Sec. 407-1-T3. - Transportation Network Company.

"Transportation Network Company" shall mean a corporation, association, business, firm, partnership or person that uses a digital platform/application, and only the digital platform/application, to connect passengers to drivers who will be using a personal vehicle to transport passengers for compensation.

(Ordained by Ord. No. 309-2014, § 4, eff. Nov. 29, 2014)

Sec. 407-1-T4. - Transportation Network Driver.

"Transportation Network Driver" shall mean a driver or operator of a public vehicle who uses a personal vehicle and a digital platform/application that is set up and operated by a Transportation Network Company, to accept and transport passengers for compensation.

(Ordained by Ord. No. 309-2014, § 5, eff. Nov. 29, 2014)

Sec. 407-1-T5. - Transportation Network Vehicle.

"Transportation network vehicle" shall mean a personal vehicle driven by a Transportation Network Driver, who is engaged in the transportation of person(s) for compensation, which is arranged solely through a Transportation Network Company's digital platform/application.

(Ordained by Ord. No. 309-2014, § 6, eff. Nov. 29, 2014)

Sec. 407-4. - Transportation Network Company License and Application Requirements.

(a) Transportation Network Company License. Before operating within the City of Cincinnati, any corporation, association, business, firm, partnership or person that uses only a digital platform/application to connect passengers to drivers who will be using personal vehicles for the purpose of accepting and transporting passengers for compensation must be licensed by the City as a Transportation Network Company. This license may not be transferred from or assigned by the original applicant.

The license fee and subsequent annual renewal for a Transportation Network Company shall be $10,000; the license feel shall be $5,000 if the company applies for the license after the thirtieth day of June per calendar year. The license shall expire on January 14 of the year following the date on which the license was issued. The license fee for each Transportation Network Company is intended to cover all enforcement, regulatory, and driver endorsement costs and shall be no less than other public vehicle company fees. Six months following implementation of this license fee, and every six months thereafter, the director shall evaluate the fee to determine if it appropriately covers administrative, enforcement and driver endorsement costs.

(b) License Application. The application for a Transportation Network Company license shall contain, at minimum, the following information and any additional information that the director deems necessary:

1) The business name, address, phone number, and email address of the applicant;

2) The name, address, and phone number of the designated local company representative;

3) The certificate demonstrating that the company is authorized to transact business in the State of Ohio;

4) Proof of insurance as required by Section 407-4-A; and

5) If applicable, a photograph of any distinctive trade markings to be used on all Transportation Network Vehicles for the company.

(Ordained by Ord. No. 309-2014, § 7, eff. Nov. 29, 2014)

Sec. 407-4-A. - Transportation Network Company Requirements.

(a) Transportation Network Company Insurance Requirements. Transportation network companies must maintain insurance which meets the following requirements:

1) The policy must be current and in force. The policy shall be issued by a company approved by the director which is authorized or eligible to do business in the State of Ohio, and which shall be rated not less than A-: VII by A.M. Best & Co.'s measurement of insurer financial strength;

2) The insurance company issuing the policy must be an authorized Ohio insurance company or an eligible surplus lines insurance company approved to do business in the State of Ohio;

3) The policy shall cover each Transportation Network Vehicle with at least $1,000,000 in combined single limit liability third party coverage per occurrence for death, bodily injury and property damage involving a Transportation Network Driver's operation of a Transportation Network Vehicle beginning from the moment that the Transportation Network Driver has accepted a ride request through the Transportation Network Company's Digital Platform/Application, continuing while the Transportation Network Driver is en route to pick up the passenger who has requested the particular ride, then continuing while the Transportation Network Driver transports such passenger and ending when the passenger exits the vehicle. Such policy shall not include an assault and battery exclusion;

4) The policy shall provide uninsured and underinsured motorist coverage per occurrence for death or bodily injury in an amount at least equal to requirements for other public vehicles as required in Sec. 407-30 of the Municipal Code;

5) The policy shall act as primary coverage for the driver, driver's vehicle and the passengers of the driver's vehicle beginning from the moment that the Transportation Network Driver has accepted a ride request through the Transportation Network Company's Digital Platform/Application, continuing while the Transportation Network Driver is en route to pick up the passenger who requested the particular ride, then continuing while the Transportation Network Driver transports such passenger and ending when the passenger exits the vehicle;

6) The policy or, in the event that the accident or loss occurs outside the State of Ohio, a separate insurance policy maintained by the Transportation Network Company shall provide coverage for all ride requests accepted through the Transportation Network Company's Digital Platform/Application that originate or end in the City;

7) The city shall be named as an additional named insured on such policy, and the Transportation Network Company shall give the City at least 30 days notice before such a policy is cancelled;

8) The insurance policy shall serve to fully describe the insurance coverage provided by the Transportation Network Company to its drivers and passengers, and such coverage shall in no way be waived or limited by any terms or conditions for the provision of transportation services between a passenger and a transportation network driver, nor shall the insurance policy in any way limit the right to a trial by jury for the coverage required in Section 407-4-A(a)(3). The Transportation Network Company shall not use the form of dispute resolution to limit the type of remedy that may be available to a passenger. Any such conflicting language or agreement is hereby deemed to be void as against public policy and shall be unenforceable.

The Transportation Network Company shall pay the cost of all insurance premiums as specified in Sec. 407-A(a), unless payment is otherwise contracted for in an insured contract with the Transportation Network Driver.

A Transportation Network's Driver's personal insurance may satisfy the requirements of this section as primary coverage where the policy grants such Transportation Network Company coverage or where there is an insurance rider or endorsement of the driver's personal automobile insurance policy which meets state and local minimums, and which is specifically written to cover a Transportation Network Vehicle. Any such personal insurance policy shall serve as primary coverage only if it meets or exceeds the level of insurance coverage otherwise required of the policy requirements described under this section, as determined by the director.

The Transportation Network Company must file proof of insurance that complies with all requirements of this section with the director.

The Transportation Network Company's insurance policy or policies must be in force and effective as of the date the license is issued and must be maintained throughout the term of the license period. In the event the insurance expires or is cancelled during the term of the license, the Transportation Network Company must provide proof of a valid policy that meets the requirements of this chapter. Failure to provide proof of current insurance which meets the requirements of this section is a basis for suspension of Transportation Network Company license without a prior hearing. Notice to the Transportation Network Company shall be issued by the Director no later than the same date on which the suspension is scheduled to take effect.

In a claims coverage investigation, a Transportation Network Company shall cooperate with a liability insurer that also insures the Transportation Network Driver's personal vehicle, including the provision of relevant date and time an incident occurred involving the Transportation Network Driver's operation of his or her personal vehicle and a determination of whether or not the driver was logged into a Transportation Network Company's digital network at the time of the loss.

Furthermore, this ordinance shall not limit the liability of a Transportation Network Company arising out of an automobile accident involving a Transportation Network Driver in any action for damages against a Transportation Network Company for an amount above the required insurance coverage in Section 407-4-A.

(b) Record Keeping Requirements. Transportation Network Companies shall maintain up-to-date records for all of the following:

1) All Transportation Network Vehicles driving on its own company platform in the City of Cincinnati, including the BMV-issued license plate number, proof of vehicle registration, and the make, model, and year of each vehicle;

2) All Transportation Network Drivers authorized to drive as a Transportation Network Driver by the company in the City of Cincinnati, including driver's driving history report, criminal background check, proof of valid insurance, driver's license number, the vehicle(s) with which the driver is associated, and application to drive on the transportation network platform;

3) Each trip that originates or ends in the City of Cincinnati, including the name of the driver for each trip, the vehicle used, date and time of the trip, and the fare charged for the trip; and

4) Transportation Network Companies shall maintain these records for a minimum of six months after each act of transportation, and shall make these records available for inspection by the director:

a. Upon a public complaint filed with the director or law enforcement officials against a Transportation Network Company or driver. The director or his designee may inspect the Transportation Network Company's records as reasonably necessary to investigate and resolve the complaint;

b. Or as deemed necessary by the director to verify that the Transportation Network Company is in compliance with all licensing requirements in Chapters 407 and 408 of the Municipal Code. The director or his designee may inspect the Transportation Network Company's records as reasonably necessary to obtain such verification of compliance.

If a third party submits a public records request to the City of Cincinnati for records that the City of Cincinnati obtained from the Transportation Network Company pursuant to this section, the Director or another City official shall (i) advise the requester of any potential exclusions to the request to the extent permissible under Ohio law, in an effort to protect what has been asserted by the company to constitute personal, business and proprietary information and designated as having trade secret status, and (ii) advise the Transportation Network Company regarding the existence of the request in order to allow the Transportation Network Company to take any necessary legal actions to assert any applicable exemptions to release of such records under Ohio law.

(c) Transportation Network Company Digital Platform/Application Requirements. The Transportation Network Company shall clearly communicate the following information to passenger(s) via the Digital Platform/Application:

1) The first name and picture of the driver who is to pick up the passenger(s);

2) A picture and/or the make, model and license plate number of the vehicle that will pick up the passenger(s);

3) Any applicable surge charge, which must be communicated prior to the passenger accepting the transportation;

4) An electronic notification or email displaying all fees charged to the passenger's credit card within 24 hours;

5) A telephone number or email address that the passenger(s) can use to file a complaint with the company; and

6) Information regarding available local options if the passenger requires a wheelchair-accessible vehicle and the ability to connect to those services via a weblink, application or phone number.

(d) Transportation Network Company Operational Standard Requirements. Transportation Network Companies shall comply with the following requirements:

1) Maintain a contract with a credit card processing company that meets the Payment Card Industry Data Security Standards;

2) Shall not lease or own vehicles used to transport passengers by Transportation Network Drivers;

3) Shall implement an intoxicating substance policy for drivers that disallows any amount of intoxication or consumption of intoxicating substances by the driver while providing services. The Transportation Network Company shall include on its website and mobile device application software a notice concerning the Transportation Network Company's intoxicating substance policy; and

4) Shall not knowingly or with reason to know permit a driver or vehicle that is not authorized under Cincinnati Municipal Code chapters and authorized by the Transportation Network Company to utilize the company's Network Platform/Application.

(e) Transportation Network Driver Requirements.

1) As submitted upon a form approved by the director, each application for a Transportation Network Driver shall set forth:

a. The name, date of birth, state driver's license number and address of the applicant;

b. The owner of the vehicle;

c. The Transportation Network Company that the applicant will use to arrange, through a digital network/application, passenger transportation;

d. The type of vehicle including age and condition. If the owner of the vehicle is not the applicant for license, the applicant must provide proof that the applicant is a named or additional insured on the personal auto insurance policy for the vehicle; and

e. A completed driver application shall be provided by each Transportation Network Driver to the Transportation Network Company.

2) Before authorizing a person to act as a driver on its digital network, a Transportation Network Company shall confirm that the person is:

a. Able to speak, read and write the English language;

b. Twenty-one years of age or over;

c. Cleared in a certified criminal background check for such person. The criminal background check shall be a national criminal background check including review of the national sex offender database. Any person who has been convicted, within the past seven years, of driving under the influence of drugs or alcohol, or who has been convicted, within seven years prior to submission of the driver application, for fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, theft, weapons, moral turpitude as stated in Chapter 801 of "General Provisions," acts of violence, or acts of terror, shall not be permitted to drive on the Transportation Network Company platform:

i. This certified criminal background check for such person is to be initiated by the Transportation Network Company; and

ii. The certified criminal background check must be completed by a law enforcement entity, association, corporation, or firm approved by the director to perform such services;

d. Cleared by a certified driving history research report for such person. Any person with: (i) more than three (3) moving violations in the three-year period prior to such check, or (ii) a major violation for which a court may impose more than two points per conviction against the individual's insurance pursuant to Ohio Revised Code Section 4510.036 in the three-year period prior to such check (including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license) shall not be permitted to drive on the Transportation Network Company platform:

i. This certified driving history record check for such person is to be initiated by the Transportation Network Company; and

ii. The certified driving history record check must be completed by an entity, association, corporation, or firm approved by the director to perform such services.

3) Each application for a Transportation Network Driver shall require proof of a:

a. Valid state driver's license;

b. Certificate of a valid automobile insurance meeting state and local standards;

c. Valid state license plate registration; and

d. Valid state vehicle registration.

(f) Transportation Network Vehicles Requirements.

1) All Transportation Network Vehicles must be either a four-door or two-door sedan, a station wagon with a minimum of four doors, sports utility vehicle or a van type vehicle with either a minimum of four doors or with a sliding door on the vehicle's passenger side.

2) All Transportation Network Vehicles shall have a mechanical safety inspection conducted initially and thereafter on an annual basis by an ASE (Automotive Service Excellence) certified mechanic, to inspect Transportation Network Vehicles for safety, mechanical, and body condition purposes.

3) The inspection of the Transportation Network Vehicle shall, at a minimum, include inspection of the following components:

(1) Foot brakes;

(2) Parking brakes;

(3) Steering mechanism;

(4) Windshield;

(5) Rear window and other glass;

(6) Windshield wipers;

(7) Headlights;

(8) Tail lights;

(9) Turn indicator lights;

(10) Stop lights;

(11) Front seat adjustment mechanism;

(12) Doors (open, close, lock);

(13) Horn;

(14) Speedometer;

(15) Bumpers;

(16) Muffler and exhaust system;

(17) Condition of tires, including tread depth;

(18) Interior and exterior rear view mirrors;

(19) Manufacturer-installed safety belts, and which number no fewer than the maximum occupancy of the transportation network vehicle; and

(20) A light within the passenger compartment capable of being lighted or extinguished by the passenger.

Whenever a public Transportation Network Driver and/or vehicle is found not to be in a safe and sanitary operating condition or not to comply fully with all the requirements specified herein, the director shall require the Transportation Network Company to temporarily suspend the authorization of the Transportation Network Driver until the Transportation Network Driver and/or vehicle is in full compliance with provisions herein.

(Ordained by Ord. No. 309-2014, § 8, eff. Nov. 29, 2014)

Sec. 407-4-B. - Denial, Denial of Reissuance, Suspension or Revocation of Transportation Network Company License.

(a) The director may deny, deny reissuance, suspend, or revoke a Transportation Network Company license for the following reasons:

1) The Transportation Network Company has violated the provisions set forth within this chapter;

2) The Transportation Network Company obtained its license through a false statement in its application; or

3) The Transportation Network Company knowingly or with reason to know permitted the use of its digital platform/application by drivers or vehicles that did not meet the eligibility requirements contained in Section 407-4-A to be authorized to operate as a Transportation Network Driver.

(b) Any Transportation Network Company that, four or more times in a calendar year, knowingly or with reason to know permits the use of its digital platform/application by a driver or a vehicle that did not meet the eligibility requirements contained in Section 407-4-A, related to authorization to operate as a Transportation Network Driver, may have its license automatically revoked by the director.

(c) No Transportation Network Company shall be permitted to renew its license unless in full compliance with all provisions of Chapter 407 and 408 of the Municipal Code.

(Ordained by Ord. No. 309-2014, § 9, eff. Nov. 29, 2014)