

Chapter 5.76

TAXI & TRANSPORTATION NETWORK COMPANY CODE

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Section 5.76.100 Purpose

The purpose of this chapter is to provide for the safe operation of taxicab companies and transportation network companies (TNC's), which constitute an important component of the city's transportation system, thus affecting the safety and welfare of the public.

(M-4116, Added, 02/23/2015, Sec 2-Effective 3/25/2015)

Section 5.76.105 Definitions

The following words and phrases when used in this chapter have the meanings as set forth herein:

"City" means the City of Vancouver, Clark County, Washington.

"Operating" means using a taxicab or TNC vehicle to at any time transport any passenger or item of property for compensation from a point within the corporate limits of the City.

"Person" and "he" and "she" means and includes any natural person, and in addition, a partnership, corporation or an unincorporated association unless a contrary intention plainly appears.

"Special License" shall mean a special license issued to a Taxicab Company or TNC.

"Taxi," "Taxicab" and "Cab" means a motorized vehicle that is held out to the public as providing transportation to passengers or articles:

1. Where the route traveled, destination, or both route and destination is controlled by the customer; and
2. Where the fare is based on an amount recorded and indicated on a taxi meter or an Internet online-enabled platform or application used to connect passengers with drivers or by a special contract rate.

"Taxicab company" means any entity operating one or more taxicabs other than as a driver, regardless of the legal form of the entity and regardless of whether the taxicabs so operated are owned by the company, or leased, or owned by individual members of the entity.

“Taxicab business” means engaging in any combination of owning, leasing, advertising, driving, occupying or otherwise using a taxicab to at any time transport any passenger or item of property for compensation from a point within the incorporated limits of the city.

“Taxi meter” means a device by which the charge for hire of a taxicab is mechanically and/or electronically measured or calculated based upon a combination of mileage traveled and time elapsed.

“Transportation Network Company” which may be abbreviated herein to “TNC”, means a company that uses an Internet online-enabled platform or application to connect passengers with TNC drivers.

“Transportation Network Company Drivers” or “TNC Driver” means a driver under contract with a TNC Company.

“Transportation Network Company Vehicle” or “TNC Vehicle” means a personal vehicle affiliated with or operating under the authority of a Transportation Network Company where the fare is based on an Internet online-enabled platform or application used to connect passengers with TNC Drivers.

(M-4116, Added, 02/23/2015, Sec 2-Effective 03/25/2015)

Section 5.76.200 Administrative - General

The city manager or designate shall have the primary authority and responsibility for the administration of this chapter and may adopt rules and regulations for its administration, not inconsistent with this chapter.

(M-4116, Added, 02/23/2015, Sec 2-Effective 03/25/2015)

Section 5.76.225 Taxicab Company and Transportation Network Company Special License - Fees

A. The City Manager or designee may issue a special license to a taxicab company or TNC provided that the taxicab company or TNC submits an affidavit sworn under penalty of perjury that the taxicab company or TNC is in compliance with standards for vehicle safety, driver training and background, and insurance established under the rules provided for at VMC 5.76.500. The special license shall be effective for one year. The City Manager may stagger the effective date of such permits by adoption of a rule as provided for under VMC 5.76.200 and 5.76.500.

B. Annual Application review fee shall be two hundred dollars (\$200.00). The application review fee prescribed by this section shall be paid at the time of submitting initial and renewal taxicab company and TNC special license application.

C. Special License issuance fee. No taxicab company or TNC special license shall be issued or valid until the application or attestation provided for at VMC 5.76.530 has been reviewed and approved and the fee prescribed in this section has been paid.

D. Drivers who are independent contractors, affiliated with special licensed taxicab companies or TNC’s shall obtain a City business license or a determination of exemption as allowed under VMC 5.04.075.

(M-4116, Added, 02/23/2015, Sec 2-Effective 03/25/2015)

Section 5.76.500 Minimum standards for taxicab companies

All taxicab companies and TNC's operating in the City of Vancouver shall comply with minimum standards established by the City Manager or designee by administrative rules established under this section and VMC 5.76.200 for:

- A. Vehicle Safety and Maintenance.
- B. Driver Background and Training.
- C. Insurance.

The foregoing standards shall generally conform to the best industry practices and be published by the City Manager or designee on the City website and available upon request.

(M-4116, Added, 02/23/2015, Sec 2-Effective 03/25/2015)

Section 5.76.530 Proof of compliance with standards - Initial and ongoing compliance review; Audits

The City Manager or his designee in consultation with the City Attorney shall prepare a form affidavit or attestation under penalty of perjury which shall certify compliance with this Chapter and the rules adopted pursuant to this chapter. All matters sworn to in the affidavit are subject to audit.

(M-4116, Added, 02/23/2015, Sec 2-Effective 03/25/2015)

Section 5.76.535 Prohibited acts; Penalties

Taxicab companies and TNC's and taxi and TNC drivers are jointly and severally responsible for violations of this ordinance. In addition to all other provisions and standards of this ordinance, the acts or omissions set forth in this section are prohibited. Any taxicab company and TNC or taxi and TNC driver who shall fail to comply with any provision or standard of this ordinance shall be in violation of this ordinance. Any special license granted to a taxicab company or TNC may be suspended or revoked by the city manager or designate for such violation.

A. Submitting a materially false affidavit or attestation. Any taxicab company or TNC submitting a materially false affidavit as provided for under VMC 5.76.530 shall be subject to a fine of not more than \$10,000.00 for each affidavit submitted.

B. Operating without a special license. Any taxicab company or TNC picking up a passenger in the City of Vancouver without having first obtained a Taxicab company or TNC special license shall be subject to a fine of not more than \$10,000.00 for each violation.

C. Any taxicab driver or TNC driver picking up a passenger in the City of Vancouver that is not operating under a City of Vancouver special licensed taxicab company or TNC shall be subject to a fine of \$1,000.00 for each violation.

D. Any independent contractor taxicab driver or TNC driver who picks up a passenger in the City of Vancouver and who has not obtained a business license under VMC 5.04.090 or determination of exemption under VMC 5.04.075 shall be subject to a fine of \$1,000.00 for each violation.

E. Any taxicab driver or TNC driver who picks up a passenger in the City of Vancouver while operating under a City of Vancouver special licensed taxicab company or TNC company and arranges with the passenger for a subsequent pick-up in Vancouver or elsewhere that is not under the authority of City of Vancouver special licensed taxicab company or TNC, shall be subject to a fine not to exceed \$1,000.00 for each violation.

F. Willful violations of the foregoing provisions may be prosecuted as a gross misdemeanor with a confinement of up to one year in the county jail and fine not to exceed \$10,000.00.
(M-4116, Added, 02/23/2015, Sec 2-Effective 03/25/2015)

Section 5.76.700 Enforcement responsibility

The city manager or designate shall have administrative authority to implement and enforce this ordinance. The city manager or designate may promulgate regulations including the authority to issue administrative subpoenas to implement the provisions of this chapter. This provision shall not be construed to abrogate or limit the jurisdiction of the Vancouver police department to enforce any provisions of this chapter or of any other city ordinance relating to motor vehicles or the operation of taxicabs or TNC vehicles.
(M-4116, Added, 02/23/2015, Sec 2-Effective 03/25/2015)

Section 5.76.720 Administrative Enforcement

The enforcement of this chapter shall be governed by the provisions contained in VMC Title 22, Uniform Enforcement Code. No provision of this section, nor any provision in Title 22, shall prevent the city from seeking relief from a court of competent jurisdiction without having first issued a Correction Notice, Notice of Civil Violation and Order, Notice of Suspension or Revocations, or Stop Work Order. All appeals from actions of the city manager or designate under this ordinance shall be governed by Chapter 22.03 VMC.
(M-4116, Added, 02/23/2015, Sec 2-Effective 03/25/2015)