

ORDINANCE NO. 185498

Amend civil penalties for companies and drivers that operate or drive in violation of Private For-Hire Transportation Regulations; make operation of an unpermitted private for-hire vehicle a criminal offense (Ordinance; amend Code Section 16.40.540 and 16.40.560)

The City of Portland ordains:

Section 1. The Council finds:

1. The Revenue Bureau has determined that the civil penalties outlined in the Civil Penalty Table under PCC 16.40.540 are, in some cases, insufficient to deter private for-hire companies and drivers from violating PCC 16.40, Private For-Hire Transportation Regulations.
2. Violations of PCC 16.40 can threaten public safety. PCC 16.40 broadly requires companies to engage in regular vehicle maintenance, inspection and permitting. It also requires drivers to pass criminal background and driving record examinations, as well as driver standards testing and permitting.
3. The City Code should be amended to increase penalties for violations of selected sections of PCC 16.40, especially those directly or indirectly related to public safety.
4. The Revenue Bureau has also determined that significant numbers of unpermitted private for-hire vehicles are operating in Portland after regular business hours and on weekends without being affiliated with duly permitted taxicab companies. These operators are driving uninspected, and potentially uninsured and unsafe vehicles, and the drivers have not passed the City of Portland's criminal background and driver record examinations or driver standards testing and permitting.
5. Unpermitted operators also compete with City of Portland permitted taxi companies and drivers, further undermining the already low earning potential of Portland taxi drivers, as highlighted in the Revenue Bureau's January 2012 report titled "Taxi Driver Labor Market Study".
6. Unpermitted drivers and companies have continued to pick up unsuspecting or uninformed customers in Portland, even after being cited by the Revenue Bureau under existing civil penalties.
7. The Police Bureau currently has little recourse in stopping this practice on behalf of the Revenue Bureau since the citation authority under Portland City Code only provides for civil penalties.
8. Review of enforcement practices in other municipalities confirms that operating without permits is typically considered a criminal offense, making the operator subject to arrest and vehicle impoundment, to provide greater deterrence.

9. The City Code should be amended to make the practice of operating without a company permit a criminal offense and to give the Revenue Bureau and the Police Bureau the authority needed to end this unsafe and unfair practice.
10. Significant and graduated penalty assessments will create a stronger disincentive against violations of 16.40.
11. At their meeting of March 28, 2012, the Private For-Hire Transportation Board found that criminalization and increased penalties for unpermitted providers are necessary to protect public safety.

NOW, THEREFORE, the Council directs:

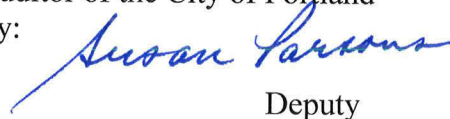
- a. PCC Subsection 16.40.540 A. Civil Penalty Table is amended in accordance with the document attached to this ordinance as Exhibit A.
- b. Add PCC Subsections 16.40.560 C and D as follows:
- C. In addition to the civil penalties listed in Section 16.40.540, any violation of Subsections 16.40.090 A., 16.40.130 A., 16.40.150 A., 16.40.190 A., or 16.40.190 B., is punishable, upon conviction, by imprisonment for not more than 6 months.
- D. Vehicles operated for-hire in violation of Subsections 16.40.090 A., 16.40.130 A., 16.40.150 A., 16.40.190 A., or 16.40.190 B are subject to vehicle towing and impoundment.

Passed by the Council: JUL 11 2012

Commissioner: Mayor Sam Adams
Prepared by: Kathleen Butler
Date Prepared: June 12, 2012

LAVONNE GRIFFIN-VALADE
Auditor of the City of Portland

By:


Deputy

881281

-778-820

Agenda No.
ORDINANCE NO. 185498
 Title

Amend civil penalties for companies and drivers that operate or drive in violation of Private For-Hire Transportation Regulations; make operation of an unpermitted private for-hire vehicle a criminal offense (Ordinance; amend Code Section 16.40.540 and 16.40.560)

INTRODUCED BY Commissioner/Auditor: Mayor Adams	CLERK USE: DATE FILED <u>JUN 22 2012</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams <i>Sam Thayer</i> Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By: <i>Susan Parsons</i> Deputy
BUREAU APPROVAL Bureau: Revenue Bureau Head: Thomas W. Lannom <i>Thomas W. Lannom</i> Prepared by: Kathleen Butler Date Prepared: June 12, 2012 Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Council Meeting Date June 27, 2012	ACTION TAKEN: JUN 27 2012 PASSED TO SECOND READING JUL 11 2012 9:30 A.M.
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>Kam</i>	

AGENDA TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion) CONSENT <input type="checkbox"/> REGULAR <input checked="" type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)
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FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	4. Leonard	<input checked="" type="checkbox"/>	
Adams	Adams	<input checked="" type="checkbox"/>	