

ENGROSSED ORDINANCE BILL NO. 3-17

AN ORDINANCE RELATING TO VEHICLES FOR HIRE; AMENDING SRC 30.001 AND SRC 30.005; REPEALING SRC 30.700 through 30.725; SRC 30.740; SRC 30.745; SRC 30.800; SRC 30.805; SRC 30.810; and SRC 30.820; CREATING NEW PROVISIONS SRC 30.700; SRC 30.705; SRC 30.710; SRC 30.715; SRC 30.720; SRC 30.725; SRC 30.730; SRC 30.735; SRC 30.740; SRC 30.745; SRC 30.750; SRC 30.800; SRC 30.805; SRC 30.810; SRC 30.815; SRC 30.820; SRC 30.825; SRC 30.830; SRC 30.835; SRC 30.840; and SRC 30.845; RENUMBERING SRC 30.730; SRC 30.735; SRC 30.750; SRC 30.815; and SRC 30.825.

The City of Salem ordains as follows:

Section 1. Findings.

The City has interest in promoting and augmenting the transportation infrastructure of the City of Salem. Ride-sharing programs utilizing digital based platforms, known as transportation network companies, have become an increasingly important method for persons to move about in other cities in Oregon. Enabling transportation network companies to operate in Salem will increase mobility, lessen traffic and supplement the existing public transportation system. The City has an interest in keeping users of transportation network companies physically safe and protect them from predatory business practices.

Section 2. SRC 30.001 is amended to read as follows:

30.001. Purpose. Protective business and vocational licenses and the regulations created by this Chapter are intended to establish a means to protect public health, safety, and welfare. Nothing contained in this chapter is intended or shall be construed to create any liability on the part of the City or its employees for any injury or damage related to any provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of the City or its employees.

Section 3. SRC 30.005 is amended to read as follows:

30.005. Definitions. Except as the context otherwise specifically requires, as used in this Chapter, the following mean:

- (a) Annual or annually: Beginning on January 1 and ending on December 31 of any calendar year.

1 (b) Automobile racetrack: Any premises operated as a business where there are regularly
2 or seasonally conducted contests among motor vehicles involving vehicle locomotion and
3 the vehicles or their drivers are rated in relation to each other or to some standard. As
4 used in this definition, "motor vehicle" includes, but is not limited to, cars, trucks,
5 motorcycles, and go-carts.

6 (c) Camp site: Any tourist unit where persons may camp or occupy any dwelling place
7 other than a permanent building constructed entirely of wood or more lasting materials.

8 (d) Camp structure: Any temporary structure designed to be used as shelter for human
9 habitation.

10 (e) Chief: The Chief of the Salem Police Department or the Chief's designee.

11 (f) City: The City of Salem, Oregon.

12 (~~f~~g) Consideration: As the context requires:

13 (1) An admission fee, cover charge, coupon, or similar token;

14 (2) The purchase of a prescribed minimum quantity of goods, consumables, or
15 services; or

16 (3) Any form of user charge or token for the privilege of dancing, including the
17 deposit by any patron of a coin or token in a "juke box" or other device in order to
18 obtain music for dancing.

19 (~~g~~h) Dealer in used merchandise means a junk dealer, pawn broker, or second hand
20 dealer.

21 (~~h~~i) Digital dispatch system: An internet-based software application, website, platform,
22 or interface that allows for the solicitation, arrangement, or provision of vehicle for hire
23 services and the display of rates, calculation of fares, or acceptance of payment for
24 vehicle for hire services.

25 (~~i~~j) Director: The City Manager or the department head charged by the City Manager
26 with the enforcement of this Chapter, or that department head's designee.

27 (k) Driver: Any individual natural person who operates a vehicle for hire
28 within the City.

29 (~~j~~l) Fire Code Official: The Fire Chief of the Salem Fire Department or the Fire Chief's
30 designee.

1 (~~k~~m) Junk: Articles of personal property that have outlived their usefulness in their
2 original form, or articles of personal property that have been discarded and are no longer
3 used for their manufactured purpose, regardless of value. As used in this Chapter the
4 term “junk” includes, but is not limited to:

5 (1) Any derelict motor vehicle, i.e., any used motor vehicle without a vehicle
6 license or with an expired license;

7 (2) Any neglected motor vehicle, i.e., a motor vehicle that is missing critical parts
8 required for the normal and legal operation of the vehicle, but has all of its body
9 parts intact, including fenders, hood, trunk, glass, and tires; or

10 (3) Any wrecked motor vehicle, or part thereof, i.e., a motor vehicle that is
11 dismantled or partially dismantled, or having a broken or missing window or
12 windshield, or lacking a wheel or tire;

13 (4) Machinery or parts thereof that are inoperative, worn out, or in a state of
14 disrepair;

15 (5) Any appliances or parts thereof that are inoperative, worn out, or in a state of
16 disrepair;

17 (6) Any worn out or dilapidated indoor fixtures or furnishings, or parts thereof;

18 (7) Any bulk solid waste; and

19 (8) Solid waste items that are of a type or quantity inconsistent with normal and
20 usual use such as wood, metal, scrap and other similar items.

21 (~~h~~n) Junk dealer: Any person who as an owner engages in the business of buying and
22 selling of any junk.

23 (~~m~~o) License: The written form of permission required in order to operate a business or
24 pursue a vocation as required by this Chapter.

25 (~~l~~p) Limousine: A luxury motor vehicle whose chassis and wheelbase have been
26 lengthened beyond the original manufacturer’s specifications, whether at the time of
27 manufacture or after, and which is used to provide prearranged transportation services
28 under a contract or agreement for such services.

29 (~~e~~q) Mobile food unit: Any motor vehicle, trailer, or wagon which is used for the
30 purpose of preparing, processing, or converting food for immediate consumption as a

1 drive-in, drive-through, curb or walk-up service. A mobile food unit does not include a
2 street vendor's cart or a motor vehicle, trailer or wagon used exclusively for selling
3 prepackaged food items (i.e. an ice cream truck).

4 (~~p~~r) Night club: Any premises where:

5 (1) The general public is permitted to attend and dance upon the payment of an
6 admission fee or some other form of consideration; and

7 (2) There is a dance floor or other space where dancing to live or recorded music
8 is regularly permitted; and

9 (3) The premises or other space where dancing is regularly permitted is not the
10 subject of a license issued by the Oregon Liquor Control Commission to sell or
11 dispense alcoholic beverages.

12 (4) As used in this Chapter, "night club" does not include any dance that occurs
13 as part of a special event that has been licensed pursuant to this Chapter or that
14 occurs a part of a community event that has a permit issued pursuant to SRC
15 Chapter 104, or any dance conducted by a non-profit organization that is an
16 incidental function of its organization and whose building has been constructed to
17 meet structural and fire life safety requirements for dances.

18 (~~q~~s) Operator: A person engaged in the business of furnishing or operating a business
19 defined by this Chapter, whether upon contract or by offering such service to the public
20 generally.

21 (~~r~~t) Pawnbroker: Any person engaged in the business of loaning money to another person
22 where personal security, pawns, or pledges are the condition of the loan; or the business
23 of purchasing articles of personal property with the agreement to resell the articles to the
24 vendors thereof, at prices agreed upon at or before the time of such purchase.

25 (~~s~~u) Person: Any natural person, partnership, corporation, limited liability company,
26 government entity, association or other entity in law or fact.

27 (~~t~~v) Recreational vehicle: Any camper, motor home, or travel trailer. As used in this
28 definition, "camper," "motor home," and "travel trailer" shall have the meanings set forth
29 in ORS Chapter 801.

30 (~~w~~w) Regularly permitted dancing:

(1) Dancing that is advertised or acknowledged by the operator as being available to patrons at least three days in any month; or

(2) Patrons are allowed to dance on the premises on at least three days in any month with the knowledge of and without effective prohibition by the operator.

(~~v~~x) Secondhand dealer: Any person engaged in the business of buying, selling, or otherwise dealing in secondhand goods either as a separate business or as a substantial part of another business.

(~~w~~y) Secondhand goods: Any article of personal property which enters the stream of commerce after it has been purchased by a private party from a vendor; provided, however, secondhand goods shall not include any article of person property conveyed to a secondhand dealer solely by donation. As used in this Chapter, the term secondhand goods includes, but is not limited to:

(1) Precious metals and precious and semiprecious gems and gemstones, including but not limited to, gold, silver, platinum, copper, diamonds, rubies, emeralds, sapphires, and turquoise.

(2) Jewelry containing any precious metals, precious gems, or semi-precious gems.

(3) Collectibles, including but not limited to, trading cards, stamps, coins, decorative arts, ceramics, flatware, paintings, sculptures, and other fine and decorative arts.

(4) Antique and used furniture.

(5) Computers, computer components, computer peripherals, and computer games.

(~~z~~z) Severe mobility limitation: A physical impairment that precludes a person's ability to walk without the physical assistance of another person and/or the assistance of a wheelchair, stretcher, or similar device. Persons who can walk with a walker or cane but do not need the assistance of another person shall not be considered as having a severe mobility limitation.

(~~y~~aa) Special event: Any dance, movie, play, concert, circus, carnival, exhibition, sports event, haunted house, or other similar live, filmed, or televised performance, activity, or

1 program held or presented at any privately-owned premises, where an admission fee or
2 other form of consideration is charged or required, but not including any such event
3 occurring at a premises operated as a business for such activities where the activity is
4 occurring in the course of its regular schedule of events or where the occupancy or use of
5 the premises for such events has been previously approved by the City of Salem.

6 (~~z~~bb) Street vendor: Any person who travels from street to street upon public sidewalks
7 in a commercial zone carrying, conveying, or transporting goods and offering and
8 exposing the same for sale from a mobile type device such as a pushcart or similar
9 conveyance.

10 (cc) Taxi Company: Any person operating one or more vehicles for hire, other than as a
11 driver, regardless of the legal form of the entity and regardless of whether the taxis so
12 operated are owned by the company, or leased, or owned by individual members of an
13 entity. Taxi Companies do not include transportation network companies.

14 (~~aa~~dd) Taxicab: A vehicle for hire, other than an ambulance, wheelchair coach,
15 limousine, or transportation network vehicle.

16 (~~b~~ee) Tourist park: Any lot, tract, or parcel of land operated by a business for the
17 purposes of furnishing tourist units for a fee or in connection with securing the trade or
18 patronage of the users thereof. Such definition does not include any park which is owned
19 and operated by any state, county, or city government or any agency thereof.

20 (~~ee~~ff) Tourist unit: Any place in a tourist park which is designed to be used for
21 temporary habitation by a single family in a camp site or recreational vehicle.

22 (~~dd~~gg) Transportation network: One or more vehicle for hire drivers working as
23 independent contractors, utilizing a digital dispatch system, and using personal motor
24 vehicles in the provision of transportation services.

25 (~~ee~~hh) Transportation network company or TNC: A person that operates or facilitates a
26 transportation network.

27 (~~ff~~ii) Transportation network vehicle: A personal motor vehicle which is used as a
28 vehicle for hire and is part of a transportation network.

29 (~~gg~~jj) Transportation services: Providing motor vehicle transportation of persons or
30 goods for compensation of any kind. However, it does not include transportation

provided by a public or governmental entity, transportation that is regulated entirely by the state of Oregon or the federal government, or transportation of goods provided by a person that engages solely in the transportation of goods.

~~(hkk)~~ Tree trimmer: A person engaged in the business of trimming, pruning, altering, removing, or providing tree surgery for trees growing, standing, or located upon any public street, sidewalk, park, or other public right-of-way, except a person owning a plant nursery and treating, trimming, pruning, altering, or removing shade trees in stock at such nursery or at the time of planting the same after sale.

~~(jll)~~ Vehicle for hire: A motor vehicle used to provide transportation services for compensation where such services are not operated exclusively over a fixed or defined route, including taxicabs, wheelchair coaches, and transportation network vehicles.

~~(jmm)~~ Vehicle for hire agency: A person engaged in the business of furnishing or providing one or more vehicles for hire through a digital dispatch system or by any other means, regardless of whether such business has employees or delivers its services through independent contractors, including a transportation network company.

~~(knn)~~ Vehicle for hire driver: A person who carries on the vocation of driving a vehicle for hire.

~~(Hoo)~~ Wheelchair coach: A privately owned motor vehicle for hire, other than an ambulance, that is constructed or equipped and regularly provided or offered to be provided, primarily for the nonemergency transportation of persons with severe mobility limitations.

Section 4. SRC 30.700 through 30.725; SRC 30.740; SRC 30.745; SRC 30.800; SRC 30.805; SRC 30.810; and SRC 30.820 are repealed.

Section 5. Sections 300.700 through 300.835 are added to and made a part of the Salem Revised Code, Title III, Chapter 30, as:

30.700 License, Application and Fees

(a) The purpose of SRC 30.700 to 30.765 is to provide for and promote the safety and welfare of the general public by regulating vehicles for hire within the city of Salem, as authorized by ORS 221.485 and ORS 221.495.

(b)The City may issue a License to a Taxi Company or TNC if the company

1 certifies on a form acceptable to the City that it is in compliance with all requirements
2 of this chapter, including but not limited to driver and insurance requirements,
3 operating standards, and any other requirements of the code or the City, and actually
4 meets all applicable standards and requirements.

5 (c)The City may include conditions, restrictions, or special provisions in the License
6 related to routes, times of operation, or lighting if necessitated by the vehicles or
7 operations of the Taxi Company or TNC. The City may waive or lessen the
8 requirements of this chapter if the type of vehicles or operations of a Taxi Company or
9 TNC render the requirements unreasonable or unnecessary, in the sole discretion of
10 the City.

11 (d)The License issued under this chapter is valid for one year. Any renewal must
12 be approved by the City prior to the expiration date in order for the Taxi Company or
13 TNC to continue providing vehicle for hire services within the City.

14 (e)The application fee shall be based on the number of drivers operating for the
15 Taxi Company or TNC at the time of the application, and shall be intended to account
16 for the City's costs in administering the requirements of this chapter. The fee amounts
17 shall be set by City Council resolution.

18 (f)The application fee shall be paid to the City at the time of submitting both initial
19 and renewal License applications.

20 (g)All Taxi Companies and TNCs must comply with applicable federal, state and
21 local law.

22 **30.705 Driver Requirements**

23 (a) All drivers shall be at least 21 years of age and shall possess a valid driver's
24 license, proof of motor vehicle registration, and proof of current automobile liability
25 insurance that meets the requirements of this chapter and state law.

26 (b) Every Taxi Company or TNC shall maintain accurate, current records for all
27 drivers employed by, contracting with, or affiliated with the company, including all
28 drivers accessing a company's digital network to operate in the City. The records shall
29 include the driver's name, date of birth, address, social security number, criminal
30 background check results, driver's license information, motor vehicle registration, and

1 automobile insurance. These records will be made available to the City as provided by
2 SRC 30.720 promptly on request.

3 (c) Prior to permitting a person to operate as a driver, and annually thereafter, the
4 Taxi Company or TNC shall conduct, or have a qualified third party conduct, a criminal
5 background check. The criminal background check shall include a search of no less
6 than seven years of history, unless prohibited by law, in which case the duration of the
7 search shall be the maximum number of years permitted by law. The criminal
8 background check shall include local, state, and national criminal history databases and
9 all accessible sex offender registries. Any person who is on a sex offender registry, or
10 any person that has a record of a felony conviction within the previous seven years may
11 not act as a driver. A record of a conviction of any of the following within the previous
12 seven years will also disqualify a person from acting as a driver: crimes involving driving
13 under the influence of alcohol or controlled substances, sexual offenses, or crimes
14 involving physical harm or attempted physical harm to a person. The company or its
15 agent shall maintain records of a criminal background checks for a period of at least two
16 years. For purposes of this section, the term “conviction” includes convictions, bail
17 forfeitures, and other final adverse findings.

18 (d) A Taxi Company or TNC must revoke a driver’s authority to operate as a driver
19 for their company and inform the City if it finds at any time that the standards set forth
20 in this section are no longer being met by the driver. The company shall only reinstate
21 a driver upon a finding by the company that all standards are again being met by the
22 driver.

23 **30.710 Insurance Requirements**

24 (a) For all required insurance, Taxi Companies and TNCs shall provide certificates of
25 insurance naming the City, its officers, agents, and employees as additional insured
26 parties and give at least 30 calendar days’ notice to the City before a policy is canceled,
27 expires, or has any reduction in coverage.

28 (b) Insurance requirements of this section shall be satisfied by insurance issued by a
29 licensed insurer or an eligible surplus lines insurer in the State of Oregon.

30 (c) The insurance limits for both TNCs and Taxi Companies are subject to statutory

1 changes as to maximum limits of liability imposed on municipalities of the State of
2 Oregon during the permit's term, or other statutory changes, or other changes
3 deemed necessary by the City.

4 (d) The adequacy of insurance coverage is subject to the review and approval of the
5 City.

6 (e) Every Taxi Company and TNC shall maintain continuous, uninterrupted coverage
7 for the duration of the License and any operations in the City. Any lapse in insurance
8 coverage, even if it is later backdated by the insurance company, is a violation of this
9 chapter.

10 (f) Both Taxi Companies and TNCs shall secure and maintain commercial general
11 liability insurance with limits of not less than \$1 million per occurrence and \$2 million
12 aggregate for claims arising out of, but not limited to, bodily injury and property damage
13 incurred in the course of operating in the City.

14 (g) Taxi Companies operating any motor vehicles shall secure and maintain
15 commercial automobile liability insurance covering those vehicles, with a combined
16 single limit of not less than \$1 million per occurrence for claims arising out of, but not
17 limited to, bodily injury and property damage incurred in the course of operating in the
18 City.

19 (h) TNC Service Periods Defined:

20 (1) Period 1: The TNC Driver has logged into the App or is otherwise
21 connected to the TNC's digital network, but has not yet accepted a request for a
22 ride from a passenger. For example, the App is open and the driver is waiting
23 for a match.

24 (2) Period 2: A passenger match has been accepted, but the passenger is not
25 yet picked up (for example, the driver is on the way to pick up the passenger).

26 (3) Period 3: The passenger is in the vehicle.

27 (i) Upon City request or as part of an application, TNCs shall provide proof of current
28 valid insurance for City approval covering all affiliated TNC Drivers and vehicles for
29 hire operating for such company and satisfying the minimum requirements of Periods 1,
30 2, and 3.

1 (j) All TNCs shall maintain and provide the City with proof of the following
2 automobile liability coverages:

3 (1) Primary insurance coverage during Period 1 with minimum liability limits of
4 \$50,000 per person for death and injury, \$100,000 per incident for death and
5 injury, and \$25,000 for property damage, plus any other state compulsory
6 coverage.

7 (2) Primary insurance coverage during Periods 2 and 3 with minimum liability
8 limits of \$1 million in combined single limit coverage for death, personal injury
9 and property damage per incident; and \$1 million in combined single limit
10 under/uninsured motorist coverage for death, personal injury and property damage
11 per incident.

12 (3) The required automobile liability insurance shall specifically recognize the
13 driver's provision of TNC and vehicle for hire services and shall comply with the
14 laws of the State of Oregon and/or other applicable governing bodies.

15 (k) TNC drivers shall be responsible for maintaining all personal automobile liability
16 insurance required by State law.

17 **30.715 Operational Requirements**

18 (a) TNCs shall maintain records of all trips made by all drivers for at least one year
19 from the date of the trip. The data may be aggregated and/or anonymized, and shall
20 include, at minimum, the locations by ZIP code of trip origination and destination,
21 vehicle miles traveled, trip origination and completion times, trip duration, and passenger
22 wait times from a driver's acceptance of a request to passenger pick-up. The City may
23 require a TNC to enter a data sharing agreement in order to receive a License.

24 (b) All vehicles operating for a TNC or Taxi Company shall be clearly marked with the
25 company name or logo. Vehicles operating for a Taxi Company as such and shall include
26 the company name or logo, phone number, and a vehicle identification number in plain
27 sight. Vehicles operated solely for TNC services shall be clearly marked as operating for
28 the TNC, although any vehicle marking requirements imposed by a TNC may apply. The
29 TNC's software application or website shall display for the passenger the make, model,
30 and license plate number of the TNC vehicle.

1 (c) TNC drivers may not accept street hails, and may only accept rides arranged through
2 a TNC's digital network.

3 (d) Taxi Companies and TNCs shall implement and maintain at all times a zero
4 tolerance policy on the use of drugs or alcohol applicable to all drivers employed by or
5 affiliated with the company while providing vehicle for hire services. Companies shall
6 provide notice of the zero tolerance policy on their website and/or have it clearly
7 displayed in each vehicle. The notice must include contact information to report a
8 complaint about a driver for possible violation of policy. A company shall immediately
9 suspend a driver upon receipt of a passenger complaint alleging a violation of the zero
10 tolerance policy, for at least the duration of the investigation of the complaint.

11 (e) Taxi Companies and TNCs must provide reasonable accommodations to
12 passengers with disabilities, including passengers accompanied by a service animal,
13 passengers with hearing and visual impairments, and passengers with mobility devices,
14 and must comply with all applicable requirements of the Americans with Disabilities Act.

15 **30.720 Audit.** The City may audit Taxi Company and TNC driver records up to twice per
16 calendar year to review compliance with this chapter. Upon request by the City, a Taxi Company
17 or TNC shall provide the City a sample of records for up to thirty (30) drivers chosen at random
18 from an anonymized list of drivers affiliated with the Taxi Company or TNC that have operated
19 in the City in the thirty (30) days preceding an audit. An audit shall occur at a time and location
20 designated by the City. In addition to an audit, the City may require a company to produce
21 records related to investigation of a specific allegation of a violation of this Code or other
22 applicable law, or to evaluate a complaint. Production of records for an investigation or to
23 evaluate a complaint does not count toward the twice-per-year auditing limit. A Taxi Company
24 or TNC may designate any records required to be provided under this section as confidential.
25 Records designated as confidential may not be disclosed to a third party without prior written
26 consent of the Taxi Company or TNC, unless required by court order or under Oregon public
27 records law.

28 **30.725 Revocation, Suspension and Penalties**

29 (a) In addition to any other enforcement options provided by the Code, the City may
30 suspend, revoke, or refuse to issue a License if the Taxi Company or TNC has violated

1 or not met any of the provisions of this Code. A violation includes any failure to meet or
2 maintain any of the requirements or qualifications set forth in this Code, including the
3 procedures and requirements for obtaining and maintaining a License, as well as the
4 making of any materially false statement or representation. The decision to suspend,
5 revoke or refuse to issue a License may be appealed to the Salem Hearings Officer,
6 which will conduct a hearing where the company and the City may present evidence
7 and argument. The company shall have the burden of proving it has complied with all
8 requirements of this Code necessary to obtain or maintain the License. The decision of
9 the City Council on the appeal shall be the final decision of the City.

10 (b) A violation of this chapter is an infraction.

11 **30.730 Enforcement.** The City has the administrative authority to implement and enforce this
12 Chapter, including adoption of rules, regulations, or policies. This provision shall not be
13 construed to abrogate or limit the jurisdiction or authority of the Police Department or any law
14 enforcement agency.

15 **30.735 Effective Date.** Any Vehicle for Hire Agency License that is current as of the effective
16 date of this ordinance, shall remain valid, until January 1, 2018, unless the License holder wishes
17 to apply for a new license under this chapter.

18 **Section 6.** **SRC 30.730 is renumbered to 30.735.**

19 **30.735. Taximeter Inspection.** Every taximeter shall be inspected and tested for accuracy by
20 the vehicle for hire agency at least once every six months.

21 **Section 7.** **SRC 30.735 is renumbered to 30.740.**

22 **30.740. Use for Certain Purposes Prohibited.**

23 (a) It shall be unlawful for any vehicle for hire to be used for any purpose which would
24 amount to a violation of ORS Chapter 167 or of SRC Chapter 96.

25 (b) A violation of this section is an infraction.

26 **Section 8.** **SRC 30.750 is renumbered to 30.745.**

27 **30.745. Medical Emergency Transportation.** No vehicle for hire shall be used to transport:

28 (a) Any person in acute medical distress, in need of immediate medical attention, or in
29 need of care while en route to the hospital;

(b) Any person who is in a reclining wheelchair with the back lowered more than thirty-three degrees or the feet raised more than ninety degrees, except that a wheelchair coach may transport a person on a stretcher if the person is not in acute medical distress.

Section 9. SRC 30.815 is renumbered to 30.750.

30.750. Charges for Vehicle for Hire Services.

(a) **Calculation and Display of Charges.** All charges for vehicle for hire services, except services by wheelchair coach, shall be calculated and displayed by a taximeter or digital dispatch system. When charges are to be displayed by a taximeter, the taximeter shall be placed in the vehicle for hire so that the reading dial showing the amount to be charged is illuminated and readily discernible to passengers.

(b) **Charges to be Registered Only When Vehicle for Hire is Engaged.** No taximeter or digital dispatch system shall be so operated in any manner so as to cause any charge to be registered thereon except during the time while the vehicle for hire is engaged by a passenger.

(c) **Taximeter or Digital Dispatch System to be in Continuous Operation.** No passenger shall be carried in any vehicle for hire unless the taximeter or digital dispatch system is in operation, whether or not the trip is entirely within or partially within and partially without the boundaries of the City. The taximeter or digital dispatch system shall be in continuous operation during the entire time that a passenger is being transported for compensation.

(d) **Specialized charges.** A vehicle for hire agency may impose a specialized charge to carry extra passengers or to deliver goods or other items so long as such specialized charge is clearly calculated and displayed before any service is provided.

Section 10. SRC 30.825 is renumbered to 30.755.

30.755. Use of Direct Route Required. A vehicle for hire driver employed to carry a passenger to a definite point shall take the most direct route possible that will carry the passenger safely and expeditiously to his destination.

Section 11. SRC 30.835 is renumbered to 30.760.

30.760. Smoking Prohibited.

(a) It shall be unlawful for any vehicle for hire driver to smoke in the presence of any passenger without the consent of such passenger.

(b) Notwithstanding subsection (a) of this section, it shall be unlawful for any person to smoke in a vehicle for hire if oxygen tanks or other devices containing inflammable materials are present in the vehicle.

(c) A violation of this section is an infraction.

Section 12. SRC 30.845 is renumbered to 30.765.

30.765. Wheelchair Coaches; Fees for Service, Display Fees.

(a) The operator of a wheelchair coach shall inform every passenger, or person responsible for payment, of the fees charged for the service.

(b) The operator of a wheelchair coach shall post rates on five-inch by eight-inch signage which is visible to all passengers and also by posting the rates in the passenger compartment of each vehicle. Nothing stated herein shall preclude wheelchair coach operators from imposing specialized charges for extra services such as escorting passengers or assisting passengers to and from the vehicle; other specialized charges include, but are not limited to: extra passengers, delivering packages, transporting people in wheelchairs or stretchers, as long as all charges are posted/readily available to all passengers.

(c) Wheelchair coach operators which are paid exclusively by third party providers and whose services include transportation to and from medical facilities only need not have a taximeter and post rates.

Section 13. Codification. In preparing this ordinance for publication and distribution, the City Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but within such limitations, may:

(a) Renumber sections and parts of sections of the ordinance;

(b) Rearrange sections;

(c) Change reference numbers to agree with renumbered chapters, sections or other parts;

(d) Delete references to repealed sections;

(e) Substitute the proper subsection, section or chapter, or other division numbers;

(f) Change capitalization and spelling for the purpose of uniformity;

- 1 (g) Add headings for purposes of grouping like sections together for ease of reference; and
2 (h) Correct manifest clerical, grammatical or typographical errors.

3 **Section 14. Severability.** Each section of this ordinance, and any part thereof, is severable, and
4 if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of
5 this ordinance shall remain in full force and effect.

6 PASSED by the City Council this _____ day of _____, 2017.

7 ATTEST:

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11 City Recorder

12 Approved by City Attorney: _____

13 Checked by: D.Atchison
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