcher will take your photo. If your application is approved by the administration, you may pick up your completed license within twenty-four hours.

7. Your license will be good for approximately two years, depending upon when you apply (all Chauffeur Licenses expire on December 31st). Be sure to check the expiration date on your new license. If you choose to renew this license, you MUST do so before that expiration date.

Chapter 8.12
PUBLIC TRANSPORTATION

Sections:

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8.12.110 Definitions.

Unless otherwise expressly stated, wherever used in this chapter, the following words and phrases shall have the meanings given to them by this section:

"Chauffeur's license" means a written authorization granted to an individual driver permitting such person to drive or operate a public transportation vehicle within the City.

"City," unless otherwise specifically designated, means the City of Homer.

"On-duty" means the period of time in which a person is:

1. Required by the person's employer to be ready, or standing ready if self-employed, to immediately operate a public transportation vehicle, including time spent waiting to be assigned to operate a public transportation vehicle;

2. Inspecting, servicing, or conditioning a public transportation vehicle;

3. In or upon a public transportation vehicle;

4. Loading or unloading, or supervising the loading or unloading of, a public transportation vehicle, or charging or collecting fares, or giving or receiving receipts for use of a public transportation vehicle;

5. Taking action, as required by State or Federal law, following an accident involving a public transportation vehicle; or

6. Repairing or obtaining assistance for a disabled public transportation vehicle.

"Operating a public transportation vehicle" means:

1. To drive a public transportation vehicle; or

2. Whether or not the vehicle is in motion, or is capable of being moved, to be in actual physical control, or to attempt to affect the movement, of a public transportation vehicle.

"Operator" means and includes any person owning or having control of the use and/or driving one or more public transportation vehicles upon the City streets or engaged in such business.

"Public transportation classification 'limousine'" means any motorized multi-passenger vehicle engaged in the carrying of persons in exchange for receiving fixed-route fares/fees.

"Public transportation classification 'other'" means and includes any vehicle transporting individuals or groups and charging a fee or fare not fitting within the definition of taxicab, limousine, or sightseeing classification for public transportation.

"Public transportation classification 'sightseeing'" means any multi-passenger vehicle engaged in the carrying of persons in exchange for fixed-route fares/fees, operating over a route designated for visiting specific places and things of interest, for pleasure and education.

"Public transportation classification 'taxicab'" means any motor vehicle having a manufactured-rated seating capacity of nine passengers or less engaged in the carrying of persons in exchange for receiving fares, not operated over a fixed route, whether the same be operated from a street stand or subject to calls from a central location or otherwise operated for hire to perform public transportation.

"Vehicle permit" is the documented authority to operate a specific vehicle for public transportation within the City upon completion of vehicle inspection by the Homer Police Department. [Ord. 03-13 § 1, 2003; Ord. 96-05(A) § 1, 1996; Ord. 85-7 § 1, 1985].

8.12.115 Public transportation vehicles governed by City authority.

Pursuant to authority granted by Alaska Statutes governing public transportation and municipalities, the City governs the operation of public transportation vehicles classified as follows:

a. Taxicabs;

b. Limousines;

c. Sightseeing;

d. Other (as defined).

Modes of public transportation other than motorized will be given the same consideration as motorized vehicles; however, the operator/driver of said transportation mode will maintain clean and sanitary environmental conditions at all times. [Ord. 85-7 § 1, 1985].

8.12.120 Vehicle permit – Required.

Public transportation vehicles operating within the City shall first have been inspected and assigned a vehicle inspection permit from the Homer Police Department. Vehicles shall be inspected annually as provided by this chapter. [Ord. 96-05(A) § 2, 1996; Ord. 85-7 § 1, 1985].

8.12.130 Vehicle permit – Application.

Application for vehicle permits shall be made to the Homer Police Department. [Ord. 96-05(A) § 3, 1996; Ord. 85-7 § 1, 1985].

8.12.140 Vehicle permit – Vehicle inspection.

Prior to issuance, each vehicle shall be physically examined to determine whether the same is mechanically safe for public transportation operation, properly equipped and appropriately lettered and marked and suitable for public patronage and occupancy. Infant-carrying devices shall be available for use as required by Alaska State motor vehicle laws. [Ord. 85-7 § 1, 1985].

8.12.150 Vehicle permit – Term, issuance and fee.

When satisfied the vehicle meets the requirements of safe operation for public transportation, the Chief of Police or his designee shall issue a vehicle inspection permit. The permit shall be valid for a one-year period or portion thereof, expiring on June 30th. The permit, which will be a sticker or decal, shall be displayed at all times from the front windshield of the vehicle. Vehicle permits are nontransferable from vehicle to vehicle. Permit fee amounts shall be set by Council resolution and set forth in the City of Homer fee schedule. [Ord. 04-01 § 1, 2004; Ord. 96-05(A) § 4, 1996; Ord. 85-7 § 1, 1985].

8.12.160 Vehicle safety inspection – Intermittent.

The Director of Public Safety, or his designee, may from time to time conduct an inspection of any vehicle for which a vehicle permit has been issued for the purpose of ascertaining whether the vehicle conforms to those standards and criteria on which the permit was originally granted. [Ord. 85-7 § 1, 1985].

8.12.170 Vehicle permit – Suspension/revocation.

a. Subsequent to the issuance of a vehicle permit, the Chief of Police may cause and effectuate a temporary suspension of the same by written notice for failure to comply with any provision or prerequisites to issuance.

b. A suspended vehicle permit shall be restored immediately upon removal or correction of the cause which brought about the suspension and no fee shall be imposed for such restoration.

c. Revocation of vehicle permits may occur if the provisions of suspension are not satisfied within the time specified by the Chief of Police in the notification of suspension. Revocation caused by mechanical/safety equipment faults shall require a new mechanical inspection and issuance of another vehicle permit. All notifications of suspension shall be posted prominently in the place of business for which the vehicle permit has been issued. [Ord. 96-05(A) § 5, 1996; Ord. 85-7 § 1, 1985].

8.12.200 Chauffeur's license – Required.

Anyone operating a public transportation vehicle upon the streets of the City shall first apply for, be issued and thereafter hold in effect a City chauffeur's license granted by the Homer Police Department.

a. To apply for, be issued and thereafter hold a chauffeur's license, the applicant shall possess the following qualifications:

1. The applicant shall be 19 years of age or older;

2. The applicant shall possess a current Alaska State driver's license;

3. The applicant shall not;

a. Have been convicted of sexual offense;

b. Have been convicted of a felony involving a substance controlled under AS Title 11;

c. Have been convicted of a felony or misdemeanor involving a crime of violence;

d. Have been convicted of a felony and imprisoned under such convictions under sentences which were not concurrent;

e. Have been convicted of any felony wherein any portion of the sentence imposed thereon existed within five years immediately preceding the application;

f. Have been convicted of a misdemeanor involving contributing to the delinquency of a minor;

g. Be currently charged or awaiting trial or other disposition under any of the foregoing offenses listed in this subsection.

b. The applicant shall provide documentation that he/she has, within the last 30 days, undergone physical examination conducted by a physician. Such physical examination shall meet the requirements set by the Kenai Peninsula Borough for school bus operators.

c. The applicant shall consent to fingerprinting by the Homer Police Department.

d. The applicant shall pay a nonrefundable application fee of $25.00 plus a fingerprint processing fee as set forth in AS 44.41.025(b), plus fingerprint and any other processing fees in the amount determined by Council resolution and set forth in the City administrative fee schedule. [Ord. 04-41, 2004; Ord. 98-12 § 1, 1998; Ord. 96-05(A) § 6, 1996; Ord. 85-7 § 1, 1985].

8.12.220 Chauffeur's license – Issuance, term, fee.

Upon satisfactory compliance with the requirements of this chapter, the Chief of Police or his designee shall issue a chauffeur's license to the applicant. Chauffeur's licenses shall display a current photograph of the applicant and be prominently displayed in the public transportation vehicle. All chauffeur's licenses shall expire on December 31st following the date issued and shall be renewed biannually thereafter. [Ord. 98-12 § 2, 1998; Ord. 96-05(A) § 7, 1996; Ord. 85-7 § 1, 1985].

8.12.230 Chauffeur's license – Suspension/revocation.

The Chief of Police or his or her designee may temporarily suspend or permanently revoke a chauffeur's license for any of the following causes subject to administrative hearing and appeals provisions of this chapter:

a. False or erroneous material statements contained in the licensee's application and which were conducive to the issuance of the license.

b. Failure of the licensee to properly display, in any public transportation vehicle permitted under this chapter, the chauffeur's license containing identifying photograph.

c. Operation within the City of public transportation vehicles for which a vehicle permit, as provided for in this chapter, has not been issued or has been suspended or revoked.

d. Any conduct while operating a public transportation vehicle in the City that would constitute a felony or misdemeanor under State law.

e. Any conduct that would constitute a violation of this chapter.

f. Using or operating a public transportation vehicle in a negligent or reckless manner.

g. Failure to remain qualified to hold a chauffeur's license under HCC 8.12.200(a).

h. Driving a public transportation vehicle after being ordered out of service under HCC 8.12.250, under AS 28.33.130, or under regulations adopted under AS 28.05.011.

i. Refusal to submit to a chemical test in violation of AS 28.35.032.

j. Refusal to submit to a breath test or a preliminary breath test at the request of a law enforcement officer under AS 28.35.031(a) or (b).

k. Leaving the scene of an accident in violation of AS 28.35.050 and 28.35.060, or failing to file, or providing false information in, an accident report in violation of AS 28.35.110. [Ord. 03-13 § 2, 2003; Ord. 96-5(A) § 8, 1996; Ord. 85-7 § 1, 1985].

8.12.240 Purging of criminal record.

A person who applies for any license under this chapter two years or more after conviction of a misdemeanor and 10 years or more after conviction of a felony may be considered purged of his criminal record and prior conviction alone shall not bar the issuance of a license to the applicant. [Ord. 96-05(A) § 9, 1996; Ord. 85-7 § 1, 1985].

8.12.250 Out of service orders.

a. A person may not operate a public transportation vehicle or be on-duty:

1. If, within the preceding four hours, the person:

a. Consumed or was under the influence of:

i. An alcoholic beverage;

ii. A controlled substance not prescribed by a physician; or

iii. A controlled substance prescribed by a physician that might impair a person's ability to operate a public transportation vehicle; or

b. Had any measurable alcohol concentration within the blood or breath or any detectable presence of alcohol;

2. While in possession of an alcoholic beverage or a controlled substance not prescribed by a physician unless:

a. The alcoholic beverage or controlled substance is manifested and documented as part of an authorized shipment of cargo; or

b. Under AS 04, the alcoholic beverage may be legally served to passengers being carried for hire;

3. After being placed out of service for violation of a regulation adopted under AS 28.05.011;

4. After being placed out of service under AS 28.33.130; or

5. With an invalid operator's or commercial operator's license.

b. An employer, or a peace officer, who has reasonable grounds to believe that a person has violated subsection (a) of this section, shall immediately give the person a written notice ordering the person out of service. If it is not possible to issue a written out of service order, a verbal order may be issued. An employer may not knowingly allow, require, permit, assign, or authorize a person to operate a public transportation vehicle or be on-duty during a period in which:

1. The person has been ordered out of service under this section; or

2. The person has violated subsection (a) of this section, even if an out of service order has not been issued.

c. A person who is ordered out of service under this section:

1. May not operate a public transportation vehicle or be on-duty for 24 hours following issuance of the out of service order; and

2. Shall report that fact, in writing:

a. Within 24 hours to the person's employer;

b. Within seven days to the Homer Police Department; and

c. Within 30 days to the Alaska Department of Administration if the person possesses a commercial motor vehicle license.

d. In this section:

1. "Controlled substance" means any substance listed as being controlled under AS 11.71 or 21 U.S.C. 812 and 813, or determined under Federal regulations to be controlled for purposes of 21 U.S.C. 801 and 813 (Controlled Substances Act);

2. "Employer" means a person who:

a. Provides compensation to a person who operates a public transportation vehicle, including wages or other remuneration, whether through an employment relationship or by contract; or

b. Acts as an agent of someone who provides compensation to a person who operates a public transportation vehicle, with authority to allow, require, permit, assign, or authorize the person being compensated to operate a public transportation vehicle.

e. An out of service order issued under this section is not subject to the administrative hearing requirements of HCC 8.12.600. [Ord. 03-13 § 3, 2003].

8.12.300 Exemptions.

A vehicle that is designed to transport 16 or more persons, including the driver, is exempt from the requirements of this chapter. A chauffeur's license is not required to operate a vehicle that is designed to transport 16 or more persons, including the driver. [Ord. 11-33, 2011; Ord. 96-05(A) § 10, 1996; Ord. 86-15 § 1, 1986].

8.12.400 Rates/fares – Public notice and display.

All vehicles operating under this chapter shall give public notice of all rates/fares and charges by prominently displaying the schedule of same on the vehicle dashboard. [Ord. 85-7 § 1, 1985].

8.12.450 Insurance.

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

a. The insurance required by this section for vehicles with a seating capacity of 10 persons or less shall provide coverage as follows. Minimum insurance requirements are:

1. For bodily injury and property damage, a limit not less than $300,000 comprehensive single limit liability;

2. For all persons injured or dead in any one accident caused by an uninsured motorist, $50,000.

b. The insurance required by this section for vehicles with a seating capacity of 11 persons or more shall provide coverage as follows:

1. For bodily injury and property damage, a limit not less than $500,000 comprehensive single limit liability;

2. For all persons injured or dead in any one accident caused by an uninsured motorist, $50,000.

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

8.12.460 Waiver of Homer Chief of Police.

The Chief of Police is authorized to waive any requirement under this chapter, for good cause shown, on a temporary or emergency basis, for a period not to exceed 30 days. If the matter has not been resolved within the 30-day period, the Chief of Police, at his discretion, may extend the waiver for an additional 10-day period. No further extension shall be granted. [Ord. 96-05(A) § 11, 1996; Ord. 86-15 § 1, 1986].

8.12.500 Public transportation – Complaints.

All complaints regarding operations by public transportation vehicles, when not settled satisfactorily by the licensee, shall be directed to the Chief of Police or his designee. The Chief of Police may notify the licensee upon receipt of any such complaint. [Ord. 96-05(A) § 12, 1996; Ord. 85-7 § 1, 1985].

8.12.600 Public transportation – Revocation or suspension – Administrative hearing.

a. Before suspending or revoking any public transportation permit or license, a hearing officer, who shall be the Chief of Police, or a person designated by the Chief of Police, shall conduct an administrative hearing into the cause for suspension or revocation.

b. Notice shall be given by certified mail, return receipt requested, to the permit or license holder and any complainant, of the intent to revoke or suspend the permit or license, naming a specific cause for such action. The notice shall precede the hearing by no less than 15 days and shall include, but is not limited to, the following:

1. The nature of violation or complaint causing revocation or suspension action;

2. The date, time and place of the hearing;

3. The procedure by which the licensee may appeal the decision of the administrative hearing.

c. After conclusion of the administrative hearing, a written determination of the issues, including conclusions and findings, shall be prepared and signed by the hearing officer.

d. A copy of the written determination shall be sent by mail to all persons who were entitled to notice of the hearing and to the City Manager and the City Clerk. The time for appeal from the decision of the hearing officer begins to run three days after the date of mailing. [Ord. 03-13 § 4, 2003; Ord. 96-05(A) § 13, 1996; Ord. 85-7 § 1, 1985].

8.12.700 Public transportation – Appeals.

a. This section and HCC 8.12.710 govern all appeals from administrative determinations made under this chapter. The City Manager shall hear appeals from decisions of the hearing officer conducted under HCC 8.12.600, provided first there has been an administrative hearing resulting in a written determination with conclusions and findings.

b. An appeal from an administrative determination, including without limitation a suspension or revocation of a vehicle permit or chauffeur's license, must be filed within 15 days of the date of mailing the written determination of the administrative hearing. Any decision not appealed within that time shall be unappealable.

c. All appeals to the City Manager shall be filed in writing with the City Clerk. The notice of appeal will contain, but not be limited to, the following:

1. Name and address of the appellant;

2. A description of the action or determination from which the appeal is sought;

3. The grounds for appeal which must include a description of detailed and specific allegations of error.

d. Appeals to the Superior Court from the decision of the City Manager shall be filed no later than 30 days following the date of mailing the decision of the City Manager to the parties. [Ord. 03-13 § 5, 2003; Ord. 96-05(A) § 14, 1996; Ord. 85-7 § 1, 1985].

8.12.710 Appeals procedure.

a. All appeals to the City Manager must be decided by the City Manager or a hearing officer designated by the City Manager within 60 days from the day the appeal was properly filed.

b. The appellant, complainant and all parties who have participated or been a party to the administrative hearing and decision shall be provided with 15 days' notice of the appeal hearing by mail, or upon request by facsimile or electronic mail.

c. An electronic recording shall be kept of the entire proceeding. The electronic recording shall be preserved for one year unless required for further appeals.

d. The appeal record shall include following:

1. Complaints, notices and correspondence regarding the administrative hearing, and all exhibits introduced at the hearing;

2. The tape recording of the administrative hearing;

3. Written findings and conclusions setting out the decision of the administrative hearing.

e. The City Manager or designated hearing officer shall issue a written decision including findings and conclusions. A copy of the decision shall be promptly mailed to all parties participating in the appeal. [Ord. 03-13 § 6, 2003; Ord. 85-7 § 1, 1985].