

FIRST READING 8-14-12
SECOND READING 9-21-12

ORDINANCE NO. 12639

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 35, SECTIONS 35-44 AND 35-59 RELATIVE TO TEMPORARY MEDICAL EXCEPTIONS FOR DRIVERS OF VEHICLES FOR HIRE.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 35, Section 35-44, Subsection (d), is amended by deleting same in its entirety and substituting in lieu thereof the following:

Sec. 35-44. Duty of Transportation Inspector(s) to Enforce Ordinance.

- (d) All vehicles for hire must meet the insurance requirement of this section even if the privilege for a vehicle for hire has been suspended by this board. If a vehicle for hire becomes inoperable for any reason other than suspension of the privilege and is not being used in the business of transporting passengers for hire, including during the period of a Temporary Medical Exception as set forth in Section 35-59(c), the certificate holder shall notify the transportation inspector in writing that the vehicle is inoperable and/or not in use and insurance will no longer be required after such written notice is given. The certificate holder shall keep an accurate list of all privileges for vehicles operating under the certificate holder's franchise or umbrella.

SECTION 2. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 35, Section 35-59, is amended by deleting same in its entirety and substituting in lieu thereof the following:

Sec. 35-59. Term; renewal fee; temporary medical exception.

- (a) Each taxicab driver's permit shall be issued for a period of one (1) year or any part thereof, with all permits issued pursuant to this article expiring on the driver's birth date of each year. A permit for the one-year period or any portion thereof shall be issued upon the payment of ten dollars (\$10.00) unless the permit for the preceding year has been revoked. A five dollar

(\$5.00) fee shall be charged for all replacement or temporary taxicab driver permits.

- (b) The Transportation Board or Transportation Inspector may require a driver to submit an updated medical exam or DOT drug and alcohol test when a driver applies to renew his drivers permit or upon the expiration of a Temporary Medical Exception as set forth in Section 35-59(c). A driver may appeal a decision of the Transportation Inspector requiring a DOT drug and alcohol test to the Transportation Board or as allowed by law. The Transportation Board shall determine the process and procedures for renewal of driver permits.
- (c) Temporary Medical Exception.
 - (1) Upon receipt of a statement from a licensed physician and/or optometrist that certifies that a driver has a medical condition which temporarily prohibits or impairs the driver's ability to operate a motor vehicle, the Transportation Inspector may grant the driver a Temporary Medical Exception from the financial responsibility requirements contained in Section 35-55. In no event shall the Temporary Medical Exception exceed six (6) months.
 - (2) During such period that the Temporary Medical Exception is in effect, the driver shall be prohibited from operating a vehicle for hire pursuant to this Chapter.
 - (3) Upon expiration of the Temporary Medical Exception, the prohibition on operating a vehicle for hire pursuant to this Chapter shall remain in effect until the Transportation Inspector receives proof of financial responsibility and an updated statement from a licensed physician and/or licensed optometrist certifying that the driver satisfies the physical and vision requirements in Section 35-55 of this Chapter. If the driver is unable to provide proof of financial responsibility and the appropriate medical certifications at that time, action may be taken to suspend and/or revoke the driver's permit.
 - (4) During the period of the Temporary Medical Exception, the driver shall remain responsible for the payment of fees and for complying with all other requirements of this Chapter. Nothing in this Section shall preclude suspension, revocation, or show cause proceedings against a driver for violating any other provision of this Chapter.

- (d) Pursuant to state and federal law, all medical records and certifications received by the City pursuant to this Section shall be kept confidential.

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

PASSED on Second and Final Reading

August 21, 2012.


CHAIRPERSON

APPROVED: DISAPPROVED:

DATE: 8/23, 2012


MAYOR

PPB/mms