

CITY OF BURLINGTON

ORDINANCE _____

Sponsor: Ordinance Committee
Public Hearing Dates: _____

In the Year Two Thousand Sixteen

First reading: _____

Referred to: _____

Rules suspended and placed in all stages of passage: _____

Second reading: _____

Action: _____

Date: _____

Signed by Mayor: _____

Published: _____

Effective: _____

An Ordinance in Relation to

VEHICLES FOR HIRE

It is hereby Ordained by the City Council of the City of Burlington as follows:

1 That Chapter 30, Vehicles for Hire, of the Code of Ordinances of the City of Burlington be and hereby is
2 amended by striking the text of the current ordinance in its entirety and replacing it with the following to
3 read as follows:

4
5 **Chapter 30**
6 **VEHICLES FOR HIRE**

7 Article I. In General

8 **30-1 Definitions.**

9 Administration Office. The Administration Office or Vehicle For Hire Administration Office is the office
10 within the City responsible for administering this Vehicle For Hire Ordinance.

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

13 Airport Ground Transportation Personnel. Airport Ground Transportation Personnel is the person(s)
14 appointed by the Airport or with whom the Airport contracts to assist in the enforcement of Airport and
15 vehicle for hire regulations and to provide assistance to the traveling public.

16 Applicant. An Applicant is an individual or other legal entity seeking a license from the City to operate a
17 vehicle for hire or vehicle for hire business in the City of Burlington and/or at the Airport.

18 Board. The Board is the City of Burlington Vehicle For Hire Licensing Board created in Section 30-21.

19 Business License. A Business License is a license issued by the City pursuant to this chapter granting
20 permission to a person, persons, or entity to operate a Vehicle For Hire or a Vehicle For Hire Company
21 within the City or at the Airport.

22 City. The City is the municipal corporation of the City of Burlington, Vermont.

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

26 Driver. A Driver is a person who operates a Vehicle For Hire in the City or at the Airport.

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

29 Licensee. A Licensee is the holder of a license granted pursuant to this chapter.

30 Out of Service Order. Out of Service Order is an order issued by the Board which requires (a) a Licensee to
31 cease operations of a Vehicle For Hire when it is determined that the Licensee, its vehicle, and/or its Driver
32 does not meet the requirements of this chapter or (b) a TNC to disallow a TNC Driver from accessing the
33 TNC's digital network when a TNC Driver and/or vehicle does not meet the requirements of this chapter.

34 Passenger. A Passenger is any individual or group of individuals who have hired or attempted to hire a
35 Vehicle For Hire for travel to any destination.

36 Prearrangement. Prearrangement is an agreement made between a Licensee or its Driver and a Passenger
37 following a request for transportation but in advance of entering a Vehicle For Hire. The request must be
38 made by contacting the Vehicle For Hire provider or the provider's digital network via telephone, software
39 application, website, or other method of communication, prior to the Passenger's accessing transportation
40 services.

41 Roof Light. Roof Light is an exterior light affixed to the roof of a Vehicle For Hire operating as a taxicab
42 that is covered with a translucent fixture marked with the word "taxi," "taxicab," or "cab," or the company
43 name.

44 Street Hail. Street Hail means to access a vehicle for hire without prearrangement, on the street or at a taxi
45 stand.

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

48 Taxicab. A taxicab is a Vehicle For Hire with a roof light and taximeter that is designed to accept street hails,
49 as well as prearranged passengers, and that may carry no more than the number of passengers intended by
50 the vehicle manufacturer, for a fee, on call or demand. A vehicle used to provide Transportation Network
51 Company services is not a taxicab.

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

54 Transportation Network Company (TNC). Transportation Network Company or TNC is a Vehicle For Hire
55 business that uses a digital network or software application service to connect passengers to Transportation

56 Network Company Services provided by Transportation Network Company Drivers. The vehicles used to
57 provide Transportation Network Company Services are Vehicles For Hire for purposes of this chapter.

58 Transportation Network Company (TNC) Driver. An individual who (a) receives connections to potential
59 passengers and related services from a TNC in exchange for payment of a fee to the TNC and (b) operates a
60 motor vehicle that is owned, leased or otherwise authorized for use by the individual and used to provide
61 TNC Services. A TNC shall not be deemed to control, direct or manage the personal vehicle or the TNC
62 Driver that connect to the TNC's digital network except where agreed to by written contract.

63 Transportation Network Company (TNC) Services. Transportation Network Company (TNC) Services is
64 transportation of a passenger or passengers between points chosen by the passenger and prearranged with a
65 TNC Driver through the use of a TNC digital network or software application. TNC Services shall begin
66 when a TNC Driver accepts a request for transportation received through the TNC's digital network or
67 software application service, continue while the TNC Driver transports the passenger in the TNC Driver's
68 vehicle, and end when the passenger exits the TNC Driver's vehicle.

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

72 (1) Those which an employer uses to transport employees;

73 (2) Those which are used primarily to transport elderly, special needs and handicapped persons
74 for whom special transportation programs are designed and funded by state, federal, or local
75 authority or otherwise exempted pursuant 23 V.S.A. § 4(15);

76 (3) Buses, trolleys, trains, or other similar mass transit vehicles; or

77 (4) Courtesy vehicles for which the passenger pays no direct charge, such as hotel or car dealer
78 shuttle vans.

79 Vehicle For Hire Company. Vehicle For Hire Company is any business entity that owns, operates, controls,
80 dispatches, or otherwise deals with Vehicles For Hire, including a TNC.

81 ARTICLE 2. SCOPE OF AUTHORITY AND GOVERNANCE

82 **30-2 Applicability.**

83 The provisions of this chapter shall apply to all Vehicles For Hire, Vehicle For Hire Drivers, and Vehicle For
84 Hire Companies operating in the City or at the Airport whether or not they are legally and validly licensed
85 pursuant to this chapter. The absence of a license is no defense to any regulatory action pursuant to this
86 chapter, including penalties and fines.

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89 **30-3 Enforcement of chapter.**

90 This chapter shall be enforced by the Board, the Vehicle For Hire administration office, the City police
91 department, any Airport Ground Transportation Personnel, and/or any other law enforcement officer
92 assigned by the City.

93 **30-4 Licensing board and vehicle for hire administration office.**

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

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

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

112 (1) Out of Service Order. The Board shall have the authority to order removed from operation on
113 the streets of the City or Airport any vehicle regulated by this chapter which is deemed unfit
114 for public patronage, and to prohibit operation of such vehicle pursuant to this chapter until all
115 deficiencies have been corrected. The Board or its designee shall have the sole authority to
116 determine if deficiencies have been corrected.

117 (2) Removal and impoundment. The Board shall have authority to order removal and
118 impoundment by its designee of any unauthorized vehicle, including one ordered out of
119 service pursuant to subsection (a)(1) of this section, or any vehicle being used by any
120 unlicensed or suspended driver after previous written warning has been given the owner and
121 driver of the vehicle. The vehicle shall be removed and impounded in accordance with due
122 process requirements.

123 (c) Appeals. The Board shall have the authority to hear appeals regarding denials, suspensions and/or
124 revocations of licenses issued by the Administration Office pursuant to this chapter, and to hear
125 complaints regarding all vehicle for hire operations in the City and at the Airport. After holding a
126 hearing on any such matter, the Board shall issue a written decision. The Board, in addition to having

127 the authority to affirm or reverse an action of the Administration Office and to issue its own
128 determinations regarding complaints, may also impose a fine of up to eight hundred dollars (\$800.00)
129 per day for each violation of this chapter found. This fine may be in addition to any fines imposed for
130 a municipal violation. Any decision by the Board under this chapter shall be final. Any aggrieved
131 person may appeal a decision of the Board by instituting relief in the Chittenden Superior Court
132 under V.R.C.P. 74.

133 **30-5 Vehicle for hire administration office.**

134 A Vehicle For Hire Administration Office is established within the City Clerk/Treasurer's office. Under the
135 direction and supervision of the City's Chief Administrative Officer with the oversight of the Board, the
136 Administration Office shall be responsible for examining applications for vehicle for hire licenses in the city,
137 performing criminal and motor vehicle record and other background information checks when requested by
138 an applicant, performing compliance audits of existing licensees, and thereafter granting or denying licenses
139 pursuant to the requirements of this chapter.

140 The Administration Office shall also be responsible for the day-to-day administration of the vehicle for hire
141 ordinance and shall implement the rules and regulations, policies and procedures, and enforcement practices
142 and systems promulgated by the Board. A Vehicle for Hire Administrator and a Vehicle for Hire
143 Enforcement Officer are hereby established for this purpose.

144 **ARTICLE 3. VEHICLE FOR HIRE BUSINESS LICENSE**

145 **30-6 Business licenses required.**

146 Every Vehicle For Hire operation in the City or Airport, whether an individual, corporation, d/b/a, limited
147 liability corporation, partnership, or other legal entity, shall obtain a vehicle for hire business license from
148 the Administration Office. There shall be an annual application fee for each license, as set out in Schedule I,
149 which shall be determined by the Board, approved by the City Council by resolution, and posted with the
150 Administration Office. TNC Drivers and drivers who do not own their own Vehicle for Hire business do not
151 require a business license.

152 **30-7 Application.**

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

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161 **30-8 Investigation and disqualification**

162 (a) By making application for a vehicle for hire business license, the applicant shall be deemed to have
163 authorized being subject to the provisions of this Chapter.

164 (b) No Business License will be issued to any Applicant, and no Driver may operate a Vehicle for Hire
165 within the City or the Airport, who fails to meet the standards of this ordinance, including those in
166 §30-11 below.

167 (c) The Administration Office may also deny an Applicant a Business License if it is determined that the
168 Applicant cannot or will not comply with the financial responsibility and safety requirements of this
169 Chapter or if it is determined that the granting of a Business License would jeopardize the health,
170 safety or general welfare of the public.

171 (d) The denial of a Business License may be appealed to the Board as provided in 30-4 (c) and 30-35
172 below.

173 (e) Receipt of a Business License does not authorize pick up and drop off at the Airport. The Airport
174 sets its own rules and regulations for ground transportation at the airport and any vehicle for hire
175 operations at the Airport must be separately permitted by the Airport. Any fees related to vehicle for
176 hire operations at the Airport shall be established pursuant to the recommendation of the Board of
177 Airport Commissioners.

178 **30-9 Responsibilities of licensee; expiration of license.**

179 (a) License nontransferable. A Business License is not transferable unless approved by the Board.
180 Approval may be granted only if the following criteria are met:

181 (1) The licensee pays a transfer fee to the Administration Office as set out in Schedule I,
182 established by the Board and annually posted with the Administration Office; and

183 (2) The new business meets all licensing prerequisites of this chapter.

184 (b) Update of information. All licensees shall have a continuing obligation to notify the Administration
185 Office of any material change in any of the information required that the licensee is required to report
186 by this chapter, in writing, within five (5) business days of the change.

187 (c) All Licensees must:

188 (1) Maintain a current list of drivers and/or allow visual inspection of a list of all identification
189 numbers of drivers operating in the City and provide samples for auditing when required
190 pursuant to 30-20 below;

191 (2) Post in all vehicles for hire operating under the license or provide on the receipt required by
192 Section 30-19(c) the phone number or email address of the Administration Office, to which
193 complaints concerning the Licensee or its Drivers may be directed;

194 (3) (a) If the Driver is a non-TNC Driver, promptly report (no more than forty-eight (48) hours
195 after learning of the suspension or revocation) to the Administration Office the suspension or
196 revocation of a state operator’s license; or

197 (b) If the Driver is a TNC Driver, the TNC shall promptly disallow the Driver from accessing
198 the TNC’s digital network no more than forty-eight (48) hours after the TNC learns of the
199 suspension or revocation of the TNC Driver’s state operator’s license.

200 ARTICLE 4. VEHICLE FOR HIRE DRIVER STANDARDS

201 **30-10 Background Checks.**

202 (a) Every Driver must undergo an annual background check, including a criminal background check that
203 meets the standards in section 30-11(a) below.

204 (1) If the Applicant elects to have the City conduct the background check, the Applicant shall
205 submit the nonrefundable background check fee established by the Board and as noted on the
206 attached Schedule I with the Application authorizing the City to conduct the background
207 check prior to issuing a license.

208 (2) If the Applicant elects to conduct the background check or have a third party conduct the
209 background check, the Applicant shall provide the City with an annual certification that the
210 check has been conducted. The certification must be provided on a form approved by the
211 Board, in writing and under oath subject to the penalties of perjury, certifying that the
212 standards set out below have been met and that all Drivers permitted to drive under the
213 License at issue have successfully passed the background check and are qualified to operate a
214 vehicle for hire under section 30-11 below.

215 (3) The background check must be completed and passed before any Driver may operate a
216 Vehicle For Hire in the City or at the Airport.

217 (b) Whether conducted by the Administration Office or by a Business Licensee through a third party, the
218 annual background check must consist of a complete criminal and motor vehicle background check
219 performed by a company accredited by the National Association of Background Screeners (NAPBS)
220 that includes a national and local criminal record check, a vehicle record check, and a review of the
221 Vermont sex offender registry and the National Sex Offender Public Website. The background check
222 must cover a period of time sufficient to demonstrate that each Driver meets the standards set forth in
223 section 30-11 below.

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

230 **30-11 Requirements for lawful operation of a vehicle for hire**

231 (a) To legally operate a Vehicle For Hire in the City or at the Airport, each Driver must

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

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

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

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

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

239 (a) Operating a motor vehicle while under the influence of either drugs or
240 alcohol;

242 (b) Refusing to submit to an evidentiary alcohol or drug test for operating under the
243 influence;

245 (c) Any felony involving the sale or possession of controlled substances or
246 narcotics;

248 (d) Any offense involving threats, physical violence, or the use of a weapon;

250 (e) Any felony involving theft, fraud, or dishonesty;

252 (f) Any felony involving reckless driving, negligent operation, or leaving the scene of an
253 accident; and

254 (6) Not have been convicted of more than three (3) moving motor vehicle violations within the
255 past three (3) years and/or convicted of driving on a suspended or revoked driver’s license
256 within the last three (3) years in any jurisdiction; and

257 (7) Not have any pending unresolved criminal charges which if convicted would disqualify the
258 Driver.

259 (b) In addition, the Applicant or a third-party conducting the background check shall require each Driver
260 to self-certify prior to operating a Vehicle For Hire in the City or at the Airport that the individual:

261 (1) is physically and mentally fit to safely operate a vehicle for hire;

262 (2) is not under the supervision of the department of corrections or its equivalent entity in any
263 jurisdiction due to a conviction for an offense enumerated in Section 30-11(a)(4) or (a)(5);

- 264 (3) is not at the time of the application subject to an active abuse prevention order or its
265 equivalent in any jurisdiction;
- 266 (4) has not had a taxi or Vehicle for Hire license or its equivalent revoked for safety-related
267 reasons by the City or any other jurisdiction within the previous three (3) years; and
- 268 (5) is current with all legally assessed taxes, fees or other liabilities to the City or be current on a
269 payment plan authorized by the Chief Administrative Officer of the City.
- 270 (c) In addition to these disqualifications, if the background check is being conducted by the
271 Administration Office, subject to the right of appeal in Sections 30-4 (c) and 30-35 below, the
272 Administration Office may deny an application if it is determined that allowing the Applicant to
273 operate a vehicle for hire business in the City would jeopardize the health, safety or general welfare
274 of the public.

275 **30-12 Obligation to disclose.**

- 276 (a) Any person operating a vehicle for hire business in the City and/or at the Airport or is a vehicle for
277 hire Driver in the City or at the Airport shall have an ongoing obligation to disclose to the
278 Administration Office and, if not individually licensed, to the Business Licensee for which that
279 person is operating a vehicle for hire, within five (5) business days:
- 280 (1) Any criminal charge or conviction in any jurisdiction that would result in the Driver being
281 disqualified under Section 30-11;
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- 283 (2) Any motor vehicle conviction that would result in the Driver being disqualified under Section
284 30-11;
- 285
- 286 (3) Any motor vehicle suspension or revocation in any jurisdiction; and/or
287
- 288 (4) Any abuse prevention order issued against him or her, or any charge or conviction of a sexual
289 crime.
- 290 (b) Upon receipt of such a notice, the Business Licensee, or in the case of an individual Licensee, the
291 Board, shall in a reasonable amount of time determine whether or not the incident makes the Driver
292 ineligible to operate a vehicle for hire, and if so, shall immediately suspend the Driver's authority to
293 operate, or in the case of an individual Licensee, that individual's Business License.
- 294 (c) Failure to make the disclosure required by subsection (a) shall be grounds for immediate suspension
295 of driving privileges or disallowance from accessing a TNC digital network. A Business Licensee's
296 failure to take reasonably prompt action upon receipt of notification may result in suspension or
297 revocation of the Business License.

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300 **30-13 Vehicle for hire driver identification**

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

306 **30-14 False impersonation of another.**

307 It shall be unlawful for any person to falsely impersonate a vehicle for hire Business Licensee and/or Driver.
308 Such person shall be subject to any and all penalties set out in this chapter or otherwise available by law, and
309 shall also be prohibited from driving for a Business Licensee and/or applying for or obtaining a Business
310 License under this chapter.

311 **ARTICLE 5. VEHICLE FOR HIRE VEHICLE STANDARDS.**

312 **30-15 Inspections**

313 (a) Documentation of state inspection and registration. Any motor vehicle being used as a vehicle for
314 hire must comply with the safety inspection requirements for motor vehicles under the state law in
315 which the vehicle is registered.

316 (b) All motor vehicles operating as vehicles for hire shall not be more than ten (10) model years older
317 than the current calendar year.

318 (c) All motor vehicles being operated as vehicles for hire must be properly registered as required under
319 applicable law.

320 **30-16 Vehicle for hire inspection certifications.**

321 (a) Each Licensee must provide an annual certification to the Administration Office that all vehicles for
322 hire used by any Driver operating under that Licensee's Business License meet all of the standards in
323 Section 30-15.

324 (b) The certification must be provided on a form approved by the Board, in writing and under oath
325 subject to the penalties of perjury, certifying that the standards set out in Section 30-15 have been
326 met.

327 (c) The vehicle inspection must be completed and passed before a Driver may operate the vehicle as a
328 Vehicle For Hire in the City or at the Airport.

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332 **30-17 Vehicle identification.**

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

336

337 **ARTICLE 6. VEHICLE FOR HIRE INSURANCE REQUIREMENTS.**

338 **30-18 Minimum insurance coverage.**

339 (a) Each TNC Licensee shall, for each vehicle operating under its License, maintain primary automobile
340 liability insurance coverage of at least One Million Dollars (\$1,000,000) of liability coverage for bodily
341 injury and property damage arising from the operation of a vehicle for hire.

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

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

347 (b) Each TNC Licensee must also maintain contingent liability coverage of at least fifty thousand dollars
348 (\$50,000) per person and at least one hundred thousand dollars (\$100,000) per accident, and at least
349 twenty five thousand dollars (\$25,000) for property damage per accident during the time that a TNC
350 Driver is logged into a company's digital network and available to receive requests for transportation
351 service but has not accepted a ride request from a passenger.

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

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

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

362 (d) Each other Licensee shall, for each vehicle operating under its License, maintain commercial liability
363 insurance coverage of at least Five Hundred Thousand Dollars (\$500,000) for bodily injury and
364 property damage arising from the operation of a vehicle for hire.

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

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

370 ARTICLE 7. VEHICLE FOR HIRE RECORDS AND REPORTING REQUIREMENTS.

371 **30-19 Records.**

372 (a) All Licensees shall maintain:

373 (1) Individual trip records for at least two (2) years from the date each trip was provided;

374 (2) Driver records, including background checks, for at least two (2) years after the last date a
375 Driver's relationship with the Licensee has ended;

376 (3) Proof that each vehicle for hire operating under the Licensee passed an inspection in
377 accordance with this Chapter for a period of at least two (2) years after the vehicle was last
378 driven in service for the Licensee;

379
380 (b) Records may be maintained electronically.

381
382 (c) All vehicles for hire Drivers and/or Business Licensees shall insure that they have the ability to
383 transmit a paper or an electronic receipt to a passenger. The receipt shall document the origination
384 and destination of the trip and a description of the total amount paid.

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386 **30-20 Reporting and Audits**

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388 (a) For the purpose of ensuring public safety and verifying that the vehicle for hire company is in
389 compliance with the requirements of this Chapter, and if the company has chosen to perform or have
390 a third party perform driver background checks and vehicle inspections, the Administration Office,
391 under the supervision of the City's Chief Administration Officer, shall have the right to request,
392 visually inspect, and audit records, no more than semi-annually, Driver and vehicle for hire records of
393 Business Licensees. The purpose of the record request, inspection, and audit is to verify that the
394 Licensee is in compliance with the Driver and vehicle standards and insurance requirements of this
395 Chapter. The terms of the record request, inspection and audit procedure shall be established by a
396 memorandum of understanding between the City and the Licensee and approved by the City Council.
397 Records provided must show:

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399 (1) The results of the most recent background check on Drivers and proof that the Drivers
400 meets the requirements of this Chapter;

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402 (2) Proof that the vehicle(s) meet the standards of this Chapter; and

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404 (3) Proof of adequate insurance coverage for each Driver and vehicle as required by this
405 Chapter.

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407 (b) The Administration Office may conduct an audit on a more frequent basis if it has a reasonable basis
408 to suspect that a Business Licensee is not in compliance with the requirements of this Chapter. If the
409 City receives a complaint against any Driver or Licensee, the Driver and/or Licensee shall cooperate
410 with the City in investigating the complaint, including by producing any records held by the
411 Licensee that the City deems necessary to investigate and resolve the complaint.

412 (c) At least once a year, each Licensee, including any TNCs operating in the City, shall describe to the
413 City what, if any data, it may reasonably share with the City in order to assist the City in planning
414 and addressing various transportation-related issues including, but not limited to traffic, pedestrian
415 safety, parking, the availability of disabled-accessible vehicles, and the equitable availability of
416 transportation options across neighborhoods and populations in the City. No Licensee or TNC shall
417 be required to share any such data with the City pursuant to this Subsection unless the parties
418 voluntarily agree to a data sharing agreement including any confidentiality terms. This requirement
419 is separate from any reporting requirements established by Section 30-19 (a) (4) of this Chapter.

420 ARTICLE 8. PASSENGER RIGHTS.

421 **30-21 Notice to the public.**

422 (a) Passenger Bill of Rights. Every Vehicle For Hire must include a copy of this Passenger Bill of Rights
423 within the vehicle or be made available by a Licensee on its website or application:

424 (1) The drivers of vehicles for hire shall conduct themselves in a courteous and
425 professional manner at all times;

426

427 (2) The rate of fare must have been agreed upon prior to the ride and posted in vehicles, on
428 websites, on apps, or on a printed or electronic receipt, or must be calculated by a taximeter at
429 the rates determined by the Board. A TNC that provides riders with the applicable rates being
430 charged and the option to receive an estimated fare before the rider enters the TNC vehicle
431 complies with this provision;

432

433 (3) The driver's first name, picture, license plate number, and vehicle make and model must be
434 prominently displayed in vehicles, on websites, on apps, or on a printed or electronic receipt;

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436 (4) Smoking is not permitted in any vehicle at any time;

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438 (5) No person other than the driver is permitted to remain in the vehicle at any time
439 without the express consent of all passengers;

440

- 441 (6) The vehicle shall have a clean passenger seat area and trunk;
- 442
- 443 (7) The driver must know and obey all traffic laws and take the most direct or efficient route to
- 444 your destination;
- 445
- 446 (8) You may direct the destination and route used;
- 447
- 448 (9) There shall be adequate heat and air conditioning in every vehicle.
- 449
- 450 (10) Licensee policy regarding the capping of dynamic pricing during emergencies shall be
- 451 followed.
- 452
- 453 (b) Licensee shall also post in vehicles, on websites, on apps, or on a printed or electronic receipt the
- 454 contact information for the Administration Office for purposes of making complaints.
- 455
- 456 (c) Licensee shall maintain an ongoing customer feedback and complaint system for passengers. City
- 457 law enforcement shall have the authority to review records related to complaints alleging violations
- 458 of local, state, or federal laws pursuant to a duly-issued subpoena.

459

460

461 ARTICLE 9. FARES

462 **30-22 Pre-agreement and Disclosure on Rates**

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

474 **30-23 Taxi Rides**

- 475 (a) Notwithstanding Section 30-22 above, vehicles for hire operating as taxicabs and picking up street
- 476 hails shall use a meter for setting fares, and shall charge no more than the meter rates set by the
- 477 Board.

478 (b) A Driver or Licensee operating as a taxicab and using a meter for determining fares shall not tamper
479 with, alter, or connect any unauthorized device to the taximeter or make any change in the taximeter
480 that would affect its operation.

481 (c) Any taximeter shall be subject to inspection by the City at any time. If any violation or any
482 inaccuracy is discovered, the Administration Office shall notify the taxicab Driver and/or Licensee
483 for whom the Driver is operating to cease operation and shall order the vehicle out of service. The
484 taxicab shall be kept out of service until the taximeter is repaired, the required working condition is
485 restored, and the taximeter is resealed.

486 **30-24 Dynamic Market Pricing.**

487 (a) Licensees may utilize dynamic market or surge pricing in the City or at the Airport provided that the
488 Licensee provides clear and visible indication that such pricing is in effect before a passenger
489 requests a ride and include a feature that requires riders to confirm that they understand such pricing
490 will be applied in order for the ride request to be completed.

491 (b) Licensees shall establish and implement a written policy capping dynamic pricing during disasters
492 and relevant states of emergency and shall make this policy available on its website or application.

493 **ARTICLE 10. SPECIFIC STANDARDS**

494 **30-25 Non-discrimination.**

495 (a) All Licensees and Drivers shall comply with all applicable laws requiring that they shall not
496 unlawfully harass or discriminate against any Passenger or other person on the basis of destination,
497 race, color, national origin, place of birth, ancestry, religious belief or affiliation, sex, sexual
498 orientation, gender identity, marital status, disability, or age.

499 (b) Each Licensee shall adopt a written policy, and shall notify all Drivers of the policy, prohibiting such
500 unlawful harassment or discrimination.

501 (c) A vehicle for hire Driver may refuse to transport an individual if:

502 (1) The vehicle for hire is already occupied by a passenger;

503

504 (2) The vehicle for hire is already on its way to pick up a passenger in answer to a call for
505 service;

506

507 (3) The vehicle for hire is out of service for any reason;

508

509 (4) Notwithstanding subsection (a) above, the person clearly poses a legitimate health or safety
510 concern; or

511

512 (5) The person has a documented history with the licensee of disorderly behavior or refusing to
513 pay the authorized fare.

514 (d) A non-TNC vehicle for hire Driver who refuses to transport an individual pursuant to subsection (c)
515 shall promptly file a report with the Administration Office and/or the Business Licensee for whom
516 the Driver is operating.

517 **30-26 Accessibility.**

518 (a) Licensees and Drivers shall comply with all applicable laws relating to accommodation of service
519 animals. No additional fare or fee shall be charged for carrying a service animal.

520 (b) Licensees shall not impose additional charges for providing services to persons with disabilities
521 because of those disabilities.

522 (c) If a Licensee does not provide access to wheelchair accessible vehicles, the Licensee shall provide on
523 its website or mobile application the contact information of providers of wheelchair accessible
524 vehicle for hire services, if such services are available in the City.

525 **30-27 Transport of animals.**

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

529 **30-28 Carrying additional passengers.**

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

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

534 **30-29 Most direct route.**

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

538 **30-30 Compliance with authorities.**

539 No vehicle for hire Licensee or Driver may knowingly fail or refuse to comply with any lawful order or
540 direction of any law enforcement officer, Airport Ground Transportation Personnel, Administration Office
541 personnel, or other official City representative and upon demand shall exhibit his or her License or vehicle
542 for hire Driver identification for closer inspection.

543

544

545 **30-31 Compliance with law.**

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

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

553 **30-32 Maximum number of hours of operation.**

554 No Driver may drive, nor may any Licensee require a Driver to drive, more than twelve (12) consecutive
555 hours within any twenty-four-hour period.

556 Article 11. ENFORCEMENT

557 **30-33 Monitoring of Public Safety Requirements**

558 The Administration Office shall establish a vehicle for hire monitoring and compliance system that on an
559 ongoing basis, monitors and investigates Drivers and vehicles for hire operating in the City and at the Airport
560 where there is reasonable suspicion that a Driver is violating:

561 (a) State inspection and safety standard requirements;

562 (b) Vehicle identification and decal requirements;

563 (c) Driver photo and identification requirements; and

564 (d) Passenger bill of rights posting requirements.

565 **30-34 Suspensions and revocations.**

566 (a) Each Licensee, including any TNC, shall automatically suspend the driving privileges of any Driver
567 and/or disallow access to the TNC network if the Administration Office or the Board provides the
568 Licensee with credible evidence indicating that:

569 (1) The Driver failed any portion of an Administration Office vehicle and Driver monitoring
570 check more than one (1) time in a calendar year;

571 (2) The Driver's operator's license has been suspended or revoked for any reason;

572 (3) The Driver is convicted of an offense that under section 30-11(a) would have disqualified the
573 Driver;

- 574 (4) The Driver has been charged with a criminal offense that under Section 30-11(a) would
575 disqualify the Driver if the driver is convicted of the offense; or
- 576 (5) The Driver has engaged in conduct that poses an immediate and serious risk to the public's
577 peace and safety.
- 578 **(b) The City shall automatically suspend the driving privilege of any Driver working for a Vehicle for**
579 **Hire Company for which the City has conducted the background checks:**
- 580 (1) Who fails any portion of an Administration Office monitoring check more than one (1) time
581 in a calendar year;
- 582 (2) Whose state operator's license has been suspended or revoked for any reason;
- 583 (3) Who is convicted of or charged with an offense under section 30-11(a);
- 584 (4) Who knowingly and materially fails to comply with the certification, audit, records, reporting
585 or other provisions of this Chapter;
- 586 (5) Who, according to credible information from local, state, or national law enforcement or other
587 source, has engaged in conduct that poses an immediate and serious risk to the public's peace
588 and safety; or
- 589 **(c) Each Licensee shall immediately remove from service any vehicle that is not covered by the liability**
590 **insurance policy required under Section 30-18. A TNC shall not allow a TNC Driver to accept trip**
591 **requests through the TNC's digital platform unless the vehicle that the TNC Driver will use to**
592 **provide TNC arranged rides is covered by the liability insurance policy required under Section 30-18.**
- 593 **(d) The City shall automatically suspend the License of any Licensee who knowingly failed to suspend**
594 **the driving privileges of a Driver as required in subsection (a).**
- 595 **(e) The City shall automatically suspend the License of any Licensee upon proof from an insurance**
596 **carrier that the liability insurance required under Section 30-18 has lapsed or been cancelled.**
- 597 **(f) If the City automatically suspends a License under any of the provisions above, the Licensee shall be**
598 **notified in writing immediately that the license has been suspended, effective upon the actual notice**
599 **to the Licensee or three (3) days after the date on the notice of suspension; whichever is sooner. The**
600 **notice shall set forth the reasons for the immediate suspension and the date for a hearing before the**
601 **Board.**
- 602 **(g) A Licensee's Business License or a Driver's privilege to drive for a Licensee may be suspended or**
603 **revoked by the Board for any other cause or violation of this Chapter only after notice and hearing.**
604 **The Licensee shall be notified in writing of the alleged violations, the intention to suspend or revoke**
605 **the license(s), and the date for hearing before the Board.**

606 (h) A License may be suspended if the Licensee is found to have knowingly violated this Chapter three
607 (3) or more times within a twelve (12) month period and the violations resulted in fines or
608 suspensions of a Driver operating for that Licensee within a twelve (12) month period.

609 (i) Any suspended license shall be returned to the Administration Office within three (3) business days
610 of said suspension.

611 **30-35 Appeals; Notice and opportunity for a hearing.**

612 (a) Except as expressly provided in this chapter, no Licensee may be fined or License revoked or
613 suspended without prior notice to the Licensee, and after an opportunity for a hearing before the
614 Board.

615 (b) Unexcused failure of an Applicant or Licensee to appear at the hearing shall be deemed a waiver of
616 the rights to said hearing.

617 (c) At any hearing, the Applicant or Licensee shall be entitled to be represented by counsel, to summon
618 witnesses on its own behalf, to cross-examine those witnesses who testify, and to present evidence.
619 The complainant, if any, shall also be notified of the hearing and given the opportunity to be heard.

620 (d) The Board may agree to settle the case prior to a final decision. After a final decision, the Board may
621 hear a motion for reconsideration at its discretion.

622 (e) All violations shall be determined based upon a preponderance of evidence standard. All hearings
623 shall be conducted with substantial fairness, and strict adherence to the rules of evidence shall not be
624 required. Hearsay evidence may be admissible.

625 (f) All hearings shall be held within thirty (30) calendar days of delivery to Licensee of the notice unless
626 the Board grants a continuance for good cause.

627 **30-36 Removal and impoundment.**

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

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

638 (c) Vehicle impoundment hearing.

- 639 (1) The chair of the Board or the chair's designee shall serve as the vehicle impoundment hearing
640 officer and hear vehicle impoundment cases pursuant to this Chapter. After a hearing, the
641 hearing officer shall issue a written order of release or an order for further impoundment of
642 the vehicle stating the grounds for the order.
- 643 (2) The registered owner of the vehicle may admit the violation and pay the fine, plus any
644 applicable towing and storage fees or make a written request for a vehicle impoundment
645 hearing before the vehicle impoundment hearing officer within five (5) business days of the
646 notice of impoundment. The vehicle impoundment hearing officer shall conduct the hearing
647 within five (5) business days of receipt of the request or as soon as practicable thereafter. All
648 interested persons shall be given reasonable opportunity to be heard at the vehicle
649 impoundment hearing.
- 650 (3) The formal rules of evidence will not apply at the hearing, and hearsay evidence may be
651 admissible.
- 652 (4) If, after the hearing, the vehicle impoundment hearing officer determines that the vehicle is
653 not subject to impoundment under subsection (a), the vehicle impoundment hearing officer
654 shall order the immediate release and return of the vehicle with no fines, towing fees or costs
655 due to the City.
- 656 (5) If, after the hearing, the vehicle impoundment hearing officer determines that the vehicle is
657 subject to impoundment under subsection (a), the vehicle impoundment hearing officer shall
658 order the continued impoundment of the vehicle as provided in this section unless the
659 registered owner admits the violation(s) and pays in full any towing and storage fees plus the
660 fine(s).
- 661 (6) The registered owner may seek relief in any court of competent jurisdiction as provided by the
662 laws of the State of Vermont. Except where ordered otherwise by that court, the vehicle will
663 continue to be impounded unless the registered owner posts with the Administration Office a
664 cash bond in the amount of the maximum fine(s) owed plus any applicable towing and storage
665 fees.
- 666 Any additional costs associated with the impoundment of the vehicle, including reasonable
667 attorney's fees, will be the responsibility of the registered owner if the hearing officer's
668 decision is upheld.
- 669 (7) If the registered owner does not obtain the vehicle by the date specified in the order of release
670 or order for further impoundment, he or she shall be responsible for any further storage fees,
671 and payment of such fees must be made before the release of the vehicle.
- 672 (d) Default hearing. If the registered owner fails to appear for the vehicle impoundment hearing or does
673 not assert an interest in the impounded vehicle a default hearing will be held. The vehicle
674 impoundment hearing officer shall make a determination pursuant to subsection (c). The
675 Administration Office will inform the registered owner of the default determination by certified mail,
676 return receipt requested. The registered owner may comply with the default determination within

677 seven (7) business days of such mailing or move to vacate such default determination. In the event
678 that such default determination is vacated, the respondent shall be entitled to a full hearing. Such
679 hearing shall be scheduled within ten (10) business days of the order vacating the default
680 determination or as soon as practicable thereafter.

681 (e) Abandoned vehicles.

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

685 (2) A vehicle shall be deemed abandoned, pursuant to paragraph (1) herein, if a registered owner:

686 (i) Has not taken possession of the vehicle within fifteen (15) days of obtaining an order
687 of release pursuant to subsection (c)(3) or (c)(4); or

688 (ii) Has not paid the fines assessed pursuant to this Chapter, if any, and towing and storage
689 fees within fifteen (15) days of a hearing determination of continued impoundment
690 pursuant to subsection (c)(4) herein, or within fifteen (15) days after notice of a default
691 determination was mailed to the registered owner pursuant to subsection (d); or

692 (iii) Has not paid the fines assessed pursuant to this Chapter, if any, and towing and storage
693 fees within fifteen (15) days of denial of a motion to vacate a default determination
694 pursuant to subsection (d).

695 (f) In the event that a vehicle has been deemed abandoned pursuant to paragraphs (1) and (2) of this
696 subsection, the Administration Office shall by certified mail, return receipt requested, notify the
697 registered owner that the vehicle has been deemed an abandoned vehicle and that, the City shall seek
698 title to the vehicle from the State of Vermont pursuant to [23 V.S.A. § 2153](#).

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

702 **30-37 Penalties.**

703 (a) For any violation of this Chapter, the Board, after notice and hearing, may impose any of the
704 following penalties:

705 (1) The Board may place legal conditions on a License that it deems necessary to ensure
706 adherence to the requirements of this Chapter and ensure the public's safety and welfare.

707 (2) In addition to, or instead of suspension of a License, the Board may impose a fine of up to
708 eight hundred dollars (\$800.00) per day for each knowing violation of this Chapter.

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

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

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

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

724

725 Note:

726 * Entire ordinance is being replaced so text is not stricken in this document for ease of reading.

727 ** Material underlined is added.

728

729

730 lb/GM/Ordinances 2016/Vehicles for Hire – Chapter 30 (Taxi Rewrite)

731 2/12/16