

DRAFT #1 OF AN ORDINANCE AMENDMENT TO REQUIRE REGISTRATION FOR DRIVERS OF VEHICLES FOR HIRE THAT ARE NOT TAXICABS/K. LARCOM

Chapter 85 TAXICABS AND NON-METERED VEHICLES FOR HIRE

7:151. Definitions.

(1) *Administrator*: The City Administrator or a designee.

(2) *Approved special event*: A public event that is specially organized by a recognized group or body of organizers and that is formally approved for purposes of this chapter by Council resolution.

(3) *Board*: The Taxicab Board as specified in section 1:207 of Chapter 8 of this Code.

(4) *Motor vehicle*: Every vehicle that is self-propelled.

(5) *Non-metered vehicle for hire*: Any motor vehicle that is not equipped with a taximeter and operates on the streets of the city, accepting passengers for hire who have previously arranged to be transported in the motor vehicle as directed by the passenger. The term "non-metered vehicle for hire" does not refer to the following: vehicles owned and operating over fixed routes; vehicles owned and operated by governmental agencies, school buses, chartered buses, vehicles while in use for funerals, weddings, christenings and similar events; or vehicles providing individual or group transportation while operated pursuant to an agreement with the Ann Arbor Transportation Authority.

(6) *Board*: The Taxicab Board as specified in section 1:207 of Chapter 8 of this Code.

(3)(6) *Reciprocity*: A mutual or cooperative interchange between the City of Ann Arbor and 1 or more other municipalities of taxicab licensing requirements and the privileges afforded under the respective municipalities' taxicab ordinances. Reciprocity exempts from the licensing requirements under this chapter only taxicab vehicles and drivers who are licensed by another municipality with which the city is cooperating.

(4)(7) *Special event*: A significant occurrence or happening, activity, contest or sports program that is arranged, conducted in, or appropriated for a particular occasion or purpose, for a specified time, that increases public transportation

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needs in the city or in 1 or more other municipalities such that reciprocity is reasonably necessary to respond to the increased public demand. Such events may be, but are not limited to: a football playoff game such as a Super Bowl, a baseball playoff game such as the World Series, a soccer playoff game such as World Cup Soccer, or any event approved by Council resolution as a special event requiring taxicab reciprocity.

(5)(8) Taxicab: Any ~~commercial~~ motor vehicle that is equipped with a taximeter and operates on the streets of the city, accepting passengers for hire as directed by the passenger. The term "taxicab" does not refer to the following: vehicles owned and operating over fixed routes, vehicles owned and operated by governmental agencies, school buses, chartered buses, vehicles while in use for funerals, weddings, christenings and similar events; or vehicles providing individual or group transportation while operated pursuant to an agreement with the Ann Arbor Transportation Authority.

(9) "Vehicle" means every device in, upon, or by which any person or property is or may be transported.

7: Required Registration of Operator of Non-metered Vehicle for Hire.

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(1) Registration. Operators of non-metered vehicles for hire shall obtain a registration decal to be affixed to the vehicle by registering with the City pursuant to regulations adopted by the Board and on forms approved by the Board.

(2) Issuance of Registration Decal. A registration decal will be issued by the Administrator after the following conditions are met:

- (a) The operator of the non-metered vehicle for hire has submitted a complete application as defined by this chapter and the regulations and has paid the applicable fee.
- (b) The operator of the non-metered vehicle for hire has a current valid Michigan chauffeur's license.
- (c) The operator of the non-metered vehicle for hire is able to read, write and speak the English language.
- (d) The operator of the non-metered vehicle for hire has no more than 6 current points for moving violations in accordance with the Michigan Vehicle Code, MCL 257.1 et seq.
- (e) Within the past 2 years, the operator of the non-metered vehicle for hire has not been convicted of a violation or attempted violation of MCL 257.625 or MCL 257.625m of the Michigan vehicle code, MCL 257.1 et seq., or a violation or attempted violation of a local ordinance or law of another state substantially corresponding to MCL 257.625 or MCL 257.625m.

(f) Within the past 5 years, the operator of the non-metered vehicle for hire has not been convicted of a felony involving force or violence or of criminal sexual conduct, for which the maximum penalty is 2 years or more.

(g) The operator of the non-metered vehicle for hire does not have any outstanding warrants.

(h) The operator of the non-metered vehicle for hire does not have a physical or mental impairment which would make it unsafe to operate the vehicle.

(i) The operator of the non-metered vehicle for hire has not been convicted of violating any provision of this chapter within the last 2 years.

(j) The operator of the non-metered vehicle for hire has an acceptable driving record. An acceptable driving record is defined as:

i. A driving record on which there are no more than 6 points displayed at any given point in time.

ii. A driving record on which the average number of points displayed over the most recent 3-year period is no more than 7. For purposes of this requirement, the average is calculated as the total points reported on the official driving record during the last 3 years divided by 3. An operator of a non-metered vehicle for hire who cannot meet this requirement shall not be issued either a full or a temporary license until the 3-year average of points falls to 7 points or below.

(3) Suspension or revocation of Registration of Operator of Non-metered Vehicle for Hire. The registration of an operator of a non-metered vehicle for hire may be suspended or revoked if any of the following occur:

(a) The driver is no longer able to comply with the requirements for the issuance of a registration decal.

(b) The driver is found to have falsified any information in the application.

(c) The Administrator reasonably believes that the driver poses a danger to himself, passengers, or others, or has acted in an unprofessional, harassing or threatening manner to passengers, or others.

(d) The driver violates any provision of this chapter.

(4) An operator of a non-metered vehicle for hire whose registration or chauffeur's license is suspended or revoked shall notify the City of the suspension or revocation within 10 business days after the service of notice of suspension or revocation on the operator. For purposes of a registration, the date of service is the date printed on the written notice of suspension or revocation from the city. For purposes of a chauffeur's license, the date of service is the date on which the Secretary of State provided notice of the suspension or revocation in the manner provided for under the Michigan Vehicle Code.

(5) An operator of a non-metered vehicle for hire who has more than 6 points on his or her driving record and who is charged with another moving violation shall

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report the fact of the new charge to the Administrator within 10 business days after the new charge was issued.

(6) Expiration of registration of an operator of a non-metered vehicle for hire. All registrations expire on the next May 31 immediately following the date the registration decal was issued. Registration decals issued in April or May will be valid for the following year.

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7: . Display of Registration Decal Issued to Operator of non-metered vehicles for hire shall obtain a registration decal.

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No person shall operate or permit the operation of a non-metered vehicle for hire that does not have a current registration decal issued by the city affixed to the vehicle and displayed at all times in compliance with this chapter and regulations.

7:158. Driver appearance.

The driver of a taxicab or a non-metered vehicle for hire shall be clean in dress and person at all times while operating a taxicab.

7:163. Deception of passengers.

No driver of a taxicab or a non-metered vehicle for hire shall deceive or attempt to deceive any passenger as to that passenger's destination or rate of fare. No driver of a taxicab or a non-metered vehicle for hire shall convey any passenger to a place other than directed by the passenger or employ any longer route to a destination than necessary unless agreed to by the passenger.

7:164. Smoking prohibited.

No taxicab driver, operator of a non-metered vehicle for hire, or any passenger shall smoke while inside the taxicab or non-metered vehicle for hire.

7:165. Seating capacity.

No driver of a taxicab or a non-metered vehicle for hire shall permit a taxicab-his or her vehicle to be occupied by more persons over the age of 2 than the number specified as the seating capacity as reflected by the number of functioning seatbelts in the vehicle.

7:167. Solicitation of passengers.

(1) No taxicab driver shall solicit passengers at a location where a temporary or permanent taxicab stand is designated.

(2) No taxicab driver shall solicit passengers at a location where the driver has reason to know the services of another taxicab company or driver have been requested.

(3) No taxicab driver shall solicit passengers at a location marked as a temporary or permanent bus, train, or other mass transit stand.

(4) No taxicab driver shall solicit any passenger who is entering or is inside another taxicab

(5) No ~~person operator of a non-metered vehicle for hire~~ shall ~~operate a motor vehicle and~~ solicit or accept passengers who have not previously arranged to be transported in the non-metered vehicle for hire~~motor vehicle without first obtaining the driver's license and vehicle license provided for in this chapter.~~

7:170. Appeals.

Any person aggrieved by the decision of the Administrator to deny, suspend, or revoke a taxicab company, ~~taxicab vehicle license, or~~ taxicab driver's license, or the registration of a non-metered vehicle for hire may appeal that decision to the Taxicab Board. The Taxicab Board shall consider appeals according to due process procedures adopted by the board. The Taxicab Board may deviate from the strict requirements of this chapter if justice so requires. In making its decision, the Taxicab Board may consider the following criteria:

- (1) The seriousness of an offense, if that is a basis for the denial, suspension, or revocation.
- (2) The length of time before points will be removed from the driver's driving record, if that is a basis for the denial, suspension or revocation.
- (3) Any matter the board reasonably finds necessary to insure the health, safety, and welfare of passengers and the general public.

7:172. Prohibited conduct.

In addition to other prohibited conduct specified in this chapter, no person shall:

- (1) Operate or permit the operation of a taxicab that is held out to the public as a ~~limousine~~ a non-metered vehicle for hire registration decal.
- (2) Operate or permit the operation of a vehicle as a taxicab if a certificate of authority has been issued under the Limousine Transportation Act, MCL 257.1901 et seq. for the vehicle.
- (3) Operate or permit the operation of a taxicab and charge a fare more than the amount calculated by the taximeter installed in the taxicab.
- (4) Operate a vehicle held out to the public as a "taxicab", "cab", or "taxi" by way of advertising, "for hire" lights on the roof of the vehicle, or any other means, without obtaining appropriate licenses under this chapter.
- (5) Operate a non-metered vehicle for hire without having the registration decal affixed to the vehicle as required under this chapter.

(6) Operate a non-metered vehicle for hire without displaying evidence that a certificate of authority has been issued under the Limousine Transportation Act, MCL 257.1901 et seq. for the vehicle

7:173. Business identification.

A person operating a taxicab or allowing the operation of a taxicab shall:

- (1) Maintain the distinctive color or color scheme on the person's or company's taxicab, unique from other taxicabs operating in the city, as indicated on the application for vehicle license; and
- (2) Have information identifying the name of the taxicab business painted or permanently attached on each side of the vehicle in letters of not less than 3 inches in height, not lower than the bottom edge of the door. This information shall be in sharp contrast to the background and use the word "taxicab", "cab" or "taxi" and not the word "limousine."
- (3) Each company must assign and display a unique 2 or more digit number to each vehicle on the rear and on both sides of the vehicle. The number should be permanently applied and be not less than 3 inches in height and not lower than the bottom edge of the door.

DRAFT PRESENTED TO TAXICAB BOARD ON JUNE 26
TO BE FURTHER AMENDED