

..Number  
130903  
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SUBSTITUTE 1  
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..Sponsor  
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..Title  
A substitute ordinance relating to the licensing, permitting and regulation of taxicab operations and public passenger vehicles.

..Sections  
81-125 cr  
81-126-5 cr  
81-126-6 cr  
85-26 cr  
100-3-18 am  
100-3-24 am  
100-3-24.5 cr  
100-50-3 rc  
100-50-4-a rc  
100-50-4-b-7 am  
100-50-11-i cr  
100-50-12-c rn  
100-50-12-c cr  
100-50-12-d rn  
100-50-12-e rn  
100-50-12-f rn  
100-50-12-g rn  
100-50-12-i cr  
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100-50-14-a rn  
100-50-14-a cr  
100-50-14-b rn  
100-50-14-c rn  
100-50-16-b-4 rn  
100-50-16-b-4 cr  
100-51-1 rc  
100-51-2-0 am  
100-51-2-e am  
100-51-4-d am  
100-51-5-b am  
100-51-6-b am  
100-51-7 am  
100-51-8-a am  
100-51-8-b am

100-51-8-c-0 am  
100-51-8-c-2 am  
100-51-8-c-3 am  
100-51-8-d-1-0 am  
100-51.5-3-c cr  
100-51.5-3-d cr  
100-54-2-f-3 am  
100-54-2-f-4 cr  
100-54-2-h am  
Subch. 5, Ch. 100 cr  
..Analysis

This ordinance repeals the limitation on issuance of new public passenger vehicle permits for taxicabs and authorizes the issuance of not more than 100 new permits prior to November 1, 2014. The licensing committee is directed to annually review the total number of permitted taxicabs.

The ordinance authorizes the city clerk to establish a process for accepting and processing completed applications using a lottery or other system as necessary to ensure orderly processing of taxicab permit applications. A \$100 fee is established for filing a notice of intent to apply for a permit. If a lottery is established, the fee will be applied to the cost of the lottery. Not more than 2 lottery entries will be permitted during a single lottery. The city clerk may provide for a waiting list. In the absence of a lottery, the \$100 may be applied in whole or part to the permit application fee as determined by the city clerk.

The ordinance also provides that new permits may only be issued for vehicles that either meet requirements for handicapped-elderly vehicles or provide passenger leg room of not less than 32 inches.

The ordinance provides that failure to place a vehicle into service within 60 days of the date that permit issuance is authorized by the common council constitutes surrender of the permit. Upon notice from the city clerk, an applicant may request an extension of the deadline for placing the vehicle into service subject to licensing committee review and approval.

The ordinance requires that 2 inspections of permitted taxicabs be conducted in the course of a permit year, one of which may be scheduled randomly. The department of public works is responsible for scheduling and conducting inspections of public passenger vehicles including taxicabs, or if the volume is too great, to approve and designate one or more additional parties, businesses or agencies to conduct inspections.

The ordinance amends the definition of "taxicab" to clarify that a taxicab is a vehicle "which is available for hire upon demand for service including by hail on the street, or upon telephonic or other electronic request."

The ordinance further requires that, on and after November 1, 2014, each permitted taxicab must be operated as part of a certified taxicab affiliation.

A new subdivision is created in Chapter 100, "Public Passenger Vehicle Regulations" that provides for certification of taxicab affiliations setting minimum requirements for management and operation of taxicabs and dispatch services. These requirements include a detailed plan of operation addressing vehicle standards, driver training and standards of operation, the provision of 24-hour citywide service, the provision of electronic dispatch services together with related record-keeping and reporting, and other standards and procedures that may be required by the licensing committee.

The ordinance further provides that a person operating a taxicab under a permit is required to file a copy of a certificate or other document to the city clerk attesting completion of a driver training course offered by the Taxicab, Limousine and Paratransit Association or its equivalent approved by the chief of police.

Each permittee replacing a taxicab or placing a new vehicle into service on or after April 1, 2014, shall install rear seat swipe credit card-processing equipment, subject to policy or rule established by the city clerk under a policy reviewed and approved by the licensing committee.

The ordinance requires the Legislative Reference Bureau to provide the common council with an annual report on or before July 1 including information about the numbers of permit applications made and permits issued, changes in the costs to the city incurred in processing applications and issuing new and renewal permits, factors affecting the availability, accessibility and safety of public passenger vehicles, and other information requested by the licensing committee. The first report due on or before July 1, 2014, will include information related to emerging best practices in taxicab regulation and operation in comparable cities. The first report will also provide information about the implementation of fuel-efficiency standards by July 1, 2018.

..Body

Whereas, Section 349.24, Wis. Stats., authorizes the councils of cities and villages to regulate and license the chauffeurs and operators of taxicabs and to regulate and license the taxicab business by licensing taxicabs used for hire; and

Whereas, Section 62.11(5), Wis. Stats., authorizes the common council to have the management and control of highways of the city, and to act for the government and good order of the city for its commercial benefit and for the health, safety and welfare of the public and to carry out its powers by license, regulation and other necessary or convenient means; and

Whereas, The Study Subcommittee of the Public Transportation Review Board ("Study Subcommittee"), established by Common Council Resolution File Number 130172 , has rendered a report in Communication File Number 130516, recommending passage of legislation to authorize issuance of 100 new taxicab permits to serve the City; and

Whereas, The Study Subcommittee has further recommended ordinance revisions addressing the regulation of taxicabs including the manner and conduct of vehicle inspections, the types of vehicles to be placed in service, the training and qualifications of drivers, and the quality, accessibility, availability, timeliness, and manner in which taxicab service is provided in the City; and

Whereas, The recommendations of the Study Subcommittee are based upon an extensive record which includes information, testimony and records received at public hearings held before the Public Transportation Review Board and the Public Safety Committee, research and analysis prepared by the Legislative Reference Bureau, review of matters in litigation in the case of *Ibrahim et al. v. City of Milwaukee*; and

Whereas, The Common Council finds that - upon issuance of new taxicab permits - safe, accessible and professional service to the public will be better assured by requiring that permitted vehicles be operated in certified and regulated associations; now, therefore,

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 81-125 of the code is created to read:

**81-125. Taxicab Affiliation Certificate. 1.** Each taxicab affiliation certificate shall be issued for a one-year period expiring on July 31 irrespective of the date of issuance.

**2.** The fee for a taxicab affiliation certificate shall be \$1,000.

**3.** The fee for renewal of a taxicab affiliation certificate shall be \$750.

**4.** The fee for filing an amendment to the application or plan of operation for a taxicab affiliation shall be \$250.

**5.** The fee for late filing of quarterly reports shall be \$100.

(See s. 100-72.)

Part 2. Section 81-126-5 and 6 of the code is created to read:

**81-126. Taxicab Permit.**

**5.** The fee for a notice of intent to make application shall be \$100.

**6.** The fee for filing a notice of change of taxicab affiliation shall be \$25.

Part 3. Section 85-26 of the code is created to read:

**85-26. Application for Renewal.** 1. Application for renewal of a permit or license shall be timely made prior to deadlines established by the city clerk.

2. Except where expressly permitted in this code, no activity authorized by permit or license shall be conducted by the permittee or licensee after expiration of the permit or license.

3. Application for renewal of a permit or license may be made at any time during the permit or license period immediately subsequent to the expired permit or license period except where state law requires application for a new license following expiration.

4. A permit or license renewed after expiration shall be valid for the remainder of the term or period that follows expiration.

Part 4. Section 100-3-18 and 24 of the code is amended to read:

**100-3. Definitions.**

18. PERSON means any individual, partnership, corporation>>, limited liability company<< or association.

24. TAXICAB means >>a<< public passenger vehicle with 3 or more doors which operates without a fixed route or schedule >>and which is available for hire upon demand for service including by hail on the street, or upon telephonic or other electronic request<<.

Part 5. Section 100-3-24.5 of the code is created to read:

24.5. TAXICAB AFFILIATION means an association of taxicab permittees organized by incorporation, limited liability company, partnership, individual ownership or other legally- binding cooperative association.

Part 6. Section 100-50-3 and 4-a of the code is repealed and recreated to read:

**100-50. Public Passenger Vehicle Permits.**

3. ELIGIBILITY, TAXICABS. a. No new or renewal public passenger vehicle permit for a taxicab shall be issued for any motor vehicle of a model year greater than 10 years old at the time of application.

b. No new public passenger vehicle permit for a taxicab shall be issued except for a motor vehicle that, in addition to meeting all other requirements of this subchapter, provides passenger leg room of not less than 32 inches measured from the back of the seated passenger forward.

c. No permit shall be transferred to a different vehicle except to a vehicle in compliance

with par. b.

d. Notwithstanding the vehicle requirements of pars. b and c, a permit for a taxicab may be issued or renewed upon a determination that the vehicle model meets the requirements in s. 100-51.5-4 for handicapped-elderly vehicles.

e. No new or renewal public passenger vehicle permit for a taxicab shall be issued on and after November 1, 2014, except to an applicant who is, or has entered into an agreement to be, affiliated with a certified taxicab affiliation.

**4. APPLICATION.** a-1. Application for a public passenger vehicle permit shall be filed with the city clerk on forms provided and, except where otherwise expressly provided in this section, shall conform to the requirements in s. 85-12.

a-2. Completed applications for a new permit shall be accepted by the city clerk for processing in a manner established by the city clerk for submission to the licensing committee.

a-3. Not more than 100 new taxicab permits shall be issued prior to November 1, 2014. No person having a financial interest in more than one existing taxicab permit shall be eligible for a new taxicab permit, and no person shall be eligible for more than 2 new taxicab permits issued prior to November 1, 2014. The total number of permitted taxicab vehicles shall not exceed 420. Additional taxicab permits shall only be issued on and after November 1, 2014, if the total number of permitted vehicles is less than the number of vehicles permitted on January 1, 2014, plus 100. The total number of taxicab vehicle permits authorized for issuance shall be reviewed annually by the licensing committee.

a-4. Any person seeking to apply for a new taxicab permit shall file a written notice of intent in a form and manner prescribed by the city clerk. The fee for filing a notice of intent to apply provided in s. 81-124-4 may be applied toward the fee for application in whole or in part as determined by the city clerk in the absence of an application lottery established under this paragraph. Upon approval of the licensing committee, the city clerk may establish a lottery or any other reasonable means to ensure fair and orderly processing of new taxicab permit applications. If a lottery for accepting taxicab permit applications is established, the following shall apply:

a-4-a. Persons submitting a notice of intent together with the required fee provided in s. 81-126-4 shall be eligible to participate in the lottery.

a-4-b. Not more than 2 lottery entries may be submitted by any person during the conduct of a single lottery.

a-4-c. A waiting list may be established by the city clerk to permit additional applications when applications are denied and when permits expire, are not renewed, are surrendered, are abandoned, are revoked or otherwise removed from the pool of

existing permits.

a-4-d. If a waiting list is established, persons on the list shall be eligible to apply in the order they are listed for any available new permit or for any permit that becomes available.

a-4-e. The lottery selection process shall be conducted fairly and shall be open to the public for observation.

Part 7. Section 100-50-4-b-7 of the code is amended to read:

b-7. The identity of any dispatch services with which affiliated ~~[[, if any]]~~ or, if the application is for a taxicab permit, the identity of the certified taxicab affiliation to which the applicant belongs or has a written agreement to join upon issuance of the permit.

Part 8. Section 100-50-11-i of the code is created to read:

## 11. ISSUANCE.

i. The legislative reference bureau shall provide a report to the common council annually on or before July 1 which addresses issues relating to the issuance of public passenger vehicle permits including:

i-1. The numbers of public passenger permit applications made and numbers of permits issued for all classes of public passenger vehicles.

i-2. The numbers of public passenger permits issued for taxicabs and information on any factors that present a risk that the total number of permitted taxicabs may not be sufficient to meet the needs of the public.

i-3. Changes in the costs to the city incurred in processing applications, issuing new and renewal permits, and inspection of permitted vehicles.

i-4. Factors affecting the availability, accessibility and safety of public passenger vehicles.

i-5. Review of the experience of comparable municipalities related to availability, accessibility, efficiency and safety of public passenger vehicles and emerging best practices in regulation an operation.

i-6. Such other information as may be required under this chapter or requested by the licensing committee.

Part 9. Section 100-50-12-c to g of the code is renumbered 100-50-12-d to h.

Part 10. Section 100-50-12-c of the code is created to read:

## 12. REGULATIONS.

c. Prompt Placement into Service. Failure to place a permitted taxicab vehicle into service within 60 days of issuance of a permit shall constitute constructive surrender of the permit. The deadline for placement into service may be extended for a reasonable period by the licensing committee upon a showing of good cause for the extension. The city clerk shall provide written notice to the applicant that the permit will be deemed surrendered if the permitted vehicle is not placed into service and that the applicant has 30 days from the date of the notice to request an extension of the deadline by the licensing committee or to show cause why the permit should not be deemed surrendered.

Part 11. Section 100-50-12-i and j of the code is created to read:

i. Taxicab Operator Appearance. Every permittee shall ensure that the driver operating a permitted taxicab complies with written standards of the taxicab affiliation for maintaining a clean and orderly appearance.

j. Taxicab Dispatch Records and Reporting. Each taxicab permittee shall ensure that the information and records maintained by the taxicab affiliation to which the permittee belongs are accurately and completely maintained for each vehicle owned by the permittee and for each licensed driver operating a permitted vehicle.

Part 12. Section 100-50-14-a to c of the code is renumbered 100-50-14-b to d.

Part 13. Section 100-50-14-a of the code is created to read:

**14. RENEWAL.** a. Renewal Application. Renewal applications shall be made as provided in s. 85-26.

Part 14. Section 100-50-16-b-4 of the code is renumbered 100-50-16-b-5.

Part 15. Section 100-50-16-b-4 is created to read:

b-4. Failure of a taxicab permittee to comply with the written plan of operation of the certified taxicab affiliation to which the permittee belongs.

Part 16. Section 100-51-1 of the code is repealed and recreated to read:

**100-51. Vehicle Inspection. 1. INSPECTION REQUIRED.** a. No vehicle owner or lessee shall operate his or her vehicle, or allow his or her vehicle to be operated, as a public passenger vehicle for hire upon the streets of the city without the vehicle owner or lessee successfully completing each vehicle inspection required under this section.

b. The department of public works shall conduct inspections under this section.



c. Upon a finding by the commissioner of public works that the volume of inspections requires additional assistance, the commissioner may approve and designate one or more additional parties, businesses or agencies, subject to approval by the licensing committee, to conduct inspections under terms and conditions that will ensure substantially similar quality and costs as if conducted by the department.

Part 17. Section 100-51-2-0 and d of the code is amended to read:

**2. WHEN REQUIRED.** A vehicle inspection when conducted by the ~~[[police]]~~ department >>of public works<< or its designee shall be required for each vehicle in all of the following circumstances:

d. When transferring any permit to another person under ~~[[s.100-50-3-a]]~~>>s. 100-50-13<<, if the application for permit transfer involves the replacement of a vehicle.

Part 18. Section 100-51-2-e of the code is amended to read:

e. When requested by the police department >>or the city clerk<< for any additional inspection on a random selection basis or when identified by complaint.

Part 19. Section 100-51-4-d of the code is amended to read:

#### **4. ELIGIBILITY.**

d. No meter fare taxicab shall be inspected by the ~~[[police]]~~ department >>of public works or its designee<< until the city sealer has examined the taximeter attached to the vehicle and found it to meet the requirements under s. 100-51.5-3-b.

Part 20. Section 100-51-5-b of the code is amended to read:

b. Inspection of taxicabs shall be held ~~[[in the first 2 full working weeks of October]]~~ >>not less than 2 times in the course of a full permit year at times established by the department of public works and upon notice by the department to the permittee or to the permittee's certified taxicab affiliation. A random inspection conducted upon notice provided under sub. 6-b shall constitute one of the 2 inspections required under this paragraph. Notice of inspections including the time and place of inspections shall be provided by the department of public works<<.

Part 21. Section 100-51-6-b of the code is amended to read:

#### **6. NOTICE OF INSPECTION.**

b. Random Inspections. Permittees of vehicles directed by the police department >>, the department of public works or the city clerk to appear<< for any additional inspection under sub. 2-e shall be notified >>by the department of public works<< by United States first class mail, postage prepaid of the inspection date and time at least 2

days prior to the inspection.

Part 22. Section 100-51-7, 8-a to c-0, 2, 3 and d-1-0 of the code is amended to read:

7. ~~[[POLICE]]~~>>INSPECTION<< REPORT. The ~~[[police]]~~ department>>of public works<< shall report ~~[[to the licensing committee, in writing, at the end of each inspection period]]~~>>the results of each inspection to the city clerk in a form and manner prescribed by the city clerk<<. The report shall include, but not be limited to, vehicles appearing for inspection, vehicles passing inspection, vehicles removed from public service, >>reasons for removal of vehicles from public service<< and vehicles failing to appear for inspection. >>The department of public works shall also provide the city clerk with information related to the costs of inspections upon request.<<

8. INSPECTION ACTIONS. a. Inspection Sticker. The ~~[[police]]~~ department>>of public works<< shall place in a conspicuous location a nonremovable sticker on the exterior of each public passenger vehicle thoroughly inspected by the ~~[[police]]~~ department>>of public works<< and found to meet the vehicle standards and equipment requirements established in this subchapter. The city clerk may provide for an inconspicuous inspection sticker for luxury limousines.

b. Require Reinspection. The ~~[[police]]~~ department>>of public works<< shall not issue an inspection sticker for, and shall require reinspection of, any vehicle that is found in violation of any of the vehicle standards and equipment requirements established in this subchapter. Violations found during any inspection shall be corrected and the vehicle shall be presented at the designated inspection station for reinspection on the next regularly scheduled inspection date, or on or before the last day of the annual inspection period, if applicable.

c. Remove Vehicle from Service. In addition to any action taken under par. b, the ~~[[police]]~~ department>>of public works<< shall immediately suspend the permit of and remove from public service any vehicle that is found to be in a hazardous condition and unsafe for public patronage.

c-2. The sticker may only be removed by the ~~[[police]]~~ department>>of public works<< upon a successful reinspection at the designated inspection station.

c-3. Removal, alteration, defacement or obscuration of the sticker by anyone other than the ~~[[police]]~~ department>>of public works<< shall be subject to the penalty provisions of this chapter.

d. Suspend Permit. d-1. Without any further action, the ~~[[police department]]~~>>the department of public works<< shall immediately suspend the permit and notify the permittee by United States first class mail, postage prepaid mail of the suspension whenever >>the department of public works receives information that<< any of the following ~~[[occur]]~~ >>has occurred<<:

Part 23. Section 100-51.5-3-c and d of the code is created to read:

**100-51.5. Vehicle Standards and Equipment Requirements.**

**3. TAXICAB REQUIREMENTS.**

c. Noncash Payment. On or after July 1, 2014, each permittee replacing a taxicab or placing a new vehicle into service shall install rear seat swipe credit and debit card-processing equipment subject to policy or rule established by the city clerk and approved by the licensing committee.

d. Fuel Efficiency. The legislative reference bureau shall provide a report to the common council on or before July 1, 2014, reviewing best practices, strategies and regulation in comparable municipalities for improving fuel efficiency and reducing reliance upon fossil fuels within the city's permitted taxicab fleet. Information shall be organized and provided by the legislative reference bureau with the assumption that fuel standards will be developed and implemented on or before July 1, 2018.

Part 24. Section 100-54-2-f-3 of the code is amended to read:

**110-54. Public Passenger Vehicle Driver's License.**

**2. QUALIFICATIONS.**

f-3. ~~[[Any]]~~ Except for the test and certificate required under subd. f-4, any applicant taking any test under this paragraph shall, for identification, present a valid motor vehicle driver's license issued by the state of Wisconsin.

Part 25. Section 100-54-2-f-4 of the code is created to read:

f-4. On and after November 1, 2014, each applicant for a new license to drive a taxicab and each other licensed taxicab driver shall have completed a driver training course offered by the Taxicab, Limousine and Paratransit Association or its equivalent upon approval by the chief of police, and shall provide the permittee of any taxicab vehicle to be operated by the licensed driver with a copy of a certificate or other document evidencing satisfactory completion of the course.

Part 26. Section 100-54-2-h of the code is amended to read:

h. Be clean in dress and person ~~>>~~ and, if driving a taxicab, shall comply with all applicable written standards of dress and appearance of the taxicab affiliation ~~<<~~.

Part 27. Subchapter 5 of ch. 100 is created to read:

**SUBCHAPTER 5**

## TAXICAB AFFILIATIONS AND DISPATCH

**100-70. Certification of Affiliations. 1. PURPOSE.** The purpose of this subchapter is to provide uniform regulation of taxicab operation to promote orderly, efficient, safe and accessible taxicab accommodations to the public.

**3. APPLICATION FOR CERTIFICATION.** a. Application for certification as a taxicab affiliation shall be filed with the city clerk on forms and in a manner prescribed by the city clerk.

b. The application shall be signed, certified and include the information required of license applicants under s. 85-12. Additionally, the application shall include the following information:

b-1. The number of affiliated taxicabs at the time of application, including identification of each affiliated taxicab permit by permit number and each additional applicant for a permit who has provided written notice of intent to join the affiliation upon issuance of a permit, and an estimate of the anticipated total number of taxicabs to be affiliated at the end of the certification period.

b-2. The plan for affiliation operations and the requirements of permittee affiliation including:

b-2-a. A statement of the experience of the applicant in operating taxicabs or other public passenger vehicles, if any.

b-2-b. Identification of all taxicab permits currently affiliated with the applicant.

b-2-c. A statement certifying that all affiliated taxicabs will be operated with dispatch services and that dispatch records will be retained and made available in reports as required by the city clerk.

b-2-d. A statement that taxicab service will be made available by the affiliation 24 hours of each day of the year.

b-2-e. A plan for providing citywide service, including plans for improving service to identified underserved areas.

b-2-f. A description of routine maintenance, including location and frequency of maintenance activities and other vehicle inspections conducted by or on behalf of affiliated permittees.

b-2-g. The type of driver education and training required by or provided by the affiliation.

b-2-h. A statement or copy of the written policies of the affiliation requiring drivers to maintain a clean, professional and orderly appearance together with specific requirements established by the affiliation and affiliated permittees for driver dress or

uniform.

b-2-i. The affiliation's written plan to promote and ensure driver and passenger security.

b-2-j. A statement whether any vehicle under an affiliated permit will be leased and, if so, either a copy of the lease or proposed lease or a detailed description of the lease terms, including costs apportioned to drivers for operation, fuel, dispatch service, maintenance, repair or other fees and charges.

b-2-k. A statement of the affiliation's complaint process, including the manner in which complaint records are to be retained and reported to the city clerk.

b-2-L. The manner in which all accident reports or citations received in the operation of the permitted vehicles shall be retained and made available to the city clerk.

b-2-m. A description of the procedures of the affiliation to assure compliance of affiliated permittees and taxicab drivers with the requirements of this chapter.

b-2-n. Such other information the common council or the licensing committee may from time to time require.

**5. FEE.** Each application shall be accompanied by the fee specified in ch. 81.

**7. CHANGES TO BE REPORTED.** A certified affiliation shall notify the city clerk whenever there is a change in any information that is reported in the application form or renewal application form. The certified affiliation shall make this notification in writing within 10 calendar days after the change occurs. Changes to be reported include the change of officers of a corporation or legal liability company and any significant change in ownership or financial control of the affiliation including a change of corporate stockholders previously provided with the application. A notice of change shall be accompanied by the fee provided in s. 81-125-4 for filing an amendment to the application or plan of operation.

**9. FINGERPRINTING.** All applicants shall be fingerprinted as required in s. 85-21-1.

**11. INVESTIGATION.** Each application shall be referred to the chief of police for investigation as required in s. 85-21-2.

**13. COMMITTEE AND COMMON COUNCIL ACTION.** a. Applications for certification of all new and renewal taxicab affiliations shall be referred to the licensing committee for its recommendation as to whether or not the affiliations should be certified or the affiliation certification should be renewed. Applications shall be referred without delay upon a determination by the city clerk that the application is complete. Upon referral, the applications shall be scheduled and heard promptly by the licensing committee.

b. Notice shall be provided the applicant stating the time and place of the hearing and that a recommendation will be made by the licensing committee upon review of the

application and plan of operation, reports provided by the chief of police, testimony of members of the public and upon other relevant and credible information received by the licensing committee. Notice shall include a statement that an opportunity will be given to the applicant to respond to and challenge any reason for denial and to present witnesses under oath and to confront and cross-examine opposing witnesses under oath. Notice shall also include a statement that the applicant may be represented by an attorney of the applicant's choice at the applicant's expense, if the applicant so wishes.

c. The committee chair shall open the meeting by stating that a notice was sent and read the notice into the record unless the applicant admits notice. The chair shall advise the applicant that the applicant has an option to proceed with a due process hearing, represented by counsel, with all testimony both direct and cross-examination under oath, or that the applicant may simply make a statement to the committee.

d. A due process hearing shall be conducted in the following manner:

d-1. All witnesses shall be sworn in.

d-2. The chair shall ask those opposed to the granting of certification to proceed first.

d-3. The applicant shall be permitted an opportunity to cross-examine.

d-4. After the conclusion of the opponent's testimony, the applicant shall be permitted to present the applicant's own witnesses, subject to cross-examination.

d-5. Committee members may ask questions of witnesses.

d-6. Both proponents and opponents shall be permitted brief summary statements.

e. The recommendations of the committee regarding the applicant shall be based on evidence presented at the hearing. Probative evidence concerning whether or not the permit should be granted may be presented on the following subjects:

e-1. Whether or not the applicant meets the municipal requirements.

e-2. Whether or not the applicant has been charged with or convicted of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the licensed activity.

e-3. Whether the application and plan of operation of a new applicant or the renewal application, plan of operation and record of previous service and operation of a certified affiliation is consistent with the welfare and safety of the public and the provision of efficient transportation services.

e-4. Any other factors which reasonably relate to the public health, safety and welfare.

f. The committee may make a recommendation immediately following the hearing or at a later date. The committee may recommend approval subject to modification or change in the applicant's plan of operation. Written notice of the committee's decision shall be provided if the decision is made at a later date or if the applicant was not present or represented. The committee shall forward its recommendation in writing to the common council for vote at the next meeting at which such matter will be considered.

g. Upon approval of a new certification by the common council, a certification shall be issued as provided in sub. 17. The common council shall consider the recommendation of the licensing committee for each renewal application in the same manner and under the same procedures as provide in s. 85-5.

**15. DISQUALIFICATION.** The provisions of s. 85-13 on disqualification shall apply to applications for certification of a taxicab affiliation.

**17. ISSUANCE.** Each certification of a taxicab affiliation authorized by the common council to be issued by the city clerk shall be issued in the manner provided in s. 85-12.5-1, and a duplicate copy shall be issued in the manner provided in s. 85-12.5-2 upon payment of the fee for a duplicate copy provided in s. 81-1-4.

**100-72. Regulation of Affiliations, Taxicab Dispatch Records and Reporting.**

1. A certified taxicab affiliation shall comply with the plan of operation submitted as a part of its application for certification as amended from time to time.

2. A certified taxicab affiliation shall notify the city clerk of any changes in the information contained in its application and plan of operation as provided in s. 100-70-7.

3. A certified taxicab affiliation will provide taxicab service 24 hours of each day of the year upon demand for service to any address within the city.

4. Taxicabs affiliated with a certified taxicab affiliation shall be operated with dispatch services provided by the affiliation or under contract with the affiliation. Dispatch records shall be retained and information shall be made available to the city clerk in a form and manner prescribed by the city clerk. Dispatch information shall be reported to the city clerk quarterly within 30 days of the end of each calendar quarter. At a minimum, dispatch information to be collected shall include:

a. Trip records for each taxicab vehicle and driver, by name and public passenger vehicle driver license number, for pre-arranged travel requests, including time and address of passenger pickup, destination, distance travelled and fare and fees charged.

b. Trip records for each identified taxicab vehicle and driver, by name and public passenger vehicle driver license number, with the time of call or hail for on demand service, location and time arrived for passenger pickup, distance travelled and destination, time of destination and amount of fare and fees charged.

c. Such other dispatch-related information as may be required by the licensing committee.

d. Dispatch record reports required to be filed with the city clerk shall not include information specifically identifying customers or passengers by name, address of pickup or discharge, phone number, credit card or debit card number, e-mail address or similar identifiers, but may include address fields, zip codes or other information generally identifying the neighborhoods, zones or other areas of the city receiving taxicab services.

**5.** A certified taxicab affiliation shall maintain records, available upon request by the chief of police or the city clerk, of all passenger complaints, all vehicle crashes and all claims for damages made against the affiliation, any member permittee or any driver in connection with the operation of affiliated taxicabs. Quarterly reports summarizing the numbers, nature and disposition of complaints, the numbers, nature, injuries and property damages associated with in-service taxicab crashes and claims paid by or on behalf of the members of the taxicab affiliation shall be provided to the city clerk in a form and manner prescribed by the city clerk together with the quarterly reports required in sub. 4.

**6.** A certified taxicab affiliation shall maintain records, available upon request by the chief of police or the city clerk, identifying each citation for violation of city ordinance or state law received by an affiliated permittee or driver of an affiliated taxicab in the course of providing taxicab services. Information maintained by the taxicab affiliation shall include time, place and description of the cited violation and the disposition of the citation if known. The certified taxicab affiliation shall also retain substantially similar records of any citations to drivers of affiliated taxicabs received while operating vehicles at all other times. Quarterly reports summarizing the numbers, nature and disposition, if known, of all citations for which records are maintained by taxicab affiliations shall be provided to the city clerk in a form and manner prescribed by the city clerk together with the quarterly reports required in sub. 4.

**7.** A certified taxicab affiliation shall ensure that all permittees and all drivers of affiliated taxicabs comply with the licensing and permitting requirements of this chapter including:

a. Driver's license qualifications in s.100-54-2; the affiliation shall at least annually provide the city clerk with a list of all drivers operating affiliated taxicabs during the previous year or reporting period, including driver's public passenger vehicle number and noting driver completion of all training requirements.

b. Vehicle permittee regulations in s. 100-50-12, vehicle inspection requirements in s. 100-51, vehicle standards and equipment requirements in s. 100-51.5 and financial responsibility requirements of s. 100-53.

c. Rate, fare, fee and charge requirements of s. 100-52.



**100-74. Annual Review of Operations.** Prior to issuance of a renewal certification of taxicab affiliation, the licensing committee shall review information provided by the city clerk based upon reports and dispatch information received under s. 100-72. A portion or all of the information reviewed may be placed in the record of the application renewal hearing under s. 100-70-13.

**100-76. Procedures for Nonrenewal, Suspension, Revocation and Surrender.**

1. Each applicant for renewal of a certificate of taxicab affiliation shall be provided notice of possible nonrenewal subject to the provisions of s. 85-3.

2. The procedures for nonrenewal, suspension, revocation and surrender of a certification of taxicab affiliation shall be those provided in ss. 85-3 to 85-5 and 85-17.

Part 29. This ordinance shall take effect February 1, 2014. No new taxicab permits shall take effect prior to April 1, 2014. The amendment to s. 100-50-4-b-7 shall take effect on November 1, 2014.

..LRB

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau

Date:\_\_\_\_\_

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney

Date:\_\_\_\_\_

..Requestor

..Drafter

LRB149918-2.2

Richard L. Withers

11/15/2013