

**PRIVATE FOR-HIRE CIVIL PENALTIES;
MAKE UNPERMITTED OPERATION CRIMINAL OFFENSE**

IF YOU WISH TO SPEAK TO CITY COUNCIL, PRINT YOUR NAME, ADDRESS, AND EMAIL.

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Wendy Stevens

From Fisher Limousine a new company from Washington State

I am concerned about the permitting process and the implications to a Washington based Limousine company and would like some clarification from the Portland City Council of where a Washington based company stands in the permitting process. Especially now since the city is trying to make being non-permitted an arrest able offence.

Under my understanding with the research that I have been doing concerning the City of Portland Limousine permitting process is that under "The Real Interstate driver Equity act of 2002" A Washington State Based company is exempt from Portland City Permits and Regulations as long as the following are met:

* See Paragraph (1) sec (a), (b), (c) paragraph (i) and (ii)

so as long as I start in Washington State and am in compliance with both federal and Washington state registrations and regulations, I can take these clients to Portland, make as many stops as they wish and take them to a final destination and that the City of Portland has no rights or jurisdiction over my Washington State company to fine or force me, my drivers or any part of my Washington based limo company to be permitted by the City of Portland. Therefore am I not as a fully licensed and registered Washington State Limousine Company exempt from your city of Portland Regulations? And the City of Portland or any of their representatives has no rights to fine or harass any of my drivers or my company about being or not being permitted?

And upon the realization of this act I would expect the City of Portland to Retract and refund all permitting fees, fines and Business licenses that any Washington State based Business has been forced to comply with and request that the City of Portland and their representatives immediately retract any and all statements which has been detrimental to Washington State Limousine companies by leading the public to believe that we are unrepeatable companies because we are not permitted by the City of Portland when in fact we are very reputable companies that fall under Federal and Washington state Jurisdiction. Therefore the City of Portland and representatives of the city have caused undue hardship towards Washington State Companies due to their biased and uninformed misrepresentation of the facts regarding rules and regulations by leading the public to believe that just because we are not permitted by the city of Portland we are not safe to do business with. I would request that The City of Portland Counsel members look into how their representatives, particularly Kathleen Butler and Frank Dufay conduct themselves toward the Limousine companies as a whole and try to intimidate companies in complying to the cities rules and regulations when in fact a lot of these companies that they are ticketing and harassing are not under their jurisdiction.

If for some reason after being notified of the Federal law that I have submitted to you, that the Portland City Council still feels that Washington State Limo Companies should still be permitted by the city of Portland I would request that the Council look at the following points and withdraw them from the city ordinances:

- * Limousine Drivers must have an US driver's License for the last two years before they can drive a Limousine
Meaning that if I have someone that has been out of the country for the last four years without a State Driver's license they can't be a permitted driver of my company, even if my insurance is willing to add them to my insurance.

- * Not being able to refer business from a non-permitted company to a permitted company
If I as a Washington based company choose not to be permitted and do all my work in Washington state and I have a client that usually uses my company and they decide they want to go to Portland for a night out I can't refer their business to a permitted company because the permitted company could get fined for doing business with a non-permitted company

- * A non-permitted company can be fined just for driving thru the city of Portland, with or without clients
We could be going to an upholstery shop to have work done and end up with a fine in our mail for no reason at all

- * Not all permitted companies are fully permitted
It seems that if a company has one car permitted and one driver permitted the city leaves them alone even when it is common knowledge that they have more than one vehicle and driver and no enforcement is done to these companies

- * Requirement of a City of Portland Business License
As a Washington State company I have a Washington State Business License and I pay

Washington State Sales tax on my companies income, I am not required to pay Oregon State Taxes; however by getting a City of Portland Business License I would be required to file a Oregon State Tax return and pay State Taxes and Sales Tax on the same income. Under the rules in Pub 17 1/2 my business qualifies for the Interstate commerce act making me exempt from State income Taxes.

* When making an appeal of a fine the appeal goes to Frank Dufay's desk to be decided if the appeal will be allowed to be heard by the Code's hearing officer when Frank Dufay is the one who issued the fine and who goes to testify against the fine, so he reads our appeals and knows how to prepare and reword the fines before we are given a fair appeals process.

* Dictating the price my company has to charge for a particular service

It is my company and I should be able to choose how to run my own business and how much it takes me to run my company, giving me an opportunity to exercise my constitutional right for free commerce and enterprise. Its not the governments job to insure the sanctuary of the Taxi companies by destroying the town car and Limousine industry as Kathleen Butler has stated that there is no need for Limousines in Portland, to be specific she has said they are an unneeded industry in Portland, trying to take transportation choices away from the public. We as company owners are protected under the federal law of the Fair Trade Act to set our own prices.

* Having to list the City of Portland and its agents and employees as additionally insured on my insurance policy

I cannot control their actions and should not be held liable for what the City does or does not do to my clients. Or the lack of their thoroughness in their inspections of my vehicles. If the City wants to take responsibility by enforcing these regulations for making sure my vehicles are safe for the public than they should be held liable for making sure my vehicle is safe along with my company.

Since 2009 the Limousine industry has made repeated attempts to bring these issues to Kathleen Butler and the transportation board, who have continually pushed these issues aside. Kathleen Butler repeatedly stating that limousine services are not needed in the city of Portland leading our industry to believe that the Transportation board is trying to put limousine companies out of business and never addressing our concerns so we as an industry are asking the city council to please address these issues. These ordinances as written have already caused good businesses to go out of business and jobs to be loss. We as an industry also feel that Kathleen Butler and the Transportation board have a personal agenda and need to be regulated by the City Council to make sure that all for hire transportation in tidies are being heard and complaints by the industries be addressed.

With that being said I would respectfully ask the City Council to not decide to make being non-permitted an arrest able offence until they look carefully at the city's ordinances regarding for hire transportation and come up with a better solution to the safety of our clients without trying to put a wedge in the industry of company against company and industries against industry such as the Taxi industry against the Limousine industry against the Tour/Shuttle industry and come up with a fair and equality guideline that allows each particular industry give quality, safe and fair service to all of our clients.

185498

Submitted by
Wendy Stevens
6-27-12

PUBLIC LAW 107-298—NOV. 26, 2002

REAL INTERSTATE DRIVER EQUITY ACT OF
2002

Public Law 107-298
107th Congress

An Act

Nov. 26, 2002
[H.R. 2546]

Real Interstate
Driver Equity
Act of 2002.
49 USC 10101
note.

To amend title 49, United States Code, to prohibit States from requiring a license or fee on account of the fact that a motor vehicle is providing interstate pre-arranged ground transportation service, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Real Interstate Driver Equity Act of 2002”.

SEC. 2. REGULATION OF INTERSTATE PRE-ARRANGED GROUND TRANSPORTATION SERVICE.

Section 14501 of title 49, United States Code, is amended by adding at the end the following:

“(d) PRE-ARRANGED GROUND TRANSPORTATION.—

“(1) IN GENERAL.—No State or political subdivision thereof and no interstate agency or other political agency of 2 or more States shall enact or enforce any law, rule, regulation, standard or other provision having the force and effect of law requiring a license or fee on account of the fact that a motor vehicle is providing pre-arranged ground transportation service if the motor carrier providing such service—

“(A) meets all applicable registration requirements under chapter 139 for the interstate transportation of passengers;

“(B) meets all applicable vehicle and intrastate passenger licensing requirements of the State or States in which the motor carrier is domiciled or registered to do business; and

“(C) is providing such service pursuant to a contract for—

“(i) transportation by the motor carrier from one State, including intermediate stops, to a destination in another State; or

“(ii) transportation by the motor carrier from one State, including intermediate stops in another State, to a destination in the original State.

“(2) INTERMEDIATE STOP DEFINED.—In this section, the term ‘intermediate stop’, with respect to transportation by a motor carrier, means a pause in the transportation in order for one or more passengers to engage in personal or business activity, but only if the driver providing the transportation to such passenger or passengers does not, before resuming the transportation of such passenger (or at least 1 of such passengers),

provide transportation to any other person not included among the passengers being transported when the pause began.

“(3) MATTERS NOT COVERED.—Nothing in this subsection shall be construed—

“(A) as subjecting taxicab service to regulation under chapter 135 or section 31138;

“(B) as prohibiting or restricting an airport, train, or bus terminal operator from contracting to provide preferential access or facilities to one or more providers of pre-arranged ground transportation service; and

“(C) as restricting the right of any State or political subdivision of a State to require, in a nondiscriminatory manner, that any individual operating a vehicle providing prearranged ground transportation service originating in the State or political subdivision have submitted to pre-licensing drug testing or a criminal background investigation of the records of the State in which the operator is domiciled, by the State or political subdivision by which the operator is licensed to provide such service, or by the motor carrier providing such service, as a condition of providing such service.”.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—Section 13102 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (17), (18), (19), (20), (21), and (22) as paragraphs (18), (19), (21), (22), (23), and (24), respectively;

(2) by inserting after paragraph (16) the following:

“(17) PRE-ARRANGED GROUND TRANSPORTATION SERVICE.—The term ‘pre-arranged ground transportation service’ means transportation for a passenger (or a group of passengers) that is arranged in advance (or is operated on a regular route or between specified points) and is provided in a motor vehicle with a seating capacity not exceeding 15 passengers (including the driver).”; and

(3) by inserting after paragraph (19) (as so redesignated) the following:

“(20) TAXICAB SERVICE.—The term ‘taxicab service’ means passenger transportation in a motor vehicle having a capacity of not more than 8 passengers (including the driver), not operated on a regular route or between specified places, and that—

“(A) is licensed as a taxicab by a State or a local jurisdiction; or

“(B) is offered by a person that—

“(i) provides local transportation for a fare determined (except with respect to transportation to or from airports) primarily on the basis of the distance traveled; and

“(ii) does not primarily provide transportation to or from airports.”.

(b) CONFORMING AMENDMENTS.—

(1) MOTOR CARRIER TRANSPORTATION.—Section 13506(a)(2) of title 49, United States Code, is amended to read as follows:

“(2) a motor vehicle providing taxicab service;”.

(2) MINIMUM FINANCIAL RESPONSIBILITY.—Section 31138(e)(2) of such title is amended to read as follows:

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“(2) providing taxicab service (as defined in section 13102);”.

Approved November 26, 2002.

LEGISLATIVE HISTORY—H.R. 2546:**HOUSE REPORTS:** No. 107-282 (Comm. on Transportation and Infrastructure).**SENATE REPORTS:** No. 107-237 (Comm. on Commerce, Science, and Transportation).**CONGRESSIONAL RECORD:**

Vol. 147 (2001): Nov. 13, considered and passed House.

Vol. 148 (2002): Oct. 17, considered and passed Senate, amended.

Nov. 12, House concurred in Senate amendments.

