

(PUBLISHED IN THE JOURNAL RECORD October 22, 2014)

ORDINANCE NO. 25,002.

AN ORDINANCE RELATING TO VEHICLES FOR HIRE AND THE GENERAL SCHEDULE OF FEES, AMENDING CHAPTER 56 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2010, TITLE OF CHAPTER 56 VEHICLES FOR HIRE, SECTION 56-2 DEFINITIONS, SECTION 56-3 COMPLIANCE WITH THIS CHAPTER, AND STATE AND/OR FEDERAL LAW, SECTION 56-4 PENALTY FOR VIOLATION OF THIS CHAPTER, SECTION 56-21 CERTIFICATE/BUSINESS LICENSEE NOT EXEMPT FROM AIRPORT REGULATIONS, SECTION 56-23 APPLICATION FOR CERTIFICATE/BUSINESS LICENSE, SECTION 56-24 CRITERIA FOR GRANTING A CERTIFICATE OF CONVENIENCE AND NECESSITY/BUSINESS LICENSE, SECTION 56-27 MONTHLY LIST OF VEHICLES TAKEN OUT OF SERVICE, PROCEDURE FOR APPROVAL, SECTION 56-29 REVOCATION OR SUSPENSION OF CERTIFICATE/BUSINESS LICENSE AND GROUNDS THEREFORE; NOTICE; HEARING; APPEAL TO LICENSE APPEAL BOARD, SECTION 56-40 RECORD-KEEPING REQUIREMENTS OF CERTIFICATE/LICENSE HOLDERS, SECTION 56-41 VEHICLE INSPECTIONS; MAINTENANCE; EQUIPMENT; SECTION 56-44 SEATING CAPACITY NOT TO BE EXCEEDED, SECTION 56-49 UNLAWFUL REFUSALS FOR SERVICE, ADOPTING NEW SECTION 56-50 INSURANCE REQUIREMENTS, AND SECTION 56-51 PROVIDING MOTOR VEHICLE FOR HIRE SERVICES WITH A VEHICLE OWNED, LEASED, OR INSURED BY ANOTHER MOTOR VEHICLE FOR HIRE BUSINESS OR ARTICLE III LICENSEE, REPEALING SECTION 56-66 OF DIVISION 4. OF ARTICLE I, AMENDING ARTICLE I, DIVISION 4. SECTION 56-68 PERIODIC COMPLIANCE CHECKS REGARDING REFUSALS OF SERVICE; NOTICE TO LICENSEE; REVOCATION/SUSPENSION OF BUSINESS LICENSE AND/OR ADMINISTRATIVE FEES FOR UNLAWFUL REFUSAL OF TAXI SERVICE; APPEAL; HEARING; SUSPENSION/REVOCATION, AMENDING ARTICLE I. DIVISION 4. SECTION 56-80 DRIVER'S PERMIT REQUIRED AND APPLICATION PROCEDURE; RENEWAL ANNUALLY; DISPLAY OF PERMIT, SECTION 56-81 GROUNDS FOR DENIAL; REAPPLICATION PERIOD, SECTION 56-83 REVOCATION AND SUSPENSION OF A DRIVER'S PERMIT GENERALLY; NOTICE; HEARING; REQUIREMENTS UPON REAPPLICATION; ALTERNATIVES TO SUSPENSION/REVOCATION, ADOPTING A NEW SECTION 56-199 IN ARTICLE II, COMPLIANCE WITH THIS ARTICLE, AND STATE AND/OR FEDERAL LAW, AMENDING SECTION 56-204 OPERATING REQUIREMENTS, SUSPENSION OR REVOCATION OF A CARRIAGE BUSINESS LICENSE, SECTION 56-207 APPLICATION TO DRIVE A

CARRIAGE, SECTION 56-208 REVOCATION/SUSPENSION OF A DRIVER'S PERMIT; NOTICE AND HEARING, SECTION 56-212 REFUSAL OF SERVICE, SECTION 56-214 SEATING CAPACITY NOT TO BE EXCEEDED, SECTION 56-219 PENALTY FOR VIOLATION OF ARTICLE, AND BY ADOPTING A NEW ARTICLE III TRANSPORTATION NETWORK VEHICLES AND TRANSPORTATION NETWORK COMPANIES, DIVISION 1. IN GENERAL, SECTION 56-250 DEFINITIONS, SECTION 56-251 COMPLIANCE WITH THIS ARTICLE, STATE AND/OR FEDERAL LAW, SECTION 56-252 PENALTY FOR VIOLATION OF ARTICLE, DIVISION 2. CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY/BUSINESS LICENSE REQUIRED FOR PROVIDING TRANSPORTATION NETWORK VEHICLE SERVICES, SECTION 56-261 CERTIFICATE/BUSINESS LICENSE REQUIRED, SECTION 56-262 CERTIFICATE/BUSINESS LICENSEE NOT EXEMPT FROM AIRPORT REGULATIONS, SECTION 56-263 RESPONSIBILITY FOR VEHICLES OPERATING UNDER CERTIFICATE/BUSINESS LICENSE, DRIVING FOR MORE THAN ONE LICENSEE; ADDITIONAL FEES, SECTION 56-264 FILING APPLICATION FOR CERTIFICATE/BUSINESS LICENSE, SECTION 56-265 CRITERIA FOR GRANTING A CERTIFICATE OF CONVENIENCE AND NECESSITY/BUSINESS LICENSE, SECTION 56-266 PUBLIC HEARING REQUIRED, SECTION 56-267 ISSUANCE OF CERTIFICATE OF CONVENIENCE AND NECESSITY/BUSINESS LICENSE; VEHICLE INSPECTIONS; VEHICLE INSPECTION DECALS REQUIRED; ANNUAL RENEWAL REQUIRED; OUTSTANDING ADMINISTRATIVE FEES, SECTION 56-268 MONTHLY LIST OF VEHICLES TAKEN OUT OF SERVICE, SECTION 56-269 TRANSFER OF CERTIFICATE/BUSINESS LICENSE PROHIBITED, SECTION 56-270 REVOCATION OR SUSPENSION OF CERTIFICATE/BUSINESS LICENSE AND GROUNDS THEREFORE; NOTICE; HEARING; APPEAL TO LICENSE APPEAL BOARD, DIVISION 3. OPERATING REQUIREMENTS FOR ALL TRANSPORTATION NETWORK VEHICLES AND TRANSPORTATION NETWORK COMPANIES, SECTION 56-281 RECORD-KEEPING REQUIREMENTS OF CERTIFICATE/LICENSE HOLDERS, SECTION 56-282 VEHICLE INSPECTIONS, MAINTENANCE, EQUIPMENT, SECTION 56-283 SMOKING PROHIBITED, SECTION 56-284 SEATING CAPACITY NOT TO BE EXCEEDED, SECTION 56-285 VEHICLE IDENTIFIER, TRADEMARKS, ETC., SECTION 56-286 TRADE DRESS ON ALL TRANSPORTATION NETWORK VEHICLES, SECTION 56-287 LOST PROPERTY, SECTION 56-288 APPEALS FROM ORDERS OF TRAFFIC COMMISSION; SUPERVISOR OF LICENSES; TRANSPORTATION NETWORK VEHICLE INSPECTOR AND/OR CHIEF OF POLICE, SECTION 56-289 UNLAWFUL REFUSALS FOR

SERVICE, SECTION 56-290 INSURANCE REQUIREMENTS, SECTION 56-291 REQUEST FOR SERVICES BOOKED THROUGH THE LICENSEE'S DIGITAL NETWORK, DIGITAL PLATFORM OR THE INTERNET, STREET HAILS PROHIBITED, SECTION 56-292 POSTING OF RATES; RATE VIOLATION; RECEIPTS ON REQUEST; SECTION 56-293 TNV LIMITED TO TNV SERVICES, SECTION 56-294 OPEN STANDS FOR TAXIS AND CARRIAGES, SECTION 56-295 SOLICITING OF PASSENGERS AND CRUISING PROHIBITED, SECTION 56-296 PERIODIC COMPLIANCE CHECKS REGARDING REFUSALS OF SERVICE; NOTICE TO LICENSEE; REVOCATION/SUSPENSION OF BUSINESS LICENSE AND/OR ADMINISTRATIVE FEES FOR UNLAWFUL REFUSAL OF TRANSPORTATION NETWORK VEHICLE SERVICE; APPEAL; HEARING; SUSPENSION/REVOCATION, SECTION 56-297 DELAY OF PASSENGERS PROHIBITED, SECTION 56-298 MOST DIRECT ROUTE REQUIRED, SECTION 56-299 ADDITIONAL PASSENGERS, SECTION 56-300 TRIP SHEET REQUIRED, DIVISION 4. TRANSPORTATION NETWORK VEHICLE DRIVERS' PERMIT FOR DRIVERS OF ALL TRANSPORTATION NETWORK VEHICLES, SECTION 56-311 DRIVER'S PERMIT REQUIRED AND APPLICATION PROCEDURE; RENEWAL ANNUALLY; DISPLAY OF PERMIT, SECTION 56-312 PERSONS PROHIBITED FROM DRIVING A TNV, SECTION 56-313 DRIVER'S PERMIT ISSUANCE; NOTICE OF TERMINATION OF DRIVER REQUIRED, SECTION 56-314 REVOCATION AND SUSPENSION OF DRIVER'S PERMIT GENERALLY; NOTICE; HEARING; REQUIREMENTS UPON REAPPLICATION; ALTERNATIVES TO SUSPENSION/REVOCATION, SECTION 56-315 REVOCATION OF A DRIVER'S PERMIT FOR REVOCATION OR SUSPENSION OF THE TRANSPORTATION NETWORK COMPANY LICENSE, SECTION 56-316 REVOCATION OR SUSPENSION OF A DRIVER'S PERMIT WHEN OWNERSHIP CEASES, SECTION 56-317 USE OF UNAPPROVED DRIVER LAWFUL, SECTION 56-318 USE OF UNPERMITTED DRIVERS UNLAWFUL, DIVISION 5. EXEMPTIONS, SECTION 56-326 EXEMPTIONS, DIVISION 6. SECTION 56-341. IMPLEMENTATION, AMENDING CHAPTER 60 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2010, TITLE 56 VEHICLES FOR HIRE, SECTION 60-56-1 MOTOR VEHICLES FOR HIRE; CERTIFICATE/BUSINESS LICENSES, VEHICLE DECALS, DRIVERS' PERMITS, AND FEES, SECTION 60-56-6 CARRIAGE BUSINESS LICENSE/CERTIFICATE; DRIVER'S PERMIT, ADDING A NEW TRANSPORTATION NETWORK VEHICLE AND TRANSPORTATION NETWORK COMPANY ARTICLE III, SECTION 60-56-10 TRANSPORTATION NETWORK VEHICLE AND TRANSPORTATION NETWORK COMPANIES, CERTIFICATES/BUSINESS LICENSES, VEHICLE DECALS, DRIVERS' PERMITS, AND FEES, SECTION 60-56-11

TRANSPORTATION NETWORK VEHICLE INSPECTION BY CHIEF OF POLICE.

ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:

SECTION 1. That title of Chapter 56 Vehicles for Hire of the Oklahoma City Municipal Code, 2010, is hereby amended to read as follows:

Chapter 56 VEHICLES FOR HIRE AND OTHER TRANSPORTATION SERVICES

SECTION 2. That Sections 56-2, 56-3 and 56-4 of Division 1 of Article I of Chapter 56 of the Oklahoma City Municipal Code, 2010, are hereby amended to read as follows:

CHAPTER 56

VEHICLES FOR HIRE

ARTICLE I. MOTOR VEHICLES FOR HIRE

DIVISION 1. IN GENERAL

* * *

§ 56-2. Definitions.

The following words, terms and phases, when used in ~~this Chapter 56~~ Articles I and II of this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Autobus* means a self-propelled motor vehicle not operated on fixed tracks, with a manufacturer's rated seating capacity of seven or more passengers, operating over a fixed route, between fixed termini and/or on trips pursuant to a published bus schedule; which transports passengers in exchange for compensation; and the vehicles are regulated by the Oklahoma Corporation Commission.

- (2) *Carriage* means any animal-drawn carriage, pedicab, bicycle carriage, and any other form of animal-drawn and/or human powered vehicle used to transport persons for any compensation, including tips only. Neither motor-assisted nor electric-assisted carriages shall be used to transport persons for hire on City streets.

- (3) *Certificate of public convenience and necessity/business license* means the authority granted by the City to ~~operate a~~ engage in the operation of a business that provides vehicle(s) for hire on the streets of originating in the City.
- (4) *Commercial automobile liability insurance* means an automobile liability insurance policy issued to business organizations or individuals for motor vehicles for hire.
- (5) *Conviction* means any plea of guilty, nolo contendere or finding of guilt for an offense beginning after the completion of any court-imposed probationary term and continuing for any terms specified in Articles I and II of this chapter.
- (64) *Cruising* means the driving of a vehicle for hire on the streets, alleys or public places of the City; in search of or in solicitation ing of prospective passengers for hire.
- (75) *Driver* means, for purposes of Articles I and II of this chapter, every person who is permitted to drives or operates a vehicle for hire.
- (86) *Licensee* means every ~~person who~~ vehicle for hire company that is licensed under this chapter Articles I and II of this Chapter by the City. to operate a vehicle for hire company which originates trips within The City of Oklahoma City.
- (9) *Limousine* means a vehicle that is a stretched or late model luxury vehicle with a seating capacity of at least five but not more than 15 or designated as a classic car, that is neither a public van nor equipped with a taximeter, but is for hire by a prearranged schedule at a fixed rate only on the hourly or one half hour basis without regard to whether the trip requires less than one half hour.
- (107) *Motor vehicle for hire* means an automobile, bus, truck, van, limousine, or any other form of motor vehicle which is used to transport persons for any amount of compensation, including money, property, service, tips only, or anything else of value, in exchange for the transportation. This definition shall not include school buses used for transporting children to and from school or to and from a school activity; vehicles used for ridesharing/carpooling when the seating capacity of the motor vehicle used does not exceed 15 is 15 or less; funeral home limousines used exclusively for customers of the funeral home; autobuses; courtesy vehicles which are provided by hotels or other businesses/companies free of charge to the individual customers of the hotel/business and which are not open to use by the general public; or vehicles owned and/or utilized by

a non-profit organization to which contributions are tax deductible under Section 501(c)(3) of the Internal Revenue Code.

- (118) *Open stand for taxis* means a public place alongside the curb of a street or elsewhere in the City which has been designated by the Traffic Commission pursuant to Section 56-60 as reserved exclusively for the use of taxicabs.
- (129) *Open stand for carriages* means a public place alongside the curb of a street or elsewhere in the City which has been designated by the Traffic Commission pursuant to Section 56-218 as reserved exclusively for the use of carriages.
- (1340) *Owner* means every person, firm, partnership, association or corporation having proprietary use, ownership or control of any vehicles for hire or fleets of vehicles for hire.
- (14) Permittee means, for purposes of Articles I and II of this chapter, every person who drives or operates a motor vehicle for hire subject to the license of a motor vehicle for hire company.
- (1544) *Person* includes both singular and plural, and shall mean any individual, firm, partnership, corporation, or association for business purposes.
- (16) Ridesharing/Carpooling means an arrangement whereby two or more participants travel together in one vehicle, with a seating capacity of 15 or less, the participants voluntarily sharing the costs and often taking turns as the driver. Operation of a motor vehicle for hire shall not be construed as ridesharing/carpooling.
- (1742) *Street* means any street, road, alley, avenue, boulevard, public way, lane or highway within the corporate limits of the City.
- (1843) *Supervisor of Licenses* means that person who supervises and enforces the licensing provisions of ~~this chapter~~ Articles I and II of this chapter.
- (1944) *Taxicab* or *taxi* or *cab* means a motor vehicle for hire designed to carry ten persons or less, operated upon any street or on call or demand, accepting or soliciting passengers indiscriminately for transportation for hire between such points along streets or highways as may be directed by the passenger or passengers so being transported, and equipped with a taximeter, for compensation fixed by a taximeter.
- (2045) *Taximeter* means a mechanical and/or electronic device attached to a taxicab, which ~~mechanically~~ calculates the authorized charge on the basis of distance traveled, waiting time, or a combination of both which reflects

the rates previously submitted ~~to the City. and accepted by the Traffic Commission.~~ Charges shall be indicated upon such ~~mechanical~~ device in dollars and cents. A taximeter may not be an internet based application.

~~(2146)~~ *Traffic Commission* means the Oklahoma City Traffic and Transportation Commission.

~~(2247)~~ *Vehicle for Hire Inspector* means ~~that any~~ officer designated by the Oklahoma City Chief of Police, and charged with the responsibility of ensuring compliance with all the provisions of ~~this chapter~~ Articles I and II of this chapter.

§ 56-3. Compliance with this ~~chapter~~ article; and state and/or federal law.

No person shall drive or operate a motor vehicle for hire, solicit passengers for transportation in such a vehicle, collect fares or anything of value from prospective passengers any person or entity, whether through direct payment or through any electronic means, for transportation in such a vehicle, ~~or~~ hold himself out to the public as ready and willing to furnish transportation in such a vehicle, or either directly or indirectly offer to engage in transportation in such a vehicle; including but not limited to the use of online-enabled applications (apps) or services to connect passengers with drivers:

(a) unless there is in force and effect for such vehicle a certificate of convenience and necessity and permit from the Corporation Commission of the State of Oklahoma to transport passengers by motor vehicle and/or federal licenses/registration; and

(b) without having first complied with all applicable provisions of the Oklahoma State law and these municipal ordinances and any applicable federal laws and regulations.

§ 56-4. Penalty for violation of this ~~chapter~~ article.

Every person, including an owner; licensee; employee of a licensee; independent contractor of an owner or licensee; agent of an owner or licensee; and/or ~~driver~~ permittee of a motor vehicle for hire who violates any of the provisions of this article, or who neglects or fails to comply with the same, shall be deemed guilty of a Class "a" offense. Third or subsequent offenses shall be a Class "b" offense. ~~and except in cases where another penalty has been fixed and prescribed shall, upon conviction, be punished by a fine not exceeding \$1,200.00 plus costs and fees or imprisonment in the City Jail not exceeding six months or by both such fine and imprisonment.~~ Each day's violation of this article shall constitute a separate and distinct offense.

SECTION 3. That Sections 56-21, 56-23, 56-24, 56-27, and 56-29 of Division 2 of Article I of Chapter 56 of the Oklahoma City Municipal Code 2010, are hereby amended to read as follows:

CHAPTER 56

VEHICLES FOR HIRE

ARTICLE I. MOTOR VEHICLES FOR HIRE

DIVISION 2. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY/BUSINESS LICENSE REQUIRED FOR ALL MOTOR VEHICLES FOR HIRE

* * *

§ 56-21. Certificate/business licensee not exempt from airport regulations.

The certificate of public convenience and necessity/business license or driver's permit issued pursuant to the provisions of this article shall not exempt the licensee or permittee from otherwise complying with the ~~airport~~ ordinances of the City, pertaining to Chapter 10 Aviation, and/or administrative rules and regulations, including any permit or operational requirements pertaining to any airport. ~~promulgated pursuant thereto.~~

* * *

§ 56-23. Application for certificate/business license.

Applicants for a certificate/business license shall file with the Supervisor of Licenses a verified application setting forth the following which shall be presented to the Traffic Commission in a public hearing for consideration of granting a license:

- (a) Name, business address, business name, and any established place(s) of business of the applicant; including address and location of dispatcher (if applicable);
- (b) Names of all owners; officers, and managers of the applicant;
- (c) Number of motor vehicles for hire for which a certificate of public convenience and necessity/business license is desired and manufacturer's rated seating capacity of each vehicle;
- (d) Proof of insurance coverage as required by this article;
- ~~(e)~~ Description of the proposed color scheme, insignia or any other distinguishing characteristics of the motor vehicle for hire;
- ~~(f)~~ Schedule showing the passenger fares to be charged; and the meter rate (for taxis) per mile or fraction thereof;

(g) Description of type and extent of service to be rendered (e.g., airport shuttle, medical service van, taxicab, limousine, party bus, etc.);

(h) With the application, applicant shall attach a copy of applicant's drug and alcohol testing policies. The policies shall include, but not be limited to, the following information:

1. A statement of the licensee's policy respecting drug and alcohol use by employees and independent contractors;
2. Which employees and independent contractors are subject to testing;
3. The circumstances under which testing may be requested or required;
4. Substances which may be tested;
5. Testing methods and collection procedures to be used;
6. Consequences of refusing to undergo testing;
7. Potential adverse personnel action which may be taken as a result of a positive test result;
8. The rights of the employee and/or independent contractor to explain, in confidence, the test results;
9. The rights of the employee and/or independent contractor to obtain all information and records related to that person's testing;
10. Confidentiality requirements; and
11. The available appeal procedures, remedies and sanctions.

§ 56-24. Criteria for granting a certificate of convenience and necessity/business license.

~~In determining whether the applicant has met the requirements of this article, the Commission shall investigate and consider the following:~~

The Traffic Commission shall investigate and consider whether the applicant has the ability to comply with the requirements of this article, including:

- (a) Whether the applicant has complied with the application requirements;

- ~~(a) Ability of the applicant to comply with the requirements of this article;~~
- ~~(b) Whether the fares and/or rates to be charged are reasonable and nondiscriminatory;~~
- ~~(be) Whether applicant has available for operation at least five motor vehicles for hire (for taxi services only); and~~
- ~~(cd) Whether applicant has a unique color scheme and/or trademark and/or name different from any other motor vehicle for hire licensee so that a reasonable person would not confuse the different licensees. ; and~~
- ~~(e) Whether applicant has attached a drug and alcohol testing policy that includes, at a minimum, the information enumerated in Section 56-23(g) herein, along with a completed application containing the information requested in Section 56-23~~

* * *

§ 56-27. Monthly list of vehicles taken out of service; monthly list of vehicles placed into service; procedure for approval.

- (a) By the last day of each month, the licensee shall submit to the Vehicle for Hire Inspector a list of any ~~licensed~~ permitted motor vehicles for hire that were ~~taken out of service~~ permanently removed from motor vehicle for hire service by the licensee during that month.
- (b) By the last day of each month, the licensee shall submit to the Vehicle for Hire Inspector a list of any motor vehicles for hire that have been put into service during that month or are subject to a contract with a motor vehicle for hire company to begin service during that month. Any new motor vehicle for hire to be placed in service shall be inspected by the Vehicle for Hire Inspector prior to its use in connection with the business. If the vehicle is three years old or older by model year, or has 150,000 miles, whichever comes first, an ASE Certified Master Technician inspection must be done, and passed, before the Vehicle for Hire Inspector will perform the City inspection. The ASE Certified Master Technician inspection shall include an inspection of the vehicle's braking system (parking brake, disc/drums, hoses, lines, etc.); suspension system (shock absorbers/struts, springs, shackles, etc.); steering system (power steering, linkage, free turning, etc.); and exhaust system (leaks, legal muffler, tailpipe, noise, etc.). No vehicle failing ~~both~~ either the City's inspection ~~and~~ or the ASE Certified Master Technician inspection will be granted a vehicle for hire permit. If the new vehicle is approved pursuant to such inspection, the Vehicle for Hire Inspector shall affix a decal to the newly approved vehicle.

* * *

§ 56-29. Revocation or suspension of certificate/business license and grounds therefore; notice; hearing; appeal to License Appeal Board.

- (a) The Traffic Commission may at any time, pursuant to the revocation or suspension proceedings as hereinafter described, revoke or suspend the certificate of convenience and necessity/business license granted under this article, if it makes any of the following determinations of violations by (1) any owners, operators, managers, partners, officers or employees of the licensee or (2) an independent contractor or agent operating under the authority of licensee if the licensee has knowledge of, reasonably should have had knowledge of or supported the violations committed by the independent contractor or agent:
- (1) If vehicles operated under the authority/endorsement of the licensee are not operated in accordance with the provisions of this article;
 - (2) If a taxicab licensee suspends service for a period of ten days without permission obtained from the Traffic Commission;
 - (3) If vehicles are operated within the corporate limits of the City at a rate or fare greater than that specified in the rate schedule then in effect and on file with the Supervisor of Licenses;
 - (4) If a motor vehicle for hire is operated but is not insured as required by this article;
 - (5) If the certificate/business license was procured by fraudulent conduct or false statement of a material fact, or a fact concerning the applicant was not disclosed at the time of application and such fact would have constituted just cause for refusal to issue the certificate/license;
 - (6) If those persons, owners, operators, managers, partners, officers, employees, independent contractors, and/or agents operating motor vehicles for hire pursuant to the licensee's authority have violated any provisions of the article, or have committed any other acts, ~~the violation of~~ which reflects unfavorably on the fitness of the licensee to offer public services;
 - (7) If those persons, owners, operators, managers, partners, officers, employees, independent contractors and/or agents operating vehicles for hire pursuant to the authority of a licensee, have intercepted calls for service of other licensed motor vehicle for hire companies; and/or
 - (8) If those persons, owners, operators, managers, partners, officers, employees, independent contractors or agents operating vehicles for hire pursuant to licensee's authority have failed to maintain adequate and properly operating equipment as required by this article.

(b) In determining whether to revoke or suspend the certificate of convenience and necessity/business license, the Traffic Commission may consider, as a mitigating factor, any independent action taken by the licensee to deter future violations by any of the owners, operators, managers, partners, officers, or employees of the licensee or independent contractor or agent operating under the authority of the licensee. The Traffic Commission may apply the mitigating factor to their decision regarding revocation versus suspension, the appropriate length of a suspension, or a waiver of suspension.

(cb) In order to initiate revocation or suspension proceedings, the Supervisor of Licenses and/or the Vehicle for Hire Inspector shall give written notice to the licensee that a public hearing will be held thereon by the Traffic Commission. Such notice shall be given at least five days prior to the date of such hearing and shall specify the grounds upon which revocation or suspension proceedings will be conducted. At such public hearing the Traffic Commission shall consider all relevant testimony before making its determinations thereon. A licensee may appeal from an adverse ruling by the Traffic Commission to the License Appeals Board, pursuant to the provisions of Sections 26-17 through 26-24 of the Code.

(de) Upon suspension or revocation of a motor vehicle for hire company's certificate/business license, all drivers' permits authorized under the motor vehicle for hire company's license shall be suspended or revoked.

SECTION 4. That Sections 56-40, 56-41, 56-44, and 56-49 are to be amended and that new Sections 56-50, and 56-51 are hereby added, to Division 3 of Article I of Chapter 56 of the Oklahoma City Municipal Code 2010, is hereby amended to read as follows:

CHAPTER 56

VEHICLES FOR HIRE

ARTICLE I. MOTOR VEHICLES FOR HIRE

DIVISION 3. OPERATING REQUIREMENTS FOR ALL MOTOR VEHICLES FOR HIRE

§ 56-40. Record-keeping requirements of certificate/license holders.

Each licensee shall maintain all records of motor vehicle for hire service orders within the City for the previous 90-day period. These records ~~will~~ shall be produced or retained as directed by ~~upon request to~~ the Vehicle for Hire Inspector.

§ 56-41. Vehicle inspections; maintenance; equipment.

(a) Every vehicle operating under this article shall be periodically inspected by the Vehicle for Hire Inspector at such intervals as shall be established by the Chief of Police, but at least once annually to ~~i-~~ensure the continued maintenance of safe

operating conditions. The fees for vehicle inspection shall be as set forth in Chapter 60, the General Schedule of Fees. Upon such inspection, if it is found that the vehicle operating under this article does not meet the requirements established herein, the Vehicle for Hire Inspector shall cause the vehicle's decal to be suspended and removed until such time as the vehicle has complied with the standards of this article.

- (b) If any vehicle licensed under this article has been involved in an accident, the licensee must notify the Vehicle for Hire Inspector within one business day of the accident. If the accident results in more than cosmetic damage to the vehicle, the vehicle shall ~~be taken out of service~~ not provide motor vehicle for hire service until repaired and then inspected by the Vehicle for Hire Inspector and an ASE Certified Master Technician. It is the primary responsibility of the licensee to ensure that all necessary repairs are made before the vehicle is returned to service. The vehicle must pass both the Inspector and Master Technician inspections. The ASE Certified Master Technician inspection shall include an inspection of the vehicle's braking system (parking brake, disc/drums, hoses, lines, etc.); suspension system (shock absorbers/struts, springs, shackles, etc.); steering system (power steering, linkage, free turning, etc.); and exhaust system (leaks, legal muffler, tailpipe, noise, etc.).
- (c) All motorized vehicles for hire three years old or older by model year, or having 150,000 miles, whichever comes first, shall be inspected annually by an ASE Certified Master Technician. The age of the vehicle will be considered the age or mileage at the time of the annual vehicle license renewal (June 30th each year). No vehicle failing ~~both~~ either the City's inspection ~~and~~ or the ASE Certified Master Technician inspection will be granted a vehicle for hire permit. The vehicle's owner/operator will be required to have the vehicle inspected by an ASE Master Technician within 45 days prior to presenting the vehicle to the Vehicle for Hire Inspector for the City's inspection. The ASE Certified Master Technician inspection will be completed on the inspection form provided by the Vehicle for Hire Inspector and will be at the expense of the owner/operator. The ASE Certified Master Technician inspection shall include an inspection of the vehicle's braking system (parking brake, disc/drums, hoses, lines, etc.); suspension system (shock absorbers/struts, springs, shackles, etc.); steering system (power steering, linkage, free turning, etc.); and exhaust system (leaks, legal muffler, tailpipe, noise, etc.).
- (d) All vehicles to be licensed shall have as standard equipment and in good operating condition, the following:
- (1) Four-wheel brakes;
 - (2) Parking brake;
 - (3) Front and rear bumpers, all chrome trim and matching wheels and hubcaps;
 - (4) Heater, defroster, and air conditioner;

- (5) Right and left side and interior rear view mirrors;
- (6) Speedometer, exposed to view, and maintained in accurate operating condition;
- (7) Functioning windshield wipers;
- (8) Tires with a minimum of 3/32-inch tread;
- (9) Factory-recommended shock absorbers;
- (10) Turn indicators;
- (11) Taximeter maintained in accurate operating condition (for taxis only);
- (12) All door and window glass shall be safety glazed glass equal to manufacturer's standard specifications;
- (13) Clearly visible to all passengers, placards in each vehicle which state the City's Action Center phone number and the rates or fares charged;
- (14) All vehicles will be painted at least once annually, unless the Vehicle for Hire Inspector determines in his/~~her~~ discretion that the vehicle does not require painting at that time; and all major hail damage, dings and cosmetic damage shall be promptly repaired; and
- (15) Seat belts.

(e) All motor vehicles for hire shall:

- (1) Have a current license tag issued by the State of Oklahoma, or a sovereign nation located within the physical boundaries of the State of Oklahoma;
- (2) Comply with all safety standards now or hereafter required by the State of Oklahoma and the City and any applicable federal regulations, and be maintained in a safe operating condition with adequate lights;
- (3) Be equipped with doors opening directly into the seats to be occupied by the passengers, which doors shall be in addition to those provided for the use of the driver. No motor vehicle having less than three doors in good working order shall be used as a vehicle for hire in the City;
- (4) Have a knob or handle on the inside of each door opening out of the compartment in which the passengers are carried, by which the door or doors may easily be opened from the inside;

- (5) Contain adequate space for baggage that is separate from the seats of the passengers;
 - (6) Be operated by a ~~driver~~ permittee duly ~~licensed~~ permitted as herein provided; and
 - (7) Be covered by adequate insurance as provided for herein.
- (f) The Vehicle for Hire Inspector may remove any vehicle from service that does not meet the operating requirements set forth herein or that does not obtain the required inspections.

* * *

§ 56-44. Seating capacity not to be exceeded.

No driver shall permit more persons to be carried in a motor vehicle for hire than the rated seating capacity of such vehicle. ~~A child, six years of age or younger, in the arms of an adult shall not be counted as a passenger.~~

* * *

§ 56-49. Unlawful refusals for service.

- (a) It shall be unlawful for any permittee to refuse to transport any person who requests service in an orderly manner and for a lawful purpose when the motor vehicle for hire is in service and not otherwise engaged. However, a permittee may refuse to transport any person who requests services in a manner that a reasonable person would consider to be a violent or threatening manner. A permittee may refuse service to any one smoking, who refuses to stop smoking before entering the motor vehicle for hire.
- (b) No person working pursuant to the authority of a licensee shall refuse a passenger or shall refuse to dispatch a motor vehicle for hire to provide service to a passenger, based on race, color, religion, ancestry, sex, national origin, age, or disability as defined by 28 C.F.R. § 35.104 of the Americans with Disabilities Act of the passenger.
- (c) ~~(b)~~ Persons working pursuant to the authority of a licensee shall provide service to passengers using wheelchairs, or other assistance aid devices, who are requesting service, if the person would provide services to others under the same circumstances. ~~Drivers~~ Permittees are required to transport passengers using wheelchairs and to stow wheelchairs in the trunk or back of the vehicle. ~~Drivers~~ Permittees are required to assist passengers who use wheelchairs in entering and exiting the vehicle when necessary but are not required to carry or lift such passengers. ~~Drivers~~ Permittees are required to assist with simple assembly or disassembly of wheelchairs where necessary to load or unload the chair into and out of the vehicle. ~~Drivers~~ Permittees

are not required to assemble or disassemble wheelchairs where such assembly or disassembly would require the use of tools. In the event a ~~driver~~ permittee is physically unable to safely load a passenger's wheelchair, the ~~driver~~ permittee may refuse service to such passenger, but the ~~driver~~ permittee is obligated to assist the passenger in arranging for accessible transportation with the licensee of the permittee, driver's licensee, or with another provider of motor vehicle for hire services, a provider of transportation network vehicle services as defined in Article III of this chapter, motor vehicle for hire, or a public transportation company/entity. No extra fees or surcharges shall be assessed to any passenger for offering the services enumerated herein to a disabled person.

(de) Persons with disabilities may be accompanied by service animals as defined by 28 C.F.R. § 35.104 of the Americans with Disabilities Act when utilizing ~~when using~~ motor vehicle for hire services. Although persons may be asked, ~~when not readily apparent, if an animal is required because of a disability and ask what work or task the service animal has been trained to perform, if they have a disability, and if an animal is a service animal, and to describe the service the animal provides,~~ they may not be required to show documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. ~~identification or certification of the service animal's status or of their own disability.~~ Persons are not required to identify themselves as having service animals when they place calls requesting service and shall not be asked the question by any person working pursuant to the authority of the licensee. A service animal shall be under the control of its handler as required by the Americans with Disabilities Act. Service animals may be an animal other than dogs and service dogs come in all breeds. No signage, harness or other indicia is required to identify a service animal. No extra fees or surcharges shall be assessed to any passenger accompanied by a service animal.

§ 56-50. Insurance requirements.

Every person, driver, permittee, licensee, firm, corporation, or other legal entity engaging or intending to engage in the operation of a motor vehicle for hire business within the City shall have in force and effect at all times commercial automobile liability insurance coverage issued by any insurance carrier or risk retention group, as defined in § 6453 of Title 36 of the Oklahoma Statutes, authorized to do business in the state certifying that there is in effect a policy of liability insurance insuring the licensee and operator of the motor vehicle for hire business, his agents, independent contractors, employees, and others while in the performance of their duties against loss from any liability imposed by law for damages including damages for bodily injury to or death of any person and injury to or destruction of property caused by accident and arising out of the ownership, use, maintenance, or operation of such motor vehicle for hire or motor vehicles

for hire, subject to minimum limits, exclusive of interest and cost, with respect to each such motor vehicle as follows:

1. Utilizing vehicles having a seating capacity of six (6) or less, \$100,000 each accident or occurrence;
2. Utilizing vehicles having a seating capacity of seven (7) to nine (9), \$750,000 each accident or occurrence; and
3. Utilizing vehicles having a seating capacity of ten (10), \$1,000,000 each accident or occurrence.

§ 56-51. Providing motor vehicle for hire services with a vehicle owned, leased, or insured by another motor vehicle for hire business or Article III licensee.

No permittee or person shall provide motor vehicle for hire services with a vehicle that is owned, leased, or insured by another motor vehicle for hire business or insured by a transportation network company, as defined in Article III of this chapter; however, Article I licensees may contract with other Article I licensees which utilize the same type of motor vehicle for hire (e.g. licensees providing taxi services may contract with other taxi service providers).

Section 5. That Section 56-66 of Division 4 of Article I of Chapter 56 of the Oklahoma City Municipal Code, 2010, be repealed.

Section 6. That Section 56-68 of Division 4 of Article I of Chapter 56 of the Oklahoma City Municipal Code, 2010, is hereby amended to read as follows:

CHAPTER 56

VEHICLES FOR HIRE

ARTICLE I. MOTOR VEHICLES FOR HIRE

DIVISION 4. ADDITIONAL OPERATING REQUIREMENTS FOR TAXIS ONLY

* * *

§ 56-68. Periodic compliance checks regarding refusals of service; notice to licensee; revocation/suspension of business license and/or administrative fees for unlawful refusal of taxi service; appeal; hearing; suspension/revocation.

- (a) The City Council has determined that unlawful refusals for taxi service are a threat to the public health, safety and/or welfare. Additionally, complaints regarding unlawful refusals of service cause added demands upon the City's

resources, especially those of the Police Department, which is charged with the responsibility of investigating the complaints.

- (b) The Vehicle for Hire Inspector shall conduct periodic investigations to determine if all taxi licensees are complying with Sections 56-49 and 56-61 of this chapter. The Vehicle for Hire Inspector shall also investigate all complaints alleging violations of Sections 56-49 and Section 56-61 of this chapter.
- (c) Should the Vehicle for Hire Inspector receive a complaint of a violation of Section 56-49 and/or 56-61, which he/she determines is not unfounded, or finds a violation of Section 56-49 and/or Section 56-61 pursuant to a periodic compliance check, with the violation allegedly being committed by any person working under the authority of a licensee, except for a driver permittee, the Vehicle for Hire Inspector shall make a report of such to the Traffic Commission and provide written notice via certified mail, return receipt requested, to the licensee regarding the alleged violation. The written notice shall contain the following information, if known: (1) date and time of alleged violation; (2) name of individual violator; (3) date and time of hearing on the matter; and (4) description of the alleged violation. The notice shall be deemed sent when deposited in the United States mail. Notice shall be given no later than 5 days prior to the hearing date, which shall be set on the next available Traffic Commission docket.
- (d) The Traffic Commission shall conduct a hearing regarding the report to determine whether such a violation did occur. At the hearing, the Traffic Commission shall consider all relevant evidence presented. Should the Traffic Commission make a finding against the licensee, in addition to the suspensions established below, an administrative fee as set forth in Chapter 60, General Schedule of Fees shall be assessed.
- ~~(e) Should the Traffic Commission determine, after hearing all relevant evidence, that a violation did occur, it shall send written notice to the licensee advising of said finding. For the first violation in any given license year, a written notice shall be the only action taken.~~
- ~~(ef) Should the Traffic Commission find, after a full hearing on the matter, conducted in accordance with the notice provisions provided in subsection (e) herein, that a second violation has occurred within any one license year, the Traffic Commission shall issue a warning. assess against the licensee an administrative fee in an amount not to exceed \$500.00. Said fee is assessed in order to reimburse the City for the costs and expenses incurred for investigating alleged violations and conducting hearings regarding said violations. The City is hereby authorized to seek payment of any assessed fees as allowed by law.~~
- ~~(fg) Should the Traffic Commission determine, after a full hearing on the matter, conducted in accordance with the notice provisions provided in subsection (e) herein, that a third second violation has occurred within any one license year, the~~

Traffic Commission shall suspend the licensee's business license for no more than five days, ~~and/or assess administrative fee not to exceed \$500.00.~~

- (gh) Should the Traffic Commission determine, ~~after a full hearing on the matter, conducted in accordance with the notice provisions provided in subsection (e) herein,~~ that a ~~fourth~~ third violation has occurred within ~~in~~ one license year, the Traffic Commission shall suspend the licensee's business license for no more than ten days, ~~and/or assess an administrative fee not to exceed \$1,000.00.~~
- (hi) Should the Traffic Commission determine, ~~after a full hearing on the matter, conducted in accordance with the notice provisions provided in subsection (e) herein,~~ that a ~~fifth~~ fourth violation has occurred within one license year, the Traffic Commission shall suspend the licensee's business license for no more than one year ~~and/or assess an administrative fee not to exceed \$1,000.00.~~
- (ij) The licensee may appeal a suspension and/or fee assessment by filing a written appeal with the License Appeals Board pursuant to the provisions of Sections 26-17 through 26-24 of this Code. The suspension and/or fee assessment shall be stayed upon appeal, until the License Appeals Board has reached a decision. However, should licensee pay any assessed fee prior to a hearing on licensee's appeal and decision by the License Appeals Board, the fee shall be refunded to licensee should the License Appeals Board grant licensee's appeal.
- (jk) Unlawful refusals of service by driver permittees operating under licensee's license, will be prosecuted according to the criminal penalties as set forth in this chapter. The licensee will not be assessed administrative fees or be subject to suspension or revocation for violations of Section 56-49 and/or Section 56-61 committed by individual permittees ~~drivers~~.

Section 7. That Sections 56-80, 56-81, and 56-83 of Division 5 of Article 1 of Chapter 56 of the Oklahoma City Municipal Code, 2010, are hereby amended to read as follows:

CHAPTER 56

VEHICLES FOR HIRE

ARTICLE I. MOTOR VEHICLES FOR HIRE

DIVISION 5. VEHICLE FOR HIRE DRIVER'S PERMIT FOR DRIVERS OF ALL MOTOR VEHICLES FOR HIRE

§ 56-80. Driver's permit required and application procedure; renewal annually; display of permit.

(a) No person shall operate a motor vehicle for hire without having obtained a driver's permit license to do so from the Vehicle for Hire Inspector. Applications shall contain the following information:

(1) Name (including all aliases or previously used names) and date of birth of the applicant.

(2) ~~Whether or not the applicant has been convicted of a~~ Any felony conviction or any misdemeanor conviction within the previous seven years which reasonably ~~and directly~~ indicates a risk to the public such as:

- (i) any offense involving violence;
- (ii) any sex offense;
- (iii) any drug or alcohol-related offense; and/or and the date of such conviction.
- (iv) felony theft or burglary of any type.

(3) ~~Whether or not, within the five years prior to the application, the applicant has been convicted of a misdemeanor which reasonably and directly indicates a risk to the public such as:~~

- ~~(i) any offense involving violence;~~
- ~~(ii) any sex offense;~~
- ~~(iii) any drug or alcohol-related offense; and date of such conviction.~~

(34) A letter of endorsement signed by the licensee or authorized agent of licensee, under whose authority the driver will be operating a motor vehicle for hire and proof of commercial automobile liability insurance coverage provided by the motor vehicle for hire company applying to the driver. The letter shall specify whether the driver will be an employee or independent contractor of the licensee.

(45) The number, class and expiration date of State of Oklahoma driver's license. Upon submission of a completed application to the Police Department, the applicant is required to provide a copy of his/~~her~~ current three-year driving record, issued by either the Oklahoma Department of Public Safety, or an Oklahoma tag agency, or an accredited background company which includes Oklahoma driving records. If the applicant has resided within other states for the previous three years, then the applicant shall provide a copy of his current three-year driving record from those states. The applicant must provide a current record every year upon renewal of the driver's permit. The driving record is considered current if it is dated no more than 30 days prior to the date on which the applicant submits a completed application to the Vehicle for Hire Inspector. An exception may be provided for temporary military personnel and/or students who may not have a State of Oklahoma driver's license or driving record.

(56) Whether a driver's license issued to the applicant by any state has ever been revoked or suspended, and the reason for such revocation or suspension, and date of such.

(67)The applicant for a driver's permit shall deliver to the Vehicle for Hire Inspector a certificate, provided by the Vehicle for Hire Inspector and issued by a physician licensed within Oklahoma of the City, stating that the applicant is capable of safely performing the essential functions of the job of driving a motor vehicle for hire on the streets of the City. An updated physician's certificate is required every five years upon renewal of the application. An updated physician's certificate must be dated no more than 30 days prior to the date on which the applicant submits to the Vehicle for Hire Inspector a completed application for renewal. If at any time a driver's physical or mental health changes, so as to impact his ~~or her~~ ability to safely operate a vehicle for hire, the driver shall immediately notify the Vehicle for Hire Inspector.

(78)With his application to the Police Department, ~~the~~ applicant is required to provide a copy of his ~~or her~~ current criminal record; from the Oklahoma State Bureau of Investigation or an accredited background agency. The latter must include Oklahoma State Bureau of Investigation background information. ~~upon submission of his or her application to the Police Department.~~ The Oklahoma State Bureau of Investigation background information shall include a check of the sex offender registry, violent offender registry, and the criminal background. The applicant must provide a current record every year upon renewal of the driver's permit. The criminal record is considered current if it is dated no more than 30 days prior to the date on which the applicant submits a completed application to the Vehicle for Hire Inspector.

(b) No driver's permit shall in any manner be assignable or transferable, and each such permit issued shall terminate one year from date of issuance. Upon renewal of a driver's permit, the applicant must complete a new application and is required to meet the same standards set forth in this article for the initial permit.

(c) The driver's permit shall be on a form prescribed by the Vehicle for Hire Inspector, and shall contain a picture of the driver affixed in such a manner that another picture cannot be substituted therefore without detection. The driver's permit shall also contain the driver's name, ~~license~~ permit number and the expiration date of the driver's permit. ~~license~~. The driver's permit shall be displayed in a place within the motor vehicle for hire that is visible to all patrons of that vehicle.

§ 56-81. Grounds for denial; reapplication period.

(a) Upon receipt of an application for a driver's permit the Vehicle for Hire Inspector shall conduct an investigation of the applicant and, on the basis of such investigation, shall either approve or deny the application. No driver's permit shall be issued to any of the following persons:

(1) Any person under the age of 18 years.

(2) Any person convicted of any felony or misdemeanor offense as identified in Section 56-80(2) and (3) of this article.

(3) Any person convicted of hit-and-run driving.

(4) Any person convicted of reckless driving within five years prior to the application.

(5) Any person not possessing a valid State driver's license, unless specifically exempted herein.

(6) Any information which is omitted from the driver's application will be grounds for denial of a permit.

(7) Any person who cannot produce a certificate from a physician licensed within Oklahoma of the City stating that the applicant is capable of safely performing the essential functions of the job of driving a vehicle for hire.

(8) Any person not having the an ability to speak, write and comprehend communicate effectively in the English language.

(9) Any person lacking an endorsement letter from a licensee.

- (b) Anyone who is denied a driver's permit shall not reapply for such a permit until after a period of six months.
- (c) The restrictions in this section shall apply both to persons possessing a driver's permit and to persons seeking renewal of such permit.

* * *

§ 56-83. Revocation and suspension of a driver's permit generally; notice; hearing; requirements upon reapplication; alternatives to suspension/revocation.

(a) A driver's permit may be revoked or suspended by the Vehicle for Hire Inspector for any of, ~~but not limited to,~~ the following reasons:

(1) upon conviction of operating or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor, drug, or other substance or while ~~under the influence of any~~ impaired by intoxicating liquor, drug or other substance which renders him incapable of safely operating the motor vehicle.

(2) upon conviction of leaving the scene of an accident.

(3) upon conviction of hit and run or reckless driving, any offense involving violence, any sex offense, and/or any drug or other substance or alcohol-related offense.

- (4) for permitting any other person to use his vehicle for hire driver's permit.
- (5) upon conviction of a third moving traffic violation during any one permit year.
- (6) misrepresentation of any material facts by a driver in his application for a taxi driver's permit.
- (7) upon cancellation of insurance or revocation or suspension of State driver's license.
- (8) for failure to travel the most convenient, direct route in the routing of passengers, unless so authorized by the passenger(s).
- (9) refusal of service in violation of Section 56-49 or Section 56-61.
- (10) for conviction of disturbing the peace or disorderly conduct, ~~for misconduct pursuant to Section 30-82, disturbing the peace, or Section 30-87, profane or indecent language.~~
- (11) three or more ~~infractions~~ convictions of any traffic law other than those designated as moving traffic violations during any one permit year.
- (12) driving a motor vehicle for hire without the insurance coverage required pursuant to Section 56-66 and Oklahoma State statutes or applicable federal laws.
- (13) revocation or suspension of the certificate/business license under which authority the driver was granted a permit.

(b) Whenever the Vehicle for Hire Inspector intends to deny an application or revoke or suspend a permit for driving a vehicle for hire, ~~he/she~~ shall give the applicant or permit holder written notice of intent to deny such application or to revoke or suspend such driver's permit. The notice shall set forth the grounds upon which such denial or revocation or suspension is contemplated and shall inform such applicant or permit holder that ~~he or she~~ has ten days from the date of such notice to file, with the Vehicle for Hire Inspector, a written request for a hearing. The application may be denied or the permit revoked for a one-year period or suspended for a period not to exceed 90 days if a request for a hearing is not received by the Vehicle for Hire Inspector within the ten-day period.

(c) If the applicant or permit holder files a timely request for hearing, the Chief of Police or his designee shall set a time and place for such hearing and shall consider all relevant evidence and testimony prior to making a decision thereon. The decision of the Chief of Police or his designee to revoke or suspend a permit or deny an application may be appealed to the License Appeal Board pursuant to Sections 26-17 through 26-24.

(d) Whenever a driver's permit is revoked or suspended, the Vehicle for Hire Inspector shall take up the driver's taxi permit and shall file the permit with the Police Department, together with a full report of the reasons for the revocation or suspension.

(e) No person whose permit has been revoked shall be eligible to receive a new permit until the year from the date of the revocation. The Chief of Police or his designee may suspend a driver's permit for any period of time not to exceed 90 days.

(f) The Chief of Police or his designee may require that the permit holder obtain an updated medical evaluation and/or complete a driver's training program, prior to reapplying for a driver's permit.

(g) At the discretion of the Vehicle for Hire Inspector, rather than suspension or revocation of a driver's permit for a violation contained herein, the ~~driver~~ permittee may be ordered to complete a driver's training program and/or obtain an updated medical evaluation.

* * *

Section 8. That Sections 56-204, 56-207, 56-208, 56-212, 56-214, and 56-219 shall be amended and that new Section 56-199 is hereby added to Article II of Chapter 56 of the Oklahoma City Municipal Code, 2010, as follows:

CHAPTER 56

VEHICLES FOR HIRE

ARTICLE II. CARRIAGES

§56-199. Compliance with this article; and state and/or federal law.

No person shall drive or operate a carriage, solicit passengers for transportation in such a carriage, collect fares or anything of value from any person or entity, whether through direct payment or through any electronic means, for transportation in such a carriage, hold himself out to the public as ready and willing to furnish transportation in such a carriage, or either directly or indirectly offer to engage in transportation in such a carriage; including but not limited to the use of online-enabled applications (apps) or services to connect passengers with permittees:

(a) unless there is in force and effect for such vehicle a business license from the Supervisor of Licenses; and

(b) without having first complied with all applicable provisions of the Oklahoma State law and these municipal ordinances and any applicable federal laws and regulations.

§ 56-204. Operating requirements, suspension or revocation of a carriage business license.

(a) Every carriage operating under this article may be randomly inspected by the Chief of Police or his designee to insure the continued maintenance of safe operating conditions. Upon inspection, if it is found that a carriage poses a risk to the public, the Chief of Police or his designee may cause the carriage to be removed from operation and shall immediately institute revocation or suspension proceedings in accordance with Subsection (g) herein. Record of any carriage removed from service shall be made by the Chief of Police or his designee and kept on file with the Supervisor of Licenses and shall detail reasons for removal.

(b) When any carriage has been involved in an accident and taken out of service, such carriage shall not be put back into service until repaired and inspected by the Vehicle for Hire Inspector.

(c) Every carriage licensed under this article shall be kept clean and the upholstery in good repair.

(d) All carriages shall be illuminated at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the roadways are not clearly discernible at a distance of 1,000 feet or less.

(1) in accordance with State law, animal-drawn carriages operating during the times described in Subsection (d) above, shall be equipped with:

(i) at least one lamp emitting a white light visible from a distance of not less than 1,000 feet to the front of the vehicle, and

(ii) two lamps displaying red light visible from a distance of not less than 1,000 feet to the rear of the carriage, or as an alternative, one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible for distances of 600 feet to 100 feet to the rear when illuminated by the lower beams of headlamps.

(2) in accordance with State law, every pedicab or bicycle carriage, operating during the times described in Subsection (d) above, shall be equipped with:

(i) a lighted lamp visible from both sides from a distance of at least 1,000 feet if operated on a street with a speed limit of more than 25 miles per hour;

(ii) a red reflector which shall be visible for 600 feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle;

(iii) a lamp on the front emitting a white light visible from a distance of at least 1,000 feet to the front if operated on a street with a speed limit of more than 25 miles per hour; and

(iv)with a lamp on the rear emitting a red light visible from a distance of at least 1,000 feet to the rear if operated on a street with a speed limit of more than 25 miles per hour.

(e)Upon inspection, the Vehicle for Hire Inspector shall verify passenger capacity of each carriage.

(f)No animal may be used to draw a carriage licensed under this article unless all of the following requirements are met:

(1)the animal may not have any open sore or wound, nor may such animal be lame or have any other ailment.

(2)the hooves of the animal must be properly trimmed and shod. The animal shall be shod with a type of shoe which aids in traction and the prevention of slipping, including but not limited to a rubber compound type horseshoe or a steel shoe with borium tips.

(3)the animal must be groomed before working and may not have fungus, dandruff, or a poor or dirty coat.

(4)the animal must be examined, not less than every 12 months, by a veterinarian, who shall certify the fitness of the animal to perform such work. A copy of such certificate shall be filed with the Superintendent of Animal Welfare or his designee.

(5)no animal may be utilized to pull a carriage carrying more passengers than such carriage is designed to carry by the manufacturer, nor shall a carriage be pulled by fewer animals than provided for by such design.

(6)no stallion may draw a carriage.

(7)while on any public way, all animals shall be equipped with a waste-catching device, in good working order, approved by the Superintendent of Animal Welfare or designee. Once removed from the waste-catching device, all waste shall be bagged in plastic and properly disposed. Waste shall not be disposed into storm drains.

(g)The Supervisor of Licenses and/or the Vehicle for Hire Inspector may initiate revocation or suspension of a business license for any violation of this article, including these operating requirements. In order to initiate revocation or suspension proceedings, the Supervisor of Licenses and/or the Vehicle for Hire Inspector shall give written notice to the licensee that a public hearing will be held thereon by the Traffic Commission. Such notice shall be given at least five days prior to the date of such hearing and shall specify the grounds upon which revocation or suspension proceedings will be conducted. At such

public hearing the Traffic Commission shall consider all relevant testimony before making its determinations thereon. A licensee may appeal from an adverse ruling by the Traffic Commission to the License Appeals Board, pursuant to the provisions of Sections 26-17 through 26-24 of the Code.

(h) Upon suspension or revocation of the carriage company's business license, all drivers' permits under the carriage company's authority shall be suspended or revoked.

* * *

§ 56-207. Filing Application to drive a carriage.

(a) Any person may apply for a driver's permit to operate a carriage by filing an application with the Vehicle for Hire Inspector. The Vehicle for Hire Inspector will review the application and notify the applicant of his/~~her~~ intent to either approve or deny the request for a permit. Applications shall contain the following information:

(1) Name (including all aliases or previously used names) and date of birth of the applicant.

~~(2) Whether or not the applicant has been convicted of a~~ Any felony conviction or any misdemeanor conviction within the previous seven years which reasonably ~~and directly~~ indicates a risk to the public such as:

(i) any offense involving violence;

(ii) any sex offense;

(iii) any drug or alcohol-related offense; ~~and/or~~

(iv) cruelty to animals as defined by State law or local ordinance; and/or ~~and the date of such conviction.~~

(v) felony theft or burglary of any type.

~~(3) Whether or not, within the five years prior to the application, the applicant has been convicted of a misdemeanor which reasonably and directly indicates a risk to the public such as:~~

~~(i) any offense involving violence;~~

~~(ii) any sex offense;~~

~~(iii) any drug or alcohol-related offense; and/or~~

~~(iv) cruelty to animals as defined by State law or local ordinance; and date of conviction.~~

(34) A letter of endorsement signed by the licensee or authorized agent of licensee, under whose authority the driver will be operating a carriage. The letter shall specify whether the driver will be an employee or independent contractor of the licensee.

(45)The number, class and expiration date of State of Oklahoma driver's license. Upon submission of a completed application to the Police Department, the applicant is required to provide a copy of his/~~her~~ current three-year driving record, issued by either the Oklahoma Department of Public Safety, or an Oklahoma tag agency or an accredited background company which includes Oklahoma driving records. If the applicant has resided within other states for the previous three years, then the applicant shall provide a copy of his current three-year driving record from those states. The applicant must provide a current record every year upon renewal of the driver's permit. The driving record is considered current if it is dated no more than 30 days prior to the date on which the applicant submits a completed application to the Vehicle for Hire Inspector. An exception may be provided for temporary military personnel and/or students who may not have a State of Oklahoma driver's license or driving record.

(56)Whether a driver's license issued to the applicant by any state has ever been revoked or suspended, and the reason for such revocation or suspension, and date of such.

(67)The applicant for a driver's permit shall deliver to the Vehicle for Hire Inspector a certificate provided by the Vehicle for Hire Inspector and issued by a physician licensed within Oklahoma~~of the City~~, stating that the applicant is capable of safely performing the essential functions of the job of driving a carriage on the streets of the City. An updated physician's certificate is required every five years upon renewal of the application. An updated physician's certificate must be dated no more than 30 days prior to the date on which the applicant submits to the Vehicle for Hire Inspector a completed application for renewal. If at any time a driver's physical or mental health changes, so as to impact his ~~or her~~ ability to safely operate a carriage, the driver shall immediately notify the Vehicle for Hire Inspector.

(78)~~With his application to the Police Department, t~~ The applicant is required to provide a copy of his ~~or her~~ current criminal record; from the Oklahoma State Bureau of Investigation or an accredited background agency. The latter must include Oklahoma State Bureau of Investigation background information, upon submission of his or her application to the Police Department. The Oklahoma State Bureau of Investigation background information shall include a check of the sex offender registry, violent offender registry, and the criminal background. The applicant must provide a current record every year upon renewal of the driver's permit. The criminal record is considered current if it is dated no more than 30 days prior to the date on which the applicant submits a completed application to the Vehicle for Hire Inspector.

(b)No driver's permit shall in any manner be assignable or transferable, and each such permit issued shall terminate one year from date of issuance. Upon renewal of a driver's

permit, the applicant must complete a new application and is required to meet the same standards set forth in this article for the initial permit.

(c)The driver's permit shall be on a form prescribed by the Vehicle for Hire Inspector, and shall contain a picture of the driver affixed in such a manner that another picture cannot be substituted therefore without detection. The driver's permit shall also contain the driver's name, ~~license~~ permit number and the expiration date of the permit ~~license~~. The driver's permit shall be displayed in a place within the carriage that is visible to all patrons of that carriage.

(d)Upon receipt of an application for a driver's permit the Vehicle for Hire Inspector shall conduct an investigation of the applicant and, on the basis of such investigation, shall either approve or deny the application. No driver's permit shall be issued to any of the following persons:

(1)Any person under the age of 18 years.

(2)Any person convicted of any felony or misdemeanor offense as identified in Section 56-207(2) ~~and (3)~~ of this article.

(3)Any person convicted of hit-and-run driving.

(4)Any person convicted of reckless driving within five years prior to the application.

(5)Any person not possessing a valid State driver's license, unless specifically exempted herein.

(6)Any information which is omitted from the driver's application will be grounds for denial of a permit.

(7)Any person who cannot produce a certificate from a physician licensed within Oklahoma~~of the City~~ stating that the applicant is capable of safely performing the essential functions of the job of driving a carriage.

(8)Any person not having the ~~an~~ ability to ~~speak, write and comprehend~~ communicate effectively in the English language.

(9)Any person lacking an endorsement letter from a licensee.

(e)Anyone who is denied a driver's permit shall not reapply for such a permit until after a period of six months.

(f)The restrictions in this section shall apply both to persons possessing a driver's permit and to persons seeking renewal of such permit.

§ 56-208. Revocation/suspension of a driver's permit; notice and hearing.

(a) A driver's permit may be revoked or suspended by the Chief of Police or his designee for any of, ~~but not limited to,~~ the following reasons:

- (1) revocation or suspension of state driver's license;
- (2) upon conviction for a violation of any Federal or State law involving sexual offenses;
- (3) upon conviction of operating or being in actual physical control of a carriage or motor vehicle while under the influence of intoxicating liquor, drug or other substance or while ~~under the influence of any~~ impaired by intoxicating liquor, drug or other substance to a degree which renders him incapable of safely operating the ~~carriage or motor vehicle,~~ or intoxicated while driving a carriage;
- (4) upon conviction of leaving the scene of an accident;
- (5) upon conviction of failure to make full report of an accident to the Police Department and Vehicle for Hire Inspector within 24 hours of the time of occurrence;
- (6) for permitting any other person to use his driver's permit;
- (7) for obliterating or erasing any official entry on his driver's permit;
- (8) misrepresentation of any material facts by a driver in his application for driver's permit;
- (9) for conviction of disturbing the peace or disorderly conduct ~~for misconduct pursuant to Section 30-82, disturbing the peace, or Section 30-87, profane or indecent language;~~
- (10) upon conviction of cruelty to animals;
- (11) driving a carriage without insurance as required by Section 56-216 of the Code; or
- (12) refusal of service in violation of Section 56-212;
- (13) revocation or suspension of the business license under which authority the driver was granted a permit.

(b) Whenever the Vehicle for Hire Inspector intends to deny an application or revoke or suspend a permit for driving a carriage, he/she shall give the applicant or permit holder

written notice of intent to deny such application or to revoke or suspend such driver's permit. The notice shall set forth the grounds upon which such denial or revocation or suspension is contemplated and shall inform such applicant or permit holder that he or she has ten days from the date of such notice to file, with the Vehicle for Hire Inspector, a written request for a hearing. The application may be denied or the permit revoked for a one-year period or suspended for a period not to exceed 90 days if a request for a hearing is not received by the Vehicle for Hire Inspector within the ten-day period.

(c) If the applicant or permit holder files a timely request for hearing, the Chief of Police or his designee shall set a time and place for such hearing and shall consider all relevant evidence and testimony prior to making a decision thereon. The decision of the Chief of Police or his designee to revoke or suspend a permit or deny an application may be appealed to the License Appeal Board pursuant to Sections 26-17 through 26-24.

(d) Whenever a driver's permit is revoked or suspended, the Vehicle for Hire Inspector shall take up the driver's permit and shall file the permit with the Police Department, together with a full report of the reasons for the revocation or suspension.

(e) No person whose permit has been revoked shall be eligible to receive a new permit until the year from the date of the revocation. The Chief of Police or his designee may suspend a driver's permit for any period of time not to exceed 90 days.

(f) The Chief of Police or his designee may require that the permit holder obtain an updated medical evaluation and/or complete a driver's training program, prior to reapplying for a driver's permit.

(g) At the discretion of the Vehicle for Hire Inspector, rather than suspension or revocation of a driver's permit for violation contained herein, the permittee driver may be ordered to complete a driver's training program and/or obtain an updated medical evaluation.

§ 56-212. Refusal of service.

(a) It shall be unlawful for any permittee driver to refuse to transport any person who requests service in an orderly manner and for a lawful purpose, when the carriage is in service and not otherwise engaged, ~~to transport any person who requests such service in a sober and orderly manner and for a lawful purpose.~~ However, a permittee may refuse to transport any person who requests services in a manner that a reasonable person would consider to be a violent or threatening manner. A driver permittee may refuse ~~serve service~~ to anyone smoking, who refuses to stop smoking before entering the carriage.

(b) No person working pursuant to the authority of a licensee shall refuse a passenger or shall refuse service to a passenger, based on race, color, religion, ancestry, sex, national

origin, age, or disability as defined by 28 C.F.R. § 35.104 of the Americans with Disabilities Act of the passenger.

(c) Persons working pursuant to the authority of a licensee shall provide service to passengers using wheelchairs, or other assistance aid devices, who are requesting service, if the person would provide services to others under the same circumstances. Driver Permittes are required to transport passengers using wheelchairs and to stow wheelchairs as safely as possible. DriverPermittes are required to assist passengers who use wheelchairs in entering and exiting the carriage when necessary but are not required to carry or lift such passengers. DriverPermittes are required to assist with simple assembly or disassembly of wheelchairs where necessary to load or unload the chair into and out of the carriage. DriverPermittes are not required to assemble or disassemble wheelchairs where such assembly or disassembly would require the use of tools. In the event a driverpermittee is physically unable to safely load a passenger's wheelchair, the driverpermittee may refuse service to such passenger but the driverpermittee is obligated to assist the passenger in arranging for accessible transportation with the licensee of the permittee, driver, 's licensee or with another provider of carriage services, provider of motor vehicle for hire services, provider of transportation network vehicle services as defined in Article III of this chapter, or public transportation company/entity. No extra fees or surcharges shall be accessed to any passenger for offering the services enumerated herein to a disabled person.

(d) Persons with disabilities may be accompanied by service animals as defined by 28 C.F.R. § 35.104 of the Americans with Disabilities Act when utilizing ~~when using~~ carriage services. Although persons may be asked, when not readily apparent, if an animal is required because of a disability and ask what work or task the service animal has been trained to perform, if they have a disability, and if an animal is a service animal, and to describe the service the animal provides, they may not be required to show documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. identification or certification of the service animal's status or of their own disability. Persons are not required to identify themselves as having service animals when they place calls requesting service and shall not be asked the question by any person working pursuant to the authority of the licensee. A service animal shall be under the control of its handler as required by the Americans with Disabilities Act. Service animals may be an animal other than dogs. Service dogs come in all breeds. No signage, harness or other indicia is required to identify a service animal. No extra fees or surcharges shall be accessed to any passenger accompanied by a service animal.

* * *

§ 56-214. Seating capacity not to be exceeded.

No driver permittee shall permit more persons to be carried in a carriage than the rated seating capacity of such carriage as stated in the permit issued for such carriage. Seating capacity shall include the driver permittee and any other person sitting on the driver's seat. All persons occupying a carriage must be seated inside the carriage in a

place designed to hold a passenger and no persons will sit in any other occupant's lap. ~~except that a child under the age of six may sit in a passenger's lap.~~

* * *

§ 56-219. Penalty for violation of article.

Every person, including an owner; licensee; employee; independent contractor of an owner or licensee; agent of an owner or licensee; and/or driver or permittee of a carriage who violates any of the provisions of this article, or who neglects or fails to comply with the same, shall be deemed guilty of a Class "a" offense. Third or subsequent offenses shall be a Class "b" offense. ~~and except in cases where another penalty has been fixed and prescribed shall, upon conviction, be punished by a fine not exceeding \$1,200.00 plus costs and fees or imprisonment in the City Jail not exceeding six months or by both such fine and imprisonment.~~ Each day's violation of this article shall constitute a separate and distinct offense.

Section 9. That a new Article III, Sections 56-250-56-253, 56-261-56-270, 56-281-56-300, 56-311-56-317, 56-326, 56-341, are added to Chapter 56 of the Oklahoma City Municipal Code, 2010, to read as follows:

CHAPTER 56

VEHICLES FOR HIRE

**ARTICLE III. TRANSPORTATION NETWORK VEHICLES AND
TRANSPORTATION NETWORK COMPANIES**

DIVISION 1. In General

§ 56-250. Definitions.

The following words, terms and phrases, when used in this Article III of Chapter 56, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Certificate of public convenience and necessity/business license* means the authority granted by the City to engage in the operation of a business that provides or enables passengers to request transportation network vehicle services originating in the City.
- (2) *Commercial automobile liability insurance* means an automobile liability insurance policy issued to business organizations or individuals for transportation network vehicles.

- (3) *Conviction* means any plea of guilty, nolo contendere or finding of guilt for an offense beginning after the completion of any court-imposed probationary term and continuing for any terms specified in this article.
- (4) *Cruising* means the driving of transportation network vehicles on the streets, alleys or public places of the City in search of or in solicitation of prospective passengers in exchange for compensation.
- (5) *Driver* means, for purposes of this article, every person who is permitted to drive or operate a transportation network vehicle.
- (6) *Good cause* means an adequate or substantial reason put forth in good faith that is not unreasonable, arbitrary, or irrational.
- (7) *Licensee* means a transportation network company that is licensed by the City.
- (8) *Open stand for taxis* means a public place alongside the curb of a street or elsewhere in the City that has been designated by the Traffic Commission pursuant to the procedure in Section 56-60 as reserved exclusively for the use of taxicabs.
- (9) *Open stand for carriages* means a public place alongside the curb of a street or elsewhere in the City that has been designated by the Traffic Commission pursuant to the procedure in Section 56-218 as reserved exclusively for the use of carriages.
- (10) *Owner* means every person, firm, partnership, association or corporation having proprietary use, ownership or control of any transportation network vehicles or fleets of transportation network vehicles.
- (11) *Permittee* means, for purposes of this article, every person who drives or operates a transportation network vehicle subject to the license of a transportation network company.
- (12) *Person* includes both singular and plural, and shall mean any individual, firm, partnership, corporation, or association for business purposes.
- (13) *Ridesharing/Carpooling* means an arrangement whereby two or more participants travel together in one vehicle, with a seating capacity of 15 or less, the participants voluntarily sharing the costs and often taking turns as the driver. Operation of a transportation network vehicle shall not be construed as ridesharing/carpooling.
- (14) *Street* means any street, road, alley, avenue, boulevard, public way, lane or highway within the corporate limits of the City.

- (15) *Supervisor of Licenses* means that person who supervises and enforces the licensing provisions of this article.
- (16) *Transportation network company* or *TNC* means a company that enables passengers to request, only through its digital network, digital platform or the internet, transportation network vehicle services from permittees using transportation network vehicles.
- (17) *Transportation network vehicle* or *TNV* means a motor vehicle with a seating capacity of 10 or less that is not a taxi or a limousine pursuant to Article I of this chapter and is used to provide transportation services arranged only using a digital network, digital platform or the internet to connect passengers with permittees from the time the permittee has indicated to the TNC that he is available to engage in TNV services and until such time as the permittee notifies the TNC he is no longer available to provide TNV services.
- (18) *Transportation network vehicle services* or *TNV services* means providing a transportation network vehicle ride to passengers for compensation or anything of value arranged through a transportation network company using a digital network, digital platform or the internet.
- (19) *Traffic Commission* means the Oklahoma City Traffic and Transportation Commission.
- (20) *Transportation Network Vehicle Inspector* means any officer designated by the Oklahoma City Chief of Police and charged with the responsibility of ensuring compliance with all the provisions of this article.

§ 56-251. Compliance with this article, state and federal law.

No person shall drive a TNV or engage in the operation of business that provides or enables passengers to request TNV services, solicit passengers for transportation in such a vehicle, collect fares or anything of value from any person or entity, whether through direct payment or through any electronic means, for transportation in such a vehicle, hold himself out to the public as ready and willing to furnish transportation in such a vehicle, or either directly or indirectly offer to engage in transportation in such a vehicle:

- (a) unless there is in force and effect for such vehicle a certificate of convenience and necessity, a permit from the Corporation Commission of the State of Oklahoma to transport passengers by motor vehicle and/or federal licenses/registration, if applicable; and

(b) without having first complied with all applicable provisions of the Oklahoma State law and any applicable federal laws and regulations and these municipal ordinances.

§ 56-252. Penalty for violation of article.

Every person, including an owner, licensee, employee of a licensee, independent contractor of a licensee, agent of a licensee, and/or permittee of a TNV who violates any of the provisions of this article, or who neglects or fails to comply with the same, shall be deemed guilty of a Class “a” offense. Third or subsequent offenses shall be a Class “b” offense. Each day’s violation of this article shall constitute a separate and distinct offense.

DIVISION 2. Certificate of Public Convenience and Necessity/Business License Required for Providing Transportation Network Vehicle Services

§ 56-261. Certificate/business license required.

It shall be unlawful to operate a TNC providing or enabling passengers to request TNV services originating within the City, without having first obtained from the Supervisor of Licenses a certificate of public convenience and necessity/business license.

§ 56-262. Certificate/business licensee not exempt from airport regulations.

The certificate of public convenience and necessity/business license or driver’s permit issued pursuant to the provisions of this article shall not exempt the licensee or permittee from otherwise complying with the ordinances of the City pertaining to Chapter 10 Aviation and/or the administrative rules and regulations, including any permit or operational requirements pertaining to any airport.

§ 56-263. Responsibility for vehicles operating under certificate/business license; driving for more than one licensee; additional fees.

(a) Transportation network vehicles licensed under this article shall be owned or leased by the permittees of the transportation network vehicles. However, the licensee shall be responsible for all vehicles operating under the authority of its certificate/business license and during such times that such vehicles are operating as transportation network vehicles. Any violation of any provision of Oklahoma State law or this article by any permittee, who is an employee, independent contractor and/or agent of the licensee, may be deemed a violation by the certificate/business license holder, if other requirements of this article are met, as specifically set forth herein.

(b) Where a person owns more than one TNC and certificates/business licenses are issued to both companies, permittees can move from one company to another, without additional fees, as long as they move to a company owned by the same licensee. However, if permittees move to a company owned by another licensee, the permittee shall obtain a new permit and pay the permit fee, as prescribed in Chapter 60, the General Schedule of Fees.

(c) No licensee shall allow any person to drive a TNV under the authority of licensee's license if the person has failed a drug or alcohol test administered to the person pursuant to the licensee's drug and alcohol testing policies.

(d) No licensee shall knowingly permit any person to drive a TNV if the licensee or any of licensee's managers, officers, agents or employees is aware that the permittee is under the influence of alcohol, or any drug that could impair that person's ability to drive a TNV.

§ 56-264. Filing application for certificate/business license.

Applicants for a certificate/business license shall file with the Supervisor of Licenses a verified application setting forth the following which shall be presented to the Traffic Commission in a public hearing for consideration of granting a license:

(a) Business name, business address, and any established place(s) of business of the applicant within the state;

(b) Proof of registration with Secretary of State to conduct business within the State and the name and address of the TNC's registered agent; and

(c) Proof of insurance coverage as required by this article;

(d) Description of type and extent of service to be rendered;

(e) Description of the proposed trade dress of the TNC;

(f) The name(s) and contact information for the person(s) authorized to make decisions regarding the release of records during exigent circumstances; and

(g) With the application, applicant shall attach a copy of applicant's drug and alcohol testing policies. The policies shall include, but not be limited to, the following information:

1. A statement of the licensee's policy respecting drug and alcohol use by employees and independent contractors;
2. Which employees and independent contractors are subject to testing;
3. The circumstances under which testing may be requested or required;
4. Substances which may be tested;
5. Testing methods and collection procedures to be used;
6. Consequences of refusing to undergo testing;

7. Potential adverse personnel action which may be taken as a result of a positive test result;
8. The rights of the employee and/or independent contractor to explain, in confidence, the test results;
9. The rights of the employee and/or independent contractor to obtain all information and records related to that person's testing;
10. Confidentiality requirements; and
11. The available appeal procedures, remedies and sanctions.

§ 56-265. Criteria for granting a certificate of convenience and necessity/business license.

The Traffic Commission shall investigate and consider whether the applicant has complied with the application requirements and has the ability to comply with the requirements of this article.

§ 56-266. Public hearing required.

No more than 45 days after the filing of the fully completed application for the certificate of public necessity and convenience/business license, the Traffic Commission shall hold a public hearing thereon for the purpose of determining whether the applicant has met the requirements of Section 56-265. The Traffic Commission shall fix the time for the public hearing and shall notify the applicant in compliance with the notice provisions of the Oklahoma Open Meeting Act (25 O.S. § 301 et seq.).

§ 56-267. Issuance of certificate of convenience and necessity/business license; vehicle inspections; vehicle inspection decals required; annual renewal required; outstanding administrative fees.

- (a) If the Traffic Commission shall find that an applicant has met the requirements of this article for a certificate of public convenience and necessity/business license, a certificate/license shall be issued to the applicant by the Supervisor of Licenses. Before the Supervisor of Licenses shall issue any certificate/license, the applicant shall pay the fees as set forth in Chapter 60, the General Schedule of Fees, for the certificate/license.
- (b) Each vehicle to be operated under the authority of the licensee shall be inspected by the TNV Inspector before it can be used as a TNV. The vehicle title; tag; insurance verification; and Oklahoma Corporation Commission decal or USDOT/UCR number if applicable, shall be provided to the TNV Inspector at the time of inspection. If the vehicle meets the requirements as set forth in this article and the vehicle inspection decal fee is paid to the TNV Inspector, as set forth in Chapter 60, the General Schedule of Fees, the TNV Inspector shall affix the vehicle inspection decal to the lower driver's side of the windshield of the vehicle. Once the decal is affixed to the windshield, the vehicle may be operated as a TNV.

(c) By June 30th of each year, every licensee shall renew its certificate/license to operate and pay fees, to the Supervisor of Licenses, in the amounts designated in Chapter 60, the General Schedule of Fees. All renewals may be handled administratively. No license shall be renewed if any administrative fees assessed against the licensee are due and unpaid.

(d) Upon application for renewal of the vehicle inspection decal, the permittee shall submit the following information in writing to the TNV Inspector, along with a copy of the vehicle title, tag, insurance verification, and Oklahoma Corporation Commission decal or USDOT/UCR number, if applicable, for each vehicle to be used in such business:

(1) the licensee's name, the registered agent's name;

(2) the company addresses and registered agent's business address.

§ 56-268. Monthly list of vehicles taken out of service.

By the last day of each month, the licensee shall submit to the TNV Inspector a list of any permitted transportation network vehicles that were permanently removed from TNV service by licensee during that month.

§ 56-269. Transfer of certificate/business license prohibited.

No certificate of public convenience/business license may be sold, assigned, mortgaged, or otherwise transferred by the person or company to whom issued except upon approval of the Traffic Commission.

§ 56-270. Revocation or suspension of certificate/business license and grounds therefore; notice; hearing; appeal to License Appeal Board.

(a) The Traffic Commission may at any time, pursuant to the revocation or suspension proceedings as hereinafter described, revoke or suspend the certificate of convenience and necessity/business license granted under this article, if it makes on the basis of good cause any of the following determinations of violations by (1) any operators, managers, partners, officers, or employees of the licensee; or (2) an independent contractor or agent operating under the authority of licensee if the licensee has knowledge of, reasonably should have had knowledge of or supported the violations committed by the independent contractor or agent:

(1) If vehicles operated under the authority of the licensee are not operated in accordance with the provisions of this article;

(2) If vehicles are operated within the corporate limits of the City at a rate or fare greater than that specified on the TNC's digital network, digital platform or the internet at the time TNV services were requested;

(3) If a licensee fails to maintain insurance, or if a TNV is operated but is not insured by the licensee as required by this article;

(4) If the certificate/business license was procured by fraudulent conduct or false statement of a material fact, or a fact concerning the applicant was not disclosed at the time of application and such fact would have constituted just cause for refusal to issue the certificate/license;

(5) If those persons, owners, operators, managers, partners, officers, employees, independent contractors, and/or agents engaging in the operation of a business that provides TNV services pursuant to the licensee's authority have violated any provisions of the article, or have committed any other acts which reflect unfavorably on the fitness of the licensee to offer public services; and/or

(6) If those persons, owners, operators, managers, partners, officers, employees, independent contractors or agents engaging in the operation of a business that provides TNV services pursuant to licensee's authority have failed to maintain adequate and properly operating equipment as required by this article.

- (b) In determining whether to revoke or suspend the certificate of convenience and necessity/business license, the Traffic Commission may consider, as a mitigating factor, any independent action taken by the licensee to deter future violations by any operators, managers, partners, or employees of the licensee or independent contractor or agent operating under the authority of the licensee. The Traffic Commission may apply the mitigating factor to their decision regarding revocation versus suspension, the appropriate length of a suspension, or a waiver of suspension.
- (c) In order to initiate revocation or suspension proceedings, the Supervisor of Licenses and/or the TNV Inspector shall give written notice to the licensee that a public hearing will be held thereon by the Traffic Commission. Such notice shall be given at least five days prior to the date of such hearing and shall specify the grounds upon which revocation or suspension proceedings will be conducted. At such public hearing, the Traffic Commission shall consider all relevant testimony before making its determinations thereon. A licensee may appeal from an adverse ruling by the Traffic Commission to the License Appeals Board, pursuant to the provisions of Sections 26-17 through 26-24 of the Code.
- (d) Upon suspension or revocation of a TNC's certificate/business license, all drivers' permits authorized under the TNC's certificate/business license shall be suspended or revoked.

DIVISION 3. Operating Requirements for All Transportation Network Vehicles and Transportation Network Companies

§ 56-281. Record-keeping requirements of certificate/license holders.

Each licensee shall maintain all records of TNV services within the City for the previous 90-day period. These records shall be produced subject to a subpoena or court order or upon good cause determination by the licensee that exigent circumstances exist.

§ 56-282. Vehicle inspections; maintenance; equipment.

(a) All vehicles operating under this article shall be inspected by the TNV Inspector prior to providing TNV services, except as provided in §56-341(b). Further, every vehicle operating under this article shall be periodically inspected by the TNV Inspector at such intervals as shall be established by the Chief of Police, but at least once annually to ensure the continued maintenance of safe operating conditions. The fees for vehicle inspection shall be as set forth in Chapter 60, the General Schedule of Fees. Upon such inspection, if it is found that the vehicle operating under this article does not meet the requirements established herein, the TNV Inspector shall cause the vehicle's inspection decal to be suspended and removed until such time as the vehicle has complied with the standards of this article.

(b) If any vehicle licensed under this article has been involved in an accident, the licensee and/or permittee must notify the TNV Inspector within one business day of the accident. If the accident results in more than cosmetic damage to the vehicle, the vehicle shall not provide TNV service until repaired and then inspected by the TNV Inspector and an ASE Certified Master Technician. It is the primary responsibility of the permittee to ensure that all necessary repairs are made before the vehicle is returned to service. The vehicle must pass both the TNV Inspector and Master Technician inspections. The ASE Certified Master Technician inspection shall include an inspection of the vehicle's braking system (parking brake, disc/drums, hoses, lines, etc.); suspension system (shock absorbers/struts, springs, shackles, etc.); steering system (power steering, linkage, free turning, etc.); and exhaust system (leaks, legal muffler, tailpipe, noise, etc.).

(c) All transportation network vehicles three years old or older by model year, or having 150,000 miles, whichever comes first, shall be inspected annually by an ASE Certified Master Technician. The age of the vehicle will be considered the age or mileage at the time of the annual vehicle inspection permit renewal (June 30th each year). No vehicle failing either the City's inspection or the ASE Certified Master Technician inspection will be granted a vehicle inspection permit or a TNV permit. The vehicle's owner/permittee will be required to have the vehicle inspected by an ASE Master Technician within 45 days prior to presenting the vehicle to the TNV Inspector for the City's inspection. The ASE Certified Master Technician inspection will be completed on the inspection form provided by the TNV Inspector and will be at the expense of the owner/permittee. The ASE Certified Master Technician inspection shall include an inspection of the vehicle's braking system (parking brake, disc/drums, hoses, lines, etc.); suspension system (shock absorbers/struts, springs, shackles, etc.); steering system (power steering, linkage, free turning, etc.); and exhaust system (leaks, legal muffler, tailpipe, noise, etc.).

(d) All vehicles to be permitted shall have as standard equipment and in good operating condition, the following:

- (1) Four-wheel brakes;
- (2) Parking brake;
- (3) Front and rear bumpers, all chrome trim and matching wheels and hubcaps;
- (4) Heater, defroster, and air conditioner;
- (5) Right and left side and interior rear view mirrors;
- (6) Speedometer, exposed to view, and maintained in accurate operating condition;
- (7) Functioning windshield wipers;
- (8) Tires with a minimum of 3/32-inch tread;
- (9) Factory-recommended shock absorbers;
- (10) Turn indicators;
- (11) All door and window glass shall be safety glazed glass equal to manufacturer's standard specifications; and
- (12) Seat belts.

(e) All transportation network vehicles shall:

- (1) Have a current license tag issued by the State of Oklahoma, or a sovereign nation located within the physical boundaries of the State of Oklahoma;
- (2) Comply with all safety standards now or hereafter required by the State of Oklahoma and the City and any applicable federal regulations, and be maintained in a safe operating condition with adequate lights;
- (3) Be equipped with doors opening directly into the seats to be occupied by the passengers, which doors shall be in addition to those provided for the use of the driver. No motor vehicle having less than three doors in good working order shall be used as a TNV in the City;
- (4) Have a knob or handle on the inside of each door opening out of the compartment in which the passengers are carried, by which the door or doors may easily be opened from the inside;
- (5) Contain adequate space for baggage that is separate from the seats of the passengers;

(6) Be operated by a permittee duly permitted as herein provided; and

(7) Be covered by adequate insurance as provided for herein.

(f) The TNV Inspector shall not issue any vehicle inspection decal without confirming that personal security verification is present in each vehicle during annual vehicle inspection.

(g) The TNV Inspector may remove any vehicle from service that does not meet the operating requirements set forth herein or that does not obtain the required inspections.

§ 56-283. Smoking prohibited.

Smoking within TNV while providing TNV services shall be prohibited.

§ 56-284. Seating capacity not to be exceeded.

No driver shall permit more persons to be carried in a TNV than a maximum of ten, or its rated seating capacity, whichever is less.

§ 56-285. Vehicle identifier, trademarks, etc.

(a) Transportation network vehicles are not required to have a unifying color scheme. All transportation network vehicles may bear the licensee's trade name, monogram, or insignia.

(b) It is unlawful for any person operating any TNV to represent by mark, sign or insignia that the vehicle is operated by someone other than the actual permittee of the actual licensee.

§ 56-286. Trade dress on all transportation network vehicles.

(a) No permittee or any other person shall permit any banner or other advertising matter to be affixed to or painted onto the transportation network vehicle, except trade dress of licensee under which the permittee operates provided no safety hazard exists as inspected and determined by the TNV Inspector. Trade dress shall be displayed on the TNV during TNV services.

§ 56-287. Lost property.

It shall be the duty of every TNV permittee to return immediately all personal property left in the TNV to the owner of the personal property.

If the owner is unknown or the permittee is unable to immediately return the personal property to the owner, then the property shall be turned over to the TNV Inspector by the following business day.

§ 56-288. Appeals from orders of Traffic Commission; Supervisor of Licenses; Transportation Network Vehicle Inspector and/or Chief of Police.

Any licensee, permittee, or applicant shall have the right to appeal any order of the Traffic Commission, Supervisor of Licenses, Chief of Police or TNV Inspector relating to the issuance, denial, revocation, alteration, or suspension of the certificate/license and/or driver's permit to the License Appeals Board, pursuant to the provisions of Sections 26-17 through 26-24 of the Code. During the appeal before the License Appeals Board, the order being appealed shall be stayed until the License Appeals Board has reached a decision.

§ 56-289. Unlawful refusals for service.

(a) It shall be unlawful for any permittee to refuse to transport any person who requests service in an orderly manner and for a lawful purpose when the TNV is in service and not otherwise engaged. However, a driver may refuse to transport any person who requests services in a manner that a reasonable person would consider to be a violent or threatening manner. A driver may refuse service to any one smoking, who refuses to stop smoking before entering the TNV. Nothing in this provision shall be interpreted to require or allow permittees to accept street hails or requests for service not made through the licensee's digital network, digital platform, or the internet.

(b) No person working pursuant to the authority of a licensee shall refuse a passenger or shall refuse to dispatch a TNV to provide service to a passenger, based on race, color, religion, ancestry, sex, national origin, age, or disability as defined by 28 C.F.R. § 35.104 of the Americans with Disabilities Act of the passenger.

(c) Persons working pursuant to the authority of a licensee shall provide service to passengers using wheelchairs, or other assistance aid devices, who are requesting service, if the person would provide services to others under the same circumstances. Permittees are required to transport passengers using wheelchairs and to stow wheelchairs in the trunk or back of the vehicle. Permittees are required to assist passengers who use wheelchairs in entering and exiting the vehicle when necessary but are not required to carry or lift such passengers. Permittees are required to assist with simple assembly or disassembly of wheelchairs where necessary to load or unload the chair into and out of the vehicle. Permittees are not required to assemble or disassemble wheelchairs where such assembly or disassembly would require the use of tools. In the event a permittee is physically unable to safely load a passenger's wheelchair, the permittee may refuse service to such passenger but the permittee is obligated to assist the passenger in arranging for accessible transportation with the licensee of the permittee, another provider of TNV services, a provider of motor vehicles for hire as defined in Article I of this Chapter, or public transportation company/entity. No extra fees or surcharges shall be assessed to any passenger for offering the services enumerated herein to a disabled person.

(d) Persons with disabilities may be accompanied by service animals as defined by 28 C.F.R. § 35.104 of the Americans with Disabilities Act when utilizing TNV services. Although persons may be asked, when not readily apparent, if an animal is required

because of a disability and ask what work or task the service animal has been trained to perform, they may not be required to show documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Persons are not required to identify themselves as having service animals when they place calls requesting service and shall not be asked the question by any person working pursuant to the authority of the licensee. A service animal shall be under the control of its handler as required by the ADA. No extra fees or surcharges shall be assessed to any passenger accompanied by a service animal.

§ 56-290. Insurance requirements.

- (a) Every person, driver, permittee, licensee, firm, corporation, or other legal entity enabling passengers to request TNV services or engaging in the operation of a TNC within the City shall be insured pursuant to a valid commercial automobile liability insurance issued by an admitted insurance carrier, surplus lines insurance carrier or risk retention group. Risk retention group is defined in § 6453 of Title 36 of the Oklahoma Statutes. The commercial automobile liability insurance policy or a combination of commercial automobile liability insurance policies meeting this requirement may be secured by a person, driver, permittee, licensee, firm, corporation, or other legal entity and must provide liability coverage for its agents, independent contractors, employees, and others while in the performance of their duties and insuring the TNV and the driver while he is operating the vehicle as a TNV. Such commercial automobile liability insurance policy shall protect against loss from any liability imposed by law for damages, including damages for bodily injury or death of any person, and injury to or destruction of property caused by an accident or occurrence and arising out of the ownership, maintenance, use, or operation of such vehicle from first dollar of loss and insurance shall not include any amounts for self-insured retention unless there is evidence of first dollar coverage from an insurance carrier authorized to do business in the state of Oklahoma, or surplus lines insurance carrier with an AM Best rating of A- (Excellent) VII (Financial Size) or greater.
- (b) Supplemental or excess insurance policies from a surplus lines insurance carrier with an AM Best rating of A- (Excellent) VII (Financial Size) or greater may satisfy all or a portion of the minimum coverage amounts as long as the policy provides insurance coverage to an injured or damaged party from the first dollar of any loss if other insurance becomes uncollectable for any reason.
- (c) Certificate of insurance shall evidence combined single limit coverage from the point the permittee accepts a trip and is en-route to a passenger or while transporting any passenger pursuant to TNV service request, with respect to each such TNV in the minimum limits:

- (1) Utilizing vehicles having a seating capacity of six or less, \$100,000 each accident or occurrence;
- (2) Utilizing vehicles having a seating capacity of seven to nine, \$750,000 each accident or occurrence;
- (3) Utilizing vehicles having a seating capacity of ten, \$1,000,000 each accident or occurrence.

Certificate of insurance shall evidence coverage during the time the permittee has logged into the digital network and indicated to the TNC that he is available to engage in TNV services but has not actually accepted a trip, then the TNC shall provide insurance coverage for the driver and vehicle in at least the following minimum limits:

- (1) Bodily injury, \$50,000 per accident or occurrence;
- (2) Property Damage, \$25,000 per accident; and
- (3) Any number of property or bodily injury claims arising from a single accident or occurrence, \$100,000 per accident or occurrence.

(d) Every person, firm, or corporation engaged in the operation of a business that provides TNV services shall provide a certificate of insurance for the insurance policy or combination of insurance policies that satisfies the insurance requirements of Section 56-290. The City of Oklahoma City shall be named as a certificate holder and must be notified upon the lapse or reduction in coverage for liability limits of such policy below the minimum limits provided herein. The certificate of insurance or security verification form in accordance with this chapter shall be immediately produced to the TNV Inspector or other police officer of the Oklahoma City Police Department upon request.

(e) A security verification form, as specified by state law, shall be kept in each vehicle at all times.

§ 56-291. Request for services booked through the licensee’s digital network, digital platform or the internet; street hails prohibited.

All requests for service from a TNV must be placed and accepted only through the licensee’s digital network, digital platform or the internet. Transportation network vehicles are strictly prohibited from accepting street hails.

§ 56-292. Posting of rates; Rate violation; receipts on request.

(a) Rates and charges shall be posted in the licensee’s digital network, digital platform or the internet at all times in a place clearly visible to the person requesting the service, prior to the TNV service being booked.

- (b) It shall be unlawful for the licensee or permittee of any TNV, in the City to fix, charge, collect, and/or offer to fix, charge, or collect a rate more than that specified at the time the service is requested through the digital network, digital platform or the internet.
- (c) If requested by a passenger, the licensee shall give a receipt upon payment of the correct fare or charge via email or an electronic transmission.

§ 56-293. TNV limited to TNV Services.

No vehicle permitted as a motor vehicle for hire as defined in Article I of this chapter shall be operated as a TNV and no TNV shall be operated as a motor vehicle for hire.

§ 56-294. Open Stands for Taxis and Carriages.

It shall be unlawful for a TNV to park or stand within an open stand for taxis or an open stand for carriages.

§ 56-295. Soliciting of passengers and cruising prohibited.

A TNV permittee may not solicit passengers or engage in cruising.

§ 56-296. Periodic compliance checks regarding refusals of service; notice to licensee; revocation/suspension of business license and/or administrative fees for unlawful refusal of transportation network vehicle service; appeal; hearing; suspension/revocation.

- (a) The TNV Inspector shall conduct periodic investigations to determine if all permittees are complying with Section 56-289 of this article. The TNV Inspector shall also investigate all complaints alleging violations of Section 56-289 of this article.
- (b) Should the TNV Inspector receive a complaint of a violation of Section 56-289, which he determines is not unfounded, or finds a violation of Section 56-289 pursuant to a periodic compliance check, with the violation allegedly being committed by any person working under the authority of a licensee, except for a permittee, the TNV Inspector shall make a report of such to the Traffic Commission and provide written notice via certified mail, return receipt requested, to the licensee regarding the alleged violation. The written notice shall contain the following information, if known: (1) date and time of alleged violation; (2) name of individual violator; (3) date and time of hearing on the matter; and (4) description of the alleged violation. The notice shall be deemed sent when deposited in the United States mail. Notice shall be given no later than 5 days prior to the hearing date, which shall be set on the next available Traffic Commission docket.

- (c) The Traffic Commission shall conduct a hearing regarding the report to determine whether such a violation did occur. At the hearing, the Traffic Commission shall consider all relevant evidence presented. Should the Traffic Commission make a finding against the licensee, in addition to the suspensions established below, an administrative fee as set forth in Chapter 60, General Schedule of Fees shall be assessed.
- (d) Should the Traffic Commission find that a violation has occurred within any one license year, the Traffic Commission shall issue a warning.
- (e) Should the Traffic Commission determine that a second violation has occurred within any one license year, the Traffic Commission shall suspend the licensee's business license for no more than five days and assess an administrative fee.
- (f) Should the Traffic Commission determine that a third violation has occurred within one license year, the Traffic Commission shall suspend the licensee's business license for no more than ten days.
- (g) Should the Traffic Commission determine that a fourth violation has occurred within one license year, the Traffic Commission shall suspend the licensee's business license for no more than one year.
- (h) The licensee may appeal a suspension and fee assessment by filing a written appeal with the License Appeals Board pursuant to the provisions of Sections 26-17 through 26-24 of this Code. The suspension and fee assessment shall be stayed upon appeal, until the License Appeals Board has reached a decision. However, should licensee pay any assessed fee prior to a hearing on licensee's appeal and decision by the License Appeals Board, the fee shall be refunded to licensee should the License Appeals Board grant licensee's appeal.
- (i) Unlawful refusals of service by permittees operating under licensee's license will be prosecuted according to the criminal penalties as set forth in this chapter. The licensee will not be assessed administrative fees or be subject to suspension or revocation for violations of Section 56-289 committed by individual permittees.

§ 56-297. Delay of passengers prohibited.

When one or more persons shall employ a TNV and occupy it as a passenger or passengers, the permittee shall not cause his vehicle to remain parked and unreasonably delay the transporting of the passenger or passengers to the requested location.

§ 56-298. Most direct route required.

Any permittee who is requested by a passenger to transport the passenger to a definite point, shall take the most direct, expeditious and safe route unless otherwise requested by the passenger.

§ 56-299. Additional passengers.

It shall be unlawful for any permittee to permit any other person to occupy or ride in any TNV, unless the first person employing the TNV shall consent to the acceptance of additional passengers.

§ 56-300. Trip sheet required.

For each request for service booked through the licensee's digital network, digital platform, or the internet, permittees must have an itinerary, trip sheet, or other manifest for the passenger(s) being transported that is printed or has been electronically transmitted to the permittee and includes the name of at least one of the passenger(s) in the party, pickup and delivery location, time and date the arrangement was made, and time of scheduled pickup. Trip sheets also must be retained for a 90-day period unless otherwise directed by the TNV Inspector. A permittee must produce a trip sheet immediately to the TNV Inspector.

DIVISION 4. Transportation Network Vehicle Drivers' Permit for Drivers of All Transportation Network Vehicles

§ 56-311. Driver's permit required and application procedure; renewal annually; display of permit.

- (a) No person shall operate a TNV without having obtained a driver's permit to do so from the TNV Inspector.
- (b) Applicants shall first obtain approval to drive a TNV from the licensee pursuant to whose license the TNV will be operated. Such licensee approval process shall include:
 - (1) providing proof of his personal automobile liability insurance policy;
 - (2) conducting a driving record check from either the Oklahoma Department of Public Safety, or an Oklahoma tag agency or an accredited background company, which includes Oklahoma driving records. If the applicant has resided within other states for the previous three years, the driving record check must be done for all other states such that a complete driving record for the immediate past three years is provided;
 - (3) conducting a criminal record background check by either the Oklahoma State Bureau of Investigation or an accredited background agency, the latter must include Oklahoma State Bureau of Investigation background information. The OSBI background information shall include a check of the sex offender registry, violent offender registry, and the criminal background; and
 - (4) conducting the vehicle inspection requirements set forth in this article.
- (c) After obtaining approval from the licensee, applicants for a driver's permit shall submit an application to the TNV Inspector containing the following information:
 - (1) Name (including all aliases or previously used names) and date of birth of the applicant.

(2) Any felony conviction or any misdemeanor conviction within the previous seven years which reasonably indicates a risk to the public such as:

- (i) any offense involving violence;
- (ii) any sex offense;
- (iii) any drug or alcohol-related offense; and/or
- (iv) felony theft or burglary of any type.

(3) Applicant must provide a statement from the licensee acknowledging that the applicant will be operating a TNV subject to the license, affirming the licensee has conducted the requisite drivers and criminal background checks pursuant to this section and the vehicle inspections pursuant to this article, and verifying that commercial automobile liability insurance coverage provided by the TNC applies to the driver once the requisite driver's permit has been obtained.

(4) Applicant must also provide a copy of the applicant's current three-year driving record and current background check pursuant to Subsection (b)(2) and Subsection (b)(3) of this section. The applicant must provide a current record for the applicant's driving record and background check every year upon renewal of the driver's permit. The Oklahoma State Bureau of Investigation background information shall include a check of the sex offender registry, violent offender registry, and the criminal background. The driving record and background check is considered current if it is dated no more than 30 days prior to the date on which the applicant submits a completed application to the TNV Inspector. An exception may be provided for the applicant's driving record for temporary military personnel and/or students who may not have a State of Oklahoma driver's license or driving record.

(5) The number, class and expiration date of State of Oklahoma driver's license.

(6) Whether a driver's license issued to the applicant by any state has ever been revoked or suspended, the reason for such revocation or suspension, and date of such.

(7) The applicant for a driver's permit shall deliver to TNV Inspector a certificate, provided by the TNV Inspector and issued by a physician licensed within Oklahoma, stating that the applicant is capable of safely performing the essential functions of the job of driving a TNV on the streets of the City. An updated physician's certificate is required every five years upon renewal of the application. An updated physician's certificate must be dated no more than 30 days prior to the date on which the applicant submits to the TNV Inspector a completed application for renewal. If at any time a permittee's physical or mental health changes, so as to impact his ability to safely operate a TNV, the permittee shall immediately notify the TNV Inspector.

(8) The applicant is required to provide proof of his personal automobile liability insurance policy.

Failure of the licensee to provide the required documents of the provisions shall result in either denial of the driver's permit, or requirement that the driver provide all of the documents directly to the Inspector.

(d) No driver's permit shall in any manner be assignable or transferable, and each such permit issued shall terminate one year from date of issuance. Upon renewal of a driver's permit, the applicant must complete a new application and is required to meet the same standards set forth in this article for the initial permit.

(e) The driver's permit shall be on a form prescribed by the TNV Inspector, and shall contain a picture of the driver affixed in such a manner that another picture cannot be substituted therefore without detection. The driver's permit shall also contain the driver's name, permit number and the expiration date of said driver's permit. The driver's permit shall be displayed in a place within the TNV that is visible to all patrons of that vehicle.

§ 56-312. Persons prohibited from driving a TNV.

(a) The following persons shall not be permitted to drive a TNV pursuant to a license under this Article:

- (1) Any person under the age of 18 years.
- (2) Any person with any felony conviction or any misdemeanor conviction within the previous seven years which reasonably indicates a risk to the public such as:
 - (i) any offense involving violence;
 - (ii) any sex offense;
 - (iii) any drug or alcohol-related offense; and/or
 - (iv) felony theft or burglary of any type.
- (3) Any person convicted of hit-and-run driving.
- (4) Any person convicted of reckless driving within five years prior to the application.
- (5) Any person not possessing a valid State driver's license, unless specifically exempted herein.
- (6) Any person who omits or falsifies information on the driver's application will be grounds for denial of a driver's permit.
- (7) Any person who cannot produce a certificate from a physician licensed within Oklahoma stating that the applicant is capable of safely performing the essential functions of the job of driving a TNV.
- (8) Any person not having the ability to communicate effectively in the English language.
- (9) Any person lacking the statement referenced above from a licensee.

(b) Nothing in this section shall be interpreted to preclude a licensee from denying or refusing to approve an applicant based on its own selection criteria. Anyone who is denied a driver's permit shall not reapply for such a permit until after a period of six months.

(c) The restrictions in this section shall apply both to persons possessing a driver's permit and to persons seeking renewal of such permit.

§ 56-313. Driver's permit issuance; notice of termination of driver required.

(a) Upon approval of an application for a driver's permit by the TNV Inspector and upon payment of the fee in the amount established in Chapter 60, the General Schedule of Fees, the TNV Inspector shall issue a driver's permit to the applicant.

(b) Upon the termination of any permittee, the licensee for whom the permittee has been operating a vehicle shall immediately give the TNV Inspector written notice of such termination with either the permittee's name or City permit number, and the reasons therefore, unless the reasons are confidential pursuant to either state or federal law.

§ 56-314. Revocation and suspension of a driver's permit generally; notice; hearing; requirements upon reapplication; alternatives to suspension/revocation.

(a) A driver's permit may be revoked or suspended by the TNV Inspector for any of the following reasons:

(1) upon conviction of operating or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor, drug, or other substance or while impaired by intoxicating liquor, drug, or other substance which renders him incapable of safely operating the motor vehicle;

(2) upon conviction of leaving the scene of an accident;

(3) upon conviction of hit and run or reckless driving, any offense involving violence, any sex offense, and/or any drug or other substance or alcohol-related offense;

(4) for permitting any other person to use his TNV driver's permit;

(5) upon conviction of a third moving traffic violation during any one driver's permit year;

(6) misrepresentation of any material facts by a permittee in his application for a driver's permit;

(7) upon cancellation of insurance or revocation or suspension of State driver's license;

(8) for failure to travel the most convenient, direct route in the routing of passengers, unless so authorized by the passenger(s);

(9) refusal of service in violation of Section 56-289;

(10) for conviction of disturbing the peace or disorderly conduct;

(11) three or more convictions of any traffic law other than those designated as moving traffic violations during any one permit year; or

(12) driving a TNV without the insurance coverage required pursuant to Section 56-290 and applicable Oklahoma State statutes or Federal laws.

(b) Whenever the TNV Inspector intends to deny an application or revoke or suspend a driver's permit for driving a TNV, he shall give the applicant or permit holder written notice of intent to deny such application or to revoke or suspend such driver's permit. The notice shall set forth the grounds upon which such denial or revocation or suspension is contemplated and shall inform such applicant or permit holder that he has ten days from the date of such notice to file, with the TNV Inspector, a written request for a hearing. The application may be denied or the permit revoked for a one-year period or suspended for a period not to exceed 90 days if a request for a hearing is not received by the TNV Inspector within the ten-day period.

(c) If the applicant or permit holder files a timely request for hearing, the Chief of Police or his designee shall set a time and place for such hearing and shall consider all relevant evidence and testimony prior to making a decision thereon. The decision of the Chief of Police or his designee to revoke or suspend a permit or deny an application may be appealed to the License Appeal Board pursuant to Sections 26-17 through 26-24.

(d) Whenever a driver's permit is revoked or suspended, the TNV Inspector shall take up the permittee's TNV driver's permit and shall file the permit with the Police Department, together with a full report of the reasons for the revocation or suspension.

(e) No person whose driver's permit has been revoked shall be eligible to receive a new driver's permit until the year from the date of the revocation. The Chief of Police or his designee may suspend a driver's permit for any period of time not to exceed 90 days.

(f) The Chief of Police or his designee may require that the permit holder obtain an updated medical evaluation and/or complete a driver's training program, prior to reapplying for a driver's permit.

(g) At the discretion of the TNV Inspector, rather than suspension or revocation of a driver's permit for a violation contained herein, the driver may be ordered to complete a driver's training program and/or an updated medical evaluation.

§ 56-315. Revocation or suspension of a driver's permit for revocation or suspension of the

transportation network company license.

- (a) When revocation or suspension of a TNC's license is initiated, the TNV Inspector shall give written notice, to each driver's permit holder under the TNC's authority, that a public hearing will be held by the Traffic Commission to determine the revocation or suspension of the TNC's certificate/business license. If the TNC's license is revoked or suspended, then the TNV Inspector shall give any permit holder, under the TNC's authority, written notice of intent to revoke or suspend those drivers' permit. The notice shall set forth the grounds upon which such revocation or suspension is contemplated and shall inform such permit holder that he has ten days from the date of such notice to file written request for a hearing with the TNV Inspector. The driver's permit may be revoked for one year or suspended for a time period not to exceed 90 days if a request for a hearing is not received by the TNV Inspector within the ten day period. After revocation or suspension of a driver's permit pursuant to this section, the permit holder may make application for reinstatement for the remainder of the period that would have been in effect prior to the revocation or suspension of the driver's permit if a TNC licensee provides a statement acknowledging that the applicant will be operating a TNV subject to the TNC's license.
- (b) If the applicant or permit holder files a timely request for hearing, the Chief of Police or his designee shall set a time and place for such hearing and shall consider all relevant evidence and testimony prior to making a decision thereon. The decision of the Chief of Police or his designee to revoke or suspend a permit may be appealed to the License Appeal Board pursuant to Sections 26-17 through 26-24.

§ 56-316. Revocation or suspension of a driver's permit when ownership ceases.

Any person, driver, permittee, operator who ceases to be the owner or have a controlling interest of the TNV shall immediately surrender the TNV driver's permit. However, the TNV driver's permit may be transferred to another transportation network vehicle, with additional permit fees and meeting the vehicle requirements set forth in this article. The TNV owner or lessee shall ensure the inspection decal is removed from the TNV upon cessation of ownership or controlling interest.

§ 56-317. Use of unapproved driver unlawful.

It shall be unlawful and a violation of this article for any licensee to employ or contract with any person as a TNV driver or to allow any person to drive or operate a TNV as herein provided who does not meet the application and approval process as outlined in Section 56-311.

DIVISION 5. Exemptions

§ 56-326. Exemptions.

Transportation Network Vehicles and Transportation Network Companies are governed by the regulations set forth in Article III of this chapter and are otherwise exempt from the provisions within Article I and Article II of Chapter 56.

DIVISION 6. Implementation

§ 56-341. Implementation.

(a) All TNCs which currently enable TNV services within the corporate limits of the City of Oklahoma City shall have 30 days from the effective date of this article to file a fully completed application for the certificate of public necessity and convenience/business license.

(b) All drivers currently operating a TNV shall submit a completed permit application by February 13, 2015, or such later date as may be established by the Traffic Commission in the event of a delay in the granting of a TNC license, pursuant to which the driver intends to operate.

Section 10. That title of Title 56 Vehicles for Hire of Chapter 60 of the Oklahoma City Municipal Code, 2010, is hereby amended to read as follows:

Chapter 56 VEHICLES FOR HIRE AND OTHER TRANSPORTATION SERVICES

Section 11. That 60-56-1 and 60-56-6 of Title 56 of Chapter 60 of the Oklahoma City Municipal Code, 2010, are hereby amended to read as follows:

CHAPTER 60

GENERAL SCHEDULE OF FEES

TITLE 56. VEHICLES FOR HIRE

ARTICLE I. MOTOR VEHICLES FOR HIRE

* * *

§ 60-56-1. Motor vehicles for hire; certificates/business licenses, vehicle decals, drivers' permits, and fees.

- (a) business license/certificate, per year\$302.00
 - (b) vehicle inspection decal, per vehicle30.00
 - (c) driver's permit (initial fee)30.00
 - (d) driver's permit (renewal annual)30.00
 - (e) business license or vehicle decal transfer13.00
 - (f) driver's permit (replacement, card)6.00
 - (g) Administrative fees on certificate/business license suspension or revocation hearings \$907.00
- ~~refusals of service:~~
~~2nd and 3rd violations—Not to exceed 500~~
~~4th and 5th violations—Not to exceed 1000~~

* * *

ARTICLE II. CARRIAGES

§ 60-56-6. Carriage business license/certificate; driver's permit.

- (a) business license/certificate, per year\$30.00
- (b) inspection decal per carriage, per year30.00
- (c) driver's permit, per year30.00
- (d) temporary driver's permit7.50

Section 12. That Section 60-56-10 and 60-56-11 of Title 56 of Chapter 60 of the Oklahoma Municipal Code, 2010, be enacted to read as follows:

**ARTICLE III. TRANSPORTATION NETWORK VEHICLES AND
TRANSPORTATION NETWORK COMPANIES**

§ 60-56-10. Transportation Network Vehicle and Transportation Network Companies; certificates/business licenses, vehicle decals, drivers' permits, and fees.

- (a) business license/certificate, per year\$302.00
- (b) vehicle inspection decal, per vehicle\$30.00
- (c) driver's permit (initial fee)\$30.00
- (d) driver's permit (renewal annual)\$30.00
- (e) business license or vehicle decal transfer\$13.00
- (f) driver's permit (replacement, card)\$6.00
- (g) Administrative fees on certificate/business license suspension or revocation hearings \$907.00

§ 60-56-11. Transportation network vehicle inspections by Chief of Police.

- (a) First or second inspection during license periodNo charge
- (b) Third or subsequent inspection during license period, each\$33.00
- (c) Trade dress on all transportation network vehicles.....\$105.00

INTRODUCED AND READ in open meeting of the Council of The City of Oklahoma City, Oklahoma, this 7th day of October, 2014.

PASSED by the Council of The City of Oklahoma City, Oklahoma, on this 21st day of October, 2014.

SIGNED by the Mayor of The City of Oklahoma City, Oklahoma, on this 21st day of October, 2014.

ATTEST. (seal)

Frances Kersey
City Clerk

s/b Mick Cornett
MAYOR