



# **Title 16 Vehicles and Traffic**

(Title replaced by Ordinance 165189, effective July 1, 1992.)

## **Chapter 16.10 Administrative Provisions**

### **16.10.001 Purpose.**

This chapter describes the authority of the City to establish traffic laws and to erect traffic control devices. It also describes the specific authorities of certain City officers and employees to administer and enforce the Code.

### **16.10.020 Where Regulations Apply.**

(Amended by Ordinances 172976, 177028 and 179141, effective March 23, 2005.)

The regulations of this chapter apply to all City of Portland owned or operated property, public rights-of-way, other designated public areas in the City of Portland and to private property specifically noted in this chapter.

### **16.10.030 Authority to Direct Traffic on Public Rights of Way.**

(Added by Ordinance 176394, effective April 17, 2002.)

Officers and reserve officers of the Portland Police Bureau are authorized to direct, redirect, limit or restrict pedestrian and/or vehicular traffic on any public right of way.

### **16.10.050 Compliance Required.**

It is unlawful for a pedestrian or the operator of any vehicle to disobey the instructions of a traffic control device placed in accordance with the provisions of this Title, unless otherwise directed by an authorized officer.

It is unlawful for any person to refuse or fail to comply with any lawful order, signal, or the direction of any officer displaying a badge with the legal authority to direct, control, or regulate traffic.

### **16.10.060 Citations and Nuisances.**

(Amended by Ordinance 165987 and 170923, effective March 21, 1997.)

**A.** When a vehicle is found in violation of this Title or any other Title of the City Code or state law, the officer finding the vehicle will:

1. note the license number and/or any other information displayed on the vehicle that may identify the owner; and
2. issue to the operator or place in a conspicuous space on the vehicle involved in the violation a serially numbered parking citation.

**B.** The citation will instruct the vehicle owner to answer to the charge or pay the penalty imposed within a specific number of days, during specific hours, and at a specific place or to be mailed in a specific number of days.

**C.** It is a violation of this Title to be the owner of a vehicle parked in violation of any of the provisions of this Title.

**D.** It is unlawful for any unauthorized person to change, erase, alter mar, mark, mutilate, or destroy a traffic citation form that has been issued under authority of this Title.

**E.** Unless otherwise provided for in this Title, any person violating a provision of this Title is subject to a fine of up to \$500 upon conviction of the violation.

**F.** The court may proceed to make a determination, enter a disposition, and enter a judgement without a hearing on a citation issued under this Title if the person cited fails to request a hearing within the time provided on the citation. In no event shall a judgement be taken sooner than 60 days from the date of the citation and without prior notice by mail to the person against whom the judgement is taken.

**G.** When a nonvehicular violation of this Title is discovered, the adjacent property owner is responsible for all abatement proceedings.

### **16.10.080 Altering or Erecting Traffic Control Devices.**

(Amended by Ordinance 166575, effective June 2, 1993.)

It is unlawful for any person to alter in any manner a traffic control device erected or established by authority of this Title. It is also unlawful for any person to erect, display, or maintain any traffic control device without authorization of this Title.

Every unauthorized traffic control device is hereby declared to be a public nuisance and is subject to summary abatement. The parking-prohibited area for driveways as defined in 16.20.130 (V) and 16.90.105 may be painted and maintained with traffic line yellow paint by the adjacent property owner or occupant, subject to the following:

- A.** The traffic line yellow paint may extend across the apron (throat) of the driveway.
- B.** The wing, radius, and/or apron paint may only be painted up to a width of the curb or to a maximum width of eight inches as measured from and beginning at the face of the wing, radius, and/or throat.

**C.** The wings, curb returns, and/or aprons of driveways at locations that are officially designated as prohibitive or restrictive parking, such as “No Parking At Any Time,” “No Parking In This Block,” “Truck Loading All Hours/All Days” zones may not be painted.

The City Traffic Engineer may paint driveway clearances and stencil “No Parking” on the apron and paint keys in the road area of any driveway in the city to facilitate access upon receipt of a signed application and appropriate fee.

### **16.10.100 Road Authority.**

(Amended by Ordinance 170923, effective March 21, 1997.)

As the City’s elected body, the City Council is the road authority for all public streets, except state highways, as designated by State Law. The City Council may delegate specific road authority to the City Traffic Engineer, City Engineer or Emergency Incident Commander as the Council deems appropriate.

### **16.10.200 Duties of the City Traffic Engineer.**

(Amended by Ordinances 170923, 172976, 173369, 173627, 175205 and 182389, effective January 2, 2009.)

The City Traffic Engineer will be designated by the Commissioner-In- Charge of the Bureau of Transportation. The City Traffic Engineer or his/her designee may exercise the following duties and responsibilities:

**A.** Implement ordinances, resolutions and directions of the City Council and orders of the Commissioner-In-Charge of the Bureau of Transportation by installing, removing, and altering traffic control devices.

**B.** Establish, remove, or alter traffic controls, including but not limited to:

1. crosswalks, traffic lanes, one-way streets, stop intersections or places, and no passing zones;
2. intersection channelization and areas where vehicle drivers may not make right, left, or U-turns, and the time when the prohibition applies;
3. parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal);
4. regulated parking zones;
5. traffic control signals and any device that regulates a traffic control signal;
6. bicycle lanes and traffic controls for such facilities; and
7. other regulatory, warning, and guide signs.

- C.** Issue vehicle parking permits that authorize specified parking privilege.
- D.** Temporarily reserve portions of the street area according to regulations found in Section 16.20.500.
- E.** Issue vehicle permits for the movement of over dimensional vehicles on or over City streets.
- F.** Designate certain streets where certain classes of over dimensional vehicles may move on or over without a permit.
- G.** Designate streets where certain classes of vehicles may not move on or over except for local access.
- H.** Temporarily reduce speed limits when allowed by the provisions of ORS 810.180.
- I.** Designate certain streets as bridle paths and prohibit horses and animals on other streets.
- J.** Determine the location, design, and construction of streetlights.
- K.** Designate transit lanes and street locations where certain transit vehicles may proceed in a manner prohibited to other traffic.
- L.** Require the removal or pruning of any street tree, vegetation or other obstruction in the public right-of-way that obscures the visibility of or for drivers, bicyclists, or pedestrians, or in any way presents a safety hazard.
- M.** Regulate the installation and presence of banner signs on lighting poles owned by the City.
- N.** Install temporary traffic control devices when traffic conditions constitute a danger to the public.
- O.** Whenever specifically provided in the Title, the City Traffic Engineer may assess civil penalties for violations of the provisions of Title 16. The City Traffic Engineer shall adopt rules, procedures, and forms to be used in assessing such civil penalties. In determining the amount of any civil penalty to be assessed, the City Traffic Engineer shall consider the following criteria:
  - 1.** The extent and nature of the violation;
  - 2.** The benefits, financial or otherwise, accruing or likely to accrue as a result of the violations;
  - 3.** Whether the violations were repeated and continuous, or isolated and temporary;
  - 4.** The magnitude and seriousness of the violation;
  - 5.** The City's cost of investigating the violation and correcting or attempting to correct the violation; and
  - 6.** Any other relevant factors.
- P.** The City Traffic Engineer's assessment of civil penalties may be appealed to the Code Hearings Officer according to the provisions of Title 22 of the Portland City Code.

### **16.10.300 Administrative Rules and Procedures.**

(Amended by Ordinances 173627 and 182389, effective January 2, 2009.)

Traffic and Parking management rules and procedures not specified in this Code are governed by the Bureau of Transportation Rules and Procedures Manual. It is the duty of the Bureau Director to develop and implement the Bureau of Transportation's Rules and Procedures Manual. The Commissioner-In-Charge of the Bureau of Transportation or the City Council may amend the Manual at any time.

Exceptions to the Rules in the Manual may be made only with prior approval of the City Traffic Engineer or the Bureau Director. Procedures in the Manual are intended to serve as a general outline on how to apply or implement a rule or program.

### **16.10.400 Regulation Standards.**

The City Traffic Engineer may erect traffic control devices and impose regulations to control traffic and parking in the City of Portland. The regulations of the City Traffic Engineer or his/her designee will be based on:

- A.** traffic engineering principles and traffic investigations;
- B.** standards, limitations, and rules issued by the Oregon Transportation Commission; and
- C.** other recognized traffic control standards.

### **16.10.500 Fees and Charges.**

(Amended by Ordinances 170923, 173627, 182389 and 183829, effective July 1, 2010.)

The Transportation Director and/or City Council may establish fees and charges. If a larger fee is required elsewhere in this Title for any class of permit, the larger fee shall apply; otherwise the following fees and charges shall be paid unless the Transportation Bureau Director or Council has granted a specific permit for a different fee.

All fees, charges, civil penalties, and fines established by authority of this Title will be listed in the Transportation Fee Schedule included in Portland Policy Documents, as amended annually by Council effective with the fiscal year budget.

### **16.10.600 Authority of Law Enforcement, Fire Officers, and Emergency Incident Commanders.**

(Amended by Ordinances 170923 and 180917, effective May 26, 2007.)

If a fire or other public emergency occurs, officers of the Bureau of Police and Portland Fire & Rescue may direct traffic as conditions require, notwithstanding the provisions of this Title. In the event of an emergency or disaster that results in the implementation of the City Basic Emergency Services Plan, as

established in Chapter 15.12, the Incident Commander may direct traffic and parking controls appropriate to the incident, notwithstanding the provisions of this Title.

### **16.10.650 Parking Code Enforcement Officers.**

(Amended by Ordinances 170923, 173627, 176394, 179141 and 182389, effective January 2, 2009.)

Parking code enforcement supervisors and officers under the administration and control of the Bureau of Transportation as established in Section 3.12.010, will serve as follows:

- A.** The duties of the position of parking code enforcement officer are to provide assistance as special police officer in the enforcement of parking regulations as provided by this Title, and other related work under the direction of the Bureau Director.
- B.** Persons appointed as parking code enforcement officers or as supervisors, will be special police officers of the City. As special police officers, the parking code enforcement officers and supervisors will have authority to issue citations for parking violations, including violations of disabled zones on property that is open to the public outside of the public right-of-way, or on City of Portland owned or operated property.

### **16.10.660 Authority of Bureau of Transportation Private For-Hire Transportation Program Designated Employees to Issue Civil Penalties.**

(Added by Ordinance 187043, effective April 3, 2015.)

Private For-Hire Transportation Regulatory Program Specialists, Regulatory Program Administrators and Regulatory Program Managers are under the administration and control of the Bureau of Transportation as established in Section 3.12.010, and will serve as follows:

- A.** The duties of the position of Regulatory Program Specialist, Regulatory Program Administrator, and Regulatory Program Manager include but are not limited to performing as transportation enforcement officers in the enforcement of Private For-Hire Transportation and other provisions of Chapter 16.40 and its administrative rules, and other related work under the direction of the Director of the Portland Bureau of Transportation.
- B.** Persons appointed as Private For-Hire Transportation Regulatory Program Specialists, Regulatory Program Administrators and Regulatory Program Managers will be transportation enforcement officers of the City. As transportation enforcement officers, the Regulatory Program Specialists, Regulatory Program Administrators and Regulatory Program Managers shall be authorized to:
  1. enforce compliance with regulations under their jurisdiction.
  2. issue civil penalties for violations of applicable provisions of Chapter 16.40 which shall be subject to administrative hearings under the provisions of Chapter 22.10.

C. Each of the above designated employees shall carry upon his or her person a metallic badge, of a size and design to be determined as provided in Administrative Rule, while performing his or her respective duties applicable to this Section.

## **Chapter 16.20 Public Right-of-Way Parking**

### **16.20.001 Purpose.**

(Amended by Ordinances 165594 and 179141, effective March 23, 2005.)

This Chapter describes the regulation of parking on City of Portland owned or operated property, including but not limited to surface parking lots, parking structures and designated parking areas; and public right-of-ways, including but not limited to streets, designated parking areas, planting strips, and sidewalks.

The Public Property and Right-of-Way Parking Chapter is organized in six Sections:

- A.** 16.20.100 General Parking Methods describes the general rules of legal parking and enforcement of parking regulations.
- B.** 16.20.200 Regulated Parking Zones describes additional regulations for public areas that are designated for no or limited-term parking or only for specific parking uses.
- C.** 16.20.400 Metered Parking Zones describes additional regulations for parking in areas with parking meters.
- D.** 16.20.500 General Parking Permits describes the privileges and regulations that apply to general parking permits issued by the City Traffic Engineer or the City Engineer. These permits allow a person to reserve the public right-of-way for certain uses during a defined period of time. General Parking Permits are generally issued to a person but may require the use of vehicle identification cards.
- E.** 16.20.600 Vehicle Parking Permits describes the privileges and regulations that apply to vehicle permits issued by the City Traffic Engineer. Vehicle Parking Permits are usually issued to a specific vehicle(s).
- F.** 16.20.800 Area Parking Permit Program provides additional protection and parking management to areas with commuter parking problems.

### **16.20.100 General Parking Methods.**

### **16.20.110 Generally.**

(Amended by Ordinance 165594, effective July 8, 1992.)

All persons parking a vehicle in the City of Portland must comply with the following rules in addition to any rules mandated by a parking zone, permit, or district, unless specifically directed otherwise by this Title, a traffic control device or an authorized officer.

- A.** Emergency vehicles may stop or park in any manner necessary at any time while serving an emergency.
- B.** No person may park or stop a vehicle other than in the direction of traffic.
- C.** When parking spaces are designated on a street with parking space markings, the vehicle must be parked in such a manner that the entire vehicle is located within official parking space markings.
- D.** When parking spaces are not designated on a street with parking space markings and when angle parking is not lawful, the vehicle must be parked in such a manner that both the front and rear tires closest to the curb or curb line are located not more than 1 foot from the curb or curb line.

A two or three wheeled vehicle may park at an angle or perpendicular to traffic flow if its tire closest to the curb or curb line is located not more than one foot from the curb or curb line and the vehicle does not extend more than eight feet from the curb or curb line.

**E.** The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street or public lot has priority to park in that space, and no other vehicle operator or person may attempt to interfere.

**F.** When the operator of a vehicle discovers the vehicle is parked adjacent to a building to which the fire department has been summoned, the operator must immediately remove the vehicle from the area unless directed otherwise by police or fire officers.

### **16.20.120 Prohibited Parking or Stopping of a Vehicle.**

(Amended by Ordinances 165594, 166575, 170923, 173369, 176394, 176955, 179141 and 191736, effective July 1, 2024.)

Except when specifically directed by authority of this Title or when necessary to avoid conflict with other traffic, it is unlawful to park or stop a vehicle:

- A.** While such vehicle is equipped with a vehicle alarm unless such system is designed to, and does in fact, cease emitting an intermittent or constant sound after an aggregate time of 3 minutes within a 15 minute period on any public right-of-way or in a public park.
- B.** To angle load/unload (except within a legal angle parking space) on any street unless specifically authorized by an angle loading permit. Unauthorized angle loading is hereby declared to be a traffic hazard and is subject to summary abatement.
- C.** At an angle to traffic flow except:



**1.** Where angle parking is designated by official parking space markings or other traffic control devices.

**2.** That a two or three wheeled vehicle may park in a legal parking area at an angle or perpendicular to traffic flow in accordance with 16.20.110 C. and D.

**D.** Outside of or across an official line or mark designating a parking space, or between such lines in a maneuvering area.

**E.** So as to prevent the free passage of other vehicles, including rail vehicles and bicycles, on any street, alley or City of Portland owned or operated property.

**F.** On or over an official fog or edge line.

**G.** Adjacent to a curb painted or taped yellow if the paint or tape is authorized by the City Traffic Engineer.

**H.** When the vehicle is: a truck, a truck trailer, a motor bus, a recreational vehicle, a utility trailer, a drop box or storage container, or has two or more rear axles in the public right-of-way adjacent to or directly across from residential, public park, church, or school property, except:

**1.** When loading/unloading property belonging to the occupants of or performing a service on the adjacent residence, for a period not to exceed 8 hours; or

**2.** A recreation vehicle when servicing or loading/unloading the vehicle for a period not to exceed 8 hours.

**3.** That a vehicle may park adjacent to or directly across from public park property if authorized by a written permit from the Bureau of Parks and Recreation.

**I.** When the vehicle is: a truck, truck trailer, a motor bus, recreational vehicle, a utility trailer, a drop box or storage container, or has two or more rear axles in the public right-of-way adjacent to or directly across from commercial or industrial property, except:

**1.** Between the hours of 6 a.m. and 4 p.m. for a period not to exceed 4 hours; or

**2.** Between the hours of 4 p.m. and 6 a.m. when adjacent to a business or industry normally operating a regular work shift during these hours while loading/unloading a vehicle in conjunction with the operation of this business for a period not to exceed 2 hours.

**J.** On the roadway side of a vehicle which is stopped or parked:

**1.** In an officially designated parking space; or

**2.** Adjacent to the curb line of a street.

**K.** Alongside or opposite a street excavation or obstruction when stopping or parking would obstruct traffic.

**L.** That is required by state law to be registered that is not registered, whose registration has expired or that does not have a current permit in lieu of registration, or fails to display current registration.

**M.** Without doing all of the following if leaving the vehicle unattended:

1. Stopping the engine;
2. Turning the front wheels to the curb or side of the street when on any grade;
3. Locking the ignition;
4. Removing the key from the ignition; and
5. Effectively setting the brake on the vehicle.

**N.** If the vehicle is a drop box parked during the hours of sunset to sunrise without reflective devices on the edge or side of the vehicle nearest the center of the street. The reflective device must be plainly visible for a distance of 200 feet in either direction from the drop box, parallel with the center of the street.

**O.** If the vehicle is a drop box within 50 feet of an intersection without permission of the City Engineer, City Traffic Engineer, or the Portland Permitting & Development. This regulation does not apply to the area of the street where the direction of traffic is leaving an intersection on a one-way street.

**P.** In the public right-of-way, public park, or city-owned or operated property if the vehicle is abandoned.

**Q.** In a manner that creates a traffic hazard impeding the safe movement of vehicular or pedestrian traffic.

**R.** That is required by law to display two registration plates if a plate is not displayed on the front and the rear of the vehicle.

**S.** Which is a government vehicle, in a parking space where government vehicles are prohibited.

**T.** Any violation of the City of Portland, Transportation Administrative Rule is subject to citation or fine for each violation.

### **16.20.130 Prohibited in Specified Places.**

(Amended by Ordinance 165594, effective July 8, 1992.)

Except when specifically directed by authority of this Title or when necessary to avoid conflict with other traffic, it is unlawful to park or stop a vehicle in any of the following places:

**A.** Within 50 feet of an intersection when:

1. The vehicle or a view obstructing attachment to the vehicle is more than 6 feet in height; or

**2.** Vehicle design, modification, or load obscures the visibility or view of approaching traffic, any traffic control sign, any traffic control signal, or any pedestrian in a crosswalk.

This regulation does not apply to the area of the street where the direction of traffic is leaving an intersection on a one-way street.

- B.** Within 15 feet of a driveway to any fire station unless allowed by official signs or markings.
- C.** Within 10 feet of any fire hydrant, even when not marked by traffic control devices, except attended taxi cabs lawfully occupying properly signed taxi zones.
- D.** In front of any portion of a handicap access ramp.
- E.** In front of and 10 feet on either side of a rural (vehicle) delivery mail box between 8 a.m. and 6 p.m., except Sundays and official postal holidays.
- F.** Within any city park or golf course except in officially designated parking areas during the time the park is open to the public. This provision does not apply to City or City-authorized vehicles used in park or golf course service, or to vehicles authorized by a written permit from the Bureau of Parks and Recreation.
- G.** In violation of the provisions of any area parking permit program as defined in 16.20.800.
- H.** On any mass transit lane or street as defined in Section 16.50.
- I.** On any planting strip, sidewalk, or pedestrian way.
- J.** On a shoulder unless a clear and unobstructed traffic lane of the roadway adjacent to the vehicle is left for the passage of other vehicles, and:
  - 1.** The stopped or parked vehicle is visible from a distance of 200 feet in each direction upon the roadway; or
  - 2.** A person, at least 200 feet in each direction upon the roadway, warns approaching motorists of the parked vehicle by use of flag persons, flags, signs or other signals.
- K.** On the approaches to or upon any restricted access highway, bridge, viaduct, or other elevated structure, unless permitted by authority of this Title.
- L.** On City-owned or City-operated property designated for vehicle parking by authorized City personnel only, without consent of the City, if there is in plain view on such property a sign prohibiting or restricting public parking.
- M.** Over, upon, or in such manner as to prevent access to any water meter, gate valve, or other appliance in use on any water meter connection of the Portland Water Bureau, located on public property, the public right-of-way or private property.
- N.** On any municipal terminal except in the place and manner permitted by official signs or markings.

- O.** On any pier or dock of a municipal terminal except when loading/unloading freight in compliance with any official signs or markings.
- P.** On or within an intersection.
- Q.** On or within a crosswalk.
- R.** Within any tunnel unless parking in officially designated spaces.
- S.** Within 7 feet of the nearest rail of a railroad track or within 25 feet of the center line of any set of tracks at any railroad or light rail crossing unless parking in officially designated spaces.
- T.** In the area between roadways of a divided street or highway.
- U.** On or within a bicycle lane, path, or trail.
- V.** In front of any portion of a driveway ingress/egress to the public right-of-way.

### **16.20.150 Prohibited Practices.**

(Amended by Ordinances 165594, 166575 and 176585, effective July 5, 2002.)

No person may park or permit to be parked a vehicle on a street or other public property for the principal purpose of:

- A.** Displaying the vehicle for sale;
- B.** Repairing or servicing the vehicle, except while making repairs necessitated by an emergency for a period not to exceed 8 hours or as allowed for recreational vehicles in 16.20.120 (H2);
- C.** Displaying advertising from the vehicle; or
- D.** Selling merchandise from the vehicle, except when authorized by permit or City Code. See also: 14A.50.030, 14A.50.050, 16.60.100 F., 16.70.550, 17.25, 17.26.

### **16.20.160 Use of Streets in Lieu of Off street Parking or Storage Prohibited.**

(Added by Ordinance 171455; amended by Ordinances 176394, 182456 and 186639, effective July 11, 2014.)

- A.** It is unlawful for any public vehicle parking business, vehicle sales, repair, or servicing business to cause or permit a vehicle to be parked on a street, alley, lane, or other public right of way while such vehicle is in the custody, control, or possession of the business for the purpose of being parked, offered for sale, repaired, or serviced.
- B.** As used in this Section, "public vehicle parking business" means the business of offering off-street vehicle parking or storage for a fee; "vehicle sales, repair, or servicing business" means the business of

offering new or used vehicles for sale, lease, or rent, or of offering vehicle repairs or servicing; “vehicle” means any device, including any major portion or part thereof, in, on, upon, or by which any person or property may be transported or drawn upon a public highway except a device moved exclusively by human power, or used exclusively upon stationary rails or tracks.

**C.** If a vehicle is parked on a street, alley, or lane, or other public right of way while in the custody, control, or possession of a public vehicle parking business or a vehicle sales, repair, or servicing business for the purpose of being parked or stored, offered for sale, lease, or rent, or being serviced or repaired, it is prima facie evidence that the person engaged in such business caused or permitted such vehicle to be so parked.

**D.** Except for vehicles associated with accessory home occupations per Chapter 33.203, it is unlawful for any business entity to store more than one vehicle on any block face between the hours of 8:00 p.m. and 6:00 a.m. It is unlawful for the operator of any accessory home occupation to park or store more than one vehicle used in association with the home occupation in the public right-of-way at any time. The maximum size of the vehicle used in association with the home occupation is a pickup truck in the medium truck category as defined in Chapter 33.910.

**E.** The owner of the business, operator of the business, or the owner of the property where the business is located shall be the party responsible for any violation of this Section.

### **16.20.170 Storing Property on Street Prohibited.**

(Amended by Ordinances 165594, 172788, 176955 and 191736, effective July 1, 2024.)

**A.** No person may store, or permit to be stored, a vehicle or other personal property on public right-of-way or other public property in excess of 24 hours without permission of the City Engineer, the City Traffic Engineer, or the Portland Permitting & Development.

**B.** Failure to operate and move a vehicle or move nonvehicular property off of the block face within a 24-hour period constitutes prima facie evidence of storage and may be abated.

**C.** Nonvehicular property stored for any amount of time in a metered space or regulated parking zone is a nuisance and may be summarily abated.

**D.** Notwithstanding section A above, vehicles described in section 16.20.120 H and I are subject to the limitations established in those sections.

### **16.20.190 Successive Violations.**

**A.** After a citation for overtime parking has been issued and the cited vehicle remains parked or stopped within 500 feet on the same block face of where parked when cited for the previous violation, a separate violation occurs upon the expiration of each successive maximum period of parking time as designated by official signs, markings, or meters. A separate citation may be issued for each successive violation.

**B.** After a citation for unlawful parking other than overtime parking is issued and the cited vehicle remains parked or stopped within 500 feet on the same block face of where parked when cited for the

previous violation and continues to park in violation of parking law(s), a separate violation occurs on the next calendar day from when the last citation was issued. A separate citation may be issued for each successive violation.

### **16.20.200 Regulated Parking Zones.**

#### **16.20.201 Purpose.**

Parking Zones are designated by the City Traffic Engineer to manage parking and traffic congestion in areas with special parking needs.

#### **16.20.203 Regulated Parking Zone Designations.**

**A.** Anyone may request that the City Traffic Engineer designate a regulated parking zone on any particular street or highway.

**B.** When evaluating designation of a regulated parking zone, factors the City Traffic Engineer may consider include:

1. The nature of land use within the block;
2. The volume of traffic;
3. The volume of parking;
4. The width of surface of the street;
5. The relationship between the need for parking space for the land use in the block, for the use of the regulated parking zone, and the need for parking space for the general public;
6. Patrons and prospective patrons of the places within the block or area to be served by the parking zone; and
7. The hours of day or night when use of the parking zone is necessary or most convenient.

**C.** The standard for determining the location and size of any regulated parking zone will be the public welfare.

#### **16.20.205 Enforcement of Regulated Parking Zones.**

(Amended by Ordinances 176955 and 191736, effective July 1, 2024.)

**A.** A sign which regulates the amount of time a vehicle may park such as "Parking 30 minutes", is in effect from 8 a.m. to 6 p.m. Monday through Saturday, excluding City recognized holidays, unless the regulating sign shows other restrictions for days or hours.

- B.** A sign without stated hours or days which regulates parking zones such as “No Parking”, “No Parking This Block”, “Bus Zone”, or “Truck Loading Zone, No Parking Anytime” is in effect all hours of all days, including City recognized holidays.
- C.** A sign which prohibits parking during certain hours or days such as “No Parking 7 a.m. to 9 a.m. Monday through Friday” or “Truck Loading Zone 7 a.m. to 6 p.m. Monday through Friday” is in effect during the days and times shown on the sign, excluding City recognized holidays.
- D.** For a parking sign which has an arrow, the direction in which the head of the arrow points is the direction that the regulation is in effect.
- E.** It is unlawful to put nonvehicular property in a regulated parking zone without permission of the City Engineer, the City Traffic Engineer or the Portland Permitting & Development. Any nonvehicular property stored in a regulated parking zone is a nuisance and may be summarily abated.

### **16.20.210 No Parking Zones.**

No vehicle may park in any no-parking zone at any time. Vehicles may stop in a no parking zone for a period not to exceed 30 seconds only to load/unload passengers.

### **16.20.213 No Stopping or Parking Zone.**

No vehicle may stop or park in any no parking or stopping zone.

### **16.20.215 Theater Zone.**

A vehicle may not park in a theater zone while the theater adjacent to the zone is open to the public. Theater hours must be posted and clearly readable from the theater zone. Vehicles may stop for the purpose of loading/unloading passengers for a period not to exceed 30 seconds.

### **16.20.220 Truck Loading Zones.**

(Amended by Ordinances 165594, 166575, 176394 and 179141, effective March 23, 2005.)

- A.** Truck loading zones are established to prevent double parking and other illegal parking by designating a supply of parking spaces dedicated to the delivery of merchandise by trucks to commercial properties.
- B.** Only the following vehicles, while being actively loaded or unloaded, may park in a truck loading zone for no more than 30 minutes:
  - 1.** A truck as defined by this Title;
  - 2.** A vehicle defined by its Department of Motor Vehicles registration as a truck, van, or pick-up that exhibits the commercial nature of the vehicle according to paragraph 6;

3. A passenger or other vehicle with an official commercial loading permit as defined in Section 16.20.620 or delivery permit as defined in Section 16.20.630 that exhibits the commercial nature of the vehicle according to paragraph 6;
4. Any vehicle with Farm Vehicle registration plates when actively engaged in loading/unloading merchandise; or
5. Taxicabs with a current taxicab permit as defined in Section 16.40.220 when actively engaged in loading/unloading passengers or packages, for a period not to exceed 15 minutes.
6. Commercial signage required by this section must be:
  - a. On both sides of the vehicle;
  - b. Magnetic, static cling vinyl (which may not be used on tinted windows), decals or permanently painted;
  - c. No smaller than 8 1/2" by 11";
  - d. In 2-inch or larger lettering;
  - e. In a color that clearly contrasts with the color on which the lettering is displayed; and
  - f. In lettering that is clearly visible at a distance of 20 feet.

**C.** Upon leaving a truck loading zone, a vehicle must vacate the block face of said truck loading zone or move 500 feet as measured along the curb line for a period of 1 hour before returning to a truck loading zone, a time zone, or a metered space, on the same block face.

**D.** Truck loading zones should not be located within 50 feet of an intersection in order to facilitate traffic safety. This does not apply to the area of the street where the direction of traffic is leaving an intersection on a one-way street.

### **16.20.230 Bus Zone.**

Only a motor bus may park in a bus zone.

### **16.20.235 Tri-Met Bus Zone.**

No vehicle may park in any Tri-Met Bus Zone, except:

- A.** A Tri-Met Bus or a contract or franchise bus of Tri-Met while passenger loading/unloading for a period not to exceed 2 minutes;
- B.** When allowed by the terms of a contract or franchise with the City of Portland for a period not to exceed 2 minutes; or



- C.** A taxicab for a period not to exceed 15 minutes. Taxicabs may not use Tri-Met bus zones during the hours of 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.
- D.** The buses described in subsections A and B may park in a designated Tri-Met bus lay over zone for a period not to exceed 30 minutes.

### **16.20.240 Taxi Zone.**

(Amended by Ordinance 176394, effective April 17, 2002.)

- A.** Location of taxi zones will be determined by the City Traffic Engineer with the advice of the Taxicab Regulation Supervisor.
- B.** No vehicle may park in a taxi zone except a taxicab operated by authority of a current taxicab company permit and displaying a current taxi plate issued pursuant to PCC 16.40.710 E.
- C.** No taxicab driver may leave a vehicle unattended in a taxi zone adjacent to a fire hydrant for any reason.
- D.** No person may leave a taxicab unattended in any taxi zone not adjacent to a fire hydrant except when assisting passengers to enter or alight from the taxicab or to carry a passenger's baggage or when delivering packages, and then for a period not to exceed 15 minutes.
- E.** No person may make repairs to a taxicab parked in a Taxi Zone.

### **16.20.250 Disabled Person/Wheelchair User Zone.**

(Amended by Ordinance 186575, effective July 1, 2014.)

No vehicle may stop or park in a disabled or wheelchair user zone except:

- A.** a vehicle transporting a disabled person with an official State-issued disabled person or wheelchair user registration plate, placard, permit or decal; or
- B.** a Tri-Met bus loading/unloading disabled passengers.

### **16.20.260 Time Zones.**

- A.** A vehicle may park in a time zone only for a period not to exceed the posted time limit.
- B.** A vehicle may not return to a time zone in the same block face or within 500 feet of where previously parked on the same block face for a 3-hour period.
- C.** Upon expiration of the designated time limit, as indicated by the parking zone sign, a citation may be issued if a vehicle remains parked or stopped on the same block face unless:
  - 1.** The vehicle has moved 500 or more lineal feet, measured along the curb or edge line;

2. The vehicle has moved to an unregulated parking area in the same block face; or
3. The vehicle has vacated the block face for 3 hours.

### **16.20.270 Carpool Zone.**

No vehicle may park in a carpool zone during designated hours except vehicles displaying a current carpool permit.

### **16.20.280 Official/Reserved Zones.**

- A. An official/reserved zone is a parking area reserved for specific vehicles.
- B. No vehicle may park in an official/reserved zone unless authorized as indicated by the sign or markings of the zone.

### **16.20.290 Electric Vehicle Charging Zones.**

(Added by Ordinance 191187, effective March 31, 2023.)

- A. Electric vehicle (EV) Charging Zones are established to prevent any vehicle that is not actively using the EV charger from parking in the space. All on-street parking spaces with EV chargers installed will be designated as an EV Charging Zone and only vehicles actively charging their EV shall be permitted.
- B. A permit to establish an EV Charging Zone may be approved by the Portland Bureau of Transportation provided the permit applicant possesses a franchise or privilege granted by the City of Portland, obtains the necessary permit(s), and makes the required improvements to the parking space(s).
- C. Parking in a space designated as an EV Charging Zone shall be restricted to EVs or plug-in hybrid vehicles that are actively charging, which is defined as being plugged into the EV charger.

### **16.20.400 Metered Parking Zones.**

(Amended by Ordinance 179141, effective March 23, 2005.)

#### **16.20.401 Purpose.**

Parking meters are authorized by the City of Portland as a means to increase vehicle turnover in parking spaces, to encourage short-term parking in the metered area, and to improve safety in the public right-of-way.

#### **16.20.405 Enforcement of Metered Parking Spaces.**

(Amended by Ordinance 179141, effective March 23, 2005.)

- A. Parking meters are in effect during all hours indicated on the meter and/or sign.

- B.** All vehicles must adhere to parking meter regulations while stopped or parked in an officially designated metered parking space unless obeying the direction of an authorized officer or unless authorized for specific actions by a vehicle or general parking permit.
- C.** Emergency vehicles may stop or park in any metered space at any time while serving an emergency.
- D.** It is unlawful to store nonvehicular property in a metered parking space. Any nonvehicular property stored in a metered parking space is a nuisance and may be summarily abated.

### **16.20.410 Administration of Meters, City of Portland Owned and Operated Property.**

(Amended by Ordinance 179141, effective March 23, 2005.)

- A.** Changes to or establishment of parking meter areas, including but not limited to surface parking lots, parking structures and designated parking areas, is initiated at the sole discretion of the City Traffic Engineer.
- B.** The City Traffic Engineer is authorized to enter into agreements with City Bureaus or other public bodies in order to operate their surface parking lots, parking structures or designated parking areas within the City of Portland.

### **16.20.420 Determination of Meter District Boundaries.**

(Amended by Ordinances 173627, 179141 and 182389, effective January 2, 2009.)

- A.** Changes to or establishment of a parking meter district is initiated at the sole discretion of the City Traffic Engineer.
- B.** Before expanding or establishing a new parking meter district on public-right-of-way, the City Traffic Engineer must conduct a public hearing on the proposed meter district. All properties within 400 feet of and all City recognized neighborhood and business associations within 1000 feet of the proposed meter district shall be mailed notice of the public hearing at least 20 days prior to the hearing.
- C.** Meter district boundaries will be proposed in the text of a report to the City Council. All persons registering their attendance at the public hearing shall be mailed notice of the City Council meeting at least 20 days prior to the meeting.
- D.** The City Traffic Engineer may consider the following factors when determining a parking meter district boundary:
  - 1.** The amount of area presently under parking sign controls.
  - 2.** Adjacent property owner and property tenant demand and interest in having metered parking control.
  - 3.** Need for increased turnover of parking spaces and public right-of-way management.

4. Mitigation of traffic and parking impact on adjacent areas.

5. Impact on current parking meter district enforcement.

E. Current meter district boundaries shall be listed in the Bureau of Transportation's Rules and Procedures Manual.

### **16.20.430 Meter Time (on City of Portland Right-of-Way).**

(Amended by Ordinances 176394 and 179141, effective March 23, 2005.)

A. It is unlawful for any person to park any vehicle in any parking meter space during the hours of operation of the meter without paying the parking meter fee, or to permit any vehicle in their control or custody to remain in any parking meter space longer than the time designated time limit.

B. At short-term meters, it is unlawful to extend the parking time beyond the designated limit for parking in the metered space.

C. Upon expiration of the designated time limit, as indicated by the parking meter, a citation may be issued if a vehicle remains parked or stopped on the same block face unless it has moved 500 or more lineal feet as measured along the curb or edge line.

D. Upon leaving a metered space a vehicle may not return to a parking meter in the same block face for a 3-hour period, unless it is a metered space in the same block face that is more than 500 lineal feet, as measured along the curb or curb line, from the previously used metered space.

E. Upon expiration of the designated time limit indicated by the parking meter, a citation may be issued if a vehicle remains parked or stopped on the same block face unless:

1. The vehicle has moved 500 or more lineal feet, measured along the curb or edge line;
2. The vehicle has moved to an unregulated parking area in the same block face; or
3. The vehicle has vacated the block face for a period of 3 hours.

F. A vehicle may not be parked in any space with a broken or "out of order" meter for a period of time longer than the time limit indicated on the meter. Payment or a valid receipt is required at all spaces regardless of whether the closest device is functioning.

### **16.20.431 City of Portland Owned or Operated Property.**

(Added by Ordinances 179141 and 182389, effective January 2, 2009.)

A. It is unlawful for any person to park any vehicle in any parking space during the hours of operation without paying the parking meter fee, or displaying a valid receipt, or to permit any vehicle in their control or custody to remain parked without payment of meter fees or displaying a valid receipt.

- B.** It is unlawful for any person to park any vehicle with an invalid or unexpired permit or failure to display the valid permit according to the City of Portland, Bureau of Transportation Administrative Rules.
- C.** Improper use of a permit by a permit holder will result in cancellation of that permit.
- D.** After a citation for violation has been issued and the cited vehicle remains parked or stopped, when cited for the previous violation, a separate violation occurs upon the expiration of each successive maximum period of parking time as designated by official signs, markings, or meters. A separate citation may be issued for each successive violation.

#### **16.20.440 Meter Fees.**

(Amended by Ordinances 176394 and 186575, effective July 1, 2014.)

A sign or legend which indicates the interval of time for which parking is permitted and the fee payable for the time interval must be posted on all meters. The parking meter fee must be paid with U.S. coins, payment card or any other authorized payment method by the person within the vehicle, except:

- A.** During all the days and the hours that a meter fee is not required as indicated on the meter.
- B.** A vehicle with a commercial or delivery permit and a vehicle allowed to use truck loading zones by right may use any metered parking space without meter fee on any day between the hours of 8 a.m. and 10:30 a.m. for a maximum of 30 minutes while engaged in loading/ unloading merchandise; or
- C.** Any government vehicle, so identified by public registration plates, may park without meter fee for the maximum time limit allowable at any metered parking space.
- D.** A vehicle with a current permit authorizing parking at a meter without payment of the meter fee, as defined in Sections 16.20.500 and 16.20.600.
- E.** A vehicle, for the sole purpose of loading/unloading passengers, for a period not to exceed 30 seconds.

#### **16.20.445 Pay Stations.**

(Added by Ordinance 176394, effective April 17, 2002.)

- A.** It is unlawful to park or permit to be parked any vehicle in a space metered by a pay station without properly displaying proof of payment.
- B.** Proper display of proof of payment means affixing the receipt to the interior of the curbside window of the vehicle in such a manner that the expiration time and date are readily visible from the exterior. For motorcycles, receipts shall be affixed where clearly visible.

#### **16.20.450 Obstruction of Meters.**

No vehicle or other property may obstruct access to a parking meter in a manner which prevents deposit of coins in the meter, visibility of the meter instructions or time limit, or visibility of any signs mounted on the meter pipe. A vehicle or other property in violation of this section is hereby declared to be a nuisance and is subject to summary abatement.

### **16.20.460 Parking Space Reservation.**

(Amended by Ordinances 176394, 179141 and 189651, effective September 6, 2019.)

- A.** A parking space may be reserved by obtaining a Temporary Street Use Permit and paying the fees per Section 17.24.020.
- B.** In metered areas, Parking Enforcement will reserve on-street parking spaces. A vehicle parked prior to placement of a space reservation device will not be considered parked in violation until it is parked longer than the time limit indicated on the meter.
- C.** In non-metered areas, the permittee shall be responsible for placing the parking reservation devices per directions detailed in the parking reservation procedure.
- D.** Except for permits issued under authority of Subsections 17.24.017 C. and D., parking spaces may not be reserved to facilitate vending or promotional activities in the right-of-way.

### **16.20.470 Injury to or Theft From Meters; Unauthorized Possession of Implements, Invalid Receipt.**

(Added by Ordinance 170923; amended by Ordinance 176394 and 179141, effective March 23, 2005.)

- A.** It is unlawful for any person to deface, injure, tamper with, willfully break, destroy, or impair the usefulness of any parking meter installed in public streets, public places, or elsewhere in the City, or to open or remove the same without lawful authority.
- B.** It is unlawful for any person without lawful authority to remove any coin box or the money content of such coin box or the contents of any parking meter or part thereof.
- C.** It is unlawful for any person to knowingly manufacture, duplicate, possess, or use any tool, key, implement or device designed to force, break, unlock, or otherwise gain entry to any parking meter maintained by the City unless authorized to do so by the City Traffic Engineer.
- D.** Injury to or theft from each meter as described in Subsection A and possession of each item described in Subsections B and C is a separate offense. For each such offense, in addition to the penalties otherwise provided in this Code, a court may order restitution to the City of the damages incurred for repair or re-keying parking meters as a result of injury to the meters or the use or possession of the items described in Subsection C.
- E.** It is unlawful for any person to duplicate, copy, use or otherwise falsify a parking payment receipt.

**F.** It is unlawful for any person to damage, deface, or remove a space reservation device.

## **16.20.500 General Parking Permits.**

### **16.20.501 Purpose.**

(Amended by Ordinance 189651, effective September 6, 2019.)

General parking permits may be issued to reserve public right-of-way areas for use by designated parties. The Director of the Bureau of Transportation may issue permits, and parking reservation devices to temporarily reserve public right-of-way areas. The Director of the Bureau of Transportation may approve general parking permits that apply in designated parking zones, at parking meters, or elsewhere depending on the specifications of the permit. This section will describe each general parking permit and the regulations for enforcement of the permit.

### **16.20.503 Current Approval Required Before Use.**

(Amended by Ordinance 189651, effective September 6, 2019.)

- A.** All general parking permits, must have current approval of the Director of the Bureau of Transportation at the time the permit is used by the permittee.
- B.** The Director of the Bureau of Transportation may deny a general parking permit application based on a demonstrated history of improper use by the applicant during the previous 12 months.
- C.** No permit will be issued to any applicant who has an outstanding balance due for prior violation(s) of or outstanding fees for permits issued by the Director of the Bureau of Transportation.
- D.** The Director of the Bureau of Transportation may require insurance to indemnify the City from liability before issuing a general parking permit.
- E.** A decision of the Director of the Bureau of Transportation regarding the issuance of a general parking permit may be appealed to the Code Hearings Officer according to Title 22 of the Portland City Code.

### **16.20.505 All Traffic Laws Apply to Permit Holder.**

All permit holders and permitted vehicles are subject to all traffic laws and regulations not explicitly superseded by the permit.

### **16.20.510 Construction Area Permit.**

(Amended by Ordinance 189651, effective September 6, 2019.)

- A.** A Temporary Street Use construction area permit will only be issued to a person with an official street use permit, a street opening permit, a temporary street closure permit, or who is performing minor modifications or clean-up activities.

**B.** A construction area permit allows placement of building materials, equipment, or commercial vehicles necessary for the performance of the work in the public right-of-way. A parking reservation device may only be used to establish a construction area when the parking of the vehicle is essential to the performance of the construction work. Permitted construction area does not authorize the use of the right of way as employee parking. A vehicle not allowed by right to park in truck loading zone and vehicles being used to transport small tools are not essential in this regard and are not allowed in any construction area unless specifically authorized by the permit.

**C.** No vehicle may park in a construction area unless authorized by the construction area permit. Identification cards may be required for authorization of the vehicle.

### **16.20.520 Maintenance Hood Permit.**

A maintenance hood permit allows a person to secure parking meter hoods on parking meters near areas where work is being performed. Permit users must obey administrative regulations of the permit and regulations regarding parking meter hood use (16.20.460).

### **16.20.530 Temporary Truck Loading Zone Permit.**

(Amended by Ordinance 189651, effective September 6, 2019.)

**A.** A temporary truck loading zone permit may be issued to any person proving need for the permit. The temporary truck loading zone must be designated by issued parking reservation devices or as otherwise designated by the administrative instructions of the permit. The parking reservation devices designating the area may only be used where allowed by the permit.

**B.** No vehicle may park in a temporary truck loading area unless authorized by the temporary truck loading zone permit.

### **16.20.540 Angle Loading Permit.**

An angle loading permit may be granted by the City Traffic Engineer to facilitate the loading/unloading of vehicles, subject to the following provisions:

**A.** When angle parked, the permittee must be actively engaged in loading/ unloading the vehicle.

**B.** The permit will be authorized when necessary because of the weight or size of the merchandise being loaded/unloaded and the physical constraints of the loading area.

**C.** Angle loading/unloading will be subject to the time limit established by the City Traffic Engineer for each individual permit.

**D.** In the case of a tractor and trailer combination, the tractor may be required to be removed and parked separately.

**E.** The City Traffic Engineer may require a traffic control plan to be implemented as a condition of the permit.



**F.** The City Traffic Engineer may require insurance to indemnify the City for liability related to permit use.

### **16.20.550 Travel Lane Parking Permit.**

(Amended by Ordinance 165594, effective July 8, 1992.)

**A.** A street closure permit must be obtained from the City Engineer per Title 17.44.020 for the following purposes:

1. Facilitating construction, demolition or installation of facilities on public or private property.
2. Restricting vehicular use of an unimproved street for the protection of the public or to eliminate a neighborhood nuisance.
3. Providing for special events, such as block parties or neighborhood fairs.

**B.** The City Traffic Engineer may issue a travel lane closure permit for any other purpose, and, as a condition of the permit, require:

1. A traffic control plan to be implemented; and
2. Insurance to indemnify the City for liability related to permit use.

### **16.20.560 Special Use Permit.**

(Amended by Ordinances 173627 and 182389, effective January 2, 2009.)

**A.** Special use permits will be limited to uses where the firm or individual requires reserved parking lane space to perform a specific task. Permitted uses may include: crane placement or operation, bus loading, mobile medical facilities, funeral vehicles, wedding vehicles, special events, security for visiting dignitaries, and other special restrictions deemed necessary by the Police Bureau or Bureau of Transportation. Special use permits will not be issued to allow the display or sale of merchandise.

**B.** No vehicle may park in a special use permit area unless authorized by the special use permit.

### **16.20.595 Improper Use.**

(Amended by Ordinances 170923 and 179141, effective March 23, 2005.)

**A.** It is a violation to improperly use a permit, meter hood, sign, or curb marking, and will be cause for the revocation of the permit, meter hood, sign, or curb marking. A citation or a civil penalty will be assessed of up to \$1,000 by the City Traffic Engineer. Upon notice of revocation, the permit and/or meter hood(s) must immediately be returned to the City Traffic Engineer.

**B.** The permit applicant is fully responsible for any violation of the conditions of the permit.

**C.** All fees paid will be forfeited in the event of revocation. All fines are due within 30 days after the fine is levied. All civil penalties assessed by the City Traffic Engineer are due within 30 days unless an appeal is made.

**D.** Decisions of the City Traffic Engineer regarding the revocation of a general parking permit may be appealed to the Code Hearings Officer according to the provisions of Title 22 of the Portland City Code.

### **16.20.600 Vehicle Parking Permits.**

#### **16.20.601 Purpose.**

A vehicle permit may be issued to allow a vehicle to legally park in violation of specific parking regulations. A vehicle permit may apply in a designated parking zone, parking meter, or elsewhere depending on the specifications of the permit.

#### **16.20.603 Current Approval Required Before Use.**

**A.** All vehicle permits, including meter hoods, must have current approval of the City Traffic Engineer at the time the permit is used by the permittee.

**B.** The City Traffic Engineer may deny a vehicle permit application based on a demonstrated history of permit abuse by the applicant during the previous 12-month period.

**C.** Unless otherwise specified, all vehicle permits issued by authority of this Section will expire January 1, following the calendar year in which the permit was issued.

**D.** A duplicate permit may be issued by the City Traffic Engineer upon receipt of a replacement application and fee from the permittee.

**E.** No permit will be issued to any applicant who has an outstanding balance due for prior violation(s) of permits issued by the City Traffic Engineer.

**F.** Decisions of the City Traffic Engineer regarding the issuance of vehicle permits may be appealed to the Code Hearings Officer according to the provisions of Title 22 of the Portland City Code.

#### **16.20.605 All Traffic Laws Apply to Permit Holder.**

All permit holders and permitted vehicles are subject to all traffic laws and regulations not explicitly superseded by the permit.

#### **16.20.610 Media Permit.**

(Amended by Ordinance 176394, effective April 17, 2002.)

A media permit allows parking in any area designated by the permit. This permit may be issued to a radio or television station and to a newspaper. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.

### **16.20.620 Commercial Permit.**

A commercial permit allows parking in any area designated by the permit. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.

### **16.20.621 Disabled Resident Permit.**

(Added by Ordinance 186575, effective July 1, 2014.)

A Disabled Resident Permit allows parking in any area designated by the permit. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.

### **16.20.622 Disabled Employee Permit.**

(Added by Ordinance 186575, effective July 1, 2014.)

A Disabled Employee Permit allows parking in any area designated by the permit. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.

### **16.20.630 Delivery Permit.**

A delivery permit allows parking in any area designated by the permit. This permit may contain restrictions deemed necessary by the City Traffic Engineer.

### **16.20.640 Disabled Person Placard – Metered Districts.**

(Amended by Ordinances 166575, 170923, 179141, 181507, 181914, 182345, 182935, 184628, 185036, 185785, 186096, 186394 and 186575, effective July 1, 2014.)

**A.** A vehicle with an official State-issued disabled person registration plate, placard, permit or decal, must adhere to all applicable meter regulations, including payment, and may park:

- 1.** In any space designated for a vehicle with a disabled person parking placard with a designated time limit of 1 hour, 90 minutes, or 2 hours, a person must pay for the time parked if under the maximum meter time limit, or pay up to the maximum meter time limit allowed and the vehicle may remain parked in that space for up to 3 hours;
- 2.** In any metered space with a designated time limit of 1 hour, 90 minutes, or 2 hours, a person must pay for the time parked if under the maximum meter limit, or pay up to the maximum meter time limit allowed and the vehicle may remain parked in that space for up to 3 hours;
- 3.** In any metered space with a designated time limit less than 1 hour, a person must pay for the time parked if under the meter time limit, or pay up to the maximum meter time limit allowed and the vehicle may remain parked in that space for up to the maximum meter time limit; or

**4.** In any metered space with a designated time limit of 3 hours or longer a person must pay for the time parked if under the maximum meter time limit, or pay up to the maximum meter time limit allowed, and the vehicle may remain parked in that space for up to the maximum meter time limit.

**B.** Use of invalid disabled person parking permit; penalty.

**1.** A person commits the offense of use of an invalid disabled person parking permit if the person uses a permit that is not a valid permit from another jurisdiction, and that:

- a.** Has been previously reported as lost or stolen;
- b.** Has been altered;
- c.** Was issued to a person who is deceased at the time of the citation;
- d.** Has not been issued under ORS 811.602;
- e.** Is a photocopy or other reproduction of a permit, regardless of the permit status; or
- f.** Is mutilated or illegible.

**C.** Unlawful use of disabled person parking permit; penalty.

**1.** A person commits the offense of unlawful use of a disabled person parking permit if the person:

- a.** Is not a person with a disability and is not transporting the holder of a disabled person parking permit to or from the parking location; and
- b.** Uses a disabled person parking permit described under ORS 811.602 OR 811.606 to exercise any privileges granted under ORS 811.635.

**D.** Misuse of program placard; penalty.

**1.** A person commits the offense of misuse of a program placard if the person:

- a.** Is the driver of a vehicle that is being used as part of a program for the transportation of persons with disabilities; and
- b.** Uses a program placard described under ORS 811.607 for any purpose other than exercising privileges granted under ORS 811.637.

**16.20.641 Disabled Person Placard – Non-Metered Regulated Parking Zone.**

(Added by Ordinance 186575, effective July 1, 2014.)

**A.** A vehicle with an official State-issued disabled person registration plate, placard, permit or decal, must adhere to all applicable non-meter regulated parking zone regulations, and may park:

- 1.** In any non-metered regulated parking zone designated for a vehicle with a disabled person parking placard for any amount of time (subject to on-street storage regulations);
- 2.** In any non-metered regulated parking zone with a designated time limit of 30 minutes or more for any amount of time; or
- 3.** In any non-metered regulated parking zone with a designated time limit of less than 30 minutes for a period of time not to exceed the designated time limit.

**B.** Use of invalid disabled person parking permit; penalty.

**1.** A person commits the offense of use of an invalid disabled person parking permit if the person uses a permit that is not a valid permit from another jurisdiction, and that:

- a.** Has been previously reported as lost or stolen;
- b.** Has been altered;
- c.** Was issued to a person who is deceased at the time of the citation;
- d.** Has not been issued under ORS 811.602;
- e.** Is a photocopy or other reproduction of a permit, regardless of the permit status; or
- f.** Is mutilated or illegible.

**C.** Unlawful use of disabled person parking permit; penalty.

**1.** A person commits the offense of unlawful use of a disabled person parking permit if the person:

- a.** Is not a person with a disability and is not transporting the holder of a disabled parking permit to or from the parking location; and
- b.** Uses a disabled parking permit described under ORS 811.602 or 811.606 to exercise any privileges granted under ORS 811.635,

**D.** Misuse of program placard; penalty.

**1.** A person commits the offense of misuse of a program placard if the person:

- a.** Is the driver of a vehicle that is being used as part of a program for the transportation of persons with disabilities; and

- b.** Uses a program placard described under ORS 811.607 for any purpose other than exercising privileges granted under ORS 811.637.

### **16.20.645 Wheelchair User Disabled Person Parking Placard.**

(Added by Ordinance 181507; amended by Ordinance 186575, effective July 1, 2014.)

- A.** A vehicle with an official State-issued "Wheelchair User" plate, placard, permit or decal, may park:
  - 1.** In any space designated for a vehicle with a "Wheelchair User" placard or decal for any amount of time (subject to on-street storage regulations);
  - 2.** In any metered or non-metered space with a designated time limit of 30 minutes or more for any amount of time without fee; or
  - 3.** In any metered or non-metered space with a designated time limit of less than 30 minutes for a period of time not to exceed the designated time limit with fee, if applicable.
  - 4.** In an Area Parking Permit Program Zone for any amount of time and without fee.
- B.** A vehicle with an official State-issued "Wheelchair User" plate, placard, permit or decal, may not;
  - 1.** Park in any space reserved for special types of vehicles or activities including, but not limited to, truck loading zones, carpool zones, no parking zones, and reserved zones.
- C.** Use of invalid disabled person parking permit; penalty.
  - 1.** A person commits the offense of use of an invalid disabled person parking permit if the person uses a permit that is not a valid permit from another jurisdiction, and that:
    - a.** Has been previously reported as lost or stolen;
    - b.** Has been altered;
    - c.** Was issued to a person who is deceased at the time of the citation;
    - d.** Has not been issued under ORS 811.602;
    - e.** Is a photocopy or other reproduction of a permit, regardless of the permit status; or
    - f.** Is mutilated or illegible.
- D.** Unlawful use of disabled person parking permit; penalty.
  - 1.** A person commits the offense of unlawful use of a disabled person parking permit if the person:

- a.** Is not a person with a disability and is not transporting the holder of a disabled parking permit to or from the parking location; and
- b.** Uses a disabled parking permit described under ORS 811.602 or 811.606 to exercise any privileges granted under ORS 811.635,

**E. Misuse of program placard; penalty.**

**1. A person commits the offense of misuse of a program placard if the person:**

- a.** Is the driver of a vehicle that is being used as part of a program for the transportation of persons with disabilities; and
- b.** Uses a program placard described under ORS 811.607 for any purpose other than exercising privileges granted under ORS 811.637.

**16.20.650 Government Permit.**

A government permit allows a vehicle displaying the permit to park in any area designated by the permit. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.

**16.20.660 Nonprofit Permit.**

A nonprofit vehicle permit allows a vehicle displaying the permit to park in any area designated by the permit. This permit may be issued to a charitable organization when permit parking activities directly serve a charitable function. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.

**16.20.670 Carpool Permit for Metered Parking.**

A vehicle with a carpool permit may park without payment of the meter fee only at any long-term metered parking space, or at spaces reserved for carpool permit parking.

**16.20.675 Carpool Zone Permit.**

A vehicle with a carpool zone permit may park in the area designated on the permit according to the rules of the permit.

**16.20.680 Other Permit.**

An other permit allows parking in any area designated on the permit. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.

**16.20.695 Improper Use.**

- A.** The improper use of a permit, meter hood, or sign will be cause for the revocation of the permit, meter hood, or sign and/or for a fine to be levied by the City Traffic Engineer. Upon notice of revocation, the permit and/or meter hood(s) must immediately be returned to the City Traffic Engineer.
- B.** The vehicle permit applicant is fully responsible for any violation of the conditions of the permit.
- C.** All fees paid will be forfeited in the event of revocation. All fines will be due within 30 days after the fine is levied.
- D.** Decisions of the City Traffic Engineer regarding the revocation of a vehicle permit may be appealed to the Code Hearings Officer according to the provisions of Title 22 of the Portland City Code.

## **16.20.800 Area Parking Permit Program.**

### **16.20.801 Purpose.**

- A.** The area parking permit program is intended to increase access to residents and businesses, reduce traffic congestion, increase traffic/pedestrian safety, reduce air pollution, reduce noise pollution, prevent blighted areas, and promote the use of mass transit, car pooling, and other alternative modes of transportation.
- B.** The area parking permit program will reduce commuter traffic that originates from outside the permit area and has no apparent connection or business within the permit area. A guest who originates from outside the permit area but is visiting a resident or conducting business within the permit area may be provided a guest permit by the area permittee.
- C.** Each area that implements the parking permit program will have a unique set of parking needs. These needs will be based in part on the extent of the parking congestion; the cause(s) of the congestion; the proximity of the neighborhood to the parking generator(s); the mix of residential/nonresidential use; the number of guests visiting the area; the frequency of guests visiting the area; the availability of off-street parking; the types of parking problems in surrounding areas; the availability of alternative modes of transportation; the possibility of alternative parking solutions; and the physical layout and boundaries of the area.
- D.** Each area must meet the eligibility criteria (16.20.830) and follow the prescribed process (16.20.840) in order to form a permit program.
- E.** Area residents and businesses will be allowed to purchase a permit granting on-street parking privileges in the area where they reside or have their places of business. A permit will allow a vehicle under the legal control of a resident, worker, or visitor, with a properly displayed permit decal or card, to exceed the area permit parking program time limits that are posted within a designated area.

### **16.20.810 Definitions.**

(Amended by Ordinances 165594, 176394 and 189078, effective July 18, 2018.)



- A. "Address"** is the street number and applicable apartment number for each dwelling unit, business, or other use. Each apartment or commercial unit is regarded as a unique address.
- B. "Annual permit fee"** is the annual fee for each business, guest, or resident permit decal. If a permit is issued on or after the first day of the seventh month in the permit year, the fee will be one half of the yearly permit fee. Replacement permits will be one half of the current permit fee.
- C. "Area business"** is any professional establishment or nonresident property owner whose business property is located within a permit area.
- D. "Area Parking Committee"** is the group of not less than two people and not more than five people (excluding alternates) appointed by the neighborhood association and business district association which implements an Area Permit Parking Program or, when a proposed permit program area is not within the boundaries of a listed business district association, by the neighborhood association whose residents represent the greatest number of addresses within a permit area. Area Parking Committees will assist the City Traffic Engineer in establishment of the Area Permit Parking Program, development of a Supplemental Plan Description, and ongoing review of the program.
- E. "Area resident"** is any person who resides within the permit area.
- F. "Area vehicle"** is one that originates from inside the permit area and/or has an apparent connection or business within the permit area.
- G. "Business District Association"** is any group listed by the Office of Community & Civic Life to represent businesses of a geographic area within the City.
- H. "Business permit decal"** is the decal issued by the City Traffic Engineer for assignment to vehicles under the legal control of workers, customers, clients, or others while conducting business in the area.
- I. "Complimentary Hours Permit"** is the permit(s) granted to each area program permit holder for guest parking for special occasions.
- J. "Effective hours"** are the days and hours during which the area permit program applies as defined by each individual Supplemental Plan.
- K. "Guest permit decal"** is the decal issued by the City Traffic Engineer to a permittee to identify any vehicle(s) under the legal control of guests during periods when guests are actually visiting at the permittee's address.
- L. "Improper use"** has occurred when a permit holder violates the provisions described on the permit application. Improper use will lead to penalties as described in 16.20.860.
- M. "Neighborhood association"** is any group recognized by the Office of Community & Civic Life to represent residents of a geographic area within the City.
- N. "Non-permitted vehicle"** is any vehicle which does not display a current permit decal for the Area Permit Parking Program Area in which it is parked.

**O. "Permit area"** is any area as designated by an initiating petition or as modified in the boundary description.

**P. "Permit decal"** (generally) means any resident, business, and guest decal issued by the City Traffic Engineer to residents and businesses in permit areas. Permit decals must be clearly identified as belonging to a specific permit area, for use during a specified permit year, and proper for only one of the following permits: resident, business, or guest. These decals must be displayed in the manner described in the administrative rules for Area Parking Permit decals. Permit decals expire on the last day of the permit year in which they are issued.

**Q. "Permit program"** is any Area Permit Parking Program created and administered under this Code Chapter 16.20.800.

**R. "Permit year"** is the 12-month period set for the administration of an Area Permit Parking Program by consent of the City Traffic Engineer and the Area Parking Committee.

**S. "Permitted vehicle"** is any vehicle which properly displays the correct permit decal, or temporary permit issued by the City Traffic Engineer for use on such vehicle.

**T. "Program administrator"** is designated by the City Traffic Engineer to administer an Area Permit Parking Program. Program administrator responsibilities include routine program administration, consulting with the Area Parking Committee to amend or interpret the Supplemental Plan Description, and giving approval or denial to proposed permit program provisions.

**U. "Resident permit decal"** is a decal issued by the City Traffic Engineer to a resident to identify the vehicle(s) under the resident's legal control as permitted vehicle(s).

**V. "Supplemental plan description"** is the document established by the Area Parking Committee and the program administrator. It details the Area Parking Permit Program policies and procedures in accordance with Code Chapter 16.20.800.

**W. "Temporary permit"** is used in lieu of an annual permit decal on vehicles. The purpose of a temporary permit is for display in a vehicle under the legal control of an applicant without sufficient proof to obtain a permanent permit, for the usage of complimentary hours, or for construction projects. Applicants will be charged a fee for each vehicle they register with the exception of complimentary permit hours. The Area Parking Committees may establish any additional terms and conditions for use of temporary permit cards.

**X. "Unauthorized permit"** is the display of any permit decal not assigned to that vehicle as defined in the supplemental plan description.

**Y. "Vehicle of record"** is the vehicle which a permit holder has registered for a permit decal with the Program Administrator.

### **16.20.830 Area Eligibility.**

All of the following eligibility criteria must be met before the area will be considered for the area parking permit program:

- A.** There must exist at some time during the day an occupancy rate of 75 percent or more of the existing on-street parking spaces. Twenty-five percent (25%) of the vehicles occupying the on-street spaces must be other than area vehicles. Vehicles that originate from outside the proposed permit program area but are visiting a resident or conducting business in the proposed permit program area will not be considered a commuter vehicle. This occupancy rate must occur at least 4 days per week and the neighborhood association, the business district association, and the City Traffic Engineer must agree that this occupancy will occur for a minimum of 9 months per year.
- B.** The requesting area must consist of a minimum of 40 block faces or 8,000 lineal feet of curb space.
- C.** An area that feels it is adversely affected by parking and is requesting permit parking must work through its neighborhood association or business district association as defined in City Code Section 3.96.020 and 3.96.030. If the area is not formally organized, it should directly contact the Office of the Neighborhood Associations for assistance. The Office of the Neighborhood Associations must review the request and discuss the eligibility of that area to form a neighborhood association or business district association in conformance with the criteria established.
- D.** The City Traffic Engineer must agree that the area permit parking program would promote benefits within the designated area.
  - 1.** Benefits may include, but are not limited to: increased access to area residents and businesses, reduced traffic congestion, increased traffic/pedestrian safety, reduced air/noise pollution, prevention of blighted areas, increased neighborhood unity, and promoting the use of alternative modes of transportation.
  - 2.** Adverse effects that may prevent implementation include, but are not limited to: transferring the problem to a different area, inability to effectively enforce program restrictions, lack of alternative modes of transportation, availability of simpler, cheaper solutions, and the legal existence of more than one firm with 50 or more employees that could not operate under the permit system constraints.

## **16.20.840 Process.**

(Amended by Ordinance 170923, effective March 21, 1997.)

The following process must be followed to establish area permit parking programs:

- A.** An area may apply to participate in a permit program through a community-initiated petition with signatures representing 50 percent of the affected addresses (one signature per address) to be submitted to the neighborhood association and the business district association. This petition shall include:
  - 1.** The parking problem;

2. The probable cause of the problem;
3. The proposed boundaries of the congested area;
4. The number of individual addresses in the congested area; and
5. The permit fees of the program.

**B.** The neighborhood association and business district association shall discuss the request with the City Traffic Engineer to determine if there are any conditions (as specified in 16.20.830 D above) that would prevent the implementation of a area permit parking program. If the City Traffic Engineer recommends that the application process continue, the neighborhood association and the business district association must work with the area to determine its eligibility and appoint an area parking committee.

**C.** Upon receipt of the petition, the City Traffic Engineer must initiate a preliminary investigation to verify that the area meets the criteria.

**D.** Based on the findings of the investigations, the City Traffic Engineer will determine if a proposed area is eligible for an area parking permit program.

**E.** If an area is approved as eligible, the City Traffic Engineer may propose a program and mail this program and notice of a public meeting to all addresses in the proposal area. After the public meeting, the proposal will be refined and a ballot prepared. The City Traffic Engineer may expand or contract (if larger than the minimum) the proposed area to conform to major physical boundaries such as arterial roadways, rivers, hills, ridges, or political boundaries such as neighborhood boundaries or to protect projected impact areas as determined by the professional engineering or planning staff.

**F.** A ballot will be mailed to all addresses within the proposed area within 30 days after the last public meeting. The legal occupant of an address is eligible to vote. This ballot must be received by the City Traffic Engineer on or before the date specified in the mailing. A minimum of 50 percent of the ballots must be received, of which 60 percent must be "yes" votes, to approve the program.

**G.** If the vote in Paragraph F. is negative, a minimum of 12 months must elapse before any new proposal can be initiated.

**H.** If the vote in Paragraph F. of this Section is positive, the City Traffic Engineer will submit to the City Council an ordinance authorizing the permit system and required funding. If approved by Council, the City Traffic Engineer will notify all addresses of the approval and enclose application materials. Permit fees from at least 50 percent of the addresses must be collected prior to the installation of signs.

**I.** The program will renew annually, unless:

1. The City Traffic Engineer receives a petition, representing 50 percent of the addresses within the designated permit program area, requesting termination of the program. After receipt of a valid petition, the City Traffic Engineer will mail a ballot to the program area according to subsection F. The vote must be completed before the program will be terminated; or

2. The designated area does not meet the rules or procedures established by the City Traffic Engineer.

**J.** Changes to boundaries of existing permit areas desired by area residents must be made according to the following procedure:

1. The City Traffic Engineer must determine that the resulting permit area will meet the minimum standards for permit areas established in 16.20.830.
2. The changes must be approved by the City Traffic Engineer and by a majority of the Area Parking Committee.
3. The City Traffic Engineer will mail a ballot to the addresses of the area to be annexed into or deleted from the permit area. The completed ballot must be received by the City Traffic Engineer on or before the date specified in the mailing. A minimum of 50 percent of the ballots must be received, of which 60 percent must be "yes" votes, to approve the changes.
4. If the vote in is negative, a minimum of 12 months must elapse before any new proposal can be initiated.

### **16.20.850 Program Administration.**

(Amended by Ordinances 177006 and 183829, effective July 1, 2010.)

**A.** For each Area Permit Parking Program, the City Traffic Engineer will guide the area in establishment, evaluation, revision, or termination of the Area Permit Parking Program by:

1. Meeting with the Area Parking Committee;
2. Planning and coordinating registration and enforcement; and
3. Completing any other such duties described in the Supplemental Plan Description.

**B.** Annual Review of Program Fees: Services charges and fees are reviewed annually and updated per the City's financial policy, and are effective with the adoption of the annual budget.

Notification of Fee Changes and Permit Renewal: A current listing of service charges and fees will be made available to the public.

**C.** It is the obligation of area residents and businesses to apply for permit decals in a timely manner and in accordance with Code Chapter 16.20 and the appropriate Supplemental Plan Description. Applicants must present authorized documentation to the City Traffic Engineer as follows:

1. An area resident must present proof of current occupancy and current proof of vehicle control. A person using a vehicle owned by another must present a notarized statement from the owner stating that the vehicle has been assigned to the applicant for their personal use.

**2.** An area business must present proof of current occupancy and a payroll record or a list of employees and the hours each employee works per week.

**D.** An area business is eligible to purchase business permit decals for workers in accordance with the supplemental plan description. The number of business permit decals which may be issued to an area business must be defined in each permit area's supplemental plan description.

**E.** One guest permit decal may be issued to each address for an area permit decal. A guest permit decal may not be converted to a business permit decal. Additional guest permit decals may be issued to an address according to the rules of each Supplemental Plan Description.

**F.** It is the obligation of the permit holder to notify the City Traffic Engineer of loss or theft of a permit decal within 3 business days. The permit holder may purchase a replacement for one half of the current fee, unless the City Traffic Engineer has disallowed purchase by the purchase holder under the penalty provision of 16.20.860.

### **16.20.860 Violation and Enforcement.**

(Amended by Ordinances 165594 and 179141, effective March 23, 2005.)

**A.** A permitted vehicle which is parked in accordance with posted Area Permit Parking Program signing and in accordance with parking regulations generally (Chapter 16.20) is permitted to be parked in excess of the visitor parking time limit. An area parking permit does not allow parking in restricted parking zones (16.20.200).

**B.** Display of an area parking permit does not convey any privileges other than that of exceeding the posted permit parking visitor time limit. It does not authorize parking in any other restricted zone. Permitted vehicles are subject to the provisions of 16.20.170. (Storing Property on street is prohibited.)

**C.** During permit designated hours, it is unlawful for a nonpermitted vehicle to:

- 1.** Exceed the maximum visitor time limit allowed within the signed permit area;
- 2.** Return to the signed permit area for a period of 12 hours after parking for any time period.

**D.** The permit holder is responsible for all improper use (16.20.810 L.) of any assigned permit decal(s), unless previously reported as lost or stolen. If investigation verifies improper use, the permit holder will be penalized as described below.

- 1.** A fine will be assessed for each permit decal in violation. This fine shall be payable and due within 30 days following the violation.
- 2.** No additional permits will be issued to the permit holder until all fines have been paid.

**E.** It is unlawful for a vehicle to display an unauthorized permit. A vehicle displaying an unauthorized permit may be cited, or a fine assessed for each violation. The fine shall be payable and due within 30 days of the violation.

**F.** Improper use of a decal by a permit holder will result in cancellation of that permit decal for a period of 12 months. Further improper use of a permit decal by that permit holder within a 24-month period will additionally render the permit holder disqualified from purchasing any Area Parking Program Permit for two subsequent permit years.

**G.** Decisions of the City Traffic Engineer regarding the revocation or refusal to issue a permit may be appealed to the Code Hearings Office according to the provisions of Title 22 of the Portland City Code.

**H.** It is unlawful for a vehicle to improperly display any authorized permit, as outlined in the City of Portland, Transportation Administrative Rule.

### **16.20.900 City Owned Parking Garages.**

(Added by Ordinance 183979; amended by Ordinance 185351, effective June 22, 2012.)

### **16.20.910 Rules of Conduct.**

(Added by Ordinance 185351, effective June 22, 2012.)

The Bureau of Transportation Business Services Division Manager shall be authorized to develop and enforce Rules of Conduct for City Parking Garages and require all persons to obey the Rules of Conduct. City Parking Garages include any publicly or privately owned real property, and the buildings, structures and facilities thereon, placed under the jurisdiction of the City for parking garage purposes, and includes all land granted to the City for such purposes. Any person who fails to comply with the Rules of Conduct for City Parking Garages or the reasonable direction of the Person in Charge, may be excluded as provided in this Section.

**A.** Person in Charge is defined in ORS 164.205(5) and includes, but is not limited to, any of the following while acting in the scope of employment, agency or duty:

- 1.** Any peace officer as defined by Oregon law and any reserve officer of the Portland Police Bureau;
- 2.** Any person providing security services in City Parking Garage pursuant to any contract with the City, or with any person, firm or corporation managing City parking garages or City leased properties on the City's behalf; and/or,
- 3.** Any person specifically designated in writing as the Person in Charge by the Commissioner in Charge of the Bureau of Transportation or by the Transportation Business Services Division Manager.

**B. City Parking Garage Exclusions.** Any Person in Charge may exclude any person who violates any Rule of Conduct while in or upon any City Parking Garage, from all City Parking Garages for a period of 180 days.

- 1.** The notice of exclusion shall be in writing, given to the person excluded and signed by the Person in Charge. It shall specify the dates and places of exclusion. It shall contain a warning of consequences for failure to comply with the notice of exclusion and information concerning the right to appeal the exclusion.
- 2.** A person receiving a notice of exclusion may appeal, in writing, to the Code Hearings Officer in accordance with the provisions of Title 22 of the Code to have the notice of exclusion rescinded. Notwithstanding the provisions of Title 22, the appeal to the Code Hearings Officer shall be filed within 5 days of issuance of the notice of exclusion, unless extended by the Code Hearings Officer for good cause shown. The sworn statement of the Person in Charge who issued the notice of exclusion shall be used as evidence on appeal, unless the appellant requests, in writing, the presence of the Person in Charge at the appeal hearing.

**C. City Parking Garages Rules of Conduct**

- 1.** No person shall violate federal, state, or city law.
- 2.** No person shall enter or remain for any purpose other than to park or retrieve a motor vehicle or do business with a City parking garage retail tenant.
- 3.** No person shall possess any weapon or any similar instrument that can be used to inflict injury upon a person or damage to property, except to the extent permitted by Oregon law.
- 4.** No person shall use City parking garages for the purpose of housing or camping, including but not limited to, sleeping, bathing, cooking, or use as a restroom.
- 5.** No person shall deface, damage, or destroy City parking garages.
- 6.** Unless authorized by the City of Portland, no person shall post or place on cars any handbills, flyers, or posters of any kind within City parking garages.
- 7.** No person shall engage in sexual conduct as defined by ORS 167.060 (10).
- 8.** Other than at City of Portland authorized events, no person shall possess an open container of alcohol or consume alcoholic beverages.
- 9.** Other than at City of Portland authorized events, no person shall play or use amplified or audio equipment at a level that disturbs others.
- 10.** Other than at City of Portland authorized events, no person shall participate in parties, rave parties, or other similar gatherings.
- 11.** No person shall use City parking garages and/or their structures and fixtures, including but not limited to, walls, railings, banisters, stairs, or ventilation fixtures, in ways they were not



intended to be used, including but not limited to, sitting, standing, lying kneeling, skating, or skateboarding.

**12.** No person shall smoke or carry any lighted smoking instrument while in the elevator or any enclosed portion of City parking garages.

**13.** No person shall engage in conduct that disrupts or interferes with normal operations of City parking garages, or any tenant of a City parking garage, or that disturbs employees or patrons of City parking garages, including but not limited to, conduct that involves the use of abusive or threatening language or gestures, conduct that creates unreasonable noise, or conduct that consists of loud or boisterous physical behavior.

**14.** No person shall interfere with free passage of patron or employees of City parking garages, including but not limited to, placing objects such as bicycles, backpacks, carts or other items in a manner that interferes with free passage.

**15.** No person shall refuse to obey any posted parking signs or any reasonable direction of a Parking Garage Officer.

### **16.20.920 Garage Parking Rates.**

(Added by Ordinance 185351; amended by Ordinance 189529, effective June 28, 2019.)

The Bureau of Transportation Director shall be authorized to set parking rates at City-owned Parking Garages without first returning to City Council, subject to the following provisions:

**A.** Portland City Council shall set the hourly parking rate for the first four hours at all City Parking Garages.

**B.** The Transportation Director may set different parking rates at different locations and may consider the following factors when setting parking rates:

**1.** Rate changes may reflect an amount intended to reach a desired occupancy rate in each location;

**2.** Rate changes may reflect the annual consumer price index (CPI) for inflation in the Portland Metropolitan Area;

**3.** Rate changes may reflect market conditions in the Portland Central City;

**4.** Rate changes may accommodate specific site characteristics and seasonal events; and

**5.** Rate changes may reflect parking conditions, including without limitation the availability and desirability of reserved and non-reserved parking spaces.

**C.** Parking rates may not exceed the following rate maximums without Council approval:

**1.** Weekday daily maximum: \$40

2. Weekday evening maximum: \$20
3. Weekend daily maximum: \$30
4. Weekend evening maximum: \$15
5. Monthly general access: \$400
6. Monthly reserved: \$450
7. Monthly carpool: \$300
8. Monthly motorcycle: \$250
9. Event maximum: \$50

## **Chapter 16.30 Towing & Disposition of Vehicles**

### **16.30.001 Purpose.**

This section describes when a vehicle may or will be towed for parking violation(s), the manner of the towing, storage of the vehicle, and the release or disposition of the vehicle.

### **16.30.100 Authority to Tow Vehicles and Establish Hearing Procedures.**

(Amended by Ordinances 170923, 187925 and 188652, effective November 17, 2017.)

**A.** Any parking enforcement officer, police officer, Portland Streetcar Supervisor or Superintendent, or other officer authorized by the City Council or by City Code may order a vehicle towed as provided in this Title.

1. Impoundment of a vehicle does not preclude issuance of a citation for violation of this Title.
2. Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.

**B.** The authority to establish procedures in this Title for the disposition of towed vehicles is authorized by Oregon law. Disposition of vehicles towed under authority of this Title must follow the procedures established by this Title.

**C.** If any person tows a vehicle from the public streets without authority under the City Code, the City Towing Coordinator may assess a civil penalty of up to \$1,000 for each vehicle towed to be paid to the City Towing Coordinator and deposited to the City's general fund.

### **16.30.200 Vehicle Towing.**

### **16.30.210 When a Vehicle May be Towed.**

(Amended by Ordinances 172788, 179141, 187261 and 189789, effective January 10, 2020.)

A vehicle may be towed and held at the expense of the owner or person entitled to possession thereof from:

**A.** Any public right-of-way, city owned or operated property, parking lot, public park or other public place or property, when:

1. The vehicle is parked in violation of a temporary or permanent parking restriction;
2. The vehicle is parked unlawfully or in a manner that may be hazardous to traffic;
3. The vehicle is parked on City-owned or operated property without express City permission;
4. The vehicle was used in committing a traffic or parking violation for which an unserved warrant or citation is on file with the clerk of the Circuit court;
5. The vehicle has been reported stolen;
6. The vehicle or its contents is to be used as evidence in traffic or criminal prosecutions;
7. The vehicle is in possession of a person taken into custody by a law enforcement agency;
8. The vehicle is parked in a space that is marked as reserved for disabled persons unless such vehicle conspicuously displays appropriate decals, insignia, or registration plates as required by state statutes;
9. The vehicle is parked in violation of any parking regulation;
10. The vehicle is an abandoned vehicle, as defined in 16.90.005; or
11. The vehicle is stored on the street in violation of 16.20.170.

**B.** Permanent parking restrictions may be enforced by tow 24 hours after placement in any meter or non meter areas.

**C.** Private property if:

1. The vehicle is parked or stopped without the permission of the person in control of such property; or
2. In violation of this Title.

**D.** Temporary parking restrictions may be enforced by tow 24 hours after placement in any non meter area.

**E.** Temporary parking restrictions may be enforced by tow in any meter district if the space reservation device or signs are in place, and verified,

1. By 12:30 p.m. the prior day if the meters are in effect until 6 p.m. within the meter district. Towing may continue each day for the duration of the temporary parking restrictions days and times, and no additional verification is required; or,
2. By 1:30 p.m. the prior day if the meters are in effect until 7 p.m. or later within the meter district. Towing may continue each day for the duration of the temporary parking restrictions days and times, and no additional verification is required.

### **16.30.220 Towing Without Prior Notice.**

(Amended by Ordinances 165980, 170912, 176352, and 176442, effective May 1, 2002.)

Any authorized officer may, without prior notice, order a vehicle towed, when:

- A.** The vehicle is impeding or likely to impede the normal flow of vehicular or pedestrian traffic;
- B.** The vehicle is illegally parked in a conspicuously posted restricted space, zone, or traffic lane where parking is limited to designated classes of vehicles or is prohibited in excess of a designated time period, or during certain hours, or on designated days, or at any time and place the vehicle is interfering or reasonably likely to interfere with the intended use of such a space, zone, or traffic lane;
- C.** The vehicle is parked in front of a rural-type mailbox and has been cited within the previous 30 days for violation of Section 16.20.130 E;
- D.** The vehicle poses an immediate danger to the public safety;
- E.** The vehicle is illegally parked within 10 feet of a fire hydrant.
- F.** A police officer reasonably believes that the vehicle is stolen;
- G.** A police officer reasonably believes that the vehicle or its contents constitute evidence of any offense, if such towing is reasonably necessary to obtain or preserve such evidence;
- H.** The vehicle was in possession of a person taken into custody by a law enforcement officer and no other reasonable disposition of the vehicle is available;
- I.** The vehicle is parked or stopped in violation of 16.20.120 A and the vehicle alarm system disturbs, injures, or endangers, or is likely to disturb, injure, or endanger, the peace, quiet, comfort, repose, health, or safety of the public or any person; or
- J.** The vehicle is in the possession of a person arrested for any felony traffic offense, as defined by Oregon Revised Statutes.
- K.** A police officer has probable cause to believe that the vehicle's operator has committed any of the following offenses:

1. Driving uninsured (ORS 806.010);
2. Driving while suspended or revoked (ORS 811.175 or ORS 811.182);
3. Operating a vehicle without driving privileges or in violation of license restrictions (ORS 807.010) and the operator's license has been expired for 60 days or more, or that the operator has not had a valid driver's license within the previous 60 days.
4. Driving while under the influence of intoxicants (ORS 813.010);
5. Fleeing or attempt to elude police officer (ORS 811.540);
6. Speed racing on highway (ORS 811.125); or
7. Reckless driving (ORS 811.140).

**L.** A police officer has probable cause to believe that the vehicle has been used or is possessed for the purpose of being used to commit or conceal the commission of one or more of these offenses:

1. Prostitution (ORS 167.007), Promoting prostitution (ORS 167.012), or Compelling prostitution (ORS 167.017) or any attempt, solicitation or conspiracy of one of these offenses; or
2. Unlawful delivery of imitation controlled substance (ORS 475.991), Unlawful possession, delivery, or manufacture of controlled substance (OR 472.992), Unlawful distribution of controlled substance to minors (ORS 475.995), Unlawful manufacture or delivery of controlled substance within 1,000 feet of school (ORS 475.999), or any attempt, solicitation, or conspiracy of one of these offenses.

### **16.30.225 Towing with 24 Hour or 72 Hour Notice.**

(Added by Ordinance 166947; amended by Ordinances 170923, 172788 and 179141, effective March 23, 2005.)

- A.** A vehicle may be towed 24 hours after notice of intent to tow has been affixed to or placed on the vehicle if the vehicle is an abandoned vehicle which is an immediate threat to the public health or safety because of its condition.
- B.** A vehicle may be towed 72 hours after notice of intent to tow has been affixed to or placed on the vehicle if the vehicle is an abandoned vehicle; or
- C.** A vehicle may be towed 72 hours after notice of intent to tow has been affixed to or placed on the vehicle if the vehicle is in violation of 16.20.120 H or I or 16.20.170.
- D.** Notice shall be mailed after tow as provided in 16.30.320.

### **16.30.230 When Notice Required Before Towing.**

(Repealed by Ordinance 172788, effective November 13, 1998.)

### **16.30.240 Towing and Immobilization upon Order of Circuit Court.**

(Amended by Ordinances 173369 and 187925, effective September 2, 2016.)

- A.** Vehicles that have been used in the commission of a traffic or parking violation, for which an unserved warrant or citation is on file with the Multnomah County Circuit Court, may be immobilized and towed upon order of the court.
- B.** For the purposes of this Section, “immobilized” means the application of a device commonly known as a “boot”, which clamps and locks on to the wheel and impedes vehicle movement.
- C.** Any officer authorized by the City Council or by City Code to order a vehicle tow is authorized to immobilize a vehicle or order a vehicle immobilized as provided in this Section.

### **16.30.300 Notice of Vehicle Tow.**

#### **16.30.310 Notice Prior to Tow.**

(Amended by Ordinance 172788, effective November 13, 1998.)

- A.** Except where shorter notice is allowed by this title, notice for vehicles which require prior notice before towing must be provided by:
  - 1. Affixing a tow warning to the vehicle at least 10 days prior to the tow; and
  - 2. Mailing a notice to the registered owner(s) and any other persons who reasonably appear to have an interest in the vehicle within 48 hours, Saturdays, Sundays, and holidays excluded, after the tow warning is affixed to the vehicle.
- B.** The tow warning and the mailed notice will state that:
  - 1. The vehicle is parked in violation of City Code;
  - 2. The City intends to tow and remove the vehicle if the violation is not corrected; and
  - 3. A hearing is available to contest the validity of the intended tow, and the method of requesting a hearing, including the date by which a hearing may be requested.
- C.** If a timely request for hearing is received pursuant to Subsection 16.30.400, the vehicle will not be towed until the Tow Hearings Officer makes a determination.

#### **16.30.320 Notice After Vehicle Tow.**

- A.** After a vehicle has been towed pursuant to this Chapter, notice will be provided to the registered owner(s) and any other person(s) who reasonably appear to have an interest in the vehicle. Notice will

be mailed to such persons within 48 hours after the tow of the vehicle, Saturdays, Sundays, and holidays excluded, and will state:

1. That the vehicle has been towed;
2. The location of the vehicle and that it may be reclaimed only upon evidence that the claimant is the owner or person entitled to possession;
3. The address and telephone number of the person or facility that may be contacted for information on the charges that must be paid before the vehicle will be released and the procedures for obtaining the release of the vehicle;
4. That the vehicle and its contents are subject to a lien for the towing and storage charges; that if the vehicle is not claimed within 15 days after the mailing date of the notice, the vehicle and its contents will be subject to sale by the City or the towing and storage facility where the vehicle is located and that failure to reclaim the vehicle within such time will constitute a waiver of all interest in the vehicle; and
5. Unless notice of the availability of a hearing to contest the tow has been provided prior to towing as prescribed in Section 16.30.310, the notice will state that a hearing may be requested to contest the validity of the tow and will set forth the time in which a hearing must be requested and the method of requesting a hearing.

**B.** If a vehicle has been reclaimed prior to the mailing of the notice, no notice need be mailed or provided, but the person or persons reclaiming the vehicle must be provided with written notice of the opportunity for a hearing to contest the tow pursuant to Section 16.30.350.

**C.** In those circumstances in which it can reasonably be anticipated that mailing of notice may hinder or prevent the apprehension of a suspect in an ongoing criminal investigation, the mailing of notice may be delayed until such time as will not prejudice that investigation or apprehension.

### **16.30.340 Unidentifiable Vehicle.**

No notice need be mailed pursuant to Subsections 16.30.310 or 16.30.320 when:

- A.** A vehicle does not display license plates or other identifying markings by which the registration or ownership of the vehicle can be determined, or;
- B.** When the identity of the owner of the vehicle is not available from the appropriate motor vehicle licensing and registration authority and when the identity and address of the owner and/or other persons with an interest in the vehicle cannot otherwise be reasonably determined.

### **16.30.350 Notice to Contest Tow When Vehicle Claimed.**

Written notice of the opportunity to contest the validity of the tow of a vehicle, together with a statement of the time in which a hearing may be requested and the method of requesting a hearing, must be given

to each person who seeks to redeem a vehicle which has been towed pursuant to this Chapter. This information will be made available by the tow company or other facility holding such vehicle.

### **16.30.400 Tow Hearing Procedure.**

#### **16.30.410 Request for Hearing.**

(Amended by Ordinance 170923, effective March 21, 1997.)

**A.** After a vehicle has been towed pursuant to subsection 16.30.220 or 16.30.225 and prior to towing pursuant to subsection 16.30.230, the owner(s) and any other persons who reasonably appear to have an interest in the vehicle are, upon timely application filed with the Tow Hearings Officer, entitled to request a hearing to contest the validity of the tow or intended tow of the vehicle.

- 1.** In the case of a vehicle towed pursuant to Subsection 16.30.220 or 16.30.225, such application must be filed with and received by the Tow Hearings Officer not later than 10 days after the vehicle was towed.
- 2.** In the case of a vehicle proposed to be towed pursuant to Subsection 16.30.230, such application must be filed with and received by the Tow Hearings Officer not later than 10 days after the affixing of the tow warning to the vehicle.

**B.** The Tow Hearings Officer may, for good cause shown, grant a request for hearing filed after the foregoing time requirements have expired. If the mailing of the towed vehicle notice was delayed pursuant to Subsection 16.30.310, the Tow Hearings Officer will grant a request for hearing received and filed within 10 days of the mailing date of the notice or 10 days of the date the vehicle was reclaimed, whichever first occurs.

**C.** The request for hearing must be in writing and will state the grounds upon which the person requesting the hearing believes the tow or proposed tow invalid, or, for any other reason, unjustified. The request for hearing will also contain such other information, relating to the purposes of this Chapter, as the Tow Hearings Officer may require.

**D.** The Tow Hearings Officer will set and conduct an administrative hearing on the matter within 14 days of receipt of a proper request filed pursuant to this Section. In all cases where a vehicle has been towed and not yet released, however, the Tow Hearings Officer will set and conduct the hearing within 72 hours, not including Saturdays, Sundays, or holidays, on receipt of the request.

#### **16.30.420 Hearing Procedure.**

**A.** The hearing shall afford a reasonable opportunity for the person(s) requesting it to demonstrate by the statements of witnesses and other evidence, that the tow and/or storage of the vehicle was or would be invalid, or for any other reason not justified.

**B.** The Tow Hearings Officer will make necessary rules and regulations regarding the conduct of such hearings, consistent with this Section.



### **16.30.430 When Tow Found Invalid.**

If the Tow Hearings Officer finds the tow and/or storage was or would be invalid or not justified, the Tow Hearings Officer will order the vehicle:

- A.** Be immediately released if already towed. The owner(s) or any other person(s) who have an interest in the vehicle are not liable for the tow and/or storage charges and any money paid for tow and/or storage charges will be returned, as appropriate.
- B.** Not be towed if such vehicle is about to be towed.

### **16.30.440 When Tow Found Valid.**

(Amended by Ordinance 176352, effective March 27, 2002.)

If the Tow Hearings Officer finds the towing and/or storage was or would be valid, the Tow Hearings Officer will order the vehicle, if still held, continue to be held until all towing and storage charges and an administrative fee are paid.

If such vehicle is about to be towed, pursuant to Subsection 16.30.230, the Tow Hearings Officer will order such vehicle to be towed and impounded if the violation involving that vehicle has not been completely corrected.

### **16.30.450 Hearing Administration.**

(Amended by Ordinance 187925, effective September 2, 2016.)

- A.** The decision of the Tow Hearings Officer is a quasi-judicial decision and is final, and is not appealable to the City Council.
- B.** Any person who has a hearing scheduled pursuant to this Section and fails to appear at such hearing without good cause shown, as determined by the Tow Hearings Officer, will not be entitled to have such hearing rescheduled.
- C.** The owner(s) and any other person(s) who have an interest in the vehicle are only entitled to one hearing for each tow of that vehicle.
- D.** Owners of vehicles towed or immobilized by order of the Multnomah County Circuit Court pursuant to Section 16.30.240 are not entitled to a hearing pursuant to this Chapter.
- E.** The Code Hearings Officer, appointed pursuant to Title 22, will act as Tow Hearings Officer pursuant to this Chapter. Subject to the approval of the Commissioner In Charge, the Code Hearings Officer may, in writing, designate one or more persons to act as Tow Hearings Officer during the absence or unavailability of the Code Hearings Officer.

### **16.30.500 Fee Payments and Vehicle Release Procedure.**

### **16.30.510 Towing and Storage Rates.**

The towing and storage charges that are to be paid before release of a vehicle towed by authority of this Chapter, if towed by a private company at the request of a City officer or employee, will be the charges fixed by City contract for private towing and storage. If a vehicle is towed by City equipment and personnel, the charges will be fixed by a schedule approved by the Council.

### **16.30.520 Charges and Release of Vehicle.**

(Amended by Ordinances 165980, 167222, 175648 and 176352, effective March 27, 2002.)

- A.** Any private company that tows and stores any vehicle pursuant to this Chapter, shall have a lien on the vehicle, in accordance with ORS 87.152, for the just and reasonable charges for the tow and storage services performed. The company may retain possession of that vehicle, consistent with this Chapter, until towing and storage charges and an administrative fee have been paid.
- B.** If the required towing and storage charges and an administrative fee have been paid, the vehicle must be immediately released to the person(s) entitled to lawful possession. A vehicle towed pursuant to Section 16.30.220 K. shall be immediately released to the person(s) entitled to lawful possession upon proof that a person with valid driving privileges will be operating the vehicle, proof of insurance and payment of towing, storage and payment of an administrative fee to the police agency. If towing and storage charges and an administrative fee have not been paid, a vehicle will not be released, except upon order of the Towing Hearings Officer.
- C.** A vehicle towed pursuant to this Chapter may only be released to the owner, or to the person who was lawfully in possession or control of the vehicle at time it was towed, or to a person who purchased the vehicle from the owner and who produces written proof of ownership. In all cases, adequate evidence of the right to possession of the vehicle as determined by the City Towing Board of Review, must be presented prior to release of the vehicle.

### **16.30.530 When Tow Found Invalid.**

- A.** The accrued towing and storage charges assessed under Section 16.30.520, will be waived by the Hearings Officer if the tow is found to be invalid or for any other reason not justified, after a hearing has been held pursuant to Section 16.30.400.
- B.** A person's inability to pay the towing and storage charges, in and of itself, is not a sufficient basis for the waiving of such charges.
- C.** If the charges are owed to a private company, the City will pay them if, after a hearing, the tow is found to be invalid or for any other reason not justified and the charges have not previously been paid.

### **16.30.540 When Tow Found Valid.**

(Amended by Ordinance 176352, effective March 27, 2002.)

If the Tow Hearings Officer finds the towing and/or storage was valid, the person entitled to possession of the vehicle will be responsible for all towing and storage charges.

### **16.30.550 Storage Charges at Completion of Hearing.**

After the Tow Hearings Officer makes a public determination on a vehicle tow hearing, the vehicle must be picked up by the person entitled to possession within 24 hours to avoid further storage charges. If the vehicle is not claimed within this time period, it will not be released until the additionally accrued storage charges, if any, are paid.

### **16.30.600 Selling Abandoned Vehicles.**

#### **16.30.610 When a Vehicle May be Sold.**

- A.** Whenever any vehicle is taken into custody pursuant to this Chapter, the vehicle will be held at the expense and risk of the owner or person lawfully entitled to possession.
- B.** At any time within 15 days after any such notice has been sent, as required in Section 16.30.300, the owner or person lawfully entitled to possession of any such vehicle may claim the vehicle by:

1. presenting satisfactory proof of ownership or right to possession; and
2. paying the charges and expenses, if any, incurred in the preservation and custody of the vehicle.

#### **16.30.620 Sale of Vehicles.**

(Amended by Ordinance 166575, effective June 2, 1993.)

- A.** As often as is necessary, the City Traffic Engineer will be provided with a list of all unclaimed vehicles which have been towed and stored by or for the City which:

1. Have been in storage 15 days or longer and have been appraised at a value of \$750 or less, or;
2. Have been in storage for 30 days or longer.

- B.** The City Traffic Engineer will, as soon as convenient, authorize the sale of, or sell such vehicles in accordance with the provisions of any contract authorized by the Council. If there is no such contract, the City Traffic Engineer will sell such vehicle at public auction.

1. If a vehicle is sold in accordance with the provisions of a contract, the Director of the City Traffic Engineer will ensure, at the time of sale, a certificate of sale in substantially the following form is issued to the purchaser:

“CERTIFICATE OF SALE

This is to certify that under the provisions of the Traffic Regulations of the City, I did on the . . . . day of . . . . , 19 . . . sell to . . . . . of . . . . . for the consideration . . . . . Dollars (\$ . . . .) the following described personal property:

(Brief description of property)

Dated this . . . . day of . . . . , 19 . . . .

.....

City Traffic Engineer

**NOTE:** The City of Portland assumes no responsibility as to condition or Title of the above described property. In case this sale is for any reason invalid, the liability of the City is limited to return of the purchase price."

**2.** If the City Traffic Engineer decides to sell any vehicles held pursuant to this Chapter at public auction, notice of the time and place of such auction sale must be given by publication in the official paper of the City for a period of at least 10 days prior to the date of such sale. Such vehicles must be sold to the highest bidder for cash.

**C.** The proceeds of such sale will be first applied to payment of the cost of such sale and expense incurred in the preservation and custody of such vehicles and the balance, if any, will be credited to the Transportation Operating Fund of the City.

### **16.30.700 Moving Vehicles For Street and Utility Maintenance and For Emergencies.**

#### **16.30.710 Authority To Move Vehicles.**

(Amended by Ordinances 175564 and 188652, effective November 17, 2017.)

This Section applies when:

**A.** The City has restricted parking in an area on a temporary basis and the signs, barriers, or other notice have been removed by someone other than the owner of the vehicle to be towed so that the vehicle owner has not had notice of the parking restriction;

**B.** There is an emergency and a legally parked vehicle must be moved in order to attend to the emergency.

#### **16.30.720 When a Vehicle May be Moved.**

(Amended by Ordinances 175564, 179141 and 188652, effective November 17, 2017.)

Any vehicle parked on a public right-of-way, or on City of Portland owned or operated property, may be towed according to the provisions of 16.30.730 upon the order of an authorized City official, or designee, without prior notice to the owner of the vehicle, when removal of the vehicle is required:

- A.** To provide immediate access for street or utility repair;
- B.** To facilitate the operations by fire, police, ambulance, or other emergency personnel or vehicles;
- C.** To provide safe clearance for special events such as parades, marches, or motorcades;
- D.** To provide clear access for areas specifically reserved by City permit.

### **16.30.730 Manner of Moving Vehicle.**

(Amended by Ordinance 165594, effective July 8, 1992.)

- A.** The City officer or employee ordering a vehicle to be towed may direct that the vehicle be towed and parked at any legal parking space on the public right-of-way at any storage facility designated by the City.
- B.** The City officer or employee is not limited to the City Tow Contract rotation and may enter into agreements with any towing or other firm for removing vehicles.
- C.** The City officer or employee ordering a vehicle to be towed pursuant to this Section will notify the Police Bureau of the location of the towed vehicle within 1 hour after the completion of the tow.
- D.** The costs of towing and storing the vehicle for a period not to exceed 72 hours will be paid by:
  - 1.** The City in the case of a tow requested by a City officer or employee, or
  - 2.** The permittee in the case of a tow requested by a permittee.
- E.** The owner of the vehicle may be charged a reasonable storage fee for the storage of the vehicle if the vehicle is towed and stored at a private storage facility and the owner fails to remove the vehicle from the private storage facility within 72 hours after the vehicle was towed.

### **16.30.800 Regulation of Towers.**

#### **16.30.810 Solicitation of Towing Business at Accidents Prohibited.**

(Amended by Ordinance 165594, effective July 8, 1992.)

- A.** Except as otherwise provided herein, no person with a direct or indirect interest in any business engaged in the towing or recovery of motor vehicles for a profit nor any person employed by such a business nor any person receiving any fee or remuneration from such a business, may solicit or attempt to solicit towing business at or near the site of a motor vehicle accident.

**B.** The prohibitions set forth in Subsection A do not prohibit any person from providing or offering to provide towing services if:

1. The services are provided without charge, fee, or other remuneration;
2. The services are provided or offered at the direction or request of a police officer;
3. The services have been requested by the owner, operator, or other person in charge of the vehicle by radio or telephone communication or otherwise at a location other than the accident site; or
4. Allowed by government contract or franchise.

**C.** “Solicit or attempt to solicit towing business” means to offer or attempt to offer motor vehicle towing or recovery services for a fee or remuneration.

**D.** Violation of subsection A of this section is a traffic infraction, punishable by a fine not to exceed \$500.

### **16.30.820 Obstructing Traffic.**

**A.** The operator of a wrecker or tow truck may stop a vehicle where it obstructs traffic when the operator:

1. Is engaged in the recovery of another vehicle; and
2. Takes the precautionary measures required by this Section.

**B.** A person commits the offense of failure to take precautions when obstructing traffic with a tow vehicle or wrecker engaged in the recovery of another vehicle if the operator does not do all of the following:

1. Determine that the recovery operation requires stopping the tow or recovery vehicle in the roadway; and
2. Activate tow vehicle warning lights described in ORS 816.280.

### **16.30.830 Failure to Remove Injurious Substance.**

A person commits the offense of tow vehicle operator failure to remove injurious substance if the person is operating a tow vehicle that is removing a wrecked or damaged vehicle from a roadway and the person fails to remove any glass or other injurious substance dropped upon the roadway from such vehicle.

## **Chapter 16.35 Designated Parking Management Plan District**

(Chapter added by Ordinance 187261, effective July 15, 2015.)

### **16.35.010 Purpose.**

Chapter 16.35 is added to Title 16 to address parking challenges presented in congested inner neighborhoods of the City, while striving to maintain livability and business vitality in those designated parking districts. Parking Management Plan Districts seek to balance these various aspects through such mechanisms as residential and business parking permits, varying times for parking meters and flexibility for visitors to the districts.

### **16.35.020 Controlling Requirements for Parking.**

Except where explicitly addressed in Chapter 16.35, the provisions of Title 16 shall control parking of motor vehicles. The Council separately establishes Parking Area Management Plans. The City Traffic Engineer has authority under Title 16 to adjust boundaries within Parking Area Management Plans for meters and permit requirements through signage within the boundaries of established Parking Area Management Plans.

### **16.35.100 Upper Northwest Parking Area Regulations.**

Sections 16.35.100 through 16.35.130 contains regulations addressing parking within the Upper Northwest Parking Area.

### **16.35.110 Upper Northwest Parking Definitions.**

(Amended by Ordinance 190690, effective February 25, 2022.)

- A.** Upper Northwest Long-Term Parking Meter - Any parking meter with a designated time limit of more than 2 hours, as regulated by signage within the Upper Northwest Parking Area.
- B.** Upper Northwest Metered District - The portion of all block faces which are regulated by signage as time zones requiring meter payment within Zone M.
- C.** Upper Northwest Parking Area - The area with boundary lines depicted on the Northwest Parking Management Plan Map, which shall be maintained in the files of the City Traffic Engineer as the official map for the Area. The Upper Northwest Parking Area is contiguous with Zone M, and overlays Zone M permit parking regulations with right-of-way parking regulations established in this Chapter. Within the Upper Northwest Parking Area, the City Traffic Engineer may control parking by signage. Zone M parking permits and meter regulations apply within a portion of the Upper Northwest Parking Area.
- D.** Upper Northwest Parking Permit Area - The area within the Upper Northwest Parking Area which is outside the Upper Northwest Metered District, as regulated by signage.

- E.** Upper Northwest Parking Permit Meter Area - Any parking spaces regulated by signage as metered parking within the Upper Northwest Parking Permit Area.
- F.** Upper Northwest Short-Term Parking Meter - Any parking meter with a designated time limit of 2 hours or less, as regulated by signage within the Upper Northwest Parking Area.
- G.** Upper Northwest Zone M Permit - A currently valid area parking permit applicable to Zone M and properly displayed in a permitted vehicle.
- H.** Zone M - The parking permit area established by Council within the Northwest Parking Area Management Plan, identified in the Northwest Parking Area Management Plan Map. Within Zone M, the City Traffic Engineer may control parking by signage.

### **16.35.120 Upper Northwest Permit Violation and Enforcement.**

Violations established in this Section will be cited as Upper Northwest Permit Violations:

- A.** Within the Upper Northwest Parking Permit Area during permit designated hours, it is unlawful for any person to park any vehicle without a valid Upper Northwest Zone M Permit to either:
  - 1.** Exceed the maximum visitor time limit allowed within the Upper Northwest Parking Permit Area; or,
  - 2.** Return to the same Upper Northwest Parking Permit Area block face for a period of 4 hours after parking for any time period.
- B.** Within the Upper Northwest Parking Permit Meter Area, except for vehicles displaying a valid Upper Northwest Zone M Permit:
  - 1.** It is unlawful for any person to park any vehicle in any parking meter space during the hours of operation of the meter without paying the applicable parking meter fee; and,
  - 2.** Upon expiration of the parking meter, a citation may be issued if a vehicle remains parked or stopped on the same block face.

### **16.35.130 Upper Northwest Meter Violation and Enforcement.**

Violations established in this Section will be cited as Upper Northwest Meter Violations.

- A.** At any parking space signed for an Upper Northwest Long-Term Meter, it is unlawful for any person to park a vehicle during the hours of operation of the meter without paying the applicable parking meter fee.
- B.** Upon expiration of an Upper Northwest Long-Term Parking Meter a citation may be issued if a vehicle remains parked or stopped on the same block face.



**C.** A vehicle in an Upper Northwest Long-Term Parking Meter space may remain in said space longer than the time designated time limit upon payment of the applicable parking meter fee.

**D.** It is unlawful for any person to park any vehicle in an Upper Northwest Short-Term meter space during the hours of operation of the meter without paying the applicable parking meter fee.

1. It is unlawful for any person to extend the parking time beyond the designated limit for parking in the Upper Northwest Short-Term Meter space.
2. Upon expiration of the designated time limit, for the Upper Northwest Short-Term Meter space, a citation may be issued if a vehicle remains parked or stopped on the same block face unless it has moved 500 linear feet , as measured along the curb or edge line.
3. Upon leaving an Upper Northwest Short-Term Meter space, a vehicle may not return to an Upper Northwest Short-Term Meter space in the same block face for a 3-hour period, unless it has moved more than 500 linear feet as measured along the curb or edge line from the previously used Upper Northwest Short-Term Meter space.

**E. Successive Violations.** Within the Upper Northwest Parking Area, if a citation has been issued for any Northwest Parking Meter Violation:

1. To a vehicle parked or stopped at an Upper Northwest Short-Term Parking Meter space, and the cited vehicle remains parked or stopped on the same block face, a separate violation occurs upon the expiration of each successive maximum period of parking as designated by official signs, markings or meters. A separate citation may be issued for each successive violation.
2. To a vehicle parked or stopped at an Upper Northwest Long-Term Parking Meter space, and the cited vehicle remains parked or stopped at the same space, a separate violation occurs upon the expiration of a parking receipt for the vehicle at that space as designated by official signs, markings or meters. A separate citation may be issued for each successive violation.

### **16.35.200 Central Eastside Industrial Area Permit Parking Regulations.**

Sections 16.35.200 through 16.35.220 contains regulations addressing parking within the Central Eastside Industrial Area Permit Parking.

### **16.35.210 Central Eastside Industrial Area Permit Parking.**

The Central Eastside Industrial Area (CEID) includes the area with boundary lines depicted on the CEID Plan Map, which shall be maintained in the files of the City Traffic Engineer as the official map for the Area. The Central Eastside Industrial Area is contiguous with Zone G and Zone N, and overlays Zone G and Zone N permit parking regulations with right-of-way parking regulations established in this Chapter. Within the Central Eastside Industrial Area (CEID), the City Traffic Engineer may control parking by signage. Zone G and N Parking permits apply within a portion of the Central Eastside Industrial Area (CEID).

### **16.35.220 Central Eastside Industrial Area (CEID) Violations and Enforcement.**

Violations established in this Section will be cited as Central Eastside Industrial Area (CEID) violations:

**A.** Within the Central Eastside Industrial Area (CEID) Parking Permit Area during permit designated hours, it is unlawful for a non-permitted vehicle to:

1. Exceed the maximum visitor time limit allowed within the Parking Permit Area; or,
2. Return to the same Parking Permit Area block face for a period of 3 hours after parking for any time period.

## **Chapter 16.40 Private For-Hire Transportation Regulations.**

(Chapter replaced by Ordinance 188483, effective July 21, 2017.)

### **16.40.010 PFHT Program Purpose and Provisions.**

To ensure the safety and reliability of Private for-Hire Transportation (PFHT) services as a matter of public concern, the City of Portland has the authority, delegated by ORS 221.495, to license, control, and regulate privately owned vehicles for hire operating within the City of Portland. The purpose of Chapter 16.40 is to provide for the safe, fair, and efficient operation of PFHT services.

The provisions contained herein should be applied and enforced in such a manner as to require the “for-hire” transportation to:

- A.** Promote innovation in the PFHT industry to meet evolving consumer demand; and
- B.** Allow fair competition, so long as public safety and the public interests are served.

### **16.40.020 Chapter Applies to All Companies, Drivers, and Vehicles.**

(Amended by Ordinance 188972, effective June 29, 2018.)

- A.** It is not a defense to any regulatory action, including penalties and fines, to assert that the City cannot act because a PFHT service operator does not possess a valid City-issued permit, certification, decal, or taxiplate.
- B.** The requirements of Chapter 16.40, along with any penalties that may be assessed for violations of Chapter 16.40, apply to all PFHT service operators, whether or not legally and validly permitted.
- C.** Any section and or requirement of this Chapter may be further explained in Administrative Rule.
- D.** No company, vehicle or driver will be issued a permit under the authority of this Chapter if any of the following apply:
  1. A Federal Out of Service Orders has been issued.
  2. Company is suspended by the State pursuant to ORS 825.137.

**E.** Companies and their drivers are prohibited from blocking or altering the presentation of any information or denying access to their company App, including any digital or analog network, to any City employee authorized to enforce the provisions of this Chapter or for the purpose of thwarting or interfering with any City employee's enforcement or oversight of Private for-Hire Transportation companies and their drivers. Violation of this sub-section is a Class A violation and is also subject to suspension and/or revocation.

**F.** All driver backgrounds will be verified by the Bureau of Transportation. Those companies self-certifying drivers may allow the driver to operate for up to 30 days with a provisional driver permit. The company shall provide Driver background information to PBOT in a manner approved in writing by the Director within 24-hours of the Driver's certification or permit date. Absent exceptional circumstances, PBOT will review the self-certified backgrounds and conduct additional reviews, supplemental investigations or other steps to make a determination before validating the Driver's permit for one full year from the certification or permit date. Drivers who are not approved to operate will have their certifications and permits immediately cancelled, pursuant to Section 16.40.940. Violation of this Subsection is a Class A violation and is also subject to suspension and/or revocation.

### **16.40.030 Definitions.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A.** "Approved Blue Seal Shop" means an automotive repair and service shop recognized officially by the National Institute of Automotive Service Excellence (ASE) as being an ASE Blue Seal Automotive Shop.

**B.** "Approved Mechanic" means a mechanic who meets all the following criteria:

1. Does not own, lease, or drive a vehicle for-hire;
2. Has no financial interest in any PFHT company operating within the state of Oregon or Washington;
3. Has received and maintains a current, valid ASE Master Technician Certification or ASE A-Series certification between relevant areas of ASE A4-A8; and
4. Is not employed by any PFHT company.

**C.** "Branded Vehicle" (a.k.a. "Reconstructed Vehicle") means any vehicle that has been declared a total loss and has a branded or reconstructed notation on the vehicle title.

**D.** "Bureau" means the Portland Bureau of Transportation (PBOT) of the City of Portland.

**E.** "Carriage" means any vehicle or conveyance that is drawn, pulled, or propelled by a horse or other animal(s).

**F.** "Certificate of Safety" means a document completed by an approved mechanic certifying that a vehicle meets all requirements set forth in this Chapter and/or administrative rules.

- G.** “Certification List” means a list of drivers and vehicles submitted by a PFHT company for approval as permitted if certified by the Director as meeting all requirements set forth in this Chapter and/or administrative rules.
- H.** “Committee” means the PFHT Advisory Committee.
- I.** “Company Permit” means the permit issued to a PFHT company under the terms of this Chapter and/or administrative rules.
- J.** “Compensation” means any form of payment or gratuity by a customer or customer’s agent to a permitted PFHT or company for the use of the driver’s or company’s for-hire transportation services. PFHT providers that accept only gratuities, tips, etc., are considered to be providing “for-hire” transportation services.
- K.** “Conduct Business” means operating a for-hire vehicle or company, receiving money or other compensation from the use of a for-hire vehicle, causing or allowing another person to do the same, or advertising for services that originate in the City of Portland.
- L.** “Customer” means a person who purchases PFHT service from a PFHT service provider that is permitted or should be permitted by the City. The customer may or may not also be a passenger.
- M.** “Day” means a business day and not a calendar day unless specifically stated otherwise.
- N.** “Decal” means the numbered identification sticker issued by the City and affixed to a Limited Passenger Transportation (LPT) vehicle.
- O.** “Director” means the Director of PBOT or the Director’s designee.
- P.** “Downtown Core” means the area formerly known as the “Fareless Square” or “Free Rail Zone” as defined by TriMet as follows: The area to the west of the Willamette River shall be bounded on the North by NW Irving, except that at the intersection of NW Irving and NW Station Way it shall be bounded on the North by NW Station Way to NW Broadway and then by NW Broadway south to NW Irving and continuing west on NW Irving to the Stadium (I-405) Freeway, on the West and South by the Stadium (I-405) Freeway and on the East by the Willamette River. The area to the east of the Willamette River shall be bounded on the West by North Interstate Avenue, on the North by NE Multnomah to 125 feet east of 13th Avenue, on the East by 13th Avenue and on the South by NE Holladay.
- Q.** “Driver Permit” means the document or certification issued by the Director affirming the driver is approved and certified as a PFHT driver under the terms of this Chapter.
- R.** “Driver” means a PFHT driver, including taxi drivers, NEMT drivers, TNC drivers, shuttle drivers, executive town car drivers, LPT drivers, pedicab drivers, Quadricycle drivers, and horse-drawn carriage drivers.
- S.** “Dynamic Pricing” means the pricing as impacted by market demand, which can be an upward or downward deviation from the fare rates established by the PFHT companies and reported to the Director.

- T.** “Executive Town Car Company” means any entity operating Executive Town Car Vehicles other than as a driver and regardless of whether the vehicles so operated are owned by the company, leased, or owned by individual members of the company.
- U.** “Executive Town Car Company Driver” means any person operating an Executive Town Car Vehicle as a driver for any Executive Town Car Company.
- V.** “Executive Town Car Company Vehicle” must conform to the Administrative Rule for Executive Town Car.
- W.** “Executive Town Car Company Services” means private for-hire transportation offered or provided for compensation to passengers by an Executive Town Car Driver and Executive Town Car Driver Vehicle on behalf of or by an affiliated Executive Town Car Driver Company.
- X.** “Horse-Drawn Carriage” is a vehicle or conveyance operating for hire that is drawn, pulled, propelled, or powered, in whole or in part, by a horse, mule, or other animal(s).
- Y.** “Horse-Drawn Carriage Driver Permit” means the permit issued to a horse-drawn carriage driver under the terms of this Chapter.
- Z.** “Limousine” means a 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, and which is commonly recognized by the limousine industry as a “limousine.”
- AA.** “Limousine, Party Bus, Charter Bus, Tour Bus, or custom Multi-passenger vehicle (LPT) Company” means any entity operating LPT Vehicles other than as a driver and regardless of whether the vehicles so operated are owned by the company, leased, or owned by individual members of the company.
- BB.** “LPT Driver” means any person operating a party bus, charter bus, tour bus, or custom multi-passenger vehicle as a permitted driver for any LPT Company.
- CC.** “LPT Services” means PFHT or provided for compensation to passengers by an LPT Driver and LPT Vehicle on behalf of or by a certified and affiliated LPT Company.
- DD.** “Non-Emergency Medical Transportation (NEMT) Company” means any entity that offers and/or provides PFHT services used for agency-sponsored, contracted transportation as defined in OAR 410-136-3000.
- EE.** “Non-Emergency Medical Transportation (NEMT) Driver” means any person operating a vehicle for compensation to offer and/or provide NEMT services.
- FF.** “Non-Emergency Medical Transportation (NEMT) Services” means any PFHT services used for agency-sponsored, contracted transportation as defined in OAR 410-136-3000.
- GG.** “Non-Emergency Medical Transportation (NEMT) Vehicle” means any vehicle driven to offer and/or provide NEMT services.

**HH.** “Operate” means driving a for-hire vehicle, using a for-hire vehicle to conduct a business, receiving money from the use of a for-hire vehicle, or causing or allowing another person to do the same.

**II.** “Party Bus” means a van or luxury bus modified to carry 10 or more people and less than 26,000 pounds in GVWR primarily for recreation and/or sightseeing purposes.

**JJ.** “Passenger” means a person traveling in a PFHT vehicle that is not the operator of that vehicle.

**KK.** “Pedicab and Quadricycle”

**1.** A pedicab means a tricycle that:

- a.** Transports or is capable of transporting passengers on seats attached to the tricycle;
- b.** Is powered by a human; and
- c.** Is used for private for-hire service.

**2.** A Quadricycle means a four-wheel peddle powered unit that:

- a.** Transports or is capable of transporting four or more passengers on seats attached to the Quadricycle;
- b.** Is powered by human power or an electric motor assist; and
- c.** Is used as a PFHT service.

**LL.** “Pedicab and Quadricycle Driver Permit” means the permit issued to a pedicab or Quadricycle driver under the terms of this Chapter.

**MM.** “Permittee” means a person or business entity that has been issued a driver certification or company permit under the terms of this Chapter.

**NN.** “Permitted” means that a PFHT company, driver, or vehicle carries or displays a valid City-issued permit, decal, taxiplate, or certification.

**OO.** “Person” means any individual, partnership, joint venture, association, club, trust, estate, corporation, or other form of business organization recognized by Oregon Law.

**PP.** “Plate” means the numbered identification plate issued by the City and affixed to a taxi vehicle, horse-drawn carriage, pedicab or Quadricycle.

**QQ.** “Prearranged” means that the customer, passenger, or passenger’s agent has personally asked the driver and/or a permitted for-hire vehicle or a permitted PFHT company for transportation services, regardless of the communication format used. The Director may establish the amount of time between asking and receiving transportation services to allow a presumption that the services were “prearranged.”

**RR.** “Private for-Hire Transportation (PFHT)” means providing vehicular, horse-drawn carriage pedicab or Quadricycle transportation for compensation of any kind within Portland City limits. However, it does not include transportation provided by a public or governmental entity, including transportation that is regulated entirely by the State of Oregon or the federal government.

**SS.** “Private for-Hire Vehicle” means a motorized or non-motorized vehicle used to transport persons for-hire or other consideration and is not exclusively regulated by the State and federal government, when the requirements for vehicles meets or exceeds those described in this Chapter. This includes limousines, taxis, TNC vehicles, executive town car, shuttles, NEMTs, pedicabs, tour vehicles, Quadricycles, and horse-drawn carriages but does not include school buses, charter buses, or ambulances or ambulance vehicles meeting the requirements of Oregon Administrative Rule 333-255-0000(2) and which are subject to a valid, current ambulance license issued by the Oregon Health Authority.

**TT.** “Public Safety,” as it relates to Private for-Hire Transportation (PFHT), means the City’s responsibility to protect the welfare of the public by establishing the qualifications a PFHT driver must possess to provide PFHT services. This includes sanctioning and potentially suspending or revoking driver permits if those qualifications are not met. Public Safety also includes, but is not limited to, a driver’s duty to, at any time, meet qualifying factors in Chapter 16.40 or a driver who has, by a preponderance of the evidence, engaged in physically threatening behaviors or actual physical assaults.

**UU.** “Revocation” means that a permit, certification, taxiplate or decal is no longer valid and cannot be renewed without approval by the Director.

**VV.** “Shuttle Transportation” means:

- 1.** Fixed Route (Airporter) Service. A service that begins or/ends at the Portland International Airport and provides scheduled service to approved locations, except when transporting large groups (e.g., convention groups) or when operating hotel or parking courtesy shuttles, hereinafter defined as “Airporter Shuttle.”

- a.** Standard Airporter Shuttle. Vehicle with a minimum capacity of 5 adult passengers and a maximum capacity of 14 passengers, and with the capacity to accommodate equivalent baggage.

- b.** Large Airporter Shuttle. Vehicle with a minimum capacity of 15 adult passengers (no maximum capacity), and with the capacity to accommodate equivalent baggage.

- 2.** On Demand/Reservation Service. A service provided by a van with a minimum capacity of 5 adult passengers and a maximum capacity of 14 passengers, and with the capacity to accommodate equivalent baggage. Consists of door-to-door and reserved service to any part of the City where primary destination is to and from the Portland International Airport, train station, or bus station.

**WW.** “Suspension” means that a permit, taxiplate, certification, or decal is temporarily invalid and that the holder of that permit, taxiplate, certification, or decal may not engage in any PFHT activity under the

authority granted to that suspended permit, taxiplate, certification, or decal. A suspension may also apply to a PFHT driver.

**XX.** "Tour Bus Vehicle" means any van or bus modified to carry 10 or more people and less than 26,000 pounds in GVWR primarily for recreation and/or sightseeing purposes and driven by a tour bus driver to offer and/or provide tour bus services.

**YY.** "Taxi Company" means any entity operating taxi vehicles other than as a driver and regardless of whether the vehicles so operated are owned by the company, leased, or owned by individual members of the company.

**ZZ.** "Taxi Dispatch" means a 24-hour active call center with a dispatcher whose purpose is to receive transportation requests and route taxi vehicles to requested locations.

**AAA.** "Taxi Driver" means any person operating a taxi vehicle as a driver for any taxi company.

**BBB.** "Taxi Vehicle" means any vehicle driven by a taxi driver to offer and/or provide taxi services.

**CCC.** "Taxi Services" means PFHT offered or provided for compensation to passengers by a taxi driver and taxi vehicle on behalf of or by an affiliated taxi company.

**DDD.** "Taximeter" means a mechanical or electronic device that calculates and displays a fare based on an initial fee, distance traveled, waiting time, or any combination thereof.

**EEE.** "Taxiplate" means the numbered metal identification plate issued by the City and permanently affixed to the rear of a taxicab.

**FFF.** "Transportation Network Company" (TNC) means any entity or organization, whether a corporation, partnership, or sole proprietor, that connects passengers with affiliated TNC drivers and TNC vehicles through an Internet-based digital or software platform/application operated by the TNC.

**GGG.** "Transportation Network Company (TNC) Driver" means any individual operating a PFHT vehicle who connects with passengers through an Internet-based digital or software platform/application operated by an affiliated TNC.

**HHH.** "Transportation Network Company (TNC) Services" means any PFHT offered or provided to passengers for compensation by a TNC driver and TNC vehicle on behalf of or by an affiliated TNC.

**III.** "Transportation Network Company (TNC) Vehicle" means any vehicle driven by a TNC driver to offer and/or provide TNC services.

**JJJ.** "Week" means the 7-day period from Monday through Sunday.

**KKK.** "Wheelchair-Accessible Vehicle (WAV)" means that a PFHT vehicle is equipped with a hydraulic or electric lift or ramps designed for the purpose of transporting wheelchair users or others using mobility devices, or which contains any other physical device or alteration designed to permit access to and enable the transportation of physically disabled persons that use mobility devices.



### **16.40.100 Taxi Services Permits Required.**

The operation of a Taxi Company is a privilege and not a right. For taxi services to be provided in the City of Portland, the Taxi Company shall be required to obtain a permit. The City of Portland shall certify that all affiliated Taxi Company Vehicles and Taxi Company Drivers have met all certification and operating requirements.

**A. Taxi Company Permit Requirements.** No person or entity shall conduct business as a Taxi Company in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this Subsection shall be a Class A violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

**B. Taxi Driver Certification Requirements.** No person or entity shall conduct business as a Taxi Driver in the City of Portland without certification by the Director prior to being authorized to provide taxi services on behalf of an affiliated Taxi Company. Drivers not meeting all required conditions will not be certified as a Taxi Driver and will not be allowed to operate as a Taxi Driver. Failure to comply with this Subsection shall be a Class B violation subject to the penalties provided in Sections 16.40.930 and 16.40.950.

**C. Taxi Vehicle Certification Requirements.** No vehicle shall be allowed to conduct business as a Taxi Vehicle in the City of Portland without certification by the Director prior to being certified to provide Taxi services by an affiliated Taxi Company. Vehicles not meeting all required conditions will not be certified as Taxi Vehicle and will not be allowed to operate as a Taxi Vehicle. Failure to comply with this Subsection shall be a Class B violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

### **16.40.110 Taxi Company Permit Application Standards for Approval and/or Denial and Certification Requirements.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A. Application.** An applicant for a Taxi Company permit shall annually submit to the Director:

1. A completed application on a form supplied by the Director;
2. Proof of registration with the Secretary of State for any corporate, LLC, or LLP entity;
3. Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
4. A list of all persons or entities with 10 percent or more stock ownership, if the company issues stock certificates;
5. If the applicant Taxi Company is individually owned, the name, business address (or home address), telephone number, and date of birth of the owner;
6. If the applicant Taxi Company is a corporation, partnership, or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons

vested with authority to manage or direct the affairs of the legal entity in Portland ("Authorized Representative") or to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require;

- 7.** The applicant Taxi Company's zero-tolerance drug and non-discrimination policy;
- 8.** The applicant Taxi Company's user terms of service, if applicable;
- 9.** The applicant Taxi Company's dispatch contact information, confirmation that dispatch is available 24 hours, seven days a week and, if applicable, Taxi Dispatch App general use information;
- 10.** Contact information of the Taxi Company's agent of service and customer service support;
- 11.** A description and photo or rendering of the branding that the applicant Taxi Company proposes to use for its fleet of affiliated taxi vehicles;
- 12.** Company-proposed fare rates, and;
- 13.** A non-refundable application fee.
- 14.** All fines and penalties must be paid prior to issuing or reissuing a taxi company permit.

**B.** Compliance with Secretary of State's Rules. No permit will be issued unless the company is validly registered with the Secretary of State, including all assumed business names.

**C.** Insurance. All Taxi Company permit holders shall comply with taxi insurance requirements pursuant to Section 16.40.130. All taxi companies shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.

**D.** Director Review Process. After receiving a completed Taxi Company application form and upon successful completion of all the requirements pursuant to Section 16.40.110, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.

**E.** Application Approval. Upon approval by the Commissioner-in-Charge, the Director may issue a Company permit.

**F.** Application Denial. The Application shall be denied for any of the following reasons:

- 1.** The Taxi Company applicant fails to submit all required information and documentation, including valid proof of insurance;
- 2.** The Taxi Company applicant provides dispatch services to anyone other than affiliated taxi drivers meeting the requirements set forth in Chapter 16.40 without prior approval by the Director;

3. The Taxi Company applicant leases, permits, or otherwise allows other entities not affiliated with the Taxi Company and certified by the Director to operate Taxi services;
4. The Taxi Company applicant affiliates with and provides dispatch services to drivers operating vehicles without Taxi Vehicle certification by the Director.
5. The application has a material misstatement or omission, and;
6. The Taxi Company application is incomplete.

**G. Denial Appeal.** If the application is denied, the applicant Taxi Company may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**H. Providing Taxi Services.** Taxi services shall be provided only by a permitted Taxi Company.

**I. Certification of Taxi Drivers.** The Taxi Company shall provide a list of applicant drivers affiliated with the permitted Taxi Company for Director certification that the drivers meet requirements in Section 16.40.170, on a form approved by the Director, upon request as drivers are newly affiliated, or as driver certification status changes. Drivers shall be certified and permitted by the Director prior to providing Taxi services on behalf of the affiliated Taxi Company and Taxi Drivers not meeting all required conditions will not be certified as a permitted Taxi Driver and will not be allowed to operate as a Taxi Driver. The requirements include:

1. Criminal and driver background checks;
2. A valid driver's license;
3. Taxi Driver business license number (unless the driver operates the vehicle as an employee of the company); and
4. Successful completion of all Director-approved driver training and testing within 30 days of providing Taxi Service, and successful completion of any additional training and testing must be completed within 30 days of release by the Director.

**J. Term of Certified Taxi Driver.** Certifications for Taxi Drivers provided by a Taxi Company to the Director shall be valid for 1 year from the date of the initial certification. The affiliated Taxi Company shall provide a re-certification to the Director within 1 month prior to the certification expiration on a form approved by the Director.

**K. Taxi Driver Re-certification.** The Taxi Company shall provide a list of applicant drivers for re-certification to the Director within 1 month prior to the Taxi Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with Taxi Driver certification requirements pursuant to this Chapter. Drivers not meeting all conditions will not be re-certified as a Taxi Driver and shall not be allowed to operate as a Taxi Driver.

**L. Certification of Taxi Vehicles.** The Taxi Company shall regularly provide a list of applicant vehicles affiliated with the permitted Taxi Company for Director certification that vehicles meet requirements pursuant to Sections 16.40.150 and 16.40.160 on a form approved by the Director. Vehicles shall be

certified by the Director and affiliated with a permitted Taxi Company prior to providing Taxi services. Vehicles not meeting all required conditions will not be certified as a permitted Taxi Vehicle and will not be allowed to operate as a Taxi Vehicle. Such requirements include:

1. Vehicle ASE mechanic safety inspection;
2. Vehicle registration and licensing;
3. Vehicle properly equipped and in good condition; and
4. Commercial automobile liability insurance.

**M. Term of Certification of Taxi Vehicles.** Certifications for Taxi Vehicles provided by the Director shall be valid for a term of 1 year from date of Director certification.

**N. Taxi Vehicle Re-certification.** The Taxi Company shall provide a list of applicant vehicles for re-certification to the Director at least 1 month prior to the Taxi Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with Taxi Vehicle certification requirements pursuant to this Chapter for re-certification. Vehicles not meeting all the conditions will not be re-certified as a Taxi Vehicle and shall not be allowed to operate as a Taxi Vehicle.

**O. Denial Appeal.** If a Taxi Driver or Taxi Vehicle certification is denied, suspended, or revoked by the Director, the applicant driver or vehicle owner may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**P. Right to a Permit.** The Taxi Company's ability to satisfy the criteria for a Taxi Company permit does not create a right to a Taxi Company permit.

**Q. Transferring Permits.** Permits are non-transferrable. The Company must notify the City within 5 business days in the event of any changes in business ownership.

**R. Removal of Taxi Drivers and Vehicles from Affiliated Taxi Company.** Taxi companies shall notify the Director within 1 business day when an affiliated Taxi Driver has been prohibited from providing Taxi services by the Taxi Company and/or Taxi Vehicles have been removed from the fleet of the affiliated Taxi Company.

**S. Operating at the Port of Portland.** Taxi Companies, Drivers, and Vehicles are prohibited from operating at the Portland International Airport without a City of Portland permit/certification and specific permission or approval from the Port of Portland.

**T. Failure to comply with any provision in Section 16.40.110 is a Class B violation subject to the penalties provided in Sections 16.40.930 and 16.40.950.**

### **16.40.120 Taxi Services Permit Fees and Civil Penalty Fines.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A. Permit Fees.** Taxi Companies shall pay City fees, established in TRN 3.450, and civil penalty fines consistent with Sections 16.40.910, 16.40.930, and 16.40.950.

**B. Permit Issuance.** No Taxi Company permit shall be issued until all fees and civil penalty fines have been paid.

### **16.40.130 Taxi Company Insurance Requirements.**

**A.** In order to provide protection to the public, the Taxi Company shall provide levels of insurance in accordance with all requirements of Chapter 16.40.

**B. Providing Taxi Services.** The Taxi Vehicle shall be covered by a general commercial liability and primary automobile insurance policy provided by the Taxi Company, the Taxi Driver, or a combination of both. Evidence of insurance requirements shall be received and approved by the City prior to a Taxi Company receiving a Taxi Company permit.

**C. Additional Insured and Notification of Policy Changes.** The Taxi Company shall provide certificates of insurance naming the City of Portland and its officers, agents, and employees as an additional insured party and give at least 30 calendar days' notice to the Director before a policy is canceled, expires, or has a reduction in coverage. Insurance coverage requirements include commercial general liability, primary commercial vehicle insurance, worker's compensation, and employer's liability insurance (as required by state law).

**D. Ensuring Driver and Vehicle Insurance.** Taxi Companies shall be responsible for ensuring the Taxi Driver and Taxi Vehicle have appropriate insurance coverage as required by state law.

**E. Insurance Requirements.** Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the state of Oregon.

**F. Commercial Business Insurance.** Taxi Company permit holders shall secure and maintain a commercial general liability policy reflecting limits of no less than \$1 million per occurrence and \$2 million aggregate for covered claims arising out of, but not limited to, bodily injury and property damage, in the course of the permit holder's work under a PFHT Taxi permit.

**G. Automobile Insurance.** All Taxi Company permit holders shall provide the City with a copy of a valid commercial auto liability policy with the following coverage:

- 1.** Combined single limit of not less than \$500,000 per occurrence for claims arising out of, but not limited to, bodily injury and property damage incurred from the business use of any scheduled, non-owned, and hired automobile in the course of the vehicle's use as a PFHT vehicle.

**H. Certification of Auto Insurance.** Taxi Companies shall provide proof of current, valid insurance for Director certification that all affiliated Taxi Vehicles operating for such company and satisfying the minimum requirements.

**I. Insurance Limits Subject to Statutory Changes.** The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term.

**J. Subject to Approval by the City Attorney's Office.** The adequacy of insurance coverage outlined in this section is subject to the review and approval of the City Attorney's Office.

**K. Continuous and Uninterrupted Coverage.** The permit holder shall maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if the insurance company later backdates it, is subject to a civil penalty.

**L. Insurance Rating.** All insurance companies issuing policies within this section shall be rated by A.M. Best Company and carry at least a rating of A.M. Best A- or better, or meet all the requirements for Alternative to Insurance described in the Administrative Rule.

**M. Additional Policy Conditions.** Policies required under Sections 16.40.130 and/or 16.40.130 must also contain, include, provide for, or comply with the following:

1. Independent Contractors/Owner-Operators. If an independent contractor/owner-operator relationship exists with a permit holder, and the independent contractors/owner-operators provide services under the permit holder's permit, then the permit holder and the City require the same insurance coverage and limits and conditions as outlined in Subsections 16.40.130 D. – H. The same certificate of liability and additional insured endorsement requirements will apply.
2. Alternatives to insurance, such as self-insurance, may occur only if the level of coverage and the terms, conditions, and obligations meet the same or higher requirements as found in Subsections 16.40.130 D. – H., and only if the public safety and well-being are not endangered thereby. The adequacy of proposed alternative insurance coverage shall be approved by the City Attorney's Office before such alternative insurance may become effective.

**N. Failure to comply with any provision in Section 16.40.130 is a Class A violation subject to penalties provided in Sections 16.40.930 through 16.40.950.**

## **16.40.140 Taxi Company Operating Responsibilities and Prohibitions.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A. Minimum Standards of Service.** A permitted Taxi Company shall comply with the following minimum standards:

1. A dispatch system in operation 24 hours each day capable of providing reasonably prompt service in response to requests. It is a rebuttable presumption that any time beyond 30 minutes from the time the passenger requests service is unreasonable.
2. Acceptance of any request for Taxi service received from any location within the City including requests made by persons with disabilities and requests for wheelchair-accessible service

pursuant to Section 16.40.190. It is a rebuttable presumption that any time beyond 30 minutes is unreasonable.

**3.** Service citywide, 24 hours a day, 7 days a week.

**4.** A minimum fleet of 15 Taxi Vehicles.

**B.** Drug, Alcohol, and Discrimination Policy.

**1.** Zero Tolerance for Drug and Alcohol Use and Discrimination. All permitted companies shall employ at all times a zero-tolerance policy for intoxicants.

**2.** Zero Tolerance for Discrimination. All permitted companies shall adopt a policy that, at a minimum, prohibits drivers and employees from engaging in discrimination, to include making derogatory comments, on the basis of a person's race, religion, national origin, disability, sexual orientation, sex, marital status, gender identity, age, or any other characteristic protected under applicable local, state, or federal law. This policy must be submitted to the Director for approval. Any changes to the policy shall be submitted to and approved by the Director prior to implementation.

**C.** User Terms of Service. It must be stated within a disclaimer or limitation of liability in a Taxi Company's user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect as prohibited by local law or restriction in the City of Portland, and that any tort claim against a Taxi Company shall be governed by Oregon tort law in effect at the time of the claim.

**D.** Fare Rate Transparency. All Taxi fare rates shall be established by the Taxi Company, reported to the Director, and made available in a clear and transparent way to the passenger prior to the passenger accepting a ride. Fare rates for wheelchair-accessible vehicle (WAV) service shall be comparable with fare rates for non-WAV service. Changes to fare rates shall be submitted by the permitted Taxi Company and reported to the Director prior to implementation.

**E.** Receipts. All Taxi passengers shall be provided either a paper or digital receipt with a unique transaction ID number that corresponds with the transaction number provided with the company's data submissions described in Subsection 16.40.140 I. (below). A receipt must be provided at the termination of the ride that clearly indicates the fare paid, time of ride, name of Taxi Company, name of Taxi Driver, Taxi Company customer service support contact information, and the City of Portland's PFHT complaint phone number.

**F.** Limitation or Prohibition on Dynamic Pricing. The Director may limit or prohibit dynamic pricing by any Taxi Company or Taxi Driver during a State of Emergency, as declared by the Mayor, pursuant to Portland City Code Section 15.04.040. Dynamic pricing is prohibited at all times for WAV service.

**G.** Agent of Service Requirements. Taxi Companies will maintain, during all times when the Taxi Company permit is valid, a local agent of service, with regular hours of business during weekdays.

**H.** Customer Service Support Requirements. Taxi Companies will maintain, during all times when the Taxi Company permit is valid, customer service support with posted contact information, including a

local phone number and local address, and the ability to leave messages 24 hours per day and 7 days per week via telephone or email. Response to messages shall be made within 24 hours.

**I. Reporting Requirements.** Each Taxi Company shall regularly report the following to the Director:

- 1.** The number and type of crimes against drivers to the extent known;
- 2.** The arrest or conviction for any criminal offense of any affiliated Taxi Driver;
- 3.** The filing of any lawsuit against or on behalf of the Taxi Company related to the operation of the company and its services in the City of Portland;
- 4.** The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and
- 5.** Any information required to be disclosed by Chapter 16.40 that comes to the attention of the Taxi Company.

**J. Data Requirements.**

- 1.** Any permitted Taxi Company shall provide relevant anonymized data to the City no later than the 5 business days after the last day of the previous month. Examples of relevant data may include, but are not limited to, the following:
  - a.** Unique transaction ID number that corresponds with the passenger's receipt;
  - b.** Number, date, and time of fulfilled trips;
  - c.** Trip wait time;
  - d.** Number, date, and time of unfulfilled requests (rides the company was unable to fulfill);
  - e.** Number, date, and time of trips declined by the driver or the company (rides declined by drivers);
  - f.** Number of canceled rides (rides canceled by the customer);
  - g.** Trip origin GPS, latitude and longitude; and
  - h.** Trip destination GPS, latitude and longitude.
- 2.** The data collected by the City will be, except as otherwise required by law, kept confidential by the City, used only within the City, and not disclosed to third parties, in accordance with any applicable data-sharing agreement.
- 3.** In the event that disclosure of such data is required by law, the City will provide taxi companies notice prior to any disclosure of such data.



**4.** Upon request, the Taxi Company shall provide data identified by the Director to verify compliance with requirements pursuant to Chapter 16.40.

**5.** Failure to report any ride data as described in Subsection 16.40.910 E.1. is a Class B violation.

**K.** Digital Record Requirements. Digital records shall provide a verifiable way to identify drivers and riders for investigation purposes. A permitted Taxi Vehicle must maintain either secure, digital records with contact information from Taxi Drivers and Taxi passengers or a digital security camera system in accordance with the following requirements:

**1.** Digital security cameras are required in every permitted taxicab, or secure digital records with contact information from the passenger must be maintained by the Taxi Company. Taxi Companies own the cameras or secure digital records and are responsible for their maintenance and the records produced by them.

**2.** Taxi Companies must perform inspection and testing of the cameras according to the recommended product specifications, requirements, and schedule.

**3.** No Taxi Driver may tamper with, damage, disturb, remove, or disable a digital security camera system in a taxicab or any digital records maintained by the Taxi Company.

**4.** Taxi Drivers must utilize the digital security camera and immediately notify the Taxi Company if a digital security camera system is or appears to be damaged, stolen, or inoperable. When a digital security camera is utilized, signage must be visible to passengers within the Taxi Vehicle that states the following: YOU ARE ON CAMERA. IT IS A FELONY IN OREGON TO ASSAULT A TAXICAB DRIVER.

**5.** If any law enforcement officer requests access to any record necessary to assist in the investigation of any crime after following the appropriate legal process, the Taxi Company shall respond to the request within 24 hours and promptly disclose records pursuant to the investigation request.

**6.** No Taxi Company or Driver may allow any person to intentionally access any records produced by the digital security camera or record systems.

**7.** The Taxi Company shall notify the City of a known data security breach in the same manner as provided in ORS 646A.600 to ORS 646A.628.

**L.** Taxi Company Records Management and Mandatory Compliance.

**1.** Taxi Companies will be required to keep documentation of all certified Taxi Drivers and Taxi Vehicles. Such records shall be kept on file during the term of the Taxi Company permit and for 2 calendar years after the expiration of such permit. Upon request or subpoena, Taxi Company records shall be provided to the Director and/or law enforcement officers.

**2.** Taxi Companies shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

**M.** Failure to comply with any provision in Section 16.40.140 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

### **16.40.150 Taxicab Vehicle Certification Requirements.**

(Amended by Ordinance 191503, effective December 1, 2023.)

**A.** Taxi Vehicle Certification. The Taxi Company shall regularly provide a list of applicant vehicles affiliated with the permitted Taxi Company for Director certification that vehicles meet all requirements pursuant to Chapter 16.40 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted Taxi Company prior to being used to provide taxi service on a form approved by the Director. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as a Taxi Vehicle.

**B.** Term of Certified Taxi Vehicle. Certifications for Taxi Vehicles provided by the Director shall be valid for 1 year from the date of the initial certification. The Taxi Company shall provide a re-certification to the Director annually prior to the certification expiration and within 1 month of the expiration date on a form approved by the Director.

**C.** Application Process. Applications for Taxi Vehicle certification shall be made directly to an affiliated Taxi Company. The Taxi Company will regularly provide to the Director a Taxi Driver and vehicle application list, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as a Taxi Vehicle on a form approved by the Director.

**D.** Vehicle Registration, Licensing, and Insurance. All Taxi Vehicles shall maintain, at all times, vehicle registration, licensing, and insurance as required by the State of Oregon or the state in which such vehicle is registered.

**E.** Vehicle Age Requirements. No vehicle will be allowed to operate as a Taxi Vehicle following 15 years after the vehicle manufactured date, regardless of when the vehicle was purchased or put into service as a Taxi Vehicle.

**F.** Vehicle Safety Inspections. Each Taxi Vehicle shall pass an annual standardized vehicle safety test as performed by a National Institute for Automotive Service Excellence (ASE) Blue Seal Recognized Shop or by an automotive technician with a current, valid ASE certification in any of the areas of ASE A4-A8. Inspections are required if the vehicle:

1. Is more than 1-year-old, based on model year;
2. Has 10,000 miles or more on its odometer; or
3. Has the "check engine" light illuminated, regardless of model year or mileage.

**G.** Taxi Vehicle Safety Certificate Requirements. Upon successful completion of the vehicle inspection, the ASE Blue Seal Recognized Shop or ASE Automotive Technician will provide to the Taxi Driver applicant a safety certificate stating that the vehicle passed the required safety inspection. The safety

inspection checklist used by the ASE Blue Seal Recognized Shop or ASE Automotive Technician shall be completed on a form approved by the Director.

**H. Vehicle Condition.** Each Taxi Vehicle shall meet the following requirements:

1. Be kept in safe condition and good;
2. Be kept clean and in good appearance;
3. Be properly equipped, including but not limited to carrying a hands-free accessory for mobile devices, a standard first aid kit, and fire extinguisher; and
4. Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for Portland Metro.
5. Failure to comply with any provision in this Subsection H. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**I. Taxi Vehicle Re-certification.** The Taxi Company shall provide a list of applicant vehicles for re-certification to the Director 1 month prior to the Taxi Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with Taxi Vehicle certification requirements pursuant to Sections 16.40.150 and 16.40.160 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a Taxi Vehicle and shall not be allowed to operate as a Taxi Vehicle.

**J.** Unless otherwise noted, failure to comply with any provision in Section 16.40.150 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

### **16.40.160 Taxicab Vehicle Operating Requirements and Prohibitions.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A.** No vehicle shall operate as a Taxi Vehicle unless it has been certified by the Director and is affiliated with a permitted Taxi Company and properly displays a valid City of Portland taxiplate.

**B. Vehicle Registration, Insurance, and Business License.** A non-digital copy of the vehicle's registration and proof of insurance shall be kept in every Taxi Vehicle, pursuant to ORS 806.011. In addition, for independent contractors, the City requires that proof of a Taxi Driver's business license, as required by Chapter 7.02, be kept in every Taxi Vehicle. Failure to comply with any provision in this Subsection B. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**C. Identification of Taxi Vehicles.** Every Taxi Vehicle shall meet the following identification requirements to operate as a Taxi Vehicle:

1. Only vehicles with City-issued taxiplates may be equipped with a top light or taximeter, and only those vehicles may use the words "taxi," "cab," or "taxicab" anywhere on the vehicle.

**2.** Every Taxi Vehicle affiliated with a Taxi Company must have a design scheme with the unique symbol or logo of that affiliated Taxi Company in a manner that clearly identifies the Taxi Company, as approved by the Director.

**3.** Every Taxi Vehicle must prominently display on both sides of the vehicle the following information:

- a.** The full name of the Taxi Company;
- b.** The company-assigned Taxi Vehicle number;
- c.** The telephone number of the Taxi Company where services can be requested; and
- d.** Word "taxi," "cab," or "taxicab."

**D.** Every Taxi Vehicle must be equipped with a taximeter in accurate operating condition, with a lighted face that can easily be read at all times by the passenger. Taximeters shall meet the following requirements:

**1.** Every taximeter must be inspected by a certified taximeter installer and certified at installation, at change in rate, and within 1 year of the last inspection. A certificate of inspection must be issued by a qualified taximeter repair service upon each inspection. A copy of the certificate of inspection must remain in the taxicab and must include the following:

- a.** The identifying number of the taximeter;
- b.** The make, model, and license number of the Taxi Vehicle in which the taximeter is installed;
- c.** The name of the taxicab company;
- d.** The date of inspection, and;
- e.** A statement that the taximeter has been inspected and approved as operating within the acceptable limits and rates as specified by the Director and on file with the company.

**2.** Taxi Companies must keep on file copies of all certificates of inspection until the taximeter is recalibrated and the certificate is no longer accurate.

**3.** Taximeters must operate within the following limits of accuracy: Plus or minus 50 feet in 1 mile and 1 second in 1 minute of waiting time.

**4.** All taximeters must be approved by the National Type Evaluation Program (NTEP) as evidenced by a Certificate of Conformance issued by an authorized inspector. All taximeters must have an active NTEP Certificate of Conformance number.

**5.** Certificates of inspection may be examined or a taximeter re-inspected by the Director or law enforcement officers at any time during normal business hours.

**E. Vehicle Operating Conditions.** In determining whether a Taxi Vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good condition, repair, which includes the following:

- 1.** All Taxi Vehicle equipment and devices shall be properly equipped and maintained in good working order.
- 2.** At all times, Taxi Vehicles shall include the following properly functioning components: a horn, lights, (including turn signals, back-up signals) windshield wipers; windshield washers; interior/dome lights; taximeter; top light; heating/air conditioning systems; odometer; speedometer; and mufflers, tail pipes, or other exhaust components that prevent unnecessary noise and smoke emissions.
- 3.** The Taxi Vehicle body shall be free of major damage and broken or cracked equipment, including but not limited to, windows, lights, light covers, top light, and reflectors.
- 4.** Taxi Vehicles shall be free of dirt, grease, grime, glue, or tape. This shall apply to the vehicle's paint, upholstery, windows, floorboard, and integrated parts of the vehicle's body.
- 5.** The Taxi Vehicle shall include no missing nor makeshift parts for vehicles, including but not limited to, fenders, hood, trunk lid, doors, door handles, windows, chrome or rubber strips, upholstery, ashtrays, or carpeting; and may only be equipped with studded tires during time periods provided by Oregon law.
- 6.** Safe condition shall require that the vehicle is in compliance with the standards contained in ORS Title 59, Oregon Vehicle Code, Chapters 801 through 823.

**F. Mandatory Compliance.** Taxi Vehicles shall be made available for compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

**G.** The taximeter, traditional or computer application-based, must be used to calculate all fees for time and distance traveled and must be programmed with all fares, including flat rates or fees previously reported to the Director, pursuant to Subsection 16.40.140 D.

**H.** Unless otherwise noted, failure to comply with any provision in Section 16.40.160 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

### **16.40.170 Taxi Driver Certification Requirements.**

(Amended by Ordinances 188972 and 191503, effective December 1, 2023.)

**A. Taxi Driver Certification.** The Taxi Company shall regularly provide a list of applicant drivers affiliated with the permitted Taxi Company for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director. Drivers shall be certified and permitted by the Director and affiliated with a permitted Taxi Company prior to operating a Taxi Vehicle. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as a Taxi Driver. Taxi Companies shall regularly provide a current list of affiliated Taxi Drivers and Taxi Vehicles.

**B. Term of Certified Taxi Driver.** Certifications for Taxi Drivers provided by a Taxi Company to the Director shall be valid for 1 year from the date of the initial certification. The affiliated Taxi Company shall provide a re-certification to the Director within 1 month prior to the certification expiration on a form approved by the Director.

**C. Application Process.** Applications for Taxi Driver certification shall be made directly to an affiliated Taxi Company. The Taxi Company will regularly provide to the Director a list of Taxi Drivers, pursuant to certification requirements, that the driver meets all requirements before the driver may operate a Taxi Vehicle on a form approved by the Director.

**D. Taxi Driver Criminal and Driving Background Checks.** A local, national criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated Taxi Company by a third party accredited by the National Association of Professional Background Screeners that shall include:

1. Multi-state/multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search);
2. All motor vehicle records associated with the applicant driver available pursuant to records laws of each state; and
3. The National Sex Offender Public Registry.

**E. Taxi Driver Criminal and Driving History Disqualifications.** A driver will not be certified as a Taxi Driver and cannot provide Taxi services if any of the following conditions exist:

1. The applicant has a felony conviction of any kind within the previous 10 years, based on the conviction date.
2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred.
3. The applicant is a match in the National Sex Offender Public Registry.
4. During the 5-year period preceding the submission of the application, the applicant has been convicted of any criminal offense involving:
  - a. Any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons, or
  - b. Any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident.
5. Based on the conviction date during a 3-year period, the applicant had more than five traffic violations convictions as defined in ORS 801.557; more than five serious traffic violations as defined by the Oregon Department of Motor Vehicles; more than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS

811.720; or more than five of any combination of serious traffic violations or motor vehicle accidents as provided above.

**6.** Based on the conviction date, within a 3-year period, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.

**a.** Specific suspensions of an administrative nature may be excluded as defined in Administrative Rule TRN-14.40.

**7.** Based on the conviction date, the applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application.

**8.** Based on the conviction date, during a 3-year period, the applicant's PFHT driving privileges were revoked by the Director.

**9.** Upon application submittal, all applicants must demonstrate maintaining a valid license to drive in any US jurisdiction for at least 365 days, within the 18-month period preceding the application submittal date.

**10.** The applicant is less than 21 years old.

**11.** The applicant is unable to obtain car insurance for any reason.

**F.** All Taxi Driver criminal and driving histories are subject to review by the Director.

**G.** Taxi Driver Training. The affiliated company must ensure that all Taxi Drivers successfully complete all Director-approved trainings and testing within 30 days of Taxi Driver certification and successfully complete any additional training and testing within 30 days of release by the Director.

**H.** Business License Requirements. All Taxi Drivers operating as independent contractors affiliated with a Taxi Company shall comply with all provisions of the Business License Law, Chapter 7.02, prior to operating a Taxi Vehicle. Any Taxi Driver operating as an independent contractor without a valid City of Portland business license cannot be certified as a Taxi Driver and will not be allowed to operate as a Taxi Driver until such business license is obtained.

**I.** Taxi Driver Re-certification. The Taxi Company shall provide a list of applicant drivers for re-certification to the Director within 1 month prior to the Taxi Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with Taxi Driver certification requirements pursuant to Sections 16.40.170. Drivers not meeting all such conditions will not be re-certified as a Taxi Driver and shall not be allowed to provide Taxi services.

**J.** Suspension or Revocation of Certified Taxi Drivers. If a Taxi Driver certification is suspended or revoked by the Director, the affiliated Taxi Company shall be notified and the driver shall be removed as soon as notified by the City. Taxi Drivers and Taxi Vehicles without current, valid certification by the Director shall not be allowed to operate as a Taxi Driver or Taxi Vehicle.

**K.** Taxi Driver Decertification. The Taxi Company must inform the City, through the established online certification portal, no later than 24 hours after the driver or company has terminated the relationship.

**L.** Failure to comply with any provisions in Section 16.40.170 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

### **16.40.180 Taxi Driver Conduct, Requirements and Prohibitions.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A.** Transferring Credentials. Transferring Taxi Driver or Taxi Vehicle credentials from one driver or vehicle to another shall be prohibited. Failure to comply with this Subsection A. is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**B.** Taxi Drivers at all times shall carry the following while operating as a Taxi Driver and provide the following upon request of a law enforcement officer or Director:

1. A non-digital copy of Taxi Company insurance pursuant to ORS 806.011 and a non-digital copy of the vehicle registration;
2. A non-digital copy of the driver's City of Portland business license as required by Chapter 7.02.;
3. A valid state-issued driver's license; and
4. A valid, original, City of Portland driver permit. All licensed drivers must prominently post and display the taxi permit in the taxicab while on duty.
5. All required documents listed above must be available and presented at the time of any inspection, upon request.
6. Failure to comply with this Subsection B. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**C.** Driver Conduct. No Taxi Driver shall:

1. Allow another person to use their Taxi Driver certification;
2. Drive or allow another person to drive a Taxi Vehicle without a valid driver's license, driver permit, and company certification while the vehicle is being used to provide taxi services;
3. Operate any Taxi Vehicle while consuming, or while under the influence of intoxicants, or in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon;
4. Operate any PFHT vehicle if impaired by any legally prescribed or over-the-counter drugs or medications;
5. Use a vehicle in the commission of any crime;
6. Use or broadcast profane or obscene language offensive to the passenger or other persons while operating a PFHT vehicle;



- 7.** Consume any intoxicant, smoke any substance or use any device that produces a smoke-like vapor while operating a Taxi Vehicle;
- 8.** Allow any passenger to consume an intoxicant or smoke any substance or use any device that produces a smoke-like vapor inside a Taxi Vehicle;
- 9.** Defraud a passenger in any way;
- 10.** Be discourteous to a passenger;
- 11.** Refuse to issue a fully completed receipt, in digital or paper form, for a fare paid if one is requested;
- 12.** Drive passengers to their destination by any route other than the safest and efficient route, unless requested to do so by the passenger;
- 13.** Operate any Taxi Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1);
- 14.** Refuse to transport to a requested destination within the City of Portland any passenger of proper demeanor whose request for service has been accepted by the Taxi dispatch or Taxi Driver; and
- 15.** Provide PFHT services without a valid City of Portland permit or certification.
- 16.** Violate Section 16.20.130.

**D. Maximum Hours of Driving.** No person shall provide PFHT services after driving more than 12 hours in any given 24-hour period.

**E. Street-Hails.**

- 1.** A Taxi Driver may accept street-hails in all locations including the following locations: taxi stands, hotel zones, and loading/unloading zones.
- 2.** Other than for drop off, a Taxi Driver may not park a Taxi Vehicle in a hotel zone prior to 15 minutes before pick up for a dispatch or request for service. The dispatch call/request for service must be documented in accordance with Section 16.40.140 and available for review by the Director or law enforcement officer.
- 3.** Failure to comply with this Subsection E. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**F. Mandatory Compliance.** Taxi Drivers shall submit to compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

**G. Driver Reporting.** Every Taxi Driver shall report any of the following events to the Director and to all affiliated Taxi Companies within 24 hours of its occurrence:

1. Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation;
2. Any arrest, charge or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;
3. Any vehicle crashes by completing and submitting the PBOT Vehicle Crash Report; and
4. Any restriction, suspension, or revocation of the driver's motor vehicle driver's license.

**H.** Unless otherwise noted, failure to comply with any provision in Section 16.40.180 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

### **16.40.190 Taxi Company Accessible Service Requirements.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A.** Taxi Companies shall provide reasonable accommodations to passengers with disabilities, including passengers accompanied by a service animal, passengers with hearing and visual impairments, and passengers with mobility devices.

**B.** Requests for service from a passenger accompanied by a service animal may not be refused.

**C.** Regarding accommodations to passengers with hearing and visual impairments:

1. Taxi Companies shall maintain at all times dispatch services available to customers in accordance to W3C guidelines and ADA Section 503 requirements pertaining to hearing and visual accessibility.
2. Taxi Companies shall maintain customer service support services pursuant to Subsection 16.40.140 H. in accordance to W3C guidelines and ADA Section 503 requirements pertaining to hearing and visual accessibility.

**D.** Regarding accommodations to passengers with mobility devices:

1. Taxi Companies shall reasonably accommodate passengers with canes, walkers, or other mobility devices that can readily fit within a non-wheelchair-accessible Taxi Vehicle.
2. Taxi Companies are required to provide wheelchair-accessible vehicle service within a reasonable time by maintaining a fleet of affiliated wheelchair-accessible (WAV) Taxi Vehicles, contracting with a permitted operator of wheelchair-accessible PFHT vehicles or a combination thereof. It is a rebuttable presumption that any time beyond 30 minutes is unreasonable.
3. Fare rates for WAVs shall not exceed fare rates for comparable non-wheelchair-accessible Taxi Vehicles, and shall not be subject to dynamic pricing.
4. WAV services must comply with Administrative Rule, WAV Service Performance Guidelines established by the PFHT Advisory Committee and the Portland Commission on Disability.

**5.** Any permitted Taxi Company shall enter into an agreement with the City to regularly provide aggregated and anonymized data relevant to WAV service. Examples of relevant data may include, but not be limited to, the following:

- a.** Number, date, and time of fulfilled WAV trips;
- b.** WAV trip wait time;
- c.** Number, date, and time of WAV trips declined by the driver or the company;
- d.** WAV trip origin GPS, latitude and longitude; and
- e.** WAV trip destination GPS, latitude and longitude.

**6.** The Director may implement an Accessible Transportation Fee and establish an Accessible Transportation Fund for the purpose of meeting the objectives established in Administrative Rule for Accessible Service.

- a.** The Accessible Transportation Fee rate shall be established by the PFHT Advisory Committee in consultation with the Portland Commission on Disability for the purpose of funding the Accessible Transportation Fund.
- b.** The Accessible Transportation Fund shall be managed by the Director for the purposes of providing an incentive for PFHT WAV service in keeping with WAV service performance guidelines and mitigating the higher costs of providing WAV service compared to comparable non-WAV service. A detailed report on the status and performance of the Accessible Transportation Fund and citywide WAV service provided by all permitted PFHT operators shall be presented to the PFHT Advisory Committee annually.

**E.** Failure to comply with any provision in Section 16.40.190 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

### **16.40.200 TNC Services Permits Required.**

(Amended by Ordinance 188972, effective June 29, 2018.)

The operation of a Transportation Network Company (TNC) is a privilege and not a right. For transportation network services to be provided in the City of Portland, the TNC shall be required to obtain a permit. The City shall certify that all affiliated TNC vehicles and TNC drivers have met all certification and operating requirements.

**A.** TNC Permit Requirements. No person or entity shall conduct business as a TNC in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this Subsection A. is a Class A violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**B. TNC Certification Requirements.** No person or entity shall conduct business as a TNC Driver in the City of Portland without certification by the Director prior to being activated on the affiliated TNC platform. Drivers not meeting all required conditions will not be certified as a TNC Driver and will not be allowed to operate as a TNC Driver.

**C. TNC Vehicle Certification Requirements.** No vehicle shall be allowed to conduct business as a TNC Vehicle in the City of Portland without certification by the Director prior to being activated on the affiliated TNC platform. Vehicles not meeting all required conditions will not be certified as TNC vehicle and will not be allowed to operate as a TNC Vehicle.

**D.** Unless otherwise noted, failure to comply with Section 16.40.200 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

### **16.40.210 TNC Permit Application Standards for Approval and/or Denial and Certification Requirements.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A. Application.** An applicant for a TNC permit shall annually submit to the Director:

1. A completed application on a form supplied by the Director;
2. Proof of registration with the Secretary of State for any corporate, LLC, or LLP entity;
3. Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
4. A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates;
5. If the applicant TNC is individually owned, the name, business address (or home address if no business address), telephone number, and date of birth of the owner;
6. If the applicant TNC is a corporation, partnership, or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland ("Authorized Representative") or to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require;
7. The applicant TNC's zero-tolerance drug and non-discrimination policy;
8. The applicant TNC's user terms of service;
9. TNC app description with general use information and customer instructions for requesting a wheelchair-accessible vehicle;
10. Contact information of the TNC's agent of service and customer service support;

**11.** The trade dress the applicant TNC proposes to use for each affiliated driver's vehicle, with a photo of the trade dress submitted with the application; and

**12.** A non-refundable application fee.

**13.** All fines and penalties must be paid prior to PBOT issuing or reissuing a TNC permit.

**B.** Compliance with Secretary of State's Rules. No permit will be issued unless the company is validly registered with the Secretary of State, including all assumed business names.

**C.** Insurance. All TNC permit holders shall comply with TNC insurance requirements pursuant to Section 16.40.230. All TNCs shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.

**D.** Director Review Process. After receiving a completed TNC application form and upon successful completion of all the requirements pursuant to Section 16.40.210, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.

**E.** Application Approval. Upon approval by the Commissioner-in-Charge, the Director may be directed to issue a TNC permit valid for a period of up to 1 year from the date of approval.

**F.** Application Denial. The application shall be denied for any of the following reasons:

- 1.** The TNC applicant fails to submit all required information and documentation, including valid proof of insurance;
- 2.** The TNC applicant provides TNC app services to anyone other than TNC Drivers meeting the requirements set forth in Chapter 16.40;
- 3.** The TNC applicant leases, permits, or otherwise allows other entities not affiliated with the TNC and certified by the Director to operate TNC services;
- 4.** The TNC applicant affiliates with and provides a TNC App to drivers operating vehicles without a TNC Vehicle certification;
- 5.** The application has a material misstatement or omission; and
- 6.** The TNC application is incomplete.

**G.** Denial Appeal. If the application is denied, the applicant TNC may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**H.** Providing TNC Services. TNC services shall be provided only by a permitted TNC.

**I.** Certification of TNC Drivers. The TNC shall provide a daily list of applicant drivers affiliated with the permitted TNC for Director certification that drivers meet requirements in Section 16.40.270, on a form approved by the Director on a daily basis. Drivers shall be certified by the Director prior to being activated on the affiliated TNC platform, and drivers not meeting all required conditions will not be

certified as a permitted TNC Driver and will not be allowed to operate as a TNC Driver. Such requirements include:

1. Criminal and driver background checks;
2. Personal automobile liability insurance for independent contractors;
3. A valid driver's license;
4. TNC driver business license number; and
5. Successful completion of all Director-approved driver training and testing within 30 days of providing TNC Service, and successful completion of any additional training and testing must be completed within 30 days of release by the City.

**J.** Term of Certification of TNC Driver. Certifications for TNC Drivers provided by the Director shall be valid for a term of 1 year from date of Director certification.

**K.** TNC Driver Re-certification. The TNC shall daily provide a list of applicant drivers for re-certification to the Director within 1 month prior to the TNC Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with TNC Driver certification requirements pursuant to Section 16.40.270. Drivers not meeting all such conditions will not be re-certified as a TNC Driver and shall not be allowed to operate as a TNC Driver.

**L.** Certification of TNC Vehicles. The TNC shall daily provide a list of applicant vehicles affiliated with the permitted TNC for Director certification that vehicles meet requirements in Section 16.40.250, on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a certified TNC driver prior to being activated on the affiliated TNC. Vehicles not meeting all required conditions will not be certified as a permitted TNC vehicle and will not be allowed to operate as a TNC vehicle on a TNC platform. Such requirements include:

1. Vehicle ASE safety inspection;
2. Vehicle registration and licensing;
3. Vehicle properly equipped and in good condition;
4. Commercial automobile liability insurance; and
5. Personal automobile liability insurance, as required by state law.

**M.** Term of Certification of TNC Vehicles. Certifications for TNC Vehicles provided by the Director shall be valid for a term of 1 year from date of Director certification.

**N.** TNC Vehicle Re-certification. The TNC shall provide a list of applicant vehicles for re-certification to the Director within 1 month prior to the TNC Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with TNC Vehicle certification

requirements pursuant to Section 16.40.250 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a TNC Vehicle and shall not be allowed to operate as a TNC Vehicle.

**O. Denial Appeal.** If a TNC Driver or TNC Vehicle certification is denied, suspended, or revoked by the Director, the applicant driver may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**P. Right to a Permit.** The TNC's ability to satisfy the criteria for a TNC permit does not create a right to a TNC permit.

**Q. Transferring Permits.** Transferring permits shall be prohibited.

**R. Removal of TNC Drivers and TNC Vehicles from Affiliated TNC Platform.** A TNC shall daily provide to the Director notification of affiliated TNC Drivers and TNC Vehicles that have been permanently deactivated from the TNC platform or prohibited from providing TNC services by the affiliated TNC.

**S. Operating at the Port of Portland.** TNCs, TNC Drivers, and TNC Vehicles are prohibited from operating at the Portland International Airport without a City of Portland permit/certification and specific permission or approval from the Port of Portland.

**T. Failure to comply with any provision in Section 16.40.210 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.**

### **16.40.220 TNC Services Permit Fees and Civil Penalty Fines.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A. Permit Fees.** TNCs shall pay City surcharges and permit fees, established in TRN 3.450, and civil penalty fines consistent with Sections 16.40.910, 16.40.930, and 16.40.950.

**B. Permit Issuance.** No TNC permit shall be issued until all surcharges, fees and civil penalty fines have been paid.

### **16.40.230 TNC Insurance Requirements.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A. TNC Service Periods Defined.** In order to provide protection to the public, the TNC shall provide levels of insurance in accordance pursuant to all requirements of Chapter 16.40. TNC service is defined by three distinct periods:

1. Period 1: The TNC Driver has logged into the app. The app is open and the driver is waiting for a match.
2. Period 2: A passenger match has been accepted – the passenger is not yet picked up (i.e., the driver is on their way to pick up the passenger).

**3. Period 3:** The passenger is in the vehicle and until the passenger exits the vehicle at the destination.

**B. Providing TNC Services.** All periods of TNC service shall be covered by a general commercial liability and primary automobile insurance policy provided by the TNC, the TNC Driver, or a combination of both. Evidence of TNC insurance requirements shall be received and approved by the City prior to a TNC receiving a TNC permit.

**C. Additional Insured and Notification of Policy Changes.** The TNC shall provide certificates of insurance naming the City of Portland, its officers, agents, and employees as an additional insured party and give at least 30 calendar days' notice to the Director before a policy is canceled, expires, or has a reduction in coverage. Insurance coverage requirements include commercial general liability, primary commercial vehicle insurance, worker's compensation and employer's liability insurance (as required by state law).

**D. Ensuring Driver and Vehicle Insurance.** TNC Drivers shall be responsible for ensuring appropriate personal motor vehicle liability insurance required by state law.

**E. Insurance Requirements.** Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the state of Oregon.

**F. Commercial Business Insurance.** TNC permit holders shall secure and maintain a commercial general liability policy reflecting limits of no less than \$1 million per occurrence and \$2 million aggregate for covered claims arising out of, but not limited to, bodily injury and property damage, in the course of the permit holder's work under a PFHT TNC permit.

**G. Automobile Insurance.** All TNC permit holders shall provide the City with proof of the following coverages:

- 1.** Primary insurance coverage during Period 1 with minimum liability limits of \$50,000 per person for death and injury, \$100,000 per incident for death and injury and \$25,000 for property damage, plus any other state compulsory coverage to the extent required by law. Coverage is to be maintained by the TNC.
- 2.** Primary insurance coverage during Periods 2 and 3 with minimum liability limits of \$1 million in combined single limit coverage for death, personal injury, and property damage per incident; and \$1 million in combined single limit under/uninsured motorist coverage for death, personal injury, and property damage per incident. Coverage is to be maintained by the TNC.
- 3.** The required automobile liability policy shall specifically recognize the driver's provision of TNC services or other for hire transportation and shall comply with the mandatory laws of the State of Oregon and/or other applicable governing bodies.

**H. Certification of Auto Insurance.** TNCs shall provide proof of current, valid insurance for Director certification covering all affiliated TNC Drivers and Vehicles operating for such company and satisfying the minimum requirements of Periods 1, 2 and 3 in the event the insurance maintained by the driver has lapsed or does not provide the required coverage.



- I. Insurance Limits Subject to Statutory Changes.** The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term.
- J. Subject to Approval by the City Attorney's Office.** The adequacy of insurance coverage outlined in this section is subject to the review and approval of the City Attorney's Office.
- K. Continuous and Uninterrupted Coverage.** The permit holder shall maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.
- L. Insurance Rating.** All insurance companies issuing policies within this section shall be rated by A.M. Best Company and carry at least a rating of A.M. Best A- or better, or meet all the requirements for Alternative to Insurance described in an Administrative Rule.
- M. Additional Policy Conditions:** Policies required under Section 16.40.230 must also contain, include, provide for or comply with the following:
- 1.** A TNC shall not require or encourage a TNC Driver to secure a primary personal automobile insurance policy providing coverage for TNC activities as a condition to becoming affiliated on the TNC's digital network, nor shall a TNC provide any incentive to any TNC Driver who secures a primary personal automobile insurance policy providing coverage for TNC activities in periods as defined in Subsection 16.40.230 G.
  - 2.** A TNC shall disclose in writing to affiliated TNC Drivers that drivers are not required to purchase or maintain an insurance policy that provides coverage for TNC activities in any periods as defined in Subsection 16.40.230 G. as a condition of providing TNC Services on behalf of an affiliated TNC. Additionally, a TNC shall disclose in writing to affiliated TNC Drivers that securing such a policy will not result in any material benefit or incentive of any kind provided by the affiliated TNC to the TNC Driver. A TNC shall disclose in writing to affiliated TNC Drivers that insurance maintained by the TNC pursuant to Section 16.40.230 does not include collision coverage for affiliated TNC Drivers, unless the policy secured and maintained by the TNC expressly states otherwise.
  - 3.** A TNC shall disclose in writing to affiliated TNC Drivers the insurance coverage, including the types of coverage and limits for each coverage that the TNC provides while the affiliated TNC Driver uses an affiliated TNC Vehicle to provide TNC services. The TNC shall also advise affiliated TNC Drivers in writing that the driver's personal automobile insurance policies may be subject to cancellation in accordance to ORS 742.562 or might not provide coverage because the driver uses a vehicle in connection with an affiliated TNC, as specified by the terms of the policy. A TNC shall provide written disclosure to the affiliated TNC Driver that coverage required pursuant to Subsection 16.40.230 G. shall be provided by the affiliated TNC on a primary basis from the first dollar of every claim, unless a policy secured and maintained by a TNC Driver expressly states otherwise.
  - 4.** A TNC Driver is not prohibited from voluntarily securing a primary automobile insurance policy covering the TNC Vehicle and providing coverage in any period as defined in Subsection 16.40.230

G. A TNC Driver's or the TNC Vehicle owner's personal automobile insurance policy may only provide coverage during periods as defined by Section 16.40.230 to the driver, vehicle owner, or any third party, if the policy expressly provides coverage for TNC activities during periods defined by Section 16.40.230 as specified by the terms of the policy.

**N.** Failure to comply with any provision in Section 16.40.230 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

### **16.40.240 TNC Operating Responsibilities and Prohibitions.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A.** Minimum Standards of Service. A permitted TNC shall comply with the following minimum standards:

- 1.** A TNC app in operation 24 hours each day capable of providing reasonably prompt service in response to requests. It is a rebuttable presumption that any time beyond 30 minutes from the moment the passenger requests a ride using the TNC application, is unreasonable.
- 2.** Acceptance of any request for TNC service received from any location within the City including requests made by persons with disabilities and requests for wheelchair-accessible service pursuant to Section 16.40.290.
- 3.** The TNC app used to connect drivers to riders shall display an accurate picture of the TNC Driver and a picture or description of the type of TNC Vehicle, as well as the license plate number of the TNC Vehicle.

**B.** Drug, Alcohol and Discrimination Policy.

- 1.** Zero Tolerance for Drug and Alcohol Use and Discrimination. All permitted companies shall employ at all times a zero tolerance policy for intoxicants.
- 2.** Zero Tolerance for Discrimination. All permitted companies shall adopt a policy that, at a minimum, prohibits drivers and employees from engaging in discrimination, to include making derogatory comments, on the basis of a person's race, religion, national origin, disability, sexual orientation, sex, marital status, gender identity, age, or any other characteristic protected under applicable local, state, or federal law. This policy must be submitted to the Director for approval. Any changes to the policy shall be submitted to and approved by the Director prior to implementation.

**C.** User Terms of Service. It must be stated within a disclaimer or limitation of liability in a TNC's user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect as prohibited by local law or restriction in the City of Portland, and that any tort claim against a TNC shall be governed by Oregon tort law in effect at the time of the claim.

**D.** Fare Rate Transparency.

**1.** TNCs shall use an online-enabled or mobile software-based application to determine fares for TNC services.

**2.** All TNC fare rates shall be made available in a clear and transparent way to the TNC passenger on the TNC app prior to the TNC passenger accepting a ride.

**E.** Receipts. All TNC passengers shall be provided either a paper or digital receipt with a unique transaction ID number that corresponds with the transaction number provided with the company's data submissions described in Subsection 16.40.240 I. (below). A receipt must be provided at the termination of the ride that clearly indicates the fare paid, time of ride, name of TNC, name of TNC Driver, TNC customer service support contact information, and the City of Portland's PFHT complaint phone number.

**F.** Limitation or Prohibition on Dynamic Pricing. The Bureau Director may limit or prohibit dynamic pricing by any TNC or TNC Driver during a State of Emergency, as declared by the Mayor, pursuant to Portland City Code Section 15.04.040.

**G.** Agent of Service Requirements. TNCs will maintain, during all times when the TNC permit is valid, a locally based agent of service, with regular hours of business during weekdays.

**H.** Customer Service Support Requirements. TNCs will maintain, during all times when the TNC permit is valid, customer service support with posted contact information, including a local phone number and local address, and the ability to leave messages 24 hours per day and 7 days per week via telephone or email. Response to messages shall be made within 24 hours.

**I.** Reporting Requirements. Each TNC shall regularly report the following to the Director:

- 1.** The number and type of crimes committed against drivers to the extent known;
- 2.** Any arrest, charge, or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution; and any restriction, suspension or revocation of the driver's motor vehicle driver's license arrest or conviction for any criminal offense of any affiliated TNC driver involving the operation of TNC service in the City of Portland;
- 3.** The filing of any lawsuit against or on behalf of the TNC related to the TNC services of the affiliated TNC, TNC Driver, or TNC Vehicle in the City of Portland;
- 4.** The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company, and;
- 5.** Any information required to be disclosed by Chapter 16.40 that comes to the attention of the TNC.

**J.** Data Requirements.

- 1.** TNCs shall provide relevant anonymized data to the City no later than the 5 business days after the last day of the previous month pursuant to applicable data sharing agreement. Examples of relevant data may include, but are not limited to, the following:

- a.** Unique transaction ID number that corresponds with the passenger's receipt;
- b.** Number, date, and time of fulfilled trips;
- c.** Trip wait time;
- d.** Number, date, and time of unfulfilled requests (rides the company was unable to fulfill);
- e.** Number, date, and time of trips declined by the driver or the company (rides declined by drivers);
- f.** Number of canceled rides (rides canceled by the customer);
- g.** Trip origin GPS, latitude and longitude; and
- h.** Trip destination GPS, latitude and longitude.

**2.** TNCs shall submit data, pursuant to a data sharing agreement with the City and permitted companies.

**3.** The data collected by the City will be, except as otherwise required by law, kept confidential by the City, used only within the City and not disclosed to third parties.

**4.** In the event disclosure of such data is required by law, the City will provide TNCs notice prior to any disclosure of such data.

**5.** Upon request, the TNC shall provide data identified by the Director to verify compliance with requirements pursuant to Chapter 16.40.

**K.** Digital Record Requirements. Secure, digital records with contact information from TNC Drivers and TNC passengers shall be maintained by the TNC. Such records shall provide a verifiable way to identify drivers and riders for investigatory purposes. Secure digital records must be maintained in accordance with the following requirements:

- 1.** Secure digital records with contact information from the TNC Driver and passenger must be maintained by the TNC. TNCs own the secure digital records and are responsible for their maintenance and the records produced by them;
- 2.** If any law enforcement officer requests access to any record necessary to assist in the investigation of any crime after following appropriate legal process, the TNC shall respond to the request within 24 hours and promptly disclose records pursuant to the investigation request;
- 3.** No TNC or Driver may allow any unauthorized person to intentionally access any records produced by the digital record systems; and
- 4.** The TNC shall notify the City of a known data security breach in the same manner as provided in ORS 646A.600 to ORS 646A.628.

**L. TNC Records Management and Mandatory Compliance.**

- 1.** TNCs will be required to keep documentation of all certified TNC Drivers and TNC Vehicles. Such records shall be kept on file during the term of the TNC permit and for 2 calendar years after the expiration of such permit. Upon request or subpoena, TNC records shall be provided to the Bureau Director and/or law enforcement officers.
- 2.** TNCs shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel or law enforcement officers pursuant to Chapter 16.40.

**M.** Failure to comply with any provision in Section 16.40.240 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**16.40.250 TNC Vehicle Certification Requirements.**

(Amended by Ordinances 188972 and 191503, effective December 1, 2023.)

**A. Trade Dress.**

- 1.** The TNC may not “on-board” a vehicle unless the designated trade dress includes a visible Portland business license identification number specific to each TNC Driver.
- 2.** No TNC vehicle may display the words “taxi,” “taxi cab,” or “cab,” display a top light, employ a taxi-meter, have a taxiplate, or otherwise attempt to appear as a taxi.

**B. TNC Vehicle Certification.** The TNC shall daily provide a list of applicant vehicles affiliated with the permitted TNC for Director certification that vehicles meet all requirements pursuant to Chapter 16.40 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a certified TNC driver prior to being activated on the affiliated TNC platform. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as a TNC vehicle.

**C. Term of Certified TNC Vehicle.** Certifications for TNC Vehicles provided by the Director shall be valid for 1 year from the date of the initial certification. TNC shall provide a re-certification to the Director, as they occur, prior to the certification expiration and within 1 month of the expiration date.

**D. Application Process.** Applications for TNC Vehicle certification shall be made directly to an affiliated TNC. The TNC shall regularly provide to the Director a TNC Driver and Vehicle application list, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as a TNC Vehicle on a form approved by the Director.

**E. Vehicle Registration, Licensing, and Insurance.** All TNC Vehicles will maintain, at all times, vehicle registration, licensing, and insurance as required by the State of Oregon or the state in which such vehicle is registered.

**F. Vehicle Age Requirements.** No vehicle older than 10 years will be allowed to operate as a TNC Vehicle following 15 years after the vehicle manufactured date regardless of when the vehicle was purchased or put into service as a TNC Vehicle.

**G. Vehicle Safety Inspections.** Each TNC Vehicle shall pass an annual standardized vehicle safety test as performed by a National Institute for Automotive Service Excellence (ASE) Blue Seal Recognized Shop or by an automotive technician with a current, valid ASE certification in any of the areas of ASE A4-A8. Inspections are required if the vehicle:

1. Is more than 1-year-old, based on model year;
2. Has 10,000 miles or more on its odometer; or
3. Has the “check engine” light illuminated, regardless of model year or mileage.

**H. TNC Vehicle Safety Certificate Requirements.** Upon successful completion of the vehicle inspection, the ASE Blue Seal Recognized Shop or ASE Automotive Technician will provide to the TNC Driver applicant a “Safety Certificate” stating that the vehicle passed the required safety inspection. The safety inspection checklist used by the ASE Blue Seal Recognized Shop or ASE Automotive Technician shall be completed on a form approved by the Director.

**I. Vehicle Condition.** Each TNC Vehicle shall meet the following requirements:

1. Each TNC Vehicle shall:
  - a. Be kept in safe condition and condition;
  - b. Be kept clean and in good appearance;
  - c. Be properly equipped, including but not limited to carrying a hands-free accessory for mobile devices, a standard first aid kit, and fire extinguisher; and
  - d. Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for the Portland Metro.
  - e. Failure to comply with any provision in this Subsection I. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**J. TNC Vehicle Re-certification.** The TNC shall provide a list of applicant vehicles for re-certification to the Director within 1 month prior to the TNC Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with TNC Vehicle certification requirements pursuant to Section 16.40.250 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a TNC Vehicle and shall not be allowed to operate as a TNC Vehicle.

**K.** Unless otherwise noted, failure to comply with any provision in Section 16.40.250 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

## **16.40.260 TNC Vehicle Operating Requirements and Prohibitions.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A.** No vehicle shall operate as a TNC Vehicle unless it has been affiliated with an approved TNC and properly displays a trade dress approved by the Director.

**B.** Vehicle Registration, Insurance, and Business License. A non-digital copy of the vehicle's registration and non-digital proof of insurance shall be kept in every TNC Vehicle, pursuant to ORS 806.011. In addition, for independent contractors, the City requires proof of TNC insurance and proof of a TNC driver's business license be kept in every TNC Vehicle. Failure to comply with any provision in this Subsection B. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**C.** Trade Dress Signage. Trade dress signage is required for each TNC Vehicle in operation at all times. The trade dress signage shall be clearly visible from the front and rear of the vehicle from a distance of 20 feet and shall be placed on the interior or exterior of the vehicle body, but not on the roof and shall not obscure any of the driver's views, vehicle lights, or the view of any mirrors, and it cannot exceed four square feet.

**D.** Vehicle Operating Conditions. In determining whether a TNC vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good condition, repair, and appearance which includes the following:

1. All TNC Vehicle equipment and devices shall be properly equipped and maintained in good working order;
2. At all times, TNC Vehicles shall include the following properly functioning components: a horn, lights, (including turn signals, back-up signals) windshield wipers, windshield washers, interior/dome lights, heating/air conditioning systems, odometer, speedometer and mufflers, tail pipes, or other exhaust components that prevent unnecessary noise and smoke emissions;
3. The TNC Vehicle body shall be free of major damage and broken or cracked equipment, including but not limited to, windows, lights, light covers, and reflectors;
4. The TNC Vehicle shall be free of dirt, grease, grime, glue, rips, stains, or tape. This shall apply to the vehicle's paint, upholstery, windows, floorboard, and integrated parts of the vehicle's body;
5. The TNC Vehicle shall not include missing nor makeshift parts for vehicles, including but not limited to, fenders, hood, trunk lid, doors, door handles, windows, chrome or rubber strips, upholstery, ashtrays, or carpeting; and may only be equipped with studded tires during time periods allowed by Oregon Law; and
6. Safe condition shall require that the vehicle is in compliance with the standards contained in ORS Title 59, Oregon Vehicle Code, Chapters 801 through 823.

**E.** Mandatory Compliance. The TNC Vehicle shall be made available to compliance audits and enforcement actions upon request by the Director, authorized city personnel or law enforcement officers pursuant to Chapter 16.40.

**F.** Unless otherwise noted, failure to comply with any provision in Section 16.40.260 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

## **16.40.270 TNC Driver Certification Requirements.**

(Amended by Ordinances 188972 and 191503, effective December 1, 2023.)

- A. Driver Certification.** The TNC shall provide a list of applicant drivers affiliated with the permitted TNC for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director on a daily basis. Drivers shall be certified by the Director and affiliated with a certified TNC Vehicle prior to being activated on the affiliated TNC platform. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as a TNC Driver.
- B. Term of Certified TNC Driver.** Certifications for TNC Drivers provided by a TNC to the Director shall be valid for 1 year from the date of the initial certification. TNC shall provide a re-certification to the Director within 1 month prior to the certification expiration.
- C. Application Process.** Applications for TNC Driver certification shall be made directly to an affiliated TNC. The TNC will regularly provide to the Director TNC Driver and Vehicle certification lists, pursuant to certification requirements, that the driver meets all requirements prior to the driver operating the vehicle, on a form approved by the Director.
- D. TNC Driver Criminal and Driving Background Checks.** A local and national criminal background check and driving history review of all drivers shall be conducted annually, based on the driver's anniversary date, on behalf of the affiliated TNC by a third party accredited by the National Association of Professional Background Screeners that shall include:
1. Multi-state/multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search);
  2. All motor vehicle records associated with the applicant driver available pursuant to record laws of each state, and
  3. The National Sex Offender Public Registry.
- E. TNC Driver Criminal and Driving History Disqualifications.** A TNC Driver will not be certified and cannot provide TNC services if any of the following conditions exist:
1. The applicant has a felony conviction of any kind within the previous 10 years, based on the conviction date.
  2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred.
  3. The applicant is a match in the National Sex Offender Public Registry.
  4. During the 5-year period preceding the submission of the application, the applicant has been convicted of any criminal offense involving:



- a.** Any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or
- b.** Any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident.

**5.** Based on the conviction date during a 3-year period, the applicant had more than five traffic violations as defined in ORS 801.557; more than five serious traffic violations as defined by the Oregon Department of Motor Vehicles; more than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or more than five of any combination of serious traffic violations or motor vehicle accidents as provided above.

**6.** Based on the conviction date, within a 3-year period, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.

- a.** Specific suspensions of an administrative nature may be excluded as defined in Administrative Rule TRN-14.40.

**7.** Based on the conviction date, the applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application.

**8.** Based on the conviction date, during a 3-year period, the applicant's PFHT driving privileges were revoked by the Director.

**9.** Upon application submittal, all applicants must demonstrate maintaining a valid license to drive in any US jurisdiction for at least 365 days, within the 18-month period preceding the application submittal date.

**10.** The applicant is less than 21 years old.

**11.** The applicant is unable to obtain car insurance for any reason.

**F.** All TNC Driver criminal and driving histories are subject to review by the Director.

**G.** TNC Driver Training. The affiliated company must ensure that all TNC Drivers successfully complete all Director-approved trainings and testing within 30 days of TNC Driver certification and successfully complete any additional training and testing within 30 days of release by the Director.

**H.** Insurance Requirements. All TNC Drivers affiliated with a TNC shall maintain current, valid personal automobile insurance that meets State of Oregon requirements.

**I.** Business License Requirements. All TNC Drivers affiliated with a TNC shall comply with all provisions of the Business License Law, Chapter 7.02, prior to being activated on the TNC app. Any TNC Driver without a valid City of Portland business license cannot be certified as a TNC Driver and will not be allowed to operate as a TNC Driver until such business license is obtained.

**J. TNC Driver Re-certification.** The TNC shall provide a list of applicant drivers for re-certification to the Director within 1 month prior to the TNC Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with TNC Driver certification requirements pursuant to Section 16.40.270. Drivers not meeting all such conditions will not be re-certified as a TNC Driver and shall not be allowed to operate as a TNC Driver.

**K. Suspension or Revocation of Certified TNC Drivers.** If a TNC Driver or TNC Vehicle certification is suspended or revoked by the Director, the affiliated TNC shall be notified and the driver shall be removed as soon as notified by the City. TNC Drivers and TNC Vehicles without current, valid certification by the Director shall not be allowed to provide TNC services.

**L. TNC Driver Decertification.** The TNC Company must inform the City, through the established online certification portal, no later than 24 hours after the driver or company has terminated the relationship.

**M.** Failure to comply with any provision in Section 16.40.270 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

### **16.40.280 TNC Driver Conduct Requirements and Prohibitions.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A. Transferring Credentials.** Transferring TNC Driver or TNC Vehicle credentials from one driver or vehicle to another shall be prohibited. All TNC Drivers are required to meet all driver certification requirements within this chapter at all times while providing private for-hire service. Failure to comply with this Subsection A. is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**B. TNC Drivers shall carry:**

- 1.** A non-digital copy of TNC insurance pursuant to ORS 806.011 and a non-digital copy of the vehicle registration at all times while operating as a TNC Driver. Upon request of the Director or law enforcement officer, TNC Drivers shall present proof of a valid TNC primary automobile insurance policy and vehicle registration.
- 2.** A non-digital copy of the TNC Driver's personal automobile insurance.
- 3.** A non-digital copy of the driver's City of Portland business license as required by Chapter 7.02 always while operating as a TNC Driver.
- 4.** A valid state issued driver's license while operating as a TNC Driver.
- 5.** A valid, original, City of Portland driver permit. All licensed drivers must prominently post and display the permit in the vehicle while on duty.
- 6.** All required documents listed above must be available and presented at the time of any inspection, upon request.

**7.** Failure to comply with this Subsection B. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**C. Driver Conduct.** No TNC Driver shall:

- 1.** Allow another person to use their TNC Driver certification;
- 2.** Drive or allow another person to drive a TNC Vehicle without completing the certification process through the affiliated TNC;
- 3.** Operate any TNC Vehicle while consuming or while under the influence of intoxicants, or in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon;
- 4.** Operate any PFHT vehicle if impaired by any legally prescribed or over-the-counter drugs or medications;
- 5.** Use a vehicle in the commission of any crime;
- 6.** Use or broadcast profane or obscene language offensive to the passenger or other persons while operating a PFHT vehicle;
- 7.** Consume any intoxicant, smoke any substance, or use any device that produces a smoke-like vapor while operating a TNC Vehicle;
- 8.** Allow any passenger to consume an intoxicant or smoke any substance, or use any device that produces a smoke-like vapor, inside a TNC Vehicle;
- 9.** Defraud a passenger in any way;
- 10.** Be discourteous to a passenger;
- 11.** Drive passengers to their destination by any other than the safest and most efficient route, unless requested to do so by the passenger;
- 12.** Operate any TNC Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1);
- 13.** Refuse to transport to a requested destination within the City of Portland any passenger of proper demeanor whose request for service has been accepted on the TNC app, and;
- 14.** Provide PFHT services without a valid City of Portland permit or certification.
- 15.** Violate Section 16.20.130.
- 16.** Transport a passenger in a TNC Vehicle unless the TNC Driver is active on and has accepted the passenger's trip request through the TNC application.

**D.** Maximum hours of driving. No person shall provide PFHT services after driving more than 12 hours in any given 24-hour period.

**E.** Street-Hails, Taxi Stands, and Hotel Zones.

1. A TNC Driver shall accept rides only booked through an affiliated TNC app and shall not solicit or accept street-hails or stop in any City-approved taxi zones, and;

2. A TNC Driver may not park a TNC Vehicle in a taxi zone or loading/unloading zone.

**F.** Mandatory Compliance. TNC Drivers shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel, or law enforcement officers pursuant to Chapter 16.40.

**G.** Driver Reporting. Every TNC Driver shall report any of the following events to the Director and to all affiliated TNCs within 24 hours of its occurrence:

1. Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation;

2. Any arrest, charge, or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;

3. Any vehicle crashes by completing and submitting the PBOT Vehicle Crash Report; and

4. Any restriction, suspension, or revocation of the driver's motor vehicle driver's license.

**H.** Unless otherwise noted, failure to comply with any provision in Section 16.40.280 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

### **16.40.290 TNC Accessible Service Requirements.**

(Amended by Ordinance 188972, effective June 29, 2018.)

TNCs shall provide reasonable accommodations to passengers with disabilities, including to passengers accompanied by a service animal, passengers with hearing and visual impairments, and passengers with mobility devices.

**A.** Accommodations to passengers accompanied by a service animal.

1. Requests for service from a passenger accompanied by a service animal may not be refused.

**B.** Accommodations to passengers with hearing and visual impairments.

1. TNCs shall maintain at all times mobile apps or online dispatch services available to customers in accordance to W3C guidelines and ADA Section 503 requirements pertaining to hearing and visual accessibility.

**2.** TNCs shall maintain customer service support services pursuant to Subsection 16.40.240 H. in accordance to W3C guidelines and ADA Section 503 requirements pertaining to hearing and visual accessibility.

**C.** Accommodations to passengers with mobility devices.

**1.** TNCs shall reasonably accommodate passengers with canes, walkers, or other mobility devices that can readily fit within a non-wheelchair-accessible TNC Vehicle.

**2.** TNCs shall maintain at all times mobile apps or online dispatch services available to customers that request a wheelchair-accessible vehicle (WAV).

**3.** TNC Vehicles are required to provide WAV service within a reasonable time by maintaining a fleet of affiliated wheelchair-accessible TNC vehicles, contracting with a permitted operator of wheelchair-accessible PFHT vehicles, or a combination thereof. It is a rebuttable presumption that any time beyond 30 minutes is unreasonable.

**4.** Fare rates for WAVs shall not exceed fare rates for comparable non-WAV TNC Vehicles, be reported to the Director, and shall not be subject to dynamic pricing.

**5.** WAV services must comply with Administrative Rule, WAV Service Performance Guidelines, established by the PFHT Advisory Committee and the Portland Commission on Disability.

**6.** Any permitted TNC shall enter into any applicable agreement with the City to regularly provide anonymized data relevant to WAV service. Examples of relevant data may include, but not be limited to, the following:

- a.** Number, date, and time of fulfilled WAV trips;
- b.** WAV trip wait time;
- c.** Number, date, and time of WAV trips declined by the driver or the company;
- d.** WAV trip origin GPS, latitude and longitude; and
- e.** WAV trip destination GPS, latitude and longitude.

**7.** The Director may implement an Accessible Transportation Fee and establish an Accessible Transportation Fund for the purpose of meeting the objectives established in Administrative Rule for Accessible Service.

- a.** The Accessible Transportation Fee rate shall be established by the PFHT Advisory Committee in consultation with the Portland Commission on Disability for the purpose of funding the Accessible Transportation Fund.
- b.** The Accessible Transportation Fund shall be managed by the Director for the purposes of providing an incentive for PFHT WAV service in keeping with WAV Service Performance Guidelines and mitigating the higher costs of providing WAV service compared to

commensurate non-WAV service. A detailed report on the status and performance of the Accessible Transportation Fund and citywide WAV service provided by all permitted PFHT operators shall be presented to the PFHT Advisory Committee annually.

**D.** Failure to comply with any provision in Section 16.40.290 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

### **16.40.300 Executive Town Car Service Permits Required.**

The operation of an Executive Town Car Company is a privilege and not a right. For Executive Town Car services to be provided in the City of Portland, the Executive Town Car Company shall be required to obtain a permit. The Bureau shall certify that all affiliated Executive Town Car Vehicles and Executive Town Car Drivers have met all certification and operating requirements.

**A.** Executive Town Car Company Permit Requirements. No person or entity shall conduct business as an Executive Town Car Company in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with Subsection A. is a Class A violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**B.** Executive Town Car Driver Certification Requirements. No person or entity shall conduct business as an Executive Town Car driver in the City of Portland without certification by the Director prior to being authorized to provide Executive Town Car services on behalf of an affiliated Executive Town Car Company. Drivers not meeting all required conditions will not be certified as an Executive Town Car Driver and will not be allowed to operate as an Executive Town Car Driver. Failure to comply with this Subsection B. is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**C.** Executive Town Car Vehicle Certification Requirements. No vehicle shall be allowed to conduct business as an Executive Town Car Vehicle in the City of Portland without certification by the Director prior to being used to provide Executive Town Car services by an affiliated Executive Town Car Company. Vehicles not meeting all required conditions will not be certified as Executive Town Car Vehicle and will not be allowed to operate as an Executive Town Car Vehicle. Failure to comply with this Subsection C. is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

### **16.40.310 Executive Town Car Company Permit Application Standards for Approval and/or Denial and Certification Requirements.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A.** Application. An applicant for an Executive Town Car Company permit shall annually submit to the Director:

1. A completed application on a form supplied by the Director;
2. Proof of registration with the Secretary of State for any corporate, LLC, or LLP entity;

- 3.** Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
- 4.** A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates;
- 5.** If the applicant Executive Town Car Company is individually owned, the name, business address (or home address if no business address), telephone number, and date of birth of the owner;
- 6.** If the applicant Executive Town Car Company is a corporation, partnership, or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland ("Authorized Representative") or to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require;
- 7.** The applicant Executive Town Car Company's zero-tolerance drug and non-discrimination policy;
- 8.** The applicant Executive Town Car Company's user terms of service;
- 9.** The applicant dispatch or passenger reservation contact information;
- 10.** Contact information of the Executive Town Car Company's agent of service and customer service support;
- 11.** Fare rates shall be provided to and approved by the Director prior to implementation; and
- 12.** A non-refundable application fee.

**B.** All fines and penalties must be paid prior to issuing or reissuing an Executive Town Car Company permit.

**C.** Compliance with Secretary of State's Rules. No permit will be issued unless the company is validly registered with the Secretary of State, including all assumed business names.

**D.** Insurance. All Executive Town Car permit holders shall comply with Executive Town Car insurance requirements pursuant to Section 16.40.330. All Executive Town Car Companies shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.

**E.** Director Review Process. After receiving a completed Executive Town Car Company application form and upon successful completion of all the requirements pursuant to Section 16.40.310, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.

**F.** Application Approval. Upon approval by the Commissioner-in-Charge, the Director may issue an Executive Town Car Company permit.

**G. Application Denial.** The Application shall be denied for any of the following:

1. The Executive Town Car Company applicant fails to submit all required information and documentation, including valid proof of insurance;
2. The Executive Town Car Company applicant leases, permits, or otherwise allows other entities not affiliated with the Executive Town Car Company and certified by the Director to operate Executive Town Car services;
3. The application has a material misstatement or omission; and
4. The Executive Town Car Company application is incomplete.

**H. Denial Appeal.** If the application is denied, the applicant Executive Town Car Company may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**I. Providing Executive Town Car Services.** Executive Town Car services shall be provided only by a permitted Executive Town Car Company.

**J. Certification of Executive Town Car Drivers.** The Executive Town Car Company shall regularly provide a list of applicant drivers affiliated with the permitted Executive Town Car for Director certification that drivers meet requirements in Section 16.40.300 on a form approved by the Director. Drivers shall be certified by the Director prior to providing Executive Town Car services on behalf of the affiliated Executive Town Car Company and Executive Town Car Drivers not meeting all required conditions will not be certified as a permitted Executive Town Car Driver and will not be allowed to operate as an Executive Town Car Driver. Such requirements include:

1. Criminal and driver background checks;
2. Valid driver's license; and
3. Successful completion of all Director-approved driver training and testing within 30 days of providing Executive Town Car Service, and successful completion of any additional training and testing must be completed within 30 days of release by the Director.

**K. Executive Town Car Driver Re-certification.** The Executive Town Car Company shall provide a list of applicant drivers for re-certification to the Director within 1 month prior to the Executive Town Car Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with Executive Town Car Driver certification requirements pursuant to Section 16.40.300. Drivers not meeting all such conditions will not be re-certified as an Executive Town Car Driver and shall not be allowed to operate as an Executive Town Car Driver.

**L. Certification of Executive Town Car Vehicles.** The Executive Town Car Company shall regularly provide a list of applicant vehicles affiliated with the permitted Executive Town Car Company for Director certification that vehicles meet requirements pursuant to Section 16.40.300 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted Executive Town Car Company prior to providing Executive Town Car services. Vehicles not meeting all required conditions



will not be certified as a permitted Executive Town Car Vehicle and will not be allowed to operate as an Executive Town Car Vehicle. Such requirements include:

1. Vehicle ASE safety inspection;
2. Vehicle registration and licensing;
3. Vehicle properly equipped and in good condition; and
4. Executive Town Car company general and automobile liability insurance.

**M.** Term of Certification of Executive Town Car Vehicles. Certifications for Executive Town Car Vehicles provided by the Director shall be valid for a term of 1 year from date of Director certification.

**N.** Executive Town Car Vehicle Re-certification. The Executive Town Car Company shall provide a list of applicant vehicles for re-certification to the Director within 1 month prior to the Executive Town Car Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with Executive Town Car Vehicle certification requirements pursuant to Section 16.40.300 for re-certification. Vehicles not meeting all such conditions will not be re-certified as an Executive Town Car Vehicle and shall not be allowed to operate as an Executive Town Car Vehicle.

**O.** Denial Appeal. If an Executive Town Car Driver or Executive Town Car Vehicle certification is denied, suspended, or revoked by the Director, the applicant driver may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**P.** Right to a Permit. The Executive Town Car Company's ability to satisfy the criteria for an Executive Town Car Company permit does not create a right to an Executive Town Car Company permit.

**Q.** Transferring Permits. Transferring permits shall be prohibited. The Company must notify the City in the event that all or part of the business ownership and/or assets are transferred to another party within 5 business days.

**R.** Removal of Executive Town Car Drivers and Vehicles from affiliated Executive Town Car Company. Executive Town Car Companies shall provide to the Director notification of affiliated Executive Town Car Drivers that have been prohibited from providing Executive Town Car services by the affiliated Executive Town Car Company and Executive Town Car Vehicles that have been removed from the fleet of the affiliated Executive Town Car Company as changes occur.

**S.** Operating at the Port of Portland. Executive Town Car Companies, Drivers, and Vehicles are prohibited from operating at the Portland International Airport without a City of Portland Permit/Certification and specific permission or approval from the Port of Portland.

**T.** Failure to comply with any provision in Section 16.40.310 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

### **16.40.320 Executive Town Car Services Permit Fees.**

**A. Permit Fees.** Executive Town Car Companies shall pay permit fees and civil penalty fines consistent with Sections 16.40.910, 16.40.930, and 16.40.950.

**B. Permit Issuance.** No Executive Town Car Company permit shall be issued until all permit fees and civil penalty fines have been paid and received by the City.

### **16.40.330 Executive Town Car Company Insurance Requirements.**

**A.** In order to provide protection to the public, the Executive Town Car Company shall provide levels of insurance in accordance pursuant to all requirements of Chapter 16.40.

**B. Providing Executive Town Car Services.** The Executive Town Car Vehicle shall be covered by a general commercial liability and primary automobile insurance policy secured by the Executive Town Car Company, the Executive Town Car Driver, or a combination of both. Evidence of insurance requirements shall be received and approved by the City prior to an Executive Town Car Company receiving an Executive Town Car Company permit.

**C. Additional Insured and Notification of Policy Changes.** The Executive Town Car Company shall provide certificates of insurance naming the City of Portland, its officers, agents, and employees as an additional insured party and give at least 30 calendar days' notice to the Director before a policy is canceled, expires, or has a reduction in coverage. Insurance coverage requirements include commercial general liability, primary commercial vehicle insurance, worker's compensation, and employer's liability insurance (as required by state law).

**D. Ensuring Driver and Vehicle Insurance.** Executive Town Car Companies shall be responsible for ensuring the Executive Town Car Driver and Executive Town Car Vehicle have appropriate insurance coverage as required by state law.

**E. Insurance Requirements.** Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the state of Oregon.

**F. Commercial Business Insurance.** Executive Town Car Company permit holders shall secure and maintain a commercial general liability policy reflecting limits of no less than \$1 million per occurrence and \$2 million aggregate for covered claims arising out of, but not limited to, bodily injury and property damage, in the course of the permit holder's work under a PFHT permit.

**G. Automobile Insurance.** All Executive Town Car Company permit holders shall provide the City with a copy of a valid commercial auto liability policy with the following coverage:

- 1.** Combined single limit of not less than \$500,000 per occurrence for claims arising out of, but not limited to, bodily injury and property damage incurred from the business use of any scheduled, non-owned, and hired automobile in the course of the vehicle's use as a PFHT vehicle.

**H. Certification of Auto Insurance.** Executive Town Car Companies shall provide proof of current, valid insurance for Director certification that all affiliated Executive Town Car Drivers and Vehicles operating for such company and satisfying the minimum requirements in the event the insurance maintained by the driver has lapsed or does not provide the required coverage.

- I. Insurance Limits Subject to Statutory Changes.** The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term;
- J. Subject to Approval by the City Attorney's Office.** The adequacy of insurance coverage outlined in this section is subject to the review and approval of the City Attorney's Office.
- K. Continuous and Uninterrupted Coverage.** The permit holder shall maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.
- L. Insurance Rating.** All insurance companies issuing policies within this section shall be rated by A.M. Best Company and carry at least a rating of A.M. Best A- or better.
- M. Additional Policy Conditions:** Policies required under Subsections 16.40.330 F. and/or 16.40.330 G. must also contain, include, provide for, or comply with the following:
- 1. Independent contractors/owner-operators.** If an independent contractor/owner-operator relationship exists with a permit holder and the independent contractors/owner-operators provide services under the permit holder's permit, then the permit holder and the City require the same insurance coverage and limits and conditions as outlined in Subsections 16.40.330 F. - H. The same certificate of liability and additional insured endorsement requirements will apply.
  - 2. Alternatives to insurance,** such as self-insurance, may occur only if the level of coverage and the terms, conditions, and obligations meet the same or higher requirements as found in Subsections 16.40.330 F. – H., and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage shall be approved by the City Attorney's Office before such alternative insurance may become effective.
- N. Failure to comply with any provision in Section 16.40.330 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.**

## **16.40.340 Executive Town Car Company Operating Responsibilities and Prohibitions.**

(Amended by Ordinance 188972, effective June 29, 2018.)

- A. Executive Town Car Companies** shall accept all requests for Executive Town Car Service received from any location within the City.
- B. Drug, Alcohol, and Discrimination Policy.**
- 1. Zero Tolerance for Drug and Alcohol Use and Discrimination.** All permitted Companies shall employ at all times a zero-tolerance policy for intoxicants.
  - 2. Zero Tolerance for Discrimination.** All permitted Companies shall adopt a policy that, at a minimum, prohibits drivers and employees from engaging in discrimination, to include making

derogatory comments, on the basis of a person's race, religion, national origin, disability, sexual orientation, sex, marital status, gender identity, age, or any other characteristic protected under applicable local, state, or federal law. This policy must be submitted to the Director for approval. Any changes to the policy shall be submitted to and approved by the Director prior to implementation.

**C. User Terms of Service.** It must be stated within a disclaimer or limitation of liability in an Executive Town Car Company's user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect as prohibited by local law or restriction in the City of Portland, and that any tort claim against an Executive Town Car Company shall be governed by Oregon tort law in effect at the time of the claim.

**D. Fare Rate Transparency.** Executive Town Car fare rates shall be established by the Executive Town Car Company, reported to the Director and made available in a clear and transparent way to the passenger prior to the passenger accepting a ride.

**E. Receipts.** All Executive Town Car passengers shall be provided either a paper or digital receipt for services at the termination of the ride that clearly indicates the fare paid, time of ride, name of Executive Town Car Company, Executive Town Car Driver, Executive Town Car Company customer service support contact information, and the City of Portland's PFHT complaint phone number.

**F. Agent of Service Requirements.** Executive Town Car Companies will maintain, during all times when the Executive Town Car Company permit is valid, a locally based agent of service, with regular hours of business during weekdays.

**G. Customer Service Support Requirements.** Executive Town Car Companies will maintain, during all times when the Executive Town Car Company permit is valid, customer service support with posted contact information, including a local phone number and local address, and the ability to leave messages 24 hours per day and 7 days per week via telephone or email. Response to messages shall be made within 24 hours.

**H. Reporting Requirements.** Each Executive Town Car Company shall regularly report the following to the Director:

1. Report the number and type of crimes against drivers to the extent known;
2. The arrest or conviction for any criminal offense of any affiliated Executive Town Car Driver;
3. The filing of any lawsuit against or on behalf of the Executive Town Car Company related to the operation of the company and its services in the City of Portland;
4. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and
5. Any information required to be disclosed by Chapter 16.40 that comes to the attention of the Executive Town Car Company.

**I. Data Requirements.** Upon request, the Executive Town Car Company shall provide data identified by the Director to verify compliance with requirements pursuant to Chapter 16.40.

**J. Executive Town Car Company Records Management and Mandatory Compliance.**

**1.** Executive Town Car Companies will be required to keep documentation of all certified Executive Town Car Drivers and Executive Town Car Vehicles. Such records shall be kept on file during the term of the Executive Town Car Company permit and for 2 calendar years after the expiration of such permit. Upon request or subpoena, Executive Town Car Company records shall be provided to the Director and/or law enforcement officers.

**2.** Executive Town Car Companies shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel, or law enforcement officers pursuant to Chapter 16.40.

**K.** Failure to comply with any provision in Section 16.40.340 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

### **16.40.350 Executive Town Car Vehicle Certification Requirements.**

(Amended by Ordinance 191503, effective December 1, 2023.)

**A.** Executive Town Car Vehicle Certification. The Executive Town Car Company shall regularly provide a list of applicant vehicles affiliated with the permitted Executive Town Car Company for Director certification that vehicles meet all requirements pursuant to Chapter 16.40 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted Executive Town Car Company prior to being used to provide Executive Town Car service on a form approved by the Director. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as an Executive Town Car Vehicle.

**B.** Term of Certified Executive Town Car Vehicle. Certifications for Executive Town Car Vehicles provided by the Director shall be valid for 1 year from the date of the initial certification, or 4 months from the date a seasonal permit is issued pursuant to the Administrative Rule. The Executive Town Car Company shall provide a re-certification to the Director annually prior to the certification expiration and within 1 month of the expiration date on a form approved by the Director.

**C.** Application Process. Applications for Executive Town Car Vehicle certification shall be made directly to an affiliated Executive Town Car Company. The Executive Town Car Company will regularly provide to the Director an Executive Town Car Driver and Vehicle application list, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as an Executive Town Car Vehicle, on a form approved by the Director.

**D.** Vehicle Registration, Licensing, and Insurance. All Executive Town Car Vehicles shall maintain, at all times, vehicle registration, licensing, and insurance as required by the State of Oregon or the state in which such vehicle is registered.

**E. Vehicle Requirements.** Executive Town Car Vehicles shall widely be recognized as luxury vehicles, and no vehicle will be allowed to operate as an Executive Town Car Vehicle following 15 years after the vehicle manufactured date, unless the vehicle meets the requirements described in Section 16.40.935, Vehicle Age Exemption, regardless of when the vehicle was purchased or put into service as an Executive Town Car Vehicle.

**F. Vehicle Safety Inspections.** Each Executive Town Car Vehicle shall pass an annual standardized vehicle safety test as performed by a National Institute for Automotive Service Excellence (ASE) Blue Seal Recognized Shop or by an automotive technician with a current, valid ASE certification in any of the areas of ASE A4-A8. Inspections are required if the vehicle:

1. Is more than 1-year-old, based on model year;
2. Has 10,000 miles or more on its odometer; or
3. Has the “check engine” light illuminated, regardless of model year or mileage.

**G. Executive Town Car Vehicle Safety Certificate Requirements.** Upon successful completion of the vehicle inspection, the ASE Blue Seal Recognized Shop or ASE Automotive Technician will provide to the Executive Town Car Driver applicant a “Safety Certificate” stating that the vehicle passed the required safety inspection. The safety inspection checklist used by the ASE Blue Seal Recognized Shop or ASE Automotive Technician shall be completed on a form approved by the Director.

**H. Vehicle Condition.** Each Executive Town Car Vehicle shall meet the following requirements:

1. Be kept in safe condition and condition;
2. Be kept clean and in good appearance;
3. Be properly equipped, including but not limited to carrying a hands-free accessory for mobile devices, a standard first aid kit, and fire extinguisher; and
4. Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for Portland Metro.
5. Failure to comply with any provision in Subsection H. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**I. Executive Town Car Vehicle Re-certification.** The Executive Town Car Company shall provide a list of applicant vehicles for re-certification to the Director within 1 month prior to the Executive Town Car Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with Executive Town Car Vehicle certification requirements pursuant to Sections 16.40.310 G. – I. and 16.40.360 for re-certification. Vehicles not meeting all such conditions will not be re-certified as an Executive Town Car Vehicle and shall not be allowed to operate as an Executive Town Car Vehicle.

**J.** Unless otherwise noted, failure to comply with any provision in Section 16.40.350 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

## **16.40.360 Executive Town Car Vehicle Operating Requirements and Prohibitions.**

(Amended by Ordinance 188972, effective June 29, 2018.)

- A.** No vehicle shall operate as an Executive Town Car Vehicle unless it has been certified by the Director and is affiliated with a permitted Executive Town Car Company and properly displays a valid City of Portland permit.
- B.** Vehicle Registration, Insurance, and Business License. A paper copy of the vehicle's registration and proof of insurance shall be kept in every Executive Town Car Vehicle, pursuant to ORS 806.011. A copy of the business license is required for every driver operating as an independent contractor. Failure to comply with any provision in Subsection B. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.
- C.** Identification of Executive Town Car Vehicles. Every Executive Town Car Vehicle shall meet the following identification requirements to operate as an Executive Town Car Vehicle:
- 1.** Upon successful completion of the Executive Town Car Company permit application process and payment of required fees as outlined in Chapter 16.40, the Director will issue a vehicle identification decal bearing the City Seal for each certified Executive Town Car Vehicle.
  - 2.** Executive Town Car decals are valid for a period of no more than 12 months from the date of issuance, and all decals expire on the same day as the expiration of the affiliated Executive Town Car Company permit. Fees for decals that are not issued contemporaneously with an Executive Town Car Company permit will be prorated to equal the cost of the number of months remaining until the Executive Town Car Company permit expires.
  - 3.** Executive Town Car decals must be affixed to the vehicle's front and back window in a manner outlined by the Administrative Rule, Applying Permits and Decals.
  - 4.** Executive Town Car decals that are intentionally destroyed or damaged by an Executive Town Car Company or Executive Town Car Driver prior to renewal and without the City's authorization are not subject to renewal.
  - 5.** Voided Executive Town Car Vehicle decals are not renewable in the year following their voidance. Once an Executive Town Car Vehicle decal is voided, an Executive Town Car Company may not renew that decal and instead must complete the initial application process if the Executive Town Car Company seeks a decal for that Executive Town Car Vehicle.
  - 6.** Executive Town Car Vehicle decals issued by the Director shall not be leased, sold, transferred, or assigned in any manner.
  - 7.** Executive Town Car Vehicle decals issued by the Director that are not returned to the City within 21 days upon revocation or upon a failure to renew are considered conversion of City property and considered to be an actionable offense in a court of competent jurisdiction.

**D. Vehicle Operating Conditions.** In determining whether an Executive Town Car Vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good condition, repair, and appearance which includes the following:

1. All Executive Town Car Vehicle equipment and devices shall be properly equipped and maintained in good working order;
2. At all times, Executive Town Car Vehicles shall include the following properly functioning components: a horn, lights, (including turn signals, back-up signals, and interior lights) windshield wipers, windshield washers, heating/air conditioning systems, odometer, speedometer and mufflers, tail pipes, or other exhaust components that prevent unnecessary noise and smoke emissions;
3. The Executive Town Car Vehicle body shall be free of major damage and broken or cracked equipment, including but not limited to windows, lights, light covers, top light, and reflectors;
4. Executive Town Car Vehicles shall be free of dirt, grease, grime, glue, or tape. This shall apply to the vehicle's paint, upholstery, windows, floorboard, and integrated parts of the vehicle's body;
5. The Executive Town Car Vehicle shall include no missing nor makeshift parts for vehicles, including but not limited to, fenders, hood, trunk lid, doors, door handles, windows, chrome or rubber strips, upholstery, ashtrays, or carpeting and may only be equipped with studded tires during time periods allowed by Oregon Law; and
6. Safe condition shall require that the vehicle is in compliance with the standards contained in ORS Title 59, Oregon Vehicle Code, Chapters 801 through 823.

**E. Mandatory Compliance.** Executive Town Car Vehicles shall be made available for compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

**F.** Unless otherwise noted, failure to comply with any provision in Section 16.40.360 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

### **16.40.370 Executive Town Car Driver Certification Requirements.**

(Amended by Ordinances 188972 and 191503, effective December 1, 2023.)

**A. Executive Town Car Driver Certification.** The Executive Town Car Company shall regularly provide a list of applicant drivers affiliated with the permitted Executive Town Car Company for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director. Drivers shall be certified/permitted by the director prior to operating an Executive Town Car Vehicle. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as an Executive Town Car Driver. Executive Town Car Companies shall provide a current list to the Director as changes occur.



**B. Term of Certified Executive Town Car Driver.** Certifications for Executive Town Car Drivers provided by an Executive Town Car Company to the Director shall be valid for 1 year from the date of the initial certification. The affiliated Executive Town Car Company shall provide a re-certification to the Director within 1 month prior to the certification expiration on a form approved by the Director.

**C. Application Process.** Applications for Executive Town Car Driver certification shall be made directly to an affiliated Executive Town Car Company. The Executive Town Car Company will regularly provide to the Director Executive Town Car Driver and Vehicle application lists, pursuant to certification requirements, that the driver meets all requirements before the driver may operate an Executive Town Car Vehicle, on a form approved by the Director.

**D. Executive Town Car Driver Criminal and Driving Background Checks.** A local and national criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated Executive Town Car Company by a third party accredited by the National Association of Professional Background Screeners that shall include:

1. Multi-state/multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search);
2. All motor vehicle records associated with the applicant driver available pursuant to records laws of each state; and
3. The National Sex Offender Public Registry.

**E. Executive Town Car Driver Criminal and Driving History Disqualifications.** A driver will not be certified as an Executive Town Car Driver and cannot provide Executive Town Car services if any of the following conditions exist:

1. The applicant has a felony conviction of any kind within the previous 10 years, based on the conviction date.
2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred.
3. The applicant is a match in the National Sex Offender Public Registry.
4. During the 5-year period preceding the submission of the application, the applicant has been convicted of any criminal offense involving:
  - a. Any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or
  - b. Any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident.
5. Based on the conviction date during a 3-year period the applicant had more than five traffic violations as defined in ORS 801.557; more than five serious traffic violations as defined by the

Oregon Department of Motor Vehicles; more than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, more than five of any combination of serious traffic violations or motor vehicle accidents as provided above.

**6.** Based on the conviction date, within a 3-year period, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.

**a.** Specific suspensions of an administrative nature may be excluded as defined in Administrative Rule TRN-14.40.

**7.** Based on the conviction date, the applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application.

**8.** Based on the conviction date, during a 3-year period, the applicant's PFHT driving privileges were revoked by the Director.

**9.** Upon application submittal, all applicants must demonstrate maintaining a valid license to drive in any US jurisdiction for at least 365 days, within the 18-month period preceding the application submittal date.

**10.** The applicant is less than 21 years old.

**11.** The applicant is unable to obtain car insurance for any reason.

**F.** All Executive Town Car Driver criminal and driving histories are subject to review by the Director.

**G.** Executive Town Car Driver Training. The affiliated company must ensure that all Executive Town Car Drivers successfully complete all Director-approved trainings and testing within 30 days of an Executive Town Car Driver certification and successfully complete any additional training and testing within 30 days of release by the Director.

**H.** Business License Requirements. All Executive Town Car Drivers operating as independent contractors affiliated with an Executive Town Car Company shall comply with all provisions of the Business License Law as required by Chapter 7.02 prior to operating an Executive Town Car Vehicle. Any Executive Town Car Driver without a valid City of Portland Business License cannot be certified as an Executive Town Car Driver and will not be allowed to operate as an Executive Town Car Driver until such Business License is obtained.

**I.** Executive Town Car Driver Re-certification. The Executive Town Car Company shall provide a list of applicant drivers for re-certification to the Director within 1 month prior to the Executive Town Car Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with Executive Town Car Driver certification requirements pursuant to Section 16.40.370. Drivers not meeting all such conditions will not be re-certified as an Executive Town Car Driver and shall not be allowed to provide Executive Town Car Services.

**J.** Suspension or Revocation of Certified Executive Town Car Drivers. If an Executive Town Car certification is suspended or revoked by the Director, the affiliated Executive Town Car Company shall be

notified and the driver shall be removed as soon as notified by the City. Executive Town Car Drivers without current, valid certification by the Director shall not be allowed to operate as an Executive Town Car Driver.

**K. Executive Town Car Driver Decertification.** The Executive Town Car Company must inform the City, through the established online certification portal, no later than 24 hours after the driver or company has terminated the relationship.

**L.** Failure to comply with any provision in Section 16.40.370 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

### **16.40.380 Executive Town Car Driver Conduct Requirements and Prohibitions.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A. Transferring Credentials.** Transferring Executive Town Car Driver or Executive Town Car Vehicle credentials from one driver or vehicle to another shall be prohibited. Failure to comply with this Subsection A. is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**B. Executive Town Car Drivers shall carry:**

- 1.** A paper copy of Executive Town Car company insurance pursuant to ORS 806.011 and a copy of the vehicle registration always while operating as an Executive Town Car Driver. Upon request of the Director or law enforcement officer, Executive Town Car Drivers shall present proof of a valid primary automobile insurance policy and vehicle registration;
- 2.** A City of Portland Business License, when operating as an independent contractor, as required by Chapter 7.02 at all times while operating as an Executive Town Car Driver; and
- 3.** A valid state issued driver's license while operation as an Executive Town Car Driver;
- 4.** City of Portland Driver Permit. Drivers must carry a valid, original, City of Portland driver permit at all times while operating an Executive Town Car Vehicle.
- 5.** All required documents listed above must be available and presented at the time of any inspection, upon request.
- 6.** Failure to comply with Subsection B. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**C. Driver Conduct.** No Executive Town Car Driver shall:

- 1.** Allow another person to use their Executive Town Car Driver certification;

- 2.** Drive or allow another person to drive an Executive Town Car Vehicle without a valid driver's license, driver permit, and company while the vehicle is being used to provide Executive Town Car Services;
- 3.** Operate any Executive Town Car Vehicle while consuming or while under the influence of intoxicants or operate it in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon;
- 4.** Operate any PFHT vehicle if impaired by any legally prescribed or over-the-counter drugs or medications;
- 5.** Use a vehicle in the commission of any crime;
- 6.** Use or broadcast profane or obscene language offensive to the passenger or other persons while operating a PFHT vehicle;
- 7.** Consume any intoxicant, smoke any substance, or use any device that produces a smoke-like vapor while operating an Executive Town Car Vehicle;
- 8.** Allow any passenger to consume an intoxicant, smoke any substance, or use any device that produces a smoke-like vapor inside an Executive Town Car Vehicle;
- 9.** Defraud a passenger in any way;
- 10.** Be discourteous to a passenger;
- 11.** Refuse to issue a fully completed receipt, in digital or paper form, for a fare paid if one is requested;
- 12.** Operate any Executive Town Car Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1);
- 13.** Refuse to provide Executive Town Car services to any passenger of proper demeanor whose request for service has been accepted by the Executive Town Car company dispatch or reservation service or Executive Town Car Driver from a designated hotel zone; and
- 14.** Provide PFHT services without a valid City of Portland permit or certification.
- 15.** Violate Section 16.20.130.

**D. Maximum Hours of Driving.** No person shall provide PFHT services after driving more than 12 hours in any given 24-hour period.

**E. Street-Hails, Taxi Stands, and Hotel Zones.**

- 1.** All requests for service shall be received and accepted through the dispatch or online and/or mobile app reservation services.

**2.** An Executive Town Car Driver may not accept street-hails received within in the City of Portland, with the exception of designated hotel zones and as approved by the Port of Portland at the Portland International Airport.

**3.** Other than for drop off, an Executive Town Car Driver may not park an Executive Town Car Vehicle in a hotel zone prior to 15 minutes before pick up for a dispatch or request for service. The dispatch call/request for service must be documented in accordance with Section 16.40.340 and available for review by the Director or law enforcement officer.

**F. Mandatory Compliance.** Executive Town Car Drivers shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel, or law enforcement officers pursuant to Chapter 16.40.

**G. Driver Reporting.** Every Executive Town Car Driver shall report any of the following events to the Director and to all affiliated Executive Town Car Companies within 24 hours of its occurrence:

- 1.** Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation;
- 2.** Any arrest, charge, or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;
- 3.** Any vehicle crashes by completing and submitting the PBOT Vehicle Crash Report; and
- 4.** Any restriction, suspension, or revocation of the driver's motor vehicle driver's license.

**H.** Unless otherwise noted, failure to comply with any provision in Section 16.40.380 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

### **16.40.400 Shuttle Services Permits Required.**

The operation of a Shuttle Company is a privilege and not a right. For Shuttle services to be provided in the City of Portland, the Shuttle Company shall be required to obtain a permit. The Bureau shall certify that all affiliated Shuttle Company Vehicles and Shuttle Company Drivers have met all certification and operating requirements.

**A. Shuttle Company Permit Requirements.** No person or entity shall conduct business as a Shuttle Company in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this Subsection A. is a Class A violation subject to penalties provided in Sections 16.40.930 to 16.40.950.

**B. Shuttle Driver Certification Requirements.** No person or entity shall conduct business as a Shuttle Driver in the City of Portland without certification by the Director prior to being authorized to provide Shuttle services on behalf of an affiliated Shuttle Company. Drivers not meeting all required conditions will not be certified as Shuttle Driver and will not be allowed to operate as a Shuttle Driver. Failure to comply with this Subsection B. shall be a Class B violation.

**C. Shuttle Vehicle Certification Requirements.** No vehicle shall be allowed to conduct business as a Shuttle Vehicle in the City of Portland without certification by the Director prior to being used to provide Shuttle services by an affiliated Shuttle Company. Vehicles not meeting all required conditions will not be certified as Shuttle Vehicle and will not be allowed to operate as a Shuttle Vehicle. Failure to comply with this Subsection C. shall be a Class B violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

### **16.40.410 Shuttle Company Permit Application Standards for Approval and/or Denial and Certification Requirements.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A. Application.** An applicant for a Shuttle Company permit shall annually submit to the Director:

1. A completed application on a form supplied by the Director;
2. Proof of registration with the Secretary of State for any corporate, LLC, or LLP entity;
3. Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
4. A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates.
5. If the applicant Shuttle Company is individually owned, the name, business address (or home address if no business address), telephone number, and date of birth of the owner;
6. If the applicant Shuttle Company is a corporation, partnership, or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland ("Authorized Representative") or to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require;
7. The applicant Shuttle Company's zero-tolerance drug and non-discrimination policy;
8. The applicant Shuttle Company's user terms of service;
9. The applicant dispatch or passenger reservation contact information;
10. Contact information of the Shuttle Company's agent of service and customer service support;
11. A description and photo or rendering of the unique branding that the applicant Shuttle Company proposes to use for its fleet of affiliated Shuttle Vehicles;
12. A detailed description of the Shuttle Company's fixed route and time schedule; and
13. A nonrefundable application fee.

**14.** All fines and penalties must be paid prior to issuing or reissuing a Shuttle Company permit.

**B.** Compliance with Secretary of State's Rules. No permit will be issued unless the company is validly registered with the Secretary of State, including all assumed business names.

**C.** Insurance. All Shuttle permit holders shall comply with Shuttle insurance requirements pursuant to Section 16.40.430. All Shuttle Companies shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.

**D.** Director Review Process. After receiving a completed Shuttle Company application form and upon successful completion of all the requirements pursuant to Section 16.40.410, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.

**E.** Application Approval. Upon approval by the Commissioner-in-Charge, the Director may be directed to issue a Shuttle Company permit.

**F.** Application Denial. The Application shall be denied for any of the following:

- 1.** The Shuttle Company applicant fails to submit all required information and documentation, including valid proof of insurance;
- 2.** The Shuttle Company applicant leases, permits, or otherwise allows other entities not affiliated with the Shuttle Company and certified by the Director to operate Shuttle services;
- 3.** The application has a material misstatement or omission; or
- 4.** The Shuttle Company application is incomplete.

**G.** Denial Appeal. If the application is denied, the applicant Shuttle Company may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**H.** Providing Shuttle Services. Shuttle Services shall only be provided by a permitted Shuttle company.

**I.** Certification of Shuttle Drivers. The Shuttle Company shall regularly provide a list of applicant drivers affiliated with the permitted Shuttle for Director certification that drivers meet requirements in Section 16.40.470 on a form approved by the Director. Drivers shall be certified and permitted by the Director prior to providing Shuttle services on behalf of the affiliated Shuttle Company, and Shuttle Drivers not meeting all required conditions will not be certified as permitted Shuttle Drivers and will not be allowed to operate as Shuttle Drivers. Such requirements include:

- 1.** Criminal and driver background checks;
- 2.** Valid driver's license; and

**3.** Successful completion of all Director-approved driver training and testing within 30 days of providing Shuttle Service, and successful completion of any additional training and testing must be completed within 30 days of release by the Director.

**J.** Shuttle Driver Re-certification. The Shuttle Company shall provide a list of applicant drivers for re-certification to the Director within 1 month prior to the Shuttle Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with Shuttle Driver certification requirements pursuant to Section 16.40.470. Drivers not meeting all such conditions will not be re-certified as a Shuttle Driver and shall not be allowed to operate as a Shuttle Driver.

**K.** Certification of Shuttle Vehicles. The Shuttle Company shall regularly provide a list of applicant vehicles affiliated with the permitted Shuttle Company for Director certification that vehicles meet requirements pursuant to Section 16.40.450 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted Shuttle Company prior to providing Shuttle services. Vehicles not meeting all required conditions will not be certified as a permitted Shuttle Vehicle and will not be allowed to operate as a Shuttle Vehicle. Such requirements include:

1. Vehicle ASE safety inspection;
2. Vehicle registration and licensing;
3. Vehicle properly equipped and in good condition;
4. Shuttle Company general and motor vehicle liability insurance, and;
5. Automobile liability insurance, as required by state law.

**L.** Term of Certification of Shuttle Vehicles. Certifications for Shuttle Vehicles provided by the Director shall be valid for a term of 1 year from the date of Director certification.

**M.** Denial Appeal. If a Shuttle Driver or Shuttle Vehicle certification is denied, suspended, or revoked by the Director, the applicant driver may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**N.** Right to a Permit. The Shuttle Company's ability to satisfy the criteria for a Shuttle Company permit does not create a right to a Shuttle Company permit.

**O.** Transferring Permits. Transferring permits shall be prohibited. The Company must notify the City in the event that all or part of the business ownership and/or assets are transferred to another party within 5 business days.

**P.** Removal of Shuttle Drivers and Vehicles from the Affiliated Shuttle Company. Shuttle Companies shall provide to the Director notification of affiliated Shuttle Drivers that have been prohibited from providing Shuttle services by the affiliated Shuttle Company and Shuttle Vehicles that have been removed from the fleet of the affiliated Shuttle Company as changes occur.



**Q.** Operating at the Port of Portland. Shuttle Companies, Drivers, and Vehicles are prohibited from operating at the Portland International Airport without a City of Portland permit/certification and specific permission or approval from the Port of Portland.

**R.** Failure to comply with any provision in Section 16.40.410 is a Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950.

### **16.40.420 Shuttle Services Permit Fees.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A.** Permit Fees. Shuttle Companies shall pay City permit fees and civil penalty fines consistent with Sections 16.40.910, 16.40.930, and 16.40.950.

**B.** Permit Issuance. No Shuttle Company permit shall be issued until all permit fees and civil penalty fines have been paid and received by the City.

### **16.40.430 Shuttle Company Insurance Requirements.**

**A.** In order to provide protection to the public, the Shuttle Company shall provide levels of insurance in accordance pursuant to all requirements of Chapter 16.40.

**B.** Providing Shuttle Services. The Shuttle Vehicle shall be covered by a general commercial liability and primary automobile insurance policy secured by the Shuttle Company, the Shuttle Driver, or a combination of both. Evidence of insurance requirements shall be received and approved by the City prior to a Shuttle Company receiving a Shuttle Company permit.

**C.** Additional Named Insured and Notification of Policy Changes. The Shuttle Company shall provide certificates of insurance naming the City of Portland, its officers, agents, and employees as an additional insured party and give at least 30 calendar days' notice to the Director before a policy is canceled, expires, or has a reduction in coverage. Insurance coverage requirements include commercial general liability, primary commercial vehicle insurance, worker's compensation and employer's liability insurance (as required by state law).

**D.** Ensuring Driver and Vehicle Insurance. Shuttle Companies shall be responsible for ensuring the Shuttle Driver and Shuttle Vehicle have appropriate insurance coverage as required by state law.

**E.** Insurance Requirements. Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the state of Oregon.

**F.** Commercial Business Insurance. Shuttle Company permit holders shall secure and maintain a commercial general liability policy reflecting limits of no less than \$1 million per occurrence and \$2 million aggregate for covered claims arising out of, but not limited to, bodily injury and property damage, in the course of the permit holder's work under a PFHT permit.

**G.** Automobile Insurance. All Shuttle Company permit holders shall provide the City with a copy of a valid Commercial Auto Liability policy with the following coverage:

**1.** Combined single limit of not less than \$500,000 per occurrence for claims arising out of, but not limited to, bodily injury and property damage incurred from the business use of any scheduled, non-owned, and hired automobile in the course of the vehicle's use as a PFHT vehicle.

**H.** Certification of Auto Insurance. Shuttle Companies shall provide proof of current, valid insurance for Director certification that all affiliated Shuttle Drivers and Vehicles operating for such company and satisfying the minimum requirements in the event the insurance maintained by the driver has lapsed or does not provide the required coverage.

**I.** Insurance Limits Subject to Statutory Changes. The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term;

**J.** Subject to Approval by the City Attorney's Office. The adequacy of insurance coverage outlined in this section is subject to the review and approval of the City Attorney's Office.

**K.** Continuous and Uninterrupted Coverage. The permit holder shall maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.

**L.** Insurance Rating. All insurance companies issuing policies within this section shall be rated by A.M. Best Company and carry at least a rating of A.M. Best A- or better.

**M.** Additional Policy Conditions: Policies required under Sections 16.40.430 must also contain, include, provide for, or comply with the following:

**1.** Independent contractors/owner-operators. If an independent contractor/owner-operator relationship exists with a permit holder, and the independent contractors/owner-operators provide services under the permit holder's permit, then the permit holder and the City require the same insurance coverage and limits and conditions as outlined in Section 16.40.430. The same certificate of liability and additional insured endorsement requirements will apply.

**2.** Alternatives to insurance, such as self-insurance, may occur only if the level of coverage and the terms, conditions, and obligations meet the same or higher requirements as found in Section 16.40.430, and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage shall be approved by the City Attorney's Office before such alternative insurance may become effective.

**N.** Failure to comply with any provision in Section 16.40.430 is a Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950.

## **16.40.440 Shuttle Company Operating Responsibilities and Prohibitions.**

(Amended by Ordinance 188972, effective June 29, 2018.)

- A.** A permitted Shuttle Company shall adhere to the fixed route and time schedule approved by the Director. Changes to the Shuttle Company's fixed route and time schedule shall be submitted and approved by the Director prior to implementation of a revised fixed route and time schedule.
- B.** Shuttle Companies shall accept all requests for Shuttle Service received from any location within the City, including requests made by persons with disabilities and requests for wheelchair-accessible service pursuant to Section 16.40.490.
- C.** Drug, Alcohol and Discrimination Policy.
- 1.** Zero Tolerance for Drug and Alcohol Use and Discrimination. All permitted Companies shall employ at all times a zero tolerance policy for intoxicants.
  - 2.** Zero Tolerance for Discrimination. All permitted Companies shall adopt a policy that, at a minimum, prohibits drivers and employees from engaging in discrimination, to include making derogatory comments, on the basis of a person's race, religion, national origin, disability, sexual orientation, sex, marital status, gender identity, age, or any other characteristic protected under applicable local, state, or federal law. This policy must be submitted to the Director for approval. Any changes to the policy shall be submitted to and approved by the Director prior to implementation.
- D.** User Terms of Service. It must be stated within a disclaimer or limitation of liability in a Shuttle Company's user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect in the City of Portland, and that any tort claim against a company shall be governed by Oregon tort law in effect at the time of the claim.
- E.** Fare Rate Transparency. Shuttle fare rates shall be established by the Shuttle Company, reported to the Director, and made available in a clear and transparent way to the passenger prior to the passenger accepting a ride.
- F.** Receipts. All Shuttle passengers shall be provided either a paper or digital receipt for services at the termination of the ride that clearly indicates the fare paid, time of ride, name of Shuttle Company, Shuttle Driver, Shuttle Company customer service support contact information, and the City of Portland's PFHT complaint phone number.
- G.** Agent of Service Requirements. Shuttle Companies will maintain, during all times when the Shuttle Company Permit is valid, a locally based agent of service, with regular hours of business during weekdays.
- H.** Customer Service Support Requirements. Shuttle Companies will maintain, during all times when the Shuttle Company permit is valid, customer service support with posted contact information, including a local phone number and local address, and the ability to leave messages 24 hours per day and 7 days per week via telephone or email. Response to messages shall be made within 24 hours.
- I.** Reporting Requirements. Each Shuttle Company shall regularly report the following to the Director:
- 1.** The number and type of crimes against drivers to the extent known;

2. The arrest or conviction for any criminal offense of any affiliated Shuttle Driver;
3. The filing of any lawsuit against or on behalf of the Shuttle Company related to the operation of the company and its services in the City of Portland;
4. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and
5. Any information required to be disclosed by Chapter 16.40 that comes to the attention of the Shuttle Company.
6. Upon request, the Shuttle Company shall provide data identified by the Director to verify compliance with requirements pursuant to Chapter 16.40.

**J. Shuttle Company Records Management and Mandatory Compliance.**

1. Shuttle Companies will be required to keep documentation of all certified Shuttle Drivers and Shuttle Vehicles. Such records shall be kept on file during the term of the Shuttle Company Permit and for 2 calendar years after the expiration of such permit. Upon request or subpoena, Shuttle Company records shall be provided to the Director and/or law enforcement officers.
2. Shuttle Companies shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel, or law enforcement officers pursuant to Chapter 16.40.

**K.** Failure to comply with any provision in Section 16.40.440 is a Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950.

### **16.40.450 Shuttle Vehicle Certification Requirements.**

(Amended by Ordinance 191503, effective December 1, 2023.)

**A.** Shuttle Vehicle Certification. The Shuttle Company shall regularly provide a list of applicant vehicles affiliated with the permitted Shuttle Company for Director certification that vehicles meet all requirements pursuant to Chapter 16.40 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted Shuttle Company prior to being used to provide Shuttle service on a form approved by the Director. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as a Shuttle Vehicle.

**B.** Term of Certified Shuttle Vehicle. Certifications for Shuttle Vehicles provided by the Director shall be valid for 1 year from the date of the initial certification. The Shuttle Company shall provide a re-certification to the Director annually prior to the certification expiration and within 1 month of the expiration date on a form approved by the Director.

**C.** Application Process. Applications for Shuttle Vehicle certification shall be made directly to an affiliated Shuttle Company. The Shuttle Company will regularly provide to the Director a Shuttle Driver and Vehicle

application list, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as a Shuttle Vehicle on a form approved by the Director.

**D. Vehicle Registration, Licensing, and Insurance.** All Shuttle Vehicles shall maintain, at all times, vehicle registration, licensing, and insurance as required by the State of Oregon or the state in which such vehicle is registered.

**E. Vehicle Requirements.** No vehicle will be allowed to operate as a Shuttle Vehicle following 15 years after the vehicle manufactured date, regardless of when the vehicle was purchased or put into service as a Shuttle Vehicle.

1. "Large Airporter Shuttles" as defined in Subsection 16.40.030 UU. are eligible for the Vehicle Age Exemption and are subject to the requirements of Section 16.40.935

**F. Vehicle Safety Inspections.** Each Shuttle Vehicle shall pass an annual standardized vehicle safety test as performed by a National Institute for Automotive Service Excellence (ASE) Blue Seal Recognized Shop or by an automotive technician with a current, valid ASE certification in any of the areas of ASE A4-A8. Inspections are required if the vehicle:

1. Is more than 1-year-old, based on model year;
2. Has 10,000 miles or more on its odometer; or
3. Has the "check engine" light illuminated, regardless of model year or mileage.

**G. Shuttle Vehicle Safety Certificate Requirements.** Upon successful completion of the vehicle inspection, the ASE Blue Seal Recognized Shop or ASE Automotive Technician will provide to the Shuttle Driver applicant a "Safety Certificate" stating that the vehicle passed the required safety inspection. The safety inspection checklist used by the ASE Blue Seal Recognized Shop or ASE Automotive Technician certified in any of the areas of ASE A4-A8 shall be completed on a form approved by the Director.

**H. Vehicle Condition.** Each Shuttle Vehicle shall meet the following requirements:

1. Be kept in safe condition;
2. Be kept clean and in good appearance;
3. Be properly equipped, including but not limited to carrying a hands-free accessory for mobile devices, a standard first aid kit, and fire extinguisher; and
4. Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for Portland Metro.
5. Failure to comply with any provision in this Subsection H. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**I. Shuttle Vehicle Re-certification.** The Shuttle Company shall provide a list of applicant vehicles for re-certification to the Director 1 month prior to the Shuttle Vehicle certification expiration, on a form

approved by the Director. Applicant vehicles shall meet all conditions and be consistent with Shuttle Vehicle certification requirements pursuant to Sections 16.40.410 and 16.40.460 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a Shuttle Vehicle and shall not be allowed to operate as a Shuttle Vehicle.

**J.** Unless otherwise noted, failure to comply with any provision in Section 16.40.450 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

### **16.40.460 Shuttle Vehicle Operating Requirements and Prohibitions.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A.** No vehicle shall operate as a Shuttle Vehicle unless it has been certified by the Director and is affiliated with a permitted Shuttle Company and properly displays a valid City of Portland permit.

**B.** Vehicle Registration, Insurance, and Business License. A paper copy of the vehicle's registration and proof of insurance shall be kept in every Shuttle Vehicle, pursuant to ORS 806.011. A copy of the business license is required for every driver operation as an independent contractor.

**1.** Failure to comply with any provision in this Subsection B. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**C.** Identification of Shuttle Vehicles. Every Shuttle Vehicle shall meet the following identification requirements to operate as a Shuttle Vehicle:

**1.** Every Shuttle Vehicle must prominently display on both sides of the vehicle the following information:

- a.** The full name of the Shuttle Company;
- b.** The company-assigned Shuttle Vehicle number;
- c.** The telephone number of that Shuttle Company where services can be requested; and
- d.** The word "shuttle."

**2.** Upon successful completion of the Shuttle Vehicle permit application process and payment of required fees as outlined in Chapter 16.40, the Director will issue a vehicle identification decal bearing the City Seal for each certified Shuttle Vehicle.

**3.** Shuttle decals are valid for a period of no more than 12 months from the date of issuance, and all decals expire on the same day as the expiration of the affiliated Shuttle Company permit. Fees for decals that are not issued contemporaneously with a Shuttle Company permit will be prorated to equal the cost of the number of months remaining until the Shuttle Company permit expires.

**4.** Shuttle decals must be affixed to the vehicle's front and back window in a manner outlined by the Administrative Rule, Applying Permits and Decals.

**5.** Shuttle decals that are intentionally destroyed or damaged by a Shuttle Company or Shuttle Driver prior to renewal and without the City's authorization are not subject to renewal.

**6.** Voided Shuttle Vehicle decals are not renewable in the year following their voidance. Once a Shuttle Vehicle decal is voided, a Shuttle Company may not renew that decal and instead must complete the initial application process if the Shuttle Company seeks a decal for that Shuttle Vehicle.

**7.** Shuttle Vehicle decals issued by the Director shall not be leased, sold, transferred, or assigned in any manner.

**8.** Shuttle Vehicle decals issued by the Director that are not returned to the City within 21 days upon revocation or upon a failure to renew are considered conversion of City property and an actionable offense in a court of competent jurisdiction.

**D.** Vehicle Operating Conditions. In determining whether a Shuttle Vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good condition, repair, and appearance which includes the following:

**1.** All Shuttle Vehicle equipment and devices shall be properly equipped and maintained in good working order.

**2.** At all times, Shuttle Vehicles shall include the following properly functioning components: a horn, lights, (including turn signals, back-up signals, and interior lights) windshield wipers, windshield washers, heating/air conditioning systems, odometer, speedometer and mufflers, tail pipes, or other exhaust components that prevent unnecessary noise and smoke emissions.

**3.** The Shuttle Vehicle body shall be free of major damage and broken or cracked equipment, including but not limited to, windows, lights, light covers, and reflectors.

**4.** Shuttle Vehicles shall be free of dirt, grease, grime, glue, or tape. This shall apply to the vehicle's paint, upholstery, windows, floorboard, and integrated parts of the vehicle's body.

**5.** The Shuttle Vehicle shall not include missing nor makeshift parts for vehicles, including but not limited to, fenders, hood, trunk lid, doors, door handles, windows, chrome or rubber strips, upholstery, ashtrays, or carpeting and may be equipped with studded tires only during time periods allowed by Oregon Law.

**6.** Safe condition shall require that the vehicle is in compliance with the standards contained in ORS Title 59, Oregon Vehicle Code, Chapters 801 through 823.

**E.** Mandatory Compliance. Shuttle Vehicles shall be made available for compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

**F.** Unless otherwise noted, failure to comply with any provision in Section 16.40.460 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

## **16.40.470 Shuttle Driver Certification Requirements.**

(Amended by Ordinances 188972 and 191503, effective December 1, 2023.)

- A. Shuttle Driver Certification.** The Shuttle Company shall regularly provide a list of applicant drivers affiliated with the permitted Shuttle Company for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director. Drivers shall be certified/permitted by the director prior to operating a Shuttle Vehicle. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as a Shuttle Driver. Shuttle companies shall provide a current list to the Director as changes occur.
- B. Term of Certified Shuttle Driver.** Certifications for Shuttle Drivers provided by a Shuttle Company to the Director shall be valid for 1 year from the date of the initial certification. The affiliated Shuttle Company shall provide a re-certification to the Director within 1 month prior to the certification expiration on a form approved by the Director.
- C. Application Process.** Applications for Shuttle Driver certification shall be made directly to an affiliated Shuttle Company. The Shuttle Company will regularly provide to the Director Shuttle Driver and Vehicle application lists, pursuant to certification requirements, that the driver meets all requirements before the driver may operate as a Shuttle Driver, on a form approved by the Director.
- D. Shuttle Driver Criminal and Driving Background Checks.** A local and national criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated Shuttle Company by a third party accredited by the National Association of Professional Background Screeners that shall include:
1. Multi-state/multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search);
  2. All motor vehicle records associated with the applicant driver available pursuant to records laws of each state; and
  3. The National Sex Offender Public Registry.
- E. Shuttle Driver Criminal and Driving History Disqualifications.** A driver will not be certified as a Shuttle Driver and cannot provide Shuttle services if any of the following conditions exist:
1. The applicant has a felony conviction of any kind within the previous 10 years, based on the conviction date.
  2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred.
  3. The applicant is a match in the National Sex Offender Public Registry.
  4. During the 5 year period, based on the conviction date, the applicant has been convicted of any criminal offense involving:



- a.** Any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or
- b.** Any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident.

**5.** Based on the conviction date during a 3-year period, the applicant had greater than five traffic violations as defined in ORS 801.557; greater than five serious traffic violations as defined by the Oregon Department of Motor Vehicles; more than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or greater than five of any combination of serious traffic violations or motor vehicle accidents as provided above.

**6.** Based on the conviction date, within a 3-year period, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.

- a.** Specific suspensions of an administrative nature may be excluded as defined in Administrative Rule TRN-14.40.

**7.** Based on the conviction date, the applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application.

**8.** Based on the conviction date, during a 3-year period, the applicant's PFHT driving privileges were revoked by the Director.

**9.** Upon application submittal, all applicants must demonstrate maintaining a valid license to drive in any US jurisdiction for at least 365 days, within the 18-month period preceding the application submittal date.

**10.** The applicant is less than 21 years old.

**11.** The applicant is unable to obtain car insurance for any reason.

**F.** All Shuttle Driver criminal and driving histories are subject to review by the Director.

**G.** Shuttle Driver Training. The affiliated company must ensure that all Shuttle Drivers successfully complete all Director-approved trainings and testing within 30 days of Shuttle Driver certification and successfully complete any additional training and testing within 30 days of release by the Director.

**H.** Business License Requirements. All Shuttle Drivers operating as independent contractors affiliated with a Shuttle Company shall comply with all provisions of the Business License Law, Chapter 7.02 prior to operating a Shuttle Vehicle. Any Shuttle Drivers operating as independent contractors without a valid City of Portland Business License cannot be certified as a Shuttle Driver and will not be allowed to operate as a Shuttle Driver until such business license is obtained.

**I.** Shuttle Driver Re-certification. The Shuttle Company shall provide a list of applicant drivers for re-certification to the Director within 1 month prior to the Shuttle Driver certification expiration, on a form

approved by the Director. Applicant drivers shall meet all conditions and be consistent with Shuttle Driver certification requirements pursuant to Section 16.40.470. Drivers not meeting all such conditions will not be re-certified as a Shuttle Driver and shall not be allowed to provide Shuttle services.

**J. Suspension or Revocation of Certified Shuttle Drivers.** If a Shuttle certification is suspended or revoked by the Director, the affiliated Shuttle Company shall be notified, and the driver shall be removed as soon as notified by the City. Shuttle Drivers without current, valid certification by the Director shall not be allowed to operate as a Shuttle Driver.

**K. Shuttle Driver Decertification.** The Shuttle Company must inform the City, through the established online certification portal, no later than 24 hours after the driver or company has terminated the relationship.

**L.** Failure to comply with any provision in Section 16.40.470 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

### **16.40.480 Shuttle Driver Conduct Requirements and Prohibitions.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A.** Transferring Credentials. Transferring Shuttle Driver or Shuttle Vehicle credentials from one driver or vehicle to another shall be prohibited.

**1.** Failure to comply with this Subsection A. is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**B.** Shuttle Drivers shall carry:

**1.** A paper copy of company insurance pursuant to ORS 806.011 and a copy of the vehicle registration at all times while operating as a Shuttle Driver. Upon request of the Director or law enforcement officer, Shuttle Drivers shall present proof of a valid Shuttle primary automobile insurance policy and vehicle registration.

**2.** A paper copy of the driver's City of Portland Business License, when operating as an independent contractor, as required by Chapter 7.02 at all times while operating as a Shuttle Driver.

**3.** A valid state issued driver's license while operating as a Shuttle Driver.

**4.** A valid, original, City of Portland driver permit. All licensed drivers must prominently post and display the Shuttle permit in the Shuttle while on duty.

**5.** All required documents listed above must be available and presented at the time of any inspection, upon request.

**6.** Failure to comply with this Subsection B. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**C. Driver Conduct. No Shuttle Driver shall:**

- 1.** Allow another person to use their Shuttle Driver certification.
- 2.** Drive or allow another person to drive a Shuttle Vehicle without a valid driver's license, driver permit, and company certification while the vehicle is being used to provide Shuttle services.
- 3.** Operate any Shuttle Vehicle while consuming, or while under the influence of intoxicants, or in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon.
- 4.** Operate any PFHT vehicle if impaired by any legally prescribed or over-the-counter drugs or medications.
- 5.** Use a vehicle in the commission of any crime.
- 6.** Use or broadcast profane or obscene language offensive to the passenger or other persons while operating a PFHT vehicle.
- 7.** Consume any intoxicant, smoke any substance, or use any device that produces a smoke-like vapor while operating a Shuttle Vehicle.
- 8.** Allow any passenger to consume an intoxicant or smoke any substance, or use any device that produces a smoke like vapor, inside a Shuttle Vehicle.
- 9.** Defraud a passenger in any way.
- 10.** Be discourteous to a passenger.
- 11.** Refuse to issue a fully completed receipt, in digital or paper form, for a fare paid if one is requested.
- 12.** Drive Shuttle Vehicles on a route or time schedule other than the route and time schedule of the Shuttle Company, as approved by the Director.
- 13.** Operate any Shuttle Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1).
- 14.** Refuse Shuttle services to any passenger of proper demeanor whose request for service has been accepted by the Shuttle Company or Shuttle Driver along the fixed route and time schedule of the Shuttle Company, as approved by the Director.
- 15.** Provide PFHT services without a valid City of Portland permit or certification.
- 16.** Violate Section 16.20.130.

**D. Maximum hours of driving. No person shall provide PFHT services after driving more than 12 hours in any given 24-hour period.**

**E. Street-Hails, Taxi Stands, and Hotel Zones.**

1. A Shuttle Driver may accept street-hails, including from hotel zones, received along the approved route of the Shuttle Company as approved by the Director.
2. Other than for drop off along the Shuttle Company's approved route and time schedule, a Shuttle Driver may not park a Shuttle Vehicle in a hotel zone prior to 15 minutes before pick up for a dispatch or request for service. The dispatch call/request for service must be documented and available for review by the Director or law enforcement officer.

**F. Mandatory Compliance.** Shuttle Drivers shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel or law enforcement officers pursuant to Chapter 16.40.

**G. Driver Reporting.** Every Shuttle Driver shall report any of the following events to the Director and to all affiliated Shuttle Companies within 24 hours of its occurrence:

1. Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation;
2. Any arrest, charge, or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;
3. Any vehicle crashes by completing and submitting the PBOT Vehicle Crash Report; and
4. Any restriction, suspension, or revocation of the driver's motor vehicle driver's license.

**H.** Unless otherwise noted, failure to comply with any provision in Section 16.40.480 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**16.40.490 Shuttle Company Accessible Service Requirements.**

(Amended by Ordinance 188972, effective June 29, 2018.)

Shuttle Companies shall provide reasonable accommodations to passengers with disabilities, including to passengers accompanied by a service animal, passengers with hearing and visual impairments and passengers with mobility devices.

**A. Accommodations to passengers accompanied by a service animal.**

1. Requests for service from a passenger accompanied by a service animal may not be refused.

**B. Accommodations to passengers with hearing and visual impairments.**

1. Shuttle Companies shall maintain at all times mobile apps or online dispatch services available to customers in accordance to W3C guidelines and ADA Section 503 requirements pertaining to hearing and visual accessibility.

2. Shuttle Companies shall maintain dispatch services available to customers pursuant to Subsection 16.40.440 H. in accordance to W3C guidelines and ADA Section 503 requirements pertaining to hearing and visual accessibility.

**C. Accommodations to passengers with mobility devices.**

1. Shuttle Companies shall reasonably accommodate passengers with canes, walkers, or other mobility devices that can readily fit within a non-wheelchair-accessible Shuttle Vehicle.

2. Shuttle Companies shall maintain at all times mobile apps or online dispatch services available to customers that accept requests for a wheelchair-accessible vehicle (WAV).

3. Shuttle Companies are required to provide WAV service within a reasonable time by maintaining a fleet of affiliated wheelchair-accessible Shuttle Vehicles, contracting with a permitted operator of wheelchair-accessible PFHT vehicles, or a combination thereof. It is a rebuttable presumption that any time beyond 30 minutes of the established time schedule is unreasonable.

4. Fare rates for WAVs shall not exceed fare rates for commensurate non-wheelchair-accessible Shuttle Vehicles, be reported to the Director, and shall not be subject to dynamic pricing.

5. WAV services must comply with Administrative Rule, WAV Service Performance Guidelines as established by the PFHT Advisory Committee and Portland Commission on Disability.

6. The Director may implement an Accessible Transportation Fee and establish an Accessible Transportation Fund for the purpose of meeting all objectives established in Administrative Rule for Accessible Service.

**a.** The Accessible Transportation Fee rate shall be established by the PFHT Advisory Committee in consultation with the Portland Commission on Disability for the purpose of funding the Accessible Transportation Fund.

**b.** The Accessible Transportation Fund shall be managed by the Director for the purposes of providing an incentive for PFHT WAV service in keeping with WAV Service Performance Guidelines and mitigating the higher costs of providing WAV service compared to commensurate non-WAV service. A detailed report on the status and performance of the Accessible Transportation Fund and citywide WAV service provided by all permitted PFHT operators shall be presented to the PFHT Advisory Committee annually. Details regarding the Accessible Service Fund are outlined in Administrative Rule.

**D.** Failure to comply with any provision in Section 16.40.490 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

## **16.40.500 Pedicab and Quadricycle Services Permits Required.**

The operation of a Pedicab or Quadricycle Company is a privilege and not a right. For Pedicab or Quadricycle services to be provided in the City of Portland, the Pedicab or Quadricycle Company shall be

required to obtain a permit. The Bureau shall certify that all affiliated Pedicab Vehicles and Pedicab and Quadricycle Company Drivers have met all certification and operating requirements.

**A.** No permit issued pursuant to this chapter is required of a person who is operating a Pedicab or Quadricycle as an entry in a parade or otherwise permitted special event, where the Pedicab or Quadricycle entry is specifically noted and approved in said special event permit, and where the Pedicab or Quadricycle rides are not being offered on-demand or by reservation to members of the general public. In the case a Pedicab or Quadricycle is being used during a special event, the City shall be provided with the following:

1. Copy of the event and or parade permit, and
2. A description defining the role of the Pedicab or Quadricycle during the parade.
3. Failure to comply with this Subsection A. shall be a Class C violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

**B.** Pedicab and Quadricycle Company Permit Requirements. No person or entity shall conduct business as a Pedicab or Quadricycle Company in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this Subsection B. shall be a Class A violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

**C.** Pedicab and Quadricycle Driver Certification Requirements. No person or entity shall conduct business as a Pedicab or Quadricycle Driver in the City of Portland without certification by the Director prior to being authorized to provide Pedicab or Quadricycle Services on behalf of an affiliated Pedicab and Quadricycle Company. Drivers not meeting all required conditions will not be certified as Pedicab or Quadricycle Driver and will not be allowed to operate as a Pedicab or Quadricycle Driver. Failure to comply with this Subsection C. shall be a Class B violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

**D.** Pedicab and Quadricycle Vehicle Certification Requirements. No vehicle shall be allowed to conduct business as a Pedicab or Quadricycle Vehicle in the City of Portland without certification by the Director prior to being used to provide Pedicab or Quadricycle services by an affiliated Pedicab or Quadricycle Company. Vehicles not meeting all required conditions will not be certified as Pedicab and Quadricycle Vehicle and will not be allowed to operate as a Pedicab Vehicle. Failure to comply with this Subsection D. shall be a Class B violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

### **16.40.510 Pedicab and Quadricycle Company Permit Application Standards for Approval and/or Denial and Certification Requirements.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A.** Application. An applicant for a Pedicab or Quadricycle Company permit shall annually submit to the Director:

1. A completed application on a form supplied by the Director.

2. Proof of registration with the Secretary of State for any corporate, LLC, or LLP entity.
3. Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such.
4. A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates.
5. If the applicant Pedicab or Quadricycle Company is individually owned, the name, business address (or home address if no business address), telephone number, and date of birth of the owner.
6. If the applicant Pedicab or Quadricycle Company is a corporation, partnership, or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland ("Authorized Representative") or to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require.
7. The applicant Pedicab or Quadricycle Company's zero-tolerance drug and non-discrimination policy.
8. The applicant Pedicab or Quadricycle Company contact information.
9. A nonrefundable application fee.

**B. Compliance with Secretary of State's Rules.** No permit will be issued unless the company is validly registered with the Secretary of State, including all assumed business names.

**C. Insurance.** All Pedicab and Quadricycle Company permit holders shall comply with Pedicab and Quadricycle insurance requirements pursuant to Section 16.40.530. All Pedicab and Quadricycle Companies shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.

**D. Director's Review Process.** After receiving a completed Pedicab or Quadricycle Company application form and upon successful completion of all the requirements pursuant to Section 16.40.510, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.

**E. Application Approval.** Upon approval by the Commissioner-in-Charge, the Director may be directed to issue a Pedicab or Quadricycle Company permit.

**F. Application Denial.** The Application shall be denied for any of the following:

1. The Pedicab or Quadricycle Company applicant fails to submit all required information and documentation, including valid proof of insurance.

**2.** The Pedicab or Quadricycle Company applicant provides dispatch services or the use of a Pedicab or Quadricycle to anyone other than affiliated Pedicab and Quadricycle Drivers meeting the requirements set forth in Chapter 16.40 without prior approval by the Director.

**3.** The Pedicab or Quadricycle Company applicant leases, permits, or otherwise allows other entities not affiliated with the Pedicab or Quadricycle Company and certified by the Director to operate Pedicab or Quadricycle services.

**4.** The application has a material misstatement or omission.

**5.** The Pedicab Company application is incomplete.

**G.** Denial Appeal. If the application is denied, the applicant Pedicab or Quadricycle Company may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**H.** Providing Pedicab and Quadricycle Services. Pedicab and Quadricycle Services shall be provided only by a permitted Pedicab Company.

**I.** Certification of Pedicab and Quadricycle Drivers. The Pedicab or Quadricycle Company shall regularly provide a list of applicant Pedicab or Quadricycle Drivers affiliated with the permitted Pedicab or Quadricycle Company for Director certification that drivers meet requirements in Sections 16.40.540 and 16.40.560. All Pedicab and Quadricycle Drivers shall be certified and permitted by the Director prior to providing Pedicab or Quadricycle services on behalf of an affiliated Pedicab or Quadricycle Company, and drivers not meeting all required conditions will not be certified as a permitted Pedicab or Quadricycle Driver and will not be allowed to operate as a Pedicab Driver. Such requirements include:

**1.** Criminal and driver background checks;

**2.** A valid driver's license for Quadricycle drivers or a driver's license or government-issued photo identification for Pedicab drivers; and

**3.** Pedicab Driver or Quadricycle business license number when operating as an independent contractor.

**4.** Successful completion of all Director-approved driver training and testing within 30 days of providing Pedicab and Quadricycle Service, and successful completion of any additional training and testing must be completed within 30 days of release by the Director.

**J.** Pedicab and Quadricycle Driver Re-certification. The Pedicab or Quadricycle Company shall provide a list of applicant drivers for re-certification to the Director within 1 month prior to the Pedicab or Quadricycle Driver certification expiration. Applicant drivers shall meet all conditions and be consistent with Pedicab and Quadricycle Driver certification requirements pursuant to Sections 16.40.540 and 16.40.560. Drivers not meeting all such conditions will not be re-certified as a Pedicab or Quadricycle Driver and shall not be allowed to operate as a Pedicab or Quadricycle Driver.

**K.** Certification of Pedicab and Quadricycle Vehicles. The Pedicab or Quadricycle Company shall regularly provide a list of applicant vehicles affiliated with the permitted Pedicab or Quadricycle Company for Director certification that vehicles meet requirements pursuant to Section 16.40.510



Pedicab or Quadricycle Vehicles shall be certified by the Director and affiliated with a permitted Pedicab or Quadricycle Company prior to being used to provide Pedicab or Quadricycle services. Vehicles not meeting all required conditions will not be certified as a permitted Pedicab or Quadricycle Vehicle and will not be allowed to operate as a Pedicab or Quadricycle Vehicle. Such requirements include:

1. Vehicle safety and condition, and
2. Pedicab or Quadricycle Company general liability insurance.

**L.** Term of Certification of Pedicab Vehicles. Certifications for Pedicab Vehicles provided by the Director shall be valid for a term of 1 year from date of certification.

**M.** Pedicab and Quadricycle Vehicle Re-certification. The Pedicab or Quadricycle Company shall provide a list of applicant vehicles for re-certification to the within 1 month prior to the Pedicab or Quadricycle Vehicle certification expiration. Applicant vehicles shall meet all conditions and be consistent with Pedicab or Quadricycle Vehicle certification requirements pursuant to Subsections 16.40.510 D. – E. for re-certification. Vehicles not meeting all such conditions will not be re-certified as a Pedicab or Quadricycle Vehicle and shall not be allowed to operate.

**N.** Denial Appeal. If a Pedicab or Quadricycle Driver or Pedicab or Quadricycle Vehicle certification is denied, suspended, or revoked by the Director, the applicant driver may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**O.** Right to a Permit. The Pedicab or Quadricycle Company's ability to satisfy the criteria for a Pedicab or Quadricycle Company permit does not create a right to a Pedicab or Quadricycle Company permit.

**P.** Transferring Permits. Transferring permits shall be prohibited. The Company must notify the City in the event that all or part of the business ownership and/or assets are transferred to another party within 5 business days.

**Q.** Removal of Pedicab and Quadricycle Drivers and Pedicab and Quadricycle Vehicles from the Affiliated Pedicab or Quadricycle Company. Pedicab and Quadricycle Companies shall provide to the Director notification of affiliated Pedicab and Quadricycle Drivers that have been prohibited from providing Pedicab or Quadricycle services by the affiliated Pedicab or Quadricycle Company and Pedicab or Quadricycle Vehicles that have been removed from the fleet of the affiliated Pedicab or Quadricycle Company as changes occur.

**R.** Operating at the Port of Portland. Pedicab and Quadricycle Companies, Drivers, and Vehicles are prohibited from operating at the Portland International Airport without a City of Portland permit/certification and specific permission or approval from the Port of Portland.

**S.** Failure to comply with any provision in Section 16.40.510 is a Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950.

### **16.40.520 Pedicab and Quadricycle Services Permit Fees.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A. Permit Fees.** Pedicab and Quadricycle Companies shall pay City permit fees and civil penalty fines consistent with Sections 16.40.930 and 16.40.950.

**B. Permit Issuance.** No Pedicab or Quadricycle Company permit shall be issued until all permit fees and civil penalty fines have been paid and received by the City.

### **16.40.530 Pedicab and Quadricycle Insurance Requirements.**

**A. Coverages and Limits.** All Pedicab and Quadricycle Transportation Company permit holders must obtain, comply with, and maintain the minimum levels of insurance coverage outlined below during the entire term that the permit is valid:

- 1. Commercial Business Insurance.** Company permit holders must secure and maintain a commercial general liability policy reflecting limits of no less than \$1 million per occurrence and \$2 million aggregate for covered claims arising out of, but not limited to, bodily injury and property damage, in the course of the permit holder's work under a PFHT permit.
- 2. Worker's Compensation and Employers' Liability Insurance.** The company permit holder must secure and maintain a worker's compensation and employer liability policy where required by state law.

**B. Additional Policy Conditions.** Policies required under Subsection 16.40.530 must also contain, include, provide for, or comply with the following:

- 1.** The commercial general liability coverage must name the City and its officers, agents, and employees as additional insureds as respects to claims, in the course of the permit holder's work as a PFHT company, covered by such policies;
- 2.** Policy coverages must be primary and non-contributory, and any insurance coverage maintained by the City must be considered excess;
- 3.** The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term;
- 4.** The insurance policy must allow for written notice to the Director 30 days before any policy is canceled;
- 5.** The insurance policy must allow for 30 days' written notice to the Director before a policy will expire or be reduced in coverage;
- 6.** All insurance companies issuing policies within this section shall be rated by A.M. Best Company and carry at least a rating of A.M. Best A- or better; and
- 7.** The adequacy of insurance coverage outlined in this section is subject to the review and approval of the City Attorney's Office.

**C. Permit Holder's Insurance Obligations.** All Pedicab and Quadricycle Company permit holders must comply with the following obligations with respect to insurance reporting, updating, and filing:

- 1.** The permit holder must maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.
- 2.** The permit holder must file a certificate of liability with the Director that evidences insurance coverage and terms that are in compliance with the requirements of this section. The certificate of liability must be on a standard ACORD form or its equivalent.
- 3.** The permit holder must file with the Director a copy of the insurance company-issued additional insured endorsements naming the City and its officers, agents, and employees as additional insureds.

**D. Alternative to Insurance Requirements.** Alternatives to insurance, such as self- insurance, may occur only if the level of coverage and the terms, conditions and obligations meet the same or higher requirements as found in Section 16.40.530 (and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage is subject to approval by the City Attorney's Office before such alternative insurance may become effective.

**E.** Failure to comply with any provisions in Section 16.40.530 is a Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950.

## **16.40.540 Pedicab Operating Responsibilities and Prohibitions.**

(Amended by Ordinance 188972, effective June 29, 2018.)

A permitted Pedicab and Quadricycle Company shall comply with the following.

**A. Zero Tolerance for Drug and Alcohol Use and Discrimination.** All permitted Pedicab and Quadricycle companies shall have at all times a zero-tolerance policy for intoxicants, and adopt a policy that, at a minimum, prohibits drivers and employees from engaging in discrimination on the basis of a person's race, religion, national origin, disability, sexual orientation, sex, marital status, gender identity, age, or any other characteristic protected under applicable local, state or federal law, This policy shall be submitted to the Director for approval. Any changes to the policy shall be submitted to and approved by the Director prior to implementation.

**B. User Terms of Service.** It must be stated within a disclaimer or limitation of liability in a Pedicab and Quadricycle Company's user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect as prohibited by local law or restriction in the City of Portland, and that any tort claim against a Pedicab or Quadricycle Company shall be governed by Oregon tort law in effect at the time of the claim.

**C. Fare Rate Transparency.** All Pedicab and Quadricycle fare rates shall be established by the Pedicab and Quadricycle Companies, reported to the Director, and made available in a clear and transparent way to the passenger prior to the passenger accepting a ride.

**D. Receipts.** When providing PFHT services, Pedicab and Quadricycle must display the words "RECEIPTS AVAILABLE UPON REQUEST" in a location visible to all passengers. All Pedicab and Quadricycle passengers shall be provided, upon request, either a paper or digital receipt for services at the termination of the ride that clearly indicates the fare paid, time of ride, name of Pedicab or Quadricycle Company, Pedicab or Quadricycle Driver, Pedicab or Quadricycle Company contact information, and the City of Portland's PFHT complaint phone number. Upon request, paper receipts must be produced on a carbon copy-type receipt book, and each receipt must be identified with an individual unique receipt number. The carbon copy portion of the receipt must be stored at the Pedicab or Quadricycle Company office for at least 12 months. Carbon copy portion of the receipts must be made available for audits upon request.

**E. Limitation or Prohibition on Dynamic Pricing.** The Bureau Director may limit or prohibit dynamic pricing by any Pedicab or Quadricycle Company and Pedicab or Quadricycle Drivers during a State of Emergency, as declared by the Mayor, pursuant to Portland City Code Section 15.04.040.

**F. Reporting Requirements.** Each Pedicab and Quadricycle Company shall regularly report the following to the Director:

1. The number and type of crimes against drivers to the extent known;
2. The arrest or conviction for any criminal offense of any affiliated Pedicab or Quadricycle;
3. The filing of any lawsuit against or on behalf of the Pedicab or Quadricycle Company related to the operation of the company and its services in the City of Portland;
4. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and
5. Any information required to be disclosed by Chapter 16.40 that comes to the attention of the Pedicab or Quadricycle Company.

**G. Pedicab and Quadricycle Company Records Management and Mandatory Compliance.**

1. Pedicab and Quadricycle Companies will be required to keep documentation of all certified Pedicab and Quadricycle Drivers and all Pedicab and Quadricycle Vehicles. Such records shall be kept on file during the term of the Pedicab or Quadricycle Company Permit and for 2 calendar years after the expiration of such permit. Upon request or subpoena, Pedicab or Quadricycle Company records shall be provided to the Director and/or law enforcement officers.
2. Pedicab and Quadricycle Companies shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel, or law enforcement officers pursuant to Chapter 16.40.

## **16.40.550 Pedicab and Quadricycle Vehicle Certification and Operating Requirements.**

**A. Pedicab and Quadricycle Vehicle Certification.** The Pedicab or Quadricycle Company shall regularly provide a list of applicant vehicles affiliated with the permitted Pedicab or Quadricycle Company for Director certification that vehicles meet all requirements pursuant to Chapter 16.40. Vehicles shall be certified by the Director and affiliated with a permitted Pedicab or Quadricycle Company prior to being used to provide Pedicab or Quadricycle service. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as a Pedicab or Quadricycle Vehicle. Pedicab and Quadricycle Vehicles are exempt from vehicle age limit restrictions that may apply to other sections of this chapter.

**B. Term of Certified Pedicab and Vehicle.** Certifications for Pedicab and Quadricycle Vehicles provided by the Director shall be valid for 1 year from the date of the initial certification. The Pedicab or Quadricycle Company shall provide a re-certification to the Director annually prior to the certification expiration and within 1 month of the expiration date on a form approved by the Director.

**C. Application Process.** Applications for Pedicab and Quadricycle Vehicle certification shall be made directly to an affiliated Pedicab or Quadricycle Company. Pedicab and Quadricycle Companies will regularly provide to the Director a Pedicab or Quadricycle Driver a vehicle application list, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as a Pedicab or Quadricycle Vehicle, on a form approved by the Director.

**D. Pedicab and Quadricycle Vehicle Safety Requirements.** Pedicab and Quadricycle Vehicles shall satisfy the following conditions when operating between dusk and dawn:

1. Make use of working battery-powered lights;
2. Be equipped with one headlight capable of projecting a beam of light for a distance of at least 500 feet;
3. Be equipped with two red taillights mounted on the right and left area of the Pedicab or Quadricycle Vehicle's rear;
4. Not exceed the manufacturer's limits on the amount of weight the Pedicab or Quadricycle Vehicle may safely carry; and
5. Not pull any kind of cart, trailer, or other enclosed seating contraption behind the vehicle.

**E. Pedicab and Quadricycle Vehicle Condition.** Each Pedicab and Quadricycle Vehicle shall:

1. Be kept in safe condition,
2. Be kept clean and in good appearance.

**F. Mandatory Compliance.** Pedicab and Quadricycle Vehicles shall be made available for compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

**G. Unless otherwise noted,** failure to comply with any provisions in Section 16.40.550 is a Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950.

## **16.40.560 Pedicab and Quadricycle Driver Certification and Operating Requirements.**

(Amended by Ordinances 188972 and 191503, effective December 1, 2023.)

- A.** Pedicab and Quadricycle Driver Certification. The Pedicab and Quadricycle Company shall regularly provide a list of applicant drivers affiliated with the permitted Pedicab or Quadricycle Company for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director. A valid driver's license is required for Quadricycle Drivers. A valid driver's license or valid government-issued photo identification is required for Pedicab Drivers. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as a Pedicab or Quadricycle Driver. Pedicab and Quadricycle Companies shall provide a current driver list to the Director as changes occur.
- B.** Term of Certified Pedicab and Quadricycle Drivers. Certifications for Pedicab and Quadricycle Drivers provided by a Pedicab or Quadricycle Company to the Director shall be valid for 1 year from the date of the initial certification. The affiliated Pedicab or Quadricycle Company shall provide a re-certification to the Director within 1 month prior to the certification expiration on a form approved by the Director.
- C.** Application Process. Applications for Pedicab and Quadricycle Driver certification shall be made directly to an affiliated Pedicab or Quadricycle Company. The Pedicab or Quadricycle Company will regularly provide to the Director Pedicab or Quadricycle Driver and vehicle application lists, pursuant to certification requirements, that the driver meets all requirements before the driver may operate as a Pedicab or Quadricycle Driver on a form approved by the Director.
- D.** Pedicab and Quadricycle Driver Criminal and Driving Background Checks. A local and national criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated Pedicab or Quadricycle Company by a third party accredited by the National Association of Professional Background Screeners that shall include:
- 1.** Multi-state/multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search);
  - 2.** All motor vehicle records associated with the applicant driver available pursuant to records laws of each state; and
  - 3.** The National Sex Offender Public Registry.
- E.** Pedicab and Quadricycle Driver Criminal and Driving History Disqualifications. A driver will not be certified as a Pedicab or Quadricycle Driver and cannot provide Pedicab or Quadricycle services if any of the following conditions exist:
- 1.** The applicant has a felony conviction of any kind within the previous 10 years, based on the conviction date.
  - 2.** The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred.

- 3.** The applicant is a match in the National Sex Offender Public Registry.
- 4.** During the 5-year period preceding the submission of the application, based on the conviction date, the applicant has been convicted of any criminal offense involving:
  - a.** Any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or
  - b.** Any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident.
- 5.** Based on the conviction date, during a 3-year period, the applicant had more than five traffic violations as defined in ORS 801.557; more than five serious traffic violations as defined by the Oregon Department of Motor Vehicles; more than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, more than five of any combination of serious traffic violations or motor vehicle accidents as provided above.
- 6.** Based on the conviction date, during a 3-year period, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.
  - a.** Specific suspensions of an administrative nature may be excluded as defined in Administrative Rule TRN-14.40.
- 7.** Based on the conviction date, the applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application.
- 8.** Based on the conviction date, during a 3-year period, the applicant's PFHT driving privileges were revoked by the Director.
- 9.** When permitted to operate a Quadricycle, the applicant must have a valid driver's license in a United States jurisdiction.
- 10.** The applicant is less than 18 years old.

**F.** All Pedicab and Quadricycle Driver criminal and driving histories are subject to review by the Director.

**G.** Pedicab and Quadricycle Driver Training. Pedicab Drivers that do not possess a valid driver's license meeting all the requirements of Section 16.40.550 must successfully complete a Director-approved City bicycle safety course. The affiliated company must ensure that all Pedicab and Quadricycle Drivers successfully complete all Director-approved trainings and testing within 30 days of Pedicab and Quadricycle Driver certification and successfully complete any additional training and testing within 30 days of release by the Director.

**H.** Business License Requirements. All Pedicab and Quadricycle Drivers operating as independent contractors affiliated with a Pedicab or Quadricycle Company shall comply with all provisions of the Business License Law, Chapter 7.02, prior to operating a Pedicab or Quadricycle Vehicle. Any

independent contracted Pedicab or Quadricycle Driver without a valid City of Portland business license as required by Chapter 7.02 cannot be certified as a Pedicab or Quadricycle Driver and will not be allowed to operate as a Pedicab or Quadricycle Driver until such business license is obtained.

**I. Pedicab and Quadricycle Driver Re-certification.** The Pedicab and Quadricycle Company shall provide a list of applicant drivers for re-certification to the Director within 1 month prior to the Pedicab or Quadricycle Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with Pedicab and Quadricycle Driver certification requirements pursuant to Sections 16.40.550. Drivers not meeting all such conditions will not be re-certified as a Pedicab or Quadricycle Driver and shall not be allowed to provide Pedicab or Quadricycle services.

**J. Suspension or Revocation of Certified Pedicab and Quadricycle Drivers.** If a Pedicab or Quadricycle certification is suspended or revoked by the Director, the affiliated Pedicab or Quadricycle Company shall be notified, and the driver shall be removed as soon as notified by the City. Pedicab and Quadricycle Drivers without current, valid certification by the Director shall not be allowed to operate as a Pedicab or Quadricycle Driver.

**K. Pedicab and Quadricycle Driver Decertification.** The Pedicab and Quadricycle Company must inform the City, through the established online certification portal, no later than 24 hours after the driver or company has terminated the relationship.

**L. Failure to comply with any provision in Section 16.40.560 is a Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950.**

## **16.40.570 Pedicab and Quadricycle Driver Conduct Requirements and Prohibitions.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A. Transferring Credentials.** Transferring Pedicab or Quadricycle Driver or Pedicab or Quadricycle Vehicle credentials from one driver or vehicle to another shall be prohibited.

**1.** Failure to comply with this Subsection A. is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**B. Pedicab and Quadricycle Drivers shall carry:**

**1.** A paper copy of the Pedicab or Quadricycle Company insurance pursuant to ORS 806.011 and a valid driver's license (for Quadricycle drivers) or government-issued photo identification or driver's license for Pedicab drivers always while operating a Pedicab or Quadricycle Vehicle. Upon request by the Director or a law enforcement officer, Pedicab or Quadricycle Drivers shall present proof of a valid Pedicab or Quadricycle Company insurance policy and driver's license or government-issued photo identification.

**2.** A paper copy of the driver's City of Portland business license, when operating as an independent contractor, as required by Chapter 7.02, at all times while operating as a Pedicab or Quadricycle Driver.



- 3.** City of Portland Driver Permit. Drivers must carry a valid, original City of Portland driver permit at all times while operating a Pedicab or Quadricycle.
- 4.** All required documents listed above must be available and presented at the time of any inspection, upon request.
- 5.** Failure to comply with any provision in this Subsection B. shall be a Class D violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

**C. Driver Conduct.** No Pedicab or Quadricycle Driver shall:

- 1.** Allow another person to use their Pedicab or Quadricycle Driver certification.
- 2.** Drive or allow another person to drive a Pedicab or Quadricycle Vehicle without a valid driver's license, government-issued photo identification, permit, and company certification while the vehicle is being used to provide Pedicab or Quadricycle Services.
- 3.** Operate any Pedicab or Quadricycle Vehicle while consuming or while under the influence of intoxicants, or operate the vehicle in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon.
- 4.** Operate any PFHT vehicle if impaired by any legally prescribed or over-the-counter drugs or medications.
- 5.** Use a vehicle in the commission of any crime.
- 6.** Use or broadcast profane or obscene language offensive to the passenger or other community members while operating a PFHT vehicle.
- 7.** Consume any intoxicant, smoke any substance, or use any device that produces a smoke-like vapor while operating a Pedicab or Quadricycle Vehicle.
- 8.** Allow any passenger to consume an intoxicant or smoke any substance, or use any device that produces a smoke-like vapor inside a Pedicab or Quadricycle Vehicle.
- 9.** Defraud a passenger in any way.
- 10.** Be discourteous to a passenger.
- 11.** Refuse to issue a fully completed receipt, in digital or paper form, for a fare paid if one is requested.
- 12.** Drive passengers to their destination by any other than the safest and most efficient route, unless requested to do so by the passenger.
- 13.** Operate any Pedicab or Quadricycle Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1).

**14.** Provide PFHT services after driving more than 12 hours in any given 24-hour period.

**15.** Provide PFHT services without a valid City of Portland permit or certification.

**16.** Violate Section 16.20.130.

**17.** Failure to comply with any provision in this Subsection C. shall be a Class B violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

**D. Mandatory Compliance.** Pedicab and Quadricycle Drivers shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel, or law enforcement officers pursuant to Chapter 16.40.

**1.** Failure to comply with this Subsection D. is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**E. Driver Reporting.** Every Pedicab or Quadricycle Driver shall report any of the following events to the Director and to all affiliated Pedicab or Quadricycle Companies within 24 hours of its occurrence:

- 1.** Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation;
  - 2.** Any arrest, charge, or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;
  - 3.** Any vehicle crashes by completing and submitting the PBOT Vehicle Crash Report; and
  - 4.** Any restriction, suspension, or revocation of the driver's motor vehicle driver's license.
- 5.** Failure to comply with any provision in Subsection E. is a Class C violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

### **16.40.600 LPT Service Permits Required.**

The operation of an LPT Company is a privilege and not a right. For LPT services to be provided in the City of Portland, the LPT Company shall be required to obtain a permit. The Bureau shall certify that all affiliated LPT Company Vehicles and LPT Company Drivers have met all certification and operating requirements.

**A. LPT Company Permit Requirements.** No person or entity shall conduct business as an LPT Company in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this Subsection A. is a Class A violation subject to penalties provided in Sections 16.40.930 to 16.40.950.

**B. LPT Driver Certification Requirements.** No person or entity shall conduct business as an LPT Driver in the City of Portland without certification by the Director prior to being authorized to provide LPT services on behalf of an affiliated LPT Company. Drivers not meeting all required conditions will not be certified as LPT Driver and will not be allowed to operate as an LPT Driver. Failure to comply with this Subsection B. is a Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950.

**C. LPT Vehicle Certification Requirements.** No vehicle shall be allowed to conduct business as an LPT Vehicle in the City of Portland without certification by the Director prior to being used to provide LPT services by an affiliated LPT Company. Vehicles not meeting all required conditions will not be certified as LPT Vehicle and will not be allowed to operate as an LPT Vehicle. Failure to comply with this Subsection C. is a Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950.

### **16.40.610 LPT Company Permit Application Standards for Approval and/or Denial and Certification Requirements.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A. Application.** An applicant for an LPT Company permit shall annually submit to the Director:

1. A completed application on a form supplied by the Director.
2. Proof of registration with the Secretary of State for any corporate, LLC, or LLP entity.
3. Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such.
4. A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates.
5. If the applicant LPT Company is individually owned, the name, business address (or home address if no business address), telephone number, and date of birth of the owner.
6. If the applicant LPT Company is a corporation, partnership, or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland ("Authorized Representative") or to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require.
7. The applicant LPT Company's zero-tolerance drug and non-discrimination policy.
8. The applicant LPT Company's user terms of service.
9. The applicant dispatch or passenger reservation contact information.
10. Contact information of the LPT Company's agent of service and customer service support.
11. A nonrefundable application fee.

**B.** All fines and penalties must be paid prior to the City issuing or reissuing an LPT company permit.

**C.** Compliance with Secretary of State's Rules. No permit will be issued unless the company is validly registered with the Secretary of State, including all assumed business names.

**D. Insurance.** All LPT permit holders shall comply with LPT insurance requirements pursuant to Section 16.40.630. All LPT Companies shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.

**E. Director Review Process.** After receiving a completed LPT Company application form and upon successful completion of all the requirements pursuant to Section 16.40.610, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.

**F. Application Approval.** Upon approval by the Commissioner-in-Charge, the Director may be directed to issue an LPT Company permit.

**G. Application Denial.** The Application shall be denied for any of the following:

1. The LPT Company applicant fails to submit all required information and documentation, including valid proof of insurance;
2. The LPT Company applicant leases, permits, or otherwise allows other entities not affiliated with the LPT Company and certified by the Director to operate LPT services;
3. The application has a material misstatement or omission; or
4. The LPT Company application is incomplete.

**H. Denial Appeal.** If the application is denied, the applicant LPT Company may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**I. Providing LPT Services.** LPT Services shall be provided only by a permitted LPT Company.

**J. Certification of LPT Drivers.** The LPT Company shall regularly provide a list of applicant drivers affiliated with the permitted LPT for Director certification that drivers meet requirements in Section 16.40.670 on a form approved by the Director. Drivers shall be certified and permitted by the Director prior to providing LPT services on behalf of the affiliated LPT Company, and LPT Drivers not meeting all required conditions will not be certified as a permitted LPT Driver and will not be allowed to operate as an LPT Driver. Such requirements include:

1. Criminal and driver background checks;
2. Automobile liability insurance for independent contractors;
3. A valid driver's license; and
4. Successful completion of all Director-approved driver training and testing within 30 days of providing LPT Service, and successful completion of any additional training and testing must be completed within 30 days of release by the Director.

**K. LPT Driver Re-certification.** The LPT Company shall provide a list of applicant drivers for re-certification to the Director within 1 month prior to the LPT Driver certification expiration, on a form

approved by the Director. Applicant drivers shall meet all conditions and be consistent with LPT Driver certification requirements pursuant to Section 16.40.670. Drivers not meeting all such conditions will not be re-certified as an LPT Driver and shall not be allowed to operate as an LPT Driver.

**L. Certification of LPT Vehicles.** The LPT Company shall regularly provide a list of applicant vehicles affiliated with the permitted LPT Company for Director certification that vehicles meet requirements pursuant to Sections 16.40.650 and 16.40.660 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted LPT Company prior to providing LPT Services. Vehicles not meeting all required conditions will not be certified as a permitted LPT vehicle and will not be allowed to operate as an LPT Vehicle. Such requirements include:

1. Vehicle ASE safety inspection;
2. Vehicle registration and licensing;
3. Vehicle properly equipped and in good condition;
4. LPT Company general and motor vehicle liability insurance; and
5. Automobile liability insurance, as required by state law.

**M. Term of Certification of LPT Vehicles.** Certifications for LPT Vehicles provided by the Director shall be valid for a term of 1 year from the date of Director certification.

**N. LPT Vehicle Re-certification.** The LPT Company shall provide a list of applicant vehicles for re-certification to the Director within 1 month prior to the LPT Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with LPT Vehicle certification requirements pursuant to Sections 16.40.650 and 16.40.660 for re-certification. Vehicles not meeting all such conditions will not be re-certified as an LPT Vehicle and shall not be allowed to operate as an LPT Vehicle.

**O. Denial Appeal.** If an LPT Driver or LPT Vehicle certification is denied, suspended, or revoked by the Director, the applicant driver may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**P. Right to a Permit.** The LPT Company's ability to satisfy the criteria for an LPT Company permit does not create a right to an LPT Company permit.

**Q. Transferring Permits.** Transferring permits shall be prohibited. The Company must notify the City in the event that all or part of the business ownership and/or assets are transferred to another party within 5 business days.

**R. Removal of LPT Drivers and Vehicles from the Affiliated LPT Company.** LPT Companies shall provide to the Director notification of affiliated LPT Drivers that have been prohibited from providing LPT services by the affiliated LPT Company and LPT Vehicles that have been removed from the fleet of the affiliated LPT Company as changes occur.

**S.** Operating at the Port of Portland. LPT Companies, Drivers, and Vehicles are prohibited from operating at the Portland International Airport without a City of Portland permit/certification and specific permission or approval from the Port of Portland.

**T.** Failure to comply with any provision in Section 16.40.610 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

### **16.40.620 LPT Services Permit Fees.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A.** Permit Fees. LPT Companies shall pay City permit fees and civil penalty fines consistent with Sections 16.40.910, 16.40.930, and 16.40.950.

**B.** Permit Issuance. No LPT Company permit shall be issued until all permit fees and civil penalty fines have been paid and received by the City.

### **16.40.630 LPT Company Insurance Requirements.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A.** In order to provide protection to the public, the LPT Company shall provide levels of insurance in accordance pursuant to all requirements of Chapter 16.40.

**B.** Providing LPT Services. The LPT vehicle shall be covered by a general commercial liability and primary automobile insurance policy secured by the LPT Company, the LPT Driver, or a combination of both. Evidence of insurance requirements shall be received and approved by the City prior to an LPT Company receiving an LPT Company permit.

**C.** Additional Named Insured and Notification of Policy Changes. The LPT Company shall provide certificates of insurance naming the City of Portland, its officers, agents, and employees as an additional insured party and give at least 30 calendar days' notice to the Director before a policy is canceled, expires, or has a reduction in coverage. Insurance coverage requirements include commercial general liability, primary commercial vehicle insurance, workers' compensation, and employers' liability insurance (as required by state law).

**D.** Insurance Requirements. Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the state of Oregon.

**E.** Commercial Business Insurance. LPT Company permit holders shall secure and maintain a commercial general liability policy reflecting limits of no less than \$1 million per occurrence and \$2 million aggregate for covered claims arising out of, but not limited to, bodily injury and property damage, in the course of the permit holder's work under a PFHT permit.

**F.** Automobile Insurance. All LPT Company permit holders shall provide the City with a copy of a valid commercial auto liability policy with the following coverage:

**1.** Combined Single Limit of not less than \$500,000 per occurrence for claims arising out of, but not limited to, bodily injury and property damage incurred from the business use of any scheduled, non-owned, and hired automobile in the course of the vehicle's use as a PFHT vehicle.

**G.** Certification of Auto Insurance. LPT Companies shall provide proof of current, valid insurance for Director certification that all affiliated LPT Drivers and Vehicles operating for such company and satisfying the minimum requirements in the event the insurance maintained by the driver has lapsed or does not provide the required coverage.

**H.** Insurance Limits Subject to Statutory Changes. The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term.

**I.** Subject to Approval by the City Attorney's Office. The adequacy of insurance coverage outlined in this section is subject to the review and approval of the City Attorney's Office.

**J.** Continuous and Uninterrupted Coverage. The permit holder shall maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.

**K.** Insurance Rating. All insurance companies issuing policies within this section shall be rated by A.M. Best Company and carry at least a rating of A.M. Best A- or better.

**L.** Additional Policy Conditions: Policies required under Section 16.40.630 must also contain, include, provide for, or comply with the following:

**1.** Independent Contractors/Owner-Operators. If an independent contractor/owner-operator relationship exists with a permit holder and the independent contractors/owner-operators provide services under the permit holder's permit, then the permit holder and the City require the same insurance coverage and limits and conditions as outlined in Subsections 16.40.630 F. – H. The same certificate of liability and additional insured endorsement requirements will apply.

**2.** Alternatives to insurance, such as self-insurance, may occur only if the level of coverage and the terms, conditions, and obligations meet the same or higher requirements as found in Subsections 16.40.630 F. – H., and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage shall be approved by the City Attorney's Office before such alternative insurance may become effective.

**3.** The insurance policy must allow for 30 days' written notice to the Director before a policy will expire or be reduced in coverage.

**4.** The insurance policy must allow for written notice to the Director 30 days before any policy is cancelled.

**M.** Failure to comply with any provision in Section 16.40.630 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

## **16.40.640 LPT Company Operating Responsibilities and Prohibitions.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A.** LPT Companies shall accept all requests for LPT Service received from any location within the City.

**B.** Drug, Alcohol and Discrimination Policy:

**1.** Zero Tolerance for Drug and Alcohol Use and Discrimination. All permitted Companies shall employ at all times a zero tolerance policy for intoxicants.

**2.** Zero Tolerance for Discrimination. All permitted Companies shall adopt a policy that, at a minimum, prohibits drivers and employees from engaging in discrimination, to include making derogatory comments, on the basis of a person's race, religion, national origin, disability, sexual orientation, sex, marital status, gender identity, age, or any other characteristic protected under applicable local, state, or federal law. This policy must be submitted to the Director for approval. Any changes to the policy shall be submitted to and approved by the Director prior to implementation.

**C.** User Terms of Service. It must be stated within a disclaimer or limitation of liability in an LPT Company's user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect as prohibited by local law or restriction in the City of Portland, and that any tort claim against an LPT Company shall be governed by Oregon tort law in effect at the time of the claim.

**D.** Receipts. All LPT passengers shall be provided either a paper or digital receipt for services at the termination of the ride that clearly indicates the fare paid, time of ride, name of LPT Company, LPT Driver, LPT Company customer service support contact information, and the City of Portland's PFHT complaint phone number.

**E.** Agent of Service Requirements. LPT Companies will maintain, during all times when the LPT Company permit is valid, a locally based agent of service, with regular hours of business during weekdays.

**F.** Customer Service Support Requirements. LPT Companies will maintain, during all times when the LPT Company Permit is valid, customer service support with posted contact information, including a local phone number and local address, and the ability to leave messages 24 hours per day and 7 days per week via telephone or email. Response to messages shall be made within 24 hours.

**G.** Reporting Requirements. Each LPT Company shall regularly report the following to the Director:

- 1.** The number and type of crimes against drivers to the extent known;
- 2.** The arrest or conviction for any criminal offense of any affiliated LPT;
- 3.** The filing of any lawsuit against or on behalf of the LPT Company related to the operation of the company and its services in the City of Portland;



4. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and

5. Any information required to be disclosed by Chapter 16.40 that comes to the attention of the LPT Company.

**H. LPT Company Records Management and Mandatory Compliance.**

1. LPT Companies will be required to keep documentation of all certified LPT Drivers and LPT Vehicles. Such records shall be kept on file during the term of the LPT Company Permit and for 2 calendar years after the expiration of such permit. Upon request or subpoena, LPT Company records shall be provided to the Director and/or law enforcement officers.

2. LPT Companies shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel, or law enforcement officers pursuant to Chapter 16.40.

I. Failure to comply with any provision in Section 16.40.640 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**16.40.650 LPT Vehicle Certification Requirements.**

(Amended by Ordinance 191503, effective December 1, 2023.)

**A. LPT Vehicle Certification.** The LPT Company shall regularly provide a list of applicant vehicles affiliated with the permitted LPT Company for Director certification that vehicles meet all requirements pursuant to Chapter 16.40 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted LPT Company prior to being used to provide LPT service on a form approved by the Director. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as an LPT Vehicle.

**B. Term of Certified LPT Vehicle.** Certifications for LPT Vehicles provided by the Director shall be valid for 1 year from the date of the initial certification or 4 months from the date a seasonal permit is issued pursuant to the Administrative Rule. The LPT Company shall provide a re-certification to the Director annually prior to the certification expiration and within 1 month of the expiration date on a form approved by the Director.

**C. Application Process.** Applications for LPT Vehicle certification shall be made directly to an affiliated LPT Company. The LPT Company will regularly provide to the Director an LPT Driver and Vehicle application list, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as an LPT Vehicle, on a form approved by the Director.

**D. Vehicle Registration, Licensing, and Insurance.** All LPT Vehicles shall maintain, at all times, vehicle registration, licensing, and insurance as required by the State of Oregon or the state in which such vehicle is registered.

**E. Vehicle Requirements.** No vehicle will be allowed to operate as an LPT Vehicle following 15 years after the vehicle manufactured date, unless the vehicle meets the requirements described in Section 16.40.935, Vehicle Age Exemption, regardless of when the vehicle was purchased or put into service as an LPT Vehicle.

**F. Vehicle Safety Inspections.** Each LPT Vehicle shall pass an annual standardized vehicle safety test as performed by a National Institute for Automotive Service Excellence (ASE) Blue Seal Recognized Shop or by an automotive technician with a current, valid ASE certification in any of the areas of ASE A4-A8. Inspections are required if the vehicle:

1. Is more than 1-year-old, based on model year;
2. Has 10,000 miles or more on its odometer; or
3. Has the "check engine" light illuminated, regardless of model year or mileage.

**G. LPT Vehicle Safety Certificate Requirements.** Upon successful completion of the vehicle inspection, the ASE Blue Seal Recognized Shop or ASE Automotive Technician will provide to the LPT Driver applicant a "Safety Certificate" stating that the vehicle passed the required safety inspection. The safety inspection checklist used by the ASE Blue Seal Recognized Shop or ASE Automotive Technician shall be completed on a form approved by the Director.

**H. Vehicle Condition.** Each LPT Vehicle shall meet the following requirements:

1. Be properly equipped and in good condition;
2. Be kept clean and in good appearance;
3. Be properly equipped, including but not limited to carrying a hands-free accessory for mobile devices, a standard first aid kit, and fire extinguisher; and
4. Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for the Portland Metro.
5. Failure to comply with any provision in this Subsection H. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**I. LPT Vehicle Re-certification.** The LPT Company shall provide a list of applicant vehicles for re-certification to the Director within 1 month prior to the LPT Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with LPT Vehicle certification requirements pursuant to Sections 16.40.650 and 16.40.660 for re-certification. Vehicles not meeting all such conditions will not be re-certified as an LPT Vehicle and shall not be allowed to operate as an LPT Vehicle.

**J. Unless otherwise noted, failure to comply with any provision in Section 16.40.650 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.**

## **16.40.660 LPT Vehicle Operating Requirements and Prohibitions.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A.** No vehicle shall operate as an LPT Vehicle unless it has been certified by the Director and is affiliated with a permitted LPT Company and properly displays a valid City of Portland permit.

**B.** Vehicle Registration, Insurance, and Business License. A paper copy of the vehicle's registration and proof of insurance shall be kept in every LPT Vehicle, pursuant to ORS 806.011. A copy of the business license is required for every driver operating as an independent contractor.

**1.** Failure to comply with any provision in this Subsection B. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**C.** Identification of LPT Vehicles. Every LPT Vehicle shall meet the following identification requirements to operate as an LPT Vehicle:

**1.** Every party bus vehicle and tour bus vehicle must prominently display on both sides of the vehicle the following information:

**a.** The full name of the party bus company or tour bus company;

**b.** The company-assigned party bus vehicle or tour bus vehicle number; and

**c.** The telephone number of that party bus company or tour bus company where services can be requested.

**2.** Upon successful completion of the LPT Vehicle permit application process and payment of required fees as outlined in Chapter 16.40, the Director will issue a vehicle identification decal bearing the City Seal for each certified LPT Vehicle.

**3.** LPT decals are valid for a period of no more than 12 months from the date of issuance, and all decals expire on the same day as the expiration of the affiliated LPT Company permit. Fees for decals that are not issued contemporaneously with an LPT Company permit will be prorated to equal the cost of the number of months remaining until the LPT Company permit expires.

**4.** LPT decals must be affixed to the vehicle's front and back window in a manner outlined by the Administrative Rule, Applying Permits and Decals.

**5.** LPT decals that are intentionally destroyed or damaged by an LPT Company or prior to renewal and without the City's authorization are not subject to renewal.

**6.** Voided LPT Vehicle decals are not renewable in the year following their voidance. Once an LPT Vehicle decal is voided, an LPT Company may not renew that decal and instead must complete the initial application process if the LPT Company seeks a decal for that LPT Vehicle.

**7.** LPT Vehicle decals issued by the Director shall not be leased, sold, transferred, or assigned in any manner.

**8.** LPT Vehicle decals issued by the Director that are not returned to the City within 21 days upon revocation or upon a failure to renew are considered conversion of City property and an actionable offense in a court of competent jurisdiction.

**D.** Vehicle Operating Conditions. In determining whether an LPT Vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good condition, repair and appearance which includes the following:

- 1.** All LPT Vehicle equipment and devices shall be properly equipped and maintained in good working order;
- 2.** At all times, LPT Vehicles shall include the following properly functioning components: a horn, lights, (including turn signals, back-up signals and interior lights) windshield wipers, windshield washers, heating/air conditioning systems, odometer, speedometer and mufflers, tail pipes, or other exhaust components that prevent unnecessary noise and smoke emissions;
- 3.** The LPT Vehicle body shall be free of major damage and broken or cracked equipment, including but not limited to, windows, lights, light covers, top light, and reflectors;
- 4.** LPT Vehicles shall be free of dirt, grease, grime, glue, or tape. This shall apply to the vehicle's paint, upholstery, windows, floorboard, and integrated parts of the vehicle's body;
- 5.** The LPT Vehicle shall include no missing nor makeshift parts for vehicles, including but not limited to fenders, hood, trunk lid, doors, door handles, windows, chrome or rubber strips, upholstery, ashtrays, or carpeting and may be equipped with studded tires only during time periods allowed by Oregon Law.
- 6.** Safe condition shall require that the vehicle is in compliance with the standards contained in ORS Title 59, Oregon Vehicle Code, and Chapters 801 through 823.

**E.** Mandatory Compliance. LPT Vehicles shall be made available for compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

**F.** Unless otherwise noted, failure to comply with any provision in Section 16.40.660 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

### **16.40.670 LPT Driver Certification Requirements.**

(Amended by Ordinances 188972 and 191503, effective December 1, 2023.)

**A.** LPT Driver Certification. The LPT Company shall regularly provide a list of applicant drivers affiliated with the permitted LPT Company for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director. Drivers shall be certified/permitted by the director prior to operating an LPT Vehicle. Drivers not meeting all required conditions shall not be certified and

will not be allowed to operate as an LPT Driver. LPT companies shall provide a current list to the Director as changes occur.

**B. Term of Certified LPT Driver.** Certifications for LPT Drivers provided by an LPT Company to the Director shall be valid for 1 year from the date of the initial certification. The affiliated LPT Company shall provide a re-certification to the Director within 1 month prior to the certification expiration on a form approved by the Director.

**C. Application Process.** Applications for LPT Driver certification shall be made directly to an affiliated LPT Company. The LPT Company will regularly provide to the Director LPT Driver and Vehicle application lists, pursuant to certification requirements, that the driver meets all requirements before the driver may operate as an LPT Driver, on a form approved by the Director.

**D. LPT Driver Criminal and Driving Background Checks.** A local and national criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated LPT Company by a third party accredited by the National Association of Professional Background Screeners that shall include:

1. Multi-state/multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search);
2. All motor vehicle records associated with the applicant driver available pursuant to records laws of each state; and
3. The National Sex Offender Public Registry.

**E. LPT Driver Criminal and Driving History Disqualifications.** A driver will not be certified as an LPT Driver and cannot provide LPT Services if any of the following conditions exist:

1. The applicant has a felony conviction of any kind within the previous 10 years, based on the conviction date.
2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred.
3. The applicant is a match in the National Sex Offender Public Registry.
4. During the 5-year period, based on the conviction date, the applicant has been convicted of any criminal offense involving:
  - a. Any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or
  - b. Any traffic crime, including but not limited to driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident.

**5.** Based on the conviction date, during a 3-year period, the applicant had greater than five traffic violations as defined in ORS 801.557; greater than five serious traffic violations as defined by the Oregon Department of Motor Vehicles; more than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, greater than five of any combination of serious traffic violations or motor vehicle accidents as provided above.

**6.** Based on the conviction date, within a 3-year period, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.

**a.** Specific suspensions of an administrative nature may be excluded as defined in Administrative Rule TRN-14.40.

**7.** Based on the conviction date, the applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application.

**8.** Based on the conviction date, during a 3-year period, the applicant's PFHT driving privileges were revoked by the Director.

**9.** Upon application submittal, all applicants must demonstrate maintaining a valid license to drive in any US jurisdiction for at least 365 days, within the 18-month period preceding the application submittal date.

**10.** The applicant is less than 21 years old.

**11.** The applicant is unable to obtain car insurance for any reason.

**F.** All LPT Driver Criminal and Driving Histories are subject to review by the Director.

**G.** LPT Driver Training. The affiliated company must ensure that all LPT Drivers successfully complete all Director-approved trainings and testing within 30 days of LPT Driver certification and successfully complete any additional training and testing within 30 days of release by the Director.

**H.** Business License Requirements. All LPT Drivers operating as independent contractors affiliated with an LPT Company shall comply with all provisions of the Business License Law, Chapter 7.02 prior to operating an LPT Vehicle. Any LPT Driver operating as independent contractors without a valid City of Portland Business License cannot be certified as an LPT Driver and will not be allowed to operate as an LPT Driver until such Business License is obtained.

**I.** LPT Driver Re-certification. The LPT Company shall provide a list of applicant drivers for re-certification to the Director within 1 month prior to the LPT Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with LPT Driver certification requirements pursuant to Section 16.40.670. Drivers not meeting all such conditions will not be re-certified as an LPT Driver and shall not be allowed to provide LPT Services.

**J.** Suspension or Revocation of Certified LPT Drivers. If an LPT Driver certification is suspended or revoked by the Director, the affiliated LPT Company shall be notified, and the driver shall be removed as

soon as notified by the City. LPT Drivers without current, valid certification by the Director shall not be allowed to operate as an LPT Driver.

**K. LPT Driver Decertification.** The LPT Company must inform the City, through the established online certification portal, no later than 24 hours after the driver or company has terminated the relationship.

**L.** Failure to comply with any provision in Section 16.40.670 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

### **16.40.680 LPT Driver Conduct Requirements and Prohibitions.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A. Transferring Credentials.** Transferring LPT Driver or LPT Vehicle credentials from one driver or vehicle to another shall be prohibited.

1. Failure to comply with this Subsection A. is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**B. LPT Drivers shall carry:**

1. A paper copy of LPT insurance pursuant to ORS 806.011 and a copy of the vehicle registration at all times while operating as an LPT Driver. Upon request of the Director or law enforcement officer, LPT Drivers shall present proof of a valid LPT primary automobile insurance policy and vehicle registration.

2. A paper copy of the driver's City of Portland business license, when operating as an independent contractor as required by Chapter 7.02 at all times while operating as an LPT Driver.

3. A valid state issued driver's license while operating as an LPT Driver.

4. A valid, original City of Portland driver permit while operating an LPT vehicle.

5. All required documents listed above must be available and presented at the time of any inspection, upon request.

6. Failure to comply with this Subsection B. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**C. Driver Conduct.** No LPT Driver shall:

1. Allow another person to use their LPT Driver certification.

2. Drive or allow another person to drive an LPT Vehicle without a valid driver's license, driver permit, and company certification while the vehicle is being used to provide LPT Services.

- 3.** Operate any LPT Vehicle while consuming, or while under the influence of intoxicants, or in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon.
- 4.** Operate any PFHT vehicle if impaired by any legally prescribed or over-the-counter drugs or medications.
- 5.** Use a vehicle in the commission of any crime.
- 6.** Use or broadcast profane or obscene language offensive to the passenger or other persons while operating a PFHT vehicle.
- 7.** Consume any intoxicant, smoke any substance, or use any device that produces a smoke-like vapor while operating an LPT Vehicle.
- 8.** Allow any passenger to consume an intoxicant or smoke any substance, or use any device that produces a smoke-like vapor inside an LPT Vehicle.
- 9.** Defraud a passenger in any way.
- 10.** Be discourteous to a passenger.
- 11.** Refuse to issue a fully completed receipt, in digital or paper form, for a fare paid if one is requested.
- 12.** Operate any LPT Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1).
- 13.** Refuse LPT services to any passenger of proper demeanor whose request for service has been accepted by the LPT Company or LPT Driver.
- 14.** Provide PFHT services without a valid City of Portland permit or certification.
- 15.** Violate Section 16.20.130.

**D.** Maximum hours of driving. No person shall provide PFHT services after driving more than 12 hours in any given 24-hour period.

**E.** Street-Hails, Taxi Stands, and Hotel Zones.

- 1.** All requests for service shall be received and accepted through the LPT company's reservation or dispatch services.
- 2.** An LPT Driver may not accept street-hails received within the City of Portland, except as approved by the Port of Portland at the Portland International Airport.
- 3.** An LPT Driver may not utilize taxi stands for drop-off or pick-up.



4. An LPT Driver may not park an LPT Vehicle in a hotel zone more than 15 minutes before pick up of the request for service. The dispatch call/request for service must be documented and available for review by the Director or law enforcement officer.

**F. Mandatory Compliance.** LPT Drivers shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel, or law enforcement officers pursuant to Chapter 16.40.

**G. Driver Reporting.** Every LPT Driver shall report any of the following events to the Director and to all affiliated LPT Companies within 24 hours of its occurrence:

1. Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation;
2. Any arrest, charge, or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;
3. Any vehicle crashes by completing and submitting the PBOT Vehicle Crash Report; and
4. Any restriction, suspension, or revocation of the driver's motor vehicle driver's license.

**H.** Unless otherwise noted, failure to comply with any provision in Section 16.40.680 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

### **16.40.700 NEMT Services Permits Required.**

The operation of an NEMT Company is a privilege and not a right. For NEMT services to be provided in the City of Portland, the NEMT Company shall be required to obtain a permit. The Bureau shall certify that all affiliated NEMT Company Vehicles and NEMT Company Drivers have met all certification and operating requirements.

**A. NEMT Company Permit Requirements.** No person or entity shall conduct business as an NEMT Company, as defined in OAR 410-136-3000, in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this Subsection A. shall be a Class A violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

**B. NEMT Driver Certification Requirements.** No person or entity shall conduct business as an NEMT Driver in the City of Portland without certification by the Director prior to being authorized to provide NEMT services on behalf of an affiliated NEMT Company. Drivers not meeting all required conditions will not be certified as NEMT Driver and will not be allowed to operate as an NEMT Driver. Failure to comply with this Subsection B. shall be a Class B violation subject to the penalties provided in Sections 16.40.930 and 16.40.950.

**C. NEMT Vehicle Certification Requirements.** No vehicle shall be allowed to conduct business as an NEMT Vehicle in the City of Portland without certification by the Director prior to being used to provide NEMT services by an affiliated NEMT Company. Vehicles not meeting all required conditions will not be certified as NEMT Vehicle and will not be allowed to operate as an NEMT Vehicle. Failure to comply with

this Subsection C. shall be a Class B violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

## **16.40.710 NEMT Company Permit Application Standards for Approval and/or Denial and Certification Requirements.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A. Application.** An applicant for an NEMT Company permit shall annually submit to the Director:

1. A completed application on a form supplied by the Director;
2. Proof of registration with the Secretary of State for any corporate, LLC, or LLP entity;
3. Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
4. A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates;
5. If the applicant NEMT Company is individually owned, the name, business address (or home address if no business address), telephone number, and date of birth of the owner;
6. If the applicant NEMT Company is a corporation, partnership, or other business entity, the names, business addresses, telephone numbers, and date of birth of the person or persons vested with authority to manage or direct the affairs of the legal entity in Portland ("Authorized Representative") or to bind the legal entity in dealings with third parties, and any other information that the Director may reasonably require;
7. The applicant NEMT Company's zero-tolerance drug and non-discrimination policy;
8. The applicant NEMT Company's user terms of service;
9. Contact information of the NEMT Company's agent of service and customer service support; and
10. A non-refundable application fee.

**B.** All fines and penalties must be paid prior to issuing or reissuing an NEMT Company permit.

**C.** Compliance with Secretary of State's Rules. No permit will be issued unless the company is validly registered with the Secretary of State, including all assumed business names.

**D. Insurance.** All NEMT Company permit holders shall comply with NEMT insurance requirements pursuant to Section 16.40.730. All NEMT Companies shall file a certificate of liability and applicable endorsements with the Director that evidences insurance coverage and terms that are in compliance with the requirements.

**E. Director Review Process.** After receiving a completed NEMT Company application form and upon successful completion of all the requirements pursuant to Section 16.40.710, the Director shall review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.

**F. Application Approval.** Upon approval by the Commissioner-in-Charge, the Director may be directed to issue an NEMT Company permit.

**G. Application Denial.** The Application shall be denied for any of the following:

1. The NEMT Company applicant fails to submit all required information and documentation, including valid proof of insurance;
2. When providing service within the City of Portland, the NEMT Company applicant provides dispatch services to anyone other than affiliated NEMT Drivers meeting the requirements set forth in Chapter 16.40 without prior approval by the Director;
3. When providing service within the City of Portland, the NEMT Company applicant leases, permits, or otherwise allows other entities not affiliated with the NEMT Company and certified by the Director to operate NEMT services;
4. When providing services within the City of Portland, the NEMT Company applicant affiliates with and provides dispatch services to drivers operating vehicles without NEMT Vehicle certification by the Director.
5. The application has a material misstatement or omission; and
6. The NEMT Company application is incomplete.

**H. Denial Appeal.** If the application is denied, the applicant NEMT Company may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**I. Providing NEMT Services.** NEMT services, as defined in OAR 410-136-3000, shall be provided only by a permitted NEMT Company.

**J. Certification of NEMT Drivers.** The NEMT Company shall regularly provide a list of applicant drivers affiliated with the permitted NEMT for Director certification that drivers meet requirements in Section 16.40.770, on a form approved by the Director. Drivers shall be certified and permitted by the Director prior to providing NEMT Services on behalf of the affiliated NEMT Company. NEMT Drivers not meeting all required conditions will not be certified as a permitted NEMT Driver and will not be allowed to operate as an NEMT Driver. Such requirements include the following:

1. A local and national criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated NEMT Company by a third party accredited by the National Association of Professional Background Screeners that shall include:
  - a. A Social Security trace including all aliases for the past 10 years;

**b.** County, state, and national criminal record searches for all aliases for the past 10 years. The primary source search must be performed in a multi- state/multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search);

**c.** A National Sex Offender Registry search; and

**d.** All motor vehicle records associated with the applicant driver for the past 5 years available pursuant to records laws of each state.

**2.** A valid driver's license.

**3.** An NEMT Driver business license number when operating as an independent contractor.

**4.** Successful completion of all Director-approved driver training and testing within 30 days of providing NEMT Service, and successful completion of any additional training and testing must be completed within 30 days of release by the Director.

**5.** Meets all requirements outlined in the Oregon Administrative Rule Section 410-141-3440 for NEMT Drivers.

**K.** Term of Certified NEMT Driver. Certifications for NEMT Drivers provided by an NEMT Company to the Director shall be valid for 1 year from the date of the initial certification. The affiliated NEMT Company shall provide a re-certification to the Director within 1 month prior to the certification expiration on a form approved by the Director.

**L.** NEMT Driver Re-certification. The NEMT Company shall provide a list of applicant drivers for re-certification to the Director within 1 month prior to the NEMT Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with NEMT Driver certification requirements pursuant to Section 16.40.770. Drivers not meeting all such conditions will not be re-certified as an NEMT Driver and shall not be allowed to operate as an NEMT Driver.

**M.** Certification of NEMT Vehicles. The NEMT Company shall regularly provide a list of applicant vehicles affiliated with the permitted NEMT Company for Director certification that vehicles meet requirements pursuant to Sections 16.40.750 and 16.40.760 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted NEMT Company prior to providing NEMT services. Vehicles not meeting all required conditions will not be certified as a permitted NEMT vehicle and will not be allowed to operate as an NEMT Vehicle. Such requirements include:

**1.** Vehicle ASE safety inspection;

**2.** Vehicle registration and licensing;

**3.** Vehicle properly equipped and in good condition; and

**4.** NEMT Company general liability and automobile liability insurance.

**N.** Term of Certification of NEMT Vehicles. Certifications for NEMT Vehicles provided by the Director shall be valid for a term of 1 year from date of Director certification.

**O.** NEMT Vehicle Re-certification. The NEMT Company shall provide a list of applicant vehicles for re-certification to the Director within 1 month prior to the NEMT Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with NEMT Vehicle certification requirements pursuant to Sections 16.40.750 and 16.40.760 for re-certification. Vehicles not meeting all such conditions will not be re-certified as an NEMT Vehicle and shall not be allowed to operate as an NEMT Vehicle.

**P.** Denial Appeal. If an NEMT Driver or NEMT Vehicle certification is denied, suspended, or revoked by the Director, the applicant driver or vehicle owner may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**Q.** Right to a Permit. The NEMT Company's ability to satisfy the criteria for an NEMT Company permit does not create a right to an NEMT Company permit.

**R.** Transferring Permits. Transferring permits shall be prohibited. The Company must immediately alert the City in the event all or part of the business ownership and/or assets are transferred to another party.

**S.** Removal of NEMT Drivers and Vehicles from the Affiliated NEMT Company. NEMT Companies shall provide to the Director regular notification of affiliated NEMT Drivers that have been prohibited from providing NEMT Services by the affiliated NEMT Company and NEMT Vehicles that have been removed from the fleet of the affiliated NEMT Company.

**T.** Operating at the Port of Portland. NEMT Companies, Drivers, and Vehicles are prohibited from operating at the Portland International Airport without a City of Portland permit/certification and specific permission or approval from the Port of Portland.

**U.** Failure to comply with any provisions in Section 16.40.710 is a Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950

### **16.40.720 NEMT Services Permit Fees and Civil Penalty Fines.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A.** Permit Fees. NEMT Companies shall pay City permit fees and civil penalty fines consistent with Sections 16.40.910, 16.40.930, and 16.40.950.

**B.** Permit Issuance. No NEMT Company permit shall be issued until all permit fees and civil penalty fines have been paid and received by the City.

### **16.40.730 NEMT Company Insurance Requirements.**

**A.** In order to provide protection to the public, the NEMT Company shall provide levels of insurance in accordance with all requirements of Chapter 16.40.

- B. Providing NEMT Services.** The NEMT Vehicle shall be covered by a general commercial liability and primary automobile insurance policy provided by the NEMT Company. Evidence of insurance requirements shall be received and approved by the City prior to an NEMT Company receiving an NEMT Company permit.
- C. Additional Insured and Notification of Policy Changes.** The NEMT Company shall provide certificates of insurance naming the City of Portland, its officers, agents, and employees as an additional insured party and give at least 30 calendar days' notice to the Director before a policy is canceled, expires, or has a reduction in coverage. Insurance coverage requirements include commercial general liability, primary commercial vehicle insurance, workers' compensation, and employers' liability insurance (as required by state law).
- D. Insurance Requirements.** Insurance requirements of this section shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the state of Oregon.
- E. Commercial Business Insurance.** NEMT Company permit holders shall secure and maintain a Commercial General Liability policy reflecting limits of no less than \$1 million per occurrence and \$2 million aggregate for covered claims arising out of, but not limited to, bodily injury and property damage, in the course of the permit holder's work under a PFHT permit.
- F. Automobile Insurance.** All NEMT Company permit holders shall provide the City with a copy of a valid commercial auto liability policy with the following coverage:
- 1.** Combined single limit of not less than \$500,000 per occurrence for claims arising out of, but not limited to, bodily injury and property damage incurred from the business use of any scheduled, non-owned, and hired automobile in the course of the vehicle's use as a PFHT vehicle.
- G. Certification of Auto Insurance.** NEMT Companies shall provide proof of current, valid insurance for Director certification that all affiliated NEMT Vehicles operating for such company and satisfying the minimum requirements in the event the insurance maintained by the driver has lapsed or does not provide the required coverage.
- H. Insurance Limits Subject to Statutory Changes.** The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term;
- I. Subject to Approval by the City Attorney's Office.** The adequacy of insurance coverage outlined in this section is subject to the review and approval by the City Attorney's Office.
- J. Continuous and Uninterrupted Coverage.** The permit holder shall maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.
- K. Insurance Rating.** All insurance companies issuing policies within this section shall be rated by A.M. Best Company and carry at least a rating of A.M. Best A- or better.
- L. Additional Policy Conditions:** Policies required under Sections 16.40.730 and/or 16.40.130 must also contain, include, provide for, or comply with the following:

**1.** Independent Contractors/Owner-Operators. If an independent contractor/owner-operator relationship exists with a permit holder and the independent contractors/owner-operators provide services under the permit holder's permit, then the permit holder and the City require the same insurance coverage and limits and conditions as outlined in Subsections 16.40.730 D. – H. The same certificate of liability and additional insured endorsement requirements will apply.

**2.** Alternatives to insurance, such as self-insurance, may occur only if the level of coverage and the terms, conditions, and obligations meet the same or higher requirements as found in Subsections 16.40.730 D. – H., and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage shall be approved by the City Attorney's Office before such alternative insurance may become effective.

**M.** Failure to comply with any provision in Section 16.40.730 is a Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950.

### **16.40.740 NEMT Company Operating Responsibilities and Prohibitions.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A.** A permitted NEMT Company shall comply with all requirements and standards as defined in OAR 410-136-3000 or otherwise required by state or federal law.

**B.** Drug, Alcohol and Discrimination Policy:

**1.** Zero Tolerance for Drug and Alcohol Use and Discrimination. All permitted companies shall employ at all times a zero tolerance policy for intoxicants.

**2.** Zero Tolerance for Discrimination. All permitted companies shall adopt a policy that, at a minimum, prohibits drivers and employees from engaging in discrimination, to include making derogatory comments, on the basis of a person's race, religion, national origin, disability, sexual orientation, sex, marital status, gender identity, age, or any other characteristic protected under applicable local, state, or federal law. This policy must be submitted to the Director for approval. Any changes to the policy shall be submitted to and approved by the Director prior to implementation.

**C.** User Terms of Service. It must be stated within a disclaimer or limitation of liability in an NEMT Company's user terms of service that no disclaimer of liability for negligence or other tortious conduct shall have any force or effect as prohibited by local law or restriction in the City of Portland, and that any tort claim against an NEMT Company shall be governed by Oregon tort law in effect at the time of the claim.

**D.** Fare Rate Transparency. In the event NEMT fare rates are billed directly to the passenger, fare rates shall be made available in a clear and transparent way to the passenger prior to the passenger accepting a ride. Fare rates for wheelchair-accessible vehicle (WAV) service shall be comparable with fare rates for non-WAV service. Changes to fare rates shall be submitted by the permitted NEMT Company and approved by the Director prior to implementation.

**E. Receipts.** In the event NEMT fare rates are billed directly to the passenger, all NEMT passengers shall be provided either a paper or digital receipt for services at the termination of the ride that clearly indicates the fare paid, time of ride, name of NEMT Company, NEMT Driver, NEMT Company customer service support contact information, and the City of Portland's PFHT complaint phone number.

**F. Limitation or Prohibition on Dynamic Pricing.** Dynamic pricing is prohibited at all times for NEMT service.

**G. Agent of Service Requirements.** NEMT Companies will maintain, during all times when the NEMT Company Permit is valid, a locally based agent of service, with regular hours of business during weekdays.

**H. Customer Service Support Requirements.** NEMT Companies will maintain, during all times when the NEMT Company Permit is valid, customer service support with posted contact information, including a local phone number and local address, and the ability to leave messages 24 hours per day and 7 days per week via telephone or email. Response to messages shall be made within 24 hours.

**I. Reporting Requirements.** Each NEMT Company shall regularly report the following to the Director:

1. The number and type of crimes against drivers to the extent known;
2. The arrest or conviction for any criminal offense of any affiliated NEMT Driver;
3. The filing of any lawsuit against or on behalf of the NEMT Company related to the operation of the company and its services in the City of Portland;
4. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and
5. Any information required to be disclosed by Chapter 16.40 that comes to the attention of the NEMT Company.

**J. NEMT Company Records Management and Mandatory Compliance.**

1. NEMT Companies will be required to keep documentation of all certified NEMT Drivers and NEMT Vehicles, as well as detailed records of all trips. Such records shall be kept on file during the term of the NEMT Company permit and for 2 calendar years after the expiration of such permit. Upon request or subpoena, NEMT Company records shall be provided to the Director and/or law enforcement officers.
2. NEMT Companies shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel, or law enforcement officers pursuant to Chapter 16.40.

**K. Failure to comply with any provisions in Section 16.40.740 is Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950**



## **16.40.750 NEMT Vehicle Certification Requirements.**

(Amended by Ordinance 191503, effective December 1, 2023.)

- A. NEMT Vehicle Certification.** The NEMT Company shall regularly provide a list of applicant vehicles affiliated with the permitted NEMT Company for Director certification that vehicles meet all requirements pursuant to Chapter 16.40 on a form approved by the Director. Vehicles shall be certified by the Director and affiliated with a permitted NEMT Company prior to being used to provide NEMT service on a form approved by the Director. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as an NEMT Vehicle.
- B. Term of Certified NEMT Vehicle.** Certifications for NEMT Vehicles provided by the Director shall be valid for 1 year from the date of the initial certification. The NEMT Company shall provide a re-certification to the Director annually prior to the certification expiration and within 1 month of the expiration date on a form approved by the Director.
- C. Application Process.** Applications for NEMT Vehicle certification shall be made directly to an affiliated NEMT Company. The NEMT Company will regularly provide to the Director an NEMT Driver and Vehicle application list, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as an NEMT Vehicle, on a form approved by the Director.
- D. Vehicle Registration, Licensing, and Insurance.** All NEMT Vehicles shall maintain, at all times, vehicle registration, licensing, and insurance as required by the State of Oregon or the state in which such vehicle is registered.
- E. Vehicle Age Requirements.** No vehicle will be allowed to operate as an NEMT Vehicle following 15 years after the vehicle manufactured date, regardless of when the vehicle was purchased or put into service as an NEMT Vehicle, However, WAV vehicles that meet the requirements described in Section 16.40.935 may apply for a Vehicle Age Exemption.
- F. Vehicle Safety Inspections.** Each NEMT Vehicle shall pass an annual standardized vehicle safety test as performed by a National Institute for Automotive Service Excellence (ASE) Blue Seal Recognized Shop or by an automotive technician with a current, valid ASE certification in any of the areas of ASE A4-A8. Inspections are required if the vehicle:
1. Is more than 1-year-old, based on model year;
  2. Has 10,000 miles or more on its odometer; or
  3. Has the “check engine” light illuminated, regardless of model year or mileage.
- G. NEMT Vehicle Safety Certificate Requirements.** Upon successful completion of the vehicle inspection, the ASE Blue Seal Recognized Shop or ASE Automotive Technician will provide to the NEMT Driver applicant a “Safety Certificate” stating that the vehicle passed the required safety inspection. The safety inspection checklist used by the ASE Blue Seal Recognized Shop or ASE Automotive Technician shall be completed on a form approved by the Director.

**H. Vehicle Condition.** Each NEMT Vehicle shall meet the following requirements:

1. Be properly equipped and in good condition;
2. Be kept clean and in good appearance;
3. Be properly equipped, including but not limited to carrying a hands-free accessory for mobile devices, a standard first aid kit, and fire extinguisher; and
4. Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for the Portland Metro.
5. Failure to comply with any provision in this Subsection H. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**I. NEMT Vehicle Re-certification.** The NEMT Company shall provide a list of applicant vehicles for re-certification to the Director 1 month prior to the NEMT Vehicle certification expiration, on a form approved by the Director. Applicant vehicles shall meet all conditions and be consistent with NEMT Vehicle certification requirements pursuant to Sections 16.40.150 and 16.40.160 for re-certification. Vehicles not meeting all such conditions will not be re-certified as an NEMT Vehicle and shall not be allowed to operate as an NEMT Vehicle.

**J.** Unless otherwise noted, failure to comply with any provision in Section 16.40.570 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

## **16.40.760 NEMT Vehicle Operating Requirements and Prohibitions.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A.** No vehicle shall operate as an NEMT Vehicle unless it has been certified by the Director and is affiliated with a permitted NEMT Company and properly displays a valid City of Portland permit.

**B. Vehicle Registration, Insurance, and Business License.** A paper copy of the vehicle's registration and proof of insurance shall be kept in every NEMT Vehicle, pursuant to ORS 806.011. In addition, the City requires proof of an NEMT Driver's business license, when operating as an independent contractor, as required by Chapter 7.02, and shall be kept in every NEMT Vehicle.

1. Failure to comply this Subsection B. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**C. Identification of NEMT Vehicles.** Every NEMT Vehicle shall meet the following identification requirements to operate as an NEMT Vehicle:

1. Using numbers and lettering no less than 3 inches in height, every NEMT Vehicle must prominently display on both sides of the vehicle the following information:
  - a. The full name of the NEMT Company;

**b.** The company-assigned NEMT Vehicle number;

**c.** The telephone number of the NEMT Company where services can be requested; and

**2.** Upon successful completion of the NEMT Vehicle permit application process and payment of required fees as outlined in Chapter 16.40, the Director will issue a vehicle identification decal bearing the City Seal for each certified NEMT Vehicle.

**3.** NEMT decals are valid for a period of no more than 12 months from the date of issuance, and all decals expire on the same day as the expiration of the affiliated NEMT Company permit. Fees for decals that are not issued contemporaneously with an NEMT Company permit will be prorated to equal the cost of the number of months remaining until the NEMT Company permit expires.

**4.** NEMT decals must be affixed to the vehicle's front and back window in a manner outlined by the Administrative Rule, Applying Permits and Decals.

**5.** NEMT decals that are intentionally destroyed or damaged by an NEMT Company or NEMT Driver prior to renewal and without the City's authorization are not subject to renewal.

**6.** Voided NEMT Vehicle decals are not renewable in the year following their voidance. Once an NEMT Vehicle decal is voided, an NEMT Company may not renew that decal and instead must complete the initial application process if the NEMT Company seeks a decal for that NEMT Vehicle.

**7.** NEMT Vehicle decals issued by the Director shall not be leased, sold, transferred, or assigned in any manner.

**8.** NEMT Vehicle decals issued by the Director that are not returned to the City within 21 days upon revocation or upon a failure to renew are considered conversion of City property and is an actionable offense in a court of competent jurisdiction.

**D.** Vehicle Operating Conditions. In determining whether an NEMT Vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good condition, repair, and appearance which includes the following:

**1.** All NEMT Vehicle equipment and devices shall be properly equipped and maintained in good working order.

**2.** At all times, NEMT Vehicles shall include the following properly functioning components: a horn, lights, (including turn signals, back-up signals and interior lights) windshield wipers, windshield washers, heating/air conditioning systems, odometer, speedometer and mufflers, tail pipes, or other exhaust components that prevent unnecessary noise and smoke emissions.

**3.** The NEMT Vehicle body shall be free of major damage and broken or cracked equipment, including but not limited to, windows, lights, light covers, and reflectors.

**4.** NEMT Vehicles shall be free of dirt, grease, grime, glue, or tape. This shall apply to the vehicle's paint, upholstery, windows, floorboard, and integrated parts of the vehicle's body.

**5.** The NEMT Vehicle shall include no missing nor makeshift parts for vehicles, including but not limited to, fenders, hood, trunk lid, doors, door handles, windows, chrome or rubber strips, upholstery, ashtrays, or carpeting and may be equipped with studded tires only when allowed by Oregon Law.

**6.** Safe condition shall require that the vehicle is in compliance with the standards contained in ORS Title 59, Oregon Vehicle Code, Chapters 801 through 823.

**E.** Mandatory Compliance. NEMT Vehicles shall be made available for compliance audits and enforcement actions upon request by the Director or law enforcement officers pursuant to Chapter 16.40.

**F.** Unless otherwise noted, failure to comply with any provision in Section 16.40.760 is Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950.

### **16.40.770 NEMT Driver Certification Requirements.**

(Amended by Ordinance 188972 and 191503, effective December 1, 2023.)

**A.** NEMT Driver Certification. When adding drivers, the NEMT Company shall immediately provide a list of applicant drivers affiliated with the permitted NEMT Company for Director certification that drivers meet all requirements pursuant to Chapter 16.40, on a form approved by the Director. Drivers shall be certified and permitted by the Director and affiliated with a permitted NEMT Company prior to operating an NEMT Vehicle. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as an NEMT Driver. NEMT Companies shall regularly provide a list of all un-affiliated NEMT Drivers and NEMT Vehicles when changes are made.

**B.** Term of Certified NEMT Driver. Certifications for NEMT Drivers provided by an NEMT Company to the Director shall be valid for 1 year from the date of the initial certification. The affiliated NEMT Company shall provide a re-certification to the Director within 1 month prior to the certification expiration on a form approved by the Director.

**C.** Application Process. Applications for NEMT Driver certification shall be made directly to an affiliated NEMT Company. The NEMT Company will immediately provide to the Director NEMT Driver and Vehicle application lists, pursuant to certification requirements, that the driver meets all requirements before the driver may operate as an NEMT Driver on a form approved by the Director.

**D.** NEMT Driver Criminal and Driving Background Checks. A local and national criminal background check and driving history review of all drivers shall be completed annually on behalf of the affiliated NEMT Company by a third party accredited by the National Association of Professional Background Screeners that shall include:

**1.** Multi-state/multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search);

**2.** All motor vehicle records associated with the applicant driver available pursuant to records laws of each state, and;

**3.** The National Sex Offender Public Registry.

**E. NEMT Driver Criminal and Driving History Disqualifications.** A driver will not be certified as an NEMT Driver and cannot provide NEMT Services if any of the following conditions exist:

**1.** The applicant has a felony conviction of any kind within the previous 10 years, based on the conviction date.

**2.** The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred.

**3.** The applicant is a match in the National Sex Offender Public Registry.

**4.** During the 5-year period, based on the conviction date, the applicant has been convicted of any criminal offense involving:

**a.** Any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or

**b.** Any traffic crime, including but not limited to driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident.

**5.** Based on the conviction date, the applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application.

**6.** Based on the conviction date, within a 3-year period, the applicant had greater than five traffic violations as defined in ORS 801.557; more than five serious traffic violations as defined by the Oregon Department of Motor Vehicles; more than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or more than five of any combination of serious traffic violations or motor vehicle accidents as provided above.

**7.** Based on the conviction date, within a 3-year period, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.

**a.** Specific suspensions of an administrative nature may be excluded as defined in Administrative Rule TRN-14.40.

**8.** Based on the conviction date, during a 3-year period, the applicant's PFHT driving privileges were revoked by the Director.

**9.** Upon application submittal, all applicants must demonstrate maintaining a valid license to drive in any US jurisdiction for at least 365 days, within the 18-month period preceding the application submittal date.

**10.** The applicant is less than 21 years old.

**11.** The applicant is unable to obtain car insurance for any reason.

**F.** All NEMT Driver criminal and driving histories are subject to review by the Director.

**G.** NEMT Driver Training. The affiliated company must ensure that all NEMT Drivers successfully complete all Director-approved trainings and testing within 30 days of NEMT Driver certification and successfully complete any additional training and testing within 30 days of release by the Director.

**H.** Business License Requirements. All NEMT Drivers operating as independent contractors affiliated with an NEMT Company shall comply with all provisions of the Business License Law, Chapter 7.02, prior to operating an NEMT Vehicle. Any NEMT Driver operating as an independent contractor without a valid City of Portland Business License cannot be certified as an NEMT Driver and will not be allowed to operate as an NEMT Driver until such business license is obtained.

**I.** NEMT Driver Re-certification. The NEMT Company shall provide a list of applicant drivers for re-certification to the Director within 1 month prior to the NEMT Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with NEMT Driver certification requirements pursuant to Section 16.40.770. Drivers not meeting all such conditions will not be re-certified as an NEMT Driver and shall not be allowed to provide NEMT services.

**J.** Suspension or Revocation of Certified NEMT Drivers. If an NEMT certification is suspended or revoked by the Director, the affiliated NEMT Company shall be notified, and the driver shall be removed immediately. NEMT Drivers and NEMT Vehicles without current, valid certification by the Director shall not be allowed to operate as an NEMT Driver or NEMT Vehicle.

**K.** NEMT Driver Decertification. The NEMT Company must inform the City, through the established online certification portal, no later than 24 hours after the driver or company has terminated the relationship.

**L.** Failure to comply with any provision in Section 16.40.770 is Class B violation subject to penalties provided in Sections 16.40.930 to 16.40.950.

## **16.40.780 NEMT Driver Conduct, Requirements and Prohibitions.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A.** Transferring Credentials. Transferring NEMT Driver or NEMT Vehicle credentials from one driver or vehicle to another shall be prohibited.

**B.** NEMT Drivers shall carry:

**1.** A paper copy of NEMT Company insurance pursuant to ORS 806.011 and a copy of the vehicle registration at all times while operating as an NEMT Driver.

2. A paper copy of the driver's City of Portland business license, when operating as an independent contractor, as required by Chapter 7.02, for a City-issued driver permit, at all times while operating as an NEMT Driver. Upon request of the Director or law enforcement officer, NEMT Drivers shall present proof of a valid NEMT primary automobile insurance policy and vehicle registration.
3. A valid state-issued driver's license while operating as an NEMT Driver.
4. A valid, original, City of Portland driver permit. All licensed drivers must prominently post and display the NEMT permit in the NEMT Vehicle while on duty.
5. All required documents listed above must be available and presented at the time of any inspection, upon request.
6. Failure to comply with this Subsection B. is a Class D violation subject to penalties provided in Sections 16.40.930 through 16.40.950.

**C. Driver Conduct. No NEMT Driver shall:**

1. Allow another person to use their NEMT Driver certification.
2. Drive or allow another person to drive an NEMT Vehicle without a valid driver's license, City of Portland driver permit, and company certification while the vehicle is being used to provide NEMT services.
3. Operate any NEMT Vehicle while consuming, or while under the influence of intoxicants, or in a careless or reckless manner or in a manner contrary to the laws of the City of Portland or the State of Oregon.
4. Operate any NEMT Vehicle if impaired by any legally prescribed or over-the-counter drugs or medications.
5. Use a vehicle in the commission of any crime.
6. Use or broadcast profane or obscene language offensive to the passenger or other community members while operating an NEMT Vehicle.
7. Consume any intoxicant, smoke any substance, or use any device that produces a smoke-like vapor while operating an NEMT Vehicle;
8. Allow any passenger to consume an intoxicant or smoke any substance, or use any device that produces a smoke-like vapor inside an NEMT Vehicle.
9. Defraud a passenger in any way.
10. Be discourteous to a passenger.

- 11.** Refuse to issue a fully completed receipt, in digital or paper form, for a fare paid if one is requested.
- 12.** Drive passengers to their destination by any other than the safest and most efficient route, unless requested to do so by the passenger.
- 13.** Operate any NEMT Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1);
- 14.** Refuse to transport to a requested destination within the City of Portland any passenger of proper demeanor whose request for service has been accepted by NEMT dispatch or NEMT Driver.
- 15.** Provide NEMT services without a valid City of Portland permit or certification.
- 16.** Violate Section 16.20.130.

**D. Maximum Hours of Driving.** No person shall provide PFHT services after driving more than 12 hours in any given 24-hour period.

**E. Street-Hails, Taxi Stands, and Hotel Zones.**

- 1.** An NEMT Driver shall not accept street-hails.
- 2.** Other than for drop off, an NEMT Driver may not park an NEMT Vehicle in a hotel zone prior to 15 minutes before pick up for a dispatch or request for service. The dispatch call/request for service must be documented and available for review by the Director or law enforcement officer.

**F. Mandatory Compliance.** NEMT Drivers shall submit to compliance audits and enforcement actions upon request by the Director, any authorized city personnel, or law enforcement officers pursuant to Chapter 16.40.

**G. Driver Reporting.** Every NEMT Driver shall report any of the following events to the Director and to all affiliated NEMT Companies within 24 hours of its occurrence:

- 1.** Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation;
- 2.** Any arrest, charge, or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, or prostitution;
- 3.** Any vehicle crashes by completing and submitting the PBOT Vehicle Crash Report; and
- 4.** Any restriction, suspension, or revocation of the driver's motor vehicle driver's license.

**H.** Unless otherwise noted, failure to comply with any provision in Section 16.40.780 is a Class B violation subject to penalties provided in Sections 16.40.930 through 16.40.950.



## **16.40.800 Horse-Drawn Carriage Company Permits Required – Application Process and Requirements.**

(Amended by Ordinance 188972, effective June 29, 2018.)

- A.** Permit Required. No person or entity may operate a for-hire Horse-Drawn Carriage Company without a valid, current Horse-Drawn Carriage Company permit issued by the City under Chapter 16.40.
- B.** Each Horse-Drawn Carriage Company permit application must satisfy the requirements of Section 16.40.600, LPT Company Permits Required.
- C.** Applicants must provide the physical location (address) of each stable or other facility used to house the carriage horses. Each facility must be available for inspection during normal hours of operation by the Director or designee.
- D.** Applicants for a Horse-Drawn Carriage Company permit must obtain certification for each carriage horse to be used in the operation of the permitted carriages. Application requirements for carriage horse certification are:
  - 1.** A description of the horse's name, age, breed, and gender;
  - 2.** A photograph and physical description of the horse, including color, markings, or other identifying marks, such as brands or tattoos or any other identifiers, such as microchips;
  - 3.** Certification of examination (health certificate) by an equine veterinarian within 30 days prior to the application for a permit that demonstrates the horse is able to perform the work described (in the Horse-Drawn Carriage Company application) without undue stress or effort; and
  - 4.** Additional veterinary certification requirements as provided in the Administrative Rule.
- E.** Insurance Certificate. All Horse-Drawn Carriage applicants must provide the Bureau with an insurance certificate of liability and an additional insured endorsement indicating that the requirements of Section 16.40.830 have been satisfied.
- F.** Applicants must provide to the Director a description of the types, dates, and time range, length, and location of Horse-Drawn Carriage rides offered.
- G.** Applicants must provide to the Director a schedule of rates and charges. An updated schedule must be provided to the Director when the rates are changed during the course of the permit.
- H.** Horse-Drawn Carriage Company City permit fees are outlined in the Administrative Rule.

## **16.40.810 Horse-Drawn Carriage Driver Permits Required – Application Process and Requirements.**

(Amended by Ordinances 188972 and 191503, effective December 1, 2023.)

**A. Permit Required.** No person may operate a Horse-Drawn Carriage without a valid, current Horse-Drawn Carriage Driver's permit issued under Chapter 16.40, except that no permit issued pursuant to this chapter is required of a person who is operating a Horse-Drawn Carriage as an entry in a parade or otherwise permitted special event, where the Horse-Drawn Carriage entry is specifically noted and approved in said special event permit, and where the Horse-Drawn Carriage rides are not being offered on-demand or by reservation to members of the general public. In the case a Horse-Drawn Carriage is being used during a special event, the City shall be provided with the following:

1. Copy of the event permit, and
2. A description defining the role of the Horse-drawn Carriage during the event.

**B. Application.** An applicant for a Horse-Drawn Carriage Company permit shall submit to the Director:

1. A completed application on a form supplied by the Director;
2. Proof of registration with the Secretary of State for any corporate, LLC, or LLP entity;
3. Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
4. Certification of a Horse-Drawn Carriage Driver training program approved by the Director;
5. Confirmation that the driver will be employed for a Horse-Drawn Carriage company with current, valid Horse-Drawn Carriage Company and vehicle permits.
6. If necessary, any information requested by the Director that reasonably relates to the application or is a clarification of information provided.

**C. Fees Required.** The applicant for a Horse-Drawn Carriage driver's permit must submit an initial permit fee per the Administrative Rule.

**D. Penalties.** Horse-Drawn Carriage Companies shall pay civil penalty fines consistent with Section 16.40.880.

**E. Permit Issuance.** No Horse-Drawn Carriage Company permit shall be issued until all City permit fees and civil penalty fines have been paid and received by the City.

**F. Carriage Driver Criminal and Driving Background Checks.** A local and national criminal background check and driving history review of all drivers shall be conducted annually on behalf of the affiliated Horse-Drawn Carriage Company by a third party accredited by the National Association of Professional Background Screeners that shall include:

1. Multi-state/multi-jurisdiction criminal records locator or other similar commercial nationwide database with validation (primary source search);
2. All motor vehicle records associated with the applicant driver available pursuant to records laws of each state; and

**3. The National Sex Offender Public Registry.**

**G. Horse-Drawn Carriage Driver Criminal and Driving History Disqualifications.** A driver will not be certified as a Horse-Drawn Carriage Driver and cannot provide Horse-Drawn Carriage services if any of the following conditions exist:

- 1.** The applicant has a felony conviction of any kind within 10 years from the conviction date.
- 2.** The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred.
- 3.** The applicant is a match in the National Sex Offender Public Registry.
- 4.** During the 5-year period preceding the submission of the application, the applicant has been convicted of any criminal offense involving:
  - a.** Any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or
  - b.** Any traffic crime including but not limited to driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident.
- 5.** Based on the conviction date during a 3-year period the applicant had greater than five traffic violations as defined in ORS 801.557; greater than five serious traffic violations as defined by the Oregon Department of Motor Vehicles; more than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, greater than five of any combination of serious traffic violations or motor vehicle accidents as provided above.
- 6.** Based on the conviction date during a 3-year period the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.
  - a.** Specific suspensions of an administrative nature may be excluded as defined in Administrative Rule TRN-14.40.
- 7.** Based on the conviction date, the applicant has two or more traffic violations as defined in ORS 801.557 of any kind within the previous 12 months from the date of the application;
- 8.** Based on the conviction date, during a 3-year period the applicant's PFHT driving privileges were revoked by the Director.
- 9.** The applicant is less than 18 years old.
- 10.** All Carriage Driver criminal and driving histories are subject to review by the Director.

**H. Driver Safety and Customer Service Training Requirements.** The applicant must provide documentation of successful completion of Director-approved Horse-Drawn Carriage Driver training prior to issuance of a Horse-Drawn Carriage Driver's permit.

**I. Driver Knowledge and Skills Testing Requirements.** The applicant must successfully complete each of the following tests as administered by the Bureau or its designee before a permit can be issued:

1. Basic carriage horse care, and
2. Relevant City Code provisions and Administrative Rules.

**J. Horse-Drawn Carriage Decertification.** The Horse-Drawn Carriage Company must inform the City, through the established online certification portal, no later than 24 hours after the driver or company has terminated the relationship.

### **16.40.820 Horse-Drawn Carriage Permit and Plate Required — Application Process and Requirements.**

**A. Permit and Decal or Plate Required for Horse-Drawn Carriages.** No Horse-Drawn Carriage may be used as a PFHT vehicle without a valid and current permit and a valid and current, unobstructed plate issued by the City under Chapter 16.40. Applicants for a carriage vehicle permit and carriage plate must be the owner of the carriage. Carriage permits will only be issued to an owner who has obtained a Horse-Drawn Carriage Company permit.

**B. Application Form.** The applicant for a Horse-Drawn Carriage permit must complete a "Horse-Drawn Carriage Application" on the form required by the Director, which includes, but is not limited to, the following required information:

1. Carriage make, model, and manufacturer;
2. Seating capacity and weight limits;
3. A photograph of each carriage to be registered; and
4. If necessary, any information that reasonably relates to the application or is a clarification of information provided to the Director.

**C. Safety Inspection.** The Director has the authority to require that a Horse-Drawn Carriage operator demonstrate by inspection that all safety standards are met prior to a permit plate or decal being issued.

**D. Horse-Drawn Carriage Condition.** No Horse-Drawn Carriage will be issued a plate or decal if the Director determines that the carriage is not safe and in good repair, with all required equipment in sound operating condition.

**E. Each Horse-Drawn Carriage shall be made available for inspection at the request of the Director or designee.**

**F. Fees.** Horse-Drawn Carriage Companies must pay renewal fees per the Administrative Rule.

### **16.40.830 Horse-Drawn Carriage Insurance Requirements.**

**A. Coverage and Limits:** All Horse-Drawn Carriage Company permit holders must obtain, comply with, and maintain the minimum levels of insurance coverage outlined below during the entire term that the permit is valid:

- 1. Commercial Business Insurance.** Company permit holders must secure and maintain a commercial general liability policy reflecting limits of no less than \$1,000,000 per occurrence and \$2,000,000 aggregate for covered claims arising out of, but not limited to, bodily injury and property damage, in the course of the permit holder's work under a PFHT permit.
- 2. Worker's Compensation and Employers' Liability Insurance.** The company permit holder must secure and maintain a workers' compensation and employers' liability policy where required by state law.

**B. Permit Holder's Insurance Obligations.** All Horse-Drawn Carriage Company permit holders must comply with the following obligations with respect to insurance reporting, updating, and filing:

- 1.** The permit holder must maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.
- 2.** The permit holder must file a certificate of liability with the Director that evidences insurance coverage and terms that are in compliance with the requirements of this section. The certificate of liability must be on a standard ACORD form or its equivalent.
- 3.** The permit holder must file with the Director a copy of the insurance company-issued additional insured endorsements naming the City and its officers, agents, and employees as additional insureds.

**C. Alternative to Insurance Requirements.** Alternatives to insurance, such as self- insurance, may occur only if the level of coverage and the terms, conditions, and obligations meet the same or higher requirements as found in Section 16.40.830, and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage is subject to approval by the City Attorney's Office before such alternative insurance may become effective.

### **16.40.840 Horse-Drawn Carriage Temperature, Time, and Place Restrictions.**

**A.** No Horse-Drawn Carriage may operate between the hours of 6 a.m. and 10 a.m. or between the hours of 3 p.m. and 6 p.m. except on Saturdays, Sundays, and City holidays, unless an exemption from this restriction is granted by the Director.

**B.** No Horse-Drawn Carriage may operate when the outdoor temperature is greater than 90 degrees Fahrenheit.

- C.** No Horse-Drawn Carriage may operate when the outdoor temperature/humidity exceeds the Carriage Operators of North America (CONA) standards.
- D.** No Horse-Drawn Carriage may operate in the presence of weather conditions that make Horse-Drawn Carriage travel unsafe.
- E.** Should any condition or combination of conditions in Subsections 16.40.840 B. –D. occur, the Horse-Drawn Carriage Driver will remove the horse from the street to a safe location, provide appropriate rest and shade or shelter, and will return the horse to its stable or usual boarding facility by the least-strenuous and shortest safe route possible.
- F.** No Horse-Drawn Carriage may operate on a street that does not have a posted speed limit of 35 mph or less.
- G.** No Horse-Drawn Carriage may operate along a street with MAX or street car tracks. Upon written request, permission may be granted by the Director, to allow brief access or crossing of streets with MAX or streetcar tracks in order to provide access to particular locations. The Director may provide a list of excepted circumstances and locations in the Administrative Rule.
- H.** The Director or designee who observes a Horse-Drawn Carriage operating in adverse weather or other dangerous conditions creating a threat to the health and safety of the horse, passengers, or to the general public, may order the ride discontinued and the horse returned to its boarding facility by the least-strenuous and shortest safe route possible.

### **16.40.850 Operation of Horse-Drawn Carriages: Requirements and Prohibitions.**

- A.** The company and carriage permit holder is responsible to ensure that all drivers operating have a current and valid City Horse-Drawn Carriage Driver permit, and that all drivers operate in compliance with the requirements of this chapter. Penalties may be issued to both company and driver for violations of operating requirements.
- B.** Each Horse-Drawn Carriage Driver must carry their Horse-Drawn Carriage Driver permit when operating a Horse-Drawn Carriage and present the permit for inspection when requested by the Director or designee.
- C.** Each Horse-Drawn Carriage and Horse-Drawn Carriage operator shall comply with all other requirements of state, federal, and local laws.
- D.** No Horse-Drawn Carriage Driver shall permit other persons to operate the carriage under their control at any time under any circumstances.
- E.** No driver shall operate a Horse-Drawn Carriage at a weight or capacity in excess of the manufacturer's recommendation for that carriage.
- F.** No driver shall operate a Horse-Drawn Carriage when the combined weight of the carriage and passengers exceeds the weight of the horse.

- G.** No driver shall consume any intoxicant, smoke any substance, or use any device that produces a smoke-like vapor while operating a Horse-Drawn Carriage.
- H.** No driver shall allow any passenger to consume an intoxicant or smoke any substance, or use any device that produces a smoke-like vapor while operating a Horse-Drawn Carriage.
- I.** Horse-Drawn Carriages and equipment must be available for inspection immediately upon request by the Director or designee.
- J.** A copy of the health certificate for the working carriage horse shall be in the custody of the company owner at all times. The driver will keep a copy of this certificate in any operating carriage, and make said certificate immediately available for inspection upon request by the Director or designee.
- K.** No Horse-Drawn Carriage Driver shall leave a horse untethered or unattended except when confined to a stable or other safe enclosure.
- L.** Each driver operating a Horse-Drawn Carriage shall maintain the horse at a speed no faster than a walk or slow trot.
- M.** Waste catchers must be in place and functioning properly at all times. It shall be the responsibility of the Horse-Drawn Carriage operator to clean up any spillage.
- N.** The operator of a Horse-Drawn Carriage must comply with the orders of the Director, or any police officer, parking enforcement officer, or animal control officer regarding the operation of the carriage. Failure to comply with these directions is subject to a penalty and/or suspension of the driver's permit and/or the Horse-Drawn Carriage Vehicle and Company permits.

#### **16.40.860 Care of Carriage Horses.**

- A.** Horse-Drawn Carriage rides must not be initiated nor continued when the ambient temperature is greater than 90 degrees Fahrenheit, or when the combination of temperature and humidity exceeds current Carriage Operators of North America (CONA) standards.
- B.** When the temperature exceeds 90 degrees Fahrenheit, or the combination of temperature and humidity exceeds current CONA standards, the carriage driver will end the ride and return the horse to the home boarding facility or pasture by the least-strenuous and shortest safe route possible, providing rest and shelter as required.
- C.** When the temperature is between 84 and 90 degrees Fahrenheit, no carriage ride will be initiated if the local weather forecast predicts temperatures to rise over 90 degrees Fahrenheit during the time for which the ride is scheduled, or within the time allowed for the trip back to the boarding facility.
- D.** When conducting Horse-Drawn Carriage rides when the temperature is between 78 and 90 degrees Fahrenheit, the driver will monitor respiratory rate, heart rate, and temperature of the horse every hour. Horses exceeding the following resting parameters should immediately undergo cooling measures, then be brought to the stable for rest, and not worked for the remainder of that day:

1. Respiratory rate > 36 breaths per minute after 1 minute;
2. Temperature > 103 degrees; and
3. Heart rate > 52 beats per minute after a 1-minute recovery time.

**E.** Horses must be provided with a blanket for dryness and warmth when appropriate.

**F.** Owners, operators, and drivers of a Horse-Drawn Carriage will monitor the condition of each horse and will not allow a horse to work when there are signs of exhaustion, dehydration, sickness, disease, injury, or severe stress.

**G.** No stallions, no mares with unweaned foals, and no pregnant mares at gestation greater than 9 months shall be used as carriage horses.

**H.** The towing weight of the Horse-Drawn Carriage may not exceed the weight of the horse.

**I.** Tie ropes used around the neck or attaching to the halter shall be carried on all Horse- Drawn Carriages. No horse shall be tied using the bridle, bit, or reins.

**J.** No animal shall work pulling a Horse-Drawn Carriage for more than 5 hours in a 24-hour period, nor more than 5 days in any given week.

**K.** Each horse will be given at least a 10-minute rest period at the end of each hour of work. The horse must be provided ready access to clean drinking water during each break, and must be allowed at reasonable intervals to consume food and water during the workday.

**L.** Stables or other boarding facilities must be sanitary. Stables and stalls must be in good repair, well-ventilated, and free of hazards and debris.

**M.** Horses must be turned out for at least 1 hour per day. Adequate turn-out facilities include dry paddocks, runs, or pastures of dimensions equal to or greater than 12 feet by 24 feet.

### **16.40.870 Horse-Drawn Carriage Regulations.**

Unless the context clearly requires otherwise or unless the regulations and requirements are more stringent than those found in Sections 16.40.820 through 16.40.860, horse-drawn carriage drivers, companies, and vehicles are subject to the regulations and requirements found in this chapter.

### **16.40.880 Horse-Drawn Carriage Penalties.**

**A.** For violation of the regulations and requirements in Sections 16.40.800 through 16.40.860, the penalties are \$250 for the first occurrence, \$500 for the second occurrence, and \$1,000 and permit suspension for subsequent occurrences.

**B.** Three or more violations within 1 year are grounds for permanent revocation of Horse-Drawn Carriage Driver, Vehicle, and Company permits.



## **16.40.900 Compliance with Federal, State, and Local Laws.**

Any PFHT company, driver, or vehicle that is not in compliance with all federal, state, or local laws relating to “for-hire transportation” services is likewise not in compliance with Chapter 16.40.

## **16.40.910 Permit Fees and Civil Penalty Fines.**

(Amended by Ordinance 188972, effective June 29, 2018.)

- A.** All permitted PFHT operators shall pay City permit fees and civil penalties consistent with Sections 16.40.910, 16.40.930, and 16.40.950.
- B.** All permitted PFHT operators shall provide payment to the City pursuant to Section 16.40.910. The Director shall suspend or revoke PFHT permits if permit fees are not paid in full in accordance to Section 16.40.910.
- C.** Permit fee rates shall be established annually by the Director presented to the PFHT Advisory Committee and defined in Administrative Rules TRN 3.40 pursuant to Section 16.40.970.
- D.** TNC permit fee rates shall be established annually by the Director in accordance with the following:
  - 1.** Permit fee rates shall be established to fund all program costs required to adequately administer the PFHT program pursuant to Sections 16.40.100–190 and 16.40.200 – 290 and to verify compliance with all relevant requirements pursuant to Chapter 16.40; and
  - 2.** Permit fee rates shall be proportioned according to the expected annual number of trips fulfilled by permitted TNCs, as determined by the Director and informed by available trip data provided pursuant to Subsections 16.40.140 K. and 16.40.240 K.
- E.** Permitted TNCs shall add to the total fare of each completed trip charged to passengers the permit fee, as established by the Director and pursuant to this section and in accordance with the following:
  - 1.** The permit fee rate added to total fare of each completed trip charged to passengers by the TNC shall be clearly identified as the “CITY OF PORTLAND SURCHARGE” on receipts provided to passengers pursuant to Sections 16.40.140 and 16.40.240.
- F.** The Director shall provide permit fee invoices to permitted TNCs quarterly pursuant to Section 16.40.910. The Director shall issue invoices on or about the 25th day of the month following the end of the quarter. Invoices are based upon trip data provided by TNCs. The invoice payments are due within 30 days of the invoice date. Payments will be considered delinquent if not received within 30 days of invoice date. The first quarter of a new year begins on January 1. The Director shall suspend or revoke TNC permits if permit fees are not paid in full in accordance with Section 16.40.910.
- G.** Permit fee rates applicable to all approved PFHT operators, with the exception of TNCs, shall be established annually by the Director to fund all program costs required to adequately administer the PFHT program and to verify compliance with all relevant requirements pursuant to Chapter 16.40 and as defined in the Administrative Rules.

**H.** The Director shall provide notice of permit fee payment requirements to permitted PFHT operators, with the exception of TNCs, pursuant to Section 16.40.910. The Director shall suspend or revoke PFHT permits if permit fees are not paid in full in accordance with Section 16.40.910.

### **16.40.920 Paid Passenger Referrals and Willful Deception Prohibited.**

**A.** All PFHT drivers are prohibited from providing payment to hotel staff, dispatchers, or any other person for referral of a passenger or passengers. The penalties for violation of Subsection 16.40.920 A. are Class A violations.

**B.** It is prohibited for any person to solicit or accept payment for referral of a passenger to a motor vehicle for hire, or for any person or business, firm, association, or corporation to act in concert with or on behalf of another person or persons to solicit or accept payments for the referral of passengers to a motor vehicle for hire. This prohibition does not include payment for legitimate advertising placement, such as placement of flyers or posters, or legitimate commissions provided by tour companies that do not operate on demand. Advertising or commission payments exempted herein must be documented, and said documentation must be provided to the Director when requested. The penalties for violation of Subsection 16.40.920 B. are Class A violations.

**C.** It is prohibited for any person to solicit or accept gifts and/or gratuities or anything of value from any holder of a City of Portland company, vehicle, or driver permit, except as authorized in this chapter, in return for any dispatch call, assignment, vehicle, or shift. The penalties for violation of Subsection 16.40.920 C. are Class A violations.

**D.** If a Limousine, Executive Town Car, Taxi Cab, Shuttle, or other for-hire vehicle is in a marked hotel zone, it is a rebuttable presumption that it is parked there to provide PFHT services pursuant to Subsections 16.40.180 E., 16.40.280 E., 16.40.380 F., 16.40.480 F., 16.40.680 F., and 16.40.740 E. Taxis, Shuttles, Executive Town Cars, and Limousines parked in a hotel zone must provide properly documented logbook entry when requested by the Director. The penalties for violation of Subsection 16.40.920 D. are Class B violations.

**E.** For-hire vehicles, other than Taxi Vehicles, shall not park in taxi zones and may not park in hotel zones without a reservation or request for service. The penalties for violation of Subsection 16.40.920 E. are Class B violations.

**F.** Taxi Vehicles may not park in a hotel zone prior to 15 minutes before pick up for a dispatch or request for service. The dispatched call/request for service must be documented and available for review by any authorized enforcement officer inspecting logs in the field. The penalties for violation of Subsection 16.40.920 F. are Class B violations.

### **16.40.925 Fare Calculation and Payment Methods.**

(Added by Ordinance 188972, effective June 29, 2018.)

**A.** Drivers must use a company-approved device at all times to calculate fares and process payments.

**B.** A company-approved device must be:

1. Payment Card Industry (PCI) compliant
2. A centralized system or application that can electronically calculate fares, process payments, and produce a receipt.
3. All funds received by the device must be deposited into a centralized account approved by the permitted company.

**C.** If the primary company-approved device is inoperable, drivers may use a secondary company-approved device, if available and meets the requirements of above Subsections A. and B. If no such system exists, the driver must cease providing PFHT services until the company-approved device is operable.

### **16.40.930 Civil Penalties and Penalty Table.**

**A.** Any civil penalty assessed must be paid in full within the time ordered and under the terms and conditions specified. If the payment is not made or the required conditions are not met, the penalty will become a suspension, which will take effect immediately upon the deadline given for payment of the civil penalty. The suspension will remain in effect until the penalty is paid in full and/or the conditions required are met. No new certifications, permits, or renewals will be issued until all penalties are paid.

**B.** Unless a specific civil penalty amount is prescribed by any section of this chapter, penalties for specific code and administrative violations are found in the Civil Penalty Table in Section 16.40.930. Any violation of a Code Section that is not found in the Civil Penalty Table and which is not specifically prescribed by a Code Section, but which places an obligation or requirement on a driver or company, will result in an unclassified penalty described in the Civil Penalty Table.

**C.** The following table outlines the penalties that will be assessed for a violation of the specific Code Sections or Subsections listed:

Violation	1st Offense	2nd Offense	3rd Offense	
Class A	\$1,250	\$2,500	\$5,000	
Class B	\$1,000	\$1,500	\$2,500	
Class C	\$500	\$750	\$1,000	
Class D	\$250	\$500	\$750	
Unclassified	\$250	\$500	\$750	

**D.** In addition to the civil penalty and the suspension and revocation provisions in Section 16.40.940, any second offense is grounds for suspension of the permit, and any third or subsequent offense is grounds for revocation of the permit.

**E.** Offenses are measured by a period of 36 months. Offenses for the same violation that occurs more than 36 months apart from each other are not considered “subsequent” offenses for purposes of them being the “second,” “third,” etc. offense.

**F.** Nothing in this section prohibits the Bureau from suspending or revoking any driver, permit, certification, decal, or taxiplat after a third offense for the same violation.

### **16.40.935 Vehicle Age Exemption.**

Vehicle Age Limit Exemption. A 2-year Vehicle Age Limit Exemption (VAE) can be issued to category vehicles outlined in Administrative Rule. Vehicles currently more than 10 years of age are not excluded. The VAE was established for vehicles in which the registered owners have made a significant investment to purchase, maintain, refurbish, customize, or restore a vehicle.

**A.** All vehicles must conform with all the requirements outlined in Administrative Rules.

**B.** All vehicles are subject to all vehicle requirements of Chapter 16.40.

### **16.40.940 Permit Suspension, Revocation and Cancellation.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A.** Suspension. Any permit, certification, decal, or taxiplat issued under Chapter 16.40 may be suspended by the Director if the Director finds reasonable grounds to believe that any of the following apply:

1. A temporary suspension is necessary to protect the public safety;
2. The permittee’s insurance is not current;
3. The permittee has failed to fully pay a civil penalty when due and the permittee did not file a timely appeal; or
4. At any time, the permittee fails or no longer meets or complies with any section of this chapter.

**B.** Revocation. Any permit, certification, decal, or taxiplat issued under Chapter 16.40 may be revoked by the Director if the Director finds reasonable grounds to believe that any of the following apply:

1. The revocation is necessary to protect the public safety;
2. The permittee did not comply with the terms and conditions of a temporary suspension;

3. The permittee is found operating as a for-hire company or driver while on suspension;
4. Permittee has fraudulently altered the calibration of the driver's taximeter or computer/application based metered system;
5. The permittee has provided either the City, an insurance agent, or an insurance carrier with materially false information regarding vehicle insurance; or
6. The permittee has incurred a total of five penalties and/or suspensions during any consecutive 12-month period.

**C. Simultaneous Revocation.** In the event that a PFHT company permit is revoked, all vehicle decals, certifications, and/or taxiplates assigned to that company are simultaneously revoked and void.

**D. Notice Requirements for Revocations and Suspensions.** If the Director has reasonable grounds to move against a permit based on any factor found in Subsections 16.40.940 A. or B., the Director will send a "Notice of Proposed Suspension" or a "Notice of Proposed Revocation" to the permittee by both regular mail and certified mail (return receipt requested). The City may send a courtesy copy to the permittee by email at an email address the permittee has placed on file with the City. The written notice must include the following:

1. The Director's findings concerning the alleged violation;
2. Notice that alleged violator has 10 business days from the date of the letter in which to file a written response to the Director if the permittee denies that any violation has occurred;
3. The terms, conditions, and timeframe of the proposed suspension, if applicable; and
4. The permittee's appeal rights, including a statement informing the driver of the Director's position regarding a stay of the decision pending appeal.

**E. Actual Notice Presumed.** Actual notice of the proposed suspension or revocation is presumed after 5 days of mailing the notices described in Subsections 16.40.940 D.

**F. Effective Date of Suspensions and Revocations.** Suspensions and revocations automatically take effect 10 business days after the date of the City's notice as provided in Subsections 16.40.940 D. and E., except that they are effective immediately if the Director finds reasonable grounds to believe that:

1. A permittee is not covered by liability insurance as required by Sections 16.40.130 or 16.40.230, 16.40.330, 16.40.430, 16.40.630, 16.40.530, or 16.40.830; or
2. Continued operation by the permittee would cause, or is likely to cause, an unreasonable risk of harm to public health or safety.
3. A permittee has refused to submit to a required compliance audit.

**G. Suspension Length.** If the suspension resulted from failing to meet code requirements, failure to pay a civil penalty, or due to an ongoing code violation, the suspension continues until the penalty is paid or

the violation is corrected. The permittee must not operate until they have satisfied the City or certifying authority's requirements that all penalties are paid and the violation has been corrected.

**H. Right to a Stay.** The City will apply Subsection 16.40.950 G. to determine if the City will stay a suspension or revocation pending appeal.

**I. Renewal Not Allowed After Revocation or During Suspensions.** Permits, decals, and taxiplates that have been revoked during their term are not renewable. Permits, certifications, decals, and taxiplates that are in suspended status at the time of renewal are not renewable unless the suspension is for a specific number of days. Drivers and companies whose permits, decals, or taxiplates were not renewable due to a prior revocation or suspension are required to successfully complete the initial application process to obtain another permit, decal, or taxiplate.

**J. Cancellation.** The permit or certification approval authority created under this Chapter extends only to approving permits in conformance with all requirements of this Chapter.

- 1.** Certification authorities shall not issue a permit upon an application or facts that demonstrate failure to comply with any requirement of this Chapter.
- 2.** The City may cancel any permit issued, approved, or renewed in conflict with the provisions of this Chapter. To cancel a permit, the City will follow these procedures:
  - a.** If the Director has reasonable grounds to cancel a permit, the Director will send a "Notice of Cancellation" to the permittee by both regular mail, and certified mail (return receipt requested). The City may send a courtesy copy to the permittee by email at an email address the permittee has placed on file with the city.
- 3.** Effect of cancellation. Cancellation of a permit voids the permit immediately. In all other respects a cancelled permit is deemed to have never existed. No person whose permit has been cancelled may conduct business until a valid permit or certification has been issued.
- 4.** Actual notice presumed. Actual notice of the cancellation is presumed five days after the latest date on which the City mailed a notice described in Subsection 16.40.940 J.2.a.

## **16.40.950 Criminal Penalties and General Appeals.**

(Amended by Ordinance 188972, effective June 29, 2018.)

- A.** It is unlawful to tamper with a taximeter, TNC application, or to conduct any fraudulent scheme with the intent to overcharge charge any person a fare greater than that allowed by a PFHT company.
- B.** Any violation of Subsection 16.40.950 A. is punishable upon conviction by a fine of not more than \$1,000 or imprisonment for not more than 6 months or both.
- C.** In addition to the civil penalties listed in Section 16.40.930, any violation of Subsections 16.40.110 A. – C., 16.40.200 A. – C., 16.40.300 A. – C., 16.40.400 A. – C., 16.40.500 A. – C., 16.40.600 A. – C., 16.40.700 A. – C., and 16.40.800 A. is punishable, upon conviction, by imprisonment for not more than 6 months.

**D.** Vehicles operated for-hire in violation of Sections 16.40.160, 16.40.260, 16.40.360, 16.40.460, and 16.40.660 are subject to vehicle towing and impoundment.

**E.** Civil Penalties Appeals. Any person or entity assessed a civil penalty may appeal that decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**F.** Permit/Decal/Taxiplate Denials, Cancellations, Suspensions, and Revocations — Appeals and Exception.

1. Any person or entity whose permit, certification, decal, or taxiplate application is denied, or whose permit, decal, or taxiplate is suspended or revoked, may appeal that decision to the Code Hearings Officer under the provisions of Chapter 22.10.

2. If the suspension is due to a failure to timely pay a civil penalty when due, then the underlying reasons for the civil penalty may not be appealed to the Code Hearings Officer. In that situation, the person or entity may appeal only to the Code Hearings Officer to determine if the Bureau properly followed the notice requirements found in Section 16.40.940.

**G.** Stays. If a timely appeal is made pursuant to this Section and does not meet the requirements in Subsection 16.40.940 F., the action appealed may be stayed pending the outcome of the appeal. This includes any civil penalty payment, suspension, or revocation.

### **16.40.960 PFHT Advisory Committee.**

(Amended by Ordinance 188972, effective June 29, 2018.)

**A.** The PFHT Board of Review shall hereby be dissolved, and any Board Order, Board Rule, or Board Regulation in effect prior to the passage of this ordinance has no legal effect and is hereby repealed.

**B.** There hereby is created a PFHT Advisory Committee, hereinafter referred to as “the Committee.”

**C.** Purpose. The PFHT Advisory Committee is a citizen advisory body, representing those with interests in PFHT in the City of Portland by:

1. Providing expertise and feedback to the public, Director, and City Council on Portland’s PFHT market, PFHT regulations, and policies, taking into consideration the full range of City goals and objectives.
2. Providing recommendations for regulatory, code, and administrative rule changes affecting the PFHT operators and PFHT services, including service to people with disabilities.
3. Monitoring the application and enforcement of regulations for their effectiveness in achieving the City’s goals.
4. Recommending customer service, permitting, process, and compliance improvements to the Director and/or City Council.

**5.** Providing input to ensure the budget of the City's PFHT program is adequate to meet service goals and compliance with all requirements pursuant to Chapter 16.40.

**D. Membership.** The PFHT Advisory Committee shall consist of 19 diverse members with expertise, knowledge, and interest of PFHT in the City of Portland. Prospective members may apply to the Director on a form approved by the Director, and members shall be nominated by the Bureau Commissioner-in-Charge and approved by Council. The members shall be selected to provide representation of those persons concerned about PFHT service, PFHT operators, and PFHT drivers in the City of Portland. Members shall be appointed so that the Committee consists of one representative from each the following:

- 1.** PBOT (non-voting member);
- 2.** The tourism industry;
- 3.** The Portland Commission of Disabilities;
- 4.** An at-large community member with a disability;
- 5.** The riding public;
- 6.** The Port of Portland;
- 7.** TriMet;
- 8.** A Taxi Company;
- 9.** A Taxi Driver;
- 10.** A TNC;
- 11.** A TNC Driver;
- 12.** An LPT Company;
- 13.** An LPT Driver;
- 14.** A Shuttle Company;
- 15.** A Shuttle Driver;
- 16.** A Limousine or Party Bus Company;
- 17.** A Tour Bus Company;
- 18.** A Pedicab Company; and
- 19.** An NEMT Company.



**E.** Appointments and Terms. Appointment to the PFHT Advisory Committee shall be for a 3-year term. If a position is vacated during a term, it shall be filled for the unexpired term by an appointee selected by the Commissioner-in-Charge. Members of the PFHT Advisory Committee shall serve no two or more complete 3-year terms.

**F.** Meetings, Officers, and Subcommittees.

**1.** The PFHT Advisory Committee shall meet at least five times each calendar year and otherwise as necessary to conduct its business. Meetings shall be conducted in accordance with adopted rules of procedure. A quorum shall be necessary of voting members to make decisions that represent the position of the PFHT Advisory Committee and to conduct any other Committee responsibilities.

**2.** The officers of the Committee shall consist of a chairperson and a vice- chairperson. The chairperson shall be responsible for conducting the meetings of the committee. The vice- chairperson shall act as chair when the chairperson is not available.

**3.** The PFHT Advisory Committee may divide its members into subcommittees that are authorized to act on behalf of the committee for an assigned purpose. Subcommittee actions require the affirmative vote of at least three members.

**G.** Attendance. Members of the PFHT Advisory Committee are expected to attend each meeting of the committee. The Commissioner-in-Charge may replace any member who accrues unexcused absences from three or more consecutive meetings or more than 50 percent of the meetings in any year.

**H.** PBOT shall provide staff and appropriate assistance for the Board.

**I.** All members of the Committee shall serve without pay, except that they may receive their regular salary during the time spent on matters of the Committee.

### **16.40.970 Director and Committee Authority and Process.**

**A.** The Director may adopt and implement administrative rules, procedures, forms, and written policies for administering the provisions of Chapter 16.40 under the authority granted under Section 16.40.010.

**B.** The Committee may vote to adopt written recommendations to the Director and/or Bureau Commissioner-in-Charge pertaining to any provisions to Chapter 16.40 and all matters pertaining to PFHT.

**C.** Before a recommendation is adopted, the Committee chairperson must first provide notice of the proposed recommendation to the public in a manner reasonably calculated to accomplish such notice (assistance shall be provided by Bureau staff). The notice must include the place, time, and purpose of the public hearing, a brief description of the subjects covered by the proposed rule, and the location where copies of the full text of the proposed rule may be obtained.

**D.** In addition to the general notice required in Subsection 16.40.970 C., the Committee chairperson must also announce the proposed recommendation at a regularly scheduled Committee meeting (the

“Announcement Meeting”) prior to the meeting in which public testimony will take place (the “Testimony Meeting”). At the Announcement Meeting, the Committee chairperson will provide a copy of the proposed recommendation to anyone in attendance that so requests, and the Committee chairperson will announce the date and time of the Testimony Meeting. The Testimony Meeting must take place no less than 14 days or more than 75 days from the Announcement Meeting.

**E.** At the Testimony Meeting, the Director and the Committee will receive oral and written testimony concerning the proposed rule by any Committee member. Upon completion of the public testimony, the Committee may then vote to either:

1. Adopt the proposed recommendation as originally proposed;
2. Adopt a slightly modified version of the originally proposed recommendation;
3. Move that a substantially modified version of the originally proposed recommendation be considered at a later Committee Meeting and with additional public testimony; or
4. Withdraw the proposed recommendation altogether and allow no further vote on it.

**F.** If no Committee member seconds a Committee member’s motion under Subsections 16.40.970 E.1. – F.3. above, then the proposed recommendation does not take effect. Any Committee member may make the motion to adopt a proposed recommendation.

**G.** If a Committee member seconds the motion to adopt the proposed recommendation under Subsections 16.40.970 E.1. or E.2., the Committee will then consider and discuss the proposed recommendation, taking into account any public testimony received. Upon completion of the Committee’s discussion, the Committee chairperson will then call for a vote on the proposed recommendation. If a majority of the Committee votes to adopt the recommendation, it is thereby adopted.

**H.** If Committee member seconds a motion under Subsection 16.40.970 E.3., then additional public review must be conducted, but no additional public notice is required if an announcement is made at the Testimony Meeting of a future hearing for a date, time, and place certain at which the substantially modified rule will be discussed. After the additional testimony is received at the future hearing date, the proposed recommendation will be subject to the discussion, testimony, and voting procedures found in Subsections 16.40.970 E. – G.

**I.** Recommendations for Rule Adoption and Code Revisions. At the recommendation of the PFHT Advisory Committee, the Director may adopt administrative rules pursuant to Section 16.40.970 and may provide to the Bureau Commissioner-in-Charge a recommendation to revise any sections here within Chapter 16.40.

**J.** Unless otherwise stated, all rules are effective upon adoption by the Director. All rules adopted by the Director will be filed in the Bureau’s office and posted on the Bureau’s website. Copies of all current rules will be made available to the public upon request.

**K.** Notwithstanding Subsections 16.40.970 I. and J., the Director may adopt an interim rule without prior public notice or Committee action upon a finding that a failure to act promptly will likely result in

prejudice to the public interest or the interest of the affected parties. If the Director adopts a rule under this Subsection, the Director must state the specific reasons for such prejudice. Any interim rule adopted pursuant to this Subsection is effective for a period of no longer than 120 days.

**L.** Administrative rules adopted pursuant to Section 16.40.970 have the same force and effect as any other provision of Chapter 16.40. To the extent that any administrative rule conflicts with the provisions of Chapter 16.40, Chapter 16.40 will control and prevail.

**M.** Before a rule is adopted, the Director must first provide notice of the proposed rule to the public in a manner reasonably calculated to accomplish such notice. The notice must include the place, time, and purpose of the public hearing, a brief description of the subjects covered by the proposed rule, and the location where copies of the full text of the proposed rule may be obtained.

**N.** In addition to the general notice required in Subsection 16.40.970 N., the Director must also announce the proposed rule at a regularly scheduled Committee meeting (the “Announcement Meeting”) prior to the meeting in which public testimony will take place (the “Testimony Meeting”). At the Announcement Meeting, the Director will provide a copy of the proposed rule to anyone in attendance that so requests, and the Director will announce the date and time of the Testimony Meeting. The Testimony Meeting must take place no less than 14 days or more than 75 days from the Announcement Meeting.

**O.** At the Testimony Meeting, the Director and the Committee may will receive oral and written testimony concerning the proposed rule. Upon completion of the public testimony, the Director may then choose, at the Director’s sole discretion, to either:

1. Move to adopt the proposed rule as originally proposed;
2. Move to adopt a slightly modified version of the originally propose rule;
3. Move that a substantially modified version of the originally proposed rule be considered at a later Committee Meeting and with additional public testimony; or
4. Withdraw the proposed rule altogether and allow no further vote on it.

**P.** Unless otherwise stated, all rules are effective upon adoption by the Director. All rules adopted by the Director shall be filed in the Bureau’s office and posted on the Bureau’s website. Copies of all current rules will be made available to the public upon request.

**Q.** Revisions to Chapter 16.40 may be presented to Council for consideration by the Transportation Commissioner-in-Charge.

### **16.40.980 Currently Permitted Companies, Vehicles, and Drivers Grandfathered — Renewal Process.**

**A.** All companies that are currently permitted, and all valid, current decals, taxiplates, and certifications issued by the City on the effective date in this Chapter do not need to reapply for new permits, decals,

taxiplates, or certifications or provide additional proof of valid insurance but must otherwise adhere to all the requirements as found in this Chapter.

**B.** To achieve the goal of staggered renewal dates, the Director may, by administrative rule, require that the initial permit term of some permittees be for less than the 12-month term required pursuant to Chapter 16.40. The fees associated with any permit terms that are less than the 12-month requirement will be prorated as necessary to reflect the shorter permit duration.

**C.** The effective date of any requirement in this Chapter applicable to the operation of a non-motorized PFHT vehicle or provision of non-motorized PFHT and Non-Emergency Medical Transportation (NEMT) Companies/Specially Attended Transportation (SAT) Companies, NEMT/SAT Vehicles, NEMT/SAT Services, and NEMT/SAT Drivers is suspended until such time that alternate provisions in Chapter 16.40 pertaining to non-motorized and NEMT/SAT companies, drivers, or vehicles are adopted by City Council.

**D.** The Director may, by administrative rule, suspend any requirement in this Chapter for a period of 180 days that will likely result in prejudice to the public interest or the interest of the affected parties.

### **16.40.995 Severability.**

If a court of law finds any provision of this Chapter invalid or unenforceable as to any person, business, or circumstance, then that provision is considered severed from this Chapter. The severed provision has no effect on the remainder of the Chapter or its application to other persons, businesses, and circumstances.

## **Chapter 16.48 (Repealed)**

(Chapter repealed by Ordinance 165947, effective October 28, 1992.)

## **Chapter 16.50 Mass Transit**

### **16.50.001 Purpose.**

(Amended by Ordinance 182921, effective June 17, 2009.)

This section describes how mass transit lanes, the Transit Mall and Auxiliary Vehicular Lanes are designated, the regulations that apply, and which vehicles may use them.

### **16.50.100 Designation of Transit Lanes.**

(Amended by Ordinance 182921, effective June 17, 2009.)

Designation of transit lanes, excluding the Transit Mall and Auxiliary Vehicular Lanes separately designated herein will be made by the City Traffic Engineer upon advice of the City Engineer and the Tri-County Metropolitan Transportation District of Oregon (TriMet). Designation will be shown by official signs or markings. Signs or markings will distinguish whether the transit lane may be used by:

- A.** Bus only;
- B.** Light rail vehicle only;
- C.** Trolley or streetcar vehicle; or
- D.** Carpool vehicle only; or some combination of the above.

### **16.50.110 Designation of the Transit Mall and Auxiliary Vehicular Lanes.**

(Added by Ordinance 182921, effective June 17, 2009.)

The Transit Mall is hereby designated to be that portion of 5th Avenue and 6th Avenue between NW Irving Street and SW Jackson Street including NW Irving Street between NW 5th Avenue and NW 6th Avenue, and SW Morrison and Yamhill Streets between SW 4th Avenue and SW Broadway specifically designated with official signs or marking for the use of transit vehicles. The automobile lanes on 5th Avenue, 6th Avenue, NW Irving Street, SW Morrison Street and SW Yamhill Street adjacent the Transit Mall are hereby designated as Auxiliary Vehicular Lanes for purposes of this Section.

### **16.50.200 Prohibited Use of Transit Lanes, Transit Mall and Auxiliary Vehicular Lanes.**

(Amended by Ordinance 182921, effective June 17, 2009.)

- A.** Except as otherwise provided for in this Section, no vehicle may enter upon, park on, or use an officially designated transit lane, or the Transit Mall.
- B.** Restrictions on transit lane use will vary depending on whether the lane is designated for light rail, motor bus, trolley, or carpool use.
- C.** Except as otherwise provided for in this Section, no vehicle may stop or park on Auxiliary Vehicular Lanes except vehicles acting in compliance with law, or at the direction of a police officer or a control device or Multnomah County prisoner transfer vehicles actively transferring people.
- D.** Except vehicles may cross the Transit mall to ingress or egress the following driveways provided that the vehicles shall obey all applicable traffic control devices:
  - 1.** The driveway located on the west side of SW 5th Avenue immediately south of SW Jefferson Street.
  - 2.** The first two driveways located on the west side of SW 5th Avenue immediately north of SW College Street.
  - 3.** The driveway located on the west side of SW 5th Avenue immediately south of SW Harrison Street.

### **16.50.300 Vehicles Allowed In Transit Lanes, Auxiliary Vehicular Lanes and on the Transit Mall.**

(Amended by Ordinances 182921 and 183979, effective August 13, 2010.)

The following vehicles may enter upon, stop or park in a transit lane or the Transit Mall:

- A.** A vehicle owned or operated by the Tri-County Metropolitan Transportation District of Oregon.
- B.** A vehicle so allowed by the terms of a maintenance contract with the City of Portland or TriMet or City Transportation maintenance crews engaged in maintenance.
- C.** A police, fire, ambulance, or outpatient vehicle, if performing emergency services.
- D.** A vehicle and equipment engaged in emergency response:
  - 1. Towing;
  - 2. Snow removal; or
  - 3. Street, sewer, utility, bus or fire alarm repair.
- E.** Street Car.

### **16.50.400 Vehicles Allowed in Non Transit Mall Transit Lanes During Certain Hours.**

(Amended by Ordinances 173627, 182389 and 182921, effective June 17, 2009.)

- A.** A vehicle may enter upon and park in a transit lane if the lane is closed by a street closure permit from the City Engineer per Title 17 and if the vehicle is specifically authorized to do so by the street closure permit.
- B.** A vehicle with a travel lane parking permit (16.20.550) or an angle loading permit (16.20.540) may park in a transit lane if authorized to do so by the permit.
- C.** A public utility or construction vehicle engaged in work on or adjacent to a transit lane may enter upon, park, and use transit lanes designated for bus-only use except during the following hours: 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday, after giving notification as required by regulations governing the Special Traffic Control District (17.23.050).
- D.** A public utility or construction vehicle engaged in work on or adjacent to a transit lane may enter upon, park, and use transit lanes designated for bus-only use between the hours of 7 a.m. to 9 a.m. and/or 4 p.m. to 6 p.m., Monday through Friday, when specifically allowed during this time by a permit from the City Traffic Engineer. The City Traffic Engineer will notify Tri-Met and the City Engineer before issuing such a permit.

**E.** A vehicle requiring direct access to properties facing a transit lane for ingress/egress or special loading may enter upon and use (but not park in) the transit lane(s) between 7 p.m. and 6 a.m. A permit from the City Traffic Engineer is required for this access between 6 a.m. and 7 p.m.

**F.** A taxicab, for hire vehicle, delivery vehicle, maintenance vehicle, or garbage truck may enter certain transit lanes during times established by the Bureau of Transportation's Administrative Rules.

### **16.50.410 Vehicles Allowed on the Transit Mall and Auxiliary Vehicular Lanes by Permit.**

(Added by Ordinance 182921; Amended by Ordinances 183979 and 189651, effective September 6, 2019.)

**A.** A public utility or construction vehicle engaged on or adjacent to the Transit Mall may enter upon, park and use the Transit Mall and/or the Auxiliary Vehicular Lanes if the Transit Mall and/or Auxiliary Vehicular Lanes are closed by permit from the City Engineer per Title 17, or TriMet access permit, and the vehicle is specifically authorized to do so by the permit.

**B.** Except in the case of emergency and as otherwise provided for herein, the City Engineer shall not issue permits for the use of Auxiliary Vehicular Lanes between the hours of 6:00 AM and 7:00 PM Monday through Friday. The City Engineer may issue permits for Saturday and/or Sunday, but permits shall be short term closures as required for operational safety of the service provider and shall not interrupt TriMet service. The Director of Transportation may approve a short term (3 days or less) permit, during otherwise restricted times, with agreement from Tri-County Metropolitan Transportation District of Oregon (TriMet). The Director shall establish rules and procedures for this type of closure.

**1.** "Emergency" shall mean any unscheduled repair of existing facilities which must be accomplished immediately to protect the life, health and well being of the public, or to protect public or private property. Under this definition, "emergency" work shall encompass only immediately required repairs and shall not include extensive replacement or upgrading of the facility.

**C.** The City Engineer may issue permits for the use of Auxiliary Vehicular Lane on SW 6th Avenue between SW Taylor and SW Morrison Streets to accommodate events permitted and authorized by Pioneer Courthouse Square, Inc. as may be deemed appropriate in the judgment of the City Engineer.

**D.** All permits shall include a traffic control plan approved by the City Engineer and Tri-County Metropolitan Transportation District of Oregon (TriMet).

### **16.50.500 Regulation and Permit Procedure.**

**A.** The Traffic Engineer must notify the Tri-County Metropolitan Transportation District of Oregon of any rule, regulation or permit proposed to be issued under this chapter. The rule, regulation or permit will become effective on a date agreed upon by both parties. In the event of disagreement between Tri-Met and the Traffic Engineer, the City Council will determine whether the rule be adopted or the permit issued based upon the amount of interference to mass transit operations.

**B.** No limitation or prohibition of use herein applies to vehicles on a street intersecting or crossing a transit lane unless it is specifically designated as a transit lane.

## Chapter 16.60 Motor Vehicle Fuels

(Chapter added by Ordinance 180313, effective August 11, 2006 .)

### 16.60.010 Definitions.

(Amended by Ordinances 180671, 189820 and 191100, effective December 7, 2022.)

As used in this Chapter, the following terms shall be defined as provided in this section:

- A.** “Biodiesel” means a renewable alternative to diesel fuel that consists of mono-alkyl esters of long chain fatty acids derived from plant or animal matter that meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency and standards established by the American Society of Testing and Materials (ASTM).
- B.** “Biofuel” means any fuel that is derived from plant or animal matter that meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency and standards established by the American Society of Testing and Materials (ASTM) as determined by the Director of the Bureau of Planning and Sustainability under Subsection 16.60.020 C. For the purposes of this Chapter, Biofuel includes Biodiesel, Renewable Diesel, and Ethanol.
- C.** “Blendstock” means any unfinished biofuel that is used for the purpose of blending with petroleum-based diesel fuel to make a final refined product. For example, a final product of B20 is made from a blend of 80 percent petroleum-based diesel fuel and 20 percent B100 blendstock.
- D.** “Carbon intensity” means the amount of lifecycle greenhouse gas emissions per unit of energy of fuel expressed in grams of carbon dioxide equivalent per megajoule (gCO<sub>2</sub>e/MJ), as determined by the Oregon Department of Environmental Quality (DEQ) Clean Fuels Program.
- E.** “City” means the City of Portland.
- F.** “Diesel” means petroleum-based liquid that is suitable for use as a fuel in diesel powered motor vehicles.
- G.** “Director” means the Director of the Bureau of Planning and Sustainability or the Director’s authorized representative, designee or agent.
- H.** “E10” means a fuel mixture of 10 percent ethanol and 90 percent gasoline.
- I.** “Ethanol” means ethyl alcohol, a flammable liquid used or sold for the purpose of blending or mixing with gasoline.
- J.** “Feedstock” means the plant or animal matter from which a biofuel is derived.



- K.** “Fuel” means all gasoline or diesel sold within the City for the purpose of operating motor vehicles on public roadways.
- L.** “Fuel distributor” means a person that causes the transportation or storage of fuel at any point between a refinery or importer’s facility and any retail outlet or wholesale purchaser-consumer within the City.
- M.** “Gasoline” means any petroleum-based fuel sold for use in spark ignition engines.
- N.** “Motor vehicle” means every inanimate vehicle which is self-propelled. For the purposes of this Chapter, the definition of motor vehicle shall not include aircraft, watercraft, or locomotives.
- O.** “Nonretail dealer” means any person who owns, operates, controls or supervises an establishment at which motor vehicles fuel is dispensed through a car or key-activated fuel dispensing device to nonretail customers.
- P.** “Product transfer document” or “PTD” means a document, or combination of documents, that authenticates the transfer of fuel ownership between parties and must include all information as required under administrative rules developed by the Bureau of Planning and Sustainability. A PTD may include bills of lading, invoices, contracts, meter tickets, rail inventory sheets or RFS product transfer documents.
- Q.** “Renewable diesel” means a renewable alternative to diesel fuel that is produced through various thermochemical processes such as hydrotreating, gasification, and pyrolysis and is derived from plant or animal matter. Renewable diesel is chemically the same as petroleum diesel fuel. Renewable diesel meets the American Society for Testing and Materials (ASTM) specification ASTM D975 for petroleum diesel may be used in existing petroleum pipelines, storage tanks, and diesel engines.
- R.** “Reseller” means a person who purchases fuel and resells or transfers it to a retailer or wholesale purchaser-consumer within the City.
- S.** “Retail outlet” means any establishment within the City at which fuel is sold or offered for sale to the ultimate consumer for use in motor vehicles.
- T.** “Retailer” means any person who owns, leases, operates, controls or supervises a retail outlet within the City.
- U.** “Wholesale purchaser-consumer” means any organization within the City that is an ultimate consumer of fuel, and which purchases or obtains diesel or gasoline from a fuel distributor or reseller for use in motor vehicles and receives delivery of that product into a storage tank or directly into a vehicle’s tank.

### **16.60.015 Authority of Director.**

(Added by Ordinance 191100, effective December 7, 2022.)

- A.** The Director is authorized to administer and enforce the provisions of this Chapter.

**B.** The Director may, upon request, issue written interpretations of how this Chapter applies in general or to specific circumstances.

**C.** The Director is authorized to adopt, amend and repeal rules, procedures and forms to implement the provisions of this Chapter.

**1.** Before adopting, amending or repealing a rule, the Director must notify interested parties and hold a public comment period. Such notice, which may be provided by mail or electronic means, such as posting on the Program's website, must be published at least 4 weeks before the close of the public comment period. The notice must include instructions on how an interested party may comment on the proposed rule, a brief description of the subjects covered by the proposed rule and how to access the full text of the proposed rule.

**2.** During the public comment period, the Director will receive written comments concerning the proposed rule. At the conclusion of the public comment period, the Director will either adopt the proposed rule, modify it or reject it, taking into consideration the comments received. If a substantial modification is made, an additional public comment period will be held, as determined in the Director's sole discretion. Unless otherwise stated, all rules are effective upon adoption by the Director. Copies of all current rules will be posted on the Renewable Fuel Standard Program's website.

**3.** Notwithstanding Subsections 1. and 2., the Director may adopt an interim rule to temporarily suspend or modify the minimum biofuel content requirements, biofuel carbon intensity requirements, and exemptions of this Chapter based on the determination that such requirements are temporarily infeasible due to economic or technical circumstances. Interim rule may be adopted without prior public notice upon a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties, stating the specific reasons for such prejudice. An interim rule adopted pursuant to this Subsection is effective for a period of not longer than 180 calendar days. The Director may extend the interim rule past the 180 calendar days for good cause, as determined in the Director's sole discretion.

## **16.60.020 Minimum Biofuel Content Requirements.**

(Amended by Ordinances 180671, 189820 and 191100, effective December 7, 2022.)

### **A. Biodiesel and Renewable Diesel**

**1.** On and after May 15, 2024, all diesel fuel sold by fuel distributors or resellers to fuel retailers, nonretail dealers or wholesale purchaser-consumers within the City shall contain a minimum blend of 15 percent biodiesel or renewable diesel.

**2.** On and after July 1, 2024, all diesel fuel sold by fuel retailers, dispensed by nonretail dealers, or purchased by wholesale purchaser-consumers within the City shall contain a minimum blend of 15 percent biodiesel or renewable diesel.

3. On and after May 15, 2026, all diesel fuel sold by fuel distributors or resellers to fuel retailers, nonretail dealers, or wholesale purchaser-consumers within the City shall contain a minimum blend of 50 percent biodiesel or renewable diesel.
4. On and after July 1, 2026, all diesel fuel sold by fuel retailers, dispensed by nonretailer dealers, or purchased by wholesale purchaser-consumers within the City shall contain a minimum blend of 50 percent biodiesel or renewable diesel.
5. On and after May 15, 2030, all diesel fuel sold by fuel distributors or resellers to fuel retailers, nonretail dealers, or wholesale purchaser-consumers within the City shall contain a minimum blend of 99 percent biodiesel or renewable diesel.
6. On and after July 1, 2030, all diesel fuel sold by fuel retailers, dispensed by nonretailer dealers, or purchased by wholesale purchaser-consumers within the City shall contain a minimum blend of 99 percent biodiesel or renewable diesel.

## **B. Ethanol**

1. On and after September 16, 2007, all gasoline sold by fuel distributors or resellers to fuel retailers, nonretail dealers or wholesale purchaser-consumers within City shall contain a minimum blend of 10 percent ethanol (E10 fuel). This requirement shall remain in effect on a year-round basis.
2. On and after November 1, 2007, all gasoline sold by fuel retailers, dispensed by nonretailer dealers or purchased by wholesale purchaser-consumers within City shall contain a minimum blend of 10 percent ethanol (E10 fuel). This requirement shall remain in effect on a year-round basis.

**C.** The Director shall establish, and revise as necessary, standards for biofuels sold in the City. The Director shall consult specifications established for biofuels by the American Society for Testing and Materials, the Oregon Department of Agriculture or similar specifications, in forming its standards.

**D.** Biodiesel produced from a feedstock of virgin or recycled palm oil may not be used to satisfy the requirements of this Chapter.

**E.** Biodiesel used to satisfy the requirements of this Chapter must not exceed 20 percent in any final diesel fuel blends. The foregoing does not limit voluntary sales of higher blends of biodiesel, as long as those blends are properly labeled in accordance with state or federal guidelines.

**F.** The Bureau of Planning and Sustainability must study and monitor biodiesel and renewable diesel production, use, and sales in Oregon and in the City through 2030.

**G.** Fuel retailers are required to conspicuously place signage denoting the type of biofuel mixture available for sale by the fuel retailer in accordance with the labeling guidelines or rules established by the Oregon Department of Agriculture or by the administrative rules adopted by the Director.

## **16.60.025 Biofuel Carbon Intensity Requirements.**

(Replaced by Ordinance 191100, effective December 7, 2022.)

- A.** All biodiesel and renewable diesel sold in the City to satisfy the requirements of this Chapter must have a carbon intensity equal to or less than 40 gCO<sub>2</sub>e/MJ as certified by DEQ's Clean Fuels Program, Approved Carbon Intensity Values.
- B.** Carbon intensity requirements apply to biofuel blendstock, not the final blended products, which may contain a portion of petroleum-based diesel fuel at a higher carbon intensity.
- C.** The Director must establish and revise as necessary standards for carbon intensity of biofuels sold in the City and rules for enforcement and reporting procedures.

### **16.60.030 Exemptions.**

(Amended by Ordinances 180671, 189820 and 191100, effective December 7, 2022.)

- A.** The requirements of Subsection 16.60.020 A.1. through 4. do not apply to any retailer offering a renewable diesel blend of 99 percent (R99 fuel) if such retailer, as of January 1, 2023, has: (1) a minimum of 120,000 gallons of onsite storage; and (2) a minimum of nine truck fueling lanes. Such retailer may also offer, on the same site or a contiguous site, diesel fuel that does not contain biofuels. This exemption expires on July 1, 2030.
- B.** The requirements of this Chapter do not apply to fuel used for the operation of railroad locomotives, watercraft, aircraft, or emergency equipment.
- C.** The requirements of this Chapter do not apply to any fuel used for vehicle test operations. For the purposes of product validation engineering, any reasonable market fuel required for validation may be procured at the sole discretion of the vehicle test operators, including any mix of ultra-low sulfur diesel, biodiesel, renewable diesel, or ethanol required for testing and in compliance with state and federal law.
- D.** The minimum biofuel content requirements in Subsections 16.60.020 A.1. and 2. do not apply to Portland-based vehicle manufacturing operations. On and after July 15, 2030, all Portland-based vehicle manufacturing operations must meet the requirements of this Chapter.
- E.** Nothing in this Chapter is intended to prohibit the production, sale, or use of motor fuel for use in federally designated flexibly fueled vehicles capable of using up to 85 percent ethanol fuel blends.

### **16.60.040 Enforcement and Notice of Violation.**

(Amended by Ordinances 180671, 189820 and 191100, effective December 7, 2022.)

- A.** The Director, or designee, upon determining that a violation of this Chapter or associated administrative rules has occurred, will issue a written notice of the violation by certified mail to the fuel distributor, reseller or retailer. The notice will identify the violation and applicable penalty.

**B.** The fuel distributor, reseller or retailer shall, upon receipt of a notice of violation, correct the violation and pay to the City the stated penalty or appeal the finding of a violation to the Code Hearings Officer within 10 days of receipt of the notice.

**C.** A determination issued pursuant to Subsection 16.60.040 A. may be appealed to the Code Hearings Officer, as provided for in Chapter 22.10 of City Code.

### **16.60.050 Penalties.**

(Amended by Ordinance 191100, effective December 7, 2022.)

Violations of this Chapter may be punishable as follows:

- A.** A fine of up to \$10,000 for the first violation;
- B.** A fine of up to \$15,000 for each subsequent violation.

### **16.60.060 Disclosure.**

(Amended by Ordinances 180671 and 191100, effective December 7, 2022.)

**A.** For all sales of biofuels blended products by fuel distributors or resellers for the purposes of meeting this Chapter, the distributor or reseller must provide a bill of lading or product transfer document disclosing biofuel content, stating volume percentage, gallons of biofuel per gallon finished fuel, or an "Bxx", "Rxx", or "Exx" designation where "xx" denotes the volume percent biofuel included in the blended product, and the feedstock from which the biofuel was derived.

**B.** Fuel retailers and nonretailer dealers dispensing fuel must maintain records for all biofuels sold in the City. Those records will be made available to the Bureau of Planning and Sustainability for the purposes of enforcement and reporting, as determined through rules adopted by the Director.

### **16.60.070 Additional Regulations.**

(Repealed by Ordinance 191100, effective December 7, 2022.)

## **Chapter 16.65 Funeral Processions**

(Chapter added by Ordinance 176022, effective November 16, 2001.)

### **16.65.010 Funeral Processions.**

As used in this Section, funeral procession means four or more motor vehicles accompanying the body of a deceased person in the daytime, when each of such vehicles has its headlights lighted.

**A.** Pedestrians and the operators of all vehicles, except emergency vehicles, must yield the right-of-way to each vehicle which is a part of a funeral procession. Whenever the lead vehicle in the funeral

procession lawfully enters an intersection, the remainder of the vehicles in such a procession may continue to follow such lead vehicle through the intersection notwithstanding any traffic control device or right-of-way provisions prescribed by statute or ordinance, provided the operator of each vehicle exercises due care to avoid colliding with any other vehicle or pedestrian upon the streets or highway.

**B.** No person may operate any vehicle as part of a funeral procession without having the headlights of such vehicle lighted.

**C.** No operator of a vehicle may drive between vehicles in a funeral procession which are properly identified while the procession is in motion, except when directed to do so by a police officer.

## **Chapter 16.70 Miscellaneous Regulations**

### **16.70.001 Purpose.**

This Section provides traffic regulations in addition to those of the Oregon Revised Statutes that apply in the City of Portland.

### **16.70.200 Pedestrians.**

#### **16.70.210 Must Use Crosswalks.**

No pedestrian may cross a street other than within a crosswalk if within 150 feet of a crosswalk.

#### **16.70.220 Must Cross at Right Angles.**

A pedestrian must cross a street at right angles unless crossing within a crosswalk.

#### **16.70.230 To Obey Directions of School Traffic Patrol and Crossing Guard.**

At intersections where a member of the school traffic patrol or crossing guard is stationed for the safety of school children, all pedestrians must obey the directions of such school traffic patrol member or crossing guard. It is unlawful for any pedestrian to cross at any intersection where such patrol member or crossing guard is stationed contrary to the direction of such school traffic patrol member or crossing guard.

#### **16.70.240 Bridge Railings.**

No pedestrians may sit, stand on, or lean their torso over a Willamette River bridge railing unless engaged in bridge maintenance work or otherwise authorized by an appropriate government agency.

### **16.70.300 Bicycles.**

#### **16.70.310 Persons Riding Bicycles to Obey Traffic Regulations.**

Every person riding a bicycle upon a roadway is subject to state law and the provisions of this Title applicable to the driver of a vehicle, except state law and those provisions of this Title which by their very nature can have no application.

### **16.70.320 Operating Rules.**

(Amended by Ordinance 165594, effective July 8, 1992.)

No person may:

- A.** Leave a bicycle so that it obstructs vehicle or pedestrian traffic on a roadway, sidewalk, driveway, handicap access ramp, building entrance, or so that it prevents operation of a parking meter or newspaper rack;
- B.** Leave a bicycle secured to a fire hydrant or to a police or fire call box;
- C.** Leave a bicycle on private property without consent of the owner or legal tenant. Consent is implied on private commercial property;
- D.** Leave a bicycle on a street or other public property for more than 72 hours; or
- E.** Ride a bicycle on a sidewalk, unless avoiding a traffic hazard in the immediate area, within the area bounded by and including SW Jefferson, Front Avenue, NW Hoyt and 13th Avenue, except:
  - 1.** On sidewalks designated as bike lanes or paths;
  - 2.** On the ramps or approaches to any Willamette River Bridge; or
  - 3.** In the area bounded by the west property line of SW Ninth Avenue, the east property line of SW Park Avenue, the north property line of SW Jefferson and the south property line of SW Salmon Street.
  - 4.** For police or special officers operating a bicycle in the course and scope of their duties; or
  - 5.** For employees of the Association for Portland Progress and companies providing security services operating a bicycle in the course and scope of their duties. These employees must have in possession an identification card issued by the Chief of Police certifying the rider has completed a training course in the use of a bicycle for security patrol.

### **16.70.330 Impounding Bicycles.**

- A.** A bicycle left on a street or other public property for more than 72 hours may be impounded.
- B.** A bicycle may be immediately impounded if:
  - 1.** It is parked in violation of this code and obstructs or impedes pedestrian or vehicular traffic; or

**2.** It is an immediate threat to the public welfare.

**C.** The impounding agency must make reasonable efforts to notify the owner of the impoundment and a description of how and by what date the bicycle must be claimed.

**D.** A fee may be charged to the owner of an impounded bicycle. No impoundment fee will be charged to the owner of a stolen bicycle that has been impounded.

**E.** An impounded bicycle that remains unclaimed after 30 days may be disposed of in accordance with city procedures for disposal of abandoned or lost personal property.

### **16.70.340 Renting Bicycles.**

No person may rent a bicycle to another person unless the bicycle is equipped as required by state law.

### **16.70.400 Other Transportation.**

#### **16.70.410 Roller Skates and Skateboards.**

(Replaced by Ordinance 185596, effective September 5, 2012.)

**A.** No person may use roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon any sidewalk within the area bounded by and including SW Jefferson, Naito Parkway, NW Hoyt and 13th Avenue. The middle and bisecting sidewalks in the Park Blocks are considered sidewalks for the purposes of this Subsection.

**B.** No person may use roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon any street, roadway or sidewalk on

**1.** SW 5th or 6th Avenues between SW Lincoln and Burnside; and on

**2.** NW 5th or 6th Avenues between Burnside and Union Station.

**C.** No person may use roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon any street, roadway or sidewalk between the hours of 10 p.m. and 7 a.m. on

**1.** SW Fairview Boulevard between SW Knights Boulevard and SW Kingston Avenue;

**2.** SW Kingston Avenue between SW Tichner Drive and the Washington Park entrance;

**3.** SW Tichner Drive between SW Kingston Avenue and SW Marconi Avenue;

**4.** SW Marconi Avenue;

**5.** SW Park Place between SW Marconi Avenue and SW Wright Avenue;



6. SW Lafayette Place;
7. SW Hampshire Street between SW Lafayette Place and SW Champlain Drive;
8. SW Champlain Drive between SW Hampshire Street and SW Rutland Terrace;
9. SW Rutland Terrace; and
10. West Burnside Street from Skyline Boulevard to SW Vista Avenue.

**D.** No person may use roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon any street, roadway or sidewalk while attached in any manner to any motor vehicle on the roadway. In addition, a person shall not knowingly drive a motor vehicle that is towing a person riding same.

**E.** All persons using roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power must while on a public street, traveling at less than the speed limit of the roadway shall yield to vehicles approaching from the rear by moving to the right curb or shoulder of the street.

**F.** During limited visibility conditions and between the hours of sunset and sunrise, all persons using roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power must be equipped with and use lighting equipment that shows a white light visible from a distance of at least 500 feet to the front of the device.

**G.** During limited visibility conditions and between the hours of sunset and sunrise, all persons using roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power must be equipped with and use lighting equipment that has a red reflector or lighting device or material of such size or characteristic and so mounted, carried or worn as to be visible from all distances up to 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle.

**H.** The penalty for failing to follow the rules of Subsections A. - G. shall be a minimum fine of \$115.

**I.** All persons under 16 years of age shall wear protective headgear when using roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon any street, sidewalk, or bridge. The penalty for failure to wear protective headgear as required in this subsection shall be a maximum fine of \$25.

**J.** Except for those provisions by their very nature can have no application, this subsection adopts the Oregon Motor Vehicle Code's rules of the road for vehicle drivers to regulate the use of roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon a public highway in the City. Riders of such devices are subject to the provisions applicable to, and have the same rights and duties provided any driver of a vehicle by the Oregon Vehicle Code concerning operating on highways except when otherwise specifically provided in this Code.

1. The penalty for failing to follow the rules of the road incorporated by Subsection J. shall be a fine of \$250.

**a.** First time offenders of this Code are eligible to participate in Share the Road or similar program in lieu of the fine.

**K.** This Section does not apply to bicycles as defined by Section 16.90.025 of this Code.

### **16.70.430 Train Switching Prohibited in Certain Areas.**

**A.** On railroad tracks located in NW 12th Avenue between West Burnside and NW Hoyt Streets, and on railroad tracks located on NW Flanders Street, between NW 12th Avenue and NW Front Avenue, it is unlawful for any person to direct, cause, or permit switching movements of freight cars between the hours of 6 a.m. and 7 p.m.

**B.** No person may direct, cause, or permit any railroad equipment to be left or parked on the main line tracks of these streets.

### **16.70.450 Off-Street Parking Required for Trucks.**

A person owning or controlling any truck or truck trailer must provide at his or her own expense complete off-street parking facilities for the storage of all such equipment.

### **16.70.500 Traffic Regulations.**

#### **16.70.510 Trespassing - Leaving Pamphlet On Vehicle.**

(Amended by Ordinance 165987, November 12, 1992.)

**A.** It is unlawful for any person to ride or trespass upon or within any motor vehicle without the consent of the owner or operator thereof.

**B.** It is unlawful for any person to post, stick, or place upon or within any motor vehicle any card, notice, handbill, leaflet, pamphlet, survey, or similar matter without the consent of the owner or operator.

**C.** The provisions of this Section do not apply to any card, notice, handbill, leaflet, pamphlet, survey, or similar matter placed upon or within such motor vehicle by authority of law, by an authorized officer of the City, County, or State or by a designee of the City Traffic Engineer.

#### **16.70.520 Hitching Onto Vehicle.**

**A.** It is unlawful for any person riding upon any vehicle, sled, or other conveyance to hitch or hold on to any part of another vehicle or conveyance for the purpose of being propelled or drawn along any street or highway within the City.

**B.** Nothing contained in this Section is deemed to prohibit the coupling of one or more motor vehicles or motor vehicle and trailer in the manner approved by ORS 818.

#### **16.70.530 Central City Plan District Closed to Driving Lessons.**

It is unlawful for any person to give or receive lessons or instructions in driving or operating any vehicle upon any street, except interstate freeways, in the Central City Plan District except for access directly to and from an institution or business located in the Central City Plan District. This Section does not apply to an applicant for a motor vehicle operator's license when accompanied by an examiner from the office of the Department of Motor Vehicles of Oregon.

### **16.70.550 Vendor Traffic Regulations.**

(Amended by Ordinances 165594, 166575, and 176585, effective July 5, 2002.)

**A.** It is unlawful for any:

1. Vehicle, cart, or temporary stand used to conduct business to be left unattended for 30 or more minutes or parked or stored over night on any public grounds, street, or highway. See also: 14A.50.030, 14A.50.040, 14A.50.050, 16.20.150 D., 16.60.100 F., 17.25, 17.26.
2. Vendor to conduct business in a roadway adjacent to or directly across from residential property for a period longer than 10 minutes within any block face. Such vendor must vacate said block face for a period of 2 hours upon expiration of the 10-minute limit.

**B.** Whenever, in the judgement of the Bureau of Police, traffic is or will be congested in and around an area being used by a vendor, the Bureau of Police is hereby given authority to cause said vendors to move and remain out of the congested area.

### **16.70.560 Traffic Regulations in Parks.**

(Amended by Ordinances 165594 and 187564, effective January 27, 2016.)

**A.** Except as otherwise provided in this Section, the provisions of this Title regulating street traffic and parking apply to driving or parking a vehicle in a City park or golf course.

**B.** With approval of the Commissioner In Charge, the Director of Portland Parks & Recreation may restrict or prohibit traffic or types of traffic and parking in City parks as defined in Title 20. Signs giving notice of any restriction or prohibition imposed under this Subsection shall be posted and maintained by the Director of Portland Parks & Recreation in a conspicuous manner and place to inform the public. It is unlawful for any person to violate any restriction or prohibition imposed under this Subsection after notice thereof has been posted.

**C.** The Bureau of Police or the Director of Portland Parks & Recreation or the Director's designee has authority to enforce the provisions of this Section and is authorized to order that a vehicle parked in violation of such restrictions or prohibitions be towed in the manner provided in this Title.

**D.** The provisions of this Section do not apply to City authorized vehicles used in park or golf course service.

### **16.70.570 Inoperative Electric Traffic Control Signals.**

An intersection with inoperative electric traffic control signals shall be treated as an uncontrolled intersection, unless other official traffic control devices have been erected at the intersection. This Section does not apply to freeway ramp metering signals operated by the Oregon Department of Transportation.

## **16.70.600 Over Dimensional Vehicles.**

### **16.70.610 General Prohibitions.**

**A.** It is unlawful for any person or owner to drive, move, or to cause or permit to be driven or moved on any street in the City any vehicle or combination of vehicles that:

1. Exceeds the weight or size limitations set forth in the Oregon Revised Statutes (ORS), Chapter 818;
2. Is not constructed or equipped as required by ORS 818;
3. Is dragging upon or over the surface of a street any log, pole, piling, or other thing;
4. Does not move exclusively on revolving wheels or rotating tracks in contact with the surface of the street;
5. Is so constructed or loaded so as to allow its contents to drop, sift, leak, or otherwise escape therefrom; or
6. Violates any other provisions of this Title.

**B.** Operation of any vehicle or combination of vehicles in violation of the provisions of this Chapter is prima facie evidence that the owner of the vehicle or combination caused or permitted the vehicle or combination to be so operated and the owner shall be liable for any penalties imposed pursuant to ORS 818.

### **16.70.620 Exemptions.**

**A.** The provisions of this Chapter governing size and weight do not apply to:

1. Any vehicle, combination of vehicles, article, machine, or other equipment in use by the Federal Government, the State of Oregon, or any county or city while in the immediate vicinity of and involved with the construction, maintenance, or repair of public highways;
2. Any vehicle in use by a mass transit district for the purposes authorized under ORS 267.010 to ORS 267.390, provided the size or weight of the vehicle is approved by the City for that route; or
3. Any vehicle, combination of vehicles, article, machine, or other equipment operated under a permit issued by the Traffic Engineer and in compliance with the conditions and restrictions thereof.

**B.** None of the size limits described in ORS 818, except the maximum limit of allowable extension beyond the last axle of a combination of vehicles, apply to agricultural equipment hauled, towed, or moved upon any street if the movement is incidental to the farming operations of the owner of the agricultural equipment.

### **16.70.630 Permits.**

Under authority granted in Section 16.10.200, the Traffic Engineer may grant written permits for the operation over City streets, or sections thereof, of any vehicle or combination of vehicles, including any load thereon, having:

- A.** A gross weight;
- B.** A length;
- C.** A width;
- D.** A height; or
- E.** A maximum number of vehicles in combination; in excess of that authorized in ORS 818 or administratively imposed weight or size limits designated in accordance to 16.70.690.

### **16.70.640 Limits of Authority to Issue Variance Permit.**

A permit may not be issued for any vehicle or load that can readily or reasonably be dismantled or disassembled to reduce weight or width. This does not apply to any vehicle, combination of vehicles, load, article, property, machine, or thing that is:

- A.** Used in the immediate vicinity of construction, maintenance, or repair of public highways; and
- B.** Of a length in excess of that permitted in ORS 818.

### **16.70.650 Requirements, Conditions and Procedures for Issuance of Variance Permit; Duration; Cancellation.**

(Amended by Ordinances 176361 and 181217, effective September 14, 2007.)

- A.** In issuing a permit, the Traffic Engineer may:
  - 1.** Grant a permit that is valid for a single trip, a number of trips or an amount of time not to exceed one year.
  - 2.** Establish seasonal or other time limitations on a permit.
  - 3.** Require the applicant to furnish public liability or automobile insurance and property damage insurance as follows:

- a.** General Liability insurance with a combined single limit of not less than \$1,000,000 per occurrence for Bodily Injury and Property Damage; or
- b.** Automobile Liability insurance with a combined single limit of not less than \$1,000,000 per occurrence for Bodily Injury and Property Damage, including coverage for owned, hired or nonowned vehicles, as applicable; and
- c.** The City of Portland, and its agents, officers, and employees are Additional Insured, but only with respect to operations occurring within the scope of the permit.
- d.** There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without 30-days written notice from the Contractor or its insurer(s) to the City.
- e.** As evidence of the insurance coverage required, the applicant shall furnish acceptable insurance certificates to the City prior to issuance of any permit. The certificate will specify that the City is additional insured and will include the 30-day cancellation clause. Insuring companies or entities are subject to City acceptance. The applicant shall be financially responsible for all pertinent deductibles, self-insured retentions and/or self-insurance.

**4.** Require the applicant to furnish indemnity insurance or an indemnity bond in an amount fixed by the Traffic Engineer to:

- a.** Reimburse the City of Portland for any damage to the highways or streets that may be caused under the permit; and
- b.** Indemnify the members, officers, employees, and agents of the City of Portland from any claim that might arise from the granting of the permit and from the use of the highways under the permit.

**5.** Require a demonstration by the applicant to establish that any vehicle, combination of vehicles, load, article, property, machine, or thing in operation under a permit would:

- a.** Stay on the right side of the center line of the traveled way at all times; and
- b.** Allow sufficient room in the opposing traffic lane for the safe movement of other vehicles.

**B.** A permit must be in writing and must specify:

- 1.** All highways or streets over which the permit is valid;
- 2.** Any vehicle, combination of vehicles, load, article, property, machine, or thing allowed under the permit; and
- 3.** Maximum dimensions and maximum weights allowed under the permit.

**C.** Under this section, the Traffic Engineer may not issue a permit that is valid for longer than 1 year.

**D.** An application for a permit issued under this section must specify:

1. The vehicle, combination of vehicles, load, article, property, machine, or thing for which the permit is requested;
2. The particular highways and streets for which the permit is sought; and
3. Whether the permit is sought for a single trip, a number of trips or continuous operation.

**E.** This Section does not authorize:

1. Any vehicle, combination of vehicles, load, article, property, machine, or thing for which the permit is issued to be operated or moved contrary to any provisions of the vehicle code, except as specified in a permit; or
2. Any movement or operation of a vehicle, combination of vehicles, load, article, property, machine, or thing until a permit is issued.
3. Any vehicle, combination of vehicles, load, article, property, machine, or thing which is eligible for a permit under the State of Oregon Continuous Operation Variance Permit program as described in OAR 734.074.0010.

**F.** The City Traffic Engineer may be present during the movement. The presence of the City Traffic Engineer and any directions or suggestion made by him/her is not to be considered supervision of the movement and does not relieve the permit holder or the permit holder's insurers or sureties from liability for any damage done by the movement. If there are any of the permit's terms or conditions with which the movement does not comply, the City Traffic Engineer who is present at the movement may order it to be stopped.

**G.** Any permit may be canceled at any time by the City Traffic Engineer upon satisfactory proof that:

1. The permit holder has violated any of the terms of the permit;
2. The permit was obtained through misrepresentation in the application therefor; or
3. The public interest requires cancellation.

### **16.70.660 Permit Must Be Carried and Displayed.**

**A.** The driver of any vehicle or combination of vehicles for which a variance permit has been issued commits the offense of failure to carry and display a variance permit if the driver does not:

1. Have the variance permit in immediate possession at all times when driving the vehicle or combination of vehicles upon a public highway or street; and
2. Display the variance permit upon demand of any police officer, department or county weighmaster, judicial officer, or the City Traffic Engineer.

**B.** Later producing a variance permit issued prior to and valid at the time of an offense by authority of this section is not a defense for a charge under this Section.

### **16.70.670 Movement of Building or Other Structure Excluded.**

The movement of buildings or other structures on or over the streets and other public right-of-ways of the City is excluded from the provisions of this Chapter. (See Chapter 17.48, Public Improvements.)

### **16.70.680 Liability for Damage to Streets or Other Public Property.**

Any person moving any vehicle of excess weight or size on or over any street or other public right-of-way in the City is responsible for damage to pavement or other public improvement or property caused thereby.

### **16.70.690 Designation of Streets for Vehicles of Excess Weight or Size.**

**A.** When in the judgement of the City Traffic Engineer any City street or section thereof is capable of carrying any vehicle or combination of vehicles having a gross weight or overall size in excess of that authorized in ORS 818, the City Traffic Engineer may report to the City Council so declaring that street and fixing the maximum gross weight, width, height, and/or length and types and classes of vehicles or combination of vehicles which may be operated thereon.

**B.** The provisions of any report accepted by the City Council pursuant to recommendation of the City Traffic Engineer under this Section may be changed or rescinded at any time and is subject to any order made pursuant to Section 16.10.200.

**C.** If a report submitted by the City Traffic Engineer under this Section is accepted by the City Council, a duplicate original thereof (and any amendment or revocation thereof) must be filed by the Auditor with the Secretary of State. After such resolution is adopted and filed, no permit is required for the operation upon such street or section thereof of a vehicle or combination of vehicles not exceeding the maximum gross weight and length fixed by the report for vehicles or combinations of vehicles of that type and class.

### **16.70.700 Traffic Congestion Thoroughfares.**

#### **16.70.701 Purpose.**

The purpose of this Chapter is to prohibit the repeated driving of a motor vehicle along and across one portion of a congested public street, which constitutes a strict liability violation without any requirement of culpable mental state, all as described in this Chapter.

#### **16.70.720 Posting Signs.**

With respect to any traffic congestion thoroughfare, the Chief of the Bureau of Police or his/her designee is authorized to declare that portion of the street to be a traffic congestion thoroughfare and to cause signs, as described in this Chapter, to be posted notifying of that designation.



### **16.70.730 Signs.**

The signs referred to in Section 16.70.720 will notify drivers that they are entering a traffic congestion thoroughfare; that repeated passage of a motor vehicle through or across the traffic congestion thoroughfare is a violation of City Code Section 16.70.740; and that for a subsequent violation, the vehicle will be towed.

### **16.70.740 Acts Prohibited.**

Between the hours of 9 p.m. and 5 a.m. of the following morning, no vehicle may pass along or across a traffic congestion thoroughfare, designated as such by signs as described in Section 16.70.730, more than two times.

### **16.70.750 Penalty.**

(Amended by Ordinances 165987 and 176394, effective April 17, 2002. Corrected under authority of PCC Section 1.01.035 on May 15, 2017.)

- A.** Except as provided below, violation of this Chapter is an infraction punishable by a fine not to exceed \$150.
- B.** Violation of Sections 16.20.470, 16.70.510 A. and 16.10.060, is punishable by a fine of not more than \$500, or by imprisonment not exceeding 10 days or both.

### **16.70.760 Subsequent Violation.**

If a vehicle passes along or across a traffic congestion thoroughfare as designated by signs in violation of Section 16.70.740, any single subsequent drive-through of that traffic congestion thoroughfare by that vehicle within the same 9 p.m. to 5 a.m. time period constitutes a separate violation of Section 16.70.740, punishable as provided in section 16.70.750; and the vehicle may be towed and taken to a storage area designated by the City and may be held for not more than 24 hours, all at the expense of the owner or person entitled to possession.

### **16.70.770 Notice of Towing For Subsequent Violations.**

Upon issuing a citation for a violation of Section 16.70.740, the officer will give the person to whom the citation is issued a written notice which will state:

NOTICE

You have been cited for violation of Code Section 16.70.740 for repeated passage of a motor vehicle on or across a traffic congestion thoroughfare.

If the vehicle you are driving is again driven along or across this traffic congestion thoroughfare before 5 a.m. this morning, this vehicle may be impounded and towed in accordance with City Code Section 16.70.760.

Chief of the Bureau of Police

### **16.70.780 Exemptions.**

This Section does not apply to:

- A.** Any publicly owned vehicle of any city, county, public district, state, or federal agency;
- B.** Any vehicle licensed for public transportation; or
- C.** Any other vehicle granted an exemption by the Chief of Police because passage of the vehicle along or across the traffic congestion thoroughfare is necessary for commercial or medical reasons.

### **16.70.800 Visibility.**

(Amended by Ordinances 165987, 173369, 183397, 184522, 185448 and 186053, effective January 1, 2015.)

- A.** It is the responsibility of the owner or occupant of any property to prevent any vegetation including trees on the property or the abutting public right-of-way from partially or wholly obstructing the visibility of traffic control devices, the visibility of or for drivers, bicyclists, or pedestrians, or in any way presents a safety hazard.
- B.** The person who owns or occupies said property is liable to any person who is injured or otherwise suffers damage by reason of the failure to remove or prune such vegetation as required by Title 16 or any other Title of the City Code. Furthermore, said person is liable to the City of Portland for any judgement or expense incurred or paid by the City, by reason of said person's failure to satisfy the obligations imposed by this or any other Title of the City Code.
- C.** Any tree removal or pruning required by this Title shall be done in accordance with the provisions of Title 11, including the need to obtain tree permits for removal and pruning.
- D.** Vegetation, including trees, in green street or other public stormwater management facilities, shall be trimmed only by the City or under the authorization of the Bureau of Environmental Services (BES).
- E.** Any vegetation or tree not removed or pruned as required in this Title is hereby declared to be a public nuisance and may be summarily abated as provided in Title 29.
- F.** Whenever the provisions of this section conflict with those of any other section of this code, including but not limited to Titles 11, 16, 17 and 33, the stricter provisions shall govern.

### **16.70.810 Street Obstructions and Dangerous Conditions.**

(Added by Ordinance 176585, effective July 5, 2002.)

No person, whether acting as private citizen, principal, employee or agent shall:

**A.** Between the hours of sunset and sunrise, place or allow to remain on any street any obstruction, other than a lawfully parked vehicle or any permitted structure, unless a clearly displayed warning light or lights are:

1. plainly visible for 200 feet in either direction parallel to the street and at least 25 feet in all other directions, and
2. placed on the edge or side of the obstruction nearest the center of the street.

**B.** At any time, create a dangerous condition on any street without erecting and maintaining a distinctly visible barricade which provides a clear indication of the danger and directs people safely around it; and/or

**C.** Remove such a barricade from any street while the danger continues.

### **16.70.900 Reckless Driving.**

(Added by Ordinance 173097, effective by February 10, 1999.)

**A.** A driver of a vehicle commits the crime of reckless driving within the City of Portland if the driver commits two or more of the following violations in a single series of acts in such a way as to endanger the safety of persons or property:

1. Unlawful or unsignaled lane change;
2. Unsafe passing on the left or right;
3. Passing in a no-passing zone;
4. Following too close;
5. Illegal backing;
6. Unlawful stop or deceleration;
7. Failure to signal;
8. Violation of maximum speed limit in an urban area; or
9. Taking other actions that a reasonable driver would know endanger the safety of persons or property in a congested urban driving environment such as the City of Portland.

**B.** Violation of this law shall constitute a Class A Misdemeanor as prescribed in State law.

## **Chapter 16.90 Definitions**

### **16.90.001 Generally.**

The following words and phrases when used in this Title shall, for the purpose of this Title, have the meanings respectively ascribed to them in this Chapter, except in those instances where the context clearly indicates a different meaning. Definitions of words and phrases in the Oregon Revised Statutes may be applied unless defined differently in this Title or in those instances where the context clearly indicates a different meaning.

### **16.90.005 Abandoned Vehicle.**

(Amended by Ordinance 179141, effective March 23, 2005.)

A vehicle that remains in violation for more than 24 hours and one or more of the following conditions exist:

- A.** The vehicle does not have a lawfully affixed, unexpired registration plate, or fails to display current registration.
- B.** The vehicle appears to be inoperative or disabled.
- C.** The vehicle appears to be wrecked, partially dismantled or junked.

### **16.90.010 Accessory Recreational Vehicle.**

See Recreational Vehicle.

### **16.90.015 Alley.**

(Amended by Ordinance 177028, effective December 14, 2002.)

A facility primarily intended to provide access to the rear or side of lots or buildings in urban areas and not intended for through vehicular movement.

### **16.90.020 Angle Loading.**

When a vehicle is parked at an angle to traffic flow for the purpose of loading/unloading and extends into the public right-of-way anywhere outside of a legal parking area.

### **16.90.025 Bicycle.**

A type of vehicle that:

- A.** Is designed to be operated on the ground on wheels;
- B.** Has a seat or saddle for use of the rider;
- C.** Is designed to travel with not more than three wheels in contact with the ground;
- D.** Is propelled exclusively by human power; and

**E.** Has every wheel more than 14 inches in diameter or two tandem wheels either of which is more than 14 inches in diameter.

### **16.90.030 Bicycle Boulevard.**

(Replaced by Ordinance 177028, effective December 14, 2002.)

A roadway with low vehicle traffic volumes where the movement of bicycles is given priority.

### **16.90.032 Bicycle Lane.**

(Added by Ordinance 177028, effective December 14, 2002.)

The part of the street designated by official signs or markings for the movement of persons riding bicycles except as otherwise specifically provided by law.

### **16.90.034 Bikeway, Shoulder.**

(Added by Ordinance 177028, effective December 14, 2002.)

A street upon which the paved shoulder, separated by a four-inch stripe and no bicycle lane markings, is used for the movement of persons riding bicycles. Auto parking is also allowed on shoulders marked in this manner.

### **16.90.035 Bicycle Path.**

(Repealed by Ordinance 177028, effective December 14, 2002.)

### **16.90.036 Bikeway, Extra Width Curb Lane.**

(Added by Ordinance 177028, effective December 14, 2002.)

A wider than normal curbside travel lane provided to give extra room for the movement of persons riding bicycles where there is insufficient space for a bicycle lane or shoulder bikeway.

### **16.90.038 Bikeway, Off-Street Path.**

(Added by Ordinance 177028, effective December 14, 2002.)

An off-street path for the movement of persons riding bicycles that is physically separated from motorized vehicular traffic by an open space or barrier and either within a street right-of-way, but not in the roadway, or within an independent right-of-way or dedicated easement.

### **16.90.040 Bikeway, Signed Connection.**

(Replaced by Ordinance 177028, effective December 14, 2002.)

A bikeway upon which signing is placed to direct bicyclists to a destination or another bikeway.

### **16.90.045 Block Face.**

The area between the line separating a public right-of-way from private property and the center line of a street or highway, and between the midpoint of two intersections.

### **16.90.050 Bureau of Transportation System Management.**

(Repealed by Ordinance 182389, effective January 2, 2009.)

### **16.90.055 Carpool Vehicle.**

**A.** Any vehicle that is designed by its manufacturer to seat three or more people and is utilized to transport on a regular basis, three or more people including the driver, from a point of origin to a destination.

**B.** For the purpose of this Title of the City Code, carpool vehicle specifically means any vehicle described in A. above, which displays a carpool permit issued by the Tri-County Metropolitan Transportation District of Oregon.

### **16.90.060 Central City Plan District.**

The Central City Plan District is defined in Title 33 of this code. For purposes of this Title, however, regulations that apply to the Central City Plan District apply to the whole street (up to the property line or extension of a property line to the corner of a property line across an intersection) of the streets whose center lines serve as boundaries to the Central City Plan District.

### **16.90.065 City Recognized Holidays.**

City recognized holidays are:

**A.** New Year's Day;

**B.** Martin Luther King Jr.'s Birthday;

**C.** President's Day;

**D.** Memorial Day;

**E.** Fourth of July;

**F.** Labor Day;

**G.** Veteran's Day;

**H.** Thanksgiving Day; and

## **I. Christmas Day.**

A day begins at 12:00:00 a.m. and ends at 11:59:59 p.m.

### **16.90.070 Compact Car.**

Any vehicle which will fit within the space lines of a space designated for compact cars by official signs or markings.

### **16.90.075 Conduct Business.**

The act of selling or attempting to sell services, or edible or nonedible items for immediate delivery.

### **16.90.080 Construction Zone.**

The space adjacent to the curb and in immediate proximity to the premises where construction, alteration, remodeling, repairing, or similar work is in progress, and designated by official parking meter or sign hoods, signs, or markings.

### **16.90.085 Crosswalk.**

Any portion of a roadway at an inter-section or elsewhere that is distinctly indicated for pedestrian crossing by lines or other markings on the surface of the roadway that conform in design to the standards established for crosswalks under ORS 810.200. Whenever marked crosswalks have been indicated, such crosswalks and no other shall be deemed lawful across such roadway at that intersection. Where no marked crosswalk exists, a crosswalk is that portion of the roadway described in the following:

**A.** Where sidewalks, shoulders or a combination thereof exists, a crosswalk is the portion of a roadway at an intersection, not more than 20 feet in width as measured from the prolongation of the lateral line of the roadway toward the prolongation of the adjacent property line, that is included within:

- 1.** The connections of the lateral lines of the sidewalks, shoulders, or a combination thereof on opposite sides of the street or highway measured from the curbs or, in the absence of curbs, from the edges of the traveled roadway; or
- 2.** The prolongation of the lateral lines of a sidewalk, shoulder, or both, to the sidewalk or shoulder on the opposite side of the street, if the prolongation would meet such sidewalk or shoulder.

**B.** If there is neither sidewalk nor shoulder, a crosswalk is the portion of the roadway at an intersection, measuring not less than 6 feet in width, that would be included within the prolongation of the lateral lines of the sidewalk, shoulder or both on the opposite side of the street or highway if there were a sidewalk.

### **16.90.090 Curb.**

Any raised margin defining the space in the street devoted to vehicular traffic.

### **16.90.095 Curb Line.**

The curb line separates a street or highway into the area dedicated to vehicle traffic (roadway) and the area dedicated to pedestrian and nonmotor vehicle traffic (planting strip, sidewalk, etc.).

### **16.90.097 Disabled Person Permit/Placard.**

(Added by Ordinance 186575, effective July 1, 2014.)

Any official State-issued disabled person registration plate, placard, permit or decal, including: Regular, Program, Family, Motorcycle, Golf Cart or any other placard not issued specifically for "Wheelchair Only".

### **16.90.100 Driver.**

The rider, driver, or leader of any animal or vehicle that is not self-propelled and the operator of any vehicle that is self-propelled.

### **16.90.105 Driveway.**

**A.** A road or access, whether improved or unimproved, extending from a public right-of-way onto private or public lands or structures for the purpose of gaining vehicular access to such areas and reasonably designated at the property line so as to be an obvious opening for access. For purposes of enforcement, a driveway:

1. Extends from one curb return to the other;
2. If winged, includes the wings; or
3. If the street is unimproved, the driveway area falls between the projections of the edges of an improved driveway or the most established tire ruts of an unimproved driveway.

**B.** Such road or access will be enforced as a driveway unless closed by a structure or permanent closure device.

### **16.90.110 Drop Box.**

A container in which trash or any other refuse material is temporarily stored or collected. For the purposes of Title 16, a drop box will be considered a vehicle in terms of parking provisions and restrictions.

### **16.90.111 Electric Vehicles.**

(Added by Ordinance 191187, effective March 31, 2023.)



- A.** “Active EV charging” or “EV charging” is defined as an EV or plug-in hybrid vehicle that is plugged into the EV charger.
- B.** “Electric vehicle (EV)” is any battery-powered vehicle, either all-electric or plug-in hybrid vehicles.
- C.** “Electric vehicle (EV) charging zone” is a parking space with an adjacent EV charger where only vehicles actively charging their EV shall be permitted to park.
- D.** “Electric vehicle supply equipment (EVSE)” or “EV charger” is any infrastructure related to EV charging, including the station and port.
- E.** “EVSE port” provides power to charge only one vehicle at a time. There can be multiple EVSE ports at an EVSE station.
- F.** “EVSE station” or “EV charging station” means a site that has one or more EVSE ports at the same address or location.
- G.** “Level 1 charging” is an EVSE station that provides charging through a 120-volt alternating current (AC) plug.
- H.** “Level 2 charging” is an EVSE station that offers charging through 208–240-volt electrical service.
- I.** “Level 3 charging,” is an EVSE station also known as direct-current fast charging (DCFC), that enables rapid charging. To meet federal standards published in the National Electric Vehicle Infrastructure (NEVI) Program, these chargers should have a minimum power output of 150 kilowatt.

### **16.90.115 Emergency Vehicles.**

(Amended by Ordinance 180917, effective May 26, 2007.)

Vehicles of Portland Fire & Rescue, police vehicles, emergency vehicles of municipal departments, and ambulances while being used for emergency purposes and displaying lights as required by the Oregon Revised Statutes.

### **16.90.120 Fire Station.**

Any building used for the purpose of housing fire apparatus of the City.

### **16.90.125 Fog Line or Edge Line.**

The official 4-inch wide marking that defines the lateral lines of a roadway.

### **16.90.130 Gross Vehicle Weight Rating.**

The value specified by the manufacturer as the maximum loaded weight of a single or a combination vehicle or the registration weight, whichever is greater.

**16.90.135 Guest.**

As used in a regulated parking zone sign, means a patron or visitor to the adjacent hotel.

**16.90.140 Handicap Access Ramp.**

An inclination, ramp-like structure, or any other such device designed to serve and provide ease of access from the sidewalk to the roadway or from the street to adjacent property for individuals using a mobility aid. If winged, it includes the winged area of the structure.

**16.90.145 Hotel.**

Any structure intended or designed for transient occupancy and which offers more than 25 percent of its rooms for dwelling, lodging or sleeping purposes for less than a 30 day period.

**16.90.150 Improper Use.**

Improper use occurs when a permit holder violates the provisions described on the permit application.

**16.90.155 Intersection.**

The area of a roadway created when two or more public roadways join together at any angle, as described in one of the following:

- A.** If the roadways have curbs, the intersection is the area embraced within the prolongation or connection of the lateral curb lines.
- B.** If the roadways do not have curbs, the intersection is the area embraced within the prolongation or connection of the lateral boundary lines of the roadways.
- C.** The junction of an alley with a roadway does not constitute an intersection.
- D.** Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersection highway is a separate intersection. In the event the intersection highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways is a separate intersection.

**16.90.160 Light Rail Transit System.**

A commuter transit mode consisting of steel-wheeled rail vehicles, powered electrically through overhead lines, operating predominately on exclusive right-of-way that need not be grade separated.

**16.90.165 Light Rail Vehicle.**

A component car in a light rail transit system.

**16.90.170 Load/Unload.**

To load or unload a vehicle means to be actively engaged in removing merchandise from or putting merchandise in a vehicle.

**16.90.175 Local Authorities.**

Every county, municipality, and other local board or body having authority to adopt local police regulations under the constitution and laws of this State.

**16.90.180 Long-Term Parking Meter.**

A parking meter with a designated time limit of more than 4 hours.

**16.90.185 Mobile Construction Trailer.**

A trailer that is used temporarily in conjunction with a construction site for office and other related purposes.

**16.90.190 Motor Bus.**

Every motor vehicle designed or used for carrying passengers and their personal baggage for compensation. The term "motor bus" does not mean or include taxicabs designed or constructed to accommodate and transport not more than five passengers, exclusive of the driver, and fitted with taximeters or using or having some other device, method, or system to indicate and determine the passenger fare paid for distance traveled.

**16.90.195 Motor Home.**

See Recreational Vehicle.

**16.90.200 Motor Vehicle.**

Every inanimate vehicle which is self-propelled.

**16.90.205 Municipal Terminal.**

Any property owned or operated by the Port of Portland for the provision of port services.

**16.90.210 Official.**

By authority of or recognized by law or code.

**16.90.215 Official Vehicle.**

Any government vehicle so identified by public registration plates.

**16.90.220 Official/Reserved Zone.**

(Amended by Ordinance 179141, effective March 23, 2005.)

Any space adjacent to the curb or edge of the roadway, or on City of Portland owned or operated property, which is exclusively reserved for those vehicles which have been assigned the use of such space through official permits or other means of designation.

**16.90.225 Operator.**

Any person who is in actual physical control of a vehicle.

**16.90.230 Parade.**

Any group of persons and/or vehicles moving on a street or streets of the City under permit as herein provided in accordance with a plan or common purpose for a celebration, display, exhibition, show, or advertisement, whether for public, semi-public, or private purposes, but does not include funeral processions or advertising vehicles operating under the provisions of Title 7.

**16.90.235 Park, Parking, or Parked.**

The stopping or standing of any vehicle upon any street or highway within the City, whether such vehicle is occupied or not. It does not mean stopping or halting temporarily for less than 30 seconds to load/unload passengers, or in obedience to traffic regulations, signs, signals, or officers.

**16.90.240 Parking Lane.**

The area between the curb and not more than 8 feet from the curb or curb line or as shown by official street markings. The parking lane is generally intended for vehicle parking. Parking regulations may apply to the parking lane area according to the provisions of Title 16 of the Portland City Code.

**16.90.245 Parking Meter.**

(Amended by Ordinances 176394 and 179141, effective March 23, 2005.)

A device placed at or near the curb adjacent to the street area, or on City of Portland owned or operated property authorized by the City and designed to register the duration of the parking time and the limit thereof, upon payment by a U.S. coin or a payment card. Parking meter includes a pay station.

**16.90.247 Payment Card.**

(Added by Ordinance 176394, effective April 17, 2002.)

A valid credit, debit or stored value card.

**16.90.249 Meter Area Space Reservation Device.**

(Added by Ordinance 176394; amended by Ordinances 179141 and 189651, effective September 6, 2019.)

A marker that is placed near the curb of the parking space, which contains administrative information on permit holder and regulations.

### **16.90.250 Pedestrian.**

(Amended by Ordinance 177028, effective December 14, 2002.)

A person afoot; a person operating a pushcart; a person riding on or pulling a coaster wagon, sled, scooter, tricycle, bicycle with wheels less than 14 inches in diameter, or a similar non-motorized vehicle; or on roller skates, skateboard, wheelchair, or a baby in a carriage.

### **16.90.255 Pedestrian Way.**

(Amended by Ordinance 177028, effective December 14, 2002.)

A facility intended for pedestrian movement.

### **16.90.260 Permanently Exhibit.**

To display affixed to a vehicle so that the sign may not be removed from the vehicle without mechanical tools.

### **16.90.265 Person.**

A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

### **16.90.270 Planting Strip.**

The area between the curb or edge of the roadway and an improved sidewalk.

### **16.90.275 Private Road.**

Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

### **16.90.280 Public Right-of-Way.**

(Repealed by Ordinance 177028, effective December 14, 2002.)

### **16.90.285 Rail Vehicles.**

Any steel-wheeled vehicle(s) propelled on fixed steel rails, including, but not limited to: trolleys; light rail vehicles; and diesel- powered trains.

### **16.90.290 Recreational Vehicle.**

A vehicle which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two categories as follows:

- A. Motor Home.** A motor vehicle designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or truck.
- B. Accessory Recreational Vehicle.** A nonmotor vehicle designed for human occupancy on an intermittent basis such as vacation trailers and fifth-wheel trailers. A camper is considered an accessory recreational vehicle when it is not on the back of a pick-up or truck. Accessory recreational vehicle also includes vehicles designed for off-road use such as off-road vehicles, dune buggies, and recreational boats.

### **16.90.295 Regulated Parking Zone.**

(Amended by Ordinance 179141, effective March 23, 2005.)

A space adjacent to a curb or curb line, designated by official signs or markings, where special regulations for parking or stopping a vehicle apply in addition to the general parking regulations that apply to all parking areas in the public right-of-way, or on City of Portland owned or operated property.

### **16.90.300 Repair (a vehicle).**

To perform work on the motor, mechanical, or body parts of a vehicle.

### **16.90.302 Right-of-Way.**

(Added by Ordinance 177028, effective December 14, 2002.)

- A.** The area between property lines of a street, easement, tract or other area dedicated to the movement of vehicles, pedestrians and/or goods.
- B.** A public right-of-way is dedicated or deeded to the public for public use and under the control of a public agency.
- C.** A private right-of-way is in private ownership, for use by the owner and those having express or implied permission from the owner, but not by others.

### **16.90.305 Roadway.**

(Amended by Ordinance 177028, effective December 14, 2002.)

The portion of a street or highway improved for vehicle movement, including any parking lane. On an improved street, the area between the curbs or edge lines of a street.

### **16.90.310 School Bus.**

A motor bus owned or operated by authority of any lawfully recognized school district.

### **16.90.315 Service (a vehicle).**

To perform routine maintenance such as replacing fluids or charging batteries. It does not include repairs to motor or body parts.

### **16.90.320 Short-Term Parking Meter.**

A parking meter with a designated time limit of 4 hours or less.

### **16.90.325 Shoulder.**

The portion of a public street or highway without curbs, whether paved or unpaved, contiguous to the roadway that is primarily for use by pedestrians, for the accommodation of stopped vehicles, for emergency use and for lateral support of base and surface courses.

### **16.90.330 Sidewalk.**

The portion of the street between the curb or lateral lines of the roadway and the adjacent property lines, intended for use by pedestrians. An improved sidewalk is a pedestrian walkway with permanent surfacing in the sidewalk area of a street or highway.

### **16.90.335 Skateboard.**

A board of any material, natural or synthetic, with wheels affixed to the underside, designed to be ridden by a person.

### **16.90.340 Sled.**

Vehicles that do not move exclusively on revolving wheels in contact with the surface of the road or on fixed rails.

### **16.90.345 Stop, Stopping, or Stopped.**

Any halting, even momentarily, of a vehicle, whether occupied or not, except to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

### **16.90.350 Street or Highway.**

(Amended by Ordinance 177028, effective December 14, 2002.)

The entire width of a right-of-way when any portion thereof is intended for motor vehicle movement or motor vehicle access to abutting property.

### **16.90.351 Storage Container.**

(Added by Ordinance 179141, effective March 23, 2005.)

A Storage Container in which any material is temporarily stored or collected. For the purposes of Title 16, a storage container will be considered a vehicle in terms of parking provisions and restrictions.

### **16.90.355 Taxicab.**

Any motor vehicle which carries passengers for hire where the destination and route traveled may be controlled by a passenger and the fare is calculated on the basis of an initial fee, distance traveled, waiting time, or any combination thereof, and which is duly licensed by the City of Portland as a taxicab.

### **16.90.360 Tire.**

The band of material used on the circumference of a wheel, on the outer face of a track or on a runner of a sled, which forms the tread that comes in contact with the surface of the road, or, if no band is used, then it means the tread or runner of a sled.

### **16.90.365 Traffic.**

(Amended by Ordinance 177028, effective December 14, 2002.)

Pedestrians, ridden or herded animals, and vehicles, either singly or together, while using any street or highway for purposes of movement or parking.

### **16.90.370 Traffic Congestion Thoroughfare.**

Any portion of a street or highway within the City affected by traffic congestion caused in whole or in part by the repeated driving of the same motor vehicles along or across that portion of the thoroughfare.

### **16.90.375 Traffic Control Device.**

- A.** All signs, signals, markings, and devices consistent with this Title placed or operated by direction of the City Traffic Engineer for the purpose of guiding, directing, warning, or regulating traffic or parking.
- B.** Any device that remotely controls by electrical, electronic, sound, or light signal the operation of any device identified in subsection (A) of this definition.

### **16.90.380 Traffic Control Signal.**



Any device, whether manually, electrically, or mechanically operated, by which traffic is directed. An electric traffic control signal is considered inoperative when none of the signal control indications are illuminated.

### **16.90.385 Traffic Hazard.**

(Amended by Ordinance 179141, effective March 23, 2005.)

Any object, including vehicles, that impede the safe movement of vehicles in the public right-of-way or, on City of Portland owned or operated property.

### **16.90.390 Traffic Lane.**

(Amended by Ordinance 177028, effective December 14, 2002.)

An area of a street or highway, designated by official signs or markings, as dedicated to the movement of one vehicle at a time.

### **16.90.392 Transit Mall and Auxiliary Vehicular Lanes.**

(Added by Ordinance 182921, effective June 17, 2009.)

The Transit Mall and Auxiliary Vehicular Lanes shall be designated in Section 16.50.110. An emergency is defined in Subsection 17.23.020 E.

### **16.90.395 Tri-Met Bus.**

A motor bus owned or operated by the Tri-Metropolitan Transit District of Oregon.

### **16.90.400 Trolley or Streetcar.**

(Amended by Ordinance 175564, effective May 9, 2001.)

An electric or diesel powered, steel wheeled rail vehicle, operating on steel rails, used to transport passengers.

### **16.90.405 Truck.**

(Amended by Ordinance 179141, effective March 23, 2005.)

Every motor vehicle designed, used or maintained primarily for the transportation of property, goods or providing a service, tow truck with passenger plates, step vans, vehicle length or width or height greater than original manufacturer's vehicle dimensions, and meeting the description as defined by DMV registration as a truck, van or pickup.

### **16.90.410 Truck Trailer.**

A vehicle which is not a recreational vehicle or utility trailer, is more than 16 feet in length, and is designed to be pulled by a motor vehicle.

### **16.90.415 Uncontrolled Intersection.**

Any intersection with no official traffic control device to designate vehicular right-of-way.

### **16.90.420 Utility Trailer.**

A vehicle which is used to carry property, refuse, or special equipment, is 16 feet or less in length and is designed to be pulled by a motor vehicle. Boat trailers are included as utility trailers no matter what their length.

### **16.90.421 Valid Receipt.**

(Added by Ordinance 179141, effective March 23, 2005.)

A parking meter receipt dispensed from a City of Portland Parking Meter device indicating the valid date, time purchased, expiration time, watermark, or any other identifications showing validity of receipt. The receipt issued is valid only in the designated meter district where purchased.

### **16.90.425 Vehicle.**

(Amended by Ordinance 177028, effective December 14, 2002.)

Every device in, upon, or by which any person or property is or may be transported or drawn upon any street or highway. Bicycle is more specifically defined in Section 16.90.025.

### **16.90.430 Vehicle Alarm System.**

Any device, equipment, assembly, or system designed, arranged, or intended to sound an alarm horn, siren, klaxon, or other sound emitting device to signal an entry or attempted entry into, or tampering with, a vehicle.

### **16.90.435 Vendor.**

Any person who conducts business in the public right-of-way or any other public property.

### **16.90.440 Way.**

(Added by Ordinance 177028, effective December 14, 2002.)

A facility for the movement of pedestrians, vehicles or goods, the specific user or users being determined by modifying words, such as road, bicycle, pedestrian, etc. Path and lane are synonyms for way, and likewise may be given a more specific meaning through use of a specified user or specific definition. See: Roadway, Pedestrian Way, Traffic Lane, Bicycle Path, et. al.

**16.90.445 Wheelchair User Disabled Permit/Placard.**

(Added by Ordinance 186575, effective July 1, 2014.)

Any official State-issued disabled person registration plate, placard, permit or decal specifically for the use of a wheelchair or similar low-powered, motorized or mechanically propelled vehicle designed specifically for use by a person with a physical disability.