Public Transportation Review Board to take up lifting cap on taxicab permits, legal path for network company vehicles

The city’s Public Transportation Review Board will meet tomorrow (Friday, June 13) to discuss a proposed ordinance lifting the cap on taxicab permits and establishing provisions for vehicle inspections and driver licensing for “network companies” such as Uber and Lyft. The proposal (attached - Common Council file # 131800) also establishes a path for network company vehicles to operate legally in Milwaukee and requires the vehicles and drivers to undergo the same requirements that are currently in place for all other types of vehicles now licensed by the city.

The meeting, chaired by Alderman Robert J. Bauman, will begin at 9 a.m. tomorrow in room 301-B at City Hall, 200 E. Wells St.

“It is the city’s responsibility to ensure the health, safety and welfare of those utilizing taxicabs and network vehicles, and to make sure certain standards are met,” Alderman Bauman said. “People should be able to feel confident that the car they ride in will be clean and safe.”

Uber and Lyft began operating in Milwaukee earlier this year, around the same time the Common Council approved 100 new taxi cab permits. Uber cars are identified by black bumper stickers and Lyft cars are identified by pink mustaches attached to their front bumpers. They face similar licensing regulation efforts in other cities.

Friday’s meeting will be televised live on the City Channel (Channel 25 on Time Warner Cable in the City of Milwaukee), and on U-Verse Channel 99. Online viewing is available by going to www.city.milwaukee.gov/Channel25.

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A substitute ordinance relating to public passenger vehicle licensing, regulation and enforcement.
This ordinance revises public passenger vehicle regulations and eliminates current limits on the numbers of taxicab vehicle permits that may be issued. Revised licensing procedures and regulation accommodate a new class of public passenger operation enabled by internet and telephone networks.

Vehicles operating as taxicabs are treated as common carriers with maximum service rates and charges established by the common council.

All other public passenger vehicles are treated as contract carriers with rates, charges and total fares subject to agreement by passengers prior to entry into the vehicle. Fares may be established based upon zones, time and distance calculation and by other methods detailed in a plan of operation approved by the licensing committee.

The ordinance also eliminates provisions related specifically to the transfer of taxicab vehicle permits.

The ordinance repeals the provisions created in Common Council File Number 130903 for certifying taxicab affiliations and requiring taxicab vehicle permittees to be affiliated.

Vehicles defined as “network” vehicles are included within the definition and classification applicable to limousines.

All public passenger vehicles shall continue to be operated under permit and subject to required inspections.
Current requirements and regulations for taxicab permittees and for network vehicles are addressed under requirements for approved plans of operation. These include availability of service city-wide or by zone, hours of operation, leasing requirements, vehicle marking, handling of passenger complaints, posting of passenger information, supervision of vehicle drivers and reporting of driver, passenger, vehicle and trip information.

The ordinance also clarifies that the city clerk’s responsibilities include the investigation and review of public passenger vehicle operations and the conduct of drivers and vehicle permittees as directed by the licensing committee. This responsibility extends to issuance of warnings and citations for violations of the regulations and orders of the licensing committee or for violations of applicable public passenger regulations provided in the code.

Finally, the ordinance increases the forfeiture penalties as follows:

For operating a public passenger vehicle without a permit, the penalties for a first offense are increased from a minimum of $250 and maximum of $500 to a minimum of $1,500 and a maximum of $2,500, the penalties for a second offense within 24 months are increased from a minimum of $500 and a maximum of $750 to a minimum of $2,500 and a maximum of $4,000, and for a third offense within 24 months the penalties are increased from a minimum of $750 and a maximum of $1,000 to a minimum of $4,000 and a maximum of $5,000.

A new penalty is established for driving a public passenger vehicle without a license providing a forfeiture of not less than $500 and not more than $1,000.

The forfeiture penalty for all other violations of ch. 100 is established at not less than $50 and a maximum forfeiture of not more than $750.

Whereas, Following revisions of taxicab licensing and regulation by passage of Common Council File Number 13093 on November, 2013, more than 1,700 entries were received for participation in the lottery for 100 new taxicab permits; and

Whereas, Network operations, often referred to “rideshare” operations, linking passengers with public passenger vehicles through electronic networking applications, were introduced into Milwaukee’s public passenger vehicle market in the early spring of 2014; and

Whereas, The demand for vehicle permits for traditional taxicab operation and the introduction of new competing models for passenger vehicle services have significantly altered the public passenger vehicle marketplace; and

Whereas, The Common Council wishes to protect the health, safety and welfare of the public, to promote availability and accessibility of cost-effective public transportation and to encourage innovation in the provision of passenger vehicle services; now, therefore
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Sections 81-58.5, 81-60.5, 81-68, 81-76, 81-89 and 81-101.3 of the code are repealed.

Part 2. Section 81-101.5 of the code is repealed and recreated to read:

81-101.5. Public Passenger Vehicle Permit. 1. Each public passenger vehicle permit for a handicapped-elderly vehicle, horse and surrey livery, limousine, motorcycle used for tours, pedicab, or shuttle vehicle shall be issued for a one-year period, expiring on April 30 irrespective of the date of issuance.

2. Each public passenger vehicle permit for taxicab shall be issued for a one-year period, expiring on October 31, irrespective of the date of issuance.

3. The fee for each new permit shall be $______.

4. The fee for renewal of each permit shall be $______.

5. There shall be an additional fee of $125 for the late filing of a permit renewal application after the date established by the city clerk.

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

7. The fee for changing the agent or officers of a corporation holding a public passenger vehicle permit shall be $25.

8. The fee for any special inspection of a public passenger vehicle, as provided in s. 100-51, shall be $125.

(See s. 100-50.)

Part 3. Sections 81-106.5, 81-125 and 81-126 of the code are repealed.

Part 4. Section 100-2-5 of the code is amended to read:

100-2. Purpose.

5. Encourage innovation in the provision of [[taxicab and paratransit]]>>public passenger vehicle<< services.

Part 5. Section 100-3-2 of the code is repealed and recreated to read:

100-3. Definitions.
2. CONTRACT SERVICE means acceptance of a passenger for transportation for a fixed fare by agreement prior to entry of the passenger into the public passenger vehicle.

Part 6. Section 100-3-6.3 of the code is created to read:

6.3. FIXED FARE means the maximum amount a passenger may be responsible for paying based upon the combination of any rates and fees or estimates agreed upon by the passenger and confirmed by the driver of a public passenger vehicle upon accepting contract service.

Part 7. Section 100-3-6.7 of the code is repealed and recreated to read:

6.7. HAIL means signaling the driver of a public passenger vehicle visually or by telephonic or other electronic means indicating a demand for immediate service by a metered vehicle for passenger transportation.

Part 8. Section 100-3-6.9 of the code is created to read:

6.9. HIRE means acceptance of a passenger for transportation by contracted service or upon hail or request for transportation and entry of the passenger into the public passenger vehicle.

Part 9. Section 100-3-9.5-e is amended to read:

e. "Class T" means the holder of the license has met the qualifications to operate the following public passenger vehicles: [[zone and meter fare]] taxicabs.

Part 10. Section 100-3-11 and 11.5 of the code is amended to read:

11. LIMOUSINE means a category of for-hire, unmetered, unmarked [[uniformed]], chauffeur-driven, ground transportation vehicles solely engaged in the business of carrying passengers on a [[prereserved]] contract service basis only.

11.5. MOTORCYCLE means a vehicle as defined in s. 340.01(32), Wis. Stats., and which is used on a [[for-hire or contractual]] contract service basis.

Part 11. Section 100-3-20 of the code is repealed.

Part 12. Section 100-3-25 to 27 of the code is repealed.

Part 13. Section 100-3-28 of the code is renumbered 100-3-29.

Part 14. Section 100-3-13 to 19 of the code is renumbered 100-3-15 to 22.

Part 15. Section 100-3-13 and 14 of the code is created to read:
13. NETWORK COMPANY means a transportation company or business that uses an online, digital or electronic platform to connect passengers with network vehicles operated by public passenger vehicle drivers.

14. NETWORK VEHICLE means a public passenger vehicle operated as a limousine under contract service arranged through a network company.

Part 16. Section 100-3-21 to 24.5 of the code is renumbered 100-3-23 to 28.

Part 17. Section 100-3-23-0 of the code is amended to read:

23. PUBLIC PASSENGER VEHICLE means a vehicle which is used for the transportation of passengers for hire, including [human service vehicle (Class H), horse and surrey livery (Class P), luxury limousine (Class L), pedicab (Class P), motorcycle used for tours (Class M), shuttle vehicle (Class L), and meter or zone fare taxicab (Class T)]. Public passenger vehicle does not include:

Part 18. Section 100-3-23-3 of the code is renumbered 100-3-23-e.

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

100-4. Licensing Committee.

4. ADMINISTRATIVE OFFICIAL. The city clerk shall administer all regulations and orders adopted or issued by the committee and shall keep a register of the names of each permittee, together with the permit number and record of financial responsibility as provided in this chapter and the description, make and year of each permitted vehicle, with the date and the complete record of inspection made of the vehicle. These records shall be open to public inspection at all reasonable times and shall be public records, extracts of which may be certified for use as evidence by the chief of police.

Part 20. Section 100-4-4-b of the code is created to read:

b. The city clerk shall investigate and otherwise review the operation of vehicles and the conduct of drivers and vehicle permittees as directed by the committee and may issue warnings and citations for violations of the regulations and orders of the committee or for violations of other applicable provisions of this chapter assessing reasonable costs related to enforcement of the chapter.

Part 21. Section 100-50-3-e and f of the code is repealed.

Part 22. Section 100-50-4-a of the code is repealed and recreated to read:

4. APPLICATION. a. 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. 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.

Part 23. Section 100-50-4-b-7 of the code is amended to read:

b-7. The identity of any dispatch services >>or network company<< with which affiliated,
if any.

Part 24. Section 100-50-4-b-8 of the code is renumbered 100-50-4-b-9.

Part 25. Section 100-50-4-b-8 of the code is created to read:

b-8. The plan for public passenger vehicle operation including:

b-8-a. A statement of the experience of the applicant in operating a public passenger
vehicle, if any.

b-8-b. Identification of all public passenger vehicle permits currently issued to the
applicant.

b-8-c. The times at which the public passenger vehicle will be available for service and
whether the vehicle will be operated within an affiliation, network company or dispatch
service that provides 24-hour service each day of the year.

b-8-d. The area or areas of the city to be served by the public passenger vehicle or that
will be served by an affiliation, network company or dispatch service.

b-8-e. A description of routine maintenance, including location and frequency of
maintenance activities and other vehicle inspections conducted by or on behalf of
applicant.

b-8-f. The manner in which the public passenger vehicle will be operated if not operated
and driven by the applicant, including arrangements for leasing, loaning, driver
employment or other operation by parties other than the applicant.

b-8-g. A statement or copy of the written policies for drivers to maintain a clean,
professional and orderly appearance together with specific requirements, if any,
established by the applicant for driver dress or uniform.

b-8-h. The applicant’s written plan to promote and ensure driver and passenger
security.

b-8-i. A statement of the applicant’s process for resolving complaints, including the
manner in which complaint records are to be retained and reported to the city clerk.

b-8-j. The manner in which all accident reports or citations received in the operation of a
permitted vehicle shall be retained and made available to the city clerk.
b-8-k. A description of all proposed vehicle markings, body color or colors, signs or stickers consistent with the requirements in s. 100-51.5.

Part 26. Section 100-50-4-d of the code is amended to read:

d. Each corporate applicant applying shall file with its application for a permit a statement by its officers or members showing the names and addresses of all persons who individually hold [10%] or more of the corporation's total or voting stock, or proxies for that amount of stock, together with the amount of stock or proxies held by each person.

Part 27. Section 100-50-11-i of the code is repealed.

Part 28. Section 100-50-12-c, d, f, h to j of the code is repealed.

Part 29. Section 100-50-13-b of the code is amended to read:

13. TRANSFER OF PERMITS.

b. Upon expiration of the permit, the surviving spouse or legal representative may apply for the permit in his or her own name. [The application shall not result in an increase in the number of permits in existence.]

Part 30. Section 100-51-4-b and 5-b of the code is amended to read:

100-51. Vehicle Inspection.

4. ELIGIBILITY.

b. No vehicle shall be inspected unless, prior to inspection, the permit, certificate of vehicle registration [[trip sheets for the preceding 90-day period]], and, if a meter fare taxicab, meter permit and meter inspection slip are presented to the inspecting officer.

5. RENEWAL INSPECTION DATES.

b. Inspection of taxicabs shall be held 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 31. Section 100-51.5-1-e of the code is amended to read:

100-51.5. Vehicle Standards and Equipment Requirements.

1. GENERAL REQUIREMENTS.
e. Complaint Placard. Except as provided in par. f, each public passenger vehicle shall have posted, in the passenger compartment in a conspicuous place plainly visible to all occupants of the vehicle, a rate and service complaint placard provided by the city, in substantially the following form:

Milwaukee [[Taxicab]] Permit Number ______

NOTICE TO PASSENGERS

The Rates of Fare are:

Fill in with approved rates [[and zone map if required]].

Complaints regarding rates or service may be addressed to:

License Division Manager, City Clerk’s Office
Room 105, City Hall, 200 E. Wells St.
Milwaukee, WI 53202
license@milwaukee.gov

Complainant: Please provide the name of the driver, vehicle number, company name, trip date and time, and details of the complaint.

Part 32. Section 100-51.5-3-0 of the code is amended to read:

3. TAXICAB REQUIREMENTS >> (CLASS T) <<.

Part 33. Section 100-51.5-3-d of the code is amended to read:

d. Fuel Efficiency. The legislative reference bureau shall provide a report to the common council on or before July 1, [[2044]] > 2015 <<, 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 34. Section 100-51.5-4-0, 5-0, 6-0, 7-0, 8-0 and a of the code is amended to read:

4. [[HANDICAPPED-ELDERLY]] >> HUMAN SERVICE << VEHICLE REQUIREMENTS >> (CLASS H) <<. [[Handicapped-elderly livery]] >> Human service << vehicles shall be suited for the transportation of [[handicapped]] >> disabled << or elderly persons who by reason of physical or mental infirmity or age cannot be transported on public mass transportation vehicles or in taxicabs. These vehicles shall have:

5. HORSE AND SURREY LIVERY REQUIREMENTS >> (CLASS P) <<.

6. MOTORCYCLE USED FOR TOURS REQUIREMENTS >> (CLASS M) <<.
7. PEDICAB REQUIREMENTS >> (CLASS P) <<.

8. LIMOUSINE REGULATIONS >> (CLASS L) <<.

a. The exterior of a permitted vehicle may not display any signs, markings or stickers not otherwise required by law, except as specifically authorized in an approved plan of operation under s. 100-50-4-b-8.

Part 35. Section 100-52-4 of the code is repealed.

Part 36. Section 100-54-2-h of the code is amended to read:

100-54. Public Passenger Vehicle Driver's License.

2. QUALIFICATIONS.

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]] specified in the plan of operation under s. 100-50-4-b-8.

Part 37. Section 100-54-14 of the code is repealed and recreated to read:

14. REQUEST TO SURRENDER A LICENSE. See s. 85-17 for provisions relating to the surrender of licenses and the return of surrendered licenses.

Part 38. Table 100-61 of the code is repealed.

Part 39. Section 100-61 of the code is repealed.

Part 40. Section 100-62 of the code is amended to read:

100-62. Penalty. 1. Any person who violates any provision of this chapter shall, where no other provisions are expressly made for the enforcement of any forfeitures or penalties under this chapter, upon conviction forfeit not less than [[$25]] nor more than [[$50]] together with the costs of prosecution, or in default of payment may be imprisoned [[in the county house of correction for a period not to exceed 20 days]] as provided by law.

2. Any person who violates s. 100-50-1 or 100-60-1-b-1 shall upon conviction be subject to the following forfeitures together with the costs of prosecution, and, in default of payment [[be confined in the county jail or house of correction until such forfeiture and costs are paid, but not to exceed 40 days]] may be imprisoned as provided by law:

a. A forfeiture not less than [[$250]] nor more than [[$500]] nor more than $2,500 if the person has not committed a previous violation within 24 months of the violation.
b. A forfeiture not less than $500 nor more than $4,000<< if the person has committed a previous violation within 24 months of the violation.

c. A forfeiture not less than $750 nor more than $5,000<< if the person has committed 2 or more previous violations within 24 months of the violation.

3. Any person who violates s. 100-51.5-1 or 2, s. 100-59-1, 6, 13 or 14, or s. 100-60-2-b[>>100-54-1<< shall upon conviction forfeit not less than $25<< nor more than $200<< together with the costs of prosecution, or in default of payment may be imprisoned [(in the county house of correction for a period not to exceed 8 days]>>as provided by law<<.

Part 41. Section 100-62-4 of the code is created to read:

4. Multiple violations for the same offense, though occurring on the same date, may be treated as separate violations under this section.

Part 42. Section 100-70 to 76 of the code is repealed.

Part 43. Upon proof of payment of the $100 fee for filing a notice of intent to make application under s. 81-126-5, repealed in Part 2, a credit of $50 shall be allowed toward payment of one application fee for a public passenger vehicle permit for a taxicab or limousine if application is made on or before December 31, 2014.

Part 44. Wherever the term "handicapped" appears in the following sections of the code, the term "disabled" is substituted: 100-3-7, 100-51-4-0, 100-51.5-4-c, 100-53-5, and 100-54-1.

Part 45. Wherever the term "handicapped-elderly liveries" or "handicapped-elderly vehicle" appears in the following sections of the code, the term "human service vehicle" is substituted: 100-3-7, 100-3-9.5-a, 100-50-3-d, 100-50-11-b-2, 100-50-11-d, 100-50-12-b-2, 100-51-5-a, 100-52-5, and 100-54-2-e.

Part 46. Wherever the term "luxury" appears in the following sections of the code, the term is deleted: 100-50-11-d, 100-50-12-b-2, 100-51-5-a, 100-51-8-a, 100-51.5-1-f, 100-52-5, and 100-59-1-a.

Part 47. CROSS REFERENCE CHANGES. The sections in Column A are amended by changing the cross reference listed in Column B to the cross reference listed in Column C.

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Part 48. This ordinance takes effect.

APPROVED AS TO FORM

____________________________
Legislative Reference Bureau
Date: ______________________

____________________________
Office of the City Attorney
Date: ______________________

Richard L. Withers
6/3/2014

Richard Pfaff
6/9/2014