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SUBSTITUTE 3

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130903

..Sponsor

ALD. BAUMAN, MURPHY, STAMPER, DAVIS, ZIELINSKI, BOHL, PEREZ, KOVAC
AND WADE

..Title

A substitute ordinance relating to public passenger vehicle licensing, regulation and
enforcement.

..Sections

81-58.5 rp

81-60.5 rp

81-68 rp

81-76 rp

81-89 rp

81-101.3 rp

81-101.5 rc

81-106.5 rp

81-125 rp

81-126 rp

85-34 cr

100-2-5 am

100-3-2 rc

100-3-6.3 cr

100-3-6.7 rc

100-3-6.9 cr

100-3-7 am

100-3-9.5-a am

100-3-9.5-e am

100-3-11 am

100-3-11.5 am

100-3-13 rn

100-3-13 cr

100-3-13.5 rn

100-3-14 rn

100-3-14 cr

100-3-15 rn

100-3-16 rn

100-3-17 rn

100-3-18 rn

100-3-19 rn

100-3-20 rp

100-3-21 rn

100-3-22 rn
100-3-23 rn
100-3-23-0 am
100-3-23-f rn
100-3-23.5 rn
100-3-24 rn
100-3-24.5 rn
100-3-25 rp
100-3-26 rp
100-3-27 rp
100-3-28 rn
100-4-4 am
100-4-4-b cr
100-50-1-a am
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100-50-3-d am
100-50-3-e rp
100-50-3-f am
100-50-4-a rc
100-50-4-b-7 am
100-50-4-b-8 rn
100-50-4-b-8 cr
100-50-4-d am
100-50-4-f rn
100-50-8 am
100-50-11-b-2 am
100-50-11-d am
100-50-11-b-3 rp
100-50-11-b-4 rn
100-50-11-b-5 rn
100-50-11-g-1-0 am
100-50-11-g-1-a rp
100-50-11-g-1-b rp
100-50-11-i rp
100-50-12-b-2-0 am
100-50-12-c rp
100-50-12-d rp
100-50-12-e-1 am
100-50-12-e-2 am
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100-50-12-h rp
100-50-12-i rp
100-50-12-j rp
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100-51-1 rc
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100-51.5-1-c-1-0 am
100-51.5-1-e am
100-51.5-1-f am
100-51.5-3-0 am
100-51.5-3-a-0 am
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100-51.5-3-d am
100-51.5-4-0 am
100-51.5-4-c am
100-51.5-5-0 am
100-51.5-6-0 am
100-51.5-7-0 am
100-51.5-8-0 am
100-51.5-8-a am
100-52-1 rp
100-52-2 rn
100-52-2-a-0 am
100-52-3 rn
100-52-4 rp
100-52-5 rn
100-53-5 am
100-54-1-a am
100-54-2-d rp
100-54-2-e am
100-54-2-f-1 rp
100-54-2-f-2 rp
100-54-2-f-3 rp
100-54-2-f-4 rp
100-54-2-h am
100-54-8 am
100-54-12-a am
100-54-14 rc
100-56 cr
100-59-1-a rc
100-61 (table) rp
100-61 rp
100-62 am

100-62-4 cr
Subch. 5, Ch. 100 (title) rc
100-70 rc
100-72 rp
100-74 rp
100-76 rp
..Analysis

This ordinance revises the following public passenger vehicle licensing, regulation and enforcement provisions:

1. Eliminates limits on the numbers of taxicab vehicle permits that are currently authorized be issued.
2. Amends and creates certain definitions to accommodate a new class of taxicab operation enabled by internet and telephone networks that are defined as “network vehicles” and “network companies” under this ordinance, but commonly referred to as “rideshare” operations. Vehicles defined as “network vehicles” are included within the definition and classification applicable to taxicabs.
3. Establishes that network vehicles shall be subject to the same permitting and vehicle inspection requirements as other classes of public passenger vehicles.
4. Establishes that drivers of network vehicles shall be subject to the same licensing and background investigation requirements as other public passenger vehicle drivers.
5. Standardizes new and renewal permit application fees for all classes of public passenger vehicles by increasing permit fees to the same amounts currently established for taxicabs.
6. Establishes that a public passenger vehicle permit shall be valid for 2 years from the date of issuance, which is consistent with the license period for a public passenger vehicle driver’s license.
7. Establishes that public passenger vehicle inspections shall only be required as determined by a random or other selection process or when identified by complaint by the police department, the department of public works or the city clerk, and that no minimum number of inspections shall be required during the permit period.
8. Establishes that completion or passage of a defensive driving and safety course, knowledge of city geography and regulations test, or driver training course shall only be required if directed by the common council as a condition of the granting, renewal or suspension of a driver’s license application.

9. Establishes that all public passenger vehicle permit holders and applicants shall file as part of new and renewal permit applications detailed plans of operation.
10. Establishes provisions for the issuance of provisional public passenger vehicle driver's licenses and permits if certain eligibility and filing criteria are met.
11. Establishes that the chief of police may designate one or more additional parties, businesses or agencies, subject to approval by the common council, to conduct investigations under terms and conditions that will ensure substantially similar quality and costs as if conducted by the department.
12. Repeals the provisions created in Common Council File Number 130903 for certifying taxicab affiliations and requiring taxicab vehicle permittees to be affiliated.
13. Establishes that the city clerk's responsibilities shall include the investigation and review of public passenger vehicle operations and the conduct of drivers and vehicle permittees as directed by the licensing committee. This responsibility extends to issuance of warnings and citations for violations of the regulations and orders of the licensing committee or for violations of applicable public passenger regulations provided in the code.
14. Increases the forfeiture ranges relating to the graduated penalty provisions established for violations of ch. 100.
15. Revises various provisions of the code for purposes of correcting errors, clarifying language and eliminating obsolete provisions.
16. Establishes that this ordinance shall take effect September 1, 2014.

..Body

Whereas, Following revisions of taxicab licensing and regulation by passage of Common Council File Number 13093 on November, 2013, more than 1,700 entries were received for participation in the lottery for 100 new taxicab permits; and

Whereas, Network operations, often referred to "rideshare" operations, linking passengers with public passenger vehicles operating as taxicabs through electronic networking applications, were introduced into Milwaukee's public passenger vehicle market in the early spring of 2014; and

Whereas, The demand for vehicle permits for traditional taxicab operation and the introduction of new competing models for taxicab services have significantly altered the public passenger vehicle marketplace; and

Whereas, The Common Council wishes to protect the health, safety and welfare of the public, to promote availability and accessibility of cost-effective public transportation and to encourage innovation in the provision of passenger vehicle services; now, therefore The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Sections 81-58.5, 81-60.5, 81-68, 81-76, 81-89 and 81-101.3 of the code are repealed.

Part 2. Section 81-101.5 of the code is repealed and recreated to read:

81-101.5. Public Passenger Vehicle Permit.

1. Each permit shall be valid for 2 years from the date of issuance.
2. The fee for each new permit shall be \$284.
3. The fee for renewal of each permit shall be \$209.
4. There shall be an additional fee of \$125 for the late filing of a permit renewal application after the date established by the city clerk.
5. The fee for filing a notice of change of taxicab affiliation shall be \$25.
6. The fee for changing the agent or officers of a corporation holding a public passenger vehicle permit shall be \$25.
7. The fee for any special inspection of a public passenger vehicle, as provided in s. 100-51, shall be \$125.

(See s. 100-50.)

Part 3. Sections 81-106.5, 81-125 and 81-126 of the code are repealed.

Part 4. Section 85-34 of the code is created to read:

85-34. Truth of Statements and Affidavits. 1. No document submitted to the city clerk by any person relating to any application filed with or license or permit issued through the city clerk's office shall contain false, misleading or fraudulent information or false affidavit.

2. Any application filed with or license or permit issued through the city clerk's office may be denied, suspended, not renewed or revoked by the common council after notice to the applicant or licensee and a hearing, if the applicant or licensee provided false, misleading or fraudulent information or a false affidavit.

3. The city clerk may revoke a provisional license without further common council action if he or she determines that the applicant provided false, misleading or fraudulent information.

4. Except as otherwise expressly provided in this code, any person filing any false, misleading or fraudulent information or false affidavit shall upon conviction be subject to a forfeiture not to exceed \$500 together with the costs of prosecution, and, in default of payment may be imprisoned as provided by law.

5. The city clerk shall provide on each individual application for any license or permit issued through the city clerk's office notice that a penalty is provided for any false, misleading or fraudulent information or false affidavit provided by any applicant or licensee.

Part 5. Section 100-2-5 of the code is amended to read:

100-2. Purpose.

5. Encourage innovation in the provision of ~~[[taxicab and paratransit]]~~>>public passenger vehicle<< services.

Part 6. Section 100-3-2 of the code is repealed and recreated to read:

100-3. Definitions.

2. CONTRACT SERVICE means acceptance of a passenger for transportation for a fixed fare by agreement prior to entry of the passenger into the public passenger vehicle.

Part 7. Section 100-3-6.3 of the code is created to read:

6.3. FIXED FARE means the amount a passenger may be responsible for paying based upon the combination of any rates and fees or estimates agreed upon by the passenger and confirmed by the driver of a public passenger vehicle upon accepting contract service.

Part 8. Section 100-3-6.7 of the code is repealed and recreated to read:

6.7. HAIL means signaling the driver of a public passenger vehicle visually or by telephonic or other electronic means indicating a demand for immediate service by a metered vehicle for passenger transportation.

Part 9. Section 100-3-6.9 of the code is created to read:

6.9. HIRE means acceptance for a fee, fare or compensation of any kind of a passenger for transportation by contracted service or upon hail or request for transportation and entry of the passenger into the public passenger vehicle.

Part 10. Section 100-3-9.5-e is amended to read:

e. "Class T" means the holder of the license has met the qualifications to operate the following public passenger vehicles: ~~[[zone and meter fare]]~~ taxicabs.

Part 11. Section 100-3-11 and 11.5 of the code is amended to read:

11. LIMOUSINE means a category of for-hire, unmetered, unmarked ~~[[uniformed]]~~, chauffeur-driven, ground transportation vehicles solely engaged in the business of carrying passengers on a ~~[[prereserved]]~~ >>contract service<< basis only.

11.5. MOTORCYCLE means a vehicle as defined in s. 340.01(32), Wis. Stats., and which is used on a ~~[[for hire or contractual]]~~ >>contract service<< basis.

Part 12. Section 100-3-20 of the code is repealed.

Part 13. Section 100-3-25 to 27 of the code is repealed.

Part 14. Section 100-3-28 of the code is renumbered 100-3-29.

Part 15. Section 100-3-13 to 19 of the code is renumbered 100-3-15 to 22.

Part 16. Section 100-3-13 and 14 of the code is created to read:

13. NETWORK COMPANY means a transportation company or business that uses an online, digital or electronic platform to connect passengers with network vehicles operated by public passenger vehicle drivers.

14. NETWORK VEHICLE means a public passenger vehicle operated as a taxicab under contract service arranged through a network company.

Part 17. Section 100-3-21 to 24.5 of the code is renumbered 100-3-23 to 28.

Part 18. Section 100-3-23-0 of the code is amended to read:

23. PUBLIC PASSENGER VEHICLE means a vehicle which is used for the transportation of passengers for hire, including ~~[[handicapped elderly livery]]~~ >>human service vehicle (Class H)<<, horse and surrey livery >>(Class P)<<, ~~[[luxury]]~~ limousine >>(Class L)<<, pedicab >>(Class P)<<, motorcycle used for tours >>(Class M)<<, shuttle vehicle >>(Class L)<<, and ~~[[meter or zone fare]]~~ taxicab >>(Class T)<<. Public passenger vehicle does not include:

Part 19. Section 100-3-23-f of the code is renumbered 100-3-23-e.

Part 20. Section 100-4-4 of the code is amended to read:

100-4. Licensing Committee.

4. ADMINISTRATIVE OFFICIAL. >>a.<<The city clerk shall administer all regulations and orders adopted or issued by the committee and shall keep a register of the names of each permittee, together with the permit number and record of financial responsibility as provided in this chapter and the description, make and year of ~~[[such]]~~>>each permitted<< vehicle, with the date and the complete record of inspection made of the vehicle. These records shall be open to public inspection at all reasonable times and shall be public records, extracts of which may be certified for use as evidence by the chief of police.

Part 21. Section 100-4-4-b of the code is created to read:

b. The city clerk shall investigate and otherwise review the operation of vehicles and the conduct of drivers and vehicle permittees as directed by the committee and may issue warnings and citations for violations of the regulations and orders of the committee or for violations of other applicable provisions of this chapter assessing reasonable costs related to enforcement of the chapter.

Part 22. Section 100-50-1-a and b of the code is amended to read:

100-50. Public Passenger Vehicle Permits.

1. PERMIT REQUIRED. a. No vehicle owner or lessee shall operate his or her vehicle, or allow his or her vehicle to be operated, as a public passenger vehicle for hire upon the streets of the city without the vehicle owner or lessee first obtaining for the vehicle a permit ~~[[and current inspection sticker]]~~ as provided in this section.

b. No person shall operate a public passenger vehicle for hire upon the streets of the city without the vehicle owner or lessee first obtaining for the vehicle a permit ~~[[and current inspection sticker]]~~ as provided in this section.

Part 23. Section 100-50-3-e of the code is repealed.

Part 24. Section 100-50-3-f of the code is amended to read:

100-50. Public Passenger Vehicle Permits.

3. ELIGIBILITY, TAXICABS.

f. Notwithstanding the limitations in ~~[[subs. 4-a-3 and]]~~ >>sub.<< 13, a new public passenger vehicle permit may be issued upon surrender of an existing permit to the city clerk and either an application by the permittee to change his or her legal form of business or upon application of a permittee to transfer the permit to another person.

Part 25. Section 100-50-4-a of the code is repealed and recreated to read:

4. APPLICATION. a. Application for a public passenger vehicle permit shall be filed with the city clerk on forms provided and, except where otherwise expressly provided in this section, shall conform to the requirements in s. 85-12. Completed applications for a new permit shall be accepted by the city clerk for processing in a manner established by the city clerk for submission to the licensing committee.

Part 26. Section 100-50-4-b-7 of the code is amended to read:

b-7. The identity of any dispatch services >>or network company<< with which affiliated, if any.

Part 27. Section 100-50-4-b-8 of the code is renumbered 100-50-4-b-9.

Part 28. Section 100-50-4-b-8 of the code is created to read:

b-8. The plan for public passenger vehicle operation including:

b-8-a. A statement of the experience of the applicant in operating a public passenger vehicle, if any.

b-8-b. Identification of all public passenger vehicle permits currently issued to the applicant.

b-8-c. The times at which the public passenger vehicle will be available for service and whether the vehicle will be operated within an affiliation, network company or dispatch service that provides 24-hour service each day of the year.

b-8-d. The area or areas of the city to be served by the public passenger vehicle or that will be served by an affiliation, network company or dispatch service.

b-8-e. A description of routine maintenance, including location and frequency of maintenance activities and other vehicle inspections conducted by or on behalf of applicant.

b-8-f. The manner in which the public passenger vehicle will be operated if not operated and driven by the applicant, including arrangements for leasing, loaning, driver employment or other operation by parties other than the applicant.

b-8-g. A statement or copy of the written policies for drivers to maintain a clean, professional and orderly appearance together with specific requirements, if any, established by the applicant for driver dress or uniform.

b-8-h. The applicant's written plan to promote and ensure driver and passenger security.

b-8-i. A statement of the applicant's process for resolving complaints, including the manner in which complaint records are to be retained and reported to the city clerk.

b-8-j. The manner in which all accident reports or citations received in the operation of a permitted vehicle shall be retained and made available to the city clerk.

b-8-k. A description of all proposed vehicle markings, body color or colors, signs or stickers consistent with the requirements in s. 100-51.5.

Part 29. Section 100-50-4-d of the code is amended to read:

d. Each corporate applicant applying shall file with its application for a permit a statement by its officers or members showing the names and addresses of all persons who individually hold ~~[[10%]]~~>>20%<< or more of the corporation's total or voting stock, or proxies for that amount of stock, together with the amount of stock or proxies held by each person.

Part 30. Section 100-50-4-f of the code is renumbered 100-50-4-e.

Part 31. Section 100-50-8 of the code is amended to read:

8. INVESTIGATION. >>a.<< Each application shall be referred to the chief of police who shall cause an investigation to be made and report the findings to the licensing committee.

>>b. The chief of police may designate one or more additional parties, businesses or agencies, subject to approval by the common council, to conduct investigations under terms and conditions that will ensure substantially similar quality and costs as if conducted by the department.<<

Part 32. Section 100-50-11-b-2 and d of the code is amended to read:

11. ISSUANCE.

b-2. If the vehicle is leased, an approved lease consistent with this chapter ~~[[as a handicapped-elderly vehicle, luxury limousine or shuttle vehicle]]~~.

d. A permit shall be issued only to a vehicle owner, excepting that a permit may be issued to an individual lessee ~~[[of a handicapped-elderly vehicle, luxury limousine or shuttle vehicle]]~~ if the vehicle is leased pursuant to this chapter.

Part 33. Section 100-50-11-b-3 of the code is repealed.

Part 34. Section 100-50-11-b-4 and 5 of the code is renumbered 100-50-11-b-3 and 4.

Part 35. Section 100-50-11-g-1-0 of the code is amended to read:

g-1. If a permittee first files a statement with the city clerk signed in the presence of a notary public designating an individual who is authorized to represent the permittee, the authorized representative may pick up from the city clerk a permit issued to the

permittee after the permittee~~[-:]>>~~has filed an affidavit with the city clerk for a duplicate permit.<<

Part 36. Section 100-50-11-g-1-a and b of the code is repealed.

Part 37. Section 100-50-11-i of the code is repealed.

Part 38. Section 100-50-12-b-2-0 of the code is amended to read:

12. REGULATIONS.

b. Vehicle Leasing.

b-2. A permittee shall own the vehicle for which a permit has been granted as sole titleholder and not as lien holder. However, the licensing committee may recommend the granting of a ~~[[handicapped-elderly vehicle, luxury limousine, motorcycle or shuttle vehicle]]~~ permit for a vehicle leased or to be leased by the applicant if:

Part 39. Section 100-50-12-c and d of the code is repealed.

Part 40. Section 100-50-12-e-1 of the code is amended to read:

e-1. No permit may be transferred to any other vehicle unless the owner or lessee of the vehicle is also the permittee, demonstrates financial responsibility for the vehicle ~~[[, the vehicle has a current inspection sticker]]~~ and the owner has paid the required vehicle replacement fee. The city clerk shall be notified of all vehicle replacements.

Part 41. Section 100-50-12-e-2 of the code is amended to read:

e. Replacement of Vehicle.

e-2. No public passenger permits for taxicabs shall be transferred to any motor vehicles ~~[[of model years greater than 10 years old at the time of replacement]]~~ >>not meeting the eligibility requirements provided under s. 100-50-3<<.

Part 42. Section 100-50-12-f, h to j of the code is repealed.

Part 43. Section 100-50-13-b of the code is amended to read:

13. TRANSFER OF PERMITS.

b. Upon expiration of the permit, the surviving spouse or legal representative may apply for the permit in his or her own name. ~~[[The application shall not result in an increase in the number of permits in existence.]]~~

Part 44. Section 100-50-16-b-4 of the code is amended to read:

16. PROCEDURE FOR NON-RENEWAL, REVOCATION OR SUSPENSION.

b. Grounds for Non-renewal, Suspension or Revocation.

b-4. Failure of a ~~[[taxicab]]~~ permittee to comply with the written plan of operation ~~[[of the certified taxicab affiliation to which the permittee belongs]]~~ >>provided under s. 100-50-4-b-8<<.

Part 45. Section 100-50-17 of the code is repealed and recreated to read:

17. REQUEST TO SURRENDER A PERMIT. See s. 85-17 for provisions relating to the surrender of permits and the return of surrendered permits.

Part 46. Section 100-51-1 to 5 of the code is repealed and recreated to read:

100-51. Vehicle Inspection.

1. INSPECTION REQUIRED. a. A public passenger vehicle permittee shall submit his or her vehicle for inspection on the designated date and time for any inspection or reinspection required under this section.

b. The department of public works shall conduct inspections under this section.

c. The commissioner of public works may designate one or more additional parties, businesses or agencies, subject to approval by the common council, to conduct inspections under terms and conditions that will ensure substantially similar quality and costs as if conducted by the department.

2. WHEN REQUIRED. A vehicle inspection conducted by the department of public works or its designee shall be required as determined by a random or other selection process or when identified by complaint by the police department, the department of public works or the city clerk.

3. NOTICE OF INSPECTION. Notice of inspection including the time and place of inspection shall be provided by the department of public works by U.S. first class mail, postage prepaid, at least 3 days prior to inspection.

4. ELIGIBILITY. No vehicle shall be inspected unless, prior to inspection, the permit, certificate of vehicle registration, and, if a meter fare taxicab, meter permit and meter inspection slip are presented to the inspecting officer.

5. INSPECTION REPORT. The department of public works shall report the results of each inspection to the city clerk in a form and manner prescribed by the city clerk. The report shall include vehicles appearing for inspection, vehicles passing inspection, vehicles removed from public service, reasons for removal of vehicles from public service and vehicles failing to appear for inspection. The department of public works

shall also provide the city clerk with information related to the costs of inspections upon request.

Part 47. Section 100-51-6 and 7 of the code are repealed.

Part 48. Section 100-51-8 of the code is renumbered 100-51-6.

Part 49. Section 100-51.5-1-c-1-0, e and f of the code is amended to read:

100-51.5. Vehicle Standards and Equipment Requirements.

1. GENERAL REQUIREMENTS.

c. Vehicle Markings.

c-1. Each taxicab ~~>>not meeting the definition of network vehicle<<~~ and ~~>>each<<~~ shuttle vehicle, excepting a shuttle vehicle meeting the definition in ~~[[s. 100-3-23-b]]~~ ~~>>s.100-3-26-b<<~~, shall have the following clearly and permanently marked:

e. Complaint Placard. Except as provided in par. f, each public passenger vehicle shall have posted, in the passenger compartment in a conspicuous place plainly visible to all occupants of the vehicle, a rate and service complaint placard provided by the city, in substantially the following form:

Milwaukee ~~[[Taxicab]]~~ Permit Number _____

NOTICE TO PASSENGERS

The Rates of Fare are:

Fill in with approved rates ~~[[and zone map if required]]~~.

Complaints regarding rates or service may be addressed to:

License Division Manager, City Clerk's Office
Room 105, City Hall, 200 E. Wells St.
Milwaukee, WI 53202
license@milwaukee.gov

Complainant: Please provide the name of the driver, vehicle number, company name, trip date and time, and details of the complaint.

f. Information provided to passengers. ~~[[Luxury limousines and shuttle vehicles meeting the definition under s. 100-3-23-b]]~~ ~~>>~~ Limousines, taxicabs meeting the definition of network vehicle, and shuttle vehicles meeting the definition under s. 100-3-26-b<< shall provide to passengers, at the time the service is contracted for hire, the

information provided on the complaint form and rate and service complaint placard required under this subsection.

Part 50. Section 100-51.5-3-0 and 3-a-0 of the code is amended to read:

3. TAXICAB REQUIREMENTS >>(CLASS T)<<.

a. Body Colors. >>Except for taxicabs meeting the definition of network vehicle, the<< ~~[[The]]~~ body colors designated for affiliated taxicabs shall be as follows:

Part 51. Section 100-51.5-3-a-6 of the code is repealed.

Part 52. Section 100-51.5-3-d of the code is amended to read:

d. Fuel Efficiency. The legislative reference bureau shall provide a report to the common council on or before July 1, ~~[[2014]]~~>>2015<<, reviewing best practices, strategies and regulation in comparable municipalities for improving fuel efficiency and reducing reliance upon fossil fuels within the city's permitted taxicab fleet. Information shall be organized and provided by the legislative reference bureau with the assumption that fuel standards will be developed and implemented on or before July 1, ~~[[2018]]~~>>2019<<.

Part 53. Section 100-51.5-4-0, 5-0, 6-0, 7-0, 8-0 and a of the code is amended to read:

4. ~~[[HANDICAPPED-ELDERLY]]~~>>HUMAN SERVICE<< VEHICLE REQUIREMENTS >>(CLASS H)<<. ~~[[Handicapped-elderly livery]]~~>>Human service<< vehicles shall be suited for the transportation of ~~[[handicapped]]~~>>disabled<< or elderly persons who by reason of physical or mental infirmity or age cannot be transported on public mass transportation vehicles or in taxicabs. These vehicles shall have:

5. HORSE AND SURREY LIVERY REQUIREMENTS >>(CLASS P)<<.

6. MOTORCYCLE USED FOR TOURS REQUIREMENTS >>(CLASS M)<<.

7. PEDICAB REQUIREMENTS >>(CLASS P)<<.

8. LIMOUSINE REGULATIONS >>(CLASS L)<<.

a. The exterior of a permitted vehicle may not display any signs, markings or stickers not otherwise required by law>>, except as specifically authorized in an approved plan of operation under s. 100-50-4-b<<.

Part 54. Section 100-52-1 and 4 of the code is repealed.

Part 55. Section 100-52-2, 3 and 5 of the code is renumbered 100-52-1 to 3.

Part 56. Section 100-52-2-a-0 of the code is amended to read:

100-52. Rates Established.

2. METER FARE TAXICAB. a. ~~[[No]]>>Except a taxicab meeting the definition of network vehicle, no<< person owning, operating or controlling any motor vehicle licensed as a meter fare taxicab ~~[[and operating within the area bounded by Lake Michigan on the east and 22000 block west on the west, 12000 block north on the north and 11100 block south on the south]]~~ shall charge an amount exceeding the following rates:~~

Part 57. Section 100-54-1-a of the code is amended to read:

100-54. Public Passenger Vehicle Driver's License.

1. LICENSE REQUIRED. a. No person shall operate a public passenger vehicle in the city >>, including a human service vehicle licensed or otherwise regulated by the state of Wisconsin,<<unless the person first holds a valid license issued under this section. ~~[[No person shall operate any vehicle used for the transportation of elderly or handicapped persons in the city, regardless of whether the vehicle is licensed or otherwise regulated by the state of Wisconsin as a human service vehicle for the transportation of elderly or handicapped persons, unless the person first holds a valid license issued under this section.]]~~

Part 58. Section 100-54-2-d and f-1 to 4 of the code is repealed.

Part 59. Section 100-54-2-h of the code is amended to read:

2. QUALIFICATIONS.

h. Be clean in dress and person and ~~[[, if driving a taxicab,]]~~ shall comply with all applicable written standards of dress and appearance ~~[[of the taxicab affiliation]]>>specified in the plan of operation provided under s. 100-50-4-b-8<<.~~

Part 60. Section 100-54-8 of the code is amended to read:

8. COMMON COUNCIL ACTION; APPLICATION FOR NEW LICENSE. If the police chief files no objection to an application for a new license, the city clerk shall issue the license in accordance with sub. 9. If the police chief files an objection, the application shall be subject to common council review and approval in accordance with the provisions of ss. 85-2.7 and 85-5>>and may be subject to the additional requirements for license issuance under s. 100-56<<.

Part 61. Section 100-54-12-a of the code is amended to read:

12. PROCEDURES FOR NON- RENEWAL, SUSPENSION OR REVOCATION.

a. Any license issued under this section may be subject to non-renewal, suspension or revocation for cause by the common council after notice to the licensee and a hearing

~~>>and may be subject to the additional requirements for license issuance under s. 100-56<<. [[In addition, based on evidence presented at the licensing committee regarding a license applicant's driving record, the common council may direct the city clerk to withhold issuance of a license until the applicant provides the city clerk with documentation indicating the applicant has retaken and successfully completed a defensive driving and safety course.]]~~

Part 62. Section 100-54-14 of the code is repealed and recreated to read:

14. REQUEST TO SURRENDER A LICENSE. See s. 85-17 for provisions relating to the surrender of licenses and the return of surrendered licenses.

Part 63. Section 100-56 of the code is created to read:

100-56. Additional Requirements for License Issuance. For an application subject to common council review and approval under this subchapter, the common council may direct, if circumstances warrant based on evidence presented at the licensing committee, that the city clerk without issuance of a license until the applicant provides the city clerk with documentation indicating the applicant has successfully completed any of the following additional requirements:

1. DEFENSIVE DRIVING AND SAFETY COURSE. A driver of a motorized public passenger vehicle may be directed under this section to successfully complete a defensive driving and safety course approved by the police department.

2. KNOWLEDGE OF CITY GEOGRAPHY AND REGULATIONS TEST. A driver of a motorized public passenger vehicle may be directed under this section to pass a test established and administered by the city clerk concerning knowledge of city streets, major buildings, facilities and city regulations regarding public passenger vehicles. Alternate tests shall be available for those applicants who possess limited ability to read the English language.

3. DRIVER TRAINING COURSE. A driver of a motorized public passenger vehicle may be directed under this section to successfully complete a driver training course offered by the Taxicab, Limousine and Paratransit Association or its equivalent upon approval by the chief of police.

Part 64. Section 100-59-1-a of the code is repealed and recreated to read:

100-59. Operating Regulations for all Public Passenger Vehicles.

1. LICENSE TO BE EXHIBITED.

a. A driver while operating a public passenger vehicle shall display in a conspicuous location clearly visible to passengers at all times and illuminated at night the license issued under subch. 3. Except for a taxicab driver, the license may be carried on the

person of the driver when operating a public passenger vehicle, in lieu of the display requirements under this paragraph.

Part 65. Table 100-61 of the code is repealed.

Part 66. Section 100-61 of the code is repealed.

Part 67. Section 100-62 of the code is amended to read:

100-62. Penalty. 1. Any person who violates any provision of this chapter shall, where no other provisions are expressly made for the enforcement of any forfeitures or penalties under this chapter, upon conviction forfeit not less than ~~[[\$25]]>>\$50<< nor more than ~~[[\$500]]>>\$750<< together with the costs of prosecution, or in default of payment may be imprisoned ~~[[in the county house of correction for a period not to exceed 20 days]]>>as provided by law<<.~~~~~~

2. Any person who violates s. 100-50-1 or 100-60-1-b-1 shall upon conviction be subject to the following forfeitures together with the costs of prosecution, and, in default of payment ~~[[be confined in the county jail or house of correction until such forfeiture and costs are paid, but not to exceed 40 days]]>>may be imprisoned as provided by law<<:~~

a. A forfeiture not less than ~~[[\$250 nor more than \$500]]>>\$1,500 nor more than \$2,500<< if the person has not committed a previous violation within 24 months of the violation.~~

b. A forfeiture not less than ~~[[\$500 nor more than \$750]]>>\$2,500 nor more than \$4,000<< if the person has committed a previous violation within 24 months of the violation.~~

c. A forfeiture not less than ~~[[\$750 nor more than \$1000]]>>\$4,000 nor more than \$5,000<< if the person has committed 2 or more previous violations within 24 months of the violation.~~

3. Any person who violates s. ~~[[100-51.5-1 or 2, s. 100-59-1, 6, 13 or 14, or s. 100-60-2-b]]>>100-54-1<< shall upon conviction forfeit not less than ~~[[\$25]]>>\$500<< nor more than ~~[[\$200]]>>\$1,000<< together with the costs of prosecution, or in default of payment may be imprisoned ~~[[in the county house of correction for a period not to exceed 8 days]]>>as provided by law<<.~~~~~~~~

Part 68. Section 100-62-4 of the code is created to read:

4. Multiple violations for the same offense, though occurring on the same date, may be treated as separate violations under this section.

Part 69. Subchapter 5 of ch. 100 (title) of the code is repealed and recreated to read:

SUBCHAPTER 5
PROVISIONAL LICENSES AND PERMITS

Part 70. Section 100-70 of the code is repealed and recreated to read:

100-70. Provisional Licenses and Permits.

1. AUTHORITY. a. A provisional public passenger vehicle driver's license shall authorize the license holder to perform those activities permitted a person holding a regular public passenger vehicle driver's license issued under s. 100-54.

b. A provisional public passenger vehicle permit shall authorize the holder to perform those activities permitted a person holding a regular public passenger vehicle permit issued under s. 100-50.

3. ELIGIBILITY. Any person who has properly filed with the city clerk a completed application and the required application fee for a regular public passenger vehicle driver's license or permit may apply for a provisional license or permit issued under this subchapter, unless the applicant is subject to the disqualification provisions provided under s. 85-13.

5. ISSUANCE. a. Application for a provisional license or permit shall be filed with the city clerk in writing on forms provided. Upon application, the city clerk shall issue a provisional license or permit to an applicant if the applicant has first filed with the city clerk all of the following items:

a-1. A completed application and the required application fee for a regular public passenger vehicle driver's license or permit.

a-2. Evidence of possessing a valid motor vehicle driver's license, excluding occupational licenses, issued by the state of Wisconsin.

a-3. A statement affirming that within 2 years of the date of application that all of the following are true:

a-3-a. The applicant has not been convicted of any felony or misdemeanor offense related to a violent offense.

a-3-b. The applicant has not been convicted of 3 or more moving violations, as defined in s. 343.01(2)(cg), Wis. Stats., arising out of separate incidents or occurrences.

a-3-c. The applicant has not been convicted of any offense related to operating a motor vehicle while intoxicated.

a-4. A statement affirming the applicant's understanding that providing false, misleading or fraudulent information or a false affidavit on any application required under this subchapter shall be subject to the penalties provided in s. 85-34.

b. Any person filing an application for a provisional public passenger vehicle permit shall, in addition to the requirements under par. a, file with the city clerk all of the following items:

b-1. The current state registration of each motor vehicle naming the applicant as sole title holder and not as lien holder.

b-2. Evidence of financial responsibility as required under s. 100-53, issued to and covering the applicant.

7. EXPIRATION DATE. A provisional license or permit shall expire 60 days after the date of issuance by the city clerk or upon issuance of the regular license or permit, whichever is sooner, and shall not be renewable.

9. REVOCATION. The city clerk may revoke a provisional license without further common council action if he or she determines that the applicant provided false information on the license application or upon denial by the common council of the holder's application for a regular license or permit.

Part 71. Section 100-72 to 76 of the code is repealed.

Part 72. Upon proof of payment of the \$100 fee for filing a notice of intent to make application under s. 81-126-5, repealed in Part 3, a credit of \$50 shall be allowed toward payment of one application fee for a public passenger vehicle permit for a taxicab or limousine if application is made on or before December 31, 2014.

Part 73. Wherever the term "handicapped" appears in the following sections of the code, the term "disabled" is substituted: 100-3-7, 100-51.5-4-c and 100-53-5.

Part 74. Wherever the term "handicapped-elderly liveries" or "handicapped-elderly vehicle" appears in the following sections of the code, the term "human service vehicle" is substituted: 100-3-7, 100-3-9.5-a, 100-50-3-d, 100-52-3, and 100-54-2-e.

Part 75. Wherever the term "luxury" appears in the following sections of the code, the term is deleted: 100-51-8-a and 100-52-3.

Part 76. **CROSS REFERENCE CHANGES.** The sections in Column A are amended by changing the cross reference listed in Column B to the cross reference listed in Column C.

| A | B | C |
|------------------|----------------|--------------|
| 100-51-8-e | 81-101.3 | 81-101.5-8 |
| 100-51.5-1-c-1-0 | 100-3-23-b | 100-3-26-b |
| 100-51.5-1-c-2 | 100-3-23-b | 100-3-26-b |
| 100-51.5-1-d | 100-51.5-1-e-1 | 100-51.5-1-f |

Part 77. This ordinance takes effect September 1, 2014.

..LRB
APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

..Requester

..Drafter

LRB151881-4

Richard L. Withers

6/3/2014

Richard Pfaff

7/22/2014