

Mossotti, Chair
Scutchfield, Vice Chair
Kay
Stinnett
Akers
Gibbs
Lamb
Farmer
Bledsoe
Henson

A G E N D A

Planning & Public Safety Committee

December 8, 2015

1:00 P.M.

1. **November 10, 2015 Committee Summary** (1 - 5)
2. **Community & Market Gardens – Kay** (6 - 11)
3. **Taxicab Ordinance – Henson** (12 - 53)
4. **Frequency of Helicopter Landings– Hensley** (54)
5. **Items Referred** (55)

"Planning and public safety committee, to which shall be referred matters relating to the division of planning and including, but not limited to, matters relating to housing, infill and redevelopment, purchase of development rights and historic preservation, and any related partner agencies and to which shall be referred matters relating to the department of public safety and its related divisions."

- Council Rules & Procedures, Section 2.102 (1) Effective January 1, 2015. Adopted by Urban County Council September 25, 2014



Planning & Public Safety Committee

November 10, 2015

Summary and Motions

Chair Mossotti called the meeting to order at 1:00 p.m. Committee Members Akers, Bledsoe, Farmer, Gibbs, Henson, Kay, Lamb, Mossotti, Scutchfield and Stinnett were present. Council Members F. Brown and Hensley were also in attendance.

I. October 13, 2015 Committee Summary

A motion was made by Kay to approve the October 13, 2015 Planning and Public Safety Committee summary, seconded by Henson. The motion passed without dissent.

II. Taxi Cab Ordinance

Henson gave a brief history of the item. Glenda George, a representative from Law, spoke about the proposed ordinance.

Stinnett inquired if Council could create a more stringent ordinance with greater regulations than the State. George stated they met with representatives from the Transportation Cabinet and were advised not to do that. Stinnett stated he would like more information about their recommendation. George stated they could create legislation that is consistent with the State but noted they would not have authority to regulate transportation network companies (TNC). There was further discussion about the current state-level annual registration requirements for both types of companies.

Lamb inquired if they have calculated the effect on the City's revenue. Rusty Cook, from Revenue, stated they would stand to lose a \$25 fee, but that each driver would still need to register as an independent contractor, as they do now, but other fees associated with this would be affected. Lamb stated she would like to see these numbers and Cook stated he will provide this information. Lamb inquired if they have received lists of drivers from the State. Rick Curtis, from Public Safety, stated they have the name of the company itself and their drivers but no contact information is provided. George stated the state statute does not require local governments to receive any information about TNC companies because they are not regulated locally. Lamb inquired of Curtis how much revenue is received from these companies and he stated it is just over \$30,000 a year. Curtis noted they would lose a portion of this money, which he estimated to be about a \$20,000 loss of revenue.

Bledsoe asked if the \$250 application fee is for both TNC and cab companies and if it is a one-time cost per company or per car. George stated it is for both types of companies and that they pay \$250 annually and then \$30 per car. Bledsoe inquired if the \$100 business fee is collected for every car regardless of who they work for. Jeff Lewis, a representative from Revenue,

stated this is an annual fee for every car and each individual. Bledsoe inquired if they would still receive the 2.5% net profit and Lewis replied they would. Lewis confirmed that drivers are independent, self-employed contractors.

In response to a question from Henson, George stated TNC companies would not be exempt from a \$100 license fee and affirmed that without a list of drivers their contact information it is difficult to enforce.

Mossotti stated she feels the biggest challenge is in the enforcement of these fees. There was public comment.

Bledsoe asked for clarification about rates. George stated they have never regulated the amount but do request rates for informational purposes. George stated there are annual inspections that must be provided to the State that would keep older, unsafe cars off the road.

Akers stated she would like to see more research of how other cities regulate taxis.

Stinnett inquired if the City checked to ensure TNC companies are paying their payroll and net profit taxes. Cook stated they are not able to search for individual driver compliance. In response to a question from Stinnett, George affirmed that the current taxi cab ordinance is repealed the City would not have access to a list of taxi cab drivers.

Hensley stated he would be supportive of removing all regulations from the taxi cab companies.

Kay inquired about how enforcement and Cook stated they search for unregistered businesses and they also receive tips.

Lamb noted sub-section 17 which covers rates of fare and stated it seems to say they do have oversight of taxi cab rates. George stated the ordinance does not set the rate, but requires companies to notify the city of their rates. Lamb stated she feels some of the provisions in the ordinance are important to monitor taxi cabs.

Akers inquired if Yellow Cab issues 1099 tax forms to their drivers. Cook stated he does not believe that they do and that the City receives their tax returns. Akers stated she would like to see the item remain in committee and to return with more research.

Bledsoe inquired if action needed to be taken today. George stated if they do nothing they will run into an issue on January 1st 2016, because the ordinance still requires that companies have a local taxi cab permit and pay a fee that the City no longer has the authority to charge per the new state statute.

Henson stated they can take this issue up again in December and that she feels it is critical that they take action on this before January. George inquired if the Council would consider passing a Resolution that would allow Law to suspend enforcement of Chapter 18a until they get the

issue worked out. George noted that if the committee comes back in December it would not allow enough time before the tax in January. There was further discussion about the next course of action.

In response to a question from Scutchfield, George stated the new statue was passed on June 24th. Scutchfield stated she feels there are parts of the Ordinance that are beneficial to Lexington and she is not supportive of repealing the entire thing. There was discussion about the history of the ordinance.

Kay clarified his motion and stated that any regulation of taxi companies would make them unequal.

Stinnett stated his agreement with Lamb and that he would like to see this remain in committee and draft an ordinance that would benefit Lexington.

A motion was made by Akers to leave the Taxi Cab Ordinance in committee, seconded by Lamb. The motion was withdrawn.

A motion was made by Henson to repeal Section 18a of the Code of Ordinances related to vehicles for hire, seconded by Akers. The motion tied. (Aye: Akers, Bledsoe, Gibbs, Henson, Kay Nay: Farmer, Lamb, Mossotti, Scutchfield, Stinnett)

A motion was made by Kay to approve suspending the enforcement of Section 18a of the Code of Ordinances until the ordinance is updated, seconded by Henson. The motion passed without dissent.

A motion was made by Henson to approve the chair reporting out this item at today's Work Session, seconded by Kay. The motion passed without dissent.

III. Snow Removal on Sidewalks

Gibbs provided an introduction of the item and stated he hopes to bring a proposal forth at the next Committee meeting. There was no discussion on the item.

IV. Body Cameras

Chief Holman, a representative from Police, gave a presentation of the item.

Bledsoe inquired if the proposal factors in the cost of data storage and Holman provided that information. In response to a comment from Bledsoe about the lack of Wi-Fi in officer's vehicles, he stated they are working toward this goal.

Stinnett stated he feels body cameras are an important step towards officer and citizen safety and inquired about officer training. Holman stated subject matter experts will be taught by the vendor to internal trainers, who will administer the training to officers. In response to Stinnett,

Holman stated they are developing internal policies with input from community stake holders. Stinnett inquired if this will have any impact on their collective bargaining agreement, which Holman affirmed that it probably will. Holman stated they hope to have cameras on officers before FY 2017.

Scutchfield stated there are still a lot of unanswered questions and noted her concern for extra jobs that would be created, via open records requests and potential prosecution. She inquired if they have an idea of what those costs will be. Holman stated they will sit down with Commissioner Bastin and the Mayor to discuss staffing needs, but they do not have that at this time.

Lamb inquired if the video would be referred to as evidence at all times? Holman stated there would be evidence and non-evidence that would fall within state retention guides for normal evidence. He noted this is an ongoing conversation. Lamb inquired about oversight for technology problems. Holman stated they anticipate having at least one Administrator. He stated the RFP request will place a large part of the burden for technological support on the vendor.

Lamb inquired how many officers are on duty at a time, and Holman stated they want to put the cameras on uniformed officers including Bureau of Patrol and Bureau of Special Operations and gave estimates of those divisions.

In response to a question from Akers, Holman stated the committee has been meeting for about 6 months. There was further discussion about fiber cable. Akers inquired how often officers will have their cameras turned on, and Holman stated they have determined that cameras will be on during all "law enforcement contact" which includes traffic stops, helping motorists or taking reports and will turn off their cameras at the end of the contact. He further stated they would be saved for 30 days if the event is tagged as a "record".

Hensley noted the estimated cost for the data storage is very high by industry standards, and stated he would like to see these numbers dug into during the RFP process. He further stated that fiber cable may be unnecessary if each officer has two cameras and one is being docked while the other is uploading. Hensley noted he does not want to see the push for fiber delay the process. Holman stated fiber is something that would make things more efficient down the road. Hensley stated they may be able to change to a symmetrical circuit through Time Warner, their current provider, and get the same results as fiber without the added cost.

Mossotti inquired if detectives will be wearing the cameras. Holman stated they will need to make that decision in the future and that they have not yet settled on that.

V. Items Referred

A motion was made by Kevin Stinnett to adjourn, seconded by Jennifer Scutchfield. The motion passed without dissent.

The meeting was adjourned at 2:50 p.m.

D.S. 11.10.2015

Community Gardens Legislation for Lexington-Fayette County

Proposed Regulatory Framework

❖ **Private and Community Gardens** – Specifically defined and permitted in ALL locations within Lexington-Fayette County via a Code of Ordinance addition.

Proposed definitions:

***PRIVATE GARDEN** – An area of land used for the cultivation of food and/or non-food crops for personal use and consumption. Private gardens are an accessory use.

***COMMUNITY GARDEN** – An area of land less than 5 continuous acres in size used for the cultivation of food and/or non-food crops by a group of individuals for their personal or group use, consumption, donation or off-site sales. The land may be divided into individual plots available for cultivation, and may include common areas maintained and used by group members. The garden may be located on the ground, in raised beds or on rooftops. Community gardens may be a principal or an accessory use.

❖ **Market Gardens** – Specifically defined to permit on-site sales in some locations within Lexington-Fayette County via a Zoning Ordinance text amendment (ZOTA).

Proposed definition:

***MARKET GARDEN** – An area of land less than 5 continuous acres in size for the cultivation of food and/or non-food crops by an individual or a group of individuals to be sold on-site or off-site for profit. Such a garden may be located on the ground, in raised beds, or on rooftops; and may utilize greenhouses, hoop houses, high tunnels, vertical gardens, hydroponic systems or aquaponic systems alone or in combination with other techniques for growing food or non-food crops.

Proposed land use regulations in the Zoning Ordinance for Market Gardens

(This table compares market gardens to currently regulated other urban agriculture and sales of agricultural products)

Land Use	A-R	A-B	A-N	A-U	R-1, R-2 & EAR	R-3 & R-4	R-5	P-1	B-1 & CC	B-2, B-2A & B-2B	B-3	B-4	B-5P	B-6P	I-1 & ED	I-2	P-2	ARP & FP
Private Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Market Garden	X	X	X	X	C	C	C	X	P	P	C	C	C	P	C	C	P	P
Roadside Stand	A	A	A	A	X	X	X	X					P					
Value-Added Product Sales	A	A	A	A	X	X	X	X	P	P	P		P	P				P
Farm Market, Commercial	X	X	X	X	X	X	X	X	P	P	P	X	X	P	X	X	X	P
Agricultural Market	C	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

Legend: P = Principle Use, A = Accessory Use, C = Conditional Use, X = Prohibited

Photo credit: Soil Science Society of America and American Community Garden Association

Community Garden

Proposed Code of Ordinance change

May 28, 2015

Chapter 10: Food and Drugs

Article 1. In General

Sec. 10-14.1 Gardens

- (a) The primary purpose of private, community, and market gardens is to promote sustainable and affordable local food production for local consumption.
- (b) Private and community gardens, as defined herein (d), shall be permitted on any parcel of land in Fayette County, but shall comply with any and all regulations included herein and those established by other Federal, state or local agencies, such as the Kentucky Department of Public Health, Lexington-Fayette County Board of Health, and/or the Kentucky Department of Agriculture.
- (c) Market gardens, which may include on-site and/or off-site sales, and/or distribution of food crops and horticultural (non-food crops) products, shall be regulated through the LFUCG Zoning Ordinance.
- (d) As used in this article, gardens shall be defined as follows:
 - 1) Private Garden – an area of land used for the cultivation of food and/or non-food crops for personal use and consumption. Private gardens are an accessory use.
 - 2) Community Garden – an area of land less than five (5) continuous acres in size used for the cultivation of food and/or non-food crops by a group of individuals for their personal or group use, consumption, donation or off-site sales. The land may be divided into individual plots available for cultivation, and may include common areas maintained and used by group members. The garden may be located on the ground, in raised beds or on rooftops. Community gardens may be a principal or an accessory use.
- (e) Community Gardens must comply with the following regulations:
 - 1) On-site retail sales are prohibited.
 - 2) Identification and contact information shall be posted on the site with a clearly visible, non-illuminated sign that includes the name and contact information of the garden manager. The sign may also include the garden's rules of use. The sign shall have a maximum size of ten (10) square feet, and a maximum height of six (6) feet. The sign shall be located within five (5) feet of the right-of-way, but not be located within sight-distance triangles.
 - 3) Hours of operation shall be limited to sunrise until ½ hour after sunset daily.
 - 4) Accessory structures maintained and used by the group are permitted. The combined areas of all buildings or structures shall not exceed 15 percent (15%) of the site area. Such structures may include:
 - i. Storage shed, limited to one shed no more than 120 square feet in size
 - ii. Cold frames and hoop houses, each one limited to three feet in width and three feet in height
 - iii. Raised and/or accessible planting beds (no railroad ties are permitted)
 - iv. Compost or waste bins
 - v. Fences
 - vi. Shade pavilion and trellises
 - vii. Signs and kiosks
 - viii. Benches, picnic tables and bike racks
 - ix. Garden art
 - x. Rain barrel system, (including mosquito control measures).

- 5) The garden and accessory structures shall comply with applicable side and rear setbacks per the LFUCG Zoning Ordinance. The following accessory structures shall not extend into the front yard beyond the front yard setback:
 - i. Storage shed
 - ii. Cold frames and hoop houses
- 6) The site must be designed and maintained so that water, chemicals or waste will not drain onto adjacent property, and measures are taken to control soil erosion.
- 7) No garden shall be allowed in a FEMA floodway; however, a garden may be requested in the remainder of the 100 year floodplain. A special permit use shall be required from the Division of Engineering as regulated by Article 19-8 of the Zoning Ordinance, which will factor in slope, and/or existing vegetation. If the garden is approved, items that could be transported away by water shall not be left on-site.
- 8) The parcel shall be maintained in an orderly manner throughout the year. Storage tools and supplies shall be indoors or removed daily from the site when unattended. The site must be maintain free of high weeds, grass and litter in compliance with Chapter 12 – Housing, Section 12-1 through 12-6 relating to property maintenance in the Code of Ordinance. The parcel shall be winterized, such as cleaning the site, and cutting, composting or removing stalks after harvesting.
- 9) Compost must be stored in an enclosed container.
- 10) Compost and waste bins shall be screened from adjacent properties through landscaping, fencing or location within a structure. They shall be maintained so as they do not attract insects, vermin, animals or create a nuisance; and, they shall be in compliance with Chapter 16, Section 16-10 of the Code of Ordinance.
- 11) Any chemical and fuels shall be stored off-site or in an enclosed, locked structure when the site is unattended.
- 12) No use shall emit an odor that creates a nuisance in compliance
- 13) Keeping of livestock is prohibited. Keeping of fowl shall only be permitted when a community garden is located on the same parcel of land as a dwelling unit or where the community garden is managed on a daily basis by a non-profit organization.
- 14) Mechanized equipment shall be those designed for household use, and shall comply with Chapter 14 – Offenses and Miscellaneous, Section 14-70 through 14-80 in regards to noise.
- 15) Fencing shall be compatible in appearance and placement with the character of nearby properties, and shall follow Article 15-4 of the Zoning Ordinance.

Market Garden

Proposed Zoning Ordinance changes

May 28, 2015

Article 1-11 Definitions

Add the following two definitions:

AGRICULTURAL USE, URBAN - The use of a lot or a portion of a lot within the Urban Services Area that is used for a private garden or five (5) acres or less for a community garden as regulated further in the Code of Ordinance.

MARKET GARDEN – An area of land less than five (5) continuous acres in size for the cultivation of food and/or non-food crops by an individual or a group of individuals to be sold on-site or off-site for profit. Such a garden may be located on the ground, in raised beds, or on rooftops; and may utilize greenhouses, hoop houses, high tunnels, vertical gardens, hydroponic systems or aquaponic systems alone or in combination with other techniques for growing food or non-food crops.

Article 8 Schedule of Zones and Article 23 Expansion Area Zones

Insert the use “Market Garden” in the following locations by zone:

Principal Permitted Use:

- Neighborhood Business (B-1) zone
- Community Center (CC) zone
- Planned Shopping Center (B-6P) zone
- Office Research Office Park (P-2) zone, restricted to the retail area
- Adaptive Reuse Projects (ARP) and Flex Space Projects (FP) within the B-4 and I-1 zones

Conditional Use:

- Single Family Residential (R-1A, R-1B, R-1C, R-1D, R-1E) zones
- Townhouse Residential (R-1T) zone
- Two Family Residential (R-2) zone
- Planned Neighborhood Residential (R-3) zone
- High Density Apartment (R-4) zone
- High Rise Apartment (R-5) zone
- Highway Service Business (B-3) zone
- Wholesale and Warehouse Business (B-4) zone
- Interchange Service Business (B-5P) zone
- Light Industrial (I-1) zone
- Heavy Industrial (I-2) zone

Prohibited Use:

- Agricultural (A-R, A-B, A-N and A-U) zones
- Professional Office (P-1) zone

Article 3 General Provisions

Add text related to “Urban Agricultural Use” exemptions for private and community gardens.

3-4 AGRICULTURAL LAND USE EXEMPTIONS - Notwithstanding any other provision of this Zoning Ordinance, land which is used solely for agricultural use as defined herein, shall have no regulations imposed as to

building permits, certificates of occupancy, height, yard, or location requirements for agricultural buildings, except that a setback line of thirty feet shall be required for agricultural buildings for the protection of existing and proposed streets and highways; and that all buildings or structures in a designated floodway or floodplain, or which tend to increase flood heights or obstruct the flow of flood waters, may be fully regulated. Any parcel of land used for an urban agricultural use within the Urban Services Area, as defined herein, shall also be exempt from use restrictions listed in each zone, but structures associated with such uses shall be subject to building permit, zoning setback, floodplain setback and certificate of occupancy requirements contained herein and with restrictions set forth in the Code of Ordinance.

Article 17 Signage

No change is suggested. Article 17-7 permits an identification sign or business sign appropriate to the zone in which a "Market Garden" is located.

CREATING JOBS AND PROSPERITY

Rural Tourism

The premise for rural tourism is to offer an activity, event, product, or experience that attracts visitors and has a direct tie to the land. Rural tourism adds value to traditional rural income and helps preserve the agricultural industry and culture. Opportunities for agri/eco/cultural tourism are broad. They can range from low-impact nature walks, to horse farm tours, to seasonal harvest events. Successful ventures often have educational activities, with some tying into the public school curriculum for hands-on teaching opportunities.

The specific definition and permitted activities are locally driven, so they vary significantly between communities. Fayette County should tailor its definition and regulations to meet the objective of rural tourism without negatively affecting natural resources, landscapes, and farm operations. A community-wide task force through the Vice-Mayor's office began meeting in 2012 to consider tourism and recreational uses. Their tasks included developing definitions and recommending land uses for enterprises that complement working and sensitive rural land.

Recommendations for new policies and strategies

- ♦ Focus on growing economic sectors, such as science and technology, agriculture, and tourism.
- ♦ Analyze the cost of land as a factor in economic development, including supply, infrastructure, and Expansion Area Exactions.
- ♦ Identify and analyze the potential of underutilized jobs land.
- ♦ Continue to evaluate and modify the zoning map and text to enable job development opportunities.
- ♦ Enable entertainment and experiential opportunities that attract and retain a talented workforce.
- ♦ Monitor and analyze the impact of the increase in suburban poverty.
- ♦ Explore opportunities to expand a fiber optic network to offer greater bandwidth for public safety, research, and businesses.
- ♦ Expand quality internet and computer access to underserved households.
- ♦ Seek partnerships that lead to improved jobs infrastructure.
- ♦ Support efforts at the State level to promote and protect the equine industry.
- ♦ Conduct a comprehensive assessment of the existing food system to set goals and develop strategies.
- ♦ Explicitly permit community gardens in the zoning text.





Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Gray
Mayor

Janet M. Graham
Commissioner

TO: Members, Planning and Public Safety Committee
FROM: Department of Law
DATE: December 2, 2015
RE: Taxicab Ordinance

As you may recall, when this issue was brought before the Planning and Public Safety Committee in 2014, the Committee decided that transportation network companies/ride sharing companies and taxicab companies should be regulated equally. The Department of Law was asked to revise the taxicab ordinance to include regulation of transportation network companies. The Department of Law prepared the amendments which were eventually placed on the docket for approval by the Urban County Council. Prior to second reading of the ordinance, Councilmember Lamb made a successful motion that the ordinance be tabled until the State legislature made a decision on SB 153, which, if passed, would potentially affect our local taxicab ordinance. SB 153 passed in March 2015 and the new law took effect on June 24, 2015. Based on the changes in the law, in August 2015 the Department of Law requested that the ordinance be placed back into the Planning and Public Safety Committee for further discussion.

Most importantly to the Urban County Government, the revisions to the state statute **repealed KRS 281.910 which gave Louisville and Lexington local authority to solely regulate taxicabs.** This **repealed** section stated as follows:

- (1) As used in this section, "local government" means the governing body of:
 - (a) A consolidated local government organized under KRS Chapter 67C;
or
 - (b) An urban-county government organized under KRS Chapter 67A.
- (2) Notwithstanding any other provision of this chapter, a local government that complies with the requirements of this section may be granted authority over the regulation of taxicabs in that local government's jurisdiction.

- (3) A local government that desires to regulate taxicab service within its jurisdiction shall:
 - (a) Adopt a resolution by October 1 of any given year expressing its intent to exercise regulatory authority over taxicabs and requesting that the Transportation Cabinet grant the local government regulatory authority over taxicabs; and
 - (b) Enact an ordinance by January 1 of the following year pursuant to subsection (4) of this section and submit it to the cabinet for approval pursuant to subsection (5) of this section.
- (4) A local government that desires to regulate taxicab service within its jurisdiction shall adopt an ordinance regarding the regulation of taxicabs which addresses the following areas of public comfort, safety, and convenience:
 - (a) A local taxicab permit system to ensure the safety and road worthiness of each taxicab as outlined in KRS 281.912, including inspection requirements, out-of-service criteria, and penalties for submitting fraudulent service records. All taxicabs operated under this section shall be required to be registered and display registration plates under the provisions of KRS Chapters 186 and 186A;
 - (b) A local taxicab driver permit system to ensure the fitness of drivers, including criminal background checks, display of permits, and revocation or suspension of local driver permits. All drivers of taxicabs operated under this section shall be required to possess a motor vehicle operator's license under the provisions of KRS Chapter 186;
 - (c) Rates and fares, and receipts therefor;
 - (d) Procedures for considering applications from a permit holder to change the number of taxicabs that a taxi permit holder has in operation;
 - (e) Procedures for the sale, transfer, and leasing of taxicab permits;
 - (f) Routes and areas of service, including changes of route or abandonment of service areas;
 - (g) Dispatching of taxicabs;
 - (h) Bonding and liability insurance requirements which shall not be less than those requirements in KRS 281.655(4);

- (i) Handling of claims for loss, damage, or injury;
 - (j) Fees to be paid by taxicab permit holders;
 - (k) Record keeping required by permit holders and drivers, including trip records;
 - (l) Hearing and appeals processes;
 - (m) Taxicab permit renewal procedures;
 - (n) Competition in the market; and
 - (o) Penalties for the operation of unlicensed taxicabs, and for any other violations.
- (5) Before granting a local government's request to regulate taxicab service, the cabinet shall review the ordinance passed by the local government and determine that the required elements of subsection (4) of this section are properly addressed. If the cabinet determines that the ordinance meets the requirements of subsection (4) of this section, the cabinet shall grant regulatory authority over taxicab service in that jurisdiction to the local government.
- (6) If, at any time, the cabinet determines that a local government granted regulatory control over taxicab service under this section is not providing adequate control over that service, the cabinet may revoke the regulatory authority it granted to the local government under this section.

Although our authority to regulate, as set forth above, was repealed, the General Assembly passed KRS 281.635(3) which gives us **concurrent supervisory and regulatory power** along with the state over taxicabs, limousines and disabled vehicles. The statute states that we have the authority to enforce all ordinances or regulations pertaining to the operation of taxicabs, limousines and disabled vehicles but any interested party may appeal to the department from any action, finding or order of any city within 30 days after entry of the action, finding or order and a hearing will be held.

In addition to the concurrent supervisory and regulatory power, the General Assembly enacted KRS 281.635(4) which gives us the concurrent power to prescribe the qualifications with respect to the health, vision, sobriety, intelligence, ability, moral character, and experience of the drivers of taxicabs, limousines, or disabled persons...and may issue permits for qualified drivers.

Because the Government has no authority to regulate transportation network companies and keeping in mind this Committee's desire to treat both transportation network companies and

taxicab companies equally, at the November Planning and Public Safety Committee meeting, this Department recommended that we repeal our taxicab ordinance and allow both types of companies to be regulated solely by the state. However, it appears that some members of the Committee would like to regulate taxicabs while some members are in favor of state regulation only.

The Committee decided that this issue would be discussed again at the December meeting. The Department in conjunction with the Department of Public Safety requested that we suspend enforcement of Sections 18A-3, 18A-4 and 18A-6 of the taxicab ordinance until this issue is resolved. All other sections of the taxicab ordinance are still in effect and enforceable. These three sections state as follows:

Sec. 18A-3. - Local taxicab permit required.

No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire on the streets of the urban county without having first obtained a local taxicab permit from the department of public safety. The chief of police or his designee shall, upon consideration of an application for a local taxicab permit, approve or reject the application. If the application is rejected, the chief or his designee shall state his reasons in writing. The applicant may request a hearing before the commissioner of public safety or his designee to offer evidence why his application should be reconsidered.

All persons previously issued a certificate of public convenience and necessity from the Transportation Cabinet, Commonwealth of Kentucky to operate a taxicab business in the urban county shall automatically be issued a local taxicab permit for the number of vehicles in effect on the date the urban county government is granted regulatory authority from the Transportation Cabinet, Commonwealth of Kentucky. No local taxicab permit shall be issued if the vehicles do not meet the safety requirements set forth in this chapter. All persons applying for or renewing a local taxicab permit shall have a minimum of twenty-five (25) taxicabs in their fleet before a local taxicab permit shall be issued unless the applicant was previously issued a certificate of public convenience and necessity from the Transportation Cabinet, Commonwealth of Kentucky, for a fleet of less than the minimum requirement for this chapter. Upon addition or removal of vehicles, the manager/owner of each company shall also report the changes to the public safety commissioner or his designee.

Local taxicab permits shall be renewed annually each fiscal year, effective July 1, 2012.

Local taxicab permits shall not be sold, transferred or leased without the written authorization of the commissioner of public safety or his designee. All persons desiring to obtain a local taxicab permit by sale, transfer or lease shall comply with the provisions of this chapter.

Out of county taxicabs shall be permitted to deliver passengers to a destination in Fayette County and transport the passengers back to their original starting point without a local taxicab permit. Out of county taxicabs shall be prohibited from accepting fares which originate within the boundaries of Fayette County.

Privately owned businesses may establish a trolley or shuttle service within their parking lots to transport their customers without a local taxicab permit. The trolley or shuttle service shall be limited to the privately owned businesses parking lots and shall not be allowed on the public right-of-way except to cross the public right-of-way in order to access additional established parking lots within a one-mile radius of each other.

Prior to operating a trolley or shuttle service, written notification shall be submitted to the department of public safety requesting permission to operate the service, listing the location and route of the service, hours of operation and the fee to be charged, if any. The written request to operate the service shall be made annually.

Sec. 18A-4. - Application and renewal for a local taxicab permit.

Prior to receiving or renewing a local taxicab permit, a holder or applicant shall file with the commissioner of public safety or his designee, upon forms provided by the urban county government, the following information:

- (1) The name and address of the holder.
- (2) The experience of the holder in the transportation of passengers.
- (3) The number of vehicles operated or controlled by the holder and the location of terminals.
- (4) The color scheme and insignia used to designate the vehicle or vehicles of the holder.
- (5) Procedures for handling claims for loss, damage or injury.
- (6) Proof of liability insurance or indemnity bond as required by section 18A-5.
- (7) A current list containing the name, address, age, and operator's license number of each taxicab driver who is employed by or a lessee of the holder. Any change in the list of drivers shall be updated monthly and provided to the commissioner of public safety or his designee.

- (8) Such further information as the commissioner of public safety or his designee may require.

Sec. 18A-6. - Local taxicab permit fees.

The holder of a local taxicab permit shall pay an annual permit fee of one hundred twenty dollars (\$120.00) for each vehicle operated under a local taxicab permit.

It was recommended that enforcement of these three sections because they directly relate to the section of the state statute that was repealed.

At the December meeting, the Planning and Public Safety Committee must decide whether it wants to recommend that the taxicab ordinance be repealed and allow taxicabs to be regulated solely by the state or to amend Chapter 18A and continue regulating taxicab companies and drivers.

There has been some question concerning what the state requires in order for a taxicab company to receive a permit and operate in the State of Kentucky. Attached as Exhibit 1 is a copy of the state application for taxicab companies. As stated in this Department's November 4, 2015 memorandum, the application requires the following:

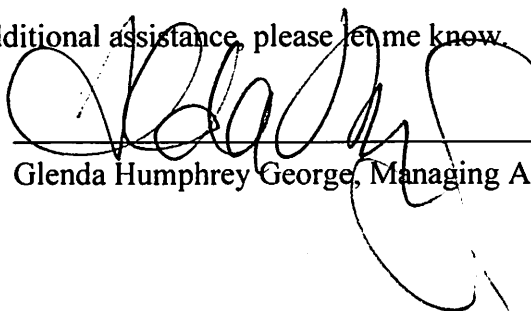
- (1) Application fee of \$250.00;
- (2) Obtain approval/license to operate vehicles and pay \$30 fee for each vehicle. Applicant must also provide unit number, vehicle identification number, make, model, year, plate state, plate number, and seating capacity;
- (3) Register business or business name, if applicable;
- (4) Provide proof of commercial insurance (with the following minimum amounts of insurance for each vehicle: \$100,000 for death and personal injury; \$300,000 in total liability for death or injury to any person; and \$50,000 property damage); and
- (5) Provide proof of vehicle inspection by an ASE certified automotive service technician;
- (6) Obtain a nationwide criminal background check for each owner, official, employee, independent contractor, or agent operating a passenger vehicle. Criminal background checks must be retained for three years. Certificate holders are restricted from employing Class A and B felons, sex offenders, those convicted of leaving the scene of an accident, and anyone committing a felony while operating a motor vehicle or anyone

who has caused a fatality while negligently operating a motor vehicle

Please note that except for the insurance requirements, the application for Transportation Network Companies is similar. A copy of the application is attached at Exhibit 2.

If a decision is made to regulate taxicabs, attached as Exhibit 3 is a copy of Chapter 18A with suggested/recommended changes. If these changes are made, then our ordinance will be in compliance with KRS Chapter 281.

If you have any questions or need additional assistance, please let me know.



Glenda Humphrey George, Managing Attorney



Kentucky Transportation Cabinet
Department of Vehicle Regulation
Division of Motor Carriers
Taxicab Authority Application

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MAIL TO: PO BOX 2007, Frankfort, KY 40602-2007 Phone: (502) 564-1257 Fax: (502) 564-4138
Walk-ins: 8:00 am – 4:00 pm EST
<http://transportation.ky.gov/motor-carriers>

Application for

New Authority or Authority for Additional Vehicles

This form contains documents required for applications for intrastate Taxicab motor carrier authority and for applications for additional qualified vehicles under an existing authority. The following sections are contained in this application form:

Application Index

Section 1. Application Instructions	Pages 2-4
Section 2. Authority Application	Page 5
Section 3. Certificate of Assumed Name for Sole Proprietor Only (Complete, record, and return only if the applicant is a sole proprietor)	Page 6
Section 4. Vehicle Inspection	Page 7
Section 5. Vehicle Qualification	Pages 8-9

For your security, authority and vehicle credentials will be mailed by regular mail to your address on file with the Department of Vehicle Regulation unless the credential may be delivered in person to either a Sole Proprietor or an authorized officer or registered agent of the Corporation, Partnership, or Limited Liability Company listed with the Kentucky Secretary of State whose identity can be verified. You may request overnight or other expedited mail delivery by submitting a prepaid envelope addressed to the mailing address on file for the carrier.





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Department of Vehicle Regulation
Division of Motor Carriers
Taxicab Authority Application

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Section 1. Application Instructions

To Apply for Taxicab Authority

Taxicab means a motor vehicle operating under a taxicab certificate that is designed or constructed with not more than eight (8) regular seats and may be equipped with a taximeter.

You are required to follow these instructions to complete and mail or deliver this application form including the [Authority Application](#) (Section 2) and enclose the required fees to the Transportation Cabinet, Department of Vehicle Regulation, Division of Motor Carriers, Qualifications and Permits Branch, at 200 Mero Street, Frankfort, KY 40622. Your application may be returned for the correction of any deficiencies.

Enclose a Check or Money Order

You must enclose one check or money order made payable to the "Kentucky State Treasurer" in the amount of the \$250 application fee plus the per qualified vehicle fee of \$30 prorated for the month the vehicle is first authorized for service (See chart in Section 5, page 8). $(\$250 \text{ application fee}) + (\text{number of vehicles } \underline{\hspace{1cm}} \times \text{per vehicle fee of } \$30 \text{ prorated for the month of service } \$\underline{\hspace{1cm}}) = \text{total fees } \$\underline{\hspace{1cm}}$.

Register your Business or Business Name

Business Organizations Must Register with the Kentucky Secretary of State

If you are a business organization that is required to be registered with the Kentucky Secretary of State in order to do business in Kentucky, you shall complete your registration as a domestic or foreign business organization prior to submitting this application. If you have any questions regarding the registration process please contact your attorney or the office of the Kentucky Secretary of State.

Sole Proprietors Must File a Certificate of Assumed Name with the County Clerk

If you are operating your business as a sole proprietor you are not required to and may not register your business name directly with the Kentucky Secretary of State, but you are required to file a certificate of assumed name with the county clerk where you maintain your principal place of business. Complete and record the enclosed [Certificate of Assumed Name for Sole Proprietor](#) (Section 3) then enclose the recorded copy with this application.



Kentucky Transportation Cabinet
Department of Vehicle Regulation
Division of Motor Carriers
Taxicab Authority Application

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Section 1. Application Instructions

Commercial Insurance

You are required to have an insurance carrier authorized to transact business in Kentucky file a [Form E, Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance](#) directly with the Division of Motor Carriers prior to submitting this application. The [Form E](#) must be an original and may only be filed by your insurance carrier by mail directly to the Division of Motor Carriers or through the [Motor Carrier Information Exchange \(NOR\)](#) website. Faxed copies shall not be accepted. If you have questions regarding how to submit the form please contact your insurance company.

The minimum amount of liability insurance for a passenger vehicle with [7 regular seats or less](#) shall be one hundred thousand dollars (\$100,000) for death and personal injury to one (1) person, three hundred thousand dollars (\$300,000) for death and personal injury resulting from one (1) incident, and fifty thousand dollars (\$50,000) for property damage. The minimum amount of liability insurance for a passenger vehicle with [8 regular seats or more](#) shall be one hundred thousand dollars (\$100,000) for death and personal injury to one (1) person, six hundred thousand dollars (\$600,000) for death and personal injury resulting from one (1) incident, and fifty thousand dollars (\$50,000) for property damage.

Qualification of Vehicles

You are required to initially qualify at least one Taxicab vehicle with the Division of Motor Carriers in connection with this application. You must qualify each vehicle to be operated pursuant to a grant of authority before it may be lawfully operated under that authority. You must complete and submit the enclosed [Vehicle Qualification](#) form (Section 5) listing required information for each vehicle to be qualified. You may make additional copies of the blank form on page 9 and submit as many completed qualification forms as may be necessary to list each vehicle you intend to qualify. You may qualify additional vehicles under an existing authority at any time by completing and resubmitting this application form for an amendment to an existing authority. See page 4 for additional qualification information of additional vehicles under an existing authority.

Inspection of Vehicles

You must have an automotive service technician certified by the National Institute for Automotive Service Excellence (ASE) to annually inspect each vehicle to be qualified and complete the enclosed [Vehicle Inspection](#) form (Section 4) annually for each vehicle. Do not include a copy of a completed vehicle inspection form with this application or otherwise submit a vehicle inspection form to the department. You are required to maintain each vehicle inspection form in your records for three years from the date of inspection.



Kentucky Transportation Cabinet
Department of Vehicle Regulation
Division of Motor Carriers
Taxicab Authority Application

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Section 1. Application Instructions

Criminal Background Checks

You are required to obtain a nationwide criminal background check, in compliance with KRS 281.6301, of each owner, official, employee, independent contractor, or agent operating a passenger vehicle. The background check shall be obtained and retained for a period of at least three years.

Applying to Qualify Additional Vehicles under an Existing Authority

You may use this application form to apply to qualify additional vehicles as an amendment to an existing authority. If using this application to request the authority to qualify additional vehicles and drivers you shall submit only the [Authority Application](#) (Section 2), the [Vehicle Qualification](#) form (Section 5), listing information for each additional vehicle, and enclose a check or money order made payable to the "Kentucky State Treasurer" in an amount equal to the prorated \$30 per qualified vehicle fee (See chart in Section 5, page 8). The \$250 application fee is not required to apply for additional vehicles.

Authority and Qualified Vehicle Credentials

For your security, if the Department of Vehicle Regulation approves your application for new authority or for additional qualified vehicles, the authority and vehicle credentials issued by the department will be mailed by first class mail to your mailing address on file with the department. Alternatively, the credentials may be delivered in person to either a Sole Proprietor or an authorized officer or registered agent of the Corporation, Partnership, or Limited Liability Company listed with the Kentucky Secretary of State whose identity can be verified. You may request overnight or other expedited mail delivery by submitting with this application a corresponding prepaid envelope addressed to your mailing address on file.

Application Process Assistance

If you have questions about this application form or the application process, please contact the Department of Vehicle Regulation, Division of Motor Carriers, Qualifications and Permits Branch, by phone at (502) 564-1257 or by email at kytc.passhghg@ky.gov.



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Division of Motor Carriers
Taxicab Authority Application

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Section 2. Authority Application

New Authority ☐

Or Additional Vehicles ☐

Docket No.

Company No.

Certificate No.

*(Required by applicant for
additional vehicles)*

Legal name _____

Doing business as _____

Mailing street address _____

City _____ County _____ State _____ ZIP _____

Phone _____ Fax _____

Email address *(required)*

I, the sole proprietor, or authorized officer or registered agent on behalf of the applicant, do hereby certify the following:

Each owner, official, employee, independent contractor, or agent operating the passenger vehicle listed on the enclosed [Vehicle Qualification](#) (Section 5) form has passed the required national criminal background check, a record of which was retained by the applicant.

Each vehicle listed on the enclosed [Vehicle Qualification](#) (Section 5) form has passed the required vehicle inspection completed by an ASE certified automotive service technician. The inspection was recorded on the [Vehicle Inspection](#) form (Section 4), a copy of which was retained by the applicant.

I have read and understood the commercial insurance requirements on page 3 of the application instructions.

Signature _____ Date _____

Print name _____ Print title _____

43 Application Fee

(Department use)



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Division of Motor Carriers
Taxicab Authority Application

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Section 3. Certificate of Assumed Name for Sole Proprietor
(Complete, record, and return only if the applicant is a sole proprietor.)

If the applicant is a sole proprietor, file and record this page with the county clerk where you maintain your principal place of business and then enclose the recorded copy with this application.

Pursuant to the provisions of **KRS 365.015**, the undersigned applies to assume a name and, for that purpose, submits the following statement:

1. The assumed name is: _____
2. The legal name of the individual adopting the assumed name is: _____

3. The street address is: _____
City _____ County _____ State _____ ZIP _____

4. The mailing address is: _____
City _____ County _____ State _____ ZIP _____

I declare under penalty of perjury under the laws of Kentucky that the foregoing is true and correct.

Signature _____

Print name _____ Date _____

THIS SIGNATURE SHALL BE NOTARIZED.

STATE OF _____

COUNTY OF _____

Subscribed and sworn to before me on this the _____ day of _____ 20 ____.

Notary Public _____

My commission expires on _____.

An assumed name shall be effective for a term of five (5) years from the date of filing and may be renewed for successive terms upon filing a renewal certificate within six (6) months prior to the expiration of the term, in the same manner of filing the original certificate of assumed name.



Kentucky Transportation Cabinet
Department of Vehicle Regulation
Division of Motor Carriers
Taxicab Authority Application

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Section 4. Vehicle Inspection

Each taxicab vehicle shall be inspected annually by an ASE certified automotive service technician who shall approve it for service. Have the service technician complete this inspection form annually. Maintain a copy for three years from the date of inspection for each vehicle that passed inspection and has been qualified.

Date of Inspection		Odometer		Model Year		Make	
Vehicle Type:	☐ Sedan	☐ Limousine	☐ Minivan	☐ Van	☐ Other	Model	
License Plate No.		VIN				Authority No.	

(Department use)

	Pass	Fail		Pass	Fail		Pass	Fail
LIGHTS			SAFETY BELTS			TIRES		
Headlights	☐	☐	Front/Rear	☐	☐	Right Front	☐	☐
Reverse Lights	☐	☐	SPEEDOMETER/ODOMETER			Left Front	☐	☐
High Beam	☐	☐	Operational/Legible	☐	☐	Right Rear	☐	☐
Parking Lights	☐	☐	ELECTRICAL SYSTEM			Left Rear	☐	☐
Turn Signals	☐	☐	Horn	☐	☐	WIPERS		
Taillights	☐	☐	Switches/Wiring	☐	☐	Arms/Blades	☐	☐
Hazard Lights	☐	☐	Battery	☐	☐	Controls	☐	☐
Brake Lights	☐	☐	Safety Switches	☐	☐	FUEL SYSTEM		
STEERING			BRAKES			Tank	☐	☐
Steering Wheel	☐	☐	Brakes/Brake Pads	☐	☐	Cap	☐	☐
Column	☐	☐	Parking Brake	☐	☐	Accelerator	☐	☐
Power Steering	☐	☐	WINDOWS/DOORS			EXHAUST SYSTEM		
UNDER HOOD			Windshield	☐	☐	Muffler	☐	☐
Fluid Levels	☐	☐	Window Cranks/Switches	☐	☐	Exhaust Pipes	☐	☐
Engine Air Filter	☐	☐	Operable Door Locks	☐	☐	Mountings	☐	☐
Hoses	☐	☐	Door Seals/Gaskets	☐	☐	Catalytic Converter	☐	☐
EXTERIOR			MIRRORS			INTERIOR		
Body Condition	☐	☐	Interior	☐	☐	Cleanliness	☐	☐
Paint Condition	☐	☐	Exterior	☐	☐	Condition	☐	☐
No Modifications	☐	☐	Comments:					
Inspection Results	☐ Pass							
	☐ Fail							

Inspection Address			Print Name of Service Technician	
Company			ASE Certificate No.	
Street			Phone	
City			Email	
State	ZIP		Signature	

Kentucky Transportation Cabinet
Department of Vehicle Regulation
Division of Motor Carriers
Taxicab Authority Application



Section 5. Vehicle Qualification

Prorated Vehicle Fee Chart			Qualification year	20__
The annual qualification fee for a Taxicab vehicle is \$30.00. For a vehicle qualified after January, the initial vehicle fee is prorated according to this Prorated Vehicle Fee Chart.	January	\$30.00	Prorated per vehicle fee	
	February	\$27.50		
	March	\$25.00	Number of vehicles	
	April	\$22.50		
	May	\$20.00	Total vehicle fees	
	June	\$17.50		
	July	\$15.00	<i>(Completed by applicant)</i>	
	August	\$12.50		
	September	\$10.00	Certificate No.	
	October	\$7.50		
	November	\$5.00	Vehicle Qualification Fees	☐ 42 - \$
	December	\$2.50		

(Department use)

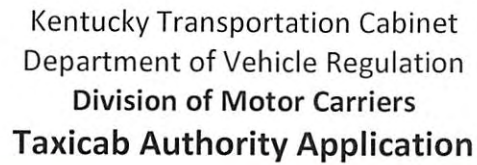
[illegible]

(Department use)

¹ Each vehicle must have passed the required vehicle inspection by an ASE certified service technician.

² Each owner, official, employee, independent contractor, or agent operating the passenger must have passed the required nationwide criminal background check.

³ Each vehicle must be covered under the appropriate insurance policy based on seating capacity.

[illegible]

(Department use)

³ Each vehicle must be covered under the appropriate insurance policy based on seating capacity.



Kentucky Transportation Cabinet
Department of Vehicle Regulation
Division of Motor Carriers

Transportation Network Company Authority Application

MAIL TO: PO BOX 2007, Frankfort, KY 40602-2007 Phone: (502) 564-1257 Fax: (502) 564-4138
Walk-ins: 8:00 am – 4:00 pm EST
<http://transportation.ky.gov/motor-carriers>

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Application for

New Authority or Authority for Additional Vehicles

This form contains documents required for applications for intrastate Transportation Network Company motor carrier authority and for applications for additional qualified vehicles under an existing authority. The following sections are contained in this application form:

Application Index

Section 1. Application Instructions	Pages 2-5
Section 2. Authority Application	Page 6
Section 3. Certificate of Assumed Name for Sole Proprietor Only (Complete, record, and return only if the applicant is a sole proprietor)	Page 7
Section 4. Vehicle Inspection	Page 8
Section 5. Vehicle Qualification	Pages 9-10

For your security, authority and vehicle credentials will be mailed by regular mail to your address on file with the Department of Vehicle Regulation unless the credential may be delivered in person to either a sole proprietor or an authorized corporate officer or limited liability company member listed with the Kentucky Secretary of State whose identity can be verified. You may request overnight or other expedited mail delivery by submitting a prepaid envelope addressed to the mailing address on file for the carrier.

EXHIBIT

2



Transportation Network Company Authority Application

Section 1. Application Instructions

To Apply for Transportation Network Company Authority

Transportation Network Company or “TNC” means a person or entity that connects passengers through its digital network or mobile application to its drivers for the provision of transportation network company services.

Transportation Network Company vehicle or “TNC vehicle” means a privately owned or leased motor vehicle, designed or constructed with not more than eight (8) regular seats, operating under a transportation network company certificate.

You are required to follow these instructions to complete and mail or deliver this application form including [Application](#) (Section 2) and enclose the required fees to the Transportation Cabinet, Department of Vehicle Regulation, Division of Motor Carriers, Qualifications and Permits Branch, at 200 Mero Street, Frankfort, KY 40622. Your application may be returned for the correction of any deficiencies.

Enclose a Check or Money Order

You must enclose one check or money order made payable to the “Kentucky State Treasurer” in the amount of the \$250 application fee plus the per qualified vehicle fee of \$30 prorated for the month the vehicle is first authorized for service (See chart in Section 5, page 9). $(\$250 \text{ application fee}) + (\text{number of vehicles} \times \text{per vehicle fee of } \$30 \text{ prorated for the month of service}) = \text{total fees}$

Register your Business or Business Name

Business Organizations Must Register with the Kentucky Secretary of State

If you are a business organization that is required to be registered with the Kentucky Secretary of State in order to do business in Kentucky, you shall complete your registration as a domestic or foreign business organization prior to submitting this application. If you have any questions regarding the registration process please contact your attorney or the office of the Kentucky Secretary of State.

Sole Proprietors Must File a Certificate of Assumed Name with the County Clerk

If you are operating your business as a sole proprietor you are not required to and may not register your business name directly with the Kentucky Secretary of State, but you are required to file a certificate of assumed name with the county clerk where you maintain your principal place of business. Complete and record the enclosed [Certificate of Assumed Name for Sole Proprietor](#) (Section 3) then enclose the recorded copy with this application.



Transportation Network Company Authority Application

Section 1. Application Instructions

Commercial Insurance

You are required to have an insurance carrier authorized to transact business in Kentucky file one or more [certificates of insurance](#) directly with the Division of Motor Carriers prior to submitting this application. The certificates of insurance, taken together, shall evidence the commercial motor vehicle insurance coverage required for a Transportation Network Company. Each certificate of insurance evidences a commercial policy that provides particular coverage for all equipment operated pursuant to the authority requested. Each certificate of insurance must be issued in the name of the holder of the authority and may only be filed by your insurance carrier by mail directly with the Division of Motor Carriers. Faxed copies shall not be accepted. You need not include a copy of a certificate of insurance with this application. If you have any questions regarding the applicable policy limits or to confirm a certificate of insurance has been filed please contact your insurance company.

The minimum amount of prearranged liability insurance for a passenger vehicle with [7 regular seats or less](#) shall be one hundred thousand dollars (\$100,000) for death and personal injury to one (1) person, three hundred thousand dollars (\$300,000) for death and personal injury resulting from one (1) incident, and fifty thousand dollars (\$50,000) for property damage. The minimum amount of liability insurance for a passenger vehicle with [8 regular seats or more](#) shall be one hundred thousand dollars (\$100,000) for death and personal injury to one (1) person, six hundred thousand dollars (\$600,000) for death and personal injury resulting from one (1) incident, and fifty thousand dollars (\$50,000) for property damage.

The minimum amount of pre-trip acceptance liability insurance for a passenger vehicle [regardless of seats](#) shall be fifty thousand dollars (\$50,000) for death and personal injury to one (1) person, one hundred thousand dollars (\$100,000) for death and personal injury resulting from one (1) incident, and twenty-five thousand dollars (\$25,000) for property damage.

Qualification of Vehicles

You are required to initially qualify at least one Transportation Network Company vehicle with the Division of Motor Carriers in connection with this application. You must qualify each vehicle to be operated pursuant to a grant of authority before it may be lawfully operated under that authority. You must complete and submit the enclosed [Vehicle Qualification](#) form (Section 5) listing required information for each vehicle to be qualified. You may make additional copies of the blank form on page 9 and submit as many completed qualification forms as may be necessary to list each vehicle you intend to qualify. You may qualify additional vehicles under an existing authority at any time by completing and resubmitting this application form for an amendment to an existing authority. See page 4 for additional qualification information of additional vehicles under an existing authority.



Transportation Network Company Authority Application

Section 1. Application Instructions

Inspection of Vehicles

You must have an automotive service technician certified by the National Institute for Automotive Service Excellence (ASE) to annually inspect each vehicle to be qualified and complete the enclosed [Vehicle Inspection](#) form (Section 4) annually for each vehicle. Do not include a copy of a completed vehicle inspection form with this application or otherwise submit a vehicle inspection form to the department. You are required to maintain each vehicle inspection form in your records for three years from the date of inspection.

Criminal Background Checks

You are required to obtain a nationwide criminal background check, in compliance with KRS 281.6301, of each owner, official, employee, independent contractor, or agent operating a passenger vehicle. The background check shall be obtained and retained for a period of at least three years.

Contractual Agreement and Related Policies

You must enclose one unexecuted copy of the current contractual agreement between you and your drivers including any policies, procedures, and terms of service with which you intend a driver to comply. You shall submit a copy of the then current agreement with each subsequent request to qualify additional vehicles and drivers and upon each annual renewal.

Applying to Qualify Additional Vehicles under an Existing Authority

You may use this application form to apply to qualify additional vehicles as an amendment to an existing authority. If using this application to request the authority to qualify additional vehicles and drivers you shall submit only the [Authority Application](#) (Section 2), the [Vehicle Qualification](#) form (Section 5), listing information for each additional vehicle, and enclose a check or money order made payable to the "Kentucky State Treasurer" in an amount equal to the prorated \$30 per qualified vehicle fee (See chart in Section 5, page 9). See page 4 for additional qualification information of additional vehicles under an existing authority. The \$250 application fee is not required to apply for additional vehicles.



Transportation Network Company Authority Application

Section 1. Application Instructions

Authority and Qualified Vehicle Credentials

For your security, if the Department of Vehicle Regulation approves your application for new authority or for additional qualified vehicles, the authority and vehicle credentials issued by the department will be mailed by first class mail to your mailing address on file with the department. Alternatively, the credentials may be delivered in person to either a Sole Proprietor or an authorized officer or registered agent of the Corporation, Partnership, or Limited Liability Company listed with the Kentucky Secretary of State whose identity can be verified. You may request overnight or other expedited mail delivery by submitting with this application a corresponding prepaid envelope addressed to your mailing address on file.

Application Process Assistance

If you have questions about this application form or the application process, please contact the Department of Vehicle Regulation, Division of Motor Carriers, Qualifications and Permits Branch, by phone at (502) 564-1257 or by email at kytc.passhbg@ky.gov.



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Department of Vehicle Regulation
Division of Motor Carriers

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Transportation Network Company Authority Application

Section 2. Authority Application

Docket No.

Company No.

Certificate No.

(Required by applicant for
additional vehicles)

New Authority

☐

Or Additional Vehicles

☐

Legal name _____

Doing business as _____

Mailing street address _____

City _____ County _____ State _____ ZIP _____

Phone _____ Fax _____

Email address (required)

I, the sole proprietor, or authorized officer or registered agent on behalf of the applicant, do hereby certify the following:

Each owner, official, employee, independent contractor, or agent operating the passenger vehicle listed on the enclosed [Vehicle Qualification](#) (Section 5) form has passed the required national criminal background check, a record of which was retained by the applicant.

Each vehicle listed on the enclosed [Vehicle Qualification](#) (Section 5) form has passed the required vehicle inspection completed by an ASE certified automotive service technician. The inspection was recorded on the [Vehicle Inspection](#) form (Section 4), a copy of which was retained by the applicant.

I have read and understood the commercial insurance requirements on page 3 of the application instructions.

Signature _____ Date _____

Print name _____ Print title _____

43 Application Fee

(Department use)



Kentucky Transportation Cabinet
Department of Vehicle Regulation
Division of Motor Carriers

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Transportation Network Company Authority Application

Section 3. Certificate of Assumed Name for Sole Proprietor
(Complete, record, and return only if the applicant is a sole proprietor.)

If the applicant is a sole proprietor, file and record this page with the county clerk where you maintain your principal place of business and then enclose the recorded copy with this application.

Pursuant to the provisions of [KRS 365.015](#), the undersigned applies to assume a name and, for that purpose, submits the following statement:

1. The assumed name is: _____
2. The legal name of the individual adopting the assumed name is: _____

3. The street address is: _____
City _____ County _____ State _____ ZIP _____

4. The mailing address is: _____
City _____ County _____ State _____ ZIP _____

I declare under penalty of perjury under the laws of Kentucky that the foregoing is true and correct.

Signature _____

Print name _____ Date _____

THIS SIGNATURE SHALL BE NOTARIZED.

STATE OF _____

COUNTY OF _____

Subscribed and sworn to before me on this the _____ day of _____ 20 ____.

Notary Public _____

My commission expires on _____.

An assumed name shall be effective for a term of five (5) years from the date of filing and may be renewed for successive terms upon filing a renewal certificate within six (6) months prior to the expiration of the term, in the same manner of filing the original certificate of assumed name.



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Transportation Network Company Authority Application

Section 4. Vehicle Inspection

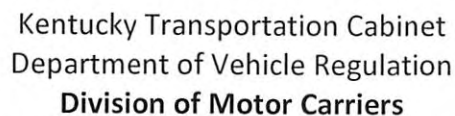
Each Transportation Network Company vehicle shall be inspected annually by an ASE certified automotive service technician who shall approve it for service. Have the service technician complete this inspection form annually. Maintain a copy for three years from the date of inspection for each vehicle that passed inspection and has been qualified.

Date of Inspection		Odometer		Model Year		Make	
Vehicle Type:	☐ Sedan	☐ Limousine	☐ Minivan	☐ Van	☐ Other	Model	
License Plate No.		VIN				Authority No.	

(Department use)

	Pass	Fail		Pass	Fail		Pass	Fail
LIGHTS			SAFETY BELTS			TIRES		
Headlights	☐	☐	Front/Rear	☐	☐	Right Front	☐	☐
Reverse Lights	☐	☐	SPEEDOMETER/ODOMETER			Left Front	☐	☐
High Beam	☐	☐	Operational/Legible	☐	☐	Right Rear	☐	☐
Parking Lights	☐	☐	ELECTRICAL SYSTEM			Left Rear	☐	☐
Turn Signals	☐	☐	Horn	☐	☐	WIPERS		
Taillights	☐	☐	Switches/Wiring	☐	☐	Arms/Blades	☐	☐
Hazard Lights	☐	☐	Battery	☐	☐	Controls	☐	☐
Brake Lights	☐	☐	Safety Switches	☐	☐	FUEL SYSTEM		
STEERING			BRAKES			Tank	☐	☐
Steering Wheel	☐	☐	Brakes/Brake Pads	☐	☐	Cap	☐	☐
Column	☐	☐	Parking Brake	☐	☐	Accelerator	☐	☐
Power Steering	☐	☐	WINDOWS/DOORS			EXHAUST SYSTEM		
UNDER HOOD			Windshield	☐	☐	Muffler	☐	☐
Fluid Levels	☐	☐	Window Cranks/Switches	☐	☐	Exhaust Pipes	☐	☐
Engine Air Filter	☐	☐	Operable Door Locks	☐	☐	Mountings	☐	☐
Hoses	☐	☐	Door Seals/Gaskets	☐	☐	Catalytic Converter	☐	☐
EXTERIOR			MIRRORS			INTERIOR		
Body Condition	☐	☐	Interior	☐	☐	Cleanliness	☐	☐
Paint Condition	☐	☐	Exterior	☐	☐	Condition	☐	☐
No Modifications	☐	☐	Comments:					
Inspection Results	☐ Pass	☐ Fail						

Inspection Address			Print Name of Service Technician	
Company			ASE Certificate No.	
Street			Phone	
City			Email	
State	ZIP		Signature	



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¹ Each vehicle must have passed the required vehicle inspection by an ASE certified service technician.

(Department use)

² Each owner, official, employee, independent contractor, or agent operating the passenger must have passed the required nationwide criminal background check.

³ Each vehicle must be covered under the appropriate insurance policy based on seating capacity.

Chapter 18A - VEHICLES FOR HIRE

Sec. 18A-1. - Definitions.

The following words and phrases, when used in this chapter, have the meanings as set out herein:

- (1) Taxicab Certificate means a certificate issued by the Department of Vehicle Regulation granting authority for the operation of one (1) or more taxicabs transporting passengers for hire in the Commonwealth of Kentucky ~~[of public convenience and necessity issued by the Transportation Cabinet, Commonwealth of Kentucky, authorizing the holder thereof to conduct a taxicab business].~~
- (2) Driver's permit means the permission granted by the commissioner of public safety to a person to drive a taxicab upon the streets of Lexington-Fayette County.
- (3) Holder means a person to whom a Taxicab Certificate ~~[of public convenience and necessity or a local taxicab permit]~~ has been issued by the Department of Vehicle Regulation.
- (4) Manifest means a daily record prepared by a taxicab driver of all trips made by said driver, showing time and place of origin, destination, number of passengers, and the amount of fare of each trip.
- (5) Rate card means a card approved by the commissioner of finance and issued by the owner of the taxicab for display in each taxicab which contains the rates of fare then in force.
- (6) Taxicab means any form of a motor vehicle operating under a taxicab certificate ~~[of convenience and necessity]~~ issued by the Department ~~[bureau]~~ of Vehicle Regulation ~~[, a local taxicab permit]~~ that is designed or constructed with not more than eight (8) regular seats and may be equipped with a taximeter or any form of a motor vehicle providing transportation within Fayette County that is not affiliated with a licensed taxi company that accepts any form of compensation including but not limited to: per time or per distance rates, tips, donations, money for fuel or an exchange of goods for service. This section shall not apply to carpooling situations by private citizens or any local, state or federal ridesharing program.
- (7) ~~[Local taxicab permit means a permit issued by the department of public safety authorizing the holder thereof to conduct a taxicab business in Lexington-Fayette County].~~
- ~~(8) Special event permit means a permit issued by the department of public safety authorizing the holder of a [local] taxicab certificate [permit] to modify its vehicle identification scheme for all or part of its taxicab fleet for a specified period of time and for the purpose of advertising a special event located within the boundaries of Fayette County.~~



(9) Fare means any person or group of people being transported in a taxicab.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 331-2005, § 1, 12-13-05; Ord. No. 186-2009, § 1, 9-3-09; Ord. No. 50-2012, § 1, 4-26-12)

Sec. 18A-2. - Administration; rules and regulations.

The commissioner of public safety or his designee shall exercise all administrative functions of the urban county in relation to the operation of vehicles for hire regulated under this chapter. The commissioner or his designee shall have the authority to promulgate such rules and regulations as are necessary for the orderly and completed administration of this chapter. The department of public safety shall notify all local taxicab permit holders of any change to the rules and regulations sixty (60) calendar days before their effective date.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 2, 4-26-12)

Sec. 18A-3. - Taxicab Certificate [~~Local taxicab permit~~] required.

No person shall operate or permit a taxicab owned or controlled by him to be operated as a vehicle for hire on the streets of the urban county without having first obtained a [~~local~~] taxicab certificate [~~permit~~] from the D[e]partment of Vehicle Regulation [~~public safety~~]. [~~The chief of police or his designee shall, upon consideration of an application for a local taxicab permit, approve or reject the application. If the application is rejected, the chief or his designee shall state his reasons in writing. The applicant may request a hearing before the commissioner of public safety or his designee to offer evidence why his application should be reconsidered.~~]

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In order to operate upon the streets of Lexington, Fayette County, Kentucky, a completed copy of the Taxicab Authority Application or Authority for Additional Vehicles, including proof of commercial insurance, copies of all criminal background checks, and a copy of the taxicab certificate issued by the Department of Vehicle Regulation shall be filed with the Division of Revenue within five (5) business days of receiving authority from the Department of Vehicle Regulation.

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~~[All persons previously issued a certificate of public convenience and necessity from the Transportation Cabinet, Commonwealth of Kentucky to operate a taxicab business in the urban county shall automatically be issued a local taxicab permit for the number of vehicles in effect on the date the urban county government is granted regulatory authority from the Transportation Cabinet, Commonwealth of Kentucky. No local taxicab permit shall be issued if the vehicles do not meet the safety requirements set forth in this chapter. All persons applying for or renewing a local taxicab permit shall have a minimum of twenty five (25) taxicabs in their fleet before a local taxicab permit shall be~~

~~issued unless the applicant was previously issued a certificate of public convenience and necessity from the Transportation Cabinet, Commonwealth of Kentucky, for a fleet of less than the minimum requirement for this chapter. Upon addition or removal of vehicles, the manager/owner of each company shall also report the changes to the public safety commissioner or his designee.~~

~~Local taxicab permits shall be renewed annually each fiscal year, effective July 1, 2012.~~

~~Local taxicab permits shall not be sold, transferred or leased without the written authorization of the commissioner of public safety or his designee. All persons desiring to obtain a local taxicab permit by sale, transfer or lease shall comply with the provisions of this chapter.]~~

~~[Out of county taxicabs shall be permitted to deliver passengers to a destination in Fayette County and transport the passengers back to their original starting point without a local taxicab permit. Out of county taxicabs shall be prohibited from accepting fares which originate within the boundaries of Fayette County.]~~

Privately owned businesses may establish a trolley or shuttle service within their parking lots to transport their customers without a local taxicab permit. The trolley or shuttle service shall be limited to the privately owned businesses parking lots and shall not be allowed on the public right-of-way except to cross the public right-of-way in order to access additional established parking lots within a one-mile radius of each other.

Prior to operating a trolley or shuttle service, written notification shall be submitted to the department of public safety requesting permission to operate the service, listing the location and route of the service, hours of operation and the fee to be charged, if any. The written request to operate the service shall be made annually.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 331-2005, § 1, 12-13-05; Ord. No. 50-2012, § 3, 4-26-12)

~~[Sec. 18A 4. Application and renewal for a local taxicab permit.~~

~~Prior to receiving or renewing a local taxicab permit, a holder or applicant shall file with the commissioner of public safety or his designee, upon forms provided by the urban county government, the following information:~~

- ~~(1) The name and address of the holder.~~
- ~~(2) The experience of the holder in the transportation of passengers.~~
- ~~(3) The number of vehicles operated or controlled by the holder and the location of terminals.~~
- ~~(4) The color scheme and insignia used to designate the vehicle or vehicles of the holder.~~
- ~~(5) Procedures for handling claims for loss, damage or injury.~~
- ~~(6) Proof of liability insurance or indemnity bond as required by section 18A 5.~~

~~(7) A current list containing the name, address, age, and operator's license number of each taxicab driver who is employed by or a lessee of the holder. Any change in the list of drivers shall be updated monthly and provided to the commissioner of public safety or his designee.~~

~~(8) Such further information as the commissioner of public safety or his designee may require.]~~

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 4, 4-26-12)

~~Sec. 18A-5. Indemnity bond or liability insurance required.~~

~~No person shall operate or cause to be operated a taxicab in the urban county unless there is in full force and effect an indemnity bond for each vehicle authorized. Said bond or bonds shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of a holder, his servants or agents. Said bond or bonds shall be filed in the office of the commissioner of finance and shall have as surety thereon a company authorized to do business in the State of Kentucky and the urban county. Compliance with KRS 281.655 shall be deemed compliance with this section by the commissioner of finance.~~

~~[The commissioner of finance may, in his discretion, allow the holder to file, in lieu of bond or bonds, a liability insurance policy issued by a liability insurance company authorized to do business in the Commonwealth of Kentucky and the urban county. Said policy shall conform to the provisions of this section relating to bonds.]~~

~~In the event that the holder's liability insurance is cancelled, notice of cancellation of the insurance by the insurer shall be submitted to the department of public safety by either the insured or the insurer. Once the liability insurance is reinstated, a new certificate of insurance shall be filed with the commissioner of finance.~~

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 5, 4-26-12)

~~Sec. 18A-6. – Taxicab [Local taxicab permit] fees.~~

~~The holder of a [local] taxicab certificate [permit] shall pay an annual permit fee of thirty dollars (\$30.00) [one hundred twenty dollars (\$120.00)] for each vehicle operated under a taxicab certificate [local taxicab permit] in Lexington, Fayette County, Kentucky.~~

(Ord. No. 348-2002, § 1, 12-12-02)

~~Sec. 18A-7. - Taxicab driver's permit.~~

~~No person shall operate a taxicab for hire upon the streets of the urban county, and no person who owns or controls a taxicab shall permit it to be so driven, and no taxicab~~

~~[licensed] that has been issued a certificate by the Department of Vehicle Regulation [urban county government] shall be so driven at any time for hire, unless the driver of~~

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said taxicab shall have first obtained and shall have then in force a taxicab driver's permit issued under the provisions of this chapter.

A taxicab driver's permit shall only be valid while the holder thereof is driving for the taxicab company indicated on the front of the permit. Any driver who wishes to transfer from one (1) company to another shall be required to notify the department of public safety and pay a fifteen-dollar (\$15.00) transfer fee. The driver shall also report the transfer to the commissioner of public safety or his designee within ten (10) calendar days of occurrence. Failure of a driver to report a permit transfer within the specified time period shall result in the suspension of his driver's permit for not less than seven (7) days nor more than thirty (30) calendar days.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 6, 4-26-12)

Sec. 18A-8. - Application for driver's permit.

- (a) An application for a taxicab driver's permit shall be filed with the commissioner of public safety or his designee on forms provided by the urban county government, and such application shall be verified under oath and shall contain the following information:
 - (1) The names and addresses of four (4) persons who have known the applicant for a period of one (1) year and who will vouch for the sobriety, honesty and general good character of the applicant.
 - (2) The educational background of the applicant.
 - (3) A concise history of his employment.
- (b) The holder of the certificate [~~permit~~] under which the applicant will operate shall verify the applicant's employment history and contact all personal references. The holder shall also verify that it has no information that the applicant abuses alcohol or drugs or has violent tendencies or otherwise poses a safety risk to the public.
- (c) The applicant shall provide with his application copies of accident reports for any accident in which he has been involved and a certificate from a reputable physician of the urban county certifying that, in his opinion, the applicant is not afflicted with any disease or infirmity which might make him an unsafe or unsatisfactory driver.
- (d) At the time the application is filed, the applicant shall pay the sum of twenty-five dollars (\$25.00). The applicant must be eighteen (18) years of age or older, have a current motor vehicle operator's license and must have had a valid operator's license for at least one (1) year.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 6, 4-26-12)

Sec. 18A-9. - Police investigation of applicant; traffic and police record.

The division of police shall conduct a criminal records investigation of each applicant for a taxicab driver's permit; and a copy of the traffic and police record of the

applicant, if any, shall be attached to the application for the consideration of the chief of police or his designee for this issuance of a permit.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 7, 4-26-12)

Sec. 18A-10. - Consideration of application.

The chief of police or his designee shall, upon consideration of the application for a taxicab driver's permit and the reports and certificate required to be attached thereto, approve or reject the application. If the application is rejected, the chief or his designee must state his reasons in writing. The applicant may request a hearing before the commissioner of public safety or his designee to offer evidence why his application should be reconsidered. The applicant must request this hearing within fourteen (14) calendar days of the date appearing on the letter of rejection. If the hearing is not requested within this time period, the rejection shall remain in place until the applicant is able to reapply as shown on the written rejection.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 8, 4-26-12)

Sec. 18A-11. - Issuance of permit; duration; annual fee; renewal.

Upon approval of an application for a taxicab driver's permit, the commissioner of public safety or his designee shall issue a permit to the applicant, which shall bear the name, address, age, signature and photograph of the applicant and the taxicab company.

Such permit shall be in effect for the remainder of the fiscal year. The permit for every fiscal year thereafter shall be issued upon payment of twenty-five dollars (\$25.00) unless the permit for the preceding year has been revoked or suspended. The driver shall also renew his annual business license with the LFUCG Division of Revenue.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 9, 4-26-12; Ord. No. 06-2014, § 1, 1-30-14)

Sec. 18A-12. - Display of permit.

Every driver issued a permit under this chapter shall post his driver's permit in such a place as to be in full view of all passengers while such driver is operating a taxicab.

(Ord. No. 348-2002, § 1, 12-12-02)

Sec. 18A-13. - Suspension and revocation of permit.

The chief of police or his designee is hereby given the authority to suspend any driver's permit under this chapter for a driver's failing or refusing to comply with the provisions of this chapter, such suspension to last for a period of up to three hundred sixty-five (365) calendar days. The chief of police or his designee is also given authority

to permanently revoke any driver's permit for failure to comply with the provisions of this chapter. However, a permit may not be suspended or revoked unless the driver has received notice and has had an opportunity to request a hearing before the commissioner of public safety or his designee to present evidence on his behalf. A decision to suspend or revoke, and the duration of such a suspension or revocation shall be based upon the number and type of provision(s) for which compliance was not met, their relative severity, and whether the driver has repeatedly failed to meet any compliance requirements.

If taxicab permit is suspended or revoked, the chief of police or his designee must state his reasons in writing. The driver may request a hearing before the commissioner of public safety or his designee to offer evidence why his driver's permit should not be suspended or revoked. The applicant must request this hearing within fourteen (14) calendar days of the date appearing on the letter of suspension or revocation. If the hearing is not requested within this time period, the suspension or revocation shall remain in place until the applicant is able to reapply as shown on the written suspension or revocation.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 10, 4-26-12)

Sec. 18A-14. - Failure to comply with urban county, state and federal laws.

Every driver issued a permit under this chapter shall comply with all urban county, state and federal laws. Failure to do so will justify the suspension or revocation of a permit in accordance with section 18A-13.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 11, 4-26-12)

Sec. 18A-15. - Vehicles; equipment and maintenance.

- (a) Periodic safety inspections. Every vehicle operating under this chapter may be periodically inspected by an urban county government official at such random intervals as shall be established by the commissioner of public safety or his designee to ensure the continued maintenance of safe operating conditions.
- (b) Vehicles must be kept in a clean and sanitary condition. Every vehicle operating under this chapter shall be kept in a clean and sanitary condition according to the rules and regulations promulgated by the health department.
- (c) Annual ~~[Bi-annual]~~ inspection. Every vehicle operating under this chapter shall be inspected annually ~~[bi-annually]~~ by an automotive technician who holds a valid automotive service excellence (A.S.E.) certificate approved by the Transportation Cabinet, Commonwealth of Kentucky and is not employed by holder of the certificate ~~[local taxicab permit]~~. ~~[Bi-annual inspections shall be conducted with a minimum of six (6) months between inspections.]~~ Fees associated with the bi-annual inspections shall be the responsibility of the registered owner of the vehicle. Proof of bi-annual inspections shall be filed with the department of public safety

within ten (10) days of the inspections and a sticker indicating when the inspection occurred shall be visible in the taxicab.

- (d) Vehicle identification. Every vehicle operating under this chapter shall ~~[be painted in accordance with the color scheme and]~~ maintain an insignia which shall be on file with the commissioner of public safety. All identifying markings on the vehicles shall be plainly distinguishable with letters and numbers at least three (3) inches high ~~[permanently painted or otherwise permanently]~~ affixed to each of the two (2) sides of the taxicab and to the rear of the taxicab ~~[(magnetic placards are acceptable, not considered to be permanently affixed).]~~ The lettering shall show the vehicle number assigned to it by its owner and the name of the company, individual or association by whom the vehicle is owned. ~~[In addition, a light shall be placed on top of the vehicle identifying it as a taxi].~~ Failure to comply with this section upon any type of inspection of a vehicle shall result in a citation for violation of this chapter to be issued to the driver. ~~[and the vehicle shall be taken out of service until it is in compliance with this chapter. Once taken out of service, only the commissioner of public safety or his designee can place the vehicle back into service.]~~

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- ~~(1) Upon written request to the department of public safety, the holder of taxicab certificate [local taxicab permit] may be granted a special event permit. The written request shall include the requested timeframe for the permit and the proposed design. The name of the taxicab company shall be prominently displayed on the sides and the rear of the vehicles. Upon the expiration of said permit, all vehicles with a modified identification scheme shall, within seven (7) calendar days, be returned to the original color scheme and insignia. [approved pursuant to the local taxicab permit].~~

- (e) ~~[Out of service. If a vehicle operating under this chapter fails to pass a random safety inspection, the vehicle shall be deemed out of service. An official of the urban county government shall place a sticker in the front window indicating that the vehicle is out of service. The vehicle shall remain out of service until it passes an inspection conducted by an automotive technician, who is an official of the urban county government, who holds a valid automotive service excellence (A.S.E.) certificate approved by the Transportation Cabinet, Commonwealth of Kentucky. Upon successful inspection, the division of fleet services shall remove the out of service sticker. Unauthorized removal of the sticker is prohibited and shall result in suspension or revocation of the driver's taxi permit or the holder's permit. Out of service vehicles shall not remain on the premises of the holder of the local taxicab permit for longer than thirty (30) calendar days.]~~

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(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 186-2009, § 2, 9-3-09; Ord. No. 50-2012, § 12, 4-26-12)

Sec. 18A-16. - Taximeter required.

All taxicabs operated under ~~[the authority of]~~ this chapter may ~~[shall]~~ be equipped with taximeters. If equipped with a taximeter, the taximeters shall be fastened in front of the passengers, visible to them at all times, day and night; and, after sundown, the face of the taximeter shall be illuminated. Taximeters shall be operated mechanically by a mechanism of standard design and construction, driven either from the transmission or from one (1) of the front wheels by a flexible and permanently attached driving mechanism. They shall be sealed at all points and connections which, if manipulated, would affect their correct reading and recording. Each taximeter shall have thereon a device to denote when the vehicle is employed and when it is not employed. It shall be the duty of the driver to activate the taximeter at the time the taxicab is employed and to deactivate the taximeter at the termination of each trip. The meter shall be operated on a mileage basis except when the driver is instructed to wait or stopped in traffic, at which time the meter shall be operated on a time basis. Taximeters shall be subject to inspection from time to time by the division of police. Any inspector or other officer of the division of police is hereby authorized, either on complaint of any person or without such complaint, to inspect any meter, and upon discovery of any inaccuracy therein, to notify the person operating said taxicab to cease operation. Any taxicab ordered to cease operation shall be kept off the highways until the taximeter is repaired and operates in accordance with this chapter.

In the event that a law enforcement officer conducts a probable cause traffic stop on a taxicab while transporting a fare, the fare shall not be assessed fees during the duration of the traffic stop.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 13, 4-26-12)

Sec. 18A-17. - Rates of fare; rate card required.

No owner or driver of a taxicab shall charge a greater sum for the use of a taxicab than in accordance with the rates on file with the commissioner of finance. The owner must file his rate with the commissioner of finance and also post the rates on or in each taxicab so that they are clearly visible to passengers. Three (3) days prior to raising his rates, he must post notice in his taxicabs and file notice with the commissioner of finance. All rate cards posted in accordance with this section shall contain the following language: "No rates other than those set forth on this card shall be charged."

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 14, 4-26-12)

Sec. 18A-18. - Receipts.

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

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 15, 4-26-12)

Sec. 18A-19. - Nonfare passengers.

No person operating a taxicab shall carry a person other than the passenger(s) by whom he has been engaged or his supervisor.

(Ord. No. 348-2002, § 1, 12-12-02)

Sec. 18A-20. - Prohibitions of drivers.

It shall be a violation of this chapter for any driver of a taxicab to engage in selling intoxicating liquors, or to promote prostitution or permit the vehicle to be used for any unlawful purpose.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 16, 4-26-12)

Sec. 18A-21. - Taxicab service.

All persons engaged in the taxicab business in the urban county operating under the provisions of this chapter shall render an overall service to the public desiring to use taxicabs and shall offer service to all geographic locations of the urban county. ~~Hold~~~~ers of local taxicab permits shall maintain a central place of business in the urban county for two way communication and dispatch of taxicabs and shall offer twenty four hour service, three hundred sixty five (365) days per year. The central place of business shall be in compliance with the zoning ordinance for the urban county.]~~ They shall answer all calls received by them for services inside the boundaries of the urban county as soon as they can do so; and if said services cannot be rendered within a reasonable time, they shall then notify the prospective passengers how long it will be before the call can be answered and give the reason therefore. Any holder who shall refuse to accept a call anywhere within the boundaries of the urban county when such holder has available cabs, or who shall fail or refuse to give overall service, or any driver or independent contractor operating pursuant to a holder's local taxicab permit who refuses to accept a call anywhere within the boundaries of the urban county area, shall be deemed a violator of this chapter.

No driver shall refuse or neglect to transport any orderly person, upon request, unless previously engaged. A driver may refuse to transport any person who has failed to pay the legal fare of any previous trip or service provided to such by such driver or the operator for whom such driver works. No driver shall deceive or attempt to deceive any passenger who may ride in his taxicab or who may desire to ride in such taxicab, as to his destination or the rate or fare to be charged, or transport or cause him to be transported to a place other than directed by the passenger. No driver shall take a longer route than necessary, unless so requested by the passenger. Every taxicab driver shall comply with all reasonable and lawful requests of his passengers as to the speed of travel and the route to be taken.

All drivers shall be required to post picture identification, visible to all fares, in their taxicabs.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 17, 4-26-12)

Sec. 18A-22. - Manifest.

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

Every holder of a taxicab certificate [~~local taxicab permit~~] shall retain and preserve all driver manifests in a safe place for at least one (1) year, and said manifests shall be available to the commissioner of finance.

(Ord. No. 348-2002, § 1, 12-12-02)

Sec. 18A-23. - Holder's records and reports.

- (a) Every holder shall keep accurate records of receipts from operations, operating and other expenses, capital expenditures and such other operating information as may be required by the commissioner of finance. Every holder shall maintain the records containing such information and other data required by this chapter at a place readily accessible for examination by the commissioner of finance.
- (b) Every holder shall submit reports of receipts, expenses and statistics of operation to the commissioner of finance for each of its fiscal years in accordance with the uniform system prescribed by the commissioner. Said report shall reach the commissioner on the date the holder's federal tax return is due.
- (c) All accidents arising from or in connection with the operation of taxicabs which result in death or injury to any person, or in damage to any vehicle, or to any property in an amount exceeding the sum of fifteen hundred dollars (\$1,500.00) shall be reported within twenty-four (24) hours from the time of occurrence to the division of police in a form of report that is a duplicate of the accident report that must be furnished to the commonwealth.

(Ord. No. 348-2002, § 1, 12-12-02)

Sec. 18A-24. - Division of police; duty to enforce chapter.

The division of police of the urban county government is hereby given the authority and is instructed to watch and observe the conduct of holders and drivers operating under this chapter. Upon discovering a violation of the provisions of this chapter, the division of police shall issue a citation and report the same to the commissioner of public safety or his designee, who will order or take appropriate action.

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 18, 4-26-12)

Sec. 18A-25. - [Random compliance inspections permitted.]

Any law enforcement officer able to enforce LFUCG ordinances shall be permitted to conduct random compliance inspections on taxicabs for violations of chapter 18A, when the taxicab is occupied by only the operator. When a taxicab is occupied by a fare, law enforcement officers shall refrain from stopping a taxicab for the sole purpose of conducting a compliance inspection. Nothing in the section shall limit an officer from conducting a compliance inspection during a lawful, probable cause, traffic stop. Probable cause for a traffic stop for the sole purpose of a compliance inspection is not necessary. Upon inspection of a taxicab, the law enforcement officer shall issue a citation if there are violations of ordinances. ~~[If the violations can not immediately be remedied, the taxicab shall be placed out of service by the citing officer. Once taken out of service, only the commissioner of public safety or his designee can place the vehicle back into service.]~~

~~If a taxicab is taken out of service by a law enforcement officer when a fare is present, the driver of the taxicab shall be responsible for securing alternate transportation for the fare. As the taxicab and its driver were not in compliance with the Code of Ordinances, the fare shall not be responsible for any fees incurred up to the point of the taxicab being placed out of service.]~~

(Ord. No. 50-2012, § 20, 4-26-12)

Sec. 18A-26. - Penalty.

Failure to comply with the provisions of this chapter shall constitute a violation. Any person who so violates this article, fails to comply with any of its requirements, or files or maintains fraudulent annual inspection records relating to this chapter shall upon conviction thereof be fined no less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) or be imprisoned for not less than one (1) day nor more than thirty (30) days or both for each offense. Each day shall constitute a separate violation.

~~[The commissioner of public safety or his designee shall revoke or permanently deny a local taxicab permit to any holder or applicant who willfully and intentionally files a fraudulent annual inspection record.]~~

(Ord. No. 348-2002, § 1, 12-12-02; Ord. No. 50-2012, § 19, 4-26-12)

0513262



Lexington-Fayette Urban County Council

TO: Peggy Henson, 11th Councilmember
Shevawn Akers, 2nd District Councilmember

FROM: Paul Schoninger
Research Analyst

DATE: November 30, 2015

SUBJECT: Comparison of the Louisville Ground Transportation Ordinance with
the Lexington Vehicle for Hire Ordinance

At the last Planning & Public Safety Committee meeting you requested information regarding the taxicab ordinance.

First let me state that there seemed to be some confusion at the last Committee meeting. Law was requested to draft language that would level the playing fields between the taxicab companies and the Transportation Network Companies (Uber & Lyft) and their respective drivers. That's exactly what the Law Department provided to Council.

I spoke with officials (both with the Department of Inspections, Permits and Licenses; as well as with the Metro Council) with Louisville Metro Government regarding its Ground Transportation Ordinance and the impact KRS 281 would have on it. I was informed that there are no plans at the present to repeal the local ordinance and one of the Councilmembers stated that they were attempting to find a delegate to file a bill with the General Assembly re home rule of taxicabs and TNCs. I cannot speculate on the success of that effort.

You also requested a comparison between the Louisville and Lexington taxicab regulations. Lexington's taxicab ordinance is found in the UCG Code of Ordinances 18A "Vehicles for Hire". Louisville's taxicab ordinance is part of the Metro Government Code 115.240 "Louisville Ground Transportation Service."

- The first difference is in the area of administration and enforcement. In Louisville the responsible administrator is the Metro Department of Inspections, Permits and Licenses. In Lexington administration and enforcement is shared by the Public Safety Commissioner, Division of Police, Finance Commissioner and Division of Revenue.
- The second major difference is administration of fares. In Louisville the maximum fares and charges are specified in the ordinance, while in Lexington the taxicab companies are required to file their respective fares and charges with the Department of Finance.

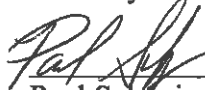
- The Louisville ordinance also requires that each taxicab driver attend a driver training program, consisting of driver safety and local hospitality.
- The Louisville ordinance also establishes a Ground Transportation Advisory Committee consisting of representatives from the Louisville Convention & Visitors Bureau, the Greater Louisville Motel/Hotel Association, the Louisville International Airport, and Metro Council, Department of Public Health & Safety, Department of Inspections, Permits & Licenses, 2 taxicab representatives and 3 citizens.
- The Louisville Ordinance also formalizes a complaint process used by citizens and passengers to document criticisms against the taxicab service.

The other major differences between the two ordinances are the standards formalized in the Louisville Ordinance such as:

- Criteria for approval certificate, revocation of permit and standards for issuance of annual drivers permit for example the applicant has not had any operator's license suspended more than one time within the last 3 years; convicted of any felony, sexual offense, assault, prostitution related offense
- Louisville identifies standards for operation including specifying maximum wait time, and calls for service delay maximum times; all vehicles shall be equipped with air conditioning system capable of maintaining temperature of 80 degrees or less in passenger compartment at head height during months of March through October; and vehicles can generally be no older than eight years old.
- Louisville identifies minimum standards for driver appearance, driver conduct and vehicle cleanliness.
- All certificate holders in Louisville must provide quarterly reports including number of service requests received and number of requests they were unable to serve.

A more detailed comparison is contained herein.

Should you need any further information please do not hesitate to contact me at 258-3208.


 Paul Schöninger
 Research Analyst

c: Hilary Angelucci
 Sharon Murphy

Comparison of Louisville & Lexington Taxicab Regulations

<u>Item</u>	<u>Louisville</u>	<u>Lexington</u>
Definitions	Ground Transportation Ordinance 115.240	Vehicle for Hire Ordinance 18A-1
Administration, Rules & Regulations	115.241 Director of Department of Inspections, Permits & Licenses (DIPL)	18A-2
Unlawful Conduct	115.242	18A-3
Application for Certificate	115.243	18A-4
Standards for Approval of Application	115.244	18A-4
Application for Driver's Permit	115.245	18A-7; 18A-8; 18A-9
Standards for Issuance of Annual Driver's Permit	115.246	18A-10; 18A-14
Hospitality & Safety Training Program	115.247 Requires Drivers Attend City Sponsored Hospitality & Safety Program	
Terms, Fees & Specifications for Annual Driver's Permit	115.248	18A-11; 18a-13
Administration & Enforcement; Revocation & Penalty	115.249 Administered by DIPL	18A-21
Vehicle Inspection Sticker	115.250	
Vehicle Inspection	115.251 Administered by DIPL	18A-15; 18A-25 Inspections conducted by ASE certificated automotive technician

Comparison of Louisville & Lexington Taxicab Regulations (cont.)

	<u>Louisville</u>	<u>Lexington</u>
Cooperation with DIPL	115.252	18A-14
Rates of Fare	115.253	18A-17
	-Hr. Rate: \$ 20.75	Rates filed with Commissioner of Finance
	-Mileage Rate: \$ 4.10 1st Mile; \$ 1.95 ea. additional Mile	
	-Passenger Surcharge of \$ 3 per passenger over 4	
	-Waiting Time: \$ 0.30 per minute	
	-Downtown/Airport Rate: \$ 17. .	
	-Fuel Emergency provisions if declared by DIPL	
Insurance Requirements	115.254	18A-5
Display of Driver's Permit	115.255	18A-11
Vehicle Condition/Driver's Appearance	115.256	18A-15; 18A-21
Cash Carried by Driver	115.258	
Designation of Vehicles For Hire	115.259	
Use of Taximeter	115.260	18A-16
Receipts	115.261	18A-18

DRAFT 10-12-15

ORDINANCE NO. _____ - 2015

AN ORDINANCE AMENDING SECTION 2A-18 OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CODE OF ORDINANCES, RELATING TO HELICOPTER LANDINGS WITHIN BUSINESS AND INDUSTRIAL ZONES, TO INCREASE THE FREQUENCY OF HELICOPTER LANDINGS FROM THREE (3) TIMES PER CALENDAR MONTH IN ANY ONE LOCATION TO THIRTY (30) TIMES PER CALENDAR MONTH IN ANY ONE LOCATION, EFFECTIVE UPON PASSAGE.

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Section 2A-18 of the Lexington-Fayette Urban County Government Code of Ordinances be and hereby is amended to read as follows:

Sec. 2A-18. - Exceptions

Notwithstanding the provisions of this article to the contrary, helicopters may be landed at locations within business and industrial zones as defined by the Lexington-Fayette Urban County Zoning Ordinance Resolution on a frequency of not more than thirty (30) [~~three (3)~~] times per calendar month in any one location, at locations which in the sole discretion of the pilot of the helicopter are safe, by notifying the metropolitan police department and the urban county fire and emergency services division thirty (30) minutes prior to the estimated time of landing that such landing and subsequent takeoff will occur, giving the time and exact location of the landing.

Further, notwithstanding the provisions of this article to the contrary, fixed-wing aircraft may land at such places or locations within business and industrial zones of the urban county area as the FAA authorities; however such authorization must be communicated in writing to the police and fire and emergency services divisions forty-eight (48) hours prior to such landing.

Section 2 – That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

Planning & Public Safety Committee Referrals

<u>Items</u>	<u>Referred By</u>	<u>Date Referred</u>	<u>Status</u>
H-1 Notification Process	Farmer	1.19.13	Fall 2015-Winter 2016
Greenway Manual & Plan	Mossotti	10.8.13	June 2015
Downtown Traffic Study	Farmer	4.13.12	May 2015
Sky Lanterns	Farmer	6.24.14	Spring 2016
Distribution of Unsolicited Advertising Supplements	Henson	4.21.15	Spring 2015
Community and Market Gardens	Kay	8.18.15	December 2015
Design Excellence ZOTA	Kay	8.18.15	September 2015
Design Excellence Standards & Guidelines	Kay	8.18.15	September 2015
Taxi Cab Ordinance	Henson	8.27.15	December 2015
Snow Removal on Sidewalks Enforcement	Gibbs	8.18.15	Winter-Spring 2016
Officer Turnover in Community Corrections	Evans	9.1.15	Fall 2015-Winter 2016
Review Nuisance Ordinances	Gibbs	9.1.15	Spring 2016
Fire & EMS Vehicle Replacement Plan	F.Brown	9.8.15	Spring 2016
Body Cameras	Mossotti	9.22.15	November 2015
Special Events Traffic in the Rural Areas	Hensley	10.8.15	Winter 2016
Code Enforcement Policies, Guidelines and Resources	Kay	10.13.15	Winter-Spring 2016
Helicopter Landing Frequency -- Business & Industrial Zones	Hensley	10.22.15	December 2015
Electronic Billboard Signage	Farmer	10.22.15	Winter-Spring 2016
Euclid Ave Corridor Study	Farmer	11.3.15	Winter-Spring 2016
Safety Officers Resolution Review	F Brown	12.1.15	Winter-Spring 2016