



## Legislation Text

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**File #:** Ord 14-39, **Version:** 3

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Creating Chapter 373 of the Saint Paul Legislative Code pertaining to Transportation Network Companies.  
(Public hearing continued from October 15 and November 19)

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

### SECTION 1

Chapter 373 of the Saint Paul Legislative Code is hereby created to read as follows:

#### **Chapter 373. Transportation Network Companies**

##### **373.01. Definitions.**

As used in this chapter, the following terms shall have the meanings ascribed to them in this section:

*Active on the TNC dispatch system* means, but is not limited to: when the driver is logged onto the transportation network company (TNC) application dispatch system showing that the driver is available to pick up passengers; when a passenger is in the vehicle; or when the driver has accepted a ride request and is en route to provide transportation services to a passenger.

*Compensation* means remuneration or anything of economic value that is provided, promised, or donated primarily in exchange for services rendered. This includes, but is not limited to voluntary donations, fee-sharing between a taxicab or transportation network company and an affiliated driver, and passenger, advertisement of a taxicab service company or transportation network company services.

*License* means transportation network company license.

*Licensing official* means the director of the department of safety and inspections.

*Licensee or transportation network licensee* means the holder of, or a person that is required to hold, a transportation network company license issued pursuant to this chapter.

*Operation of a transportation network vehicle or operating a transportation network vehicle* means offering, making available, or using a transportation network vehicle to provide a transportation network service, including any time when a driver is logged onto the transportation network provider's internet-enabled application or digital platform showing that the driver is available to pick up passengers; when a passenger is in the vehicle; when the provider's records show that the vehicle is en route; or when the driver has accepted a ride request and is in route to provide a transportation network service to a passenger.

*Passenger* means an individual being transported for compensation in an authorized TNC vehicle.

*Place of business in the City of Saint Paul* means a location within twelve (12) miles of Saint Paul City Hall where (1) the city may send, and the licensee shall accept, notices of hearing or other notices from the

city; and (2) a place where records required by this chapter may be viewed and copied.

*Prearranged ride* means a period of time that begins when a TNC driver accepts a requested ride through a digital network, continues while the driver transports the rider in a personal vehicle, and ends when the rider departs from the vehicle.

*Transportation network driver* means an individual affiliated with a transportation network company, authorized to transport passengers for compensation using an authorized transportation network company vehicle.

*Prearranged transportation service* means a transportation service that is offered and accepted through a licensee's internet-enabled application or digital platform before the transportation commences.

*Rideshare* means the traveling of two (2) or more persons by any mode of private passenger vehicle, including, but not limited to, carpooling, vanpooling, or bus pooling to any location incidental to another purpose of the driver for which compensation is neither accepted, collected, encouraged, promoted, or requested, and for which the primary purpose of the driver cannot be profit or revenue based.

*TNC* means a transportation network company.

*Trade dress* means the unique visual element associated with a TNC that is attached to a vehicle affiliated with a TNC so the public and passengers can identify the vehicle as being associated with that particular TNC. Trade dresses are mandatory, must be the same for all vehicles associated with a particular TNC, and must be approved by the licensing official.

*Transportation network company (TNC)* means a person or entity affiliated with TNC drivers that arranges transportation services via one (1) unique internet-based transportation application system, connecting TNC-endorsed drivers with passengers for the transport of passengers for compensation, and meeting the licensing requirements of section 373.05 and any other requirements under this chapter.

*Transportation network company (TNC) endorsed driver* means a for-hire driver affiliated with and accepting trips requested through the internet-based transportation application system of a licensed transportation network company, while operating a personal, TNC endorsed vehicle he or she owns. A TNC endorsed driver is someone who has been screened and approved by a licensed TNC, and who meets the requirements of this chapter.

*Transportation network company (TNC) representative* means the person or persons that a transportation network company has authorized to:

- (a) File applications, rates and charges with the licensing official on behalf of the TNC;
- (b) Receive and accept all correspondence and notices from the city pertaining to the TNC, or to affiliated drivers operating within the TNC; and
- (c) Forward any correspondence, notices and/or legal process received by the TNC and intended for an affiliated driver operating within the TNC.

*Transportation network company (TNC) endorsed vehicle* means a privately owned vehicle endorsed

by the affiliated TNC and authorized to provide for hire services within their network. A TNC endorsed vehicle has been inspected and approved by a licensed TNC company representative, and meets the requirements of this chapter.

*Transportation network company (TNC) vehicle endorsement* means an endorsement for a personal vehicle that allows a TNC endorsed driver to use the endorsed vehicle to affiliate with a transportation network company to provide for hire transportation to passengers via a transportation application system. The endorsement demonstrates that the vehicle has met the minimum operating requirements as set forth in this chapter.

*Transportation network service* means a prearranged transportation service offered or provided for compensation using an internet-enabled application or digital platform to connect potential passengers with transportation network drivers. The term transportation network service does not include a ridesharing arrangement as that term is defined in Minnesota Statute Chapter 169.011 subd.65.

*Wheelchair accessible transportation network vehicle* means a transportation network vehicle that a person in a wheelchair may enter and exit independently or with assistance while seated in a wheelchair. A wheelchair accessible transportation network vehicle shall safely secure and restrain the wheelchair, and shall comply with all applicable standards provided by law for wheelchair accessible vehicles.

### **373.02. Transportation network company license required.**

- (a) No person shall engage in a transportation network service in the city without a transportation network company license issued pursuant to this chapter.
- (b) No vehicle shall be used as a transportation network vehicle in the city except by an endorsed driver affiliated with a transportation network company licensed pursuant to this chapter. Said vehicle shall at all times be in compliance with this chapter when it is being used by a driver active on the TNC network.
- (c) A transportation network vehicle operated by a driver affiliated with a TNC not licensed by the city may come into the city to discharge passengers whose trip originated outside of the city.

### **373.03. Transportation network company license fee and license term.**

- (a) The annual fee for the issuance or renewal of a transportation network company license shall be as is listed in the license fee schedule. The license fee shall be paid as a precondition to issuance or renewal of the license.
- (b) Except for the initial license period, a transportation network provider license shall be issued or renewed for a one (1) year license term starting on February 1st of each year.
- (c) A transportation network company license is non-transferable.

### **373.04. Transportation network company license application.**

Application for the issuance or renewal of a transportation network company license shall be made in writing to the licensing official on a form provided by the licensing official and signed and sworn to by the applicant or, if the applicant is a corporation, limited liability company, or partnership, by its authorized agent. Each application, in addition to any other information that the licensing official may reasonably require in connection with issuance or renewal of a license, shall contain at a minimum:

(a) If the license applicant is an individual:

- (1) The individual's full name, social security number, residence address, business address, business e-mail address and business telephone number; and
- (2) Proof that the applicant is at least eighteen (18) years of age.

(b) If the license applicant is a corporation:

- (1) The corporate name, business address and telephone number of the applicant;
- (2) The date and state of incorporation;
- (3) The full names, titles, date of birth, residence addresses, e-mail addresses and residence telephone numbers of its corporate officers, and of those stockholders who own twenty-five (25) percent or more of its voting shares, and of its authorized agent;
- (4) Proof that all corporate officers are at least eighteen (18) years of age; and
- (5) Proof that the corporation is in good standing under the laws of the State of Minnesota.

(c) If the license applicant is a partnership or limited liability company:

- (1) The name, business address or principal office address and telephone number of the applicant;
- (2) The full names, date of birth, residence addresses, e-mail addresses and residence telephone numbers of the three (3) members who own the highest percentage interests in such partnership or limited liability company;
- (3) The general partner of a partnership;
- (4) The managing member of a limited liability company;
- (5) The applicant's authorized agent;
- (6) Any other member who owns a twenty-five (25) percent or more interest therein;
- (7) The full name, address, e-mail address and telephone number of a person authorized to receive notices issued pursuant to this chapter; and
- (8) Proof that all persons, partners, managers, managing members and members, as applicable, are at least eighteen (18) years of age.

**373.05. Transportation network provider license, qualifications for license.**

(a) In order to qualify for a transportation network company license, whether upon initial application or upon application for renewal of a license, and applicant must be able to show the following:

(1) An applicant shall be in compliance with all applicable city, State of Minnesota and federal laws;

(2) An applicant shall have a place of business within twelve (12) miles of Saint Paul City Hall, where \_\_\_\_\_ records required by this chapter may be viewed and copied;

(3) With respect to any corporate or limited liability company applicant, the company shall be organized, registered, or qualified to do business under the laws of the State of Minnesota;

(4) The applicant(s) shall be the true beneficial owner(s) of the TNC business to be licensed. The full legal names and addresses of all corporate officers and persons holding a twenty-five (25) percent or greater beneficial interest in the business shall be provided on the application, and shall have no felony convictions in the past five (5) years, nor any gross misdemeanor or misdemeanor convictions involving the use of force, possession or sale of a controlled substance, prostitution, or indecent conduct. The licensing official may grant an exception to this provision upon evidence that the offense is not related to the operation of a TNC;

(5) The applicant's ability to provide lawful, safe, suitable and comfortable service and the applicant's ability to engage qualified transportation network company drivers and eligible transportation network company vehicles;

(6) The applicant's ability to maintain mandated insurance for the payment of personal injury, death, property damage, and other claims associated with the operation of a TNC; and

(7) The applicant's financial ability to pay all judgments and awards which may be rendered for any cause arising out of the operation of a transportation network provider business.

(b) No applicant is eligible for a license if any transportation network provider license held by the applicant, or by any officer or director of a corporate applicant or partner of a partnership applicant, has been revoked within the previous five (5) years, or if the applicant, or any officer or director of a corporate applicant or partner in a partnership applicant, within the five (5) years immediately preceding the date of his application, has been either convicted, or in custody, under parole or under any other noncustodial supervision resulting from a conviction in a court of any jurisdiction for the commission of any felony or its equivalent under federal or other jurisdictional law.

**373.06. Transportation network provider license, investigation and issuance.**

Upon receipt of an application for the issuance or renewal of a transportation network company license, the licensing official and the police chief may investigate the application for compliance with all applicable provisions of this Code, including but not limited to, the applicant's compliance or ability to comply with the license qualification requirements specified in this Code.

**373.07. Transportation network company license, insurance required.**

(a) Every licensee and transportation network driver shall comply with all applicable insurance requirements mandated by federal, state of Minnesota, and city laws, including an obligation to cover no-fault personal injury protection (PIP) to the minimum required of a private passenger automobile in the state of Minnesota.

(b) A transportation network company shall file with the licensing official documentation evidencing that the transportation network company or the driver has secured primary liability insurance coverage for each driver participating in the transportation network for incidents involving the driver during a prearranged ride. Coverage for incidents involving a driver during a prearranged ride must be in the amount of at least one million dollars (\$1,000,000) per occurrence. The insurance policy must provide coverage at all times the driver is engaged in a prearranged ride.

(c) For the period of time when a driver is logged into a transportation network company's digital network but is not engaged in a prearranged ride, the following insurance requirements apply:

(1) A transportation network company or a driver shall maintain a primary automobile insurance policy that recognizes that the driver is a transportation network company driver and covers the driver's provision of transportation network company services while the driver is logged into the transportation network company's digital network;

(2) Must meet at least the minimum coverage of at least fifty thousand dollars (\$50,000) to any one (1) person in any one (1) accident, one hundred thousand dollars (\$100,000) to all persons in any one (1) accident, and for property damage arising out of the use of the motor vehicle to a limit, exclusive of interest and costs, of thirty thousand dollars (\$30,000) in any one (1) accident; and, is one of the following:

a. Full-time coverage equal to the coverage required by section 376.06 of this Code, or

b. An insurance rider to, or endorsement of, the driver's personal automobile insurance policy that contains coverage equal to or greater than those specified in section 373.07(c)(2) of this Code, or

c. A commercial liability insurance policy purchased by the transportation network company that provides primary coverage for the period of time in which a driver is logged into the digital network.

(3) If a transportation network company purchases an insurance policy under subsection (c) it shall provide documentation to the licensing official evidencing that the transportation network company has secured the policy. If the responsibility is placed on a driver to purchase insurance under this subsection (a), the transportation network company shall verify that the driver has purchased an insurance policy under this subsection (a), and shall have a policy in place providing coverage beginning with the first dollar of claims in any instance where the driver's policy required under this section has lapsed or otherwise ceased to exist.

(4) An insurance policy required by this section may be placed with an insurer duly licensed to provide insurance in the State of Minnesota under Minnesota Statute 60A.07 or with a

surplus lines insurer authorized under Minnesota Statute 60A.07 or 60A.196.

(5) Nothing in this section requires a personal automobile insurance policy to provide coverage for the period of time in which a driver is logged into a transportation network company's digital network.

(6) If more than one (1) insurance policy provides valid and collectible coverage for a loss arising out of an occurrence involving a motor vehicle operated by a driver, the responsibility for the claim must be divided on a pro rata basis among all of the applicable policies. This equal division of responsibility may only be modified by the written agreement of all of the insurers of the applicable policies and the owners of those policies.

(7) In a claims coverage investigation, a transportation network company shall cooperate with a liability insurer that also insures the driver's transportation network company vehicle, including the provision of relevant dates and times during which an incident occurred that involved the driver while the driver was logged into a transportation network company's digital network.

(8) Nothing in this section modifies or abrogates any otherwise applicable insurance requirements set forth in Minnesota Statute 65B.49.

(9) The existence of the insurance required by this section shall be disclosed on the transportation network company's website, and no contractual hold harmless required in the company's terms of service shall be used to evade the insurance requirements of this ordinance.

(10) No transportation network provider license shall be issued unless the applicant first provides certified copies of the insurance policies required in this section to the license official.

(11) Any TNC driver shall provide to any authorized law enforcement officer or official city inspector, in addition to any applicable insurance, proof of the insurance policies required by this section.

(12) The requirements of this subsection 373.07(c) become effective on January 15, 2015.

### **373.08. Transportation network vehicles ownership and standards.**

(a) No licensee shall own, provide financing for the obtaining, leasing, or ownership of, or have a beneficial interest in transportation network vehicles unless approved by the licensing official.

(b) In addition to all other applicable legal requirements, it shall be unlawful for any person to operate or cause to be operated any transportation network vehicle unless such vehicle:

(1) Has a manufacturer's rated seating capacity of seven (7) persons or less, including the transportation network driver;

(2) Has at least four (4) doors and meets applicable Federal Motor Vehicle Safety Standards for vehicles of its size, type and proposed use;

(3) Is a sedan or light-duty vehicle, including a minivan, sport utility vehicle, pickup truck,

hatchback or convertible; and

(4) At the time of annual inspection, is not more than ten (10) model years of age from the current model year (as measured from June 30 of the calendar year following the model year), or has an odometer reading of less than one hundred and fifty thousand (150,000) miles.

(c) The licensee and the TNC driver may be jointly cited if the licensee permits the TNC driver to use a vehicle that does not meet the requirements for a transportation network vehicle.

### **373.09. Transportation network vehicle inspections.**

(a) Prior to using any transportation network vehicle, and annually thereafter, a licensee or a transportation network driver shall have the vehicle inspected at a facility approved by the licensing official, and maintain complete documentation of such inspections in the vehicle at all times, and a written copy of such documentation shall be provided to the licensing official upon request. To pass such inspection, a transportation network vehicle shall, at a minimum, be rust-free and damage-free, and shall pass an inspection of vehicle components outlined by the licensing official and identified on the official TNC vehicle inspection sheet. The cost of the vehicle inspection, if such inspection is conducted by a government operated facility, will be those fees listed in the license fee schedule.

(b) Should the licensing official, for any reason, request an inspection of a transportation network vehicle, the TNC driver of that vehicle must present the vehicle for inspection within ~~forty-eight (48) hours~~ the following two (2) business days. The vehicle must be presented during business hours, at a location directed by the licensing official. The licensing official may grant an extension of time to appear for the inspection due to exigent circumstances, but a TNC vehicle may not remain active on the TNC system after 48 hours have elapsed from the request unless and until the vehicle has been inspected as requested by the licensing official, or the licensing official has provided express written permission for the vehicle to remain active on the TNC system pending the ordered inspection.

(c) The licensee and the TNC driver shall be jointly and severally liable for any violation of this section if the licensee knowingly permits the TNC driver to use a vehicle in violation of this section.

### **373.10. Transportation network vehicles, distinctive trade dress.**

(a) A transportation network company vehicle shall display, as approved by the licensing official, a consistent and distinctive signage or emblem at all times while the driver is active on the TNC dispatch system. The distinctive signage or emblem shall be sufficiently large and color contrasted:

(1) As to be readable during daylight hours at a distance of at least fifty (50) feet; and

(2) Reflective, illuminated or otherwise patently visible so as to be seen in darkness, and to identify that a particular vehicle is associated with a particular licensee.

(b) Acceptable forms of distinctive signage include, but are not limited to, symbols or signs on vehicle doors, roofs, or grilles. Magnetic or other removable distinctive signage is acceptable. Licensees shall file an illustration of their distinctive trade dress with the license official.

**373.11. Transportation network vehicles, commercial advertisements prohibited.**

No commercial advertisements or lighting, not installed by the original equipment manufacturer, shall be displayed on the exterior of any transportation network vehicle unless it is a component of the approved trade dress.

**373.12. Transportation network company driver requirements.**

(a) No licensee shall engage any person as a transportation network driver unless the person:

- (1) Possess a valid Minnesota or Wisconsin driver's license.
- (2) Be a minimum of eighteen (18) years old.
- (3) Not be under sentence or have been discharged from sentence for a felony conviction within the previous ~~ten (10)~~ five (5) years for the following offenses: Murder (Minn. Stat. §§ 609.185 to 609.195), manslaughter (§§ 609.20 to 609.205), criminal vehicular homicide and injury (§ 609.21), assault I-III (§§ 609.221 to 609.223), criminal sexual conduct (§§ 609.342 to 609.3451 ), indecent conduct (§ 617.23, subd. 2 or 3); or any violation of the controlled substance law (§ 152 et al) which is punishable by a maximum sentence of fifteen (15) years or more; as allowed under Minn. Stat. § 364.09.
- (4) Not be under sentence or have been discharged from sentence for any felony conviction within the previous five (5) years, or under sentence or have been discharged from sentence for any non-traffic gross misdemeanor or non-traffic misdemeanor conviction within the previous three (3) years. The license inspector may grant, pursuant to Minn. Stat. § 364.03, an exception to this paragraph upon evidence that either the offense is not related to the occupation of TNC driver, or upon evidence of rehabilitation.
- (5) Shall have a driving record meeting the following standards:
  - a. ~~No convictions in the previous ten (10)~~ Not be under sentence or have been discharged from sentence within the previous five (5) years for any of the following offenses involving injury or death; no conviction in not be under sentence or have been discharged from sentence within the previous three (3) years for any of the following offenses not involving injury or death:
    1. Leaving the scene of an accident under Minn. Stat. § 609.21, or §169.09, or similar law of another state of Minnesota law as amended;
    2. Driving while impaired under Minn. Stat. § 169A.20, subd. 1, or similar law of another state of Minnesota law as amended;
    3. Misdemeanor Reckless or Careless Driving under Minn. Stat. § 169.13, or similar law of another state.

4. Refusal to submit to a chemical test under Minn. Stat. § 169A.20, subd. 2.

b. No license revocation within the previous year, as defined by Minn. Stat. § 169A.03, subd. 21.

c. For initial TNC endorsement: No more than four (4) moving violations within the last three (3) years, and no more than two (2) moving violations in the last year.

d. To maintain existing TNC endorsement: No more than four (4) moving violations within the last three (3) years and no more than three (3) moving violations in the last year. A moving violation means, for this subsection, a violation of a traffic regulation but does not include a parking violation, vehicle equipment violation, or warning citation.

(6) Have at least one (1) year's driving experience as a licensed driver, meeting the standards of this subsection. Such prior driving experience shall be verified by the TNC prior to endorsement as a TNC driver.

(7) Have a demonstrated knowledge of the geography and street system of the City of Saint Paul and surrounding areas, as well as the location of major attractions within those areas.

(8) Have a demonstrated knowledge of the provisions of this chapter relating to the conduct of TNC endorsed drivers.

(9) Shall not have a physical or mental disability that would prevent the TNC driver from safely operating a TNC vehicle and performing the normal duties of an endorsed TNC driver.

(10) Have successfully completed the TNC driver training course approved by the licensing official prior to original TNC endorsement.

(11) Has not had a taxicab or commercial driver's license suspended, revoked or non-renewed by a city or state within the five (5) years immediately preceding their application to be a driver.

(b) All licensees shall perform a criminal history record check pursuant to the procedures outlined in Minnesota Statute Chapter 299C.67 on each transportation network driver applicant before endorsing such applicant. All licensees shall also obtain and review each transportation network driver applicant's driving record in all states where the applicant driver has held a driver's license in the past five (5) years, before endorsing such driver. At the time of application, all transportation network drivers must also provide valid authorization for the licensing official to perform a criminal history check of the driver applicant. The authorization must be ongoing, and remain valid and in force at all times the driver is endorsed by the TNC.

(c) One (1) year after the initial date of endorsement a driver, and annually thereafter, each licensee shall verify that the driver is still eligible to be a transportation network company driver by verifying that the driver meets all of the requirements specified in this section, including the driving and criminal background check requirements, and shall keep records of such verification for a period of three (3) years and shall allow such records to be reviewed by law enforcement personnel and the licensing official upon request.

(d) If a licensee knowingly allows an ineligible driver access to its digital platform or network, or fails to annually ascertain the eligibility of each driver such licensee allows access, the licensee shall be liable for the violation of this section and shall also be jointly responsible with the ineligible driver for any violation of this chapter by the ineligible driver.

### **373.13. Transportation network driver, intoxicating substance policy.**

All licensees shall include on its website, mobile application and riders' receipts, a notice or information on the licensee's zero-tolerance policy for intoxicating substances and the methods to report a transportation network company driver whom the rider reasonably suspects was under the influence of drugs or alcohol during the ride. The website and mobile application shall include a phone number or mobile application call function and email address to report the zero-tolerance complaint.

### **373.14. Driver identification card.**

The licensee shall issue an identification card to drivers that such licensee engages. Such identification card shall have the first name of the driver and a photograph attached to the identification card. Any transportation network driver shall wear the identification card at all times while operating a transportation network vehicle and are active on the TNC dispatch system, or this card may be electronically displayed to the passengers mobile device during a TNC ride.

### **373.15. Operating regulations.**

(a) In addition to all other applicable requirements provided by law, it shall be unlawful for any person:

- (1) Who is under the age of eighteen (18) years to operate a transportation network vehicle;
  
- (2) To operate a transportation network vehicle while under the influence of alcoholic beverages or controlled substances, other than medication prescribed by a physician, provided that such prescribed medication does not warn that the user not operate machinery while taking the medication;
  
- (3) To operate, or cause to be operated, a transportation network vehicle in any area where the operation of such vehicle is prohibited by an applicable law;
  
- (4) To operate a transportation network vehicle within the city while not in possession of a valid driver's license issued by the State of Minnesota or Wisconsin;
  
- (5) To operate, or cause to be operated, a transportation network vehicle that does not meet the requirements of sections 373.08 and 373.09 of this chapter; or
  
- (6) To transport or cause to be transported more than six (6) passengers on any given ride in a vehicle, or to exceed the designed capacity of the vehicle.

(b) No transportation network company driver shall pick up or discharge a passenger on:

- (1) Designated taxicab stands.
- (2) No stopping or standing zones.
- (3) Other restricted areas as outlined in this code or state law.

(c) No person may possess an open beverage alcohol container while such person is operating or being transported by a transportation network company vehicle, nor may any person transport, carry, possess or have any beverage alcohol while being transported by a transportation network company vehicle, except in the original package with the seal unbroken.

(d) No licensee or transportation network company driver shall solicit potential passengers. Transportation network company vehicles may only be used to provide transportation services requested via an internet-based transportation application system. For purposes of this subsection, the term "solicit" means an appeal by words or gestures for immediate patronage of a transportation network vehicle by a licensee or a transportation network driver upon the public way attempting to direct people to a transportation network vehicle that is parked, stopped, standing or moving upon the public way.

(e) No transportation network company driver shall accept or respond to passengers' or potential passengers' requests for service via traditional street hail, including hand gestures and verbal statements.

(f) No transportation network company vehicle shall be unlawfully parked on any public way for a time longer than is reasonably necessary to accept passengers in answer to a prearranged transportation service and no passenger shall be accepted except as provided in subsection (d) of this section.

(g) The internet-enabled application or digital platform used by a licensee to connect drivers and passengers shall display for a passenger:

- (1) The identification card of the transportation network driver;
- (2) A picture or description of the transportation network vehicle the driver is approved to use, including the make, model, color, and license plate number of the vehicle; and
- (3) The city's service center number the passenger may use to report complaints.
- (4) In addition, any licensee shall make any information displayed in the licensee's internet-enabled application or digital platform also available on such licensee's website.

(h) Licensees shall clearly disclose, on the licensee's on-line enabled application or digital platform and website, that the licensee is a transportation network provider. Additionally, the disclosure shall state that each licensee is required to maintain insurance policies as specified in section 373.07 of this chapter.

(i) Licensees shall provide proof of insurance documents required in section 373.07 to each transportation network driver before the driver begins providing service and for as long as the driver remains available to provide service.

(j) Licensees shall provide passengers an opportunity to indicate whether they require a wheelchair-

accessible transportation network vehicle. If a licensee cannot provide a wheelchair-accessible transportation network vehicle, it shall direct the request to a licensed provider of such service. A license fee surcharge may be charged to all TNC's that do not provide wheelchair accessible transportation services. This license fee surcharge will be indicated on the license fee schedule.

(k) Licensees shall have an affirmative duty to respond to requests for service and shall be responsible for the actions of any of its employees, transportation network drivers, or other person that reports to, or acts as an agent of, the licensee, for any failure to respond to a request for service from an orderly passenger.

(l) Any transportation network driver shall at all times carry in the TNC vehicle proof of the insurance policies required in section 373.07.

(m) Any terms or conditions in the agreement between the licensee and any customer that would act as a waiver of the licensee's liability to the customer, or to the public, are declared to be contrary to public policy, null, void and unenforceable.

(n) TNC drivers shall not:

(1) Provide false information to or refuse to obey or to comply with any lawful order or direction of the licensing official or any police officer, or traffic-control officer, nor shall any licensee use profane language or otherwise interfere with such officials while in the performance of their duties;

(2) Take a circuitous route to a destination, or any route other than the most direct route, without the express consent of the passenger;

(3) Drop a passenger at a location other than the location requested unless prohibited by law; or

(4) Refuse to convey an orderly passenger after accepting dispatch to convey that passenger.

(o) No TNC licensee shall disable, eliminate or otherwise prevent access to the TNC mobile application by the licensing official or designees of the licensing official for purposes of enforcing this chapter.

(p) No TNC licensee shall notify TNC drivers that a potential customer is or may be a licensing official or designee, or in any way otherwise interfere with or obstruct enforcement of this Code by the licensing official.

### **373.16. Service charges and fare rates.**

(a) Compensation for service may be charged based on distance travelled and/or time elapsed during service, or a flat prearranged fare.

(b) If the rates vary from the normally posted rate on the website and in the application, the TNC application must require that the passenger positively acknowledge on the application device used to summon the TNC driver that they agree to the rate structure being charged for the trip requested.

(c) Upon completion of a prearranged ride, a TNC shall transmit to the rider an electronic receipt, either by electronic mail or via text message. The message shall document:

- (1) the point of origin and destination of the ride;
- (2) the total distance and duration of the ride;
- (3) the total fare paid including the base fare and any additional charges; and
- (4) the driver's first name and a customer service telephone number ~~and~~ or email address.

### 373.17. Records and reports.

(a) Every licensee shall keep accurate books and records of account of the licensee's operations ~~at the licensee's place of business in the city~~ for a minimum of three (3) years. Such records shall be submitted for inspection upon the request of the licensing official. If licensee keeps and intends to submit records in a physical format, they must be maintained on-site and available for inspection and copying at the licensee's place of business in the city of Saint Paul.

(b) Records requested by the licensing official pursuant to this or any other section within this chapter may be submitted electronically so long as:

- (1) The records are submitted in an electronic format approved by the licensing official;
- (2) The records are either:
  - a. time-stamped or otherwise authenticated in such a manner that they are not susceptible to manipulation occurring after the records request is issued, or
  - b. accompanied by a certification from the licensee's designated records custodian in the form of an affidavit attesting that the documents have not been altered subsequent to the request; and
- (3) The records are transmitted to the licensing official within 24 hours of the time of the request.

~~(b)~~(c) Each licensee shall provide the following data to licensing official, at such times and in a format and manner prescribed by the licensing official:

- (1) The number and percentage of the licensee's customers within the city who requested wheelchair accessible vehicles, and how often the licensee referred such customers to another service provider.
- (2) The number of rides requested and accepted by the licensee's endorsed drivers within each zip code within the city, and the number of rides that were requested but not accepted by the licensee's endorsed drivers within each zip code. ~~Data provided pursuant to this subsection shall be deemed to be not public data to the extent permissible under the Minnesota Government Data Practices Act or other applicable law.~~
- (3) Information on any of the licensee's drivers who were alleged to have committed a violation of this

chapter or their terms of service or who have been suspended or banned from driving for the licensee, including any zero-tolerance complaints and the outcome of the investigation into those complaints.

- (4) The average and mean number of hours and miles each of the TNC endorsed drivers spent driving for the licensee.
- (5) Evidence that the TNC has complied with the background check requirements for all endorsed TNC drivers.
- (e)(d) The licensee must provide upon the request of the licensing official, police chief, or their designees, factual information regarding the licensee's drivers and vehicles so as to determine whether or not a particular TNC driver was active on the TNC dispatch system application, in route to a passenger location, or engaged with a passenger at a specific time and date. Such information shall be provided within eight (8) hours of the request unless otherwise required by the licensing official.
- (e) Data provided by licensees pursuant to this section shall be deemed to be not public data to the extent permissible under the Minnesota Statutes Ch. 13, or other applicable law.

### **373.18. Violations and penalties.**

(a) The licensing official may seek all applicable penalties, including but not limited to fines, license conditions, license suspension, denial, and license revocation in addition to restitution or other equitable relief against any licensee that violates this chapter or any rules or regulations adopted pursuant to this chapter, or for any grounds set forth in section 310.06 of this code. Each day that any violation shall continue ~~shall~~ may be deemed a separate and distinct offense. In determining whether to multiply violations for each day they continue, the council may consider the ongoing duration of the violation after the licensee could reasonably have been expected to be aware of the violation.

(b) Before any condition, suspension, revocation, or fine is imposed, or equitable relief is ordered, the licensee shall be notified of the specific charges against them and of their right to a hearing pursuant to the procedures set forth in section 310.05 of this code.

(c) Any person whose transportation network company license is revoked or denied under this chapter shall be ineligible to receive another transportation network company license for a period of five (5) years following revocation or denial.

(d) In addition to the powers authorized in this section, the city council may suspend, revoke or non-renew a TNC license in accordance with other applicable sections of the Saint Paul Code of Ordinances, Minnesota Statutes, or Federal laws and rules.

### **373.19. Enforcement, rules and regulations**

(a) Upon request, a driver shall display to law enforcement personnel or the licensing official, or other person authorized to enforce this chapter, a physical or electronic record of a ride in progress sufficient

to establish that it was a prearranged transportation service. To the extent that trip records are contained on electronic devices, drivers are not required to relinquish custody of the devices in order to make the required display.

(b) If a passenger files a complaint against a licensee or driver with the city, in addition to all other powers and remedies provided under this Code, the licensing official or authorized staff shall have the right to inspect the licensee's records as necessary to investigate and resolve the complaint to the same extent the licensing official and law enforcement personnel are permitted to inspect all other public passenger vehicles.

(c) The licensing official is authorized to enforce this chapter, and to adopt rules and regulations for the proper administration and enforcement of this chapter.

(d) Any fees imposed pursuant to rules authorized by this chapter shall be reasonably related to the city's cost of administration and enforcement, and shall be effective upon approval of the license fee schedule.

### **373.20. Effective date.**

This chapter, except where otherwise specified, shall take effect and be in force thirty (30) days following its passage, approval and publication.