

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

---

### **- Note**

(Replaced by Ordinance No. 182813, Effective June 19, 2009.)

---

### **16.40.010 Purpose.**

**A.** The purpose of Chapter 16.40 is to provide for the safe, fair and efficient operation of private “for-hire” transportation services. The industry should be allowed to operate without unnecessary restraint. However, because the industry constitutes an essential part of the City’s transportation system and because transportation so fundamentally affects the City’s well being and that of its citizens, some regulation is necessary to insure that the public safety is protected, the public need provided, and the public convenience promoted. It is not the purpose of Chapter 16.40 to displace competition with regulation or monopoly public service.

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

1. Promote innovation and adaptation to changing needs; and
  2. Allow competition, so long as the public interest is served thereby.
- 

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

**A.** The requirements of Chapter 16.40 – along with any penalties that may be assessed for violations of Chapter 16.40 – apply to all for-hire transportation companies, vehicles and drivers, whether legally and validly permitted or not.

**B.** It is not a defense to any regulatory action (including penalties and fines) to assert that the City cannot act because the driver, company or vehicle does not possess a valid City-issued permit, decal or taxiplat.

---

### **16.40.030 Definitions.**

(Amended by Ordinance Nos. 184361, 186385 and 186746, effective August 6, 2014.)

**A.** “Administrator” means the private for-hire transportation Program Administrator.

**B.** “Approved Mechanic” means a mechanic on a list maintained on a quarterly basis by the Bureau that is published annually and whom meets all the following criteria:

1. does not own, lease or drive a vehicle for-hire;
2. has no financial interest in any for-hire transportation company operating within the States of Oregon or Washington;
3. has received ASE (Automotive Service Excellence) A Series (Automobile/Light Truck Certification) master certification; and
4. is not employed by any for-hire transportation company.

**C.** “Board” means the Private For-Hire Transportation Board of Review.

**D.** “Branded Vehicle” (aka “Reconstructed Vehicle”) means any vehicle that has been purchased by an insurance company because the vehicle has been severely damaged typically due to collision, fire or flood damage, and the value of the vehicle is considered less than the cost to repair the vehicle.

**E.** “Bureau” means the Portland Bureau of Transportation of the City of Portland.

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

**G.** “Certificate of Safety” means a document from an approved mechanic certifying that a particular vehicle meets all safety standards as set forth in this Chapter and/or administrative rules.

**H.** “Company Permit” means the permit issued to a private for-hire transportation company under the terms of this Chapter and/or administrative rules.

**I.** “Compensation” means any form of payment or gratuity by a customer or customer’s agent to a

permitted for-hire driver or company for the use of the driver or company's for-hire transportation services. For-hire transportation providers that only accept gratuities, tips, etc, are considered to be providing "for-hire" transportation services.

**J. "Conduct Business"** means operating a for-hire vehicle or company, receiving money or other compensation from the use of a for-hire vehicle, causing or allowing another person to do the same, or advertising the same.

**K. "Customer"** means a person who purchases for-hire transportation service from a for-hire transportation service provider that is permitted or should be permitted by the City. The customer may or may not also be a passenger.

**L. "Day"** means a business day and not a calendar day unless specifically stated otherwise.

**M. "Decal"** means the numbered identification sticker issued by the City and affixed to an LPT vehicle.

**N. "Decaled"** means that a particular for-hire transportation vehicle is in full compliance with the requirements of Chapter 16.40 and is operating legally and validly in the City of Portland.

**O. "Director"** means the Director of the Portland Bureau of Transportation.

**P. "Downtown Core"** means the area formerly known as the "Fareless Square" or "Free Rail Zone" as defined by TriMet as follows: The area to the west of the Willamette River shall be bounded on the North by NW Irving, except that at the intersection of NW Irving and NW Station Way it shall be bounded on the North by NW Station Way to NW Broadway and then by NW Broadway south to NW Irving and continuing west on NW Irving to the Stadium (I-405) Freeway, on the West and South by the Stadium (I-405) Freeway and on the East by the Willamette River. The area to the east of the Willamette River shall be bounded on the West by North Interstate Avenue, on the North by NE Multnomah to 125 feet east of 13th Avenue, on the East by 13th Avenue and on the South by NE Holladay.

**Q. Driver Permit"** means the permit issued to a private for-hire transportation driver under the terms of this Chapter.

**R. Driver"** means a for-hire transportation driver, including taxi drivers and LPT drivers.

**S. Executive Sedan**” means a large expensive passenger sedan or full-sized sports utility vehicle (SUV) commonly recognized by the limousine industry as an executive vehicle and used to provide ongoing luxury transportation.

**T. “Horse-Drawn Carriage”** is a vehicle or conveyance operating for hire that is drawn, pulled, propelled or powered, in whole or in part, by a horse, mule or other animal(s).

**U. “Horse-Drawn Carriage Driver Permit”** means the permit issued to a horse-drawn carriage driver under the terms of this Chapter.

**V. “Limited Passenger Transportation Company” (LPT Company)** means a for-hire transportation company other than a taxi company.

**W. “Limited Passenger Transportation” (LPT)** means providing for-hire transportation services with non-motorized vehicles or motorized vehicles other than taxicabs. LPTs include, but are not limited to, horse-drawn carriages, pedicabs, executive sedans, limousines, shuttles and SATs.

**X. “Limousine”** means an Executive Sedan whose chassis and wheelbase have been altered by a Qualified Vehicle Modifier (QVM) program participant (or its equivalent) beyond the length of the manufacturer’s original specifications, whether at the time of manufacture or after, and which is commonly recognized by the limousine industry as a “limousine”.

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

**Z. “Passenger”** means a person traveling in a for-hire transportation vehicle that is not the operator of that vehicle.

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

1. transports or is capable of transporting passengers on seats attached to the tricycle;



2. is powered by human power or an electrical assist; and

3. is used as a for-hire transportation service.

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

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

**DD.** “Permitted” means that a for-hire transportation company, driver or vehicle has a valid city-issued permit, decal or taxiplate.

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

**FF.** “Plate” means the numbered identification plate issued by the City and affixed to a horse-drawn carriage or pedicab.

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

**HH.** “Private for-hire transportation” means providing vehicular, horse-drawn carriage or pedicab transportation for compensation of any kind within the Portland City limits. However, it does not include transportation provided by a public or governmental entity, transportation that is regulated entirely by the state of Oregon or the federal government.

**II.** “Private for-hire vehicle” means motorized or non-motorized vehicle used to transport persons for-hire or other consideration and which is not exclusively regulated by the State. This includes limousines, taxis, executive sedans, shuttles, SATs, pedicabs, and horse-drawn carriages; but does not include school buses, charter buses or ambulances.

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

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

**LL.** “Specially Attended Transportation” (SAT) means transportation used for agency-sponsored, contracted transportation of non-emergency medical and/or special needs passengers. Ambulance vehicles providing basic life support (BLS) and advanced life support (ALS) services are excluded from this definition.

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

**NN.** “Taxicab Company” means any entity operating taxicabs other than as a driver and regardless of whether the vehicles so operated are owned by the company, leased, or owned by individual members of the company.

**OO.** “Taxicab driver” means any person operating taxicabs as a driver for any taxicab company regardless of whether the vehicles so operated are owned by the company, leased, or owned by individual members of the company.

**PP.** “Taxicab” means any vehicle that carries passengers for-hire where the destination and route traveled may be controlled by a passenger and the fare is calculated on the basis of an initial fee, distance traveled, waiting time, or any combination thereof.

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

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

**SS.** “Taxiplate” means that a particular for-hire transportation taxicab is in full compliance with the requirements of Chapter 16.40 and is operating legally and validly in the City of Portland.

**TT.** “Waiting time” means the time during which a taxicab is under the direction of a passenger and the taxicab is moving slower than the per-mile rate allowed by this Chapter.

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

**VV.** “Wheelchair Accessible” means that a for-hire transportation vehicle is equipped with a hydraulic lift or ramps designed for the purpose of transporting wheelchair users or others using mobility devices, or which contains any other physical device or alteration designed to permit access to and enable the transportation of physically handicapped persons.

---

#### **16.40.040 Private For-Hire Transportation Board of Review.**

**A.** Membership and Terms. The Private For-Hire Transportation Board of Review (“Board”) consists of 14 members, including a Chairperson. The Director serves as the Chairperson and is a permanent member of the Board. All other members serve 2-year staggered terms as prescribed by administrative rule. In order to achieve the necessary staggered terms, the initial terms of some members will be for less than two years, as prescribed by administrative rule.

**B.** Composition. The Board is composed of:

1. The Director, or his or her designee;
2. A representative from the Portland Bureau of Transportation;
3. A representative from the tourism industry;
4. A representative for persons with disabilities;
5. A representative of the riding public;

6. A representative from the Port of Portland;
7. A representative from TriMet;
8. A representative from the taxicab companies;
9. A representative from the non-limousine LPT companies;
10. A representative from the SAT companies;
11. A representative from the limousine companies;
12. A representative from the pedicab companies;
13. A representative from the taxicab drivers; and
14. A representative from the LPT drivers.

**C. Selection of Members.** The Commissioner-in-Charge of the Bureau appoints the Board positions described in Subsections 16.40.040 B.2 - B.7. The Board positions described in Subsections 16.40.040 B.8. - B.14 are selected as provided by Administrative Rule and these are termed "Industry Board member positions". All validly-permitted for-hire transportation companies and drivers may vote on selecting their respective industry representatives.

**D. Salary.** Board members serve without pay, except they may receive their regular salary during time spent on Board matters.

**E. Meeting Times; Quorum.** Unless the Director cancels a meeting for good cause, the Board will meet every odd-numbered month beginning in July 2009. Eight members must be present to have a quorum, with at least five members present from the positions described in Subsections 16.40.040 B.1. - B.7. Meetings must be noticed and conducted as provided by ORS 192.610 et seq. The Board Chairperson

will maintain order and establish and limit the matters to be considered at all Board meetings. The Director may schedule a special meeting provided that at least 5 days' notice is given and the meeting is otherwise noticed and conducted as provided by ORS 192.610 et seq.

**F. Absences.** If any Board member is absent from more than three regularly-scheduled Board meetings during a 12-month period, that member may be dismissed by a majority vote of the Board. If a Board member sends an alternate in his or her place as provided by Subsection 16.40.040 G., then no absence is considered to have occurred.

**G. Alternate Members.** If any Board member cannot make a regularly-scheduled meeting, that member may send an alternate in the member's place provided that the member gave at least 5 days' notice to the Director. Any alternate attending as a result of this Subsection may not vote on any Board action, unless the alternate has been appointed as an alternate by the City Council.

**H. Company Representative Requirements.** Company representatives cannot serve as a specific industry representative unless:

1. at least 85 percent of that company's business is derived from that industry; or
2. the company has at least 20 vehicles in that industry.

**I. Vacancies.** Any Board position that becomes vacant for any reason will be filled in the same manner as required by Subsection 16.40.040 C. for non-industry member positions, and by administrative rule for industry member positions.

---

#### **16.40.050 Board Authority.**

**A.** The Board advises the Bureau on matters relating to the for-hire transportation industry operating within the jurisdiction of the City of Portland.

**B.** In addition to its advisory role, the Board has the following specific authority and jurisdiction:

1. Adopt or reject administrative rules proposed by the Director;

2. Impose, modify or remove fuel surcharges that are in addition to any fare amounts regulated under Chapter 16.40;
  3. Approve or deny applications by an LPT company to increase the number of decaled vehicles it may operate if the number has been capped by administrative rule pursuant to Section 16.40.200;
  4. Approve or deny applications by a taxi company to increase the number of permitted taxicabs it may operate pursuant to Section 16.40.210; and
  5. Recommend approval or denial of taxicab company applications pursuant to 16.40.160.
- 

#### **16.40.060 Board Standing Committees.**

**A.** The Board has three permanent standing committees of which only validly-permitted companies and drivers may be members:

1. A “Company Standing Committee,” consisting of all for-hire transportation company owners or managers;
2. A “Taxi Driver Standing Committee,” consisting of all taxi drivers; and
3. An “LPT Driver Standing Committee,” consisting of all LPT drivers.

**B.** No entities or persons regulated under Chapter 16.40 are required to attend the standing committees described in Subsection 16.40.060 A.

**C.** The Company Standing Committee will select five members who will serve as the Board members described in Subsections 16.40.040 B.8. - B.12. The selection will take place according to administrative rule. The Company Standing Committee will also select one person to serve as its Chairperson from among the five members serving on the Board.

**D.** The Driver Standing Committees will each select a member who will serve as both Chairperson of that committee and as the Board members described in Subsections 16.40.040 B.13. - B.14.

**E.** The representatives will bring to the Board's attention issues that are important to their respective committees.

**F.** The Board may task any standing committee to review and discuss issues relevant to the for-hire transportation industry and ask the standing committee to issue a report to the Board at a future meeting. The report may or may not include specific recommendations based on the standing committee's review and discussion.

**G.** The standing committees are responsible for adopting rules of procedure for their meetings, including the frequency of their meetings and the procedure for conduct of the meetings, except that all standing committees are required to keep minutes of the meetings and take attendance of those present. The minutes and attendance records must be reported to the Board at the next regularly-scheduled Board meeting following a standing committee meeting.

**H.** The City will assist the standing committees with notices, meeting rooms and other administrative requirements.

---

#### **16.40.070 Fuel Surcharges.**

**A.** The Board has the authority to impose, modify and rescind fuel surcharges. Any fuel surcharge imposed under this Section or any modification of a fuel surcharge already in place that increases the fuel surcharge must be reviewed by the Board within 180 days from its effective date.

**B.** A failure by the Board to review any fuel surcharge as required in Subsection 16.40.070 A. automatically rescinds the surcharge and it is of no further effect.

**C.** Fuel surcharges authorized under this Section may only be imposed or modified pursuant to the criteria found in administrative rule. Fuel surcharges may be rescinded by the Board at any time, even if the criteria for allowing a fuel surcharge currently exist.

**D.** If at any time a fuel surcharge is currently in place, appropriate notification of the surcharge must be given to the public. The Board may determine by administrative rule what suffices for appropriate notification, but at a minimum all vehicles subject to a fuel surcharge must have signage in the vehicle notifying of the surcharge.

---

#### **16.40.080 Pedicab Driver Permits Required – Application Process & Requirements.**

**A. Permit Required.** No person may drive a pedicab without a valid, current pedicab driver's permit issued under Chapter 16.40.

**B. Application Documents Required.** Applicants for a pedicab driver's permit must submit to the Administrator the items listed below. The failure to submit any of the items listed will result in a denial of the permit:

1. a completed application on a form approved by the Administrator;
2. a copy of the applicant's current driver's license or government issued photo identification (if the company has a Bureau-approved training class relating to traffic rules and regulations); and
3. if necessary, any information that reasonably relates to the application or is a clarification of information provided to the Administrator.

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

**D. Fees Required.** Applicants must submit a nonrefundable application fee in the amount listed in the Fee Table in Section 16.40.590.

**E. Age and Criminal History.** Applicants for a pedicab driver's permit may not be issued a permit if any of the following conditions exist:

1. The applicant has a felony of any kind in the 10 years preceding the submission of the application;
2. The applicant has a felony involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred;
3. During the 5-year period preceding the submission of the application, the applicant has been convicted of any criminal offense involving:



a. any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or

b. any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident;

4. The applicant is less than 18 years old.

**F. Driver Safety and Customer Service Training Requirements.** Applicants must successfully complete the following training and classes within 6 months of issuance of the driver's permit:

1. A Bureau-approved driver safety program; and

2. A Bureau-approved customer service training class.

**G. Driver Knowledge and Skills Testing Requirements.** Applicants must successfully complete each of the following tests as administered by the Bureau before a permit can be issued:

1. Map-reading;

2. Relevant City Code provisions and administrative rules; and

3. Portland-area attractions.

---

#### **16.40.090 LPT and Taxi Driver Permits Required – Application Process & Requirements.**

(Amended by Ordinance No. 185496, effective August 10, 2012.)

**A. Permit Required.** No person may drive a for-hire transportation vehicle without a valid, current for-hire transportation driver's permit issued under Chapter 16.40.

**B. Application Documents Required.** Applicants for a for-hire transportation driver's permit must submit to the Administrator the items listed below. The failure to submit any of the items listed will result in a denial of the permit:

1. a completed application on a form approved by the Administrator;
2. a copy of the applicant's current driver's license;
3. a copy of the applicant's non-Oregon driving record for any year in which the applicant was not a resident of Oregon during the last 10 years, regardless of the jurisdiction; and
4. if necessary, any information that reasonably relates to the application or is a clarification of information provided to the Administrator.

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

**D. Fees Required.** Applicants must submit a nonrefundable application fee in the amount listed in the Fee Table in Section 16.40.590.

**E. Age, Criminal History, Driving History and Insurability Requirements.** Applicants for a driver's permit may not be issued a permit if any of the following conditions exist:

1. The applicant has a felony of any kind in the 10 years preceding the submission of the application;
2. The applicant has a felony involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred;
3. During the 5-year period preceding the submission of the application, the applicant has been convicted of any criminal offense involving:

**a.** any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or

**b.** any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident;

**4.** During the 5-year period preceding the submission of the initial application, the applicant had greater than 10 traffic infractions as defined in ORS 801.557; greater than five serious traffic violations as defined in ORS 801.477; greater than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, greater than five of any combination of serious traffic violations or motor vehicle accidents as provided above;

**5.** During the 10-year period preceding the filing of the initial application, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident;

**6.** The applicant has more than two traffic violations or infractions of any kind within the previous 12 months from the date of the application;

**7.** The applicant has more than four infractions of any kind within the previous 12 months from the date of the application;

**8.** The applicant does not have at least 2 years' worth of continuous driving experience in a United States jurisdiction immediately prior to the date of the application's submission;

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

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

**F. Driver Safety and Customer Service Training Requirements.** Applicants must successfully complete the following training and classes within 6 months of issuance of the driver's permit:

1. A Bureau-approved driver safety program; and
2. A Bureau-approved customer service training class.

**G. Driver Knowledge and Skills Testing Requirements.** Applicants must successfully complete each of the following tests as administered by the Bureau before a permit can be issued:

1. Map-reading;
2. Relevant City Code provisions and Administrative Rules; and
3. Portland-area attractions.

**H. CPR Training for SAT Drivers.** In addition to all other requirements found in Section 16.40.090, SAT drivers must have CPR and advanced first aid certifications within 6 months of issuance of the driver's permit.

**I.** The Director is authorized to provide by Administrative Rule the special permitting process for round trip medical transportation from distant areas for service provided by medical brokerages under contract with the Oregon Health Authority.

---

#### **16.40.100 Issuance of Driver's Permit; Term; Replacements.**

**A. Issuance and Fees.** If an applicant submits the required documents and otherwise satisfies all conditions and requirements found in Section 16.40.090 or, if applicable, Section 16.40.080 (pedicabs), the Administrator will issue a driver's permit to the applicant within 20 days of completion of all requirements and payment of the permit fees outlined in the Fee Table in Section 16.40.590.

**B. Permit Requirements:** All driver permits must:

1. contain the permit number, permit expiration date, the driver's name and the driver's photograph;

2. be posted in a prominent place within any vehicle driven by the permitted driver if the vehicle is a taxicab, pedicab, shuttle or SAT; and

3. be inside the vehicle and available for inspection by any customer, passenger, police officer or designated City employee if the vehicle is a limousine or executive sedan.

C. Term. Driver's permits are valid for a period of 12 months from the date of issuance and must be renewed upon expiration. Permits expire on the last day of any given month, regardless of what day of the month the Bureau issued the permit. In order to achieve the goal of staggered renewal dates, the Board may by administrative rule require that initial permit terms following passage of this ordinance are valid for a period of less than 12 months.

D. Replacements. If a driver's permit is lost, damaged or stolen, the Administrator will issue a replacement permit for a fee in the amount outlined in the Fee Table in Section 16.40.590.

E. Compliance with Business License Tax Law. If applicable, any driver issued a driver's permit under this Chapter must comply with all provisions of the Business License Tax Law, Chapter 7.02, within 60 days of issuance of a driver's permit.

F. Suspension for Failure to Complete Training. Drivers that do not successfully complete all training and skills tests as required by Subsections 16.40.080 F., 16.40.090 F. and 16.40.090 H. within 6 months of the permit's issuance must return their permits to the City and those permits are thereafter suspended pending completion of all required skills tests and trainings. If the required tests and trainings are not completed within 9 months of the permit's original issuance date, the permit is revoked and applicants must begin the permit process again.

---

#### **16.40.110 Further Review and/or Denial of a Driver Permit Application.**

A. "Request for More Information" Letter. If the Administrator determines that a permit cannot be issued due to an incomplete application, a failure to pay the application fee, or for any reason found in Section 16.40.090 or, if applicable, Section 16.40.080 (pedicabs) that can potentially be corrected, the Administrator will send the applicant a "Request for More Information" letter (the "Information Letter") within 21 days of the initial application date. If the applicant is a taxi driver, the Administrator will also mail a copy of the Information Letter to the sponsoring taxi company. If the Administrator does not grant a permit or send an Information Letter within 21 days, the application is deemed denied and the applicant may appeal pursuant to Section 16.40.580.

B. Contents of Information Letter. The letter must list the reason(s) in Section 16.40.090 or, if applicable, Section 16.40.080 (pedicabs) that require further information and/or review before a permit may be issued.

**C. Applicant Response Opportunity.** If an applicant receives an Information Letter, the applicant may respond by either:

1. Submitting any missing information as requested by the Administrator in the letter;
2. Submitting any explanatory information regarding any criminal or driving infraction that was the subject of the denial;
3. Completing, within 90 days, any skills tests, driving tests, or knowledge tests that the applicant failed; or
4. Demonstrating to the Bureau's satisfaction that the disqualifying factor is either not likely to reoccur or that it occurred under circumstances that diminish the seriousness of the behavior.

**D. Successful Response.** Applicants that successfully and timely address the initially-disqualifying reason found in the Information Letter will be issued a driver's permit pursuant to Section 16.40.100.

**E. Failure to Respond.** An application is deemed rejected if the applicant fails to respond in writing within 10 days to an Information Letter. Rejected applicants that subsequently wish to obtain a driver's permit must file a new application and meet all the requirements of Section 16.40.090 or, if applicable, Section 16.40.080 (pedicabs), including paying all necessary application fees. If the applicant shows that the delay in responding was based on good cause, the Administrator may allow the applicant to respond to the Information Letter in the manner prescribed in Subsection 16.40.110 C.

---

#### **16.40.120 Driver Permit Renewals; Consequences of Failure to Renew.**

**A.** Driver permits must be renewed every 12 months from the date of issuance.

**B.** Every 2 years from the date of the initial permit, drivers must successfully complete all driver safety classes as described in Subsection 16.40.090 F. In addition, the City will conduct a review of the driver's criminal history and DMV records during this time.

**C.** The following information, certificate of completion and payment amount must be submitted to the

Bureau no less than 1 month prior to the renewal date:

1. Updated file information if any information in the original application has changed;
2. Payment of the renewal fee as outlined in the Fee Table in Section 16.40.590.
3. Certificate of completion of a Bureau-approved driver safety class as described in Subsection 16.40.090 F.

**D.** Permits will not be renewed unless the driver is in compliance with the City's Business License Tax Law, Chapter 7.02, if applicable.

**E.** Except as provided in Subsection 16.40.120 B., permits will not be renewed if the driver fails to satisfy any condition that would have been grounds to deny the initial permit, including any criminal activity or driving crimes/violations.

**F.** Permits will not be renewed if the driver has more than five assessed civil penalties or more than \$4,500 in assessed civil penalty fines in the 12 months prior to the renewal date.

**G.** If a driver fails to timely pay the permit renewal fee, timely provide the renewal information required by Subsection 16.40.120 C., or fails to timely complete any training course as required by Subsection 16.40.120 B., the permit expires and becomes void. Voided driver permits require the former permittee to file an initial permit application and pay all necessary fees as outlined in Section 16.40.090 or, if applicable, Section 16.40.080 (pedicabs) to obtain a valid permit.

---

#### **16.40.130 LPT Company Permits Required – Application Process & Requirements.**

(Amended by Ordinance No. 185496, effective August 10, 2012.)

**A. Permit Required.** No person or entity may conduct business as an LPT for-hire transportation company without a valid, current LPT company permit issued by the City under Chapter 16.40.

**B. Application Requirements.** An applicant for an LPT company permit must submit to the Administrator:

1. a completed application on a form supplied by the Bureau;
2. proof of registration with the Secretary of State for any corporate, LLC or LLP entity;
3. proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
4. The name of any person or entity holding an ownership interest of 20 percent or more for any corporation, limited liability company or limited liability partnership;
5. If an SAT company, proof that it has at least one valid government-approved contract for services; and
6. A nonrefundable application fee in the amount outlined in the Fee Table in Section 16.40.590.

**C. Additional Requirements.** In addition to the requirements of Subsection 16.40.130 B., the Board has the authority to require, by administrative rule, that the applicant demonstrate some or all of the following:

1. that it has an adequate amount of financial resources to ensure compliance with the requirements of this Chapter, including, but not limited to, insurance and vehicle requirements,
2. that it has a valid business plan to enter into the for-hire market,
3. that there is a need for additional LPT service providers in the City limits to service a growing demand or that the applicant has a business model to attract new business in the current market.

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



**E.** The Director is authorized to provide by Administrative Rule the special permitting process for round trip medical transportation from distant areas for service provided by medical brokerages under contract with the Oregon Health Authority.

---

#### **16.40.140 Issuance of LPT Company Permits; Term; Replacements.**

**A.** Issuance of Permit. If the applicant provides all necessary documents required in Subsection 16.40.150 D., and if the applicant has a current business license issued under Chapter 7.02, the Administrator will issue an LPT Company permit upon the payment of the required permit fee as outlined in the Fee Table in Section 16.40.590. If the applicant fails to satisfy any requirement, the permit will be denied.

**B.** Term. LPT Company permits are valid for a period of 12 months from the date of issuance. Permits expire on the last day of any given month, regardless of what day of the month the Bureau issued the permit. In order to achieve the goal of staggered renewal dates, the Board may by administrative rule require that initial permit terms following passage of this ordinance are for less than 12 months.

**C.** Replacement Permit. If an LPT company permit is lost, damaged or stolen, the Administrator will issue a replacement permit for a fee amount as outlined in the Fee Table in Section 16.40.590.

---

#### **16.40.150 Taxicab Company Permits Required – Application Process & Requirements.**

**A.** Permit Required. No person or entity may conduct business as a taxicab company without a valid, current company permit issued by the City under Chapter 16.40.

**B.** Application Requirements. An applicant for a taxicab company permit must submit to the Administrator:

1. a completed application on a form supplied by the Bureau;
2. proof of registration with the Secretary of State for any corporate, LLC or LLP entity;
3. proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
4. A list of all persons or entities with more than 10 percent stock ownership if the company issues

stock certificates; and

5. A nonrefundable application fee in the amount outlined in the Fee Table in Section 16.40.590.

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

---

#### **16.40.160 Issuance or Denial of Taxicab Company Permit; City Council Action.**

A. Administrator Review Process. After receiving a completed taxicab company application form and upon successful completion of all the requirements of Section 16.40.150, the Administrator will review the application in order to make a recommendation to the Board for approval or denial.

B. Recommendation Factors. The Administrator's recommendation will be based upon the requirements of Chapter 16.40, any regulations established by the Board pursuant to Section 16.40.050, and the following additional factors:

1. The current status of the public transportation system in the City;
2. The current and future ability of the public transportation system to provide the timely and effective movement of persons;
3. The ratio of population within the City of Portland to the number of taxicabs currently in operation;
4. The demonstrated need for additional taxicab service in the City that is not accomplished by existing companies, as shown by the applicant;
5. The present utilization patterns of taxicabs currently in operation; and
6. The interests of the applicant in establishing a local business to legitimately serve the citizens of this City.

**C. Administrator's Staff Recommendation Report.** Upon completion of the review process outlined in Subsection 16.40.160 A., the Administrator will prepare a Staff Recommendation Report that recommends approval or denial of the application. If the Administrator recommends denial, the Administrator will state the specific reasons therefore in the Staff Recommendation Report.

**D. Board Review.** Upon completion of the Staff Recommendation Report the Administrator will forward it and the original taxi company application to the Board for consideration at the next regularly-scheduled Board meeting. The Board will review the application and the Staff Recommendation Report and will consider the Administrator's recommendation. Board members may ask questions of the applicant during the Board meeting. Upon the Board's review and consideration of the application, it will then vote on whether it recommends approval or denial of the application. The Board will reduce its recommendation to a written document (the "Board Recommendation") and the Bureau will forward it to the City Council along with the Staff Recommendation Report.

**E. Council Hearing.** Once the Bureau has forwarded the Staff Recommendation Report and the Board Recommendation to City Council, the Administrator will contact the Auditor's Office and set a Council hearing date on the Board's recommendation of the applicant's approval or denial. The Council will conduct a public hearing regarding the Board's recommendation on the application. At such hearing the officers and/or major stockholders in the applicant company may be directed by the Council to personally appear before it.

**F. Council's Standard of Review.** The Council's review is de novo, but it will consider the Staff Recommendation, the Board's Recommendation, and the factors found in Subsection 16.40.160 B. in determining whether to grant an application for a new taxicab company permit.

**G. Issuance or Denial of Permit.** At the close of the hearing, the Council will direct the Bureau to issue a taxicab company permit to the applicant only if it finds:

1. That the interests of the City will be served thereby; and
2. That the applicant has sufficient financial resources to be able to meet the minimum standards established by Section 16.40.270.

**H. Conditions of Permit.** If the permit is granted, it may contain such terms or conditions as the Council deems appropriate.

**I. Fees.** The Bureau cannot issue the taxicab company permit until the applicant pays the permit fee outlined in the Fee Table in Section 16.40.590.

---

#### **16.40.170 LPT and Taxicab Company Permit Renewals.**

(Amended by Ordinance No. 185721, effective November 7, 2012.)

**A.** LPT and Taxicab Company permits must be renewed 12 months after issuance. All permits expire on the last day of any given month, regardless of what day of the month the original permit was issued.

**B.** The following information and documents must be submitted to the Bureau no later than 1 month prior to the renewal date:

1. Updated file information if any information in the initial application has changed; and
2. Updated copies of insurance certificates for any permitted vehicles that are subject to the requirements found in Section 16.40.410.

**C.** LPT and taxi companies must pay the renewal fees outlined in the Fee Table in Section 16.40.590.

**D.** Permits will not be renewed if the company fails to satisfy any condition that would have been grounds to deny the initial permit.

**E.** Permits will not be renewed unless the company is in compliance with the City's Business License Tax Law, Chapter 7.02.

**F.** Permits will not be renewed if the company does not have a current, valid registration with the Oregon Secretary of State's office, including registration of all assumed business names.

**G.** Company and vehicle permits will not be renewed if the company does not achieve the minimum score on the matrix of taxi company performance standards. The number of taxi vehicle permit renewals granted will be related to review of the performance standards. Taxi company performance standards will be described by administrative rule.

---

**16.40.180 Pedicab Decals Required - Application Process & Requirements.**

**A. Decal Required for Pedicabs.** No pedicab may be used as a for-hire transportation vehicle without a valid and unobstructed decal issued by the City under Chapter 16.40. Applicants for a vehicle decal must satisfy the conditions as set forth in Subsections 16.40.180 B. – F. for every vehicle decal application, which includes providing to the Bureau a copy of all certificates required.

**B. Application Form.** The applicant for a pedicab decal must complete a “Pedicab Decal Application Form” provided by the Administrator and which includes the following requested information:

1. Pedicab Make;
2. Pedicab Model; and
3. Pedicab Owner.

**C. Insurance Certificate.** All pedicab applicants must provide the Bureau with an insurance certificate of liability indicating that the requirements of Section 16.40.420 have been satisfied.

**D. Safety Inspection.** The Board has the authority, by administrative rule, to require that a pedicab satisfy certain safety standards before it may be decaled. This may include inspection by an independent third party or inspection by City personnel.

**E. Pedicab Condition.** Notwithstanding Subsection 16.40.180 D., no pedicab will be decaled if the Administrator determines that the interior is not clean and/or the exterior is not in good condition.

**F. Fees.** Pedicab companies must pay a nonrefundable application fee for each for-hire pedicab applying for a decal in the amount outlined in the Fee Table in Section 16.40.590.

---

**16.40.190 LPT Decals and Taxiplates Required; Application Process & Requirements.**

(Amended by Ordinance Nos. 185496 and 185497, effective August 10, 2012.)

**A. Decal Required for LPT Vehicles.** No LPT vehicle may be used as a for-hire transportation vehicle

without a valid and unobstructed decal issued by the City under Chapter 16.40. Applicants for a vehicle decal must satisfy the conditions as set forth in Subsections 16.40.190 C. – J. for every vehicle decal application, which includes providing to the Bureau a copy of all certificates required.

**B. Taxiplate Required for Taxicabs.** No taxicab vehicle may be used as a for-hire transportation vehicle without a valid and unobstructed taxiplate issued by the City under Chapter 16.40. Applicants for a taxiplate must satisfy the conditions as set forth in Subsections 16.40.190 C. – J. for every vehicle taxiplate application, which includes providing to the Bureau a copy of all certificates required

**C. Application Form.** The applicant for a vehicle decal or taxiplate must complete a “Decal/Taxiplate Application Form” provided by the Administrator and which includes the following requested information:

1. Vehicle Make;
2. Vehicle Model;
3. Vehicle Identification Number (VIN);
4. Vehicle Owner;
5. Vehicle Model Year;
6. Vehicle License Plate Number; and
7. Whether the vehicle is wheelchair accessible

**D. Age of Vehicle.** After December 31, 2011, decals and taxiplates will not be issued to a for-hire vehicle applicant unless the vehicle meets the age requirements below. For the purposes of Chapter 16.40, the age of a vehicle is determined by the manufacturer’s model year, regardless of when the vehicle was purchased or put into service as a “for-hire” vehicle. Apart from the exception found in Subsection 16.40.190 E., no for-hire vehicle may be older than the following ages:

**1. Taxicabs: 10 years**

**2. Shuttles: 10 years**

**3. Executive Sedans: 10 years**

**4. SAT's: 10 years**

**5. Wheelchair Accessible Vehicles: 10 years for all new and replaced wheelchair accessible vehicles, effective January 1, 2013; except that vehicles purchased and put into service prior to January 1, 2013 may be used and renewed until they are 15 years old, so long as they remain continuously permitted and in service from the time of purchase.**

**E. Vehicle Age Exception.** Applicants whose vehicles are considered “classic” or “antique” under criteria found in administrative rule may petition the Administrator for an exception to the vehicle age requirements found in Subsection 16.40.190 D. Applicants who can demonstrate to the Administrator that their vehicle is in excellent safety, mechanical and physical condition despite it being beyond the age limits found in Subsection 16.40.190 D. may be granted an exception to those age limits.

**F. Insurance Certificate.** All decal and taxiplate applicants must provide the Bureau with an insurance certificate of liability indicating that the requirements of Section 16.40.410 have been satisfied.

**G. Safety Certificate.** Each vehicle must pass a standardized vehicle safety test as performed by a certified mechanic approved by the City. The Certified Mechanic will then issue to the applicant a “Safety Certificate” stating that the vehicle passed the required safety inspection. A list of certified mechanics and the things that must be inspected by the mechanic are found in administrative rules.

**H. Vehicle Condition.** Notwithstanding the issuance of a safety certificate, no vehicle will be decaled or taxiplated if the Administrator determines that the interior is not clean and/or the exterior is not in excellent condition.

**I. Vehicle Registration.** All applicants must provide the Administrator with a copy of the appropriate state-issued vehicle registration for all for-hire transportation vehicles.

**J. Fees.** All for-hire companies must pay a nonrefundable application fee for each for-hire vehicle applying for a decal or taxiplate in the amount outlined in the Fee Table in Section 16.40.590.

**K.** The Director is authorized to provide by Administrative Rule a substitute decal or permit card for round trip medical transportation from distant areas for service provided by medical brokerages under contract with the Oregon Health Authority.

---

#### **16.40.200 Limit on Number of LPT Vehicles Allowed.**

**A.** The total number of LPT decal-issued vehicles for any specific LPT industry (sedan, limousine, shuttle, SAT or pedicab) may be capped by administrative rule if the Bureau determines that market saturation exists. In determining if market saturation exists, the Bureau will examine the factors outlined in administrative rule.

**B.** If the Bureau determines that market saturation exists after examining the factors listed in administrative rule, the Director may ask the Board to adopt an administrative rule capping the number of LPT vehicles for that specific industry. In making this determination, the Bureau is not required to find that all factors are present, nor is it required to give any one factor priority over other any other factor.

**C.** If the Board adopts an administrative rule that caps the number of LPT decaled vehicles, then no new permits will be issued by the Bureau in that specific industry category.

**D.** Notwithstanding Subsection 16.40.200 C., no currently-decaled vehicle will be required to forfeit its decal upon adoption of any administrative rule capping the number of decaled vehicles allowed.

**E.** Notwithstanding Subsection 16.40.200 C., any vehicle that has been providing for-hire transportation for at least 12 months prior to June 1, 2009, and which was not subject to this Chapter's requirements at that time but which is subject to this Chapter's requirements as of June 1, 2009, may be permitted provided that the Bureau receives its application for a permit by August 31, 2009.

**F.** If the Board adopts an administrative rule that caps the number of decaled LPT vehicles, any LPT company affected by the cap may apply to the Board for an increase in the number of decaled vehicles that it may operate notwithstanding the cap. The application must be in a form established by the Administrator. Applications will only be accepted from April 1 – April 30 and September 1 – September 30 of any given year. Requests for more LPT vehicle decals will be considered by the Board at the first regularly-scheduled board meeting after July 1 for the April applications and after December 1 for the September applications. Bureau staff will submit a recommendation to the Board at least 10 days prior to the meeting, but the Board is not required to follow staff's recommendation. The Board may grant the



application in whole or in part upon a finding that an increase in decaled vehicles for the applicant would not detrimentally affect market saturation or that the applicant has demonstrated a need for increased vehicles to serve a growing demand for that applicant.

---

#### **16.40.210 Limit on Number of Taxicabs Allowed.**

(Amended by Ordinance No. 185721, effective November 7, 2012.)

**A.** No taxicab company may operate more taxicabs than authorized by the Council, unless additional taxicabs have been authorized by the Board pursuant to Subsection 16.40.210 B.

**B.** A taxicab company may apply to the Board for an increase of the number of taxicabs that the company may operate. The application must be in a form established by the Administrator. Applications will only be accepted from April 1 – April 30 and September 1 – September 30 of any given year. Requests for more taxiplates will be considered by the Board at the first regularly-scheduled board meeting after July 1 for the April applications and after December 1 for the September applications. Bureau staff will submit a recommendation to the Board at least 10 days prior to the meeting, but the Board is not required to follow staff's recommendation. The Board may grant the application in whole or in part.

**C.** If the Board approves an increase in the number of taxicabs that a company may operate, it may also impose additional conditions, including but not limited to, vehicle type or utilization. If a condition is imposed under this Subsection, the Board may remove it upon application by the taxi company if the Board determines that the reasons for the condition no longer exist or have otherwise been minimized.

**D.** Any Board action that authorizes an increase in the number of taxicabs operated by a taxicab company is automatically stayed if a timely appeal of such action is filed by an aggrieved party pursuant to the procedures in Section 16.40.580.

**E.** Board review of taxi company requests for additional vehicle permits will include evaluation of taxi company performance standards, as described by administrative rule.

---

#### **16.40.220 Vehicle Decal and Taxiplate Issuance or Denial.**

**A.** Upon successful completion of the vehicle or pedicab decal/taxiplate application process and payment of the required permit fee as outlined in the Fee Table in Section 16.40.590, the Administrator will issue a vehicle identification decal bearing a bar code and the city seal for each LPT vehicle or pedicab that qualifies, and the Administrator will issue a taxiplate bearing a unique City-issued number for each taxicab that qualifies.

**B.** Decals and taxiplates are valid for a period of no more than 12 months from the date of issuance, and all decals and taxiplates expire on the same day as the expiration of the LPT or Taxi Company permit with which they are affiliated. Fees for decals and taxiplates that are not issued contemporaneously with a company permit will be prorated to equal the cost of the number of months remaining until the company permit expires.

**C.** Decals must be affixed to the vehicle's front and back window in a manner outlined by administrative rule.

**D.** Taxiplates must be affixed to the trunk, tailgate or rear bumper of the taxicab.

**E.** All decals and taxiplates must be clearly visible upon outside inspection.

**F.** Permittees may not operate any substitute vehicle or pedicab until the substitute vehicle or pedicab has passed the safety inspection process and has a decal or taxiplate affixed to it.

**G.** Decals that are intentionally destroyed or damaged by the permittee prior to renewal and without the City's authorization are not subject to renewal.

---

#### **16.40.230 Vehicle Decal and Taxiplate Renewals.**

**A.** Company permittees must pay a renewal fee in the amount outlined in the Fee Table in Section 16.40.590 for each decaled and taxiplated vehicle no later than 1 month prior to the decal or taxiplate's expiration date.

**B.** If the permittee fails to pay the renewal fee or provide other renewal information as required by Subsection 16.40.230 A., the vehicle decal or taxiplate is deemed abandoned and the vehicle decal or taxiplate becomes void within 30 days of its original expiration date.

**C.** Voided vehicle decals and taxiplates are not renewable in the year following their voidance.

**D.** Once a vehicle decal or taxiplate is voided, a for-hire transportation company may not renew that decal or taxiplate and instead must complete the initial application process if the company seeks a decal or taxiplate for that vehicle.

**E.** With the exception of pedicabs, vehicle decals and taxiplates will not be renewed unless the vehicle passes the safety inspection test outlined in Subsection 16.40.190 G. and the permittee provides the City with a Certificate of Safety.

**F.** No decal or taxiplate will be issued as a renewal if any condition exists that would have been grounds for denial of the initial decal or taxiplate.

---

**16.40.240 Transfer of Decal, Permit or Taxiplate Interest Prohibited.**

**A.** All permits, decals and taxiplates issued by the City under the terms of this Chapter are City property and cannot be leased, sold, transferred or assigned in any manner.

**B.** Any decal, taxiplate or permit that is not returned to the City within 21 days upon revocation or upon a failure to renew is considered conversion of City property and is an actionable offense in a court of competent jurisdiction.

**C.** Any person or company that fails to return, within 21 days, any decal, taxiplate or permit upon revocation or upon a failure to renew is subject to a civil penalty of \$1,500.

---

**16.40.250 Knowingly Providing False Information; Penalties.**

**A.** Any person that knowingly provides materially false information on any document, insurance form, report or application required under this Chapter is subject to a civil penalty of \$250 for each occurrence.

**B.** If the correct information would have been grounds for a denial of a permit for any reason, then any permit issued due to the false information is revoked in addition to the penalty found in Subsection 16.40.250 A.

**C.** If a person knowingly provides materially false information to an insurance agent, broker or company as part of the requirements for insurance under this Chapter, then all permits issued to that person will be revoked immediately upon the date the violation is discovered by the Administrator.

---

**16.40.260 Late Submission of Payments Due, Information or Documents; Penalties.**

**A.** Any person that does not timely submit any payment when due, or who does not timely submit any information or documents required under this Chapter or requested by the Administrator, is subject to a civil penalty as described in Subsection 16.40.260 B.

**B. Civil penalties for late submissions will be assessed as follows:**

1. If less than 10 days late, the penalty is \$50 per occurrence.
2. If more than 10 days late but less than 21 days late, the penalty is \$100 per occurrence.
3. If more than 21 days late the penalty is \$200 per occurrence and, if the information or documents are necessary for the issuance or renewal of a permit, the permit will not be issued by the City absent a showing of good cause for the delay.

---

**16.40.270 Minimum Standards of Service for Taxicab Companies.**

Permitted taxicab companies must comply with the following minimum standards:

**A.** A dispatch system in operation 24 hours each day capable of providing reasonably prompt service in response to requests received by telephone.

**B.** Acceptance of any request for taxicab service received from any location within the City.

**C.** Service city-wide, 24 hours a day, 7 days a week. If more than 65 percent of the company's permitted taxicabs are found within a 1 mile radius of the Portland International Airport's main entrance road at any given time (not including any taxicabs at a company headquarters), a rebuttable presumption exists that the company is not providing city-wide service.

**D.** A minimum fleet of 15 taxicabs.

**E.** At least 2/3 of the taxicab company's permitted fleet must be utilized and in service at all times. Utilization is measured by the number of days in operation divided by a given number of days. This test will be for no fewer than 30 days.

---

**16.40.280 Taxicab Digital Security Camera Systems.**

**A.** Digital security cameras are required in every permitted taxicab. Taxicab companies own the cameras and are responsible for their maintenance and the records produced by them.

**B.** Taxicab companies must perform inspection and testing of the cameras according to the recommended product specifications, requirements and schedule.

**C.** If a Portland Police Bureau Officer requests access to any record produced by the digital security camera systems to assist in the investigation of any crime, the taxi company must provide access thereto within 24 hours. Except as provided by Subsection 16.40.280 B., no person other than a Portland Police officer may intentionally access any record produced by the digital security camera systems.

**D.** No taxicab company or driver may allow any person to intentionally access any records produced by the digital security camera systems.

**E.** No taxicab company or driver may benefit or gain from any records produced by digital security camera systems.

**F.** No taxicab driver may tamper with, damage, disturb, remove or disable a digital security camera system in a taxicab.

**G.** Taxicab drivers must utilize the digital security camera and immediately notify the taxicab company if a digital security camera system is or appears to be damaged, stolen or inoperative.

---

### **16.40.290 Taxicab Fare Rates.**

(Amended by Ordinance No. 185722, effective November 7, 2012.)

**A.** The following are the maximum rates that can be charged for the transportation of passengers in taxicabs for trips within the City limits:

- 1.** An initial charge of \$2.50, for one passenger, and waiting time at a rate of \$30 per hour or proportionate fraction thereof;
- 2.** Subsequent to the initial charge provided for in Subsection 16.40.290 A.1., the maximum charges may not exceed \$2.60 per mile; and
- 3.** For each extra passenger, \$1 additional charge.

**B.** Taxi companies are authorized, per company policy, to require that passengers must use cash only to pay for fares of less than \$5. If a taxi company has such a policy in effect, it must post that policy in all taxiplated taxicabs in a manner consistent with the requirements of Subsection 16.40.290 G.

**C.** The Bureau has the authority to perform a rate study annually to determine appropriate maximum meter rates.

**D.** If there is more than one passenger during a taxi trip, the last person leaving the cab is responsible for the entire fare – regardless of when other passengers boarded or disembarked. The taximeter is started at the beginning of the trip but not again until the last passenger has arrived at that passenger's destination.

**E.** No extra charge is to be made for transporting any items belonging to a passenger if those items fit within the interior of the taxicab (including the trunk but not the front seat), provided that the items in total can be carried by the driver and/or passenger(s) in one walking trip from the vehicle to the building entrance, and each item can be carried by a single person.

**F.** No charge is to be made for time lost or distance traveled while the taxicab is disabled. No charge is to be made for traveling empty while en route to pick up a passenger, unless the person requesting the taxicab unreasonably refuses to hire it after it arrives, in which case an amount equal to the minimum charge on file as specified in Subsection 16.40.290 A. may be charged.

**G.** A clear and complete summary of a taxi company's rate schedule must be posted in a conspicuous place in the passenger compartment of every taxicab. Every taxicab company must provide the Administrator with a copy this summary prior to posting them in the taxis. A summary of the meter rate in a form approved by the Administrator must be placed in a manner to be visible from the outside of every taxicab. If the Administrator approves a change of rate schedule upon proper filing by the taxi company, the taximeter, rate card, and rates posted must be converted for every taxicab within 30 days. The rates posted must match those used in the taximeter of any taxicab in service.

---

#### **16.40.300 Wheelchair Accessible Taxicabs.**

**A.** At least 20 percent of every taxi company fleet must be wheelchair accessible.

**B.** Notwithstanding Subsection 16.40.300 A., companies that participate in the Portland Accessible Cab Association Agreement (PACA) are required to have only 10 percent of their fleet wheelchair accessible.

**C.** The percentages required under this Section are calculated with respect to taxicab vehicles that are permitted by the City of Portland and not to the entire taxicab fleet if some percentage of the fleet operates outside the City. The percentages apply only to vehicles being used exclusively as taxicabs and not as specially attended transportation vehicles in conjunction with any other agency, private or government contract.

**D.** Taxi companies that participate in the PACA are required to provide wheelchair accessible taxi service within a reasonable time. It is a rebuttable presumption that any time beyond 30 minutes is unreasonable.

---

#### **16.40.310 Taximeter Requirements.**

**A.** Every taxicab must be equipped with a taximeter in accurate operating condition, with a lighted face that can easily be read at all times by the passenger.

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

**C.** Certificates of inspection must include:

1. The identifying number of the taximeter;
2. The make, model and license number of the taxicab in which the taximeter is installed;
3. The name of the taxicab company;
4. The date of inspection;
5. A statement that the taximeter has been inspected and approved as operating within the limits of accuracy as specified by Subsection 16.40.310 E., as well as on the basis of rates on file with the Administrator under Section 16.40.290; and

6. The signature of the individual making the certification.

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

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

**F.** Certificates of inspection may be examined or a taximeter re-inspected by any police officer or the Administrator at any time during normal business hours.

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

---

#### **16.40.320 Required Taxicab Equipment.**

Every taxicab must be equipped with a top light, have seat belts for every passenger and have signage in a visible location within the taxicab that says: YOU ARE ON CAMERA. IT IS A FELONY IN OREGON TO ASSAULT A TAXICAB DRIVER.

---

#### **16.40.330 Identification of Taxicab Vehicles.**

**A.** Every taxicab must prominently display on both sides of the vehicle the following information:

1. the full name of the taxicab company;
2. the company-assigned taxi number;
3. the telephone number of that company where service can be requested; and
4. the word "taxi", "cab" or "taxicab".



**B.** Every taxicab must be painted in the colors of its company. No two taxicab companies may have the same colors.

**C.** Only vehicles with City-issued taxiplates may be equipped with a top light or taximeter, and only those vehicles may use the words “taxi”, “cab” or “taxicab” anywhere on the vehicle, unless the company’s legally registered name at the time this ordinance passes contains the word “cab”.

---

#### **16.40.340 Driver Conduct Requirements and Prohibitions.**

**A.** No permitted driver shall:

1. Allow another person to use his/her driver’s permit;
2. Drive or allow another person to drive a for-hire transportation vehicle without a valid driver’s license;
3. Operate any for-hire transportation vehicle while consuming, or while under the influence of alcohol, or in a careless or reckless manner or in a manner contrary to the laws of this City or the State of Oregon;
4. Operate any for-hire transportation vehicle while consuming, or while under the influence of illegal drugs;
5. Operate any for-hire transportation vehicle if impaired by any legally-prescribed or over-the-counter drugs;
6. Use a for-hire transportation vehicle in the commission of any crime;
7. Use profane or obscene language offensive to the passenger while operating a for-hire transportation vehicle;
8. Smoke any substance or use tobacco in any form inside a permitted vehicle, unless it is a pedicab;

9. Allow any passenger to smoke any substance or use tobacco in any form inside a permitted vehicle, unless it is a pedicab;
10. Defraud a passenger in any way;
11. Be discourteous to a passenger;
12. Refuse to issue a fully completed receipt for a fare paid if one is requested; or
13. Drive passengers to their destination by any other than the most direct and safe route, unless requested to do so by the passenger.

**B.** In addition to the prohibitions in Subsection 16.40.340 A. above, no taxicab driver shall:

1. Charge a fare higher than that authorized by Chapter 16.40 for passenger transportation; or
2. Refuse to transport to his requested destination any passenger of proper demeanor who requests services or is assigned by a taxicab service company when the taxicab is not already in service, and who is able to demonstrate the ability to pay the fare.

**C.** The Administrator has the authority to investigate any and all complaints concerning possible violations of Chapter 16.40 or administrative rules adopted hereunder and to fine accordingly if a violation is found.

---

#### **16.40.350 Pedicab Regulations.**

Unless the context clearly requires otherwise or unless the regulations and requirements are more stringent than those found in Sections 16.40.080, 16.40.180 or 16.40.360, pedicab drivers, companies, and vehicles are subject to the regulations and requirements found in this Chapter. Pedicab drivers, vehicles and companies are specifically exempted from the insurance requirements found in Section 16.40.410.

---

#### **16.40.360 Pedicab Driver and Vehicle Requirements and Prohibitions.**

**A.** Pedicab vehicles are required to satisfy the following conditions when operating between dusk and dawn:

1. Make use of working battery-powered lights;
2. Be equipped with one headlight capable of projecting a beam of light for a distance of at least 500 feet; and
3. Be equipped with two red taillights mounted on the right and left area of the pedicab's rear.

**B.** No pedicab may be operated on a public sidewalk, unless it is allowed to do so pursuant to either city, county or state bicycle and tricycle traffic laws.

**C.** No pedicab may use any public street, public property or right-of-way as a waiting area unless such area is a legal motor vehicle parking area or unless it is allowed to do so as a bicycle or tricycle pursuant to city, county or state traffic laws

**D.** All pedicab drivers must have a valid driver's license or government-issued photo identification in their possession while in control of any pedicab.

**E.** No pedicab driver may exceed the pedicab manufacturer's limits on the amount of weight the pedicab may safely carry.

**F.** No bicycle or tricycle may operate as a pedicab by pulling any kind of cart, trailer or other enclosed seating contraption behind the bicycle or tricycle.

**G.** Every pedicab must be:

1. Kept clean;
2. Kept in good appearance and good repair; and

**3. Kept in a safe condition.**

---

**16.40.370 Maximum Hours For Drivers.**

**A.** No taxi or LPT driver is allowed to drive or be on duty (in any combination thereof) for more than 14 hours in any given 24-hour period.

**B.** Each taxi and LPT company must maintain hours of service records for its drivers for a period of at least 1 year from the date of the driver's last for-hire service.

**C.** Both drivers and companies are subject to penalties for any violation of Section 16.40.370.

---

**16.40.380 For-Hire Vehicle Requirements and Prohibitions.**

**A.** All private for-hire transportation vehicles must be:

**1.** Kept clean;

**2.** Kept in good appearance and good repair;

**3.** Properly equipped, including but not limited to carrying a standard first aid kit and a fire extinguisher;

**4.** Kept in a safe condition; and

**5.** Equipped with all pollution control equipment originally installed by the manufacturer.

**B.** The use of tobacco products are prohibited in any for-hire transportation vehicle. Signs detailing this prohibition must be displayed in each taxi, shuttle and SAT vehicle in a form and manner as described in administrative rule.

**C.** The Administrator has the authority to demand that a for-hire vehicle be made available for inspection within 48 hours notice. Authorized City personnel have the authority to inspect any for-hire vehicle at any time if the vehicle:

1. is within the City limits;
2. does not have a passenger inside; and
3. is parked in the public right of way or on public property.

**D.** If the Administrator determines that the vehicle violates any provision of Section 16.40.380 A., the Administrator may issue a civil penalty and set a deadline of not less than 48 hours in which the vehicle must be in compliance. If the vehicle is not in compliance at the time of the deadline, the Administrator may suspend the vehicle permit until the violations are corrected.

---

#### **16.40.390 Identification of SAT Vehicles.**

All Specially Attended Transportation vehicles must prominently display on the outside of the vehicle, on both sides, the full name and telephone number of the permittee, and the words “RESERVED, NOT FOR-HIRE” on both rear doors or rear windows. All required signage must be in lettering at least 3 inches in height with proportional width and must be clearly visible at all times.

---

#### **16.40.410 LPT and Taxi Insurance Requirements.**

**A.** Coverages and Limits: All for-hire transportation company permit holders must obtain, comply with, and maintain the minimum levels of insurance coverage outlined below during the entire term that the permit is valid:

1. **Commercial Business Insurance.** Company permit holders must secure and maintain a Commercial General Liability policy reflecting limits of no less than \$1,000,000 per Occurrence and \$2,000,000 Aggregate for covered claims arising out of, but not limited to, Bodily Injury, Property Damage, Personal and Advertising Injury, and Contractual Liability in the course of the permit holder’s work under a for-hire transportation company permit.
2. **Vehicle Insurance.** All for-hire company permit holders, regardless of whether the company holds title to a vehicle or not, must provide the City with a copy of a valid Commercial Auto Liability policy reflecting a Combined Single Limit of not less than 500,000 per occurrence for claims arising out of, but not limited to, bodily injury and property damage incurred from the business use of any scheduled, non-owned, and hired automobile in the course of the vehicle’s use as a for-hire transportation vehicle. The Commercial Auto Liability policy must comply with the mandatory laws of the State of Oregon and/or other applicable governing bodies.

**3. Worker's Compensation and Employers Liability Insurance.** The company permit holder must secure and maintain a Workers Compensation and Employers Liability policy where required by state law.

**B. Additional Policy Conditions:** Policies required under Subsections 16.40.410 A.1. and/or 16.40.410 A.2. must also contain, include, provide for or comply with the following:

**1.** The Commercial General Liability and Commercial Auto Liability coverage must name the City and its officers, agents and employees as additional insureds as respects to claims, in the course of the permit holder's work as a for-hire transportation company, covered by such policies;

**2.** Policy coverages must be primary and non-contributory, and any insurance coverage maintained by the City must be considered excess.

**3.** The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term;

**4.** The insurance policy must allow for written notice to the Administrator 30 days before any policy is canceled;

**5.** The insurance policy must allow for written notice to the Administrator 30 days before a policy will expire or be reduced in coverage;

**6.** All insurance companies issuing policies under this Section must carry at least an A.M. Best Company rating of A-, VIII or better; and

**7.** The adequacy of insurance coverage outlined in this Section is subject to the review and approval of the City Attorney's Office.

**C. Permit Holder's Insurance Obligations.** All company permit holders must comply with the following obligations with respect to insurance reporting, updating and filing:

**1.** The permit holder must maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.

2. The permit holder must file a certificate of liability with the Administrator that evidences insurance coverage and terms that are in compliance with the requirements of this Section. The certificate of liability must be on a standard ACORD form or its equivalent.
3. The permit holder must file with the Bureau a copy of the insurance company-issued additional insured endorsements naming the City and its officers, agents and employees as additional insureds.
4. The permit holder must keep a copy of the vehicle's proof of insurance in every for-hire vehicle.

**D. Independent Contractors/Owner-Operators.** If an independent contractor/owner-operator relationship exists with a permit holder and the independent contractors/owner-operators provide services under the permit holder's permit, then the permit holder and the City require the same insurance coverages and limits and conditions as outlined in Subsections 16.40.410 A. - C. The same certificate of liability and additional insured endorsement requirements will apply.

**E. Alternative to Insurance Requirements.** Alternatives to insurance, such as self-insurance, may occur only if the level of coverage and the terms, conditions and obligations meet the same or higher requirements as found in Subsections 16.40.410 A. – C., and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage is subject to approval by the City Attorney's Office before such alternative insurance may become effective.

---

#### **16.40.420 Pedicab Insurance Requirements.**

**A. Coverages and Limits:** All pedicab transportation company permit holders must obtain, comply with, and maintain the minimum levels of insurance coverage outlined below during the entire term that the permit is valid:

1. **Commercial Business Insurance.** Company permit holders must secure and maintain a Commercial General Liability policy reflecting limits of no less than \$500,000 per Occurrence and \$1,000,000 Aggregate for covered claims arising out of, but not limited to, Bodily Injury, Property Damage, Personal and Advertising Injury, and Contractual Liability in the course of the permit holder's work under a for-hire transportation company permit.
2. **Worker's Compensation and Employers Liability Insurance.** The company permit holder must secure and maintain a Workers Compensation and Employers Liability policy where required by state law.

**B. Additional Policy Conditions.** Policies required under Subsection 16.40.420 A.1. must also contain, include, provide for or comply with the following:

1. The Commercial General Liability coverage must name the City and its officers, agents and employees as additional insureds as respects to claims, in the course of the permit holder's work as a for-hire transportation company, covered by such policies;
2. Policy coverages must be primary and non-contributory, and any insurance coverage maintained by the City must be considered excess;
3. The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term;
4. The insurance policy must allow for written notice to the Administrator 30 days before any policy is canceled;
5. The insurance policy must allow for written notice to the Administrator 30 days before a policy will expire or be reduced in coverage;
6. All insurance companies issuing policies under this Section must carry at least an A.M. Best Company rating of A-, VIII or better; and
7. The adequacy of insurance coverage outlined in this Section is subject to the review and approval of the City Attorney's Office.

**C. Permit Holder's Insurance Obligations.** All pedicab company permit holders must comply with the following obligations with respect to insurance reporting, updating and filing:

1. The permit holder must maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.
2. The permit holder must file a certificate of liability with the Administrator that evidences



insurance coverage and terms that are in compliance with the requirements of this Section. The certificate of liability must be on a standard ACORD form or its equivalent.

3. The permit holder must file with the Administrator a copy of the insurance company-issued additional insured endorsements naming the City and its officers, agents and employees as additional insureds.

**D. Alternative to Insurance Requirements.** Alternatives to insurance, such as self-insurance, may occur only if the level of coverage and the terms, conditions and obligations meet the same or higher requirements as found in Subsections 16.40.420 A. – C., and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage is subject to approval by the City Attorney's Office before such alternative insurance may become effective.

---

#### **16.40.430 Financial and Operating Restrictions and Reporting.**

(Amended by Ordinance No. 185723, effective November 7, 2012.)

**A.** For the purposes of investigating citizen complaints and to aid in enforcement of this Chapter, the Administrator may require a for-hire transportation company to report financial and operating data, in such form and at such times as the Administrator requires. The company must compile the necessary data and submit reports to the Administrator as requested and within the timeframe demanded subject to the requirements of this Section, but in no event must the company be forced to submit this information without at least 72 hours prior notice by the Administrator.

**B.** Except as otherwise required by law, information submitted to the Administrator under this Section can only be used within the City government. Such information may not be released to the public except in aggregate form.

**C.** Notwithstanding the provisions of Subsection 16.40.430 B., information submitted under this Section may become a matter of public record as necessary to initiate, prosecute and defend an enforcement action.

**D.** All permitted taxi companies must submit to the Director, or his or her designee, a comprehensive accounting of all current payments required from drivers to the taxi company as of October 1, 2012;

**E.** Any payments or fees charged by taxi companies to drivers may not be raised or modified without the review and approval of the Director, or his or her designee, after receiving written application from the taxi company.

**F.** The Director or his or her designee will review the application in accordance with the criteria established in Administrative Rule.

---

**16.40.440 Reports to the Administrator.**

**A.** For-hire transportation companies must report any of the following events to the Administrator within 24 hours of it becoming known by any company officer or principal managing employee:

1. The arrest or conviction for any criminal offense of any officer or principal managing employee of the company involving the operation of that company;
2. Any accident required to be reported to the State of Oregon involving a company vehicle;
3. The filing of any lawsuit against or on behalf of the for-hire company related to the operation of the company;
4. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and
5. Any information required to be disclosed by Subsection 16.40.440 B that comes to the attention of a for-hire transportation company's management.

**B.** Every for-hire transportation driver must report any of the following events to the Administrator and to the driver's for-hire transportation company within 24 hours of its occurrence:

1. Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation, that occurs during, or arises out of, the driver's operation of a for-hire transportation vehicle;
2. Any arrest, charge or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or any related offense;
3. Any vehicle accident required to be reported to the State of Oregon involving any vehicle

operated as for-hire transportation by the driver; and

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

---

**16.40.450 Limousine, Executive Sedan and Taxi Logs Required.**

A. Limousine, executive sedan and taxi transportation providers must maintain a log in either electronic or written form in which a record of every trip is kept.

B. Limousine and Executive Sedan Requirements. The following information is required for each trip:

1. customer name;
2. passenger name if different than customer name;
3. date and time of initial reservation;
4. date and start and end times of trip;
5. initial and destination addresses; and
6. the fare amount paid.

C. Taxi Requirements. The following information is required:

1. date and time of initial reservation; and
2. initial and destination addresses.

- D.** The logs must be kept in a form approved by the Administrator.
- E.** The company must retain these logs for not less than 1 year after the date of the driver's last entry.
- F.** The logs must be made available to the Administrator or other designated City staff upon request.
- G.** Except as otherwise required by law, information submitted to the Administrator under this Section can only be used within the City government. Such information may not be released to the public except in aggregate form.

---

**16.40.460 Limousine and Executive Sedan Transportation Must Be Prearranged; Exceptions.**

(Amended by Ordinance No. 186385, effective December 18, 2013.)

- A.** All limousine and executive sedan service must be provided on a prearranged basis. "Prearranged" is defined in administrative rules.
- B.** Notwithstanding Subsection 16.40.460 A., limousine and executive sedan transportation providers may operate "on demand" at the Portland International Airport if permitted to do so by the Port of Portland.
- C.** Notwithstanding Subsection 16.40.460 A., limousine and executive sedan transportation providers may operate "on demand" provided that the limousine or executive sedan company has a written contract with TriMet, the Port of Portland, a major hotel, or an airline company, in which case the limousine or executive sedan company is considered "on call" for such service requests.
- D.** If a limousine or executive sedan company wishes to be considered "on demand" as provided in Subsection 16.40.460 C., the company must comply with the following conditions:
  - 1.** file with the Administrator all such contracts indicating the contracting party's name along with the beginning and ending contracted dates, and a minimum fee of \$50.00 to the airport from the downtown is required;
  - 2.** provide the Administrator with a brief description of the service provided under the contract

including the specific basis for reimbursement and schedule of fees/fares;

3. provide the Administrator with notarized signatures from all contracting parties stating that the contract is currently effective and listing the end date.; and
4. pay to the Bureau an “on demand” license fee of \$2,500 for the first vehicle and \$1,000 for each additional vehicle used to service the contract, valid for a period of 12 months from the date of the license’s issuance; and
5. transportation provided by a third party company as part of the Contract must be prearranged, in compliance with Subsection 16.40.460 A.

**E.** If a civil penalty is issued to a limousine or executive sedan company or driver because service was provided without the requisite prearranged reservation, it is no defense to assert that a valid and current contract existed at the time of the penalty but was simply not filed with the City. Limousine and executive sedan companies must file all contracts with the City prior to the acceptance of any fare “on demand”. A failure to file a contract with the City is prima facie evidence that “on demand” service does not exist with that contracting party.

**F.** If a limousine or executive sedan service provider is in a marked hotel zone or loading/unloading zone, it is a rebuttable presumption that it is providing for-hire transportation services that require a reservation.

**G.** Hotels are liable for a civil penalty of \$500 per occurrence for every instance in which a hotel employee, agent or independent contractor allows a hotel guest to obtain limousine or executive sedan transportation services without the required 60-minute reservation. This Subsection does not apply if the limousine or executive sedan service provider has complied with the conditions found in Subsections 16.40.460 C. and D.

---

#### **16.40.470 Maximum Fares for Shuttles; No Charge for Luggage.**

(Amended by Ordinance No. 186385, effective December 18, 2013.)

**A.** Maximum flat rates apply for shuttles that provide for-hire transportation service between the airport and Portland’s Downtown Core and/or the AMTRAK station (in either direction), whether paid by the passenger or by a third party. The maximum rates are prescribed in administrative rules.

**B.** On routes in which the maximum rates apply, shuttle operators may not charge any fee for luggage or any other allowed item that the passenger carries on board.

**C.** Rates charged for shuttle services must be at least 35 percent lower, per passenger, than the prevailing taxicab rates for the same route.

---

#### **16.40.480 Minimum Fares for Limousine and Executive Sedans.**

(Amended by Ordinance No. 186385, effective December 18, 2013.)

**A.** Minimum flat rates apply for limousine and executive sedans that provide for-hire transportation service between the airport and Portland's Downtown Core and/or the AMTRAK station (in either direction), whether paid by the passenger or by a third party. The minimum rates are prescribed in administrative rules.

**B.** Rates charged for limousine and executive sedan services must be at least 35 percent higher than the prevailing taxicab rates for the same route.

---

#### **16.40.490 Safety Fund.**

**A.** The For-Hire Transportation Safety Fund (Safety Fund) is designed to provide adequate funding to ensure the safety of both the riding public and the for-hire transportation drivers.

**B.** The Bureau administers the Safety Fund. The Bureau has the authority to determine appropriate expenditures of the Safety Fund for driver, passenger and vehicle safety improvements for the industries regulated by Chapter 16.40.

**C.** The Safety Fund is funded by revenues generated by permit, decal and taxiplate fees.

**D.** The Bureau will disperse Safety Fund revenues only by grant, with the grant process outlined in administrative rule. Utilization of digital security camera system grants by taxicab companies is restricted to the cost of purchase of digital security camera systems plus an amount sufficient to subsidize installation of the cameras as determined by the Board.

---

#### **16.40.500 Compliance with Federal, State and Local Laws.**

Any for-hire transportation company, driver or vehicle that is not in compliance with all federal, state or local laws relating to “for-hire transportation” services is likewise not in compliance with Chapter 16.40, and is subject to penalties, suspension or revocation.

---

#### **16.40.510 Prior Board Orders of No Effect.**

Any Board Order, Board Rule or Board Regulation in effect prior to the passage of this ordinance has no legal effect and is hereby repealed.

---

#### **16.40.520 Administrative Rule Authority and Process.**

**A.** The Director may implement procedures, forms and written policies for administering the provisions of Chapter 16.40.

**B.** The Board may adopt administrative rules for administering the provisions of Chapter 16.40 under the authority granted to it in Section 16.40.050.

**C.** Before a rule is adopted, the Director must first provide notice of the proposed rule to the public in a manner reasonably calculated to accomplish such notice. The notice must include the place, time and purpose of the public hearing, a brief description of the subjects covered by the proposed rule, and the location where copies of the full text of the proposed rule may be obtained.

**D.** In addition to the general notice required in Subsection 16.40.520 C., the Director must also announce the proposed rule at a regularly-scheduled Board meeting (the “Announcement Meeting”) prior to the meeting in which public testimony will take place (the “Testimony Meeting”). At the Announcement Meeting, the Director will provide a copy of the proposed rule to anyone in attendance that so requests, and the Director will announce the date and time of the Testimony Meeting. The Testimony Meeting must take place no less than 14 days or more than 75 days from the Announcement Meeting.

**E.** At the Testimony Meeting, the Board will receive oral and written testimony concerning the proposed rule. Upon completion of the public testimony, the Director may then choose, at the Director’s sole discretion, to either:

1. move that the Board adopt the proposed rule as originally proposed;
2. move that the Board adopt a slightly modified version of the originally propose rule;

**3.** move that a substantially modified version of the originally proposed rule be considered at a later Board Meeting and with additional public testimony; or

**4.** withdraw the proposed rule altogether and allow no further vote on it.

**F.** If no Board member seconds the Director's motion under Subsections 16.40.520 E.1. - E.3. above, then the proposed rule does not take effect. Only the Director can make the motion to adopt a proposed rule.

**G.** If a Board member seconds the Director's motion to adopt the proposed rule under Subsections 16.40.520 E.1. or E.2., the Board will then consider and discuss the proposed rule, taking into account any public testimony received. Upon completion of the Board's discussion, the Director will then call for a vote on the proposed rule. If a majority of the Board votes to adopt the rule, it is thereby adopted.

**H.** If a Board member seconds the Director's motion under Subsection 16.40.520 E.3., then additional public review must be conducted, but no additional public notice is required if an announcement is made at the Testimony Meeting of a future hearing for a date, time and place certain at which the substantially modified rule will be discussed. After the additional testimony is received at the future hearing date, the proposed rule will be subject to the discussion, testimony and voting procedures found Subsections 16.40.520 E. - G.

**I.** Unless otherwise stated, all rules are effective upon adoption by the Board. All rules adopted by the Board will be filed in the Bureau's office. Copies of all current rules will be made available to the public upon request.

**J.** Notwithstanding Subsections 16.40.520 C. and D., the Director may adopt an interim rule without prior public notice or Board action upon a finding that a failure to act promptly will likely result in prejudice to the public interest or the interest of the affected parties. If the Director adopts a rule under this Subsection, the Director must state the specific reasons for such prejudice. Any interim rule adopted pursuant to this Subsection is effective for a period of not longer than 120 days.

**K.** Administrative Rules adopted by the Board have the same force and effect as any other provision of Chapter 16.40. To the extent that any administrative rule conflicts with the provisions of Chapter 16.40, Chapter 16.40 will control and prevail.

---

### **16.40.530 Civil Penalties.**

**A.** Any civil penalty assessed must be paid in full within the time ordered and under the terms and



conditions specified. If either the payment is not made or the required conditions are not met, the penalty will become a suspension, which will take effect immediately upon the deadline given for payment of the civil penalty. The suspension will remain in effect until the penalty is paid in full and/or the conditions required are met.

**B.** Unless a specific civil penalty amount is prescribed by any Section of this Chapter, penalties for specific code and administrative rule violations are found in the Civil Penalty Table in Section 16.40.540. Any violation of a code Section that is not found in the Civil Penalty Table and which is not specifically prescribed by a code Section, but which places an obligation or requirement on a driver or company, will result in a penalty of \$100 for the 1st violation, \$500 for the 2nd violation and \$1,000 for 3rd violation.

---

### **16.40.540 Civil Penalty Table.**

(Amended by Ordinance No. 185498, effective August 10, 2012.)

A. The following table outlines the penalties that will be assessed for a violation of the specific code Sections listed. In addition to the civil penalty, and the suspension and revocation provisions in Section 16.40.550, any second offense is grounds for suspension of the permit and any third or subsequent offense is grounds for revocation of the permit.

Code Section	Requirement	1st Offense	2nd Offense	Subsequent Offenses
16.40.070 D.	Fuel Surcharge Sticker	\$50	\$100	\$500
16.40.080 A.	Pedicab Driver Permit	\$500	\$1,000	\$2,500
16.40.090 A.	LPT and Taxi Driver Permit	\$1,000	\$2,500	\$5,000
16.40.100 E.	Business License	\$250	\$500	\$1,000
16.40.130 A.	LPT Company Permit	\$1,500	\$2,500	\$5,000
16.40.150 A.	Taxi Company Permit	\$1,500	\$2,500	\$5,000
16.40.180 A.	Pedicab Decal	\$250	\$500	\$1,000
16.40.190 A.	LPT Decal	\$1,250	\$2,500	\$5,000
16.40.190 B.	Taxiplate	\$1,250	\$2,500	\$5,000
16.40.210 C.	Taxi Conditions	\$1,250	\$2,500	\$5,000
16.40.220 C. - E.	Decal/Taxiplate	\$1,250	\$2,500	\$5,000
16.40.220 F.	Substitute Vehicle	\$1,250	\$2,500	\$5,000
16.40.240 A.	Decal/Taxiplate Interest	\$1,250	\$2,500	\$5,000
16.40.270	Minimum Standards	\$500	\$1,000	\$2,000

16.40.280	Security Camera	\$1,250	\$2,500	\$5,000
16.40.290 A.	Taxi Fare	\$1,500	\$2,500	\$5,000
16.40.290 D. - F.	Fares	\$500	\$1,000	\$2,500
16.40.300 A.	Wheelchair	\$500	\$1,000	\$2,500
16.40.310	Taximeter	\$1,250	\$2,500	\$5,000
16.40.320	Required Equipment	\$1,250	\$2,500	\$5,000
16.40.330	Identification	\$1,250	\$2,500	\$5,000
16.40.340	Driver Conduct	\$1,250	\$2,500	\$5,000
16.40.360	Pedicab Requirements	\$200	\$500	Suspension
16.40.370	Maximum Hours	\$1,250	\$2,500	\$5,000
16.40.380 A.- B.	Vehicle Requirements	\$1,250	\$2,500	\$5,000
16.40.380 C.	Vehicle Inspection	\$1,250	\$2,500	\$5,000
16.40.390	SAT ID	\$500	\$1,000	\$2,500
16.40.410 A.-E.	Insurance	\$1,250	\$2,500	\$5,000
16.40.420 A.-E.	Pedicab Insurance	\$1,000	Suspension	Revocation
16.40.430	Financial Data	\$250	\$500	\$1,000
16.40.440	Reports to Administrator	\$1,250	\$2,500	\$5,000
16.40.450 A.	Logs Required	\$500	\$1,000	\$2,500
16.40.450 B. - E.	Log Entries	\$500	\$1,000	\$2,500
16.40.450 F.	Log Availability	\$500	\$1,000	\$2,500
16.40.460	Prearranged	\$500	\$1,000	\$2,500
16.40.470	Maximum Fares	\$500	\$1,000	\$2,500
16.40.480	Minimum Fares	\$500	\$1,000	\$2,500

**B.** Offenses are measured by a period of 36 months. Offenses for the same violation that occur more than 36 months apart from each other are not considered “subsequent” offenses for purposes of them being the “second”, “third”, etc, offense.

**C.** Nothing in this Section prohibits the Bureau from suspending or revoking any permit, decal or taxiplat after a third offense for the same violation.

---

### **16.40.550 Company and Driver Permit Suspension and Revocation.**

**A.** Suspension. Any permit, decal or taxiplat issued under Chapter 16.40 may be suspended by the Administrator if the Administrator finds reasonable grounds to believe that any of the following apply:

1. A temporary suspension is necessary to protect the public safety;

2. The permittee's insurance is not current; or

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

**B. Revocation.** Any permit, decal or taxiplate issued under Chapter 16.40 may be revoked by the Administrator if the Administrator finds reasonable grounds to believe that any of the following apply:

1. The revocation is necessary to protect the public safety;

2. The permittee did not comply with the terms and conditions of a temporary suspension;

3. The permittee is found operating as a for-hire company or driver while on suspension;

4. A taxi driver permittee has fraudulently altered the calibration of the driver's taximeter;

5. The permittee provides either the City, an insurance agent or an insurance carrier with materially false information regarding vehicle insurance; or

6. The permittee has incurred a total of five penalties and/or temporary suspensions during any consecutive twelve-month period.

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

**D. Notice Requirements for Suspensions.** If the Administrator has reasonable grounds to impose a suspension based on any factor found in Subsection 16.40.550 A., the Administrator will send a "Notice of Proposed Suspension" to the permittee by both regular and certified mail (return receipt requested) at the address listed in the permittee's application form. The written notice must include the following:

1. the Administrator's findings concerning the alleged violation;
2. notice that alleged violator has 10 days from the date of the letter in which to file a written response to the Administrator if the permittee denies that any violation has occurred;
3. the terms, conditions and timeframe of the proposed suspension;
4. notice that a failure to comply with the terms and conditions may result in a revocation of the permit; and
5. the permittee's appeal rights.

**E. Notice Requirements for Revocations.** If the Administrator has reasonable grounds to revoke a permit based on any factor found in Subsection 16.40.550 B., the Administrator will send a "Notice of Proposed Revocation" to the permittee by both regular and certified mail (return receipt requested) at the address listed in the permittee's application form. The written notice must include the following:

1. the Administrator's findings concerning the alleged violation;
2. notice that alleged violator has 10 days from the date of the letter in which to file a written response to the Administrator if the permittee denies that any violation has occurred; and
3. the permittee's appeal rights.

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

**G. Effective Date of Suspensions and Revocations.** Suspensions and revocations are effective as provided in Subsections 16.40.550 D. and E., except that they are effective immediately if the Administrator finds reasonable grounds to believe that:

1. A permittee is not covered by liability insurance as required by Sections 16.40.410 or 16.40.420; or,
2. Continued operation by the permittee would cause, or is likely to cause, danger to the public health or safety.

**H. Suspension Length.** If the suspension resulted from the failure to pay a civil penalty or due to an ongoing code violation, the suspension continues until the penalty is paid or the violation is corrected. If no correction or payment is made within 60 days from the date that the suspension became effective, the suspension becomes a revocation. In all other cases, the suspension will be for a specific number of days and will end automatically with no further required action from the City or permittee.

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

**J. Renewal Not Allowed After Revocation or During Suspensions.** Permits, decals and taxiplates that have been revoked during their term are not renewable. Permits, decals and taxiplates that are in suspended status at the time of renewal are not renewable unless the suspension is for a specific number of days. Drivers and companies whose permits, decals or taxiplates were not renewable due to a prior revocation or suspension are required to successfully complete the initial application process to obtain another permit, decal or taxiplate.

---

### **16.40.560 Criminal Penalties.**

(Amended by Ordinance No. 185498, effective August 10, 2012.)

**A.** It is unlawful to tamper with a taximeter or to conduct any fraudulent scheme with the intent to charge any person a fare greater than that allowed by Chapter 16.40.

**B.** Any violation of Subsection 16.40.560 A. is punishable upon conviction by a fine of not more than \$1,000 or imprisonment for not more than 6 months or both.

**C.** In addition to the civil penalties listed in Section 16.40.540, any violation of Subsections 16.40.090 A., 16.40.130 A., 16.40.150 A., 16.40.190 A., or 16.40.190 B., is punishable, upon conviction, by imprisonment for not more than 6 months.

**D.** Vehicles operated for-hire in violation of Subsections 16.40.090 A., 16.40.130 A., 16.40.150 A., 16.40.190 A., or 16.40.190 B. are subject to vehicle towing and impoundment.

---

### **16.40.570 General Appeals.**

**A.** Civil Penalties. Any person or entity assessed a civil penalty may appeal that decision to the Code Hearings Officer under the provisions of Chapter 22.10.

**B.** Permit/Decal/Taxiplate Denials, Suspensions and Revocations; Exception.

1. Any person or entity whose permit, decal or taxiplate application is denied, or whose permit, decal or taxiplate is suspended or revoked, may appeal that decision to the Code Hearings Officer under the provisions of Chapter 22.10.

2. If the suspension is due to a failure to timely pay a civil penalty when due, then the underlying reasons for the civil penalty may not be appealed to the Code Hearings Officer. In that situation, the person or entity may only appeal to the Code Hearings Officer to determine if the Bureau properly followed the notice requirements found in Section 16.40.550.

**C.** Limit on Number of LPT Vehicles. If the number of LPT vehicles for a particular LPT industry is capped by administrative rule, then any LPT company whose application to the Board for more LPT vehicles is denied may appeal that decision to the Code Hearings Officer pursuant to the provisions of Chapter 22.10, but only for the purpose of determining if the Bureau and the Board followed the appropriate procedures. The Code Hearings Officer may not review any factual determinations made by the Bureau or Board.

**D.** Stays. If a timely appeal is made pursuant to this Section, the action appealed from is stayed pending the outcome of the appeal. This includes any civil penalty payment, suspension or revocation.

---

### **16.40.580 Appeals Regarding Taxicab Limits.**

**A.** Any taxicab company aggrieved by a decision of the Board pursuant to Section 16.40.210 may appeal such action to the City Council by filing a written notice of appeal to the Bureau within 10 days of the Board's decision. The Bureau will then forward that request to the City Auditor within 5 business days.

**B.** Within 60 days of receiving the Bureau's notice, the City Auditor will:

1. set the time for the appeal to be heard by the City Council;
2. place the hearing of the appeal upon the calendar of the Council; and
3. notify the appealing taxi company and the Administrator of the time set no less than 10 days prior to that time.

**C.** The appealing taxi company may appear personally via a company representative and/or by counsel and present such facts and arguments as may tend to support the appeal.

**D.** The Bureau will provide Council with a staff report outlining the Board's decision and the reasons therefore. The Director or his/her designee must be present at the hearing, representing the Board, to answer any questions that Council may have regarding the Board's decision.

**E.** The Council will uphold the Board's decision, reverse it, or modify it to allow more taxicabs with any conditions that the Council deems appropriate. If no Council action is taken within 60 days, the appeal is deemed denied. The Council's decision may not be appealed to the Code Hearings Officer.

---

#### **16.40.590 Fee Table.**

(Amended by Ordinance No. 185723, effective November 7, 2012.)

**A.** The following table outlines the fee costs associated with this Chapter.

PERMIT and APPLICATION FEES				
PERMIT TYPE	APPLICATION (nonrefundable)	INITIAL PERMIT	RENEWAL	REPLACEMENT
Taxi/LPT Driver	\$100	\$100	\$100	\$25
Pedicab Driver	\$25	\$25	\$25	\$10
LPT Company	\$250	\$500	\$500	\$75
Taxi Company <25 permitted vehicles	\$250	\$1,250	\$500	\$75
Taxi Company 25-50 permitted vehicles	\$250	\$1,250	\$1,000	\$75
Taxi Company 50- 100 permitted	\$250	\$1,250	\$2,000	\$75

vehicles				
Taxi Company >100 permitted vehicles	\$250	\$1,250	\$3,000	\$75
Pedicab Company	\$100	\$125	\$125	\$75
Taxi Vehicle	N/A	\$225	\$600	\$75
LPT Vehicle	N/A	\$225	\$180	\$75
Pedicab	N/A	\$25	\$25	\$10
<b>GENERAL FEES</b>				
Moving Decals or Taxiplates to Another Vehicle		\$150		
Temporary Decals During Vehicle Repair		\$25		

**B.** Fees are rounded up to a full monthly rate when being prorated for any particular decal, taxiplate or permit, regardless of what date of the month the fee is actually paid on.

**C.** For the purposes of this Fee Table Schedule, pedicabs are not considered to be LPT vehicles and are treated separately.

---

#### **16.40.600 Currently Permitted Companies, Vehicles and Drivers Grandfathered; Renewal Process.**

**A.** All companies, vehicles and drivers that are currently permitted by the City on the date that this ordinance passes do not need to reapply for new permits upon passage of the ordinance, but must otherwise adhere to all the requirements as found in this Chapter.

**B.** As of January 1, 2010, all previously permitted companies, vehicles and drivers must comply with all provisions of this Chapter, regardless of their permit, decal or taxiplate expiration date. All companies, vehicles and drivers are required to obtain new permits, decals and taxiplates by January 1, 2010.

**C.** To achieve the goal of staggered renewal dates, the Board may by administrative rule require that the initial permit term of some permittees be for less than the 12 month term required under this Chapter. The fees associated with any permit terms that are less than the 12 month requirement will be prorated as necessary to reflect the shorter permit duration.

**D.** Notwithstanding 16.40.600 A., all drivers that are currently permitted by the City on the date this ordinance passes must satisfy the customer service, knowledge and skills tests outlined in 16.40.090 F. – G. no later than December 31, 2010.

---

#### **16.40.610 Severability.**



If a court of law finds any provision of this Chapter invalid or unenforceable as to any person, business or circumstance, then that provision is considered severed from this Chapter. The severed provision has no effect on the remainder of the Chapter or its application to other persons, businesses and circumstances.

---

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

(Added by Ordinance No. 184361, effective February 11, 2011.)

**A. Permit Required.** No person may operate a horse-drawn carriage without a valid, current horse-drawn carriage driver's permit issued under Chapter 16.40, except that no permit issued pursuant to this chapter is required of a person who is operating a horse-drawn carriage as an entry in a parade or otherwise permitted special event, where the horse-drawn carriage entry is specifically noted and approved in said special event permit, and where the horse-drawn carriage rides are not being offered on-demand or by reservation to members of the general public.

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

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

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

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

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

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

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

**E. Disqualifying Factors.** The following disqualifying factors are grounds for denial of a horse-drawn carriage driver's permit:

1. The applicant has a felony conviction of any kind within the 10 years preceding the application and permit processing;

2. The applicant has a felony charge pending;

3. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred;

4. The applicant has a felony charge pending involving physical harm or attempted physical harm to a person;

5. The applicant has been convicted of any criminal offense involving animal cruelty or neglect, regardless of when the conviction occurred;

**6.** During the 5-year period preceding the application and permit processing, the applicant has been convicted of a criminal offense involving:

**a.** any misdemeanor involving theft, identity theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or

**b.** any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident;

**7.** During the 5-year period preceding the application and permit processing, the applicant had 10 or more traffic infractions as defined in ORS 801.557; or three or more serious traffic violations as defined in ORS 801.477; or three or more motor vehicle accidents required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, three or more of any combination of serious traffic violations or motor vehicle accidents as provided above;

**8.** During the 10-year period preceding the application and permit processing, the applicant had five or more serious traffic violations as defined in ORS 801.477; or the applicant's driving privileges were limited, suspended, or revoked by any governing jurisdiction as a result of a driving-related incident;

**9.** The applicant has more than two traffic infractions or violations of any kind within the previous 12 months from the date of the application;

**10.** The applicant has a current Oregon Department of Motor Vehicles license restriction, suspension or revocation;

**11.** The applicant is less than 18 years old;

**12.** Upon review of the applicants criminal and motor vehicle background check, and other information deemed pertinent to the application, the administrator determines that information contained in the application is false or incomplete; or

**13.** Review of the applicant's traffic and criminal record, and other information the supervisor

deems pertinent, is reasonable grounds for the determination that the public safety would not be served by the issuance of a driver's permit to the applicant.

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

**G. Driver Knowledge and Skills Testing Requirements.** The applicant must successfully complete each of the following tests as administered by the Bureau or its designee before a permit can be issued:

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

---

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

(Added by Ordinance No. 184361, effective February 11, 2011.)

**A. Permit Required.** No person or entity may operate a for-hire horse-drawn carriage company without a valid, current horse-drawn carriage company permit issued by the City under Chapter 16.40.

**B.** Each horse-drawn carriage company permit application must satisfy the requirements of Section 16.40.130 LPT Company Permits Required.

**C.** Applicants must provide the physical location (address) of each stable or other facility used to house the carriage horses. Each facility must be available for inspection during normal hours of operation by the Administrator or designee.

**D.** Applicants for a horse-drawn carriage company permit must obtain certification for each carriage horse to be used in the operation of the permitted carriages. Application requirements for carriage horse certification are:

1. A description of the horse's name, age, breed, gender;
2. A photograph and physical description of the horse, to include color, markings or other identifying marks, such as brands or tattoos, or any other identifiers, such as microchips;
3. Certification of examination (Health Certificate) by an equine veterinarian within thirty day days prior to the application for a permit that the horse is able to perform the work described (in the horse-drawn carriage company application) without undue stress or effort.
4. Additional veterinary certification requirements are provided in Administrative Rule.

**E. Insurance Certificate.** All horse-drawn carriage applicants must provide the Bureau with an insurance certificate of liability and an additional insured endorsement indicating that the requirements of Section 16.40.650 have been satisfied.

**F.** Applicants must provide to the Administrator a description of the types, dates and time range, length and location of horse-drawn carriage rides offered; and

**G.** Applicants must provide to the Administrator a schedule of rates and charges. An updated schedule must be provided to the Administrator when the rates are changed during the course of the permit.

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

---

#### **16.40.640 Horse-Drawn Carriage Permit and Plate Required - Application Process and Requirements.**

(Added by Ordinance No. 184361, effective February 11, 2011.)

**A. Permit and Decal or Plate Required for Horse-Drawn Carriages.** No horse-drawn carriage may be used as a for-hire transportation vehicle without a valid and current permit and a valid and current, unobstructed plate issued by the City under Chapter 16.40. Applicants for a carriage vehicle permit and carriage plate must be the owner of the carriage. Carriage permits will only be issued to an owner who has obtained a horse-drawn carriage company permit.

**B. Application Form.** The applicant for a horse-drawn carriage permit must complete a “Horse-Drawn Carriage Application” in the form required by the Administrator, which includes, but is not limited to, the following required information:

1. Carriage make, model and manufacturer;
2. Seating capacity and weight limits;
3. A photograph of each carriage to be registered;
4. If necessary, any information that reasonably relates to the application or is a clarification of information provided to the Administrator.

**C. Safety Inspection.** The Board has the authority, by Administrative Rule, to require that a horse-drawn carriage operator demonstrate by inspection that all safety standards are met prior to a permit plate or decal being issued.

**D. Horse-Drawn Carriage Condition.** No horse-drawn carriage will be issued a plate or decal if the Administrator determines that the carriage is not clean and in good repair, with all required equipment in sound operating condition.

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

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

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

---

#### **16.40.650 Horse-Drawn Carriage Insurance Requirements.**

(Added by Ordinance No. 184361, effective February 11, 2011.)

**A. Coverage and Limits:** All horse-drawn carriage company permit holders must obtain, comply with, and maintain the minimum levels of insurance coverage outlined below during the entire term that the permit is valid:

**1. Commercial Business Insurance.** Company permit holders must secure and maintain a Commercial General Liability policy reflecting limits of no less than \$1,000,000 per Occurrence and \$2,000,000 Aggregate for covered claims arising out of, but not limited to, Bodily Injury, Property Damage, Personal and Advertising Injury, and Contractual Liability in the course of the permit holder's work under a for-hire horse-drawn carriage company permit.

**2. Worker's Compensation and Employers Liability Insurance.** The company permit holder must secure and maintain a Workers Compensation and Employers Liability policy where required by state law.

**B. Additional Policy Conditions.** Additional insurance policy requirements are provided in Administrative Rule.

**C. Permit Holder's Insurance Obligations.** All horse-drawn carriage company permit holders must comply with the following obligations with respect to insurance reporting, updating and filing:

**1.** The permit holder must maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.

**2.** The permit holder must file a certificate of liability with the Administrator that evidences insurance coverage and terms that are in compliance with the requirements of this Section. The certificate of liability must be on a standard ACORD form or its equivalent.

**3.** The permit holder must file with the Administrator a copy of the insurance company-issued additional insured endorsements naming the City and its officers, agents and employees as additional insureds.

**D. Alternative to Insurance Requirements.** Alternatives to insurance, such as self-insurance, may occur only if the level of coverage and the terms, conditions and obligations meet the same or higher requirements as found in Subsections 16.40.650 A. through C., and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage is subject to approval by the City Attorney's Office before such alternative insurance may become effective.

---

#### **16.40.660 Horse-Drawn Carriage Temperature, Time and Place Restrictions.**

(Added by Ordinance No. 184361, effective February 11, 2011.)

**A.** No horse-drawn carriage may operate between the hours of 6 a.m. and 10 a.m. or between the hours of 3 p.m. and 6 p.m. except on Saturdays, Sundays and City holidays, unless an exemption from this restriction is granted by the Administrator.

**B.** No horse-drawn carriage may operate when the outdoor temperature is greater than 90 degrees Fahrenheit.

**C.** No horse-drawn carriage may operate when the outdoor temperature/humidity exceeds the Carriage Operators of North America (CONA) standards.

**D.** No horse-drawn carriage may operate in the presence of weather conditions that make horse-drawn carriage travel unsafe.

**E.** Should any condition or combination of conditions in Subsections 16.40.660 B. through D. occur, the horse-drawn carriage driver will remove the horse from the street to a safe location, provide appropriate rest and shade or shelter, and will return the horse to its stable or usual boarding facility, by the least-strenuous and shortest safe route possible.

**F.** No horse-drawn carriage may operate on a street that does not have a posted speed limit of 35 mph or less.

**G.** No horse-drawn carriage may operate along a street with MAX or street car tracks. Upon written request, permission may be granted by the Administrator, to allow brief access or crossing of streets with MAX or streetcar tracks in order to provide access to particular locations. The Administrator may provide a list of excepted circumstances and locations in Administrative Rule.



**H.** The Administrator or his designee, who observes a horse-drawn carriage operating in adverse weather or other dangerous conditions creating a threat to the health and safety of the horse, passengers, or to the general public, may order the ride discontinued and the horse returned to its boarding facility by the least-strenuous and shortest safe route possible.

---

#### **16.40.670 Operation of Horse-Drawn Carriages: Requirements and Prohibitions.**

(Added by Ordinance No. 184361, effective February 11, 2011.)

- A.** The company and carriage permit holder is responsible to ensure that all drivers operating have a current and valid City horse-drawn carriage driver permit, and that all drivers operate in compliance with the requirements of this Chapter. Penalties may be issued to both company and driver for violations of operating requirements.
- B.** Each horse-drawn carriage must maintain unobstructed the City horse-drawn carriage permit plate in the location and manner prescribed in Administrative rule.
- C.** Each horse-drawn carriage driver must carry his horse-drawn carriage driver permit when operating a horse-drawn carriage, and present the permit for inspection when requested by the Administrator or his designee.
- D.** Each horse-drawn carriage and horse-drawn carriage operator shall comply with all other requirements of State, federal and local law.
- E.** No horse-drawn carriage driver shall permit other persons to operate the carriage under his control at any time under any circumstances.
- F.** No driver shall operate a horse-drawn carriage at a weight or capacity in excess of the manufacturer's recommendation for that carriage;
- G.** No driver shall operate a horse-drawn carriage when the combined weight of the carriage and passengers exceeds the weight of the horse;
- H.** Horse-drawn carriages and equipment must be available for inspection immediately upon request by the Administrator or his designee.

**I.** A copy of the Health Certificate for the working carriage horse, as described in Subsection 16.40.630 D., shall be in the custody of the company owner at all times. The driver will keep a copy of this Certificate in any operating carriage, and make said Certificate immediately available for inspection upon request by the Administrator or his designee.

**J.** No horse-drawn carriage driver shall leave a horse untethered or unattended except when confined to a stable or other safe enclosure.

**K.** Each driver operating a horse-drawn carriage shall maintain the horse at a speed no faster than a walk or slow trot.

**L.** Waste catchers must be in place and functioning properly at all times. It shall be the responsibility of the horse-drawn carriage operator to clean up any spillage.

**M.** The operator of a horse-drawn carriage must comply with the orders of the Administrator or his designee, or any police officer, parking enforcement officer, or animal control officer regarding the operation of the carriage. Failure to comply with these directions is grounds for revocation of the horse-drawn carriage driver's permit and the horse-drawn carriage vehicle and company permits.

---

#### **16.40.680 Care of Carriage Horses.**

(Added by Ordinance No. 184361, effective February 11, 2011.)

**A.** Horse-drawn carriage rides must not be initiated nor continued when the ambient temperature is greater than 90 degrees Fahrenheit, or when the combination of temperature and humidity exceeds current Carriage Operators of North America (CONA) standards.

**B.** When the temperature exceeds 90 degrees Fahrenheit, or the combination of temperature and humidity exceeds current CONA standards, the carriage driver will end the ride and return the horse to the home boarding facility or pasture by the least-strenuous and shortest safe route possible, providing rest and shelter as required.

**C.** When the temperature is between 84 and 90 degrees Fahrenheit, no carriage ride will be initiated if the local weather forecast predicts temperatures to rise over 90 degrees Fahrenheit during the time for which the ride is scheduled, or within the time allowed for the trip back to the boarding facility.

**D.** When conducting horse-drawn carriage rides when the temperature is between 78 and 90 degrees Fahrenheit, the driver will monitor respiratory rate, heart rate and temperature of the horse every hour. Horses exceeding the following resting parameters should immediately undergo cooling measures, then be brought to the stable for rest, and not worked for the remainder of that day:

1. Respiratory rate > 36 breaths per minute after 1 minute;
2. Temperature > 103 degrees;
3. Heart rate > 52 beats per minute after 1 minute recovery time.

**E.** Horses must be provided with a blanket for dryness and warmth when appropriate.

**F.** Owners, operators and drivers of a horse-drawn carriage will monitor the condition of each horse and will not allow a horse to work when there are signs of exhaustion, dehydration, sickness, disease, injury or severe stress.

**G.** No stallions, no mares with unweaned foals, and no pregnant mares at gestation greater than 9 months shall be used as carriage horses.

**H.** The towing weight of the horse-drawn carriage may not exceed the weight of the horse.

**I.** Tie ropes used around the neck or attaching to the halter shall be carried on all horse-drawn carriages. No horse shall be tied using the bridle, bit or reins.

**J.** No animal shall work pulling a horse-drawn carriage for more than 5 hours in a 24 hour period, nor more than 5 days in any given week.

**K.** Each horse will be given at least a 10 minute rest period at the end of each hour of work. The horse must be provided ready access to clean drinking water during each break, and must be allowed at reasonable intervals to consume food and water during the workday.

**L.** Stables or other boarding facilities must be sanitary. Stables and stalls must be in good repair, well-ventilated, and free of hazards and debris.

**M.** Horses must be turned out for at least one hour per day. Adequate turn-out facilities include dry paddocks, runs, or pastures of dimensions equal to or greater than 12 feet by 24 feet.

---

#### **16.40.690 Horse-Drawn Carriage Regulations.**

(Added by Ordinance No. 184361, effective February 11, 2011.) Unless the context clearly requires otherwise or unless the regulations and requirements are more stringent than those found in Sections 16.40.620 through 16.40.700, horse-drawn carriage drivers, companies, and vehicles are subject to the regulations and requirements found in this Chapter.

---

#### **16.40.700 Horse-Drawn Carriage Penalties.**

(Added by Ordinance No. 184361, effective February 11, 2011.)

**A.** For violation of the regulations and requirements in Sections 16.40.620 through 16.40.690, the penalties are \$250 for the first occurrence, \$500 for the second occurrence, and \$1,000 and permit suspension for the third occurrence.

**B.** Three or more violations within one year are grounds for permanent revocation of horse-drawn carriage driver, vehicle and company permits.

---

#### **16.40.710 Paid Passenger Referrals Prohibited.**

(Added by Ordinance No. 185720, effective November 7, 2012.)

**A.** All private for-hire transportation drivers are prohibited from providing payment to hotel staff, dispatchers, or any other person for referral of a passenger or passengers. The penalties for violation of Subsection 16.40.710 A. are as follows: \$1,500 for the first offense; \$2,000 and 10-day driver permit suspension for the second offense; and \$2,500 and driver permit revocation for the third offense.

**B.** It is prohibited for any person to solicit or accept payment for referral of a passenger to a motor vehicle for hire, or for any person or business, firm, association or corporation to act in concert with or on behalf of another person or persons to solicit or accept payments for the referral of passengers to a motor vehicle for hire. This prohibition does not include payment for legitimate advertising placement, such as placement of flyers or posters, or legitimate commissions provided by tour companies that do not operate on demand. Advertising or commission payments exempted herein must be documented, and

said documentation must be provided to the Administrator when requested. The penalties for violation of Subsection 16.40.710 B. are as follows: \$1,500 for the first offense; \$2,500 for the second offense; and \$3,500 for the third and each subsequent offense.

**C.** It is prohibited for any person to solicit or accept gifts and/or gratuities or anything of value from any holder of a City of Portland company, vehicle or driver permit, except as authorized in this Chapter, in return for any dispatch call, assignment, vehicle or shift. The penalties for violation of Subsection 16.40.710 C. are as follows: \$1,500 for the first offense; \$2,500 for the second offense; and \$3,500 for the third and each subsequent offense.

**D.** If a limousine, executive sedan, taxicab, shuttle or other for-hire vehicle is in a marked hotel zone or loading/unloading zone, it is a rebuttable presumption that it is parked there to provide private for-hire transportation services that require a log book entry. Taxis, shuttles, executive sedans and limousines parked in a hotel zone must provide properly documented log book entry when requested by the Administrator. The penalties for violation of Subsection 16.40.710 D. are as follows: \$500 for the first offense; \$1,000 for the second offense; \$2,500 and suspension for the third and subsequent offenses.

**E.** Other than for drop off, for-hire vehicles may not park in the hotel zone without a reservation or request for service. Per Section 16.40.460 limousine and executive sedan service must be prearranged. The penalties for violation of Subsection 16.40.710 E. are as follows: \$500 for the first offense; \$1,000 for the second offense; and \$2,500 and suspension for the third and subsequent offenses.

**F.** Taxicabs may not park in the hotel zone or loading/unloading zone prior to 15 minutes before pick up for a dispatch or request for service. The dispatched call/request for service must be documented in the required log format, and available for review by any authorized enforcement officer inspecting logs in the field. The penalties for violation of Subsection 16.40.710 F. are as follows: \$500 for the first offense; \$1,000 for the second offense; and \$1,000 and driver permit suspension for the third offense.