

CITY OF HAMMOND ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 31 OF THE CODE OF ORDINANCES TO ADD ARTICLE IV REGARDING TRANSPORTATION NETWORK COMPANIES

WHEREAS, The City of Hammond desires to allow Transportation Network Companies to operate in the City and to ensure the safety, reliability and cost-effectiveness of rides provided by Transportation Network Company Drivers within the City of Hammond and to preserve and enhance access to these important transportation options for residents and visitors to the City.

THEREFORE, BE IT ORDAINED by the City Council of Hammond, Louisiana, that:

The Code of Ordinances, City of Hammond Louisiana, Chapter 31 is amended to allow Transportation Network Companies to operate within the City of Hammond and adds Article IV – Transportation Network Companies, with the following language so that this section shall read as follows:

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ARTICLE IV. - TRANSPORTATION NETWORK COMPANIES

Sec. 31-60. Definitions. As used in this Article:

"*Personal Vehicle*" means a vehicle that is used by a Transportation Network Company Driver and is:

- (a) Owned, leased or otherwise authorized for use by the Transportation Network Company Driver; and
- (b) Not a taxicab, limousine, or any other Public Carrier Vehicle as provided under Article II of this Chapter.

"*Digital Network*" means any online-enabled application, software, website or system offered or utilized by a Transportation Network Company that enables the prearrangement of rides with Transportation Network Company Drivers.

"*Transportation Network Company*" or "*TNC*" means a corporation, partnership, sole proprietorship, or other entity that is licensed pursuant to this Article and operating in the City of Hammond that uses a Digital Network to connect Transportation Network Company Riders to Transportation Network Company Drivers who provide Prearranged Rides. A Transportation Network Company shall not be deemed to control, direct or manage the Personal Vehicles or Transportation Network Company Drivers that connect to its Digital Network, except where agreed to by written contract.

"*Transportation Network Company Driver*" or "*TNC Driver*" means an individual who:

- (a) Receives connections to potential passengers and related services from a Transportation Network Company in exchange for payment of a fee to the Transportation Network Company; and
- (b) Uses a Personal Vehicle to offer or provide a Prearranged Ride to riders upon connection through a Digital Network controlled by a Transportation Network Company in return for compensation or payment of a fee.

"*Transportation Network Company Rider*" or "*rider*" means an individual or persons who use a Transportation Network Company's Digital Network to connect with a Transportation Network Driver who provides Prearranged Rides to the rider in the driver's Personal Vehicle between points chosen by the rider.

"*Prearranged Ride*" means the provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider through a Digital Network controlled by a Transportation Network Company, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the Personal Vehicle. A Prearranged Ride does not include transportation provided using a taxicab, limousine, or any other Public Carrier Vehicle as provided under Article II of this Chapter.

Sec. 31-61. Not Public Carrier Vehicles.

TNCs or TNC Drivers are not Public Carrier Vehicles as provided under Article II of this Chapter.

Sec. 31-62. TNC Permit Required.

(a) A person shall not operate a TNC in the City of Hammond without first having obtained a permit from the City. .

(b) The City shall issue a permit to each applicant that meets the requirements for a TNC set forth in this Chapter, and pays an annual permit fee of \$500.00 to the City.

Sec. 31-63. Agent.

Every TNC must maintain an agent for service of process in the State of Louisiana and notify the City of its registered agent.

Sec. 31-64. Fare Collected for Services.

On behalf of a TNC Driver, a TNC may charge a fare for the services provided to riders; provided that, if a fare is collected from a rider, the TNC shall disclose to the rider the fare calculation method on its website or within the software application service. The TNC shall also provide riders with the applicable rates being charged and the option to receive an estimated fare before the rider enters the TNC Driver's vehicle.

Sec. 31-65. Identification of TNC Vehicles and Drivers.

The TNC's software application or website shall display a picture of the TNC Driver, and the license plate number of the motor vehicle utilized for providing the prearranged ride before the rider enters the TNC Driver's vehicle.

Sec. 31-66. Electronic Receipt.

Within a reasonable period of time following the completion of a trip, a TNC shall transmit an electronic receipt to the rider on behalf of the TNC driver that lists:

- (a) The origin and destination of the trip;
- (b) The total time and distance of the trip; and
- (c) An itemization of the total fare paid, if any.

Sec. 31-67. Financial Responsibility of Transportation Network Companies.

TNCs and TNC Drivers shall comply with the insurance requirements set forth in the Transportation Network Company Motor Vehicle Responsibility Law, La. R.S. 45:201.1, et seq. The TNC shall provide the City with a certificate of insurance providing evidence that the TNC

has purchased all insurance required by law. The certificate of insurance shall further identify the City, its elected officials, officers, directors, employees as additional insureds under such insurance.

Sec. 31-68. Zero Tolerance for Drug or Alcohol Use.

(a) The TNC shall implement a zero tolerance policy regarding a TNC Driver's activities while accessing the TNC's digital platform. The zero tolerance policy shall address the use of drugs or alcohol while a TNC Driver is providing prearranged rides or is logged into the TNC's digital network but is not providing prearranged rides, and the TNC shall provide notice of this policy on its website, as well as procedures to report a complaint about a driver with whom a rider was matched and whom the rider reasonably suspects was under the influence of drugs or alcohol during the course of the trip.

(b) Upon receipt of such rider complaint alleging a violation of the zero tolerance policy, the TNC shall immediately suspend such TNC Driver's access to the TNC's digital platform, and shall conduct an investigation into the reported incident. The suspension shall last the duration of the investigation.

(c) The TNC shall maintain records relevant to the enforcement of this requirement for a period of at least two (2) years from the date that a rider complaint is received by the TNC.

Sec. 31-69. TNC Driver Requirements.

(a) Before allowing an individual to accept trip requests through a TNC's digital platform:

(1) The individual shall submit an application to the TNC, which includes information regarding his or her address, age, driver's license, driving history, motor vehicle registration, automobile liability insurance, and other information required by the TNC;

(2) The TNC shall conduct, or have a third party conduct, a local and national criminal background check for each applicant that shall include:

(A) Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation (primary source search); and

(B) National Sex Offender Registry database;

(3) The TNC shall obtain, and review, a driving history research report for such individual.

(b) The TNC shall not permit an individual to act as a TNC Driver on its digital platform who:

(1) Has had more than three moving violations in the prior three-year period, or one major violation in the prior three-year period (including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license);

(2) Has been convicted, within the past seven years, of driving under the influence of drugs or alcohol, fraud, sexual offenses, use of a motor vehicle to commit a felony, a crime involving property damage, and/or theft, acts of violence, or acts of terror;

(3) Is a match in the National Sex Offender Registry database;

(4) Does not possess a valid driver's license;

(5) Does not possess proof of registration for the motor vehicle(s) used to provide prearranged rides;

(6) Does not possess proof of automobile liability insurance for the motor vehicle(s) used to provide prearranged rides; or

(7) Is not at least 19 years of age.

Sec. 31-70. Vehicle Safety.

The TNC shall not allow a TNC Driver to accept trip requests through the TNC’s digital platform unless any motor vehicle(s) that a TNC Driver will use to provide prearranged rides meets the State of Louisiana’s vehicle safety requirements for private motor vehicles.

Sec. 31-71. No Street Hails.

A TNC Driver shall not solicit or accept street hails.

Sec. 31-72. No Cash Trips.

The TNC shall adopt a policy prohibiting solicitation or acceptance of cash payments from riders and notify TNC Drivers of such policy. TNC Drivers shall not solicit or accept cash payments from riders. Any payment for prearranged rides shall be made only electronically using the TNC’s digital network or software application.

Sec. 31-73. No Discrimination; Accessibility.

(a) The TNC shall adopt a policy of non-discrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity with respect to riders and potential riders and notify TNC Drivers of such policy.

(b) TNC Drivers shall comply with all applicable laws regarding non-discrimination against riders or potential riders on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity.

(c) TNC Drivers shall comply with all applicable laws relating to accommodation of service animals.

(d) A TNC shall not impose additional charges for providing services to persons with physical disabilities because of those disabilities.

(e) A TNC shall provide riders an opportunity to indicate whether they require a wheelchair-accessible vehicle. If a TNC cannot arrange a wheelchair-accessible prearranged ride in any instance, it shall direct the rider to an alternate provider of wheelchair-accessible service, if available.

Sec. 31-74. Records.

A TNC shall maintain the following customer records:

(a) individual trip records of rider customers for at least one (1) year from the date each trip was provided; and

(b) individual records of TNC Driver customers at least until the one year anniversary of the date on which a TNC Driver's customer relationship with the TNC has ended.

Sec. 31-75. Controlling Authority.

Notwithstanding any other provision of law, TNCs and TNC Drivers are governed exclusively by this Article.

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All ordinances in conflict herewith are repealed.

This ordinance having been submitted in writing, having been introduced at a public meeting of the Hammond City Council, discussed at a public hearing of said Council and was submitted to an official vote of the Hammond City Council.

On motion of _____ and seconded by _____, the foregoing ordinance was hereby declared adopted on this _____ day of _____, 2015, by the following roll call vote:

Votes: Johnny Blount () Jason Hood () Janice Carter Beard () Lemar Marshall () Mike Williams ()

ATTEST:

Tonia Banks
Hammond City Council Clerk

Mike Williams
President, Hammond City Council

Honorable Pete Panepinto
Mayor, City of Hammond