
AN ORDINANCE OF THE CITY OF LONGVIEW, WASHINGTON REPEALING LMC 5.80 TAXICABS – FOR HIRE VEHICLES AND ADOPTING A NEW CHAPTER 5.81 TAXI & TRANSPORTATION NETWORK COMPANY CODE

WHEREAS,

NOW THEREFORE, the City Council of the City of Longview do ordain as follows:

Section 1 Repeal. That Chapter 5.80 of the Longview Municipal Code shall be, and is hereby, repealed.

Section 2 New Chapter

A new chapter 5.81 TAXI & TRANSPORTATION NETWORK COMPANY CODE is adopted to read as follows; provided, manifest and numbering errors shall be corrected prior to publication:

**Chapter 5.81
TAXI & TRANSPORTATION NETWORK COMPANY CODE**

Sections:

5.81.100 Purpose

5.81.105 Definitions

5.81.200 Administrative - General

**5.81.225 Taxicab Company and Transportation Network Company Special License
- Fees**

5.81.500 Minimum standards for taxicab companies

**5.81.530 Proof of compliance with standards - Initial and ongoing compliance
review; Audits**

5.81.535 Prohibited acts; Penalties

5.81.700 Enforcement responsibility

5.81.720 Administrative Enforcement

Section 5.81.100 Purpose. The purpose of this chapter is to provide for the safe operation of taxicab companies and transportation network companies (TNC's), which constitute an important component of the city's transportation system, thus affecting the safety and welfare of the public.

Section 5.81.105 Definitions. The following words and phrases when used in this chapter have the meanings as set forth herein:

(a) "City" means the City of Longview, Cowlitz County, Washington.

- (b) "Operating" means using a taxicab or TNC vehicle to at any time transport any passenger or item of property for compensation from a point within the corporate limits of the City.
- (c) "Person" and "he" and "she" means and includes any natural person, and in addition, a partnership, corporation or an unincorporated association unless a contrary intention plainly appears.
- (d) "Special License" shall mean a special license issued to a Taxicab Company or TNC.
- (e) "Taxi," "Taxicab" and "Cab" means a motorized vehicle that is held out to the public as providing transportation to passengers or articles:
 - 1. Where the route traveled, destination, or both route and destination is controlled by the customer; and
 - 2. Where the fare is based on an amount recorded and indicated on a taxi meter or an Internet online-enabled platform or application used to connect passengers with drivers or by a special contract rate.
- (f) "Taxicab company" means any entity operating one or more taxicabs other than as a driver, regardless of the legal form of the entity and regardless of whether the taxicabs so operated are owned by the company, or leased, or owned by individual members of the entity.
- (g) "Taxicab business" means engaging in any combination of owning, leasing, advertising, driving, occupying or otherwise using a taxicab to at any time transport any passenger or item of property for compensation from a point within the incorporated limits of the city.
- (h) "Taxi meter" means a device by which the charge for hire of a taxicab is mechanically and/or electronically measured or calculated based upon a combination of mileage traveled and time elapsed.
- (i) "Transportation Network Company" which may be abbreviated herein to "TNC", means a company that uses an Internet online-enabled platform or application to connect passengers with TNC drivers.
- (j) "Transportation Network Company Drivers" or "TNC Driver" means a driver under contract with a TNC Company.
- (k) "Transportation Network Company Vehicle" or "TNC Vehicle" means a personal vehicle affiliated with or operating under the authority of a Transportation Network Company where the fare is based on an Internet online-enabled platform or application used to connect passengers with TNC Drivers.

Section 5.81.200 Administrative – General. The city manager or designee shall have the primary authority and responsibility for the administration of this chapter and may adopt rules and regulations for its administration, not inconsistent with this chapter.

Section 5.81.225 Taxicab Company and Transportation Network Company Special License – Fees.

- A. The City Manager or designee may issue a special license to a taxicab company or TNC provided that the taxicab company or TNC submits an affidavit sworn under penalty of perjury that the taxicab company or TNC is in compliance with standards for vehicle safety, driver training and background, and insurance

established under the rules provided for at LMC 5.81.200. The special license shall be effective for one year. The City Manager may stagger the effective date of such permits by adoption of a rule as provided for under LMC 5.81.200 and 5.81.500.

- B. Annual Application review fee shall be two hundred dollars (\$200.00). The application review fee prescribed by this section shall be paid at the time of submitting initial and renewal taxicab company and TNC special license application.
- C. Special License issuance fee. No taxicab company or TNC special license shall be issued or valid until the application or attestation provided for at LMC 5.81.530 has been reviewed and approved and the fee prescribed in this section has been paid.
- D. Drivers who are independent contractors, affiliated with special licensed taxicab companies or TNC's shall obtain a City business license.

Section 5.81.500 Minimum standards for taxicab companies.

A. VEHICLE SAFETY & MAINTENANCE STANDARDS. Each vehicle that is operated in the city as a taxicab or transportation network company vehicle shall comply with all vehicle safety and maintenance standards specified in LMC 5.81.500 A.1-A.4.

1. Age. Each taxicab or transportation network company vehicle operating in the city shall be no more than ten (10) years old.

2. Safety Inspection. Each taxicab or transportation network company vehicle operating in the city shall hold a valid certificate of safety issued by an independent motor vehicle mechanic who is not employed by or associated with the taxicab company or transportation network company and who is a certified National Institute of Automotive Service Excellence (ASE) Master Mechanic in good standing with the ASE. Said certificate shall be based on the vehicle passing a vehicle safety inspection that meets the standards set forth below, and is performed within one (1) year prior to the taxicab company/TNC special license application submittal date.

3. Inspection Standards. At a minimum, each vehicle inspection required under this section shall consist of a confirmation of the safe operation of applicable vehicle systems and equipment, and a review of the vehicle's exterior and interior condition and cleanliness. The inspection shall include, but is not limited to, a check of the following systems and equipment.

- Brake system
- Alignment
- Tires and wheel systems
- Suspension
- Steering system
- Transmission
- Fuel system
- Exhaust system, compliance with emission standards
- Belts and hoses
- Fluids (motor oils, antifreeze, transmission and brake fluids)

- Heater and air conditioning
 - Drive train and axles
 - Lighting systems and turn signals
 - Seat mechanisms and seat belts
 - Airbags
 - Door locks and windows
 - Hood and trunk latches
 - Speedometer and other gauges
 - Battery and cables
 - Cooling system
 - Horn
 - Wiring
 - Glass
 - Windshield and window glazing
 - Wipers and washers
 - Mirrors
 - Body component soundness
 - Vehicle frame (rebuilt vehicle)
4. **Company Identification.** While in service in the city, each taxicab and transportation network company vehicle shall be clearly marked to allow a passenger, governmental official, or other member of the public to associate the vehicle with a licensed taxicab company or transportation network vehicle company, whichever applies, using uniform colors, markings and/or insignia that are in compliance with all other applicable federal, state, and local laws and regulations.

B. DRIVER BACKGROUND & TRAINING STANDARDS. Each person that operates a taxicab or transportation network company vehicle in the city and the taxicab company or transportation network company which said person is affiliated with shall comply with the driver standards set forth in LMC 5.81.500 B.1-B.6.

1. Taxicab Company and Transportation Network Company Requirements. Each taxicab company or transportation network company shall:

- a. Affirm that each person driving for the company meets all driver standards set forth in this section based on a review of documented evidence collected by the company, and
 - b. Agree to revoke said person's authority to drive for the company if it finds that any driver standard set forth in this section is no longer being met by the person, and only reinstate his/her authority to drive for the company upon a finding by the company that all standards are again being met.
- 2. Age and Driver's License Status Standards.** Each person who operates a taxicab or transportation network company vehicle in the city shall:
- a. Be a minimum of twenty-one (21) years old,

- b. Hold a valid driver's license as required by the State of Washington or State of Oregon,
- c. Have held a valid driver's license in the United States for at least one (1) year from the date authorized to drive for the affiliated taxicab company or transportation network company, and
- d. Have in force any required vehicle registration(s) and auto insurance policy(ies).

3. Driving History and Criminal Background Standards; 5 -Year

Standards. No person shall operate a taxicab or transportation network company vehicle in the city if said person has been convicted of one (1) or more of the following during the five (5) years prior to the date the person is authorized to drive for the affiliated taxicab company or transportation network company.

- a. Driving under the influence of a controlled substance, or other alcohol or drug-related driving violation
- b. Reckless or negligent driving
- c. Hit and run, or leaving scene of injury accident
- d. Fatal accident
- e. Assault or violent crime
- f. Gun-related violation
- g. Sexual offense
- h. Resisting or evading arrest or eluding law enforcement officer
- i. Felony
- j. Theft, robbery, or burglary

4. Driving History and Criminal Background Standards — No Time

Limit. No person shall operate a taxicab or transportation network company vehicle in the city if said person is a registered sex offender.

5. Defensive Driving Training. No person shall operate a taxicab or transportation network company vehicle in the city if, said person does not show proof of passing a nationally accredited, or equivalent, defensive driving training course and hold a valid certificate providing evidence of passing the course and maintaining certification as long as said person operates a taxicab or transportation network company vehicle in the city.

6. Fitness of Applicant. Every applicant for a driver's license under the provisions of this chapter shall present to the licensing official satisfactory evidence of his fitness to operate a taxicab or vehicle for hire before a license shall be issued to him. At a minimum the evidence of his fitness shall be a letter from a licensed physician or physician's assistant confirming he is medically fit to drive a taxicab or vehicle for hire and is free from epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operations of a taxicab or vehicle for hire, as well as a letter from an ophthalmologist confirming his eyesight is appropriate for the driving of a taxicab or vehicle for hire. If, in the opinion of the licensing official, he fails to provide sufficient evidence of his fitness, his application shall be denied. The medical and eye examinations shall be required upon the initial application, and a minimum of every two years thereafter; provided, the licensing official may at

any time at his discretion require any taxicab or for-hire vehicle licensee or applicant to be re-examined if it appears that the licensee has become physically or mentally incapacitated to a degree so as to render the applicant or licensee unfit for a taxicab/for-hire operator's license. Further, any person licensed under this chapter must promptly report to the licensing official any bout of epilepsy, vertigo, heart trouble or any other infirmity of body or mind which might render him unfit for the safe operations of a taxicab or vehicle for hire and/or any condition of his eyesight not appropriate for the driving of a taxicab or vehicle for hire, and not operate any taxicab or for-hire vehicle until he has obtained evidence of his fitness and provided it to the licensing official, as set forth herein, to continue to operate a taxicab or for-hire vehicle.

C. **INSURANCE STANDARDS.** Each taxicab company or transportation network company and its drivers shall comply with the insurance standards set forth in LMC 5.81.500 C.1-C.2.

1. **Insurance Coverage Minimums - All Taxicabs and TNC Vehicles.**

Each taxicab or transportation network company vehicle, while being operated in the city as such, shall have in force auto liability insurance coverage in an amount no less than one hundred thousand dollars (\$100,000) for any recovery for death or personal injury by one person, and three hundred thousand dollars (\$300,000) for all persons killed or receiving personal injury by reason of one act of negligence, and twenty-five thousand dollars (\$25,000) for damage to property of any person other than the assured.

2. **Proof of Liability Insurance.** Proof of required liability insurance shall be maintained in each taxicab or transportation network company vehicle, or shall be accessible on a smart phone held by the driver of said taxicab or transportation network company vehicle, while operating in the city.

D. **OPERATIONAL STANDARDS.** Each taxicab company, taxicab driver, transportation network company, and transportation network company vehicle driver that operates in the city shall comply with the applicable operational standards set forth in LMC 5.81.500 D.1-D.2

1. **Estimated Ride Cost.**

- a. Prior to initiating the ride, each transportation network company shall disclose the estimated cost of the ride to the potential rider using the company's online-enabled platform or application.
- b. Upon the request of a potential taxicab rider, and prior to initiating a ride, the taxicab company or affiliated taxicab driver providing the ride shall disclose the estimated cost of the ride to the potential rider.
- c. All vehicles operating under authority of this chapter shall have the rates for the hire of the same conspicuously displayed within the passenger's compartment readily discernible by the passenger, and the rates shall be made clear to the passenger at the time of hiring.

2. **Dynamic Market Pricing.** During periods of abnormal market disruptions, taxicab companies and transportation network companies shall not initiate dynamic market pricing. For the purpose of these rules, "abnormal market

disruptions" is defined as any change in the ground transportation market, whether actual or imminently threatened, resulting from stress of weather, natural disasters, failure or shortage of electric power or other source of energy, strike, civil order, war, military action, national or local emergency, or other cause of an abnormal disruption of the market which results in a declaration of a state of emergency by the City Manager or designate, or the governor of the State of Washington, and "dynamic market pricing" is defined as a pricing strategy that sets highly flexible prices for products or services based on current market demands.

Section 5.81.530 Proof of compliance with standards - Initial and ongoing compliance review; Audits. The City Manager or his designee in consultation with the City Attorney shall prepare a form affidavit or attestation under penalty of perjury which shall certify compliance with this Chapter and the rules adopted pursuant to this chapter. All matters sworn to in the affidavit are subject to audit.

Section 5.81.535 Prohibited acts; Penalties. Taxicab companies and TNC's and taxi and TNC drivers are jointly and severally responsible for violations of this chapter. In addition to all other provisions and standards of this chapter, the acts or omissions set forth in this section are prohibited. Any taxicab company and TNC or taxi and TNC driver who shall fail to comply with any provision or standard of this chapter shall be in violation of this Chapter. Any special license granted to a taxicab company or TNC may be suspended or revoked by the City Manager or designate for such violation.

- (a) Submitting a materially false affidavit or attestation. Any taxicab company or TNC submitting a materially false affidavit as provided for under LMC 5.81.530 shall be subject to a fine of not more than \$10,000.00 for each affidavit submitted.
- (b) Operating without a special license. Any taxicab company or TNC picking up a passenger in the City of Longview without having first obtained a Taxicab company or TNC special license shall be subject to a fine of not more than \$10,000.00 for each violation.
- (c) Any taxicab driver or TNC driver picking up a passenger in the City of Longview that is not operating under a City of Longview special licensed taxicab company or TNC shall be subject to a fine of \$1,000.00 for each violation.
- (d) Any independent contractor taxicab driver or TNC driver who picks up a passenger in the City of Longview and who has not obtained a Longview business license shall be subject to a fine of \$1,000.00 for each violation.
- (e) Any taxicab driver or TNC driver who picks up a passenger in the City of Longview while operating under a City of Longview special licensed taxicab company or TNC company and arranges with the passenger for a subsequent pick-up in Longview or elsewhere that is not under the authority of City of Longview special licensed taxicab company or TNC, shall be subject to a fine not to exceed \$1,000.00 for each violation.
- (f) Willful violations of the foregoing provisions may be prosecuted as a gross misdemeanor with a confinement of up to one year in the county jail and fine not to exceed \$10,000.00.

Section 5.81.700 Enforcement responsibility. The City Manager or designee shall have administrative authority to implement and enforce this chapter. The City Manager or designate may promulgate regulations including the authority to issue administrative subpoenas to implement the provisions of this chapter. This provision shall not be construed to abrogate or limit the jurisdiction of the Longview police department to enforce any provisions of this chapter or of any other city ordinance relating to motor vehicles or the operation of taxicabs or TNC vehicles.

Section 5.81.720 Charges filed – Hearing date set – Notice

- (1) Licenses issued pursuant to the provisions of this chapter may be revoked or suspended by the City Manager or designate in accordance with this chapter; provided, however, no such license shall be revoked or suspended unless charges in writing shall first be filed with the City Manager or designate setting forth with reasonable certainty the nature of such charges against said licensee or vehicle owner.
- (2) Upon the filing of charges as aforesaid the City Manager or designate shall fix a time and place for the hearing of said charges, and a copy of the charges as filed, together with the notice of time and place of hearing, shall be served upon the licensee or vehicle owner at least five business days prior to the date fixed by the City Manager or designate for the hearing.
- (3) The hearing shall be before the hearing examiner of the city. The hearing examiner shall determine if the license should be revoked or suspended. All rules of procedures for the hearing shall be in compliance with Chapter [1.32](#) LMC.

Section 5.81.730 Notice service – Hearing – Right to be heard.

- (1) Any notice of violation provided for in this chapter shall be served either:
 - (a) By delivery of a copy personally to the licensee or vehicle owner affected; or
 - (b) By leaving a copy with some person of suitable age and discretion at the place of business, or, if no such person is found at such place of business, then by leaving such notice in a conspicuous place on the premises, and mailing a copy of the notice to the licensee or vehicle owner as set forth in his application, or renewal thereof, for license.
- (2) If the violation is classified as an infraction and the violation is contested, the person named in the violation notice may request the City Manager or designate set a hearing for the contested violation before the hearing examiner. The hearing must be set at least five business days after the request for the hearing. The hearing examiner will determine if the violation has been committed and if the penalty is appropriate. All rules of procedures for the hearing shall be in compliance with Chapter [1.32](#) LMC.
- (3) At the hearing on said charges, the licensee or vehicle owner shall have the right to appear and defend the charges and, if he so desires, to be represented by counsel.

Section 5.81.740 Licenses subject to revocation – Refunds.

- (1) Every license issued under the provisions of this chapter shall state in substance that such license is issued in consideration of the fees paid therefor and the right of City Manager or designate to revoke or suspend such license pursuant to the provisions of this chapter.
- (2) Upon the revocation of any license for cause, the unearned portion of the license fee shall be returned to the licensee.

Section 5.81.750 Application for license – Approval or denial – Appeal. An applicant denied a license, or any person objecting to the issuance of any such license, shall, within 10 days after the issuance or denial of such license, appeal said ruling by filing a written notice of appeal, clearly stating the grounds that the appeal is based on, with the city clerk. A date shall be set for the hearing of such appeal before the hearing examiner of the city, and the city shall notify the applicant in the case of a denial, and the objector and applicant in the case of issuance, by mail, of the time and place of hearing.

Section 3. LMC 5.80, which is repealed by this ordinance, shall remain in force and effect until the effective date of this ordinance.

Section 4. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance and the same shall remain in full force and effect. The City of Longview hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 6. That the City of Longview City Clerk is hereby ordered and directed to cause this Ordinance to be published.

Section 7. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 8. This Ordinance shall be in full force and effect from and after thirty (30) days from the date of its passage and publication as provided by law.

Passed by the City Council this ____ day of _____, 2017.

Approved by the Mayor this ____ day of _____, 2017.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

James McNamara
City Attorney

Published: _____