

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 130315

Amending Chapter 76, Code of Ordinances, by repealing Section 76-32 and enacting in lieu thereof a new section of like number and subject matter, and adopting Section 76-46, regulating third-party transportation apps.

WHEREAS, advancing smartphone technology applications allow for city residents and visitors to utilize vehicles-for-hire that are not regulated by the Taxicab Code and this creates a public safety issue when the operators are not subject to permit and insurance requirements, the vehicles are not subject to inspection requirements, and the drivers are not subject to certification requirements; and

WHEREAS, certain third-party transportation applications require users to pay fares that fluctuate depending on demand resulting in consumer protection concerns and drivers may accept or refuse service, which could lead to discrimination against consumers; and

WHEREAS, Regulated Industries Division desires to address these issues by amending the Taxicab Code to make all operators of third-party transportation applications subject to the rules and regulations of Chapter 76, Code of Ordinances of the City of Kansas City, Missouri; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 76, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Section 76-32 and enacting in lieu thereof a new section 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.

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.

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Department means the neighborhood and community services department of the city.

Director means the director of neighborhood and community services 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 commercial operations 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 the taxicab permit issued by the city.

Livery vehicle means a public six-passenger or less motor vehicle with driver included, for hire only by written agreement for exclusive use at a charge fixed in advance.

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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 means an official document issued by the neighborhood and community services department authorizing operation of a licensed taxicab, livery vehicle, sightseeing vehicle or pedicab on the streets of the city.

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 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.

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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 permits of which it is the holder.

Taximeter means a meter instrument or device attached to a taxicab, which measures the distance driven and the waiting time upon which the fare is based.

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

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

Third-party transportation app means a software application available to users for download onto a smartphone or other electronic device for vehicle transportation purposes.

Third-party transportation app company means an individual, firm, corporation, association, partnership, or cooperative that owns, controls and operates a third-party transportation app.

Vehicle means any taxicab, livery vehicle, sightseeing vehicle and pedicab as used in this article.

Section 2. That Chapter 76, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by adopting Section 76-46, to read as follows:

Sec. 76-46. - Applicability of article to third-party transportation apps.

To ensure the public safety of all citizens who reside in or visit the city, the provisions of the Taxicab Code shall apply to all services offered by third-party transportation apps, except to the extent that such services are preempted by 49 USC Section 14501(d). No third-party transportation app company shall operate in the city unless the third-party transportation app company complies with all rules and regulations of the Taxicab Code, except to the extent that compliance with the Taxicab Code is preempted by 49 USC Section 14501(d), the Real Interstate Driver's Equity ("Ride") Act.

Approved as to form and legality:

Kathy Adams
Assistant City Attorney