

CHAPTER 8 - ENFORCEMENT

801 Enforcement.

1. The Director shall maintain constant vigilance over all Vehicles for Hire regarding quality, cleanliness and appearance, and general operational fitness, and over all drivers of Vehicles for hire to insure compliance with this Code.
2. The Commission, and the Director and its agents, shall have full authority to enforce this Code.
3. The Director shall impose reasonable measures intended to ensure compliance with the rules approved by the Commission. Notices of such measures shall be served by hand delivery to the violator or by mailing a copy by regular mail, postage prepaid, addressed to the violator. All such measures must be imposed and completed within a reasonable period of time not to exceed thirty (30) days of the date of mailing or hand delivering the notice imposing such measure. The Commission may modify any such measure upon a finding that it is excessive in light of all of the facts of the particular case.
4. The Commission retains control over its decisions, including decisions of the Director, and may, upon stipulation of the parties or on its own motion or on motion of an aggrieved Person, after giving the aggrieved Person an opportunity to be heard and for good cause, vacate, reopen, correct, amend or modify its decisions at any time prior to filing of a petition for court review. After filing of a petition for court review, the Commission may vacate, amend or modify a decision upon stipulation of the parties.
5. The Director may destroy records, reports, and other related documents at any time if such records, reports, and other related documents have been photographed, micro photographed, electronically generated, electronically recorded, Photostatted, reproduced on film or other process capable of producing a clear, accurate and permanent copy of the original. Such film or reproducing material shall be of durable material and the device used to reproduce the records, reports, returns, and other related documents on film or material shall be such as to accurately reproduce and perpetuate the original records, reports, returns and other documents in all details. Such reproduction shall be valid and admissible as though it was in the original paper format for all purposes of the Commission. --- (Adopted August 8, 2003)

CHAPTER 9 - AMENDMENTS - RULES PROMULGATED BY THE DIRECTOR - SURCHARGES

901 Amendments – Rules Promulgated by the Director – Surcharges.

1. The Commission shall have the power to amend this Code as provided by section 67.1812 RSMo.
2. The Director shall promulgate rules, approved by the Commission, which spells out in detail reasonable measures to ensure compliance with each section of this Code. Such rules shall encompass the operation of Vehicles the Hire in the area regulated by the Commission, including, without limitation, the equipment of vehicles, the keeping of records by drivers, the appearance, demeanor and conduct of drivers, and the disposition of property found in vehicles. The Director shall file a copy of all such rules and amendments thereto with the Commission which, after approval, shall be published and mailed as soon as practicable to all Certificate Holders, Vehicle License holders, and Driver's License holders. Such rules shall become effective five (5) days after the date of approval, and shall be consistent with this Code.
3. The Director, with the approval of the Commission, may approve reasonable fees and surcharges as necessary.
4. It shall be a violation of this Code for any Person to fail to obey such rules promulgated by the Director.

CHAPTER 11 – MEASURES TO ENSURE COMPLIANCE - SUSPENSIONS OR REVOCATION OF LICENSE

1101 Suspension or Revocation for Non-Compliance.

1. Any Person who violates or who fails to comply with or who permits or causes any Person in his, her, or its employ to violate or fail to comply with any of the provisions of this Code, unless otherwise specified in this Code, shall be subject to suspensions or revocation of such Person's certificate and/or licenses for each and every offense, as follows:
 - a. For any Class X offense for any driver or any company or both—the initial violation may result in immediate suspension or revocation. Aggravating or mitigating factors may be considered in determining whether to immediately suspend, the duration of suspension or whether to revoke.
 - b. For any Class I offense:
 - i. for any driver---the first violation in any eighteen (18) month period results in a five (5) day suspension and the second violation within the eighteen (18) month period results in a revocation, and
 - ii. for any company---the first violation in any eighteen (18) month period results in a suspension and the second violation within any eighteen (18) month period results in a revocation.
 - c. For any Class II offense for any driver or any company or both---

Third violation – one (1) day suspension

Fourth violation – three (3) day suspension

Fifth violation – seven (7) day suspension

Sixth violation – fourteen (14) days suspension

Seventh violation – one hundred eighty (180) days suspension

Eighth violation - revocation
 - d. As to Class I and II violations, the completion of an eighteen (18) month period without violation of any class, the violator's past violations will not be considered in assessing measures to ensure compliance. This sub section (d) does not apply to Class X violations.
2. Any Person operating a Vehicle for Hire without a Driver's License or while a Driver's License is suspended will, in addition, be subject to revocation.

3. The Director may suspend for a period up to one hundred eighty (180) days, or revoke, the license of any Vehicle for Hire and/or a Driver's license if the Director finds one (1) or more of the following:
 - a. That the Owner, Lessee or driver violated any provision of this Code or any rule or regulation of the Director;
 - b. That the Owner, Lessee or driver made an intentional misstatement or misleading statement of fact in the application not discovered until after the issuance of said license;
 - c. That any Owner, Lessee or driver has been convicted or pled guilty to one or more of the following:
 - i. A felony violation of any state statute or law involving any crime against Persons, including but not limited to all forms of assaults within ten (10) years of the application or within ten (10) years of release from prison for said felony convictions; or
 - ii. A felony violation of any state statute or law of any crime involving moral turpitude within ten (10) years of the application or within ten (10) years of release from prison for said felony conviction; or
 - iii. A violation of any federal or state statute involving terrorism or terrorist activity.
4. In the event that the Director suspends or revokes a Vehicle License or Driver's license the Director shall notify the license holder by certified mail of the suspension or revocation and state the reason for the action and the procedure for appeal pursuant to Chapter 12 of this Code. If the Director determines that there is an immediate threat to the health, safety, and welfare of the public, the suspension shall take effect immediately. Otherwise, the suspension shall take effect after ten (10) days' notice to the driver, except as otherwise provided below.
5. The Director may suspend or revoke a Driver's License if the driver is charged with any felony involving drugs, alcohol or physical assault or abuse. If the Director determines that there is an immediate threat to the health, safety, and welfare of the public, the suspension shall take effect immediately. Otherwise, the suspension shall take effect after five (5) days' notice to the driver. Within ten days after notice of suspension or revocation, the driver shall have the right to request a hearing before the Director, which shall be held within three (3) business days, unless the driver agrees to a later time. The Director may continue to suspend the Driver's license until the charges have been resolved to the Director's satisfaction. Otherwise, the Director may suspend a Driver's License up to ninety (90) days. If the Director suspends or revokes a Driver's License because of pending felony charges, the suspension or revocation shall be in writing stating the reason for said suspension and the procedure for requesting a hearing pursuant to this section and for appeal pursuant to Chapter 12 of this Code and sent by certified mail to the driver.