

RECOMMENDED BY: TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

SUBMITTED BY: CITY ATTORNEY

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 12 LICENSING AND REGULATION, CHAPTER 16, ON-DEMAND VEHICLES-FOR-HIRE AND COURTESY, AS AMENDED, OF THE GENERAL CODE OF THE CITY OF BIRMINGHAM, 1980.

BE IT ORDAINED by the Council of the City of Birmingham that:

SECTION 1.

Title 12 Licensing and Regulation, Chapter 16, Vehicles-For-Hire and Courtesy Transportation Services, as amended, of the General Code of the City Of Birmingham, 1980, is hereby amended to read as follows:

ARTICLE A

1. GENERAL PROVISIONS

Section 12-16-1 Definitions.

Unless otherwise expressly provided, the following words for the purpose of this chapter shall have the meanings herein indicated:

Accessible Vehicle: A minivan, van or bus that meets the requirements of the Americans with Disabilities Act (ADA) and is equipped with the following:

- 1) A lift mechanism capable of lifting a passenger in a wheelchair from street level into the vehicle or a ramp with a slope that is suitable for a wheelchair passenger to enter the vehicle safely,
- 2) Headroom of sufficient capacity to accommodate wheelchair passengers comfortably, and,
- 3) Wheelchair tie-downs, but shall not include transportation of passengers in a recumbent position or on stretchers or beds.

Airport Shuttle Vehicle: Transportation provided exclusively to or from the Birmingham Shuttlesworth International Airport by a minivan, van or minibus at flat rate per person fare.

Americans with Disabilities Act – Sec. 1218: Prohibition of discrimination in specified public transportation services provided by private entities (a) General rule - No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of specified public transportation services provided by a private entity that is primarily engaged in the business of transporting people and whose operations affect commerce. This includes service animals, wheelchairs, and other medical service equipment necessary to transport with the passenger to ensure medical health and assist in their mobility. Must meet the “equivalent service” requirements under the Americans with Disabilities Act.

Bus: A passenger vehicle designed to seat over 16 persons.

Business: Single act of transporting a passenger or passengers for hire

Business Licenses: The licenses required of any business to operate within the City by the license codes of the City.

Cabstand: A reserved area where traditional On-Demand taxi-metered vehicles stage

Call or Demand: Transportation arrangements made indiscriminately and instantaneously with a request for service through a phone call, text, or third party transportation app

Card on File Application: Software application that stores electronic payment information for a passenger, that automatically charges the trip, and issues an email receipt for services provided.

Certificate of Public Necessity and Convenience (also referred to as CPNC): The authorization granted by the Council permitting an entity, person, company or corporation to operate one vehicle as a public service vehicle upon the streets of the City, which authorization shall be

limited to one of the types of service defined hereinabove and which may also be limited as to the type of vehicle.

Chauffeur: A person employed to transport others by operating a vehicle for hire.

Driver Permit: A permit issued by the Chief of Police or his designee for the operation of a vehicle for hire by an applicant therefor.

City: When referring to an entity, shall mean the City of Birmingham, Alabama, and, when referring to a geographic location, shall mean the City of Birmingham, Alabama, and the police jurisdiction thereof.

Commercial Vehicle: A vehicle seating twenty-five (25) or more passengers.

Compensation: Any money, thing of value, payment, consideration, reward, tip, donation, gratuity or profit paid to, accepted or received by the driver or owner of any vehicle in exchange for transportation of a person, or persons, whether paid upon solicitation, demand or contract, or voluntarily, or intended as a gratuity or donation.

Cruising: Driving on, over or along city streets and around businesses soliciting passengers for hire or parking for the purpose of soliciting fares.

Courtesy Transportation Service: Any vehicle used for public transportation which is not for hire which is owned or leased and operated for the purpose of transporting customers, clients, guests or any passengers in aid of or in connection with the permit holder's business situated in the State of Alabama. Courtesy Transportation services may include non-profit, sedan, or shuttle services only. The service is offered on a prearranged basis, a preapproved regularly scheduled basis, or a preapproved route. A business of offering or providing transportation for-hire by a sedan or shuttle vehicle when:

- 1) Passengers are charged a reduced rate for service, through a non-profit action or

- 2) Such services are incidental and complimentary to the permit holder's primary business endeavor. A vehicle providing courtesy vehicle service is prohibited from charging a fee for any transportation provided and is prohibited from providing any other service defined herein.

Chauffeur, Driver, or Operator: A person operating a vehicle-for-hire or courtesy transportation service upon the public streets of the city.

E-Hail: The use of any electronic device in any manner, including e-mail, text message, push-notification or application for the booking of, or request for, immediate or prearranged transportation services.

Equivalent Service: The service provided to people with disabilities must be equivalent in terms of response-time, fares charged, hours and days of service, ability to accept reservations, restrictions based on trip purpose and other limitations on capacity or serviceability. This includes service animals, wheelchairs, and other medical service equipment necessary to transport with the passenger to ensure medical health and assist in their mobility, option that meets “equivalent service” requirements under the Americans with Disabilities Act.

Executive Sedan Vehicle: A sedan-type, luxury automobile or SUV, such as a Cadillac, Lincoln, Lexus, Mercedes, Chevrolet Suburban, or Ford Expedition, or like vehicle with a passenger seating capacity not in excess of eight persons including the chauffeur, operating by prearrangement and furnished with a chauffeur.

Franchise Bus Service: All forms of buses which are operated under franchise, agreement, or contract with or from the city and are generally associated with or developed for mass surface transportation of the public. A Franchise bus service does not require a CPNC.

Ground Transportation Service: A service which utilizes vehicles-for-hire in the transportation of passengers from within the city and which includes, but is not limited to On-Demand, Prearranged, Shuttle, Non-emergency Medical, or Courtesy transportation services.

Group Riding or Car-pooling: Traditional car-pooling or ride-sharing arrangements in which friends, neighbors or co-workers share driving duties and the cost of gasoline are not considered vehicles-for-hire by the City.

High Flagging: The use of On-Demand transportation services to transport passengers without engaging a taximeter or a card-on-file app to calculate rate per mile traveled.

Hired Auto: A specialty limousine carrying a maximum of 5 individuals plus driver/chauffer, which is owned by a person or entity other than the business using it which otherwise meets the insurance and safety requirements as set out herein. A company utilizing a hired auto for passenger pick-ups within the corporate limits of the City must first notify the Birmingham Police Department twenty-four (24) hours prior to such use.

Incidental: Transportation service provided that is complimentary to the parameters of a non-transportation business license.

Jitney Shuttle Vehicle: A public service vehicle-for-hire which is a van, minibus or bus, not equipped with a taximeter or a card on file app that calculates rate per mile traveled on-demand, and which is driven or operated upon a fixed route or between fixed termini with a per passenger rate. Term does not include franchise buses or school buses.

Limousine: A motor vehicle furnishing transportation for-hire in the city, not over fixed routes, operated by a chauffeur on a prearranged basis which meets the manufacturer's specifications for luxury limousine, with a minimum of six (6) seats located behind the operator of the vehicle, with a designed seating capacity for no more than fourteen (14) passengers, and with a door at the rear of the vehicle designed to allow passenger entry or exit.

Livery Service: The transporting of people, such as by an on-demand or reservation service, in exchange for monetary compensation.

Long Hauling: The practice of an On-Demand chauffeur, taking a route other than the most direct or efficient route, in order to charge the customer a higher amount.

Luxury bus vehicle: A public service vehicle-for-hire, furnished with a chauffeur and which is a bus seating 16 or more persons, not equipped with a taximeter or a card-on-file app, which is engaged by prearrangement based on a per person passenger fee, and not driven or operated in regard to any fixed route nor in regard to definite termini.

Non- Emergency Medical Transport Service: A public service vehicle-for-hire:

1. Which is engaged by prearrangement,
2. Which is a van, minivan or bus or is an accessible vehicle, and
3. Which provides non-emergency transportation service to ambulatory or wheelchair passengers to and from medical appointments.

Medical transport service: Services provided under the Alabama Medicaid Non-Emergency Transportation Program (NET) wherein vouchers are issued for the payment of these transportation services. A vehicle operating under a CPNC issued by the Council to operate as a medical transport service is prohibited from:

1. Providing emergency medical transportation,
2. Transporting passengers in a recumbent or prone position,
3. Making intra-hospital facility transfers,
4. Cruising,
5. Operating on call or demand, or
6. Providing any other service defined herein.

Non-Profit or Not for Profit Service: A public service vehicle which is provided as a free service or reduced rate service to meet the needs of individuals, as defined in the non-profit's mission statement.

On-Demand Transportation Service: A public service automobile or accessible vehicle-for-hire available on-demand or on call and equipped with a taximeter or a card on file app which is not

operated or driven in regard to any fixed route or in regard to definite termini, and whose fee is based upon miles driven, not hours of use from points of origin to destinations as directed by the passengers. Provided, however, the classification On-Demand transportation services shall not apply to any motor vehicle which is used exclusively by or under a written agreement with a hotel, motel, airport, hospital, club or other such entity for the transportation of its members, guests, patients or clients; provided, that each vehicle under such agreement will have the same distinctive visible outside painted appearance as each other vehicle under the agreement to any such hotel, motel, airport, hospital, club or other such entity. On-Demand transportation services may include pedicab, sedan, shuttle, or SUV vehicles only.

Operate: The picking up and/or dropping off of a passenger for-hire within the city.

Owner: A person owning or operating one (1) or more vehicles-for-hire and driving or causing any such vehicle to be driven upon the public streets.

Passenger: A person other than the driver who is an occupant of a vehicle for-hire. For the purpose of this chapter, any occupant of a vehicle other than the driver shall be presumed to be a passenger.

Pedicab Vehicle: A bicycle that has three or more wheels that transports, or is capable of transporting, passengers on seats attached to the bicycle that is operated by an individual, and that is used for transporting passengers for receipt of any form of consideration; or a bicycle with a singular unarticulated frame, that pulls a device that transports, or is capable of transporting, passengers on seats attached to a passenger cab or similar device, that is operated by an individual, and that is used for transporting passengers for receipt of any form of consideration.

Person and/or applicant: An individual, partnership, firm, association, corporation or any other legal entity.

Prearranged Service: Ground transportation service that is scheduled by an initial reservation a minimum of one half hour in advance of the trip, excluding performance under a corporate

contract. Prearranged Transportation service may include bus, executive sedan, limousine, luxury bus, specialty limousine, or stretch luxury limousine services only which is engaged by pre-arrangement the charges for the use of which are determined by agreement, mileage or by the length of time for which the vehicle is engaged, and which is not driven or operated in regard to any fixed route or in regard to definite termini.. A vehicle operating under a CPNC issued by the Council to operate as a prearranged service is prohibited from:

- a. Cruising,
- b. Operating on call or demand, and
- c. Providing any other service defined herein.

Public service vehicle: Any motor vehicle, furnished with a driver, which is made available to the public for the purpose of carrying passengers, including but not limited to all of the services defined by this section except franchise bus service and school bus service and also including courtesy car service as defined herein. For the purpose of this chapter, a public service vehicle shall include a pedicab as defined herein.

School bus service: A bus operated solely for the purpose of transporting school children to and from school and other school-related functions and which is regulated by the Alabama Board of Education by or under contract with the Birmingham Board of Education. School bus service does not require a CPNC.

Sedan Vehicle: Any vehicle which has a seating capacity for the driver and not more than five (5) passengers.

Shuttle service: A business of offering or providing transportation for-hire by a shuttle vehicle when:

- 1) The driver is furnished as part of the service; and
- 2) The service is offered on a prearranged basis, a preapproved regularly scheduled basis, or a preapproved route.
- 3) Receives monetary compensation at a fixed per passenger rate and paid for by passenger.

Shuttle Service: A business offering or providing transportation for-hire by a shuttle vehicle when:

- 1) The chauffeur is furnished as part of the service; and
- 2) The service is offered on a prearranged basis, a preapproved regularly scheduled basis, or a preapproved route.
- 3) Receives monetary compensation at a fixed per passenger rate and paid for by passenger.

Shuttle service may include airport shuttle, jitney shuttle, or suburban shuttle services only.

Shuttle Vehicle: A van-type motor vehicle that has a manufacturer's seating capacity of not less than six (6) passengers and not more than fifteen (15) passengers and is used for the transportation of persons from a location within the city to another location either inside or outside the city.

Software: The object code versions of any applications, programs, operating system software, computer software languages, utilities, other computer programs and related documentation in whatever form or media, including the tangible media upon which such applications, programs, operating system software, computer software languages, utilities, other computer programs and related documentation are recorded or printed, together with all corrections.

Specialty limousine: An antique or special interest vehicle which is maintained in excellent condition. Antique vehicle shall mean a vehicle that is 25 years old or older and recognized by the Antique Automobile Club of America. Special interest vehicle shall mean a vehicle that, due to limited production, outstanding design, unique character, and/or technical achievement, is of special interest, such as a Rolls Royce, Bentley or Excalibur Phaeton. A specialty limousine shall carry a maximum of five (5) passengers plus driver/chauffeur. The determination of whether a vehicle qualifies as an antique, classic or special interest vehicle shall be made by the City.

Stage: The act of parking in a designated area, reserved for traditional On-Demand taxi-metered vehicles to wait for customers.

Stand, closed: A place alongside the curb of a street or elsewhere in the city which has been designated by the city as reserved exclusively for the use of on-demand transportation of a particular holder of a certificate of public convenience and necessity.

Stand, open: A public place alongside the curb of a street or elsewhere in the city which has been designated by the city as reserved exclusively for the use of on-demand transportation.

Street Legal: A vehicle that meets the requirements, safety standards, and any other measure of roadworthiness required of any typical motor vehicle used in normal day to day transportation upon public or private streets, roadways, or other thoroughfares

Stretch luxury limousine: A custom-designed, extended-body type automobile, SUV, or pick-up truck which is luxurious in its appointments and accommodations, which has had its frame and body extended a minimum of 60 inches by conversion, and which is designed for a minimum seating capacity of (5) persons behind the driver.

Suburban Shuttle Vehicle: A shuttle vehicle, as defined herein, which receives passengers outside of the city for discharge within the city, or receives passengers within the city for discharge outside the city, but which does not receive passengers within the city for discharge within the city, operating on a fixed route.

Taximeter: a traditional analog, digital, or electronic device mounted in an on-demand vehicle that automatically calculates mileage at a predetermined rate or rates, displays the charge for-hire of a vehicle. It may also be equipped to take payments for-hire of vehicle.

Terminal: The fixed base of operations from which the applicant proposes to conduct a vehicle-for-hire business.

Third-party transportation app: A software application available to users for download onto a smartphone or other electronic device for vehicle transportation purposes.

Third-party transportation app company: An individual, firm, corporation, association, partnership, or cooperative that owns, controls and operates a third-party transportation app.

Transportation network application company: A company operating, Alabama that uses a digital network or software application to connect a passenger to transportation network services provided by a transportation network operator within the corporate limits of the City of Birmingham, Alabama.

Transportation network operator: An individual who operates a motor vehicle that is:

- 1) Owned or leased by the individual;
- 2) Not a commercial vehicle as defined by this Ordinance;
- 3) Not licensed as a vehicle-for-hire under this Ordinance; and
- 4) Used to provide transportation network services.

Transportation network services: Transportation of a passenger between points chosen by the passenger and that is prearranged by a transportation network application company.

Uniformed Chauffeur: A driver of a stretch luxury or specialty limousine who shall wear a uniform or a dark blue or black business suit, or tuxedo, and a solid white or colored shirt.

Vehicle-for-hire (VFH): Any motor vehicle or pedicab designed or used for the transportation of passenger(s) for-hire, the charges for the use of which are determined by agreement, mileage or by the length of time for which the vehicle is engaged.

Section 12-16-2 Vehicle Permitting Requirements.

On-Demand transportation service vehicles and all Public Service Vehicles shall be designated for single use only. A vehicle permitted as an On-Demand transportation service shall not be used as a Prearranged, Shuttle, Non-Emergency Medical Transport, or Courtesy transportation service. A vehicle permitted as a Prearranged, Shuttle, Non-Emergency Medical Transport, or Courtesy service shall not be used as an On-Demand transportation service.

Section 12-16-3 Vehicle requirements.

Every vehicle classified as a vehicle-for-hire under this chapter shall be kept clean, sanitary, fit, and of good appearance, and in a safe condition for the transportation of passengers and shall conform to the standards as set out in 12-16-6 herein. Additionally, vehicles-for-hire must have an operational GPS (Global Positioning System) and a cellular telephone which must be either Bluetooth or operated hands-free in the vehicle while in operation. Additionally, the following Passenger Bill of Rights must be posted in a conspicuous place in the vehicle:

- 1) The driver cannot refuse to take his/her passenger(s) to any destination within the corporate limits of the City of Birmingham and must take the most direct route to the destination.
- 2) The driver shall be courteous, operate the vehicle in a safe manner, and obey all traffic laws.
- 3) Upon request, a passenger has a right to a vehicle which is ADA compliant.
- 4) A driver may not refuse to transport a service animal.
- 5) All installed safety equipment, including but not limited to seat belts, must be properly maintained.
- 6) The exterior of each vehicle shall be maintained in a clean condition.
- 7) The vehicle interior must be in a clean condition, free of foreign matter and offensive odors.
- 8) A driver must operate the vehicles heater or air conditioner at the request of his passengers.
- 9) A driver must provide a noise-free trip with no radio or horn honking.
- 10) A driver will refrain from smoking.
- 11) A driver must only operate his/her cellular telephone hands-free via Bluetooth.
- 12) The passenger must be allowed to pay his/her fare with a debit/credit card.

Section 12-16-4 Display of information on body of vehicles.

A. On-demand transportation and shuttle vehicles

- 1) The trademark presentation for an on-demand transportation service shall be the same as that proposed in the application for a CPNC. All on-demand transportation owned or operated by a person licensed/permitted under this chapter shall have a uniform presentation.
- 2) Each on-demand permitted transportation vehicle shall bear on each side, in painted letters upon the vehicle or by magnetic signage attached to the side doors (both left and right side driver's doors). The illustration of the distinctive signage shall be filed with the Police Chief or his designee along with the application for CPNC's.
 - a. Not less than two and one half ($2\frac{1}{2}$) inches in height, the name of the owner or the trade name under which the owner does business.
 - b. A serial body number assigned by the owner to each on-demand transportation vehicle.
 - c. All the foregoing mandatory lettering, wording and figures shall be of such color as will contrast distinctly with the color of the body of the on-demand transportation vehicle. Emblems displayed on wheelchair-accessible vehicles shall specify or mark that such vehicles are wheelchair accessible.
- 3) Posted inside each on-demand transportation vehicle or shuttle vehicle on front passenger side dashboard immediately visible to a passenger shall be the following:
 - a. The card issued to each on-demand transportation or shuttle by the Revenue Division of the Finance Department in accordance with section 12-16-16 bearing the words Certified On-demand Transportation Vehicle, Courtesy or Shuttle Service;
 - b. The schedule of rates and charges must be clearly displayed either on dashboard or within the third party transportation app operation for easy viewing of the passenger;
 - c. The company's telephone number and contact information;
 - d. The driver's license and Driver Permit; and
 - e. The driver's USDOT Medical Card.
- 4) Each vehicle-for-hire, with the exception of prearranged services vehicles shall have affixed to the front windshield on the left (drivers) side a valid CPNC sticker issued by

the Chief of Police or his designee showing the vehicle's CPNC number, VIN#, and the date of inspection.

- 5) Each on-demand transportation service shall be equipped with a taximeter or a third party transportation app. All display equipment shall be affixed to the dash of the vehicle in a secured holder, in view for the passenger to see and read clearly, and the mileage charge amount as it is levied.
- 6) It shall be unlawful for any person to transport or offer to transport passengers for-hire in any vehicle-for-hire, with the exception of prearranged services vehicles, which does not have affixed to the front windshield on the left (driver's) side a valid inspection sticker issued by the Chief of Police or his designee showing the vehicle's CPNC number, VIN#, and the date of inspection.
- 7) Shuttle vehicles shall display not more than two signs, logos or other emblems, not to exceed 400 square inches each, which identify the person or organization making available the service and the persons to whom the service is made available. No additional signage or advertising is permitted.
- 8) No vehicle shall be equipped with shades, curtains, or any other vision-obstructing device, excepting antique vehicles where originally equipped.
- 9) In the event a public service vehicle is removed from service for any reason, all body information as described by paragraphs (2) and (3) of this section shall immediately be removed from such vehicle.

B. Prearranged Service Vehicles.

- 1) No limousine or executive sedan shall be approved for service if it bears any advertising or other writing or emblem on the outside, except as required in this ordinance.
- 2) Each prearranged service vehicle shall have affixed to the upper right corner of the front windshield a current yearly insurance sticker.

Section 12-16-5 Vehicle insurance.

- A. Every vehicle classified as a vehicle-for-hire under this chapter and operated within the city limits or police jurisdiction thereof shall be required to carry and maintain in effect a combined single limit commercial policy of insurance issued by a company duly authorized

to conduct business in the State of Alabama, by the provisions of which insurance policy the company promises and undertakes to pay in full all claims for damages to persons or property resulting from the operation of the vehicles-for-hire referred to in such application; provided, that the minimum amount for which liability shall be assumed for injury to or death of one or more persons and for which liability shall be assumed for injury to or destruction of property in any one accident shall be:

- 1) On-demand Transportation Services, Prearranged Services (Executive Sedan, Limousine, Specialty Limousine, and Stretch Luxury Limousine), Shuttle, and Courtesy Service Vehicles: five hundred thousand (\$500,000) dollars Combined Single Limit. The applicant is required to have insurance coverage in the minimum amount of five hundred thousand (\$500,000) dollars for personal injury, property damage or advertising liability and is required to name the City as an additional insured. This includes all phases of service - from the time the car and driver are on the clock or the third party driver application is activated and awaiting a service request, en route to passenger location, during the transport of the passenger, and again, when the driver and the application returns to queue to await another service request.
 - 2) Prearranged Services (Bus and Luxury Bus) and Non-Emergency Medical Transport services for-hire: one million (\$1,000,000) dollars Combined Single Limit. The applicant is required to have insurance coverage in the minimum amount of one million (\$1,000,000) dollars for personal injury, property damage or advertising liability and is required to name the City as an additional insured.
 - 3) All transportation services licensed under this code: \$250,000 Underinsured/Uninsured Motorist (UM/UIM) coverage.
- B. No permit required by this chapter or business license shall be granted to any person to operate any vehicle-for-hire upon the streets or elsewhere in the city or its police jurisdiction until such person shall have first filed in person with the City Clerk a current and valid copy of the certificate of the insurance requirements stated in paragraph A hereinabove, issued to such person by a public liability insurance company authorized to do business in the state, and excepting Specialty Limousines operated as Hired Autos, must denote the VIN# for each

individual vehicle covered by the policy. In addition, each VIN# listed must correspond to the VIN# attached to each CPNC held by the business owner.

C. Specialty Limousine services may operate vehicles leased, hired, rented, or borrowed from private owners as Hired Autos under commercial Hired Auto Liability insurance coverage, provided that:

- 1) The vehicle is owned by, and possesses a current and valid vehicle registration to, a person or entity other than the business, its owner(s), employees, partners (if a partnership), members (if a limited liability company), or members of their households,
- 2) The vehicle maintains a valid CPNC and complies with all requirements of this Chapter, including but not limited to the inspection requirements set forth in section 12-16-6,
- 3) The business owner shall have first filed in person with the City Clerk a copy of the vehicle registration and a current and valid certificate of commercial Hired Auto Liability coverage, listing the business as the Insured, and with a liability limit greater than or equal to the minimum limits of liability prescribed for Specialty Limousines in paragraph A hereinabove,
- 4) All vehicles owned by, or registered to, the business or its owner(s), partners (if a partnership), or members (if a limited liability company) in operation and requiring a CPNC under this Chapter are scheduled by VIN# on a commercial automobile single limit policy of insurance meeting the requirements prescribed by paragraph A hereinabove.

CPNCs issued to Specialty Limousine services for vehicles operated as Hired Autos shall be valid only while the vehicle is operated by the business named as the Insured in item (3) hereinabove and covered by Hired Auto Liability insurance, and may not be operated for-hire within the City by any other person or business at any time.

D. To the extent that the insurance of a company or a driver may be found to cover action of misconduct by the driver, neither the company nor the driver shall rely upon any language in any contract, corporate or business materials, that would expressly waive the rights for any passenger or any person, including the driver involved in an incident, the right to seek any

and all liability, claims or damages arising from or in any way related to a third party or contract transportation company.

- E. If an accident occurs involving a vehicle-for-hire or an incidental transportation service vehicle, the chauffeur shall provide proof of insurance information to all parties involved in the accident regarding liability insurance for the vehicle-for-hire and the company at the time of the accident. This information shall include;
 - a. The amount of insurance provided by the company, and the amount of the insurance provided by the driver including, but not limited to, the name of the insurance company, its location, and contact information necessary to make a claim against the insurance;
 - b. The name and address of a responsible person for the company with whom a person involved in the accident, or that person's representative, can discuss the claim.

- F. The insurance coverage required by this section shall at all times be maintained for the full amount. The certificate of each policy or policies of insurance required by this section to be filed with the City Clerk shall contain a clause obligating the company issuing the same to give not less than thirty (30) days' written notice to the City Clerk's office before cancellation thereof. Notice of cancellation shall not relieve the company issuing such policy or policies of liability insurance for any injury or claim arising before the cancellation becomes effective. The cancellation of any such policy shall have the effect of suspending the permit of such person to operate vehicles-for-hire or business covered thereby until a new policy or policies complying with the provisions of this section is filed with the City Clerk. If any such policy shall be allowed to lapse such that the insurance held does not meet the requirements set forth by this code the CPNC's associated with said policy shall be considered for revocation by the Council following notice by the City Clerk's Office to the Council.

Section 12-16-6 Vehicle inspection.

Each vehicle-for-hire shall be inspected during the month of the expiration of the then-current inspection sticker issued by the Chief of Police or his designee.

A. General Provisions

The Chief of Police or his designee may conduct random inspections of vehicles-for-hire at any time.

- 1) A mechanic at the city garage will complete all random mechanical inspections at the city's expense. For Specialty Limousines, the mechanic may inspect visible components, but may not remove or disassemble components without the consent of the Owner. Owners or operators of Specialty Limousines may be present for inspection.
- 2) Any law enforcement officer can perform non-mechanical inspections to ensure compliance.
- 3) If a vehicle-for-hire fails to pass the requirements of an inspection, the Chief of Police or his designee shall issue the driver a correction slip, giving the driver five (5) days within which to correct all listed deficiencies. In such event, the Chief of Police or his designee shall forward to the CPNC holder a copy of the correction slip. If such deficiencies shall not have been corrected and if an inspection certificate shall not have been issued within such five -day period, then such vehicle shall not be used thereafter as a vehicle-for-hire until a new inspection certificate shall have been issued.
- 4) The issuance of a city business license to the owner of such vehicles by the Revenue Division of the Finance Department shall be conditioned upon the receipt by the Chief of Police or his designee of inspection certificate as well as positive inspection by Chief of Police or his designee, review by the City Attorney's office, receipt of the insurance policies on said vehicles by the City Clerk's office, and granting of CPNC's by the Council.
- 5) All vehicles-for-hire shall be inspected annually for proper markings and display information. All vehicles excepting those classified by this chapter as Specialty Limousines must have a sticker or plate, installed by the manufacturer that designates the seating capacity of the vehicle.

B. Inspection Requirements, Vehicles other than Specialty Limousines

A certificate from a technician that is ASE (Automotive Service Excellence) certified or from a licensed garage which has been certified by a Federal Motor Carrier Safety Administration

(FMCSA) approved facility stating that the vehicle has been inspected and meets the requirements set forth in this chapter shall be issued to the owner of the vehicle for presentation to the City when applying for a city business license.

Each vehicle-for-hire shall be inspected annually for proper markings and display of information and to ensure equipment is properly installed and functioning. Such annual inspections must be conducted by:

- 1) A technician that is ASE certified, or
- 2) A mechanic certified to meet the FMCSA Inspector qualifications of 49 C.F.R. §396.19, or
- 3) A qualified garage or mechanic licensed to do business in the corporate limits of the City or its police jurisdiction, based on the following criteria:
 - a. The vehicle meets or exceeds all applicable standards set forth by the FMCSA in 49 C.F.R. Chapter III Subchapter B Appendix G.
 - b. The vehicle interior shall be in a clean condition, free of foreign matter and offensive odors. There shall be no litter in the vehicle or trunk. The seats shall be kept clean and without holes or large wear spots. The rear view mirror, horn, seat belts (front and back), steering wheel, foot brakes and air conditioning and heating systems where installed shall be inspected to ascertain that each is functioning properly. The dashboard, upholstery, floor mats, head lining, door panels and the trunk compartment shall be inspected to determine whether they are clean, free of debris, free of tears, and that the trunk has sufficient space (within reason) for passengers' luggage. The vehicle shall contain a spare tire, a jack, a functional means of communication for On-Demand, Prearranged, Shuttles, and Courtesy Service Vehicles.
 - c. Exterior headlights, taillights, brake lights, directional signal lights, side mirrors, license plate lights, windshield, vent glasses, windshield wipers, all other vehicle glass, glass window raisers, doors and door locks, trunk lid, trunk, hood, door handles, exhaust system, splash shields, hubcaps, bumpers, fenders, motor vehicle frame, and tires shall be inspected to ascertain that each is intact and functioning properly. The exterior of each vehicle shall be maintained in a clean condition.

There shall be no tears or rust holes in the vehicle body. The paint shall not be peeling or in a faded condition. No loose pieces such as fenders, bumpers or trim shall be hanging from the vehicle body. There shall be no unrepaired body damage or any condition which would create a safety problem or interfere with the operation of the vehicle.

C. Inspection Requirements, Vehicles classified as Specialty Limousines

A certificate from:

- 1) A technician with a current ASE certificate in at least one ASE certification area A1 through A9, or
- 2) A technician meeting the FMCSA Inspector qualifications of 49 C.F.R. §396.19, or
- 3) The owner or operator or his employee, provided that he holds a current ASE certificate in at least one ASE certification area A1 through A9, or meets the FMCSA Inspector qualifications of 49 C.F.R. §396.19, stating that the vehicle has been inspected and meets the requirements set forth in this chapter shall be issued to the owner of the vehicle for presentation to the City when applying for a city business license. Additionally, each Specialty Limousine for-hire shall be inspected annually by an inspector meeting the above listed qualifications, based on the following criteria:
 - a. The vehicle meets or exceeds all applicable standards established by Appendix SL of this chapter.
 - b. The vehicle interior shall be in a clean condition, free of foreign matter and offensive odors. There shall be no litter in the vehicle or trunk. The seats shall be kept clean and without holes or large wear spots. The dashboard, upholstery, floor coverings, head lining, door panels and the trunk compartment shall be inspected to determine whether they are clean, free of debris, and in good condition. The vehicle shall contain a readily accessible UL approved fire extinguisher in operable condition at all times. If originally equipped, the vehicle shall contain a spare tire in good condition and a serviceable jack.
 - c. Exterior headlights, taillights, brake lights, directional signal lights (where originally installed), windshield, windshield wipers, all other vehicle glass, doors, trunk lid, trunk, hood, door handles, exhaust system, splash shields, hubcaps,

bumpers, fenders, motor vehicle frame, and tires shall be inspected to ascertain that each is intact and functioning properly. The exterior of each vehicle including tires shall be maintained in a clean condition. There shall be no tears or rust holes in the vehicle body. The paint shall be in good condition. No loose pieces such as fenders, bumpers or trim shall be hanging from the vehicle body. There shall be no unrepaired body damage or any condition which would create a safety problem or interfere with the operation of the vehicle.

Section 12-16-7 On-Demand Mileage Calculations.

It shall be unlawful to own, operate or cause to be operated, any on-demand transportation vehicle upon the streets or thoroughfares of the City, unless such on-demand transportation vehicle is equipped with either a traditional taximeter or a Third Party Transportation App

- 1) The traditional taximeter must have been issued a Certificate of Conformance by the U.S. Department of Commerce, National Institute of Standards and Technology (NIST) and conforms to specifications and tolerances described in NIST Handbook 44.
- 2) Each taximeter shall have thereon a device to activate the meter and shall have a lighted display clearly denoting when the vehicle is employed and when it is not employed; and it shall be the duty of the driver to throw the device of such taximeter into a non-recording position at the termination of each trip. The Third-party Transportation App must be a well-secured technology platform that enables users of a mobile application or website, provided as part of the service or application, to arrange and schedule transportation and/or logistics services with third party providers of such services, including independent third party transportation providers and third party logistics providers under agreement with the company that owns, controls and operates the third-party transportation app.

Section 12-16-8 Rates of fare.

- A. On-demand Transportation Rates: No owner or driver of an on-demand transportation shall charge a greater sum for the use of an on-demand transportation than in accordance with the following rates as adjusted under paragraph C herein:

- 1) Minimum Charge: Three dollars (\$3.00) for the first one-fourth (1/4) mile or fraction thereof, and twenty-five cents (\$0.25) for each additional one-eighth (1/8) mile or fraction thereof.
- 2) Surge Charge: Peak pricing cannot be more than 50% over the minimum charge rate at any given time. The chauffeur and/or the third party app shall disclose to the passenger prior to engagement whether or not it is within a time of surge pricing and offer to notify the passenger as to when the pricing will return to normal charge.
- 3) There shall be allowed to be levied a service charge for cleaning of the interior of the vehicle in case of illness or spillage on behalf of a passenger, not to exceed \$150. However, no other extemporaneous charges are to be assessed over the charge per mileage as established in this section.
- 4) At no time is a four-square device to be utilized to accept payment for transportation services licensed or permitted under this code.
- 5) Credit Cards:
 - a. Every on-demand transportation CPNC holder shall require its drivers to accept all major credit, debit, and charge cards (collectively Credit Cards) as payment for services rendered and shall accept any and all risk of nonpayment.
 - b. No additional charge shall be levied against a passenger for use of Credit Cards, nor shall any passenger be refused service for their use of Credit Cards. Drivers shall not set a minimum or maximum charge for any Credit Card transactions. Drivers shall provide all Credit Card paying customers with a truncated copy of their sales draft or charge receipt clearly showing the amount and date of the transaction, company owner's name and telephone number, the driver's on-demand transportation number, and the transaction's authorization approval code. The truncated sales draft or receipt shall not include the Credit Card's expiration date or any more than the last four (4) digits of the Credit Card's number.
 - c. Every on-demand transportation vehicle shall be equipped with a fully-functioning wireless device or card on file application that provides a secure Credit Card processing method, satisfies all Payment Card Industry Data

Security Standard (PCI DSS) requirements. Card on file applications are required to transmit electronically, within 5 minutes of the transaction end,

1. The origin and destination of trip
2. Total time and distance of the trip
3. Driver name and picture and vehicle information and license tag number
4. Contact information for the company
5. And a breakdown of total fare paid.

Wireless machines must be able to:

1. Encrypt any information transmitted to authenticate a Credit Card payment transaction for approval;
2. Accept cards affiliated with all major Credit Card Associations including, but not limited to, MasterCard, Visa, American Express, and Discover Network. Manual imprinting machines are prohibited; and
3. Use EMV chip card technology.

d. Upon request, a driver must provide a hardcopy receipt for charges

B. Permit Holder to Report Schedule of Rates: Each Permit Holder operating a vehicle-for-hire under this chapter shall file with the Chief of Police or his designee a schedule of rates to be charged; however, such rates shall not exceed the maximum rates allowed by this Section. Such rates shall not be changed without five (5) days written notice to the Chief of Police or his designee.

Section 12-16-9 - CPNC's Required for Business License.

Courtesy transportation services need not obtain a Business License for incidental operations in order to obtain CPNC's. For vehicles characterized as for-hire (On-Demand, Prearranged, Shuttle, Non-Emergency Medical, and Courtesy services that are not incidental) CPNC's must be acquired before a business license will be applied for and issued. The Revenue Division of the Finance Department shall obtain documentation from the Birmingham Police Chief or his designee and the Clerk's Office to ensure compliance prior to the issuance of a business license.

Section 12-16-10 Required.

It shall be unlawful for any owner of any vehicle-for-hire as defined herein, to operate or to permit the same to be operated on the streets of the City until a valid CPNC and a business license have been obtained therefore, as the case may be, as herein provided.

Section 12-16-11 Application for CPNC.

- A. Every person or company who desires a CPNC shall, prior to obtaining a business license from the Revenue Division of the Finance Department, pay a filing fee of one hundred dollars (\$100.00), make a written application for a CPNC to the City on forms to be furnished by the Birmingham Police Department and verify under oath stating:
- 1) The name and address of the applicant, specifying, in the case of any unincorporated association, partnership, firm or limited liability company, the names and addresses of each member thereof, and, in the case of any corporation, the names and addresses of each officer and director.
 - 2) The location of any and all depots and terminals proposed to be used by the applicant.
 - 3) The number of vehicles that the applicant wishes to operate.
 - 4) A description of the insignia, trade name and proposed color scheme for each vehicle-for-hire.
 - 5) Any trade name for an on-demand transportation service must contain the word on-demand, on-demand transportation.
 - 6) Any other relevant information which the Revenue Division of the Finance Department may require.

- 7) That the applicant is a citizen of the United States or an alien admitted for permanent residence that has otherwise been granted employment authorization by the United States Immigration and Naturalization Service.
- 8) That the applicant possesses and maintains a publicly listed telephone number.

B. After the application has been completed, the applicant shall return the application to the Chief of Police or his designee. The Chief of Police or his designee shall review the application and the information provided therein and then forward to the City Attorney or his designee for further review. The application will then be forwarded to the Council for consideration. The council shall not consider any application until such time as the Chief of Police or his designee and the City Attorney or his designee has issued a report, including their findings and recommendations to the council.

Section 12-16-12 Types Cost, and Number of CPNC.

- A. The types of CPNC and examples of vehicles used for each type of CPNC are as follows:
- 1) On-Demand Transportation Service Vehicles - typically four to eight passenger vehicles including includes Pedicab, Sedan, Shuttle, and SUV, with motorized vehicles having a minimum of four doors.
 - 2) Prearranged transportation service vehicles - Bus, Executive Sedan, Limousine, Luxury Bus, Specialty Limousine, and Stretch Luxury Limousine. Limousines
 - 3) Shuttle Transportation Service Vehicles - typically seven to fifteen passengers including Airport Shuttle, Jitney Shuttle, and Suburban Shuttle.
 - 4) Courtesy transportation service vehicles - Sedan, Shuttle, and SUV.
 - 5) Non-Emergency Medical Transportation Service Vehicles.
 - 6) Additional types of CPNC's may be established or designated by amendment of this Section.
- B. Number of CPNC's – The maximum number of On-Demand Transportation Service CPNC's for vehicles operating within the City is based on an annual review of the number of On-Demand transportation services operating in cities of similar size and with similar transportation issues as the City of Birmingham. Based on a review of the relevant information, the total number of On-Demand transportation services CPNC's (excluding

temporary CPNC's) is 500. A review shall be conducted by the council each January to determine the maximum number of CPNC's allowed in circulation for that year.

- C. All On-Demand Transportation Services CPNC holders must own no less than fifteen (15) On-Demand Transportation Service CPNC permits. In such event that the CPNC holder does hold less than fifteen (15) CPNC's, the CPNC holder's business license and remaining CPNC's shall be revoked. No one On-Demand Transportation Service Company shall be in possession of more than forty-nine percent (49%) of the City's total number of CPNC's issued. There is no limit imposed on any of the other categories of CPNC.

- D. No On-Demand Transportation Service CPNC holder will have less than 3% of the entire fleet that is ADA wheelchair compliant at any time during business hours.

- G. On-Demand Transportation Service CPNC Utilization - Each On-Demand transportation service CPNC holder may be allowed to retain unused CPNC's in a number not to exceed 15% of the number of public service vehicles for which they have yearly permits, and which have current insurance and business licenses.

- H. The cost of each CPNC is in addition to the cost of the Business License, and is as follows:
 - Prearranged Services \$200.00 per CPNC
 - Non-Emergency Medical Transport Services \$200.00 per CPNC
 - Courtesy Services \$ 10.00 per CPNC
 - Pedicab \$100.00 per CPNC
 - On-Demand Transportation Services \$200.00 per CPNC
 - Shuttle Services \$200.00 per CPNC

Section 12-16-13 Reserved

Section 12-16-14 Issuance of CPNC.

If the Council determines that further vehicle-for-hire service is required by public necessity and convenience, and that the applicant is qualified and able to perform such service and to conform

with the provisions of this chapter, then the council shall adopt a resolution that the public necessity and convenience require the proposed vehicle-for-hire service, and authorize the Revenue Division of the Finance Department to issue, upon payment of all required fees, a business license and at the same time, the Chief of Police or his designee to issue CPNC's for each vehicle, reflecting the expiration date and VIN# on each respective permit.

Section 12-16-15 Accountability and Transparency.

Any company or entity lawfully operating a vehicle-for-hire or incidental transportation service within the corporate limits of the City of Birmingham shall cooperate to the fullest extent possible with law enforcement to provide information about specific transportation incidents. If local, state, or federal law enforcement asserts that access to such information must be immediate to prevent a reasonable threat of death, or serious physical injury, to a person or to investigate a crime involving possible felonious actions, the company and driver shall provide that information immediately. Any ground transportation company that is licensed and/or permitted by the City shall provide emergency contact to the Police Chief or his designee for such instances. In all other law enforcement situations such information shall be provided promptly in response to the issuance of a prosecuting attorney's subpoena to review said records. Any failure to comply with this section shall result in the immediate suspension of all licenses and permits granted by the City for any and all transportation services.

Nothing in this Code protects a company or entity lawfully operating a for-hire or incidental transportation service from any requirement to release documents pursuant to the Freedom of Information Act, and failure to comply with the Public Records Act, as determined by the City or State of Alabama court of competent jurisdiction, shall lead to the immediate suspension of all licenses and permits granted by the City for any and all transportation services.

Any terms and conditions in the agreement between a third party provider, a driver operating through a third party application, or a passenger(s) utilizing a third party application to request transportation services that would act as a waiver of the third party provider or said driver's liability to the passenger(s) or to the public, are declared to be null, void, and unenforceable.

Section 12-16-16 Information prerequisite to CPNC issuance.

- A. Each applicant for a CPNC under this chapter shall, before the issuance of a permit(s) under this section, file with the Revenue Division of the Finance Department:
- 1) A description of each motor vehicle to be operated by the applicant pursuant to the permit, including the make, model, passenger seating capacity, year of manufacture, state license number, the chassis and engine number, or Vehicle Identification Number (VIN) thereof, and the name and address of the owner.
 - 2) A certificate of insurance as stated in Section 12-16-5 of this chapter. The insurance policy and certificate shall provide that the City shall be given at least thirty (30) days prior notice of cancellation. Such policy shall not be canceled or suspended either by the insured or the insurer unless at least thirty (30) days' notice in writing of the intention to cancel or suspend policy has been filed with the City Clerk's Office, and upon such suspension or cancellation of insurance, the CPNC (s) of the insured shall be revoked if not made current and valid within the same time frame.
- B. Failure to comply with subsection (a) hereof within sixty (60) days after the adoption of a resolution by the Council of public necessity and convenience as required by Section 12-16-13 shall be deemed to be abandonment of the application and the CPNC's in respect to the number of motor vehicles not so reported or insured pursuant to Section 12-16-12.

Section 12-16-17 Renewal.

Any CPNC (s) issued under this chapter may be renewed annually for additional periods of one (1) year each in December of each year upon the certification under oath that there have been no changes in the information submitted as required by Section 12-16-11, and upon the approval of the Revenue Division of the Finance Department pursuant to Section 12-16-14 except as to the finding by the Council of public necessity and convenience. No CPNC(s) shall be renewed after thirty days following the December renewal deadline without reapplying as herein provided and a finding by the Chief of Police or his designee justify the renewal of such CPNC(s). The cost for renewal shall be the same as set out in Section 12-16-12 herein.

With each renewal application for CPNC's, the following will be submitted: the current MVR, Criminal Background Records, and USDOT Medical Card status of drivers. Owners of CPNC's must at all times maintain a current and complete list of all drivers and their MVR, Criminal Background Records, and USDOT Medical Card on record in the office of the Chief of Police or his designee.

Section 12-16-18 Nontransferable.

The CPNC(s) issued hereunder shall not, at any time, be transferable to any other vehicle or company without prior notice of the Police Chief or his designee and the City Attorney or his designee and final approval of the Council.

Section 12-16-19 Procedure for additional permitted vehicles.

Every licensed/permitted vehicle-for-hire company under this chapter who shall desire to add to the number of vehicles-for-hire he or she wishes to operate shall make a written application to the Council upon forms to be furnished by the Chief of Police or his designee, stating:

- 1) The name and address of the applicant.
- 2) A statement of whether any information furnished on the original application has changed, and if so, indicate the changes.
- 3) A description of each such additional vehicle, including the make, model, passenger seating capacity, year of manufacture, state license number, motor number or Vehicle Identification Number (VIN), and name and address of the owner.
- 4) Any other relevant information which the Police Chief or his designee, the Law Department, or the Revenue Division of the Finance Department may require.

Section 12-16-20 Suspension or revocation.

A. A CPNC issued under the provisions of this chapter may be revoked or suspended by the Council if the holder thereof has:

- 1) violated any of the provisions of this chapter;
- 2) Discontinued operations for more than sixty (60) days;
- 3) Violated any of the ordinances of the City or the laws of the United States or of the State of Alabama; or

4) In the event of recovery of any final judgment and termination of final appeal proceedings, if any, against the holder for damages on account of bodily injuries or death or for damage to property resulting from the ownership, maintenance or use of any vehicle-for-hire in the City and nonpayment thereof for a period of thirty (30) days thereafter; provided, however, that such permittee has been given a ten-day written notice in person or addressed and mailed to him at the address furnished on his application. What does this say? It makes no sense.

B. Excepting specialty limousines, it shall be unlawful and cause for suspension or revocation of the applicable CPNC(s) to fail to operate a vehicle-for-hire for a period of over sixty (60) days. However, an on-demand transportation shall not be deemed to be out of operation for the purposes of this subsection for a period of sixty (60) days from the date such on-demand transportation failed to be certified as herein provided by the Chief of Police or his designee or as provided in Section 12-16-12 (C).

Section 12-16-21 Changes in license or permit information.

Any change in the information furnished in the application for a CPNC pursuant to this chapter must be reported to the Revenue Division of the Finance Department and to the Chief of Police or his Designee in writing within ten (10) days of the change(s) in business license or permit information and failure to so report shall be cause for suspension or revocation of the license and CPNC.

Section 12-16-22 Limitation on operating area.

Neither the granting of a business license or permit(s) to operate a vehicle-for-hire under the terms of this chapter nor the exclusion from business license or permit requirements shall constitute a grant of authority, per se, to pick up and/or discharge passengers at the Birmingham Shuttlesworth International Airport, within any contiguous municipality or surrounding the corporate limits of the City of Birmingham, nor any non-contiguous jurisdiction.

Section 12-16 -23 Terminus.

Applicants for Certificates of Public Necessity and Convenience operating vehicles-for-hire must store and operate said vehicles from fixed locations that are properly zoned according to the City of Birmingham Zoning Ordinance. These terminus stations must contain sufficient on-site parking for said vehicles when not in use, and must also serve as the central dispatch location for said licensee/permittee. No licensee/permittee shall change his place of terminus without first obtaining the authorization of the Council.

Section 12-16-24 Notification of sale of vehicle; removal of markings.

- 1) Every licensee/permittee upon the sale or other disposition of a permitted vehicle-for-hire shall within seventy two (72) hours notify the City Clerk and the Chief of Police or his Designee of such sale or other disposition.
- 2) All identification markings shall be removed prior to delivery of a vehicle-for-hire upon sale or other disposition thereof.

Section 12-16-25 Real Interstate Driver Equity Act of 2002.

All vehicle-for-hire drivers engaging in interstate transportation shall meet the federal guidelines as stated in the Real Interstate Driver Equity Act of 2002 (RIDE). Passenger vehicles-for-hire licensed and permitted to operate in the corporate limits of the city of Birmingham must comply with all applicable USDOT, ALDOT, ALEA (Alabama Law Enforcement Agency), Alabama Department of Motor Vehicles, City of Birmingham, and The Public Service Commission of the State of Alabama transportation regulations.

Section 12-16-26 Temporary CPNC's.

The Council may issue temporary CPNC(s) to qualified applicants for special events including but not limited to sporting events and conventions, and other special needs, subject to the following restrictions:

- 1) The temporary permit will be valid only for the time period of the event.
- 2) The vehicles shall be properly licensed, registered, inspected, and insured.
- 3) Operators of such permitted vehicles shall themselves possess a valid state driver's license.

- 4) For applicants not holding current CPNC's with the City, applications shall be made sixty days prior to the event
- 5) For companies that hold existing, valid, and current CPNC's, applications shall be made as soon as practicable.
- 6) A copy of such permit(s) shall be kept within the vehicle.

Section 12-16-27 Vehicle Age Limitations.

No vehicle-for-hire, as defined in Section 12-16-1, with the exception of Specialty Limousines can exceed a model year of more than eight years (8) prior to the calendar year in which the CPNC is sought. Transfer of the CPNC to a newer vehicle must be approved by the Chief of Police or his designee.

Section 12-16-28 Required.

No person shall operate a vehicle-for-hire upon the streets of the City and no person who owns or controls a vehicle-for-hire shall permit it to be so driven unless the driver of such vehicle-for-hire shall have first obtained and shall have then in force a Driver Permit issued under the provisions of this chapter.

Section 12-16 -29 Application and release.

- A. An application and release form for a Driver Permit shall be filed with the Chief of Police or his designee on forms provided by the City. Such form shall be verified under oath subject to the penalty of perjury, and shall contain the following information:
- 1) That the applicant is a citizen of the United States or an alien admitted for permanent residence that has otherwise been granted employment authorization by the United States Immigration and Naturalization Service.
 - 2) That the applicant resides in the state of Alabama and has a current active state issued driver's license.
 - 3) That the applicant is able to speak, read, and write the English language.
 - 4) That the applicant has no less than 5 years' experience driving with a state issued drivers' license.
 - 5) That the applicant:

- a. Does not have a record of driving violations or a record of convictions or offenses involving the operation of motor vehicles within the past three (3) years, indicating an inability or unwillingness to safely operate a vehicle on the public streets;
 - b. Has not, during the seven-year period prior to the application been convicted for the violation of a criminal offense or placed on probation or parole, served time on a sentence for a criminal violation or forfeited a cash bond to appear in court to answer charges for a criminal offense;
 - c. Has not been convicted of an offense involving illegal possession or sale of alcoholic beverages or narcotic drugs or other substances defined as controlled substances within the past seven (7) years under the laws of the state;
 - d. Does not have a record of more than two (2) at-fault traffic accidents within the three-year period preceding application with fault being determined by the Chief of Police or his designee from the applicant's required submission of accident reports generated as a result of those accidents; and
 - e. Has not been convicted of driving violations amounting to more than 12 or more points for a period of three (3) years prior to the date of application.
- B. Each application shall be accompanied by a set of the applicant's fingerprints, which fingerprints shall be taken by the Chief of Police or his designee.
- C. Each public service vehicle driver shall, initially and prior to the annual renewal of his public service vehicle Driver Permit, have a current USDOT Medical Card.
- D. Each application shall be accompanied by a letter of successful completion of a state or locally certified defensive driving course.
- E. Each applicant, following the review and approval of the initial background check conducted by the Chief of Police or his designee and awaiting the final fingerprint check, will be issued a 30 day temporary Driver Permit. At such time of expiration, the temporary permittee must return to the Chief of Police or his designee to exchange the temporary permit for a full

approved permit, pending the final approval of the formal background check by the Chief of Police or his designee.

Section 12-16-30 Display of Driver Permit.

A public service vehicle Driver Permit shall be displayed by On-Demand transportation services drivers at all times while operating an On-Demand Transportation Service. A public service vehicle Driver Permit shall be displayed by On-Demand transportation services drivers at all times while operating an On-Demand transportation services and by all other public service vehicle drivers, except Prearranged Service drivers. The badge shall be displayed and plainly visible at all times while the driver is operating a public service vehicle, on the front passenger side dashboard. Prearranged drivers shall carry their public service vehicle Driver Permit on their person at all times while operating the prearranged service vehicle.

Section 12-16-31 Investigation of applicant.

When applying for a- Driver Permit under Section 12-16-29 above, each applicant shall:

- 1) Submit a current USDOT Medical Card. A Department of Transportation (DOT) physical examination must be conducted by a licensed "medical examiner" listed on the Federal Motor Carrier Safety Administration (FMCSA) National Registry. The term includes, but is not limited to, doctors of medicine (MD), doctors of osteopathy (DO), physician assistants (PA), advanced practice nurses (APN), and doctors of chiropractic (DC).
 - a. To find a local medical examiner who is certified by the FMCSA to perform DOT physical exams: <https://nationalregistry.fmcsa.dot.gov/NRPublicUI/Drivers.seam>
 - b. A DOT physical exam is valid for up to 24 months. The medical examiner may also issue a medical examiner's certificate for less than 24 months when it is desirable to monitor a condition, such as high blood pressure.
 - c. The physician shall issue the certificate if they find that a prospective driver meets health requirements established by Federal Motor Carrier Safety Regulation 49 C.F.R. §391.41-391.49. NRS 706.8842, NAC 706.5 19.
- 2) Provide, at the applicant's expense, a signed form requesting that a criminal history information record maintained by the Alabama Criminal Justice Information Center by

the current procedures required by the Alabama Legislature and the Alabama Criminal Justice Information Center Commission from the State of Alabama Bureau of Investigation be provided to the Chief of Police or his designee along with a certified check or money order made payable to the Alabama Bureau of Investigation for the cost required by the State for such background check for the applicant, manager or any company official named in the application;

- a. Any applicant for a Driver Permit who is listed on the National Sex Offender Registry or has, during the seven-year period prior to the application, been convicted for the violation of a criminal offense or placed on probation or parole, served time on a sentence for a criminal violation or forfeited a cash bond to appear in court to answer charges for a criminal offense shall be ineligible for an Driver Permit. For purposes of this paragraph, a criminal offense includes all felonies or misdemeanors of the City, state, or any other state or of the United States and further, includes violations of local alcoholic beverage laws. If at any time during the application process the applicant is charged with any criminal offense, consideration of the application shall be suspended until entry of a judgment on or dismissal of the charge.
- b. The applicant shall accompany the application and release form submitted to the Chief of Police or his designee with a certified cashier's check or money order payable to Treasury of the United States in an amount sufficient to obtain a comprehensive criminal background check. The Chief of Police or his designee will mail the completed application and payment to ACJIC.
- c. No Driver Permit will be issued to the applicant until the applicant has completed a defensive driving course and submitted a certificate of completion to the Chief of Police or his designee. The cost defensive driving course will be at the expense of the applicant.

Section 12-16-32 Driver to Wear Uniform or Appropriate Clothing.

Every Driver of a Public Service Vehicle, while operating the same within the City, shall wear clothing subject to guidelines as outlined in this paragraph.

- 1) All clothing worn by Drivers shall be clean and sanitary, free of any rips or tears. Shirts shall be of a front button type (including polo shirts), and worn with all buttons buttoned except the top collar button, have sleeves Trousers shall be ankle length and be worn with the waist at the waist, no underwear showing. Shoes shall be worn and must be flat with no heel and closed toe. Drivers with facial piercings shall not wear anything in such piercings provided that one earring may be worn in each ear.
- 2) Chemicals in perfumes and makeup can invoke allergic reactions, so these substances must be worn with restraint.
- 3) Pedicab drivers may wear cotton t-shirts of mesh type wicking material that are conducive to managing perspiration, as well as tennis shoes or cycling shoes, and shorts, provided that the shorts are a length of traditional cycling shorts that cover the quadriceps muscles.

Section 12-16-33 Renewal.

Driver Permits as provided in this chapter shall be issued yearly and shall be valid for a period of two (2) years from the date of issuance. Applications for renewal thereof shall be filed with the Chief of Police or his designee at least thirty (30) days prior to the expiration date of said permit(s). The cost and requirements for renewal are the same as set out in Section 12-16-29.

Section 12-16-34 Nontransferable.

No Driver Permit or CPNC shall be assigned or transferred to any other person or company.

Section 12-16-35 Applicability.

The regulations in this article shall be observed in the operation and driving of every vehicle-for-hire upon the public streets of the City and its jurisdiction. It shall be unlawful for any person to violate the regulations in this article.

Section 12-16-36 Fare to be standard.

No vehicle-for-hire owner or driver shall demand or suggest that any passenger or prospective passenger pay a fare in excess of that as authorized and calculated under Section. Fare rates may

not be based on the area of pick-up or destination. Raising fares during peak time, during man made or natural disasters, or in response to special events is expressly prohibited.

Section 12-16-37 Refusal to pay fare.

It shall be unlawful for a passenger to refuse to pay the agreed or established fare.

Section 12-16-38 Drivers not to refuse service.

No vehicle-for-hire driver shall refuse or neglect to convey any orderly person upon request, unless previously engaged to full capacity or unless the transportation of such person shall substantially delay or inconvenience vehicle-for-hire passengers who already have engaged his vehicle, or the driver determines the prospective passenger has no ability to pay or is under suspicious circumstances.

Section 12-16-39 Number of passengers.

No vehicle-for-hire driver shall permit more persons to be carried in his vehicle than the suggested manufacturer's seating capacity.

Section 12-16-40 Multiple passengers with multiple destinations.

If a vehicle-for-hire is carrying two (2) or more persons to different destinations, the driver shall be the sole judge of the order in which such persons shall be delivered to their destination, and the shortest possible route to all destinations shall be followed.

Section 12-16-41 Stopping en route to add passengers.

No vehicle-for-hire driver shall stop to pick up any additional passengers while proceeding to the destination of any passengers then occupying the vehicle-for-hire without the consent of all such passengers.

Section 12-16-42 Hours of Operation.

No vehicle-for-hire or incidental transportation services driver shall drive for more than 12 hours in any consecutive 24 hour period.

Section 12-16-43 Placement and use of Cab Stands

- 1) Transportation companies seeking the installation, construction, placement, or otherwise of a taxi transportation stand must receive approval from the City of Birmingham Department of Traffic Engineering. The decision of the City Traffic Engineer shall be forwarded to the Transportation and Communications Committee for the Council of the City of Birmingham for informational purposes.
- 2) It shall be unlawful to occupy or park any vehicle except an on-demand transportation service vehicle utilizing a traditional taximeter duly permitted hereunder in a space established as a Cab Stand as provided herein.

Section 12-16-44 Loading and unloading of passengers.

It shall be the responsibility of on-demand transportation drivers to load and unload passengers only at curbside. It shall be unlawful for any vehicle-for-hire to stop in driving lanes, even momentarily, to load or unload passengers.

Section 12-16-45 Preferences and soliciting of business.

It shall be unlawful for any cab starter, bell person, maître d', or other person having the ability or authority to control the selection of on-demand transportation services available for-hire at any business premises to solicit a fee or other compensation or favor for the purpose of granting preference or priority rights to any on-demand transportation services. The provisions of this section shall not be construed to prohibit the owner of business premises that maintains a private off-street cabstand area for the convenience of its patrons from entering into a written contract by which the owner receives compensation from one or more permittees in exchange for access to the premises' off-street cabstand area.

Section 12-16-46 Parking or standing on public street.

No vehicle-for-hire or courtesy vehicle operated and permitted pursuant to this chapter shall park or stand on any public street, no parking zone, or limited time parking zones, for the purpose of soliciting or accepting passengers, except in the case of Cab Stands, designated passenger loading zones, or curbside.

No vehicle-for-hire shall solicit passengers for service at, in, or near any passenger depot, hotel, airport, bus stop or station, or upon any right of way in the corporate limits of the City, or use any words or gestures that could be construed as soliciting a passenger for on-demand transportation services.

No transportation service licensed to operate in a third party app format shall accept or respond to requests for service outside of the network application. It shall be unlawful for drivers contracting to work under a third party app format to solicit business via direct phone number or email address direct communications with passengers, outside the network application.

Section 12-16-47 Out-of-city vehicles.

Vehicles-for-hire having no City business license or CPNC and whose place of business is not in the City may bring passengers into the City but may not pick up any passenger for any destination or accept any business within the City.

Section 12-16-48 Cleanliness and safety of vehicle.

It shall be the duty of every person operating a vehicle-for-hire to keep and maintain any such vehicle at all times in accordance with section 12-16-6. The interior shall be thoroughly sprayed or wiped at least once during each twenty-four-hour period with a liquid disinfectant of adequate strength and efficiency so that every portion of surface of the interior of the vehicle shall be covered or come in contact with such disinfecting fluid.

Section 12-16-49 Lost property.

Drivers must conduct a search of the interior of their vehicles at the termination of each trip. If the driver discovers any property of a passenger, the driver shall immediately report the property discovered to his employer and, as soon as practicable, deliver the property to their employer. The employer shall, when able, make every reasonable effort to notify passenger of recovery of lost property. The employer shall also maintain property in his possession in a secured location for a minimum of 30 days. A sign reflecting this policy shall be placed in each vehicle-for-hire.

Section 12-16-50 Penalties for Violation of these Provisions.

Violation of any of the Sections set out herein can result in the forfeiture of all of the CPNC's for the individual company or individual involved, as well as forfeiture of Driver Permits. In the forfeiture of CPNC's the following fines or penalties are hereby established for violation of these Sections:

Driving with an expired CPNC	\$500.00
No or expired Driver Permit	\$500.00
Operation without Business License or CPNC	\$500.00
Transportation of biohazardous, medical, or otherwise hazardous material	\$500.00
Violation of 12-16-45 (Soliciting Business)	\$500.00
Failure to have inspection certificate for vehicle	\$250.00
Driver failing to comply with clothing requirements	\$200.00
Driver failing to keep vehicle clean or serviceable	\$200.00
No or improper signage on vehicle-for-hire	\$200.00
Driver r sleeping in vehicle-for-hire	\$50.00
High Flagging	\$50.00
Failure to display Driver Permit	\$50.00
Failure to keep/maintain Trip Log or submit Electronic Trip Reports	\$50.00
Driver operating a commercial motor vehicle with passenger capacity of 16 passengers or more operating without a CDL/P endorsement	\$500.00
Driver operating a commercial motor vehicle with a passenger capacity exceeding the manufacturers designated capacity	\$500.00
Driver smoking	\$200.00
Expired or no proof of commercial insurance	\$500.00
Driving a vehicle out-of-date	\$500.00
Driver r refusing trips	\$500.00
Long hauling or avoiding direct route	\$200.00
Operating a vehicle-for-hire outside of the licensed use category	\$200.00

Additionally, any vehicle requiring a CPNC found to be operating a for-hire transportation service within the Birmingham city limits without proper licensure, permitting, or compliance

with the Ordinance is subject to being impounded by the Birmingham Police Department until such time as the owner/operator of said vehicle comes into compliance with this Ordinance.

Section 12-16-51 Possession and display of driver's license, USDT Medical Card and Driver Permit.

No person shall drive a vehicle-for-hire upon the streets of the City unless he has in his immediate possession, on the front passenger dashboard in a manner in which it is clearly visible and can be readily observed by all passengers, a valid Alabama driver's license, current USDOT Medical Card, and current Driver Permit issued to him.

Within the TNC passenger application, an actual picture of the Driver and the permitted vehicle which has been requested must be displayed for the review of the passenger upon solicitation of transportation services.

Section 12-16-52 Driver's behavior.

No Driver of a vehicle-for-hire or incidental transportation service shall be impolite, discourteous, use vulgar, profane or obscene language, or use controlled substances (drugs) or drink intoxicating beverages while on duty.

All transportation companies licensed to operate a vehicle-for-hire or incidental transportation service in the corporate limits of the City of Birmingham shall be in full compliance of the Omnibus Transportation Employee Testing Act and Title 49 of the Code of Federal Regulations, Part 382, which requires all employers of drivers of commercial motor vehicles to test those drivers for the prohibited use of alcohol and controlled substances. For those companies that operate with independent contractor employees, there must be an equal form of drug testing in place to ensure the integrity of the independent contractor engaged by the third party provider to drive as a commercial driver.

Section 12-16-53 Drivers not to sleep in vehicles.

No driver shall sleep or doze in any vehicle-for-hire in any public place in the City.

Section 12-16-54 Trip log.

Each Driver and/or transportation service company shall keep a written or electronic record of all trips which shall be retained by the licensee/permittee of each vehicle-for-hire for at least one year, showing the vehicle registration certificate number, driver's permit number, name of driver, time on duty (a.m.-p.m.), time off duty (a.m.-p.m.), date, amount of fare collected, the time and place each passenger engaged such vehicle-for-hire and the time and place he left such vehicle .

Each On-demand company licensed to do business within the corporate limits of the City of Birmingham is required to submit the following data to the Chief of Police or his designee: The reports shall include:

- 1) Within 24 hours of contract to hire for services
 - a. Drivers' names with dates of hire and if applicable, when dismissed from working for/contracting with said company, including but not limited to:
 - i. any activities resulting in suspension
 - ii. road violations or
 - iii. accidents; and
 - b. Vehicle information and statuses, including but not limited to
 - i. Incident reports
 - ii. Insurance information
 - iii. Owner information
 - iv. VIN number.
- 2) Trip log sorts based on
 - a. Zip codes served and how many trips per area
 - b. Handicap services provided
 - c. Record and location of service requests received but not fulfilled

Section 12-16-55 No trailers.

No trailer or semitrailers shall be attached or secured to a vehicle-for-hire while it is being used to transport passengers.

Section 12-16-56 Customer inspection of vehicle-for-hire.

Limousine and Executive sedan vehicles-for-hire shall be made available for customer viewing and inspection prior to the trip event.

Section 12-16-57 Direct route.

A driver of any on-demand vehicle-for-hire shall take the most direct route to a passenger's destination unless otherwise authorized or directed by the passenger. Long hauling shall be unlawful.

Section 12-16-58 Reserved.

Section 12-16-59 Discrimination.

No permitted Driver shall refuse to accept a passenger solely on the basis of age, race, color, national origin, religious belief, sex, sexual orientation or physical disability. It shall further be unlawful for any vehicle-for-hire to refuse to transport a passenger and/or their service animals, wheelchairs, and other medical service equipment necessary to transport with the passenger to ensure medical health and assist in their mobility, option that meets "equivalent service" requirements under the Americans with Disabilities Act.

No vehicle-for-hire or incidental transportation service company or Driver shall impose additional charges for providing services to persons with physical disabilities because of those disabilities.

Section 12-16-60 Driving practices.

It shall be unlawful for any vehicle-for-hire Driver:

- 1) To operate his vehicle in a manner which threatens the life, health, and safety of the passenger or the public, or threatens damage or destruction of property; or,
- 2) To discharge any passenger before reaching the passenger's destination unless the driver has reasonable belief that the passenger is dangerous or unless street conditions do not permit a safe discharge.

Section 12-16-61 Televisions or DVD Players in vehicles-for-hire.

No television or DVD player visible to the driver of a vehicle-for-hire may be operated in a moving vehicle.

Section 12-16-62 Receipts.

The Driver of any vehicle-for-hire shall, upon-demand by the passenger, render to the paying passenger such passenger a receipt for the amount charged, on which shall be the name of the company, the vehicle registration certificate number, name and permit number of the chauffeur, trip origin and destination, amount of charges and date of transaction upon request of the passenger.

Section 12-16-63 Smoking.

It shall be unlawful for the driver of any vehicle-for-hire operated upon the streets of the City to smoke or allow any other person to smoke in such vehicle.

Section 12-16-64 Radio.

It shall be unlawful for the driver of any vehicle-for-hire operated upon the streets of the City to play a radio, or any other form of music player if objected to by a passenger.

Section 12-16-65 Prohibition against Transport of Hazardous Materials or Medical Specimens.

Vehicles-for-hire are for the transportation of the public and shall not be used to transport hazardous materials, medical specimens or any biohazardous material of any kind. Violations of this section will result in revocation of the CPNC.

Sections 12-16-66 through 12-16-100 reserved

ARTICLE B

BUSES

Section 12-16-101 Terminals for Buses and Shuttle Services (Jitney and Suburban).

No Driver of a commercial transportation vehicle shall receive or discharge any passenger within the corporate limits of the City otherwise than at a fixed-route-stop or terminal, approved by Traffic and Engineering, provided for the receipt and discharge of passengers outside of any street or alley of the City.

Section 12-16-102 Where buses to stop for loading and unloading.

It shall be the duty of Drivers of any commercial transportation vehicle, when stopping for the purposes of receiving or discharging passengers at intersections to stop at the right-hand curb line at such intersection; except, that where there has been established and marked a bus loading zone, it shall be the duty of such Drivers to stop adjacent to such bus loading zone for the receipt or discharge of passengers therein.

Section 12-16-103 Doors of buses to be kept closed.

It shall be the duty of Driver of buses operated for-hire to keep the doors of such buses closed at all times while in motion and at all other times when not actually engaged in the reception or discharge of passengers and when the driver is not absent from such bus in the performance of some duty enjoined by law or actual necessity.

Section 12-16-104 Receiving or discharging passengers in closed-door zone

- 1) It shall be unlawful for any Driver of any shuttle (jitney or suburban) to receive or discharge any passengers within the zone of the City bounded on the north by Eighth Avenue North; on the east by Twenty-sixth Street; on the south by Second Avenue South; and on the west by Fourteenth Street, called the 'closed-door zone, except at a terminal specified in the applicable permit or as set out in subsection (b) of this section.
- 2) The Driver of any shuttle (jitney or suburban) may receive or discharge passengers in specified curb-loading zones inbound and outbound on Eighteenth Street at Morris Avenue.

Section 12-16-105 Time limit in bus stands.

It shall be unlawful for any person in charge or control of any person in charge or control of any shuttle (jitney or suburban) to permit or allow such shuttle to occupy any lawfully established bus stand for a longer aggregate time than 15 minutes in any period of 1 hour.

Section 12-16-106 Receiving or discharging passengers to points within City.

It shall be unlawful for any Driver of any shuttle (jitney or suburban) to receive at such terminal or elsewhere within the City any passenger for a destination within the City or to discharge within the City any passenger received within the City.

Sections 12-16-107 through 12-16-120 reserved.

ARTICLE C

RENTAL VEHICLES

Section 12-16-121 Renting motor vehicles to minor.

It shall be unlawful for any person to rent a motor vehicle to any minor on any plan by which the service or use of such motor vehicle is allowed such minor and no driver is furnished, without the written consent of the parent or guardian of such minor.

Section 12-16-122 Tampering or interfering with speedometer.

When any motor vehicle has been rented to any person for-hire, it shall be unlawful for that person or for any other person to remove or attempt to remove, or tamper with or attempt to tamper with, or in any way interfere with the speedometer or other mechanical device attached to such motor vehicle for the purpose of registering the distance such motor vehicle travels.

Section 12-16-123 False Impersonation or representations.

It shall be unlawful for any person, in making application to rent a motor vehicle, to make any false impersonation of another, or to make any false or fraudulent statement or representation in writing, or to subscribe his name or the name of another to any false or fraudulent statement or representation

Section 12-16-124 Failure to pay hire.

When any person has rented a motor vehicle-for-hire, it shall be unlawful for such person to fail or refuse to pay the lawful charges for the hire of such motor vehicle immediately upon the termination of the hire of such motor vehicle, unless a later time of payment is mutually agreed upon prior to the renting of such motor vehicle.

Section 12-16-125 Abandonment or failure to redeliver.

When any person has rented a motor vehicle under a contract to redeliver such motor vehicle to the person from whom it was rented, it shall be unlawful for the person to whom such motor vehicle was rented to abandon or willfully refuse or neglect to redeliver the motor vehicle to the person from whom it was rented, without the consent of the person from whom such motor vehicle was rented.

Section 12-16-126 Permitting others to drive rented car.

It shall be unlawful for any person to whom a motor vehicle has been rented to permit any other person to operate or drive such motor vehicle without first securing the consent of the person from whom such motor vehicle was rented.

Sections 12-16-127 through 12-16-140 reserved.

ARTICLE D

Horse-Drawn Carriages

Section 12-16-141 Health of the animal.

No animal shall be permitted to pull any carriage unless the animal is in good health and meets at least the following requirements:

- 1) The animal must be at least 30 months old.
- 2) The animal must weigh at least 900 pounds.
- 3) The animal has no open sores or wounds, is not lame nor has any other ailment. Any animal found to have an ailment shall not be used without the approval of a veterinarian licensed in the State of Alabama.
- 4) The hoofs of the animal must be properly shod and trimmed.
- 5) The animal must be groomed daily and not have fungus, dandruff or a poor or dirty coat.

- 6) The animal must have adequate flesh and muscle tone and ribs showing must be no deeper than one-fourth inch.
- 7) The animal must be no more than six (6) months pregnant.
- 8) A certified copy of a current veterinary health certificate shall be filed with the Chief of Police or his designee annually. The certificate shall state that a veterinarian licensed in the State of Alabama has given the animal a complete physical examination, including a Coggins test, and declares that the results of the Coggins test were negative and that the animal is fit for carriage service.

Section 12-16-142 Animal working conditions.

No animal shall be worked under any of the following conditions, and any owner or operator who permits or allows these conditions to exist shall be in violation of this section:

- 1) No animal or combination of animals shall pull any combined weight; including carriage, passenger(s) and driver in excess of two (2) times the animal(s) body weight.
- 2) The animal shall work no more than 10 hours in any 24-hour period and shall have at least one (1) 20-minute or two (2) 10-minute rest breaks per hour during the shift.
- 3) No animal pulling a carriage shall be moved at a speed faster than a slow trot.
- 4) The animal shall work no more than 50 hours in any seven-day period and shall not work more than five (5) consecutive days.
- 5) The animal shall not be worked with equipment causing an impairment of vision other than normal blinders.
- 6) The animal shall not be subject to any condition or treatment which will impair the good health and physical condition of the animal.
- 7) Harnesses must be properly fitted and maintained, kept free of wire or other harmful devices and be oiled and cleaned so as to be soft at all times.
- 8) All bits shall be smooth and shall not cut the animal's mouth.
- 9) No driver shall whip an animal with more than a light touch by a light whip.
- 10) No animal shall be worked without proper fitting shoes on each properly trimmed hoof. Should an animal throw a shoe during the shift, the driver shall remove any nails from the hoof immediately. If such hoof has grown up at least one-fourth inch

from the quick, the animal may complete the shift provided that the animal shall be reshod prior to the next shift; otherwise the animal shall not be worked.

- 11) Adequate water shall be provided in the stables at all times and in the working areas as often as needed, as climate and working conditions require.

Section 12-16-143 Vehicle specifications.

Animal-drawn vehicles which are for hire shall conform to the following specifications:

- 1) The wheelbase shall be equal to or less than 14 feet.
- 2) The total overall length of vehicle shall be equal to or less than 28 feet.
- 3) The maximum overall width of vehicle shall be equal to or less than 78 inches.
- 4) The tires shall be rubber or other resilient material. Metal tires shall be prohibited.
- 5) The vehicle right turn radii shall not be greater than 12 feet for the right rear wheel and 24 feet for the left front wheel.
- 6) The vehicle shall be drawn by no more than two (2) animals.
- 7) Carriages must be properly lubricated and wheels must spin freely.

Section 12-16-144 Diapers.

All animals shall be equipped with diapers which are properly fitted and constructed of sturdy material to ensure comfort to the animal and complete waste disposal. Failure to comply with the provisions of this section shall be grounds for suspension or revocation of the public service vehicle permit.

Section 12-16-145 Drivers of animal-drawn vehicles.

Drivers of animal-drawn vehicles must have a working knowledge and general experience involving horses and animal-drawn vehicles.

Section 12-16-146 Animal-drawn vehicle operating specifications.

Animal-drawn vehicles shall adhere to the following operating specifications during the hours of operations:

- 1) Vehicles shall travel in the curb lane except when passing parked vehicles or other obstructions which prevent use of the curb lane.

- 2) Vehicles shall not travel on streets with grades equal to or greater than 10 percent without approval of the director of traffic engineering.
- 3) Vehicles shall not stop within the roadway other than at designated loading and unloading areas except when necessary to avoid conflict with other traffic or in compliance with the directions of the police or a traffic control sign or signal.
- 4) Vehicles shall observe all applicable rules of the road.

Section 12-16-147 Insurance requirements.

Any animal-drawn vehicle company operating under this chapter shall execute an agreement holding the City, its officers, agents, servants and employees, harmless against any and all liability, loss, damages or expense which may accrue to the City by reason of negligence, default or misconduct of the company in connection with the rights granted to such company hereunder. Nothing in this chapter shall be considered to make the City, its officers, agents, servants or employees liable for damages because of any negligent act or omission or commission by any animal-drawn vehicle company, its servants, agents, drivers or other employees, during the operation by the company of the animal-drawn vehicle business or service, either in respect to injury to persons or with respect to damage to property which may be sustained. In addition to the insurance requirements under Sec 12-16-5 of this chapter, each animal-drawn vehicle insurance policy shall include the City as a named insured.

Sections 12-16-148 through 12-16-160 reserved.

ARTICLE E

PEDICAB SERVICES

Section 12-16-161 Application and Licensing Process.

- 1) Any person or business desiring to obtain a CPNC to operate a Pedicab service shall follow the guidelines established in 12-16-11 of this chapter.
- 2) Any person desiring to drive a Pedicab vehicle shall follow the guidelines established in Sec 12-16-29 of this chapter.

Section 12-16-162 Business License, Annual Permit and Financial Responsibility.

- 1) No Pedicab service vehicle shall operate upon the streets of the City unless a business license for the then current license year shall have first been issued by the Director of Finance. The Director of Finance shall not issue such license until and unless the applicant has been granted current, valid CPNC(s) and filed insurance as required by this chapter.
- 2) No Pedicab service vehicle shall operate upon the streets of the City unless a yearly permit and decal for such calendar year shall have first been authorized by the Chief of Police or his designee. Each permit and decal is valid only for the Pedicab vehicle for which it is issued.
- 3) (The Chief of Police or his designee shall not authorize the issuance of such annual permit and decal until and unless the application hereinafter required shall have been submitted along with the latest safety and soundness inspection report, proof of insurance and all other reports required by this chapter.

Section 12-16-163 Pedicab Passenger Services.

- 1) Each Pedicab Service CPNC Holder shall file with the Chief of Police or his designee a schedule of rates to be charged. Such schedule of rates shall not be changed without five (5) days' written notice having been given to the Chief of Police or his designee.
- 2) Every Pedicab vehicle shall have permanently affixed to the outside thereof, in a place readily seen by passengers, a frame covered with clear plastic, or similar material, enclosing a card upon which shall be printed in plain, legible letters the schedule of rates authorized for carriage in such Pedicab. The Pedicab company name and telephone number shall be listed on the rate sheet.
- 3) If requested by the passenger, the Pedicab driver shall provide a legible receipt, containing the name of owner, the listing of all charges, the date, and total amount paid.
- 4) Service Refusal:
 - a. Every CPNC holder under this chapter shall accept for transportation any orderly person requesting exclusive service anywhere in the approved Pedicab service area.

- b. Provided, however, that the licensee/permittee or its driver has the right to request a passenger to pay an estimated fare prior to transporting the passenger. If prepayment is refused the licensee/permittee or its drivers may refuse service.
- c. It shall be unlawful to refuse any person transportation in an unoccupied Pedicab to any place of destination within the approved Pedicab service area, unless such Pedicab is on its way to pick up a passenger or otherwise out of service or unless the person to be served uses profane or abusive language in attempting to contract for service.

Section 12-16-164 Pedicabs and Equipment Requirements.

Every Pedicab vehicle providing service in the City shall:

- 1) Be maintained to assure that it is mechanically dependable, clean, and safe.
- 2) Have a battery-operated headlight capable of projecting a beam of white light for a distance of 300 feet. The headlight shall be permanently affixed to the Pedicab. Such lights may be removable and recharged.
- 3) Have taillights permanently affixed on the right and the left at the same level on the rear exterior of the passenger compartment. Taillights shall be red in color and plainly visible from all distances within 500 feet to the rear of the Pedicab. Such light may be removable and recharged.
- 4) Have turn signal indicators.
- 5) Provide a seat belt for every passenger.
- 6) Be designed and manufactured so every passenger may enter and exit without crossing any interior barriers.
- 7) Have the name of the Pedicab company and its telephone number posted on both sides of the Pedicab vehicle in letters of a contrasting color and not less than two inches (2) height.

Section 12-16-165 General Operation.

- 1) All Pedicabs shall operate according to the provisions in this chapter, the applicable provisions of the Birmingham city code and Alabama state laws governing the operation of bicycles, and all other applicable state and federal laws and regulations. No Pedicab

shall be operated in weather conditions that pose an unreasonable safety risk to the drivers or passengers of the Pedicab, or to other motorists or pedestrians. No Pedicab shall be operated during a Level 3 Ozone Alert declared by the Jefferson County Health Department for the City.

- 2) Every Pedicab operating under this Chapter must be inspected by an authorized bicycle repair facility recognized by the manufacturer of the bicycle being used as a pedicab or at an authorized bicycle repair facility approved by the Chief of Police or his designee, at such intervals as may be established by the Chief of Police or his designee, but no less than once annually, to ensure the continued maintenance of safe operating conditions. Such Pedicabs shall be maintained in working order and good repair. Maintenance and repair records for each Pedicab shall be retained for at least one year after such maintenance and repair has been completed, and such records shall be made available to the City upon request.
- 3) For the purposes of immediately loading or unloading passengers, a Pedicab may remain standing upon a street if the Pedicab is in any legal parking stall or space, designated loading zone or any other location that does not impede pedestrian or vehicular traffic. Otherwise, a Pedicab may not be left parked or standing in specifically designated spaces, such as those for on-demand transportation services, buses, handicapped drivers, and the like. The Department of Traffic Engineering may set forth specific additional locations where Pedicabs are allowed to park or stand. No Pedicab, while in operation for the solicitation or transportation of passengers, shall be left unattended by the Pedicab driver for a period of more than fifteen (15) minutes at a time unless parked in one of those specific locations identified by the Department of Traffic Engineering.
- 4) Pedicab owners shall maintain an operational log for each Pedicab owned and operated under that owner's CPNC permit. The operational log shall list the dates and times of the operation of each Pedicab, as well as the name of any Pedicab driver operating the Pedicab during those dates and time.
- 5) It shall be unlawful for any Pedicab owner, driver or operator to drive or operate a Pedicab, or allow a Pedicab to be driven or operated, on the following streets or highways: University Boulevard; First Avenue North; Tallapoosa Street; East Lake Boulevard; U.S. Highway 280;; U.S. Highway 11; U.S. Highway 31; U.S. Highway 78

(Crestwood Blvd.); any one-way street; and any other street with a speed limit greater than 30 mph.

- 6) A Pedicab operator or driver may cross a prohibited street or highway for the purpose of accessing an approved street or highway.
- 7) The Chief of Police or his designee, in conjunction with the Department of Traffic Engineering, may propose other times of operation and locations where Pedicabs may not be driven and operated within the City. Any such rules or restrictions shall be adopted by Council ordinance to be effective.
- 8) Pedicab drivers shall abide by the appearance and conduct standards for public service vehicles as outlined in Article B. Division 7 of this chapter.

Section 12-16-166 Insurance requirements and hold harmless agreement.

- 1) Any Pedicab company operating under this chapter shall maintain the insurance requirements for public service vehicles as outlined under 12-16-5 of this chapter, and each Pedicab company insurance policy shall include the City as a named insured.
- 2) Any Pedicab company operating under this chapter shall execute an agreement holding the City, its officers, agents, servants and employees, harmless against any and all liability, loss, damages or expense which may accrue to the City by reason of negligence, default or misconduct of the company in connection with the rights granted to such company hereunder. Nothing in this chapter shall be considered to make the City, its officers, agents, servants or employees liable for damages because of any negligent act or omission or commission by any Pedicab company, its servants, agents, chauffeurs or other employees, during the operation by the company of the Pedicab business or service, either in respect to injury to persons or with respect to damage to property which may be sustained.

SECTION 2. That the provisions of this Ordinance are hereby declared to be severable.

If any of these sections, provisions, sentences, clauses phrases, or parts is held to be unconstitutional or void, the remainder shall continue in full force and effect.

SECTION 3. That this Ordinance shall become effective upon publication as required by statute.