

1. Agenda

Documents: [12.19.14.DOC](#)

2. Approval Of November 19, 2014 Meeting Minutes

Documents: [TSE MEETING NOTES 11 19 14.PDF](#)

3. Action Items: (Public Comment Will Be Taken)

- 3.I. Sewell Street - Taxi Stand Area

Documents: [SEWALL ST TAXI STAND ENDORSE MEMO.PDF](#), [SEWALL STREET COUNCIL ORDER.PDF](#), [SEWELL ST GRAPHIC.PDF](#)

- 3.II. Uber

Documents: [UBER MEMORANDUM.PDF](#)

4. Committee Updates/Input Sought

- 4.I. Goals/Input For Items From The Committee To Staff

- 4.II. Year In-Review

Documents: [2014 TSE YEAR IN REVIEW.PDF](#)

5. Future Committee Meeting Schedule For January And February 2015

CITY OF PORTLAND, MAINE
The Transportation, Sustainability and Energy Committee

Transportation, Sustainability and Energy Committee

DATE: 12/17/2014
TIME: 5:30 PM
LOCATION: Room – Council Chambers
City Hall

AGENDA

Introduction of New Committee Member

1. Approval of November 19, 2014 Meeting Minutes
2. Action Items: (Public Comment will be taken on these items)
 - A. Traffic Schedule Amendment- Endorse/forward to City Council
 1. Sewell Street – Taxi Stand Area
 - B. Uber
3. Committee Updates/Input Sought:
 - A. TS&E Year-in-Review
 - B. Goals/Input for Items from the Committee to Staff for 2015
- 4 Future Committee Meeting Schedule for January and February 2015

Councilor David A. Marshall, Chair
Councilor Jon Hinck, Vice Chair
Councilors Justin Costa and Kevin Donoghue

CITY OF PORTLAND, MAINE

Standing Committee on Transportation, Sustainability and Energy
Councilor David Marshall (D2), Chair
Councilor Jon Hinck (A/L), Vice Chair
Councilor Kevin Donoghue (D1)
Councilor Cheryl Leeman (D4)

November 19, 2014 Meeting Minutes

Attendees: Chair David Marshall, Councilor Kevin Donoghue, Councilor John Hinck, Sheila Hill-Christian, Michael Bobinsky, Melissa Graffam, Mike Farmer, Nancy Gallinaro, Ben Pearson, Christine Grimando, Troy Moon

1. Approval of October 15, 2014 Meeting Minutes

Motion made by Councilor Donoghue to approve said meeting minutes. Seconded by Councilor Hinck. Passed 3-0. (Councilor Leeman was absent from the meeting)

2. A. Thompson's Point TIF Usage – "Hub Link" Transit Plan Communication Item

3. A. Fats, Oils and Grease (FOG)

Ben Pearson went over what the FOG program would be requiring of food service establishments. Ben mentioned that his office works cooperatively with applicants on a site-by-site basis to determine the proper equipment is met the standards. The Committee asked for public comments.

Dick Grondin, Maine Restaurant Association – The system is coming along well and sees that the right people are doing this work. He was unclear how this affects current restaurants.

Ben said that as long as current restaurants keep a record of their maintenance and keep up with it, they should be ok.

3. B. Deering Oaks Pond Water Quality Improvements

Amanda Martin, a student from the University of Southern Maine who is studying environmental sciences, presented a slideshow showing "Wetland Restoration in an Impounded Pond- Deering Oaks Park". Before she started she did state that she liked the new proposal that the City has worked on for the pond water quality improvements. During her presentation she said she would like to see more shrubs/vegetation protection for pollution protection to the pond from the cars on State Street.

Consultants Dave Senus and Regina Leonard presented the newest proposal for the water quality improvements. This proposal (Alternative #5), Stabilization Pond Bottom and Partial Naturalization would contain the following: Stabilize majority of pond bottom; perform annual maintenance to remove accumulated sediment and trash; maintain existing open water areas as

open water; naturalize the ravine area (plant additional vegetation to supplement what currently grows in the area).

The committee supports Alternative #5.

4. Adjourn

Meeting adjourned at 7:31 p.m.



Michael J. Bobinsky
Director of Public Services

Memo

To: District 2 Councilor David Marshall, Chair, Transportation, Sustainability, & Energy Committee
At-Large Councilor Jon Hinck, Vice-Chair, Transportation, Sustainability, & Energy Committee
District 1 Councilor Kevin Donoghue, Transportation, Sustainability, & Energy Committee
District 4 Councilor Justin Costa, Transportation, Sustainability, & Energy Committee

From: Michael Bobinsky, Director of Public Services

CC: Sheila Hill-Christian, Acting City Manager
John Peverada, Parking Manager
Jeremiah Bartlett, PTOE, PE, Transportation Systems Engineer
Kathi Earley, PE, Engineering Services Manager

Date: December 12, 2014

Re: Traffic Schedule Amendment – Sewall St Taxi Stand area

The Department of Public Services (DPS) and Parking Manager request your formal endorsement to seek City Council action to amend the Traffic Schedule in order to install "S" taxi stands on Sewall Street.

A graphic and sample Council Order are attached; background and further details will be provided in your December 17, 2014 meeting.

MICHAEL F. BRENNAN (MAYOR)

CITY OF PORTLAND

DAVID BRENERMAN (5)

KEVIN J. DONOGHUE (1)

IN THE CITY COUNCIL

JILL C. DUSON (A/L)

DAVID A. MARSHALL (2)

JON HINCK (A/L)

EDWARD J. SUSLOVIC (3)

NICHOLAS MAVADONES (A/L)

JUSTIN COSTA (4)

TRAFFIC SCHEDULE AMENDMENT

Ordered: that the City of Portland's Traffic Schedule be and is hereby amended as follows:

By Adding under Sewall Street:

From a point at the northeasterly corner of the emergency access way leading to Thompson's Point Road and running easterly and northeasterly for 56 feet – NO PARKING – TAXI ZONE

Schedule X



TAXI STANDING AREA #3 5 SPACES

SEWALL STREET

NO PARKING AT ANY TIME

Thompsons Point

TAXI STANDING AREA #1 4 SPACES

TAXI STANDING AREA #2 3 SPACES

Concord Bus and Downeaster Train Terminal

© 2014 Google
Image © 2014 Maine GeoLibrary

Google earth

43°39'16.19" N 70°17'28.37" W elev 31 ft eye alt 407 ft

**CITY OF PORTLAND
MEMORANDUM**

TO: Chair Marshall and
Members of the Transportation, Sustainability & Energy Committee

CC: Sheila Hill-Christian, Acting City Manager

FROM: Danielle P. West-Chuhta, Corporation Counsel

DATE: December 10, 2014

RE: Uber Transportation Services

As you may know, Uber Transportation Services (Uber)¹ has been providing its services to Portland commuters since October 2014. Prior to Uber beginning services within the City, the City Code was reviewed and it was determined that the City's current taxi and livery ordinance and regulations do not specifically address or cover these service(s). Due to the lack of applicable ordinance provisions and regulations and some questions about Uber and its services (See Attachment A), as well as concerns about passenger and driver safety, City staff is now bringing the entire matter before the Committee in order to determine appropriate next steps including, but not limited to, whether or not the City Code (Ch. 30) should be amended to address the services provided by Uber; whether or not fees should be charged (to Uber and/or the individual drivers); and how to address Uber drivers at the Jetport.²

First, by way of background information, Uber has been defined in numerous other municipalities throughout the country as a transportation network company/service³ that provides rides to interested parties through the use of an application ("app") on your cell phone. See Attachment B at p.1. "With the tap of a button, riders create a pre-arranged reservation through the Uber app. This e-requests the nearest driver, who is given the customer's pickup location. Riders are given [their] driver's name, photo, car type, and license plate number, so that they can make sure they're getting in the right car with the right driver. See Attachment B at p. 1. "The

¹ Uber's own materials describe their service as "a technology company founded in San Francisco in June, 2010 . . . [its] software connects people who want rides with the most reliable transportation providers in the local area. Uber does not own any cars or employ any drivers. Rather, Uber's lead generation platform enhances financial and professional freedom for local small businesses, and access to reliable, affordable rides for local residents and visitors." See Materials Provided by Uber attached hereto as Attachment B at p. 1.

² If the committee would like to proceed forward with drafting regulations re: Uber, City staff will plan to come back with recommended ordinance amendments in February 2015.

³ A transportation network company has been defined as "a company that enables passengers to request transportation network vehicle services only through a digital platform." See Ordinances attached hereto as Attachment C.

driver's Uber app uses GPS to collect data about the trip, which is forwarded to the Uber's servers for accurate billing and receipt generation. Payments are made electronically, so no cash is exchanged. After every trip, riders and drivers are asked to rate their experience." See Attachment B at p. 1.

Additionally, it is important to note that municipalities throughout the United States have addressed Uber in several ways. Some cities have chosen to regulate Uber under separate regulations, some have grouped the services in with their taxi and livery services, and other municipalities and countries have chosen to ban all Uber operations within a given area (See Attachment E). City staff looks forward to discussing this matter with you further at your meeting on December 17th.

Attachment

A

>>> Gordon <gsmith55@maine.rr.com> 12/2/2014 7:02 PM >>>

Monday evening, my girlfriend and I came out of Gritty's in the Old Port to wait for a cab I had called while still in the bar. As we stepped out, an unmarked car at the curb rolled down the passenger side window, and the driver asked if we were waiting for a cab. I said yes, but that I had already called one. He told me that he had been sent instead. I pointed out that I literally just got off the phone, so there was no time for him to have been sent. Then I asked what company he was with, he informed me that he was with Uber Taxi, and that they were taking over the cab business for the city of Portland. When we refused to get in, he got belligerent, but we simply walked away and waited a few feet behind him. Our cab showed up shortly thereafter, and we got home without incident. Is there no enforcement of cabs in this city? How can someone in an unmarked car get away with passing himself off as a taxi? I realize that Portland police have more important things to worry about; major crimes like graffiti, but someone needs to give a damn and actually do something.

Gordon Smith
110 High St.
Apt 2R
Portland 04101
233-2216

Hello Councilor Marshall, Thank you for getting back to me regarding the arrival of UBER Rideshare. I would be happy to meet with you in person or we can continue via email, please let me know your preference. I do feel that this should be discussed sooner than later.

Gregg Isherwood - President
Custom Coach and Limousine
19 Bartlett Rd Gorham, ME 04038
207-797-9100 Fax 207-797-9090

"You'll Get Accustomed to Custom"

CELEBRATING 26 YEARS IN BUSINESS!

From: Dave Marshall [mailto:marshalldistrict2@gmail.com]
Sent: Thursday, October 09, 2014 1:13 PM
To: Gregg Isherwood
Cc: Michael Brennan; Cheryl Leeman; Jon Hinck; Kevin Donoghue; Sheila Hill-Christian; Danielle West -Chuhta
Subject: Re: UBER "Rideshare"

Hello Mr. Isherwood,

Thanks for contacting us about your concerns regarding Uber rideshare. A taxi driver contacted me with similar concerns. This is a policy area that I am interested in learning more about. It appears other communities are struggling to regulate rideshare app companies.

On this email I have copied the Action City Manager and City Attorney.

Feel free to share information regarding rideshare apps with us.

We appreciate the feedback.

On Fri, Oct 3, 2014 at 12:04 PM, Gregg Isherwood <gisherwood@customcoachandlimo.com> wrote:
Hello Mayor Brennan and Council Transportation Committee,

My name is Gregg Isherwood and I have resided in Portland for over 40 years. I have also been in the passenger transportation business since 1988 as founder and owner of Custom Coach and Limousine. As you must all be aware, UBER, the "rideshare APP" company has opened for business serving Portland and surrounding communities. So far I am not impressed with the reaction from Portland officials. From what I have heard the reaction seems to be that this is a good thing, I beg to differ. UBER identifies itself as a "Technology" company and therefore they feel they do not have to follow State and local laws regarding the Taxi and Livery industry. Their business model in Portland is the hire private contractors to use their private under insured, improperly registered, and possibly unsafe vehicles, to directly compete with the highly regulated Taxi and Livery industry. This is a slap in the face to all in this industry that have worked very hard to follow all regulations and to promote safety and confidence to their customers.

I hope you take a long hard look at UBER's business plan and recognize it is just a way to move passengers without following the rules that are in place. By cutting corners they are able to be more competitive and are likely to force a lot of good, safe, reliable passenger companies out of business.

I look forward to your expedited response.

Gregg Isherwood - President
Custom Coach and Limousine
19 Bartlett Rd Gorham, ME 04038
207-797-9100 Fax 207-797-9090

Gregg Isherwood
39 Alice Court
Portland, ME 04103
207-939-5100

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Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

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Best Wishes,
Dave Marshall

David A. Marshall
Portland City Councilor 207-409-6617
Chair
Transportation, Sustainability, and Energy Committee

Under Maine's Freedom of Access ("Right to Know") law, all e-mail and e-mail attachments received or prepared for use in matters concerning City business or containing information relating to City business are likely to be regarded as public records which may be inspected by any person upon request, unless otherwise made confidential by law.

Q: What is Uber and how is it not a taxi?

Uber is a technology company founded in San Francisco in June, 2010 and is now in over 200 markets worldwide. Uber's software connects people who want rides with the most reliable transportation providers in the local area. Uber does not own any cars or employ any drivers. Rather, Uber's lead generation platform enhances financial and professional freedom for local small businesses, and access to reliable, affordable rides for local residents and visitors.

With the tap of a button, riders create a pre-arranged reservation through the Uber app. This e-requests the nearest driver, who is given the customer's pickup location. Riders are given your driver's name, photo, car type, and license plate number, so that they can make sure they're getting in the right car with the right driver. The driver's Uber app uses GPS to collect data about the trip, which is forwarded to Uber's servers for accurate billing and receipt generation. Payments are made electronically, so no cash is exchanged. After every trip, riders and drivers are asked to rate their experience. Uber regularly reviews all customer ratings and driver feedback to ensure that we allow high quality, highly rated transportation providers and drivers to use our app and receive requests from users. Every Uber receipt includes the driver's name and photo, exact route and timeline, and fare breakdown. The receipt is a rider's detailed guide to an Uber trip.

Q: Can anyone be an Uber driver?

Before any potential partner driver is allowed to utilize the Uber platform, Uber requires him or her to undergo an independent screening by Hirease, a nationally accredited provider of background checks, using the Multi-State Criminal Database, in addition to cross checking county and federal background checks. Hirease cross checks the National Sex Offender Database, performs a lifetime Social Security trace and has ongoing reviews of drivers' motor vehicle records throughout their time on Uber. Drivers must come back with a clean bill of health in order to begin using our software.

Q: How does Uber ensure that both the driver and rider are safe and properly insured?

Uber ensures that all its partners are covered up to \$1 million of commercial liability coverage which is expressly primary from the time the driver accepts a trip to the moment the passenger steps foot outside the vehicle. We also include \$1 million of coverage for uninsured/underinsured motorists, meaning that passengers and drivers are also covered for injuries when another party is at fault and lacks sufficient insurance. We have also added contingent comprehensive and collision insurance during trips, up to \$50,000/incident with a \$1,000 deductible.

Uber was the first company to also provide up to \$100,000 in contingent liability coverage during the time where the app is on but a trip is not taking place. This policy is contingent and will apply if for whatever the driver's personal policy does not apply. Whether our partners are in the process of transporting a passenger or waiting for a request, Uber partners are covered at all times.

Q: Why shouldn't drivers that partner with Uber not have to apply for a city permit?

The drivers that will partner with Uber are not only going to be residents of that city, they are going to be teachers, retired police officers and veterans. Most of our drivers look at Uber's platform simply as a way to supplement their income. The beauty of the system is that they are allowed to do

as many or few trips on the platform as desired. Uber feels that these drivers shouldn't be required to go through the same regulatory hoops and hurdles that are required of professional drivers. What Uber will agree on is ensuring that the drivers are properly vetted, adequately insured and operating the safest vehicles on the road.

Q: What is surge pricing and how is it not price gouging?

It's happening in almost every area of commerce. Why is real estate in Manhattan more expensive than Tulsa, OK? Why do flight prices and hotel room rates go up as they near capacity? Because demand outstrips supply. The same dynamic pricing precepts apply for Uber surge pricing, it is just considerably more visible because it's happening in real-time, thanks to technology, and because we are so committed to transparency that we go above and beyond to make consumers aware of the higher pricing. Now, we most-prefer complete market equilibrium, but so long as there are giant spikes in demand for transportation on holidays and weekend nights, our best solution for meeting this demand is to incentivize increased supply by giving transportation providers the opportunity to make more money for their trouble.

Q: Will Uber service all of parts of the community – even underserved neighborhoods?

First, Uber was created because consumers craved more choice in the provision of transportation. To this day, the use of Uber remains a reliable and affordable service for customers seeking a more efficient transportation experience. Uber is not a public utility, it's a technological innovation that has brought efficiency to a market that was sorely lacking.

The beauty of the technological innovation that Uber created is that these kinds of requirements are unnecessary—where demand exists, Uber can help find it and link nearby transportation providers to service that demand. Drivers are no longer blindly seeking out customers. The dated model is one in which the guaranteed fares only exist at establishments like hotels and airports, incentivizing drivers to queue up and wait for a known fare. This has diminished existing providers' ability to actually cover the entire city, and has created market imbalances for those who need to get around, no matter where they live.

Q: How does Uber ensure against rider or driver discrimination?

Uber's technology creates a 1-1 connection between the rider and driver. Before they accept the trip, the driver is not able to see any picture or description of the rider other than the person's location. While the rider can see a picture of the driver, if there is a pattern of repeat cancellations and unfulfilled requests, they will be reviewed by staff and that partnership may be reviewed to determine if the partner or rider may remain on the system.

Driver discrimination towards riders is an unfortunate reality in many cities across the United States. Uber has made big strides to help eliminate this problem with our technology, and members of the minority communities have welcomed Uber with open arms. Local legislators in larger metropolitan cities have described the service as a saving grace because it now allows all people, regardless of race, to get around their cities where previous taxi service would have continuously passed them by.

Q: How do the drivers get paid?

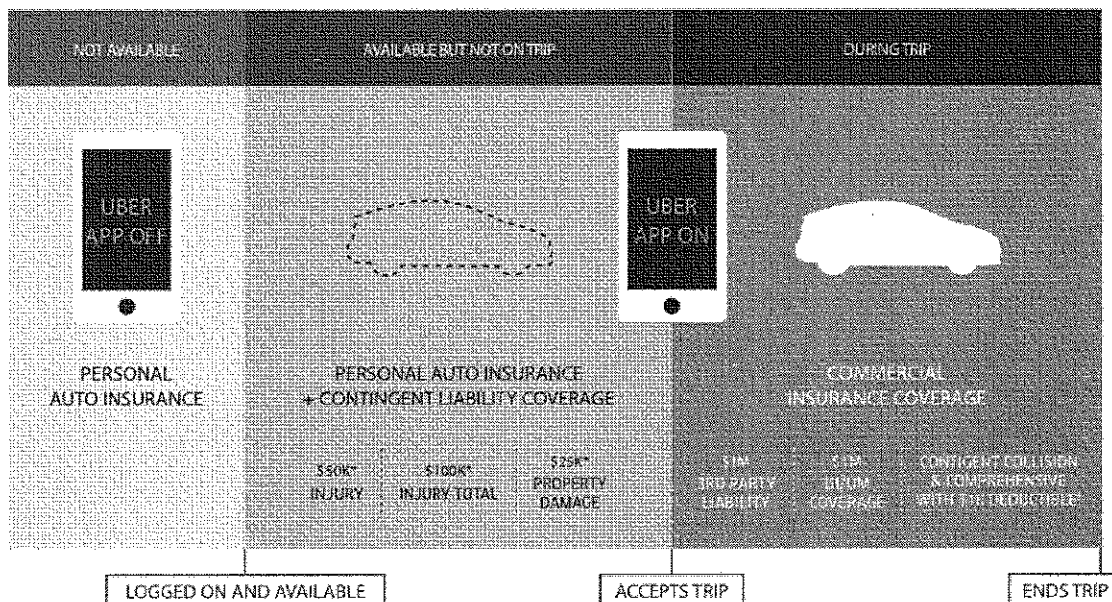
There is no tipping with Uber; there is an all-in fare in which 80 percent of the payment goes to the driver, and Uber keeps 20 percent for our services.

Since Uber started offering a ridesharing option in the U.S. more than a year ago, our commitment has been to provide riders with the best possible user experience – one they weren't getting from a taxi. In that time, we have revolutionized how people move around their cities with access to the lowest cost, most reliable, safest ground transportation out there. Our uberX offering is almost 50% cheaper than taxis in some cities and has seen massive growth as a result.

Safety is and always has been our top priority. First, we make sure all ridesharing drivers undergo background checks that are among the most stringent in the industry. Second, all ridesharing transportation partners are covered by best-in-class commercial insurance coverage in the event of an accident.

From the time a driver accepts a trip request through our app until the completion of the ride, our partners have \$1 million of coverage for driver liability. We were also the first ridesharing request service to include \$1 million of coverage for uninsured/underinsured motorists, meaning that passengers and drivers are also covered for injuries when another party is at fault and lacks sufficient insurance. This \$1 million coverage from trip acceptance to drop-off is consistent across cities and is expressly primary to a driver's personal auto insurance. We have also added contingent comprehensive and collision insurance during trips, up to \$50,000/incident with a \$1,000 deductible.

uberX Ridesharing Insurance Coverage



*PROVIDES BACK-UP COVERAGE WHEN/IF DRIVER'S PERSONAL AUTO INSURANCE DECLINES CLAIM

*PROVIDES COVERAGE IF DRIVER'S PERSONAL AUTO INSURANCE INCLUDES COLLISION COVERAGE; UP TO \$50K MAXIMUM (UPDATED 7/14/2014)

Effective March 2014, Uber now provides contingent coverage for a driver's liability at the highest requirement of any state in the U.S: \$50,000/individual/incident for bodily injury, \$100,000 total/incident for bodily injury and \$25,000/incident for property damage.

Uber is taking this step to eliminate any ambiguity while the insurance industry and state governments update policies and regulations for the new world of ridesharing transportation. We are proud to be the standard bearer on this issue as we believe that this clarity is in the public's best interest.

Over time, we fully expect that the personal insurance industry will develop additional products for ridesharing drivers. But with this new coverage today, insurance companies and legislative bodies have the time to be thoughtful in how to embrace the innovation of ridesharing in cities across the country.

We look forward to working with them and with other stakeholders to make sure safety always comes first in the cities and communities we serve.

All Uber ridesharing and livery partners must go through a rigorous background check that leads the industry. The three-step screening we've developed across the United States, which includes county, federal and multi-state checks, has set a new standard. These checks go back 7 years, the maximum allowable by California law. We apply this comprehensive and new industry standard consistently across all Uber products, including uberX.

Screening for safe drivers is just the beginning of our safety efforts. Our process includes prospective and regular checks of drivers' motor vehicle records to ensure ongoing safe driving. Unlike the taxi industry, our background checking process and standards are consistent across the United States and often more rigorous than what is required to become a taxi driver.

What exactly is involved in Uber's background checks?

All drivers are screened against:

- County courthouse records going back 7 years for every county of residence
- Federal courthouse records going back 7 years
- Multi-State Criminal Database going back 7 years
- National Sex Offender Registry screen
- Social Security Trace (lifetime)
- Motor Vehicle Records (historical and ongoing)

Criteria for drivers to pass through Uber's screening, going back seven years:

- No DUI or other drug related driving violations or severe infractions*
- No Hit and Runs
- No fatal accidents
- No history of reckless driving
- No violent crimes
- No sexual offenses
- No gun related violations
- No resisting/evading arrest
- No driving without insurance or suspended license charge in the past 3 years

The bottom line

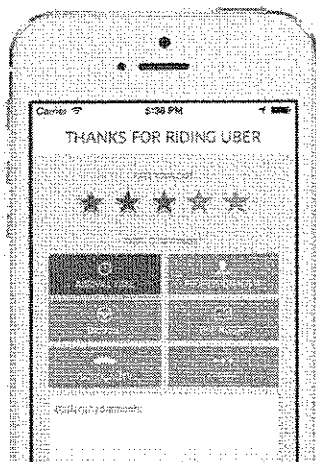
Uber works hard to ensure that we are connecting riders with the safest rides on the road. We are currently undergoing an audit by former Mayor of New York City Rudolph W. Giuliani and his security team at Giuliani Partners, who will review Uber's driver background check process and related systems. The result will be a checkup on existing processes and a series of recommendations for potential improvement – which Mayor Giuliani will work with us to implement – as we continue to build and scale strong, industry-leading safety systems. Mayor Giuliani's review will be rigorous and span months, and we are confident he will bring his renowned toughness to this review.

WHAT IS UBER?

Uber is a technology company whose smartphone application connects people who need a ride with a driver at the tap of a button. The Uber app is available in over 200 cities in 45 countries. Uber's technology gives drivers added efficiency and an opportunity to grow their own business, while giving riders access to safest and most reliable transportation options – even in traditionally underserved areas.

BACKGROUND CHECKS YOU CAN TRUST

Every ridesharing and livery driver is thoroughly screened through a rigorous process we've developed using industry-leading standards. This includes a three-step criminal background screening for the U.S. — with county, federal and multi-state checks that go back as far as the law allows — and ongoing reviews of drivers' motor vehicle records throughout their time on Uber.



ANONYMOUS FEEDBACK, FULL ACCOUNTABILITY

After every trip, we ask you to rate the driver and provide feedback about your ride — but your comments always remain anonymous to them. We are constantly monitoring feedback to help drivers improve the Uber experience they deliver. Drivers work hard to keep their ratings high, and they know our culture of accountability goes both ways.

DRIVERS RATE RIDERS TO GIVE YOU CONTROL

Driver feedback counts, too. We're not OK with any rider behavior that makes drivers concerned for their safety or the safety of their vehicles. Riders who are reported to be abusive toward drivers or violate our terms of service will lose access to the system.

DRIVER PROFILES FOR PEACE OF MIND

Making sure you always have a safe, relaxing ride starts before you even get in an Uber. You'll see your driver's name, license plate number, photo, and rating when your request is confirmed — so you know who's picking you up ahead of time. Drivers are also professional and friendly during the ride, respectful of your privacy or your preference for casual conversation. And after the trip, you'll still be able to contact the driver in case you leave something behind.



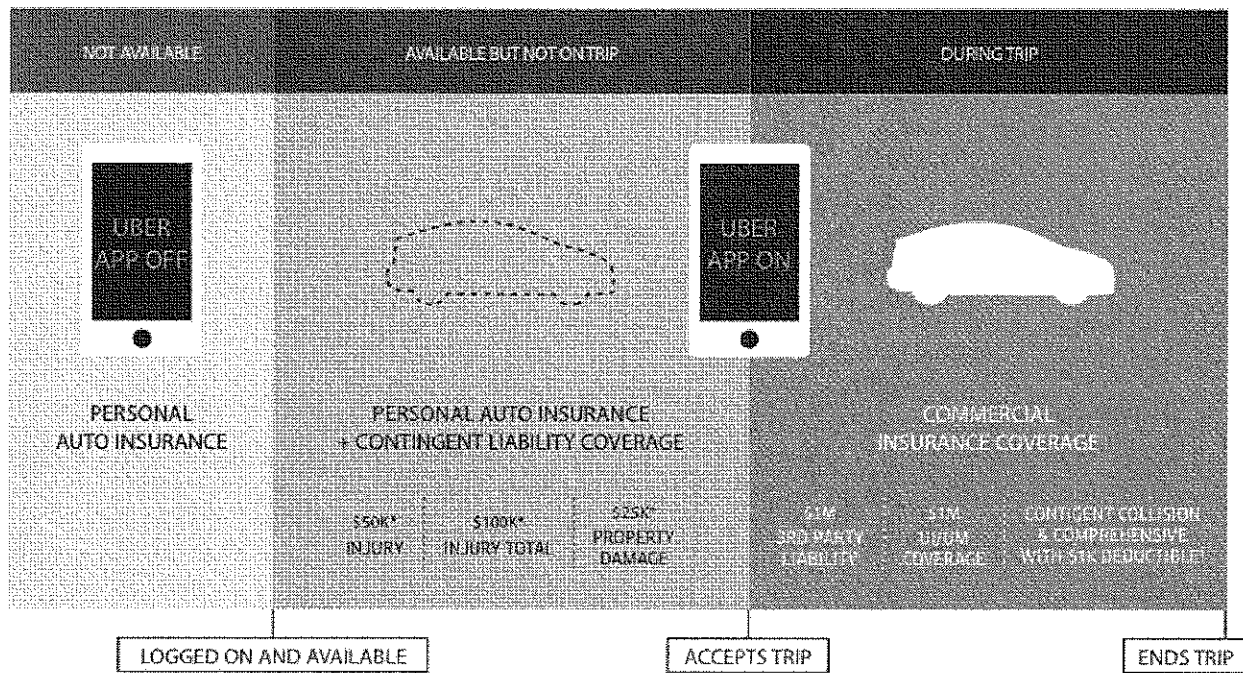
VEHICLE STANDARDS THAT RAISE THE BAR

Not just any car can be an Uber. It's a title reserved for safe, high-quality vehicles that are in exceptional condition. In the U.S., the average model year for vehicles on our platform is 2008, and none are from before 2004+. With our recently launched vehicle financing partnership, we are continuously helping drivers bring brand new Toyota and GM vehicles onto the system.

END-TO-END INSURANCE, WE HAVE YOU COVERED

From the moment you get into any Uber product (e.g. uberX, UberBLACK) to the moment you're dropped off, your ride is covered by commercial liability insurance. That goes for every trip in every city around the world. In the U.S. specifically, ridesharing has become a popular choice — and Uber is the first company to ensure true end-to-end insurance coverage for ridesharing, with drivers on uberX protected by liability coverage even between trips.

uberX Ridesharing Insurance Coverage



*PROVIDES BACK-UP COVERAGE WHEN/IF DRIVER'S PERSONAL AUTO INSURANCE DECLINES CLAIM

*PROVIDES COVERAGE IF DRIVER'S PERSONAL AUTO INSURANCE INCLUDES COLLISION COVERAGE; UP TO \$50K MAXIMUM (UPDATED 7/14/2014)

NO RANDOM PICK-UPS, SO YOU FEEL AT EASE

Before riding with Uber, customers are required to create an account with their personal and payment information — and rides can only be requested through the app, so there's a detailed record of every customer and every trip.

NO HAILING, SAFE PICKUPS

The Uber app automatically pinpoints your location to provide true door-to-door service. That means you stay safe and comfortable wherever you are until a driver arrives. No more waiting alone on a dark street hoping you can hail a taxi.

CASHLESS TRANSACTIONS PROTECT YOU FROM RISK

Fares are charged automatically to the rider's credit card — so drivers never have to deal with the risk or hassle of carrying cash and making change.

(Published in the Tulsa Business
& Legal News,

_____, 2014.)

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 36, TULSA REVISED ORDINANCES ENTITLED "TAXICABS AND PARATRANSIT VEHICLES" PROVIDING A NEW TITLE "TAXICABS, PARATRANSIT VEHICLES, AND TRANSPORTATION NETWORK COMPANIES"; AMENDING TITLE 36 CHAPTER ONE, SECTION 102 ENTITLED "EXCLUSIONS" ADDING VEHICLES PROVIDING TRANSPORTATION NETWORK SERVICES; ADDING A NEW CHAPTER TWO, TITLED "TRANSPORTATION NETWORK VEHICLE SERVICES"; PROVIDING A STATEMENT OF POLICY AND PURPOSE; ESTABLISHING CERTAIN DEFINITIONS; PROVIDING FOR ADMINISTRATION AND APPEALS; PROVIDING REQUIREMENTS FOR A TNC CERTIFICATE; PLACING REQUIREMENTS UPON CERTIFICATE HOLDERS; PROVIDING PROCEDURES FOR ISSUANCE OF CERTIFICATES, APPLICATION, FEES, RENEWAL AND SUSPENSION OR REVOCATION; PROVIDING FOR SEVERABILITY; AND REPEALING CONFLICTING ORDINANCES.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That the title of Title 36, Tulsa Revised Ordinances, be and is hereby amended to read as follows:

"TITLE 36 TAXICABS, PARATRANSIT VEHICLES, AND TRANSPORTATION NETWORK COMPANIES"

Section 2. That Title 36, Chapter 1, Section 102, Tulsa Revised Ordinances, be and is hereby amended to read as follows:

"Section 102. Exclusions.

A. This chapter shall not apply to the following categories of vehicles and services:

1. Hearses and mortuary limousines when used as funeral vehicles;
2. Ambulances;

3. Taxicabs and paratransit vehicles which carry passengers only from a point outside the city limits to a point inside the city limits or which carry passengers only from a point inside the city limits to a point outside the city limits;
 4. School and church buses when used for school or church purposes;
 5. Vehicles which are rented or leased to the public without a driver;
 6. Vehicles operated by the Metropolitan Tulsa Transit Authority;
 7. Vehicles operated on a share-the-expense plan, such as car pools; and
 8. Vehicles providing transportation network vehicle services, as defined by Chapter 2 of this title.
- B. Courtesy vehicles, as defined in this chapter, are exempt if they meet the following conditions:
1. The courtesy vehicle shall have a sign thereon bearing the words "NOT FOR HIRE" in letters no less than three (3) inches high. The sign shall be provided by the Director at no cost to the owner or operator of the courtesy vehicle and shall be displayed on the front dashboard in such a manner that the words are clearly visible to prospective passengers from the outside of the vehicle; and
 2. The courtesy vehicle shall have a sign therein, easily seen by the vehicle's passengers, which shall state that neither the business nor the chauffeur of the vehicle is permitted to collect or accept compensation in any manner whatsoever for the transportation service provided. The sign shall be provided by the Director at no cost to the owner or operator of the courtesy vehicle.
- C. The provisions of this chapter shall not be construed to limit any rights or powers which the Tulsa Airport Authority may have to regulate the operation of taxicab and paratransit vehicles on airport premises. Airport rules and regulations shall be approved by the Council and filed with the Director and with the City Clerk."

Section 3. That a new Chapter 2 is added to Title 36 of the Tulsa Revised Ordinances to read as follows:

"CHAPTER 2. TRANSPORTATION NETWORK VEHICLE SERVICES.

Section 200. Statement of policy and purpose.

Section 201. Definitions.

- Section 202. Administration and appeals.
- Section 203. TNC certificate required.
- Section 204. Requirements for TNC certificate holders.
- Section 205. Certificate application.
- Section 206. Certificate issuance.
- Section 207. Certificate fees.
- Section 208. Certificate renewal.
- Section 209. Certificate suspension or revocation.
- Section 210. Record-keeping requirements of certificate/license holders.
- Section 211. Record Inspection Authority.
- Section 212. Driver compliance with traffic rules and regulations.
- Section 213. Vehicle inspections; maintenance; equipment.

Section 200. Statement of policy and purpose.

- A. It is the policy and purpose of the City of Tulsa to promote adequate and satisfactory transportation network vehicle services that will promote a positive image to residents and visitors within its corporate limits. To achieve this goal, this title provides for the regulation of transportation network companies that will reasonably protect the public interest, welfare, health and safety, and will promote the availability of transportation network vehicle services while protecting the principles of free enterprise.
- B. The rights of the Holder or licensee granted under this chapter shall, at all times, be subservient to the right of the City to fully exercise its rights of control over the streets, alleys and public ways of the City of Tulsa.

Section 201. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings given herein.

City shall mean the City of Tulsa, Oklahoma, a municipal corporation.

Council shall mean the City Council of the City of Tulsa, Oklahoma.

Digital platform shall mean an online or smart phone enabled application that allows passengers to request transportation network vehicle services.

Director shall mean the person designated by the Mayor to enforce the provisions of this chapter or that person's designee.

Driver means every person who drives or operates a vehicle while providing transportation network vehicle services.

Good cause shall mean an adequate or substantial reason put forth in good faith that is not unreasonable or arbitrary.

He/Him/His/It/Its shall include the masculine, feminine and neuter gender.

Holder shall mean a person who is granted a TNC certificate.

Mayor shall mean the Mayor of the City of Tulsa, or designee.

Owner means every person, firm, partnership, association or corporation having ownership or control of any transportation network company.

Person shall mean any individual, firm, corporation, company, association, partnership or any combination thereof, or two (2) or more persons having joint or common economic interest. The word person shall include both the singular or plural.

Transportation network company or TNC means a company that enables passengers to request transportation network vehicle services only through a digital platform.

TNC certificate shall mean a certificate authorizing the operation of a transportation network company within the City limits of Tulsa.

Transportation network vehicle or TNV means a vehicle used to provide transportation service associated with a TNC certificate.

Transportation network vehicle services means providing a ride to passengers for compensation arranged through a transportation network company's digital platform.

Section 202. Administration and appeals.

A. Notice of adverse action. If the Director or his authorized representative proposes to take any action adverse to an applicant or Holder, he shall establish a time, date and place for an administrative hearing and shall notify such person (hereinafter "respondent") of the pending action at the respondent's address contained on his most recent application. If mailed, the notice shall be sent by United States Mail, certified, return receipt requested. The notice shall be served or postmarked no later than seven (7) days preceding the date of the administrative hearing and shall:

1. Set forth in detail the proposed action and the reasons therefor;

2. Designate any section of this chapter, any statute, ordinance or other authority that requires or supports the proposed action;
 3. Set forth the date, time and place of the administrative hearing;
 4. Advise the respondent that he may be present at such hearing to provide reasons why the proposed action should not be taken; and
 5. Advise the respondent that if he fails to appear at the administrative hearing, action may be taken in his absence. Copies of such notice shall also be sent to the complaining party, if applicable.
- B. Administrative hearing. An administrative hearing shall be held on the date and time and at the place contained in the notice described above.
1. If the respondent appears, he shall be afforded an opportunity to be heard. Following the hearing, the Director may take or refrain from taking the proposed action or may modify the same by placing reasonable conditions on the respondent, or otherwise, according to the provisions of this chapter.
 2. If the respondent fails to appear, notice of the decision made or action taken shall be given to all parties, and unless appealed to the City Council as hereinafter provided, such decision shall be final and binding ten (10) working days from and after the date of the decision.
 3. Notice of the action taken or decision made shall be given by Certified Mail, return receipt requested or by personal delivery to the respondent, at the address given in the respondent's most recent application.
 4. The respondent shall be advised of his right to appeal the action or decision to the City Council.
- C. Appeals to the Council. Any person aggrieved by a decision of the Director may file an appeal to the Council by filing a written notice of appeal with the Council Secretary and the Director within ten (10) working days of the date of the decision complained of. Such notice shall specify the grounds for the appeal. A hearing on the appeal shall be heard by the Council not later than thirty (30) days from the date of filing the notice of appeal. If an appeal is filed, the Director shall notify the complaining party, if any.
- D. Enforcement stayed. If an appeal of the Director's decision is made to the Council, enforcement of such decision shall be stayed until the Council has rendered its decision,

unless the Director certifies to the Council that a stay would cause imminent danger to life or property.

- E. Administrative costs. Any determination by the Director finding that an applicant or Holder has failed to comply with any of the provisions of this Chapter may also include the requirement that the applicant or Holder pay a sum not to exceed Five Hundred Dollars (\$500.00) to defray administrative costs associated with the investigative and administrative hearing process.

Section 203. TNC certificate required.

- A. A person shall not operate a transportation network company within the City unless he has been issued a current and valid TNC certificate.
- B. Certificates shall not be sold, assigned or otherwise transferred.

Section 204. Requirements for TNC certificate holders.

Holders of certificates shall meet the following requirements.

- A. The Holder must require all drivers authorized to access the TNC's digital platform to receive requests for transportation network vehicles services be at least twenty-one (21) years of age.
- B. The Holder must require all drivers authorized to access the TNC's digital platform to receive requests for transportation network vehicle services to possess a valid Oklahoma driver's license; proof of vehicle registration for the vehicle which supplies the transportation network vehicle services in accordance with the laws of the State of Oklahoma; and proof of motor vehicle insurance policy for said vehicle containing the minimum coverage required of all drivers by law.
- C. The Holder must maintain an excess liability insurance policy that:
 - 1. Provides a minimum of one million dollars (\$1,000,000) per-incident coverage for accidents involving a driver while providing transportation network vehicle services requested through a TNC's digital platform; and
 - 2. Covers claims regardless of whether a driver maintains insurance adequate to cover any portion of a claim.

- D. The Holder must have conducted a local and national criminal background check that shall include the Multi-State/Juris Criminal Records Locator or other similar commercial nationwide database with validation (primary source search) and the National Sex Offender Registry database on each potential driver before the driver is given access to the TNC's digital platform. A match on the national sex offender registry or a conviction that appears on a criminal background check as provided hereafter shall automatically disqualify an individual from acting as a driver for any Transportation Network Company.
- E. The Holder must have a driving history record conducted on each potential driver before the driver is given access to the TNC's digital platform. A conviction that appears on a driving history check within the past five (5) years for aggravated reckless driving, driving while intoxicated or being in actual physical control of a vehicle while intoxicated, attempting to evade the police, or the use of a motor vehicle to commit a crime, or a conviction that appears on a driving history check in the previous three (3) years for driving with a suspended or revoked license, shall automatically disqualify an individual from acting as a driver for a TNC.
- F. The Holder shall prohibit the use or influence of drugs or alcohol by a driver while providing transportation network vehicle services requested through the TNC's digital platform and upon receiving a meritorious complaint of such drug or alcohol use by a driver, the TNC shall:
1. Immediately revoke the driver's access to the TNC's digital platform. The revocation shall last the duration of the investigation, and
 2. Conduct an investigation. If the complaint is found to be true, the TNC shall permanently revoke the driver's access to the transportation network company's digital platform. If the complaint is found to be untrue, the driver's access to the TNC's digital platform may be immediately reinstated.
- G. In addition, an individual under consideration by a Holder as a driver:
1. Shall not have been convicted of a misdemeanor involving prostitution or prostitution-related offenses, public lewdness, sexual offenses, assault and battery, or controlled-substance-related offenses within the preceding five (5) years;
 2. Shall not have been cited or arrested for more than three (3) traffic violations arising out of separate events occurring within any twelve (12) month period for which, during the preceding twenty-four (24) months, the applicant has been convicted;
 3. Shall not, within the preceding twelve (12) month period, have been involved in more than one (1) automobile accident in which the applicant has been determined to have been at fault;

4. Shall not have been convicted of any violent felony offense as defined by 22 Oklahoma Statutes §982, as amended, or of any offense of hit and run driving, manslaughter or negligent homicide resulting from the operation of a motor vehicle, unless ten (10) years have elapsed since the date of conviction or five (5) years have elapsed since the release from confinement, whichever is the later date, or shall not have been convicted of any other felony offense, unless five (5) years have elapsed since the date of conviction or three (3) years have elapsed since the release from confinement, whichever is the later date;
 5. Shall not be subject to any outstanding warrants for arrest.
- H. Posting of rates; Rate violation; receipts on request.
1. Rates and charges shall be posted in the Holder's digital platform or the Internet at all times in a place clearly visible to the person requesting the service, prior to the TNV service being booked.
 2. It shall be unlawful for the Holder or driver of any TNV, in the City to fix, charge, collect, and/or offer to fix, charge, or collect a rate more than that specified at the time the service is requested through the digital platform.
 3. If requested by a passenger, the Holder shall give a receipt upon payment of the correct fare or charge via email or an electronic transmission.
- I. All requests for service from a TNV must be placed and accepted only through the Holder's digital platform on the Internet. TNVs are strictly prohibited from accepting street hails.
- J. Most direct route required. Any driver who is requested by a passenger to transport said passenger to a definite point, shall take the most direct, expeditious and safe route unless otherwise requested by the passenger.
- K. Responsibility: Transportation Network Vehicles authorized pursuant to this Chapter shall be operated in compliance with Holder's written policies and regulations acknowledged by the driver.
- Any violation of law, local, state or federal, by any driver while operating under the authority of a certificate issued pursuant to this Chapter may be deemed a violation by the Holder if so determined by the Director following a hearing as provided in Section 202.
- L. No Discrimination; Accessibility:

1. A TNC shall require that TNC Drivers do not discriminate against passengers or potential passengers on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age or sexual orientation/identity.
2. A TNC shall require TNC Drivers to comply with all applicable laws relating to accommodation of service animals.
3. A TNC shall not impose additional charges for providing services to persons with physical disabilities because of those disabilities.

Section 205. Certificate application.

- A. An application for a certificate shall be on a form dated and furnished by the Director. It shall be verified by the applicant and filed with the Director and shall include documentary proof of meeting the requirements in Section 204 of this chapter. The application expires if the applicant has not completed the process and received a certificate within one hundred twenty (120) days from the application date, unless additional time is justified by the Director.
- B. Each application shall be accompanied by a Seventy-Five Dollar (\$75.00) processing fee.
- C. The application shall require the following:
 1. Business name, business address, and any established place(s) of business of the applicant within the state;
 2. Proof of registration with Secretary of State to conduct business within the State and the name and address of the TNC's registered agent; and
 3. Proof of insurance coverage as required by this chapter;
 4. Description of type and extent of service to be rendered;
 5. With said application, applicant shall attach a copy of applicant's drug and alcohol testing policies. Said policies shall include, but not be limited to, the following information:
 - a. A statement of the Holder's policy respecting drug and alcohol use by employees and independent contractors;
 - b. Which employees and independent contractors are subject to testing;

- c. The circumstances under which testing may be requested or required;
- d. Substances which are to be tested;
- e. Testing methods and collection procedures to be used;
- f. Consequences of refusing to undergo testing;
- g. Potential adverse personnel action which may be taken as a result of a positive test result.
- h. The rights of the employee and/or independent contractor to explain, in confidence, the test results;
- i. The rights of the employee and/or independent contractor to obtain all information and records related to that person's testing;
- j. Confidentiality requirements; and
- k. The available appeal procedures, remedies and sanctions;

Section 206. Certificate issuance.

If the Director finds that the application is complete and that applicant has met the requirements set forth in Sections 204 and 205 herein, he shall issue a certificate to the applicant. The Director shall review the application within a reasonable time after its completion and submittal.

Section 207. Certificate fees.

An annual certificate fee shall be assessed for each transportation network company. The certificate fee shall be assessed annually for the period from May 1 through April 30 of the following year. The fee shall be in accordance with the following schedule:

The annual fee is based on the number of drivers authorized to provide vehicle services through the Holder's digital platform

If 10 or fewer	\$300.00
If 11 – 40	\$600.00
If 41-70	\$900.00
If more than 70 -	\$1200.00

Section 208. Certificate renewal.

On or before April 30 of each year, the Holder may renew his certificate by the payment of the fees herein required, unless the Director finds that the Holder is not in compliance with any of the provisions of this chapter.

Section 209. Certificate suspension or revocation.

- A. The Director may at any time, pursuant to the revocation or suspension proceedings as herein described, revoke or suspend the certificate granted under this article, if he makes any of the following determinations of violations by (1) any drivers, operators, managers, partners, officers, or employees of the Holder; or (2) an independent contractor or agent operating under the authority of Holder if the Holder has knowledge of, reasonably should have had knowledge of, failed to prevent or supported the violations committed by the driver, independent contractor or agent:
1. If vehicles operated under the authority of the Holder are not operated in accordance with the provisions of this chapter;
 2. If vehicles are operated within the corporate limits of the City at a rate or fare greater than that specified on the TNC's digital platform or the Internet at the time TNV services were requested.
 3. If a Holder fails to maintain insurance, or if a TNV is operated but is not insured as required by this chapter;
 4. If the certificate was procured by fraudulent conduct or false statement of a material fact, or a fact concerning the applicant was not disclosed at the time of application and such fact would have constituted just cause for refusal to issue the certificate;
 5. If those persons, drivers, owners, operators, managers, partners, officers, employees, independent contractors, and/or agents engaging in the operation of a business that provides TNV services pursuant to the Holder's authority have violated any provisions of this chapter, or have committed any other acts, which reflect unfavorably on the fitness of the Holder to offer public services;
 6. If those persons, drivers, owners, operators, managers, partners, officers, employees, independent contractors or agents engaging in the operation of a business that provides TNV services pursuant to Holder's authority have failed to maintain adequate and properly operating equipment as required by this chapter.
 7. For good cause, as shown by the Director.

- B. After revocation of a certificate, a Holder shall not be eligible to make application for a certificate for a period of two (2) years, and subsequent applications must be made in accordance with Section 204 of this chapter.

Section 210. Record-keeping requirements of certificate/license holders.

Each Holder shall maintain all records of TNV services within the City for the previous 90-day period, subject to review by the Director as provided herein.

Section 211. Record Inspection Authority.

If a meritorious complaint against a TNC or driver is received by the Director, or for any other good cause, the Director has the authority to inspect the records of the TNC as necessary to investigate the cause and/or to resolve the complaint.

Section 212. Driver compliance with traffic rules and regulations.

Any driver providing transportation network vehicle services shall drive in compliance with city and state traffic rules and regulations, and shall not engage in any unlawful act while providing transportation network vehicle services.

Section 213. Vehicle inspections; maintenance; equipment.

- A. Every vehicle operating under this chapter shall be periodically inspected by the Holder, or a third party at Holder's request, at such intervals as shall ensure the continued maintenance of safe operating conditions. Upon such inspection, if it is found that the vehicle does not meet safe operating requirements, the Holder shall cause the vehicle to be removed from service until such time as the vehicle has complied with safe operating standards.
- B. In addition to all other applicable legal requirements, it shall be unlawful for any person to operate or cause to be operated any transportation network vehicle unless such vehicle:
 - 1. has a manufacturer's rated seating capacity of less than ten persons, including the transportation network driver;
 - 2. has at least two doors and meets applicable Federal Motor Vehicle Safety Standards for vehicles of its size, type and proposed use;
 - 3. is a coupe, sedan, or light-duty vehicle, including a van, minivan, sport utility vehicle, pickup truck, hatchback or convertible; and

4. has not been issued the title class of "salvage," "rebuilt," "junk," "total loss," or any equivalent classification in any jurisdiction.
- C. The Holder and the driver shall be jointly and severally liable if the Holder permits the driver to use a vehicle that does not meet the requirements for a transportation network vehicle.

Section 4. SEVERABILITY CLAUSE: If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 5. REPEAL OF CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict herewith be and the same are now expressly repealed.

ADOPTED by the Council: _____

Date

Chair of the Council

OFFICE OF THE MAYOR

Received by the Mayor: _____, at _____.
Date Time

Dewey F. Bartlett, Jr., Mayor

By _____
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: _____,
Date
at _____.
Time

Mayor

(Seal)
ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Attorney

**Interim Operating Agreement
by and between
Uber, Inc. and the City of Spokane**

This Agreement is entered into this _____ day of September, 2014, between the City of Spokane, whose address is 808 West Spokane Falls Boulevard, Spokane, Washington 99201 (hereinafter referred to as the "City"), and Uber, Inc., whose address is 506 2nd Avenue Suite 3100, Seattle, Washington, 98104 (hereinafter referred to as "Uber").

WHEREAS, Uber refers to itself as a ride-sharing network that uses a digital platform to connect passengers to ridesharing operators using their personal vehicles for the purpose of transportation. The City has referred to this form of transportation service as a transportation network company. Regardless of how this form of transportation service is defined now by either of the parties, it is essentially an organization that matches drivers and riders on a prearranged basis, for trips provided by drivers using their personal vehicles; and

WHEREAS, *Uber Operator* shall mean an individual who uses the individual's personal vehicle to provide transportation services through the Uber platform; and

WHEREAS, *Uber Vehicle* shall mean a personal vehicle that is used by an operator through the Uber platform; and

WHEREAS, Uber and the City agree to the principles set forth below with respect to Uber's platform. The parties agree that Uber's acceptance of these principles acknowledges, solely for the purposes of this Agreement, that the City has the authority to enter into this Agreement. Uber does not waive its right to contest the applicability of any laws or rules to Uber, the Uber platform, or Uber Operators offering services through the Uber platform. Uber does not waive its right to propose or support different principles, terms or conditions, or to raise any defense in any other local, state or federal regulatory or legal proceeding, including municipal-level proceedings. The City does not waive any right or authority to initiate any action under the Spokane Municipal Code or state law; and

WHEREAS, pursuant to SMC 12.03.0508, Uber and Uber Operators shall not operate any vehicles to or from the Spokane International Airport (SIA) unless such operation is with the approval of the SIA Board and under such terms and conditions as the SIA Board shall prescribe; and

WHEREAS, there is authority for the City to establish regulations applying to for-hire vehicles as granted by Article 11, Section 11 of the Washington State Constitution and RCW 46.72.160 -- Now, Therefore,

UBER AND THE CITY AGREE AS FOLLOWS:

The City is currently reviewing its municipal code regarding for-hire vehicles as it pertains to “transportation network companies” like Uber. Pursuant to this Agreement, the City agrees to permit Uber to operate in the City of Spokane while evaluating these updates, subject to the conditions and restrictions set forth herein,. This Agreement shall expire upon the effective date of any amendment to the Spokane Municipal Code’s Chapter 10.34 respecting For-Hire Vehicles addressing transportation network companies, or nine months from the date the City Council approves this Agreement, whichever is first. The City may terminate this agreement upon thirty (30) days notice in its reasonable discretion.

UBER AGREES AS FOLLOWS:

1. Uber shall maintain a website that provides a customer service telephone number or email address.
2. Uber shall maintain an agent for service of process in the city of Spokane, Washington.
3. Uber shall maintain accurate and up-to date records of all operators providing services through the Uber platform.
4. Upon completion of a trip, Uber shall transmit an electronic receipt to the passenger’s email address or mobile application documenting the origination and destination of the trip and a description of the total amount paid, if any.
5. Uber and Uber’s operators shall accept only rides booked through a transportation network company’s digital platform and shall not solicit or accept street-hails.
6. Uber may offer service for compensation, no-charge, or suggested compensation. Uber shall disclose its rates used to determine any compensation or suggested compensation on its app and/or website.
7. The app used by Uber to connect operators and passengers must display for the passenger the name and photograph of the operator as well as the make, model and license plate number of the vehicle.
8. Uber shall establish a driver-training program designed to ensure that each driver safely operates his or her vehicle prior to the driver being able to offer service.
9. Uber shall implement a zero-tolerance policy on the use of drugs or alcohol applicable to any driver on the Uber platform, provide notice of the zero-tolerance policy on its website, as well as the procedures to report a complaint about a driver with whom the passenger was matched and for whom the passenger reasonably suspects was under the influence of drugs or alcohol during the course of the ride, and immediately suspend said driver upon receipt of a

passenger complaint alleging a violation of the zero-tolerance policy. The suspension shall last the duration of the investigation.

10. Prior to permitting a person to act as a driver on its digital network, and annually thereafter, Uber shall obtain and review a criminal history research report for such person. The criminal background check shall be a national criminal background check including the national sex offender database. Any person who has been convicted, within the past seven years, of driving under the influence of drugs or alcohol, or who has been convicted at any time for fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, and/or theft, acts of violence, or acts of terror shall not be permitted to be a Uber Operator. Uber will maintain electronic records of such criminal background checks for a period of two years.
11. Prior to permitting a person to act as a driver on its network, and quarterly thereafter, Uber shall obtain and review a driving history research report for such person. Any person with: (i) more than three (3) moving violations in the three-year period prior to such check, or (ii) a major violation in the three-year period prior to such check (including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license) shall not be permitted to be a Uber Operator on the Uber platform. Uber will maintain electronic records of such driving history research reports for a period of two years.
12. Uber shall maintain an automobile liability insurance policy, which covers all vehicles operated by Uber Operators, with a minimum combined single limit of one million dollars (\$1,000,000.00) per occurrence of bodily injury and property damage for accidents involving a vehicle and Uber operator in transit to or during a trip. For the term of this Agreement, Uber shall provide evidence that each Uber vehicle operated by a Uber Operator within the City has liability insurance in an amount no less than required by RCW 46.72.050 during the period when a Uber operator is matched with a ride request and is providing a ride on the Uber platform. As soon as practicable, Uber shall provide to the City a certificate of insurance for such policy, naming Uber as the insured and an endorsement including the City as an additional insured. The policy shall be accompanied by a commitment from the insurer that such policy shall not be canceled, modified, or coverage reduced without at least thirty (30) days prior notice to the City.
13. Uber Operators shall:
 - (1) Possess a valid driver's license, proof of registration, maintain current automobile liability insurance, and be at least twenty-one (21) years of age; and
 - (2) Provide proof of both the operator's personal insurance and excess liability insurance in the case of an accident; provided, that the operator shall have twenty-four (24) hours to provide proof of excess liability

insurance.

14. Uber Vehicles may be street-legal coupes, sedans, or light-duty vehicles, including without limitation, vans, minivans, sport utility vehicles (SUVs), hatchbacks, convertibles and pickup trucks.
15. All vehicles shall have a safety inspection conducted annually by Uber or a third party before being used to provide a service, pursuant to a procedure approved by the City. Such procedure shall, at a minimum, include inspection of the following components:

- (1) Foot brakes;
- (2) Parking brakes;
- (3) Steering mechanism;
- (4) Windshield;
- (5) Rear window and other glass;
- (6) Windshield wipers;
- (7) Headlights;
- (8) Tail lights;
- (9) Turn indicator lights;
- (10) Stop lights;
- (11) Front seat adjustment mechanism;
- (12) Doors (open, close, lock);
- (13) Horn;
- (14) Speedometer;
- (15) Bumpers;
- (16) Muffler and exhaust system;
- (17) Condition of tires, including tread depth;
- (18) Interior and exterior rear view mirrors; and
- (19) Safety belts for driver and passenger(s).

16. Uber and Uber Operators shall not use any marked taxicab zones.

17. Uber shall pay to the City .10 cents per ride to cover any administrative and regulatory costs associated with the Uber platform. Payment shall be sent to the City on a quarterly basis with an annual cap of \$10,000.00 for all funds generated through the transportation network company per ride fee. Uber shall provide documentation demonstrating the number of rides per month, which may be marked proprietary and confidential.

THE CITY AGREES TO THE FOLLOWING:

1. While the City is determining whether the Spokane Municipal Code regarding For-Hire Vehicle regulations needs to be amended to reflect the operation of Transportation Network Companies, the City will not apply Spokane Municipal Code Chapter 10.34 to Uber and Uber's operators during the term of this

Agreement, unless such enforcement stems solely and directly from violation of any of the provisions of this Agreement.

2. The City shall have the authority to enforce the requirements of this Agreement, including inspection of relevant records. Failure to adhere to the requirements of this Agreement by Uber or a Uber Operator may result in sanctions imposed by the City, or termination of this Agreement, at the City's discretion.
3. If a public records request is made of the City for documents that have been designated by Uber as confidential or proprietary, the City shall provide written notice to Uber prior to disclosure.

DATED: _____

CITY OF SPOKANE

By: _____

—

Title:

ATTEST:

APPROVED AS TO FORM:

City Clerk

Assistant City Attorney

DATED: _____

UBER, INC.

By: _____

—

Title:

**Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 14-0687.02 Jennifer Berman x3286

SENATE BILL 14-125

SENATE SPONSORSHIP

Jahn and Harvey, Baumgardner, Cadman, Crowder, Grantham, Herpin, Hodge, Johnston, Lambert, Marble, Newell, Rivera, Steadman, Todd, Zenzinger

HOUSE SPONSORSHIP

Pabon and Szabo,

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF TRANSPORTATION NETWORK**
102 **COMPANIES, AND, IN CONNECTION THEREWITH, REQUIRING**
103 **TRANSPORTATION NETWORK COMPANIES TO CARRY LIABILITY**
104 **INSURANCE, CONDUCT BACKGROUND CHECKS ON**
105 **TRANSPORTATION NETWORK COMPANY DRIVERS, INSPECT**
106 **TRANSPORTATION NETWORK COMPANY VEHICLES, AND OBTAIN**
107 **A PERMIT FROM THE PUBLIC UTILITIES COMMISSION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

[http://www.leg.state.co.us/bills/summaries.](http://www.leg.state.co.us/bills/summaries))

The bill authorizes the public utilities commission (PUC) to regulate transportation network companies, which are companies that match drivers and passengers through a digital network, such as a mobile phone application, for transportation from an agreed-upon point of origin to an agreed-upon destination.

Section 1 of the bill exempts transportation network companies from the definition of "common carrier". **Section 2** exempts transportation network companies from the definitions of "contract carrier" and "motor carrier". **Sections 3 and 4** authorize the PUC to exercise limited regulatory authority over transportation network companies.

Section 5 exempts transportation network companies from much of the PUC's authority, including regulation of rates, entry, operational requirements, and general requirements governing common carriers, contract carriers, and motor carriers, but does require a transportation network company to obtain a permit from the PUC. Section 5 authorizes the PUC to regulate permit holders with respect to safety conditions, insurance requirements, and driver qualifications. Section 5 also authorizes the PUC to take action against a transportation network company for any violations, including the authority to issue a cease-and-desist letter, suspend or revoke a permit, or impose civil penalties.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 40-1-102, **amend** (3)

3 (b) as follows:

4 **40-1-102. Definitions.** As used in articles 1 to 7 of this title,
5 unless the context otherwise requires:

6 (3) (b) "Common carrier" does not include a motor carrier that
7 provides transportation not subject to regulation pursuant to section
8 40-10.1-105, ~~or~~ A MOTOR CARRIER that is subject to part 3, 4, or 5 of
9 article 10.1 of this title, A TRANSPORTATION NETWORK COMPANY, AS
10 DEFINED IN SECTION 40-10.1-602 (3), OR A TRANSPORTATION NETWORK
11 COMPANY DRIVER, AS DEFINED IN SECTION 40-10.1-602 (4).

1 **SECTION 2.** In Colorado Revised Statutes, 40-10.1-101, **amend**
2 (6) and (10) as follows:

3 **40-10.1-101. Definitions.** As used in this article, unless the
4 context otherwise requires:

5 (6) "Contract carrier" means every person, other than a common
6 carrier or a motor carrier of passengers under part 3 of this article, who,
7 by special contract, directly or indirectly affords a means of passenger
8 transportation over any public highway of this state; EXCEPT THAT THE
9 TERM DOES NOT INCLUDE A TRANSPORTATION NETWORK COMPANY, AS
10 DEFINED IN SECTION 40-10.1-602 (3), OR A TRANSPORTATION NETWORK
11 COMPANY DRIVER, AS DEFINED IN SECTION 40-10.1-602 (4).

12 (10) "Motor carrier" means any person owning, controlling,
13 operating, or managing ~~any~~ A motor vehicle that provides transportation
14 in intrastate commerce pursuant to this article; EXCEPT THAT THE TERM
15 DOES NOT INCLUDE A TRANSPORTATION NETWORK COMPANY, AS DEFINED
16 IN SECTION 40-10.1-602 (3), OR A TRANSPORTATION NETWORK COMPANY
17 DRIVER, AS DEFINED IN SECTION 40-10.1-602 (4).

18 **SECTION 3.** In Colorado Revised Statutes, 40-10.1-103, **add** (3)
19 as follows:

20 **40-10.1-103. Subject to control by commission.**

21 (3) TRANSPORTATION NETWORK COMPANIES, AS DEFINED IN SECTION
22 40-10.1-602 (3), ARE NOT COMMON CARRIERS, CONTRACT CARRIERS, OR
23 MOTOR CARRIERS UNDER THIS TITLE, BUT ARE DECLARED TO BE AFFECTED
24 WITH A PUBLIC INTEREST AND ARE SUBJECT TO REGULATION TO THE
25 EXTENT PROVIDED IN PART 6 OF THIS ARTICLE.

26 **SECTION 4.** In Colorado Revised Statutes, **add** 40-10.1-117 as
27 follows:

1 **40-10.1-117. Limited regulation of transportation network**
2 **companies.** NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
3 TRANSPORTATION NETWORK COMPANIES, AS DEFINED IN SECTION
4 40-10.1-602 (3), ARE GOVERNED EXCLUSIVELY UNDER PART 6 OF THIS
5 ARTICLE.

6 **SECTION 5.** In Colorado Revised Statutes, **add** part 6 to article
7 10.1 of title 40 as follows:

8 PART 6
9 TRANSPORTATION NETWORK COMPANIES

10 **40-10.1-601. Legislative declaration.** (1) THE GENERAL
11 ASSEMBLY HEREBY FINDS THAT:

(a) TRANSPORTATION NETWORK COMPANIES, AS DEFINED IN THIS
PART 6, PROVIDE BENEFITS FOR THE COLORADO ECONOMY, ENVIRONMENT,
AND THE TRANSPORTATION MARKET AND FOR COLORADO CONSUMERS;

(b) TRANSPORTATION NETWORK COMPANIES INCREASE MOBILITY AND ACCESSIBILITY BY MATCHING DRIVERS WITH RIDERS, ALLOWING INDIVIDUALS TO SHARE TRANSPORTATION EXPENSES, AND PROVIDING SAFETY MECHANISMS, INCLUDING AUTHENTICATION THROUGH SOCIAL MEDIA, DRIVER BACKGROUND CHECKS, VEHICLE INSPECTIONS, GLOBAL POSITIONING SYSTEM TRACKING, INSURANCE COVERAGE, AND MINIMUM AGE REQUIREMENTS FOR DRIVERS;

(c) TRANSPORTATION NETWORK COMPANIES ENHANCE TRANSPORTATION OPTIONS AVAILABLE TO CONSUMERS AND PROVIDE A VARIETY OF BENEFITS, INCLUDING INCREASED PUBLIC SAFETY, IMPROVED ENVIRONMENTAL QUALITY, REDUCED AIR EMISSIONS FROM PERSONAL VEHICLE TRIPS, REDUCED TRAFFIC CONGESTION, REDUCED NEED FOR PARKING INFRASTRUCTURE, AND INCREASED USE OF PUBLIC

1 TRANSPORTATION BY FACILITATING RIDERS' TRAVEL TO AND FROM
2 TRANSPORTATION HUBS; AND

3 (d) TRANSPORTATION NETWORK COMPANIES DO NOT PROVIDE
4 TRANSPORTATION SERVICES IN THE TRADITIONAL SENSE IN THAT THEY DO
5 NOT OWN, CONTROL, OPERATE, OR MANAGE VEHICLES, EMPLOY DRIVERS,
6 OR TRANSPORT RIDERS. A TRANSPORTATION NETWORK COMPANY'S
7 ESSENTIAL FUNCTION IS TO CONNECT PEOPLE TO FORM A TRANSPORTATION
8 COMMUNITY.

9 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

10 (a) ALLOWING TRANSPORTATION NETWORK COMPANIES IN
11 COLORADO IS CONSISTENT WITH COLORADO'S COMMITMENT TO
12 ENTREPRENEURS, TECHNOLOGICAL INNOVATION, AND THE SHARING
13 ECONOMY; AND

14 (b) TRANSPORTATION NETWORK COMPANIES ARE NOT COMMON
15 CARRIERS OR CONTRACT CARRIERS. TRANSPORTATION NETWORK
16 COMPANIES REQUIRE A DIFFERENT REGULATORY SCHEME BECAUSE THEY
17 OPERATE AN ONLINE-BASED DIGITAL NETWORK.

18 **40-10.1-602. Definitions.** AS USED IN THIS PART 6, UNLESS THE
19 CONTEXT OTHERWISE REQUIRES:

20 (1) "PERSONAL VEHICLE" MEANS A VEHICLE THAT IS USED BY A
21 TRANSPORTATION NETWORK COMPANY DRIVER IN CONNECTION WITH
22 PROVIDING SERVICES FOR A TRANSPORTATION NETWORK COMPANY THAT
23 MEETS THE VEHICLE CRITERIA SET FORTH IN THIS PART 6.

24 (2) "PREARRANGED RIDE" MEANS A PERIOD OF TIME THAT BEGINS
25 WHEN A TRANSPORTATION NETWORK COMPANY DRIVER ACCEPTS A
26 REQUESTED RIDE THROUGH A DIGITAL NETWORK, CONTINUES WHILE THE
27 DRIVER TRANSPORTS THE RIDER IN A PERSONAL VEHICLE, AND ENDS WHEN

1 THE RIDER DEPARTS FROM THE PERSONAL VEHICLE.

2 (3) "TRANSPORTATION NETWORK COMPANY" MEANS A
3 CORPORATION, PARTNERSHIP, SOLE PROPRIETORSHIP, OR OTHER ENTITY,
4 OPERATING IN COLORADO, THAT USES A DIGITAL NETWORK TO CONNECT
5 RIDERS TO TRANSPORTATION NETWORK COMPANY DRIVERS FOR THE
6 PURPOSE OF PROVIDING TRANSPORTATION. A TRANSPORTATION NETWORK
7 COMPANY DOES NOT PROVIDE TAXI SERVICE, TRANSPORTATION SERVICE
8 ARRANGED THROUGH A TRANSPORTATION BROKER, RIDESHARING
9 ARRANGEMENTS, AS DEFINED IN SECTION 39-22-509(1)(a)(II), C.R.S., OR
10 ANY TRANSPORTATION SERVICE OVER FIXED ROUTES AT REGULAR
11 INTERVALS. A TRANSPORTATION NETWORK COMPANY IS NOT DEEMED TO
12 OWN, CONTROL, OPERATE, OR MANAGE THE PERSONAL VEHICLES USED BY
13 TRANSPORTATION NETWORK COMPANY DRIVERS.

14 (4) "TRANSPORTATION NETWORK COMPANY DRIVER" OR "DRIVER"
15 MEANS AN INDIVIDUAL WHO USES HIS OR HER PERSONAL VEHICLE TO
16 PROVIDE SERVICES FOR RIDERS MATCHED THROUGH A TRANSPORTATION
17 NETWORK COMPANY'S DIGITAL NETWORK. A TRANSPORTATION NETWORK
18 COMPANY DRIVER NEED NOT BE AN EMPLOYEE OF A TRANSPORTATION
19 NETWORK COMPANY.

20 (5) "TRANSPORTATION NETWORK COMPANY RIDER" OR "RIDER"
21 MEANS AN INDIVIDUAL WHO USES A TRANSPORTATION NETWORK
22 COMPANY'S ONLINE APPLICATION OR DIGITAL NETWORK TO CONNECT WITH
23 A DRIVER TO OBTAIN SERVICES IN THE DRIVER'S PERSONAL VEHICLE FROM
24 AN AGREED-UPON POINT OF DEPARTURE TO AN AGREED-UPON
25 DESTINATION.

26 (6) "TRANSPORTATION NETWORK COMPANY SERVICES" OR
27 "SERVICES" MEANS THE PROVISION OF TRANSPORTATION BY A DRIVER TO

1 A RIDER WITH WHOM THE DRIVER IS MATCHED THROUGH A
2 TRANSPORTATION NETWORK COMPANY.

3 **40-10.1-603. Limited regulation.** NOTWITHSTANDING ANY OTHER
4 PROVISION OF LAW, TRANSPORTATION NETWORK COMPANIES ARE
5 GOVERNED EXCLUSIVELY BY THIS PART 6. A TRANSPORTATION NETWORK
6 COMPANY IS NOT SUBJECT TO THE COMMISSION'S RATE, ENTRY,
7 OPERATIONAL, OR COMMON CARRIER REQUIREMENTS, OTHER THAN THOSE
8 REQUIREMENTS EXPRESSLY SET FORTH IN THIS PART 6.

9 **40-10.1-604. Registration - financial responsibility of**
10 **transportation network companies - insurance.** (1) A
11 TRANSPORTATION NETWORK COMPANY SHALL COMPLY WITH THE FILING
12 REQUIREMENTS OF PART 3 AND THE REGISTERED AGENT REQUIREMENT OF
13 PART 7 OF ARTICLE 90 OF TITLE 7, C.R.S.

14 (2) A TRANSPORTATION NETWORK COMPANY SHALL FILE WITH THE
15 COMMISSION A CERTIFICATE OF INSURANCE EVIDENCING THAT THE
16 TRANSPORTATION NETWORK COMPANY HAS SECURED AN INSURANCE
17 POLICY ISSUED BY AN INSURANCE COMPANY AUTHORIZED TO DO BUSINESS
18 IN THIS STATE WITH COVERAGE IN THE AMOUNT OF ONE MILLION DOLLARS
19 PER OCCURRENCE FOR INCIDENTS INVOLVING A DRIVER DURING A
20 PREARRANGED RIDE.

21 (3) TRANSPORTATION NETWORK COMPANY DRIVERS SHALL
22 MAINTAIN PERSONAL AUTOMOTIVE LIABILITY INSURANCE WITH A
23 LIABILITY LIMIT AT LEAST EQUAL TO THE MINIMUM REQUIREMENT SET
24 FORTH IN SECTION 10-4-620, C.R.S. A TRANSPORTATION NETWORK
25 COMPANY SHALL VERIFY THAT EACH PROSPECTIVE DRIVER POSSESSES
26 PROOF OF AUTOMOBILE INSURANCE BEFORE ALLOWING THE PROSPECTIVE
27 DRIVER TO PROVIDE SERVICES THROUGH THE TRANSPORTATION NETWORK

1 COMPANY'S DIGITAL NETWORK.

2 (4) NOTHING IN THIS SECTION MODIFIES OR ABROGATES ANY
3 OTHERWISE APPLICABLE INSURANCE REQUIREMENTS SET FORTH IN TITLE
4 10, C.R.S.

5 **40-10.1-605. Operational requirements.** (1) THE FOLLOWING
6 REQUIREMENTS APPLY TO THE PROVISION OF SERVICES:

7 (a) A DRIVER SHALL NOT PROVIDE SERVICES UNLESS A
8 TRANSPORTATION NETWORK COMPANY HAS MATCHED THE DRIVER TO A
9 RIDER THROUGH A DIGITAL NETWORK. A DRIVER SHALL NOT SOLICIT OR
10 ACCEPT THE ON-DEMAND SUMMONING OF A RIDE, OTHERWISE KNOWN AS
11 A "STREET HAIL".

12 (b) A TRANSPORTATION NETWORK COMPANY SHALL MAKE
13 AVAILABLE TO PROSPECTIVE RIDERS THE METHOD BY WHICH THE
14 TRANSPORTATION NETWORK COMPANY CALCULATES FARES OR THE
15 APPLICABLE RATES BEING CHARGED AND AN OPTION TO RECEIVE AN
16 ESTIMATED FARE.

17 (c) UPON COMPLETION OF A PREARRANGED RIDE, A
18 TRANSPORTATION NETWORK COMPANY SHALL TRANSMIT TO THE RIDER AN
19 ELECTRONIC RECEIPT, EITHER BY ELECTRONIC MAIL OR VIA TEXT MESSAGE,
20 DOCUMENTING:

21 (I) THE POINT OF ORIGIN AND DESTINATION OF THE PREARRANGED
22 RIDE;

23 (II) THE TOTAL DURATION AND DISTANCE OF THE PREARRANGED
24 RIDE; AND

25 (III) THE TOTAL FARE PAID, INCLUDING THE BASE FARE AND ANY
26 ADDITIONAL CHARGES INCURRED FOR DISTANCE TRAVELED OR DURATION
27 OF THE PREARRANGED RIDE.

1 (d) BEFORE PERMITTING A PERSON TO ACT AS A TRANSPORTATION
2 NETWORK COMPANY DRIVER ON ITS DIGITAL NETWORK, A
3 TRANSPORTATION NETWORK COMPANY SHALL CONFIRM THAT THE PERSON
4 IS AT LEAST TWENTY-ONE YEARS OF AGE AND POSSESSES:

5 (I) A VALID DRIVER'S LICENSE;

6 (II) PROOF OF AUTOMOBILE INSURANCE; AND

7 (III) PROOF OF A COLORADO VEHICLE REGISTRATION.

8 (e) A DRIVER SHALL NOT OFFER OR PROVIDE TRANSPORTATION
9 NETWORK COMPANY SERVICES FOR MORE THAN TWELVE CONSECUTIVE
10 HOURS.

11 (f) A TRANSPORTATION NETWORK COMPANY SHALL IMPLEMENT AN
12 INTOXICATING SUBSTANCE POLICY FOR DRIVERS THAT DISALLOWS ANY
13 AMOUNT OF INTOXICATION OF THE DRIVER WHILE PROVIDING SERVICES.
14 THE TRANSPORTATION NETWORK COMPANY SHALL INCLUDE ON ITS WEB
15 SITE AND MOBILE DEVICE APPLICATION SOFTWARE A NOTICE CONCERNING
16 THE TRANSPORTATION NETWORK COMPANY'S INTOXICATING SUBSTANCE
17 POLICY.

18 (g) (I) A TRANSPORTATION NETWORK COMPANY SHALL CONDUCT
19 OR HAVE A CERTIFIED MECHANIC CONDUCT A SAFETY INSPECTION OF A
20 PROSPECTIVE DRIVER'S VEHICLE BEFORE IT IS APPROVED FOR USE AS A
21 PERSONAL VEHICLE AND SHALL HAVE PERIODIC INSPECTIONS OF PERSONAL
22 VEHICLES CONDUCTED THEREAFTER, AT INTERVALS OF AT LEAST ONE
23 INSPECTION PER YEAR. A SAFETY INSPECTION SHALL INCLUDE AN
24 INSPECTION OF:

25 (A) FOOT BRAKES;

26 (B) EMERGENCY BRAKES;

27 (C) STEERING MECHANISM;

1 (D) WINDSHIELD;
2 (E) REAR WINDOW AND OTHER GLASS;
3 (F) WINDSHIELD WIPERS;
4 (G) HEADLIGHTS;
5 (H) TAIL LIGHTS;
6 (I) TURN INDICATOR LIGHTS;
7 (J) STOP LIGHTS;
8 (K) FRONT SEAT ADJUSTMENT MECHANISM;
9 (L) THE OPENING, CLOSING, AND LOCKING CAPABILITY OF THE
10 DOORS;
11 (M) HORN;
12 (N) SPEEDOMETER;
13 (O) BUMPERS;
14 (P) MUFFLER AND EXHAUST SYSTEM;
15 (Q) TIRE CONDITIONS, INCLUDING TREAD DEPTH;
16 (R) INTERIOR AND EXTERIOR REAR-VIEW MIRRORS; AND
17 (S) SAFETY BELTS.
18 (II) THE COMMISSION MAY ALSO CONDUCT INSPECTIONS OF
19 PERSONAL VEHICLES.
20 (h) A PERSONAL VEHICLE MUST:
21 (I) HAVE AT LEAST FOUR DOORS; AND
22 (II) BE DESIGNED TO CARRY NO MORE THAN EIGHT PASSENGERS,
23 INCLUDING THE DRIVER.
24 (2) A TRANSPORTATION NETWORK COMPANY SHALL RETAIN TRUE
25 AND ACCURATE INSPECTION RECORDS FOR AT LEAST SIX MONTHS AFTER
26 AN INSPECTION WAS CONDUCTED FOR EACH PERSONAL VEHICLE USED BY
27 A DRIVER.

1 (3) (a) BEFORE A PERSON IS PERMITTED TO ACT AS A DRIVER
2 THROUGH USE OF A TRANSPORTATION NETWORK COMPANY'S DIGITAL
3 NETWORK, THE PERSON SHALL:

4 (I) OBTAIN A CRIMINAL HISTORY RECORD CHECK PURSUANT TO THE
5 PROCEDURES SET FORTH IN SECTION 40-10.1-110 AS SUPPLEMENTED BY
6 THE COMMISSION'S RULES PROMULGATED UNDER SECTION 40-10.1-110 OR
7 THROUGH A PRIVATELY ADMINISTERED NATIONAL CRIMINAL HISTORY
8 RECORD CHECK, INCLUDING THE NATIONAL SEX OFFENDER DATABASE; AND

9 (II) PROVIDE A COPY OF THE CRIMINAL HISTORY RECORD CHECK TO
10 THE TRANSPORTATION NETWORK COMPANY.

11 (b) (I) A PERSON WHO HAS BEEN CONVICTED OF OR PLED GUILTY
12 OR NOLO CONTENDERE TO DRIVING UNDER THE INFLUENCE OF DRUGS OR
13 ALCOHOL IN THE PREVIOUS SEVEN YEARS BEFORE APPLYING TO BECOME A
14 TRANSPORTATION NETWORK COMPANY DRIVER SHALL NOT SERVE AS A
15 DRIVER. A PERSON WHO HAS EVER BEEN CONVICTED OF OR PLED GUILTY
16 OR NOLO CONTENDERE TO ANY OF THE FOLLOWING FELONY OFFENSES
17 SHALL NOT SERVE AS A DRIVER:

18 (A) AN OFFENSE INVOLVING FRAUD, AS DESCRIBED IN ARTICLE 5
19 OF TITLE 18, C.R.S.;

20 (B) AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS
21 DEFINED IN SECTION 16-22-102 (9), C.R.S.;

22 (C) AN OFFENSE AGAINST PROPERTY, AS DESCRIBED IN ARTICLE 4
23 OF TITLE 18, C.R.S.; OR

24 (D) A CRIME OF VIOLENCE, AS DESCRIBED IN SECTION 18-1.3-406,
25 C.R.S.

26 (II) A PERSON WHO HAS BEEN CONVICTED OF A COMPARABLE
27 OFFENSE TO THE OFFENSES LISTED IN SUBPARAGRAPH (I) OF THIS

1 PARAGRAPH (b) IN ANOTHER STATE OR IN THE UNITED STATES SHALL NOT
2 SERVE AS A DRIVER.

3 (III) A TRANSPORTATION NETWORK COMPANY OR A THIRD PARTY
4 SHALL RETAIN TRUE AND ACCURATE RESULTS OF THE CRIMINAL HISTORY
5 RECORD CHECK FOR EACH DRIVER THAT PROVIDES SERVICES FOR THE
6 TRANSPORTATION NETWORK COMPANY FOR AT LEAST SIX MONTHS AFTER
7 THE CRIMINAL HISTORY RECORD CHECK WAS CONDUCTED.

8 (4) (a) BEFORE PERMITTING AN INDIVIDUAL TO ACT AS A DRIVER
9 ON ITS DIGITAL NETWORK, A TRANSPORTATION NETWORK COMPANY SHALL
10 OBTAIN AND REVIEW A DRIVING HISTORY RESEARCH REPORT FOR THE
11 INDIVIDUAL.

12 (b) AN INDIVIDUAL WITH THE FOLLOWING MOVING VIOLATIONS
13 SHALL NOT SERVE AS A DRIVER:

14 (I) MORE THAN THREE MOVING VIOLATIONS IN THE THREE-YEAR
15 PERIOD PRECEDING THE INDIVIDUAL'S APPLICATION TO SERVE AS A DRIVER
16 FOR THE TRANSPORTATION NETWORK COMPANY; OR

17 (II) A MAJOR MOVING VIOLATION IN THE THREE-YEAR PERIOD
18 PRECEDING THE INDIVIDUAL'S APPLICATION TO SERVE AS A DRIVER FOR
19 THE TRANSPORTATION NETWORK COMPANY, WHETHER COMMITTED IN THIS
20 STATE, ANOTHER STATE, OR THE UNITED STATES, INCLUDING VEHICULAR
21 ELUDING, AS DESCRIBED IN SECTION 18-9-116.5, C.R.S., RECKLESS
22 DRIVING, AS DESCRIBED IN SECTION 42-4-1401, C.R.S., AND DRIVING
23 UNDER RESTRAINT, AS DESCRIBED IN SECTION 42-2-138, C.R.S.

24 (c) A TRANSPORTATION NETWORK COMPANY SHALL RETAIN TRUE
25 AND ACCURATE RESULTS OF THE DRIVING HISTORY RESEARCH REPORT FOR
26 EACH DRIVER THAT PROVIDES SERVICES FOR THE TRANSPORTATION
27 NETWORK COMPANY FOR AT LEAST SIX MONTHS.

1 (5) IF A TRANSPORTATION NETWORK COMPANY RIDER FILES A
2 COMPLAINT WITH THE COMMISSION AGAINST A TRANSPORTATION
3 NETWORK COMPANY OR DRIVER, THE COMMISSION MAY INSPECT THE
4 TRANSPORTATION NETWORK COMPANY'S RECORDS AS REASONABLY
5 NECESSARY TO INVESTIGATE AND RESOLVE THE COMPLAINT.

6 **40-10.1-606. Permit required for transportation network**
7 **companies - penalty for violation - rules.** (1) A PERSON SHALL NOT
8 OPERATE A TRANSPORTATION NETWORK COMPANY IN COLORADO
9 WITHOUT FIRST HAVING OBTAINED A PERMIT FROM THE COMMISSION.

10 (2) THE COMMISSION SHALL ISSUE A PERMIT TO EACH
11 TRANSPORTATION NETWORK COMPANY THAT MEETS THE REQUIREMENTS
12 OF THIS PART 6 AND PAYS A PERMIT FEE OF THREE HUNDRED TWENTY-FIVE
13 DOLLARS TO THE COMMISSION. THE PERMIT IS VALID FOR ONE YEAR.

14 (3) (a) THE COMMISSION SHALL DETERMINE THE FORM AND
15 MANNER OF APPLICATION FOR A TRANSPORTATION NETWORK COMPANY
16 PERMIT.

17 (b) THE COMMISSION SHALL SET AND ADJUST, BY RULE, THE
18 PERMIT APPLICATION FEE AND MAY ADJUST BY RULE THE ANNUAL PERMIT
19 FEE TO COVER THE COMMISSION'S DIRECT AND INDIRECT COSTS
20 ASSOCIATED WITH THIS PART 6.

21 (4) THE COMMISSION MAY TAKE ACTION AGAINST A
22 TRANSPORTATION NETWORK COMPANY AS SET FORTH IN SECTION
23 40-10.1-112, INCLUDING ISSUING AN ORDER TO CEASE AND DESIST AND
24 SUSPENDING, REVOKING, ALTERING, OR AMENDING A PERMIT ISSUED TO
25 THE TRANSPORTATION NETWORK COMPANY.

26 (5) (a) FOR A VIOLATION OF THIS PART 6 OR A FAILURE TO COMPLY
27 WITH A COMMISSION ORDER, DECISION, OR RULE ISSUED UNDER THIS PART

1 6, A TRANSPORTATION NETWORK COMPANY IS SUBJECT TO A PENALTY NOT
2 TO EXCEED TWO THOUSAND DOLLARS FOR EACH OFFENSE.

3 (b) THE COMMISSION SHALL NOT ASSESS A PENALTY AGAINST A
4 TRANSPORTATION NETWORK COMPANY DRIVER.

5 **40-10.1-607. Fees - transportation network company account**
6 **- creation.** THE COMMISSION SHALL TRANSMIT ALL FEES COLLECTED
7 PURSUANT TO THIS PART 6 TO THE STATE TREASURER, WHO SHALL CREDIT
8 THE FEES TO THE TRANSPORTATION NETWORK COMPANY ACCOUNT,
9 HEREBY CREATED IN THE PUBLIC UTILITIES COMMISSION MOTOR CARRIER
10 FUND, CREATED IN SECTION 40-2-110.5 (6). THE MONEYS IN THE ACCOUNT
11 ARE CONTINUOUSLY APPROPRIATED TO THE COMMISSION FOR THE
12 PURPOSES SET FORTH IN THIS PART 6. ALL INTEREST EARNED FROM THE
13 INVESTMENT OF MONEYS IN THE ACCOUNT IS CREDITED TO THE ACCOUNT.
14 ANY MONEYS NOT EXPENDED AT THE END OF THE FISCAL YEAR REMAIN IN
15 THE ACCOUNT AND DO NOT REVERT TO THE GENERAL FUND OR ANY OTHER
16 FUND.

17 **40-10.1-608. Rules.** THE COMMISSION MAY PROMULGATE RULES
18 CONSISTENT WITH THIS PART 6, INCLUDING RULES CONCERNING
19 ADMINISTRATION, FEES, SAFETY REQUIREMENTS, AND FINANCIAL
20 RESPONSIBILITY REQUIREMENTS.

21 **SECTION 6. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.

Ordinance

Amending the Code of Ordinances for the City of Baton Rouge and Parish of East Baton Rouge, enacting Chapter 8, Transportation Network Services, Title 10, Transportation so as to define transportation network services, applications, companies, and operators and to create registration provisions for operators, to require background checks for operators, to prohibit street hails by operators, to require transportation network application companies to conduct background checks, inspect vehicles, establish zero tolerance policies for drugs and alcohol, and to provide for other related matters.

WHEREAS, there is a need in East Baton Rouge Parish for innovative transportation solutions for the citizens of East Baton Rouge Parish, and

WHEREAS, East Baton Rouge Parish citizens and visitors deserve choices in transportation, and

WHEREAS, the progression of technology has allowed for innovations in transportation that allow for safe and affordable transportation options, and

WHEREAS, the Metropolitan Council desires to regulate the area of transportation network services in order to allow for the availability of transportation solutions to the citizens and visitors of East Baton Rouge Parish and to provide for public protections relative to those services.

NOW THEREFORE BE IT ORDAINED by the Metropolitan Council for the City of Baton Rouge and Parish of East Baton Rouge:

Section 1. The Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge is hereby amended to enact Chapter 8, Transportation Network Services, of Title 10, Transportation as follows:

-

Chapter 8: Transportation Network Services

Sec. 10:600. Definitions.

The following words and phrases, when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

"Transportation network application company" shall mean a company operating in the City of Baton Rouge and Parish of East Baton Rouge that uses a digital network or software application to connect a passenger to transportation network services provided by a transportation network operator.

"Transportation network operator" shall mean an individual who operates a motor vehicle that is:

- (A) Owned or leased by the individual;
- (B) Not licensed as a public vehicle-for-hire under section 10:201 et seq. of this Code of Ordinances, and
- (C) Used to provide transportation network services.

"Transportation network services" shall mean transportation of a passenger between points chosen by the passenger and that is prearranged by a transportation network application company.

10:601. Registration.

(a) An individual may submit an application to a transportation network application company for registration as a transportation network operator.

(b) A transportation network application company shall approve or deny an application submitted under subsection (a) of this section within 60 days after the application has been submitted.

(c) Before approving an application submitted under subsection (a) of this section, a transportation network company shall:

(1) Conduct, or have a third party conduct, a local and national criminal background check for each applicant that shall include:

(A) Multi-State/Juris Criminal Records Locator or other similar commercial nationwide database with validation (primary source search); and

(B) National Sex Offender Registry database; and

(2) Conduct, or have a third party conduct, a driving record check for each applicant.

(d) A transportation network application company shall not approve an application submitted under subsection (a) of this section and shall permanently disqualify an applicant who:

(1) As shown in the local or national criminal background check required under subsection (c)(1) of this section, has been convicted within the past 7 years of:

(A) An offense defined under Offenses Against the Person under Title 14, Chapter 1, Part II of the Louisiana Revised Statutes (La. R.S. 14:31 et seq.).

(B) An offense defined as under Offenses Affecting the Public Morals under Title 14, Chapter 1, Part V of the Louisiana Revised Statutes (La. R.S. 14:80 et seq.).

(C) An offense defined under Offenses Against Property under Title 14, Chapter 1, Part III of the Louisiana Revised Statutes (La. R.S. 14:51 et seq.).

(D) An offense under the law of any state, under federal law, or under the law of any other jurisdiction, which involved conduct that would constitute an offense described in subparagraphs (A) through (C) of this paragraph if committed in the State of Louisiana;

(2) Is a match in the National Sex Offender Registry database;

(3) As shown in the driving record check required under subsection (c)(2) of this section, has been convicted within the past 7 years of:

(A) Any offense defined under Driving Offenses under Title 14, Chapter 1, Part VI, subpart 3 (La. R.S. 14:98 et seq.).

(B) Fleeing from a law enforcement officer under La. R.S. 14:108.1.

(C) Negligent homicide under La. R.S. 14:32.

(D) Vehicular homicide under La. R.S. 14:32.1.

(E) An offense under the law of any state, under federal law, or under the law of any other jurisdiction, which involved conduct that would constitute an offense described in subparagraphs (A) through (F) of this paragraph if committed in the State of Louisiana; or

(4) As shown in the driving record check required under subsection (c)(2) of this section, has been convicted within the past three years for driving with a suspended or revoked license under La. R.S. 32:415.

(e). A Transportation Network Application Company shall transmit a per vehicle fee of \$75.00 to the City-Parish Department of Finance for each vehicle it registers to operate in East Baton Rouge Parish.

10:602. Requirements for transportation network application companies.

(a) A transportation network application company shall:

(1) Create an application process for a person to apply for registration as a transportation network operator;

(2) Maintain a current registry of the transportation network application company's transportation network operators;

(3) Provide the following information on its website:

(A) The transportation network application company's customer service

telephone number and electronic mail address;

(B) The transportation network application company's zero tolerance policy established under paragraph (9) of this section;

(C) The procedure for reporting a complaint about an individual who a passenger suspects violated the zero tolerance policy under paragraph (8) of this section; and

(D) A complaint electronic mail address for the Taxicab Control Board for the City of Baton Rouge and Parish of East Baton Rouge;

(4) Conduct, or have a third party conduct, a safety and general appearance inspection of the motor vehicle that a transportation network operator will use before the motor vehicle may be used to provide transportation network services.

(A) Such safety inspection shall cover brakes, windshield, lights, steering, pollution control devices, tires, and suspension.

(B) Such general appearance inspection of the vehicle shall include cover the exterior of each vehicle, ensuring the vehicle is free of gross damage (dents larger than six inches in any direction) and that the vehicles has factory-finish grade paint.

(C) The general appearance inspection shall further include an interior inspection of each vehicle to ensure the vehicle interior is maintained in a reasonable condition, including door panels, arm rest, floor covering and seats that are free of holes, snags and soiled spots.

(5) Establish a uniform logo, insignia, decal or trade dress for use on a motor vehicle at any time a motor vehicle is providing or arranging to provide transportation network services;

(6) Maintain a commercial liability insurance policy that:

(A) Provides coverage of at least \$1,000,000 per incident for accidents involving a transportation network operator from the time the operator accepts a trip request until the completion of a trip, regardless of whether the operator maintains personal insurance adequate to cover any portion of a claim;

(B) Provides uninsured/underinsured motorist coverage of at least \$1,000,000 per incident;

(C) Provides contingent comprehensive and collision coverage of at least \$50,000 for physical damage to a transportation network operator vehicle during the course of providing transportation network services; and

(D) During the time that a transportation network operator is available for service but not providing service, provides additional bodily injury coverage of at least \$50,000 per person and at least \$100,000 per accident, and coverage of at least \$25,000 for property damage per accident, in the event that the operator's personal insurance policy does not pay.

(E) Provides that written notice shall be given the Taxicab Control Board upon any cancellation or termination of the policy.

(7) Establish a zero tolerance policy on the use of drugs or alcohol while transportation network operator is arranging to provide or is providing transportation network services;

(8) Immediately suspend a transportation network operator upon receiving a passenger complaint alleging that the operator violated the zero tolerance policy. Such suspension shall last the duration of the investigation;

(9) Conduct an investigation when a passenger alleges that an operator violated the zero tolerance policy required by paragraph (9);

(10) Maintain records relevant to the requirements of this section for the purposes of enforcement; and

(11) Before doing business in East Baton Rouge Parish, submit an application for a permit to the Taxicab Control Board for the City of Baton Rouge and Parish of East Baton Rouge that must include:

(A) Proof that the company is licensed to do business in East Baton Rouge Parish and the State of Louisiana;

(B) Proof that the company maintains a registered agent in East Baton Rouge Parish;

(C) Proof that the company maintains a website that includes the information required by paragraph (3) of this section;

(D) Proof that the company has established a uniform logo, insignia, decal, or trade dress required by paragraph (5) of this section; and

(E) A certification under penalty of perjury that the company has complied with the requirements of this ordinance, including, but not limited to the registration requirements for transportation network operators.

(F) Proof of the required insurance under Section 10:602(a)(6), naming the City of Baton Rouge-Parish of East Baton Rouge Taxicab Control Board as certificate holder.

(G) A registration fee of \$250.00 payable to the City of Baton Rouge and Parish of East Baton Rouge

(b) A transportation network application company shall not provide personal information about a passenger to a transportation network operator, including a passenger's full name, email address, or telephone number.

(c) A transportation network application company shall transmit a quarterly report to Taxicab Control Board in the care of the City-Parish Department of Finance that provides an accounting of the number of vehicles it has registered to operate in East Baton Rouge Parish.

(d) A transportation network application company shall transmit a \$250.00 annual permit fee to the Taxicab Control Board in the care of the City-Parish Department of Finance, due on or before January 15th of each year.

10:603. Requirements for transportation network operators.

(a) A transportation network operator shall:

(1) Exclusively accept rides booked through a transportation network application company's digital platform and shall not solicit or accept street-hails;

(2) Use the required logo, insignia, or trade dress required by section 10:602 (a) (5) of this chapter at any time that the operator uses his or her motor vehicle to provide or is arranging to provide transportation network service;

(3) Possess a valid driver's license;

(4) Possess proof of registration for the motor vehicle used for transportation network services;

(5) Possess proof of motor vehicle insurance for the motor vehicle used for transportation network services; and

(6) Be at least 21 years of age.

(b) If an accident occurs involving a motor vehicle that is being used for transportation network services, including when the transportation network operator is logged into or otherwise using the software application or network, the transportation network operator shall provide proof of:

(1) The operator's personal auto liability insurance; and

(2) The Transportation Network Application Company's excess liability coverage; provided, that a transportation network operator shall have 24 hours to provide proof of excess liability coverage.

10:604. Charges.

(a) A transportation network application company may offer service at no-charge, suggest a donation, or charge a fare; provided, that if a fare is charged, a transportation network application company shall disclose the fare calculation method, the applicable rates being charged, and the option for an estimated fare to a passenger before the passenger arranges a trip with the transportation network application company.

(b) Upon completion of a trip, a transportation network company shall transmit an electronic receipt to the passenger's electronic mail address or mobile application that lists:

(A) The origin and destination of the trip;

(B) The total time and distance of the trip; and

(C) A breakdown of the total fare paid, if any.

10:605. Enforcement.

(a) Upon submission of the required permit application in compliance with Section 10:602 (a)(11), the Taxicab Control Board shall issue a permit to a transportation network services company.

(b) The Taxicab Control Board for the City of Baton Rouge and Parish of East Baton Rouge shall have the authority to enforce the requirements of this ordinance, including through inspection of relevant records; provided, that any records disclosed to the City-Parish that are otherwise exempt from the definition of a Public Record under the Louisiana Public Records Act shall not be disclosed to third parties.

(c) Failure to adhere to the requirements of this section by a transportation network application company or operator may result in sanction or revocation of its permit by the Taxicab Control Board including fines and other penalties, pursuant to its authority.

(d) Except for the rules and regulations necessary to enforce the provisions of this chapter, transportation network application companies, operators, and services shall be exempt from regulation by the Taxicab Control Board including any rules or regulations requiring a transportation network company to:

(1) Collect or transmit data or information about a customer or a customer's trip to the Commission; or

(2) Provide the Taxicab Control Board with a list or inventory of drivers or vehicles that are associated with a transportation network application company.

Section 10:606. Requirements for operation at Baton Rouge Metropolitan Airport

Transportation Network Services and/or Transportation Network Operators cannot operate at the Baton Rouge Metropolitan Airport unless specifically authorized to do so by the Greater Baton Rouge Airport District.

Section 2. This Ordinance shall be effective _____.

Section 3. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Chapter 30 VEHICLES FOR HIRE*

*Cross reference(s)--Operation of buses in parks, § 18-20; streets, sidewalks and other public places, Ch. 25; traffic and motor vehicles, Ch. 28.

Art. I. In General, §§ 30-1--30-15

Art. II. Taxicabs, §§ 30-16--30-38.5

Div. 1. Generally, §§ 30-16--30-30

Div. 2. Licenses, §§ 30-31--30-38.5

Art. III. Horse-Drawn Cabs, §§ 30-39--30-74

Div. 1. Generally, §§ 30-39--30-41

Div. 2. Licenses, §§ 30-42--30-46

Div. 3. Operating Requirements, §§ 30-47--30-74

Art. IV. Bicycle Cabs, §§ 30-75--30-92

Div. 1. General Provisions, §§ 30-75--30-76

Div. 2. Licenses, §§ 30-77--30-91

Div. 3. Operating Requirements, §§ 30-82--30-92

ARTICLE I. IN GENERAL

Sec. 30-1. Reserved.

Sec. 30-2. Reserved.

Sec. 30-3. Reserved.

Sec. 30-4. Reserved.

Sec. 30-5. Applicability to transportation of disabled persons.

This chapter shall not apply to any vehicle used for the transportation of passengers for hire which meets each and every one of the following requirements:

- (a) The vehicle is equipped with a ramp or lift mechanism designed to accomplish wheelchair access;
- (b) The vehicle, at all times when used for hire, is transporting one (1) or more physically disabled persons; provided, however, not all persons within the vehicle need be physically disabled provided they are accompanying a physically disabled person;
- (c) The vehicle is designed and operated to provide only non-

emergency transportation to passengers who are wheelchair-bound or otherwise restricted in mobility due to physical incapacity, injury, sickness or other medical or age-related reason. For purposes of this chapter, non-emergency medical transportation vehicles are taxicabs, except that any motor vehicle utilized by a regional or nationally affiliated transportation agency that is registered and in good standing as a Maine non-profit corporation or is a public state or local agency, and that performs a background check on its drivers shall be excluded from this definition and the provisions of Article II. Any person or business who is unlicensed and claims to qualify for this exception bears the burden of proof to demonstrate that the exception is applicable; and

(d) The vehicle is operated for hire only by prearrangement.

Any doubt as to the applicability of the exemption created by this section shall be resolved against the application of this section. Any vehicle operated for hire, although designed for handicapped use, when not so used, shall be subject to the applicable provisions of this chapter.

(Ord. No. 534-86, 5-5-86; Ord. No. 286-07/08, 6-16-08)

Sec. 30-6. Reserved.
Sec. 30-7. Reserved.
Sec. 30-8. Reserved.
Sec. 30-9. Reserved.
Sec. 30-10. Reserved.
Sec. 30-11. Reserved.
Sec. 30-12. Reserved.
Sec. 30-13. Reserved.
Sec. 30-14. Reserved.
Sec. 30-15. Reserved.

ARTICLE II. TAXICABS; LIVERIES*

***Cross reference(s)**--Operation of buses in parks, § 18-20; streets, sidewalks and other public places, Ch. 25; traffic and motor vehicles, Ch. 28.

DIVISION 1. GENERALLY

Sec. 30-16. Definitions.

Terms used in this article shall have their common meanings except that the definitions set forth in chapter 15 or in this section shall apply unless the context clearly indicates that a different meaning is intended.

Compensation means delivering or providing any money, item of value, credit card charge slips, other pecuniary consideration or compensation, reward, donation, tip or any other remuneration, whether such is paid voluntarily or upon solicitation, demand, request, contract, agreement or as a surcharge.

Director means the designee of the city manager.

Disqualifying criminal offense means and include any conviction for any criminal offense punishable by imprisonment for any period of time, whether or not the sentence was imposed or served, but shall not include any conviction which is shown to have been set aside on appeal or collaterally, or for which a pardon, certificate of rehabilitation, or the equivalent under the law of the sentencing jurisdiction has been granted.

For hire means the transportation for compensation of passengers.

License inspector means and includes any person designated by the director to perform inspections of taxicabs.

Limousine means any vehicle designed to carry 5 or more passengers behind the driver's seat which is of a type customarily designated as a luxury "stretch limousine" and is used for the transportation of passengers for hire solely on a reserved hourly or flat rate basis.

Livery, except as provided in section 30-17A below, means any motor vehicle designed to carry 3 or more passengers behind the driver's seat which is used for the transportation of passengers for hire on a prior reserved hourly or flat rate basis. Livery vehicles shall not be available for hire on a "hail" or walk-up basis by passengers on the street and shall not include a limousine.

Metered zone means and includes the Cities of Portland, other than Peaks Island, South Portland and Westbrook and the Towns of

Cape Elizabeth, Falmouth and Scarborough.

Taxicab means and includes any motor vehicle used for the transportation of passengers for hire, the destination and route of which are under the direction and control of the passengers; except that the provisions of this article shall not apply to a motor vehicle licensed by another municipality to operate as a taxicab or other vehicle for hire which is operated within the City of Portland in response to:

- (a) A call to convey a passenger from the city to such other municipality; or
- (b) A request to convey a passenger from the city to such other municipality when such request is made at the point of delivery in the city of a passenger from such other municipality; or
- (c) A request to convey a passenger from such other municipality to the city.

"Taxicab" does not include a limousine or livery vehicle as defined above, or a vehicle which operates solely on a fixed schedule and route such as, but not limited to, a bus.

To operate means and includes to drive, or regularly to cause, induce, permit or suffer another to drive, whether or not such other person acts in the capacity of an agent, servant, employee, lessee or independent contractor.

(Code 1968, § 902.2; Ord. No. 231-80, 12-22-80; Ord. No. 303-92, 4-6-92; Ord. No. 231-99, 3-15-99; Ord. No. 57-04/05, 10-4-04; Ord. No. 294-04/05, 6-20-05; Ord. No. 286-07/08, 6-16-08; Ord. No. 188-08/09, 4-6-09; Ord. No. 26-10/11, 8-16-10)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 30-17. Applicability.

(a) All provisions of this Article shall apply to taxicabs and liveries which operate between any of the municipalities within the metered zone and the city, except that livery vehicles shall not be required nor allowed to have taximeter and the provisions of section 30-21 shall not apply to liveries. This article shall not apply to the Casco Bay Islands except as provided herein for Peaks Island.

(b) Limousines operating within the city or based in the city are exempt from the provisions of this Article.

(c) Livery operators which hold a current interstate operating authority from the Federal Motor Carrier Safety Administration and the liveries covered by such interstate operating authority are exempt from this Article. Failure to have a written prior reservation record at the time of pick-up, drop-off or conveyance of a passenger creates a rebuttable presumption that the vehicle and operator are required to be licensed as a taxicab under this Article. No livery shall operate as a taxicab nor accept passengers on a "hail" or walk-up basis, except as provided herein for a Peaks Island livery, even if such livery is covered by interstate operating authority or is licensed as a livery under this Article.

(Ord. No. 57-04/05, 10-4-04; Ord. No. 188-08/09, 4-6-09)

Sec. 30-17A. Service on Peaks Island.

(a) A vehicle providing transportation for hire services exclusively on Peaks Island, the destination and route of which are under the direction and control of the passengers, must be licensed as a livery hereunder and driven by a licensed livery driver. Such vehicle and driver shall comply with all requirements of this ordinance, except as follows:

- (1) Vehicle signage shall be on both front doors of the vehicle, stating the company name and "Peaks Island Livery Only"; the vehicle shall be licensed to operate solely on Peaks Island;
- (2) The vehicle license fee shall be one-half of the regular license fee for a livery vehicle. All other fees shall be the same;
- (3) The Peaks Island livery shall be available for hire on a "hail" or walk-up basis by passengers on the Island;
- (4) Rates shall be negotiated with the passenger prior to provision of service, subject to a maximum rate not to exceed five dollars (\$5.00) per passenger per trip, which maximum fare shall be conspicuously posted on the exterior of both the rear doors of the livery and inside the vehicle;
- (5) The Peaks Island livery driver shall not be required to keep a log pursuant to section 30-25.

(b) Except as provided in this section, the Peaks Island livery and driver shall comply with all other requirements of this chapter.

(Ord. No. 188-08/09, 4-6-09; Ord. No. 26-10/11, 8-16-10)

Sec. 30-18. Equipment.

(a) *General requirements.*

- (1) All taxicabs and liveries shall submit to random vehicle inspections by the license inspector or the inspector's designee or a member of the Portland police department, in addition to the city's required annual inspection.
- (2) Taxicabs and liveries shall be at all times clean and in good repair inside and out. "Clean and in good repair" shall mean and include, without limitation, the following:
 - a. No visible tears in carpeting;
 - b. No dents larger than six (6) inches in diameter;
 - c. No tears in seat upholstery;
 - d. No loose trash or large amounts of dirt or sand in the interior passenger area, whether or not the area is currently occupied by a passenger;
 - e. No missing trim or body work;
 - f. No cracks in windshield or windows;
 - g. Seat belts for all passenger seats visible and in working order;
 - h. No missing hubcaps;
 - i. No visible primer paint;
 - j. No rust greater than one (1) inch in diameter; and
 - k. An operational jack and inflated spare tire.
- (3) Taxicabs and liveries shall be maintained at all times in

compliance with the laws of the state relating to passenger vehicles and the rules and regulations of the state enacted pursuant thereto.

- (4) *Taximeters.* Taxicabs, other than those which operate exclusively on the islands, shall be equipped with taximeters which have been tested, approved and sealed by the state sealer of weights and measures, and which shall indicate fare and mileage by means of legible figures which are electrically illuminated during the period between sunset and sunrise, which fare shall be computed in accordance with the rate card and shall be calibrated the same fraction of a mile as the maximum fare provided in section 30-21(b)(1). Taximeters shall be so placed that the figures are in plain view of all passengers. Taximeters shall be connected directly to and be driven directly from the transmission by means of flexible shafts and flexible housing so connected and sealed as to not be subject to tampering.
- (5) *Exterior light.* Every taxicab shall be equipped with an exterior light affixed to the roof thereof which shall be covered with a translucent fixture marked with the word "Taxi" in legible lettering and which shall be operated during the period between sunset and sunrise. A livery vehicle is prohibited from having an exterior light.
- (6) *Notice to the Public.* Every taxicab and livery shall conspicuously display the following rules and regulations to notify the public of the requirements of all taxicab and livery vehicles;
 - a. For taxicabs only, maximum fare schedule;
 - b. Smoking is not permitted in any taxicab or livery vehicle at any time;
 - c. Taxicab or livery driver permit, with picture i.d. shall be prominently displayed within the vehicle;
 - d. The operator of each taxicab or livery shall conduct himself in a courteous and professional manner at all times;
 - e. No person other than the driver is permitted to remain in the taxicab or livery at any time without

the express consent of all passengers.

- f. Effective July 1, 2008, the director shall supply appropriate signage for each taxicab and livery and shall designate the location of such signage in the vehicle.

ANY VIOLATION OF THESE RULES AND REGULATIONS BY THE TAXICAB OR LIVERY DRIVER OR OWNER MAY BE REPORTED BY CALLING (207) 756-8310 OR BY WRITING TO:

TAXICAB LICENSING
C/o Manager of Transportation Policy
City of Portland
389 Congress Street
Portland, Maine 04101

Please include your name, address and telephone number to allow adequate follow-up by the city.

(b) *Identification.* Every taxicab shall be conspicuously, professionally and permanently marked in letters not less than one and one-half (1 1/2) inches in height with the word "Taxicab" and the owner's name or trade name or, in lieu of such name or trade name, with a design or monogram containing the owner's name or trade name. Such design or monogram shall be not less than eight (8) inches in diameter. The identification required hereunder shall be placed, at minimum, on the two front doors of the vehicle. Livery vehicles are required to be similarly marked as "Livery", and the words "taxi", "cab" or "taxicab" cannot be used in such marking.

(Code 1968, § 902.7; Ord. No. 231-80, 12-22-80; Ord. No. 643-81, § 1, 5-4-81; Ord. No. 303-92, 4-6-92; Ord. No. 39-92, § 1, 7-6-92; Ord. No. 231-99, 3-15-99; Ord. No. 57-04/05, 10-4-04; Ord. No. 294-04/05, 6-20-05; Ord. No. 286-07/08, 6-16-08)

Sec. 30-19. Conduct of driver.

When transporting passengers, all licensees shall be neat and clean in appearance. All articles of clothing shall be clean and in good repair.

(Ord. No. 303-92, 4-6-92; Ord. No. 39-92, § 2, 7-6-92; Ord. No. 57-04/05, 10-4-04)

Sec. 30-20. Smoking in vehicle.

Smoking is not permitted in any taxicab or livery vehicle at

any time, including times when there are no passengers in the vehicle or when the vehicle is not in operation as a taxicab or livery.

(Ord. No. 303-92, 4-6-92; Ord. No. 231-99, 3-15-99; Ord. No. 57-04/05, 10-4-04; Ord. No. 286-07/08, 6-16-08)

Sec. 30-21. Taxicab fares for service.

The maximum fares for taxicabs shall be as follows:

(a) *Within the metered zone.* Except as otherwise provided herein, the maximum fare for taxicab service solely which begins or ends in the city and is within the metered zone shall be one dollar and ninety cents (\$1.90) for the first one-tenth of a mile (the "drop" rate) or a fraction thereof and thirty cents (\$0.30) for each one-tenth of a mile or fraction thereof, thereafter. The fare shall be computed and displayed by the taximeter. No fare charged shall be in excess of the amount displayed by the taximeter. There shall be one (1) fare, divided equally, in the case of two (2) or more passengers who engage the taxicab for a trip between the same two (2) points. In all other cases, each passenger shall pay a separate fare, based upon the total taximeter rate to their individual destinations.

(b) *Outside the metered zone.* If a trip begins or ends within the city and the other point of destination is outside the metered zone, the passenger and driver shall agree upon the fare before the trip commences; otherwise the passenger shall be under no obligation to pay any fare.

(c) *Minimum jetport fare.* The minimum fare for pickup at the Portland International Jetport is five dollars (\$5.00) even if the taximeter fare is less. The taximeter shall be used for all such pickups.

(d) *Waiting time.* A charge for waiting time may be made only for time waited at the express direction of the passenger after the trip has begun and for time waited before the trip has begun, commencing five (5) minutes after the time at which the passenger has requested the taxicab to call, or five (5) minutes after the taxicab actually calls, whichever is later. The charge for such waiting time shall be forty cents (\$0.40) per minute.

(e) *Sight-seeing.* Taxicabs may be employed for purposes of sight-seeing only according to a published route and rate which

shall be provided to the passenger prior to commencement of the trip.

(f) *Bags and parcels.* No charge shall be made for the transportation of the bags or parcels of a passenger.

(Code 1968, § 902.8; Ord. No. 231-80, 12-22-80; Ord. No. 576-81, §§ 1, 2, 4-6-81; Ord. No. 471-84, 3-7-84; Ord. No. 332-88, 4-20-88; Ord. No. 63-89, 7-17-89; Ord. No. 303-92, 4-6-92; Ord. No. 249-97, 4-23-97; Ord. No. 56-04/05, 9-8-04; Ord. No. 57-04/05, 10-4-04; Ord. NO. 286-07/08, 6-16-08; Ord. No. 188-08/09, 4-6-09)

Sec. 30-22. Rates to be displayed by taxicabs.

(a) *Rate and information card.* The director shall issue, together with each taxicab business license, a rate and information card which sets forth the foregoing rates in clear, legible letters and a description of the metered zone. The rate and information card shall be clearly visible to passengers at all times when the taxicab is in service.

(b) *Statement of rates.* The maximum rate of fares charged by the taxicab pursuant to this article and any lesser rate actually charged by the taxicab shall be advertised on both back doors of the taxicab in lettering of a size to be approved by the director.

(c) *Statement of discounts.* Notice of any lesser rates routinely offered shall be displayed in clear and legible letters immediately adjacent to the rate and information card.

(Code 1968, § 902.9; Ord. No. 231-80, 12-22-80; Ord. No. 643-81, §§ 2, 3, 5-4-81; Ord. No. 471-84, 3-7-84; Ord. No. 303-92, 4-6-92; Ord. No. 57-04/05, 10-4-04; Ord. No. 294-04/05, 6-20-05)

Sec. 30-23. Display of license.

Every driver licensed hereunder shall display his or her taxicab or livery driver's license in the manner described by the director when the cab or livery is in service. The license shall be surrendered upon revocation, suspension or expiration of the taxicab or livery driver's license.

An annual inspection and registration decal, to be issued by the director upon annual inspection commencing May 1, 1999, shall be affixed to the left lower corner of the windshield of each taxicab or livery licensed by, and operated in, the City of Portland. It shall be a violation of this ordinance to fail to display such inspection and registration decal. A license inspector or law enforcement officer shall immediately order the removal from

service of any taxicab or livery that fails to display this decal or may immediately impound the taxicab operated without the required decal. A penalty of \$100.00 shall be paid by the owner of any taxicab or livery vehicle for each day it is operated without the required decal.

(Code 1968, § 902.10; Ord. No. 231-80, 12-22-80; Ord. No. 278-90, 3-19-90; Ord. No. 303-92, 4-6-92; Ord. No. 231-99, 3-15-99; Ord. No. 57-04/05, 10-4-04; Ord. No. 294-04/05, 6-20-05)

Sec. 30-24. Order of taxicab or livery vehicle from service.

(a) The license inspector or any law enforcement officer may require any licensee to present a taxicab or livery for inspection whenever the inspector or officer deems such inspection necessary because of a serious threat to the health or safety of passengers and may, in writing, order a taxicab or livery business licensee to remove from service any taxicab or livery which is in violation of this article; provided that a re-inspection shall be scheduled as soon as possible but in no case more than three (3) business days thereafter. There shall be a charge of fifty dollars (\$50.00) for each re-inspection of any taxicab or livery ordered removed from service hereunder.

(b) The license inspector or any law enforcement officer shall order a taxicab or livery business licensee or taxicab operator to immediately remove from service, or shall immediately impound, any taxicab or livery which does not exhibit a taxicab or livery decal issued pursuant to Section 30.23.

Any licensee aggrieved by an order made under this section may appeal at any time to the city director who shall, as soon as possible, and in no case more than five (5) business days thereafter, determine whether such taxicab or livery is in violation of this article and shall either affirm the order of the license inspector or law enforcement officer or give the licensee written permission to return the taxicab or livery to service. Notwithstanding any other provision of this article or chapter 15, the license of any licensee charged with operating a taxicab or livery which the license inspector has ordered out of service shall be suspended in accordance with section 15-8(b)(3), and shall either be suspended or revoked upon a finding, after notice and hearing, that the violation has in fact been committed.

(Code 1968, § 902.13; Ord. No. 231-80, 12-22-80; Ord. No. 306-82, § 4, 1-4-82; Ord. No. 484-83, § 1, 4-20-83; Ord. No. 303-92, 4-6-92; Ord. No. 124-96, § 1, 11-4-96; Ord. No. 231-99, 3-15-99; Ord. No. 57-04/05, 10-4-04; Ord. No. 294-04/05, 6-20-05; Ord. No. 286-07/08, 6-16-08)

Sec. 30-25. Log; customer receipt.

(a) Each person licensed as a taxicab or livery business or driver hereunder shall maintain a log of all calls received and services provided, specifying the date, time, name, if available, and the pickup and drop-off location of each transport which either begins or ends within the metered zone. Such log shall be provided to the director or law enforcement officer upon request or may be examined by said director or officer during regular business hours of the business.

(b) Each person licensed as a taxicab or livery business or driver hereunder shall provide a receipt to any customer upon that customer's request. Such receipt shall show, at minimum, the date and time of the service provided, the name of the taxicab or livery company, and the cost thereof.

(Ord. No. 57-04/05, 10-4-04; Ord. No. 294-04/05, 6-20-05)

Sec. 30-26. Notice of violation; waiver of administrative hearing.*

The director, the license inspector or any authorized law enforcement officer may, prior to commencement of an administrative hearing, issue a notice of violation to any person charged with a violation of this article. Such notice shall be in a form approved by the city manager.

(Ord. No. 306-82, § 4, 1-4-82; Ord. No. 303-92, 4-6-92; Ord. No. 57-04/05, 10-4-04; Ord. No. 286-07/08, 6-16-08)

***Editor's note:** the waiver provision is now in § 30-38.

Sec. 30-27. Penalty.

Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. The city may enjoin or abate any violation of this article by appropriate action. In addition to the penalty set forth in section 1-15 of this Code, if the court finds for the city, the city shall recover its costs of suit including reasonable experts' fees, attorney's fees and reasonable and necessary investigative fees.

(Ord. No. 303-92, 4-6-92; Ord. No. 57-04/05, 10-4-04)

Sec. 30-28. Severability.

The provisions of section 1-14 of this Code shall apply to this article.

(Ord. No. 303-92, 4-6-92; Ord. No. 57-04/05, 10-4-04)

Sec. 30-29. Reserved.

Sec. 30-30. Reserved.

DIVISION 2. LICENSES*

*Cross reference(s)--Licenses and permits generally, Ch. 15.

Sec. 30-31. Required.

(a) *Business license.* Each taxicab or livery business, whether an individual, corporation, d/b/a, limited liability corporation, partnership, or other legal entity, shall obtain a taxicab or livery license from the director prior to permitting the operation of any taxicab or livery vehicles in the city. A taxicab or livery business license shall be obtained which covers all vehicles which will be used under the license. As provided in Chapter 15, there shall be a fee of three hundred dollars (\$300.00) per vehicle listed on the business license. Only those vehicles listed on the business license may be used by the licensee as a taxicab or livery vehicle in the city. Vehicles can only be used for one purpose, i.e. either a taxicab or livery, and can only be listed on one license.

(b) *Driver's license.* No person shall operate a taxicab or livery vehicle within the city unless such taxicab or livery is covered by a business license and the driver thereof is currently licensed by the city to operate a taxicab or livery.

(c) *Licenses non-transferable.* Pursuant to section 15-11 of this Code, licenses issued hereunder are not transferable. If a taxicab or livery business license is denied or is revoked as a result of a disqualifying criminal conviction of the applicant or licensee for a class A, B or C crime, a taxicab or livery business license shall not be issued to an immediate family member for the period of such disqualification. "Immediate family member" means a spouse, parent, sibling or child living in the same household as the applicant or licensee who committed the disqualifying criminal conviction.

(Code 1968, § 902.1; Ord. No. 231-80, 12-22-80; Ord. No. 303-92, 4-6-92; Ord. No. 231-99, 3-15-99; Ord. No 57-04/05, 10-4-04; Ord. No. 294-04/05, 6-20-05)

Sec. 30-32. Application.

(a) Applications under this division shall be filed in accordance with chapter 15. In addition to the requirements of that chapter:

(1) *Taxicab or livery business licenses.* Every application shall contain the following:

- a. Every application shall be signed and verified by each of the principal officers of the applicant if the applicant is a corporation, and in all other cases by all persons having actual ownership interests in the applicant. If the applicant is a corporation, the application shall state the name and address and the date and place of birth of each of the principal officers of the applicant and of every person having management authority in the business of the applicant. In all other cases, the application shall state the name and address and the date and place of birth of every person having an actual ownership interest or having management authority in the business of the applicant.
- b. A record of any disqualifying criminal conviction of any officer of, or person having an actual business ownership in, the applicant, or a statement that no such conviction exists shall be provided.
- c. The make, type, year, serial number and license plate number of each vehicle for which a taxicab or livery business license is sought and the address of the garage or other terminal at which the vehicle will be stationed when not in service shall be stated.
- d. A detailed description of the graphic design, insignia, wording and coloring which will appear upon the vehicle, if licensed, shall be included.
- e. An appropriate form of statement over the signature of each person signing the application, giving all persons and governmental agencies having information relevant to the above items permission to release the same to the director.
- f. A person or business may obtain both a livery and

taxicab business license, but there shall be a separate application form and fee for each such license. A vehicle shall not be licensed nor used both as a taxicab and a livery vehicle.

- (2) *Taxicab or livery drivers' licenses.* The taxicab or livery driver's license application shall:
- a. State the age of the applicant;
 - b. State current contact information, including home and work address, and home, work and cell telephone numbers, and e-mail address if available;
 - c. Contain a complete record of the applicant with respect to any disqualifying criminal conviction or a statement that no such conviction exists;
 - d. Contain a record of convictions for reckless driving, driving to endanger, operating or attempting to operate under the influence during the year preceding the application;
 - e. State whether any driver's license held by the applicant is presently revoked or has been revoked during the three (3) years preceding the application and the reasons for such revocation or revocations; and
 - f. The application shall contain an appropriate form of statement over the signature of the applicant giving all persons and governmental agencies having information relevant to the above items permission to release the same to the director and shall be accompanied by two (2) photographs of the applicant of such size as the director may specify.
 - g. An applicant may obtain both a taxicab and a livery driver's license but there shall be separate application forms and fees for each such license. No person shall drive a taxicab or livery without having the appropriate license hereunder.
- (3) Every business licensed hereunder must maintain current records of the names, home addresses and telephone numbers of all of their drivers and must supply this

information promptly to the director upon request. Every driver required to be licensed hereunder must have a current license for the vehicle he or she drives, and must provide the director with current contact information, including name, home and work address and home, work and cell telephone numbers and any e-mail address available. The driver shall promptly notify the director of any change in the contact information.

(Code 1968, § 902.3; Ord. No. 231-80, 12-22-80; Ord. No. 303-92, 4-6-92; Ord. No. 57-04/05, 10-4-04; Ord. No. 294-04/05, 6-20-05; Ord. No. 286-07/08, 6-16-08)

Sec. 30-33. Standards for denial.

(a) In addition to those standards set forth in chapter 15, a license under this division shall be denied to the following persons:

(1) *Taxicab or livery business licenses:*

- a. A corporation which is not licensed to do business in the state;
- b. An applicant other than the registered owner of the vehicle;
- c. A corporation if any principal officer thereof or any person having actual ownership interest therein has a disqualifying criminal conviction;
- d. An applicant, other than a corporation, if such applicant, any principal officer, or any person having an actual ownership interest or management authority therein has a disqualifying criminal conviction; and
- e. Any applicant whose taxicab or livery business license has been revoked within the three (3) years preceding the application.

The director shall make and keep a written record of every decision to deny an application for a taxicab or livery business license in the manner required by Title 1 M.R.S.A., Chapter 13.

(2) *Taxicab or livery drivers' licenses:*

- a. An applicant who has not attained the age of

eighteen (18) years;

b. An applicant who has a disqualifying criminal conviction, based upon the following:

1. For a period of one (1) year from the date of the discharge of the sentence for the most recent conviction for a Class D or E crime, or an equivalent offense in any other jurisdiction, that falls into any one of the following categories: theft, robbery, burglary, assault, sex crimes, drugs, prostitution, weapons, or any major traffic offense except those specified in paragraph d below. In addition to the foregoing, this same one (1) year disqualification applies to an applicant who has a record of repeated minor traffic offenses which are not criminal violations. "Repeated minor traffic offenses" hereunder means more than two motor vehicle moving traffic violations within the twelve (12) months prior to the date of application, or more than five (5) moving traffic violations within the thirty-six (36) months prior to the date of application, with at least one of those offenses occurring within the twelve (12) months prior to the date of application. In the case of these non-criminal traffic offenses, the twelve (12) month disqualification period shall begin as of the date of the finding of violation of the most recent offense. Notwithstanding the foregoing, any motor vehicle moving violation which results in bodily injury or property damage shall be considered a major offense hereunder.
2. For a period of one (1) year from the date of reinstatement of a license which has been suspended or revoked in any jurisdiction, with the following exceptions:
 - i. Where a license suspension results from the failure to file insurance with the Secretary of State pursuant to 29-A M.R.S.A. Chapter 13 (or other applicable

law) or an order of court, the applicant must provide the director with (1) proof of valid insurance; and (2) documentation of the reinstatement of the applicant's driver's license. Following such proof, the license suspension shall not disqualify the applicant from receiving a taxicab or livery driver's license, provided there is no other disqualifying condition.

- ii. Where a license suspension results from the failure to pay child support pursuant to 19-A M.R.S.A. Chapter 65 (or other applicable law) or an order of the court, the applicant must provide the director with documentation of re-instatement of the applicant's driver's license. Following such proof, the license suspension shall not disqualify the applicant from receiving a taxicab or livery license, provided there is no other disqualifying condition.
- 3. For a period of three (3) years from the date of the discharge of the sentence for the most recent conviction for a Class C crime, or an equivalent offense in any other jurisdiction.
 - 4. For a period of four (4) years from the date of discharge of the sentence for the most recent conviction for reckless driving, driving to endanger or operating a motor vehicle under the influence of intoxicating liquor or drugs more than one (1) time in the preceding ten (10) year period, regardless of the class of the offense and regardless of any lesser disqualification which might otherwise apply hereunder.
 - 5. For a period of five (5) years from the date of the discharge of the sentence for the most recent conviction for reckless driving, driving to endanger or operating a motor vehicle under the influence of intoxicating liquor or drugs, which act was committed while

operating any vehicle licensed under this chapter, or which act resulted in bodily injury.

6. For a period of five (5) years from the date of the discharge of the sentence for the most recent conviction for a Class B crime, or an equivalent offense in any other jurisdiction.
7. For a period of ten (10) years from the date of the discharge of the sentence for the most recent conviction for a Class A crime, or an equivalent offense in any other jurisdiction.
8. For a period of ten (10) years from the date of the discharge of the sentence for the most recent conviction if either of the following conditions occur:
 - i. The applicant has received more than two (2) criminal convictions for Class B, C or D crimes, or any combination of such crimes within the preceding ten (10) year period; or
 - ii. The applicant has utilized a weapon of any type in the commission of a crime.

Where an applicant for a taxicab or livery driver's license or a licensee has more than one (1) disqualifying criminal conviction within the previous ten (10) years, the applicant shall be disqualified for the longest applicable period of time. If an applicant receives a subsequent disqualifying criminal conviction during a period of disqualification for another offense, the disqualification period for the subsequent offense shall run from the date of the discharge of the sentence for the subsequent conviction. If the disqualification period for the subsequent offense extends beyond the initial disqualification period, then the applicant shall remain disqualified for such additional time period.

(b) The periods of disqualification set forth in subsection (a) above, other than subsection (2) b.8. above may be reduced by six (6) months if the applicant can show that after the conviction he or she did at least one (1) of the following:

- (1) Successfully completed a drug or alcohol rehabilitation program, as evidenced by a certificate of completion of the program or a letter from an official of the program;
- (2) Successfully completed a domestic violence therapy program or treatment if the disqualifying criminal conviction involved domestic violence, as evidenced by a certificate of completion of the program, a letter from an official of the program or a letter from a licensed counselor or therapist; or
- (3) Made restitution for the crime committed, as evidenced by appropriate court documentation or probation records.

(c) The director shall make and keep a written record of every decision to deny an application for a taxicab or livery driver's license in the manner required by Title 1 M.R.S.A., Chapter 13.

(d) "Date of discharge" as used herein means the date upon which the sentence has been completed, including any probation or parole period, and the person has been discharged from the criminal justice system for the violation.

(Code 1968, § 902.4; Ord. No. 231-80, 12-22-80; Ord. No. 296-82, §§ 1, 2, 12-20-82; Ord. No. 303-92, 4-6-92; Ord. No. 144-96, 1-17-96; Ord. No. 231-99, 3-15-99; Ord. No. 57-04/05, 10-4-04; Ord. No. 294-04/05, 6-20-05; Ord. No. 286-07/08, 6-16-08)

Sec. 30-34. Conditions precedent to issuance.

Prior to issuance of any taxicab or livery vehicle license, and in addition to all other requirements of chapter 15 or this division, the following must occur:

- (a) For any business license: The applicant must file with the director a copy of the applicant's valid state certificate of registration of the vehicle to be licensed, a copy of the insurance certificate for the

vehicle along with a certificate that lists the City of Portland as a certificate holder and providing for prior notice to the city of cancellation of the insurance policy, a valid certificate of inspection issued by the state sealer of weights and measures in the case of a taxicab only, and a certificate issued by the license inspector that the vehicle to be licensed complies with the safety and equipment requirements of this article. A copy of the current insurance certificate for the vehicle shall be kept in the vehicle at all times. In the case of a certificate that covers more than one (1) vehicle, a photocopy of the insurance certificate shall be kept in each vehicle.

- (b) For any driver's license: The applicant must file with the director a copy of a valid State of Maine driver's license. In addition, the director shall obtain a current criminal history report from the state bureau of identification and a driving record from the state department of motor vehicles; except that pending receipt of the criminal history report from the state bureau of identification a temporary taxicab or livery license may be issued to any applicant provided that the director has received both the applicant's driving record from the department of motor vehicles and a copy of the applicant's criminal history record from the Portland Police Department which criminal history record does not contain notation of an arrest or disqualifying criminal conviction.

(Code 1968, § 902.5; Ord. No. 231-80, 12-22-80; Ord. No. 461-87, 4-22-87; Ord. No. 303-92, 4-6-92; Ord. No. 39-92, § 3, 7-6-92; Ord. No. 248-97, 4-9-97; Ord. No. 231-99, 3-15-99; Ord. No. 57-04/05, 10-4-04; Ord. No. 294-04/05, 6-20-05; Ord. No. 286-07/08, 6-16-08)

Sec. 30-35. Fees.

Fees shall be as provided under chapter 15, except that a portion of the issuance fee (prorated on a weekly basis) shall be refunded upon surrender of the license if the licensee dies, or becomes permanently disabled, from conducting the taxicab business or driving a taxicab or livery vehicle.

(Code 1968, § 902.6; Ord. No. 231-80, 12-22-80; Ord. No. 303-92, 4-6-92; Ord. No. 57-04/05, 10-4-04)

Sec. 30-35.5. Transfer.

Notwithstanding any other provision of this article or chapter

15, and in lieu of any other fee, a taxicab or livery business license may be transferred to another vehicle for the unexpired term thereof upon payment of a fee of twenty-five dollars (\$25.00), and upon relinquishment to the director of the decal previously issued to the corresponding taxicab or livery vehicle, provided that the license application filed pursuant to sections 15-5 and 30-32(a) shall be supplemented as required by section 15-13.

(Code 1968, § 902.6; Ord. No. 231-80, 12-22-80; Ord. No. 306-82, § 1, 1-4-82; Ord. No. 303-92, 4-6-92; Ord. No. 231-99, 3-15-99; Ord. No. 57-04/05, 10-4-04; Ord. No. 294-04/05, 6-20-05)

Sec. 30-36. Automatic revocation or suspension.

(a) *State of Maine driver's license.* No taxicab or livery driver's license shall be effective for the purposes of this division during any period in which the state driver's license of the licensee is suspended or revoked.

(b) *Obligation of taxicab or livery driver.* It is the obligation of the licensed taxicab or livery driver to notify the director of any suspension or revocation of his or her state driver's license and to return his or her taxicab or livery driver's license to the director within fourteen (14) calendar days of such suspension or revocation. It is a violation of this ordinance for a licensee to continue to operate a taxicab or livery vehicle after suspension of his or her state driver's license and the taxicab or livery driver's license shall be suspended for up to a maximum of one year from the date of the finding by the director of such violation by a licensee, in addition to any other penalty which may apply under this article. A copy of this paragraph shall be printed on the city's taxicab and livery driver's license application.

(c) *Obligation of business licensee.* It is a violation of this ordinance for a business licensee to knowingly employ a driver who does not hold a valid state driver's license or a driver's license required hereunder and to permit him or her to operate a vehicle licensed hereunder, and such business licensee shall be subject to a suspension of all licenses issued hereunder to that person for the duration of each current license and up to one (1) year thereafter for each license. Any person permitted or suffered to drive any taxicab or livery vehicle of the business licensee shall be considered to be "employed" by said business licensee for purposes of this paragraph, however that person is designated, including but not limited to, an employee, independent contractor, lessee.

(Code 1968, § 902.11; Ord. No. 231-80, 12-22-80; Ord. No. 303-92, 4-6-92; Ord. No. 57-04/05, 10-4-04; Ord. NO. 294-04/05, 6-20-05)

Sec. 30-37. Grounds for suspension or revocation.

(a) *Any license.* In addition to the grounds for suspension or revocation of licenses set forth in chapter 15 and in this article and the grounds for denial set forth in this article which shall also be grounds for suspension or revocation of a license, either a taxicab or livery business license or a taxicab or livery driver's license shall be subject to suspension or revocation upon a determination that the licensee:

- (1) Knowingly took a longer route to his or her destination than was necessary unless so requested by the passenger;
- (2) Knowingly conveyed any passenger to a place other than that which the passenger specified;
- (3) Solicited or caused another person to solicit taxicab or livery passenger business in any manner whatsoever;
- (4) In the case of a livery, picked up or attempted to pick up a passenger on the street or in a public place, without an agreement arranged in advance for such pick-up; the burden shall be on the livery business or driver licensee to show the existence of such a pre-arranged agreement;
- (5) Transported any person other than the passenger first engaging the taxicab or livery without the express consent of such passenger;
- (6) Drove a taxicab or livery when not clean and neat in appearance;
- (7) Permitted any person other than the driver and a passenger or passengers to remain in the taxicab or livery at any such time, except a trainee, if a licensed taxicab or livery driver;
- (8) Refused to transport any orderly person upon request unless, in the case of a single taxicab or livery business the taxicab or livery vehicle is engaged, or in the case of a taxicab or livery business operating more than one (1) taxicab or livery vehicle, all vehicles

operated by such business and then in service are engaged (if no taxicab or livery vehicle is available at the time when a request for taxicab or livery service is telephoned to a dispatch service, the dispatch service shall arrange with the caller for transportation by the next available taxicab or livery using such dispatch service unless the caller expressly declined to make such arrangement);

- (9) In the case of a taxicab, charged more than the maximum fare specified in this article;
- (10) Failed to notify the director of any change of any material fact set forth in the application for such license; or
- (11) Removed from a taxicab or livery, or obscured, or caused to be removed from a taxicab or livery, or caused to be obscured, the notice and decal required by sections 30-22 and 30-23 or any other notice hereunder required to be posted in the vehicle;
- (12) Smoked or permitted another to smoke in the taxicab or livery.

(b) *Drivers' licenses only.* In addition to the provisions of subsection (a), a taxicab or livery driver's license shall be suspended or revoked upon the determination that the driver:

- (1) Engaged in any loud argument, fight or other disturbance; harassed, threatened or assaulted another person; intentionally damaged, destroyed or threatened to damage or destroy any property; or in any other manner engaged in conduct detrimental to the orderly and efficient transportation of passengers;
- (2) Failed to notify the director of any conviction for reckless driving, driving to endanger, operating a motor vehicle under the influence of intoxicating liquor or drugs, attempting to operate under the influence, or an equivalent offense in any other jurisdiction, or suspension or revocation of the privilege to operate a motor vehicle;
- (3) Failed to notify the director of any conviction or imprisonment within the then current license year.

(c) *Business licenses.* In addition to the provisions of subsection (a), a taxicab or livery business license shall be suspended or revoked upon a determination that:

- (1) There have been repeated violations by the driver or drivers employed by the licensee which resulted in four (4) or more suspensions of the same driver, or eight (8) or more suspensions of employees of the same person holding more than one (1) business license hereunder, establishing a pattern of conduct by the holder of the taxicab or livery business license(s);
- (2) The taxicab or livery business licensee or any person employed by such licensee has operated a taxicab or livery without a current and valid taxicab or livery driver's license for such vehicle; or
- (3) Any taxicab, livery, taxicabs or liveries covered by the taxicab or livery business license have been the subject of one (1) or more violation notices for failure to comply with the standards set forth in Section 30-18.

(d) "Employed by" or "employee" as used in this Article shall include but not be limited to, any employee, independent contractor, lessee or person permitted or suffered to drive any taxicab or livery vehicle of the business licensee.

(Code 1968, § 902.12; Ord. No. 231-80, 12-22-80; Ord. No. 306-82, § 6, 1-4-82; Ord. No. 450-86, § 1, 3-17-86; Ord. No. 277-90, 3-19-90; Ord. No. 303-92, 4-6-92; Ord. No. 124-96, § 2, 11-4-96; Ord. No. 231-99, 3-15-99; Ord. No. 57-04/05, 10-4-04; Ord. No. 294-04/05, 6-20-05; Ord. No. 286-07/08, 6-16-08)

Sec. 30-38. Penalties.

(a) *Maximum suspensions.* Except where a longer suspension or revocation is provided herein, the maximum suspensions of taxicab or livery drivers' licenses or business licenses for violations of this chapter or chapter 15 shall be as follows:

- 5 days for the first violation;
- 14 days for the second violation;
- 30 days for the third violation;

within a one-year period; provided that the minimum suspension for a violation of section 30-37(b) (2) or (b) (3) shall be for the duration of the current license period, and no license may be

issued for a minimum of one (1) full calendar year from the date of suspension; such suspension or revocation to be in addition to the amount of time specified for any suspension incurred pursuant to subsection (d) below. If the director determines that the violation of section 30-37(b)(2) or (3) or section 15-8(a)(1) was knowing or willful, the suspension shall be for the duration of the current license period plus two (2) full calendar years plus the time applicable to the disqualifying criminal conviction.

(b) *Civil penalty.* In addition to, or instead of suspension of a license for the first 3 violations within a one year period, the city may impose a civil penalty of seventy-five dollars (\$75.00) for the first violation; one hundred and twenty-five dollars for the second violation (\$125.00) and two hundred and fifty dollars (\$250.00) for the third violation.

(c) *Waiver fee.* In the event a licensee wishes to waive his right to an administrative hearing prior to imposition of a suspension and/or a civil penalty for a first violation, the licensee may do so by payment of a waiver fee of fifty dollars (\$50.00) which shall be the penalty for such first violation. Such payment of the waiver fee shall constitute an admission of the violation and shall be recorded as a first violation. This provision shall not apply to any violation which has a mandatory suspension hereunder nor to any violation which is also a violation of state law. If a single incident results in more than one violation hereunder, only one of those violations shall be considered a first violation for purposes of this subsection, and additional penalties may be imposed for the additional violations arising from that incident.

(d) *Revocation.* Four (4) violations within a one-year period shall result in revocation of the taxicab or livery driver's license or business license, or both, and right to apply for a license for a minimum period of three (3) years from the date of revocation, unless a longer period of disqualification for such violations is provided in this article.

(e) In the event a taxicab or livery driver is found to be in violation of any of the standards for denial of a driver's license under section 30-33(a) (2) above, any license issued to such person shall be immediately revoked for the duration of the term of the license in addition to the disqualification provided in said subsection, with the exception of the violations in subsection 30-33(a)(2)b., paragraph 2., sub-paragraphs i. and ii. for which the suspension shall be for the period of time the state driver's

license is suspended.

(f) *Violations cumulative.* If a person or business has more than one license under this article, violations under any of those licenses shall be cumulative for purposes of determining the number of violations by such person and/or business.

(Ord. No. 303-92, 4-6-92; Ord. No. 39-92, § 4, 7-6-92; Ord. No. 231-99, 3-15-99; Ord. No. 57-04/05, 10-4-04; Ord. No. 294-04/05, 6-20-05; Ord. No. 286-07/08, 6-16-08)

Sec. 30-38.1. Notice and opportunity for a hearing.

- (1) Except as expressly provided in this Code, no license to which this chapter applies may be revoked or suspended without prior notice to the licensee, and after an opportunity for a hearing.
- (2) In the case of the suspension or revocation of a license, a generalized statement of the nature of the complaint constituting the basis for the proposed action shall be included along with a notice of the right to a hearing. Unexcused failure of a licensee (or applicant) to appear at the hearing shall be deemed a waiver of the rights to said hearing.
- (3) Upon a determination that immediate and irreparable harm will be suffered by the public prior to the time that a hearing on suspension or revocation of a license can be scheduled and a finding of probable cause for such suspension or revocation, the director may suspend a license, pending hearing, effective upon the giving of actual notice to the licensee; provided that the director shall give an opportunity to be heard as soon as practicable thereafter. At any hearing, the licensee shall be given the opportunity to answer the complaint and to present evidence. The complainant, if any, shall also be notified of the hearing and given the opportunity to be heard.
- (4) All suspensions or revocations shall be upon substantial evidence and all hearings shall be conducted with substantial fairness and strict adherence to the rules of evidence shall not be required.
- (5) All hearings on suspension or revocation of licenses shall be held within thirty (30) days of delivery to

licensee of the generalized statement of complaint.

- (6) The foregoing process of notice and an opportunity to be heard shall apply to the denial of a license, provided, however, the applicant shall have no right to operate unless and until the denial is finally overturned.

(Ord. No. 286-07/08, 6-16-08)

Sec. 30-38.2. Appeals.

(a) *Procedure.* An appeal to the city manager may be taken by any person aggrieved by the denial, suspension or revocation of a license by the director by filing a notice of appeal and the fee of twenty-five dollars (\$25.00) with the city manager within thirty (30) days of the decision appealed from, and not thereafter. Every appeal should be in writing and shall state the basis for the appeal. Within two (2) business days of the filing of an appeal, the city manager shall designate himself or any agent or employee, other than the director, to act as hearing officer in the appeal. The hearing officer shall hear the appeal within ten (10) business days after the filing of the appeal and may affirm, reverse or modify the decision appealed from. The taking of an appeal shall not stay a decision appealed from, except that at the request of the licensee, the director may stay the effective date of a suspension, revocation or denial of a renewal license upon a finding that the public is not likely to suffer any harm during the pendency of the appeal. In such case, the director shall make a written finding of his or her decision in this regard and shall notify the appellant.

(b) *Scope of review.* On appeal, the hearing officer shall review the decision of the director and any disciplinary action taken pursuant thereto to determine whether the decision was based upon substantial evidence and the disciplinary action taken was proportionate to the violation and authorized hereunder. The hearing officer may take additional evidence with respect to such decision or action and if additional testimony or evidence is taken shall determine the appeal upon all of the evidence, except as provided in this section.

(c) *Appeal to the superior court.* Any person aggrieved by a decision of a hearing officer on appeal may appeal therefrom to the superior court in accordance with the provisions of Maine Rule of Civil Procedure 80B.

(Ord. No. 286-07/08, 6-16-08)

Sec. 30-38.3. General provisions to apply.

Except to the extent that this division contains a contrary provision, all provisions of chapter 15 shall be additional to the provisions of this division.

(Code 1968, § 902.14; Ord. No. 231-80, 12-22-80; Ord. No. 303-92, 4-6-92; Ord. No. 286-07/08, 6-16-08)

Reserved. Sec.30-38.4.

Reserved. Sec.30-38.5.

ARTICLE III. HORSE-DRAWN CABS

DIVISION 1. GENERALLY

Sec. 30-39. Definitions.

For purposes of this article, the following definitions shall apply, unless the context clearly implies otherwise:

Horse-drawn cab means any horse-drawn vehicle used for the transportation of passengers for hire.

Street, way, or public place means any street, way, trail, path, promenade, park, plaza, square, or other public property, or any portion thereof.

To operate means to drive, or to cause or permit another to drive.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-40. Exemptions.

This article shall not apply to the following:

- (a) Horse-drawn cabs operated by or in conjunction with the sponsor of any street festival, celebration, or other special event authorized by the city council;
- (b) Horse-drawn cabs operated for destination service only, by private prearrangement, in conjunction with special or ceremonial occasions, such as weddings or official visits.

(Ord. No. 509-84, § 1, 4-2-84; Ord. No. 579-84, § 1, 5-7-84)

Sec. 30-41. General licensing provisions to apply.

Except to the extent that this article contains a contrary provision, all general licensing provisions of chapter 15 shall apply to this chapter.

(Ord. No. 509-84, § 1, 4-2-84)

DIVISION 2. LICENSES

Sec. 30-42. Required.

No person shall operate a horse-drawn cab on any street or way or in any public place without a horse-drawn cab license. A separate license shall be required for each such vehicle.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-43. Applications.

In addition to the general provisions of chapter 15 relating to the contents of applications, applications for horse-drawn cab licenses shall contain the following:

- (a) A complete listing of all operators to be employed by or associated with the applicant, giving their full names, ages, and present addresses, and including a complete statement of their health and physical conditions;
- (b) A complete record of disqualifying criminal convictions, if any, for all operators to be employed by or associated with the applicant, and for the applicant, or if the applicant is other than an individual, for each principal officer of the applicant; and
- (c) A detailed description of each horse, vehicle, and other equipment to be used by the applicant, including a photograph of each such horse and the plans and specifications of each such vehicle, a veterinarian's certificate of health for such horse, and the address or location at which each such horse and vehicle is to be kept or stored while not in service.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-44. Licensing authority.

Notwithstanding any provisions of chapter 15 to the contrary, the director of waterfront and transportation facilities, or his/her designee, (referred to hereafter as the "director") shall be the licensing authority for horse-drawn cab licenses.
(Ord. No. 509-84, § 1, 4-2-84; Ord. No. 173-05/06, 3-6-06)

Sec. 30-45. Conditions precedent to issuance.

Prior to the issuance of any horse-drawn cab license, and in addition to any other requirements of this article or chapter 15, the applicant shall file with the director the following:

- (a) A certificate issued by the license inspector that the vehicle to be licensed and all operators thereof comply with the rules made under authority of this article by the director; and
- (b) An insurance policy covering the term of the license and executed by an insurance company authorized to issue such policies in this state in the usual form of vehicle liability insurance policies in this state for injuries to persons and property resulting from the use and operation of the vehicle to be licensed. Such policy of insurance shall be issued for a principal sum sufficient to provide indemnity in an amount of not less than three hundred thousand dollars (\$300,000.00) combined single limit, for bodily injury, death and property damage. A certificate of insurance bearing an endorsement thereon by the issuing agent shall be deposited with the director. Such certificate shall state that the issuing agent shall notify the director in writing no less than thirty (30) days prior to the cancellation thereof.

(Ord. No. 509-84, § 1, 4-2-84; Ord. No. 579-84, § 2, 5-7-84; Ord. No. 173-05/06, 3-6-06)

Sec. 30-46. Denial, suspension, or revocation.

In addition to the general provisions of chapter 15 relating to the grounds for denial, suspension, or revocation of licenses, a horse-drawn cab license may be denied, suspended, or revoked on any of the following grounds:

- (a) The applicant or licensee or any operator is less than eighteen (18) years of age or has had a disqualifying criminal conviction at any time within the immediately

preceding five (5) years;

- (b) Charging more than the fare established by this article;
- (c) Disobeying any order or direction of the city traffic engineer, the license inspector, or any police officer;
or
- (d) Causing or permitting any violation of this article or chapter 25.

(Ord. No. 509-84, § 1, 4-2-84)

DIVISION 3. OPERATING REQUIREMENTS

Sec. 30-47. For sight-seeing only; fixed routes; no stopping.

No licensed horse-drawn cab shall be operated except for sight-seeing trips following a fixed route and beginning and ending at the same location. Such routes and locations shall be as designated and assigned from time to time by the city traffic engineer, who shall also have authority to erect appropriate signs or markers, and to impose such conditions on the use of such routes and locations as he deems proper, including limiting the same of such vehicles in operation on the same route or at the same location at any one (1) time, and restricting the days, times, or other circumstances of operation on any such route or at any such location. No such vehicle shall stop, stand, or park in any place while on route, to load or unload passengers or otherwise, except in obedience to traffic regulations, traffic-control devices, or the directions of a police officer or other authorized person.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-48. Not to obstruct traffic; police orders.

No licensed horse-drawn cab shall be operated in any manner which unreasonably or unnecessarily obstructs or impedes the free flow of vehicular or pedestrian traffic or otherwise endangers the public safety. Any police officer, or the city traffic engineer, may at any time order the operator of any such vehicle to move along, pull over, make way, or temporarily discontinue the use of any such route or location, or any portion thereof, for the public safety or convenience.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-49. Traffic regulations to apply.

Except to the extent that this article contains a contrary provision, all traffic regulations of chapter 28, article III, shall apply to the operation of licensed horse-drawn cabs.
(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-50. Maximum fare; rate card to be displayed in vehicle.

The fare for any trip in any licensed horse-drawn cab shall not exceed five dollars (\$5.00) per passenger per quarter hour or fraction thereof, regardless of the distance of the trip. A rate card to be issued by the director and bearing the following statement shall be displayed in the interior of each such vehicle so as to be clearly visible to all passengers at all times while such vehicle is in service:

PASSENGER INFORMATION

The maximum fare for any trip in this vehicle is \$5.00 per passenger per quarter hour or fraction thereof, regardless of the distance of the trip. If you have questions or complaints about the fare you have been charged or the service you have received, please call the director of waterfront and transportation facilities of the City of Portland (telephone: 874-6900), or write to:

Director of Waterfront and Transportation Facilities
City of Portland
40 Commercial Street
Portland, Maine 04101

Please include your name, address and telephone number to allow adequate follow-up by city.

(Ord. No. 509-84, § 1, 4-2-84; Ord. No. 579-84, § 3, 5-7-84; Ord. No. 173-05/06, 4-6-06)

Sec. 30-51. Display of plate and badge.

A plate, to be issued by the director and bearing an identification number, shall be displayed in a conspicuous place on the exterior of each licensed horse-drawn cab at all times while in service. A badge, to be issued by the director and identifying the wearer by number as a licensed operator of such vehicle, shall be worn prominently on his person by each such operator at all times

while on duty.

(Ord. No. 509-84, § 1, 4-2-84; Ord. No. 173-05/06, 3-6-06)

Sec. 30-52. Solicitation of business.

No person shall solicit business in any manner for any licensed horse-drawn cab while on route. Solicitation while standing shall include shouting, hollering, whistling, clapping, or making other loud noises, grabbing or otherwise annoying or harassing passersby, or any other conduct or commotion detrimental to the image or reputation of the trade or the public safety or convenience.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-53. Passengers to be seated and well-behaved.

No operator of any licensed horse-drawn cab shall load or admit more passengers at any one (1) time than may be fully seated in such vehicle. Every passenger in any such vehicle shall be and remain fully seated at all times while on route and shall refrain from any other conduct or behavior detrimental to the safety or comfort of passengers or others. No such operator shall refuse to transport any orderly person upon request.

(Ord. No. 509-84, § 1, 4-2-84; Ord. No. 579-84, § 4, 5-7-84)

Sec. 30-54. Care and treatment of horses.

Every horse used in the operation of any licensed horse-drawn cab shall be well fed, watered, and neatly groomed at all times while in service. No person shall feed, water, or groom any such horse while on route. No person shall physically abuse or mistreat any such horse.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-55. Conduct and appearance of operators; rule-making authority.

Every operator of any licensed horse-drawn cab shall be courteous, well dressed, and neatly groomed at all times while on duty, and shall refrain from any loud argument, fight or disturbance, or any other conduct or behavior detrimental to the image or reputation of the trade or the safety or comfort of passengers or others. The director shall have authority to make reasonable rules and regulations, consistent with the public safety and the image and reputation of the trade, governing the training and qualifications of such operators.

(Ord. No. 509-84, § 1, 4-2-84; Ord. No. 579-84, § 5, 5-7-84; Ord. No. 173-05/06, 3-6-06)

Sec. 30-56. Design and appearance of vehicles; rule-making authority.

Every licensed horse-drawn cab shall be kept clean and neat in appearance at all times while in service. The director shall have authority to make reasonable rules and regulations, consistent with the public safety and the image and reputation of the trade, governing the design and construction of such vehicles.

(Ord. No. 509-84, § 1, 4-2-84; Ord. No. 173-05/06, 3-6-06)

Sec. 30-57. Unsafe vehicles; inspections; ordering from service.

No licensed horse-drawn cab shall be operated at any time while unsafe, defective, or in disrepair. Any police officer, or the license inspector, may inspect any such vehicle at all reasonable times, while in service or otherwise, and may at any time order such vehicle to be removed from service or to remain out of service for any defect, unsafe condition, or want of repair. No such vehicle shall be returned to service except upon reinspection by such officer, or the license inspector, and a finding that such repair has been made or that such defect or unsafe condition has been corrected.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-58. Control of horses.

Every horse used in the operation of any licensed horse-drawn cab shall be kept under complete control by the operator of such vehicle at all times while in service and shall not be allowed to kick, run, race, rear up, or otherwise endanger the safety of passengers or others.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-59. Keeping of horses; storage of vehicles and equipment.

No horse, vehicle, or other equipment used in the operation of any licensed horse-drawn cab shall be kept or stored on any street or way or in any public place while not in service.

(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-60. Horse droppings.

Every operator of any licensed horse-drawn cab shall promptly remove all droppings left on any street or way or in any public place by any horse in his charge and shall directly dispose of same in a safe, lawful, and inoffensive manner. Suitable containers, shovels, and brooms shall be supplied by him and kept at hand at all times for such purposes.
(Ord. No. 509-84, § 1, 4-2-84)

Sec. 30-61. Reserved.
Sec. 30-62. Reserved.
Sec. 30-63. Reserved.
Sec. 30-64. Reserved.
Sec. 30-65. Reserved.
Sec. 30-66. Reserved.
Sec. 30-67. Reserved.
Sec. 30-68. Reserved.
Sec. 30-69. Reserved.
Sec. 30-70. Reserved.
Sec. 30-71. Reserved.
Sec. 30-72. Reserved.
Sec. 30-73. Reserved.
Sec. 30-74. Reserved.

ARTICLE IV. BICYCLE CABS*

***Editor's note**--Ord. No. 133-98, adopted Oct. 19, 1998, repealed art. IV of this chapter, relative to bicycle cabs, which consisted of §§ 30-75--30-92 and derived from Ord. No. 228-95, adopted Apr. 3, 1995.

DIVISION 1. GENERAL PROVISIONS

Secs. 30-75. Definitions.

As used in this article, unless the context otherwise indicates, the following words shall have the following meanings:

Bicycle cab means any vehicle that is powered by means of a person operating a two- or three-wheeled non-motorized vehicle and that also includes a separate seating area for passengers.

Street, way, or public place means any street, way, trail,

path, promenade, park, plaza, square, or other public property, or portion thereof.

To operate means to pedal, push or otherwise cause the bicycle to move.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-76. General licensing provisions to apply.

Except to the extent that this article contains a contrary provision, all general licensing provisions of chapter 15 shall apply to this article.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

DIVISION 2. LICENSES

Sec. 30-77. Required.

No person shall operate a bicycle cab on any street or way or in any public place without a bicycle cab license. A separate license shall be required for each vehicle. Any license issued to an operator who is less than eighteen (18) years old shall be restricted to operation between the hours of 8 a.m. to 6 p.m.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-78. Applications.

In addition to the general provisions of chapter 15 relating to the contents of applications, applications for bicycle cab licenses shall contain the following:

- (a) A complete listing of all operators to be employed by or associated with the applicant, giving each person's full name, age and present address.
- (b) A complete record of disqualifying criminal convictions or civil offenses as defined in Section 30-33(b) (3-6), if any, for all operators to be employed by or associated with the applicant, and for the applicant, or if the applicant is other than an individual, for each principal officer of the applicant.
- (c) A detailed description of each bicycle cab and any other

equipment to be used by the applicant, including a photograph of each bicycle cab and the specifications of each such vehicle.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-79. Licensing authority.

Notwithstanding any provision of chapter 15 to the contrary, the director of waterfront and transportation facilities, or his or her designee, (referred to hereafter as the "director") shall be the licensing authority for bicycle cab licenses.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00; Ord. No. 173-05/06, 3-6-06)

Sec. 30-80. Conditions precedent to issuance.

Prior to the issuance of any bicycle cab license, and in addition to any other requirements of this article or chapter 15, the applicant shall file with the director the following:

- (a) A certificate issued by the license operator that the bicycle cab to be licensed and all operators thereof comply with the rules made under authority of this article by the director; and
- (b) An insurance policy covering the term of the license and executed by an insurance company authorized to issue such policies in this state in the usual form of vehicle or other liability insurance policies in this state for injuries to persons and property resulting from the use and operation of the bicycle cab to be licensed. Such policy of insurance shall be issued for a principal sum sufficient to provide indemnity in the amount of not less than four hundred thousand dollars (\$400,000.00) combined single limit, for bodily injury, death and property damage. A certificate of insurance bearing an endorsement thereon by the issuing agent shall be deposited with the director. Such certificate shall state that the issuing agent shall notify the director in writing no less than thirty (30) days prior to the cancellation thereof. For bicycle cabs that propose to operate in any city park or other public place, the City shall be included in the policy as an additional named insured.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00; Ord. No. 173-05/06, 3-6-06)

Sec. 30-81. Denial, suspension, or revocation.

In addition to the general provisions of chapter 15 relating to the grounds for denial, suspension or revocation of license, a bicycle cab license may be denied, suspended or revoked on any of the following grounds:

- (a) The applicant or licensee or any operator is less than seventeen (17) years of age or has had a disqualifying criminal conviction or civil offense as provided in Section 30-33(b) (3-6).
- (b) Charging more than the fare established by this article.
- (c) Disobeying any order or direction of the city traffic engineer, the license inspector, or any police officer.
- (d) Causing or permitting any violation of this article or chapter 25.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

DIVISION 3. OPERATING REQUIREMENTS

Sec. 30-82. Operation limited to roadways; carrying of passengers; prohibited locations.

Licensed bicycle cabs shall be operated within roadways only. Bicycle cabs shall not be operated upon sidewalks or bicycle paths, except those paths specifically designated for that purpose by the Director of Parks and Recreation. Bicycle cabs may carry passengers to locations chosen by the passengers or may follow an agreed-upon route for sightseeing purposes. The city traffic engineer shall have the right to prohibit bicycle cabs from streets or roadways where the operation of such cabs will present a threat to the safety of the bicycle cab operator and passengers or to other users of the street or roadway. The traffic engineer also shall have the authority to erect appropriate signs or markers, and to impose such conditions on the use of routes and locations as he or she deems proper, including limiting the number of such bicycle cabs in operation on the same route or at the same location at any one (1) time, and restricting the days, times, or other circumstances of operation on any such route or at any such location. No such vehicle shall stop, stand, or park in any place while on route, to load or unload passengers or otherwise, except in accordance with

traffic regulations, traffic-control devices, or the directions of a police officer or other authorized person. In no event shall a bicycle cab utilize a designated taxicab stand for any purpose whatsoever, unless required for an immediate response to an emergency situation. Bicycle cabs shall not be permitted at the Jetport.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-83. Not to obstruct traffic; police orders.

No licensed bicycle cab shall be operated in any manner which unreasonably or unnecessarily obstructs or impedes the free flow of vehicular or pedestrian traffic or otherwise endangers the public safety. Any police officer or the city traffic engineer may at any time order the operator of any such vehicle to move along, pull over, make way, or temporarily discontinue the use of any such route or location, or any portion thereof, for the public safety or convenience.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-84. Traffic regulations to apply.

Except to the extent that this article contains a contrary provision, all traffic regulations of chapter 28, article III, shall apply to the operation of licensed bicycle cabs.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-85. Maximum fare; rate card to be displayed on vehicle.

The fare for any trip in any licensed bicycle cab shall not exceed five dollars (\$5.00) per passenger per quarter hour or fraction thereof, regardless of the distance of the trip. A rate card to be issued by the director and bearing the following statement shall be displayed on each vehicle in such a manner as to be visible to passengers riding in the bicycle cab at all times while such vehicle is in service:

PASSENGER INFORMATION

The maximum fare for any trip in this vehicle is \$5.00 per passenger per quarter hour or fraction thereof, regardless of the distance of the trip. If you have questions or complaints about the fare you have been charged or the service you have received, please call the

director of waterfront and transportation facilities of
the City of Portland at (207) 874-6900, or write to:

Director of Waterfront & Transportation Facilities
City of Portland
40 Commercial Street
Portland, Maine 04101

Please include your name, address and telephone number to
allow adequate follow-up by the city.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute
Ord. No. 16-00, 6-19-00; Ord. No. 173-05/06, 3-6-06)

Sec. 30-86. Display of plate and badge.

A plate, to be issued by the director and bearing an
identification number shall be displayed in a conspicuous place on
each licensed bicycle cab at all times while in service. A badge,
to be issued by the director and identifying the wearer by number
as a licensed operator of such vehicle, shall be worn prominently
on his or her person by each such operator at all times while on
duty.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute
Ord. No. 16-00, 6-19-00; Ord. No. 173-05/06, 3-6-06)

Sec. 30-87. Solicitation of business.

No person shall solicit business in any manner for any
licensed bicycle cab while on route. Prohibited solicitation while
standing shall include shouting, hollering, whistling, clapping, or
making other loud noises, grabbing or otherwise annoying or
harassing passersby, or any other conduct detrimental to the image
or reputation of the trade or the public safety or convenience.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute
Ord. No. 16-00, 6-19-00)

Sec. 30-88. Passengers to be seated and well-behaved.

No operator of any licensed bicycle cab shall load or admit
more passengers at any one (1) time than may be fully seated in
such vehicle. Every passenger in any such vehicle shall be and
remain fully seated at all times while on route and shall refrain
from any other conduct or behavior detrimental to the safety or
comfort of passengers or others. No such operator shall refuse to
transport any orderly person upon request, unless such person
requests transportation to a destination that exceeds the distance
that the operator determines he or she can practicably travel.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-89. Care and maintenance of bicycle cab.

Each licensed bicycle cab shall be at all times clean and in good repair.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

Sec. 30-90. Conduct and appearance of operators; rule-making authority.

Every operator of any licensed bicycle cab shall be courteous at all times when on duty and shall refrain from any loud argument, fight or disturbance, or any other conduct or behavior detrimental to the image or reputation of the trade or the safety or comfort of passengers or others. The director shall have authority to make reasonable rules and regulations, consistent with the public safety and the image and reputation of the trade, governing the training and qualifications of such operators.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00; Ord. No. 173-05/06, 3-6-06)

Sec. 30-91. Unsafe vehicles; inspections; order from service.

No licensed bicycle cab shall be operated at any time while unsafe, defective or in disrepair. Any police officer or the license inspector may inspect any such vehicle at any and all reasonable times, while in service or otherwise, and may at any time order such vehicle to be removed from service for any defect, unsafe condition, or want of repair. No such vehicle shall be returned to service except upon reinspection by such officer, the license inspector or the director, and upon a finding that such repair has been made or that such defect or unsafe condition has been corrected.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00; Ord. No. 173-05/06, 3-6-06)

Sec. 30-92. Storage of vehicles and equipment.

No bicycle cab or related equipment shall be kept or stored on any street or way or in any public place while not in service.

(Ord. No. 228-95, 4-3-95; Ord. No. 133-98, 10-19-98 repealed Art. IV; Substitute Ord. No. 16-00, 6-19-00)

City of Portland
Code of Ordinances
Sec. 30-95

Vehicles for Hire
Chapter 30
Rev. 9-16-10

chapter, relative to bicycle cabs, which consisted of §§30-75-30-92 and derived from Ord. No. 228-95, adopted Apr. 3, 1995. Art. IV was reinstated on June 15, 2000.

Attachment

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The New York Times | <http://nyti.ms/1D6x5QX>

TECHNOLOGY

Uber's System for Screening Drivers Draws Scrutiny

By MIKE ISAAC DEC. 9, 2014

Uber champions its “industry-leading standards” for vetting its drivers. On its website, it describes its background checks as “often more rigorous” than those in the traditional taxi industry.

But in statehouses across the country, Uber has fought against legislation requiring background checks as strong as those demanded of traditional taxis. Other ride-sharing companies like Lyft and Sidecar, Uber's chief rivals, have also pushed against the laws, but supporters of stronger background checks say Uber has been by far the most aggressive.

In Colorado, the company helped persuade lawmakers to ease drivers' background checks in a bill that legalized ride-sharing companies. In Illinois, after a lobbying push, Gov. Pat Quinn vetoed a bill that would have forced Uber to strengthen those checks.

And in California, Uber and other companies like it helped kill a law that would have required drivers to undergo a background check by the state's Justice Department, as is required of taxi drivers.

At the same time, the rigor of Uber's checks has come into question. On Monday, Uber was banned in New Delhi after a driver was accused of raping a customer; New Delhi authorities said the driver, who was previously accused of raping another female passenger in 2011, was not properly vetted by Uber.

“We don't know if their background checks are good, bad or indifferent,” said Max Tyler, a Colorado state representative who is critical of Uber's approach to rider safety. “In Colorado, the bill did not have an F.B.I. background check, no fingerprint check, none of the things taxi drivers must go through.”

“Maybe Uber is doing a good job vetting drivers, maybe not,” he added.

Uber vigorously defended its process.

"Uber is on track to complete more than two million background checks in 2014," said Lane Kasselmann, an Uber spokesman. "It's a responsibility we take seriously."

Erin Simpson, a Lyft spokeswoman, said that safety was Lyft's "top priority" and that its checks "far exceed what's required for taxis and limos in nearly every municipality across the country."

Uber, a five-year-old company that has raised about \$2.7 billion in cash and is valued by investors at over \$40 billion, is in the limelight these days. It is expanding at breakneck speed, hiring thousands of drivers in more than 250 cities worldwide, with rumors of an eventual public offering. It has vast ambitions — to become a delivery service replacing not just taxis but couriers like the United Parcel Service, and grocery and restaurant delivery services.

At the same time, though, it is facing scrutiny. Attention intensified last month, after an Uber executive said the company should dig up dirt on reporters critical of its business. Senator Al Franken, Democrat of Minnesota, has demanded that the company explain its privacy policies.

On Monday, a Dutch court barred UberPop, the company's low-cost service, from operating in the Netherlands; that same day, the city of Portland, Ore., sued Uber, saying it was operating an "illegal, unregulated transportation service." In Spain on Tuesday, a judge issued a temporary ban against Uber's operations after protests from the country's taxi associations.

Background checks have become a hot point of debate, with the New Delhi case just the most recent to raise the issue.

This year, an Uber driver who had been convicted of reckless driving in Florida was arrested in San Francisco in the death of a 6-year-old girl. The child's family filed a wrongful-death suit. On Monday, the driver was charged with misdemeanor vehicular manslaughter.

Last year, an Uber driver was accused of assaulting a passenger in San Francisco; he was previously convicted of a felony drug charge, an offense that should have disqualified him from working for Uber under its own procedures.

The push in state capitals against background checks is a reflection of how Travis C. Kalanick, Uber's founder and chief executive, has made it a top priority to navigate laws that he says are outdated and protected by the taxi industry, and that would slow Uber's growth. In August, he hired David Plouffe, who helped President

Obama win the presidency, because, he said, "we are in the middle of a political campaign and it turns out the candidate is Uber."

But lawmakers say that in the rush to add drivers, Uber and Lyft are choosing speed over quality in background checks.

Uber uses Hirease, a private company that says it has an average turnaround time of "less than 36 hours." Sterling, Lyft's private background check service, says its turnaround time averages two business days.

Both services do drug and alcohol testing, but neither does fingerprint testing. And they rely primarily on publicly available information.

Although state background checks for taxi drivers vary by jurisdiction, lawmakers say they are generally more rigorous than either of these services. They usually include searches of private databases like F.B.I. records, gaining consent from prospective drivers for those searches, said Adrin Nazarian, a California assemblyman who has pushed for stronger vetting laws.

In February, Mr. Nazarian sponsored a bill to require companies like Uber to put their drivers through the same process facing traditional taxi drivers. In California, those drivers must undergo checks by the state's Justice Department, including fingerprint scanning, drug and alcohol testing, and searches of private databases. A check can take as little as three days, but as long as eight weeks.

"No private background check can compete with state-run background checks," Mr. Nazarian said. "I don't see how anyone can fight with a straight face about not wanting to have the best background check."

Mr. Kasselmann, the Uber spokesman, said the private services procured better data because in reviewing the local, state and federal backgrounds of drivers, they go to "the source of the records rather than relying on databases that may not always be up-to-date."

He added that a continuing external audit of Uber's procedures had found that the company's methodology was an improvement over traditional taxi background checks. The audit is being performed by Giuliani Partners, the consulting firm founded by Rudolph W. Giuliani, the former mayor of New York.

The taxi and limousine industry backed the bill, and various transportation interests spent more than \$1.3 million to support it, assembly records show. Transportation industry interests have also contributed to the campaigns of more than 20 members of the California Assembly, including Mr. Nazarian.

Uber and Lyft hired lobbyists and organized a public relations campaign. Uber, which has spent over \$650,000 lobbying on California transportation issues, characterized the bill as little more than “a flagrant attempt to stymie innovation and competition by an antiquated industry.” In the summer, nearly 100 drivers and passengers protested the bill on the Assembly steps.

The bill died.

In Colorado, Uber spent about \$60,000 on lobbyists to support legislation that in June made the state one of the first to legalize companies like Uber and Lyft. That law does not require such drivers to undergo the same strict fingerprint checks required of taxi and limousine drivers.

In May, Illinois legislators passed two bills, supported by the taxi industry, that more heavily regulated ride-sharing services, including requiring state-conducted background checks for drivers.

After the bills were passed, Uber hired lobbyists, including Jack Lavin, the former chief of staff of Governor Quinn. In August, the governor vetoed the bills, saying the industry “is best regulated at the local level.”

His office did not respond to a request for further comment; Mr. Lavin did not respond either.

A new version of the legislation that would loosen background check restrictions on Uber drivers, as the Colorado law does, recently passed the Illinois House and Senate.

On Tuesday, the district attorney of San Francisco, George Gascón, announced that he had filed a civil suit against Uber, saying the company had misled consumers about its background checks. Lyft settled similar claims with the district attorney.

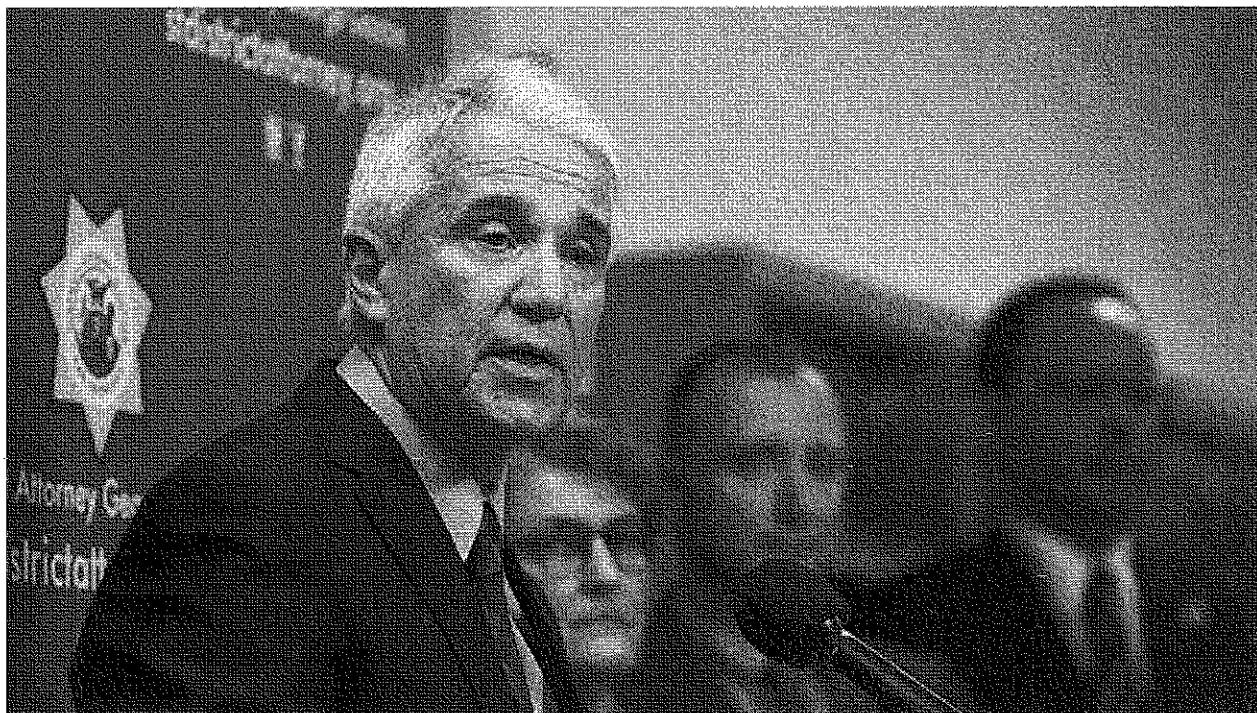
“You are not using an ‘industry-leading’ background check process if you are not fingerprinting your drivers,” Mr. Gascón said at a news conference. Conor Dougherty contributed reporting.

A version of this article appears in print on December 10, 2014, on page A1 of the New York edition with the headline: Uber Under Scrutiny as States Criticize Screening of Drivers.

Technology Now

The business and culture of our digital lives

Uber sued over unlawful business practices; Lyft settles



San Francisco Dist. Atty. George Gascon speaks during a new conference to announce a civil consumer protection action against rideshare company Uber on Dec. 9, 2014 in San Francisco. (Justin Sullivan / Getty Images)

By **TRACEY LIEN, RUSS MITCHELL**

DECEMBER 9, 2014, 8:00 PM | REPORTING FROM SAN FRANCISCO

Los Angeles and San Francisco district attorneys filed a consumer protection lawsuit against Uber on Tuesday, alleging that the popular ride-hailing company misleads consumers about the service's safety, overcharges them and thumbs its nose at the law.

Meanwhile, prosecutors reached a settlement with Lyft, a competing service, which agreed to "play by the rules," Los Angeles Dist. Atty. Jackie Lacey said. The companies provide

smartphone apps that allow riders and private-car drivers to link up for a taxi-like service that is typically quicker and cheaper than calling a cab.

At a news conference Tuesday, San Francisco Dist. Atty. George Gascon accused Uber of making false and misleading statements about how it protects consumers and engaging in business practices that violate California law.

Uber says it uses an “industry-leading background check process,” Gascon said, but does not fingerprint its drivers. The company’s criminal checks are thus “completely worthless,” he said.

“The company repeats this misleading statement, giving consumers a false sense of security when deciding whether to get into a stranger’s car,” he said.

At a separate news conference in Los Angeles, Lacey said: “It’s not our goal to shut them down. What we’re saying is the advertising is false.”

Uber officials will continue meeting with the district attorneys to address their concerns, company spokeswoman Eva Behrend said.

She added: “Californians and California lawmakers all agree — Uber is an integral, safe and established part of the transportation ecosystem in the Golden State.”

In their civil suit filed in San Francisco Superior Court, the district attorneys seek an injunction forcing Uber to “stop violating” California law, along with civil penalties and restitution for riders who suffered economic harm.

The district attorneys accuse Uber of fraud for charging a \$4 “airport fee toll” for rides to and from San Francisco International Airport, even when drivers weren’t paying the toll, and for charging a \$1 “safe rides fee” for its background checks.

The suit probably will have no immediate effect on Uber. It’s allowed to keep operating, and Gascon suggested that removing “misleading” language from its website and marketing materials might resolve that element of the complaint.

Financial penalties could be heavy. Gascon said the law allows up to \$2,500 per violation, and “there are tens of thousands of violations.... That will be up to the court.” But Uber has plenty of cash, and recent investments in the company put its market value at \$40 billion.

The company has been lauded for its creative and aggressive approach to solving commuters’ transportation problems. But critics call Uber an over-aggressive bully, and the company came under fire last month over its data and privacy policies.

As for Lyft, it has agreed to stop picking up passengers at airports until it obtains the necessary permits and approvals, and to submit its app to a state testing agency to measure accuracy in calculating fares, a move Uber refused to make.

Erin Simpson, director of communications at Lyft, said the agreement “demonstrates our shared commitment to consumers and innovation.”

The lawsuit comes as Uber faces a string of legal setbacks. Portland, Ore., and Washoe County in Nevada have issued cease-and-desist orders against the ride-hailing company for failing to meet regulatory requirements.

Although ride-hailing services like Uber and Lyft don't see much need for regulation, and some regulators say the services are violating current law, the disputes indicate that a powerful market is emerging where no one is quite sure what the rules are. Court cases like the one the district attorneys filed could help define them, and legislators probably will face increasing pressure to provide clarification of their own.

In California, the Public Utilities Commission recently clarified the requirements for companies like Uber to operate in the state, requiring them to hold more extensive insurance policies and conduct more thorough vehicle safety inspections and background checks on drivers.

Thilo Koslowski, vice president and automotive practice leader at the technology analysis firm Gartner, said he's not surprised by the regulatory obstacles facing Uber.

“The company is still young and, because of the speed in which it's expanding, it's just encountering these things that are part of growing up,” Koslowski said.

In addition to better background checks, Koslowski said the company may want to consider technological solutions like security cameras or an SOS button in each car for passengers.

“Uber has to address these problems because if it doesn't, it's at risk of letting these things get out of control,” he said.

Overseas, Uber is also experiencing pushback. In New Delhi, the state government recently banned the service after an Uber driver reportedly raped a passenger. Police said that the company did not conduct an adequate background check on the driver, and that his car did not have a GPS tracking system installed, as required by law.

On Tuesday, Rio de Janeiro's municipal transport department filed a complaint against Uber and similar ride-hailing companies, saying they lacked the licenses to operate a taxi service.

Drivers who continue to operate in the region risk having their cars seized, the department said.

A judge in Spain also ordered Uber to stop operating until it obtained appropriate authorization.

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Times staff writer Marisa Gerber contributed to this report.

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UPDATES

3:15 p.m.: This post has been updated to reflect that talks with Sidecar are ongoing. **3:55 p.m.:** This post has been updated with statements from Uber and Lyft. **4:40 p.m.:** This post has been updated with comments from Los Angeles County Dist. Atty. Jackie Lacey. **8:00 p.m.:** This post was updated with changes throughout.

Greater Orlando Aviation Authority says Uber not complying with airport rules

Published On: Nov 17 2014 04:41:17 PM EST
ORLANDO, Fla. -

The Greater Orlando Aviation Authority filed a lawsuit on Friday involving the ride-sharing service Uber.

The authority, which operates Orlando International Airport, said in a statement that there is a cost with providing ground transportation services at the airport and it must provide equal access and treatment to all companies.

"Although we have met and provided the Ground Transportation Rules and Regulations, Uber has ignored a request to cease operations until they comply with the permitting requirements at the Orlando International Airport," said Executive Director Phil Brown. "There are approximately 600 companies which operate 7,000 vehicles that follow the rules at the airport. Uber is not complying therefore the authority has been compelled to file a lawsuit."

No other details were immediately available.



Transportation, Sustainability, and Energy Committee Year In-Review 2014

January 15, 2014

- Committee looked at the 2013 Year In-Review and discussed the work plan for 2014.

February 19, 2014

No Meeting was held

March 19, 2014

Action Items:

- **Evergreen Cemetery and the Use of the Chapel** - Requested two (2) changes for Chapter 7 (Cemeteries) of the City Code. The changes are to have the item regarding insurance of monuments (stones) be removed from the city code. They have not sold the insurance in over 30 years. The second change would be adding language in the City Code to permit the City to charge a reasonable fee for use of the chapel for funerals, which currently there is no charge. This fee would help cover the costs related to holding the events in the building (such as cost of care, labor, heating, cleaning). Motion was made by Councilor Leeman to recommend as staff presented to City Council. Seconded by Councilor Donoghue. Passed 4-0.
- **Green Packaging Task Force – Polystyrene and Plastic Bags** – Committee Members and the public asked questions regarding this ordinance. Many questions came up and the Committee asked staff members to respond to the questions. Motion was made by Councilor Donoghue to postpone a decision on the banning of polystyrene ordinance to next meeting. Seconded by Councilor Hinck. Motion passed 4-0.

April 16, 2014

Communications:

- **International Marine Terminal Expansion Update** - Communication Item.
- **Street Closure – MOU with Metro** - Communication Item.
- **State/High Street Two-way Schedule Information** - Communication Item.

Action Items:

- **Green Packaging Task Force – Polystyrene/Plastic Bags** – Discussions continued with the Committee and public comment was taken. More questions/concerns came up for which staff needed time to research. Councilor Donoghue made a motion to postpone this item until the next meeting. Motion Seconded by Councilor Hinck. Motion passed 4-0.



- **Endorsement of Ordinance Amendments for Food Truck Vendors** – An ordinance change was being asked if there would be a consideration to allow a push cart in a food truck area. Motion made by Councilor Leeman to send the ordinance to the Planning Board (with adding Compass Park). Motion Seconded by Councilor Donoghue. Motion passed 4-0.

May 21, 2014

Action Items:

- **Traffic Schedule Amendment**
 - o **Fore Street** – More parking was request by merchants. This would require moving a taxi stand and adding two (2) metered 2-hour parking spaces. Motion made by Councilor Leeman to approve the plan, Seconded by Councilor Donoghue. Motion Passed 4 – 0.
- **Green Packaging Task Force- Plastic Bags** – Committee discussed the final questions that were asked. These questions were in regards to taxation of the plastic bag fee, which they found out they would be. Councilor Marshall asked for a vote to approve this ordinance change. Vote was 3-1 (Leeman).

Committee Updates/Input Sought:

- **MaineDOT & Maine Turnpike Authority** – 2014 Project Coordination presented.
- **Metro MOU** – Presented the working draft to the Committee.

June 18, 2014

Communications:

- **Regional Transportation Plan/PACTS** - Communication Item.
- **Regional Passenger Transit Service – Portland North Study** - Communication Item.

Committee Updates/Input Sought:

- **Parking Ban Restriction Changes Timeline** - Mike Bobinsky went over the timeline of the changes to the parking ban restrictions on the peninsula.
- **Overview ULI Resiliency Presentation and Action** - Jeff Levine did a quick overview of the presentation that was presented to Portland and South Portland by the Urban Land Institute in May. The ULI's focus was on building resiliency through a more diverse economy. With that they also focused on the sea level rise and environmental resiliency (our working waterfront).

Action Items:

- **Traffic Schedule Amendment**
 - o **Middle Street** - Modification of a METRO stop on Route 8. The Change would result in a net increase of six (6) two-hour parking spaces on Middle Street. Motion



made by Councilor Leeman to approve the change. Seconded by Councilor Hinck. Motion Passed 4 – 0.

- o **118 Congress Street** - One parking space being added on Congress Street, due to an adjustment of the site access at this new building site. Motion made by Councilor Donoghue to approve the change, Seconded by Councilor Leeman. Motion Passed 4 – 0.
- **PACTS FY16-18 TIP – Endorse/forward to City Council** - Motion made by Councilor Donoghue to approve the funding. Seconded by Councilor Hinck. Motion Passed 4 – 0.

July 16, 2014

No meeting held.

August 20, 2014

No meeting held.

September 17, 2014

Communications:

- **PACTS FY16-18 TIP Update** - Communication Item.
- **Bike Corrals Pilot Program** - Communication Item.
- **Electric Charging System** - Communication Item.

Action Items:

- **Traffic Schedule Amendment**
 - o **Union at Fore Streets** – Changing a 2-hour metered parking space to a commercial loading zone. Motion made by Councilor Donoghue to approve the change, Seconded by Councilor Leeman. Motion Passed 4 – 0.
 - o **Fox Street (N.Boyd to Anderson)** – Changing from unrestricted to 2-hour parking. Motion made by Councilor Donoghue to approve the change, Seconded by Councilor Hinck. Motion Passed 4 – 0.
 - o **Forest Avenue (Congress Square Apartments)** – Reduce a bus stop (80 feet from 100 feet) and add a 15-minute parking spot. Motion made by Councilor Donoghue to approve the change, Seconded by Councilor Leeman. Motion Passed 4 – 0.
- **Endorse Street Maintenance Parking Regulation Changes** - Changes would reduce the frequency of when the parking restrictions take place. The proposal reduces the parking restriction from the current program where vehicles must be moved four (4) times a month to two (2) times per month on a street. The Parkside and Munjoy Hill day program will be staying the same. Once the full city council approves of this change, staff will start working on this in the spring. Staff would be making changes to over 1,700 signs. There will be education outreach to the public about the change. Motion made by Councilor Donoghue to approve the proposed changes and bring to the City Council. Seconded by Councilor Leeman. Motion Passed 4 – 0.



- **METRO Bus Stop Consolidation** - Greg Jordan, General Manager of METRO informed the committee of the bus stop consolidation changes that they are planning to implement over the next few months. These changes would/could either remove or relocate bus stops.
- **Review Current Design/Development of Deering Oaks Pond Water Quality Improvements** - David Senus from Woodard and Curran presented a presentation that showed some of the history of Deering Oaks Pond. This included the changes the pond has undergone over the years. He presented to the committee the proposed changes the city will be making. The Committee took public comments. From the public comments and the Committee members having questions, the Committee asked the staff and the consultant to look into their questions and concerns.
- **Pesticides Report** - Anita LaChance and Troy Moon told the committee that staff does everything it can do to reduce the use of pesticides on city property. They follow "Best Management Practices for Athletic Fields and School Grounds" as recently adopted by the State. At the golf course they are committed to seeking the Audubon Certification.

October 15, 2014

Communications:

- **Franklin Street Phase II Report Update** - Communication Item.
- **Fats, Oils and Grease (FOG)** - Communication Item.

Action Items:

- **Traffic Schedule Amendment**
 - **Cumberland Avenue (between Hanover and Parris Streets)** – Changing five (5) metered spaces to two-hour unmetered parking. Motion made by Councilor Donoghue to approve the change, Seconded by Councilor Hinck. Motion Passed 4 – 0.

Committee Updates/Input Sought:

- **City's Transportation Strategy/Priorities for Future CIP Requests** - Staff asked for items that the Committee would like to see for future CIP requests.
- **Bike Share – Request for Information** - A Request for Information (RFI) will be going out on this project. Once that is received and reviewed a Request for Proposals (RFP) would be required.
The Committee supported the work for the Bike Share program.
- **Solar Photovoltaic Power Purchase Agreement** - Ian Houseal discussed his memo regarding the Solar Photovoltaic Electricity Generation Power Purchase Agreement and the implications to city-owned property. Ian also updated the committee on the Electric Vehicle Charging Stations. The City will be putting an electric charging system in the Elm Street Garage.

**November 19, 2014****Communications:**

- **Thompson's Point TIF Usage – “Hub Link” Transit Plan** - Communication Item.

Committee Updates/Input Sought:

- **Fats, Oils and Grease (FOG)** - Ben Pearson went over what the FOG program would be requiring of food service establishments.
- **Deering Oaks Pond Water Quality Improvements** – The Committee was presented with another proposal for Deering Oaks Pond from the consultants. This proposal (Alternative #5), Stabilization Pond Bottom and Partial Naturalization would contain the following: Stabilize majority of pond bottom; perform annual maintenance to remove accumulated sediment and trash; maintain existing open water areas as open water; naturalize the ravine area (plant additional vegetation to supplement what currently grows in the area).

The committee supports Alternative #5.