

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: Feb 11, 2016

Action Requested By: Public Transit

Agenda Type: Ordinance

Subject Matter:

Introduction of an Ordinance amending Chapter 8, Article IV, Vehicles for Hire, Code of Ordinances of the City of Huntsville, Alabama

Exact Wording for the Agenda:

Introduction of an Ordinance amending Chapter 8, Article IV, Vehicles for Hire, Code of Ordinances of the City of Huntsville, Alabama

Note: If amendment, Please state title and number of the original

Item to be considered for: Introduction

Unanimous Consent Required: Yes

Briefly state why the action is required; why it is recommended; what council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost: _____

Budgeted Item: Not Applicable

MAYOR RECOMMENDS OR CONCURS: _____

Department Head:  _____

Date: 1-3-16

ORDINANCE No. : _____

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama as follows:

Section 1. Chapter 8, Article IV, Taxicabs and Limousines, of the Code of Ordinances of the City of Huntsville, Alabama, is hereby amended to read as follows:

CHAPTER 8

ARTICLE IV

VEHICLES FOR HIRE

DIVISION 1. GENERALLY

Sec. 8-141. Application of article; definitions.

(a) *Application of division 2 and division 3.* Division 2 of this article governs and regulates eligible livery vehicles and division 3 of this article governs and regulates transportation network vehicles, both categories of vehicles are denominated as "eligible vehicles for hire", which are authorized to operate in the corporate limits of the city in accordance with the provisions of this article.

(b) *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:

Compensation means any money, thing of value, payment, consideration, reward, tip, donation, gratuity, or profit paid, accepted, or received in exchange for transportation of a passenger, whether paid upon solicitation, demand or contract, or voluntarily, or intended as a gratuity or donation.

Courtesy vehicle means an unmetered motor vehicle operated exclusively by, or under contract with, any motel, hotel, convention or civic center, hospital, business or other entity for the convenience of its customers, guests, patients, or clients, provided there is no direct or separate remuneration required of the passengers. Such term shall include specially equipped courtesy vehicles used for the transportation of the physically disabled, chronically ill, and their attendants, including a motor vehicle that is wheelchair accessible.

Eligible livery vehicle is as defined in section 8-151 of this article.

Transportation network vehicle or *TNV* is as defined in 8-341 of this article.

Vehicle for hire means any motor vehicle or other vehicle of whatever name called, which is used or operated for the purpose of transporting persons upon the public streets with the intent to receive compensation for providing such transportation.

Sec. 8-142. Exclusions from the Operation of this article.

(a) This article shall not apply to the following:

- (1) Vehicles operated by a governmental agency;
- (2) Vehicles tendering transportation services not for compensation;
- (3) Vehicles operated solely as courtesy vehicles;
- (4) Discharge of a passenger inside the city limits, where such passenger was picked up outside the city limits by a licensed vehicle for hire operating under another local jurisdiction having regulatory authority over the operations of the vehicle for hire that would otherwise be subject to the provisions of this article;
- (5) Vehicles operated as ambulances or other pre-hospital service providers;
- (6) Vehicles operated for the transportation of passengers between the vicinity of their residence and the vicinity of their places of work, charging, if any charge, only a fee calculated to reasonably cover expenses, in an arrangement commonly known as a "car pool" or "van pool";
- (7) Vehicles operated by funeral homes in conjunction with the providing of funeral services;
- (8) Vehicles used for the transportation of pupils to and from school or to and from school activities, and which are owned, operated, rented or leased by the Huntsville Board of Education or by any private school located within the city;
- (9) Vehicles used for the transportation of persons to and from church or to and from church activities, and which are owned, operated, rented or leased by any church located within the city; and
- (10) Vehicles which the city does not have the federal or state authority to regulate.

(b) Exclusion from the provisions of this article in accordance with subsection (a) shall not be construed as relieving any person from otherwise complying with applicable federal, state or local laws, ordinances or regulations, including chapter 15 of this Code governing business licenses.

(c) Vehicles, and the operation thereof, otherwise excluded in subsection (a) of this section shall not be relieved from compliance

with the provisions of this article in the event such vehicles are used or operated in such a manner as would cause them to come within the regulatory purview of this article.

Sec. 8-143. Violation; penalty.

(a) Unless excluded from this article under section 8-142, it shall be unlawful for any person to operate or allow or cause to be operated a vehicle for hire in the city that is not an eligible vehicle for hire duly authorized in accordance with this article.

(b) An offense against a provision of this article shall be a violation which shall be governed by the provisions of section 1-7 of this Code.

Secs. 8-144-8-150. Reserved.

DIVISION 2. LIVERY VEHICLES

Subdivision I. - Generally

Sec. 8-151. Definitions; methods for notice.

(a) *Definitions.* The following words, terms and phrases, when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Affiliated driver means a driver that operates a vehicle for hire for a vehicle for hire company, including as an owner, servant, agent, employee, or independent contractor of the company.

Airport shuttle means an unmetered motor vehicle with an original seating capacity of not less than five and not more than fifteen, which is not operated on a fixed route and which is used to transport passengers or baggage for compensation upon the public streets to or from the Huntsville International Airport on a pre-arranged basis.

Base of operation means a certified company's fixed base of operation from which the company conducts its business and which is suitably staffed by qualified and knowledgeable representatives of the company who are available during regular business hours to accept or respond to notices and inquiries of the city in its administration and enforcement of this division and where records required to be maintained under this division are kept.

Carriage means a non-motorized vehicle drawn by horse that is used to transport passengers for compensation upon the public streets.

Certificate holder means a person that has obtained and maintains a certificate of public convenience and necessity pursuant to this division.

Certificate of public convenience and necessity or *certificate* shall mean the certificate issued pursuant to a resolution of the city

council, adopted in accordance with applicable provisions of this division, that authorizes the holder thereof to obtain a business license to operate or allow or cause to be operated, in conformance with the certificate and the applicable provisions of this division, an eligible livery vehicle upon the public streets for the convenience and necessity of the public.

Certified vehicle for hire company or certified company means a vehicle for hire company that has obtained and maintains a certificate of public convenience and necessity and a business license pursuant to this division.

Certified vehicle for hire or certified vehicle means those vehicles which are operating under a certificate of public convenience and necessity and have been authorized to operate in accordance with applicable provisions of this division.

Chief of police means the chief of police of the city or his/her designees or subordinates. The chief of police may designate persons assigned to the police department or other city departments as deputies or inspectors to carry out the provisions of this division to the extent allowed by law.

City business license or business license means the business license issued by the city clerk-treasurer in accordance with chapter 15 of this Code.

City chauffeur's license or chauffeur's license means a license issued by the chief of police, pursuant to subdivision III of this division, that authorizes the holder thereof to operate a certified vehicle for hire other than a transportation network vehicle.

City clerk-treasurer means the city clerk-treasurer of the city or his/her designees or subordinates.

City enforcement official or enforcement official means the persons authorized to administer and enforce the provisions of this division on behalf of the city as specified in this division.

Compensation means any money, thing of value, payment, consideration, reward, tip, donation, gratuity, or profit paid, accepted, or received in exchange for transportation of a passenger, whether paid upon solicitation, demand or contract, or voluntarily, or intended as a gratuity or donation.

Dedicated wheelchair accessible vehicle means an unmetered motor vehicle that is wheelchair accessible, with an original seating capacity of not more than fifteen, which is used exclusively to transport mobility-impaired passengers and their attendants, if any, for compensation upon the public streets on a pre-arranged basis.

Director of parking and public transit or director means the director of the department of parking and public transit of the city or his/her designees or subordinates. The director of parking and public transit may designate persons assigned to the department of parking and public transit as deputies or inspectors to carry out the provisions of this division to the extent allowed by the law.

Driver means an individual operating a vehicle for hire upon the public streets of the city.

Eligible livery vehicle means the following vehicles for hire that are entitled under this division to obtain and maintain a certificate of public convenience and necessity as a certified vehicle for hire:

- (1) Airport shuttle;
- (2) Carriage;
- (3) Dedicated wheelchair accessible vehicle;
- (4) Limousine;
- (5) Luxury vehicle;
- (6) Pedicab;
- (7) Special shuttle; and
- (8) Taxicab.

Inspection sticker means the numbered and dated sticker affixed to the front windshield of a vehicle for hire denoting that vehicles successful inspection and authority to operate for the time period denoted on the sticker.

Limousine means an unmetered, unmarked, stretch, luxury motor vehicle whose chassis and wheelbase have been altered by a Qualified Vehicle Modifier (QVM) program participant (or its equivalent) beyond the length of the manufacturer's original specifications, whether at the time of manufacture or after, commonly referred to as a stretch limousine, which is not operated on a fixed route and which is used in the business of transporting passengers for compensation upon the public streets on a pre-arranged basis. The term also includes vintage and classic vehicles as approved by the director of parking and public transit.

Luxury vehicle means an unmetered, unmarked motor vehicle, excluding trucks and buses, that is recognized by the industry and approved by the director of parking and public transit as a full-sized luxury passenger vehicle, including sport utility vehicles (SUVs), with a maximum original seating capacity of not less than five and not more than fifteen, which is not operated on a fixed route and which is used to transport passengers for compensation upon the public streets on a pre-arranged basis.

Operate means the transporting of a passenger for compensation upon the public streets.

Original seating capacity means a vehicle's originally designed seating capacity, inclusive of the driver and the passengers, prior to any type of customization, modification, or conversion.

Passenger means an individual other than the driver who is an occupant of a vehicle for hire; which person shall be presumed to be a passenger for compensation.

Pedicab means a non-motorized vehicle propelled by human power, having two or more wheels, with power transmitted from the pedals to the wheels by means of a belt, chain, gears, or any combination thereof, designed and constructed to carry one or more passengers that is used to transport passengers for compensation upon the public streets.

Pre-arranged basis means a written or electronically transmitted reservation made in advance of passenger boarding from a specific location for the exclusive use of an unmetered vehicle for hire by a passenger or passengers who determine the trip's points of destination and timing.

Public street means any public street, road, alley, or any other such right-of-way within the corporate limits.

Special shuttle means an unmetered motor vehicle that is a van or small minibus with an original seating capacity of not less than ten and not more than twenty one, which is not operated on a fixed route and which is used to transport passengers for compensation upon the public streets to or from passenger prescribed destinations, excluding the airport, on a pre-arranged basis.

Taxicab or taxi means a motor vehicle, equipped with a taximeter, that is a sedan, non-luxury sports utility vehicle (SUV), or mini-van with a distinctive color scheme, not operated on a fixed route, with a maximum original seating capacity of eight persons that is used to transport passengers for compensation upon the public streets.

Unmetered means that the vehicle is not equipped with a taximeter or is not then-currently certified and authorized as a taxi under this division.

Vehicle authorization means that a particular vehicle is authorized by the city to operate as a certified vehicle for hire.

Vehicle for hire means any motor vehicle or other vehicle of whatever name called, which is used or operated for the purpose of transporting persons upon the public streets with the intent to receive compensation for providing such transportation.

Vehicle for hire company or company means a person engaged in a business that owns, leases, or controls one or more vehicles for hire and drives or allows or causes any such vehicle to be driven upon the public streets in order to transport passengers for compensation.

Vehicle permit number or permit number means the number assigned by the city and displayed on or maintained in each vehicle, as required under this division.

Wheelchair accessible means a motor vehicle that a passenger in a wheelchair may enter and exit independently or with assistance while seated in a wheelchair that is equipped with operative features for

wheelchair users that meet or exceed the requirements of section 8-243 of this division.

(b) *Notice methods.*

(1) *Notice by city.* Unless expressly provided otherwise, all written notice required to be provided by a city enforcement official under this division shall be, at the enforcement official's option, delivered personally, or sent by certified mail, return receipt requested, or by first class U.S. mail, to the last-known address the enforcement official has on file of the person to whom notice is required to be sent under the provisions of this division. Unless otherwise expressly provided for in this division, written notices shall be deemed served or received as follows: if by personal delivery, upon delivery; if by first class U.S. mail, three days after mailing; or if by certified mail, upon receipt.

(2) *Notice to city enforcement official.* Unless otherwise expressly provided for in this division, all written notice required to be provided to an enforcement official under this division shall be provided using any one of the methods, at the option of the person sending the notice, prescribed in subsection (b)(1) above. Unless otherwise expressly provided for in this division, written notices shall be deemed served or received as set forth in subsection (b)(1) above.

Sec. 8-152. Use of online enabled application or digital dispatch services; information to passengers; obstruction of enforcement.

(a) For purposes of this section the term "enforcement official" means the chief of police, other law enforcement officers of the city, the director of parking and public transit, and their respective subordinates or designees.

(b) Nothing provided in this division shall be construed to prohibit or limit the utilization of an online-enabled application (app) or digital platform for the provision of prearranged ride services by a certified company that is not a transportation network company, as that term is defined in section 8-341 of this article.

(c) It shall be unlawful for a certified company using an online enabled application (app) or digital platform for the provision of prearranged ride services, including the company's agents, servants, or employees, to disable, eliminate or otherwise prevent access to the company's mobile application by an enforcement official, for purpose of interfering with or obstructing the enforcement of this division, or to otherwise take an action intended to obstruct or interfere with the enforcement of this division by an enforcement official.

(d) All certified companies that use an online enabled application (app) or digital platform for the provision of prearranged ride services shall, at a minimum, display on its online-enabled application or digital platform to actual or potential passengers,

prior to pick up, a recent photograph of the driver, the type of vehicle, and the driver's first name.

Sec. 8-153. Violation.

It shall be a violation of this division for a driver or a vehicle for hire company, its servants, agents, or employees, to fail to comply with the applicable provisions of this division.

Sec. 8-154. Penalty.

An offense against a provision of this division shall be a violation which shall be governed by the provisions of section 1-7 of this Code.

Sec. 8-155. Right to amend division.

By its issuance of certificates, licenses, authorizations, or other approvals provided for in this division, the city does not waive and expressly reserves the right to, at any time and from time to time, amend or repeal any of the provisions of this division.

Secs. 8-156-8-180. Reserved.

Subdivision II. - Certificate and Business License Requirements

Sec. 8-181. Required.

Unless excluded from this article under section 8-142, it shall be unlawful for a driver or a vehicle for hire company to operate or allow or cause to be operated a vehicle for hire upon the public streets without having then in force a certificate of public convenience and necessity and city business license required under this division. A certified company shall notify its affiliated drivers if its certificate or license is no longer in effect.

Sec. 8-182. Uncategorized Vehicles for Hire.

(a) Notwithstanding anything to the contrary contained in this division, a vehicle for hire that does not fall into one of the categories of eligible livery vehicles may, nevertheless, apply for, on forms provided by the city, a temporary certificate of public convenience and necessity from the director of parking and public transit in order to operate on a temporary basis, not to exceed nine months, should the director, in his sole discretion, determine that the proposed category of vehicle for hire is one that should be available to serve the public convenience and necessity and issuance of the temporary certificate would not be contrary to the public health, safety, and general welfare. Notwithstanding the foregoing, a temporary certificate shall not be issued for the same or a substantially similar category of vehicle for hire that the city council has considered for addition to this division within the preceding two-year period.

(b) If the director has issued a temporary certificate under subsection (a) of this section, then he shall, within six months after

issuance of the temporary certificate submit to the city council for its consideration an amendment to this division to add the particular category of vehicle being operated under the temporary certificate. If this division is amended to add the new category of vehicle for hire as an eligible livery vehicle then the holder of the temporary certificate shall, in order to continue to operate, obtain a certificate of public convenience and necessity within thirty days of the amendment to this division. If this division is not amended to add the new category of vehicle for hire by the end of the nine-month permit period, then the temporary certificate and the business license shall immediately be deemed to expire without the necessity of further action by the city and the holder thereof shall immediately cease to operate.

(c) The issuance of a temporary certificate shall be conditioned upon complying with the insurance and inspection requirements of this division, obtaining a business license, and such other conditions that the director deems appropriate under the circumstances in order to protect the public health, safety, and general welfare. A vehicle for hire being operated under a temporary certificate shall be operated on the public streets by the holder of a chauffeur's license.

(d) The issuance of a temporary certificate under this section shall not be construed to grant the holder thereof any vested right or property interest in the temporary certificate, the use of the public streets to operate a vehicle for hire, an amendment to this division to accommodate the particular category of vehicle for hire, or the issuance of a certificate of public convenience and necessity.

Sec. 8-183. Filing fee; application for certificate.

Every company that desires a certificate of public convenience and necessity to operate an eligible livery upon the public streets shall pay a filing fee of \$50.00 and make a written application for a certificate to the city council upon forms to be furnished by the city clerk-treasurer, verified under oath stating:

(1) The name, address, and telephone number of the applicant, specifying, in the case of an unincorporated association, partnership, or firm, the names and addresses of each member or general partner thereof, and the quantum of interest of each member or general partner; and specifying in the case of a corporation, the names and addresses of each stockholder of a corporation whose shares are not publicly traded, officer, and director, with the number of shares of stock owned or held by each officer and director.

(2) The amount(s) of all unpaid judgments against the applicant, each member, general partner, officer, or director; the nature of the transaction or acts giving rise to said judgments; and, the name and location of the court in which and the date on which each was entered.

(3) All misdemeanors or felonies of which the applicant and any member or general partner thereof, if an unincorporated association, partnership, or firm, and any officer or director, if a corporation, has been convicted, stating the names and locations of the courts in which and the date on which such convictions were had and the penalties imposed therefor.

(4) The applicant's proposed base of operation.

(5) The number of vehicles which the applicant proposes to operate.

(6) A description of the proposed insignia, trade name, and proposed color scheme for each vehicle. In the case of taxicab companies, the trade name must contain the word "taxicab," "taxi," or "cab."

(7) A description of any and all services the applicant proposes to provide.

(8) Any other relevant information which the city clerk-treasurer, police department, or department of parking and public transit may require.

Sec. 8-184. Finding of council.

No certificate of public convenience and necessity shall be granted to operate a vehicle for hire until the city council shall have determined, by resolution, that the company is qualified, the vehicle is an eligible livery vehicle and that the public convenience and necessity requires the proposed eligible livery vehicle service.

Sec. 8-185. Notice of hearing.

Before making any finding as to whether public convenience and necessity justify the issuance of a certificate of public convenience and necessity for the proposed eligible livery vehicle, the city council shall cause to be published, in a newspaper of general circulation in the city, a notice stating that such application has been made; the number of vehicles for which such application has been made; and that a public hearing shall be held to determine whether public convenience and necessity require such services on the date fixed therein, which date must be not less than seven days after the date of such publication.

Sec. 8-186. Basis for issuance generally; issuance.

In making the findings of public convenience and necessity required by section 8-184, the city council shall take into consideration the number of certified vehicles for hire already in operation in the city; whether existing transportation is adequate to meet the public need; the probable effect of additional certified vehicles for hire on local traffic conditions; the character, experience, and

responsibility of the applicant; and that the service which the applicant proposes to give is adequate and is in compliance with the requirements of this division.

Sec. 8-187. Number of taxicabs.

In order to better control and regulate the taxicab operations within the city, the city council shall not make a finding that the public convenience and necessity justify the issuance of a taxicab certificate of public convenience and necessity unless the application therefor shall provide for the operating of at least five taxicabs. The intent being that no certificate for taxicab service shall be granted to any person, unless such applicant operates five or more taxicabs.

Sec. 8-188. Issuance of certificate.

(a) If the city council shall find that further eligible livery vehicles are required by public convenience and necessity, and if the city council shall find from the statements contained in the application for a certificate of public convenience and necessity that the applicant is qualified and able to perform such public transportation, and that the applicant is able to conform with the provisions of this division, then the city council shall adopt a resolution certifying that the public convenience and necessity require the proposed eligible livery vehicle service. Such resolution may contain any qualifications or limitations the city council deems appropriate to impose in order to protect the public and to promote the safe, efficient, and effective use of the public streets. It shall be unlawful and a cause for suspension or revocation of a certificate and business license for any person, including drivers and companies, to operate or allow or cause to be operated any certified vehicle for hire contrary to any qualifications or limitations imposed by the city council in the resolution adopted in accordance with this section.

(b) Where a resolution provides for a specified number of vehicles for hire to operate under a certificate, then the certificate holder may add up to four vehicles per calendar year during the term of the certificate, provided that the director of parking a public transit determines that the certificate holder, at the time of the request for additional vehicles, is operating in accordance with the provisions of this division. Where a resolution provides for a specified number of vehicles for hire to operate under a certificate and the certificate holder desires to add more than four vehicles to the specified number in any given year during the term of the certificate, then the holder must apply for an amendment to the certificate, which shall be acted upon by the city council in the same manner as the original application. All such additional vehicles shall be subject to the same qualifications and limitations, if any, imposed on the initially certified vehicles by the city council. Notwithstanding anything to the contrary in this subsection (b), in no event shall a certificate holder be allowed to add additional vehicles if the holder is operating less than the approved number of vehicles,

including the specified number and additionally approved vehicles, if any, at the time of the request for additional vehicles.

(c) The resolution adopted by the city council pursuant to the provisions hereof shall be known as the certificate of public convenience and necessity and shall entitle the holder thereof the non-exclusive right to apply for a city business license subject to complying with all applicable conditions to issuance of the business license and requirements of this division. The certificate of public convenience and necessity shall be conditioned upon compliance with section 8-189, concerning issuance of a business license and vehicle authorization, within the time provided by that section.

(d) Each certificate shall be valid for up to a ten year period from the date of issuance, unless terminated, revoked, or abandoned sooner, or unless the category of the certified vehicle is eliminated from the definition of an eligible livery vehicle category. In addition, a vehicle for hire company that is operating a vehicle licensed on or before January 1, 2015, pursuant to an already-issued certificate is hereby granted, subject to compliance with applicable provisions of this division, an extension of the term of its certificate for up to a ten-year period starting the later of January 1, 2015, or the expiration stated in the certificate, unless terminated, revoked, or abandoned sooner, or unless the category of the certified vehicle is eliminated from the definition of an eligible livery vehicle category.

(e) The issuance of a certificate of public convenience and necessity and city business license shall not be construed to create a vested property interest or right of any type in favor of the holder thereof.

Sec. 8-189. Issuance of a business license.

(a) *Business license.*

(1) A certificate holder authorized to operate taxis shall have 60 days after the adoption of the resolution certifying the public convenience and necessity to exercise the certificate by obtaining a business license from the city clerk-treasurer and by having at least five vehicles authorized and in operation in accordance with the requirements of this division; otherwise the certificate for public convenience and necessity and the authorization for licensure shall be deemed automatically rescinded. The director of parking and public transit may grant a 60-day extension for good cause shown. All other certified companies shall have six months from the date of issuance of the certificate to exercise the certificate by obtaining a business license from the city clerk-treasurer and by having at least one vehicle authorized and operating in accordance with the requirements of this division; otherwise the certificate for public convenience and necessity and the authorization for licensure shall be deemed automatically rescinded.

(2) Upon the certificate holder's compliance with the applicable provisions of this division and the city's business license code, and the certificate holder's establishment of a base of operation, then the city clerk-treasurer shall issue to the certificate holder a business license after payment of the appropriate business license tax.

(3) The business license shall be deemed to include such qualifications and limitations which the city council has imposed in its certificate of public convenience and necessity and non-compliance with such qualifications and limitations shall be a violation of this division.

Sec. 8-190. Insurance.

(a) Before a business license can be issued under this division the certificate holder shall file with the city clerk-treasurer a certificate of insurance that the certificate holder and each vehicle for hire to be operated is insured against public liability in the minimum limits required by the Alabama Public Service Commission but in any event not less than, in the case of special shuttles, \$100,000.00 for personal injury to any one person in any one accident, and \$500,000.00 for personal injury to two or more people in any one accident, and \$50,000.00 for property damage in any one accident, and, in the case of all other vehicles for hire, \$100,000.00 for personal injury to any one person in any one accident, and \$300,000.00 for personal injury to two or more people in any one accident, and \$50,000.00 for property damage in any one accident, which insurance policy and certificate shall provide that the City of Huntsville shall be given at least 30 days' prior notice of cancellation. Such policy shall not be canceled or suspended, either by the insured or the insurer, unless at least 30 days' notice in writing of the intention to cancel or suspend policy has been filed with the city clerk-treasurer, and upon such suspension or cancellation of insurance, the vehicle authorization of the certified vehicles for hire of said insured shall stand automatically suspended until such time as an acceptable policy and certificate of insurance shall be on file with the city clerk-treasurer. The company shall notify its affiliated drivers that its insurance is not in effect and that the vehicle authorizations have been automatically suspended, without action being required by the city. Any vehicle licensed under this division with an original seating capacity of more than eight passengers shall be insured in the minimum limits of as required by the Alabama Public Service Commission, but in no case for less than the limits required in this provision.

(b) Proof of insurance must be physically present in each certified vehicle while it is being operated and present it to an enforcement official upon request.

Sec. 8-191. Renewal.

Upon the certification by the holder that there have been no changes in the information submitted as a prerequisite to the issuance of a certificate and a business license, including the required insurance coverage, and upon the approval of the city clerk-treasurer, a business license issued to a certificate holder may be renewed annually for additional periods of one year each from the date of expiration for so long as the certificate of public convenience and necessity authorizing such licensure has not been revoked, suspended, abandoned, has expired according to its terms, or is otherwise no longer in effect; provided, however, that any business license not renewed after March 1 each year shall be deemed abandoned. A 60-day extension may be granted by the city clerk-treasurer for good cause shown.

Sec. 8-192. Operating fewer taxicabs than authorized.

It shall be unlawful and cause for suspension or revocation of a certificate of public convenience and necessity and business license for a certificate holder that has been issued a certificate of public convenience and necessity to operate taxicabs upon the public streets, to fail to have in operation at least five taxicabs for a period of time exceeding 60 days out of any period of 90 days, unless the director of parking and public transit has granted a 60-day extension for good cause shown.

Sec. 8-193. Changes reported.

Any change in the information furnished in the application for a certificate of public convenience and necessity or business license issued pursuant to this division must be reported to the city clerk-treasurer and director of parking and public transit in writing within twenty days and failure to so report may be cause for suspension or revocation of the certificate of public convenience and necessity, and any license issued pursuant thereto.

Sec. 8-194. Transfer.

A certificate of public convenience and necessity issued under this division is not transferable.

Sec. 8-195. Action against business license and certificate.

(a) Upon the recommendation of the director of parking and public transit or the chief of police, the city clerk-treasurer may petition the city council to take action against a business license issued under this division in accordance with section 15-56 of this Code, which includes the notice and hearing requirements set forth therein. In addition to the reasons stated in section 15-56(a) of

this Code, each of the following shall also constitute grounds for action being taken against the license:

(1) If the licensee or those acting on its behalf make any false statement or misrepresentation on any applications made under this division, including applications for a certificate of public convenience and necessity or a business license issued under this division.

(2) Failure of the licensee to maintain any of the general qualifications required in this division in order to obtain a certificate or business license.

(3) If the licensee or those acting on its behalf violates a provision of this division.

(b) The action taken against a business license shall automatically constitute the same action being taken against the certificate of public convenience and necessity of the affected licensee; provided, however, in order to permanently revoke a certificate of convenience and necessity the director of parking and public transit or chief of police must recommend and the city clerk-treasurer must petition the city council that, at the same time and in the same proceeding, the certificate of public convenience and necessity be permanently revoked based on the same grounds that warrant action being taken against the business license, and the certificate holder must be notified that permanent revocation is being considered. The permanent revocation of the certificate shall constitute a permanent revocation of the business license and shall disqualify the certificate holder from holding a certificate, and, should the city council expressly make the determination, the immediate family members, officers, directors, general partners, members, or managers, as the case may be, shall also be disqualified from holding a certificate.

(c) It shall be unlawful for any person, including the company or a driver, to operate or allow or cause to be operated a vehicle for hire under a license or certificate during the effective period of an adverse action taken against the license or certificate.

Secs. 8-196-8-211. Reserved.

Subdivision III - Chauffeur's License

Sec. 8-212. Exclusions; required.

(a) This subdivision, consisting of sections 8-212 through 8-216, shall not apply to drivers of carriages or pedicabs and the reference to "certified vehicles for hire" in this subdivision shall not mean carriages or pedicabs.

(b) It shall be unlawful for any person to operate a certified vehicle for hire who does not possess a valid city chauffeur's license.

Sec. 8-213. Chauffeur's license.

(a) *Application; fee.* Every person desiring to drive a certified vehicle for hire shall pay a fee of \$25.00 and shall make a written application to the chief of police, on forms furnished by the chief of police. The application shall be verified under oath stating:

- (1) The name, address, and age of the applicant. The minimum age is 21.
- (2) The applicant's place of residence for two years immediately preceding his/her current address.
- (3) A full description of the applicant, including his/her race, height, weight, color of eyes and hair, scars or marks.
- (4) The names and addresses of the applicant's employers during the last five years prior to his/her application.
- (5) All misdemeanors and felonies for which the applicant has been convicted. The applicant shall state the name and location of the court and the date on which each such conviction was rendered and the penalty imposed.
- (6) Whether applicant has previously held a license anywhere as a driver or chauffeur and whether such license has been revoked, or suspended, and, if so, for what cause.
- (7) The number of the applicant's valid driver's license unless exempt under state law.
- (8) Any other relevant information, which the police department may require.

(b) *Attachments to application.* Every applicant for a city chauffeur's license, at the time of submitting his/her application, shall:

- (1) Be photographed by the police department.
- (2) Exhibit his/her valid driver's license for inspection, unless exempt under state law.
- (3) Submit to the State of Alabama a request for a driving record check on the Alabama Department of Public Safety record request form; and criminal record check on the appropriate Alabama Bureau of Investigation criminal history release form.

(c) *Issuance of chauffeur's license.*

- (1) No vested property right or property interest of any type is acquired by a chauffeur's license issued to any person under this subdivision.

(2) All chauffeurs' licenses are revocable and subject to suspension in accordance with the provisions of this subdivision and are to be exercised only in conformance with the provisions of this division.

(3) Upon the receipt of the information provided for in subsections (a) and (b) of this section, the chief of police or such other member of the police department as he/she may designate shall issue a temporary city chauffeur's license to the applicant, which shall be valid for a period not to exceed 45 days, if he/she shall find that the applicant holds a valid state driver's license, unless exempt under state law, and the applicant is a fit and proper person to drive a certified vehicle for hire, considering the information submitted in his/her application or otherwise found to exist; otherwise such temporary license shall be denied. The temporary chauffeur's license may be revoked at any time by the chief of police for cause and such revocation shall be final and not subject to appeal.

(4) Upon receipt of the information on official forms received from the department of public safety and Alabama Bureau of Investigation as provided for in subsection (b), the chief of police or other member of the police department as he/she may designate shall issue a city chauffeur's license to the applicant, if he/she shall find that the applicant is a fit and proper person to drive a certified vehicle for hire considering the information submitted from the state's record check from the department of public safety and criminal history record from the Alabama Bureau of Investigation. The city chauffeur's license may be denied based on any disqualifying information the chief of police shall have found to exist, and written notice of the denial shall be provided to the applicant and shall contain the grounds for denial.

(d) *Duration, renewal, display.*

(1) A city chauffeur's license shall in no event be valid for more than four years from the date of issuance and may be renewed each third year by re-application with the police department. Such application shall include all information required by the chief of police including updated criminal history and driving records check required in section 8-213, and shall be subject to the same approval criteria and process, including the right of appeal in case of denial, as the initial application process.

(2) City chauffeur's license shall be displayed on the dash of all taxicabs in a manner so that they may be seen clearly from all seating positions in the vehicle. In the case of other vehicles for hire a driver shall keep his or her chauffeur's license in his/her possession or in a readily accessible place in the vehicle while it is being operated and present it upon request to a passenger or potential passenger, the chief of police or other a law enforcement officer of the city, or the director of the department of parking

and public transit or city personnel operating under the director's supervision.

(e) *Change of address; loss of chauffeur's license.* Every city chauffeur licensed as such pursuant to this division shall within five working days notify the chief of police of any change of his/her address or loss of his/her city chauffeur's license, or temporary chauffeur's license. A lost, destroyed or mutilated chauffeur's license shall be replaced upon payment of a fee of \$10.00.

(f) *Transfer.* The city chauffeur's license issued under this division shall enable the holder thereof to operate a certified vehicle for hire for a certified company. The city chauffeur's license shall be nontransferable or assignable from one person to another person.

Sec. 8-214. Suspension; revocation.

(a) *For a violation of division.*

(1) After the issuance of a chauffeur's license, the chief of police may, upon conviction by a court of competent jurisdiction, for an offense against any provision of this division, suspend the chauffeur's license issued hereunder of such person convicted for a period of time not to exceed 90 days.

(2) Upon a second conviction, the chauffeur's license for such person convicted may be permanently revoked by the chief of police.

(b) *Other grounds.* The chief of police may revoke or suspend a chauffeur's license as follows:

(1) Upon conviction by a court of competent jurisdiction of a crime that would otherwise disqualify that person from being issued a chauffeur's license;

(2) If the issuance of the chauffeur's license is based on a false statement or misrepresentation to the city; or

(3) For failure to maintain any of the general qualifications or eligibility requirements required in this subdivision for a chauffeur's license.

(c) *Notice of action.* Except where this division provides for an automatic action against a chauffeur's license, before a chauffeur's license is revoked or suspended the chief of police shall provide written notice to the license holder of the proposed action, stating the grounds therefor, and providing the holder with an opportunity, upon request, to present to the chief of police evidence as to why the chauffeur's license should not be revoked or suspended; provided, however, if, in the opinion of the chief of police, the health or safety of the public is immediately threatened the chief may

immediately suspend, orally or in writing, the chauffeur's license, and upon such immediate suspension the holder of the chauffeur's license may proceed to request a hearing as hereafter provided.

Sec. 8-215. Appeal of denial, suspension; revocation.

(a) Except where this division provides for an automatic action against a chauffeur's license, in which case no appeal is provided for, in order to appeal the denial, suspension, or revocation of a chauffeur's license, the license holder must, within fifteen days after receiving the police chief's notice, provide to the police chief a written notice requesting a hearing. The notice requesting a hearing shall set forth the reason(s) why the holder disagrees with the action of the chief, the names of any witnesses, a list of any documents that will be submitted at the hearing, and whether the holder will be represented at the hearing and the name of the counsel or representative of choice of the possessor. Failure to file a timely appeal shall cause the chief's decision to be final, unless the chief waives the failure for good cause shown.

(b) The chief of police shall set a hearing within 30 days of the date a request for a hearing has been received; provided, however, in the event of immediate suspension, the hearing shall be set within ten days from the date the written notice requesting a hearing has been received. Notice of the hearing shall be sent to the holder and shall state the hearing date, time, and location.

(c) Within 20 days of the conclusion of the hearing, the chief of police shall render a decision, which may include, but not be limited to, the following:

- (1) Upholding or reversing his denial.
- (2) Suspension, for a designated period of time or until a violation has been remedied, of the chauffeur's license.
- (3) Revocation of the chauffeur's license for a minimum of one year.

(d) The chief of police shall provide a written notice of the decision to the holder.

(e) *Appeal of adverse decision.*

(1) A holder that receives an adverse decision may appeal the decision of the chief of police to the license review committee, consisting of the director of parking and public transit, the city clerk-treasurer, and the city administrator, or their respective designees, by filing a written notice of appeal with the chief of police. The notice of appeal shall be filed within ten days of receiving the notice of the decision of the chief of police and shall state the grounds for appeal, the names of any witnesses and their anticipated testimony, a list of any documents that will be submitted, and whether the applicant will be represented at the hearing and the name of the counsel or

representative of choice of the applicant. Failure to file a timely appeal shall cause the chief's decision to be final. The filing of the notice of the appeal will not delay the effectiveness of any suspension or revocation.

(2) Upon receipt, the chief of police shall schedule the hearing before the license review committee, and shall send notice of the date, time, and place of the hearing to the holder.

(3) The chief of police, or his designee, shall be present at the hearing before the license review committee and shall be allowed to present evidence in support of his decision. The license review committee may affirm, reverse or modify the decision appealed from. The decision of the license review committee shall be final.

Sec. 8-216. Business license. Nothing in this division 3 shall be construed to exempt an affiliated driver that operates a vehicle for hire for a vehicle for hire company as an independent contractor of the company from obtaining a business license as may be required pursuant to chapter 15 of this Code.

Secs. 8-217-8-239. Reserved.

Subdivision IV - Vehicle Authorization; Conditions and Inspection of Vehicles

Sec. 8-240. Vehicle authorization.

(a) In order for a vehicle to be authorized to be operated on the public streets each of the following conditions must be met:

(1) The certificate holder shall file with the city a description of the vehicle, which includes the make, model, passenger seating capacity, year of manufacture, state license number, the V.I.N. number thereof, and the name and address of the owner.

(2) The vehicle must be of the type authorized under the certificate of public convenience and necessity and not exceed the number of vehicles that may be allowed under the certificate.

(3) The vehicle must meet the requirements of this division for that type of eligible livery vehicle.

(4) The vehicle must meet applicable standards, pass all required inspections, and be duly insured in accordance with this division.

(5) The vehicle shall not be authorized to operate under another certificate of public convenience and necessity.

(6) The applicable business license tax shall be paid.

(b) Upon compliance with the foregoing conditions, the city will issue vehicle authorization upon the city assigning a vehicle permit number for that vehicle that vehicle shall be authorized to operate in conformance with this division. Taxis and airport shuttles shall display the permit number on the exterior of the vehicle as required in section 8-241(c)(2). All other vehicles for hire shall maintain a copy of their permit number on their person or at a readily accessible place inside the vehicle.

(c) No person, which includes a certificate holder or driver, shall operate or allow or cause to be operated a vehicle for hire unless and until that vehicle has a vehicle authorization. There is no vested right in a vehicle authorization and such authorization may be acted against in accordance with this division.

Sec. 8-241. Vehicle standards.

(a) *In general.* Every certified vehicle for hire operated upon the public streets of the city shall be kept clean, sanitary, fit and of good appearance, and in a safe condition for the transportation of passengers.

(b) *Taxis.* In addition to all other applicable requirements of this division, all taxicabs shall conform to the following standards:

(1) The color scheme for taxicabs shall be the same as that proposed in the application for a certificate and all taxicabs within a company must be the same. A diagram of the vehicle with colors, color number, name, and any logo must be attached. Any changes must be approved by the director of parking and public transit.

(2) Each taxicab operated under this division shall have a securely affixed roof light with the words "taxicab," "taxi," or "cab," or the company name printed thereon; and, in addition, the telephone number or company name may be printed thereon in such manner as to be visible at all times. The roof light shall also be equipped with a top light actuated when the meter is in the hired mode and such light must be visible at all times and in all directions 360 degrees. Taxicabs may be equipped with an advertising sign known in the trade as a "taxi topper" that is a triangular shaped sign with a static, non-movable, non-digital display, and that is no larger than 42 inches by 15 inches with advertising allowed only on the left and right side of the sign. There is no vested right to maintain a taxi topper on a taxi.

(3) Each taxicab shall be equipped with a taximeter conforming to the provision of section 8-271.

(c) *Airport shuttles, special shuttles, and taxis.* In addition to all other applicable requirements of this division, all airport shuttles, special shuttles, and taxicabs shall conform to the following:

(1) The trade name of the company must be placed on the outside of each front door (sliding door in the case of vans or rear corner panel) of each airport shuttle, special shuttle, or taxicab in letters not less than three inches in height, in a permanent manner, and in contrasting color to background.

(2) The permit number assigned to each taxicab, special shuttle, or airport shuttle, by the city shall be placed on both sides of the body and on the front end and rear end of each taxicab, special shuttles, or airport shuttle in numerals three inches in height. Said number must be visible from all sides of the vehicle.

(d) *Age of eligible livery vehicles or certified vehicles for hire.* Except in the case of classic or vintage limousines, at the time of the initial and each annual inspection thereafter an eligible livery vehicle or certified vehicle for hire shall be no older than ten model years of age from the current model year (as measured from June 30 of the calendar year following the model year), unless the certified company requests in writing that the director of parking and public transit grant a waiver to this requirement. The waiver may be issued only if the vehicle meets or exceeds applicable standards and requirements of this division. An age waiver may be renewed annually upon application, inspection, and approval of the director of parking and public transit.

Sec. 8-242. Standards for carriages.

In addition to all other applicable standards and requirements of this division, all horse drawn carriages shall conform to the following standards:

(1) Carriage services shall not operate on any of the public streets of the city except on those public streets as approved by the City of Huntsville's Traffic Engineering or Police Department.

(2) Carriages shall not exceed 12 feet in length or six feet in width and must be authentically styled passenger carriages.

(3) All animals used to pull such carriages on the public streets must be equipped with a diapering apparatus that prevents the droppings of such animal from being deposited on the city streets and must be properly shod for street surfaces.

(4) All carriages must have proper lighting for nighttime operation including headlights, taillights, turn signals, and reflectors, continuously maintained in operating condition, and must display a slow moving vehicle emblem.

(5) All carriages and horses must be transported by truck or trailer to permitted locations.

(6) Only horses and mules in good health with adequate muscle tone and proper body conditions and have been certified as fit to work by a licensed equine veterinarian will be used to pull carriages.

(7) No equine will be used to pull a carriage if it has injuries or wounds, is lame, or unsound in one or more limbs or which has any other ailment without a specific written approval by a licensed equine veterinarian.

(8) The hooves of working horses or mules will be properly shod with appropriate shoes. Shoes which are designed to prevent slipping and absorb shocks will be utilized when working on paved surface.

(9) Each carriage animal will be properly sized relative to weight, size, and load capacity of carriage it will pull and the terrain over which it will operate.

(10) Working carriage animals shall be examined by a licensed equine veterinarian at least once per year and shall receive all necessary immunizations and be dewormed at appropriate intervals to control internal parasites. Carriage animals must be examined by a licensed equine veterinarian upon request of the City of Huntsville Animal Control Director, or their designee, to insure compliance with these requirements.

(11) Horses must be removed from the streets during extremely hot or cold weather, as determined by the animal control director, or their designee.

(12) Carriage horse and mules shall not be worked more than three consecutive hours without a rest period with a maximum of nine hours worked per day. A ten-minute rest period shall be provided every hour during the work period.

(13) Carriage horse and mules shall not be worked more than six consecutive days without being provided a rest period of at least one day before the resumption of work.

(14) Fresh water shall be made available and each animal given the opportunity to drink during each rest period and during the hourly ten-minute break.

(15) Owners/drivers shall be knowledgeable in equine husbandry, training, and emergency first-aid. They must be knowledgeable in the proper use and maintenance of harnesses, tacks, and carriages or have in their employ a manager with such expertise.

(16) Carriage operators who have been convicted of animal cruelty shall have the carriage license revoked.

(17) This carriage license shall not be transferable.

Sec. 8-243. Standards for wheelchair accessible vehicles.

Subject to any applicable federal and state requirements for vehicles that are wheelchair accessible, in addition to all the other applicable requirements of this division, a vehicle that is wheelchair accessible must comply with the following special requirements:

(1) Vehicles that are wheelchair accessible must be designated by the manufacturer as a van or be built exclusively for wheelchair access and must have the following equipment:

- a. Electrically or hydraulically operated lift mechanisms or ramps with a nonskid surface to accommodate the loading and unloading of a passenger confined to a wheelchair;
- b. A positive means of securing a wheelchair to the inside of the vehicle to prevent any lateral, forward, backward or vertical motion of the wheelchair within the vehicle;
- c. A rear-view mirror which enables the chauffeur to view the passengers;
- d. Outside rear-view mirrors on both sides of the vehicle; and
- e. Emergency exit door or doors at the rear of the vehicle.

(2) A vehicle that is wheelchair accessible may accept as passengers wheelchair-confined persons when such persons remain in a sitting position within the chair during transport or transfer to a seat after loading.

Sec. 8-244. Standards for pedicabs.

In addition to all the other applicable requirements of this division, a pedicab must comply with the following special requirements:

- (1) The certificate holder shall have fixed routes approved by the director of parking and public transit and shall not operate during peak traffic periods as specified by the director.
- (2) A driver shall pick up and discharge passengers only at specified locations on a prescribed route approved by the director of parking and public transit.
- (3) Each pedicab or rickshaw operated after dusk shall be equipped with two (2) front and two (2) side lights capable of emitting a white or amber light a distance of at least seventy-five (75) feet from the vehicle, and two (2) rear lights capable of emitting a red light at least five hundred (500) feet from the vehicle.
- (4) Each pedicab or rickshaw shall have mounted a triangular "slow-moving vehicle" reflector on the rear of the vehicle.
- (5) Each pedicab or rickshaw shall be equipped with a suitable and efficient braking mechanism.
- (6) Before the certificate holder shall place any pedicab or rickshaw into service, the holder shall identify such vehicle with the initials of the certificate holder's name followed by a dash and a permit number assigned by the director of parking and public

transit, which number shall be of a size and color designated by the director and shall not be used on any other vehicle.

Sec. 8-245. Vehicle Inspections.

(a) *Inspections.*

(1) *Required.* No person shall operate or allow or cause to be operated a vehicle for hire until the vehicle has been inspected as prescribed in this section under the direction of the chief of police and director of parking and public transit and found to be in safe operating condition, clean, sanitary, fit and of good appearance, and meeting the applicable standards and requirements of this division.

(2) *Inspection criteria.* To pass inspection a vehicle for hire shall, at a minimum, meet applicable state laws governing vehicle equipment, including requirements for child passenger restraints and safety belts for front seat occupants, and shall pass an inspection of vehicle components, as applicable for the particular type of eligible livery vehicle, outlined by the director of parking and public transit and identified on an approved city vehicle inspection sheet.

(b) *Authority to inspect, inspectors.*

(1) *Department inspections.* The inspecting of eligible livery vehicles or certified vehicles for hire shall be under the control and direction of the chief of police and the director of parking and public transit. The chief of police and the director and parking and public transit are hereby authorized to use such members of or persons assigned to their respective departments as they may designate as deputies and inspectors, to carry out the provisions of this division, including performing vehicle inspections.

(2) *Private inspections.* In lieu of using department designated personnel to conduct inspections, the chief of police and the director of parking and public transit are hereby authorized to accept or require inspections, in whole or part, be performed by a private technician or mechanic that is ASE (Automotive Service Excellence) certified (series A) or meeting the Federal Motor Carrier Safety Administration (FMCSA) inspector qualifications of 40 C.F.R. § 396.19, or any succeeding federal regulation, and that is not an employee of a vehicle for hire company. In the case of private inspections, the qualified inspector shall be required to certify to the city that the vehicle meets the inspection criteria established in subsection (a) of this section. The director of parking and public transit shall provide to a certificate holder an approved private inspection form to be completed and certified to by the private inspector.

(3) *Wheelchair equipment inspections.* In the case of vehicles that are wheelchair accessible, inspections of wheelchair accessibility equipment and related features shall be

performed by dealers having National Mobility Equipment Dealers Association (NMEDA) Quality Assurance Program (QAP) accreditation or other similar nationally recognized accreditation programs for dealers. The inspectors shall be required to certify to the city that the wheelchair accessibility equipment and related features comply with the standards set forth in section 8-243.

(c) *Frequency of inspections; notification of inspections; fee.*

(1) *Random inspections.* The chief of police and director of the department of parking and public transit are hereby authorized to maintain constant vigilance over all certified vehicles for hire to see that they are kept in a condition of continued fitness for public use in compliance with this division and to that end are hereby authorized to make such incidental on-the-road or random inspections as they deem advisable.

(2) *Non-routine scheduled inspections.* The chief of police and the director of parking and public transit are hereby authorized to inspect or require or cause to be inspected all certified vehicles for hire from time to time or on complaint of any citizen as often as may be necessary. Such non-routine inspections shall be scheduled in advance in accordance with the scheduling provisions of this subsection (c).

(3) *Routine scheduled inspections.* The chief of police and the director of parking and public transit, shall inspect or require or cause to be inspected all certified vehicles for hire on a routine basis as follows:

a. Except for carriages and pedicabs, all vehicles that undergo department inspections shall be inspected at least every six months;

b. Carriages, pedicabs, and vehicles that undergo private inspections shall be inspected at least every 12 months; and,

c. Wheelchair accessibility equipment and features of a vehicle shall be inspected at least every 12 months.

(4) *Scheduling of routine and non-routine inspections.*

a. In the case of routine and non-routine department inspections, the chief of police or the director of parking and public transit shall send written notice to a certificate holder of the date, time, and place of a scheduled routine or non-routine inspection.

b. In the case of routine private inspections, the inspection must be conducted annually no more than 30 days prior to the date of business license expiration, but in no case any longer than one year from the date of the last inspection.

c. In the case of non-routine private inspections, the chief of police or the director of parking and public

transit shall send written notice to a certificate holder that the certificate holder must have performed a non-routine inspection by a stated date.

(5) *Requested inspections.* In the case of vehicles which undergo department inspections, a certificate holder may request in writing to the director of the department of parking and public transit inspection of a vehicle certified in accordance with the provisions of this division. Such request shall be at the director's option and shall be conducted within three working days of a proper written request to the director of the department of parking and public transit. Where the director requires or allows a department inspection to be performed, the vehicle is to be delivered to such place at such time specified or the inspection shall be deemed waived until the next scheduled or requested inspection.

(6) *Fee; cost of inspection.* In the case of department inspections, a fee in the amount of \$25.00 for each vehicle is hereby established for each routine, non-routine, or requested scheduled inspection. In the case of private inspections, the certificate holder shall be responsible for paying the costs of private inspections.

Sec. 8-246. Vehicles failing inspection; out of service.

(a) If, after a department inspection, including a scheduled, requested, or incidental on the road or random inspection, a certified vehicle for hire is found, in the enforcement official's opinion, not to be in a safe condition for the transportation of passengers, or is being operated without the required insurance coverage, the vehicle shall be placed out of service.

(b) If a certified vehicle fails to comply with provisions of this division, which includes applicable inspection criteria, that do not implicate passenger safety, then the vehicle may be placed out of service by the city enforcement official, or may be allowed by the official to continue in operation provided the noted deficiencies are corrected within the time stated in the notice of the deficiencies. If the deficiencies are not corrected within the stated time, then the vehicle shall be placed out of service. The notice of deficiencies shall be provided to the certificate holder either at the time of the inspection by giving it to the person presenting the vehicle for inspection or by the other methods prescribed in subsection 8-151(b) of this division.

(c) Any vehicle not returned to service within 60 days from the date the vehicle is taken out of service shall be deemed permanently out of service, and the vehicle authorization for that vehicle shall automatically be forfeited without further action being required by the city. A 60-day extension may be granted by the director of the department of parking and public transit for good cause shown.

(d) If a vehicle does not pass a private inspection, it shall be unlawful for the certified holder or the driver to operate or allow or cause the vehicle to be operated until the vehicle is re-inspected and passes inspection. The vehicle authorization for that vehicle shall be deemed automatically rescinded until the vehicle passes inspection.

(e) Where a vehicle is taken out of service by the city, the inspector or other city official shall remove the applicable documentation evidencing the vehicle authorization, which may include the inspection sticker and the private inspection certification sheet.

(f) Where vehicle authorization has been forfeited under this section, any business license tax paid on a per vehicle basis shall be deemed to be forfeited for that vehicle.

(g) It shall be unlawful for any person, which includes a driver or company, to operate, or to allow or cause to be operated, any certified vehicle for hire that has been deemed out of service; that, where applicable, does not have a current, valid inspection sticker affixed to the vehicle; or that, where applicable, does not have a copy of the then-current private inspection certification and driver's card inside the vehicle.

Sec. 8-247. Inspection sticker; inspection certification.

(a) *Vehicle inspection stickers.* A certified vehicle for hire that has undergone a vehicle inspection must have affixed a current inspection sticker issued by the department of parking and public transit.

(1) Inspection stickers shall be issued to a vehicle for hire at the time of a routine scheduled inspection.

(2) No inspection sticker shall be issued until the vehicle has successfully completed all required inspection criteria, proof of current insurance has been presented, and current city and county licenses have been presented for inspection.

(3) The inspection sticker shall remain valid for the period indicated on the sticker as long as all requirements of the inspection by the department of parking and public transit are complied with.

(4) A temporary sticker may be authorized for a specific time period to allow a vehicle for hire to comply with non-safety requirements of the inspection. If the requirements are not met in the time period allowed, the temporary sticker shall become void and must be removed from the vehicle.

(5) It shall be unlawful to operate or allow or cause to be operated a vehicle for hire that does not have a current valid inspection sticker. The company under which it operates is subject to loss of its certificate of public convenience and necessity.

(b) *Vehicle and equipment certifications.* A wheelchair accessibility equipment that has undergone a private inspection as

allowed or required under this division must have somewhere readily accessible inside the vehicle a copy of the then-current private inspection certification sheet issued by a qualified mechanic or technician that the vehicle has passed inspection and shall produce it upon the demand of the chief of police or another a law enforcement officer of the city, or the director of the department of parking and public transit or city personnel operating under the director's supervision. It shall be unlawful to operate or allow or cause to be operated a privately inspected vehicle for hire that does not have a copy of the then-current private inspection certification current in a readily accessible place inside the vehicle. The company under which it operates is subject to loss of its certificate of public convenience and necessity.

Sec. 8-248. Review of action against vehicle authorization.

Except where this division provides for an automatic action against a vehicle authorization, in which case no right of review is provided for, a certificate holder shall have the right to request that the director of parking and public transit review the decision of an inspector or other enforcement official to take a vehicle permanently out of service by providing to the director a written notice specifying the basis for the request within 15 days from the date the action is taken. The director, in response, may: (1) order a department or private re-inspection of the vehicle, at the company's cost, (2) schedule a hearing on the matter by providing the certificate holder with notice of the time, date, and location of the hearing, (3) may uphold the action, reverse the action, or allow additional time to come into compliance with the applicable provisions of this division. The director's decision is final. The filing of the request with the director will not delay taking the vehicle out of service.

Secs. 8-249-8-270. Reserved.

Subdivision V - Taximeters and Vehicle for Hire Rates

Sec. 8-271. Taximeters.

(a) *Taximeters required for all taxis.* It shall be unlawful to own and operate or cause to be operated any taxicab upon the streets or thoroughfares of the city, unless such taxicab is equipped with a practical standard taximeter in good and workable condition designed to accurately measure distance traveled, and to record the time the vehicle is in waiting. Upon the taximeter there shall be indicated by means of figures the fare charged.

(b) *Readability.* Indications of the amount of fare shall never be obscured from the view of any passenger. All openings through which any indications or markings are viewed at any time by the passenger shall be of such location, size, and design that the indications or markings may be read with accuracy. This shall be construed to mean, among other things, that between sunset and sunrise the face of any taximeter shall be illuminated by a suitable light so arranged as to

throw a continuous steady light thereon and render the meter clearly readable to a passenger in the rear seat.

(c) *Seal.* Adequate provision shall be made for sealing all taximeters in such manner that no adjustments, alterations, or replacements can be made that may affect in any way the indications, the time or mileage rates or, in general, the accuracy of the taximeter. Every taximeter shall be sealed by the chief of police or an inspector or deputy duly authorized by the chief of police or the director of the department of parking and public transit. It shall be unlawful for any person to operate or allow or cause to be operated a taxicab equipped with a taximeter that is not sealed or has a mutilated or destroyed seal; provided, however, that upon request, the director of the department of parking and public transit, is authorized to issue a temporary permit to operate a taxicab without a sealed taximeter until the next scheduled or requested inspection, if the director of the department of parking and public transit finds that such taximeter required some adjustment, alteration or replacement which has been made.

(d) *Use of flag.* It shall be unlawful for the driver of a taxicab to have the taximeter in a mode as to denote that such vehicle is not employed while carrying passengers or have the taximeter in a recording position when such vehicle is not actually employed, or to fail to put such taximeter in a non-recording mode at the termination of each and every service. Meters may not be operated in the time mode while the cab is in motion (no hot meters). No switches bypassing the top light are allowed.

(e) *Changing size of tires, gears cables, etc.* It shall be unlawful for any person to operate or allow or cause to be operated a taxicab with tires of a smaller size than those which were on the taxicab at the time the taximeter was last inspected and sealed, without first having the taxicab re-inspected. It shall also be unlawful to operate or allow or cause to be operated a taxicab utilizing any gears, cables, computer chips or other parts that could affect meter rates other than those on the taxicab when the taximeter was last inspected and sealed without first having the taxicab re-inspected.

Sec. 8-272. Vehicle for hire rates.

(a) *Taxi cabs.*

(1) All taxicabs must base their charges on taximeters. The maximum rate is the rate authorized and recorded on a properly working and properly sealed taximeter. The passenger may be charged less than the maximum rate reflected on the taximeter.

(2) The maximum rate to be charged for a trip to one destination by any taxicab shall be \$3.50 for the first one-half-mile and \$0.10 for each additional one-twentieth-mile. (\$3.50 for the first one-half-mile and \$2.00 for each mile thereafter.)

(3) A driver may, in addition to the metered rate, require a waiting charge to be paid which shall not exceed the rate of \$20.00 per hour, regardless of the number of passengers. Such waiting time shall include the time when the taxicab is not in motion, beginning with the time of arrival at the place to which it has been called or time consumed while it is standing at the direction of the passenger; but no charge shall be made for the first five minutes after arrival or for time lost on account of inefficiency of the taxicab or its operator or the time consumed by the premature response to a call or traffic conditions. A fare shall not be considered to be terminated until the taxicab is available for service to another customer.

(4) All taxicabs operated within or under the certificate of public convenience and necessity of the same entity must charge the same rate.

(5) Maximum rates charged must be displayed on each taxicab on the rear quarter panel in a size no smaller than one-inch letters with drop charges, rate per mile, and waiting time.

(6) Maximum rates must be posted at the Huntsville International Airport and in all bus stations in a manner prescribed by the director of the department of parking and public transit.

(7) Response cards must be placed in each taxicab in a manner clearly visible to passengers; referring persons with questions or comments to the City of Huntsville Public Transit Division and listing the phone number and vehicle permit number.

(8) It shall be unlawful for the company or the driver of a taxicab to charge any passenger a fare for the use of such taxicab which is in excess of the rate established by this division and displayed on a properly working and inspected taximeter. Passengers shall have the right to pro-rate charges among themselves as they see fit. In the event the passengers cannot reach agreement as to their respective share of the total fare, the driver then shall be allowed to collect the fare to the point of final destination from the first passenger engaging the taxicab.

(9) No driver shall allow or permit any other person to occupy or ride in such taxicab unless the person or persons first employing the taxicab shall consent to the acceptance of additional passengers.

(10) If the metered fare for any trip to or from the Huntsville International Airport is less than \$15.00, a minimum fare of \$15.00 may be charged. On trips originating or terminating at the Huntsville International Airport, an additional \$2.00 may be charged for each additional passenger, excluding children under the age of six years.

(11) Every taxicab driver shall, upon the request of a passenger, give a receipt upon payment of the fare. The receipt

shall indicate the beginning and ending points of the trip, the fare charged, the date, the company's name, and the vehicle number, and shall be signed by the driver.

(b) *Vehicles for hire other than taxis.* Vehicles for hire other than taxis may charge on a per trip (flat fee) or per hour (time elapsed) basis, or a combination thereof, and vehicles for hire that are non-motorized may charge on a per trip or per hour basis, or combination thereof, conditioned as follows:

(1) Airport shuttles may also charge based on a per person fee.

(2) Limousines, luxury vehicles, and special shuttles shall, as a minimum base rate, charge thirty five dollars an hour (\$35.00), excluding other fees and gratuities, without prorating the first hour.

(3) Vehicles for hire that charge in whole or part on an hourly basis shall not prorate the first hour.

(4) The rates shall be uniformly applied to all passengers and shall be posted in each vehicle in a place visible to the passenger, except that companies that use an online enabled application (app) or digital platform to arrange for passenger service may post the rates in the online application (app) and on the company's website.

(c) All rates for any vehicle for hire shall be placed on file by letter to the director of parking and public transit.

(d) The driver is permitted to collect the amount owed from any passenger but it shall be left to the passengers to prorate the amount charged among themselves.

(e) At any time and from time to time the city council may amend this section to provide for a change in the amount of rates or the method for setting rates applicable to some or all vehicles for hire. In such event the amendatory action shall apply to then-current and future certified companies and their vehicles.

Sec. 8-273. Unauthorized fares.

(a) No company or driver shall demand or suggest that any passenger or prospective passenger pay a fare larger than that authorized in this division.

(b) No company or driver shall demand or suggest that any passenger pay an amount that exceeds the posted rate.

Sec. 8-274. Credit cards.

(a) By January 1, 2016, all certified vehicle for hire companies, except for carriages and pedicabs, shall require their drivers to accept all major credit, debit, and charge cards (collectively "credit cards" for the purposes of this section) as

payment for services rendered and shall accept any and all risk of nonpayment.

(b) In the case of certified companies that accept credit cards, no additional charge shall be levied against a passenger for use of credit cards, nor shall any passenger be refused service for their use of credit cards. Drivers shall not set a minimum or maximum charge for any credit card transactions. Drivers shall provide all credit card paying customers with a truncated copy of their sales draft or charge receipt clearly showing the amount and date of the transaction, company's name and telephone number, the driver's certified vehicle permit number, and the transaction's authorization approval code. The truncated sales draft or receipt shall not include the credit card's expiration date or any more than the last four digits of the credit card's number.

(c) In the case of certified companies that accept credit card payments, the vehicle shall be equipped with a fully-functioning wireless device that provides a secure credit card processing method, satisfies all Payment Card Industry Data Security Standard ("PCI DSS") requirements, and (i) encrypts any information transmitted to authenticate a credit card payment transaction for approval, (ii) generates a truncated printed sales draft or charge receipt, and (iii) accepts cards affiliated with all major credit card associations including, but not limited to, MasterCard, Visa, American Express, and Discover Network. Manual imprinting machines are prohibited.

Secs. 8-275-8-300. Reserved.

Subdivision VI - Operations

Sec. 8-301. Street hails; soliciting passengers.

(a) Except in the case of taxis, no driver shall accept or respond to passengers' or potential passengers' requests for service via traditional street hail, including hand gestures and verbal statements.

(b) No driver shall respond to calls for another company intercepted from a scanner or other radio monitoring device, or, except in the case of taxis, cruise in search of passengers.

(c) *Soliciting passengers.*

(1) For the purpose of this section the term "solicit" means an appeal by a driver upon a public street using words or gestures to elicit immediate patronage of a vehicle for hire by attempting to direct people to a vehicle for hire that is parked, stopped, standing, or moving upon a public street.

(2) No certified vehicle for hire driver shall solicit passengers, except in the case of taxis drivers and then only in accordance with the following subsection (c)(3).

(3) No taxicab driver shall solicit passengers except when sitting in the driver's seat or standing immediately adjacent thereto, or in any manner to annoy, obstruct the movement of, or follow any person for the purpose of soliciting patronage. In addition, no taxi driver shall stop or stand, even momentarily, in the driving lanes of a public street in order to solicit passengers.

Sec. 8-302. Pre-arranged services; additional passengers.

(a) *Pre-arranged services.*

(1) For those vehicles for hire that are defined to include transportation on a pre-arranged basis, it shall be unlawful for the company or driver to fail to demonstrate prearrangement by presenting upon request of the director of parking and public transit or chief of police, or their respective designees, proof of pre-arrangement, including a copy of the reservation or an electronic record made in advance of passenger pick-up.

(2) For those vehicles for hire that are defined to include transportation on a pre-arranged basis, it shall be unlawful for a company or driver to transport additional passengers under a separate arrangement at the same time that the vehicle is engaged under a prior arrangement.

(3) Nothing herein shall be construed to prevent those vehicles for hire whose definition does not include transportation on a pre-arranged basis to arrange in advance to transport passengers for compensation.

(b) *Additional passengers.* It shall be unlawful of a driver of a certified vehicle for hire to pick-up additional passengers while proceeding to the destination of any passengers then occupying the vehicle except in the case of a taxi and then only with the consent of all the passengers.

Sec. 8-303. Number of passengers and luggage.

(a) No certified company or driver shall allow more passengers to be transported than the number of available seats that are required by applicable state law to be equipped with operative safety belts.

(b) No certified company or driver shall allow more children to be transported than the number for which operative child passenger restraint devices are available for children within the legal age limit requiring such devices.

(c) No driver shall carry any luggage exceeding the vehicle's storage volume or load-carrying capacity regardless of the number of passengers occupying the vehicle.

Sec. 8-304. Prohibition against discrimination.

(a) With respect to passengers and potential passengers, a certified company shall adopt a policy of non-discrimination on the basis of destination, race, color, national origin, religion, sex (including pregnancy), disability, age, sexual orientation or gender identity, and shall notify its affiliated drivers of such policy.

(b) Drivers shall comply with all applicable laws regarding non-discrimination against passengers or potential passengers and shall comply with the non-discrimination policy set forth in subsection (a) above.

(c) Drivers shall comply with all applicable laws relating to accommodation of service animals and shall not refuse to load mobility aids, such as wheel chairs and walkers, which can fit into a standard truck or rear storage compartment of a vehicle.

Sec. 8-305. Two or more destinations; single destination.

(a) If a certified vehicle for hire is carrying two or more passengers to different destinations, the driver shall be the sole judge of the order in which such passengers shall be delivered to their destination and the shortest possible route shall be followed.

(b) Any certified vehicle for hire driver charging on a per mile basis shall take the most direct route possible that will carry the passenger to his/her destination safely and expeditiously, unless the passenger requests otherwise.

Sec. 8-306. Requiring passenger to wait.

No passenger in a certified vehicle for hire shall be kept waiting longer than five minutes before proceeding to his/her announced destination, unless the passenger otherwise agrees to wait.

Sec. 8-307. Record and reports of operations.

(a) Every certified company shall keep accurate books and records of account of its operations in the city at the company's base of operations for a minimum of one (1) year.

(b) Every certified company shall keep a record on any of its affiliated drivers who were alleged to have committed a violation of this division or their terms of service or who have been suspended or banned from driving for the company, including any zero-tolerance complaints and the outcome of the investigation into those complaints.

(c) Except in the case of carriages and pedicabs, every certified company shall, with regard to its operations in the city, create and retain a written or electronic record of all pick-up and drop-off information, including the name of the driver, the time of pickup and delivery and the number of passengers.

(d) At any time and from time to time the director of parking and public transit may request and the company shall provide, at no cost to the city and in the manner and form prescribed by the director of parking and public transit, records or reports concerning the company's operations in the city.

Sec. 8-308. Base of operations; registered agent; customer service number.

(a) All certified companies must maintain a base of operations. The base of operations shall be suitably staffed by qualified and knowledgeable representatives of the company who are available during regular business hours to accept or respond to notices and inquiries of the city in its administration and enforcement of this division and where records required to be maintained under this division are kept. Failure to maintain a base of operation shall be a violation of this division and cause for action being taken against the company's business license and the certificate of need and necessity.

(b) The location of the base shall not be changed without first notifying the director of parking and public transit.

(c) Companies must be authorized to conduct business in this state and maintain an agent for service of process in the state.

(d) At a minimum a certified company shall maintain a customer service telephone number that shall be staffed with suitable personnel who are able to assist consumers with complaints or inquiries during normal business hours. The telephone number shall be posted with the director of parking and public transit.

Sec. 8-309. Sale of vehicle.

(a) All companies, upon the sale or other disposition or removal of a vehicle from its service shall, within ten working days, notify in writing the city clerk-treasurer and the director of the department of parking and public transit of such sale or other disposition.

(b) All identification markings and the inspection sticker shall be removed prior to delivery of the vehicle upon sale or other disposition thereof.

(c) The permit number issued for vehicles within a company may be transferred to a new or replacement vehicle within the same company, so long as all requirements of this division are met, but not from person to person. The transfer of a permit number to a new or replacement vehicle shall not increase the amount of business license tax owed.

Sec. 8-310. Trailers.

No trailer or semi-trailer shall be attached or secured to a certified vehicle for hire while it is being used to transport passengers.

Sec. 8-311. Driver requirements; conduct.

(a) No driver shall sleep or doze in any certified vehicle for hire in any place generally open to the public in the city.

(b) A driver must be clean and neat in appearance.

(c) A driver of a certified vehicle for hire shall be at least 21 years of age

(d) A driver shall have obtained and have in their possession a valid driver's license unless exempted by state law.

(e) A driver must be physically capable of operating a vehicle in a safe manner. A driver shall not be impaired by fatigue, illness or other medical conditions to an extent that would render him/her incapable of safely operating a vehicle or would pose a liability to himself/herself, his/her passengers or the general public.

(f) Each driver of a certified vehicle for hire while operating such vehicle upon the public streets of the city shall comply with all of the traffic regulations of the State of Alabama and the city and shall not commit any act that would threaten the health or safety of his/her passengers or the general public, which includes an act which would constitute a violation of driving while under the influence laws of the state.

(g) No driver of any certified vehicle for hire shall use or authorize the use of the vehicle for an illegal purpose.

(h) No driver shall operate a vehicle or be in actual physical control of a vehicle while under the influence of alcohol and/or any substance, which impairs the mental or physical faculties of such person to a degree, which renders him/her incapable of safely operating the vehicle.

Sec. 8-312. Lost property.

It shall be the duty of the driver of a certified vehicle for hire to carefully search such vehicle immediately after the termination of business for any property lost or left therein and any such property, unless sooner claimed or delivered to the owner, shall be taken to and deposited with the police department within 24 hours after the finding thereof. The police department, unless the same is sooner claimed by the owner, shall dispose thereof in the manner prescribed by law for lost and stolen property.

Sec. 8-313. Cleaning of vehicle.

It shall be the duty of the company or driver operating any certified vehicle for hire to keep and maintain any such vehicle at all times in a safe, comfortable, clean, and sanitary condition. The seats, floors, steps, running boards, upholstery, and baggage compartments of any such vehicle shall be thoroughly cleaned in such a manner as to be free of visible dirt, dust, soil, trash, and rubbish of every description; the interior shall be thoroughly sprayed or wiped at least once during each 24-hour period with a liquid disinfectant of adequate strength and efficiency so that every portion of the surface of the interior of the vehicle shall be covered or come in contact with such disinfecting fluid.

Sec. 8-314. Out-of-town vehicle for hire.

(a) Any vehicle for hire company that is not a certified vehicle for hire company in the city, but is authorized to operate a vehicle for hire by another jurisdiction, may bring passengers using the vehicle certified by another jurisdiction into the city from their jurisdiction of origin, but may not, except as allowed in subsection (b) of this section, pick up or allow or cause to be picked up any passenger for any destination or accept any business within the city.

(b) Vehicles for hire that are limousines or vehicles with an original seating capacity of more than ten that are authorized to operate as a vehicle for hire by another jurisdiction may, on a temporary and limited basis and with the express written approval of the director of parking and public transit, pick up a passenger for a destination or accept any business within the city.

Sec. 8-315. Refusal to pay fare.

It shall be unlawful for a passenger to refuse to pay the agreed or established fare. A driver may request proof of ability to pay fare prior to transporting.

Sec. 8-316. Alcoholic beverages.

Any alcoholic beverage transported in a certified vehicle for hire shall be in its closed original container.

Secs. 8-317-8-340. Reserved.

DIVISION 3. TRANSPORTATION NETWORK COMPANY VEHICLES

Sec. 8-341. Definitions; methods for notice.

(a) *Definitions.* The following words, terms and phrases, when used in this division shall have the meanings ascribed to them in

this section, except where the context clearly indicates a different meaning:

Affiliated driver means a driver that operates a transportation network vehicle for a sponsoring company, including as an owner, servant, agent, employee, or independent contractor of the sponsoring company.

Base of operation means a transportation network company's fixed base of operation from which the company conducts its business and which is suitably staffed by qualified and knowledgeable representatives of the company who are available during regular business hours to accept or respond to notices and inquiries of the city in its administration and enforcement of this division and where records required to be maintained under this division are kept.

Certificate holder means a transportation network company that has obtained and maintains a certificate of public convenience and necessity pursuant to this division.

Certificate of public convenience and necessity or *certificate* shall mean the certificate issued to a transportation network company pursuant to a resolution of the city council, adopted in accordance with the terms of this division, that authorizes the holder thereof to obtain a business license and to cause to be operated through its affiliated drivers, in conformance with the certificate and the terms of this division, a transportation network vehicle for the convenience and necessity of the public.

Chief of police means the chief of police of the city or his/her designees or subordinates. The chief of police may designate persons assigned to the police department or other city departments as deputies or inspectors to carry out the provisions of this division to the extent allowed by law.

City business license or *business license* means the business license issued by the city clerk-treasurer in accordance with chapter 15 of this Code.

City clerk-treasurer means the city clerk-treasurer of the city or his/her designees or subordinates.

City enforcement official or *enforcement official* means the persons authorized to administer and enforce the provisions of this division on behalf of the city as specified in this division.

Compensation means any money, thing of value, payment, consideration, reward, tip, donation, gratuity, or profit paid, accepted, or received in exchange for transportation of a passenger, whether paid upon solicitation, demand or contract, or voluntarily, or intended as a gratuity or donation.

Director of parking and public transit or *director* means the director of the department of parking and public transit of the city or his/her designees or subordinates. The director of parking and public transit may designate persons assigned to the department of

parking and public transit as deputies or inspectors to carry out the provisions of this division to the extent allowed by the law.

Driver authorization means the right of a transportation network vehicle driver to operate his or her transportation network vehicle upon the public streets in accordance with this division.

Operate means the business of transporting a passenger for compensation upon the public streets and which includes any time when: (1) an affiliated driver is logged onto the transportation network company's online-enabled application or digital platform, (2) an affiliated driver has accepted a ride request, (3) an affiliated driver is on route to pick up a passenger, or (4) a passenger is in the vehicle.

Original seating capacity means a vehicle's originally designed seating capacity, inclusive of the driver and the passengers, prior to any type of customization, modification, or conversion.

Pre-arranged basis means a written or electronically transmitted reservation made in advance of passenger boarding from a specific location for the exclusive use of transportation network vehicle by a passenger or passengers who determine the trip's points of destination and timing.

Public street means any public street, road, alley, or any other such right-of-way within the corporate limits.

Sponsoring company means a transportation network company that is certified and licensed under this division that provides a sponsorship certification to the city for its affiliated drivers in accordance with this division.

Trade dress means a unique visual element associated with a transportation network company that is attached to the vehicle while the vehicle is being operated so that the public and passengers can readily identify the vehicle as being associated with that particular company.

Transportation network company or company means a person, not otherwise certified and licensed as another type of vehicle for hire company, that is engaged in a business that uses an online-enabled application (app) or digital platform to connect actual or potential passengers to an affiliated driver of a transportation network vehicle. Hereafter referred to as "TNC".

Transportation network vehicle means an unmetered motor vehicle, not operated on a fixed route, with a maximum original seating capacity of eight, which does not meet the definition of a limousine or luxury vehicle, as those terms are defined in section 8-151 of this article, and that is used to transport passengers for compensation upon the public streets on a pre-arranged basis by means of an online-enabled application (app) or digital platform to connect actual or potential passengers with drivers using their personal vehicles that they own, lease, or are otherwise authorized to drive. Hereafter referred to as "TNV". Nothing in this definition shall be construed

to exclude from the definition of a TNV an SUV that is not a luxury vehicle.

Transportation network vehicle driver or driver means an individual operating a TNV.

Unmetered means that the vehicle is not equipped with a taximeter or is not then-currently certified and authorized as a taxi under division 2 of this article.

(b) *Notice methods.*

(1) *Notice by city.* Unless expressly provided otherwise, all written notice required to be provided by a city enforcement official under this division shall be, at the enforcement official's option, delivered personally, or sent by certified mail, return receipt requested, or by first class U.S. mail, or sent by electronic mail with record of delivery confirmation through electronic mail return-receipt, or by confirmation that the electronic mail was accessed, downloaded or printed, to the base of operation. Unless otherwise expressly provided for in this division, written notices shall be deemed served or received as follows: if by personal delivery, upon delivery; if by first class U.S. mail, three days after mailing; if by certified mail, upon receipt; or if by electronic mail, at the beginning of the next working day.

(2) *Notice to city enforcement official.* Unless otherwise expressly provided for in this division, all written notice required to be provided to an enforcement official under this division shall be provided using any one of the methods, at the option of the person sending the notice, prescribed in subsection (b)(1) above. Unless otherwise expressly provided for in this division, written notices shall be deemed served or received as set forth in subsection (b)(1) above.

Sec. 8-342. Use of online enabled application or digital dispatch services; information to passengers; obstruction of enforcement.

(a) For purposes of this section the term "enforcement official" means the chief of police, other law enforcement officers of the city, the director of parking and public transit, and their respective subordinates or designees.

(b) It shall be unlawful for a TNC, its agents, servants, or employees, to disable, eliminate or otherwise prevent access to the company's mobile application by an enforcement official, for the purpose of interfering with or obstructing enforcement of this division, or to otherwise take an action intended to obstruct or interfere with the enforcement of this division by an enforcement official.

Sec. 8-343. Violation.

It shall be a violation of this division for a driver or a company, its servants, agents, or employees, to fail to comply with the applicable provisions of this division.

Sec. 8-344. Penalty.

An offense against a provision of this division shall be a violation which shall be governed by the provisions of section 1-7 of this Code.

Sec. 8-345. Right to amend division.

By its issuance of certificates, licenses, authorizations, or other approvals provided for in this division, the city does not waive and expressly reserves the right to, at any time and from time to time, amend or repeal any of the provisions of this division.

Sec. 8-346. Certificate and license required.

It shall be unlawful for a company to operate or allow or cause to be operated a TNV without having then in force a certificate of public convenience and necessity and city business license required under this division. A TNC shall notify its affiliated drivers if its certificate or license is no longer in effect. It shall be unlawful for an affiliated driver to operate a TNV for a company that the driver knows does not hold a current certificate and business license issued under this division.

Sec. 8-347. Filing fee; application for certificate.

Every TNC that desires a certificate of public convenience and necessity to operate or allow or cause to be operated a TNV upon the public streets shall pay a filing fee of \$50.00 and make a written application for a certificate to the city council upon forms to be furnished by the city clerk-treasurer.

Sec. 8-348. Finding of council.

No certificate of public convenience and necessity shall be granted to a TNC until the city council shall have determined, by resolution, that the company is qualified and that the public convenience and necessity requires the proposed TNV service.

Sec. 8-349. Basis for issuance generally; issuance.

In making the findings of public convenience and necessity required by section 8-348, whether existing transportation is adequate to meet the public need; the probable effect of additional certified vehicles for hire on local traffic conditions; the character, experience, and responsibility of the applicant; and that the service which the applicant proposes to give is adequate and is in compliance with the requirements of this division.

Sec. 8-350. Issuance of certificate.

(a) If the city council shall find that further eligible vehicles for hire, as that term is defined in section 8-141(a) of this article, are required by public convenience and necessity, and if the city council shall find from the statements contained in the application for a certificate of public convenience and necessity that the applicant is qualified and able to perform such public transportation, and that the applicant is able to conform with the provisions of this division, then the city council shall adopt a resolution certifying that the public convenience and necessity require the proposed TNV service.

(b) The resolution adopted by the city council pursuant to the provisions hereof shall be known as the certificate of public convenience and necessity and shall entitle the holder thereof the non-exclusive right to obtain a business license and to cause to be operated through its affiliated drivers, in conformance with the certificate and the terms of this division, a TNV for the convenience and necessity of the public. The certificate of public convenience and necessity shall be conditioned upon compliance with section 8-351, concerning issuance and exercise of a business license.

(c) Unless terminated, revoked, or abandoned sooner, each certificate shall be valid for up to a one-year period from the date of issuance and shall be automatically renewed each year thereafter for up to a period of ten years.

(d) The issuance of a certificate of public convenience and necessity and city business license shall not be construed to create a vested property interest or right of any type in favor of the holder thereof.

Sec. 8-351. Issuance of a business license.

(a) A TNC shall have six months from the date of issuance of the certificate to exercise the certificate by obtaining a business license from the city clerk-treasurer and by having at least one vehicle authorized and operating in accordance with the requirements of this division; otherwise the certificate for public convenience and necessity and the authorization for the business license shall be deemed automatically rescinded.

(b) As a prerequisite to the issuance of a business license the certificate holder shall have established its base of operation, obtained the insurance required of the company under section 8-352, and paid the appropriate business license tax in the amount of two-thousand dollars (\$2,000). Upon appropriate verification of compliance with the foregoing requirements, the city clerk-treasurer shall issue to the certificate holder a business license.

Sec. 8-352. TNC and affiliated driver's insurance.

(a) *Insurance required.* Before a TNC or an affiliated driver of a transportation network company can operate or allow or cause to be

operated a TNV, an affiliated driver of a TNC or the company on the behalf of its affiliated driver shall obtain and maintain in full force and effect automobile insurance that covers the driver under each of the following circumstances:

(1) The moment an affiliated driver logs on to the TNC's online-enabled application or platform until the driver accepts a request to transport a passenger, and from the moment the driver completes the transaction on the online-enabled application or platform or the ride is complete, whichever is later, until the driver either accepts another ride request on the online-enabled application or platform or logs off the online-enabled application or platform, which shall be known for purposes of this section as "period one".

(2) The moment an affiliated driver accepts a ride request on the TNC's on-line enable application or platform until the driver completes the transaction on the online-enabled application or platform or until the ride is complete, whichever is later, which shall be known for purposes of this section as "period two".

(b) *Coverage required during period one.*

(1) During period one, automobile insurance requirements are:

Automobile liability insurance in the amount of at least fifty thousand dollars (\$50,000) for death and bodily injury per person, one hundred thousand dollars (\$100,000) for death and bodily injury per incident, and twenty five thousand dollars (\$25,000) for property damage.

(2) Automobile liability insurance in the amounts required in paragraph (1) of this subsection (b) shall be maintained by a TNC and provide coverage in the event an affiliated driver's own automobile liability policy excludes coverage according to its policy terms or does not provide coverage of at least the limits required in paragraph (1) of this subsection (b).

(c) *Coverage requirements during period two.*

(1) During period two, automobile insurance requirements are:

Primary automobile liability insurance that provides at least one million dollars (\$1,000,000) for death, bodily injury, and property damage.

(2) The coverage requirements of this subsection (c) may be satisfied by any of the following:

a. Automobile insurance maintained by the affiliated driver of the TNC.

b. Automobile insurance maintained by the TNC.

c. Any combination of a. and b.

(d) If insurance maintained by an affiliated driver under subsections (b) or (c) has lapsed or does not provide the required coverage, insurance maintained by a TNC shall provide the coverage required by this section beginning with the first dollar of a claim and shall have the duty to defend the claim.

(e) Coverage under an automobile insurance policy maintained by a TNC may not be made dependent on a personal automobile insurer first denying a claim and a personal automobile insurance policy may not be required to first deny a claim.

(f) Insurance required by this section may be placed with an insurer authorized to do business in the state, or with an eligible surplus lines insurer in accordance with section 27-10-20, Code of Ala. 1975.

(g) The driver of a TNV shall carry proof of coverage satisfying this section on their person or at a readily accessible place inside the vehicle at all times while the vehicle is being operated and present it to an enforcement official upon request. If the insurance is maintained by the TNC such proof of the insurance shall, at a minimum, identify the TNC's insurance company, policy number, and effective dates of the policy. Proof of insurance may be displayed electronically through the TNC's digital platform in accordance with section 32-7A-6, Code of Ala. 1975. In the event of an accident, the driver shall provide this insurance coverage information to the directly interested parties, automobile insurers, and investigating police officers, upon request pursuant to state law. Upon request, a driver shall also disclose to directly interested parties, automobile insurers, and investigating police officers, whether he or she was operating the vehicle during period one or period two at the time of an accident.

(h) In a claims coverage investigation, a TNC shall provide, upon request, information concerning the on-line or operational status of an affiliated driver to the relevant parties.

(i) Before a business license can be issued under this division the certificate holder that is a TNC shall file with the city clerk-treasurer a certificate of insurance evidencing the company-required insurance under this section, which insurance policy and certificate shall provide that the City of Huntsville shall be given at least 30 days' prior notice of cancellation. Such policy shall not be canceled or suspended, either by the insured or the insurer, unless at least 30 days' notice in writing of the intention to cancel or suspend policy has been filed with the city clerk-treasurer, and upon such suspension or cancellation of insurance, the right to operate or cause to be

operated a TNV for said insured shall stand automatically suspended, without action being required by the city, until such time as an acceptable policy and certificate of insurance shall be on file with the city clerk-treasurer. The company shall notify its affiliated drivers that its insurance is not in effect and that the right to operate or cause to be operated a TNV has been automatically suspended.

(j) Nothing in this section shall be construed to excuse compliance with state mandated coverage requirements for motor vehicles, including the requirements under the Motor Vehicle Safety-Responsibility Act, Chapter 7, Title 32, Code of Ala. 1975, as such may be amended from time to time.

Sec. 8-353. Renewal.

Upon the certification by the certificate holder that there have been no changes in the information submitted as a prerequisite to the issuance of a certificate and a business license, including the required insurance coverage, and upon the approval of the city clerk-treasurer, a business license issued to a certificate holder may be renewed annually for additional periods of one year each from the date of expiration for so long as the certificate of public convenience and necessity authorizing such license has not been revoked, suspended, abandoned, expired according to its terms, or is otherwise no longer in effect; provided, however, that any business license not renewed after March 1 each year shall be deemed abandoned. A 60-day extension may be granted by the city clerk-treasurer for good cause shown.

Sec. 8-354. Transfer.

A certificate of public convenience and necessity issued under this division is not transferable.

Sec. 8-355. Action against business license and certificate.

(a) *Action against business license and certificate.*

(1) Upon the recommendation of the director of parking and public transit or the chief of police, the city clerk-treasurer may petition the city council to take action against a business license issued under this division in accordance with section 15-56 of this Code, which includes the notice and hearing requirements set forth therein. In addition to the reasons stated in section 15-56(a) of this Code, each of the following shall also constitute grounds for action being taken against the license:

a. If the licensee or those acting on its behalf make any false statement or misrepresentation on any applications made under this division, including

applications for a certificate of public convenience and necessity or a business license issued under this division.

b. Failure of the licensee to maintain any of the general qualifications required in this division in order to obtain a certificate or business license.

c. If the licensee or those acting on its behalf violates a provision of this division.

(2) The action taken against a business license shall automatically constitute the same action being taken against the certificate of public convenience and necessity of the affected licensee; provided, however, in order to permanently revoke a certificate of convenience and necessity the director of parking and public transit or chief of police must recommend and the city clerk-treasurer must petition the city council that, at the same time and in the same proceeding, the certificate of public convenience and necessity be permanently revoked based on the same grounds that warrant action being taken against the business license, and the certificate holder must be notified that permanent revocation is being considered. The permanent revocation of the certificate shall constitute a permanent revocation of the business license and shall disqualify the certificate holder from holding a certificate, and, should the city council expressly make the determination, the officers, directors, general partners, members, or managers, as the case may be, shall also be disqualified from holding a certificate.

(3) It shall be unlawful for any person, including the company or a driver, to operate or allow or cause to be operated a TNV under a license or certificate during the effective period of an adverse action taken against the license or certificate.

Sec. 8-356. Driver's authorization required.

It shall be unlawful for any person to operate or allow or cause to be operated a TNV without the driver's authorization required by this division.

Sec. 8-357. Sponsorship and driver authorization.

(a) *Disqualifying factors.* For purposes of this section, the term "disqualifying factor" means any of the following:

(1) The person has had more than three moving violations in the immediately preceding three-year period, or one major violation in the immediately preceding three-year period, including any of the following:

a. Attempting to evade the police.

b. Reckless driving.

c. Driving on a suspended or revoked license.

(2) The person has been convicted within the past seven years of any of the following:

a. Driving under the influence of drugs or alcohol.

b. Fraud.

c. A sexual offense.

d. The use of a motor vehicle to commit a felony.

e. Any crime involving property damage.

f. Theft.

g. An act of violence.

h. An act of terror.

i. A felony.

(3) The person is a match in the National Sex Offender Registry Database.

(4) The person does not possess a valid driver's license.

(5) The person is not at least 19 years of age.

(b) *Sponsorship.* In order for an affiliated driver of a TNC to operate its TNV the driver must be sponsored by the TNC with which he or she is affiliated. Nothing in this division shall be construed to prevent a driver from being sponsored by more than one company at the same time or to prevent the holder of a chauffeur's license from operating as an affiliated driver of a TNC. In order to sponsor an affiliated driver a TNC shall:

(1) Conduct, or have a nationally accredited third-party conduct for each driver, annually, each of the following:

a. A local and national criminal background check, using the person's social security number, which shall include:

(i) Multi-State/Juris Criminal Records Locator or other similar commercial nationwide database with validation (primary source search); and

(ii) National Sex Offender Registry database.

b. A driving record check in the driver's state of licensure.

(2) Obtain from each driver each of the following:

a. The legal name, address, and age of the individual.

b. A legible copy of the driver's license and motor vehicle registration.

c. A description of the driver's vehicle, which includes the make, model, year of manufacture, state license number, the V.I.N., and the owner of the vehicle if different than the driver.

(3) Have on file with the director of parking and public transit a current sponsorship certification from an authorized representative of the company, which the company shall submit annually by January 31st with its renewal for a business license, stating under oath that:

a. All affiliated drivers' vehicles are in compliance with the standards and requirements of this division and have passed their required inspections.

b. The insurance required in section 8-352 is in full force and effect.

c. The company has conducted, or has had a third-party conduct, the required criminal background and driving record checks for each driver outlined above in subsection (b)(1) of this section, and any annual renewals required, and has obtained the required information outlined above in subsection (b)(2) of this section; and

d. Each affiliated driver does not have a disqualifying factor, as that term is defined in subsection (a) of this section.

(c) *Driver authorization.* The receipt by the director of the department of parking and public transit of the sponsorship certification required from the sponsoring company shall constitute a driver authorization for all affiliated drivers sponsored by the company to operate their TNV for the sponsoring company. The sponsoring company shall maintain the list of its affiliated drivers that the company is currently sponsoring to operate in the city.

(d) *Random audit.* In order to verify compliance with the sponsorship requirements of this section, once during any calendar

year the director of parking and public transit may conduct a random audit of the sponsorship information and records on file with the sponsoring company. The random audit may be conducted on up to 25 of the sponsoring company's affiliated drivers that are selected by the director from among 100 driver names or unique identifying numbers supplied to the city by the company. It shall be a violation of this subsection (d) for a company to fail to comply with an audit request. Where the results of the audit demonstrate non-compliance with the sponsorship requirements of this section, the sponsoring company shall be in violation of this section and shall be subject to action being taken against its certificate or business license.

(e) Driver authorization shall automatically expire or terminate, without action being required by the city, as follows:

- (1) On February 1st of each year for every affiliated driver of a sponsoring company unless the sponsoring company has provided a new sponsorship certification to the director;
- (2) For a driver that is no longer affiliated with a sponsoring company; or
- (3) For every affiliated driver of a sponsoring company upon the sponsoring company no longer operating or being allowed to operate in the city for whatever reason.

It shall be unlawful for a company or driver to operate or allow or cause to be operated a transportation network vehicle when the driver authorization has terminated or expired under this subsection.

(f) It shall be unlawful for a driver to operate, or for a sponsoring company to knowingly allow or cause an affiliated driver to operate, a TNV if that driver does not meet the qualifications necessary for company sponsorship.

(g) Upon the request of a passenger or potential passenger, the chief of police or another a law enforcement officer of the city, or the director of the department of parking and public transit or city personnel operating under the director's supervision, a driver of a TNV, while the vehicle is in operation as a TNV, shall present proof that it is an affiliated driver of a TNC and that it is authorized to operate a TNV for the company with which it is affiliated.

(h) No vested property right or property interest of any type is acquired by the driver authorization.

Sec. 8-358. Business license. Notwithstanding anything to the contrary contained in this Code, an affiliated driver of a TNC that is working for the company as an independent contractor shall not be required to obtain a business license from the city so long as the company has obtained and maintains an annual business license to conduct business as a transportation network company.

Sec. 8-359. Vehicle authorization.

In order for a TNV to be authorized to be operated on the public streets the vehicle must meet applicable standards and requirements of this division for a TNV, pass all required inspections, and be duly insured in accordance with this division.

Sec. 8-360. Vehicle standards.

(a) A TNV operated upon the public streets of the city shall be kept clean, sanitary, fit and of good appearance, and in a safe condition for the transportation of passengers.

(b) In addition to all other applicable requirements of this division, a TNV shall have the company's trade dress, as approved by the director of parking and public transit. The trade dress shall be attached in a readily visible location on the exterior of the TNV while it is being operated and shall be of sufficient size to be seen from a distance of 25 feet.

(c) A TNV shall be no older than ten model years of age from the current model year (as measured from June 30 of the calendar year following the model year).

Sec. 8-361. Vehicle inspections.

(a) *Inspections.*

(1) *Required.* No person shall operate or allow or cause to be operated a TNV until the vehicle has been inspected as prescribed in this section and found to be in safe operating condition, clean, sanitary, fit, of good appearance, and meeting the applicable standards and requirements of this division. The vehicle inspection requirements established by this division shall be met no later than 30 days after the vehicle is first placed into service as a TNV.

(2) *Inspection criteria.* To pass inspection a TNV shall, at a minimum, meet applicable state laws governing vehicle equipment and, in addition, shall pass an inspection of the following vehicle components:

- a. Foot brakes;
- b. Emergency brakes;
- c. Steering mechanism;
- d. Windshield;
- e. Rear window and other glass;
- f. Windshield wipers;
- g. Headlights;
- h. Tail lights;

- i. Turn indicator lights;
- j. Stop lights;
- k. Front seat adjustment mechanism;
- l. Doors;
- m. Horn;
- n. Speedometer;
- o. Bumpers;
- p. Muffler and exhaust system;
- q. Condition of tires, including tread depth;
- r. Interior and exterior rearview mirrors; and
- s. Safety belts and air bags for driver and passenger(s).
- t. Heater, defroster and air conditioning.

(b) *Inspections.* Inspections shall be performed by a private technician or mechanic that is ASE (Automotive Service Excellence) certified (series A) or meeting the Federal Motor Carrier Safety Administration (FMCSA) inspector qualifications of 40 C.F.R. § 396.19, or any succeeding federal regulation, and that is not an employee of the TNC. The qualified mechanic or technician inspecting the vehicle shall issue to the driver a vehicle inspection sheet certifying that the vehicle has passed inspection. It shall be the responsibility of the sponsoring company to confirm that a TNV has passed the required inspections.

(c) *Frequency of inspections.*

(1) No later than the 31st day after a TNV is initially placed into service and annually thereafter within 20 days of the anniversary date the TNV was initially placed into service, the vehicle must pass prescribed inspection.

(2) The chief of police and director of the department of parking and public transit are hereby authorized to maintain constant vigilance over all TNV to confirm they are kept in a condition of continued fitness for public use in compliance with this division and to that end are hereby authorized to make such incidental or random on-the-road inspections as they deem advisable, provided that, such inspections shall be conducted only when the vehicle is being operated under this division.

Sec. 8-362. Vehicles failing inspection; out of service.

(a) If, after an incidental or on the road or random inspection, a TNV is found, in the enforcement official's opinion, not to be in a safe condition for the transportation of passengers, or is being operated without the required insurance coverage, the vehicle shall be placed out of service. The enforcement official shall note the deficiencies in writing and provide a copy to the driver and the

driver's sponsoring company. The enforcement official will place the vehicle back in service as soon as the sponsoring company notifies the enforcement official that the noted deficiencies have been remedied.

(b) It shall be unlawful for a driver to operate, or for the sponsoring company to knowingly allow or cause to be operated, a TNV that is out of service under this section.

(c) The chief of police shall notify a sponsoring company if the TNV of an affiliated driver has been taken out of service under the provisions of this section. Upon receiving such notification, the TNC shall remove the affiliated driver from the platform.

Sec. 8-363. Inspection certification.

(a) Subject to subsection 8-361(c)(1), while the vehicle is being operated, a TNV must have somewhere readily accessible inside the vehicle, either in hard copy form or through the way bill on the driver's app, a copy of the then-current certified vehicle inspection sheet issued by a qualified mechanic or technician that the vehicle has passed inspection and shall produce it upon the demand of the chief of police or another law enforcement officer of the city, or the director of the department of parking and public transit or city personnel operating under the director's supervision. If the driver fails to produce the certified inspection sheet upon request, the driver shall have 24 hours from the time of the request to produce, at the city office or police precinct designated by the enforcement official, a copy of the certified inspection sheet, or evidence, such as a sworn statement from the driver, that the TNV was placed into service within the 31 days prior to the law enforcement officer's request as permitted under subsection 8-361(c)(1). If the driver fails to produce the certified inspection sheet or other acceptable evidence within the time provided, the TNV shall be deemed out of service until the certified inspection sheet or other acceptable evidence is produced in accordance with this subsection (a). The enforcement official shall notify the sponsoring company that a TNV has been deemed out of service under this subsection (a). Upon receiving such notification, the TNC shall remove the affiliated driver from the platform.

(b) It shall be unlawful for a driver to operate, or for the driver's sponsoring company to knowingly allow or cause to be operated, a TNV that is deemed out of service under this section.

Sec. 8-364. Rates; disclosures.

(a) TNV may charge on a per mile (distance traveled), per trip (flat fee) or per hour (time elapsed) basis, or a combination thereof, conditioned as follows:

(1) The rates shall be uniformly applied to all passengers, and the rates, including the method of calculating the fare, shall be posted in the online application (app) and on the company's website.

(2) If the rates, including the method of calculating the fare, vary from the normally posted rate on the company website and the application (app), then the company must require that the passenger positively acknowledge on the application device used to summons the driver that they agree to the rate structure being charged for the trip requested. The company shall provide potential passengers with the option of obtaining an estimated fare before the passenger engages the service.

(3) The company shall disclose to the passenger prior to the passenger entering the TNV if it is operating during a period of dynamic pricing. The company shall also provide the passenger an option to be notified when the time of dynamic pricing is no longer in effect. In addition to this notice, the company shall notify the passenger as soon as practicable of this same information, if the passenger requests this option.

(4) The company may charge incidental and additional charges provided that it shall notify a passenger of all such charges that may be added to the charge before the passenger accepts the transportation. Notwithstanding the foregoing, in no event shall the company or driver charge an incidental or additional charge on the basis of a person's disability.

(5) Upon completion of a ride, the TNC shall transmit to the passenger an electronic receipt, either by electronic mail or via text message. The message shall document the point of origin and destination of the ride, the total distance and duration of the ride, the total fare paid including the base fare and any additional charges, and the driver's first name and the contact information for the company's customer service department, including the department's email address or a hyperlink to a contact form.

(b) The company's software application or website shall display to a potential passenger or a passenger before the passenger enters the vehicle a picture of the driver assigned to transport the passenger and the make and model of the vehicle the driver is approved to use, including the license plate number of the vehicle. The company shall make available on the mobile application and the receipt provided to the passenger, the contact information for their customer service department, including the department's email address or a hyperlink to a contact form.

(c) Nothing in this division shall be construed to prevent a TNC from providing free service or discounted rates so long as the company does not discriminate in doing so.

Sec. 8-365. Unauthorized fares.

(a) No company or driver shall demand or suggest that any passenger or prospective passenger pay a fare larger than that authorized in this division.

(b) No company or driver shall demand or suggest that any passenger pay an amount that exceeds the passenger-accepted rate.

Sec. 8-366. Street hails; airport service; soliciting passengers.

(a) No TNV driver shall accept or respond to passengers' or potential passengers' requests for service via traditional street hail, including hand gestures and verbal statements.

(b) No TNV driver shall pick up a passenger on any portion of the Huntsville International Airport without proper authorization from the Huntsville-Madison County Airport Authority. Additionally, no driver shall pick up or discharge any passenger in any designated taxicab stands, whether at the airport, or otherwise.

(c) *Soliciting passengers.*

(1) For the purpose of this section the term "solicit" means an appeal by a driver upon a public street using words or gestures to elicit immediate patronage of a vehicle for hire by attempting to direct people to a TNV that is parked, stopped, standing, or moving upon a public street.

(2) No TNV driver shall solicit passengers.

Sec. 8-367. Pre-arrangement. *Pre-arranged services.* It shall be unlawful for a TNC or a TNV driver to fail to demonstrate prearrangement by presenting upon request of the director of parking and public transit or chief of police, or their respective designees, proof of pre-arrangement, including a copy of the reservation or an electronic record made in advance of passenger pick-up.

Sec. 8-368. Number of passengers and luggage.

(a) No TNC or TNV driver shall allow more passengers to be transported than the number of available seats that are equipped with operative safety belts.

(b) No TNC or TNV driver shall allow more children to be transported than the number for which operative child passenger restraint devices are available for children within the legal age limit requiring such devices.

(c) No driver shall carry any luggage exceeding the vehicle's storage volume or load-carrying capacity regardless of the number of passengers occupying the vehicle.

Sec. 8-369. Prohibition against discrimination.

(a) With respect to passengers and potential passengers, a TNC shall adopt a policy of non-discrimination on the basis of destination, race, color, national origin, religion, sex (including pregnancy), disability, age, sexual orientation or gender identity, and shall notify its affiliated drivers of such policy.

(b) TNV drivers shall comply with all applicable laws regarding non-discrimination against passengers or potential passengers and shall comply with the non-discrimination policy set forth in subsection (a) above.

(c) TNV drivers shall comply with all applicable laws relating to accommodation of service animals and shall not refuse to load mobility aids, such as wheelchairs and walkers, which can fit into a standard truck or rear storage compartment of a vehicle.

Sec. 8-370. Two or more destinations; single destination.

(a) If a TNV is carrying two or more passengers to different destinations, the driver shall be the sole judge of the order in which such passengers shall be delivered to their destination and the shortest possible route shall be followed.

(b) Any TNV driver charging on a per mile basis shall take the most direct route possible that will carry the passenger to his/her destination safely and expeditiously, unless the passenger requests otherwise.

Sec. 8-371. Record and reports of operations; cooperation with law enforcement.

(a) Every TNC shall keep accurate books and records of account of its operations in the city at the company's base of operations for a minimum of one (1) year.

(b) Every TNC shall keep a record on any of its affiliated drivers who were alleged to have committed a violation of this division or their terms of service or who have been suspended or banned from driving for the company, including any zero-tolerance complaints and the outcome of the investigation into those complaints. In addition, every TNC shall maintain records of its affiliated drivers for at least two years after the date on which the driver's activation on the company's digital network has ended.

(c) With regard to its operations in the city, a TNC shall create and retain, for at least a two-year period, individual trip records, in written or electronic format, which includes pick-up and drop-off information, the name of the driver, the time of pickup and delivery of passengers.

(d) In order to provide reasonable response in traffic incident investigations, a TNC must provide upon the request of the police chief or his designees, factual information regarding the company's affiliated drivers and vehicles so as to determine whether or not a particular driver was active on the company's dispatch system application, in route to a passenger location, or engaged with a passenger at a specific time and date. Where a warrant or other legal process is necessary in order to obtain the requested information, a TNC shall cooperate with law enforcement officials in obtaining and promptly responding to such legal process.

(e) A TNC shall cooperate to the fullest extent reasonably possible with law enforcement to provide information about specific law enforcement incidents potentially involving an affiliated driver or an affiliated driver's TNV. If local, state, or federal law enforcement asserts that access to such information must be immediate to prevent a reasonable threat of death, or serious physical injury, to a person, then the company, or any driver, shall provide that information immediately. A TNC shall provide an emergency contact number to the chief of police for such instances. In all other law enforcement situations, such information shall be provided promptly in response to the issuance of a subpoena to review such records. Any failure to comply with this subsection shall result in the immediate suspension of the company's certificate and business license. Where a warrant or other legal process is necessary in order to obtain the requested information, a TNC shall cooperate with law enforcement officials in obtaining and promptly responding to such legal process.

Sec. 8-372. Base of operations; registered agent; customer service number.

(a) A TNC must maintain a base of operations. The base of operations shall be suitably staffed by qualified and knowledgeable representatives of the company who are available during regular business hours to accept or respond to notices and inquiries of the city in its administration and enforcement of this division and where records required to be maintained under this division are kept. Failure to maintain a base of operation shall be a violation of this division and cause for action being taken against the company's business license and the certificate of need and necessity.

(b) The location of the base shall not be changed without first notifying the director of parking and public transit.

(c) Companies must be qualified to do business in the state and must maintain an agent for service of process in the state.

(d) At a minimum a TNC shall maintain accessibility to a customer service representative via telephone or electronic mail that shall be staffed with suitable personnel who are able to assist consumers with complaints or inquiries during normal business hours.

(e) A TNC shall provide a 24/7 emergency contact number to the city in the case of emergencies.

Sec. 8-373. Trailers.

No trailer or semi-trailer shall be attached or secured to a TNV while it is being used to transport passengers.

Sec. 8-374. Driver requirements; conduct.

(a) A driver must be clean and neat in appearance.

(b) A driver must be physically capable of operating a vehicle in a safe manner. A driver shall not be impaired by fatigue, illness or other medical conditions to an extent that would render him/her incapable of safely operating a vehicle or would pose a liability to himself/herself, his/her passengers or the general public.

(c) Each driver of a TNV, while operating such vehicle upon the public streets of the city, shall comply with all of the traffic regulations of the State of Alabama and the city and shall not commit any act that would threaten the health or safety of his/her passengers or the general public, which includes an act which would constitute a violation of driving while under the influence laws of this state.

(d) No driver of any TNV shall use or authorize the use of the vehicle for an illegal purpose.

(e) No driver shall operate a vehicle or be in actual physical control of a vehicle while under the influence of alcohol and/or any substance, which impairs the mental or physical faculties of such person to a degree, which renders him/her incapable of safely operating the vehicle.

Sec. 8-375. Lost property.

It shall be the duty of the driver of a TNV to carefully search such vehicle immediately after the termination of business for any property lost or left therein and any such property, unless sooner claimed or delivered to the owner, shall be taken to and deposited with the police department within 24 hours after the finding thereof. The police department, unless the same is sooner claimed by the owner, shall dispose thereof in the manner prescribed by law for lost and stolen property.

Sec. 8-376. Cleaning of vehicle.

It shall be the duty of the driver of a TNV to keep and maintain any such vehicle at all times in a safe, comfortable, clean, and sanitary condition. The seats, floors, steps, running boards, upholstery, and baggage compartments of any such vehicle shall be

thoroughly cleaned in such a manner as to be free of visible dirt, dust, soil, trash, and rubbish of every description.

Sec. 8-377. Out-of-town vehicles.

A TNC certified by a jurisdiction other than the city may cause or allow an affiliated driver to bring passengers using the vehicle certified by another jurisdiction into the city from their jurisdiction of origin, but may not allow or cause the driver to pick up any passenger from any destination or accept any business within the city, unless the TNC is also certified in accordance with this division.

Sec. 8-378. Refusal to pay fare.

It shall be unlawful for a passenger to refuse to pay the agreed or established fare. A driver may request proof of ability to pay fare prior to transporting.

Sec. 8-379. Alcoholic beverages.

Any alcoholic beverage transported in a TNV shall be in its closed original container.

Section 2. The severability provisions of section 1-8 of the Code of Ordinances of the City of Huntsville, Alabama are specifically included herein by reference as if fully set forth.

Section 3. This Ordinance shall become effective upon its adoption and approval.

ADOPTED this the _____ day of _____, 2016.

President of the City Council
Of the City of Huntsville, Alabama

APPROVED this the _____ day of _____, 2016.

Mayor of the City of
Huntsville, Alabama