



Charlotte City Council
COMMUNITY SAFETY COMMITTEE
Meeting Summary for April 10, 2014

COMMITTEE AGENDA TOPICS

- I. **Subject:** **Digital Dispatch**
 Action: None.
- II. **Subject:** **Next Meeting**
 TBD

COMMITTEE INFORMATION

Present: Claire Fallon, Chair, Michael Barnes, Greg Phipps, and Kenny Smith
Absent: Al Austin
Time: 12:05 pm – 12:55 pm

ATTACHMENTS

1. Agenda Package
2. Comparison of City Ordinance to State Statute
3. Comparison of Authority of North Carolina Statute to California Regulation

DISCUSSION HIGHLIGHTS

Chairwoman Fallon called the meeting to order and asked everyone in the room to introduce themselves. She then turned it over to Assistant City Manager Eric Campbell.

I. **Digital Dispatch**

Mr. Campbell stated that this is a continuation of the last couple of Committee meetings regarding digital dispatch services. The memo in the Committee's packet (copy attached) outlines changes in the current Passenger Vehicle for Hire (PVH) ordinance concerning what we told you last meeting and what we thought our authority would allow us to do. Staff went back

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through the ordinance and provided amendments that needed to occur in the current ordinance to do those things. In addition, we've also provided a draft of the N.C. General Statute (copy attached) with language that we think will be beneficial to the City, if this language was included, to allow the City to have more flexibility in outlining the regulatory aspect of digital dispatch. Also included are two charts (copies attached) that were requested by the Committee, one outlining the difference between the traditional PVH industry and what digital dispatch is currently doing and the other one outlining regulatory activities from areas across the country; what North Carolina California, and Chicago allow, as well as New York. D.C. also mirrors the California column. He then turned it over to Mr. Powers to start that review.

Mr. Powers recognized PVH Board members that were present and stated that the PVH Chair could not attend due to a prior engagement. He then began reading through the memo. He reviewed the denials, revocations and suspensions' information and then discussed the legislative comparison charts.

Smith: What authority do we have to eliminate a State Statute?

Powers: We do not have authority to eliminate a State Statute. You have the ability to request from the General Assembly that they modify the State Statute to allow you the ability to regulate. That may be by a local bill where it only applies to the City or it may be statewide where they will allow it to apply to everyone.

Phipps: Is it our intention then for those first two items to, in fact, make some effort to try to get the General Assembly to re-look at this? Are we still standing with that as our original intent?

Powers: From what I understand from previous Council directives, you did have a dual track that you had directed staff to seek legislation from the State that would modify the digital dispatch aspect of this Statute, as well as propose draft ordinance language in regards to digital dispatch being incorporated under the current Statute framework.

Smith: I thought our request was to ask for a definition from the State or for clarification.

Campbell: The conversation stemmed around the lack of a definition in the current State Statute and what we did with the draft, that you have before you, is we proposed a definition to include it in that Statute. We never had a definition to work with, and that was part of the complication behind the State Statute itself. So, if you look at the General Statute draft, it actually defines what we feel would be an appropriate definition. Of course, that could be amended, but, from a staff perspective, that is what is recommended.

Fallon: I think I mentioned we could sue the State. Of course, we could appeal first and just speak to them through the regular legislative process. I think I've asked the Chairman of that Committee to set up a meeting with our local reps and see what we can do about that.

Campbell: One of our goals with a draft of the General Statute was to let the Committee review it and, if there was a comfort level with what we had proposed, then get Council's nod to use that as our speaking point to move forward in the short session.

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Mr. Powers continued reviewing the legislative comparison charts. He stated that he wants to caution that the California Public Utilities Commission (CPUC) decision only regulated what would be considered Lyft and Uber X, which are the actual personal vehicles for more or less kind of carpooling type of services. Transportation Services said the Uber Black was not actually part of the CPUC decision, and they are going to actually do a rule making process on that situation as well. The Chicago legislation was recently submitted, I think in February, by Ron Emanuel, Mayor of Chicago, and more or less mimics the actual CPUC decision as well. Where we indicated the “company performs” on the chart, that basically means that in the legislation or the actual decision the actual public agency is allowing the companies to do their own background checks or do their own regulation of their drivers, subject to certain stipulations. So they will conduct everything and more or less verify that they are doing these processes on a yearly basis with whatever public agency authorizes it.

Mr. Powers went on to say New York has a very extensive regulatory framework in regard to taxi cabs. When looking through it, they are proposing legislation that would be considered by the Taxi Cab Board that would regulate digital dispatching services; however, that is a separate bill that would be layered onto the other regulatory framework they have, which is why you are seeing a lot of non-applicable situations in the chart, simply because that legislation does not address the issues of criminal background checks and regulation of vehicles and things of that nature because New York already has that in place. He pointed out that in the proposed New York legislation that was supposed to be sent to the Taxi Committee for a hearing in December of 2013 has not actually moved forward. They have increased the insurance rate from what typically has been \$1 million to \$5 million in their community. The reason the District of Columbia is not listed on here is simply because it appears from staff research that the District of Columbia is very similar to the actual CPUC decision so that was not included in this chart. One of the key points and takeaways from the actual chart is that, in all of those communities, they have the authority and the ability to actually require digital dispatch service companies to get a permit from them and to make sure they are operating under the law and at least verifying that they are doing other aspects that the public agency may not be able to do directly to those drivers.

Mr. Powers went on to discuss the changes staff made on the N.C. General Statute 160A-304 document (See copy [attached](#) for details).

Smith: It was my understanding at the last meeting that we were looking to curtail and enforce more safety mechanisms to make sure that the digital dispatch services had cars that were within a certain time period, had background checks, and other items to make sure they are necessary for safety. I’m struggling with this because this seems to be a little more comprehensive than the discussion that we had and may curtail a very vibrant part of our City and something that I think is critical. If you look around the metro areas, I think this type of transportation service is one that is important. I think it is important to attracting economic development and young people that we want to get here to work. I think there is a host of reasons why these are good services, but I’m struggling to get my hands around these changes.

Powers: That is actually in the ordinance provision that you may be referring to. In regards to the State Statute, the reason we were asking for the removal of the prohibition is for Council to have

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the authority to set its policy as to how these companies could be regulated and to what degree. The actual ordinance that is being proposed to you is to make sure that all companies, no matter if digital dispatch or traditional are on the same playing field. As Council, you do have the authority and the ability to dictate where you would like to have changes or differentiations, and staff will be able to implement that accordingly. The only thing that is wrong with the State Statute that we were trying to remove was that prohibition for you to be able to look at what type of regulatory framework you would like to create. In regards to the actual changes in the ordinance, let me take a step back and explain to you why there are more substantial changes than just a safety concern or compliance issue. One of the issues that staff was able to see in regards to the ordinance is that the ordinance right now is 95 pages in length. One of the things that staff tried to do was eliminate redundancy, clarify language and also enact conciseness in regards to the language so everybody could understand what the actual regulatory framework is. We also went through and tried to apply the current statutory provisions to eliminate those items that are prohibited by State law and to then also allow for digital dispatch to be incorporated. All of that is right now before you actually in a more massive memorandum that it constitutes the safety concerns and the compliance issues allowing digital dispatch companies to be under our system. I do understand your concern, it appears that we are trying to do a lot more, but some of this that is before you is really an elimination of redundancy and more or less the concise language as well.

Campbell: To add to Mr. Powers' comments, the changes that you see, as far as the local ordinance, are based upon the current state of affairs. If the State changes the language in some form or fashion, that may also change what we would do from a local ordinance perspective. Just keep in mind the changes we are talking about are based on the current state of what the Attorney feels we can and can't do.

Powers: One of the things that ends up occurring in the actual ordinance is there is a definition before you of chauffeured limousine and chauffeured limousine service. We already have that definition as being a limo, sedan and SUV. Instead of having multiple actual vehicles listed in the ordinance, we are realistically having more or less different types of service. We have our taxicabs and we have our chauffeured services. That definition that is being placed in front of you is not a new definition; it is more or less consolidation of other definitions in there, so that is why you are getting a lot of things that seemingly may not be related to digital dispatch.

Smith: Will digital dispatch companies have an opportunity to serve on the PVH Board?

Powers: That is a policy question that you can make a determination on.

Barnes: I recall that one of the reasons we got to this place was there was some concern about whether the digital dispatch companies would be treated the same as taxicabs from a regulatory perspective, and we had an interest in making sure that the digital dispatch companies were safe and that the drivers were safe and that there were background checks and there was insurance. We had talked about trying to make sure that there was parity in the market place and, consequently, if taxicabs conduct background checks, that Uber and Lyft did so as well; if taxicabs have insurance, then Uber and Lyft did as well, etc. What I'm hearing today is an explanation regarding some of the semantics in the ordinance and the State Statute, which is

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helpful, but from my perspective, once we get beyond that, we have to take a step into this legislative piece. We have no ability to legislate and regulate the digital dispatch services, and we understand that. That was why we talked about reaching out to Raleigh to see if they would be amenable to tweaking the Statute, and that obviously did not happen. I did reach out to the sponsor of the Bill, and he and I have had a brief conversation about what we are trying to follow up on. From my perspective, it would help me to see a recommendation from you guys regarding what we should be seeking, why and when. The short session will not be controversial at all; apparently, they are not going to undertake anything that would even look like it would be controversial. Whether this falls into that category or not, I don't know, but I think it would help the Committee and would certainly help me to know that we got the following recommendations from our staff regarding parity between taxis and the digital dispatch companies in terms of safety, insurance, background checks on drivers, the criminal background piece and all other issues as we have applied them to the taxi industry, so we are assuring a safe traveling experience for the public.

Campbell: That is our effort with the General Statute draft because what we tried to do was show language that we, as staff, feel we can incorporate that would allow us to do the things that you just mentioned. Right now there is a general prohibition that says we can't regulate and, based on the memo from last month, we said we think we can do these things, but if we have these amendments to the General Statute, it gives us the flexibility to do the things you just described; the background checks, the inspections, etc., on the companies.

Barnes: By the way, be careful about sending them their own legislation marked up, because that might not be viewed so well. What I'm suggesting is yes, the amended legislation, but also a sheet that has the simple amendments and adjustments that we've been talking about so that they can easily put the two together.

Smith: How does regulating their fares help with public safety?

Powers: We did not regular their fares. In the memo that you were given, everything related to their fares has been deleted altogether, so basically, if there is a provision in there that shows that we are regulating fares and I missed that, let me apologize beforehand. When I read the entire ordinance and everything else, I tried to make sure that every provision related to fares was deleted. I think there is a provision in there that says we would have the ability to put a cap on the fare amount, but other than that, we never dictated what the fare should be.

Barnes: C(2) says requiring a minimum rate or a minimum increment of time used to calculate a rate for prearranged transportation services for hire. Then you add the new, in red; however, a city is authorized to establish a non-binding standardized rate schedule for use by any passenger vehicle for hire company. Why did you put it in there because it says it is non-binding?

Powers: That is in there because there may be a request or there may be a company that wants to look at the PVH Board as to what is a recommendation, and they may want to adopt that. So what we basically said was the PVH Board could have the ability to look at fares, say this is what we suggest and a company, maybe a new company that wants to come in, wants to adopt the PVH fares rates. It is not making it mandatory or binding on anyone, but it would allow someone

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to say I want to have something that the Board indicates as being about average, and I want to have something around that may be a marketing tool.

Barnes: Over the last couple of meetings, we had representatives from Uber and Lyft here, and I think they are both here today. Have you ever received any feedback from them regarding the regulatory framework that we've discussed and their willingness to participate in having the legislation amended? I recall that the attorney for Lyft indicated there was some willingness to participate in amending the statute.

Campbell: Yes, we've had meetings with Uber and meetings with Lyft. I would say one has indicated an ability to work with us on regulatory framework. The other one didn't have a problem with it, but they just wanted additional conversation as to what it would entail, but they both said they would be open to it.

Fallon: We've asked for Lyft to provide us with the 19 delineated things that they are doing in San Francisco, which could be something that we use as an ordinance that everybody could comply with, both in safety and generally. We could have it as an ordinance if we could not get a Statute passed to change the State law or to modify it.

Barnes: The ordinance would still not take precedent over the State Statute.

Fallon: No, it would be a voluntary thing.

Barnes: If it is not mandatory, it could be challenged.

Fallon: Well, they could sign an agreement.

Powers: Let me point to Paragraph 38 on Page 10, which is a revision of Section 22-251; that is where the cap would be and is basically that anyone wanting to offer PVH service would be able to charge no more than \$5 per mile or \$5 per minute. That would be the cap. Again, as a policy matter, you could change that number, but this would be your absolute cap with regards to anybody who was providing PVH services in the City.

Fallon: How do you do that when it is suggested it is not a fee?

Powers: I think any company, regardless of whether or not they mandate the \$5 or suggest the actual donation for a charge, it is within their right to do that. Again, depending on the situation, if they are offering their rides, they could be able to define it as being per minute or per mile, however they so choose. The State Statute only says we cannot mandate what the rate will be per mile or per minute nor can we mandate which one you have to actually charge. In essence, we are basically saying the cap is this no matter how you select your actual calculations and what rates you want to charge. If they want to do a donation, make a \$100 donation, if they can figure out a way that says we are charging per mile or charging per minute and it is below \$5, either calculation rate, it would not be something that would be in violation of this ordinance.

Fallon: Isn't a cap a minimum or maximum?

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Powers: I would say that your cap is basically the maximum you can charge.

Campbell: There is a broader discussion of digital dispatch and regulation that I think you need to get to before we get to the price discussion because, if we don't have the authority, then it doesn't matter.

Phipps: That would bring us back to criticality of getting something that we could go to the short session with. Is that something that Mr. Fenton would have to do?

Campbell: Yes, and he has been meeting with us and is aware of what is going on with this issue. I think what the Committee would have to decide is how formal you would like to get involved in the process. To Mr. Barnes' example, if we create a document that says we would like to see these actions from the State that would result in that draft proposal, would the Committee then like to take that back to Council as a formal position to say this is the City's position on digital dispatch and would Council endorse this and that would be the City's position moving forward in the session. That is a policy decision you would have to make.

Fallon: I have spoken with one of our reps, and they are not conducive of doing anything about changing this in anyway.

Campbell: One of the questions we had at the last meeting was what does the City need to do to be effective. That is what we've tried to draft; the things we thought would work for us that would allow us to do those safety things as Mr. Smith responded to earlier. That is what we were shooting for; now in what form or format would we have to decide your comfort level in taking it forward.

Powers: To the aspect of regulation of companies, while we do have the aspect of regulating traditional PVH companies, staff has not in any way altered that regulation. Council does have the prerogative and the ability to decide that they want to carve out that digital dispatch service companies can implement their own form of regulation as long as they verify with us. You can also look at it as to whether or not you want to eliminate companies altogether from being regulated, just focus on the drivers and the cars. But what staff did was more or less incorporate the digital dispatching aspect as state prohibition and what is currently allowed into our ordinance to make sure we are compliant. We would only be regulating the current traditional companies right now. Those that have digital dispatch, we wouldn't regulate, but, if they are driving the cars, we would.

Barnes: So, then what would be the harm, if any, of us passing an ordinance that regulated the drivers and the vehicles, regardless of whether it is a taxi or digital dispatch?

Powers: From a legal standpoint, you would be in compliance with the State law.

Barnes: So, then my request is to present us with a proposal regarding regulation of the drivers and the vehicles so that way we know we are getting background checks, we know that we, hopefully, have reliable and safe vehicles, we know there are all the things that we can accomplish with respect to the driver and the vehicle and what we should be doing and, on a

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parallel track, we can pursue the Raleigh discussion. When I spoke with the sponsor of the Bill, he was open to it.

Fallon: In our pre-meeting this morning we asked to have the 19 items sent to us so we could see exactly how car safety and personal safety is laid out and use it as a guideline.

Barnes: What I am suggesting is using the current standards as applied to taxis.

Fallon: This seems to be more stringent.

Barnes: Right, and in order to avoid that argument, we say we are treating taxis the same as we are treating digital dispatch.

Fallon: We could do a chart of the difference between the two, and maybe something else has to be tightened up or changed.

Smith: I just want to make sure our focus remains on safety.

Fallon: That is what we are talking about, both the cars and the people that drive them.

Powers: I have one policy question that this Committee would need to really address. Staff is not prepared to more or less come down on a particular position, but one of the issues that staff has been made aware of is that again, when you are talking about your Lyft drivers and your Uber X drivers, they are using personal vehicles. They are not like Uber Black or anyone else that may be using digital dispatch where they are getting a tag from the state. As such, one of the policy questions you may need to give us direction on is whether or not you want to require anybody that is regulated by PVH to have those tags. If you are requiring that, effectively there may be a prohibition on Lyft and Uber X drivers being able to operate in the City because now their cars are basically commercial vehicles, not regular vehicles. I ask that question because that is an issue that we have been made aware of. There is some indication from members of the community on their positions. Staff does not have a position on this one, and we are looking to you on how you would like for us to look at this or we could leave it kind of an open issue to further discuss as well.

Fallon: Are the tag requirements dictated by the State?

Fallon: Yes. Have they left us out of that home rule again?

Campbell: I'd suggest staff take a closer look at the tag issue.

Barnes: Remember the simple goal is to have digital dispatch vehicles treated the same as taxis. My issue is people getting in the personal vehicles that have issues or the driver has no insurance, and they get into an accident, and they have no recourse in terms of insurance to recover from their injuries. The point would be to have the traveling public protected in an Uber vehicle or a Lyft vehicle.

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Phipps: We don't have any cab drivers using personal vehicles, right?

Powers: A cab owner of the vehicle can go get a personal car, paint it in that color for the cab company, drive around the City for PVH services and still use that car as their personal vehicle. I think the question you are asking is whether or not a cab owner could get into a car that is built by Ford or any other company and drive that around and say I'm providing taxicab services. For all intents and purposes that would be illegal and unlawful under the ordinance because they have not gone through any of the standard operating procedures and gotten approval from the PVH Manager's office, so in essence that would not be authorized at all. Because you are working for a cab company, you are required to have a paint style identical to that cab company that you are working for.

Phipps: Help me on the timeline if we wanted to get something in front of the General Assembly and to have the whole Council vet it and look at it so we could go to the General Assembly on one accord. What kind of timeline between now and then are we looking at to have that done?

Barnes: What I was suggesting is a parallel operation. One, the adjustment of the creation of an ordinance that would apply the same rules to vehicles and drivers under the digital dispatch model as would apply to taxis, and two, to pursue the legislative adjustment with the General Assembly through Mr. Fenton. The first one we may be able to accomplish a bit quicker than the second one. For example, what I was going to ask Mr. Powers and the Manager is that, if you look at this sheet where you've got the digital dispatch versus PVH, wherever you have a yes for taxis there should be a yes for digital dispatch companies except the first one because we know we don't have the authority to do that, but, where we have the authority, I guess that would begin with the third one, regulate any and all automobiles on down, we should seek to apply the Statute to the digital dispatch side the same as applied to the PVH.

Campbell: That is on the existing ordinance?

Barnes: Yes, Sir. You can get back to us in a few weeks, and we can get it to the full Council in May and get it wrapped up.

Powers: What I will do just to make sure for the purpose of your future memo, I will highlight the revisions that are added for conciseness or redundancy and that way I can simplify that so you can see the revisions that are really more focused on State Statute and the safety issues that you are concerned about and those that are again redundant. For conciseness, I will put in a separate section for you.

Campbell: One of the things I have discussed with the Chair is for the May meeting; because a lot of you have been getting e-mails requesting meetings with Uber and Lyft and other interested parties in this discussion, let's schedule a meeting to hear them directly so they can come to the Committee and present their operation to you directly. I was going to suggest letting Lyft, Uber and the PVH so they can tell you what their concerns are with the current operations.

Barnes: I'm not opposed to that, but I would say that, since January, I've been trying to get them together with us, and they weren't able or willing or something to do it. At this point the train has

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left the station as far as I'm concerned, and we've got to do our jobs.

Campbell: I will offer the invitation to them and that way everybody can hear the same thing. In addition to that, we will continue to talk with Dana Fenton to make sure we have the right information of what we would like to see and then the Committee can decide if you formerly want to do something with the General Assembly or not at that point.

Smith: Also clarification on if there is no action by the State, whatever our backup plan is or isn't as well.

Campbell: What I heard from Mr. Barnes' recommendation was to go back and look at what we can do under the current ordinance as far as regulating background and the vehicles and to use our current ordinance.

Barnes: And then have Dana work on a parallel track.

Campbell: So this Committee, based on the current state, makes a recommendation to the full Council to amend the ordinance to do those things.

Fallon: We just have to change the date of the meeting, and it would have to be after the 17th.

Campbell: So we would have to poll the Committee for a date after May 17th and we will figure out what that date is. We will have to do that quickly so we can let those who want to present to the Committee know in advance.

The meeting was adjourned at 12:55 p.m.



COMMUNITY SAFETY COMMITTEE
Thursday, April 10, 2014; 12:00 – 1:30 p.m.
Room 280

Committee Members: Claire Fallon, Chair
Michael Barnes, Vice Chair
Al Austin
Greg Phipps
Kenny Smith

Staff Resource: Eric Campbell, Assistant City Manager

AGENDA

I. Digital Dispatch

Staff Resources: Eric Campbell & Thomas Powers

The Committee will continue its discussion from the March 17, 2014 meeting regarding Passenger Vehicle for Hire and Digital Dispatch Services.

Attachments: 1. Committee Memo.doc

2. NC Gen State Statute 160A-304.doc

3. Comparison of City Ordinance to State Statute.doc

Next meeting

May 8, 2014 at 12:00 noon, Room 280

Distribution:	City Council	Ron Carlee, City Manager	Executive Team
	Bob Hagemann	Stephanie Kelly	Thomas Powers
	Tracy Evans		



Memorandum

TO: Community Safety Committee

FROM: Eric D. Campbell, Assistant City Manager
Thomas E. Powers III, Assistant City Attorney
Tracey Evans, Assistant City Attorney - Police

DATE: April 4, 2014

RE: Denials/Revocations/Suspensions Background Info, Legislative Comparison,
Draft of Revised N.C. Gen. Stat. § 160A-304, and Draft of Revised City Code Chapter 22

I. Denials/Revocations/Suspensions Background Info

1. Denials

- a. Seventy-eight (78) drivers have been denied by the Passenger Vehicle For Hire (“PVH”) Office pursuant to Charlotte City Code § 22-145. Each driver appealed to the PVH Board.
 - i. Ten (10) drivers were not successful in their appeal to the PVH Board.
 - ii. Sixty-eight (68) drivers got the PVH Board to reverse the initial denial by the PVH Office and had conditions placed on some of their newly issued driver’s permit.
 - 1. Eleven (11) drivers violated the conditions placed on the driver’s permit and had their driver’s permit revoked immediately.
- b. Breakdown
 - i. Eight (8) drivers denied in reference to Driving While Impaired charge.
 - ii. Thirty-two (32) drivers denied in reference to Habitual Traffic laws.
 - iii. Nine (9) drivers denied in reference to Habitual Criminal laws.
 - iv. Seventeen (17) drivers denied in reference to Felony laws.
 - v. One (1) for conduct violation in chapter 22.
 - vi. Eleven (11) for either Habitual Criminal and Felony, or Habitual Traffic and Felony.

2. Revocation

- a. Five (5) Driver’s Permits have been revoked by the PVH Office pursuant to Charlotte City Code § 22-149. Each driver appealed to the PVH Board.
 - i. One (1) driver was not successful in his appeal to the PVH Board.
 - ii. Four (4) drivers got the PVH Board to reverse the revocation by the PVH Office.
- b. One (1) Company Operating Certificate has been revoked by the PVH Office pursuant to Charlotte City Code § 22-70.
 - i. One (1) company was not successful in its appeal to the PVH Board.
- c. Breakdown
 - i. Two (2) drivers revoked for failure to pay penalties in timely manner.

II. Legislative Comparison

There are two charts for the Committee's review.

- The first chart highlights what City Code Chapter 22 requires in comparison to the authority provided by N.C. General Statutes § 160A-304.
- The second chart highlights the North Carolina statutory authority in comparison to the California Public Utilities Commission rulemaking decision

III. Draft of Revised N.C. Gen. Stat. § 160A-304

Staff provides draft legislation for North Carolina General Statutes § 160A-304. The key provisions that Staff has proposed for changes include the following:

- Replacing “taxicab” with “passenger vehicle for hire” to reflect the entire industry and not one segment of the industry
- Deleting N.C. Gen. Stat. § 160A-304(c)(1) to permit the City to regulate digital dispatch service companies in a similar manner to the traditional passenger vehicle for hire industry
- Added a provision to the former N.C. Gen. Stat. § 160A-304(c)(2) stating “However, a city is authorized to establish a non-binding standardized rate schedule for use by any passenger vehicle for hire company.” This would make rate setting optional for passenger vehicle for hire companies to adopt but not mandatory.

IV. Draft of Revised City Code Chapter 22,

The primary intent underlying this draft of City Code Chapter 22 is to eliminate redundant provisions, enhance the conciseness of the ordinance language, incorporate the statutory authority of N.C. Gen. Stat. § 160A-304 into the City's ordinance. Here is an overview of the revisions:

1. Numerous provisions were deleted or consolidated due to redundancy, in violation of N.C. Gen. Stat. § 160A-304, or to simply the ordinance. None of these provisions will be included in this memo.
2. Numerous provisions were altered to clarify the text to enhance the readability of the ordinance. None of these provision will be included in this memo.
3. Section 22-27. Definitions
 - a. *Call or demand* is revised to state transportation arrangements made indiscriminately and instantaneously with a request for service which shall include, but shall not be limited to, (i) the hailing of, use of a mobile app, a taxicab, passenger vehicle for hire or any other oral request for a ~~taxicab~~passenger vehicle for hire, (ii) passenger vehicle for hire service made from a public street location, airport terminal roadway or public vehicular area as the pickup. ~~No A~~ passenger vehicle for hire may, other than a taxicab, shall engage in cruising or be operated on call or demand only if it is digitally dispatched through a mobile app.- Taxicabs may engage in cruising or be operated on call or demand.

- b. *Carpooling Network* means (i) two or more persons by any mode of vehicular transportation from one or more points of origin to one or more points of destination, and (ii) dispatched through an online-enabled app, mobile app, or through alternative digital means, and (iii) not required by the State of North Carolina to have a commercial license plate, and (iv) using a personal vehicle, and (v) providing for hire service similar to other passenger vehicles for hire.
- c. *Carpooling Network Companies* means an organization, whether a corporation, partnership, sole proprietor, or other form that provides for hire service through an online-enabled app, mobile app, or platform to connect passengers with drivers using their personal vehicles.
- d. *Chauffered Limousine* means (i) any motor vehicle that meets the manufacturer's specifications and shall have a minimum of four seats or one continuous sofa-styled seating area located behind the operator of the vehicle or (ii) any motor vehicle that provides executive transportation services and shall be equivalent to or larger than a full-size vehicle. The PVH manager shall maintain a list of all the types of vehicles that will be approved to operate for chauffeured limousine service. No chauffeured limousine shall engage in cruising.
- e. *Chauffered Limousine company* means any passenger vehicle for hire company issued a company operating certificate that engages in the business of operating limousines or providing limousine service as an owner or franchisor.
- f. *Chauffered Limousine service* means the service regularly rendered to the public, not over fixed routes, which furnishes transportation by limousines for hire, based on a fee and contracted for by prearrangement with a chauffeured limousine company.
- g. *Passenger vehicle for hire* is revised to state any vehicle ~~(including limousines)~~ licensed by and registered with the North Carolina or South Carolina Department of Motor vehicles (or equivalent state agency). A passenger vehicle for hire is operated by a driver and provides for hire transportation services, as defined in this section. A passenger vehicle for hire shall not include motor vehicles or motor vehicle carriers as defined in G.S. 62-259—62-279 or hotel courtesy vehicles that provide transportation services solely to patrons of the hotel. A passenger vehicle for hire maybe operated on call or demand only if it is digitally dispatched through a mobile app. Taxicabs may engage in cruising or be operated on call or demand.~~No passenger vehicle for hire, other than a taxicab, shall engage in cruising or be operated on call or demand~~

- h. *Prearrangement* is revised to state an agreement to provide transportation, in advance of boarding from a specific location by a passenger vehicle for hire, either (i) by registration or (ii) through an online-enabled app, mobile app, or alternative digital means, in advance of boarding from a specific location by a nonmetered passenger vehicle for hire. A driver or company must be able to demonstrate prearrangement by showing a copy of a written or electronic reservation for service from a specific location, at a specific date and time, to travel to any specific destinations. ~~All passenger vehicles for hire (except taxicabs) must be able to present written or electronic proof of a reservation. Rates will be established in one-hour increments for a minimum of a one-hour period without regard to whether the trip requires less than one hour or not or by specific written contract. The key factor in determining the cost of a prearranged non-metered passenger vehicle for hire service shall be the length of time the vehicle is in use, measured in hourly increments or an agreed-upon fixed rate by written contract.~~ Prearrangement does not include the hailing or other oral request for immediate transportation service from a public street location or public vehicular area as the pickup location.
- i. *Vehicle* is revised to state every automobile or motor-propelled vehicle device in, upon, or by which any person or property is or may be transported or drawn upon a highway/roadway, excepting devices moved by human power or used exclusively upon fixed rails or tracks. This term shall not include (i) mopeds, or (ii) electric personal assistive mobility devices as defined in North Carolina General Statutes G.S. § 20-4.01 (7a), or (iii) devices moved by human power or used exclusively upon fixed rails or tracks.
4. Section 22-30(1)(c) is revised to state “*Shared ride.* A passenger vehicle for hire service involving the transportation of several passengers by a taxicab from one or more origins to one or more destinations for compensation, ~~as described in s~~Subsection 22-31(g) applies. If agreed to by the original passenger, a taxicab carrying passengers may answer other calls or pick up additional passengers. Prior to taking the original passenger to his destination, the original passenger must agree to the amount of additional time required for the shared-ride trip as estimated in advance by the driver. Taxicab drivers shall specify any fare discounts authorized by the passenger vehicle for hire board to passengers participating in the shared ride. If the original passenger is a person under 18 years of age and is unaccompanied by a person 18 years of age or older, no other passengers shall be permitted in the taxicab unless permission is given in a prearranged contract by the contracting parties; and
5. Section 22-30(1)(d) is revised to state “*Prearrangement.* A passenger vehicle for hire service involving the transportation of a person or several passengers by a taxicab from one or more points of origin to one or more points of destination for compensation by prearrangement.”

6. Section 22-30(5) consolidates the taxicab special services permit and limo temporary special services permit into one section as follows “*Special service. A passenger vehicle for hire service essentially different from typical taxicab services as described in subsection 22-30(1) or an infrequent and unusual passenger vehicle for hire service requiring the pooling of foreign or unpermitted chauffeured limousines. Services under this subsection include, but are not limited to, fixed route service, paratransit service, geographically or time-of-day/limited service, any other innovative services, or pooling arrangements to service the needs created by one-time citywide tourism events. Applications for a special service permit shall be submitted by the company operating certificate holder, called the applicant, to the passenger vehicle for hire manager. All applications shall contain the following information:*

1. Application for a special service permit shall be addressed in writing to the passenger vehicle for hire manager, shall explain in detail the necessity of the proposed special service.
2. The application shall provide reasons why a regular vehicle operating permit is inadequate, the requested number of passenger vehicles for hire sought, and the number of passenger vehicles for hire presently operated by the applicant on the date of such application.
3. For pooling arrangements to service the needs created by one-time citywide tourism events, the following additional information shall be provided:
 - i. The name and address of each foreign company and, if a foreign company is a corporation, a certified copy of the articles of incorporation, or if such foreign company is an association, a certified copy of the bylaws of the association;
 - ii. The make, model, vehicle owner, vehicle identification number, license plate number, and passenger capacity of all passenger vehicles for hire for which application for a company operating certificate is made;
 - iii. Certificates of insurance or copies of the insurance declaration page for each passenger vehicle for hire planned for use, showing policy number, coverage limits, and vehicle year, make, model and vehicle identification number;
 - iv. A list of all company owners and drivers to include full name, driver's license number, social security number, and date of birth; and
4. Approval and subsequent operation under a special service permit shall be contingent upon any conditions of this article placed in the special service permit by the passenger vehicle for hire manager. Failure to carry out the conditions of the special service permit shall be grounds for revocation of the permit.

5. Fees for the application of special service permits shall be set by the city manager, or his designee.

6. A special service permit holder must also obtain a vehicle operating permit for the service to be provided.

7. The applicant shall swear that the information submitted is neither false nor misleading. Submitting, or causing to be submitted, false or misleading information is unlawful and shall be grounds for denial of a special temporary service permit and may subject the company operating certificate to revocation.

~~6.7.~~Section 22-31(d) is revised to state “The use by a driver of No driver shall have in his possession a lit cigarette, cigar, pipe or tobacco of any kind or incense in a passenger vehicle for hire is prohibited, regardless of whether a passenger is present or not in the while operating a passenger vehicle for hire.”

~~7.8.~~Section 22-31(f) is revised to state “No driver of any taxicab shall at any time ~~solicit passengers by any word, sign, signal (audible or otherwise) or gesture or use any word, sign, signal (audible or otherwise) or gesture to solicit patronage,~~ annoy any person, obstruct the movement of any person or traffic or follow any person, ~~except that within a taxicab stand, as designated in subsection 22-32(a), a driver of any taxicab located inside his vehicle or outside, but within ten feet of the taxicab, may solicit passengers by word, sign or gesture. Except as provided by this subsection, a driver of any taxicab may not solicit or have any other person solicit passengers on the driver's behalf.~~ Nothing in this subsection shall prohibit a driver of any taxicab from alighting to the street or sidewalk for the purpose of assisting passengers into or out of his taxicab”

~~8.9.~~Section 22-33(b) is revised to state “Upon the failure of an offender to pay any and all civil penalties assessed pursuant to this section or appeal the underlying violation, such penalty may be recovered through all means available under the law, including but not limited to a civil action in the nature of a debt as set forth in Section 2-24 of the City Code.”

~~9.10.~~ Section 22-33(e) is revised to state “If a person fails to pay or appeal a penalty within thirty (6030) days after the ~~city's mailing of the~~ notice of violation, the passenger vehicle for hire manager shall suspend or revoke the person's company operating certificate, vehicle operating permit, and/or driver's permit in addition to any other action taken pursuant to this article”

~~10.11.~~ Section 22-62(d)(1)(g) is added to state “one vehicle for any digital dispatch service; or.”

~~11.12.~~ Section 22-62(e)(1) is revised to standardize all vehicle decals to be on the lower left front windshield.

~~12.13.~~ Section 22-64(a)(6) is revised to state “Existence of a legal address to receive correspondence.” Similar change in Section 22-66 and Section 22-104.

- 13.14. Section 22-64(a)(7) is revised to state “Ability to ~~provide radio-dispatched~~ taxicab service throughout the corporate limits of the City of Charlotte 24 hours a day, seven days a week.” Similar change in Section 22-66, Section 22-104, and Section 22-106.
- 14.15. Section 22-101 is revised to state “No person shall operate any passenger vehicle for hire in the city without a valid vehicle operating permit for each vehicle to be operated that shall reflect the following:”
- 15.16. Section 22-111 is revised to state “Denial/~~Grounds for~~ suspension/~~or~~ revocation.”
- 16.17. Section 22-111(f) is added to state “No application for a vehicle operating permit that is denied pursuant to this subsection and for which the denial is affirmed by the passenger vehicle for hire board shall be accepted from the applicant within three years from the decision of the passenger vehicle for hire board.”
- 17.18. Section 22-141 is revised to state “No person shall drive a passenger vehicle for hire within the city without a valid ~~first having obtained a~~ passenger vehicle for hire driver's permit from the passenger vehicle for hire manager as authorized by G.S. 160A-304, which is herein incorporated by reference.”
- 18.19. Section 22-143 is revised to state “Qualifications of applicant for issuance/renewal.”
- 19.20. Section 22-143(a) is revised to state “No application for a driver’s permit shall be accepted from an applicant who does not meet all of the requirements of this section Each applicant for a passenger vehicle for hire driver's permit must:”
- 20.21. Section 22-143(a)(12) is revised to be identical to the similar 22-149(1)(c) language.
- 21.22. Section 22-144 is revised to state “Each company operating certificate holder shall require all applicant’s for passenger vehicle for hire drivers operating under the company's operating certificate to enroll in and successfully complete a driver training course from an approved list of courses maintained in the passenger vehicle for hire office. All drivers of passenger vehicles for hire shall comply with this section before receiving their driver’s permit. The driver training course needs to be completed every five (5) years after initial completion.”
- 22.23. Section 22-145(a)(5) is revised to state “Who does not fulfill the qualifications set forth in section 22-143 or 22-144.”
- 23.24. Section 22-145(c) is revised to state “The passenger vehicle for hire manager shall not issue a driver's permit to any applicant who has: (i) any driving while impaired ("DWI") convictions within the past five years, (ii) two or more arrests for DWI within the past ten years, or (iii) three or more DWI arrests, within the state, or any comparable provision of the law of any other state, territory or possession of the United States of America;“

~~24.~~25. Section 22-149 is revised to state “Revocation.”

~~25.~~26. Section 22-149(8) is altered to state “The offense or violation occurred while the driver was engaged in the operation of a passenger vehicle for hire or was engaged in some act related to the operation of a passenger vehicle for hire and:

- (a) A violation of any section of this article pertaining to the operation of passenger vehicles for hire; or
- (b) A violation of any federal, state or local law pertaining to the public health, safety, welfare or morals;

~~26.~~27. Section 22-149(9) is altered to state “No application for a driver's permit from an applicant whose driver's permit has been revoked pursuant to this section and the revocation of which is affirmed by the passenger vehicle for hire board shall be accepted from the applicant within one year from the date of the decision of the passenger vehicle for hire board to affirm the revocation.”

~~27.~~28. Section 22-151(d) is altered to state “A decision by the passenger vehicle for hire manager to suspend or revoke a driver's permit shall not become final until ten days after the decision is rendered. If the appeal is filed within the allowed time, the passenger vehicle for hire manager's decision shall be stayed pending the final decision of the passenger vehicle for hire board, and the driver may continue to drive the passenger vehicle for hire pending the appeal unless:

- (1) The driver's permit is suspended pursuant to subsections 22-149(1)c. or (4) or the state driver's license of the driver has been revoked or suspended for a violation of any local, state or federal laws; or
- (2) The passenger vehicle for hire manager determines that continued operation of a passenger vehicle for hire by the driver would impose an immediate threat or danger to public health, safety or welfare.

~~28.~~29. Section 22-151(e) is altered to state “If no appeal is filed within the allowed time, the holder of the driver's permit shall immediately surrender the permit to the passenger vehicle for hire manager, and the period of suspension shall not begin until the passenger vehicle for hire manager receives the permit. The passenger vehicle for hire manager, upon taking any action affording a right to appeal, shall give the driver, applicant, company operating certificate holder or vehicle operating permit holder, as appropriate, notice of the right to appeal.”

~~29.~~30. Section 22-251 is revised to state “The passenger vehicle for hire manager may renew a driver's permit from year to year by appropriate endorsement thereon. The driver applying for a renewal of his driver's permit shall make application in accordance with procedures established by the passenger vehicle for hire manager. The application for renewal must meet the requirements of this division.”

~~30.~~31. Section 22-181(f) is revised to state “All terms of office shall be for three years, with no member serving more than two consecutive terms. The terms of one-third of the passenger vehicle for hire board shall expire each year. If a vacancy occurs, the original appointing body shall appoint a person to serve for the unexpired term of the vacant position. Notwithstanding this subsection, if a vacancy occurs in the chair position, the mayor shall designate a new chair who shall meet the requirements set out in this section.”

~~31.~~32. Section 22-182(c) is revised to state “At least once every two (2) years, the passenger vehicle for hire board shall consider whether limits should be imposed on the number of company operating certificates, vehicle operating permits or driver's permits to be issued by the city. Thereafter, the passenger vehicle for hire board may recommend to the city council that the number of company operating certificates, vehicle operating permits or driver's permits to be issued by the city during any given calendar year should be limited. The passenger vehicle for hire board may recommend that specific limitations be imposed on each type of certificate, permit, vehicle or vehicle for hire service where the public convenience so warrants. Upon approval by the city council, limits recommended under this subsection shall be applied to initial and renewal applications for certificates or permits. The decision to limit the number of certificates and permits shall be solely within the discretion of the city council. The burden of showing that public convenience requires the issuance of the certificates or permits is the responsibility of the certificate or permit holder.”

~~32.~~33. Section 22-182(d) is revised to state “The passenger vehicle for hire board may assess the number of accessible vehicles and alternative-fuel vehicles being operated in the city under company operating certificates for taxicabs, and, upon determining the number of accessible vehicles and alternative-fuel vehicles needed to accommodate the needs of of the city, the passenger vehicle for hire board may make recommendations to the city council based on its findings. Upon reviewing the recommendation of the passenger vehicle for hire board, the city council may mandate a minimum number of accessible vehicles and alternative-fuel vehicles for each company operating certificate holder providing taxicab service in the city.”

~~33.~~34. Section 22-183(a) is revised to state “Appeals shall be on a form and in a manner approved by the passenger vehicle for hire board.”

~~34.~~35. Section 22-183(e)(5) is revised to state “Impose such other lesser penalties as it deems just and appropriate, including, but not limited to probation and/or attendance at a PVH board meetings or training class.”

~~35.~~36. Section 22-212(c) is revised to state “No passenger vehicle for hire shall be permitted to park in a metered space as determined by the director of the department of transportation (as defined in Section 14-1 of the Charlotte City Code) or defined in Chapter 14 of the Charlotte City Code. For purposes of this section, metered spaces also include any spaces for which payment is required through either a parking meter or a parking pay station operated by the City. This section does not restrict the ability of an operator of a passenger vehicle for hire from parking in parking spaces otherwise marked as parking spaces that do not require payment to the City through meters or parking pay stations. This subsection does not apply if a driver has placed an “off-duty” placard on the dashboard of the passenger vehicle for hire as provided for in Section 22-291 of this Code. No driver should loiter near the passenger vehicle for hire if the driver has placed an “off-duty” placard on the vehicle’s dashboard.”

~~36.~~37. Section 22-213(b) is revised to state “Any vehicle owner or person owning or causing any passenger vehicle for hire to be operated shall, upon receipt of any notice of cancellation of the insurance required by this section, immediately notify the passenger vehicle for hire manager and the supporting service provider, if applicable, of the cancellation. The vehicle owner is also required to give the passenger vehicle for hire manager notice of any policy cancellation within 14 days of the date the owner receives notice of any cancellation, reduction in coverage or material change to the policy. Failure to notify the passenger vehicle for hire manager of a cancellation of insurance on a passenger vehicle for hire shall result in the immediate suspension of the vehicle operating permit of the vehicle for a period of 30 days.”

~~37.~~38. Section 22-251 is revised to state “A holder of a company operating certificate, vehicle operating permit, or driver’s permit will not charge, assess, or levy more than five dollars (\$5) per mile, five dollars (\$5) per minute, or combination thereof for any passenger vehicle for hire service.”

~~38.~~39. Section 22-253 is revised to state “Each passenger vehicle for hire shall have conspicuously displayed within the interior and upon the exterior of the vehicle the rates of fare or by digital display. The rate notice posted inside and outside the passenger compartment shall be in a typewritten notice, impressed upon a contrasting background, in at least 18-point type. The rates and the driver's permit, in addition to the information required by subsection 22-146(b), must be displayed conspicuously at all times in the card frame attached to the back of the driver's seat or headrest area of the vehicle and shall be clearly visible to a passenger seated in the rear seat of the passenger vehicle for hire. In addition, the posting shall also contain language that complaints may be filed with the passenger vehicle for hire manager and shall include the mailing address and telephone number of the passenger vehicle for hire office.”

| ~~39.40.~~ Section 22-256(b) is revised to state “When requested by a passenger, the driver of a passenger vehicle for hire or digital dispatch service shall deliver to the passenger an accurate, legible receipt showing the passenger vehicle for hire's vehicle operating permit number or taxicab number, the passenger vehicle for hire's company name, the driver's permit number, the date and the amount of fare paid. Refusal on the part of the driver to deliver such receipt upon request shall constitute a defense on behalf of a passenger charged with violating subsection (a).”

N.C. General Statutes § 160A-304.
Regulation of ~~taxi~~Vehicles For Hire

Effective: August 23, 2013

- (a) A city may by ordinance license and regulate all vehicles operated for hire in the city. The ordinance may require that the drivers and operators of ~~taxicabs-vehicles for hire~~ engaged in the business of transporting passengers for hire over the public streets shall obtain a license or permit from the city; provided, however, that the license or permit fee for taxicab drivers shall not exceed fifteen dollars (\$15.00). As a condition of licensure, the city may require an applicant for licensure to pass a controlled substance examination. The ordinances may also specify the types of ~~vehicles for hire~~~~taxicab~~ services that are legal in the municipality; provided, that in all cases shared-ride services as well as exclusive-ride services shall be legal. Shared-ride service is defined as a ~~taxi~~-service in which two or more persons with either different origins or with different destinations, or both, occupy a ~~vehicle for hire~~~~taxicab~~ at one time. Exclusive-ride service is defined as a ~~taxi~~-service in which the first passenger or party requests exclusive use of the ~~vehicle for hire~~~~taxicab~~. In the event the applicant is to be subjected to a national criminal history background check, the ordinance shall specifically authorize the use of FBI records. The ordinance shall require any applicant who is subjected to a national criminal history background check to be fingerprinted.

The Department of Justice may provide a criminal record check to the city for a person who has applied for a license or permit through the city. The city shall provide to the Department of Justice, along with the request, the fingerprints of the applicant, any additional information required by the Department of Justice, and a form signed by the applicant consenting to the check of the criminal record and to the use of the fingerprints and other identifying information required by the State or national repositories. The applicant's fingerprints shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of the fingerprints to the Federal Bureau of Investigation for a national criminal history check. The city shall keep all information pursuant to this ~~subsection-paragraph~~ privileged, in accordance with applicable State law and federal guidelines, and the information shall be confidential and shall not be a public record under Chapter 132 of the General Statutes.

The Department of Justice may charge each applicant a fee for conducting the checks of criminal history records authorized by this subsection.

The following factors shall be deemed sufficient grounds for refusing to issue a permit or for revoking a permit already issued:

- (1) Conviction of a felony against this State, or conviction of any offense against another state which would have been a felony if committed in this State;
- (2) Violation of any federal or State law relating to the use, possession, or sale of alcoholic beverages or narcotic or barbiturate drugs;
- (3) Addiction to or habitual use of alcoholic beverages or narcotic or barbiturate drugs;

- (4) Violation of any federal or State law relating to prostitution;
- (5) Noncitizenship in the United States;
- (6) Habitual violation of traffic laws or ordinances.

The ordinance may also require operators and drivers of ~~vehicles for hiretaxicabs~~ to display prominently in each ~~vehicle for hiretaxicab~~, so as to be visible to the passengers, the city ~~vehicle for hiretaxi~~ permit, the schedule of fares, a photograph of the driver, and any other identifying matter that the council may deem proper and advisable. The ordinance may also establish rates that may be charged by ~~vehicle for hiretaxicab~~ operators, may limit the number of ~~vehicle for hiretaxis~~ that may operate in the city, and may grant franchises to ~~vehicle for hiretaxicab~~ operators on any terms that the council may deem advisable.

- (b) When a city ordinance grants a ~~vehicle for hiretaxi~~ franchise for operation of a stated number of ~~vehicle for hiretaxis~~ within the city, the holder of the franchise shall report at least quarterly to the council the average number of taxis actually in operation during the preceding quarter. The council may amend a taxi franchise to reduce the number of authorized vehicles by the average number not in actual operation during the preceding quarter, and may transfer the unused allotment to another franchised operator. Such amendments of ~~vehicles for hiretaxi~~ franchises shall not be subject to G.S. 160A-76. Allotments of ~~vehicles for hiretaxis~~ among franchised operators may be transferred only by the city council ~~or vehicle for hire board~~, and it shall be unlawful for any franchised operator to sell, assign, or otherwise transfer allotments under a ~~vehicle for hiretaxi~~ franchise.

(c) Nothing in this Chapter authorizes a city to adopt an ordinance doing any of the following:

- ~~(1) Requiring licensing or regulation of digital dispatching services for prearranged transportation services for hire connected with vehicles operated for hire in the city if the business providing the digital dispatching services does not own or operate the vehicles for hire in the city.~~
- ~~(2) Requiring~~Setting a minimum rate or minimum increment of time used to calculate a rate for prearranged transportation services for hire. However, a city is authorized to establish a non-binding standardized rate schedule for use by any passenger vehicle for hire company.
- ~~(3) Requiring an operator to use a particular formula or method to calculate rates charged.~~
- ~~(4) Setting a minimum waiting period between requesting prearranged transportation services and the provision of those transportation services when the prearranged transportation services are digitally dispatched.~~
- ~~(5) Requiring a final destination to be set at the time of requesting prearranged transportation services through digital dispatching services.~~

| (65) Requiring or prohibiting taxi franchises or taxi operators from contracting with a person in the business of digital dispatching services for prearranged transportation services for hire.

COMPARISON OF AUTHORITY OF NORTH CAROLINA STATUTE TO CALIFORNIA REGULATION

April 4, 2014

Authority to:	North Carolina General Statutes	California Public Utilities Commission	Chicago (Proposed)	New York City (Proposed)*
Regulate companies	No	Yes	Yes	Yes
Require criminal background checks of company owners	No	No	Yes	N/A
Regulate any and all automobiles	Yes	Yes	Yes	N/A
Establish vehicle age limits	Yes	No	No	N/A
Require criminal background checks of vehicle owners	Yes	No	No	N/A
Regulate any and all drivers for companies	Yes	Company performs	Company performs	N/A
Establish a minimum driver age	Yes	Yes	Yes	N/A
Require criminal background checks of drivers	Yes	Company performs	Company performs	N/A
\$1M Per-Incident Insurance Requirement	No	Yes	Yes	No (\$5M)
Safety Reports Submitted to Public Agency	No	Yes	Yes	N/A
Disability Vehicles Usage Report Submitted to Public Agency	No	Yes	Yes	N/A
Establish a particular method or formula for rate calculation	No	No	No	N/A
Set a minimum fare for time and/or distance for prearranged transportation	No	No	No	N/A
Set a maximum fare for time and/or distance for prearranged transportation	Yes	No	No	N/A
Establish a minimum wait time between requesting and using prearranged transportation	No	No	No	N/A
Require a final destination when requesting prearranged transportation	No	No	No	N/A
Require or prohibit contracts between a taxicab company and a digital dispatch service	No	No	No	N/A

*New York City has a massive passenger vehicle for hire regulatory framework. The newly proposed Chapter 78 ("Licensing & Rules for Providers of E-Hail Applications") does not address issues labeled "N/A" in this chart. However, those issues labeled "N/A" may be addressed in further detail in other New York City passenger vehicle for hire chapters.



**COMPARISON OF CITY ORDINANCE TO STATE STATUTE
TRADITIONAL PASSENGER VEHICLE FOR HIRE COMPANIES AND DIGITAL DISPATCH COMPANIES**

April 4, 2014

Council has the authority to:	Traditional Passenger Vehicle for Hire Companies	Digital Dispatch Companies	Recommended Action
Regulate companies	Yes	No	Eliminate N.C. Gen. Stat. § 160A-304(c)(1)
Require criminal background checks of company owners	Yes	No	Eliminate N.C. Gen. Stat. § 160A-304(c)(1)
Regulate any and all automobiles	Yes	Yes	No recommendation
Establish vehicle age limits	Yes	Yes	No recommendation
Require criminal background checks of vehicle owners	Yes	Yes	No recommendation
Regulate any and all drivers for companies	Yes	Yes	No recommendation
Establish a minimum driver age	Yes	Yes	No recommendation
Require criminal background checks of drivers	Yes	Yes	No recommendation
Establish a particular method or formula for rate calculation	Yes	No	No recommendation
Set a minimum fare for time and/or distance for prearranged transportation	Yes	No	No recommendation
Set a maximum fare for time and/or distance for prearranged transportation	Yes	Yes	No recommendation
Establish a minimum wait time between requesting and using prearranged transportation	Yes	No	No recommendation
Require a final destination when requesting prearranged transportation	Yes	No	No recommendation
Require or prohibit contracts between a taxicab company and a digital dispatch service	No	No	No recommendation