

## **Chapter 30 VEHICLES FOR HIRE<sup>1</sup>**

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Prior legislation: Ord. of 7-11-11(2).

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<sup>1</sup>**Editor's note**—An ordinance adopted July 11, 2011, repealed ch. 30 and enacted a new chapter as set out herein. The former ch. 30, §§ 30-1—30-5, 30-16—30-18, 30-20—30-43, and 30-47—30-54, pertained to similar subject matter and derived from §§ 1441—1444 of the Rev. Ords. of 1962; § 8 of an ordinance adopted March 20, 1978; an ordinance adopted Oct. 25, 1993; an ordinance adopted Jan. 9, 1995; an ordinance adopted Feb. 5, 1996; an ordinance adopted Jan. 24, 2000; an ordinance adopted Oct. 7, 2002; an ordinance adopted Oct. 11, 2005; an ordinance adopted Sept. 15, 2008; and an ordinance adopted July 12, 2010.

**Cross reference**—Motor vehicles, Ch. [20](#), vehicle licenses and permits for taxicabs/limousines operating on grounds of Burlington International Airport, [App. E](#), § [2.1](#) et seq.

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## ARTICLE I. IN GENERAL

### 30-1 Definitions.

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The *administration office* or *vehicle for hire administration office* is the office within the city responsible for administering this vehicle for hire ordinance.

The *airport* is the Burlington International Airport and all other properties owned, operated, leased or controlled by the airport, including all parking facilities.

*Airport ground transportation personnel* is the person(s) appointed by the airport or with whom the airport contracts to assist in the enforcement of airport and vehicle for hire regulations and to provide assistance to the traveling public.

An *applicant* is an individual or other legal entity seeking a license from the city to operate a vehicle for hire or vehicle for hire business in the City of Burlington and/or at the airport.

The *board* is the City of Burlington vehicle for hire licensing board created in Section [30-4](#).

A *business license* is a license issued by the city pursuant to this chapter granting permission to a person, persons, or entity to operate a vehicle for hire or a vehicle for hire company within the city or at the airport.

The *city* is the municipal corporation of the City of Burlington, Vermont.

*Courtesy vehicle* is a motor vehicle that carries persons between the airport and off-airport businesses such as valet parking lots, hotels, motels, and rental car companies, for which the passengers pay no direct charge, or car dealer courtesy vehicles. These are not vehicles for hire.

A *driver* is a person who operates a vehicle for hire in the city or at the airport.

*Dynamic market or surge pricing* is defined as a pricing strategy that sets highly flexible prices for products or services based on a current market demands.

A *licensee* is the holder of a license granted pursuant to this chapter.

*Out of service order* is an order issued by the board which requires (1) a licensee to cease operations of a vehicle for hire when it is determined that the licensee, its vehicle, and/or its driver does not meet the requirements of this chapter or (2) a TNC to disallow a TNC driver from accessing the TNC's digital network when a TNC driver and/or vehicle does not meet the requirements of this chapter.

A *passenger* is any individual or group of individuals who have hired or attempted to hire a vehicle for hire for travel to any destination.

*Prearrangement* is an agreement made between a licensee or its driver and a passenger following a request for transportation but in advance of entering a vehicle for hire. The request must be made by contacting the vehicle for hire provider or the provider's digital network via telephone, software application, website, or other method of communication, prior to the passenger's accessing transportation services.

*Roof light* is an exterior light affixed to the roof of a vehicle for hire operating as a taxicab that is covered with a translucent fixture marked with the word "taxi," "taxicab," or "cab," or the company name.

*Street hail* means to access a vehicle for hire without prearrangement, on the street or at a taxi stand.

*Suspension* is the temporary recall of a license issued under this chapter for a specified period of time.

A *taxicab* is a vehicle for hire with a roof light and taximeter that is designed to accept street hails, as well as prearranged passengers, and that may carry no more than the number of passengers intended by the vehicle manufacturer, for a fee, on call or demand. A vehicle used to provide transportation network company services is not a taxicab.

A *taximeter* is an instrument or device approved by the board by which the fare for passengers of taxicabs picking up street hails is automatically calculated and plainly indicated.

*Transportation network company* or *TNC* is a vehicle for hire business that uses a digital network or software application service to connect passengers to transportation network company services provided by transportation network company drivers. The vehicles used to provide transportation network company services are vehicles for hire for purposes of this chapter.

*Transportation network company (TNC) driver* means an individual who (1) receives connections to potential passengers and related services from a TNC in exchange for payment of a fee to the TNC and (2) operates a motor vehicle that is owned, leased or otherwise authorized for use by the individual and used to provide TNC services. A TNC shall not be deemed to control, direct or manage the personal vehicle or the TNC driver that connects to the TNC's digital network except where agreed to by written contract.

*Transportation network company (TNC) services* is transportation of a passenger or passengers between points chosen by the passenger and prearranged with a TNC driver through the use of a TNC digital network or software application. TNC services shall begin when a TNC driver accepts a request for transportation received through the TNC's digital network or software application service, continue while the TNC driver transports the passenger in the TNC driver's vehicle, and end when the passenger exits the TNC driver's vehicle.

A *vehicle for hire* is a passenger vehicle transporting passengers for compensation of any kind. Vehicles for hire include taxicabs, TNC vehicles, limousines, jitneys, car services, contract vehicles, shuttle vans, and other such vehicles transporting passengers for compensation of any kind, except:

- (1) Those which an employer uses to transport employees;
- (2) Those which are used primarily to transport elderly, special needs and handicapped persons for whom special transportation programs are designed and funded by state, federal, or local authority or otherwise exempted pursuant to [23 V.S.A. § 4\(15\)](#);
- (3) Buses, trolleys, trains, or other similar mass transit vehicles; or
- (4) Courtesy vehicles for which the passenger pays no direct charge, such as hotel or car dealer shuttle vans.

*Vehicle for hire company* is any business entity that owns, operates, controls, dispatches, or otherwise deals with vehicles for hire, including a TNC.

(Ord. of 2-16-16)

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## ARTICLE II. SCOPE OF AUTHORITY AND GOVERNANCE

### 30-2 Applicability.

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The provisions of this chapter shall apply to all vehicles for hire, vehicle for hire drivers, and vehicle for hire companies operating in the city or at the airport whether or not they are legally and validly licensed pursuant to this chapter. The absence of a license is no defense to any regulatory action pursuant to this chapter, including penalties and fines.

(Ord. of 2-16-16)

### 30-3 Enforcement of chapter.

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This chapter shall be enforced by the board, the vehicle for hire administration office, the city police department, any airport ground transportation personnel, and/or any other law enforcement officer assigned by the city.

(Ord. of 2-16-16)

### 30-4 Licensing board.

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(a) A vehicle for hire licensing board (board) is established, which shall be composed of five (5) members appointed by the city council with mayor presiding. The initial terms of the members shall be staggered. The first two (2) shall be appointed for a term of three (3) years, and the remaining three (3) shall be appointed for a term of two (2) years. Thereafter, all such appointments shall be for a term of three (3) years commencing the first day of July following their appointment and continuing until their successors have been appointed and qualified. In making appointments, the city council with mayor presiding should consider including members of the general public who use vehicles for hire, representatives of the vehicle for hire industry, representatives from the public safety community, and any other persons expressing an interest in serving, but they are not required to satisfy each category of representatives when making appointments. Terms of board members shall be for three (3) years. Three (3) members of the board shall constitute a quorum.

(b) *Authority.* The board shall diligently see that all ordinances related to vehicles for hire operating in the city and the airport are enforced and promulgate such rules and regulations, policies and procedures, and enforcement system and practices as are necessary to ensure the efficient administration of and compliance with standards established in this chapter.

The board shall have authority to audit licensees' filings, monitor licensees' conduct and operations, and to affirm or reverse decisions made by the administration office. The board shall also have the authority to fine a licensee and/or suspend or revoke a license for any violation of this chapter.

(1) *Out of service order.* The board shall have the authority to order removed from operation on the streets of the city or airport any vehicle regulated by this chapter which is deemed unfit for public patronage, and to prohibit operation of such vehicle pursuant to this chapter until all deficiencies have been corrected. The board or its designee shall have the sole authority to determine if deficiencies have been corrected.

(2) *Removal and impoundment.* The board shall have authority to order removal and impoundment by its designee of any unauthorized vehicle, including one ordered out of service pursuant to subsection (b)(1) of this section, or any vehicle being used by any unlicensed or suspended driver after previous written warning has been given the owner and driver of the vehicle. The vehicle shall be removed and

impounded in accordance with due process requirements.

(c) *Appeals.* The board shall have the authority to hear appeals regarding denials, suspensions and/or revocations of licenses issued by the administration office pursuant to this chapter, and to hear complaints regarding all vehicle for hire operations in the city and at the airport. After holding a hearing on any such matter, the board shall issue a written decision. The board, in addition to having the authority to affirm or reverse an action of the administration office and to issue its own determinations regarding complaints, may also impose a fine of up to eight hundred dollars (\$800.00) per day for each violation of this chapter found. This fine may be in addition to any fines imposed for a municipal violation. Any decision by the board under this chapter shall be final. Any aggrieved person may appeal a decision of the board by instituting relief in the Chittenden Superior Court under V.R.C.P. 74.

(Ord. of 2-16-16)

### **30-5 Vehicle for hire administration office.**

A vehicle for hire administration office is established within the city clerk/treasurer's office. Under the direction and supervision of the city's chief administrative officer with the oversight of the board, the administration office shall be responsible for examining applications for vehicle for hire licenses in the city, performing criminal and motor vehicle record and other background information checks when requested by an applicant, performing compliance audits of existing licensees, and thereafter granting or denying licenses pursuant to the requirements of this chapter.

The administration office shall also be responsible for the day-to-day administration of the vehicle for hire ordinance and shall implement the rules and regulations, policies and procedures, and enforcement practices and systems promulgated by the board. A vehicle for hire administrator and a vehicle for hire enforcement officer are hereby established for this purpose.

(Ord. of 2-16-16)

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## ARTICLE III. VEHICLE FOR HIRE BUSINESS LICENSE

### 30-6 Business licenses required.

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Every vehicle for hire operation in the city or airport, whether an individual, corporation, d/b/a, limited liability corporation, partnership, or other legal entity, shall obtain a vehicle for hire business license from the administration office. There shall be an annual application fee for each license, as set out in Schedule I, which shall be determined by the board, approved by the city council by resolution, and posted with the administration office. TNC drivers and drivers who do not own their own vehicle for hire business do not require a business license.

(Ord. of 2-16-16)

### 30-7 Application.

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- (a) Every applicant must complete a business license application provided by the administration office.
- (b) Every applicant must provide the administration office with a physical address for the applicant, as well as an official and current mailing address where all notices may be sent and any daily contact information.
- (c) Applicant shall register with and meet all requirements of the Vermont Secretary of State to do business within the state of Vermont and shall maintain a registered agent in the state of Vermont.

(Ord. of 2-16-16)

### 30-8 Investigation and disqualification.

---

- (a) By making application for a vehicle for hire business license, the applicant shall be deemed to have authorized being subject to the provisions of this chapter.
- (b) No business license will be issued to any applicant, and no driver may operate a vehicle for hire within the city or the airport, who fails to meet the standards of this chapter, including those in [Section 30-11](#).
- (c) The administration office may also deny an applicant a business license if it is determined that the applicant cannot or will not comply with the financial responsibility and safety requirements of this chapter or if it is determined that the granting of a business license would jeopardize the health, safety or general welfare of the public.
- (d) The denial of a business license may be appealed to the board as provided in [Sections 30-4\(c\)](#) and [30-35](#).
- (e) Receipt of a business license does not authorize pick up and drop off at the airport. The airport sets its own rules and regulations for ground transportation at the airport and any vehicle for hire operations at the airport must be separately permitted by the airport. Any fees related to vehicle for hire operations at the airport shall be established pursuant to the recommendation of the board of airport commissioners.

(Ord. of 2-16-16)

### 30-9 Responsibilities of licensee—Expiration of license.

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- (a) *License nontransferable.* A business license is not transferable unless approved by the board. Approval may be granted only if the following criteria are met:

- (1) The licensee pays a transfer fee to the administration office as set out in Schedule I, established by the board and annually posted with the administration office; and
  - (2) The new business meets all licensing prerequisites of this chapter.
- (b) *Update of information.* All licensees shall have a continuing obligation to notify the administration office of any material change in any of the information required that the licensee is required to report by this chapter, in writing, within five (5) business days of the change.
- (c) All licensees must:
- (1) Maintain a current list of drivers and/or allow visual inspection of a list of all identification numbers of drivers operating in the city and provide samples for auditing when required pursuant to Section [30-20](#);
  - (2) Post in all vehicles for hire operating under the license or provide on the receipt required by Section [30-19](#)(c) the phone number or email address of the administration office, to which complaints concerning the licensee or its drivers may be directed;
- (3) a. If the driver is a non-TNC driver, promptly report (no more than forty-eight (48) hours after learning of the suspension or revocation) to the administration office the suspension or revocation of a state operator's license; or
- b. If the driver is a TNC driver, the TNC shall promptly disallow the driver from accessing the TNC's digital network no more than forty-eight (48) hours after the TNC learns of the suspension or revocation of the TNC driver's state operator's license.

(Ord. of 2-16-16)

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## ARTICLE IV. VEHICLE FOR HIRE DRIVER STANDARDS

### 30-10 Background checks.

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(a) Every driver must undergo an annual background check, including a criminal background check that meets the standards in Section [30-11\(a\)](#).

(1) If the applicant elects to have the city conduct the background check, the applicant shall submit the nonrefundable background check fee established by the board and as noted on the attached Schedule I with the application authorizing the city to conduct the background check prior to issuing a license.

(2) If the applicant elects to conduct the background check or have a third party conduct the background check, the applicant shall provide the city with an annual certification that the check has been conducted. The certification must be provided on a form approved by the board, in writing and under oath subject to the penalties of perjury, certifying that the standards set out below have been met and that all drivers permitted to drive under the license at issue have successfully passed the background check and are qualified to operate a vehicle for hire under Section [30-11](#).

(3) The background check must be completed and passed before any driver may operate a vehicle for hire in the city or at the airport.

(b) Whether conducted by the administration office or by a business licensee through a third party, the annual background check must consist of a complete criminal and motor vehicle background check performed by a company accredited by the National Association of Professional Background Screeners (NAPBS) that includes a national and local criminal record check, a vehicle record check, and a review of the Vermont sex offender registry and the National Sex Offender Public Website. The background check must cover a period of time sufficient to demonstrate that each driver meets the standards set forth in Section [30-11](#).

(c) All vehicle for hire licensees shall implement a zero tolerance policy on the use of drugs and alcohol that is applicable to any and all drivers, provide notice of said zero tolerance policy on its website or other advertising, and provide procedures to report complaints if passengers suspect a driver is under the influence of drugs or alcohol with said reports resulting in the immediate removal of said driver's access to a vehicle for hire pending completion of an investigation of said complaint.

(Ord. of 2-16-16)

### 30-11 Requirements for lawful operation of a vehicle for hire.

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(a) To legally operate a vehicle for hire in the city or at the airport, each driver must:

(1) Be twenty-one (21) years of age or older; and

(2) Hold a valid operator's license, including any necessary endorsement; and

(3) Have at least one (1) year of driving experience; and

(4) Not have ever been convicted of homicide, manslaughter, kidnapping, or sexual assault, or is required by any governmental entity to register as a sex offender in any jurisdiction; and

(5) Not have been convicted of any of the following offenses in any jurisdiction in the past seven (7) years:

- a. Operating a motor vehicle while under the influence of either drugs or alcohol;
  - b. Refusing to submit to an evidentiary alcohol or drug test for operating under the influence;
  - c. Any felony involving the sale or possession of controlled substances or narcotics;
  - d. Any offense involving threats, physical violence, or the use of a weapon;
  - e. Any felony involving theft, fraud, or dishonesty;
  - f. Any felony involving reckless driving, negligent operation, or leaving the scene of an accident;
- and
- (6) Not have been convicted of more than three (3) moving motor vehicle violations within the past three (3) years and/or convicted of driving on a suspended or revoked driver's license within the last three (3) years in any jurisdiction; and
  - (7) Not have any pending unresolved criminal charges which if convicted would disqualify the driver.
- (b) In addition, the applicant or a third party conducting the background check shall require each driver to self-certify prior to operating a vehicle for hire in the city or at the airport that the individual:
- (1) Is physically and mentally fit to safely operate a vehicle for hire;
  - (2) Is not under the supervision of the department of corrections or its equivalent entity in any jurisdiction due to a conviction for an offense enumerated in subsection (a)(4) or (a)(5) of this section;
  - (3) Is not at the time of the application subject to an active abuse prevention order or its equivalent in any jurisdiction;
  - (4) Has not had a taxi or vehicle for hire license or its equivalent revoked for safety-related reasons by the city or any other jurisdiction within the previous three (3) years; and
  - (5) Is current with all legally assessed taxes, fees or other liabilities to the city or be current on a payment plan authorized by the chief administrative officer of the city.
- (c) In addition to these disqualifications, if the background check is being conducted by the administration office, subject to the right of appeal in Sections [30-4\(c\)](#) and [30-35](#), the administration office may deny an application if it is determined that allowing the applicant to operate a vehicle for hire business in the city would jeopardize the health, safety or general welfare of the public.

(Ord. of 2-16-16)

### **30-12 Obligation to disclose.**

- (a) Any person operating a vehicle for hire business in the city and/or at the airport or is a vehicle for hire driver in the city or at the airport shall have an ongoing obligation to disclose to the administration office and, if not individually licensed, to the business licensee for which that person is operating a vehicle for hire, within five (5) business days:
- (1) Any criminal charge or conviction in any jurisdiction that would result in the driver being disqualified under Section [30-11](#);
  - (2) Any motor vehicle conviction that would result in the driver being disqualified under Section [30-11](#);

(3) Any motor vehicle suspension or revocation in any jurisdiction; and/or

(4) Any abuse prevention order issued against him or her, or any charge or conviction of a sexual crime.

(b) Upon receipt of such a notice, the business licensee, or in the case of an individual licensee, the board, shall in a reasonable amount of time determine whether or not the incident makes the driver ineligible to operate a vehicle for hire, and if so, shall immediately suspend the driver's authority to operate, or in the case of an individual licensee, that individual's business license.

(c) Failure to make the disclosure required by subsection (a) of this section shall be grounds for immediate suspension of driving privileges or disallowance from accessing a TNC digital network. A business licensee's failure to take reasonably prompt action upon receipt of notification may result in suspension or revocation of the business license.

(Ord. of 2-16-16)

### **30-13 Vehicle for hire driver identification.**

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All vehicle for hire drivers shall identify themselves to passengers prior to passengers entering the vehicle. All drivers must post a photo ID prominently in the vehicle, or alternatively, if a TNC driver, must publish their first name on the TNC's software application or website, along with the license plate number and the make and model of the vehicle so that passengers can determine whether the driver of the vehicle for hire is in fact the person noted in the photo displayed in the vehicle or on the TNC's application or website.

(Ord. of 2-16-16)

### **30-14 False impersonation of another.**

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It shall be unlawful for any person to falsely impersonate a vehicle for hire business licensee and/or driver. Such person shall be subject to any and all penalties set out in this chapter or otherwise available by law, and shall also be prohibited from driving for a business licensee and/or applying for or obtaining a business license under this chapter.

(Ord. of 2-16-16)

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## ARTICLE V. VEHICLE FOR HIRE VEHICLE STANDARDS

### 30-15 Inspections.

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- (a) *Documentation of state inspection and registration.* Any motor vehicle being used as a vehicle for hire must comply with the safety inspection requirements for motor vehicles under the state law in which the vehicle is registered.
- (b) All motor vehicles operating as vehicles for hire shall not be more than ten (10) model years older than the current calendar year.
- (c) All motor vehicles being operated as vehicles for hire must be properly registered as required under applicable law.

(Ord. of 2-16-16)

### 30-16 Vehicle for hire inspection certifications.

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- (a) Each licensee must provide an annual certification to the administration office that all vehicles for hire used by any driver operating under that licensee's business license meet all of the standards in Section [30-15](#).
- (b) The certification must be provided on a form approved by the board, in writing and under oath subject to the penalties of perjury, certifying that the standards set out in Section [30-15](#) have been met.
- (c) The vehicle inspection must be completed and passed before a driver may operate the vehicle as a vehicle for hire in the city or at the airport.

(Ord. of 2-16-16)

### 30-17 Vehicle identification.

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- (a) All vehicles for hire, while operating in the city or at the airport, shall be identified with a uniform paint color, or a recognizable logo or decal. The logo or decal must be prominently displayed on the vehicle at all times the vehicle is carrying or available to accept paying passengers.

(Ord. of 2-16-16)

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## ARTICLE VI. VEHICLE FOR HIRE INSURANCE REQUIREMENTS

### 30-18 Minimum insurance coverage.

(a) Each TNC licensee shall, for each vehicle operating under its license, maintain primary automobile liability insurance coverage of at least one million dollars (\$1,000,000.00) of liability coverage for bodily injury and property damage arising from the operation of a vehicle for hire.

(1) This coverage shall be applicable once a vehicle for hire accepts a ride request through the company's digital platform, website, telephone, or any other method of communication and shall continue until the last requesting passenger departs the vehicle.

(2) This coverage shall include underinsured/uninsured motorist coverage to the extent required under [23 V.S.A. § 941](#).

(b) Each TNC licensee must also maintain contingent liability coverage of at least fifty thousand dollars (\$50,000.00) per person and at least one hundred thousand dollars (\$100,000.00) per accident, and at least twenty-five thousand dollars (\$25,000.00) for property damage per accident during the time that a TNC driver is logged into a company's digital network and available to receive requests for transportation service but has not accepted a ride request from a passenger.

(1) The coverage required under this subsection (b) shall be maintained by a TNC and provide coverage in the event a TNC driver's own automobile liability policy excludes coverage according to its policy terms or does not provide coverage of at least the limits required in this subsection.

(2) This coverage shall include under insured/uninsured motorist coverage to the extent required under [23 V.S.A. § 941](#).

(c) In every instance where insurance maintained by a TNC driver to fulfill the insurance requirements of this section has lapsed, failed to provide the required coverage, denied a claim for the required coverage or otherwise ceased to exist, insurance maintained by the TNC shall provide the coverage required by this section beginning with the first dollar of a claim.

(d) Each other licensee shall, for each vehicle operating under its license, maintain commercial liability insurance coverage of at least five hundred thousand dollars (\$500,000.00) for bodily injury and property damage arising from the operation of a vehicle for hire.

(e) Insurance required under this section must be placed with an insurer authorized to do business in the state of Vermont or with a surplus lines insurer eligible under [8 V.S.A. § 5021](#) et seq.

(f) Each licensee is under a continuing obligation to maintain valid insurance coverage of at least the minimums required by this section at all times. Failure to maintain insurance as required by this section shall be grounds for suspension or revocation of a license.

(Ord. of 2-16-16)

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## ARTICLE VII. VEHICLE FOR HIRE RECORDS AND REPORTING REQUIREMENTS

### 30-19 Records.

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- (a) All licensees shall maintain:
- (1) Individual trip records for at least two (2) years from the date each trip was provided;
  - (2) Driver records, including background checks, for at least two (2) years after the last date a driver's relationship with the licensee has ended;
  - (3) Proof that each vehicle for hire operating under the licensee passed an inspection in accordance with this chapter for a period of at least two (2) years after the vehicle was last driven in service for the licensee;
- (b) Records may be maintained electronically.
- (c) All vehicles for hire drivers and/or business licensees shall ensure that they have the ability to transmit a paper or an electronic receipt to a passenger. The receipt shall document the origination and destination of the trip and a description of the total amount paid.

(Ord. of 2-16-16)

### 30-20 Reporting and audits.

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- (a) For the purpose of ensuring public safety and verifying that the vehicle for hire company is in compliance with the requirements of this chapter, and if the company has chosen to perform or have a third party perform driver background checks and vehicle inspections, the administration office, under the supervision of the city's chief administration officer, shall have the right to request, visually inspect, and audit records, no more than semiannually, driver and vehicle for hire records of business licensees. The purpose of the record request, inspection, and audit is to verify that the licensee is in compliance with the driver and vehicle standards and insurance requirements of this chapter. The terms of the record request, inspection and audit procedure shall be established by a memorandum of understanding between the city and the licensee and approved by the city council. Records provided must show:
- (1) The results of the most recent background check on drivers and proof that the drivers meet the requirements of this chapter;
  - (2) Proof that the vehicle(s) meet the standards of this chapter; and
  - (3) Proof of adequate insurance coverage for each driver and vehicle as required by this chapter.
- (b) The administration office may conduct an audit on a more frequent basis if it has a reasonable basis to suspect that a business licensee is not in compliance with the requirements of this chapter. If the city receives a complaint against any driver or licensee, the driver and/or licensee shall cooperate with the city in investigating the complaint, including by producing any records held by the licensee that the city deems necessary to investigate and resolve the complaint.
- (c) At least once a year, each licensee, including any TNCs operating in the city, shall describe to the city what, if any data, it may reasonably share with the city in order to assist the city in planning and addressing various transportation-related issues including, but not limited to, traffic, pedestrian safety, parking, the availability of disabled-accessible vehicles, and the equitable availability of transportation options across

neighborhoods and populations in the city. No licensee or TNC shall be required to share any such data with the city pursuant to this subsection unless the parties voluntarily agree to a data sharing agreement including any confidentiality terms.

(Ord. of 2-16-16)

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City Website: <http://www.burlingtonvt.gov/> (<http://www.burlingtonvt.gov/>)

## ARTICLE VIII. PASSENGER RIGHTS

### 30-21 Notice to the public.

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(a) *Passenger bill of rights.* Every vehicle for hire must include a copy of this passenger bill of rights within the vehicle or be made available by a licensee on its website or application:

- (1) The drivers of vehicles for hire shall conduct themselves in a courteous and professional manner at all times;
- (2) The rate of fare must have been agreed upon prior to the ride and posted in vehicles, on websites, on apps, or on a printed or electronic receipt, or must be calculated by a taximeter at the rates determined by the board. A TNC that provides riders with the applicable rates being charged and the option to receive an estimated fare before the rider enters the TNC vehicle complies with this provision;
- (3) The driver's first name, picture, license plate number, and vehicle make and model must be prominently displayed in vehicles, on websites, on apps, or on a printed or electronic receipt;
- (4) Smoking is not permitted in any vehicle at any time;
- (5) No person other than the driver is permitted to remain in the vehicle at any time without the express consent of all passengers;
- (6) The vehicle shall have a clean passenger seat area and trunk;
- (7) The driver must know and obey all traffic laws and take the most direct or efficient route to your destination;
- (8) You may direct the destination and route used;
- (9) There shall be adequate heat and air conditioning in every vehicle;
- (10) Licensee policy regarding the capping of dynamic pricing during emergencies shall be followed.

(b) Licensee shall also post in vehicles, on websites, on apps, or on a printed or electronic receipt the contact information for the administration office for purposes of making complaints.

(c) Licensee shall maintain an ongoing customer feedback and complaint system for passengers. City law enforcement shall have the authority to review records related to complaints alleging violations of local, state, or federal laws pursuant to a duly-issued subpoena.

(Ord. of 2-16-16)

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## ARTICLE IX. FARES

### 30-22 Pre-agreement and disclosure on rates.

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- (a) For TNC operations, a TNC may charge a fare for the services provided to riders; provided, that if a fare is collected from a rider, the TNC shall disclose to the rider the fare or fare calculation method on its website or within the software application service. The TNC shall also provide riders with the applicable rates being charged and the option to receive an estimated fare before the rider enters the TNC driver's vehicle.
- (b) For non-TNC operations, prior to initiating a ride, except as provided in Section [30-23](#), each licensee shall disclose the estimated cost of the ride to the potential rider via a written rate sheet posted in the vehicle, over the telephone, on a website, on a smartphone app, or any other method of communication, and the passenger shall pre-agree to pay the rate posted or quoted.
- (c) Except as provided below, no licensee may charge a rate that has not been disclosed prior to the passenger's entering the vehicle.

(Ord. of 2-16-16)

### 30-23 Taxi rides.

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- (a) Notwithstanding Section [30-22](#), vehicles for hire operating as taxicabs and picking up street hails shall use a meter for setting fares, and shall charge no more than the meter rates set by the board.
- (b) A driver or licensee operating as a taxicab and using a meter for determining fares shall not tamper with, alter, or connect any unauthorized device to the taximeter or make any change in the taximeter that would affect its operation.
- (c) Any taximeter shall be subject to inspection by the city at any time. If any violation or any inaccuracy is discovered, the administration office shall notify the taxicab driver and/or licensee for whom the driver is operating to cease operation and shall order the vehicle out of service. The taxicab shall be kept out of service until the taximeter is repaired, the required working condition is restored, and the taximeter is resealed.

(Ord. of 2-16-16)

### 30-24 Dynamic market pricing.

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- (a) Licensees may utilize dynamic market or surge pricing in the city or at the airport; provided, that the licensee provides clear and visible indication that such pricing is in effect before a passenger requests a ride and includes a feature that requires riders to confirm that they understand such pricing will be applied in order for the ride request to be completed.
- (b) Licensees shall establish and implement a written policy capping dynamic pricing during disasters and relevant states of emergency and shall make this policy available on its website or application.

(Ord. of 2-16-16)

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## ARTICLE X. SPECIFIC STANDARDS

### 30-25 Nondiscrimination.

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- (a) All licensees and drivers shall comply with all applicable laws requiring that they shall not unlawfully harass or discriminate against any passenger or other person on the basis of destination, race, color, national origin, place of birth, ancestry, religious belief or affiliation, sex, sexual orientation, gender identity, marital status, disability, or age.
- (b) Each licensee shall adopt a written policy, and shall notify all drivers of the policy, prohibiting such unlawful harassment or discrimination.
- (c) A vehicle for hire driver may refuse to transport an individual if:
- (1) The vehicle for hire is already occupied by a passenger;
  - (2) The vehicle for hire is already on its way to pick up a passenger in answer to a call for service;
  - (3) The vehicle for hire is out of service for any reason;
  - (4) Notwithstanding subsection (a) of this section, the person clearly poses a legitimate health or safety concern; or
  - (5) The person has a documented history with the licensee of disorderly behavior or refusing to pay the authorized fare.
- (d) A non-TNC vehicle for hire driver who refuses to transport an individual pursuant to subsection (c) of this section shall promptly file a report with the administration office and/or the business licensee for whom the driver is operating.

(Ord. of 2-16-16)

### 30-26 Accessibility.

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- (a) Licensees and drivers shall comply with all applicable laws relating to accommodation of service animals. No additional fare or fee shall be charged for carrying a service animal.
- (b) Licensees shall not impose additional charges for providing services to persons with disabilities because of those disabilities.
- (c) If a licensee does not provide access to wheelchair accessible vehicles, the licensee shall provide on its website or mobile application the contact information of providers of wheelchair accessible vehicle for hire services, if such services are available in the city.

(Ord. of 2-16-16)

### 30-27 Transport of animals.

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Licensees and drivers may refuse to transport any animal other than a service animal unless the animal is securely enclosed in a kennel case which can be reasonably accommodated by such vehicle or the animal is otherwise reasonably secured in accordance with the size, kind and nature of such animal.

(Ord. of 2-16-16)

**30-28 Carrying additional passengers.**

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(a) No vehicle for hire licensee or driver shall carry any person(s) other than the passenger(s) first employing the vehicle for hire without the consent of such first passenger(s).

(b) No person shall be allowed to ride in a vehicle for hire except paying passengers or a trainee with the consent of the passenger.

(Ord. of 2-16-16)

**30-29 Most direct route.**

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A vehicle for hire driver shall take a passenger to his or her destination by a route that the driver reasonably believes is the shortest or fastest route unless the passenger requests a different route. The driver shall comply with all reasonable and lawful routing requests of the passenger.

(Ord. of 2-16-16)

**30-30 Compliance with authorities.**

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No vehicle for hire licensee or driver may knowingly fail or refuse to comply with any lawful order or direction of any law enforcement officer, airport ground transportation personnel, administration office personnel, or other official city representative and upon demand shall exhibit his or her license or vehicle for hire driver identification for closer inspection.

(Ord. of 2-16-16)

**30-31 Compliance with law.**

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(a) All licensees and drivers, while performing their duties and responsibilities, shall not commit or attempt to commit, alone or in concert with another, any act of fraud, misrepresentation or larceny against a passenger.

(b) Vehicle for hire licensees and drivers, while performing their duties and responsibilities, shall not use or permit any other person to use his or her vehicle for any unlawful purpose and shall report immediately to the police any use or attempt to use his or her vehicle for hire to commit a crime or escape from the scene of a crime.

(Ord. of 2-16-16)

**30-32 Maximum number of hours of operation.**

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No driver may drive, nor may any licensee require a driver to drive, more than twelve (12) consecutive hours within any twenty-four (24) hour period.

(Ord. of 2-16-16)

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## ARTICLE XI. ENFORCEMENT

### 30-33 Monitoring of public safety requirements.

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The administration office shall establish a vehicle for hire monitoring and compliance system that, on an ongoing basis, monitors and investigates drivers and vehicles for hire operating in the city and at the airport where there is reasonable suspicion that a driver is violating:

- (a) State inspection and safety standard requirements;
- (b) Vehicle identification and decal requirements;
- (c) Driver photo and identification requirements; and
- (d) Passenger bill of rights posting requirements.

(Ord. of 2-16-16)

### 30-34 Suspensions and revocations.

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(a) Each licensee, including any TNC, shall automatically suspend the driving privileges of any driver and/or disallow access to the TNC network if the administration office or the board provides the licensee with credible evidence indicating that:

- (1) The driver failed any portion of an administration office vehicle and driver monitoring check more than one (1) time in a calendar year;
- (2) The driver's operator's license has been suspended or revoked for any reason;
- (3) The driver is convicted of an offense that under Section [30-11\(a\)](#) would have disqualified the driver;
- (4) The driver has been charged with a criminal offense that under Section [30-11\(a\)](#) would disqualify the driver if the driver is convicted of the offense; or
- (5) The driver has engaged in conduct that poses an immediate and serious risk to the public's peace and safety.

(b) The city shall automatically suspend the driving privilege of any driver working for a vehicle for hire company for which the city has conducted the background checks:

- (1) Who fails any portion of an administration office monitoring check more than one (1) time in a calendar year;
- (2) Whose state operator's license has been suspended or revoked for any reason;
- (3) Who is convicted of or charged with an offense under Section [30-11\(a\)](#);
- (4) Who knowingly and materially fails to comply with the certification, audit, records, reporting or other provisions of this chapter;
- (5) Who, according to credible information from local, state, or national law enforcement or other source, has engaged in conduct that poses an immediate and serious risk to the public's peace and safety; or

- (c) Each licensee shall immediately remove from service any vehicle that is not covered by the liability insurance policy required under Section [30-18](#). A TNC shall not allow a TNC driver to accept trip requests through the TNC's digital platform unless the vehicle that the TNC driver will use to provide TNC arranged rides is covered by the liability insurance policy required under Section [30-18](#).
- (d) The city shall automatically suspend the license of any licensee who knowingly failed to suspend the driving privileges of a driver as required in subsection (a) of this section.
- (e) The city shall automatically suspend the license of any licensee upon proof from an insurance carrier that the liability insurance required under Section [30-18](#) has lapsed or been cancelled.
- (f) If the city automatically suspends a license under any of the provisions above, the licensee shall be notified in writing immediately that the license has been suspended, effective upon the actual notice to the licensee or three (3) days after the date on the notice of suspension; whichever is sooner. The notice shall set forth the reasons for the immediate suspension and the date for a hearing before the board.
- (g) A licensee's business license or a driver's privilege to drive for a licensee may be suspended or revoked by the board for any other cause or violation of this chapter only after notice and hearing. The licensee shall be notified in writing of the alleged violations, the intention to suspend or revoke the license(s), and the date for hearing before the board.
- (h) A license may be suspended if the licensee is found to have knowingly violated this chapter three (3) or more times within a twelve (12) month period and the violations resulted in fines or suspensions of a driver operating for that licensee within a twelve (12) month period.
- (i) Any suspended license shall be returned to the administration office within three (3) business days of said suspension.

(Ord. of 2-16-16)

### **30-35 Appeals—Notice and opportunity for a hearing.**

- (a) Except as expressly provided in this chapter, no licensee may be fined or license revoked or suspended without prior notice to the licensee, and after an opportunity for a hearing before the board.
- (b) Unexcused failure of an applicant or licensee to appear at the hearing shall be deemed a waiver of the rights to said hearing.
- (c) At any hearing, the applicant or licensee shall be entitled to be represented by counsel, to summon witnesses on its own behalf, to cross-examine those witnesses who testify, and to present evidence. The complainant, if any, shall also be notified of the hearing and given the opportunity to be heard.
- (d) The board may agree to settle the case prior to a final decision. After a final decision, the board may hear a motion for reconsideration at its discretion.
- (e) All violations shall be determined based upon a preponderance of evidence standard. All hearings shall be conducted with substantial fairness, and strict adherence to the rules of evidence shall not be required. Hearsay evidence may be admissible.
- (f) All hearings shall be held within thirty (30) calendar days of delivery to licensee of the notice unless the board grants a continuance for good cause.

(Ord. of 2-16-16)

### **30-36 Removal and impoundment.**

(a) *Removal and impoundment.* The board or police shall have authority to remove and impound any unauthorized vehicle for hire, including one being operated that has been ordered out of service, or any vehicle being operated by any unauthorized person. A vehicle impounded in accordance with this subsection shall be done so in accordance with due process of law and then removed to a designated facility as determined by the board. A fine of up to eight hundred dollars (\$800.00), as determined by the board, shall be due from the registered owner of the vehicle.

(b) *Notice of impoundment.* Within three (3) business days of removal and impoundment, the administration office or its designee shall provide written notice of impoundment to the registered owner of the vehicle. The notice shall state the grounds for removal and impoundment, the identity of the vehicle and the designated secured facility to which the vehicle was or will be taken.

(c) *Vehicle impoundment hearing.*

(1) The chair of the board or the chair's designee shall serve as the vehicle impoundment hearing officer and hear vehicle impoundment cases pursuant to this chapter. After a hearing, the hearing officer shall issue a written order of release or an order for further impoundment of the vehicle stating the grounds for the order.

(2) The registered owner of the vehicle may admit the violation and pay the fine, plus any applicable towing and storage fees or make a written request for a vehicle impoundment hearing before the vehicle impoundment hearing officer within five (5) business days of the notice of impoundment. The vehicle impoundment hearing officer shall conduct the hearing within five (5) business days of receipt of the request or as soon as practicable thereafter. All interested persons shall be given reasonable opportunity to be heard at the vehicle impoundment hearing.

(3) The formal rules of evidence will not apply at the hearing, and hearsay evidence may be admissible.

(4) If, after the hearing, the vehicle impoundment hearing officer determines that the vehicle is not subject to impoundment under subsection (a) of this section, the vehicle impoundment hearing officer shall order the immediate release and return of the vehicle with no fines, towing fees or costs due to the city.

(5) If, after the hearing, the vehicle impoundment hearing officer determines that the vehicle is subject to impoundment under subsection (a) of this section, the vehicle impoundment hearing officer shall order the continued impoundment of the vehicle as provided in this section unless the registered owner admits the violation(s) and pays in full any towing and storage fees plus the fine(s).

(6) The registered owner may seek relief in any court of competent jurisdiction as provided by the laws of the state of Vermont. Except where ordered otherwise by that court, the vehicle will continue to be impounded unless the registered owner posts with the administration office a cash bond in the amount of the maximum fine(s) owed plus any applicable towing and storage fees.

Any additional costs associated with the impoundment of the vehicle, including reasonable attorney's fees, will be the responsibility of the registered owner if the hearing officer's decision is upheld.

(7) If the registered owner does not obtain the vehicle by the date specified in the order of release or order for further impoundment, he or she shall be responsible for any further storage fees, and payment of such fees must be made before the release of the vehicle.

(d) *Default hearing.* If the registered owner fails to appear for the vehicle impoundment hearing or does not assert an interest in the impounded vehicle, a default hearing will be held. The vehicle impoundment hearing officer shall make a determination pursuant to subsection (c) of this section. The administration office will inform the registered owner of the default determination by certified mail, return receipt requested. The registered owner may comply with the default determination within seven (7) business days of such mailing or move to vacate such default determination. In the event that such default determination is vacated, the respondent shall be entitled to a full hearing. Such hearing shall be scheduled within ten (10) business days of the order vacating the default determination or as soon as practicable thereafter.

(e) *Abandoned vehicles.*

(1) If the registered owner does not assert an interest in the impounded vehicle by removing it from storage within the time periods specified in subsection (e)(2) of this section, the vehicle shall be deemed abandoned.

(2) A vehicle shall be deemed abandoned, pursuant to subsection (e)(1) of this section, if a registered owner:

- a. Has not taken possession of the vehicle within fifteen (15) days of obtaining an order of release pursuant to subsection (c)(3) or (4) of this section; or
- b. Has not paid the fines assessed pursuant to this chapter, if any, and towing and storage fees within fifteen (15) days of a hearing determination of continued impoundment pursuant to subsection (c)(4) of this section, or within fifteen (15) days after notice of a default determination was mailed to the registered owner pursuant to subsection (d) of this section; or
- c. Has not paid the fines assessed pursuant to this chapter, if any, and towing and storage fees within fifteen (15) days of denial of a motion to vacate a default determination pursuant to subsection (d) of this section.

(f) In the event that a vehicle has been deemed abandoned pursuant to subsections (e)(1) and (2) of this section, the administration office shall by certified mail, return receipt requested, notify the registered owner that the vehicle has been deemed an abandoned vehicle and that the city shall seek title to the vehicle from the state of Vermont pursuant to [23 V.S.A. § 2153](#).

(g) Upon receiving title to the vehicle from the state, the vehicle shall be sold. The registered owner or lienholder may claim the vehicle at any time before the sale of the vehicle by paying the towing and storage fees due and any fine(s).

(Ord. of 2-16-16)

### **30-37 Penalties.**

(a) For any violation of this chapter, the board, after notice and hearing, may impose any of the following penalties:

(1) The board may place legal conditions on a license that it deems necessary to ensure adherence to

the requirements of this chapter and ensure the public's safety and welfare.

(2) In addition to, or instead of, suspension of a license, the board may impose a fine of up to eight hundred dollars (\$800.00) per day for each knowing violation of this chapter.

(3) In addition to any fines or conditions, the board may impose a suspension of up to ninety (90) days for violations of this chapter.

(4) Where there is sufficient evidence that continued licensing would undermine the vehicle for hire industry and/or would pose serious risk to public safety and welfare, the board may revoke a license. A licensee may not apply for a new license for a minimum period of three (3) years from the date of revocation.

(5) The board or police may remove or impound any unauthorized vehicle for hire, including one being operated that has been ordered out of service, or any vehicle being operated by any unauthorized person. A vehicle impounded in accordance with this subsection shall be done so in accordance with due process of law and then removed to a designated facility as determined by the board and a fine of up to eight hundred dollars (\$800.00), as determined by the board, shall be due from the registered owner of the vehicle.

(b) The city may take any appropriate action to enjoin or abate any violation of this chapter. In addition to the penalties set forth herein, the city shall recover its costs of enforcement, including reasonable attorney's fees and costs associated with enjoining or abating said violation(s).

(Ord. of 2-16-16)

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