

Private For-Hire Transportation Innovation Pilot Program: Transportation Network Service Guiding Regulatory Principles

Introduction and Background

The purpose of the City of Portland's Private For-Hire Transportation Program (PFHT) is to provide for the safe, fair and efficient operation of private "for-hire" transportation services. The City Code defines private for-hire transportation as providing vehicular, horse-drawn carriage or pedicab transportation for compensation of any kind within the Portland City limits. However, it does not include transportation provided by a public or governmental entity, or that is regulated entirely by the state of Oregon or the federal government.

The City of Portland's private for-hire transportation network is made up of different modes of private for-hire service with different business models, privileges and regulatory burdens, and each type of service serves an essential role in the overall city-wide transportation network. The private for-hire market has significantly changed as consumer demands have evolved and as Portland experiences population growth and a thriving tourism industry. In addition to the changing demands, an ECONorthwest study found that in 2013, Portland had 7.5 taxis per 10,000 residents in 2013, the second-lowest among 10 cities in the study and 6 of the 10 cities in the study had taxis available at twice the rate as Portland;

A new model of for-hire transportation has emerged in response to the changing markets and consumer demand. City Council has defined this new private for-hire transportation model as "Transportation Network Companies" pursuant to section 16.40.030 of City Code. Transportation Network Companies (TNC) connect passengers to drivers providing private for-hire transportation service through an internet based digital or software platform/application.

The City has an interest in ensuring that each type of private for-hire transportation provider complies with City regulations that protect public health, safety, consumer protection, morals or general welfare. Transportation Commissioner Steve Novick convened a 12-member, community PFHT Innovation Task Force (Task Force) to provide guidance and recommendations on how the City's PFHT regulatory program should evolve and respond to new developments in the industry, including the entry of TNCs. The Task Force has met ten times since January 2015 and has heard from taxi drivers, taxi companies, TNC drivers, TNC companies and the general public. The Task Force also convened a Listening Session for PFHT drivers and a Community Forum for the general public.

1120 SW Fifth Avenue, Suite 800 • Portland, OR 97204 • 503-823-5185
FAX 503-823-7576 • TTY 503-823-6868 • www.portlandoregon.gov/transportation

On April 9, 2015, the Task Force made recommendations to City Council with a phased approach to updating private for-hire regulations, with Phase 1 to include a 120-day pilot program, during which time TNC permits would be made available, regulations for taxi companies would be modified and market data will be collected and analyzed. While Phase 1 is in operation, the Task Force will continue to meet, assess market data and solicit public input that will inform recommendations to all of the City's PFHT rules. The Task Force's final report is expected in July 2015 with regulatory recommendations for all modes of for-hire transportation.

Interim Administrative Rule Authority and Justification

The City of Portland has a responsibility to ensure the safety and reliability of vehicles for-hire as a matter of public concern and has the authority, delegated by ORS 221.495, to license, control and regulate privately owned vehicles for hire operating within the City of Portland. In addition, the Portland Bureau of Transportation Director has the authority pursuant to PCC 16.40.520 J to authorize interim administrative rules that could be effective for not more than 120 days.

16.40.520 Administrative Rule Authority and Process

J. "Notwithstanding Subsections 16.40.520 C. and D., the Director may adopt an interim rule without prior public notice or Board action upon a finding that a failure to act promptly will likely result in prejudice to the public interest or the interest of the affected parties. If the Director adopts a rule under this Subsection, the Director must state the specific reason for such prejudice. Any interim rule adopted pursuant to this Subsection is effective for a period of not longer than 120 days."

While the Task Force will continue to meet and develop recommendations for a final program (Phase 2), this Interim Rule is necessary to implement the Task Force recommendations in order to ensure public safety and consumer protections in light of the evolving private for-hire transportation landscape. Phase 1 (Interim Rule) will allow Transportation Network Companies to operate in the City of Portland, and create parity where possible between the Taxi Companies and the Transportation Network Companies in order to avoid any prejudice to the interests of affected parties.

The Interim Rule is necessary to provide sufficient private for-hire supply to meet currently unmet public and accessible ride service demand. The Phase 1 Interim Rule will allow the City to gather critical data in an effort to improve all aspects of the private for-hire regulations and the city's transportation network.

Implementation of Pilot Program

Pursuant to PCC 16.40.520 Administrative Rule Authority and Process, the Bureau of Transportation Director will authorize Interim Administrative Rules consistent with the Guiding Principles outlined in this document. The term of the interim administrative rules will be for 120 days and will be considered the "Pilot Program".

Guiding Principles

SAFETY AND SERVICE PRINCIPLES

1. TNCs will be required to certify compliance with City requirements for a vehicle to be certified as a permitted transportation network vehicle.
 - The term of any certified TNC Vehicle will not exceed the authority of the interim administrative rule and is subject to Certification Requirements.
 - Applications for TNC Vehicle permit will be made directly to an affiliated TNC. The TNC will certify to the Administrator, pursuant to Certification Requirements, that the vehicle meets all requirements before the vehicle may be put into service as a TNC Vehicle.
 - All TNC Vehicles will maintain, at all times, a vehicle registration, licensing and insurance as required by the State of Oregon or the state in which such vehicle is registered.
 - No vehicle older than 10 years, based on the model year, will be allowed to operate as a TNC Vehicle. The age of a vehicle is determined by the manufacturer's model year, regardless of when the vehicle was purchased or put into service as a TNC Vehicle.
 - Each TNC Vehicle must pass a standardized vehicle safety test as performed by either a Master Mechanic certified by the National Institute for Automotive Service Excellence (ASE) or by an ASE Blue Seal Recognized Shop if the vehicle
 - is more than one year old, based on model year, or
 - has 10,000 miles or more on its odometer, or
 - has the "check engine" light illuminated, regardless of model year or mileage.

The ASE Master Mechanic or ASE Blue Seal Shop will then issue to the applicant a "Safety Certificate" stating that the vehicle passed the required safety inspection.

- Each TNC Vehicle will be kept clean, kept in good appearance and good repair, be properly equipped, including but not limited to carrying a hands-free accessory for mobile devices, a standard first aid kit, kept in a safe condition; and equipped with all pollution control equipment originally installed by the manufacturer. TNC vehicles should be required to be equipped with fire extinguisher no later than 60 days into the pilot program. In addition, the use of tobacco products will be prohibited in any TNC Vehicle.

2. TNC Vehicles will follow operating requirements and prohibitions.

- TNC Trade Dress signage will be required for each TNC Vehicle in operation. Such signage will be clearly visible during all times a TNC Vehicle is operating.
- Secure, digital records with contact information from drivers and riders shall be maintained by the TNC. Such records shall provide a verifiable way to identify drivers and riders. TNCs own the digital records and are responsible for their maintenance and the records produced by them. If a Portland Police Bureau Officer requests access to any record to assist in the investigation of any crime, the TNC must provide access thereto within 24 hours.
- In determining whether a vehicle meets the vehicle condition requirements, the following will apply:
 - The outside of TNC vehicles will be required to be free of dirt, grease, grime, glue, tape (such as duct or masking tape), trash, litter or other substance. This will apply to the vehicle's paint, upholstery, windows, floorboard and integrated parts of the vehicle's body.
 - Good appearance and good repair includes no missing nor makeshift parts for vehicles, including but not limited to, fenders, hood, trunk lid, doors, door handles, windows, chrome or rubber strips, wheel covers, upholstery, ashtrays, or carpeting; and the horn and all lights, turn signals and back-up signals are in good working order; and, the vehicle body is free of major damage and broken or cracked equipment, including but not limited to, windows, lights, light covers, top light and reflectors.
 - Properly equipped will include having properly functioning windshield wipers, windshield washers, interior/dome lights, heating/air conditioning systems, odometer, speedometer and mufflers, tail pipes or other exhaust components that prevent unnecessary noise and smoke emissions. All equipment and devices must be maintained in good working order.
 - Safe condition will require that the vehicle is in compliance with the standards contained in ORS Title 59, Oregon Vehicle Code, Chapters 801 through 823.
- Transferring certification of a permitted TNC Vehicle will be prohibited.
- A copy of the vehicle's registration and proof of insurance must be kept in every TNC Vehicle. In addition, the City will require proof of TNC insurance and proof of a TNC Driver's business license number be kept in every TNC Vehicle.

3. TNCs will be required to certify driver background checks and other driver-related information.

- TNCs will be responsible for certifying all affiliated transportation network drivers in accordance to City requirements and subject to Certification Requirements. Upon certification of such requirements, the TNC will be required to submit to the City active TNC driver information to certify permitted drivers. .
- The term of any TNC Driver Permit will be consistent with the term of the interim administrative rule.
- Applications for TNC Driver permits will be made directly to the affiliated TNC. The TNC will certify to the Administrator, pursuant to Certification Requirements, that the driver meets all requirements before the driver may operate as a TNC Driver.
- The TNC will be required to conduct a national criminal and driving background checks through a third-party provider, accredited by the National Association of Professional Background Screeners. A TNC Driver will not be certified as a permitted driver if any of the following conditions exist:
 - The applicant has a felony conviction of any kind in the 10 years preceding the submission of the application;
 - The applicant has a felony involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred;
 - During the 5-year period preceding the submission of the application, the applicant has been convicted of any criminal offense involving:
 - any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or
 - any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident;
 - During the 5-year period preceding the submission of the initial application, the applicant had greater than 10 traffic infractions as defined in ORS 801.557; greater than five serious traffic violations as defined in ORS 801.477; greater than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, greater than five of any combination of serious traffic violations or motor vehicle accidents as provided above;
 - During the 10-year period preceding the filing of the initial application, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident;
 - The applicant has more than two traffic violations or infractions of any kind within the previous 12 months from the date of the application;
 - The applicant has more than four infractions of any kind within the previous 12 months from the date of the application;
 - The applicant does not have at least 2 years' worth of continuous driving experience in a United States jurisdiction immediately prior to the date of the

- application's submission;
 - The applicant is less than 21 years old; or
 - The applicant is unable to obtain car insurance for any reason.
- Driver background checks must include a check of driving records in Oregon and in any jurisdiction where the applicant was licensed to drive in the last 10 years.
- All TNC Drivers working for a TNC must maintain current, valid personal automobile insurance that meets the State of Oregon requirements.
- All TNC Drivers working for a TNC must comply with all provisions of the Business License Law, Chapter 7.02.

4. TNC Drivers will be required to complete skills and knowledge testing as well as safety and customer service training.

- TNC Drivers will be required to successfully complete each of the following Bureau approved tests as administered by the Bureau or a permitted TNC within 4 months of certification of the driver's permit:
 - Map-reading;
 - Relevant City Code provisions and Administrative Rules; and
 - Portland-area attractions.
- Drivers must successfully complete a Bureau-approved driver safety training program within 4 months of certification of the driver's permit. The following driver safety programs are approved by the Bureau:
 - Fifty Five Alive;
 - National Traffic Safety Institute classroom program with additional Passenger/Van module.
 - Any driver safety program offered by a TNC that is approved by the Administrator as being equivalent to those programs listed in this Section.
- Drivers must successfully complete a Bureau-approved customer service training program within 4 months of certification of the driver's permit. The following customer service programs are approved by the Bureau for purposes of this Rule:
 - Travel Oregon's online customer service training. A score of 80% or better is required to pass.
 - The Administrator will approve a TNC Services specific customer service training as this becomes available.

5. TNC Drivers will follow driver-conduct requirements and prohibitions

- Driver Conduct. No permitted TNC driver will be allowed to:
 - Allow another person to use his/her driver's permit;
 - Drive or allow another person to drive a TNC vehicle without a valid driver's license while the vehicle is being used to provide TNC Services;
 - Operate any TNC vehicle while consuming, or while under the influence of intoxicants, or in a careless or reckless manner or in a manner contrary to the laws of this City or the State of Oregon;
 - Operate any for-hire transportation vehicle while consuming, or while under the influence of illegal drugs;
 - Operate any for-hire transportation vehicle if impaired by any legally-prescribed or over-the-counter drugs;
 - Use a for-hire transportation vehicle in the commission of any crime;
 - Use profane or obscene language offensive to the passenger while operating a for-hire transportation vehicle;
 - Smoke any substance or use tobacco in any form inside a permitted TNC Vehicle;
 - Allow any passenger to smoke any substance or use tobacco in any form inside a permitted TNC Vehicle;
 - Defraud a passenger in any way;
 - Be discourteous to a passenger;
 - Refuse to issue a fully completed receipt for a fare paid if one is requested; or
 - Drive passengers to their destination by any other than the most direct and safe route, unless requested to do so by the passenger.
 - Operate any TNC vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1).
 - Refuse to transport to a requested destination any passenger of proper demeanor whose request for service has been accepted on the App.
- No Driver (taxi driver, transportation network driver or LPT driver) is allowed to drive after engaging in more than 14 hours of commercial activity in any given 24-hour period.
- A TNC Driver shall only accept rides booked through a TNC digital platform and shall not solicit or accept street-hails or stop in any City-approved taxi zones.
- TNC Drivers will carry proof of TNC insurance at all times while operating as a TNC Driver.
- TNC Drivers will carry documentation of the driver's City of Portland Business License at all times while operating as a TNC Driver.
- Transferring TNC Driver Permits from one Driver to another will be prohibited.

6. TNCs will be required to provide a minimum level of service.

- Permitted TNCs will have to comply with the following minimum standards:
 - A dispatch system in operation 24 hours each day capable of providing reasonably prompt service in response to requests.
 - Acceptance of any request for TNC Service received from any location within the City.
 - The TNC App used to connect drivers to riders must display an accurate picture of the TNC driver and a picture or description of the type of TNC Vehicle, as well as the license plate number of the TNC Vehicle.

7. TNC Drivers will need to abide by a cap on the hours of driving.

- No Driver (taxi driver, transportation network driver or LPT driver) is allowed to drive after engaging in more than 14 hours of commercial activity in any given 24-hour period.

INSURANCE PRINCIPLES

8. A Transportation Network Company will be properly insured.

- In order to provide protection to the public, the Transportation Network Company will be required to provide appropriate levels of insurance during commercial activity. Transportation Network Service is defined by three distinct periods:
 - Period 1: The TNC Driver has logged into the App. The App is open and the driver is waiting for a match.
 - Period 2: A passenger match has been accepted – the passenger is not yet picked up (i.e. the driver is on his/her way to pick up the passenger).
 - Period 3: The Passenger is in the vehicle and until the passenger safely exits the vehicle at the destination.
- Before a TNC vehicle is used to provide TNC services, the vehicle must be covered by a primary automobile insurance policy for TNC services secured by the TNC, the TNC Driver, or a combination of both.
- The Transportation Network Company will be required to provide insurance policies naming the City of Portland as an additional insured party and give at least 30 days' notice to the Administrator before a policy is canceled, expires, or has a reduction in coverage. Insurance coverage requirements include commercial business insurance, commercial vehicle insurance, worker's compensation and employer's liability insurance

(when required by state law). In addition, the Transportation Network Company will be responsible for ensuring the driver and vehicle have appropriate insurance coverage as required by State law. Insurance requirements of this section may be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer.

- Commercial Business Insurance. TNC permit holders must secure and maintain a Commercial General Liability policy reflecting limits of no less than \$1 million per occurrence and \$2 million aggregate for covered claims arising out of, but not limited to, Bodily Injury, and Property Damage, in the course of the permit holder's work under a for-hire transportation TNC permit.
- Commercial Vehicle Insurance. All TNC permit holders, regardless of whether the company holds title to a vehicle or not, must provide the City with proof of the following coverages:
 - Primary insurance coverage during Period 1 with minimum liability limits of \$50,000 per person for death and injury, \$100,000 per incident for death and injury and \$25,000 for property damage, plus any other state compulsory coverage to the extent required by law. Coverage is to be maintained by the TNC, TNC Driver, or a combination of the two.
 - Primary insurance coverage during Periods 2 and 3 with minimum liability limits of \$1 million in combined single limit coverage for death, personal injury and property damage per incident; and \$1 million in combined single limit under/uninsured motorist coverage for death, personal injury and property damage per incident. Coverage is to be maintained by the TNC, TNC Driver, or a combination of the two.
 - The required Commercial Auto Liability policy must comply with the mandatory laws of the State of Oregon and/or other applicable governing bodies.
- TNCs will provide certification of insurance that all TNC Vehicles operating for such company maintain current insurance satisfying the requirements of Period 1 and Period 2 and 3 in the event the insurance maintained by the driver has lapsed or does not provide the required coverage.

EQUITY AND INCLUSION PRINCIPLES

9. TNCs will implement service performance measures to provide timely and equitable service to persons with disabilities.

- Equitable Service is defined as responding to requests for wheelchair accessible vehicle service within the same amount of time as comparable requests for non-wheelchair accessible vehicle service.
- Wait time is defined as the time between an accepted service request and the vehicle arrival.

- Differential service means the difference between the wait time for wheelchair accessible service requests and non-wheelchair accessible service requests.
- For the Pilot Program the following equitable service performance measures will be implemented:
 - Days 1 – 30: data collection with reasonably prompt service;
 - Days 31 – 60: data collection with reasonably prompt service with a differential of no more than 30 minutes;
 - Days 61- 90: data collection with reasonably prompt service with a differential of no more than 20 minutes or what previous data supports;
 - Days 91-120: data collection with reasonably prompt service with a differential of no more than 10 minutes or what previous data supports;
- TNCs will be required to provide an option for riders on the App to request wheelchair accessible vehicle service.
- TNCs will be prohibited from applying additional fare charges for wheelchair accessible vehicle service.
- Service animals must be reasonably accommodated by TNC Drivers.

COMPLIANCE PRINCIPLES

10. TNC rates charged to passengers will be transparent and will not be capped, except for during times of emergency.

- All TNC Fares must be made clear and transparent to the TNC Passenger on the App prior to the TNC Passenger accepting a ride.
- The Bureau Director will limit or prohibit surge pricing by any TNC or TNC Driver during a State of Emergency, as declared by the Mayor pursuant to Portland City Code 15.04.040.

11. TNCs will follow operating responsibilities and prohibitions

- TNCs, Vehicles and Drivers will be prohibited from accepting street-hails and from waiting in designated taxi zones.
- All TNC Passengers must be provided either a paper or digital receipt for services at the termination of the ride that clearly indicates the fare paid, time of ride, name of TNC and TNC contact information.

- All permitted TNCs must employ, at all times, a Zero Tolerance Policy for drugs and alcohol use for all TNC Drivers.
- TNCs will maintain, during all times when the TNC Permit is valid, a locally-based agent of service with regular hours of business during weekdays and the ability to leave messages 24 hours per day and 7 days per week via telephone and email. Response to messages must be made within 48 hours.
- TNCs will be required to keep documentation of all Certification Requirements. Such records must be kept on file during the term of the TNC Permit and for 2 years after the expiration of such Permit. Upon request or subpoena, TNC records will be provided to law enforcement officers.
- No disclaimer of liability for negligence or other tortious conduct contained in any TNC User Terms of Service shall have any force or effect in the City of Portland. Any tort claim against a TNC shall be governed by tort law in effect at the time of the claim.

12. Permits Are Required For Transportation Network Services

- The operation of a Transportation Network Company is a privilege and not a right. For transportation network services to be provided in the City of Portland, the Transportation Network Company, Transportation Network Vehicle and Transportation Network Driver will be required to obtain permits and follow guidelines for standards and operating requirements.
- An applicant for a Transportation Network Company permit must submit to the Administrator:
 - A completed application on a form supplied by the Bureau;
 - Proof of registration with the Secretary of State for any corporate, LLC or LLP entity;
 - Proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
 - A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates, and
 - A nonrefundable application fee in the amount of \$250.
- After receiving a completed TNC application form and upon successful completion of all the requirements of the application requirements, the Administrator will review the application in order to make a recommendation to the Commissioner-in-Charge for approval or denial.
- The Commissioner-in-Charge will direct the Bureau to issue a Transportation Network Company permit if the application is approved. If the application is denied, the applicant may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

- The TNC will be required to provide a certification to the Bureau that each TNC Driver has met all conditions consistent with the TNC Driver requirements. Drivers not meeting all such conditions will not be certified as a permitted TNC Driver and will not be allowed to operate as a TNC Driver on a TNC platform. Such requirements will include:
 - Background Checks;
 - Personal Automobile Liability Insurance;
 - Valid Driver License;
 - TNC Driver Business License Number; and
 - Driver Training and Skills/Knowledge Testing within four months of certification of a driver's permit.

- TNCs will be required to provide a certification to the Bureau that each TNC Vehicle has met all conditions consistent with TNC Vehicle requirements. Vehicles not meeting all such conditions will not be allowed to operate as a TNC Vehicle. Such requirements will include:
 - Vehicle safety inspection;
 - Vehicle license plate number;
 - Vehicle condition;
 - TNC Commercial Automobile Liability Insurance;
 - Personal Automobile Liability Insurance, as required by state law.

- All certifications required will be provided by the TNC on a form approved by the Administrator and will be attested to by an authorized representative of the TNC.

- TNCs, TNC Drivers, and TNC Vehicles permitted under this Rule are not allowed to operate at the Port of Portland without specific permission or approval from the Port of Portland.

- All TNC permit holders will comply with TNC insurance requirements. All TNCs must file a certificate of liability with the Administrator that evidences insurance coverage and terms that are in compliance with the requirements.

- The TNC's ability to satisfy the criteria for a TNC permit does not create a right to a TNC permit.

- Transferring permits will be prohibited.

- TNC Services may only be provided by a Transportation Network Company, Vehicle or Driver once valid permits are granted by the City.

13. TNCs will pay a permit fee.

- Each TNC will be charged a flat fee of \$20,000 for the 120-day pilot program.

- The permit fee paid for the pilot program will be applied to the annual permit fee if the permit is renewed.
- Each TNC will be charged for the cost of data analysis (apportioned between permitted companies).

14. TNC will be required to provide data.

- Each TNC will enter into an agreement with the City to provide aggregate and anonymized data focused on transportation, accessibility and service to help the City improve access to for-hire transportation. Examples of relevant data may include, but not be limited to, the following:
 - type of ride requested (wheelchair accessible);
 - trip origin zip code;
 - trip destination zip code;
 - identification of every request that is unfulfilled;
- Each TNC will be required to comply with reporting requirements.
 - Report the number of collisions, including type of loss, date of loss, loss value, claim status (open or closed), fault, injuries, estimated damage and other information as requested by the Bureau Director;
 - Report the number and type of crimes against drivers;
 - Report the total number of passenger complaints to the TNC.
- TNCs will be required to provide any other data identified by the Director to ensure compliance with the requirements of the Pilot Program.
- TNCs will be required to submit data, in aggregate form, pursuant to a data sharing agreement with the City and permitted companies.
- The data collected by the City will be, except as otherwise required by law, kept confidential by the City, used only within the City and not disclosed to third parties.
- In the event disclosure of such data is required by law, the City will provide TNCs notice prior to any disclosure of such data.

15. The City will enforce TNC Service, Company, Vehicle, and Driver requirements.

- Pursuant to PCC 16.10.660 designated City Employees are authorized to enforce the provisions of Chapter 16.40 and its administrative rules, including the Interim Rule, and other related work under the direction of the Director of the Portland Bureau of

Transportation.

- TNCs, TNC Vehicles, and TNC Drivers will be prohibited from blocking from service or refusing service to any City employee authorized to enforce the provisions of this rule.
- The City will maintain the right to audit any certification and other records with 24 hours verbal or written notice including:
 - Company requirements
 - Vehicle requirements
 - Driver requirements
- The Administrator will have the authority to demand that a for-hire vehicle be made available for inspection within 48-hours' notice. In addition, authorized City personnel will have the authority to inspect any for-hire vehicle at any time if the vehicle is within the City limits, does not have a passenger inside and is parked in the public right of way or on public property.
- The permits issued to TNC Drivers and TNCs under the Interim Rule may be suspended by the Director, or designee, if the TNC Driver or TNC does not maintain a required current business license issued by the City of Portland.
- The permits issued to TNC Drivers, TNC Vehicles, and TNCs may be suspended or revoked during the 120-day Pilot Program if any of the provisions of this Rule are not maintained.
- For the purposes of investigating citizen complaints and to aid in enforcement of the Interim Rule, the Administrator or designee may require a TNC to report financial and operating data, in such form and at such times as the Administrator requires. The company must compile the necessary data and submit reports to the Administrator as requested and within the timeframe demanded subject to the requirements of the Interim Rule, but in no event must the TNC be forced to submit this information without at least 72 hours prior notice by the Administrator or designee.
- Except as otherwise required by law, information submitted to the Administrator under the Interim Rule can only be used within the City government. Such information may not be released to the public except in aggregate form.
- Information submitted under the Interim Rule may become a matter of public record as necessary to initiate, prosecute and defend an enforcement action.
- The City has the ability to issue civil penalties against TNCs, TNC Vehicles, and TNC Drivers, up to and including suspension and revocation.

TNC CIVIL PENALTY TABLE

Requirement	1st Offense	2nd Offense	Subsequent Offenses
TNC Permit	\$1,500	\$2,500	\$5,000
TNC Vehicle Conditions	\$1,250	\$2,500	\$5,000
TNC Driver Business License	\$500	\$1,000	\$2,000
Minimum Standards	\$500	\$1,000	\$2,000
Surge Pricing	\$1,500	\$2,500	\$5,000
Accessible Service Measures	\$2,500	\$5,000	\$10,000
TNC Required Equipment	\$1,250	\$2,500	\$5,000
TNC Vehicle Identification	\$1,250	\$2,500	\$5,000
TNC Driver Conduct	\$1,250	\$2,500	\$5,000
Driver Maximum Hours	\$1,250	\$2,500	\$5,000
TNC Vehicle Requirements	\$1,250	\$2,500	\$5,000
TNC Vehicle Inspection	\$1,250	\$2,500	\$5,000
TNC Insurance	\$1,250	\$2,500	\$5,000
TNC Data Reporting	\$1,250	\$2,500	\$5,000

- Any civil penalty assessed must be paid in full within the time ordered and under the terms and conditions specified. If either the payment is not made or the required conditions are not met, any permit or certification may be suspended unless a timely appeal has been filed. Any suspension will take effect immediately upon the deadline given for payment of the civil penalty. The suspension will remain in effect until the penalty is paid in full and/or the conditions required are met.
- The Administrator may suspend any TNC permit or TNC Driver certification if the suspension is necessary to protect public safety, or the TNC or TNC Driver insurance is not current.
- The Administrator may revoke any TNC permit or TNC certification if applicable provisions of PCC 16.40.550 B. are found.
- In the event that a TNC permit is revoked, all TNC Drivers and vehicles affiliated with that company are simultaneously revoked and void unless they are certified by another permitted TNC.
- Any violation of an interim rule section that is not found in the Civil Penalty Table and which is not specifically prescribed by Rule Section, but which places an obligation or requirement on a driver or company, will result in a penalty of \$100 for the 1st violation, \$500 for the 2nd violation and \$1,000 for subsequent offenses.
- Under City Code Chapter 16.40, operating private for-hire vehicles without permits is a criminal offense, subjecting the operator to arrest and vehicle impoundment. Continued violations of criminal provisions of Chapter 16.40 and the property that is used to commit such prohibited conduct could be subject to civil forfeiture.

