

Ordinance No. 121857

Council Bill No. 115298

AN ORDINANCE related to taxicabs; revising the requirements for a demonstration project to determine the feasibility of wheelchair accessible taxicabs; specifying requirements for installation of digital security cameras in all taxicabs; and amending Seattle Municipal Code Sections 6.310.110, 6.310.320, 6.310.330, 6.310.455, 6.310.500, and 6.310.600.

CF No. _____

Date Introduced:	JUN 20 2005	
Date 1st Referred:	To: (committee)	Finance & Budget
Date Re - Referred:	JUN 20 2005	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote:	
7-16-05	7-0	
Date Presented to Mayor:	Date Approved:	
7-11-05	7/18/05	
Date Returned to City Clerk:	Date Published:	T.O. <input type="checkbox"/> F.T. <input checked="" type="checkbox"/>
7/21/05	6/21/05	
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

The City of Seattle - Legislative Department
Council Bill/Ordinance sponsored by: Richard J. McIver
McIVER
Councilmember

Committee Action:

pass 7/6/05 RM

7/10/05 Passed 7-0 (Excused: Della, Steinbrunn)

This file is complete and ready for presentation to Full Council. Committee: _____ (initial/date)

Law Department

Law Dept. Review OMP Review City Clerk Review Electronic Copy Loaded Indexed

ORDINANCE 121857

AN ORDINANCE related to taxicabs; revising the requirements for a demonstration project to determine the feasibility of wheelchair accessible taxicabs; specifying requirements for installation of digital security cameras in all taxicabs; and amending Seattle Municipal Code Sections 6.310.110, 6.310.320, 6.310.330, 6.310.455, 6.310.500, and 6.310.600.

WHEREAS, through a grant, King County is implementing a demonstration project to determine the viability of wheelchair accessible taxicabs, which will also serve the general public; and

WHEREAS, because taxicabs generally operate regionally and require licenses issued by both the City of Seattle and by King County, it is appropriate for the City to issue temporary, non-transferable taxicab licenses to individual for-hire drivers selected by King County through its wheelchair accessible taxicab demonstration project; and

WHEREAS, Ordinance 121738, adopted earlier this year, requires all taxicabs operating in Seattle after September 1, 2005 to be equipped with digital security cameras, revisions to that requirement are necessary to protect both individual privacy concerns and the digital images for use as evidence in the investigation and prosecution of criminal activities; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection 6.310.110 V of the Seattle Municipal Code is hereby amended as follows:

6.310.110 Definitions.

* * *

V. "Taxicab association" means a person or organization licensed under this chapter that represents or owns at least fifteen (15) taxicabs licensed by the City that use the same color scheme, trade name, and dispatch services. An individual person may be a taxicab association as long as that individual owns or represents at least fifteen (15) taxicabs and otherwise meets the



1 requirements of this chapter; provided, that for taxicab associations formed in connection with
2 the wheelchair accessible taxicab demonstration project provided for under this chapter, the
3 Director may waive the requirement for such taxicab associations to have fifteen (15) licensed
4 taxicabs and any taxicab association license fee for the duration of the demonstration project.

5
6 * * *

7 **Section 2.** Subsection 6.310.320 S of the Seattle Municipal Code is hereby amended as
8 follows:
9

10 **6.310.320 Taxicab and for-hire vehicle—Vehicle operating requirements.**

11 * * *

12 S. After September 1, 2005, the taxicab must be equipped with an operable digital
13 security camera system approved by the Director pursuant to specifications provided by rule and
14 adopted by the Director (summary suspension and Class B). The requirement for digital security
15 cameras will expire on September 1, 2008, unless the City of Seattle adopts an ordinance to
16 extend the requirement. Access to ~~((a-recording))~~ images made by any digital security camera is
17 restricted to law enforcement personnel solely for the investigation and prosecution of crimes
18 (Class C). Nothing in this subsection S shall be construed to remove a law enforcement agency's
19 obligation to comply with the Fourth Amendment of the United States Constitution and article I,
20 section 7 of the Washington Constitution in obtaining access to digital security camera images,
21 including the requirement to obtain a search warrant if needed;
22
23

24 * * *



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Executive Administration	Craig Leisy/6-1296	Eve Sternberg/6-1119

Legislation Title:

AN ORDINANCE related to taxicabs; revising the requirements for a demonstration project to determine the feasibility of wheelchair accessible taxicabs; specifying requirements for installation of digital security cameras in all taxicabs; and amending Seattle Municipal Code Sections 6.310.110, 6.310.320, 6.310.330, 6.310.455, 6.310.500, and 6.310.600.

• **Summary of the Legislation:**

The proposed legislation will allow the Director of Executive Administration to issue temporary, non-transferable taxicab licenses to individual for-hire drivers selected by King County for a demonstration project to determine the viability of wheelchair-accessible taxicabs (WAT). The council bill also clarifies the conditions under which law enforcement personnel may obtain access to images from the digital security cameras, required in all taxicabs after September 1, 2005, after a crime has been committed involving the taxicab. Finally, the legislation imposes prohibitions against and penalties for tampering with digital camera images or removing a digital security camera from an operating taxicab.

• **Background:**

Ordinance 121738, adopted earlier this year, paved the way for the City to participate in a WAT demonstration project to determine the viability of wheelchair accessible taxicabs. Because King County is the recipient of the state grant for the WAT demonstration project, and because taxicabs generally operate regionally and require licenses issued by both the City of Seattle and by King County, it is appropriate for the City to issue temporary, non-transferable taxicab licenses to individual for-hire drivers selected by King County through the WAT demonstration project. During the demonstration project, the Director of Executive Administration may relax limitations on taxicab association membership and associated fees, to facilitate the demonstration project.

Ordinance 121738 also required that owners install digital security cameras in all taxicabs operating within Seattle. The security cameras record images of passengers, serving as a deterrent to violent crimes committed against taxicab drivers. If such crimes occur, the digital images may be used by law enforcement personnel to investigate and prosecute the crime. The proposed amendment clarifies the original intent of this requirement, that probable cause is necessary for police access to the camera images, by emphasizing the need for a search warrant unless the taxicab owner voluntarily grants permission to a law enforcement agency to access the recorded images. The legislation also imposes prohibitions against taxicab licensees and drivers tampering with digital camera images or



*Gregg Johanson
May 10, 2005
DEA 2005 Taxicab Ordinance
Version #2*

removing the cameras. Such tampering would constitute a misdemeanor. These additional provisions respond to access concerns raised since the passage of Ordinance 121738.

SMC Chapter 6.310 regulates the taxicab industry, and the proposed revisions do not have an impact on revenues to the City. Therefore, this legislation has no financial implications.

X This legislation does not have any financial implications.





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

June 7, 2005

Honorable Jan Drago
President
Seattle City Council
City Hall, 2nd Floor

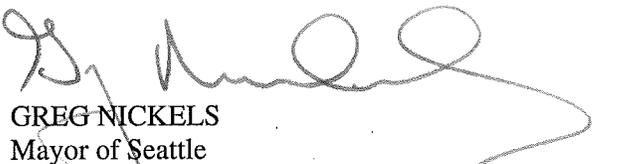
Dear Council President Drago:

The attached proposed Council Bill further amends SMC Chapter 6.310, which regulates taxicabs operating within Seattle, consistent with Ordinance 121738 adopted earlier this year. Ordinance 121738 paved the way for the City to participate in a demonstration project to determine the viability of wheelchair accessible taxicabs (WAT). King County is the recipient of the state grant for the WAT demonstration project, and because taxicabs generally operate regionally and require licenses issued by both the City of Seattle and by King County, it is appropriate for the City to issue temporary, non-transferable taxicab licenses to individual for-hire drivers selected by King County for the WAT demonstration project.

Ordinance 121738 also required that owners install digital security cameras in all taxicabs operating within Seattle after September 1, 2005. The attached legislation clarifies that probable cause is necessary for law enforcement access to the digital camera images, by emphasizing the need for a search warrant unless the taxicab owner voluntarily grants permission for access to the recorded images. Additionally, the legislation imposes prohibitions against and penalties for tampering with digital camera images or removing a digital security camera from an operating taxicab.

The attached Council Bill makes important clarifications to the earlier taxicab ordinance. Thank you for your consideration of this legislation. Should you have questions, please contact Ken Nakatsu at 684-0505 or Mel McDonald at 233-0071.

Sincerely,



GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



STATE OF WASHINGTON – KING COUNTY

--SS.

188513
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

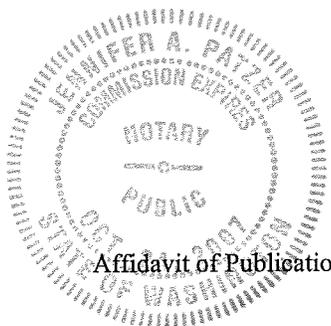
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:121857 ORDINANCE

was published on

08/01/05

The amount of the fee charged for the foregoing publication is the sum of \$ 278.25, which amount has been paid in full.



Affidavit of Publication

mdf

Subscribed and sworn to before me on

08/01/05

Jennifer Patzer

Notary public for the State of Washington,
residing in Seattle

City of Seattle

ORDINANCE 121857

AN ORDINANCE related to taxicabs; revising the requirements for a demonstration project to determine the feasibility of wheelchair accessible taxicabs; specifying requirements for installation of digital security cameras in all taxicabs; and amending Seattle Municipal Code Sections 6.310.110, 6.310.320, 6.310.330, 6.310.455, 6.310.500, and 6.310.600.

WHEREAS, through a grant, King County is implementing a demonstration project to determine the viability of wheelchair accessible taxicabs, which will also serve the general public; and

WHEREAS, because taxicabs generally operate regionally and require licenses issued by both the City of Seattle and by King County, it is appropriate for the City to issue temporary, non-transferable taxicab licenses to individual for-hire drivers selected by King County through its wheelchair accessible taxicab demonstration project; and

WHEREAS, Ordinance 121738, adopted earlier this year, requires all taxicabs operating in Seattle after September 1, 2005 to be equipped with digital security cameras, revisions to that requirement are necessary to protect both individual privacy concerns and the digital images for use as evidence in the investigation and prosecution of criminal activities; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection 6.310.110 V of the Seattle Municipal Code is hereby amended as follows:

6.310.110 Definitions.

V. "Taxicab association" means a person or organization licensed under this chapter that represents or owns at least fifteen (15) taxicabs licensed by the City that use the same color scheme, trade name, and dispatch services. An individual person may be a taxicab association as long as that individual owns or represents at least fifteen (15) taxicabs and otherwise meets the requirements of this chapter; provided, that for taxicab associations formed in connection with the wheelchair accessible taxicab demonstration project provided for under this chapter, the Director may waive the requirement for such taxicab associations to have fifteen (15) licensed taxicabs and any taxicab association license fee for the duration of the demonstration project.

Section 2. Subsection 6.310.320 S of the Seattle Municipal Code is hereby amended as follows:

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

S. After September 1, 2005, the taxicab must be equipped with an operable digital security camera system approved by the Director pursuant to specifications provided by rule and adopted by the Director (summary suspension and Class B). The requirement for digital security cameras will expire on September 1, 2008, unless the City of Seattle adopts an ordinance to extend the requirement. Access to ~~((a recording))~~ images made by any digital security camera is restricted to law enforcement personnel solely for the investigation and prosecution of crimes (Class C). Nothing in this subsection S shall be construed to remove a law enforcement agency's obligation to comply with the Fourth Amendment of the United States Constitution and article I, section 7 of the Washington Constitution in obtaining access to digital security camera images, including the requirement to obtain a search warrant if needed.

Section 3. Section 6.310.330 of the Seattle Municipal Code is hereby amended as follows:

6.310.330 Taxicab licensee and for-hire vehicle licensee responsibilities.

L. A taxicab or for-hire vehicle licensee shall not tamper with, disable, remove, or willfully damage the digital security camera equipment required under this chapter (Class C).

M. A taxicab or for-hire vehicle licensee shall not alter, edit, destroy, remove, copy, transfer, transmit, erase, delete, overwrite, obscure, damage, encode, lock, render unreadable, or otherwise tamper 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 (Class C).

Section 4. Section 6.310.455 of the Seattle Municipal Code is hereby amended

State of Washington, Ki

State of Washington, King C

~~transfer, transmit, erase, delete, overwrite, obscure, damage, encode, lock, render unreadable, or otherwise tamper 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 (Class C).~~

Section 4. Section 6.310.455 of the Seattle Municipal Code is hereby amended as follows:

6.310.455 For-hire driver conduct standards.

S. A for-hire driver shall not sub-lease a taxicab to another driver unless that driver has a valid for-hire driver license and the for-hire driver is currently affiliated with the taxicab association (suspension and Class B); ~~(and)~~

T. A for-hire driver must notify the Director within three (3) working days of being involved, while operating a taxicab, in any vehicle accident that is required to be reported to the State of Washington (Class B);

~~U. A for-hire driver shall not tamper with, disable, remove, or willfully damage the digital security camera equipment required under this chapter to be in taxicab (Class C); and~~

~~V. A for-hire driver shall not alter, edit, destroy, remove, copy, transfer, transmit, erase, delete, overwrite, obscure, damage, encode, lock, render unreadable, or otherwise tamper 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 (Class C).~~

Section 5. Subsection 6.310.500 C of the Seattle Municipal Code is hereby amended as follows:

C. The Director may, at the Director's discretion, issue wheelchair accessible taxicab licenses to special service vehicles used to provide transportation to disabled persons defined in KCC 6.64.010 or to handicapped persons as defined in SMC Section 6.310.110. These are non-transferable wheelchair accessible taxicab licenses and shall not be included in calculating the maximum number of taxicab licenses allowable pursuant to paragraph A of this section. ~~Consistent with this subsection, ((T))the Director ((shall conduct)) may issue temporary and nontransferable wheelchair accessible taxicab licenses to individual for-hire drivers selected by King County for a demonstration project to determine the economic feasibility of the long term issuance of such licenses ((and shall determine and set forth by rule whether such licenses shall be issued as temporary or permanent licenses)).~~

Section 6. Section 6.310.600 of the Seattle Municipal Code is hereby amended as follows:

6.310.600. Penalties.

~~C. 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) days, or by both such fine and imprisonment.~~

Section 7. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 11th day of July, 2005, and signed by me in open session in authentication of its passage this 11th day of July, 2005.

JAN DRAGO,

President of the City Council.

Approved by me this 18th day of July, 2005.

GREGORY J. NICKELS,

Mayor.

Filed by me this 21st day of July, 2005.

(Seal) JUDITH PIPPIN,

City Clerk.

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, August 1, 2005.

8/1(188513)