



## Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Passed

**File created:** 12/2/2013      **In control:** Rules & Reference Committee

**On agenda:** 12/16/2013      **Final action:** 12/19/2013

**Title:** To amend various sections in Chapters 585, 587, 591, 592, 593 and 594 of the Columbus City Code and to enact new Section 593.06 of the Columbus City Code in order to allow for the operation of mobile application-based transportation services relating to livery vehicles.

**Sponsors:** Michelle M. Mills

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
12/19/2013	1	CITY CLERK	Attest	
12/18/2013	1	ACTING MAYOR	Signed	
12/16/2013	1	COUNCIL PRESIDENT	Signed	
12/16/2013	1	Columbus City Council	Approved	Pass
12/9/2013	1	Columbus City Council	Read for the First Time	

**BACKGROUND:** This ordinance amends Chapters 585, 587, 591, 592, 593 and 594 and enacts a new section in Chapter 593 in the City's Vehicle for Hire Code specifically relating to livery vehicles and the introduction of mobile application-based transportation services to the livery industry in Columbus.

Earlier this year, the State Legislature changed State law so that livery services were no longer required to charge an hourly rate. This change opened the door for a new transportation model to enter the Ohio market: mobile application-based transportation services. This fall, mobile application-based transportation companies expressed interest in working with the City to become part of Columbus' vehicle for hire industry. Through discussions with the administration and the Vehicle for Hire Board, it was determined that the best course of action would be to amend sections of the code to allow for mobile application-based transportation companies to operate in the City's livery industry. The changes also will allow current livery companies to be dispatched by phone or mobile applications.

One of the changes in Chapter 593 will make the location of the decal on livery vehicles be determined by rules and regulations, rather than in code. This same change will be made to Chapters 591, 592 and 594 so that they are consistent with Chapter 593. This is the only change being made to Chapters 591, 592 and 594.

Following consideration of this legislation, City Council and the Department of Public Safety will continue to work to address the introduction of mobile application-based transportation services in other areas of Columbus' vehicle for hire industry.

**FISCAL IMPACT:** None

To amend various sections in Chapters 585, 587, 591, 592, 593 and 594 of the Columbus City Code and to enact new

Section 593.06 of the Columbus City Code in order to allow for the operation of mobile application-based transportation services relating to livery vehicles.

**WHEREAS**, there is a need to amend various sections in Chapters 585, 587, 591, 592, 593 and 594 of the Columbus City Code in order to allow for the operation of mobile application-based transportation services relating to livery vehicles; and

**WHEREAS**, it is the goal of this Council to modernize these Chapters to permit the use of new trends in transportation technology; and

**WHEREAS**, this ordinance implements changes that will provide customers with a new way to access livery and black car services, and will support the progress of the livery industry; and

**WHEREAS**, these changes will also support economic development and tourism in Columbus; and

**WHEREAS**, this ordinance establishes language and authorizes the amendment of various sections of Chapters 585, 587, 591, 592, 593 and 594 of the Columbus City Code and the enactment of new Section 593.06 of the Columbus City Code for the above-described purpose; now, therefore

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That existing Section 585.01 of the Columbus City Code is hereby amended to read as follows:

**585.01 Definitions.**

When used in Chapters 585 through 594 of the Columbus City Code:

- (a) "Board" shall mean the Vehicle for Hire Board as constituted in Chapter 585 of the Columbus City Code.
- (b) "Director" shall mean the Director of Public Safety, or his or her designee.
- (c) "License" shall mean an official document issued by the Department of Public Safety authorizing operation of a licensed taxicab, livery, pedicab, horse drawn carriage or vehicle for hire on the streets of the city.
- (d) "License Section" shall mean the Department of Public Safety, Division of Support Services, License Section and is further defined in C.C.C. 501.02 and 501.03
- (e) "Suspend" shall mean to temporarily deprive a licensee of rights or privileges under a license for a period not to exceed ninety (90) days.
- (f) "Revoke" shall mean to terminate all rights or privileges under a license for a period not to exceed ninety (90) days after which the individual must reapply for a license.
- (g) "Permanently revoke" shall mean to terminate all rights and privileges under a license for a period of ninety (90) days or greater and to render the holder of a license ineligible to reapply for said license.
- (h) "Vehicle for hire" shall mean any passenger vehicle engaged in the transportation of person(s) from or entirely within the corporate limits of Columbus with the intent to receive direct or indirect compensation that is determined by mutual agreement, by contract, by mileage, or by the length of time the vehicle is used for providing such transportation.
- (i) "Vehicle for hire owner" shall mean every corporation, association, joint stock association, person, firm or partnership, their lessees, directors, receivers, trustees, appointees by any court whatsoever, or the heirs, executors, administrators, or personal representatives or assignees of any deceased owner, owning, controlling, operating or managing any vehicle for hire. However, a vehicle for hire driver, driving a vehicle for hire pursuant to a contract of employment or a lease arrangement with the holder of a license for such vehicle, shall not be deemed a "vehicle for hire owner".
- (j) "Vehicle for hire driver" shall mean the individual driving, operating or in physical control of the vehicle for hire.
- (k) "Operator" shall mean the individual who manages one (1) or more vehicles for hire whether as the owner, an employee of the owner or as an independent contractor.
- (l) "Taxicab" shall mean all public passenger motor vehicles carrying the public generally as passengers for hire, gift, donation or other consideration either direct or indirect on the streets of the city, where the route traveled and trip destination are controlled by the passenger and at a charge or fare based upon time and mileage as recorded and

indicated on a taximeter. The term "taxicab" includes all motor vehicles that are used as taxicabs, cabs or for-hire cars, and engaged as such in the transport of passengers for hire, gift, donation or other consideration, either direct or indirect. (m) "Taxicab owner" shall mean every corporation, association, joint stock association, person, firm or partnership, their lessees, directors, receivers, trustees, appointees by any court whatsoever, or the heirs, executors, administrators, or personal representatives or assignees of any deceased owner, owning, controlling, operating or managing any taxicab. A taxicab driver, driving a taxicab pursuant to a contract of employment or a lease arrangement with the holder of a license for such taxicab, shall not be deemed a "taxicab owner".

(n) "Taxicab driver" shall mean the individual driving, operating or in physical control of a taxicab.

(o) "Taximeter" shall mean an instrument or device attached to a taxicab which measures mechanically or electronically the distance driven and the waiting time upon which the fare is based.

(p) "Waiting time" shall mean any time a taxicab is engaged or hired by a passenger but not in motion.

(q) "Livery vehicle" shall mean:

(1) A limousine or ~~specialized~~ an at least four (4) door passenger vehicle not equipped with a taximeter and for hire only by prearrangement, provided that such livery vehicles do not drive in search of patronage or park on any public street, or place of assemblage to solicit patronage not prearranged; and at a rate charged per hour or fixed in advance, provided that all such livery vehicles are:

(A) To be for hire for continuous periods of one (1) hour or more, whether actually used for one (1) hour or not;

(B) Of a type and configuration not generally licensed as a taxicab in the city; and

(C) ~~Not to drive in search of patronage or park on any public street, or place of assemblage to solicit patronage not prearranged.~~

(2) Rental vehicles for use in the performance of the business of a limousine company; and

(3) Any other vehicle for hire not equipped with a taximeter and for hire only by prearrangement. This is intended to cover omnibuses and other vehicles not otherwise covered by the Columbus City Code.

(r) "Prearranged" shall mean an agreement to provide transportation by registration in advance of boarding from a specific location in a livery vehicle at an agreed upon rate, ~~for a minimum of a one-hour period of time without regard to whether the trip requires less than one (1) hour or not. The key factor in determining the cost of a prearranged livery service shall be the length of time the vehicle is in use, measured in hourly increments or an agreed upon fixed rate that exceeds the normal hourly rate for one (1) hour and not the distance traveled.~~

(s) "Omnibus" shall mean a motor vehicle designed to carry sixteen (16) or more passengers.

(t) "Scheduled limousine" or "shuttle vehicles" shall mean an omnibus or similar vehicle operated over an established route and on a regular schedule, regardless of whether passengers are present for pickup or not. This type of service will generally be provided pursuant to a contract for a prearranged service. The rate charged shall be a flat fee charged equally to all locations on the route regardless of time or distance traveled. Scheduled limousines shall not be sedans or station wagons. These vehicles will comply with the licensing requirements established in Chapter 593 for liveries.

(u) "Livery chauffeur" shall mean the individual driving, operating or in physical control of a livery vehicle.

(v) "Pedicab" shall mean a bicycle upon which a person may ride, propelled by human power through a belt, chain or gears, or powered by electronic assist, and constructed in such a manner as to engage in the business of carrying passengers for hire, gift, donation or other consideration either direct or indirect on the streets of the city, where route traveled and trip destination are controlled by the passenger.

(w) "Bicycle" shall have the same meaning as defined in C.C.C. 2101.04

(x) "Pedicab driver" shall mean the individual driving, operating or in physical control of a pedicab.

(y) "Horse carriage" shall mean a horse drawn vehicle or carriage operating in such a manner as to engage in the business of carrying passengers for hire, gift, donation or other consideration either direct or indirect on the streets of the city, where route traveled and trip destination are controlled by the passenger.

(z) "Wheelchair specialty vehicle" shall mean a motor vehicle that is specifically designed, constructed, or modified and equipped and is intended to be used for the transportation of persons who require use of a wheelchair.

(aa) "Contract vehicle" shall mean a vehicle providing for hire transportation by a written contract agreement with an entity, not the passenger, and when the contract entity compensates the for-hire service and no compensation is accepted from the passenger. A contract vehicle shall not engage in cruising or operating on demand service or accept other passengers not covered by the contract.

(bb) "Church bus" shall mean a vehicle owned by a church and used exclusively for church activities and licensed and registered by the state of Ohio as defined in Ohio Revised Code 4503.07.

(cc) "Funeral vehicle" shall mean vehicles owned by a funeral director and used exclusively for funeral services or

vehicles for hire while being used for funeral services. This does not prohibit a vehicle from being used as a livery vehicle and a funeral vehicle, such vehicle when used as a livery vehicle must be licensed in accordance with C.C.C Chapters 585 through 594

(dd) "Motor bus" shall mean a vehicle owned by a registered common carrier and registered with the Public Utilities Commission of the State of Ohio (PUCO), and operated for the purpose of intrastate or interstate commerce on regulated routes or schedules.

(ee) "Hotel and/or motel courtesy vehicles" shall mean a limousine, specialized passenger vehicle, omnibus or similar vehicle operated by a hotel or motel as a courtesy for its patrons or its employees at no cost to its patrons or employees. These vehicles will comply with the licensing requirements established by Chapter 593 for liveries if at any time they carry the general public in violation of this definition.

(ff) "Day care facility and automobile dealer shuttle/bus" shall mean a vehicle operated by a daycare facility or automobile dealer to transport its customers and patrons at no cost to said customers and patrons.

(gg) "Hourly rate" shall be a charge for the actual time consumed in the transportation of passengers together with any waiting time consumed at the direction of the passenger.

(hh) "Special trip" shall mean a trip to and from points of interest for which a rate, approved by the Vehicle for Hire Board, is filed with the Director of Public Safety.

(ii) "Complainant" shall mean a person that has filed a verbal or written complaint against a vehicle for hire owner or driver.

(jj) "Ridesharing agreement" shall mean the transportation of persons in a motor vehicle where the transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and buspools.

**SECTION 2.** That existing Section 585.08 of the Columbus City Code is hereby amended to read as follows:

**585.08 Taxicab, livery and pedicab license moratorium.**

The Board shall at least once a year conduct a public meeting to recommend to City Council the total number of taxicabs, livery vehicles and pedicabs which may be licensed within the City based on consideration of public convenience and necessity. The Board's recommendation shall be based upon the following factors:

- (a) Public demand for taxicab, livery and pedicab service;
- (b) Adequate service for the public by existing licensed taxicab, livery and pedicab service and other forms of mass transportation;
- (c) The relationship of the total number of licenses to the revenue of the existing license holders and the effect on the wages or compensation, hours, or conditions of service of drivers of taxicabs, livery vehicles and pedicabs;
- (d) Metropolitan area population and statistics including tourist population, new construction starts, retail sales, geographical expansion, and passenger landings at Port Columbus International Airport;
- (e) The effect on traffic congestion and the safety of existing vehicular and pedestrian traffic; and
- (f) Such other factors as the Board find to be relevant.

The Board shall forward its recommendation to City Council, which shall determine the total number of taxicabs, livery vehicles and pedicabs which may be licensed within thirty (30) days of receiving the recommendation.

**SECTION 3.** That existing Section 587.09 of the Columbus City Code is hereby amended to read as follows:

**587.09 Transfer of license to other owner.**

No Vehicle for Hire Owner's License for a taxicab shall be transferred from one (1) taxicab owner to another unless an application for transfer has been filed with the License Section and a hearing is held by the Board, which may grant or deny the application. The applicant for the transfer of a license shall file with his or her application the written consent of the existing taxicab owner of the license and shall comply with all the terms and conditions of the Columbus City Code governing vehicles for hire. A processing fee of two hundred and fifty dollars (\$250.00) shall be imposed for such transfer. Every taxicab owner of a licensed vehicle for hire shall notify the Director upon the sale of any licensed vehicle when it is intended that the purchaser shall continue to operate it as a vehicle for hire within the City.

No Vehicle for Hire Owner's License issued for a livery vehicle, pedicab or horse carriage shall be transferred from one (1) owner to another. Any Vehicle for Hire Owner's License issued for a livery vehicle, pedicab or horse carriage shall

revert back to the City of Columbus.

**SECTION 4.** That existing Section 587.10 of the Columbus City Code is hereby amended to read as follows:

**587.10 Records; trip sheets.**

- (a) The owner or operator shall maintain a record of all vehicles showing the body number, the city license number, and data necessary to identify the driver of such vehicle at all times. The owner or operator shall also keep a record of the time of departure from and arrival at his or her garage or headquarters of such vehicle(s).
- (b) Owners shall require their drivers to submit completed trip sheets on a regular basis, but in no case shall this be greater than weekly. The trip sheet shall record the identification number of the vehicle, name of the driver, date of trip, number of passengers and the total amount of the fare paid. Pedicab and livery drivers are exempt from keeping trip sheets under this section but pedicab and livery owners must otherwise comply with Sections 587.10(a) and (c).
- (c) All such records shall be maintained and not destroyed for a period of six (6) months, and shall be subject to inspection at all times by the Division of Police and by the Director.

**SECTION 5.** That existing Section 591.02 of the Columbus City Code is hereby amended to read as follows:

**591.02 Allowing Operation of an Unlicensed Taxicab**

No person shall solicit, drive, operate, or otherwise in physical control of any taxicab for the purpose of carrying the public generally as passengers for hire, gift, donation, or other consideration unless:

- (a) The owner of such taxicab has obtained a City of Columbus Vehicle for Hire Owner's License issued pursuant to Chapter 587 prior to operation and such license is not under suspension or revocation;
- (b) Each driver of the licensed taxicab has obtained a City of Columbus Vehicle for Hire Driver's License issued pursuant to Chapter 589 prior to operation and such license is not under suspension or revocation;
- (c) The driver identification card is properly displayed while the driver is operating, driving or otherwise in physical control of a licensed taxicab; and
- (d) The current decal issued by the License Section is clearly displayed ~~in the lower right hand corner of the windshield~~ as required by rules and regulations.

**SECTION 6.** That existing Section 592.02 of the Columbus City Code is hereby amended to read as follows:

**592.02 Allowing Operation of an Unlicensed Pedicab**

No person shall solicit, drive, operate, or otherwise in physical control of any pedicab for the purpose of carrying the public generally as passengers for hire, gift, donation, or other consideration unless:

- (a) The owner of such pedicab has obtained a city of Columbus Vehicle for Hire Owner's License issued pursuant to Chapter 587 prior to operation and such license is not under suspension or revocation;
- (b) Each driver of the licensed pedicab has obtained a city of Columbus Vehicle for Hire Driver's License issued pursuant to Chapter 589 prior to operation and such license is not under suspension or revocation;
- (c) The driver identification card properly is displayed while the driver is operating, driving or otherwise in physical control of a licensed pedicab; and
- (d) The current decal issued by the License Section is clearly displayed ~~on the lower left side of the back of the pedicab~~ as required by rules and regulations.

**SECTION 7.** That existing Section 593.02 of the Columbus City Code is hereby amended to read as follows:

**593.02 Allowing operation of an unlicensed livery vehicle and exceptions for an unlicensed livery.**

- (a) No person shall solicit, drive, operate, or otherwise be in physical control of any livery vehicle for the purpose of carrying the public generally as passengers for hire, gift, donation, or other consideration unless:
- (1) The owner of such livery vehicle has obtained a City of Columbus Vehicle for Hire Owner's License issued pursuant to Chapter 587 prior to operation and such license is not under suspension or revocation; and
  - (2) Each driver of the licensed livery vehicle has obtained a City of Columbus Vehicle for Hire Driver's License issued pursuant to Chapter 589 prior to operation and such license is not under suspension or revocation; and
  - (3) The driver identification card is properly displayed while the driver is operating, driving or otherwise in physical

control of a licensed livery vehicle; and

(4) The current decal issued by the License Section is clearly displayed as required by rules and regulations; ~~and in the lower right hand corner of the windshield; or~~

(5) The vehicle is equipped with State of Ohio issued livery license plates; or

~~(5b)~~ The operator has brought passengers from outside Columbus' corporate limits into its limits and does not pick up any passengers within these corporate limits.

(b) The provisions of this chapter shall apply to all funeral vehicles when the vehicle is used as a livery vehicle. This will require the licensing of the owner and driver as provided in Chapters 585 through 589. Vehicles loaned from a funeral director to a person or company to be used as livery must be licensed as livery vehicles in accordance with Chapters 585 through 594; ~~and~~

(c) The owner of a livery vehicle for hire may pick up passengers within the city without obtaining a City of Columbus Vehicle for Hire Owner's License provided that all following requirements are met:

~~(1) The business address of the livery owner is located outside the corporate limits of the City;~~

(2) The passenger's pickup location occurred ~~The actual location where the passenger(s) are picked up occurs~~ outside the corporate limits of the City;

~~(3) The driver picks up only the same passenger(s) who was brought into the corporate limits of the City from outside of the City; and~~

~~(4) The livery driver possesses within the livery vehicle a written agreement signed by the passenger(s) indicating the livery is engaged in a single, roundtrip.~~

(d) A vehicle for hire owner or driver that does not comply with all ~~four (4)~~ three (3) requirements found in Section 593.02(c) shall be required to be licensed by the Department of Public Safety pursuant to Chapters 585, 587, 589 and 593.

**SECTION 8.** That existing Section 593.03 of the Columbus City Code is hereby amended to read as follows:

**593.03 Livery vehicle standards.**

All licensed livery vehicles shall be reasonably clean and in safe condition so as not to cause personal injury or damage the clothing or possessions of the passenger(s). Every livery vehicle shall be equipped with the following:

(a) A light within the passenger compartment;

(b) Safety or shatterproof glass in all windows;

(c) Passenger restraints such as safety belts, which may be used at the option of the passenger, numbering no fewer than the maximum occupancy of the livery; ~~and~~

(d) A two-way radio or telephone dispatch;

(e) Must have a minimum of four (4) doors; and

(f) Must not require the movement of a seat or any portion of a seat to gain access to another seat, with the exception of wheelchair specialty vehicles.

**SECTION 9.** That existing Section 593.05 of the Columbus City Code is hereby amended to read as follows:

**593.05 Grounds for permanent revocation, revocation, and suspension.**

The Director may permanently revoke, revoke or suspend the license of any livery driver and/or owner who engages in any of the following conduct:

(a) Allowing employees, agents or licensed drivers to solicit or accept passengers on the streets or by any means other than through prearrangement;

(b) Failing to operate a scheduled livery vehicle on its scheduled route and at the scheduled times; ~~or~~

~~(c) Carrying a passenger in a livery without charging the hourly rate.~~

(c) Failing to take the most direct route or the most convenient route unless otherwise instructed by the passenger;

(d) Parking any livery vehicle at a taxi stand unless the vehicle has been hired for passenger use through prearrangement;

(e) Failing to post and maintain the schedule of rates filed with the Director for that livery vehicle; or

(f) Failing to, at all times, maintain a trip sheet in accordance with C.C.C. 587.10.

**SECTION 10.** That existing Section 594.03 of the Columbus City Code is hereby amended to read as follows:

### **594.03 Allowing Operation of an Unlicensed Carriage**

No person shall solicit, drive, operate, or otherwise in physical control of any carriage for the purpose of carrying the public generally as passengers for hire, gift, donation, or other consideration unless:

- (a) The owner of such carriage company has obtained a City of Columbus Vehicle for Hire Owner's License issued pursuant to Chapter 587 prior to operation and the license is not under suspension or revocation;
- (b) Each driver of the licensed carriage has obtained a City of Columbus Vehicle for Hire Driver's License issued pursuant to Chapters 589 and 594 prior to operation and the license is not under suspension or revocation;
- (c) Each carriage has obtained a city of Columbus Carriage License issued pursuant to Chapter 594 prior to operation and the license is not under suspension or revocation;
- (d) Each horse has obtained a city of Columbus Carriage Horse License issued pursuant to Chapter 594 prior to operation and the license is not under suspension or revocation;
- (e) The driver identification card is properly displayed while the driver is operating, driving or in physical control of a licensed carriage; and
- (f) The current decal issued by the License Section is clearly displayed ~~on the lower left side of the back of the carriage~~ as required by rules and regulations.

**SECTION 11.** That existing Sections 585.01, 585.08, 587.09, 587.10, 591.02, 592.02, 593.02, 593.03, 593.05 and 594.03 of the Columbus City Code are hereby repealed.

**SECTION 12.** That new Section 593.06 of the Columbus City Code is hereby enacted to read as follows:

#### **593.06 Fare rate schedule.**

Every livery owner and/or driver is required to, verbally or through an online enabled application, provide an estimated fare to the passenger(s) prior to the passenger(s) accepting the ride. The estimated fare should be based on a metrics of GPS coordinates and estimated length of the ride. During hours of peak demand, the passenger(s) may incur a surcharge in addition to the regular fare. The passenger(s) must be made aware of the additional fee prior to accepting the ride.

Every livery owner shall maintain on file with the Director its complete schedule of rates, including the metrics used to estimate a fare. Whenever a new schedule of rates becomes effective for the livery vehicle, the owner shall file an amended schedule with the Director within three (3) days of the change. No more than one amended schedule shall be filed by any owner within any period of seven (7) days.

**SECTION 13.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.