

Law/FAS/Council Staff Technical Amendments to CB 118036

Sponsor Clark

Amendments 1-A through 1-Y listed here are recommendations from Law, FAS, and Council Staff to clarify certain portions of the Bill, remove redundant references, resolve inconsistencies within the Bill and between the Bill and existing code, and bring the current and proposed SMC into compliance with current state law governing this area.

Proposed amendments 1-A through 1-Y are presented in double strikethrough and double underlined.

Amendment 1 - A

Section 3 of the Bill (page 5) amends SMC 6.310.110 which contains definitions. Currently the definition of "Personal vehicle" means a vehicle that is not a taxicab or for-hire vehicle licensed under this chapter and that is not used for a commercial purpose. This amendment clarifies the circumstances under which such a vehicle comes within the scope of these regulations.

Accordingly, amend Section 3 as follows:

Section 3. Section 6.310.110 of the Seattle Municipal Code, last amended by Ordinance 123361, is amended as follows:

6.310.110 Definitions(~~(-)~~)

~~((~~T~~))~~ "Owner" means the person whose lawful right of possession of a taxicab or for-hire vehicle has most recently been recorded with the state Department of Motor Vehicles.

"Personal vehicle" means a vehicle that is not a taxicab or for-hire vehicle licensed under this chapter and that is not used for a commercial purpose. A personal vehicle that is used for TNC trips is a for-hire vehicle and subject to regulation under this chapter.

~~((~~U~~))~~ "Senior Citizen" means any person over the age of 60 with a valid identification confirming that person's age.

Amendment 1 -B

Section 4 of the Bill (page 12) amends section 6.310.120 to the SMC detailing the scope of the Chapter. Within the scope, King County-only drivers were exempted from this Chapter if operating pursuant to a business service contract. This reference was moved to a new new 'King County-only business service contracts' provision and thus should be deleted as duplicative. Also, transportation network companies are added to the scope.

Accordingly, amend Section 4 (and renumber subsequent sections accordingly) as follows:

Section 4. Section 6.310.120 of the Seattle Municipal Code, last amended by Ordinance 118341, is amended as follows:

6.310.120 Scope((-))

This chapter applies to all taxicab associations, all transportation network companies, all taxicabs, all for-hire vehicles and all for-hire drivers operating ~~((within))~~ in The City of Seattle. ~~This chapter does not apply to for-hire drivers with valid King County for-hire driver's licenses operating for-hire vehicles with valid King County only for-hire vehicles licenses that have proof that they are operating the for-hire vehicle pursuant to a business service contract on file with the Director.~~ This chapter is not intended to be a part of the New License Code, Chapter 6.202 et seq.

Amendment 1 - C

Section 6 of the Bill (page 13) references SMC 6.310.130 and states the licensing requirements to lawfully operate for-hire transportation services. Subsection E relates to the operation of application dispatch systems (page 14). This amendment clarifies that the rates for-hire vehicles and taxicabs as detailed in SMC 6.310.530 continue to govern while using an application dispatch system.

Accordingly, amend Section 6 as follows:

Section 6. Section 6.310.130 of the Seattle Municipal Code, last amended by Ordinance 119872, is amended as follows:

6.310.130 Licenses required((-))

D. It is unlawful to operate as a transportation network company within The City of Seattle without a valid license issued under this chapter.

E. It is unlawful to operate an application dispatch system within The City of Seattle unless:

1. The person or entity is a licensed transportation network company; or
2. The person or entity uses the application dispatch system exclusively for taxicabs and/or for-hire vehicles licensed under this chapter, using rates consistent with SMC 6.310.530.

Amendment 1 - D

Section 9 of the Bill (page 17) adds a new section 6.310.260 to the SMC detailing the requirements TNCs must meet to become licensed by the City. 6.310.260.A.2.c (page 18) requires TNC applicants to verify their 'unique application dispatch system'. This amendment makes the proposed regulations consistent with other provisions of the Bill that restrict the TNC from using 'more than one application dispatch system.'

Accordingly, amend Section 9 as follows:

Section 9. A new Section 6.310.260 to Seattle Municipal Code is adopted, as follows:

6.310.260 Transportation network company license eligibility and application

A. Any business or individual desiring to operate as a transportation network company within The City of Seattle shall file with the Director a signed and notarized transportation network company license application on forms provided by the Director.

2. The license application shall include the following information:

c. Verification ~~((of))~~ that applicant ~~((s))~~ uses only one ~~((unique))~~ application dispatch system, as approved by the Director;

Amendment 1 - E

Section 9 of the Bill (page 19) dealing with SMC 6.310.260A.2.g.iv specifies that the insurance policy must “Not include self-insured retention, nonstandard deductibles, aggregate limits, territorial restrictions, named driver requirements, or any other provisions that limit insurance coverage.” Named driver requirements’ is not an insurance term of art. ‘Named driver exclusions’ is an insurance term of art that excludes coverage for persons named on an insurance policy. Adding this term will more accurately reflect the City’s intent to prohibit this type of exclusion in insurance policies for all for-hire transportation services.

Accordingly, amend Section 9 as follows:

Section 9. A new Section 6.310.260 to Seattle Municipal Code is adopted, as follows:

6.310.260 Transportation network company license eligibility and application

A. Any business or individual desiring to operate as a transportation network company within The City of Seattle shall file with the Director a signed and notarized transportation network company license application on forms provided by the Director.

2. The license application shall include the following information:

g. Evidence that each vehicle affiliated with a transportation network company has insurance in an amount no less than required by RCW 46.72.050 and underinsured motorist coverage indicating a minimum coverage of \$100,000 per person, and \$300,000 per accident, at any time while active on the TNC dispatch system....

iv. Not include self-insured retention, nonstandard deductibles, aggregate limits, territorial restrictions, named driver requirements or exclusions, or any other provisions that limit insurance coverage.

Amendment 1 - F

Amendment 1 – E also requires changes to the analogous provision in the current code. A new section is added to Bill for SMC 6.310.300 allowing amendment of SMC 6.310.300.C.5.d as follows:

Section 31. Section 6.310.300 of the Seattle Municipal Code, last amended by Ordinance 122763, is amended as follows:

SMC 6.310.300 Taxicab and for-hire vehicle license application.

C. The taxicab or for-hire vehicle license application shall include the following information:

5. Insurance policy or insurance binder proving compliance with Chapter 46.72 RCW, as now or hereafter amended, for each taxicab or for-hire vehicle for which a license is sought. The insurance policy or insurance binder shall:

d. Not include self-insured retention, nonstandard deductibles, aggregate limits, territorial restrictions, named driver requirements or exclusions, or any other provisions that limit insurance coverage.

And renumber sections accordingly.

Amendment 1 - G

Section 9 dealing with SMC 6.310.260.A.2.h requires the TNC license application to include the State for-hire certificate for each TNC driver. The City has been in discussions to drop the proof of state certificate requirement from current City code since it is effectively duplicative. Deleting references to the State certificate requirement will streamline the application process and reduce the oversight burden.

Accordingly, amend Section 9 of the Bill as follows:

Section 9. A new Section 6.310.260 to Seattle Municipal Code is adopted, as follows:

6.310.260 Transportation network company license eligibility and application

A. Any business or individual desiring to operate as a transportation network company within The City of Seattle shall file with the Director a signed and notarized transportation network company license application on forms provided by the Director.

2. The license application shall include the following information:

~~((h. State of Washington for hire certificate for each transportation network company driver.))~~

Amendment 1 - H

Consistent with Amendment 1 – G, amend SMC 6.310.230.A.4 in the same manner.

Add new Section 32 to the Bill as follows for SMC 6.310.230 and amend accordingly:

Section 32. Section 6.310.230 of the Seattle Municipal Code, last amended by Ordinance 121738, is amended as follows:

SMC 6.310.230 Taxicab association—Operating responsibilities.

4. Stores all records that this chapter requires the taxicab association to maintain including, but not limited to, copies of taxicab licenses and for-hire drivers licenses, lists of all affiliated taxicabs and affiliated drivers, taxicab vehicle repair and service records, passenger comment cards, new driver training records, vehicle insurance policies, vehicle registrations, ((vehicle for-hire certificate,)) passenger complaint log, taxicab sign out log or equivalent, and radio dispatch records (Class A — each requirement),

And renumber sections accordingly.

Amendment 1 - I

Consistent with Amendment 1 – G, amend SMC 6.310.300.C.7 in the same manner.

Add new Section 33 to the Bill for SMC 6.310.300 and amend as follows:

Section 33. Section 6.310.300 of the Seattle Municipal Code, last amended by Ordinance 122763, is amended as follows:

SMC 6.310.300 Taxicab and for-hire vehicle license application.

C. The taxicab or for-hire vehicle license application shall include the following information:

~~((7. State of Washington For-hire Certificate.))~~

And renumber sections accordingly.

Amendment 1 - J

Consistent with Amendment 1 – G, amend SMC 6.310.320.J in the same manner.

Add new Section 34 to the Bill for SMC 6.310.230 and amend as follows:

Section 34. Section 6.310.320 of the Seattle Municipal Code, last amended by Ordinance 122802, is amended as follows:

SMC 6.310.320 Taxicab and for-hire vehicle—Vehicle operating requirements.

J. The vehicle contains the following current documentation: ~~((the state for hire certificate,))~~ the county and/or city taxicab or for-hire vehicle license, the vehicle registration, and the proof of insurance card (Class A);

And renumber sections accordingly.

Amendment 1 - K

Consistent with Amendment 1 – G, amend SMC 6.310.450.D in the same manner.

Add new Section 35 to the Bill for SMC 6.310.450 and amend as follows:

Section 35. Section 6.310.450 of the Seattle Municipal Code, last amended by Ordinance 122763, is amended as follows:

SMC 6.310.450 For-hire driver operating standards.

D. A for-hire driver, before starting each shift, shall ensure that ((the state for-hire certificate,)) the county and/or City taxicab or for-hire vehicle license, vehicle registration and proof of insurance card are in the vehicle (Class A).

And renumber sections accordingly.

Amendment 1 - K

Consistent with Amendment 1 – G, amend SMC 6.310.610.C.3.a.iii in the same manner.

Add new Section 36 to the Bill for SMC 6.310.610 and amend as follows:

Section 36. Section 6.310.610 of the Seattle Municipal Code, last amended by Ordinance 122763, is amended as follows:

SMC 6.310.610 Suspension or revocation.

Taxicab and For-hire Vehicle Licenses.

a. The Director shall revoke a taxicab or for-hire vehicle owner license if:

i. The licensee, or any officer, director, general partner, managing partner or principal of the licensee, has had a conviction, bail forfeiture or final adverse finding of criminal fraud, larceny, theft, prostitution, extortion, racketeering, robbery or violation of the Uniform Controlled Substances Act, where the crime is associated with operating a taxicab or for-hire vehicle;

ii. The licensee has had the license suspended twice within a one (1) year period for lack of a current, valid insurance policy;

~~(((iii. The licensee's State of Washington for-hire certificate has been revoked;)))~~

And renumber sections accordingly.

Amendment 1 - L

Section 9. SMC 6.310.260A.2.k specifies that TNCs must provide certain dispatch records for preceding six months as part of its license application. This amendment adds language to this provision citing the City's regulatory authority to require such information, as well as restricting the use of the information.

Accordingly, amend Section 9 as follows:

Section 9. A new Section 6.310.260 to Seattle Municipal Code is adopted, as follows:

6.310.260 Transportation network company license eligibility and application

A. Any business or individual desiring to operate as a transportation network company within The City of Seattle shall file with the Director a signed and notarized transportation network company license application on forms provided by the Director.

2. The license application shall include the following information:

k. Dispatch records identifying the average and minimum and maximum number of drivers and number of dispatches on the TNC dispatch system per day for the six months prior to the date of application. TNCs that were not operating in Seattle prior to the effective date of this ordinance do not need to provide these records. Under the City's authority to regulate the safety, reliability, cost-effectiveness, and economic viability and stability of privately-operated for-hire vehicle and taxicab services within The City of Seattle, this information shall only be used by the Director for purposes of determining eligibility and ~~This information may be used by the Director~~ to assist in drafting the pilot program assessment report for review by Council.

Amendment 1 - M

Section 11 of the Bill (page 22) adds new SMC 6.310.270 detailing the TNC's responsibilities. Currently, the Bill requires transportation network companies to provide the Director with information at the license application stage to enable the Director to issue a report to City Council as set forth in current Section 31 of the Bill. But ongoing TNC operating requirements may not require TNCs to provide the Director with the information that the Director may need to complete the report to City Council. This amendment clarifies that the Director may require additional information from TNCs on an ongoing basis where the Director has done so by rule.

Accordingly, amend Section 11 of the Bill as follows:

Section 11. A new Section 6.310.270 to Seattle Municipal Code is adopted, as follows:

6.310.270 Transportation network company (TNC) operating responsibilities

In addition to meeting the license application requirements set forth in Section 6.310.260, the TNC must:

N. Collect and provide service information, vehicle collision reports, service response time reports, reports of crimes against TNC drivers, and passenger complaints, pursuant to rules adopted by the Director as follows:

1. Service Information Reports. Submit quarterly, in a form approved by the Director, the monthly total of paid trips, paid miles, trip revenue, and daily operating hours for each TNC driver and vehicle (Class A);

CC. Provide the Director with any other information required by regulations adopted pursuant to this chapter (failure to provide required information shall result in suspension of TNC company license).

Amendment 1 - N

Section 31 of the Bill requires the Department of Finance and Administrative Services to issue a report to City Council on for-hire vehicle economics. The following changes to Section 17 (page 35) of the Bill, which deals with SMC 6.310.330, will help the Director to meet the reporting obligations.

Accordingly, amend Section 17 of the Bill as follows:

Section 17. Section 6.310.330 of the Seattle Municipal Code, last amended by Ordinance 124256, is amended as follows:

6.310.330 Taxicab licensee and for-hire vehicle licensee responsibilities ((-))

E. The taxicab or for-hire vehicle licensee must maintain daily trip sheet records, in accordance with SMC Section 6.310.460.F, and complaint logs, as prescribed by the Director by rule for all licensed vehicles. A taxicab licensee must insure that all original daily trip sheets are given to the taxicab association representative at least weekly. The for-hire vehicle licensee must keep daily trip sheets and complaint logs for a minimum of two (2) years. The for-hire vehicle licensee must provide to the Director, through their association representative, quarterly the following information compiled from the daily trip sheets:

1. Number of service requests (trips) during the last quarter;
2. Average operating hours per week per vehicle for the last quarter;
3. Number of complaints received regarding:
 - a. Driver conduct categorized by driving behavior, communication, personal dress or hygiene,
 - b. Vehicle condition categorized by appearance, mechanical and/or safety,
 - c. Service response, ~~((and))~~
 - d. Lack of driver knowledge including incorrect route or no knowledge of destination requested

4. Total fare revenue during last quarter;

5. Average service response time per month; and

~~((4-))~~6. All complaints received regarding either the for-hire driver or the taxicab or for-hire vehicle, where such complaint involves an alleged violation of this chapter, including a note of the action taken to resolve the complaint and the disposition, if known (all violations within subsection E are Class A).

Amendment 1 - O

Section 24 of the Bill (page 49) adds new section 6.310.500 to the SMC relating to the issuance and eligibility for an additional 100 taxicab licenses for the years 2014 and 2015. To be eligible, "an applicant must either: 1) have no ownership interest whatsoever in a licensed for-hire vehicle or licensed taxicab, or 2) relinquish any ownership interest in a licensed for-hire vehicle or licensed taxicab prior to and as a condition of the issuance of the new license." The Committee's intent is to prevent individuals from accumulating multiple vehicle licenses. This amendment to SMC 6.310.500.E clarifies what is meant by relinquish to further promote this purpose.

Accordingly, amend Section 24 as follows:

Section 24. Section 6.310.500 of the Seattle Municipal Code, which Section was last amended by Ordinance 122763, is amended as follows:

6.310.500 Taxicabs(~~(—)~~)(~~(M)~~)maximum number(~~(r)~~)

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E. ...To be eligible for the issuance of these new taxicab licenses, an applicant must either: 1) have no ownership interest whatsoever in a licensed for-hire vehicle or licensed taxicab, or 2) relinquish any ownership interest in a licensed for-hire vehicle or licensed taxicab prior to and as a condition of the issuance of the new license. For purposes of this subsection, relinquish means to surrender the for-hire vehicle or taxicab license to the original licensing agency or transfer the interest to another individual who does not have any ownership interest in a licensed for-hire vehicle or licensed taxicab. If the ownership interest is shared with one other individual who has no other separate and independent interest in a licensed for-hire vehicle or licensed taxicab, the license may be transferred to that individual.

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Amendment 1 – P

In 2010, State legislation passed detailing the processing requirements of local agencies to conduct criminal background checks for license applicants and licensees, RCW 35.21.920. As the City requires such background checks for for-hire drivers, taxicab associations, and TNCs, each provision related to criminal background checks has to be amended to be consistent with State law.

To accomplish this three new sections are added to the Bill for Sections 6.310.205, 6.310.305, 6.310.405 which are amended as indicated.

Add new Section 37 to the Bill as follows:

Section 37. Section 6.310.205 of the Seattle Municipal Code, last amended by Ordinance 119872, is amended as follows:

SMC 6.310.205 Taxicab association owners, partners, and principals—Investigation.

~~((All taxicab association owners, partners, and principals must consent to be fingerprinted for a criminal background check.))~~

All taxicab association owners, partners, and principals shall be referred for fingerprinting, and all applications shall be referred for a state and national Washington State Patrol and Federal Bureau of Investigation criminal background check under RCW 35.21.920 to regulate the issuance of licenses of those engaged in the taxicab and for-hire occupations and activities. Information relating to the applicants' criminal history shall be forwarded to the licensing agency.

And renumber sections accordingly.

Amendment 1 – Q

Consistent with Amendment 1 – P, amend SMC 6.310.305.

Add new Section 38 to the Bill for SMC 6.310.305 and amend as follows:

Section 38. Section 6.310.305 of the Seattle Municipal Code, last amended by Ordinance 118341, is amended as follows:

SMC 6.310.305 Taxicab and for-hire vehicle owners—Investigation.

~~((All applicants for a taxicab or for-hire vehicle license must consent to be fingerprinted for a criminal background check.))~~

All applicants for a taxicab or for-hire vehicle license shall be referred for fingerprinting, and all applications shall be referred for a state and national Washington State Patrol and Federal Bureau of Investigation criminal background check under RCW 35.21.920 to regulate the issuance of licenses of those engaged in the taxicab and for-hire occupations and activities. Information relating to the applicants' criminal history shall be forwarded to the licensing agency.

And renumber sections accordingly.

Amendment 1 – R

Consistent with Amendment 1 – P, amend SMC 6.310.405.

Section 39. Section 6.310.405 of the Seattle Municipal Code, last amended by Ordinance 118341, is amended as follows:

SMC 6.310.405 Criminal Background Check

~~((All applicants for a for-hire driver's license must consent to be fingerprinted for a criminal background check.))~~

All applicants for a for-hire driver's license shall be referred for fingerprinting, and all applications shall be referred for a state and national Washington State Patrol and Federal Bureau of Investigation criminal background check under RCW 35.21.920 to regulate the issuance of licenses of those engaged in the taxicab and for-hire occupations and activities. Information relating to the applicants' criminal history shall be forwarded to the licensing agency.

Amendment 1 – S

Consistent with Amendment 1 – P, add a new Section 6.310.545 to the SMC.

Add new Section 40 to the Bill for SMC 6.310.545 as follows:

Section 40. A new Section 6.310.545 of the Seattle Municipal Code is adopted as follows:

SMC 6.310.545 Transportation network company owners, partners, and principals—

Investigation.

All transportation network company owners, partners, and principals shall be referred for fingerprinting, and all applications shall be referred for a state and national Washington State Patrol and Federal Bureau of Investigation criminal background check under RCW 35.21.920 to regulate the issuance of licenses of those engaged in the taxicab and for-hire occupations and activities. Information relating to the applicants' criminal history shall be forwarded to the licensing agency.

And renumber sections accordingly.

Amendment 1 – T

Currently, violations of SMC 6.310.130.C, 6.310.130.D, or 6.310.130.E by Taxi Associations or TNCs are a criminal offense punishable by up to 90 days in jail and a \$1,000 fine. Effectively prosecuting such cases can be challenging. This Amendment makes first violations a civil offense punishable by a maximum penalty and default amount of \$10,000. This would mean a \$10,000 fine for operating a Taxicab Association, a TNC, or an application dispatch system (that is neither a licensed TNC nor dispatches exclusively to taxis and/or licensed FHV's) without a valid license issued under SMC 6.310. This amendment also gives the City the option of imposing a civil penalty or a criminal penalty on for-hire drivers or companies where the driver or company operates without a license within five years of a previous SMC 6.310.130 violation. Finally, this amendment includes a new provision that explicitly gives the City the power to seek injunctive relief against a party violating SMC 6.310.

Accordingly, amend Section 27 of the Bill (page 56) as follows:

Section 27. A new Section 6.310.600 to Seattle Municipal Code is adopted, as follows:

6.310.600 Penalties

A. ~~((The first))~~ Each violation of subsections 6.310.130.A, 6.310.130.B or 6.310.452.A shall be a civil infraction as contemplated by RCW Chapter 7.80 and deemed to be a Class 1 civil infraction under RCW 7.80.120(a), and shall subject the violator to a maximum penalty and default amount of \$1,000, inclusive of ~~((plus))~~ statutory assessments.

1. As contemplated by RCW 7.80.160, a person who, after receiving a notice of civil infraction that includes a statement of the options provided in RCW Chapter 7.80 for responding to the notice and the procedures necessary for exercising these options, knowingly fails to exercise one of the options within 15 days of the date of the notice is guilty of a misdemeanor subject to the provisions of Chapters 12A.02 and 12A.04, except that absolute liability shall be imposed for such a violation and none of the mental states described in Section 12A.04.030 need be proved, regardless of the disposition of the notice of civil infraction. A person who willfully fails to pay a monetary penalty or perform community service as ordered by a court may be found in contempt of court as provided in RCW Chapter 7.21.

B. ~~((A))~~ Each subsequent violation of subsections 6.310.130.A, 6.310.130.B or 6.310.452.A within five years of a prior violation is a misdemeanor subject to the provisions of Chapters 12A.02 and 12A.04, except that absolute liability shall be imposed for such a violation

and none of the mental states described in Section 12A.04.030 need be proved. The Director may request that the City Attorney prosecute such violations criminally as an alternative to the civil infraction procedure outlined in this chapter.

C. Each violation of subsections 6.310.130.C – 6.310.130.E shall be a civil infraction as contemplated by RCW Chapter 7.80 and deemed to be a Class 1 civil infraction under RCW 7.80.120(a), and shall subject the violator to a maximum penalty and default amount of \$10,000, inclusive of statutory assessments.

1. As contemplated by RCW 7.80.160, a person who, after receiving a notice of civil infraction that includes a statement of the options provided in RCW Chapter 7.80 for responding to the notice and the procedures necessary for exercising these options, knowingly fails to exercise one of the options within 15 days of the date of the notice is guilty of a misdemeanor subject to the provisions of Chapters 12A.02 and 12A.04, except that absolute liability shall be imposed for such a violation and none of the mental states described in Section 12A.04.030 need be proved, regardless of the disposition of the notice of civil infraction. A person who willfully fails to pay a monetary penalty or perform community service as ordered by a court may be found in contempt of court as provided in RCW Chapter 7.21.

2. An action for a civil infraction shall be initiated and processed in the manner contemplated by RCW Chapter 7.80 and the Infraction Rules for Courts of Limited Jurisdiction. For purposes of RCW 7.80.040, the "enforcement officer" authorized to enforce the provisions of subsections 6.310.130.C and 6.310.130.D and 6.310.130.E are: (1) the Director of the Seattle Department of Finance and Administrative Services and authorized representatives or assistants of him or her; and (2) a commissioned officer of the Seattle Police Department and a person issued a Special Police Officer Commission by the Chief of Police with authority to enforce this title.

D. Each subsequent violation of subsections 6.310.130.C, 6.310.130.D or 6.310.130.E within five years of the prior violation is a misdemeanor subject to the provisions of Chapters 12A.02 and 12A.04, except that absolute liability shall be imposed for such a violation and none of the mental states described in Section 12A.04.030 need be proved. The Director may request that the City Attorney prosecute such violations criminally as an alternative to the civil infraction procedure outlined in this chapter.

~~(((A.))C. Violation of ((SMC Section)) subsections 6.310.130.C – 6.310.130.E shall be a misdemeanor and upon conviction shall be punished by a fine not to exceed ((One Thousand Dollars ()))\$1,000((.00))), or by imprisonment for a term not to exceed ((ninety ()))90((())) days, or by both such fine and imprisonment.))~~

~~(((B.))((D.))E. For each violation of a provision in this chapter that has a class referenced in parenthesis after the provision, a civil penalty and penalty points shall be imposed by and paid to the Department according to the provisions of ((SMC)) Section 6.310.605.~~

~~((E.))~~~~((E.))~~F. Any person who alters, edits, destroys, removes, copies, transfers, transmits, erases, deletes, overwrites, obscures, damages, encodes, locks, renders unreadable, or otherwise tampers with any image made by a digital security camera, other than as may occur in the normal operation of the digital security camera system as mandated and authorized by the Director, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed ~~((One Thousand Dollars))~~\$1,000.00~~((+))~~, or by imprisonment for a term not to exceed ~~((ninety (90)))~~90~~((+))~~ days, or by both such fine and imprisonment.

Amendment 1 – U

Consistent with Amendment 1 – T, add a new Section 6.310.750 to the SMC.

Add new Section 41 to the Bill for SMC 6.310.750:

Section 41. A new Section 6.310.750 to Seattle Municipal Code is adopted, as follows:

6.310.750 Additional remedies

Notwithstanding the existence or use of any other remedy, the City Attorney may seek legal or equitable relief to enjoin an act or practice that constitutes or will constitute a violation of this chapter or an applicable rule adopted under this chapter.

And renumber sections accordingly.

Amendment 1 – V

Section 21 of the Bill (page 41) deals with SMC 6.310.452 which addresses TNC driver operating, conduct and passenger relations standards. Many of these obligations are duplicative of the operating, conduct, and passenger relations standards of for-hire drivers in the current code. This amendment will clean up duplicative language.

Also, this amendment will make all references to 'TNC dispatch system' consistent and uniform throughout the Bill and the code.

Accordingly, section 21 is amended as follows:

Section 21. A new Section 6.310.452 to the Seattle Municipal Code is adopted as follows:

6.310.452 TNC driver operating, conduct, and passenger relations standards

In addition to meeting the for-hire operating standards set forth in Section 6.310.450, the TNC drivers must meet the following operating, conduct, and passenger relations standards:

C. TNC drivers, while active on the TNC dispatch system, shall not operate a vehicle that is unaffiliated with a TNC to transport passengers. (Class C and revocation)

D. TNC drivers shall have evidence of personal and commercial vehicle insurance in their possession at all times when active on the TNC ((application)) dispatch system. (Class B)

E. TNC drivers shall maintain a personal auto insurance policy provided, that if the insurance policy lapses or is canceled, or a vehicle is deleted from the policy, proof of a new policy including the vehicle must be filed with the Director before the vehicle is canceled or deleted from the previous policy (summary suspension);

~~((F. No TNC driver whose for-hire driver's license has been revoked by the Director shall apply for a new for-hire driver's license for one year from the effective date of such revocation (denial of license).))~~

~~((G. TNC drivers shall not use a mobile phone unless in hands-free mode, consistent with RCW 46.61.667.))~~

~~((H. TNC drivers shall not transport more passengers than the number of seat belts available nor more luggage than the vehicle capacity will safely and legally allow (Class B);~~

~~I. TNC drivers shall not accept dispatch of trips unless the interior and the exterior of the vehicle are clean and in good repair (Class A);~~

~~J. TNC drivers shall not smoke in the for-hire vehicle while providing transportation to passengers (Class A);~~

~~K. TNC drivers shall allow the Director to inspect the affiliated vehicle without notice at any reasonable time or place (Class B);~~

~~L. TNC drivers shall pay all penalties imposed by the Department that are either not contested or are ultimately upheld (revocation or nonrenewal);~~

M. TNC drivers shall immediately notify the transportation network company and the Seattle Police Department when the TNC driver has been the victim of a crime (Class B).

N. TNC drivers shall not accept payment of fare or tips. Payment shall only be made electronically via the TNC application dispatch system. (Class B).

O. TNC endorsed drivers driving with a TNC endorsed vehicle shall not pick up, cruise or otherwise solicit trips (Class C and revocation)

P. TNC drivers driving with a TNC endorsed vehicle shall be the registered owner of the affiliated vehicle used to transport passengers (Class A).

~~((Q. TNC drivers shall not use a third party to solicit trips (Class C and revocation);~~

~~((R. TNC drivers shall not drink any alcoholic beverage while on duty or less than eight hours prior to going on duty, and shall not possess an open or unsealed container of any alcoholic beverage while in the for-hire vehicle (suspension and Class B);~~

S. TNC drivers shall, at the end of each trip, check the vehicle for any article(s) that are left behind by passenger(s). Such articles are to be reported as found property, and such property is to be returned to a transportation network company representative as soon as is practicable (Class A);

T. TNC drivers shall have in the driver's possession a valid Washington State driver's license, a valid for-hire driver's license, and documentation that they are affiliated with a licensed TNC at any time the TNC driver is active on the TNC dispatch system.(suspension and Class B);

~~((U. TNC drivers shall comply with any written notice of violation issued by the Director (suspension and Class B);~~

~~V. TNC drivers shall operate his or her vehicle with due regard for the safety, comfort and convenience of passengers (Class B for safety violations; Class A for nonsafety violations);~~

~~W. TNC drivers shall not solicit for prostitution nor allow his or her vehicle to be used for such unlawful purpose (revocation and Class C);~~

~~X. TNC drivers shall not knowingly permit his or her vehicle to be used for the illegal solicitation, transportation, or sale, or any other activity related to illegal drugs (revocation and Class C);~~

~~Y. TNC drivers shall, upon request by the Director or a police officer, provide the for hire driver's license and Washington State driver's license for inspection (suspension and Class B);~~

~~Z. TNC drivers shall use the most direct available route on all trips unless the passenger specifically requests to change the route (Class B).~~

~~AA. TNC drivers shall not refuse to transport any person (Class A) except when:~~

~~1. The TNC driver has already been dispatched on another call; or~~

~~2. The TNC driver arrives at the place of pick up and upon arrival the passenger is acting in a disorderly or threatening manner, or otherwise is acting in a manner that would cause a reasonable person to believe that the TNC driver's health or safety, or that of others, may be endangered;~~

~~BB. TNC drivers shall not refuse to transport any passenger's wheelchair which can be folded and placed in either the passenger, driver, or trunk compartment of the vehicle; an assist dog or guide dog to assist the disabled or handicapped; or groceries, packages or luggage when accompanied by a passenger (Class B).~~

~~CC. A TNC driver shall not operate a wheelchair accessible for hire vehicle unless the for hire driver has successfully completed the special training requirements set forth in subsection 6.310.415.D (Class C and revocation).))~~

Amendment 1 – W

The current Bill regulates the use of mobile phones for TNC drivers. This amendment to SMC 6.310.455.R extends the restrictions to all for-hire drivers.

Add a new Section 42 to the Bill for SMC 6.310.455 and amend as follows:

Section 42. Section 6.310.455 of the Seattle Municipal Code, last amended by Ordinance 122763, is amended as follows:

SMC 6.310.455 For-hire driver conduct standards.

R. A for-hire driver shall not use a ~~((cell))~~ mobile phone ~~((while a passenger is in the taxicab))~~ unless in hands-free mode, consistent with RCW 46.61.667. (Class B);

And renumber sections accordingly.

Amendment 1 – X

Current code at SMC 6.310.400.B details the for-hire driver's license application process. An amendment adding new language is necessary in order to exclude for-hire vehicle-only drivers from the 4-day taxi association training required of taxi drivers.

Add a new Section 43 to the Bill for SMC 6.310.400 and amend as follows:

Section 43. Section 6.310.400 of the Seattle Municipal Code, last amended by Ordinance 121738, is amended as follows:

SMC 6.310.400 For-hire driver's license application.

B. The following additional information must be filed prior to sitting for the written examination:

3. If an applicant will only drive a for-hire vehicle, then the 4-day classroom training by a taxicab association and the ride-alongs are not required. Seattle for-hire driver licenses shall be endorsed as "For-Hire Vehicles Only" or "FHV."

And renumber sections accordingly.

Amendment 1 – Y

This new provision clarifies that nothing in SMC chapter 6.310 relieves a for-hire driver, for-hire vehicle or taxicab licensee, taxicab association, transportation network company (TNC), TNC vehicle endorsement holder or applicant from any other obligations under law and that City issuance of a license or endorsement does not imply that such other obligations have been met.

Add a new Section 44 to the Bill for SMC 6.310.745 as follows:

Section 44. A new Section 6.310.745 to the Seattle Municipal Code is adopted as follows:

SMC 6.310.745 Other laws

Nothing in this chapter relieves a for-hire driver, for-hire vehicle or taxicab licensee, taxicab association, transportation network company (TNC), TNC vehicle endorsement holder or applicant thereof from complying with any other law, nor does the City issuance of a license or endorsement under this chapter imply that the applicant has met the obligations of all such other laws.

And renumber sections accordingly.