

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 150506

Amending Chapter 76, Vehicles for Hire, by revising five sections pertaining to the definition of a taximeter, qualifications of a vehicle permit, qualifications of an applicant, rates, and use of a taximeter to more clearly define and better regulate the industry and take out requirements of a written and oral exam to coincide with all other sections of the ordinance.

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 Sections 76-32, 76-40, 76-75, 76-103 and 76-232 and enacting in lieu thereof 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.

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.

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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.

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.

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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.

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

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

Transportation network company or 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

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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. 76-40. 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 two times per year 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, all of which shall be 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 shall cause the taxicab to be found unfit or unsuited for public use. 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.

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(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 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, all of which shall be 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. 76-75. Fees.

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

- (1) Every taxicab company, livery company, sightseeing vehicle company, and transportation network vehicle company shall have the option of paying an annual fee of \$45,000.00. Every company that pays the \$45,000.00 annual fee will not be required to pay a fee for every vehicle permit issued on an annual basis. Every company that chooses not to pay an annual fee of \$45,000.00 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) Vehicle permit fees shall be prorated on a monthly basis.

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

(c) Regulated Industries will review the fee structure within one year from the effective date of this ordinance to determine the balance of costs between the City and permittees and report their finding to the appropriate committee.

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 A, B or C CDL license or an E license in the State of Missouri. The applicant shall include the number of the CDL license on the application for the driver's certificate under this article, and shall submit a copy of the applicant's state operating record with the application.
- (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.
 - (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

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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. 76-232. Use of taximeter prohibited.

Sightseeing vehicles shall not be equipped with a taximeter or any other device that measures distance traveled or waiting time for which a passenger would be charged.

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Approved as to form and legality:


Kathy Adams
Assistant City Attorney



Authenticated as Passed


Sly James, Mayor


Marilyn Sanders, City Clerk

AUG 27 2015

Date Passed