

Chapter 30

VEHICLES FOR HIRE*

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ARTICLE I. IN GENERAL

Secs. 30-1--30-25. Reserved.

ARTICLE II. TAXICABS AND LIMOUSINES**DIVISION 1. GENERALLY****Sec. 30-26. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Certificate* means a certificate of public convenience and necessity issued by the city manager or his/her designee authorizing the holder thereof to conduct a taxicab business in the city.
- (2) *City license* means the permission granted by the city manager or his/her designee to a person to drive a taxicab upon the streets of the city.
- (3) *Cruising* means the driving of a taxicab on the streets, alleys or public places of the city in search of or soliciting prospective passengers for hire.
- (4) *Holder* means a person to whom a certificate of public convenience and necessity has been issued.
- (5) *Limousine* means a motor vehicle regularly engaged in the business of carrying passengers for hire on an on-call basis for a fixed rate or a rate based upon the time of use. Such limousine shall be registered with the finance department as such.
- (6) *Limousine service* means a business that operates limousines and has registered with the customer assistance department. To register with the customer assistance department a business or person wanting to operate a limousine service must give the customer assistance department sufficient information to determine that the service is necessary, and that the registration is not designed primarily to avoid the requirements for taxicabs, as contained in this chapter. Any such business or person who fails to obtain proper registration with the customer assistance department, who otherwise is defined as a limousine, shall be defined as a taxicab and shall be subject to all requirements of taxicabs.
- (7) *Manifest* means a daily record prepared by a taxicab driver of all trips made by the driver showing the time and place or origin, destination, number of passengers and the amount of fare of each trip.
- (8) *Non-metered taxicab* means a "flat fee" taxicab or motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of not more than five persons, exclusive of the driver, not operated on a fixed route, and specifically not a limousine as defined herein.
- (9) *Open stand* means a public place alongside the curb of a street or elsewhere in the city which has been designated exclusively for the use of taxicabs.
- (10) *Rate card* means a card issued for display in each taxicab which contains the rates of fare then in force.
- (11) *Taxicab* means a taxicab or motor vehicle regularly engaged in the business of carrying passengers for hire, having a seating capacity of not more than five persons, exclusive of the driver, not operated on a fixed route, and specifically not a limousine as defined herein.
- (12) *Taximeter* means a meter instrument or device attached to a taxicab which measures mechanically or electronically the distance driven and the waiting time upon which the fare is based.
- (13) *Waiting time* means the time when a taxicab is not in motion from the time of discharge, but does not include any time that the taxicab is not in motion if due to any cause other than the request, act or fault of a passenger.

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(Gen. Ord. No. 877, § 1(24-13), 6-24-91; G.O. 1581, 12-1-97; G.O. 2450, 11-28-11)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 30-27. Penalty.

Any person, including the person's officers, employees or agents violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding \$500.00 or by imprisonment not exceeding 180 days or by both such fine and imprisonment.

(Gen. Ord. No. 877, § 1(24-46), 6-24-91; G.O. 2450, 11-28-11)

Sec. 30-28. Enforcement.

It shall be the duty of the police chief, insofar as may be possible, to prevent any infractions of the provisions of this article, and he shall report any such infraction of this article or of the traffic ordinances of the city by the owner, chauffeur or operator of the vehicle for hire to the mayor and city council.

(Code 1969, § 24-1(a); G.O. 2450, 11-28-11)

Sec. 30-29. Transfer of license.

No owner or operator of a taxicab or common carrier may delegate his license privilege to any lessee or deferred payment purchaser of such taxicab. Licenses issued or granted under this article shall be nonassignable and nontransferable.

(Gen. Ord. No. 877, § 1(24-32), 6-24-91; G.O. 2450, 11-28-11)

Secs. 30-30--30-45. Reserved.

DIVISION 2. CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY

Sec. 30-46. Required.

No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire upon the streets of the city without having first obtained a certificate of public convenience and necessity from the city manager or his/her designee.

(Gen. Ord. No. 877, § 1(23-14), 6-24-91; G.O. 2450, 11-28-11)

Sec. 30-47. Application.

An application for a certificate of public convenience and necessity shall be filed with the city manager or his/her designee upon forms provided by the city, and the application shall be verified under oath and shall furnish the following information:

- (1) The name and address of the applicant.
- (2) The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to the judgments.
- (3) The experience of the applicant in the transportation of passengers.
- (4) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate.
- (5) The number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals.
- (6) Proof of common carrier, commercial carrier automobile or fleet insurance in the amount set forth in section 30-50.
- (7) The color scheme or insignia to be used to designate the vehicles of the applicant.
- (8) Such further information as the director may require.

(Gen. Ord. No. 877, § 1(23-15), 6-24-91; G.O. 2450, 11-28-11)

Sec. 30-48. Public hearing.

Upon the filing of an application for a certificate of public convenience and necessity, the city manager or his/her designee shall fix a time and place for a public hearing thereon. Notice of such hearing shall be given to the applicant and to all persons to whom certificates of public convenience and necessity have been theretofore issued. Due notice shall also be given the general public by posting a notice of such hearing in the city clerk's office and by publishing the notice in a local newspaper of general

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circulation. Any interested person may file with the director a memorandum in support of or opposition to the issuance of a certificate. (Gen. Ord. No. 877, § 1(24-16), 6-24-91; G.O. 2450, 11-28-11)

Sec. 30-49. Issuance.

(a) If the city manager or his/her designee finds that further taxicab service in the city is required by the public convenience and necessity and that the applicant is fit, willing and able to perform such public transportation and to conform the provisions of this article and the rules promulgated by the city manager or his/her designee a certificate stating the name and address of the applicant, the number of vehicles authorized under the certificate and the date of issuance; otherwise, the application shall be denied.

(b) In making the findings stated in subsection (a) of this section, the city manager or his/her designee shall take into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions and the character, experience and responsibility of the applicant. (Gen. Ord. No. 877, § 1(24-17), 6-24-91; G.O. 2450, 11-28-11)

Sec. 30-50. Liability insurance required.

(a) No certificate of public convenience and necessity shall be issued or continued in operation unless there is in full force and effect a certificate of liability insurance for each vehicle authorized in the amount of \$50,000.00 for bodily injury to any one person, in the amount of \$100,000.00 for injuries to more than one person, which are sustained in the same accident and \$50,000.00 for property damage resulting from any one accident. The certificate of insurance shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by negligence of a holder, his servants or agents. The certificate of insurance shall be filed in the office of the city manager or his/her designee and shall have as surety thereon an insurance company authorized to do business in the state.

(b) If such policy of insurance shall, for any reason, be canceled or shall expire or no longer be

in force in such amounts, it shall be unlawful to operate any taxicab otherwise licensed to be operated until such insurance in such amounts shall have been procured and deposited with the city manager or his/her designee. The holder of the certificate of public convenience shall cause his insurance carrier to mail a duplicate notice of cancellation to the director at least ten days prior thereto.

(Gen. Ord. No. 877, § 1(24-18), 6-24-91; G.O. 2450, 11-28-11)

Sec. 30-51. License fees.

No certificate of public convenience and necessity shall be issued or continued in operation unless the holder thereof has paid an annual license fee as set forth in section 8-68. The license fees shall be for the calendar year and shall be in addition to any other license fees or charges established by proper authority and applicable to the holder or the vehicle under his operation and control.

(Gen. Ord. No. 877, § 1(24-19), 6-24-91; G.O. 2450, 11-28-11)

Sec. 30-52. Transferability.

No certificate of public convenience and necessity may be sold, assigned, mortgaged or otherwise transferred.

(Gen. Ord. No. 877, § 1(24-20), 6-24-91; G.O. 2450, 11-28-11)

Sec. 30-53. Effect of change of ownership of taxicab.

Change of ownership of or title to any taxicab shall automatically revoke any certificate of public convenience and necessity or license for the operation of such taxicab. The purchaser of any such taxicab may not operate such vehicle until he has applied for and been issued a new certificate and a new license.

(Gen. Ord. No. 877, § 1(24-33), 6-24-91; G.O. 2450, 11-28-11)

Sec. 30-54. Replacement of taxicab.

(a) *Authorized.* The person to whom a certificate of public convenience and necessity and license is issued under this division may, by appropriate endorsement made thereon by the city manager or his/her designee, substitute another

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taxicab in place of that for which the certificate and license is granted.

(b) *Application.* To obtain such endorsement, the holder of the certificate and license shall file a written application with the city manager or his/her designee setting forth the following:

- (1) The name and address of the applicant.
- (2) The make, type, year of manufacture, factory number, engine number, passenger seating capacity and state license number of both the substituted taxicab and the taxicab which is being replaced.
- (3) The serial body numbers of the replaced vehicle.
- (4) Whether there are any liens, mortgages or other encumbrances on the substituted taxicab and, if so, the amount and character thereof.

(c) *Restrictions.* The liability insurance shall be transferred to such substituted taxicab, and all other provisions of this article shall be complied with. The city manager or his/her designee may transfer the serial body number and the license identification card of the replaced taxicab to the substituted taxicab, but no such transfer may be made by the city manager or his/her designee until all other provisions of this article are complied with. The state certificate of title to the substituted vehicle shall be exhibited to the city manager or his/her designee when making such application.

(Gen. Ord. No. 877, § 1(24-34), 6-24-91; G.O. 2450, 11-28-11)

Sec. 30-55. Suspension and revocation.

(a) A certificate issued under the provisions of this division may be revoked or suspended by the city manager or his/her designee if the holder thereof has:

- (1) Violated any of the provisions of this article;
- (2) Discontinued operations for more than ten days; or

- (3) Violated any ordinance of the city or the laws of the United States or the state, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation.

(b) Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard.

(Gen. Ord. No. 877, § 1(24-21), 6-24-91; G.O. 2450, 11-28-11)

Sec. 30-56. Prohibited activity.

Any individual or business entity that refers to itself as a "taxicab," "taxi" or "cab" without a fully operational taximeter on his/her/its vehicle or vehicles, or any individual or business entity that does not hold a non-metered taxicab license issued by the city, shall be subject to criminal prosecution in Municipal Court. The minimum fine for this offense is \$100.00 for the first offense, \$250.00 for a second offense and up to 30 days in the county jail within a 12 month period of time and \$500.00 for a third offense within a 12 month period of time and up to 60 days in the county jail.

(G.O. 2450, 11-28-11)

Secs. 30-57--30-70. Reserved.

DIVISION 3. TAXICAB LICENSE – METERED AND NON-METERED

Sec. 30-71. Required.

(a) No person shall operate a taxicab for hire upon the streets of the city and no person who owns or controls a taxicab shall permit it to be so driven and no taxicab licensed by the city shall be so driven at any time for hire, unless the driver of the taxicab shall have first obtained and shall have then in force a valid Missouri chauffeurs license issued under the provisions of this division, or a valid chauffeur license of another state, approved by the police chief or his/her designee, as well as a city taxicab license.

(b) In this division of the code of ordinances only, "*taxicab*" refers to a taxicab and a non-metered taxicab.

(Gen. Ord. No. 877, § 1(24-22(a)), 6-24-91; G.O. 2450, 11-28-11)

Sec. 30-72. Application.

(a) An application for a taxicab license shall be filed with the city manager or his/her designee on forms provided by the city, and such application shall be verified under oath and shall contain the following information:

- (1) The names and addresses of four residents of the city who have known the applicant for a period of two years and who will vouch for the sobriety, honesty and general good character of the applicant.
- (2) The experience of the applicant in the transportation of passengers.
- (3) The educational background of the applicant.
- (4) A concise history of his/her employment.
- (5) A valid nationwide criminal background check shall be provided to the city within 30 days of submission of license application.
- (6) A copy of their Missouri chauffeur license or that of another state, pending approval of it by the police chief.

(b) Submission of false information or data, on the license application shall result upon discovery by the city of the denial of a taxicab license or upon the discovery of false information by the city the immediate revocation of the taxicab license, pending an appeal by the license holder. This is a criminal offense punishable by a minimum fine of \$500.00 and 180 days in jail in municipal court.

(Gen. Ord. No. 877, § 1(24-23), 6-24-91; G.O. 2378, 4-5-10; G.O. 2450, 11-28-11; G.O. 2849, 1-29-18)

Sec. 30-73. Current state operator's permit required.

Before any application for a taxicab license is finally passed upon by the city manager or his/her designee, the applicant shall be required to show that he/she has a current motor vehicle operator's license issued by the state of Missouri or another state, if approved by the police chief or his/her designee.

(Gen. Ord. No. 877, § 1(24-24), 6-24-91; G.O. 2378, 4-5-10; G.O. 2450, 11-28-11)

Sec. 30-74. Investigation.

(a) This requirement is enacted pursuant to Chapter 43, Section 43.535 RSMo. in order to regulate the issuance of taxicab and limousine driver's licenses within the city limits. All taxicab and limousine license applicants shall have a state and national fingerprint-based background check accomplished before they are issued a license to operate a vehicle for hire within the city limits.

(b) An applicant seeking to engage in the business of driving a taxicab or limousine for hire shall submit two sets of his/her fingerprints taken by an authorized third party, such as the Buchanan County Sheriff's Office or the Missouri State Highway Patrol, and sent to the Missouri State Highway Patrol, Criminal Records & Identification Division, along with the appropriate fees.

(c) Upon receipt of the fingerprints and the appropriate fees, the Missouri State Highway Patrol, Criminal Records & Identification Division, will compare the subject's or applicant's fingerprints against its criminal file and, if no disqualifying conduct is found therein, submit the fingerprints to the Federal Bureau of Investigation for a comparison with nationwide records. The results of the Federal Bureau of Investigation check will be returned to the Missouri State Highway Patrol, Criminal Records & Identification Division, which will disseminate the state and national results to the city's legal department.

(d) The police and/or legal department, shall obtain a copy of the local traffic and police record of the applicant, if any, and shall attach it to the application. They shall render a fitness determination based upon the results of the criminal background check, the local traffic and police record check and communicate its fitness determination to the city manager or his/her designee. In rendering a fitness determination, the police and/or legal department shall decide whether the subject or applicant has been convicted of or is under pending indictment, complaint, information or pled guilty to of any of the following:

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- (1) A crime(s) which bears upon his/her ability or fitness to serve in that capacity; or
- (2) A felony or a misdemeanor which involved force or threat of force, controlled substances, or was a sex-related offense; or
- (3) A registered sex offender or child molester; or
- (4) Multiple driving while intoxicated, driving while impaired, or driving under the influence of alcohol and/or drug offenses.

(e) A record subject may request and receive a copy of his/her criminal history record information from the legal department. Should the record subject seek to amend or correct his/her record, he/she must contact the Missouri State Highway Patrol, Criminal Records & Identification Division, for a Missouri state record or the Federal Bureau of Investigation for records from other jurisdictions maintained in its file.

(Gen. Ord. No. 877, § 1(24-25), 6-24-91; G.O. 2378, 4-5-10; G.O. 2450, 11-28-11; G.O. 2704, 9-3-13)

Sec. 30-75. Approval or rejection.

The city manager or his/her designee shall upon consideration of the application and the reports and the certificate required to be attached thereto will approve or reject the application. If the application is rejected, the applicant may request, a personal appearance before the city manager or his/her designee to offer evidence why his/her application should be reconsidered. If the applicant is dissatisfied with the decision of the city manager or his/her designee he has the right to appeal that decision to circuit court.

(Gen. Ord. No. 877, § 1(24-26), 6-24-91; G.O. 2378, 4-5-10; G.O. 2450, 11-28-11)

Sec. 30-76. Issuance; duration; fee.

(a) Upon approval of an application for a taxicab license, the city manager or his/her designee shall issue a St. Joseph Missouri photo identification license to the applicant which shall bear the name, address, date of birth, height, weight, age, signature and photograph of the applicant.

(b) Such license shall be in effect for the remainder of the calendar year. A license for every calendar year thereafter shall be issued upon the payment of the occupational or business license in Section 8-68, unless the license for the preceding year has been revoked.

(c) If said employee leaves the employ of one taxicab company to work for another or starts his own taxicab company he must reapply to obtain a new taxicab license.

(Gen. Ord. No. 877, § 1(24-27), 6-24-91; G.O. 2378, 4-5-10; G.O. 2450, 11-28-11)

Sec. 30-77. Display.

Every taxicab driver licensed under this division shall post his Missouri driver's license and taxicab license in such a place as to be in full view of all passengers while such driver is operating a taxicab.

(Gen. Ord. No. 877, § 1(24-28), 6-24-91; G.O. 2450, 11-28-11)

Sec. 30-78. Compliance with laws.

Every taxicab driver licensed under this division shall comply with all city, state and federal laws. Failure to do so will justify the city manager or his/her designee suspending or revoking a license.

(Gen. Ord. No. 877, § 1(24-30), 6-24-91; G.O. 2450, 11-28-11)

Sec. 30-79. Suspension and revocation.

The city manager or his/her designee is given the authority to suspend any taxicab driver's license issued under this division for a driver's failing or refusing to comply with the provisions of this article, such suspension to last for a period of not more than 90 days. The director is also given authority to revoke any taxicab license for failure to comply with the provisions of this article. However, a license may not be revoked unless the driver has received notice and has had an opportunity to present evidence in his behalf. Except if he provided false information on his application under Section 30-72 (c).

(Gen. Ord. No. 877, § 1(24-29), 6-24-91; G.O. 2450, 11-28-11)

Secs. 30-80--30-95. Reserved.

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DIVISION 4. OPERATIONAL RULES

Sec. 30-96. Operation by owner or employee.

(a) No taxicab shall be operated except by the owner thereof or by a duly authorized agent and employee of the owner, to whom such owner pays a fixed and definite wage or a fixed commission or percentage on the gross amount received from the operation of such taxicab or a combination of wage and commission.

(b) No owner of any taxicab shall enter into any contract, agreement, arrangement or understanding, express or implied, with any driver or operator by the terms of which such driver or operator pays to such owner a fixed or determinable sum per day, or otherwise for the use of such taxicab and is entitled to all or a portion of the proceeds of operation over and above the fixed and determinable sum.
(Gen. Ord. No. 877, § 1(24-22(b)), 6-24-91; G.O. 2450, 11-28-11)

Sec. 30-97. Taxicab service brokers prohibited.

No person shall enter into any contract, agreement, arrangement or understanding, express or implied, with any owner whereby such person is assured a fixed income from the owner, regardless of the earnings of any taxicab operated by the owner and in return for which the person agrees to permit such owner to use any trade name or distinctive color or emblem on any taxicab or to permit such owner to use, in common with other owners, telephone facilities, stands, garaging and repair facilities or administrative or other services, commonly required in connection with the operation of taxicabs.
(Gen. Ord. No. 877, § 1(24-22(c)), 6-24-91; G.O. 2450, 11-28-11)

Sec. 30-98. Vehicle equipment and maintenance.

Prior to the use and operation of any vehicle under the provisions of this article, every taxicab operated on the streets of the city shall be maintained in clean, safe and serviceable condition and in adequate repair. Each such taxicab shall be in compliance with the Motor Vehicle Safety Inspection law set forth in RSMo 307.350 et seq., as amended, and show proof thereof. Each taxicab shall have two rear doors

affording direct entrance to and exit from the passenger compartment and shall be so constructed and equipped that the occupants can be plainly seen from the outside at all times. The passenger compartment of each taxicab shall have an adequate light therein controlled by a suitable control in the passenger compartment.
(Gen. Ord. No. 877, § 1(24-31), 6-24-91; G.O. 2450, 11-28-11)

Sec. 30-99. Designation of taxicabs.

Each taxicab shall bear on the outside of each rear door, in paint or permanent decal letters not less than two inches nor more than six inches in height, the name of the owner and, in addition, it may bear an identifying design approved by the city manager or his/her designee. No vehicle covered by the terms of this article shall be licensed whose color scheme, identifying design, monogram or insignia to be used thereon shall, in the opinion of the city, conflicts with or imitate any color scheme, identifying design, monogram or insignia used on a vehicle already operating under this article in such a manner as to be misleading or tend to deceive the public. If such occurs, the license of or certificate covering such taxicab shall be suspended or revoked.
(Gen. Ord. No. 877, § 1(24-35), 6-24-91; G.O. 2450, 11-28-11)

Sec. 30-100. Taximeter required on metered taxicabs.

All taxicabs operated under the authority of this article shall be equipped with taximeters fastened in front of the passengers, visible to them at all times, day and night. After sundown the face of the taximeter shall be illuminated. The taximeter shall be operated mechanically or electronically by a mechanism of standard design and construction, driven either from the transmission or from one of the front wheels by a flexible and permanently attached driving mechanism. The taximeters shall be sealed at all points and connections which, if manipulated, would affect their correct reading and recording. Each taximeter shall have thereon a flag to denote when the vehicle is employed and when it is not employed, and it shall be the duty of the driver to

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throw the flag of such taximeter into a nonrecording position at the termination of each trip. The taximeters shall be subject to inspection by and comply with the state department of agriculture, division of weights and measures, and its rules and regulations and show proof thereof that the taximeter has been regularly inspected. (Gen. Ord. No. 877, § 1(24-36), 6-24-91; G.O. 2450, 11-28-11)

Sec. 30-101. Rates of fare; rate card required.

(a) *Compliance with rates required.* No owner, operator or driver of any taxicab shall carry any passenger within the limits of the city for a rate more than the rate fixed in this section.

(b) *Rate.* The rate shall be as follows:

- (1) For the first one mile or fraction thereof, \$2.50.
- (2) For each additional one-tenth mile or fraction thereof, \$0.30.
- (3) For each additional one minute of waiting time, \$0.30.
- (4) For each passenger over two an additional \$1.00.
- (5) Per trip surcharge daily between 9:00 p.m. and 6:00 a.m. all Sundays and six holidays (New Years, Memorial, Independence, Labor, Thanksgiving and Christmas days), \$0.75.

(c) *Waiting time.* Waiting time shall include the time when the taxicab is not in motion from the time of acceptance of the passenger to the time of discharge, but no charge shall be made for the time lost because of inefficiency of the taxicab or driver or traffic. However, a taxicab responding to a telephone call shall make no charge for the first three minutes of waiting time prior to the arrival of the passenger. No charge shall be made for waiting time prior to the time set for the arrival of the intending passenger at the time of calling the taxicab.

(d) *Determination of fare.* Any and all fares charged for taxicab service in the city shall be computed and determined by the taximeter reading taken on the identical trip for which such charge is made. Any and all fares charged for

taxicab service in the city for one hour or more than one hour shall be arranged in advance by agreement between the driver and the passenger. Non-metered taxicabs fares will not be controlled by the city.

(e) Flat rate metered taxicabs are not allowed.

(f) *Violation.* It shall be unlawful for any person to charge or attempt to charge a passenger a higher fare than that to which the taxicab is entitled under the provisions of this article, and any person who shall collect any fare more than the rate provided in this section shall be punished as provided by this article.

(g) *Card required.* Every taxicab operated under this article shall have a rate card setting forth the authorized rates of fare displayed in such a place to be in view of all passengers. (Gen. Ord. No. 877, § 1(24-37), 6-24-91; G.O. 2450, 11-28-11)

Sec. 30-102. Receipts.

The driver of any taxicab shall, upon demand by the passenger, render to such passenger a receipt for the amount charged, either by a mechanically printed receipt or by a specially prepared receipt, on which shall be the name of the owner, license number or motor number, amount of meter reading or charges and date of transaction.

(Gen. Ord. No. 877, § 1(24-38), 6-24-91; G.O. 2450, 11-28-11)

Sec. 30-103. Refusal of passenger to pay legal fare.

It shall be unlawful for any person to refuse to pay the legal fare of any taxicab after having hired the taxicab, and it shall be unlawful for any person to hire any taxicab with intent to defraud the person from whom it is hired of the value of such service.

(Gen. Ord. No. 877, § 1(24-39), 6-24-91; G.O. 2450, 11-28-11)

Sec. 30-104. Solicitation, acceptance and discharge of passengers.

(a) *Solicitation of passengers by driver.* No taxicab driver shall solicit passengers for a taxicab, except when sitting in the driver's

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compartment of such taxicab or while standing immediately adjacent to the curb side thereof. The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to his vehicle at all times when such vehicle is upon the public street, except that when necessary a driver may be absent from his taxicab for not more than five consecutive minutes. Nothing in this subsection shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicle.

(b) *Prohibited solicitation.* No driver shall solicit patronage in a loud, boisterous or annoying tone of voice or by sign or in any manner annoy any person or obstruct the movement of any person or traffic or follow any person for the purpose of soliciting patronage.

(c) *Receipt and discharge of passengers on sidewalk only.* Drivers of taxicabs shall not receive or discharge passengers in the roadway, but shall pull up to the right-hand sidewalk as nearly as possible or, in the absence of a sidewalk, to the extreme right-hand side of the road and there receive or discharge passengers. However, upon one-way streets, passengers may be discharged at either the right-hand or left-hand sidewalk or side of the roadway in the absence of a sidewalk.

(d) *Cruising.* A driver may cruise in search of passengers except in areas and such times as shall be designated by the director of public works and transportation or his or her designee. Such areas and times shall only be designated when the director of public works and transportation finds that taxicab cruising would not congest traffic or be dangerous to pedestrians and other vehicles.

(e) *Solicitation of other common carrier passengers.* No driver, owner or operator shall solicit passengers at the terminal of any other common carrier or at any intermediate points along any established route of any other common carrier.

(f) *Additional passengers.* No driver shall permit any other person to occupy or ride in the taxicab, unless the person first employing the taxicab shall consent to the acceptance of additional passengers.

(g) *Restriction on number of passengers.* No driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity of his taxicab as stated in the license for the vehicle issued by the department of finance.

(h) *Refusal to carry orderly passengers.* No driver shall refuse or neglect to convey any orderly person, upon request, unless previously engaged or unable or forbidden by the provisions of this article to do so.
(Gen. Ord. No. 877, § 1(24-40), 6-24-91; G.O. 2450, 11-28-11)

Sec. 30-105. Open stands--Establishment and use.

(a) The director of public works and transportation is authorized and empowered to establish open stands in such places upon the streets of the city as he deems necessary for the use of taxicabs operated in the city. The director shall not create an open stand without taking into consideration the need for such stands by the companies and the convenience to the general public. The director shall prescribe the number of cabs that shall occupy such open stands. The director shall not create an open stand in front of any place of business where the abutting property owners object to the stand or where such stand would tend to create a traffic hazard.

(b) Open stands shall be used by the different drivers on a first come, first served basis. The driver shall pull on to the open stand from the rear and shall advance forward as the cabs ahead pull off. Drivers shall stay within five feet of their cabs; they shall not solicit passengers or engage in loud or boisterous talk while at an open stand. Nothing in this article shall be construed as preventing a passenger from boarding the cab of his choice that is parked at an open stand.
(Gen. Ord. No. 877, § 1(24-41), 6-24-91; G.O. 2450, 11-28-11)

Sec. 30-106. Same --Use by other vehicles.

Private or other vehicles for hire shall not at any time occupy the space upon the streets that has been established as an open stand for taxicabs.
(Gen. Ord. No. 877, § 1(24-42), 6-24-91; G.O. 2450, 11-28-11)

Sec. 30-107. Service.

All persons engaged in the taxicab business in the city operating under the provisions of this article shall render an overall service to the public desiring to use taxicabs. Holders of certificates of public convenience and necessity, and non-metered taxicab business license holders, shall maintain a central place of business and keep the business open 24 hours a day for the purpose of receiving calls and dispatching cabs. They shall answer all calls received by them for services inside the corporate limits of the city as soon as they can do so. If the services cannot be rendered within a reasonable time, they shall then notify the prospective passengers how long it will be before the call can be answered and give the reason therefor. Any holder who shall refuse to accept a call anywhere in the corporate limits of the city at any time when such holder has available cabs or who shall fail or refuse to give overall service shall be deemed in violation of this article, and the certificate granted to such license holder, or to a non-metered taxicab license holder, shall be suspended or revoked at the discretion of the city manager or his/her designee. (Gen. Ord. No. 877, § 1(24-43), 6-24-91; G.O. 2450, 11-28-11)

Sec. 30-108. Manifests.

(a) Every taxicab driver shall maintain a daily manifest upon which are recorded all trips made each day, showing the time and place of origin and destination of each trip and the amount of fare, and all such completed manifests shall be returned to the owner by the driver at the conclusion of his tour of duty. The forms for each manifest shall be furnished to the driver by the owner and shall be of a character approved by the city manager or his/her designee.

(b) Every holder of a certificate of public convenience and necessity or non-metered taxicab license shall retain and preserve all drivers' manifests in a safe place for at least the calendar year next proceeding the current calendar year, and the manifests shall be available to the city manager or his/her designee. (Gen. Ord. No. 877, § 1(24-44), 6-24-91; G.O. 2450, 11-28-11)

Sec. 30-109. Advertising on taxicabs.

It shall be unlawful for any owner or operator of a taxicab to permit any banner or other advertising matter to be affixed to or painted on such taxicab, except such advertising matter as such person may desire to use for the advertising of such person's system of operating his taxicabs. However, any person engaged in the business of advertising on taxicabs or other motor vehicles for hire shall be permitted to place advertising on the rear trunk lid of taxicabs or other motor vehicles for hire, provided the advertising shall be carried in a suitable metal bracket, not exceeding outside dimensions of 25 inches by 39 inches. (Gen. Ord. No. 877, § 1(24-45), 6-24-91; G.O. 2450, 11-28-11)

Secs. 30-110--30-119. Reserved.

DIVISION 5. LIMOUSINES, GENERALLY

Sec. 30-120. Required.

No person shall operate a limousine for hire upon the streets of the city and no person who owns or controls a limousine shall permit it to be so driven and no limousine licensed by the city shall be so driven at any time for hire, unless the driver of the limousine shall have first obtained and shall have then in force a valid Missouri chauffeur's license or valid chauffeur license of another state approved by the police chief or his designee and a city limousine license. (G.O. 2450, 11-28-11)

Sec. 30-121. Application.

(a) An application for a limousine license shall be filed with the city manager or his/her designee on forms provided by the city, and such application shall be verified under oath and shall contain the following information:

- (1) The names and addresses of four residents of the city who have known the applicant for a period of two years and who will vouch for the sobriety, honesty and general good character of the applicant.
- (2) The experience of the applicant in the transportation of passengers.

- (3) The educational background of the applicant.
- (4) A concise history of his employment.
- (5) A valid nationwide criminal background check shall be provided to the city within 30 days of submission of a license application.
- (6) A copy of their Missouri chauffeur license or that of another state, pending approval of it by the police chief.

(b) Submission of false information or data, on the license application shall result upon discovery by the city in the denial of a limousine license or upon the discovery of false information by the city the immediate revocation of the limousine license pending an appeal by the license holder. This is a criminal offense punishable by a minimum fine of \$500.00 and 180 days in jail in municipal court.

(G.O. 2450, 11-28-11; G.O. 2849, 1-29-18)

Sec. 30-122. Current state operator's permit required.

Before any application for a limousine license is finally passed upon by the city manager or his/her designee the applicant shall be required to show that he has a current motor vehicle chauffeur's license issued by the state of Missouri or another state if approved by the police chief or his designee.

(G.O. 2450, 11-28-11)

Sec. 30-123. Investigation.

The police department or city legal department shall review the national criminal background check of each applicant for a limousine license, and a report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the city manager or his/her designee.

(G.O. 2450, 11-28-11)

Sec. 30-124. Liability insurance required.

(a) No limousine license shall be issued or continued unless there is in full force and effect a certificate of liability insurance for each vehicle authorized in the amount of \$50,000.00 for bodily

injury to any one person, in the amount of \$100,000.00 for injuries to more than one person, which are sustained in the same accident and \$50,000.00 for property damage resulting from any one accident. The certificate of insurance shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by negligence of a holder, his servants or agents. The certificate of insurance shall be filed in the office of the director of customer assistance and shall have as surety thereon an insurance company authorized to do business in the state.

(b) If such policy of insurance shall, for any reason, be canceled or shall expire or no longer be in force in such amounts, it shall be unlawful to operate any limousine otherwise licensed to be operated until such insurance in such amounts shall have been procured and deposited with the director of customer assistance. The license holder shall cause his insurance carrier to mail a duplicate notice of cancellation to the director at least ten days prior thereto.

(G.O. 2450, 11-28-11)

Sec. 30-125. Approval or rejection.

The city manager or his/her designee shall, upon consideration of the application approve or reject the application. If the application is rejected, the applicant may request a personal appearance before the city manager or his/her designee to offer evidence why his application should be reconsidered. If the applicant is dissatisfied with the decision of the city manager or his/her designee he has the right to appeal that decision to circuit court.

(G.O. 2450, 11-28-11)

Sec. 30-126. Issuance; duration; fee.

(a) Upon approval of an application for a limousine license, the city manager or his/her designee shall issue a St. Joseph Missouri photo identification limousine license to the applicant who shall bear the name, address, date of birth, height, weight, age signature and photograph of the applicant.

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(b) Such license shall be in effect for the remainder of the calendar year. A license for every calendar year thereafter shall be issued upon the payment of the occupational or business license in Section 8-67, unless the license for the preceding year has been revoked.

(c) If said employee leaves the employ of one limousine company to work for another or starts his own limousine company he must reapply and obtain a new limousine license.
(G.O. 2450, 11-28-11)

Sec. 30-127. Display.

Every limousine driver licensed under this division shall post his Missouri driver's license and limousine license in such a place as to be in full view of all passengers while such driver is operating a limousine.
(G.O. 2450, 11-28-11)

Sec. 30-128. Compliance with laws.

Every limousine driver licensed under this division shall comply with all city, state and federal laws. Failure to do so will justify the city manager or his/her designee suspending or revoking a license.
(G.O. 2450, 11-28-11)

Sec. 30-129. Suspension and revocation.

The city manager or his/her designee is given the authority to suspend any limousine license issued under this division for a driver's failing or refusing to comply with the provisions of this article, such suspension to last for a period of not more than 90 days. The city manager or his/her designee is also given authority to revoke any limousine license for failure to comply with the provisions of this article. However, a limousine license may not be revoked unless the driver has received notice and has had an opportunity to present evidence in his behalf. Except if he provided false information on his application under Section 30-121(c).
(G.O. 2450, 11-28-11)

Sec. 30-130. Receipts.

The driver of any limousine shall, upon demand by the passenger, render to such passenger a receipt for the amount charged, either by a mechanically printed receipt or by a

specially prepared receipt, on which shall be the name of the owner, limousine license number, date of transaction and the amount.
(G.O. 2450, 11-28-11)

Sec. 30-131. Refusal of passenger to pay legal fare.

It shall be unlawful for any person to refuse to pay the legal fare of any limousine after having hired the limousine and it shall be unlawful for any person to hire any limousine with intent to defraud the person from whom it is hired of the value of such service.
(G.O. 2450, 11-28-11)

Sec. 30-132. Solicitation, acceptance and discharge of passengers.

(a) *Solicitation of passengers by driver.* No limousine driver shall solicit passengers for a limousine, except when sitting in the driver's compartment of such limousine or while standing immediately adjacent to the curb side thereof. The driver of any limousine shall remain in the driver's compartment or immediately adjacent to his vehicle at all times when such vehicle is upon the public street, except that when necessary a driver may be absent from his taxicab for not more than five consecutive minutes. Nothing in this subsection shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicle.

(b) *Prohibited solicitation.* No driver shall solicit business in a loud, boisterous or annoying tone of voice or by sign or in any manner to annoy any person or obstruct the movement of any person or traffic or follow any person for the purpose of soliciting business.

(c) *Receipt and discharge of passengers on sidewalk only.* Drivers of taxicabs shall not receive or discharge passengers in the roadway, but shall pull up to the right-hand sidewalk as nearly as possible or, in the absence of a sidewalk, to the extreme right-hand side of the road and there receive or discharge passengers. However, upon one-way streets, passengers may be discharged at either the right-hand or left-hand sidewalk or side of the roadway in the absence of a sidewalk.

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(d) *Cruising.* No driver shall cruise in search of passengers except in such areas and at such times as shall be designated by the director of public works and transportation. Such areas and times shall only be designated when the director finds that taxicab cruising would not congest traffic or be dangerous to pedestrians and other vehicles.

(e) *Additional passengers.* No limousine driver shall permit any more than one person to occupy or ride in the limousine, unless the person has the consent of the passenger who employed the limousine.

(g) *Restriction on number of passengers.* No driver shall permit more persons to be carried in a limousine as passengers than the rated seating capacity of his limousine as stated in the license for the vehicle issued by the customer assistance department.

(h) *Refusal to carry orderly passengers.* No driver shall refuse or neglect to convey any orderly person, upon request, unless previously engaged or unable or forbidden by the provisions of this article to do so.
(G.O. 2450, 11-28-11)

Sec. 30-133. Service hours.

All persons engaged in the limousine business in the city operating under the provisions of this article shall render an overall service to the public desiring to use limousines. Holders of limousine licenses shall maintain a central place of business and keep the business open a minimum of 18 hours a day from 6:00 a.m. to 12:00 midnight for the purpose of receiving calls. They shall answer all calls received by them for services inside the corporate limits of the city as soon as they can do so. If the services cannot be rendered within a reasonable time, they shall then notify the prospective passengers how long it will be before the call can be answered and give the prospective passenger a reason. Any limousine operator who shall refuse to accept a call anywhere in the corporate limits of the city at any time when such holder has available limousines or who shall fail or refuse to give overall service shall be deemed in violation of this article, and subject to suspension of his limousine license at the discretion of the city manager or his/her designee.
(G.O. 2450, 11-28-11)

Sec. 30-134. Manifests.

(a) Every limousine business or driver shall maintain a daily manifest upon which are recorded all trips made each day, showing the time and place of origin and destination of each trip and the amount of fare, and all such completed manifests shall be returned to the owner if their owner is not the driver at the conclusion of his shift. The forms for each manifest shall be furnished to the driver by the owner and shall be of a character approved by the director of customer assistance or his/her designee.
(G.O. 2450, 11-28-11)

ARTICLE III. ST. JOSEPH TRANSIT SYSTEM

Sec. 30-135. Transit fares and other charges.

(a) *Transit fares.* The fares for St. Joseph Transit shall be as follows:

- (1) Adult\$1.00*
- (2) Youth and students
(6-18 years old)\$0.80*
- (3) Seniors(over 60)/medicare/
disabled\$0.50*
- (4) Transfer, when fare is paid Free
- (5) Children age five and under,
when accompanied by a
fare paying passenger Free

*Route deviation will be an additional \$0.50 for each deviation.

(b) *Transit monthly passes.* Fees for monthly transit passes shall be as follows:

- (1) Adult\$40.00*
- (2) Youth and students
(6-18 years old)\$35.00*
- (3) Seniors(over 60)/medicare/
disabled\$20.00*

Monthly passes allow for unlimited rides but will not include deviation fees.

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*Route deviation will be an additional \$0.50 for each deviation.

(c) *Missouri Western State University access ridership.* The annual fee charged will be billed on a semester basis and assessed as follows:

- (1) Up to 19,350 rides,
annually \$11,800.00
 - (2) 19,351 to 24,500 rides,
annually \$14,950.00
 - (3) 24,501 to 29,000 rides,
annually \$17,700.00
 - (4) 29,001 to 34,500 rides,
annually \$20,750.00
- (Gen. Ord. No. 1018, § 1(22-20), 9-28-92; G.O. 1816, 2-21-01; G.O. 2026, 6-7-04; G.O. 2257, 9-24-07; G.O. 2817, 8-15-16)

Sec. 30-136. Minimum age of passengers.

Any person under the age of six shall not be allowed to use or access the fixed route transit system unless accompanied by a responsible person who is at least 12 years of age. (Gen. Ord. No. 1136, § 1(22-18), 9-22-93; G.O. 2817, 8-15-16)

ARTICLE IV. DOCKLESS VEHICLES – ELECTRIC SCOOTERS

DIVISION 1. GENERALLY

Sec. 30-150. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Director* means the director of public works and transportation, and includes representatives, agents, or department employees designated by the director.
- (2) *Dockless vehicle* means an electric motor-assisted scooter, owned by a company or entity, that can be located, unlocked, and rented for use remotely.
- (3) *Operator* means an individual or other legal entity that has been issued an

operating authority permit under this article.

(4) *Rebalance* means moving dockless vehicles from an area of low demand to an area of high demand.

(G.O. 2986, 6-14-21)

Sec. 30-151. General authority and duty of director.

The director shall implement and enforce this article.

(G.O. 2986, 6-14-21)

Sec. 30-152. Enforcement.

(a) *Inspection.* The director may, with or without notice, inspect any dockless vehicle operating under this article to determine whether the dockless vehicle complies with this article, rules and regulations established under this article, or other applicable laws.

(b) *Violations.* The director shall enforce this article. Upon observing a violation of this article or the rules or regulations established by the director, the director shall take necessary action to ensure effective regulation of dockless vehicles.

(c) *Law enforcement.* The police department and Missouri Western State University campus police shall also operate as an enforcement agent for this article and established and approved rules and regulations.

(G.O. 2986, 6-14-21)

Sec. 30-153. Criminal offenses.

(a) *Violations.* A person commits an offense if he or she violates or attempts to violate a provision of this article, or a rule or regulation established by the director under this article. A culpable mental state is not required for the commission of an offense under this article unless the provision defining the conduct expressly requires a culpable mental state. A separate offense is committed each day in which an offense occurs.

(b) *Remedies and penalties.* Prosecution for an offense under this section does not prevent the use of other enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense.

(c) *Fine.* A person or legal entity violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.00. (G.O. 2986, 6-14-21)

Secs. 30-154 – 30-160. Reserved.

DIVISION 2. PERMITTING

Sec. 30-161. Operating authority permit.

A person or legal entity commits an offense if, within the city, he or she operates, or causes, or permits the operation of, a dockless vehicle service for compensation without a valid operating authority permit issued under this article.

(G.O. 2986, 6-14-21)

Sec. 30-162. Application for operating authority permit.

(a) *Application required.* To obtain an operating authority permit, a person shall make application in the manner prescribed by the director. The applicant must be the person or legal entity who will own, control, or operate the proposed dockless vehicle program.

(b) *Application contents.* An applicant shall file with the director, or his or her designee, a verified application statement containing the following:

- (1) Documentary evidence of having obtained a business license to operate with the City of St. Joseph as outlined in the city code;
- (2) the authorized signature of the applicant;
- (3) the address of the fixed facilities to be used in the operation, and the address of the applicant's home office, if different from the address of the fixed facilities;
- (4) the name of the person designated by the applicant to receive on behalf of the applicant any future notices sent by the city to the operator, and that person's contact information, including a mailing address, telephone number, and email or other electronic address;

- (5) documentary evidence from an insurance company indicating that such insurance company has bound itself to provide the applicant with the liability insurance required by this article;
- (6) documentary evidence of payment of ad valorem taxes currently due on property within the city, if any, to be used in connection with the operation of the proposed dockless vehicle program;
- (7) documentary evidence from a bonding or insurance company or a bank indicating that the bonding or insurance company or bank has bound itself to provide the applicant with the performance bond or irrevocable letter of credit required by this article;
- (8) documentary evidence in the form of a recommendation or reference from a city or community currently using the applicant's dockless vehicles;
- (9) the number and types of dockless vehicles to be operated; and
- (10) an agreement to indemnify the city against any and all claims arising out of or from applicant's operation of the proposed dockless vehicle program except those arising out of city negligence or willful misconduct.

(c) An operating authority permit may be renewed following the process in this section. (G.O. 2986, 6-14-21)

Sec. 30-163. Changes to information in operating authority application.

(a) *Permit holder changes.* Any changes to the information provided in the operating authority permit application must be reported to the director, in the manner prescribed by the director, within ten days of the change.

(b) *Increases in number of dockless vehicles.* If the information reported to the director under this section includes an increase in the number of dockless vehicles, any additional vehicle fees due under Section 30-169 must be submitted to the

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director simultaneously with the change in information.

(G.O. 2986, 6-14-21)

Sec. 30-164. Expiration of operating authority permit.

An operating authority permit expires one year from the date it is issued, unless extended by the director.

(G.O. 2986, 6-14-21)

Sec. 30-165. Refusal to issue or renew operating authority permit.

(a) *Refusal or denial.* The director shall refuse to issue or renew an operating authority permit if the applicant:

- (1) intentionally or knowingly makes a false statement as to a material matter in an application for a permit or permit renewal; or
- (2) has been convicted twice within a 12 month period for a violation of this article regarding the deployment of a dockless vehicle or the rebalancing or removal of a dockless vehicle, or has violated a rule or regulation adopted under this article regarding the deployment of a dockless vehicle, the rebalancing or removal of a dockless vehicle, or the reporting of data, or has had an operating authority permit revoked within two years of the date of application.

(b) *Notification of refusal or denial.* If the director determines that a permit should be denied, the director shall notify the applicant or operator in writing that the application is denied and include in the notice the specific reason or reasons for denial and a statement informing the applicant or operator of the right to, and the process for, appeal of the decision.

(G.O. 2986, 6-14-21)

Sec. 30-166. Suspension or revocation of operating authority permit.

(a) *Suspension.* The following shall apply to the suspension of an operating authority permit:

- (1) The director may suspend an operating authority permit if the director determines

that the operator failed to comply with a request to remove a dockless vehicle or a request to rebalance dockless vehicles issued by the director within the time specified in the order.

- (2) Suspension of an operating authority permit does not affect the expiration date of the permit.

(b) *Revocation.* The following shall apply to the revocation of an operating authority permit:

- (1) The director shall revoke an operating authority permit if the director determines that the operator has:
 - a. made a false statement as to a material matter in the application concerning the operating authority permit;
 - b. failed to maintain the insurance required by this article;
 - c. failed to maintain the performance bond or irrevocable letter of credit required by this article;
 - d. operated dockless vehicles that were not authorized by the operating authority permit; or
 - e. failed to pay a fee required by this article.

- (2) *Post-revocation waiting period.* After revocation of an operating authority permit, an operator is not eligible for another permit for a time period of up to two years, depending on the severity of the violation resulting in the revocation.

(G.O. 2986, 6-14-21)

Sec. 30-167. Appeals.

Any person or legal entity whose application for an operating authority permit, or renewal of an operating authority permit, is denied by the director, or an operator whose operating authority permit has been revoked or suspended by the director, may file an appeal of the decision. The written request must be made to the director within 30 days of the date of notification, and must state the factual basis for the appeal. When a request is properly filed, the city manager, or his or her designee, shall convene a hearing on the matter. The city manager, or his or her designee, shall issue a decision within 15 working

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days following the conclusion of the hearing. The decision shall be considered the final administrative action for purposes of judicial review.

(G.O. 2986, 6-14-21)

Sec. 30-168. Nontransferability.

An operating authority permit is not transferable.

(G.O. 2986, 6-14-21)

Sec. 30-169. Vehicle fee.

(a) An operator shall pay an annual vehicle fee as follows:

- (1) 1 – 50 dockless vehicle\$500.00
- (2) 51 – 100 dockless vehicles\$1,000.00
- (3) Per dockless vehicle in
excess of 100.....\$10.00

(G.O. 2986, 6-14-21)

Secs. 30-170 – 30-180. Reserved.

DIVISION 3. INSURANCE AND BONDING

Sec. 30-181. Insurance requirements.

(a) *Policy requirements.* An operator shall procure and keep in full force and effect no less than the insurance coverage required by this section through a policy of policies written by an insurance company that:

- (1) is authorized to do business in the State of Missouri;
- (2) is acceptable to the city; and
- (3) does not violate the ownership or operational control prohibition described in this section.

(b) *Additional insureds.* The insured provisions of the policy must name the city and its officers and employees as additional insureds, and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a dockless vehicle.

(c) *Coverage requirements.* An operator shall maintain the following insurance coverages:

- (1) Insurance covering claims arising out of the performance of the operator's services and for claims arising out of allegations of errors, omissions, or negligent acts for which the operator may be liable, with a minimum policy limit of \$2,000,000.00 each claim/aggregate.
- (2) Comprehensive general liability insurance with a standard broad-form endorsement which shall protect the operator and the city, their agents, servants, employees, officers, and consultants. Such insurance shall be endorsed to provide blanket contractual liability insurance. Such insurance shall have coverage with a combined single limit of not less than \$1,000,000.00 per occurrence and \$2,000,000.00 general aggregate for bodily injury and property damage.
- (3) Property insurance on any items of operator property, including but not limited to dockless vehicles, parking stations/areas, and maintenance buildings. Such property insurance shall be on an all-risk form and shall cover, on a replacement cost basis, physical loss or damage to the structures. Such coverage shall cover at least the following perils: theft, vandalism, malicious mischief, collapse, fire, lightning, earthquake, flooding, frost, water damage, freezing, extended coverage and debris removal including demolition occasioned by enforcement of any applicable legal requirements, with minimum limits of \$1,000,000.00.
- (4) Automobile insurance coverage for all owned, hired, or non-owned vehicles utilized by the operator with minimum limits of coverage of a combined limit of not less than \$1,000,000.00 per occurrence.
- (5) Workers' or workman's compensation with statutory limits, including employers' liability coverage with minimum limits of \$500,000.00, disability benefit and other similar employee benefit laws.

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- (6) The operator shall also provide and maintain any type of insurance not described above which it requires for its own protection or on account of statutes.

(d) *Policy requirements.* Insurance required under this article must:

- (1) be endorsed to include the city as an additional insured;
- (2) not be subject to a deductible amount on a per-claim basis of more than \$10,000.00 and shall not be subject to an aggregate deductible of more than \$25,000.00, if not self-insured. The operator's comprehensive liability policy and business automobile liability policy, as set forth above, shall be on an occurrence basis;
- (3) be provided by insurance companies having policyholder ratings not lower than "A-" and financial ratings not lower than "VIII" in the Best's Insurance Guide, latest edition in effect as of the date of obtaining the permit and subsequently in effect at the time of renewal of any policies required hereunder; or policyholder ratings otherwise deemed acceptable by the city;
- (4) have certificate(s) of insurance executed by a duly authorized agent of each of the applicable insurance carriers in a form that is acceptable by the city. The operator shall give at least 30 days' notice to the city before any policy covered thereby is changed or canceled;
- (5) cover all dockless vehicles during the times that the vehicles are deployed or operating in furtherance of the operator's business;

(e) *Conflicts of interest.* No person who has a 20% or greater ownership interest in the operator may have an interest in the insurance company.

(f) *Self-insured prohibition.* An operator may not be self-insured, unless operator can show proof of ability to pay defense and/or indemnity costs to respond to a loss up to their SIR limit, in a form acceptable to the city.

(g) *Certificates of insurance.* Any insurance policy and its certificates required by this article

must be on file with the city upon the issuance of the initial operating authority permit, the renewal of an operating permit, and upon expiration or termination of a previously issued policy.

(h) *Waiver of claims against City.* Upon acceptance of an operating authority permit, the operator = waives all rights to assert any claim against the city with respect to any loss or damage howsoever caused to the extent any such loss or damage is covered by insurance including deductibles. The operator and its insurers hereby waive all rights of subrogation.

(i) *Operator consultants and subcontractors.* If a consultant or subcontractor is hired by the operator to perform any duties under the permit, the operator shall cover any and all consultants and subcontractors in its policies and require each consultant or subcontractor to secure and maintain insurance against all applicable hazards or risks of loss and in the amounts and forms set forth in this article.

(G.O. 2986, 6-14-21)

Sec. 30-182. Performance bond or irrevocable letter of credit.

Before issuance of operating authority permit, the operator shall give the director a performance bond or an irrevocable letter of credit approved as to form by the city attorney.

- (1) A bonding or insurance company authorized to do business in the State of Missouri and acceptable to the city must issue the performance bond. A bank authorized to do business in the State of Missouri and acceptable to the city must issue the irrevocable letter of credit.
- (2) The performance bond or irrevocable letter of credit must list the operator as principal and be payable to the city.
- (3) The performance bond or irrevocable letter of credit must remain in effect for the duration of the operating authority permit.
- (4) The amount of the performance bond or irrevocable letter of credit must be at least \$10,000.00.
- (5) Cancellation of the performance bond or irrevocable letter of credit does not release

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the operator from the obligation to meet all requirements of this article and the operating authority permit. If the performance bond or irrevocable letter of credit is cancelled, the operating authority permit shall be suspended on the date of cancellation and the operator shall immediately cease operations until the operator provides the director with a replacement performance bond or irrevocable letter of credit that meets the requirements of this article.

- (6) The City may draw against the performance bond or irrevocable letter of credit or pursue any other available remedy to recover damages, fees, fines, or penalties due from the operator for violation of any provision of this article or the operating authority permit.

(G.O. 2986, 6-14-21)

Secs. 30-183 – 30-190. Reserved.

DIVISION 4. DOCKLESS VEHICLE REQUIREMENTS AND OPERATIONS

Sec. 30-191. Data sharing.

(a) *Required.* An operator shall cooperate with the city in the collection and analysis of aggregated data concerning its operations. Failure to do so, as determined by the director, shall be a violation under this article.

(b) *Monthly reports.* An operator shall provide a monthly report to the director that includes:

- (1) Total number of rides for the previous month.
- (2) Total number of vehicles in service for the previous month.
- (3) Number of rides per vehicle per day.
- (4) Data taken by the operator's dockless vehicles in the form of heat maps showing routes, trends, origins, and destinations.
- (5) Trip data taken by the operator's dockless vehicles that includes the origin and destination, trip duration, and date and time of trip.

(c) *Additional required reports.* An operator shall provide other reports at the director's request.

(d) *Location data.* An operator shall provide real-time or semi-real-time location data via means acceptable to the director.

(G.O. 2986, 6-14-21)

Sec. 30-192. Operations.

(a) *Vehicles.* Each operator shall provide dockless vehicles to accommodate a wide range of users and should accept multiple forms of payment.

(b) *Identification information.* Each dockless vehicle permitted under this article must display the emblem of the operator along with a unique identification number.

(c) *Advertising.* Dockless vehicles may display third party advertising as allowed and approved by the director.

(d) *Compliance with laws.* Dockless vehicles must meet all requirements of local, state, and federal law.

(e) *Durability.* Dockless vehicles must be high quality and sturdily built to withstand the effects of weather and constant use for three years.

(f) *Condition.* Dockless vehicles must be well maintained and in good, safe riding condition.

(g) *Location services.* Each dockless vehicle permitted under this article must be equipped with active locating system technology (GPS) capable of location within three yards.

(h) *Visibility.* All dockless vehicles shall have lights, reflectors and/or other equipment to make them more visible.

(i) *Alarm systems* All dockless vehicle alarm systems must be approved by the director.

(j) *Operator contact information.* Operators shall maintain a 24 hour customer service number posted on each dockless vehicle for customers and citizens to report safety concerns, make complaints, ask questions, or request a dockless vehicle be relocated.

(k) *Rebalance required.* Operators shall rebalance dockless vehicles at least once per week.

(l) *Local contact; hours of rebalance.* Operators shall provide the director with contact information for an employee who can rebalance and relocate dockless vehicles. The operator shall rebalance or relocate dockless vehicles within four hours of receiving notification on weekdays between 6:00 a.m. and 6:00 p.m. (excluding holidays) and within 12 hours of receiving notice at all other times. An operator shall notify the director within 24 hours of a change of contact information.

(m) *Inoperable dockless vehicles.* An operator shall remove any inoperable dockless vehicle, or a dockless vehicle that is not safe to operate, from the right-of-way within four hours of notice from the director or a citizen. A dockless vehicle removed from the right-of-way in accordance with this subsection must be repaired before it is returned to revenue service.

(n) *Vehicles blocking public ways.* An operator shall provide the director with special access, via the operator's app or other device, to immediately unlock and remove dockless vehicles that are blocking access to city property or the public right-of-way. The director may also require special access be provided to emergency personnel.

(o) *Disposal.* Any dockless vehicle retrieved by the director from a stream, lake, fountain, or other body of water will be disposed of if not collected by the operator within 48 hours after notification.

(p) *Costs incurred.* If the city incurs any costs addressing or abating any violations of this section, or incurs any costs of repair or maintenance of public property, the operator shall reimburse the city for the costs within 60 days of receiving written notice from the director.

(q) *Right-of-way obstructions.* An operator shall not place or attach any personal property (other than dockless vehicles), fixtures, or structures in the public right-of-way without the separate written permission of the director. Any permission to place items in the public right-of-way must be incorporated into the permit.

(r) *Adverse effects on property.* An operator shall not adversely affect the property of any third parties during the use of city property or the public right-of-way.

(s) *Customer education.* An operator shall educate customers regarding the law applicable to riding, operating, and parking a dockless vehicle. An operator's mobile application must provide information notifying the user that:

- (1) dockless vehicles must be parked legally and properly;
- (2) dockless vehicles must yield to pedestrians;
- (3) any other notices required by the director.

(t) *Fleet size.* The number of dockless vehicles in a fleet must be commensurate with the expected level of service.

(G.O. 2986, 6-14-21)

Sec. 30-193. Dockless vehicle parking, deployment and operation.

(a) *Sidewalks.* Dockless vehicles may not be parked in a manner that would impede normal and reasonable pedestrian access on a sidewalk or in any manner that would reduce the minimum clear width of a sidewalk to less than 48 inches.

(b) *Vehicular ways.* Dockless vehicles may not be parked in a manner that would impede vehicular traffic on a street or alley.

(c) *Public safety and security.* Dockless vehicles may not be parked in a manner that would impose a threat to public safety or security.

(d) *Public streets.* Dockless vehicles may not be parked on a public street without specific permission from the director.

(e) *Hard surfaces; private property.* Dockless vehicle stations must be deployed on a sidewalk or other hard surface, at a bicycle rack, or at a city-owned location. Dockless vehicles may only be deployed on private property with the permission of the property owner.

(f) *Parking method.* Dockless vehicles must stand upright while parked.

(g) *Interference with crosswalks and curb ramps.* Dockless vehicles may not be parked within five feet of a crosswalk or curb ramp, unless given specific permission by the director.

(h) *Prohibited spaces.* Dockless vehicles may not be parked in a way that blocks:

- (1) transit stops.
- (2) commercial loading zones.
- (3) railroad tracks or crossings.
- (4) passenger loading zones.
- (5) disabled/handicapped parking zones.
- (6) benches or other items of pedestrian assistance.
- (7) building entryways.
- (8) vehicular driveways.

(i) *Trail parking.* Dockless vehicles may not be parked along multi-use trails or at trailheads.

(j) *Removal.* Dockless vehicles that are parked in an incorrect manner must be re-parked or removed by the operator within four (4) hours of receiving notice from the director or citizen on weekdays between 6:00 a.m. and 6:00 p.m. (excluding holidays) and within 12 hours of receiving notice from the director or citizen at all other times.

(k) *Residential areas.* A dockless vehicle that is parked in a residential area may remain in the same location for up to 48 hours as long as it is parked in accordance with this section. An operator shall relocate or rebalance a dockless vehicle parked in a residential area after receiving a citizen request or complaint or been given notice by the director in accordance with the timeframes specified in Subsection (j) herein.

(l) *Removal.* The director may remove and store any dockless vehicle that is left parked at the same location for seven or more consecutive days if the director has sent the operator a notification to rebalance the dockless vehicle, and;

- (1) the operator is responsible for the costs of removal and storage.
- (2) the director shall invoice the operator for the cost of removal and storage.

(3) any dockless vehicle that remains unclaimed with the city for 60 days is subject to sale.

(m) *Required parking zones.* The director may identify designated dockless vehicle parking zones. Subject to advance approval of the director, an operator may indicate virtual dockless vehicle parking areas with paint or decals where appropriate in order to guide riders to preferred parking zones in order to assist with orderly parking of dockless vehicles throughout the city.

(n) *Speed.* Dockless vehicles are not to exceed 15 mph (miles per hour).

(o) *Permits.* Operating authority permits shall only be deemed to allow dockless vehicles to be operated within the city limits of St. Joseph, Missouri.

(p) *Trail operation.* Dockless vehicles may not be operated on the St. Joseph trail system.

(q) *Hours of operation.* Dockless vehicles may not be operated between the hours of 12:00 Midnight and 5:00 a.m.

(r) *Helmets.* Dockless vehicle riders are strongly encouraged to wear a helmet.

(s) *Age restriction.* Dockless vehicle riders must be at least 18 years of age.

(t) *Single users.* Dockless vehicles shall only be ridden by one person at a time.

(u) *Road restriction.* Dockless vehicles shall not be operated on any public thoroughfare which has been designated as part of the federal interstate highway system, or that has a posted speed limit over 35 miles per hour.

(v) *Applicable laws.* Every person riding a dockless vehicle upon the streets of the city shall be subject to provisions of all laws and ordinances applicable to the operator of any other vehicle, except those provision of laws and ordinances which, by their very nature, can have no application.

(G.O. 2986, 6-14-21)

Secs. 30-194 – 30-200. Reserved.