

**CITY OF ALBION
ORDINANCE #2017-05**

AN ORDINANCE TO AMEND ORDINANCES 94-1, 94-2, 94-3, AND 94-4 AND TO RESCIND ORDINANCES, 94-5, 94-6, 94-7, 94-36, 94-37, 94-38, 94-66, 94-67, 94-68, 94-69, 94-70, 94-71, 94-96, 94-97, 94-98, 94-99, 94-100, 94-131, 94-132, 94-133, AND 94-134.

Purpose and Finding: The Michigan Legislature recently enacted Public Act 345 of 2016, the Limousine, Taxicab, and Transportation Network Act. The Act took effect March 21, 2017. With the development of companies such as UBER and LYFT, the State has determined that regulation of vehicles for hire should remain at the state level and has effectively removed regulation of the same from municipalities. As such, it is necessary to rescind the bulk of the City of Albion's vehicle for hire ordinances. The remaining regulations permitted for local municipalities have been integrated by amending Sections 94-1 through 94-4.

THE CITY OF ALBION ORDAINS:

Sec. 94-1 - Definitions.

1. "Limousine" means a self-propelled motor vehicle used in the carrying of passengers and the baggage of the passengers for hire with a seating capacity of 8 passengers or fewer, including the driver. Limousine does not include a commercial vehicle. Limousine also does not include a vehicle operated by any of the following:
 - a. A county, city, township, or village as provided by law, or other authority incorporated under 1963 PA 55, MCL 124.351 to 124.359.
 - b. An authority incorporated under the metropolitan transportation authorities act of 1967, 1967 PA 204, MCL 124.401 to 124.426, or that operates a transportation service pursuant to an interlocal agreement under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.
 - c. Operating under a contract entered into under 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536, or 1951 PA 35, MCL 124.1 to 124.13.
 - d. An authority incorporated under the public transportation authority act, 1986 PA 196, MCL 124.451 to 124.479, or a nonprofit corporation organized under the nonprofit corporation act, 1982, PA 162, MCL 450.2101 to 450.3192, that provides transportation services.
 - e. An authority financing public improvements to transportation systems under the revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140.

- f. A person that is only operating limousines to provide the transportation of passengers for funerals.
 - g. An employer that is only using the vehicle, or on whose behalf the vehicle is being used, to transport its employees to and from their place of employment.
- 2. "Limousine carrier" means a person who, either directly or through any device, dispatch system, or arrangement, holds himself or herself out to the public willing to transport passengers for hire by limousine.
- 3. "Limousine driver" means an individual who uses a limousine to provide transportation services to potential passengers.
- 4. "Person" means an individual, sole proprietorship, partnership, corporation, association, or other legal entity.
- 5. "Personal vehicle" means a motor vehicle with a seating capacity of 8 passengers or fewer, including the driver, that is used by a transportation network company driver that satisfies both of the following:
 - a. The vehicle is owned, leased, or otherwise authorized for use by the transportation network company driver.
 - b. The vehicle is not a taxicab, limousine, or commercial vehicle.
- 6. "Taxicab" means a motor vehicle with a seating capacity of 8 passengers or fewer, including the driver, that is equipped with a roof light and that carries passengers for a fee usually determined by the distance traveled. Taxicab does not include a commercial vehicle.
- 7. "Taxicab carrier" means a person who, either directly or through a device, dispatch system, or arrangement, holds himself or herself out the public as willing to transport passengers for hire by taxicab.
- 8. "Taxicab driver" means an individual who uses a taxicab to provide transportation services to potential passengers.
- 9. "Transportation network company" means a person operating in this state that uses a digital network to connect transportation network company riders to transportation network company drivers who provide transportation network company prearranged rides. Transportation network company does not include a taxi service, transportation service arranged through a transportation broker, ridesharing arrangement, or transportation service using fixed routs at regular intervals.

10. "Transportation network company digital network" means an online-enabled application, website, or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers.
11. "Transportation network company driver" means an individual who satisfies all the following:
 - 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.
 - b. Uses a personal vehicle to offer or provide transportation network company prearranges rides to transportation network company riders upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee.

Sec. 94-2 – Requirements

1. Nondiscrimination

- a. A limousine carrier, taxicab carrier, and transportation network company shall adopt a policy of nondiscrimination with respect to passengers and potential passengers and shall notify limousine drivers, taxicab drivers, and transportation network company drivers of the policy adopted pursuant to Public Act 345 of 2016.
- b. A limousine driver, taxicab driver, and transportation network company driver shall comply with all applicable laws regarding nondiscrimination against a passenger or potential passenger.
- c. A limousine driver, taxicab driver, and transportation network company driver shall comply with all applicable laws regarding accommodation of service animals.
- d. A limousine carrier, taxicab carrier, and transportation network company shall not impose an additional charge for providing services to a passenger with a physical disability because of his or her disability.

2. Signage

- a. A vehicle subject to Public Act 345 of 2016 shall display a consistent and distinctive signage or emblem that is approved by the department at all times while the vehicle is being used to provide transportation services or while the vehicle is being used by a transportation network company driver for a transportation network company prearranged ride or while the

transportation network company driver is available to receive a transportation request. The signage or emblem shall satisfy all of the following:

- i. The signage or emblem shall be sufficiently large and color contrasted to be readable during daylight hours from a distance of at least 50 feet.
- ii. The signage or emblem shall be reflective.
- iii. The signage or emblem shall sufficiently identify the limousine carrier, taxicab carrier, or transportation network company with which the vehicle is affiliated.

3. Insurance

a. A transportation network company driver shall carry proof of the insurance required pursuant to MCL 257.2123(2) and (3) with him or her at all times during his or her use of a personal vehicle in connection with a transportation network company's digital network. The transportation network company driver may provide proof of insurance by a paper or electronic copy of the certificate of insurance. If an accident occurs during the time that a transportation network company driver is using a personal vehicle in connection with a transportation network company's digital network, he or she shall provide all of the following information upon request to directly interested parties, automobile insurers, and investigating law enforcement officers as required under section 328 of the Michigan vehicle code, 1949 PA 300, MCL 257.328:

- i. Insurance coverage information.
- ii. Whether he or she was logged on to the transportation network company's digital network or on a transportation network company prearranged ride at the time of the accident.

Sec. 94-3 – Prohibited Acts

- 1. A transportation network company driver shall not accept a request for transportation unless the request is accepted through the transportation network company's digital network.

Sec. 94-4 – Penalty

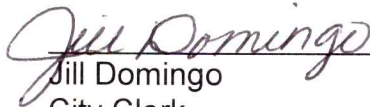
A violation of Section(s) 94-2 or 94-3 shall constitute a civil infraction punishable by a fine of \$100.00.

State Law Reference: Public Act 345 of 2016

This Ordinance shall take effect after publication on July 19, 2017.

First Reading:
June 5, 2017

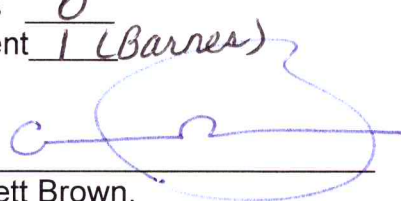
Ayes 7
Nays 0
Absent 0



Jill Domingo
City Clerk

Second Reading & Adoption:
June 19, 2017

Ayes 6
Nays 0
Absent 1 (Barnes)



Garrett Brown,
Mayor