

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 160938, AS AMENDED

Amending Chapter 76, Article II, Vehicles for Hire Code, by repealing Sections 76-32, 76-33, 76-35, 76-40, 76-46, 76-73, 76-74, 76-75, 76-101, 76-102, 76-103, 76-104, 76-106, 76-107, 76-109, 76-162, 76-191, 76-192, 76-198, 76-199, 76-200, 76-201, 76-209, 76-234 and 76-238, and enacting in lieu thereof new sections that regulate taxicab vehicles, livery vehicles and transportation network company vehicles.

WHEREAS, the City continues to review its ordinances to ensure that the City's safety oversight reflects the current state of the industry and that ordinances are just and fair for all passenger carriers; and

WHEREAS, the City has recommended changes to Chapter 76 that regulates vehicles for hire to further update language to accommodate changes that have been made within the vehicle for hire industry in order to keep up with the ever changing landscape of this industry; and

WHEREAS, the ordinance required Regulated Industries Division to review the fee structure to determine the balance of costs between the City and permittees and report their finding to the appropriate committee; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 76, Article II, Vehicles for Hire Code, is hereby amended by repealing Sections 76-32, 76-33, 76-35, 76-40, 76-46, 76-73, 76-74, 76-75, 76-101, 76-102, 76-103, 76-104, 76-106, 76-107, 76-109, 76-162, 76-191, 76-192, 76-198, 76-199, 76-200, 76-201, 76-209, 76-234 and 76-238, with said repealed sections to be replaced by new sections of like number and subject matter, to read as follows:

**Sec. 76-32. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Bicycle* means any device upon which a person may ride, which is propelled by human power through a system of belts, chains, or gears, and may include an electric assist motor, and has wheels at least 16 inches in diameter and a frame size of at least 13 inches.

*Charitable non-profit transportation vehicle* means a vehicle for hire that is used by a local charitable non-profit transportation organization affiliated with a state or national non-profit charitable organization to solely transport persons who are 65 years of age or older or visually impaired and their required personal care attendants or family members.

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*Cruising* means a method of soliciting passengers for hire by continuous or repeated operation of any taxicab or other vehicle along a street or other public way for the purpose of obtaining or picking up passengers.

*Darkness* means any time from one-half hour after sunset to one-half hour before sunrise and any time when visibility is not sufficient to render clearly discernible any person or vehicle on the highway at a distance of 1,000 feet.

*Department* means the neighborhoods and housing services department of the city.

*Director* means the director of the neighborhoods and housing services department or an authorized representative.

*Driver's certificate* means evidence of authorization to operate vehicles in the services authorized under this article.

*Group riding* means an arrangement between individuals whereby they pool their private transportation resources, either by using the personal automobile of one member of the group with the others contributing to the cost of operating such automobile, or by rotating the use of their personal automobiles with joint contributions to the cost by the other members of the group, or when any employer provides transportation for his employees, and for none other, for a charge. The term "group riding" shall not be deemed to include the operation of a taxicab, jitney or other vehicles for hire, or the commercial transportation of persons by public or private conveyances, whether on regular routes or special trips, between different localities or otherwise; and all such taxicab, jitney or other vehicles for hire shall continue to be subject to the existing ordinances applicable thereto.

*Jitney* means any automobile, motor bus or other self-propelled or human propelled vehicle not regulated by any local, state or federal authority which is run, driven or operated upon or along any street, between definite or substantially fixed points or terminals or along a definite or substantially fixed route, whether entirely within the city or partly within and partly without the city, and carrying passengers for compensation, or furnishing passengers transportation for compensation upon or along the streets, from, to and between definite or substantially fixed localities or districts, whether such compensation is payable per trip, weekly, periodically or otherwise, directly or indirectly.

*Judgment* means a final judgment by a court of competent jurisdiction of any state or of the United States, upon a claim for relief for damages, including damages for care and loss of services because of bodily injury to or death of any persons, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a claim for relief on any agreement or settlement for such damages arising out of the ownership, maintenance or use of any and all motor vehicles operated pursuant to a vehicle permit issued by the city.

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*Livery company* means an individual, firm, corporation, association, partnership, or cooperative that owns, controls and operates a livery service utilizing livery vehicles that have vehicle permits.

*Livery vehicle* means a public six-passenger or less motor vehicle with driver included, for hire only by written agreement or electronic agreement for exclusive use where the driver expects to receive compensation in the form of a fixed charge or donation.

*Motor bus* means a motor vehicle designed and constructed for the general transportation of passengers for hire and possessing a manufacturer's rated seating capacity for ten or more passengers.

*Multi-passenger human powered vehicle* means a pedicab that is pedal driven by the passengers while the steering and braking is controlled by the driver.

*Pedicab* means a bicycle which is made of a solid frame that has three or more wheels, that transports or is capable of transporting passengers on seats attached to the bicycle, that is operated by human power, and that is used for transporting passengers for hire.

*Person* means an individual, firm, corporation, association, partnership, or cooperative unless the context requires a contrary interpretation.

*Permit holder* means the person to whom a permit has been issued.

*Public way* means any street and any public or private driveway or parking area open to the public.

*Radio dispatch* means a two-way radio system including cellular or wireless telephones capable of handling voice and/or data communications for the purpose of dispatching vehicles and receiving calls from the drivers of such vehicles.

*Rate card* means a card issued by the director for display in each taxicab, which contains the rate of fare then in force.

*Shared ride* means a nonexclusive use of a taxicab by two or more unrelated passengers having either a common point of origin or a common destination point, but traveling in the same general direction.

*Sightseeing company* means an individual, firm, corporation, association, partnership, or cooperative that owns, controls and operates a sightseeing service utilizing sightseeing vehicles that have vehicle permits.

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*Sightseeing vehicle* means a public passenger vehicle with driver furnished, for hire on regularly routed sightseeing tours, at a charge or fare per passenger or per hour fixed by agreement in advance, provided further that such sightseeing vehicles are:

- (1) Not to be used for point-to-point transportation of passengers or goods;
- (2) To be returned to a regular place of garage or point of origin of the regularly scheduled tour between hires; and
- (3) Not to cruise in search of patronage.

*Software* means the object code versions of any applications, programs, operating system software, computer software languages, utilities, other computer programs and related documentation in whatever form or media, including the tangible media upon which such applications, programs, operating system software, computer software languages, utilities, other computer programs and related documentation are recorded or printed, together with all corrections.

*Taxicab* means a public passenger motor vehicle with a passenger carrying capacity of six or less with driver, furnished for hire on a call or demand basis to transport persons, packages or messages, where the route traveled and trip destination are controlled by the passenger, and at a charge or fare based upon time and mileage and recorded and indicated on a taximeter.

*Taxicab company* means an individual, firm, corporation, association, partnership, or cooperative that owns, controls and operates a taxicab service utilizing taxicab vehicle permits of which it is the holder.

*Taximeter* means a meter instrument or electronic device attached to a taxicab, which measures the distance driven and the waiting time upon which the fare is based, calculated and regulated by ordinance and displayed in full view of the customer.

*Taxicab stand* means a place designated only for taxicabs to await passenger pick up where the driver must remain with the vehicle at all times.

*Taxicab vehicle/livery vehicle/transportation network vehicle zone* means a place designated only for taxicabs or a place designated only for livery vehicles or transportation network vehicles to await passenger pick-up or to receive calls for service.

*Transportation network company driver* means an individual who operates a motor vehicle that is:

- (1) Owned, leased or otherwise authorized for use by the individual;
- (2) Not a taxicab or livery; and

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- (3) Used to provide transportation network company services.

*Transportation network company* means an entity licensed pursuant to this chapter and operating in Kansas City that uses a digital network or software application service to connect passengers to transportation network company services provided by transportation network company drivers. A transportation network company is not deemed to own, control, operate or manage the vehicles used by transportation network company drivers, and is not a taxicab association or a for-hire vehicle owner.

*Transportation network company services* means transportation of a passenger between points chosen by the passenger and prearranged with a transportation network company driver through the use of a transportation network company digital network or software application. Transportation network company services shall begin when a transportation network company driver accepts a request for transportation received through the transportation network company's digital network or software application service, continue while the transportation network company driver transports the passenger in the transportation network company driver's vehicle, and end when the passenger exits the transportation network company driver's vehicle. Transportation network company service is not a taxicab or street hail service.

*Transportation network vehicle* means any vehicle used to provide a transportation network service including any time when a driver is logged onto the transportation network company's internet-enabled application or digital platform showing that the driver is available to pick up passengers; when a passenger is in the vehicle; when the provider's dispatch records show that the vehicle is dispatched; or when the driver has accepted a dispatch and is en route to provide transportation network service to a passenger.

*Vehicle* means any taxicab, livery vehicle, sightseeing vehicle, charitable nonprofit transportation vehicle, transportation network vehicle and pedicab as used in this section.

*Vehicle permit* means an official document issued by the neighborhoods and housing services department authorizing operation of a licensed taxicab, livery vehicle, sightseeing vehicle, transportation network vehicle or pedicab on the streets of the city.

**Sec. 76-33. Applicability of article generally.**

Unless specifically indicated otherwise, the provisions of this article shall apply to all taxicabs and other vehicles of every kind, character and description which are being used as taxicabs, cabs, for-hire cars, livery vehicles, sightseeing vehicles, nonprofit transportation vehicles, transportation network vehicles and pedicabs as engaged in such in the carriage of passengers for hire on the streets of the city.

**Sec. 76-35. Exemption from article for airport passenger services operated under concession from city.**

(a) The provisions of this code shall not apply to persons operating a scheduled motor vehicle passenger service for hire between Kansas City Downtown Airport or Kansas City International Airport or any other airport operated by the city and designated points in the city pursuant to a concession agreement with the city, or to drivers of such motor vehicles. The motor vehicles used in the service described in this section shall, with the approval of the director, be so marked as to indicate plainly the special service to which such motor vehicles are limited.

(b) Persons operating a motor vehicle in the special service described in this section shall pay such annual occupation license fee as is required in section 40-156.

**Sec. 76-40. Qualifications for vehicle permit.**

(a) In order to qualify for a vehicle permit, the vehicle operator must:

- (1) Provide proof of current state registration and inspection;
- (2) Have current license plates on the vehicle, if applicable.

(b) *Taxicab vehicles.* It shall be the duty of the investigators to inspect all taxicabs licensed by the city annually to determine whether such vehicles are being maintained at all times in a clean and serviceable condition and in adequate repair. Every taxicab shall be substantially free from damage. The vehicle shall have no loose hanging metal, body molding or chrome stripping. The complete exhaust system shall be intact and in good working order. The taxicab shall not operate with large dents or major body damage, nor shall the taxicab operate with large areas of unpainted or rusted metal. Taxicabs shall have all required fenders, bumpers, doors, trunk hood and latch, door handles, windows, windshield wipers, tires, lights and air conditioner in good working order. Every taxicab shall be equipped with brakes capable of stopping and holding the taxicab under all reasonable conditions, and shall have three doors in addition to the driver's door affording direct entrance and exit to and from the passenger compartment. The passenger compartment of each taxicab shall have an adequate light therein controlled by a switch in the passenger compartment. Failure to meet all above-listed requirements at any time shall cause the taxicab to be found unfit or unsuited for public use and such vehicle may be ordered off the streets of the city. Proof of the most current inspection report shall be provided upon request. The inspection fee shall be \$22.00 for each vehicle presented for each inspection.

(c) *Livery vehicles, sightseeing vehicles, and transportation network vehicles.* Every livery, sightseeing and transportation network vehicle operated on the streets of the city shall be maintained in clean and serviceable condition and in adequate repair. Every vehicle shall be substantially free from damage. All vehicles shall have no loose hanging metal, body molding or chrome stripping. The complete exhaust system shall be intact

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and in good working order. No vehicle shall operate with large dents or major body damage, nor shall it operate with large areas of unpainted or rusted metal. All vehicles shall have all required fenders, bumpers, doors, trunk hood and latch, door handles, windows, windshield wipers, tires, lights and air conditioner in good working order. All vehicles shall be equipped with brakes capable of stopping and holding the vehicle under all reasonable conditions, and shall have three doors in addition to the driver's door affording direct entrance and exit to and from the passenger compartment. Failure to meet all above-listed requirements shall cause the vehicle to be found unfit or unsuited for public use, and such vehicle may be ordered off the streets of the city.

**Sec. 76-46. Transportation network company and transportation network driver.**

(a) In order for a transportation network company to offer, utilize and provide transportation network service within the city, they must apply for and receive a transportation network company permit from the director. The application form will be provided by the director and there will be no application fee or cost for the permit. The transportation network company permit shall be an annual permit which expires on December 31 of each year. A written application for the permit or the renewal thereof shall be submitted to the director and shall include the following:

- (1) The applicant shall be registered in the State of Missouri and will provide their full identification including the residence, business and email address of the applicant, and of all members of any firm, association or partnership, and of all principal shareholders, officers, directors and managers of any corporation applying;
- (2) The applicant will identify an individual who will provide their name, address, e-mail address and telephone number, is authorized to represent the company in the capacity of a registered agent, and authorized to accept notices and tickets issued pursuant to this chapter;
- (3) Whether or not the applicant, or any person listed in subsection (1) of this section, has been convicted of violating any provision of this code or has ever had a permit issued under this article suspended or revoked;
- (4) Whether or not the applicant, or any person listed in subsection (1) of this section, has unpaid claims or unsatisfied judgments against them for damages resulting from the negligent operation of the transportation network service;
- (5) Whether or not any such permit issued to the applicant by any other city has been revoked, and, if so, the circumstances of such revocation;
- (6) A schedule of proposed fares for the transportation network service;

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- (7) A statement signed by the applicant that they will obey all laws, rules, regulations, policies and procedures that govern transportation network companies, transportation network services, transportation network drivers and transportation network vehicles;
- (8) A statement signed by the applicant that they will not allow transportation network drivers to utilize their transportation network service until the drivers have met all requirements of this chapter and are in good standing with the director;
- (9) A statement signed by the applicant that they will not disable, eliminate or otherwise prevent the director or the director's designee's access to the transportation network company's digital network or software application for purposes of enforcing this chapter.
- (10) Such further information as the director may reasonably require.

(b) To ensure the public safety of all citizens who reside in or visit the city, the provisions of the Vehicles for Hire Code shall apply to all services offered by transportation network companies and transportation network drivers, except to the extent that such services are preempted by 49 USC Section 14501(d). No transportation network company or transportation network driver shall operate in the city unless they comply with all policies and procedures issued by the director and all rules and regulations of the Vehicles for Hire Code, except to the extent that compliance with the Vehicles for Hire Code is preempted by 49 USC Section 14501(d), the Real Interstate Driver's Equity ("Ride") Act.

**Sec. 76-73. Number of taxicab vehicle permits.**

(a) The total number of vehicle permits for the operation of taxicabs shall be 500 and no person may directly or indirectly control more than 60 percent of the total number of taxicab vehicle permits. If the total number of taxicab vehicle permits drops below 500, no taxicab permit holder will be required to surrender any of their permits if they are found to directly control more than 60 percent of the total number of taxicab vehicle permits. In order to reduce the number of taxicab vehicle permits, any vehicle permit surrendered or forfeited shall not be reissued by the director until the total number of vehicle permits does not exceed 500 vehicle permits. Each vehicle permit holder must have at least 70 percent of the permitted vehicles in operational condition and in use at all times.

(b) All new applicants to operate taxicabs must permit at least ten vehicles.

(c) If the total number of vehicle permits issued at the time this chapter becomes effective exceeds the number authorized, those vehicle permits, if they meet all other requirements, shall be entitled to renewal on an annual basis. If a vehicle permit is not renewed or ceases to fulfill all other requirements of this chapter and is thereafter

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terminated or canceled or expires, then an application for a new vehicle permit shall be required and the provisions herein limiting the number of vehicle permits shall apply.

**Sec. 76-74. - Duration; renewal.**

Vehicle permits for the operation of taxicabs shall be annual permits which expire on October 31 of each year. Vehicle permits in good standing on the date of their expiration shall be eligible for renewal. All vehicles for which new or renewed vehicle permits are sought must be inspected within the preceding 90 days and found to be in compliance with the requirements of this code before the issuance or renewal of such vehicle permits.

**Sec. 76-75. Fees.**

(a) No person or permit holder shall operate a vehicle in any manner as to provide taxicab, livery, sightseeing, or transportation network vehicle service upon the streets of the city until all fees have been paid as follows:

- (1) Any person that operates a taxicab company, livery company, sightseeing vehicle company, and transportation network vehicle company shall have the option of paying an annual fee which will allow the company to receive an unlimited number of vehicle permits, other than taxicab permits as restricted in section 76-73, per annum. The annual fee will be assessed as follows:
  - a. If only one company applies to receive an unlimited number of vehicle permits, an annual fee of \$150,000.00 will be charged.
  - b. If the number of companies that have an unlimited number of vehicle permits equal two, an annual fee of \$75,000.00 will be charged.
  - c. If the number of companies that have an unlimited number of vehicle permits equal three, an annual fee of \$50,000.00 will be charged.
  - d. If the number of companies that have an unlimited number of vehicle permits equal four, an annual fee of \$37,500.00 will be charged.
  - e. If the number of companies that have an unlimited number of vehicle permits equal five, and, the number of vehicle permits issued at the rate of \$250.00 is above 300, an annual fee of \$30,000.00 will be charged. If the number of vehicle permits issued at the rate of \$250.00 is below 300, an annual fee of \$40,000.00 will be charged.

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- f. If the number of companies that have an unlimited number of vehicle permits equal five or more and the number of vehicle permits issued at the rate of \$250.00 falls below 100, an annual fee of \$45,000.00 will be charged.

Any person that operates a taxicab company, livery company, sightseeing vehicle company, or transportation network company that chooses not to pay an annual fee for an unlimited number of permits shall pay \$250.00 for every vehicle permit issued on an annual basis.

- (2) The occupation license fee in the amount set forth in section 40-156 shall also be paid.
- (3) A vehicle permit replacement fee of \$8.00 shall be paid for each replacement vehicle permit.
- (4) For any person that chooses to purchase vehicle permits within a current permitting year, vehicle permit fees shall be prorated for the remainder of the vehicle permit year and shall be based on a monthly rate.

(b) No transportation network company shall provide access to their transportation network service to any vehicle for hire driver until all fees as outlined in subsection (a) of this section have been paid.

**Sec. 76-101. Required.**

No person shall operate a taxicab, livery vehicle, sightseeing vehicle, transportation network vehicle or pedicab upon the streets of the city, and, no person who owns or controls such vehicle shall give permission for it to be so driven, and, no vehicle authorized by the city under this article shall be so driven at any time for hire unless the permit holder and driver of the vehicle have met all the provisions of this code.

**Sec. 76-102. Application.**

(a) *Filing.* Before any vehicle permit holder or person shall operate a taxicab, livery vehicle, sightseeing vehicle, transportation network vehicle or pedicab on the streets of the city, the following information shall be filed with the director:

- (1) The vehicle for hire operators full name and all previous names; all addresses where the vehicle for hire operator has permanently or temporarily resided for the previous five years; social security number; gender; age; weight; height; hair color; eye color; date of birth; place of birth; email address; telephone number; whether the vehicle for hire operator is a citizen of the United States; whether the vehicle for hire operator has previously been a vehicle operator in the City of Kansas City, Missouri; a color copy of the vehicle for hire operators Missouri

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- chauffeur's E driver's license or Kansas A, B or C driver's license; a copy of the vehicle for hire operators state operating record; whether the vehicle for hire operator has ever had a driver's certificate suspended or revoked or if they have ever been temporarily or permanently banned from operating a vehicle for hire by any city, state, county or other local government and the reasons therefore;
- (2) A list of all traffic violations in any state for the previous five years; whether the vehicle for hire operator has ever been sentenced to a penal institution; whether the vehicle for hire operator is currently under probation or parole and if so the expiration date; whether the vehicle for hire operator has ever been found guilty of, pleaded guilty to or been convicted of any violation (federal, any state or any city) that involves any alcohol or drug offense; whether the vehicle for hire operator has ever been found guilty of, pleaded guilty to or been convicted of any violation (federal, any state or any city) while driving any vehicle, including a taxicab or any other vehicle defined under the vehicles for hire code;
  - (3) Whether the vehicle for hire operator has ever been found guilty of, pleaded guilty to or been convicted of any violation (federal, any state or any city) murder, arson, assault, forcible rape, forcible sodomy, kidnapping, robbery, voluntary manslaughter, assault of a law enforcement officer, sexual offenses (including child molestation, sexual misconduct, and sexual abuse), possession of controlled substances or illegal drugs or narcotics, burglary, stealing, extortion, bribery, prostitution, weapons offense, crime of violence, indecent exposure, violations of state or city traffic laws and regulations involving injury or death, leaving the scene of a motor vehicle accident, driving under the influence of alcohol or drugs, and operating a motor vehicle with defective equipment;
  - (4) Whether the vehicle for hire operator is now or has ever been registered as a sexual offender with any state, county or local government;
  - (5) An application submitted from the vehicle for hire operator to the director for a criminal background investigation to be conducted as outlined in section 76-104 of this division;
  - (6) The name of the vehicle for hire company for which the vehicle for hire operator will be providing service;
  - (7) A description of the vehicle for hire operator will be driving while in service to include the vehicle owners name; vehicle fleet number, vehicle permit number; vehicle state license plate information to include the state license number and expiration; and vehicle description to include the make, year, and vehicle identification number.

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(b) *Application form.* The application for a driver's certificate shall be made upon a form to be provided by the director and shall request not less than the information specified in this section and such other information as may be deemed proper by the director.

(c) *Documents submitted with application form.* No application for a driver's certificate to drive horse-drawn sightseeing vehicles shall be complete unless the applicant submits a vehicle permit holder's written certification that the applicant is qualified and able to safely drive horse-drawn vehicles under urban street traffic conditions.

**Sec. 76-103. Qualifications of applicant.**

(a) Every applicant for a driver's certificate under this division shall:

- (1) Be 18 years of age or older and be of good moral character.
- (2) Be of sound physique, have good eyesight and hearing and not subject to epilepsy, vertigo, heart trouble or any other infirmity of mind or body which might render him unfit to drive and operate a taxicab, livery vehicle, sightseeing vehicle, transportation network vehicle or pedicab safely on the streets of the city.
- (3) Be able to read, write, speak and understand the English language.
- (4) Be clean and neat in dress and person, and not addicted to the use of intoxicating liquor or drugs.
- (5) Hold an A, B or C, CDL license in the State of Kansas or an E license in the State of Missouri.

(b) A driver's certificate shall not be issued to any person who:

- (1) Has been found guilty of, pleaded guilty to or been convicted of a felony (federal or any state) for first degree murder, second degree murder, first degree arson, first degree assault, forcible rape, forcible sodomy, kidnapping, first degree robbery, voluntary manslaughter, or first degree assault of a law enforcement officer.
- (2) Has been found guilty of, pleaded guilty to or been convicted of a felony or misdemeanor (federal or any state) for sexual offenses including but not limited to first degree child molestation, second degree child molestation, sexual misconduct involving a child, first degree sexual misconduct, second degree sexual misconduct, third degree sexual misconduct, and sexual abuse.

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- (3) Is now or has ever been registered as a sexual offender with any state, county or local government.
- (4) Within five years of the date of application has been found guilty of, pleaded guilty to or been convicted of a felony or misdemeanor or, if information available, has been released from confinement for or completed probation or parole for a felony or misdemeanor conviction within one year of the date of application involving drugs or narcotics, robbery (other than first degree robbery), burglary, stealing, extortion, bribery, prostitution, any weapons offense, or crime of violence other than those set forth in (b)(1) and (2).
- (5) Has been found guilty of, pleaded guilty to or been convicted of an ordinance violation or, if information available, has been released from confinement for an ordinance conviction, whichever event is later, within two years where such finding of guilt, plea of guilt or ordinance conviction for indecent exposure, prostitution, stealing, or possession of controlled substances or illegal drugs or narcotics.
- (6) Within five years of the date of application has been found guilty of, pleaded guilty to or been convicted of a violation of a state traffic law or a traffic ordinance of any city involving leaving the scene of a motor vehicle accident or driving under the influence of alcohol or drugs during which a person was injured or died.
- (7) Within three years of the date of application has been found guilty of, pleaded guilty to or been convicted of a violation of state law or a traffic ordinance of any city involving leaving the scene of a motor vehicle accident or driving under the influence of alcohol or drugs, but not involving injury or death.
- (8) Applies for a driver's certificate and has been found guilty of, pleaded guilty to or been convicted of more than four moving traffic violations including operating a defective vehicle within three years of the date of application, or has been found guilty of, pleaded guilty to or been convicted of more than two moving traffic violations including operating a defective vehicle within one year of the date of application.
- (9) Applies for a renewal of a driver's certificate and has been found guilty of, pleaded guilty to or been convicted of more than five moving traffic violations including operating a defective vehicle within three years of the date of the renewal application and has been found guilty of, pleaded guilty to or been convicted of more than two moving traffic violations including operating a defective vehicle with any state, county or local government within one year of the date of the renewal application.

**Sec. 76-104. Criminal background investigation.**

After a complete and fully executed application for a driver's certificate has been filed with the director, the application will be investigated. The applicant may ask the director to conduct the criminal background investigation or the application can choose a licensed background investigation company, approved by the director, to complete the criminal background investigation. The criminal background investigation shall include a review of all criminal records available including federal, all states, and the records of all counties in the State of Missouri, and in particular records regarding the registration of persons who have been found guilty of, pleaded guilty to or been convicted of sexual offenses. The criminal background investigation shall, at a minimum, include an investigation of the applicants background of everything listed under section 76-103 of this division. If the applicant uses a background investigation company, the applicant must authorize the release of the investigation and require the investigation company to send a copy of the applicant's background investigation to the director.

**Sec. 76-106. Granting or denial; appeals.**

(a) After reviewing the application and all other required documentation, the director shall determine whether a driver's certificate shall be granted to the applicant. Such certificate shall bear the genuine signature of the applicant.

(b) The director's grant or denial of an application for a driver's certificate or the renewal thereof shall be based on information provided in the application as well as any report submitted by an investigator, the police department or from the results of the background investigation. In addition to the qualifications set forth in section 76-103 for new applicants, the director shall consider any cause that may exist for suspension or revocation under section 76-141 in his determination on the renewal of a driver's certificate. Within ten days after issuance of notice by the director of his intention to deny such application, the applicant may submit a written request for a hearing, which shall be held in accordance with section 76-77. Appeal of the director's decision following a hearing shall be effected pursuant to section 76-78. A driver who has had their application disapproved by the director will not be permitted to act as a driver while awaiting a hearing.

**Sec. 76-107. Expiration.**

All driver's certificates shall expire one year from the date of issuance.

**Sec. 76-109. Display of driver's certificate.**

An appropriate driver's certificate shall be furnished to each driver by the director showing his driver's certificate number and the year for which the driver's certificate is issued. Every taxicab, livery, sightseeing vehicle, transportation network vehicle and

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pedicab driver, while on duty shall have their driver's certificate on their person at all times and present it upon request.

**Sec. 76-162. Amount; conditions.**

- (a) Taxicabs, livery vehicles, pedicabs and sightseeing vehicles.
  - (1) The vehicle permit holder or applicant for vehicle permits under this article shall maintain liability insurance with liability limits of at least \$50,000.00 for injury to, or death of, one person, by reason of the carelessness or negligence of the driver or operator of such vehicle, and \$100,000.00 for injury to, or death of, more than one person, resulting from a single accident, by reason of the carelessness or negligence of the driver or operator of such vehicle, and \$25,000.00 for damage to property, including baggage or other property of a passenger carried in or on the vehicle, resulting from any single accident, by reason of the carelessness or negligence of the driver or operator of such vehicle, with a deductible, if any, not to exceed \$500.00 and \$50,000.00 for uninsured motorist coverage for passengers as that coverage is required in RSMo § 379.203. All claims shall be referred to the insurance company for handling by an authorized claims representative.
  - (2) Insurance shall be carried by an insurance company which has been duly licensed or approved to write insurance in the state of Missouri, and shall be kept and maintained continually in force and effect so long as the applicant shall be licensed to operate on the streets of the city. The liability insurance required to be maintained under the provisions of this section shall be a policy under which the insurance company obligates itself to handle claims under the coverage thereof and to indemnify the vehicle permit holder and the driver or operator of the vehicle, and pay to the claimant all amounts which the insured becomes legally obligated to pay under the policy, in excess of any applicable deductible. A certificate of insurance reflecting all endorsements shall be filed with the director, who shall have the authority to require a true copy of the insurance policy at his discretion.
  - (3) The liability insurance policy shall contain a provision for continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon.
  - (4) The liability insurance policy shall contain a separate endorsement requiring the insurance company to notify the director in writing of any change in coverage, or cancellation of the policy, at least ten days prior thereto.

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- (5) A valid certificate of insurance issued by a company providing the required insurance policy shall be available for inspection by the vehicle permit holder. The certificate shall include all of the following:
- a. The full name of the insurer;
  - b. The name and address of the insured;
  - c. The insurance policy number;
  - d. The type and limits of coverage;
  - e. The specific vehicles insured;
  - f. The effective dates of the insurance policy; and
  - g. The certificate issue date.

(b) *Transportation network companies, drivers and vehicles.*

- (1) Transportation network companies and transportation network company drivers shall comply with the automobile liability requirements of this section from the time a transportation network company driver indicates that the transportation network company vehicle is available to accept a ride request, but before the transportation network company driver is providing transportation network company services, the transportation network company shall maintain contingent liability coverage covering liability resulting from any occurrence arising out of or caused by the operation of the vehicle of at least \$50,000.00 for injury to, or death of, one person, by reason of the carelessness or negligence of the transportation network company driver, and \$100,000.00 for injury to, or death of, more than one person, resulting from a single accident, by reason of the carelessness or negligence of the transportation network company driver, and \$25,000.00 for damage to property, including baggage or other property of a passenger carried in or on the vehicle, resulting from any single accident, by reason of the carelessness or negligence of the transportation network company driver, with a deductible, if any, not to exceed \$500.00. \$50,000.00 for uninsured motorist coverage for passengers as that coverage is required by RSMo § 379.203. All claims shall be referred to the insurance company for handling by an authorized claims representative. The transportation network company will name the City of Kansas City, Missouri an additional insured on all insurance policies for any transportation network driver operating in the City of Kansas City, Missouri.

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- a. While a transportation network company driver is providing transportation network company services, the transportation network company, the transportation network company driver or some combination thereof, shall maintain:
    1. Primary automobile liability insurance that recognizes the transportation network company driver's provision of transportation network services.
    2. Automobile liability coverage with a combined single limit of liability for injury or property damage for each accident of \$1,000,000.00.
    3. Uninsured motorist coverage \$50,000.00 for passengers as that coverage is required by RSMo § 379.203.
  - b. The liability insurance policy shall contain a separate endorsement requiring the insurance company to notify the director in writing of any change in coverage, or cancellation of the policy, at least thirty days prior thereto.
  - c. A valid certificate of insurance issued by a company providing the required insurance policy shall be on file with the director. The certificate shall include all of the following:
    1. The full name of the insurer;
    2. The insurance policy number;
    3. The type and limits of coverage; and
    4. The effective dates of the insurance policy.
- (4) Driver must have written or digital proof of the insurance required by this section in the vehicle at all times.
- (5) Insurance shall be carried by an insurance company which has been duly licensed or approved to write insurance in the state of Missouri, including an eligible surplus lines insurer, and shall be kept and maintained continually in force and effect so long as the applicant shall be licensed to operate on the streets of the city. The liability insurance required to be maintained under the provisions of this section shall be a policy under which the insurance company obligates itself to handle claims under the coverage thereof and to indemnify the vehicle permit holder and the transportation network company driver, and pay to the claimant all amounts which the insured becomes legally obligated to

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pay under the terms of the policy, in excess of any applicable deductible. A certificate of insurance shall be filed with the director, who shall have the authority to require a true copy of the insurance policy at his discretion.

- (6) Other insurance may be accepted but not without written approval by the city.
- (7) The transportation network company shall disclose in writing to transportation network company drivers the following before they are allowed to accept a request for a prearranged ride on the transportation network company's digital network:
  - a. The insurance coverage, including the types of coverage and the limits for each coverage, that the transportation network company provides while the transportation network company driver uses a personal vehicle in connection with a transportation network company's digital network; and
  - b. That the transportation network company driver's own automobile insurance policy might not provide any coverage while the driver is logged on to the transportation network company's digital network and is available to receive transportation requests or is engaged in a prearranged ride depending on the policy's terms.
- (8) A transportation network company shall make the following disclosure to a prospective driver in the prospective driver's terms of service:

**IF THE VEHICLE THAT YOU PLAN TO USE TO PROVIDE TRANSPORTATION NETWORK COMPANY SERVICES HAS A LIEN AGAINST IT, USING THE VEHICLE FOR TRANSPORTATION NETWORK COMPANY SERVICES MAY VIOLATE THE TERMS OF YOUR CONTRACT WITH THE LIENHOLDER.**

**IF A TRANSPORTATION NETWORK COMPANY'S INSURER MAKES A PAYMENT FOR A CLAIM COVERED UNDER COMPREHENSIVE COVERAGE OR COLLISION COVERAGE, THE TRANSPORTATION NETWORK COMPANY SHALL CAUSE ITS INSURER TO ISSUE THE PAYMENT DIRECTLY TO THE BUSINESS REPAIRING THE VEHICLE OR JOINTLY TO THE OWNER OF THE VEHICLE AND THE PRIMARY LIENHOLDER ON THE COVERED VEHICLE.**

The disclosure set forth in this subsection shall be placed prominently in the prospective driver's written terms of service, and the prospective driver shall acknowledge the terms of service electronically or by signature.

**Sec. 76-191. Required services.**

(a) Holders of taxicab vehicle permits issued under this article are required to offer, and to provide upon demand, city-wide taxicab services 24 hours per day, seven days per week. Each taxicab vehicle permit holder must have one business telephone number that must be accessible 24 hours a day, seven days per week. Such taxicab services shall include the transportation of passengers, messages and packages. In the case of packages, the driver shall have the right to view the contents of a package he/she finds questionable.

(b) All such holders of taxicab vehicle permits shall render an overall service to the public desiring to use taxicabs. They shall maintain a central non-residential place of business with operating hours from 6:00 a.m. to 6:00 p.m. Monday through Sunday. During non-operating hours, the holder of a taxicab vehicle permit and/or his/her agent shall arrive at the central non-residential location within 30 minutes upon notification of a request for services. They shall answer all calls received by them for services within the city, within 30 minutes of receiving such call and, if services cannot be rendered within such time, they shall then notify the prospective customer as to how long it will be before the call can be answered and give the reason why. In cases where a number of vehicle permit holders are grouped in an association operating under a common color scheme, it shall not be necessary that every taxicab belonging to members of that association be in service 24 hours a day so long as the association provides adequate overall service.

(c) No driver of a taxicab shall willfully refuse, without cause, to:

- (1) Accept a passenger for transportation from any area of trip origin to any area of trip destination within the city;
- (2) Respond to a request for passenger service transmitted to such driver through the taxicab dispatch system;
- (3) Accept guide dogs used by a passenger requesting transportation.

**Sec. 76-192. Passenger fares.**

(a) *Use of meter required.* While in service as a taxicab, each vehicle shall be operated with its meter engaged.

(b) *Fares.* The passenger fares for taxicab service shall be meter-based as established herein and in accordance with the following standards:

- (1) *Initial drop.* The meter charge recorded on the meter at the start of the trip.

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- (2) *Mileage charge.* A charge for each one-tenth portion of a mile. The current mileage charge for each one-tenth portion of a mile is \$0.21.
- (3) *Waiting time.* A charge for each increment of waiting time. The term "waiting time," as used in this subsection, means the time when the taxicab is not in motion from the time of acceptance to the time of discharge of a passenger, but does not include any time the taxicab is not in motion, if due to any other cause than the request, act or fault of the passenger. The first three minutes elapsing prior to the arrival of a passenger at the beginning of a trip shall not be included in computing waiting time, and in no event shall any time be included as waiting time for any period prior to the time fixed for the arrival of the taxicab by the prospective passenger when calling for a cab.
- (4) *Traffic delay time.* A charge for each increment of delay time. The term "traffic delay time," as used in this subsection, shall be that time as set and determined by the taximeter, provided no traffic delay time shall accrue on the taximeter unless the taxicab is stopped in traffic or proceeding at a speed of less than ten miles per hour.
- (5) *Airport fee.* A charge to off-set the established airport trip fee as determined by the director of aviation.
- (5) *Fare rate.* The maximum meter-based rate of fare shall be \$2.50 initial drop fee plus \$2.10 per mile. The waiting time/traffic delay time shall be \$0.21 every 18 seconds (the twenty-one cent waiting time/traffic delay time charge is one-tenth of the per mile charge). An additional charge of \$0.50 per trip shall be charged for each passenger over two passengers. Other than trips originating from Kansas City International Airport, operators may provide service using an alternative fare rate as long as the alternative fare rate is a fixed rate and the passenger understands how the fare will be calculated prior to taking the trip. Any alternative fare rate proposed to be used by a permit holder must be filed with and approved by the director prior to its implementation.
- (7) *Fares outside the city limits.* Charges for a passenger trip which originates within the city shall be made in accordance with the taximeter or at an alternative fare rate below the maximum meter-based rate. Charges for trips which extend beyond the city limits may be made on a flat rate basis for that portion of the trip that extends beyond the city limits.

**Sec. 76-198. Taximeters or electronic devices required.**

All taxicabs operating under authority of this code shall be equipped with a taximeter or electronic device such as a GPS tablet that is approved by the director and inspected by any agent of the director for accuracy.

**Sec. 76-199. Installation of taximeters and electronic meter devices.**

Taximeters shall be connected to the transmission or drive shaft of the taxicab and shall be placed in the driver's compartment on the right-hand side of the vehicle. The face of the taximeter or electronic meter device upon which the fare is recorded shall be directed toward the passenger compartment so positioned as to be wholly visible to and clearly discernible by any passenger sitting in any of the rear seats. The face of the dial of every taximeter or electronic meter device shall be illuminated by a suitable light arranged so that the figures may be read by any passenger. The height of the numerals indicating the fare charged shall be not less than one-half inch.

**Sec. 76-200. Inspection of taximeters and electronic meter devices and sealing of taximeters.**

(a) Taxicab vehicle permit holders shall be responsible for the accuracy of taximeters or electronic meter devices installed in taxicabs operated under their vehicle permits, within the tolerances established by this code.

(b) No taxicab shall be operated until the taximeter or electronic meter device therein has been first inspected, tested, approved and, if a taximeter, sealed by any agent of the director. Sealing a taximeter shall be accomplished as follows:

- (1) The meter mechanism shall be sealed within its case;
- (2) Driving equipment shall be sealed at the upper end of the meter bracket.

(c) Whenever a taxicab's taximeter or electronic meter device has been damaged, or repairs made to the taxicab that might in any way affect the accuracy of its indications have been made, or any of the official security seals have been mutilated, broken or removed, such taxicab shall not be operated thereafter until the taximeter or electronic meter device has been inspected, tested, approved, and with regard to a taximeter, sealed by any agent of the director.

(d) All taximeters and electronic meter devices shall be subject to inspection and test by the director and his agents at any time, and any taxicab bearing a taximeter found not to conform to the tolerance established in section 76-201 may be ordered out of service and not returned to service until the taximeter or electronic meter device is reinspected by the director and his agents and conforms to the established tolerance values.

**Sec. 76-201. Standards for taximeters; test methods.**

(a) *Test methods for mileage tests.* To determine compliance with mileage tolerances, a mileage test of a taximeter or electronic meter device shall be conducted utilizing one or more of the following test methods:

- (1) *Road test.* A road test consists of driving the vehicle over a precisely measured road course.
- (2) *Fifth-wheel test.* A fifth-wheel test consists of driving the vehicle over any reasonable road course and determining the distance actually traveled through the use of a mechanism known as a fifth wheel that is attached to the vehicle and that independently measures and indicates the distance.
- (3) *Simulated road test.* A simulated road test involves the use of a special device which provides drums to support the rear wheels of the vehicle and allows the vehicle engine to rotate the drums through the wheels of the vehicle. The distance actually traveled is measured and indicated by the special device.

(b) *Test procedure for mileage test.* The mileage test of a taximeter or electronic meter device, whether a road test, a simulated road test or a fifth-wheel test, shall include at least duplicate runs of a sufficient length to cover at least the third money drop or one mile, whichever is greater, and shall be at a speed approximating the average speed traveled by the vehicle in normal commercial service.

(c) *Vehicle loading.* During the mileage test of a taximeter or electronic meter device, the vehicle shall carry two persons.

(d) *Time interval test.* If a taximeter or electronic meter device is equipped with a mechanism through which charges are made for time intervals, this mechanism shall be tested at least through the first five time intervals.

(e) *Interference test.* If a taximeter or electronic meter device is equipped with a mechanism through which charges are made for time intervals, a test may be conducted to determine whether there is interference between any time and mileage mechanisms. During the interference test, the vehicle is operated at a speed of two or three miles per hour faster than the speed at which the basic mileage-revenue rate equals the basic waiting-time rate.

(f) *Tolerance values.*

- (1) *Mileage tests.* Maintenance and acceptance tolerances for taximeters and electronic meter devices shall be as follows:
  - a. On over registration: one percent of the interval under test.

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- b. On under registration: four percent of the interval under test, with an added tolerance of 100 feet whenever the initial interval is included in the interval under test.
- (2) *Individual time intervals.* Maintenance and acceptance tolerance on individual time intervals shall be as follows:
- a. On over registration: three seconds per minute (five percent).
  - b. On under registration: nine seconds per minute (15 percent) on the initial interval, and six seconds per minute (ten percent), on other intervals.
- (3) *Average time interval computed after excluding initial interval.* Maintenance and acceptance tolerances on the average time interval excluding the initial interval, shall be as follows:
- a. On over registration: no tolerance.
  - b. On under registration: three seconds per minute (five percent).

(g) *Inflation of vehicle tires.* The pressure in the tires on the wheels that actuate the taximeter shall be maintained at not less than the normal operating pressure recommended by the manufacturer of the vehicle.

(h) *Position and illumination of taximeter.* When mounted upon a vehicle, a taximeter or electronic meter device shall be so placed that its face can be seen by any passenger sitting in any of the rear seats. Adequate lighting facilities shall be provided for so illuminating the face of the taximeter that the indications thereof may be conveniently read by the passenger, and the face of the taximeter or electronic meter device shall be so illuminated whenever it is in operation and artificial illumination is necessary for the convenient reading of its indications.

**Sec. 76-209. Prohibited acts.**

No taxicab driver shall:

- (1) Operate a taxicab in violation of state or local traffic regulations, without proper regard for the traffic, surface, and width of the street or highway and the hazards at intersections and any other conditions then existing, nor in such a manner or condition as to endanger or to be likely to endanger the safety of passengers, pedestrians, vehicles or the persons and property of others;

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- (2) Threaten, abuse, insult, provoke, interfere with, impede or obstruct any other licensed driver, any passenger, prospective passenger or any other person in connection with operations under this chapter;
- (3) Have in his or her possession a lighted cigarette, cigar, pipe, or light or smoke same while driving a taxicab which is occupied by a passenger, unless such passenger shall have first granted such driver permission to do so;
- (4) Provide any payment to any doorman, bellhop, taxicab starter, bartender or any other person within the city in return for the referral of passengers;
- (5) Knowingly and with intent to disrupt communication on a two-way radio system, manipulate a microphone switch or other jamming device;
- (6) Refuse to obey or to comply with any lawful order or direction of any police officer, traffic-control officer, meter monitor or duly appointed inspector of the department, or use profane language or otherwise interfere with such officials while in the performance of their duties;
- (7) Report a false location over a two-way radio for purposes of gaining an unfair advantage in bidding to provide service;
- (8) Fail to engage the taximeter when the taxicab is in motion and a passenger is present, unless a method of computing the fare without use of the meter is expressly authorized by a provision of this chapter;
- (9) Solicit passengers in the city, or lay hands upon the person or baggage of any person without the express consent of that person, or obstruct the movement of any persons, or follow any person for the purpose of soliciting business. Display of a sign on the taxicab to indicate that it is not engaged shall not be considered solicitation;
- (10) Deceive any person as to destination, route, authorized taxicab rates, or fare;
- (11) Overcharge;
- (12) Take a circuitous route to a destination, or any route other than the most direct route, without the express consent of the passenger;
- (13) Drop a passenger at a location other than the location requested;
- (14) Refuse to convey an orderly passenger;
- (15) Report for another driver's order;

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- (16) Fail to provide a receipt upon request;
- (17) Play a radio or tape player if a passenger requests that it be turned off;
- (18) Fail to operate the air conditioner when the heat index is 80 degrees or greater unless a passenger requests that it be turned off;
- (19) Engage in, or permit the use of a taxicab for, illegal gambling, prostitution, or trafficking in alcoholic beverages or controlled substances;
- (20) Be in possession of or consume any alcoholic beverage or controlled substance while on duty; consume any alcoholic beverage or controlled substance within four hours before beginning a shift;
- (21) Allow more passengers to occupy the vehicle than is provided for by its normal seating capacity, as indicated on the vehicle application. In no event shall more than two persons in addition to the driver be permitted in the front seat of such vehicle.

**Sec. 76-234. Signs on vehicles.**

The name of the livery company may be permanently affixed or painted on the exterior of livery vehicles in letters not exceeding two inches in height. No other legend or wording shall be affixed to or painted on such vehicles, except for license plates and stickers. Any other sign or emblem to be placed or affixed on a livery or transportation network vehicle must be approved by the director prior to use. Once a sign or emblem has been approved, it shall be used on all vehicles at all times while any vehicle is being used to provide transportation services. Each livery vehicle, transportation network vehicle and sightseeing vehicle must provide information on how to contact the city to make a complaint.

**Sec. 76-238. Prohibited acts.**

No livery or transportation network driver shall:

- (1) Operate a livery or transportation network vehicle in violation of state or local traffic regulations, or in any event without proper regard for the traffic, surface, and width of the street or highway and the hazards at intersections and any other conditions then existing, nor in such a manner or condition as to endanger or to be likely to endanger the safety of passengers, pedestrians, vehicles or the persons and property of others;
- (2) Threaten, abuse, insult, provoke, interfere with, impede or obstruct any other licensed driver, any passenger, prospective passenger or any other person in connection with operations under this chapter;

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- (3) Have in his or her possession a lighted cigarette, cigar, pipe, or light or smoke same while driving a livery or transportation network vehicle which is occupied by a passenger, unless such passenger shall have first granted such driver permission to do so;
- (4) Provide any payment to any doorman, bellhop, taxicab starter, bartender or any other person within the city, in return for the referral of passengers;
- (5) Knowingly and with intent to disrupt communication on a two-way radio system, manipulate a microphone switch or other jamming device;
- (6) Refuse to obey or to comply with any lawful order or direction of any police officer, traffic-control officer, meter monitor or duly appointed inspector of the department, or use profane language or otherwise interfere with such officials while in the performance of their duties;
- (7) Report a false location over a two-way radio for purposes of gaining an unfair advantage in bidding to provide service;
- (8) Solicit passengers in the city, or lay hands upon the person or baggage of any person without the express consent of that person, or obstruct the movement of any persons, or follow any person for the purpose of soliciting business;
- (9) Deceive any person as to destination, route, or fare;
- (10) Overcharge;
- (11) Drop a passenger at a location other than the location requested;
- (12) Refuse to convey an orderly passenger;
- (13) Report for another driver's order;
- (14) Fail to provide a receipt upon request;
- (15) Play a radio or tape player if a passenger requests that it be turned off;
- (16) Fail to operate the air conditioner when the heat index is 80 degrees or greater unless a passenger requests that it be turned off;
- (17) Engage in, or permit the use of a livery vehicle for, illegal gambling, prostitution, or trafficking in alcoholic beverages or controlled substances;

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- (18) Be in possession of or consume any alcoholic beverage or controlled substance while on duty; consume any alcoholic beverage or controlled substance within four hours before beginning a shift;
- (19) Allow more passengers to occupy the vehicle than is provided for by its normal seating capacity, as indicated on the vehicle application. In no event shall more than two persons in addition to the driver be permitted in the front seat of such vehicle.
- (20) Willfully refuse, without cause, to accept a passenger for transportation from any area of trip origin to any area of trip destination within the city;
- (21) Willfully refuse, without cause, to respond to a request for passenger service transmitted to such driver through the taxicab dispatch system.
- (22) Willfully refuse, without cause, to accept guide dogs used by a passenger requesting transportation.
- (23) A transportation network company shall not disclose a passenger's personally identifiable information to a third party unless: the passenger consents, disclosure is required by a legal obligation, or disclosure is required to protect or defend the terms of use of the service or to investigate violations of those terms. In addition to the foregoing, a transportation network company shall be permitted to share a passenger's name and/or telephone number with the transportation network company driver providing transportation network company services to such passenger in order to facilitate correct identification of the passenger by the transportation network company driver, or to facilitate communication between the passenger and the transportation network company driver.

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Approved as to form and legality:

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Lana K. Torczon  
Assistant City Attorney