

## **EXHIBIT A**

### **Chapter 16.40 PRIVATE FOR-HIRE TRANSPORTATION REGULATIONS**

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

**A.** To ensure the safety and reliability of for-hire transportation 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 private for-hire transportation services. The industry should be allowed to operate without unnecessary restraint, and it is not the purpose of Chapter 16.40 to displace competition with regulation or monopoly public service.

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

- 1.** Promote innovation and adaption within the for-hire transportation industry to meet evolving consumer demand; and
- 2.** Allow fair competition, so long as public safety and the public interest is served thereby.

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

**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 for-hire transportation service operators, whether or not legally and validly permitted.

#### **16.40.030 Definitions**

**A.** “Approved Blue Seal Shop” means a mechanic 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 for-hire transportation company operating within the States of Oregon or Washington;
  3. Has received and maintains a current, valid Automotive Service Excellence (ASE) Master Technician Certification or ASE A-Series certification between relevant areas of ASE A4-A8.
  4. Is not employed by any for-hire transportation company.
- C. “Branded Vehicle” (aka “Reconstructed Vehicle”) means any vehicle that has been declared a total loss by an insurer typically due to a crash, fire or flood damage, and the value of the vehicle is considered less than the cost to repair the vehicle.
- D. “Bureau” means the Portland Bureau of Transportation 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 from 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 drivers and vehicles submitted by a private for-hire 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 private for-hire advisory committee
- I. “Company Permit” means the permit issued to a private for-hire Transportation 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 for-hire driver or company for the use of the driver or company’s for-hire transportation services. For-hire transportation providers that only accept 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 the same.
- L. “Customer” means a person who purchases for-hire transportation service from a for-hire transportation 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 an LPT vehicle.

**O.** “Director” means the Director of the Portland Bureau of Transportation or the Director’s designee, including the Private for-hire Transportation Program Manager.

**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 documentation issued by the Director affirming the driver is approved and certified as a private for-hire transportation driver under the terms of this Chapter.

**R.** “Driver” means a for-hire transportation driver, including taxi drivers, TNC drivers, shuttle drivers, executive sedan drivers, LPT drivers, pedicab 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 private for-hire companies and approved by the Director.

**T.** “Executive Town Car Company” means any entity operating an 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 Taxi Company.

**V.** “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.

**W.** “Executive Town Car Company Vehicle” means a sedan or sports utility vehicle (SUV) widely recognized as a luxury make and model.

**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 or Tour Bus (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 Limousine, Party Bus Vehicle or Tour Bus Vehicle as a driver for any LPT Company.

**CC.** “LPT Services” means private for-hire transportation offered or provided for compensation to passengers by a LPT Driver and LPT Vehicle on behalf of or by an affiliated LPT Company.

**DD.** “Non-Emergency Medical Transportation (NEMT) Company” means any entity that offers and/or provides for-hire transportation 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 for-hire transportation 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 for-hire transportation vehicle that is not the operator of that vehicle.

**KK.** “Pedicab” means a tricycle that:

1. Transports or is capable of transporting passengers on seats attached to the tricycle;
2. Is powered by human power or an electrical assist; and
3. Is used as a for-hire transportation service.

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

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

**NN.** “Permitted” means that a for-hire transportation company, driver or vehicle has 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 horse-drawn carriage or pedicab.

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

**RR.** “Private for-hire transportation” means providing vehicular, horse-drawn carriage or pedicab transportation for compensation of any kind within the 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 which is not exclusively regulated by the State. This includes limousines, taxis, TNC vehicles, executive sedans, shuttles, NEMTs, pedicabs, and horse-drawn carriages; but does not include school buses, charter buses or ambulances.

**TT.** “Revocation” means that a permit, taxiplate or decal is no longer valid and cannot be renewed without approval by the Director of the Portland Bureau of Transportation.

**UU.** “Shuttle Transportation” means transportation provided in a vehicle over a fixed route and time schedule.

**VV.** “Suspension” means that a permit, taxiplate or decal is temporarily invalid and that the holder of that permit, taxiplate or decal may not engage in any for-hire transportation activity under the authority granted to that suspended permit, taxiplate or decal. A suspension may also apply to a Private for-hire driver.

**WW.** “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.

**XX.** “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.

**YY.** “Taxi Driver” means any person operating a Taxi Vehicle as a driver for any Taxi Company.

**ZZ.** “Taxi Vehicle” means any vehicle driven by a Taxi Driver to offer and/or provide Taxi Services.

**AAA.** “Taxi Services” means private for-hire transportation offered or provided for compensation to passengers by a Taxi Driver and Taxi Vehicle on behalf of or by an affiliated Taxi Company.

**BBB.** “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.

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

**DDD.** “Transportation Network Company” (TNC) means any entity or organization, whether a corporation, partnership, sole proprietor, that connects with passengers with affiliated TNC Drivers and TNC Vehicles through an Internet based digital or software platform/application operated by the Transportation Network Company

**EEE.** “Transportation Network Company (TNC) Driver” means any individual operating a private for-hire vehicle who connects with passengers through an Internet based digital or software platform/application operated by an affiliated Transportation Network Company.

**FFF.** “Transportation Network Company (TNC) Services” means any private for-hire transportation offered or provided to passengers for compensation by a TNC Driver and TNC Vehicle on behalf of or by an affiliated Transportation Network Company.

**GGG.** “Transportation Network Company (TNC) Vehicle” means any vehicle driven by a Transportation Network Company Driver to offer and/or provide Transportation Network Company Services.

**HHH.** “Week” means the 7-day period from Monday through Sunday.

**III.** “Wheelchair Accessible Vehicle (WAV)” means that a for-hire transportation vehicle is equipped with a hydraulic 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 handicapped persons.

**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 Bureau 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 section shall be 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 Taxi Driver and will not be allowed to operate as a Taxi Driver. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.930 and 16.40.950.

**C. Taxi Vehicle Certification Requirements.** No vehicle shall be operated to conduct business as a Taxi Vehicle in the City of Portland without certification by the Director prior to being used 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 section shall be a 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.**

**A. Application.** An applicant for a Taxi 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. A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates;
  5. If the applicant Taxi 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 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 Policy;
  8. The applicant Taxi Company's User Terms of Service;
  9. The applicant 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 unique branding and exterior color scheme that the applicant Taxi Company proposes to use for its fleet of affiliated Taxi Vehicles;
  12. Company proposed fare rates, and;
  13. A nonrefundable application fee.
- B.** All fines and penalties must be paid prior to issuing or reissuing a Taxi 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 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.

**E. 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.

**F. Application Approval.** Upon approval by the Commissioner-in-Charge, the Director may be directed to issue a Taxi Company permit.

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

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.

**H. 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.

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

**J. Certification of Taxi Drivers.** The Taxi Company shall regularly provide a list of applicant drivers affiliated with the permitted Taxi for Director certification that drivers meet requirements in Section 16.40.170, on a form approved by the Director. Drivers shall be certified 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. Such requirements include:

1. Criminal and Driver Background Checks;

2. Personal Automobile Liability Insurance;
3. Valid Driver License;
4. Taxi Driver Business License Number; and
5. Driver training and testing within 30 calendar days of a Taxi Driver's certification by the Director.

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

**L. Taxi Driver Re-certification.** The Taxi Company shall provide a list of applicant drivers for re-certification to the Director within one 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 16.40.100. Drivers not meeting all such conditions will not be re-certified as a Taxi Driver and shall not be allowed to operate as a Taxi Driver.

**M. 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 safety inspection;
2. Vehicle registration and licensing;
3. Vehicle condition, and;
4. Taxi Company general liability and automobile liability insurance.

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

**O. Taxi Vehicle Re-certification.** The Taxi Company shall provide a list of applicant vehicles for re-certification to the Director within one 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 Section 16.40.100 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.

**P. 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.

**Q. 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.

**R. Transferring Permits.** Transferring permits shall be prohibited.

**S. Removal of Taxi Drivers and Vehicles from affiliated Taxi Company.** Taxi Companies shall provide to the Director regular notification of affiliated Taxi Drivers that have been prohibited from providing Taxi Services by the affiliated Taxi Company and Taxi Vehicles that have been removed from the fleet of the affiliated Taxi Company.

**T. Operating at the Port of Portland.** Taxi Companies, Drivers, and Vehicles are prohibited from operating at the Portland International Airport without specific permission or approval from the Port of Portland.

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

**A. Permit Fees.** Taxi Companies shall pay permit fees and civil penalty fines consistent with Sections 16.40.930 and 16.40.950.

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

#### **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, 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 Drivers 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 for-hire transportation 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 for-hire transportation 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 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 16.40.130 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 is not endangered thereby. The adequacy of proposed alternative insurance coverage is shall be approved by the City Attorney's Office before such alternative insurance may become effective.

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

**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 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 16.40.190.
3. Service city-wide, 24 hours a day, 7 days a week.
4. A minimum fleet of 15 Taxi Vehicles.

**B. Zero Tolerance for Drug and Alcohol Use.** All permitted Taxi Companies shall employ at all times a Zero Tolerance Policy for intoxicants for all Taxi Drivers. Such 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.

**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 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 approved by the Director prior to implementation.

**E. Receipts.** All taxi 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 Taxi Company, 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 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 locally-based 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. Report any crash and its claim status (open or closed) required to be reported to the State of Oregon;
2. Report the number and type of crimes against drivers to the extent known;
3. The arrest or conviction for any criminal offense of any affiliated Taxi driver involving the operation of Taxi service in the City of Portland;
4. 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;
5. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company, and;

6. 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 regularly provide relevant aggregated and anonymized data with the City pursuant to applicable data sharing agreement. Examples of relevant data may include, but not be limited to, the following:

- a. Number, date and time of fulfilled requests;
- b. Number, date and time of unfulfilled requests;
- c. Number, date and time of trips;
- d. Trip origin zip code;
- e. Trip destination zip code;
- f. Trip wait time, and;
- g. Trip duration and miles traveled.

2. Taxi Companies shall submit data, in aggregate form, pursuant to any applicable 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 Taxi Companies notice prior to any disclosure of such data.

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

**K. Digital Record Requirements.** Digital records shall provide a verifiable way to identify drivers and riders for investigatory 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 inoperative. 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 appropriate legal process, the Taxi Company shall respond to the request within 24 hours and promptly disclose records to 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 two 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.

**16.40.150 Taxicab Vehicle Certification Requirements**

**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 one 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 one 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 ten 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 one year old, based on model year, or
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 repair;

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.

**I. Taxi Vehicle Re-certification.** The Taxi Company shall provide a list of applicant vehicles for re-certification to the Director one 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 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.

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

**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 Taxi Driver.

**B.** Vehicle Registration, Insurance, and Business License. A non-digital fax or photocopy of the vehicle's registration and proof of insurance shall be kept in every Taxi Vehicle, pursuant to ORS 806.011. In addition, the City requires proof of a Taxi Driver's business license registration, as required by Chapter 7.02, and shall be kept in every Taxi Vehicle.

**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, unless the company's legally registered name at the time this ordinance passes contains the word "cab".
2. Every Taxi Vehicle affiliated with a Taxi Company must have a design scheme 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.

f. The signature of the individual making the certification.

**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.** The consumption any intoxicant or smoking of any substance shall be prohibited in any Taxi Vehicle.

**F. Vehicle Operating Conditions.** In determining whether a Taxi Vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good repair and appearance, 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 and interior lights) 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 shall not be equipped with studded tires.
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.

**G. 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.

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

**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 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 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 one year from the date of the initial certification. The affiliated Taxi Company shall provide a re-certification to the Director within one 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 Taxi Driver and Vehicle Application Lists, pursuant to certification requirements, that the vehicle meets all requirements before the driver may operate a Taxi Driver on a form approved by the Director.

**D. Taxi 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 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); and
2. All motor vehicle records associated with the applicant driver available pursuant to records laws of each state, and;
3. Dru Sjodin 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 in the 10 years, based on the conviction date, preceding the submission of the application;
2. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred, and;
3. The applicant is a match in the Dru Sjodin 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.** During the 3-year period preceding the submission of the initial application, the applicant had greater than 5 traffic violations as defined in ORS 801.557; greater than five serious traffic violations as defined in ORS 801.477; greater 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.** During the 3-year period preceding the filing of the initial application, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.

**7.** 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.** During a 3-year period preceding the filing of the application, the applicant's PFHT driving privileges were revoked by the Director;

**9.** The applicant does not have at least one year's worth of continuous driving experience with a valid driver's license in a United States jurisdiction immediately prior to the date of the application's submission;

**10.** The applicant is less than 21 years old, or;

**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. Taxi Drivers shall successfully complete Director approved trainings within 30 days of Taxi Driver certification by the Director in each of the following subject areas:

- 1.** Relevant City Code provisions and Administrative Rules;
- 2.** Vision Zero principles of traffic safety;
- 3.** Portland-area attractions, and;
- 4.** Customer Service.

**H. Insurance Requirements.** All Taxi Drivers affiliated with a Taxi Company shall maintain current, valid personal automobile insurance that meets the State of Oregon requirements.

**I. Business License Requirements.** All Taxi Drivers 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 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.

**J. Taxi Driver Re-certification.** The Taxi Company shall provide a list of applicant drivers for re-certification to the Director within one 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 16.40.100. Drivers not meeting all such conditions will not be re-certified as a Taxi Driver and shall not be allowed to provide Taxi Services.

**K. Suspension or Revocation of Certified Taxi Drivers.** If a Taxi certification is suspended or revoked by the Director, the affiliated Taxi Company shall be notified. 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.

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

**A. Transferring Credentials.** Transferring Taxi Driver or Taxi Vehicle credentials from one driver or vehicle to another shall be prohibited.

**B. Taxi Drivers shall carry while operating as a Taxi Driver upon request of a law enforcement officer provide the following:**

**1.** A non-digital fax or photocopy proof of Taxi Company insurance pursuant to ORS 806.011 and a copy of vehicle registration at all times while operating as a Taxi Driver.

**2.** Portland Business License. Taxi Drivers shall carry documentation of a City of Portland Business License as required by Chapter 7.02, for a City-issued Driver Permit, at all times while operating as a Taxi Driver.

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

**1.** Allow another person to use his/her Taxi Driver certification;

**2.** Drive or allow another person to drive a Taxi Vehicle without a valid driver's license 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 for-hire transportation 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 while operating a for-hire transportation vehicle;
  7. Consume any intoxicant or smoke of any substance while operating a Taxi Vehicle;
  8. Allow any passenger to consume an intoxicant or smoke any 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 other than the most safe 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 to any passenger of proper demeanor whose request for service has been accepted by Taxi dispatch or Taxi Driver, and;
  15. Provide private for-hire transportation after driving more than 12 hours in any given 24-hour period.
- D. Maximum hours of driving.** No person shall provide private for-hire transportation services after driving more than 12 hours in any given 24-hour period.
- E. Street-Hails, Taxi Stands, Hotel Zones and Loading/Unloading Zones.**
1. A Taxi Driver may accept street-hails to include taxi stands and hotel zones



2. Other than for drop off, a Taxi Driver may not park a Taxi Vehicle in a Hotel Zone or Loading/Unloading 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 to 16.40.140 and available for review by the Director or law enforcement officer;

**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, that occurs during, or arises out of, the driver's operation of a for-hire transportation vehicle;
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 crash required to be reported to the State of Oregon involving any vehicle operated as for-hire transportation by the driver, and;
4. Any restriction, suspension or revocation of the driver's motor vehicle driver's license.

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

**16.40.190 Accessible Service Requirements.**

Taxi 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.
2. Taxi Drivers who are unable to reasonably accommodate passengers accompanied by service animals must notify the affiliated Taxi Company so that an alternate Taxi Driver may be promptly dispatched to fulfill the passenger's request for service.

- B.** 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 16.40.140 (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.** Taxi Companies shall reasonably accommodate passengers with canes, walkers or other mobility devices that can readably fit within a non-wheelchair accessible Taxi Vehicle.
  - 2.** Taxi Companies shall maintain at all times dispatch services available to customers that accept requests for a wheelchair accessible vehicle.
  - 3.** Taxi Companies are required to provide wheelchair accessible vehicle service within a reasonable time by maintaining a fleet of affiliated wheelchair accessible Taxi Vehicles, contracting with a permitted operator of wheelchair accessible private for-hire vehicles or a combination thereof. It is a rebuttable presumption that any time beyond 30 minutes is unreasonable.
  - 4.** Fare rates for wheelchair accessible vehicles shall not exceed fare rates for comparable non-wheelchair accessible Taxi Vehicles, be reported to the Director and shall not be subject to dynamic pricing.
  - 5.** Wheelchair accessible vehicle services must comply with WAV Service Performance Guidelines established by the PFHT Advisory Committee in consultation with the Portland Commission on Disability. Service performance guidelines may include best practices pertaining to the following:
    - a.** Vehicle specifications;
    - b.** Wheelchair loading and securement;
    - c.** Customer service and communication with customers;
    - d.** Driver training, and;
    - e.** Estimated wait times.

6. 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 WAV fulfilled requests;
- b. number, date and time of WAV unfulfilled requests;
- c. number, date and time of WAV trips;
- d. WAV trip origin zip code;
- e. WAV trip destination zip code;
- f. WAV trip wait time, and;
- g. WAV trip duration.

7. The Director may implement an Accessible Transportation Fee and establish an Accessible Transportation Fund.

- 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.

**16.40.200 Transportation Network Company Services Permits Required.**

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

**A. Transportation Network Company Permit Requirements.** No person or entity shall conduct business as a Transportation Network Company in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this

section shall be a violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

**B. Transportation Network Driver Certification Requirements.** No person or entity shall conduct business as a Transportation Network 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 TNC Driver and will not be allowed to operate as a TNC Driver. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

**C. Transportation Network Vehicle Certification Requirements.** No vehicle shall be operated to conduct business as a Transportation Network 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. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

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

**A. Application.** An applicant for a TNC 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. 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 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;
12. A nonrefundable application fee, and;
13. All fines and penalties must be paid prior to 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 company 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 Company permit.

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

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 Transportation Network Services.** TNC Services shall only be provided by a permitted Transportation Network Company.

**I. Certification of TNC Drivers.** The Transportation Network Company shall regularly provide a list of applicant drivers affiliated with the permitted TNC for Director certification that drivers meet requirements in 16.40.270, on a form approved by the Director 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;
3. Valid Driver License;
4. TNC Driver Business License Number; and
5. Driver training within 30 calendar days of a TNC Driver's certification by the Director.

**J. Term of Certification of TNC Drivers.** Certifications for TNC Drivers provided by the Director shall be valid for a term of one year from date of Director certification.

**K. TNC Driver Re-certification.** The Transportation Network Company shall provide a list of applicant drivers for re-certification to the Director within one 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 16.40.200. 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 Transportation Network Company shall regularly provide a list of applicant vehicles affiliated with the permitted TNC for Director certification that vehicles meet requirements in Section 16.40.200, 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 safety inspection;
2. Vehicle registration and licensing;
3. Vehicle condition;
4. TNC Commercial Automobile Liability Insurance;
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 one year from date of Director certification.

**N.** TNC Vehicle Re-certification. The Transportation Network Company shall provide a list of applicant vehicles for re-certification to the Director within one 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 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 regularly 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 specific permission or approval from the Port of Portland.

**16.40.220 TNC Services Permit Fees and Civil Penalty Fines.**

**A.** Permit Fees. TNC Companies shall pay permit fees and civil penalty fines consistent with Sections 16.40.910 and 16.40.930.

**B. Permit Issuance.** No TNC Company permit shall be issued until all permit fees and civil penalty fines have been paid and received by the City.

**16.40.230 TNC Insurance Requirements.**

**A. TNC Service Periods Defined.** In order to provide protection to the public, the Transportation Network Company shall provide levels of insurance in accordance pursuant to all requirements of Chapter 16.40. Transportation Network 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 his/her 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 secured 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 for-hire transportation 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;

**M. Additional Policy Conditions:** Policies required under Subsections 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 Section 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 Section 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 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 Section 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 Section 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.

5. Failure to comply with all requirements defined in Section 16.40.230 shall result in the issuance of civil penalties pursuant to Section 16.40.930 and/or the suspension or revocation of a TNC permit pursuant to Section 16.40.940.

#### **16.40.240 TNC Company Operating Responsibilities and Prohibitions.**

**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 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 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. Zero Tolerance for Drug and Alcohol Use.** All permitted TNC Companies shall employ at all times a Zero Tolerance Policy for intoxicants for all TNC Drivers. Such 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.

**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.** All TNC fares 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 for services 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 will 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 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.** Any crash and its claim status (open or closed) on a form approved by the Director;
- 2.** The number and type of crimes against drivers to the extent known;
- 3.** The arrest or conviction for any criminal offense of any affiliated TNC driver involving the operation of TNC service in the City of Portland;
- 4.** 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;
- 5.** The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company, and;
- 6.** Any information required to be disclosed by Chapter 16.40 that comes to the attention of the TNC.

**J. Data Requirements.**

- 1.** TNCs shall regularly provide relevant aggregated and anonymized data with the City pursuant to applicable data sharing agreement. Examples of relevant data may include, but not be limited to, the following:
  - a.** Number, date and time of fulfilled requests
  - b.** Number, date and time of unfulfilled requests
  - c.** Number, date and time of trips
  - d.** Trip origin zip code;
  - e.** Trip destination zip code;
  - f.** Trip wait time, and;
  - g.** Trip duration.
- 2.** TNCs shall submit data, in aggregate form, 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, and;
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 Company 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 two 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.

#### **16.40.250 TNC Vehicle Certification Requirements**

**A.** The Transportation Network Company may not dispatch a vehicle unless the designated Trade Dress includes a visible Portland Business License identification number specific to each PFHT Vehicle.

**B. TNC Vehicle Certification.** The Transportation Network Company shall regularly provide a list of applicant vehicles 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. 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 one year from the date of the initial certification. Transportation Network Company shall provide a re-certification to the Director, as they occur, prior to the certification expiration and within one 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 ten 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 one year old, based on model year, or
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 good repair;
- 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;
- e.** Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for the Portland-Metro.

**J. TNC Vehicle Re-certification.** The TNC shall provide a list of applicant vehicles for re-certification to the Director within one 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 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.

#### **16.40.260 TNC Vehicle Operating Requirements and Prohibitions**

**A.** No vehicle shall operate as a TNC Vehicle unless it has been affiliated with an approved TNC Company and TNC Driver.

**B. Vehicle Registration, Insurance, and Business License.** A non-digital fax or photocopy of the vehicle's registration and proof of insurance shall be kept in every TNC Vehicle, pursuant to ORS 806.011. In addition, the City requires proof of TNC insurance and proof of a TNC Driver's business license number be kept in every TNC Vehicle.

**C. Trade Dress Signage.** Trade Dress Signage is required for each TNC Vehicle in operation. 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 vehicle body, but not on the roof and shall not obscure any of the driver's views, vehicle lights, or obscure the view of any mirrors, and cannot exceed four square feet.

**D.** The consumption of alcohol and smoking of any substance, including but not limited to e-cigarettes, vapor cigarettes or prescription drugs that may impair your ability to operate a vehicle safely, shall be prohibited in any TNC Vehicle.

**E. Vehicle Operating Conditions.** In determining whether a TNC vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good 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 and interior lights) 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 shall not be equipped with studded tires while providing TNC Services, 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.

**F. Mandatory Compliance.** 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.

#### **16.40.270 TNC Driver Certification Requirements**

**A. Driver Certification.** The Transportation Network Company shall regularly 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. 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 one year from the date of the initial certification.



Transportation Network Company shall provide a re-certification to the Director within one 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 Application Lists, pursuant to certification requirements, that the vehicle meets all requirements before the driver may operate a TNC Driver 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 drivers 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. Dru Sjodin National Sex Offender Public Registry.

**E. TNC Driver Criminal and Driving History Disqualifications.** A TNC Driver will not be certified and cannot provide Transportation Network Services if any of the following conditions exist:

1. The applicant has a felony conviction of any kind in the 10 years, based on the conviction date, preceding the submission of the application;
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 Dru Sjodin 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. During the 3-year period preceding the submission of the initial application, the applicant had greater than 5 traffic infractions as defined in ORS 801.557; greater than five serious traffic violations as defined in ORS 801.477; greater 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. During the 3-year period preceding the filing of the initial application, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident;
7. 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. During a 3-year period preceding the filing of the application, the applicant's PFHT driving privileges were revoked by the Director;
9. The applicant does not have at least one year's worth of continuous driving experience with a valid driver's license in a United States jurisdiction immediately prior to the date of the application's submission;
10. The applicant is less than 21 years old;
11. The applicant is unable to obtain car insurance for any reason;
12. All TNC Driver criminal and driving histories are subject to review by the Director.

**F. TNC Driver Training.** TNC Drivers shall successfully complete Director approved trainings as administered by the Director or an approved TNC within 30 days of TNC Driver certification by the Director in each of the following subject areas:

1. Relevant City Code provisions and Administrative Rules;
2. Vision Zero principles of traffic safety;
3. Portland-area attractions, and;
4. Customer Service.

**G. Insurance Requirements.** All TNC Drivers affiliated with a TNC shall maintain current, valid personal automobile insurance that meets the State of Oregon requirements.

**H. 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.

**I. TNC Driver Re-certification.** The TNC shall provide a list of applicant drivers for re-certification to the Director within one 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 Sections 16.40.200. 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.

**J. 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 by the Director. TNC Drivers and TNC Vehicles without current, valid certification by the Director shall not be allowed to provide TNC Services.

#### **16.40.280 TNC Driver Conduct Requirements and Prohibitions**

**A. Transferring Credentials.** Transferring TNC Driver or TNC Vehicle credentials from one driver or vehicle to another shall be prohibited.

**B. TNC Drivers shall carry a non-digital fax or photocopy proof of TNC insurance pursuant to ORS 806.011 and a copy of 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.**

**C. Portland Business License.** TNC Drivers shall carry documentation of the driver's City of Portland Business License as required by Chapter 7.02 at all times while operating as a TNC Driver.

**D. Driver Conduct.** No TNC Driver shall:

1. Allow another person to use his/her TNC Driver certification
2. Drive or allow another person to drive a TNC Vehicle without a valid driver's license while the vehicle is being used to provide TNC Services;
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 for-hire transportation 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 while operating a for-hire transportation vehicle;
7. Consume any intoxicant or smoke of any substance while operating a TNC Vehicle;
8. Allow any passenger to consume an intoxicant or smoke any 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 most safe and 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 to any passenger of proper demeanor whose request for service has been accepted on the TNC App, and;
14. Provide private for-hire transportation after driving more than 12 hours in any given 24-hour period.

**E. Street-Hails, Taxi Stands, Hotel Zones and Loading/Unloading Zones.**

1. A TNC Driver shall only accept rides 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 Hotel 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, that occurs during, or arises out of, the driver's operation of a for-hire transportation vehicle;
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 crash involving any vehicle operated as for-hire transportation by the driver; and
4. Any restriction, suspension or revocation of the driver's motor vehicle driver's license.

**H. Suspension or Revocation of Certified TNC Drivers.** If a TNC certification is suspended or revoked by the Director, the affiliated TNC shall be contacted by the Director. TNC Drivers and Vehicles without current, valid certification by the Director shall not be allowed to operate as a TNC Driver and shall not have access as a TNC Driver to the affiliated TNC app.

#### **16.40.290 Accessible Service Requirements**

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.
2. TNC Drivers who are unable to reasonably accommodate passengers accompanied by service animals must notify the affiliated TNC so that an alternate TNC Driver may be promptly dispatched to fulfill the passenger's request for service.

##### **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 Section 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 readably 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 accept requests for a wheelchair accessible vehicle.
- 3.** TNC Vehicles are required to provide wheelchair accessible vehicle service within a reasonable time by maintaining a fleet of affiliated wheelchair accessible TNC vehicles, contracting with a permitted operator of wheelchair accessible private for-hire vehicles or a combination thereof. It is a rebuttable presumption that any time beyond 30 minutes is unreasonable.
- 4.** Fare rates for wheelchair accessible vehicles shall not exceed fare rates for comparable non-wheelchair accessible TNC Vehicles, be reported to the Director and shall not be subject to dynamic pricing.
- 5.** Wheelchair accessible vehicle services must comply with WAV Service Performance Guidelines established by the PFHT Advisory Committee in consultation with the Portland Commission on Disability. Service performance guidelines may include best practices pertaining to the following:
  - a.** Vehicle specifications;
  - b.** Wheelchair loading and securement;
  - c.** Customer service and communication with customers;
  - d.** Driver training, and;
  - e.** Estimated wait times.
- 6.** Any permitted TNC shall enter into any applicable 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 WAV fulfilled requests;
  - b.** Number, date and time of WAV unfulfilled requests;
  - c.** Number, date and time of WAV trips;
  - d.** WAV trip origin zip code;
  - e.** WAV trip destination zip code;

f. WAV trip wait time, and;

g. WAV trip duration.

7. The Director may implement an Accessible Transportation Fee and establish an Accessible Transportation Fund.

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.

#### **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 this section shall be a violation subject to the 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 section shall be a violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

**C. Executive Town Car Vehicle Certification Requirements.** No vehicle shall be operated 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 section shall be a violation subject to the 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.**

**A. Application.** An applicant for an Executive Town Car 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. 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 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. The trade dress the applicant Executive Town Car Company proposes to use



for each affiliated driver's vehicle, with a photo of the trade dress submitted with the application;

**12.** Fare rates shall be provided to and approved by the Director prior to implementation, and;

**13.** A nonrefundable 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 be directed to 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 only be provided 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 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 a Executive Town Car Driver. Such requirements include:

1. Criminal and Driver Background Checks;
2. Personal Automobile Liability Insurance;
3. Valid Driver License;
4. Driver training within 30 calendar days of an Executive Town Car Driver's certification 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 one 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 a 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 safety inspection;
2. Vehicle registration and licensing;
3. Vehicle condition;
4. Executive Town Car Company general and motor vehicle liability insurance;

5. Personal Automobile Liability Insurance, as required by state law.

**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 one 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 one 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 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.

**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 specific permission or approval from the Port of Portland.

#### **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 and 16.40.930.

**B. Permit Issuance.** No Executive Town Car Company permit shall be issued until all fees have been 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 Named 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 Drivers shall be responsible for ensuring the Executive Town Car Driver and Executive Town Car Vehicle have appropriate personal 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 for-hire transportation 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 for-hire transportation 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 is shall be approved by the City Attorney's Office before such alternative insurance may become effective.

**16.40.340 Executive Town Car Company Operating Responsibilities and Prohibitions**

**A.** Executive Town Car Companies shall accept all requests for Executive Town Car Service received from any location within the City.

- B. Zero Tolerance for Drug and Alcohol Use.** All permitted Executive Town Car Companies shall employ at all times a Zero Tolerance Policy for intoxicants for all Executive Town Car Drivers. Such 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.
- 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. Limitation or Prohibition on Dynamic pricing.** The Bureau Director may limit or prohibit dynamic pricing by any Executive Town Car Company or Executive Town Car Driver during a State of Emergency, as declared by the Mayor, pursuant to Portland City Code 15.04.040.
- G. 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.
- H. 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.
- I. Reporting Requirements.** Each Executive Town Car Company shall regularly report the following to the Director:
- 1.** Report any crash and its claim status (open or closed) required to be reported to the State of Oregon;
  - 2.** Report the number and type of crimes against drivers to the extent known;

3. The arrest or conviction for any criminal offense of any affiliated Executive Town Car driver involving the operation of Executive Town Car service in the City of Portland;
4. 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;
5. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and
6. Any information required to be disclosed by Chapter 16.40 that comes to the attention of the Executive Town Car Company.

**J. Data Requirements.**

1. Any permitted Executive Town Car Company may enter into any applicable agreement with the City to regularly provide relevant aggregated and anonymized data. Examples of relevant data may include, but not be limited to, the following:
  - a. Number, date and time of fulfilled requests;
  - b. Number, date and time of unfulfilled requests;
  - c. Number, date and time of trips;
  - d. Trip origin zip code;
  - e. Trip destination zip code;
  - f. Trip wait time, and;
  - g. Trip duration and miles traveled
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.
3. In the event disclosure of such data is required by law, the City will provide Executive Town Car Companies notice prior to any disclosure of such data.
4. Upon request, the Executive Town Car Company shall provide data identified by the Director to verify compliance with requirements pursuant to Chapter 16.40.

**K. 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 two 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 or law enforcement officers pursuant to Chapter 16.40.

**16.40.350 Executive Town Car Vehicle Certification Requirements.**

- 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 one year from the date of the initial certification. The Executive Town Car Company shall provide a re-certification to the Director annually prior to the certification expiration and within one 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 10 years after the vehicle manufactured date, regardless of when the vehicle was purchased or put into service as an Executive Town Car Vehicle.

1. Notwithstanding Subsection 16.40.350 E., the Director may, at the recommendation of the PFHT Advisory Committee pursuant to 16.40.970, adopt Executive Town Car Vehicle administrative rules and standards to allow Executive Town Car Vehicles with manufacturing dates beyond 10 years to operate and considered to be “Classic” and safe, clean and in good working order.

**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 one year old, based on model year, or
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. Each Executive Town Car Vehicle shall:
  - a. Be kept in safe condition and good repair;
  - 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;
  - d. Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for the Portland-Metro.

**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 one 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 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.

**16.40.360 Executive Town Car Vehicle Operating Requirements and Prohibitions**

- 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 Executive Town Car Driver.
- B.** Vehicle Registration, Insurance, and Business License. A non-digital fax or photocopy of the vehicle's registration and proof of insurance shall be kept in every Executive Town Car Vehicle, pursuant to ORS 806.011.
- 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 a bar code and 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 administrative rule.
  - 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 is an actionable offense in a court of competent jurisdiction.

**D.** The consumption any intoxicant or smoking of any substance shall be prohibited in any Executive Town Car Vehicle.

**E.** 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 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, 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 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 shall not be equipped with studded tires while providing Executive Town Car Services;

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. 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.

**16.40.370 Executive Town Car Driver Certification Requirements**

**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 by the Director and affiliated with a certified Executive Town Car Vehicle prior to being 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 one year from the date of the initial certification. The affiliated Executive Town Car Company shall provide a re-certification to the Director within one 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 vehicle meets all requirements before the driver may operate an Executive Town Car Driver 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); and
2. All motor vehicle records associated with the applicant driver available pursuant to records laws of each state.
3. Dru Sjodin 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 in the 10 years, based on the conviction date, preceding the submission of the application;

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 Dru Sjodin 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. During the 3-year period preceding the submission of the initial application, the applicant had greater than 5 traffic violations as defined in ORS 801.557; greater than five serious traffic violations as defined in ORS 801.477; greater 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. During the 3-year period preceding the filing of the initial application, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.
  7. 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. During a 3-year period preceding the filing of the application, the applicant's PFHT driving privileges were revoked by the Director;
  9. The applicant does not have at least one year's worth of continuous driving experience in a United States jurisdiction immediately prior to the date of the application's submission;
  10. The applicant is less than 21 years old; or
  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.** Executive Town Car Drivers shall successfully complete Director approved trainings within 30 days of Executive Town Car Driver certification by the Director in each of the following subject areas:

1. Relevant City Code provisions and Administrative Rules;
2. Vision Zero principles of traffic safety;
3. Portland-area attractions, and;
4. Customer Service.

**H. Insurance Requirements.** All Executive Town Car Drivers affiliated with an Executive Town Car Company shall maintain current, valid personal automobile insurance that meets the State of Oregon requirements.

**I. Business License Requirements.** All Executive Town Car Drivers 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.

**J. 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 one 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 Sections 16.40.370 and Section 16.40.380. 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.

**K. 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 by the Director. Executive Town Car Drivers and Vehicles without current, valid certification by the Director shall not be allowed to operate as an Executive Town Car Driver.

#### **16.40.380 Executive Town Car Driver Conduct Requirements and Prohibitions**

**A. Transferring Credentials.** Transferring Executive Town Car Driver or Executive Town Car Vehicle credentials from one driver or vehicle to another shall be prohibited.

**B. Executive Town Car Drivers shall carry a non-digital fax or photocopy proof of company insurance pursuant to ORS 806.011 and a copy of vehicle registration at all times 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.

**C. Portland Business License.** Executive Town Car Drivers shall carry documentation of a City of Portland Business License as required by Chapter 7.02 at all times while operating as an Executive Town Car Driver.

**D. Driver Conduct.** No Executive Town Car Driver shall:

1. Allow another person to use his/her Executive Town Car Driver certification;
2. Drive or allow another person to drive an Executive Town Car Vehicle without a valid driver's license 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 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 for-hire transportation 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 while operating a for-hire transportation vehicle;
7. Consume any intoxicant or smoke of any substance while operating a Executive Town Car Vehicle;
8. Allow any passenger to consume an intoxicant or smoke any inside a 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 private for-hire transportation after driving more than 12 hours in any given 24-hour period.

**E.** Maximum hours of driving. No person shall provide private for-hire transportation services after driving more than 12 hours in any given 24-hour period.

**F.** Street-Hails, Taxi Stands, Hotel Zones and Loading/Unloading 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 from 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 or Loading/Unloading 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 to 16.40.340 and available for review by the Director or law enforcement officer.

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

**H.** 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, that occurs during, or arises out of, the driver's operation of a for-hire transportation vehicle;

**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 crash required to be reported to the State of Oregon involving any vehicle operated as for-hire transportation by the driver; and

**4.** Any restriction, suspension or revocation of the driver's motor vehicle driver's license.



**I. 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 by the Director. Executive Town Car Drivers and Vehicles without current, valid certification by the Director shall not be allowed to operate as an Executive Town Car Driver.

**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 section shall be a violation subject to the penalties provided in Sections 16.40.930 through 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 section shall be a violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

**C. Shuttle Vehicle Certification Requirements.** No vehicle shall be operated 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 section shall be a 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.**

**A. Application.** An applicant for a Shuttle 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. 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 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 and exterior color scheme 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;
13. A nonrefundable application fee, and;
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 16.40.400 on a form approved by the Director. Drivers shall be certified 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 a permitted Shuttle Driver and will not be allowed to operate as a Shuttle Driver. Such requirements include:

1. Criminal and Driver Background Checks;
2. Personal Automobile Liability Insurance;
3. Valid Driver License, and;
4. Driver training within 30 calendar days of a Shuttle Driver's certification 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 one 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 16.40.400. 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 16.40.400 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 safety inspection;
2. Vehicle registration and licensing;
3. Vehicle 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 one year from 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.

**P. Removal of Shuttle Drivers and Vehicles from 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 specific permission or approval from the Port of Portland.

#### **16.40.420 Shuttle Services Permit Fees.**

**A. Permit Fees.** Shuttle Companies shall pay permit fees and civil penalty fines consistent with Sections 16.40.910 and 16.40.930.

**B. Permit Issuance.** No Shuttle Company permit shall be issued until all fees have been 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 Drivers shall be responsible for ensuring the Shuttle Driver and Shuttle Vehicle have appropriate personal 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 for-hire transportation 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 for-hire transportation 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 Subsections 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 Subsections 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 Subsections 16.40.430, and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage is shall be approved by the City Attorney's Office before such alternative insurance may become effective.**

#### **16.40.440 Shuttle Company Operating Responsibilities and Prohibitions**

**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 16.40.490.**

**C. Zero Tolerance for Drug and Alcohol Use.** All permitted Shuttle Companies shall employ at all times a Zero Tolerance Policy for intoxicants for all Shuttle Drivers. Such 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.

**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. Limitation or Prohibition on Dynamic pricing.** The Bureau Director may limit or prohibit dynamic pricing by any Shuttle Company or Shuttle Driver during a State of Emergency, as declared by the Mayor, pursuant to Portland City Code 15.04.040.

**H. 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.

**I. 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.

**J. Reporting Requirements.** Each Shuttle Company shall regularly report the following to the Director:

- 1. Report any crash and its claim status (open or closed) required to be reported to the State of Oregon;**
- 2. Report the number and type of crimes against drivers to the extent known;**

3. The arrest or conviction for any criminal offense of any affiliated Shuttle driver involving the operation of Shuttle service in the City of Portland;
4. 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;
5. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company, and;
6. Any information required to be disclosed by Chapter 16.40 that comes to the attention of the Shuttle Company.

**K. Data Requirements.**

1. Any permitted Shuttle Company may enter into any applicable agreement with the City to regularly provide relevant aggregated and anonymized data. Examples of relevant data may include, but not be limited to, the following:

- a. Number, date and time of fulfilled requests;
- b. Number, date and time of unfulfilled requests;
- c. Number, date and time of trips;
- d. Trip origin zip code;
- e. Trip destination zip code;
- f. Trip wait time, and;
- g. Trip duration and miles traveled.

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.

3. In the event disclosure of such data is required by law, the City will provide Shuttle Companies notice prior to any disclosure of such data.

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

**L. 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 two 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 or law enforcement officers pursuant to Chapter 16.40.

#### **16.40.450 Shuttle Vehicle Certification Requirements.**

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

**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 one 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. Each Shuttle Vehicle shall:
  - a. Be kept in safe condition and good repair;
  - 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;
  - d. Meet State of Oregon Department of Environmental Quality motor vehicle emissions standards established for the Portland-Metro.

**I. Shuttle Vehicle Re-certification.** The Shuttle Company shall provide a list of applicant vehicles for re-certification to the Director one 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 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.

**16.40.460 Shuttle Vehicle Operating Requirements and Prohibitions**

**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 Shuttle Driver.

**B. Vehicle Registration, Insurance, and Business License.** A non-digital fax or photocopy of the vehicle’s registration and proof of insurance shall be kept in every Shuttle Vehicle, pursuant to ORS 806.011.

**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. Word "shuttle."
2. Upon successful completion of the Shuttle Company permit application process and payment of required fees as outlined in Chapter 16.40, the Director will issue a vehicle identification decal bearing a bar code and 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 administrative rule.
  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 is an actionable offense in a court of competent jurisdiction.
- D.** The consumption any intoxicant or smoking of any substance shall be prohibited in any Shuttle Vehicle.

**E. Vehicle Operating Conditions.** In determining whether a Shuttle vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good 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, 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 Shuttle 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. 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 shall not be equipped with studded tires.
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.** 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.

#### **16.40.470 Shuttle Driver Certification Requirements**

**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 by the Director and affiliated with a certified Shuttle Vehicle prior to being 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 one year from the date of the initial certification. The affiliated Shuttle Company shall provide a re-certification to the

Director within one 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 vehicle meets all requirements before the driver may operate 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. Dru Sjodin 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 in the 10 years, based on the conviction date, preceding the submission of the application;
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 Dru Sjodin 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. During the 3-year period preceding the submission of the initial application, the applicant had greater than 5 traffic violations as defined in ORS 801.557; greater than five serious traffic violations as defined in ORS 801.477; greater 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. During the 3-year period preceding the filing of the initial application, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident;
7. 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. During a 3-year period preceding the filing of the application, the applicant's PFHT driving privileges were revoked by the Director;
9. The applicant does not have at least one year's worth of continuous driving experience in a United States jurisdiction immediately prior to the date of the application's submission;
10. The applicant is less than 21 years old; or
11. The applicant is unable to obtain car insurance for any reason.
12. All Shuttle Driver Criminal and Driving Histories are subject to review by the Director.

**F. Shuttle Driver Training.** Shuttle Drivers shall successfully complete Director approved trainings within 30 days of Shuttle Driver certification by the Director in each of the following subject areas:

1. Relevant City Code provisions and Administrative Rules;
2. Vision Zero principles of traffic safety;
3. Portland-area attractions, and;
4. Customer Service.

**G. Insurance Requirements.** All Shuttle Drivers affiliated with a Shuttle Company shall maintain current, valid automobile insurance that meets the State of Oregon requirements.

**H. Business License Requirements.** All Shuttle Drivers 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 Driver 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 one 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 and Section 16.40.480. 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 by the Director. Shuttle Drivers and Vehicles without current, valid certification by the Director shall not be allowed to operate as a Shuttle Driver.

#### **16.40.480 Shuttle Driver Conduct Requirements and Prohibitions**

**A. Transferring Credentials.** Transferring Shuttle Driver or Shuttle Vehicle credentials from one driver or vehicle to another shall be prohibited.

**B. Shuttle Drivers shall carry a non-digital fax or photocopy proof of company insurance pursuant to ORS 806.011 and a copy of 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.**

**C. Portland Business License.** Shuttle Drivers shall carry documentation of a City of Portland Business License as required by Chapter 7.02 at all times while operating as a Shuttle Driver.

**D. Driver Conduct.** No Shuttle Driver shall:

1. Allow another person to use his/her Shuttle Driver certification;
2. Drive or allow another person to drive a Shuttle Vehicle without a valid driver's license 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 for-hire transportation 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 while operating a for-hire transportation vehicle;
  7. Consume any intoxicant or smoke of any substance while operating a Shuttle Vehicle;
  8. Allow any passenger to consume an intoxicant or smoke any 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 fixed 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 to 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, and;
  15. Provide private for-hire transportation after driving more than 12 hours in any given 24-hour period.
- E.** Maximum hours of driving. No person shall provide private for-hire transportation services after driving more than 12 hours in any given 24-hour period.
- F.** Street-Hails, Taxi Stands, Hotel Zones and Loading/Unloading Zones.
1. A Shuttle Driver may accept street-hails, to include from hotel zones, received along the fixed route of the Shuttle Company as approved by the Director.
  2. Other than for drop off along the Shuttle Company's fixed route and time schedule, a Shuttle Driver may not park a Shuttle Vehicle in a Hotel Zone or Loading/Unloading 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 to 16.40.440(K)(1) and available for review by the Director or law enforcement officer;

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

**H. 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, that occurs during, or arises out of, the driver's operation of a for-hire transportation vehicle;
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 crash required to be reported to the State of Oregon involving any vehicle operated as for-hire transportation by the driver; and
4. Any restriction, suspension or revocation of the driver's motor vehicle driver's license.

**I. 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 by the Director. Shuttle Drivers and Vehicles without current, valid certification by the Director shall not be allowed to operate as a Shuttle Driver.

#### **16.40.490 Accessible Service Requirements**

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.
  2. Shuttle Drivers who are unable to reasonably accommodate passengers accompanied by service animals must notify the affiliated Shuttle Company so that an alternate Shuttle Driver may be promptly dispatched to fulfill the passenger's request for service.
- 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 Section 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 readably 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

**3.** Shuttle Companies are required to provide wheelchair accessible vehicle service within a reasonable time by maintaining a fleet of affiliated wheelchair accessible Shuttle vehicles, contracting with a permitted operators of wheelchair accessible private for-hire 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 wheelchair accessible vehicles 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.** Wheelchair accessible vehicle services must comply with WAV Service Performance Guidelines as established by the PFHT Advisory Committee in consultation with the Portland Commission on Disability. Service performance guidelines may include best practices pertaining to the following:

- a.** Vehicle specifications;
- b.** Wheelchair loading and securement;
- c.** Customer service and communication with customers;
- d.** Driver training, and;
- e.** Estimated wait times.

6. Any permitted Shuttle 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 limited to, the following:

- a. Number, date and time of WAV fulfilled requests;
- b. Number, date and time of WAV unfulfilled requests;
- c. Number, date and time of WAV trips;
- d. WAV trip origin zip code;
- e. WAV trip destination zip code;
- f. WAV trip wait time; and
- g. WAV trip duration.

7. The Director may implement an Accessible Transportation Fee and establish an Accessible Transportation Fund

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.

**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 Vehicles and LPT Drivers have met all certification and operating requirements.

**A. LPT Company Permit Requirements.** No person or entity shall conduct business as an LPT Company or serve as a broker for any related LPT service in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.930 through 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 an LPT Driver and will not be allowed to operate as an LPT Driver. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

**C. LPT Vehicle Certification Requirements.** No vehicle shall be operated to conduct business as a 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 a LPT Vehicle. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

**16.40.610 LPT Company Permit Application Standards for Approval and/or Denial and Certification Requirements.**

**A.** Application. An applicant for a LPT 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. 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 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 description and photo or rendering of the unique branding and exterior color scheme that the applicant LPT Company proposes to use for its fleet of affiliated LPT Vehicles;

**12.** Fares shall be established and approved by the Director Prior to implementation;

**13.** A nonrefundable application fee.

**B.** All fines and penalties must be paid prior to issuing or reissuing a 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 a 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 only be provided 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 16.40.600 on a form approved by the Director. Drivers shall be certified 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 a LPT Driver. Such requirements include:

1. Criminal and Driver Background Checks;
2. Automobile Liability Insurance;
3. Valid Driver License;
4. Driver training within 30 calendar days of a LPT Driver's certification 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 one 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 16.40.600. Drivers not meeting all such conditions will not be re-certified as a LPT Driver and shall not be allowed to operate as a 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 Section 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 a LPT Vehicle. Such requirements include:

1. Vehicle safety inspection;
2. Vehicle registration and licensing;
3. Vehicle condition;
4. LPT Company general and motor vehicle liability insurance;
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 one year from 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 one 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 16.40.650 and 16.40.660 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a LPT Vehicle and shall not be allowed to operate as a LPT Vehicle.

**O. Denial Appeal.** If a 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 a LPT Company permit does not create a right to a LPT Company permit.

**Q. Transferring Permits.** Transferring permits shall be prohibited.

**R. Removal of LPT Drivers and Vehicles from 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 specific permission or approval from the Port of Portland.

#### **16.40.620 LPT Services Permit Fees.**

**A. Permit Fees.** LPT Companies shall pay permit fees and civil penalty fines consistent with Section 16.40.910 and 16.40.930.

**B. Permit Issuance.** No LPT Company permit shall be issued until all fees have been received by the City.

#### **16.40.630 LPT Company Insurance Requirements**

**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 a LPT Company receiving a 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, worker's compensation and employer's liability insurance (as required by state law).

**D. Ensuring Driver and Vehicle Insurance.** LPT Drivers shall be responsible for ensuring the LPT Driver and LPT Vehicle have appropriate personal 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.** 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 for-hire transportation permit.

**G. 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 for-hire transportation vehicle.

**H. 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.

**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 16.40.630 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 is shall be approved by the City Attorney's Office before such alternative insurance may become effective.

#### **16.40.640 LPT Company Operating Responsibilities and Prohibitions**

**A. LPT Companies** shall accept all requests for LPT Service received from any location within the City.

**B. Zero Tolerance for Drug and Alcohol Use.** All permitted LPT Companies shall employ at all times a Zero Tolerance Policy for intoxicants for all LPT Drivers. Such 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.

**C. User Terms of Service.** It must be stated within a disclaimer or limitation of liability in a 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 a LPT Company shall be governed by Oregon tort law in effect at the time of the claim.

- D. Fare rate Transparency.** LPT fare rates shall be established by the LPT 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 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.
- F. Limitation or Prohibition on Dynamic pricing.** The Bureau Director may limit or prohibit dynamic pricing by any LPT Company or LPT Driver during a State of Emergency, as declared by the Mayor, pursuant to Portland City Code 15.04.040.
- G. 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.
- H. 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.
- I. Reporting Requirements.** Each LPT Company shall regularly report the following to the Director:
1. Report any crash and its claim status (open or closed) required to be reported to the State of Oregon;
  2. Report the number and type of crimes against drivers to the extent known;
  3. The arrest or conviction for any criminal offense of any affiliated LPT driver involving the operation of LPT service in the City of Portland;
  4. 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;
  5. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and
  6. Any information required to be disclosed by Chapter 16.40 that comes to the attention of the LPT Company.
- J. Data Requirements.**

1. Any permitted LPT Company shall regularly provide relevant aggregated and anonymized data with the City pursuant to applicable data sharing agreement. Examples of relevant data may include, but not be limited to, the following:

- a. Number, date and time of fulfilled requests;
- b. Number, date and time of trips;
- c. Trip destination zip code, and;
- d. Vehicle miles traveled.

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.

3. In the event disclosure of such data is required by law, the City will provide LPT Companies notice prior to any disclosure of such data.

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

**K. 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 two 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 or law enforcement officers pursuant to Chapter 16.40.

**16.40.650 LPT Vehicle Certification Requirements.**

**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 one year from the date of the initial certification. The LPT

Company shall provide a re-certification to the Director annually prior to the certification expiration and within one 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 10 years after the vehicle manufactured date, 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 Master Technician certification. Inspections are required if the vehicle:

1. Is more than one 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. Each LPT Vehicle shall:
  - a. Be kept in safe condition and good repair;
  - 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.

**I. LPT Vehicle Re-certification.** The LPT Company shall provide a list of applicant vehicles for re-certification to the Director within one 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 a LPT Vehicle and shall not be allowed to operate as a LPT Vehicle.

#### **16.40.660 LPT Vehicle Operating Requirements and Prohibitions**

**A.** No vehicle shall operate as a LPT Vehicle unless it has been certified by the Director and is affiliated with a permitted LPT Company and LPT Driver.

**B.** Vehicle Registration, Insurance, and Business License. A non-digital fax or photocopy of the vehicle's registration and proof of insurance shall be kept in every LPT Vehicle, pursuant to ORS 806.011.

**C.** Identification of LPT Vehicles. Every LPT Vehicle shall meet the following identification requirements to operate as a 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;
  - c. The telephone number of that Party Bus Company or Tour Bus Company where services can be requested; and
2. Trade Dress Signage is required for each Limousine Vehicle in operation. 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 vehicle body, but not on the roof and shall not obscure any of the driver's views, vehicle lights, or obscure the view of any mirrors, and cannot exceed four square feet.
3. Upon successful completion of the LPT Company permit application process and payment of required fees as outlined in Chapter 16.40, the Director will issue

a vehicle identification decal bearing a bar code and the City Seal for each certified LPT Vehicle.

4. 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 a LPT Company permit will be prorated to equal the cost of the number of months remaining until the LPT Company permit expires.
5. LPT decals must be affixed to the vehicle's front and back window in a manner outlined by administrative rule.
6. LPT decals that are intentionally destroyed or damaged by a LPT Company or prior to renewal and without the City's authorization are not subject to renewal.
7. 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.
8. LPT Vehicle decals issued by the Director shall not be leased, sold, transferred or assigned in any manner.
9. 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 is an actionable offense in a court of competent jurisdiction.

**D.** The consumption any intoxicant or smoking of any substance shall be prohibited in any LPT Vehicle.

**E. Vehicle Operating Conditions.** In determining whether an LPT Vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good 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, 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 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 shall not be equipped with studded tires while providing LPT Services, and;
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.

**G. 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.

#### **16.40.670 LPT Driver Certification Requirements**

**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 by the Director and affiliated with a certified LPT Vehicle prior to being operating a LPT Vehicle. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as a 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 a LPT Company to the Director shall be valid for one year from the date of the initial certification. The affiliated LPT Company shall provide a re-certification to the Director within one 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 vehicle meets all requirements before the driver may operate a 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); and
2. All motor vehicle records associated with the applicant driver available pursuant to records laws of each state.
3. Dru Sjodin National Sex Offender Public Registry

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

1. The applicant has a felony conviction of any kind in the 10 years, based on the conviction date, preceding the submission of the application;
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 Dru Sjodin 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. During the 3-year period preceding the submission of the initial application, the applicant had greater than 5 traffic violations as defined in ORS 801.557; greater than five serious traffic violations as defined in ORS 801.477; greater 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. During the 3-year period preceding the filing of the initial application, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.
7. 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.** During a 3-year period preceding the filing of the application, the applicant's PFHT driving privileges were revoked by the Director;

**9.** The applicant does not have at least one year's worth of continuous driving experience in a United States jurisdiction immediately prior to the date of the application's submission;

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

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

**12.** All LPT Driver Criminal and Driving Histories are subject to review by the Director.

**F. LPT Driver Training.** LPT Drivers shall successfully complete Director approved trainings within 30 days of LPT Driver certification by the Director in each of the following subject areas:

**1.** Relevant City Code provisions and Administrative Rules;

**2.** Vision Zero principles of traffic safety; and

**3.** Portland-area attractions; and

**4.** Customer Service

**G. Insurance Requirements.** All LPT Drivers affiliated with a LPT Company shall maintain current, valid personal automobile insurance that meets the State of Oregon requirements.

**H. Business License Requirements.** All LPT Drivers affiliated with a LPT Company shall comply with all provisions of the Business License Law, Chapter 7.02 prior to operating a LPT Vehicle. Any LPT Driver without a valid City of Portland Business License cannot be certified as a LPT Driver and will not be allowed to operate as a 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 one 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 and Section 16.40.680. Drivers not meeting all such conditions will not be re-certified as a LPT Driver and shall not be allowed to provide LPT Services.

**J. Suspension or Revocation of Certified LPT Drivers.** If a LPT certification is suspended or revoked by the Director, the affiliated LPT Company shall be notified by

the Director. LPT Drivers and Vehicles without current, valid certification by the Director shall not be allowed to operate as a LPT Driver.

#### **16.40.680 LPT Driver Conduct Requirements and Prohibitions**

**A. Transferring Credentials.** Transferring LPT Driver or LPT Vehicle credentials from one driver or vehicle to another shall be prohibited.

**B. LPT Drivers shall carry a non-digital fax or photocopy proof of LPT insurance pursuant to ORS 806.011 and a copy of vehicle registration at all times while operating as a 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.**

**C. Portland Business License.** LPT Drivers shall carry documentation of a City of Portland Business License as required by Chapter 7.02 at all times while operating as a LPT Driver.

**D. Driver Conduct.** No LPT Driver shall:

1. Allow another person to use his/her LPT Driver certification
2. Drive or allow another person to drive a LPT Vehicle without a valid driver's license 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 for-hire transportation 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 while operating a for-hire transportation vehicle;
7. Consume any intoxicant or smoke of any substance while operating a LPT Vehicle;
8. Allow any passenger to consume an intoxicant or smoke any inside a 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.** Drive LPT Vehicles on a route or time schedule other than fixed route and time schedule of the LPT Company, as approved by the Director;
- 13.** Operate any LPT Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1);
- 14.** Refuse to LPT Services to any passenger of proper demeanor whose request for service has been accepted by the LPT Company or LPT Driver along the fixed route and time schedule of the LPT Company, as approved by the Director.
- 15.** Provide private for-hire transportation after driving more than 12 hours in any given 24-hour period.

**E.** Maximum hours of driving. No person shall provide private for-hire transportation services after driving more than 12 hours in any given 24-hour period.

**F.** Street-Hails, Taxi Stands, Hotel Zones and Loading/Unloading 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 in the City of Portland, except as approved by the Port of Portland at the Portland International Air Port.
- 3.** Other than for drop off, an LPT Driver may not park an LPT Vehicle in a Hotel Zone or Loading/Unloading 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 to 16.40.640(K)(1) and available for review by the Director or law enforcement officer.

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

**H.** 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, that occurs during, or arises out of, the driver's operation of a for-hire transportation vehicle;

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 crash required to be reported to the State of Oregon involving any vehicle operated as for-hire transportation by the driver; and
4. Any restriction, suspension or revocation of the driver's motor vehicle driver's license.

**I. Suspension or Revocation of Certified LPT Drivers.** If a LPT certification is suspended or revoked by the Director, the affiliated LPT Company shall be notified by the Director. LPT Drivers and Vehicles without current, valid certification by the Director shall not be allowed to operate as a LPT Driver.

**16.40.700 NEMT Services Permits Required.** The operation of a 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 a 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 section shall be 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 a 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 a NEMT Driver. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.930 and 16.40.950.

**C. NEMT Vehicle Certification Requirements.** No vehicle shall be operated to conduct business as a 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 a NEMT Vehicle. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

**16.40.705 NEMT Company Permit Application Standards for Approval and/or Denial and Certification Requirements.**

**A. Application.** An applicant for a NEMT 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. 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 Policy;
  8. The applicant NEMT Company's User Terms of Service;
  9. The applicant dispatch contact information, confirmation that dispatch is available 24 hours, seven days a week and if applicable, NEMT Dispatch App general use information;
  10. Contact information of the NEMT Company’s Agent of Service and Customer Service Support;
  11. A description and photo or rendering of the unique branding and exterior color scheme that the applicant NEMT Company proposes to use for its fleet of affiliated NEMT Vehicles;
  12. Company proposed fare rates, and;
  13. A nonrefundable application fee.
- B.** All fines and penalties must be paid prior to issuing or reissuing a 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 16.40.130. 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 16.40.110, 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 a 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. 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. 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. 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 only be provided 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 16.40.170, on a form approved by the Director. Drivers shall be certified by the Director prior to providing NEMT Services on behalf of the affiliated NEMT Company and NEMT Drivers not meeting all required conditions will not be certified as a permitted NEMT Driver and will not be allowed to operate as a NEMT Driver. Such requirements include:

1. Criminal and Driver Background Checks;
2. Automobile Liability Insurance;
3. Valid Driver License;
4. NEMT Driver Business License Number; and
5. Driver training and testing within 30 calendar days of a NEMT Driver's certification by the Director.

**K. Term of Certified NEMT Driver.** Certifications for NEMT Drivers provided by a NEMT Company to the Director shall be valid for one year from the date of the initial certification. The affiliated NEMT Company shall provide a re-certification to the Director within one 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 one 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 Sections 16.40.100. Drivers not meeting all such conditions will not be re-certified as a NEMT Driver and shall not be allowed to operate as a 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 16.40.150 and 16.40.160 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 a NEMT Vehicle. Such requirements include:

1. Vehicle safety inspection;
2. Vehicle registration and licensing;
3. Vehicle condition;
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 one 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 one 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 Section 16.40.100 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a NEMT Vehicle and shall not be allowed to operate as a NEMT Vehicle.

**P. Denial Appeal.** If a 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 a NEMT Company permit does not create a right to a NEMT Company permit.

**R. Transferring Permits.** Transferring permits shall be prohibited.

**S. Removal of NEMT Drivers and Vehicles from 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 specific permission or approval from the Port of Portland.

#### **16.40.710 NEMT Services Permit Fees and Civil Penalty Fines.**

**A. Permit Fees.** NEMT Companies shall pay permit fees and civil penalty fines consistent with Sections 16.40.910 and 16.40.930.

**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.

#### **16.40.715 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 a NEMT Company receiving a 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, worker's compensation and employer's liability insurance (as required by state law).

**D. Ensuring Driver and Vehicle Insurance.** NEMT Drivers shall be responsible for ensuring the NEMT Driver and NEMT 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.** 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 for-hire transportation permit.

**G. 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 for-hire transportation vehicle.

**H. 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.

**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 16.40.130 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 is not endangered thereby. The adequacy of proposed alternative insurance coverage is shall be approved by the City Attorney's Office before such alternative insurance may become effective.

**16.40.720 NEMT Company Operating Responsibilities and Prohibitions.**

**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. Zero Tolerance for Drug and Alcohol Use.** All permitted NEMT Companies shall employ at all times a Zero Tolerance Policy for intoxicants for all NEMT Drivers. Such 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.

**C. User Terms of Service.** It must be stated within a disclaimer or limitation of liability in a 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 a NEMT Company shall be governed by Oregon tort law in effect at the time of the claim.

**D. Fare Rate Transparency.** All NEMT fare rates shall be established by the NEMT 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 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.** 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. Report any crash and its claim status (open or closed) required to be reported to the State of Oregon;
2. Report the number and type of crimes against drivers to the extent known;
3. The arrest or conviction for any criminal offense of any affiliated NEMT driver involving the operation of NEMT service in the City of Portland;
4. 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;
5. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and
6. Any information required to be disclosed by Chapter 16.40 that comes to the attention of the NEMT Company.

**J. Data Requirements.**

1. Any permitted NEMT Company shall regularly provide relevant aggregated and anonymized data with the City pursuant to applicable data sharing agreement. Examples of relevant data may include, but not be limited to, the following:

- a. Number, date and time of fulfilled requests (including WAV);
- b. Number, date and time of unfulfilled requests (including WAV);
- c. Number, date and time of trips;
- d. Trip origin zip code;
- e. Trip destination zip code;
- f. Trip wait time, and;
- g. Trip duration and miles traveled.

- 2. NEMT Companies shall submit data, in aggregate form, pursuant to any applicable 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 NEMT Companies notice prior to any disclosure of such data.
- 5. Upon request, the NEMT Company shall provide data identified by the Director to verify compliance with requirements pursuant to Chapter 16.40.

**K. 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 two 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 or law enforcement officers pursuant to Chapter 16.40.

**16.40.725 NEMT Vehicle Certification Requirements**

- 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 a NEMT Vehicle.

**B. Term of Certified NEMT Vehicle.** Certifications for NEMT Vehicles provided by the Director shall be valid for one 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 one 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 a NEMT Driver and Vehicle Application List, pursuant to certification requirements, that the vehicle meets all requirements before the vehicle shall operate as a 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 a NEMT Vehicle following ten years after the vehicle manufactured date, regardless of when the vehicle was purchased or put into service as a NEMT Vehicle.

**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 one year old, based on model year, or
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 kept in safe condition and good repair;
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.

**I. NEMT Vehicle Re-certification.** The NEMT Company shall provide a list of applicant vehicles for re-certification to the Director one 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 16.40.150 and 16.40.160 for re-certification. Vehicles not meeting all such conditions will not be re-certified as a NEMT Vehicle and shall not be allowed to operate as a NEMT Vehicle.

#### **16.40.730 NEMT Vehicle Operating Requirements and Prohibitions**

**A.** No vehicle shall operate as a NEMT Vehicle unless it has been certified by the Director and is affiliated with a permitted NEMT Company and NEMT Driver.

**B. Vehicle Registration, Insurance, and Business License.** A non-digital fax or photocopy 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 a NEMT Driver's business license registration, as required by Chapter 7.02, and shall be kept in every NEMT Vehicle.

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

1. 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
  - d. the letters "NEMT."

**E.** The consumption any intoxicant or smoking of any substance shall be prohibited in any NEMT Vehicle.

**F. Vehicle Operating Conditions.** In determining whether a NEMT Vehicle meets the vehicle condition requirements, the vehicle shall at all times be maintained in good 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, 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 NEMT 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. 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 shall not be equipped with studded tires.
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.

**G. 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.

#### **16.40.735 NEMT Driver Certification Requirements**

**A. NEMT Driver Certification.** The NEMT Company shall regularly 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 by the Director and affiliated with a permitted NEMT Company prior to operating a NEMT Vehicle. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as a NEMT Driver. NEMT Companies regularly provide a current list of affiliated NEMT Drivers and NEMT Vehicles.

**B. Term of Certified NEMT Driver.** Certifications for NEMT Drivers provided by a NEMT Company to the Director shall be valid for one year from the date of the initial certification. The affiliated NEMT Company shall provide a re-certification to the Director within one 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 regularly 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 a 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 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:

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. Dru Sjodin National Sex Offender Public Registry.

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

1. The applicant has a felony conviction of any kind in the 10 years, based on the conviction date, preceding the submission of the application;
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 Dru Sjodin 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.** During the 3-year period preceding the submission of the initial application, the applicant had greater than 5 traffic violations as defined in ORS 801.557; greater than five serious traffic violations as defined in ORS 801.477; greater 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.** During the 3-year period preceding the filing of the initial application, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident;

**7.** 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.** During a 3-year period preceding the filing of the application, the applicant's PFHT driving privileges were revoked by the Director;

**9.** The applicant does not have at least one year's worth of continuous driving experience with a valid driver's license in a United States jurisdiction immediately prior to the date of the application's submission;

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

**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. NEMT Drivers shall successfully complete Director approved trainings within 30 days of NEMT Driver certification by the Director in each of the following subject areas:

- 1.** Relevant City Code provisions and Administrative Rules;
- 2.** Vision Zero principles of traffic safety;
- 3.** Portland-area attractions, and;
- 4.** Customer Service.

**H. Insurance Requirements.** All NEMT Drivers affiliated with a NEMT Company shall maintain current, valid automobile insurance that meets the State of Oregon requirements.

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

**J. NEMT Driver Re-certification.** The NEMT Company shall provide a list of applicant drivers for re-certification to the Director within one 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 Sections 16.40.100. Drivers not meeting all such conditions will not be re-certified as a NEMT Driver and shall not be allowed to provide NEMT Services.

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

#### **16.40.740 NEMT Driver Conduct, Requirements and Prohibitions**

**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 while operating as a NEMT Driver and provide upon request of a law enforcement officer the following:**

**1.** A non-digital fax or photocopy proof of NEMT Company insurance pursuant to ORS 806.011 and a copy of vehicle registration at all times while operating as a NEMT Driver.

**2.** Portland Business License. NEMT Drivers shall carry documentation of a City of Portland Business License as required by Chapter 7.02, for a City-issued Driver Permit, at all times while operating as a NEMT Driver.

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

**1.** Allow another person to use his/her NEMT Driver certification

**2.** Drive or allow another person to drive a NEMT Vehicle without a valid driver's license 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 for-hire transportation 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 while operating a for-hire transportation vehicle;
  7. Consume any intoxicant or smoke of any substance while operating a NEMT Vehicle;
  8. Allow any passenger to consume an intoxicant or smoke any inside a 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 most safe and 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 to any passenger of proper demeanor whose request for service has been accepted by NEMT dispatch or NEMT Driver, or;
  15. Provide private for-hire transportation after driving more than 12 hours in any given 24-hour period.
- D. Maximum hours of driving.** No person shall provide private for-hire transportation services after driving more than 12 hours in any given 24-hour period.
- E. Street-Hails, Taxi Stands, Hotel Zones and Loading/Unloading Zones.**
1. A NEMT Driver shall not accept street-hails, except as approved pursuant to Sections 16.40.190, 16.40.290 and 16.40.490.

2. Other than for drop off, a NEMT Driver may not park a NEMT Vehicle in a Hotel Zone or Loading/Unloading 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 to Section 16.40.140 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 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, that occurs during, or arises out of, the driver's operation of a for-hire transportation vehicle;
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 crash required to be reported to the State of Oregon involving any vehicle operated as for-hire transportation by the driver; and
4. Any restriction, suspension or revocation of the driver's motor vehicle driver's license.

**H. Suspension or Revocation of Certified NEMT Drivers.** If a NEMT Driver or NEMT Vehicle certification is suspended or revoked by the Director, the affiliated NEMT Company shall be notified. NEMT Drivers and NEMT Vehicle without current, valid certification by the Director shall not be allowed to operate as a NEMT Driver or NEMT Vehicle.

#### **16.40.745 Pedicab Services Permits Required.**

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

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

**B. Pedicab Driver Certification Requirements.** No person or entity shall conduct business as a Pedicab Driver in the City of Portland without certification by the Director prior to

being authorized to provide Pedicab Services on behalf of an affiliated Pedicab Company. Divers not meeting all required conditions will not be certified as Pedicab Driver and will not be allowed to operate as a Pedicab Driver. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.930 through 16.40.950.

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

**16.40.750 Pedicab Company Permit Application Standards for Approval and/or Denial and Certification Requirements.**

**A. Application.** An applicant for a Pedicab 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. 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 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 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 Company’s Zero-Tolerance Drug Policy;
8. The applicant Pedicab Company contact information, and;
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 Company permit holders shall comply with pedicab insurance requirements pursuant to Section 16.40.760. All Pedicab 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 Company application form and upon successful completion of all the requirements pursuant to Section 16.40.750, 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 Company permit.

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

1. The Pedicab Company applicant fails to submit all required information and documentation, including valid proof of insurance;
2. The Pedicab Company applicant provides dispatch services to anyone other than affiliated Pedicab Drivers meeting the requirements set forth in Chapter 16.40 without prior approval by the Director;
3. The Pedicab Company applicant leases, permits, or otherwise allows other entities not affiliated with the Pedicab Company and certified by the Director to operate pedicab 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 Company may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

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

**I. Certification of Pedicab Drivers.** The Pedicab Company shall regularly provide a list of applicant pedicab drivers affiliated with the permitted Pedicab Company for Director certification that drivers meet requirements in Sections 16.40.760 and 16.40.770. Pedicab Drivers shall be certified by the Director prior to providing pedicab services on behalf of an affiliated Pedicab Company and drivers not meeting all required conditions will not be

certified as a permitted Pedicab Driver and will not be allowed to operate as a Pedicab Driver. Such requirements include:

1. Criminal and Driver Background Checks;
2. Valid Driver License or government-issued photo identification;
3. Pedicab Driver Business License Number; and

**J. Pedicab Driver Re-certification.** The Pedicab Company shall provide a list of applicant drivers for re-certification to the Director within one month prior to the Pedicab Driver certification expiration. Applicant drivers shall meet all conditions and be consistent with Pedicab Driver certification requirements pursuant to Sections 1.40.760 and 16.40.770. Drivers not meeting all such conditions will not be re-certified as a Pedicab Driver and shall not be allowed to operate as a Pedicab Driver.

**K. Certification of Pedicab Vehicles.** The Pedicab Company shall regularly provide a list of applicant vehicles affiliated with the permitted Pedicab Company for Director certification that vehicles meet requirements pursuant to section 16.40.750 Pedicab Vehicles shall be certified by the Director and affiliated with a permitted Pedicab Company prior to being used to provide Pedicab Services. Vehicles not meeting all required conditions will not be certified as a permitted Pedicab vehicle and will not be allowed to operate as a Pedicab Vehicle. Such requirements include:

1. Vehicle safety and condition;
2. Pedicab 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 one year from date of certification.

**M. Pedicab Vehicle Re-certification.** The Pedicab Company shall provide a list of applicant vehicles for re-certification to the within one month prior to the Pedicab Vehicle certification expiration. Applicant vehicles shall meet all conditions and be consistent with Pedicab Vehicle certification requirements pursuant to Section 16.40.750 (D\_E) for re-certification. Vehicles not meeting all such conditions will not be re-certified as a Pedicab Vehicle and shall not be allowed to operate as a Pedicab Vehicle.

**N. Denial Appeal.** If a Pedicab Driver or Pedicab 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 Company's ability to satisfy the criteria for a Pedicab Company permit does not create a right to a Pedicab Company permit.

**P. Transferring Permits.** Transferring permits shall be prohibited.

**Q. Removal of Pedicab Drivers and Pedicab Vehicles from affiliated Pedicab Company.** Pedicab Companies shall provide to the Director notification of affiliated Pedicab Drivers that have been prohibited from providing Pedicab services by the affiliated Pedicab Company and Pedicab Vehicles that have been removed from the fleet of the affiliated Pedicab Company as changes occur.

**R. Operating at the Port of Portland.** Pedicab Companies, Drivers, and Vehicles are prohibited from operating at the Portland International Airport without specific permission or approval from the Port of Portland.

#### **16.40.755 Pedicab Services Permit Fees**

**A. Permit Fees.** Pedicab Companies shall pay permit fees and civil penalty fines consistent with Sections 16.40.930 and 16.40.950.

**B. Permit Issuance.** No Pedicab Company permit shall be issued until such permit fees have been received by the City.

#### **16.40.760 Pedicab Insurance Requirements**

**A. Coverages and Limits:** All Pedicab 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 \$500,000 per Occurrence and \$1,000,000 Aggregate for covered claims arising out of, but not limited to, Bodily Injury, Property Damage, Personal and Advertising Injury, and Contractual Liability in the course of the permit holder's work under a for-hire transportation company 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. Additional Policy Conditions.** Policies required under Subsection 16.40.760 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 for-hire transportation 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 written notice to the Director 30 days 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 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 16.40.760 (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.

**16.40.765 Pedicab Operating Responsibilities and Prohibitions.** A permitted Pedicab Company shall comply with the following:

- A. Zero Tolerance for Drug and Alcohol Use.** All permitted Pedicab Companies shall employ at all times a Zero Tolerance Policy for intoxicants for all Pedicab Drivers. Such

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 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 Company shall be governed by Oregon tort law in effect at the time of the claim.

**C. Fare rate Transparency.** All Pedicab fare rates shall be established by the Pedicab Company, 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.** All pedicab 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 Company, Pedicab Driver, Pedicab Company contact information and the City of Portland's PFHT complaint phone number.

**E. Limitation or Prohibition on Dynamic pricing.** The Bureau Director may limit or prohibit dynamic pricing by any Pedicab Company or Pedicab Driver during a State of Emergency, as declared by the Mayor, pursuant to Portland City Code 15.04.040.

**F. Reporting Requirements.** Each Pedicab Company shall regularly report the following to the Director:

1. Report any crash and its claim status (open or closed) required to be reported to the State of Oregon;
2. Report the number and type of crimes against drivers to the extent known;
3. The arrest or conviction for any criminal offense of any affiliated Pedicab Driver involving the operation of Pedicab Service in the City of Portland;
4. The filing of any lawsuit against or on behalf of the Pedicab Company related to the operation of the company and its services in the City of Portland;
5. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and
6. Any information required to be disclosed by Chapter 16.40 that comes to the attention of the Pedicab Company.

**G. Data Requirements.**

1. Any permitted Pedicab Company may enter into an agreement with the City to regularly provide relevant aggregated and anonymized data. Examples of relevant data may include, but not be limited to, the following:

- a. Number, date and time of fulfilled requests;
- b. Number, date and time of unfulfilled requests;
- c. Number, date and time of trips;
- d. Trip origin zip code;
- e. Trip destination zip code;
- f. Trip wait time, and;
- g. Trip duration and miles traveled

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 Pedicab Companies notice prior to any disclosure of such data.

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

**M. Pedicab Company Records Management and Mandatory Compliance.**

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

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

**16.40.770 Pedicab Vehicle Certification and Operating Requirements.**

**A. Pedicab Vehicle Certification.** The Pedicab Company shall regularly provide a list of applicant vehicles affiliated with the permitted Pedicab 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 Company prior to

being used to provide Pedicab service. Vehicles not meeting all required conditions shall not be certified and will not be allowed to operate as a Pedicab Vehicle.

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

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

**D. Pedicab Vehicle Safety Requirements.** Pedicab 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's rear;
4. Exceed manufacturer's limits on the amount of weight the pedicab vehicle may safely carry, and;
5. No bicycle or tricycle may operate as a pedicab by pulling any kind of cart, trailer or other enclosed seating contraption behind the bicycle or tricycle.

**E. Pedicab Vehicle Condition.** Each Pedicab Vehicle shall:

1. Be kept in safe condition and good repair, and;
2. Be kept clean and in good appearance.

**F. The consumption any intoxicant or smoking of any substance shall be prohibited in any Pedicab Vehicle.**

**G. Mandatory Compliance.** Pedicab 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.

**16.40.775 Pedicab Driver Certification and Operating Requirements.**

**A. Pedicab Driver Certification.** The Pedicab Company shall regularly provide a list of applicant drivers affiliated with the permitted Pedicab 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 by the Director and affiliated with a certified Pedicab Vehicle prior to being operating a Pedicab Vehicle. Drivers not meeting all required conditions shall not be certified and will not be allowed to operate as a Pedicab Driver. Pedicab companies shall provide a current list to the Director as changes occur.

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

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

**D. Pedicab 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 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. Dru Sjodin National Sex Offender Public Registry.

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

1. The applicant has a felony conviction of any kind in the 10 years, based on the conviction date, preceding the submission of the application;
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 Dru Sjodin 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.** During the 3-year period preceding the submission of the initial application, the applicant had greater than 5 traffic violations as defined in ORS 801.557; greater than five serious traffic violations as defined in ORS 801.477; greater 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.** During the 3-year period preceding the filing of the initial application, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident;

**7.** 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.** During a 3-year period preceding the filing of the application, the applicant's PFHT driving privileges were revoked by the Director;

**9.** The applicant does not have at least one year's worth of continuous driving experience in a United States jurisdiction immediately prior to the date of the application's submission;

**10.** The applicant is less than 18 years old; or

**12.** All Pedicab Driver Criminal and Driving Histories are subject to review by the Director.

**F. Pedicab Driver Training.** Pedicab Drivers shall successfully complete Director approved trainings within 30 days of Pedicab Driver certification by the Director in each of the following subject areas:

**1.** Relevant City Code provisions and Administrative Rules;

**2.** Vision Zero principles of traffic safety;

3. Portland-area attractions, and;

4. Customer Service.

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

**I. Pedicab Driver Re-certification.** The Pedicab Company shall provide a list of applicant drivers for re-certification to the Director within one month prior to the Pedicab Driver certification expiration, on a form approved by the Director. Applicant drivers shall meet all conditions and be consistent with Pedicab Driver certification requirements pursuant to Sections 16.40.760 and 16.40.770. Drivers not meeting all such conditions will not be re-certified as a Pedicab Driver and shall not be allowed to provide Pedicab Services.

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

#### **16.40.780 Pedicab Driver Conduct Requirements and Prohibitions**

**A. Transferring Credentials.** Transferring Pedicab Driver or Pedicab Vehicle credentials from one driver or vehicle to another shall be prohibited.

**B. Pedicab Drivers shall carry a non-digital fax or photocopy proof of Pedicab Company insurance pursuant to ORS 806.011 and a valid driver's license or government-issued photo identification at all times while operating a Pedicab Vehicle. Upon request of the Director or law enforcement officer, Pedicab Drivers shall present proof of a valid Pedicab Company insurance policy and driver's license or government-issued photo identification.**

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

1. Allow another person to use his/her Pedicab Driver certification

2. Drive or allow another person to drive a Pedicab Vehicle without a valid driver's license or government-issued photo identification while the vehicle is being used to provide Pedicab Services;

3. Operate any Pedicab 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 for-hire transportation vehicle if impaired by any legally-prescribed or over-the-counter drugs or medications;
5. Use a Pedicab Vehicle in the commission of any crime;
6. Use or broadcast profane or obscene language offensive to the passenger while operating a for-hire transportation vehicle;
7. Consume any intoxicant or smoke of any substance while operating a Pedicab Vehicle;
8. Allow any passenger to consume an intoxicant or smoke any inside a Pedicab 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 most safe and efficient route, unless requested to do so by the passenger;
13. Operate any Pedicab Vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1);
14. Provide private for-hire transportation after driving more than 12 hours in any given 24-hour period.

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

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

1. Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation, that occurs during, or arises out of, the driver's operation of a for-hire transportation vehicle;



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 crash required to be reported to the State of Oregon involving any vehicle operated as for-hire transportation by the driver; and
4. Any restriction, suspension or revocation of the driver's motor vehicle driver's license.

**F. Suspension or Revocation of Certified Pedicab Drivers.** If a Pedicab certification is suspended or revoked by the Director, the affiliated Pedicab Company shall be notified by the Director. Pedicab Drivers and Vehicles without current, valid certification by the Director shall not be allowed to operate as a Pedicab Driver.

#### **16.40.800 Horse-Drawn Carriage Driver Permits Required – Application Process and Requirements.**

**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.

**B. Application Documents Required.** The failure to submit any required application documents as listed below is grounds for denial of the permit. It is the applicant's responsibility to make certain that the information and forms required have been completed in full, and that there are no errors or omissions. Applicants for a horse-drawn carriage driver's permit must submit to the Director the items listed below:

1. A completed application on a form provided by the Director;
2. Proof of current residence address;
3. Legal proof that the applicant is at least 18 years of age;
4. A copy of the applicant's current motor vehicle driver's license, if any;
5. A copy of the applicant's non-Oregon driving record, if any, for any year in which the applicant was not a resident of Oregon during the last 10 years, regardless of the jurisdiction;

6. Disclosure of all applicable criminal history and driving and motor vehicle record history, as listed on the application form;

7. Certification of a horse-drawn driver training program approved by the Director;

8. Confirmation that the driver will be employed for a horse-drawn carriage company with current and valid horse-drawn carriage company and vehicle permits.

9. If necessary, any information requested by the Director that reasonably relates to the application or is a clarification of information provided.

**C. Photographs.** The applicant will be photographed by the Bureau after submission of the driver permit application. The photograph then becomes a part of the applicant's submittal package.

**D. Fees Required.** The applicant for a horse-drawn carriage driver's permit must submit an initial permit fee of \$25, and \$25 per year renewal fee.

**E. Penalties.** Carriage Companies shall pay civil penalty fines consistent with Section 16.40.930.

**F. Permit Issuance.** No Carriage Company permit shall be issued until such permit fees have been received by the City.

**G. 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 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. Dru Sjodin National Sex Offender Public Registry.

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

- 1.** The applicant has a felony conviction of any kind in the 10 years, based on the conviction date, preceding the submission of the application;
- 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 Dru Sjodin 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.** During the 3-year period preceding the submission of the initial application, the applicant had greater than 5 traffic violations as defined in ORS 801.557; greater than five serious traffic violations as defined in ORS 801.477; greater 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.** During the 3-year period preceding the filing of the initial application, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident.
- 7.** 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.** During a 3-year period preceding the filing of the application, the applicant's PFHT driving privileges were revoked by the Director;
- 9.** The applicant does not have at least one year's worth of continuous driving experience in a United States jurisdiction immediately prior to the date of the application's submission;
- 10.** The applicant is less than 18 years old; or

**11.** All Carriage Driver Criminal and Driving Histories are subject to review by the Director.

**I.** Driver Safety and Customer Service Training Requirements. The applicant must provide documentation of successful completion of Bureau-approved horse-drawn carriage driver training prior to issuance of a horse-drawn driver's permit.

**J.** 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;
2. Demonstrate ability to operate and control a horse-drawn carriage;
3. Relevant City Code provisions and Administrative Rules.

**16.40.810 Horse-Drawn Carriage Company Permits Required – Application Process and Requirements.**

**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, gender;
2. A photograph and physical description of the horse, to include 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 thirty day days prior to the application for a permit that the horse is able to perform the work described (in the horse-drawn carriage company application) without undue stress or effort.

4. Additional veterinary certification requirements are provided in 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; and

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 permit fees are: \$100 nonrefundable application fee, to be paid at the time of permit application; \$125 for initial one year permit, and \$125 per year annual permit renewal.

#### **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 for-hire transportation 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" in 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;
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 Board has the authority, by Administrative Rule, 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 clean and in good repair, with all required equipment in sound operating condition.

**E. Horse-Drawn Carriage Equipment:** Specific equipment requirements are provided by Administrative Rule.

**F.** Each horse-drawn carriage shall be made available for inspection at the request of the Director or his designee.

**G. Fees.** Horse-drawn carriage companies must pay a \$25 initial and annual renewal fee for each horse-drawn carriage vehicle permit and plate.

#### **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, Property Damage, Personal and Advertising Injury, and Contractual Liability in the course of the permit holder's work under a for-hire horse-drawn carriage company 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. Additional Policy Conditions.** Additional insurance policy requirements are provided in Administrative Rule.

**C. 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.

**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 Subsections 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 Administrative Rule.

H. The Director or his 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 must maintain unobstructed the City horse-drawn carriage permit plate in the location and manner prescribed in Administrative rule.

C. Each horse-drawn carriage driver must carry his horse-drawn carriage driver permit when operating a horse-drawn carriage, and present the permit for inspection when requested by the Director or his designee.

D. Each horse-drawn carriage and horse-drawn carriage operator shall comply with all other requirements of State, federal and local law.



- E. No horse-drawn carriage driver shall permit other persons to operate the carriage under his control at any time under any circumstances.
- F. No driver shall operate a horse-drawn carriage at a weight or capacity in excess of the manufacturer's recommendation for that carriage;
- G. No driver shall operate a horse-drawn carriage when the combined weight of the carriage and passengers exceeds the weight of the horse;
- H. Horse-drawn carriages and equipment must be available for inspection immediately upon request by the Director or his designee.
- I. A copy of the Health Certificate for the working carriage horse, as described in Subsection 16.40.630 D., 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 his designee.
- J. No horse-drawn carriage driver shall leave a horse untethered or unattended except when confined to a stable or other safe enclosure.
- K. Each driver operating a horse-drawn carriage shall maintain the horse at a speed no faster than a walk or slow trot.
- L. 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.
- M. 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 grounds for revocation of the horse-drawn carriage driver's permit and 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;
3. Heart rate > 52 beats per minute after 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 one 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 16.40.820 through 16.40.860, the penalties are \$250 for the first occurrence, \$500 for the second occurrence, and \$1,000 and permit suspension for the third occurrence.

**B.** Three or more violations within one 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 for-hire transportation 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.**

**A.** All permitted PFHT operators shall pay permit fees and civil penalties consistent with Section 16.40.910 and 16.40.930.

**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 pursuant to Section 16.40.970.
- D.** Taxi Company and 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 Section 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 Taxi Companies and TNCs, as determined by the Director and informed by available trip data provided pursuant to 16.40.140(K) and 16.40.240(K).
- E.** Permitted Taxi Companies and 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 Taxi Company or TNC shall be clearly identified as the “CITY OF PORTLAND SURCHARGE” on receipts provided to passengers pursuant to 16.40.140 and 16.40.240.
- F.** The Director shall provide permit fee invoices to permitted Taxi Companies and TNCs quarterly pursuant to Section 16.40.910. The Director shall issue invoices on or about the 20th day of the month following the end of the quarter based upon trip data provided by TNC and Taxi Companies. The invoice payments are due on the 15th day of the following month. In the event the 15th day of the month falls on a holiday or a weekend then the payment will be due on the first business day following the weekend or holiday. Payments will be considered delinquent on the 20th day of the following month. The first quarter of a new year begins on January 1. The Director shall suspend or revoke Taxi Company or TNC Company permits if permit fees are not paid in full in accordance to Section 16.40.910.
- G.** Permit fee rates applicable to all approved PFHT operators, with the exception of Taxi Companies and 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 Administrative Rules.

**H.** The Director shall provide notice of permit fee payment requirements to permitted PFHT operators, with the exception of Taxi Companies and 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 to Section 16.40.910.

**16.40.920 Paid Passenger Referrals Prohibited.**

**A.** All private for-hire transportation 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 as follows: \$1,500 for the first offense; \$2,000 and 10-day driver permit suspension for the second offense; and \$2,500 and driver permit revocation for the third offense.

**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 as follows: \$1,500 for the first offense; \$2,500 for the second offense; and \$3,500 for the third and each subsequent offense.

**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 as follows: \$1,500 for the first offense; \$2,500 for the second offense; and \$3,500 for the third and each subsequent offense.

**D.** If a limousine, executive sedan, taxicab, shuttle or other for-hire vehicle is in a marked hotel zone or loading/unloading zone, it is a rebuttable presumption that it is parked there to provide private for-hire transportation services pursuant to Sections 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 sedans 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 as follows: \$500 for the first offense; \$1,000 for the second offense; \$2,500 and suspension for the third and subsequent offenses.

**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 as follows: \$500 for the first offense; \$1,000 for the second offense; and \$2,500 and suspension for the third and subsequent offenses.

**F.** Taxi Vehicles may not park in a hotel zone or loading/unloading 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 as follows: \$500 for the first offense; \$1,000 for the second offense; and \$1,000 and driver permit suspension for the third offense.

### **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 either 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.

**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 a penalty of at least \$100 for the 1st violation, \$500 for the 2nd violation and \$1,000 for the 3rd violation.

**C.** The following table outlines the penalties that will be assessed for a violation of the specific code Sections listed:

<b>Code Section</b>	<b>Requirement</b>	<b>1st Offense</b>	<b>2nd Offense</b>	<b>Subsequent Offenses</b>
16.40.775	Pedicab Driver Permit	\$100	\$300	\$500
16.40.170, 270, 370, 470.670	Driver Permits	\$250	\$500	\$1,000
16.40.180, 280, 380, 480, 680	Business License	\$250	\$500	\$1000
16.40.610	LPT Company Permit	\$500	\$1,000	\$2,500

16.40.100	Taxi Company Permit	\$500	\$1,000	\$2,500
16.40.700	NEMT Company Permit	\$150	\$300	\$500
16.40.160, 660	Decal/Taxiplate	\$250	\$500	\$1000
16.40.160, 260, 360, 460, 660.	Substitute Vehicle	\$250	\$500	\$1,000
16.40.260, 660	Trade Dress	\$50	\$100	\$250
16.40.260	TNC Operating Conditions	\$50	\$100	\$250
16.40.140, 240	Minimum Standards	\$250	\$500	\$1,000
16.40.140	Digital Records	\$100	\$500	\$1,000
16.40.190, 290, 490	Accessible Service	250	\$500	\$1,000
16.40.160, 260, 360, 460, 660	Vehicle Op Cond.	\$100	\$250	\$500
16.40.180, 280, 380, 480, 680, 780	Driver Conduct	\$50	\$100	\$250
16.40.750	Pedicab Safety Requirements	\$50	\$100	\$250
16.40.180, 280, 380, 480, 680	Maximum Driving Hours	\$500	\$1,000	\$5,000
16.40.150, 250, 350, 450, 650.	Vehicle Requirements	\$50	\$100	\$250
16.40.130, 230, 330, 430, 6	Insurance	\$1,250	\$2,500	\$5000

30, 715, 760, 830				
16.40.140, 240, 340, 440,640,	Data Requirements	\$1,250	\$2,500	\$5,000
16.40.200	Transportation Network Company Permit Requirements	\$500	\$1,000	\$5,000

**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 occur 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.

#### **16.40.940 Company and Driver Permit Suspension and Revocation**

**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; or
3. The permittee has failed to fully pay a civil penalty when due and the permittee did not file a timely appeal.

**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. A Taxi Driver permittee has fraudulently altered the calibration of the driver's taximeter;
5. The permittee provides 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 temporary suspensions during any consecutive twelve-month period.

**C. Simultaneous Revocation.** In the event that a for-hire transportation company permit is revoked, all vehicle decals, certifications and/or taxiplates assigned to that company are simultaneously revoked and void.

**D. Notice Requirements for Suspensions.** If the Director has reasonable grounds to impose a suspension based on any factor found in Subsection 16.40.940 A., the Director will send a "Notice of Proposed Suspension" to the permittee by both regular and certified mail (return receipt requested) at the address listed in the permittee's application form. The written notice must include the following:

1. The Director's findings concerning the alleged violation;
2. Notice that alleged violator has 10 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;
4. Notice that a failure to comply with the terms and conditions may result in a revocation of the permit; and
5. The permittee's appeal rights.

**E. Notice Requirements for Revocations.** If the Director has reasonable grounds to revoke a permit based on any factor found in Subsection 16.40.940 B., the Director will send a "Notice of Proposed Revocation" to the permittee by both regular and certified mail (return receipt requested) at the address listed in the permittee's application form. The written notice must include the following:

1. The Director's findings concerning the alleged violation;
2. Notice that alleged violator has 10 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; and

**3. The permittee's appeal rights.**

**F. Actual Notice Presumed.** Actual notice of the proposed suspension or revocation is presumed after 5 days of mailing the notices described in Subsections 16.40.550 D. and E. above.

**G. Effective Date of Suspensions and Revocations.** Suspensions and revocations are effective 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, 16.40.760 or 16.40.830
2. Continued operation by the permittee would cause, or is likely to cause, danger to the public health or safety.

**H. Suspension Length.** If the suspension resulted from the 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. If no correction or payment is made within 60 days from the date that the suspension became effective, the suspension becomes a revocation. In all other cases, the suspension will be for a specific number of days and will end automatically with no further required action from the City or permittee.

**I. Right to a Stay.** Suspensions and revocations are stayed if a timely appeal is filed, unless the grounds for suspension or revocation relate to public safety issues, in which case there is no right to a stay.

**J. 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.

**16.40.950 Criminal Penalties and General Appeals**

**A.** It is unlawful to tamper with a taximeter or to conduct any fraudulent scheme with the intent to overcharge charge any person a fare greater than that allowed by a Taxi Company or TNC.

**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 Sections 16.40.100 A-C, 16.40.200 A-C, 16.40.200, 16.40.300 A-C, 16.40.400 A-C, or 16.40.600 A-C, 16.40.700 A-C, 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, 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 only appeal 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, the action appealed from is stayed pending the outcome of the appeal. This includes any civil penalty payment, suspension or revocation.

#### **16.40.960 PFHT Advisory Committee.**

**A.** The Private For-Hire Transportation 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 private for-hire transportation 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 service 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 nineteen diverse members with expertise, knowledge and interest in of private for-hire transportation 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 the following:

1. The Portland Bureau of Transportation (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 Transportation Network Company
11. A Transportation Network Driver;
12. An Executive Town Car Company;
13. An Executive Town Car 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. A NEMT Company.

**E. Appointments and Terms.** Appointment to the PFHT Advisory Committee shall be for a three-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 more than two, complete three-year terms.

**F. Meetings, Officers, and Subcommittees.**

1. The PFHT Advisory Committee shall meet at least five times each calendar year and as otherwise 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. The election of officers shall take place at the first meeting of each calendar year.
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 which 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.** The Portland Bureau of Transportation 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 Chair 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 Chair 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 Chair will provide a copy of the proposed recommendation to anyone in attendance that so requests, and the Committee Chair 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 to 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 Chair 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 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 Chapter 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 Chapter 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 to 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, taxipates and certifications issued by the City on the effective the date 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 Private for-hire Vehicle or provision of non-motorized Private for-hire Transportation, and Non-Emergency Medical Transportation Companies/Specially Attended Transportation 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.