

Ordinance No: _____

AN ORDINANCE TO SET FORTH AMENDMENTS TO CHAPTER 6-80 – TAXICABS OF THE MEMPHIS CITY CODE THAT PROVIDE FOR THE REGULATION OF TAXICABS REFLECTIVE OF THE TECHNOLOGY AND UNIFORM TREATMENT OF VARIOUS VEHICLE FOR HIRE SERVICES AVAILABLE IN THE CITY OF MEMPHIS

Definitions

Section 80-1: [add]

Pre-arrangement means a request for transportation of a specific passenger by registration in advance of boarding from a specified location Such registration may be by phone, email or other digital form of communication between a passenger and the entity providing the transportation service and before the vehicle was en-route to render the transportation service or any service ancillary to the transportation.

“For hire” For hire means that a driver, employee, agent, owner or any other representative of a passenger vehicle for hire company, or the passenger vehicle for hire conducts a transaction whereby any money, thing of value, charge tickets, surcharge, payment, pecuniary consideration or compensation, reward, donation, tip, or any other remuneration or profit is paid to, accepted by, or received in exchange for the temporary use by or for the transportation of a passenger..

“Memphis Transportation Commission” – means the Transportation Commission as establish by the City of Memphis under Chapter 39 of the Memphis City Code and who has the authority to issue permits, certificates of public convenience and necessity, and regulating all forms of vehicles for hire with the City of Memphis.

“Memphis Transportation Commission Staff” means the inspectors, director and other staff employed by the City of Memphis in support of the Memphis Transportation Commission in the performance of their rules and regulations.

Powers of Director of Police Services and Inspections

Section 80-4 [Amend Section 80-4 but substituting the Director of Police Services with the Memphis Transportation Commission]

Section 80-5 [Amend Section 80-5 as follows]

Subsection A. Substitute the Director of Police Services with the Memphis Transportation Commission.

Subsection B. Substitute the Director with the Memphis Transportation Commission and the director's designee with the Administrator of the Permits Office.

Subsection C. Substitute the Director with the Memphis Transportation Commission.

Section 80-6 [Amend this section as follow]

Replace the Director of Police Services with the Administrator of the Permits Office.

Certificate of Public Convenience and Necessity

Section 80-7 Required

a. No person shall operate or allow another to operate any passenger vehicle for hire as a Taxi Cab Service, as defined in Section 6-80-1, owned or controlled by the person, to pick up and or discharge passengers within the City of Memphis without having first obtained a certificate of public convenience and necessity from the City of Memphis through the Memphis Transportation Commission and its designated Staff.

b. The MTC may set reasonable requirements including but not limited to the standards set forth in this chapter and other administrative standards consistent with the provisions of Chapter 39 Memphis Transportation Commission, or the Memphis Code of Ordinances for obtaining a Certificate of Public Convenience and Necessity.

Section 80-10 – Insurance [Amend sub-sections outlined below]

Subsection A. Amend The paragraph section to delete the following:

In Paragraph A. delete reference to Subsection A. 2. and A. 3

Delete subparagraph A. 2.

Delete the subparagraphs A. 3. and all subsections a. b. c. d. e, f. and g.

Delete from Subsection D all reference to Subsection A. 3.

Add Subsection F.

Insurance required by this section may be obtained from an eligible surplus lines insurer with the Tennessee Department of Commerce and Insurance and shall have a rating by AM Best or other equivalent rating systems as set by the MTC.

Section 80-12 Fees

Delete A. and B. as the fee schedule is out of date. Retain C. which calls for an annual fee per vehicle of \$125.00.

The balance of the section to be retained.

Section 80-13 – Passenger Vehicle for hire services

[No Change to Subsection A.]

[Delete Subsection B]

Section 80-14 – Book and accounting records of certificate holder [Delete and Reserve]

Section 80-16 – Business to be conducted by the certificate holder – Agreements with drivers. [Delete and Reserve]

Section 80-17 Increase in the number of vehicles [Delete and Reserve]

Section 80-18 - Replacement of vehicles Delete and Reserve]

Section 80-20 - Manifests [Re-number existing paragraph as A. Add a new Paragraph B]

B. The certificate holder may provide for the electronic and or digital collection of data for the manifests provided such data is stored and maintained by the Certificate Holder as provided in A. above.

Section 80-24 – Vehicle Drivers

A driver shall first make application to a taxi cab company. The certificate holder shall require the applicant to complete an application that conforms to the standards of this Chapter. The Transportation Network Company shall establish that the applicant has proven compliance with the requirements of this Chapter and shall certify under oath to the MTC Staff director compliance with these requirements. The taxi company shall upon request provided in this Chapter make such documentation available to the MTC Staff.

Section 80-25 Application for Drivers Permit

A. Such application shall at a minimum contain the name, residential address, Social Security Number, telephone number and date of birth of the applicant. No applicant under twenty-one years of age will be accepted. If the applicant is a resident alien, a current work permit or other documentation from the United States Immigration and Customs Service.

B. The applicant shall provide a copy of a valid Tennessee driver's license and an

official driver record issued by the Tennessee Department of Safety, no more than thirty days previous to the date of application. All applicants are required to meet the following standards:

- 1 No convictions in the last five years for any of the following offenses involving bodily injury or death and no convictions in the last three years for any of the following offenses not involving injury or death:
- 2 Hit and run;
- 3 Driving under the influence of an alcoholic beverage or drug;
- 4 Reckless driving.

C. No more than three moving violations within the last three years and no more than two moving violations in the last year.

Section 80-26 – Applicant to fill out identification questionnaire

A. Upon receiving an application to become a Taxi Cab driver, certificate holders must conduct or require the applicant to undergo an identification and criminal background check as required by state law as more specifically provided by this Chapter. At the option of the certificate holder a full fingerprint may be required.

B. Additionally, the certificate holder shall check the National Sex Offender Database to verify whether the applicant is listed on the Database, and shall certify under oath to the MTC that it has conducted this check and verified that the applicant does not appear on the Database. Any applicant listed on the Database shall be disqualified for eligibility for a driver's permit.

.Section 80-27 – Investigation - Issuance of Driver Permit

A. Any applicant shall, in addition to any disqualifications listed elsewhere in this Chapter, be disqualified if the applicant:

1. Has been convicted, pleaded guilty, nolo contendere, placed on judicial diversion pursuant to Tenn. Code Ann. Section 40-35-313, or been released from incarceration, probation or parole within a period of seven years prior to the date of application for violation of any of the following criminal offenses under the laws of Tennessee, any other state or of the United States of America:
 - a. Homicide,
 - b. Rape,
 - c. Aggravated assault,
 - d. Kidnapping,
 - e. Robbery,
 - f. Burglary,
 - g. Domestic Assault or Domestic Violence,
 - h. Child sexual abuse,

- i. Any sex-related offense,
 - j. Leaving the scene of an accident,
 - k. Criminal solicitation, or criminal attempt to commit any of above,
 - l. Perjury or false swearing in making any statement under oath in connection with the application for a driver's permit, or
 - m. The felony possession, sale or distribution of narcotic drugs or controlled substances.
2. If, at the time of application, the applicant is charged with any offenses in A. above, consideration of the application shall be deferred until entry of a plea, conviction, acquittal, dismissal, or other final disposition of the charges.
3. Has been convicted for a period of two years prior to the date of application of the violation of two or more sections of this code or other ordinances governing the operation of vehicles for hire.
4. Has failed to disclose any criminal conviction, except traffic citations, on the application for a permit.

Section 80-29 - Notification of arrest or indictment [Delete]

Section 80-30 - Notification of company change of driver

Number the existing Paragraph A and ADD

B. A driver may apply and be approved by more than one Taxi Company provided all parties notified of the request and it is approved by the MTC Staff.

Section 80-31 – Fee [Amend as follow]

Make the current paragraph A

Add at the beginning of the Paragraph A, add the following sentence:

“A taxicab company may choose to have the City of Memphis administer the issuance of a drivers permit and such permits will be governed as follows.”

Add Paragraph B

A taxicab company that does self-issuance of drivers permits shall have their drivers exempt from paying a drivers fee for a permit.

Section 80-34 – Expiration and renewal [Delete Subsection C]

Section 80-35 – Fines, Suspensions and revocation of permit [No Change]

a. The MTC director is authorized to suspend, revoke, otherwise restrict, or not renew any driver's permit issued under this article for failing or refusing to comply with the provisions of this chapter or the MTC rules and regulations. Upon suspension, revocation, or other restriction of any driver's permit, appeals can be made to the MTC by filing a written request within 30 days of the action being appealed.

b. If the driver commits an act in violation of the criminal code and the MTC director determines that driver poses a threat to public safety, the MTC director may enact an emergency suspension of the driver's permit to remain in effect until the driver has the opportunity to be heard by the MTC at the next available commission meeting, but in no circumstance later than sixty days from the date of the emergency suspension.

c. A driver whose permit is revoked by the MTC or MTC director may not reapply for ninety days from the date of revocation and will be treated as a new applicant.

d. Revocation of Tennessee Driver's License.

e. The driver's permit of any driver whose Tennessee driver's license is suspended or revoked shall be invalid during any such period of suspension or revocation.

f. Every driver granted a permit under this article shall comply with all City of Memphis, Shelby County, state and federal laws. Failure to do so may result in the suspension or revocation of the passenger vehicle for hire driver permit.

g. The Memphis Transportation Commission shall establish by rule and approval of the Memphis City Council civil fines for various violations to the provisions of this chapter and other laws of the City of Memphis, Shelby County, state and federal government. Fines in excess of \$50.00 may only be assessed following a hearing by the Memphis Transportation Commission.

Section 80-44 - Solicitation of passengers by drivers [Make current paragraph A. and add paragraph B and C.]

B. It shall be unlawful for any Taxi Cab driver, directly or indirectly to provide compensation in any form to any individual or entity or engage in any activity in connection with the payment of compensation for the right to pick up passengers or provide for-hire passenger service from any hotel, motel, apartment, restaurant, nightclub, bar, school, hospital, convalescent home, medical clinic or any other business establishment, or public facility. The license, permit, or certificate of any Taxicab company or taxi driver who operates any passenger vehicle for hire violating this

provision shall be subject to suspension up to twelve months for the first violation and shall be subject to revocation for repeat violations in accordance with the provisions of the Code.

C. Nothing in this section shall prohibit a taxi cab company of contracting with businesses corporations or individuals for the provision of Taxi Cab transportation services.

Section 80-45 – Equipment and maintenance

a. All taxicabs must be licensed.

b. Prior to the use and operation of any vehicle under the provisions of this chapter, the vehicle shall be thoroughly examined and inspected by the certificate holder or a third party in accordance with rules and regulations prescribed by the MTC. These rules and regulations shall be promulgated to provide safe transportation and specify such safety equipment and regulatory devices as the MTC shall deem necessary. When a certificate holder finds that a vehicle has met all the terms established by the MTC, the holder shall certify this under oath to the MTC director, who shall authorize a permit to be issued.

Section 80-46 – Television requirement [Retain the current paragraph as a subsection A and ADD]

B. Taxi Cabs may be equipped with digital electronic displays to provide driver information, passenger and trip information. Said devise may be utilized by the passenger to enter digital information for the purpose of obtaining receipts and other information from the driver or company.

Section 80-47 - Maintenance

a. Every vehicle operating under this chapter is subject to random inspections to ensure the continued maintenance of safe operating conditions. A certificate holder shall make a passenger vehicle for hire available for inspection upon or prior to the expiration of the notice period of 14 days provided for in the rules and regulations adopted by the MTC, when ordered to do so by MTC Staff. If, upon inspection it is determined that a passenger vehicle for hire is not in compliance with this chapter or MTC rules, the MTC Staff shall order the vehicle out of service until such time as the vehicle is brought into compliance and is re-inspected.

b. Every vehicle operating under this chapter shall be kept in a clean and satisfactory condition, according to rules and regulations promulgated by the MTC.

c. Annually, every vehicle operating under this chapter shall undergo a detailed mechanical inspection conducted by an approved mechanic pursuant to the requirements of rules and regulations adopted by the MTC.

d. The certificate holder shall be responsible for ensuring that the mechanical inspection includes, but is not limited to, the following items:

1. Vehicle identification number;
2. Headlights;
3. Tail lights;
4. Brake lights;
5. Turn signal lights;
6. License plate lights;
7. Horn;
8. Two-speed windshield wipers;
9. Interior and exterior rear vision mirrors;
10. 10. Air conditioner;
11. Tires;
12. Muffler and tail pipe;
13. Condition of the body, fenders, paint, and interior;
14. Mileage;
15. Steering;
16. Brakes, including foot and emergency;
17. Seat belts;
18. Windshield;
19. Rear Window and other glass;
20. Doors; and
21. Speedometer.

e. The records of these inspections must be maintained and made available to MTC staff as provided by the rules and regulations adopted by the MTC. The certificate holder shall certify under oath to the MTC director compliance with this subsection.

Section 80-48 Taximeters

AMEND paragraph a.

a. It shall be unlawful for any taxi cab certificate holder or driver operating a taxicab that provides hail services to operate unless said taxicab is equipped with a taximeter approved by the Memphis Transportation Commission staff and which complies with all other provisions of this section.

[Retain paragraph b. and c.]

Amend paragraph d.

All taximeters shall be subject at all reasonable times and places to the inspection by the Permits Office of the City of Memphis or an appointed designee. The taximeter must be checked and sealed by the certificate holder at least once a year. It is unlawful to operate a taxicab that has a taximeter without being sealed.

Add

e. A taxi cab certificate holder or driver may operate a taxicab without a taximeter provided said services are for pre-defined origins and destinations and for which fares are established according to the provisions of this chapter.

Section 80-49 - Scanners [No Change]

Section 80-50 - Rates

A. Fare determined by either a flat fee, vehicle mileage or time of use basis, or on a combination thereof.

B. Fares, and the calculation method for any fares, shall be made available to the general public and are hereby approved by the Memphis City Council by resolution.

Section 80-51 – Rates to be displayed [Retain language with the amendment of replacing City Treasurer with MTC Staff]

Section 80-54 - Receipt for Fare

[Subsection A No change]

B. Upon completion of a trip, the taxicab driver shall provide a receipt to the passenger that contains the following minimum information:

- 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.

[Add]

C. A driver may provide a receipt via electronic or digital manner through email, or digital application accessible to the customer.