

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 318

Short Title: Campaign Drivers Licensed as Taxi.

(Public)

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Sponsors: Representatives Cummings; Arnold, Brawley, Clary, Cocklereece, Davis, Grady, Pate, Preston, Shubert, Snowden, and G. Wilson.

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Referred to: Judiciary II.

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February 28, 1995

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT A PERSON WHO MAKES MORE THAN ONE TRIP  
2 DRIVING VOTERS TO THE POLLS ON ELECTION DAY MUST BE LICENSED  
3 AS A TAXI DRIVER.  
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 20-86 reads as rewritten:

7 "**§ 20-86. Penalty for engaging in a 'for-hire' business or driving voters to the polls**  
8 **without proper license plates.**

9 Any person, firm or corporation engaged in the business of transporting persons or  
10 property for compensation, or who makes more than one trip in a day, with or without  
11 compensation, driving voters to the polls, except as otherwise provided in this Article,  
12 shall, before engaging in such business, pay the license fees prescribed by this Article and  
13 secure the license plates provided for vehicles operated for hire. Any person, firm or  
14 corporation operating vehicles for ~~hire~~-hire, or who makes more than one trip in a day,  
15 with or without compensation, driving voters to the polls, without having paid the tax  
16 prescribed or using private plates on such vehicles shall be liable for an additional tax of  
17 twenty-five dollars (\$25.00) for each vehicle in addition to the normal fees provided in  
18 this Article; provided, that when the vehicle subject to for-hire license has attached  
19 thereto a trailer or semitrailer, each unit in the combination, including the tractor, trailer

1 and/or semitrailer, shall be subject to the additional tax as herein prescribed; provided,  
2 further that the additional tax herein provided shall not apply to trailers having a gross  
3 weight of 3,000 pounds or less."

4 Sec. 2. G.S. 20-87(1) reads as rewritten:

5 "(1) Common Carrier, Contract Carriers and Exempt For-Hire Passenger  
6 Carrier Vehicles. – For-hire passenger vehicles shall be taxed at the rate  
7 of seventy-eight dollars (\$78.00) per year for each vehicle of fifteen-  
8 passenger capacity or less and vehicles of over fifteen-passenger  
9 capacity shall be classified as buses and shall be taxed at a rate of one  
10 dollar and forty cents (\$1.40) per hundred pounds of empty weight per  
11 year for each vehicle; provided, however, no license shall be issued for  
12 the operation of any taxicab until the governing body of the city or town  
13 in which such taxicab is principally operated, if the principal operation  
14 is in a city or town, has issued a certificate showing:

- 15 a. That the operator of such taxicab has provided liability insurance  
16 or other form of indemnity for injury to person or damage to  
17 property resulting from the operation of such taxicab, in such  
18 amount as required by the city or town, and  
19 b. That the convenience and necessity of the public requires the  
20 operation of such taxicab.

21 All persons operating taxicabs on January 1, 1945, shall be entitled to a  
22 certificate of necessity and convenience for the number of taxicabs  
23 operated by them on such date, unless since said date the license of such  
24 person or persons to operate a taxicab or taxicabs has been revoked or  
25 their right to operate has been withdrawn or revoked; provided that all  
26 persons operating taxicabs in Edgecombe, Lee, Nash and Union  
27 Counties on January 1, 1945, shall be entitled to certificates of necessity  
28 and convenience only with the approval of the governing authority of  
29 the town or city involved.

30 A taxicab shall be defined as any motor vehicle, seating nine or fewer  
31 passengers, operated upon any street or highway on call or ~~demand,~~  
32 ~~accepting demand:~~

- 33 a. Accepting or soliciting passengers indiscriminately for hire  
34 between such points along streets or highways as may be directed  
35 by the passenger or passengers so being transported, and shall not  
36 include motor vehicles or motor vehicle carriers as defined in  
37 Article 17 of this ~~Chapter.~~ Chapter; or  
38 b. Accepting passengers, in more than one trip in a day, with or  
39 without compensation, for the purpose of transporting them to  
40 the polls.

41 Such taxicab shall not be construed to be a common carrier nor its  
42 operator a public service corporation. A taxicab as defined by the

1                   second subdivision b. of this subdivision is also a for-hire passenger  
2                   vehicle for the purpose of this subdivision."

3                   Sec. 3. G.S. 20-280(a) reads as rewritten:

4                   "(a) Within 30 days after March 27, 1951, every person, firm or corporation  
5 engaging in the business of operating a taxicab or taxicabs within a municipality shall file  
6 with the governing board of the municipality in which such business is operated proof of  
7 financial responsibility as hereinafter defined.

8                   No governing board of a municipality shall hereafter issue any certificate of  
9 convenience and necessity, franchise, license, permit or other privilege or authority to  
10 any person, firm or corporation authorizing such person, firm or corporation to engage in  
11 the business of operating a taxicab or taxicabs within the municipality unless such person,  
12 firm or corporation first files with said governing board proof of financial responsibility  
13 as hereinafter defined.

14                   Within 30 days after the ratification of this section, every person, firm or corporation  
15 engaging in the business of operating a taxicab or taxicabs without the corporate limits of  
16 a municipality or municipalities, shall file with the board of county commissioners of the  
17 county in which such business is operated proof of financial responsibility as hereinafter  
18 defined.

19                   No person, firm or corporation shall hereafter engage in the business of operating a  
20 taxicab or taxicabs without the corporate limits of a municipality or municipalities in any  
21 county unless such person, firm or corporation first files with the board of county  
22 commissioners of the county in which such business is operated proof of financial  
23 responsibility as hereinafter defined.

24                   For the purpose of this section, operation of a taxicab includes making more than one  
25 trip in a day, with or without compensation, driving voters to the polls."

26                   Sec. 4. G.S. 160A-304 reads as rewritten:

27 **"§ 160A-304. Regulation of taxis.**

28                   (a) A city may by ordinance license and regulate all vehicles operated for hire in  
29 the city. The ordinance may require that the drivers and operators of taxicabs engaged in  
30 the business of transporting passengers for hire over the public streets shall obtain a  
31 license or permit from the city; provided, however, that the license or permit fee for  
32 taxicab drivers shall not exceed fifteen dollars (\$15.00). The ordinance shall also include  
33 within the definition of a driver of a taxicab any person making more than one trip in a  
34 day, with or without compensation, driving voters to the polls. The ordinances may also  
35 specify the types of taxicab services which are legal in the municipality; provided, that in  
36 all cases shared-ride services as well as exclusive-ride services shall be legal. Shared-ride  
37 service is defined as a taxi service in which two or more persons with either different  
38 origins or with different destinations, or both, occupy a taxicab at one time. Exclusive-  
39 ride service is defined as a taxi service in which the first passenger or party requests  
40 exclusive use of the taxicab. The following factors shall be deemed sufficient grounds for  
41 refusing to issue a permit or for revoking a permit already issued:

- 1 (1) Conviction of a felony against this State, or conviction of any offense
- 2 against another state which would have been a felony if committed in
- 3 this State;
- 4 (2) Violation of any federal or State law relating to the use, possession, or
- 5 sale of alcoholic beverages or narcotic or barbiturate drugs;
- 6 (3) Addiction to or habitual use of alcoholic beverages or narcotic or
- 7 barbiturate drugs;
- 8 (4) Violation of any federal or State law relating to prostitution;
- 9 (5) Noncitizenship in the United States;
- 10 (6) Habitual violation of traffic laws or ordinances.

11 The ordinance may also require operators and drivers of taxicabs to display prominently  
12 in each taxicab, so as to be visible to the passengers, the city taxi permit, the schedule of  
13 fares, a photograph of the driver, and any other identifying matter that the council may  
14 deem proper and advisable. The ordinance may also establish rates that may be charged  
15 by taxicab operators, may limit the number of taxis that may operate in the city, and may  
16 grant franchises to taxicab operators on any terms that the council may deem advisable.

17 (b) When a city ordinance grants a taxi franchise for operation of a stated number  
18 of taxis within the city, the holder of the franchise shall report at least quarterly to the  
19 council the average number of taxis actually in operation during the preceding quarter.  
20 The council may amend a taxi franchise to reduce the number of authorized vehicles by  
21 the average number not in actual operation during the preceding quarter, and may transfer  
22 the unused allotment to another franchised operator. Such amendments of taxi franchises  
23 shall not be subject to G.S. 160A-76. Allotments of taxis among franchised operators  
24 may be transferred only by the city council, and it shall be unlawful for any franchised  
25 operator to sell, assign, or otherwise transfer allotments under a taxi franchise."

26 Sec. 5. This act is effective upon ratification.