Ratification Number 2015-041

AN ORDINANCE

TO AMEND CHAPTER 31, VEHICLES FOR HIRE, TO PROVIDE CONSISTANT RULES AND REGULATIONS FOR THE OPERATION OF LIMOUSINES, TAXI CABS, AND TRANSPORTATION NETWORK COMPANIES, TO MODIFY THE RATES THAT MAY BE CHARGED FOR SUCH SERVICES, TO PROHIBIT PUBLIC VEHICLES FOR HIRE PICKING UP AND DISCHARGING PASSENGERS ON PORTIONS OF KING AND MARKET STREETS DURING THE HOURS OF 12:30 A.M. UNTIL 3:00 A.M. FRIDAYS THROUGH SUNDAYS EXCEPT THAT TAXI CABS MAY USE DESIGNATED TAXI STANDS ON BOTH OF THESE STREETS DURING THESE HOURS, AND TO FURTHER ORGANIZE AND CLARIFY THE RULES AND REGULATIONS GOVERNING THE OPERATIONS OF LIMOUSINES, TAXI CABS, AND TRANSPORTATION NETWORK COMPANIES. **(AS AMENDED)**

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS IN CITY COUNCIL ASSEMBLED:

Section 1. Chapter 31, Article III and Article IV, of the Code of the City of Charleston is hereby deleted in its entirety and replaced with the following words, phrases, and paragraphs which shall read as follows:

"Article III. – Limousines, taxi cabs and transportation network companies

Division I. – Definitions.

Sec. 31-36. Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this Chapter, have the meanings indicated in this section:

"Agent or Representative" shall mean the person or persons that a licensee has authorized to:

(1) File applications, rates, and charges on behalf of the limousine, taxi cab, or TNC;

(2) Receive and accept all correspondence and notices from the city pertaining to the limousine company, taxi cab company, TNC, or to affiliated drivers operating with these companies; and,

(3) Forward any correspondence, notices and/or legal process received by the licensee and intended for an affiliated driver operating within the licensee's company.

"Certificate" shall mean a certificate of public convenience and necessity approved by city council.

"Certificate of Operation" shall mean the sticker provided by the revenue collections department to a driver or endorsed driver who is operating an endorsed vehicle or a vehicle that meets all of the requirements of this chapter.

"Compensation" shall mean 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 taxi cab or transportation network company, and an affiliated driver, and passenger.

"Day Time Hours" shall mean the hours including and between ~~3~~5:00 a.m. and midnight ~~9:00 p.m~~.

"Driver" shall mean any person licensed in accordance with this chapter that is in actual charge of the operation of a limousine, taxi cab, or transportation network company vehicle, whether as owner or agent, lessee or employee of the owner.

"Endorsed driver" shall mean a driver that has been endorsed by an affiliated limousine company, taxi cab company, or TNC and authorized to provide for hire transportation services within the city for that company.

"Endorsed vehicle" shall mean a vehicle endorsed by the affiliated limousine company, taxi cab company, or TNC and authorized to provide for hire transportation services within the city. An endorsed vehicle has received a certificate of operation as defined in this chapter.

"Licensee" shall mean the holder of, or a person that is required to hold, a certificate of public convenience and necessity for the operation of a limousine company, a taxi cab company, or a transportation network company issued pursuant to this chapter.

"Limousine" shall mean any motor vehicle equipped to carry up to fifteen (15) passengers that engage in transporting passengers for hire that has a Class C Charter Certificate issued by the South Carolina Office of Regulatory Staff, that accepts passengers exclusively on a pre-arranged basis, and which remuneration

is determined on an hourly basis. Limousines shall operate with limousine license plates and conform to the Federal Motor Vehicle Safety Standards for such vehicles and be equipped for operation on all public streets, roads, interstates and other highways; however, such term shall not be construed to include buses, taxi cabs or transportation network vehicles.

"Manifest" shall mean a daily record, prepared by the licensee or electronically, of all trips made by each limousine, taxi cab, or TNC vehicle owned, or operated on its behalf showing the time and place of origin, destination and time of delivery to destination, and the amount of the fare for each trip.

"Night Time Hours" shall mean the hours including and between midnight ~~9:00 p.m.~~ and ~~3~~5:00 a.m.

"Operation of a transportation network vehicle or operating a transportation network vehicle" shall mean 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.

"Owner" shall mean any entity to which a certificate of public convenience and necessity for the operation of a business providing or arranging for transportation services for hire has been issued.

"Peninsula" shall mean the area bounded by Mount Pleasant Street to the North, the battery to the south, the Cooper River to the East, and the Ashley River to the west.

"Person" shall mean a natural person, corporation, trust, estate, partnership, incorporated or unincorporated association or any other legal entity.

"Place of business in the City of Charleston" shall mean a location within the City of Charleston 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 unless provided electronically within 12 hours of a request.

"Public vehicle for hire" shall mean a limousine, taxi cab, or transportation network vehicle that has been endorsed, owned, leased or operated by a Licensee.

"Rideshare" shall mean 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 vehicle operator

for which compensation is neither accepted, collected, encouraged, promoted, or requested.

"Taxi cab" shall mean any motor vehicle equipped to carry less than fifteen (15) passengers, that engages in transporting passengers for hire, that has a Class C taxi certificate issued by the South Carolina Office of Regulatory Staff, that operates upon any public street, road or highway in the City of Charleston on call or demand, accepting or soliciting passengers indiscriminately for hire between such points along such street, road or highway as may be directed by the passenger so being transported, and which remuneration is determined on a per trip basis. Taxi cabs shall have taxi license plates. Taxi cabs shall conform to the Federal Motor Vehicle Safety Standards for such vehicle and is equipped for operation on all public streets, roads, and interstate and other highways; further provided, however, that such term shall not be construed to include buses, limousines, or transportation network company vehicles.

"Taximeter" shall mean an instrument or device attached to a taxi cab mechanically measuring the distance, time or zone unit upon which the fare to be charged the passenger shall be based, and recording by figures on the dial of the device the fare as it accrues.

"TNC" shall mean a Transportation Network Company.

"Transportation Network Company (TNC)" shall mean a person or entities affiliated with drivers that provide transportation application services via one (1) unique transportation application system to connect endorsed drivers with passengers for the transport of passengers for compensation and meeting the licensing requirements and any other requirements under this chapter.

"Waiting time" shall mean all of the time when a limousine, taxi cab, or TNC vehicle is not in motion, occupied by a passenger, and the time consumed while standing at the direction of a passenger, or person who has engaged such public vehicle for hire.

Secs. 31-37—31-40. - Reserved.

Division II. – Certificates of operation.

Sec. 31-41. - Required.
No limousine company, taxi cab company, or TNC shall be licensed to do business in or use the streets of the city unless there shall have been approved by city council a certificate of public convenience and necessity therefor.

Sec. 31-42. - Application; contents.
All persons applying to the city council for a certificate of public convenience and necessity for the operation of one (1) or more limousine, taxi cab, or a TNC shall

file with the city council a sworn application therefor, on forms provided by the traffic and transportation department stating as follows:

(1) The name and address of the owner, and in the event that the owner is a corporation, a certified copy of the articles of incorporation;

(2) The location of their place of business in the City of Charleston, the name of their agent, and an address and telephone number for their agent;

(3) The number of endorsed vehicles actually owned and the number of endorsed vehicles operating on behalf of such owner on the date of such application;

(4) The number of vehicles for which a certificate of public convenience and necessity is desired;

(5) The PSC/ORS certificate number and a copy of the ORS certificate of public convenience and necessity;

(6) The application fee as approved by city council; and,

(7) Such other information as the city council may in its discretion require.

Sec. 31-43. - Report of traffic and transportation committee on application.

(1) No certificate required by this division shall be granted until the traffic and transportation committee of the city council shall report on the question of public convenience and necessity.

(2) In determining whether public convenience and necessity requires the licensing of a company offering public vehicles for hire or TNC services, consideration shall be given to the following:

a. Whether the demand of the public requires additional limousine, taxi cab, or TNC services;

b. The adequacy of existing mass transportation and limousine, taxi cab and TNC services;

c. The effect which such additional limousine, taxi cab, or TNC service may have upon traffic congestion and parking;

d. Whether the additional limousine, taxi cab, or TNC service will result in a greater hazard to the public;

e. Whether the company name or trade dress as it appears on the vehicle would cause confusion as to the type of business being operated or confusion with any existing business.

f. Such other relevant facts as may be deemed advisable or necessary, including but not limited to, the financial responsibility and experience of the business owner, the ability of the business owner to earn a fair return on the capital invested, and the number, kind, and type of equipment and the color scheme to be used.

(3) The burden of showing public convenience and necessity shall rest upon the applicant.

Sec. 31-44. - Continuance.

(1) Prior to the termination of each calendar year, the director of traffic and transportation may continue in full force and effect any certificate previously authorized by the traffic and transportation committee under this division, for the ensuing year, in the absence of any evidence regarding the lack of qualifications of the owner of the certificate. Fee statements for the automatic renewal of the certificate will be postmarked by end of December and payment in full of the fees for the certificate are due on or about the 31st day of January.

(2) Whenever any information submitted on the application for a certificate of public convenience and necessity changes, the owner, within forty-eight (48) hours of the change, shall inform the traffic and transportation department of the change.

Sec. 31-45. - Suspension or revocation by traffic and transportation committee.

(1) Certificates issued under this division may be suspended or revoked by the traffic and transportation committee at any time when:

a. The certificate holder's record of performance is unsatisfactory as evidenced by the issuance of five criminal citations in a year;

b. The certificate holder fails to operate his or her limousine company, taxi cab company, or TNC in accordance with the provisions of this chapter;

c. The limousine company, taxi cab company, or TNC charges or deducts a fare other than agreed upon or as provided by this chapter; or,

d. The owner's ORS certificate of public convenience and necessity is revoked or suspended.

(2) No certificate shall be revoked unless and until seven (7) days' notice of a hearing shall have been given to the holder of such certificate and such hearing is duly had thereon, such notice to contain the reasons for proposed suspension or revocation.

(3) Certificates which shall have been suspended or revoked by the traffic and transportation committee shall forthwith be surrendered to the director of traffic and transportation and the operation of any limousine, taxi cab, or TNC vehicle covered by such certificate shall cease immediately.

Secs. 31-46—31-75. - Reserved.

Division III. – Chauffer's Licenses.

Sec. 31-76. - Required.
No person shall drive a limousine, taxi cab or TNC endorsed vehicle within the city without first having obtained either a chauffer's license from the Charleston Police Department or a driver endorsement issued by a licensee.

Sec. 31-77. - Data required of applicant.
(1) Each applicant for chauffer's license issued by the City of Charleston shall make his or her application on forms to be provided by the police department. Such application shall be completed by the applicant with all requested information and shall be signed and sworn to by the applicant. Any false statement made by an applicant in applying for a chauffer's license shall invalidate the license issued to such applicant. The applicant must submit along with his chauffer's license application the following documents and information:

a. Signed medical statement from the applicant **certifying that they do not have a documented or known physical or mental disability that would prevent them from safely operating a vehicle and performing the normal duties of a driver;**

b. A certified copy of their criminal background check through SLED;

c. A certified copy of their ten-year driving record through SCDMV;

d. Copy of current South Carolina Driver's License;

e. The name of their employer; and,

f. The permit fee.

(2) Each licensee who requests to endorse their drivers in lieu of the City's licensing process shall certify to the police department that their driver endorsement process shall include at a minimum:

a. Signed medical statement from the applicant **certifying that they do not have a documented or known physical or mental disability that would prevent them from safely operating a vehicle and performing the normal duties of a driver;**

b. a ten year criminal background **check using a National Association of Professional Background Screeners accredited agency;**

c. a ten year driver's license check from every state issuing a driver's license to the applicant; and,

d. a national sex offender registry search.

Sec. 31-78. - Qualifications of applicant.
Each applicant for a chauffer's license or driver endorsement shall meet the following requirements:
(1) Be at least eighteen (18) years of age;
(2) Be clean in dress and person;

(3) Shall have no felony convictions in the last ten (10) years; shall have no non-traffic gross misdemeanor or misdemeanor convictions in the last ten (10) years involving the use or threat of use of force, possession or sale of a controlled substance, prostitution, or indecent conduct;

(4) Shall have a driving record meeting the following standards:

a. No convictions in the last ten (10) years for any of the following offenses involving injury or death; no convictions in the last ten (10) years for any of the following offenses not involving injury or death:

1. Hit and run;
2. driving under the influence of an alcoholic beverage or drug; or,
3. Reckless or careless driving;

b. For original 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;

c. For annual endorsement renewal: 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;

(5) Shall have at least one (1) year's driving experience as a licensed driver;

(6) Has certified to the endorser that they do not have a documented or known physical or mental disability that would prevent them from safely operating a vehicle and performing the normal duties of a driver; and,

(7) Has not had a driver's license 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.

Sec. 31-79. - Grounds for refusal by the police department or a certifying licensee.

The police department or a licensee shall refuse to grant or renew a chauffer's license or driver endorsement in the case of an application from any person:

a. Whose state automobile operator's license or whose chauffer's license or driver endorsement to operate a public vehicle for hire has been suspended, revoked, or has expired;

b. Who is required to register as a sex offender;

c. Who shall have previously been convicted of driving an automobile resulting in death to any person during the past ten (10) years;

d. Who has been a habitual violator of traffic laws or a habitual user of intoxicating liquors or narcotic drugs during the past ten (10) years;

e. Who shall have been convicted of a violation of any law, state or federal, relating to the possession with intent to distribute, sale or trafficking of narcotic drugs during the past ten (10) years;

f. Who shall have been convicted, during the past ten (10) years, of a violation of law, state or federal, which is considered to be a violent crime as defined under South Carolina law as amended from time to time;

g. Who shall have been convicted of driving a motor vehicle while intoxicated during the past five (5) years; or

h. Who shall have been convicted, during the previous five (5) years, of any other violation of law, state or federal, which offense carries a minimum term of imprisonment of more than one (1) year.

Sec. 31-80. - Issuance; term.

Should the police department find that the applicant for a chauffer's license has satisfactorily complied with all the conditions of this division, he shall issue to him or her the appropriate license. Should a licensee find that an applicant for a driver's endorsement meets all of the requirements of this division: the licensee shall issue to him or her a driver endorsement. Chauffer licenses and driver endorsements shall expire one year from the date they are granted or automatically when the driver's employment terminates with the licensee for whom the endorsement was issued for or by.

Sec. 31-81. - Fees for new permits, renewals, transfers, replacements.

All applicants for a chauffer's license or driver's endorsement shall pay to the revenue collections department a fee in accordance with the schedule of fees approved by city council from time to time for the renewal, transfer, or replacement of such license or endorsement.

Sec. 31-82. - Contents; display in vehicle or on person.

Chauffer licenses and driver endorsements shall be maintained on the driver at all times while the driver is operating a vehicle for hire. The driver shall be required to present their chauffer license or driver endorsement upon request for inspection by a passenger, a police officer, or the traffic and transportation department. Driver endorsements and chauffer's licenses shall have the driver's photograph, driver's name, company name endorsing or employing the driver, and the expiration date of the license or endorsement.

Sec. 31-83. - Suspension, revocation, and surrender.

(1) The City of Charleston police department and its designee shall have the authority to suspend any driver and require the surrender of his chauffer's license or driver's endorsement for a period not to exceed sixty (60) days for a violation of this chapter or any ordinance dealing with public safety or public morals, or for making any false statement in his or her application for a chauffer's license.

(2) The police department and its designee shall revoke a chauffer's license or driver endorsement if the person holding such license or endorsement becomes ineligible for a license or endorsement under any of the grounds set out in 31-78 or is convicted of any of the following:

a. Petit larceny;

b. Two (2) charges of reckless driving within the preceding twelve (12) months;

c. Charging and collecting for any transportation service a sum in excess of the lawful rates therefor; or,

d. Three (3) charges of violating any other provisions of this chapter as now in effect or as may be hereafter amended and put into effect, all within the preceding twelve (12) months.

(3) The police department, except in the cases set forth in paragraph 2 of this section where the revocation is mandatory, after due hearing and upon not less than five (5) days' notice in writing to the driver, such notice to be sent by registered letter to the address given by the driver when applying for such license, or if an endorsed vehicle driver to the company endorsing the driver which shall constitute sufficient form of notice, may suspend, pursuant to paragraph 1. of this section, the chauffer's license or driver endorsement of any person, for good cause shown.

(4) In the event of such revocation or suspension of such license or endorsement, the chauffer's license or driver endorsement shall be forthwith null and void, and in case of suspension only, the license or endorsement shall be restored to the driver at the expiration of the period of suspension. In the event of a second suspension for the same cause or of a third suspension for any cause, the police department shall revoke the license or driver endorsement. Each such suspension shall be noted on the chauffer's license or driver endorsement.

(5) No person whose chauffer's license or driver endorsement has been revoked shall again be issued a chauffer's license or driver endorsement unless upon the presentation of reasons satisfactory to the police department as to why a new chauffer's license or driver endorsement should be issued.

Sec. 31-84. - Appeals from decision of police department.

Any person aggrieved by the action of the police department in the denial or the revocation of a chauffer's license or driver endorsement shall have the right to appeal to the traffic and transportation committee by filing with the city's clerk of council a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal shall be filed within thirty (30) days after the affected party receives notice of the decision of the police department. The sole issue before the committee shall be whether the police department abused their discretion in denying the permit.

Any person whose appeal for a chauffer's license or driver endorsement has been denied by the traffic and transportation committee shall wait one year from the date of denial by the committee before reapplying for another chauffer's license or driver endorsement.

Secs. 31-85—31-100. - Reserved.

Division IV. – Insurance Requirements.

Sec. 31-101. - Liability insurance policy required.
Before the issuance of a certificate of public convenience and necessity, the licensee must provide and have accepted by the city evidence of an insurance policy or surety bond from an insurance company licensed and admitted to do business in South Carolina, an eligible surplus lines insurer pursuant to S.C. Code Section 38-45-90, or self-insurance in the amounts prescribed and the conditions required by state law, as amended from time to time.

Sec. 31-102. - Effect of policy cancellation.
(1) In the event of cancellation of the policy of insurance or bond, as required in section 31-101, the certificate of public convenience and necessity, as provided in division 2, shall become null and void and shall immediately be surrendered by the owner of the company to the director of traffic and transportation, and the operation of any vehicle licensed or endorsed to operate under that certificate is automatically revoked. The failure to surrender such certificate of public convenience and necessity or the continuation of a vehicle operating under a revoked certificate shall be violation of this chapter.
(2) Such cancellation shall not relieve the insurance or bonding company of liability from any injury or damage happening before such cancellation becomes effective.

Secs. 31-103—31-113. - Reserved.

Division V. -- Vehicle Registration.

Sec. 31-114. Vehicle registration.
No person shall operate a limousine, taxi cab, or a TNC endorsed vehicle until such vehicle has been registered in accordance with all of the requirements of the state and until all proper licenses, including a City of Charleston business license shall have been obtained therefor.

Sec. 31-115. Proof of registration
All vehicles registered with the revenue collection department shall display on their rear window a certificate of operation sticker issued by the city's revenue collection department. Such certificate of operation sticker shall be issued after receipt of proof of compliance with all of the licensing requirements of this chapter and payment of the business license fee.

Secs. 31-116—31-126. - Reserved.

Division VI. – Vehicle requirements.

Sec. 31-127. - Compliance with chapter prerequisite to operating a public vehicle for hire.

No person shall operate a vehicle as a limousine, a taxi cab, or a TNC endorsed vehicle unless it conforms to all the provisions of this division.

Sec.31-128. – Vehicle inspection.

Prior to using any public vehicle for hire and annually thereafter, a licensee or a driver of a public vehicle for hire shall have the vehicle inspected by an ASE-certified mechanic. Drivers are required to maintain complete documentation of such inspections in their vehicle at all times, and a written copy of such documentation shall be made available for review by the licensing official upon request. To pass a vehicles inspection, a vehicle shall, at a minimum, be rust-free, damage-free, and pass an inspection of the vehicle components identified on an approved vehicle inspection form provided by the City.

Sec. 31-129. - Inspection.

(1) The director of traffic and transportation and the chief of police shall have the right, at any time, after displaying proper identification, to enter into or upon any vehicle for hire for the purpose of ascertaining whether or not any of the provisions of this chapter are being violated.

(2) Any public vehicle for hire found by the driver or licensee, upon inspection, to be unsafe for operation shall have such repairs and alterations made as may be required, and shall not operate or cause or permit to be operated any such vehicle until all such repairs and alterations have been completed.

(3) Notwithstanding paragraph (1) of this section, no public vehicle for hire which has: visible dents on any body panels, broken glass on any windows or mirrors, or visible unpainted body filler shall be used to transport passengers.

(4) Any public vehicle for hire which is found, after inspection, to be unsafe or in any way unsuitable for service may be immediately ordered out of service by the chief of police or the director of traffic and transportation and before again being placed in service, such vehicle shall be re-inspected and approved by the chief of police or the director of traffic and transportation for service.

Sec. 31-130. – Trade dress.

A public vehicle for hire shall display, as approved by the licensing official, a consistent and distinctive paint scheme, signage, emblem, or wrap at all times while a public vehicle for hire is being operated on the public right of way. The distinctive paint scheme, signage, emblem, or wrap shall be sufficiently large and color contrasted:

a. As to be readable from the front and the rear of the vehicle during daylight hours at a distance of at least fifty (50) feet; and

b. Reflective, illuminated or otherwise patently visible so as to be seen in darkness from both the front and the rear of vehicle, and to identify that a particular vehicle is associated with a particular licensee.

Acceptable forms of distinctive trade dress include, but are not limited to. symbols, decals, or signs on vehicle doors, windows, roofs, or grilles. Magnetic or temporary trade dress shall not be acceptable. Licensees shall file an illustration of their distinctive trade dress with the license official.

Secs. 31-131—31-140. - Reserved.

Division VII. General Rules Regarding Service and Operation

Sec. 31-141. – Minimum standards of service

(1) It shall be unlawful for any person to refuse to pay for a public vehicle for hire.

(2) Upon demand, the driver of a public vehicle for hire shall issue a receipt for the full fare charged any passenger.

(3) No driver of any public vehicle for hire shall lay hold upon or take possession of any trunk, baggage or any other article belonging to any traveler or person without the consent of the owner of such trunks, baggage or other article.

(4) No vehicle for hire, other than a taxi cab, may engage in cruising. Cruising shall mean the driving, parking, stopping, or standing of a limousine or TNC endorsed vehicle on the streets, alleys, or other public property for the purpose of attracting/soliciting passengers.

(5) No vehicle for hire shall be operated except by a driver who possesses a valid chauffer's license or a driver endorsement as set forth in division III herein.

(6) No driver shall deceive, or attempt to deceive, any passenger who may ride in his vehicle, or who may desire to ride in his vehicle, as to his destination or the rate of fare to be charged.

(7) No driver shall knowingly convey any passenger, or cause him to be conveyed, to a place other than directed by him.

(8) No driver shall take a longer route to his destination than is necessary unless so requested by a passenger.

(9) All drivers shall comply with all reasonable and lawful requests of their passengers as to the speed of travel and the route to be taken.

(10) Except for a taxi driver, no driver shall solicit passengers when sitting in the driver's compartment of their vehicle or while standing immediately adjacent to the curb side thereof.

(11) No driver shall solicit patronage in a loud or annoying tone of voice, nor shall any driver annoy any person by any sign or in any manner, nor shall any driver obstruct the movement of any person or follow any person for the purpose of soliciting patronage.

(12) No owner, driver, or any other person shall solicit the patronage of persons assembled at the terminal of any common carrier, nor at any intermediate points along any established route of such carrier, when such persons have assembled for the purpose of using the service of such common carrier. Nothing in this section

shall be construed to prohibit or interfere with a response to any call for a public vehicle for hire made by a pedestrian.

(13) Drivers of public vehicles for hire shall not receive or discharge passengers in the roadway, but shall pull up to the sidewalk on the right-hand side of the roadway, or in the absence of a sidewalk, to the right-hand side of the roadway and there receive or discharge passengers.

(14) No driver shall permit the number of persons to be carried in a public vehicle for hire at any one (1) time to exceed the amount of passengers specified by the vehicle manufacturer's original specifications without modification. Further, the driver and every occupant of the motor vehicle, when it is being operated on the public streets and highways of the City of Charleston, shall wear a fastened safety belt which complies with all applicable provisions of the Code of Laws of South Carolina, 1976, § 56-5-6520 (Mandatory Use of Seatbelts), as amended.

(15) Whenever any taxi cab is occupied by a passenger, the driver may permit other persons to occupy or ride in the taxi cab from the original point of departure, unless the original passenger objects thereto.

(16) It shall be unlawful for any person to transport in a motor vehicle used in the transportation of passengers for hire, any alcoholic beverages. This section shall not apply to alcoholic beverages belonging to a passenger being transported when such alcoholic beverages are in the baggage of such passenger.

Sec. 31-142. - Driver's manifests to be prepared and preserved.

(1) Every driver or licensee shall maintain a daily manifest upon which is recorded every trip made each day. Such manifest shall show the time and place of origin, the time and place of destination, and the amount of the fare.

(2) Daily manifests are required to be kept for at least six (6) months and they shall be made available for inspection upon demand to the director of traffic and transportation, the city police, and the city council.

Sec. 31-143. - General rules of operation.

(1) Every public vehicle for hire shall be operated in accordance with the laws of the state, this Code, and the other ordinances of the city and with due regard for the safety, comfort, and convenience of passengers and for the safe and careful transportation of property and for the safety of the general public.

(2) No vehicle for hire shall be operated in such a manner or in such a condition, when in the opinion of the director of traffic and transportation or the chief of police such operation would endanger, or be likely to endanger, the safety of passengers, pedestrians, vehicles, or the property of others.

Secs. 31-144—31-166. - Reserved.

DIVISION VIII. - METERS AND FARES

Sec. 31-167. - Meters—Use of; required specifications.

(1) All charges for taxi cab service shall be calculated by taximeter rates. All taxi cabs shall be equipped with taximeters which shall display, in a conspicuous place in the taxi cab as approved by the director of traffic and transportation, the maximum fee that shall be charged to the passenger(s). All taxi cab drivers shall be required to activate the meter and charge no more than the maximum rates permitted pursuant to section 31-172 when transporting passenger(s).

(2) Every taxi cab is required to display a rate card in a conspicuous place within the vehicle where it may be easily and conveniently read by any passenger which upon it shall be printed in plain legible type the name of the owner of such taxi, the driver's name, and the rates charged by the taxi cab company.

(3) Every limousine, taxi cab and TNC vehicle is required to display either in their vehicles, on their web page, or on their vehicle mobile reservation platform information regarding regulatory inquiries or where to file a complaint. The information posted shall in addition to the licensee's contact information include the area code and phone number of the City of Charleston's process and service improvement division.

Sec. 31-168. - Taximeters to be kept accurate.

It shall be the duty of every licensee and driver using any meter to at all times to keep the meter accurate and calibrated with the authorized rates provided herein and sealed by a certified dealer.

Sec. 31-169. - Inspection of meters.

Meters shall be subject to inspection from time to time by the director of traffic and transportation and/or the chief of police.

Sec. 31-170. - Indication of status of taxi cab by flag.

It shall be unlawful for any taxi cab driver, while carrying passengers, to display the flag attached to the meter in such position as to denote that such vehicle is not employed, or to fail to throw the flag of the meter to a position indicating that such vehicle is unemployed at the termination of each and every trip or drive.

Sec. 31-171. - Certain meters and uses prohibited.

No meter shall be used whose mechanism will register a combined charge for mileage and waiting time in any single position, and no meter shall be so operated as to cause any charge to be registered thereon except during the time the vehicle for hire is engaged by a passenger.

Sec. 31-172. - Metered rates and fares

(1) No taxi cab operator shall charge any passenger more than the rate for transportation or waiting time as determined and prescribed by the city council which is hereby declared to be as follows:

a. The maximum rates to be charged for day time taxi cab service on the peninsula shall be as follows:

1. There shall be a seven-dollar ($7.00) flat rate fee for all trips that pick up and discharge on the peninsula.

2. For peninsula trips with more than one (1) passenger, a one-dollar ($1.00) per trip surcharge is permitted to be charged to each additional passenger after the first passenger.

b. The maximum rates to be charged for day time taxi cab service outside of the peninsula shall be as follows:

1. For the first two (2) miles, or fraction thereof, five dollars and no cents ($5.00); for each succeeding one-fifth (1/5) mile or fraction thereof, fifty cents ($0.50).

2. A one-dollar ($1.00) surcharge may be charged per passenger per trip above the first passenger.

3. Day time hours are defined as **the hours including and between** ~~3:00 a.m. and 9:00 p.m.~~ 5:00 a.m. **and midnight.**

c. During night time hours, the maximum rate that may be charged (MRC) shall be one hundred percent of the maximum daily metered rate that may be charged for the same trip.

1. Night time hours are defined as **the hours including and between** ~~9:00 p.m. and 3:00 a.m.~~ 12:01 a.m. **and** 4:59 a. m.

d. Gas surcharge.

1. A gas surcharge shall be permitted to be charged per trip at the following amounts:

Gas Price	**Surcharge**
$3.00	$0.50
$3.50	$1.00
$4.00	$1.50
$4.50	$2.00
$5.00	$2.50
$6.00	$3.00
$6.50	$3.50

2. The "gas price" shall be as determined by Carolina Triple A. It shall be the duty of every driver to verify the gas price.

3. When the surcharge is in effect, the driver shall post a notice in a conspicuous place stating the amount of the surcharge and that the surcharge is in effect.

(2) For each one and one (1) minute of waiting time, a charge of twenty cents ($0.20) may be made, with no free minutes. This is equal to twelve dollars ($12.00) per hour. Charges for baggage shall be as follows:

1. Fifty cents ($0.50) for each additional bag after the first three (3) bags;

2. One dollar ($1.00) for each foot locker (average weight sixty (60)—seventy (70) pounds);

3. One dollar ($1.00) for each duffle bag (average weight sixty (60) pounds).

(3) For transportation of passengers in a taxi cab within the city limits and city controlled property, the above rates shall be applicable. When two (2) or more passengers, bona fide traveling together, engage a public vehicle to different destinations, the charge shall be made as if the vehicle was hired by one (1) passenger for the last destination.

(4) For the purpose of this section, "waiting time" shall mean the time consumed while a vehicle for hire is not in motion at the direction of a passenger and also the time consumed while the driver is waiting for a passenger after having responded to a call; but no charge shall be made for the time consumed by a premature response to a call, or for the first three (3) minutes following timely arrival at any location in response to a call or for the time lost through traffic interruptions or for delays caused by the inefficiency of the vehicle for hire or its driver.

(5) If a transportation company, other than a taxi cab, elects to use a pricing structure other than the pricing structure filed with the Office of Regulatory Staff, **the company shall inform the rider in advance of the change in pricing structure, if the proposed trip will be subject to a change in pricing, and the amount of the fare before the rider elects to use the service.**

(6) TNCs may set their own fares. They must comply, however, with the fare transparency provisions required by law. A company that uses a digital dispatch service must disclose the fare calculation method, the applicable rates being charged, and the option for an estimated fare.

(7) Fares may be reviewed by the Committee on Traffic and Transportation annually.

Sec. 31-173. - Fares posted.

Fares for taxi cabs shall be prominently displayed on the rear door or rear quarter panel of each side of every vehicle. Each letter used in the display on the side of the vehicle shall be no smaller than one-half (½) inch in height and width.

Sec. 31-174. - Fares for baggage.

No extra charges shall be made for the transportation of ordinary hand baggage carried by passengers. More than three (3) bags or parcels per person shall not be construed to be ordinary hand baggage, and a reasonable charge may be made for such excess baggage. Trunks and other bulky packages not ordinarily construed to be hand baggage may also be charged a reasonable fee. Baggage fees may only be charged at an established rate, as printed on the rate card, and then only if accompanied by a passenger or passengers.

Sec. 31-175. - Severability.

The provisions of this chapter are declared to be severable. If any article, section, sentence, clause, or phrase of the chapter shall for any reason be held to be invalid, unconstitutional by a court of competent jurisdiction, or pre-empted by

state law, such decision or legislation shall not affect the remaining articles, sections, sentences, clauses and phrases of this chapter, but they shall remain in effect, it being the legislative intent that this chapter shall remain in effect notwithstanding the invalidity of any part.

DIVISION IX. - TAXI CAB STANDS

Sec. 31-211. - Findings.

(1) Whereas, city council finds that the use of the public streets and rights-of-way by taxi cabs provides a public benefit; however, they may also impede travel, interfere with the rights of others using the streets and public rights-of-way, affect the public safety, and create a public nuisance. Therefore, taxi cab certificates of public convenience and necessity are issued as a special privilege, not as a matter of right, subject to the regulations in this Code.

(2) Whereas, after the bars and social establishments close, patrons exit out onto the public rights-of-way; many in search of transportation.

(3) Whereas, the city is interested in creating an orderly process to increase taxi cab availability and organization in certain areas of the city during this time period.

Sec. 31-212. - Taxi cab stands—Creation and rules.

(1) The traffic and transportation department, with the assistance of the police department, is hereby authorized and empowered to establish taxi cab stands in such place or places upon the streets of the city as may be deemed necessary for the use of taxi cabs and the convenience of the general public. The department shall in consideration of the need for such stands by taxi cabs and the convenience to the general public, prescribe the dimensions of said stand by which to accommodate the number of cabs that shall occupy an open stand.

(2) Taxi stands shall be used by the drivers of taxi cabs on a first come first served basis. The drivers shall pull into the stand from the rear and shall advance forward as the cabs ahead pull out.

(3) During the hours and within the areas created herein, it shall be unlawful for any limousine, taxi cab, or TNC endorsed vehicle to:

a. Park, stop, or stand a limousine, taxi cab, or a TNC endorsed vehicle upon any street, alley, or public property, for the purposes of picking up or dropping off passenger(s), or to load and unload in a loading zone adjacent to a hotel, motel, inn, or other accommodations use.

b. Park, stop, or stand a limousine, taxi cab, or TNC vehicle where parking is restricted or prohibited.

c. Occupy or use any taxi cab stand with any vehicle except a taxi cab, licensed by this chapter.

(4) The driver or a taxi cab occupying the first or second position in line at a taxi cab stand shall remain in the driver's seat ready to accept passengers at all

times. The drivers of any other taxi cabs lawfully located at such a taxi cab stand shall not engage the drivers of the first two vehicles and shall be no more than five feet away from their taxi cab at all times. All drivers shall remain readily available to accept passengers at all times while located at a taxi cab stand. Nothing in this subsection shall prohibit a person from leaving the vehicle for the purpose of assisting a passenger into or out of a vehicle.

(5) Drivers waiting at a taxi stand shall refer any prospective passenger to the head of the line."

Section 2 . Chapter 31, Article I, of the Code of the City of Charleston is hereby amended by deleting the struck through text and replacing it with the underlined words which shall read as follow:

Sec. 31-2. - Authorized vehicles.

Any vehicle for hire or any vehicle used for shuttling passengers that is operating in the ~~Peninsula~~ City shall be a standard automobile, limousine, tour bus, van or trolley-type vehicle which is compatible with and not damaging to the infrastructure and ambiance of the historic district. Such vehicles shall be no more than thirteen (13) feet in height, shall load and unload passengers only on the right-hand or curb side, shall not have double-deck passenger compartments, shall not be combination or train-type vehicles, and shall not be amphibious or boat-type vehicles.

Section 3. This Ordinance shall become effective 30 days after ~~upon~~ ratification.

Ratified in City Council this 28th day of April in the Year of Our Lord, 2015, in the 239th Year of Independence of the United States of America.

By: Perry K. Waring
~~Joseph P. Riley, Jr.~~ Perry K. Waring
~~Mayor, City of Charleston~~ Pro-Tem, City of Charleston

ATTEST: Vanessa Turner Maybank
Vanessa Turner Maybank
Clerk of Council

Ratification Number 2016-149

AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 31, SECTION 31-212 TO EXTEND THE RESTRICTIONS FOR THE "NO PICK-UP ZONES" TO INCLUDE THE HOLIDAYS OF MEMORIAL DAY, LABOR DAY, NEW YEAR'S EVE, FOURTH OF JULY, HALLOWEEN, AND SAINT PATRICK'S DAY AND DURING SPECIAL CONCERTS OR PROMOTIONS THAT TAKE PLACE WITHIN THE LATE NIGHT ENTERTAINMENT DISTRICT.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS IN CITY COUNCIL ASSEMBLED:

Section 1. Chapter 31, Section 212, of the Code of the City of Charleston is hereby amended by deleting the following struck through phrases and adding thereto the following underlined phrases, which shall read as follows:

"Sec. 31-212. - Taxi cab stands—creation and rules.

(1) The traffic and transportation department, with the assistance of the police department, is hereby authorized and empowered to establish taxi cab stands and No Pick-up Zones in such place or places upon the streets of the city as may be deemed necessary for the use of taxi cabs and the convenience of the general public. The department shall in consideration of the need for such stands by taxi cabs and the convenience to the general public, prescribe the dimensions of said stand by which to accommodate the number of cabs that shall occupy an open stand.

(2) Taxi stands shall be used by the drivers of taxi cabs on a first come first served basis. The drivers shall pull into the stand from the rear and shall advance forward as the cabs ahead pull out.

(3) ~~During the hours and within the areas created herein, it shall be unlawful for any limousine, taxi cab, or TNC endorsed vehicle to:~~ It shall be unlawful between the hours of 12:30 a.m. and 3:00 a.m. on Fridays through Sundays, for any limousine, taxi cab, or TNC endorsed vehicle to:

a. Park, stop, or stand a limousine, taxi cab, or a TNC endorsed vehicle upon any street, alley, or public property, for the purposes of picking up or dropping off passenger(s), or to load and unload in a loading zone adjacent to a hotel, motel, inn, or other accommodations use.

b. Park, stop, or stand a limousine, taxi cab, or TNC vehicle where parking is restricted or prohibited.

c. Occupy or use any taxi cab stand with any vehicle except a taxi cab, licensed by this chapter.

(4) Limousines, taxi cabs, and TNC endorsed vehicles shall not violate the provisions of 21-212(3) immediately above on Memorial Day Weekend, Labor Day, New Year's Day, Fourth of July, November 1st, and March 18th, and during special concerts or promotions that take place within the late night entertainment district.

(5) The driver or a taxi cab occupying the first or second position in line at a taxi cab stand shall remain in the driver's seat ready to accept passengers at all times. The drivers of any other taxi cabs lawfully located at such a taxi cab stand shall not engage the drivers of the first two vehicles and shall be no more than five feet away from their taxi cab at all times. All drivers shall remain readily available to accept passengers at all times while located at a taxi cab stand. Nothing in this subsection shall prohibit a person from leaving the vehicle for the purpose of assisting a passenger into or out of a vehicle.

(6) Drivers waiting at a taxi stand shall refer any prospective passenger to the head of the line.

(7) Copies of the map demonstrating the "No Pick-up Zones" may be requested at the Charleston Police Department Headquarters or online at the City of Charleston's website.

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this 22nd day of November in the Year of Our Lord, 2016, and in the 241st Year of the Independence of the United States of America.

By: _____
John J. Tecklenburg
Mayor, City of Charleston

ATTEST: _____
Vanessa Turner Maybank
Clerk of Council