

ORDINANCE 1389

AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE XI, CHAPTER 114, SECTIONS 114.01 TO 114.10, TO ADD ADDITIONAL DEFINITIONS AND AMEND THE REGULATIONS GOVERNING TRANSPORTATION NETWORK COMPANIES AND VEHICLE-FOR-HIRE DRIVERS

BE IT ORDAINED, by the Governing Body of the City of Vermillion, South Dakota that sections 114.01 to 114.10 shall be amended to read as follows:

§ 114.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Digital Network. Any online-enabled application, software, website, or system offered or utilized by TNC or taxicabs that enables the prearrangement of rides with drivers.

Driver. One who actually engages in driving a vehicle-for-hire.

Operator. A person, organization, company, or other entity engaged in operating a vehicle-for-hire business.

Taxicab. A motor vehicle for carrying passengers for hire, along nonprescribed routes, with a seating capacity of nine or less persons. The term taxicab shall not include funeral cars, ambulances, limousines, buses, wheelchair transport vehicles, paratransit, and stretcher transport.

TNC Driver. One who engages specifically in driving a licensed TNC personal vehicle.

TNC. Transportation Network Company means an entity that uses a digital network to connect passengers to TNC services and to drivers that use their TNC personal vehicle to provide vehicle-for-hire services. The TNC does not manage, own, or lease the personal vehicles of the drivers.

TNC Personal Vehicle. Is a vehicle that is used by a TNC driver which has been recognized and approved by the TNC company and is: owned, leased, or otherwise authorized for use to the TNC driver and which is not a taxicab.

Vehicle for Hire. Means any vehicle licensed under this chapter as taxicab or TNC personal vehicle.

Wheelchair Transport Vehicles, Paratransit, and Stretcher Transport. Means a motor vehicle-for-hire which carries wheelchairs, conducts paratransit, and transports stretcher passengers and their accompanying guests or care givers, with a seating capacity for 12 persons or less, not including the driver, not traveling any definite or prescribed route, operated by a driver, and carrying or accepting wheelchair, paratransit, or stretcher passengers and their accompanying guests or care givers, but shall not include licensed ambulance services. Such vehicles shall be equipped with straps to secure wheelchairs and stretchers and in the case of stretchers arranged so that the head of the passenger is visible to the driver.

§ 114.02 LICENSE/APPLICATION REQUIRED TO OPERATE/AFFILIATE WITH A BUSINESS.

(A) No person shall engage in the business of operating a taxicab(s) or vehicle-for-hire, upon the streets, without a license as required herein.

(B) Every person desiring a license to operate a taxicab business in the city shall make application in writing to the governing body. The application shall include the following information:

(1) Name of the taxicab or vehicle-for-hire service, the operator, and owner(s) of the taxicab vehicle(s).

(2) Description of the taxicab(s) vehicle(s) by make, model, VIN number, and license plate number, vehicle registration, name of owner(s) of the licensed vehicle, and a completed vehicle inspection form for each vehicle.

(3) Statement of previous experience in the business, if the applicant has not been licensed by the city previously.

(C) No person shall engage in the business of being a TNC affiliated driver, upon the streets, without an application as required herein.

(D) Every person desiring to be a TNC affiliated driver in the City shall make an application in writing to the City Manager. The application shall include the following information:

(1) Name of Transportation Network Company, TNC Driver, their TNC affiliation, and TNC recognized and approved Personal Vehicle(s).

(2) Description of recognized and approved TNC personal vehicle(s) by make, model, VIN number, and license number, state license number, name of owner of the licensed personal vehicle, and a completed vehicle inspection form for the personal vehicle as required in 114.04(B)(2).

(3) Statement of previous experience in the business, if the applicant has not applied with the city previously.

(E) Each recognized and approved TNC personal vehicle and driver must register individually.

(F) Each TNC affiliated driver who wishes to obtain a vehicle-for-hire driver's license must comply with section 114.08 qualifications of applicant in order to obtain a license.

(G) Each TNC affiliated driver must provide sufficient evidence to the City Manager or designee that the driver has successfully passed a TNC's background check

§ 114.03 BUSINESS LICENSE FEE; EXPIRATION; REVOCATION.

The license fee required shall be set by resolution. The fee is nonrefundable, and shall be purchased yearly to operate a taxicab. The license shall expire on December 31 following its issuance. The license may be revoked, for cause, by the governing body.

§ 114.04 TAXICAB LICENSE; ISSUANCE.

(A) The governing body shall have discretion to approve or disapprove the application depending on whether the governing body deems the applicant a suitable person to hold the license.

(B) The governing body may issue the license if it is satisfied that the application demonstrates:

(1) The applicant is of good moral character.

(2) The vehicle(s) to be used have been inspected by a certified mechanic to show the taxicab(s) is thoroughly and carefully tested, and found to be in safe condition for transportation of passengers, is in good, clean condition, and is in compliance with all other applicable state and federal motor vehicle laws and standards. All vehicles being used must comply with the City of Vermillion's vehicle-for-hire inspection form.

(3) The applicant has indemnity and public liability insurance covering the operation of each vehicle to protect the operator against liability to passengers and third persons for personal injury suffered or sustained by them as a result of the operation of the vehicle. The policies will be in an amount set by resolution. The liability insurance required shall be set by resolution.

§ 114.05 DISPLAY OF BUSINESS LICENSE.

Every driver of any taxicab licensed under this chapter shall exhibit a copy of the business license in the vehicle and have it available for inspection upon request, or be able to present a digital copy.

§ 114.06 DISPLAY OF RATE CARD.

(A) Every taxicab vehicle operated under this chapter shall have a rate card stating the fare rates displayed in such a place as to be in full view of all passengers. A current copy of the rate card shall be provided to the Finance Officer. No rates shall be charged other than those displayed on the rate card.

(B) TNC shall present fare calculation method on their digital network.

§ 114.07 LICENSE REQUIRED OF VEHICLE-FOR-HIRE DRIVER(S).

No person shall drive, or be engaged or employed in the business of driving, upon the public streets of the city, any vehicle-for-hire, without first having procured a license therefor from the City Manager or designee.

§ 114.08 APPLICATION FOR VEHICLE-FOR-HIRE DRIVER'S LICENSE; QUALIFICATIONS OF APPLICANT; APPEAL FROM DECISION.

(A) Each applicant, with the exception of TNC drivers pursuant to 114.10(F), must submit to, pay for, and provide an initial and annual FBI and DCI fingerprint background check to determine the applicant's suitability. TNC drivers must submit to a DCI fingerprint background check every third consecutive year of TNC driver's permit renewal. Each new applicant shall make their own arrangements with a law enforcement agency to submit to the fingerprinting process when required. The applicant may be issued a conditional license pending the results of the background check.

(B) The City Manager or designee shall have discretion to approve or disapprove the application depending on whether the City Manager or designee deems the applicant a suitable person to hold the license. The City Manager or designee may issue the license if the City Manager or designee is satisfied that the applicant has demonstrated:

- (1) Is at least 19 years of age;
- (2) Has never been diagnosed with epilepsy, heart problems, sleep apnea, vertigo or any other infirmity that could affect their ability to safely operate a motor vehicle;
- (3) Has not been convicted of a felony, as defined by state law, within seven years prior to the date of the application;
- (4) Has not been convicted of three or more moving traffic violations within the past three years;
- (5) Has not been convicted of driving a motor vehicle while under the influence of an alcoholic beverage within seven years, nor has had more than one prior offense of driving a motor vehicle while under the influence of an alcoholic beverage in the past ten years prior to the date of the application;
- (6) Has not been convicted of using, the possession of, or possession with intent to distribute any controlled drug or substance within seven years prior to the date of application;
- (7) Is not listed on the National Sex Offender Registry database.
- (8) Possesses a valid driver's license
- (9) Possesses proof of valid vehicle registration and automobile liability for motor vehicles to provide vehicle-for-hire service.

(C) The applicant may appeal the decision of the City Manager to the Governing Body.

(D) The applicant and/or driver is required to notify the City Manager immediately if there are any changes regarding their ability to meet any of the conditions listed above. Failure to do so may result license revocation and/or non-renewal.

§ 114.09 FEE FOR VEHICLE-FOR-HIRE DRIVER'S LICENSE; EXPIRATION; REVOCATION.

The fee for a license required by § 114.07 shall be a non-refundable amount set by resolution, which shall be paid to the Finance Officer before issuance of the license. The license shall expire on December 31 following issuance. The license may be revoked by the City Manager or designee, for cause, with appeal to by the governing body.

§ 114.10 REGULATIONS FOR TRANSPORTATION NETWORK COMPANIES.

(A) A TNC driver shall not solicit or accept street hails.

(B) The TNC must provide all transaction options within their digital networks, and cannot receive cash for their services.

(C) The TNC digital network must provide to the customer a photo identification of the driver, a description of the TNC personal vehicle, and TNC personal vehicle's license plate number.

(D) The TNC must maintain records regarding trips of passengers for at least one year from the date the trip was provided. TNC driver must provide individual customer's records at least until the one-year anniversary of the date on which a TNC driver's customer relationship with the TNC has ended. The City may in its sole discretion inspect these records whenever crime or regulatory violation is alleged involving the TNC or the TNC driver. These records are to be maintained confidential to the extent possible.

(E) The TNC must comply with the indemnity and public liability insurance requirements as established in Section 114.04(B)(3).

(F) The TNC shall have a third party conduct a local and national criminal background check for each applicant prior to allowing an individual to accept trip requests that shall include:

(1) Multi-state/multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search)

(2) A driver history research report

(G) The TNC shall have a zero tolerance policy for drug and alcohol use by transportation network company drivers as required by SDCL 32-40-5. The TNC shall establish and enforce a zero tolerance policy for drug and alcohol use by TNC drivers during any period when a TNC driver is engaged in, or is logged into the TNC's digital network but is not engaged in, a prearranged ride. The policy shall include provisions for:

(1) Investigations of alleged policy violations; and

(2) Suspensions of TNC drivers under investigation.

Dated at Vermillion, South Dakota this 3rd day of December, 2018.

THE GOVERNING BODY OF THE CITY
OF VERMILLION, SOUTH DAKOTA

By John E. (Jack) Powell
John E. (Jack) Powell, Mayor

ATTEST:
By Michael D. Carlson
Michael D. Carlson, Finance Officer

First Reading: November 19, 2018
Second Reading: December 3, 2018
Publish: December 14, 2018
Effective: January 3, 2019

