

RECOMMENDED BY:

**TRANSPORTATION AND COMMUNICATIONS
COMMITTEE**

SUBMITTED BY:

CITY ATTORNEY

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 12 "LICENSING AND REGULATION," CHAPTER 16, "TAXIS AND VEHICLES FOR HIRE", AS AMENDED, OF THE GENERAL CODE OF THE CITY OF BIRMINGHAM, 1980.

BE IT ORDAINED by the Council of the City of Birmingham that Title 12 "Licensing And Regulation," Chapter 16, "Taxis And Vehicles For Hire," Section 12-16-1, "Definitions" Section 12-16-5 "Insurance," Section 12-16-10 "Required," Section 12-16-43 "Only taxis to be allowed at taxi stands," Section 12-16-45 "Preferences and soliciting of business," Section 12-16-50 "Penalties for violation of these provisions," Section 12-16-101, "Terminals for interurban buses and suburban jitneys," and Section 12-16-102, "Where buses to stop for loading and unloading," of the General Code of the City Of Birmingham, 1980, is hereby amended as follows:

"ARTICLE A

"GENERAL PROVISIONS

"Section 12-16-1 Definitions.

"Unless otherwise expressly provided, the following words for the purpose of this chapter shall have the meanings herein indicated:

"Accessible vehicle: A minivan, van or bus that meets the requirements of the Americans with Disabilities Act ("ADA") and equipped with the following:

- (1) a lift mechanism capable of lifting a passenger in a wheelchair from street level into the vehicle or a ramp with a slope that is suitable for a wheelchair passenger to enter the vehicle safely,
- (2) headroom of sufficient capacity to accommodate wheelchair passengers comfortably, and,
- (3) wheelchair tie-downs, but shall not include transportation of passengers in a recumbent position or on stretchers or beds.

"Airport shuttle service: Transportation provided exclusively to or from the Birmingham Shuttlesworth International Airport by a minivan, van or minibus at flat rate per person fare. A vehicle operating under a "CPNC" issued by the Council to provide airport shuttle service is prohibited from providing any other service defined herein.

"Automobile: A passenger car, minivan, sports utility vehicle (SUV) or station wagon designed to seat between five and nine persons.

"Bus: A passenger vehicle designed to seat over 16 persons.

"Bus Terminus means a bus station serving as an end destination, which has bathroom facilities, and includes a ticket office and an ingress/egress area approved by the City of Birmingham Department of Traffic Engineering.

"Business: single act of transporting a passenger or passengers for hire.

"Business licenses: The licenses required of any business to operate within the City by the license codes of the City.

"Call or demand: Transportation arrangements made indiscriminately and instantaneously with a request for service which shall include, but shall not be limited to, the hailing of a taxicab, airport shuttle service vehicle, or courtesy vehicle or any other oral request for service from such vehicles made from a public street location, airport terminal roadway or public vehicular area as the pickup. No public service vehicle, other than a taxicab, airport shuttle service vehicle or courtesy car shall be operated on call or demand.

"Certificate of public necessity and convenience (also referred to as "CPNC"): The authorization granted by the Council permitting an entity, person, company or corporation to operate one vehicle as a public service vehicle upon the streets of the City, which authorization shall be limited to one of the types of service defined hereinabove and which may also be limited as to the type of vehicle.

"Chauffeur: A person employed to transport others by operating a vehicle for hire.

"City: When referring to an entity, shall mean the City of Birmingham, Alabama, and, when referring to a geographic location, shall mean the City of Birmingham, Alabama, and the police jurisdiction thereof.

"City Center: Formal boundaries as established by the City Center Master Plan.

"City Council or Council: The Council of the City of Birmingham.

"Commercial passenger vehicle means a vehicle for hire seating twenty-five (25) or more passengers.

"Compensation means any money, thing of value, payment, consideration, reward, tip, donation, gratuity or profit paid to, accepted or received by the driver or owner of any vehicle in exchange for transportation of a person, or persons, whether paid upon solicitation, demand or contract, or voluntarily, or intended as a gratuity or donation.

"Cruising: Driving on, over or along city streets and around businesses soliciting passengers for hire or parking for the purpose of soliciting fares.

"Courtesy vehicle service: Any vehicle used for public transportation which is not for hire which is owned or leased and operated for the purpose of transporting customers, clients, guests or any passengers in aid of or in connection with the permit holder's business situated in the State of Alabama. Such services shall be incidental and complimentary to the permit holder's primary business endeavor. A vehicle providing courtesy vehicle service is prohibited from charging a fee for any transportation provided and is prohibited from providing any other service defined herein.

“Dispatch means to operate a scheduling service in which requests for vehicles for hire are received by phone, in person, by the internet, or by any other voice, data or electronic communication, and vehicles for hire are scheduled or routed by relaying information from the service to the vehicle for hire by radio or data device including but not limited to a device capable of any voice, data or electronic communication.

“Driver: a person operating a vehicle for hire upon the public streets of the city.

“E-Hail means the use of any electronic device in any manner, including e-mail, text message, push notification or application for the booking of, or request for, immediate or prearranged transportation services.

“Economic Need or Economic Necessity means demand for a particular type of business as determined by factors including but not limited to statistical analysis, market factors, and individual or community need for a particular item or service.

“Executive sedan service: A sedan-type, luxury automobile or SUV, such as a Cadillac, Lincoln, Lexus, Mercedes, Chevrolet Suburban, or Ford Expedition, or like vehicle with a passenger seating capacity not in excess of eight persons including the driver operating by prearrangement and furnished with a chauffeur. A vehicle operating under a "CPNC" issued by the Council to operate as an executive sedan service is prohibited from providing any other service defined herein.

“Franchise bus service: All forms of buses which are operated under franchise, agreement, or contract with or from the city and are generally associated with or developed for mass surface transportation of the public. A Franchise bus service does not require a "CPNC".

“Ground transportation service means a service which utilizes vehicles for hire in the transportation of passengers from within the city and which includes, but is not limited to, horse-drawn carriage service, limousine service, pedicab service, tour service, charter service and taxicab service.

“Group riding or Car-pooling means an arrangement between individuals whereby they pool their private transportation resources, either by using the personal automobile of one member of the group with the others contributing to the cost of operating such automobile, or by rotating the use of their personal automobiles with joint contributions to the cost by the other members of the group, or when any employer provides transportation for his employees, and for none other, for a charge. The terms "group riding" and "car-pooling" shall not be deemed to include the operation of a taxicab, jitney or other vehicles for hire, or the commercial transportation of persons by public or private conveyances, whether on regular routes or special trips, between different localities or otherwise; and all such taxicab, jitney or other commercial operations shall continue to be subject to the existing ordinances applicable thereto.

“High Flagging: The use of a taxi to transport passengers without engaging the taxi meter.

“Hired Auto: A specialty limousine carrying a maximum of 5 individuals plus driver/chauffeur, which is owned by a person or entity other than the business using it which otherwise meets the insurance and safety requirements as set out herein. A company utilizing a hired auto for passenger pick-ups within the corporate limits of the City must first notify the Birmingham Police Department twenty-four (24) hours prior to such use.

"Jitney service: A public service vehicle for hire which is a van, minibus or bus, not equipped with a taximeter, and which is driven or operated upon a fixed route or between fixed termini approved by the Council with a per passenger rate but which term does not include franchise buses or school buses. A vehicle operating under a "CPNC" issued by the Council to operate as a jitney service is prohibited from accepting or discharging passengers at any location other than locations on its approved fixed route and is prohibited from providing any other service defined herein.

"Limousine: A motor vehicle furnishing transportation for hire in the city, not over fixed routes, operated by a chauffeur on a prearranged basis which meets the manufacturer's specifications for luxury limousine, with a minimum of six (6) seats located behind the operator of the vehicle, with a designed seating capacity for no more than fourteen (14) passengers, and with a door at the rear of the vehicle designed to allow passenger entry or exit. Provided, however, the classification "limousine" shall not apply to any motor vehicle which is classified as a taxicab, executive sedan or shuttle vehicle as herein defined and is used exclusively by or under a written agreement with a hotel, motel, airport, hospital, club or other such entity for the transportation of its members, guests, patients or clients; and, provided, that each vehicle under such agreement will have the same distinctive visible outside painted appearance as each other vehicle under the agreement to any such hotel, motel, airport, hospital, club or other such entity or operated as a bus under a franchise granted by the city.

"Limousine service: A public service vehicle for hire, furnished with a driver, which is not a van, minibus or bus, not equipped with a taximeter, which is engaged by prearrangement based on a fee determined by increments of time, and not driven or operated in regard to any fixed route nor in regard to definite termini. A vehicle operating under a "CPNC" issued by the Council to operate as a limousine service is prohibited from: cruising, (ii) operating on call or demand, and (iii) providing any other service defined herein.

"Limousine Luxury Bus Service: A public service vehicle for hire, furnished with a driver and which is a bus seating 16 or more persons, not equipped with a taximeter, which is engaged by prearrangement based on a per person passenger fee, and not driven or operated in regard to any fixed route nor in regard to definite termini. A vehicle operating under a "CPNC" issued by the Council to operate as a limousine luxury bus service is prohibited from (i) cruising, (ii) operating on call or demand, and (iii) providing any other service defined herein.

"Livery vehicle means a public six-passenger or less motor vehicle with driver included, for hire only by written agreement for exclusive use where the driver expects to receive compensation in the form of a fixed charge or donation.

"Long Hauling: The practice of a for-hire-transportation driver, taking a route other than the most direct or efficient route, in order to charge the customer a higher amount.

"Non- Emergency Medical Transport Service: A public service vehicle for hire:

- (1) which is engaged by prearrangement,
- (2) which is a van, minivan or bus or is an accessible vehicle, and
- (3) which provides non-emergency transportation service to ambulatory or wheelchair passengers to and from medical appointments.

"Non-Profit or Not for Profit Vehicle: A public service vehicle which is provided as a free service and which is available for use by the general public.

"Medical transport service includes services provided under the Alabama Medicaid Non-Emergency Transportation Program (NET) wherein vouchers are issued for the payment of these transportation services. A vehicle operating under a CPNC issued by the Council to operate as a medical transport service is prohibited from:

- (1) providing emergency medical transportation,
- (2) transporting passengers in a recumbent or prone position,
- (3) making intra-hospital facility transfers,
- (4) cruising,
- (5) operating on call or demand, or
- (6) providing any other service defined herein.

"Nonprofit Vehicles: Any vehicle owned or leased by a nonprofit or not-for-profit operating within the city.

"On demand service: any for-hire transportation provided with no advanced reservation, whose fee is based upon miles driven, not hours of use.

"Operate: The picking up and/or dropping off of a passenger for hire within the city.

"Operator's Permit: A permit issued by the Chief of Police or his designee for the operation of a vehicle for hire by an applicant therefore.

"Owner: A person owning or operating one (1) or more vehicles for hire and driving or causing any such vehicle to be driven upon the public streets for hire.

"Passenger: A person other than the driver who is an occupant of a vehicle for hire. For the purpose of this chapter, any occupant of a vehicle for hire other than the driver shall be presumed to be for hire.

"Pedicab service: A bicycle that has three or more wheels that transports, or is capable of transporting, passengers on seats attached to the bicycle that is operated by an individual, and that is used for transporting passengers for receipt of any form of consideration; or a bicycle with a singular unarticulated frame, that pulls a device that transports, or is capable of transporting, passengers on seats attached to a passenger cab or similar device, that is operated by an individual, and that is used for transporting passengers for receipt of any form of consideration.

"Person and/or applicant: An individual, partnership, firm, association, corporation or any other legal entity.

~~*"Prearranged:* Transportation has been arranged or reserved via telephone, facsimile or computer before the vehicle for hire begins to render the transportation service and any service ancillary to the transportation such as loading baggage.~~

"Prearranged Service means ground transportation service that is scheduled by an initial reservation a minimum of one half hour in advance of the trip, excluding performance under a corporate contract.

"Public service vehicle: means any motor vehicle for hire, furnished with a driver, which is made available to the public for the purpose of carrying passengers, including but not limited to all of the services defined by this section except "franchise bus service" and "school bus service" and also

including courtesy car service as defined herein. For the purpose of this chapter, a public service vehicle shall include a pedicab as defined herein.

“Rideshare means the traveling of two or more persons by any mode of private passenger vehicle, including, but not limited to, carpooling, vanpooling, buspooling, to any location incidental to another purpose of the driver, for which compensation is neither accepted, collected, encouraged, promoted, or requested.

“School bus service: A bus operated solely for the purpose of transporting school children to and from school and other school-related functions and which is regulated by the Alabama Board of Education by or under contract with the Birmingham Board of Education. School bus service does not require a “CPNC”.

“Sedan: Any vehicle which has a seating capacity for the driver and not more than five (5) passengers.

“Shuttle service: A business of offering or providing transportation for hire by a shuttle vehicle when:
(1) The driver is furnished as part of the service; and
(2) The service is offered on a prearranged basis, a preapproved regularly scheduled basis, or a preapproved route.

“Shuttle vehicle: A van-type motor vehicle that has a manufacturer's seating capacity of not less than seven (7) passengers and not more than fifteen (15) passengers and is used for the transportation of persons from a location within the city to another location either inside or outside the city. Provided, however, the classification “shuttle vehicle” shall not apply to any motor vehicle which is:

- (1) Classified as a limousine, executive sedan or taxicab as herein defined.
- (2) Used exclusively by or under a written agreement with a hotel, motel, airport, hospital, club or other such entity for the transportation of its members, guests, patients or clients; provided, that each vehicle under such agreement will have the same distinctive visible outside painted appearance as each other vehicle under the agreement to any such hotel, motel, airport, hospital, club or other such entity.
- (3) Operated as a bus under a franchise granted by the city.

“Software means the object code versions of any applications, programs, operating system software, computer software languages, utilities, other computer programs and related documentation in whatever form or media, including the tangible media upon which such applications, programs, operating system software, computer software languages, utilities, other computer programs and related documentation are recorded or printed, together with all corrections.

“Specialty limousine: An antique or special interest vehicle which is maintained in excellent condition. “Antique vehicle” shall mean a vehicle that is 25 years old or older and recognized by the Antique Automobile Club of America. “Special interest vehicle” shall mean a vehicle that, due to limited production, outstanding design, unique character, and/or technical achievement, is of special interest, such as a Rolls Royce, Bentley or Excalibur Phaeton. A specialty limousine shall carry a maximum of five (5) passengers plus driver/chauffeur. The determination of whether a vehicle qualifies as an antique, classic or special interest vehicle shall be made by the City.

“Stand, closed: A place alongside the curb of a street or elsewhere in the city which has been designated by the city as reserved exclusively for the use of taxicabs of a particular holder of a certificate of public convenience and necessity.

"Stand, open: A public place alongside the curb of a street or elsewhere in the city which has been designated by the city as reserved exclusively for the use of taxicabs.

"Street Legal: A vehicle that meets the requirements, safety standards, and any other measure of roadworthiness required of any typical motor vehicle used in normal day to day transportation upon public or private streets, roadways, or other thoroughfares.

"Stretch luxury limousine: A custom-designed, extended-body type automobile, SUV, or pick-up truck which is luxurious in its appointments and accommodations, which has had its frame and body extended a minimum of 60 inches by conversion, and which is designed for a minimum seating capacity of (5) persons behind the driver.

"Stretch luxury or specialty limousine service: A stretch luxury or specialty limousine:

- (1) which is driven by a uniformed chauffeur,
- (2) which is engaged by pre-arrangement the charges for the use of which are determined by agreement, mileage or by the length of time for which the vehicle is engaged, and
- (3) which is not driven or operated in regard to any fixed route or in regard to definite termini
- (4) A vehicle operating under a "CPNC" issued by the Council to operate as a stretch luxury or specialty limousine service is prohibited from: (i) cruising, (ii) operating on call or demand, and (iii) providing any other service defined herein.

"Suburban jitney service: A jitney service, as defined herein, which receives passengers outside of the city for discharge within the city, or receives passengers within the city for discharge outside the city, but which does not receive passengers within the city for discharge within the city. A vehicle operating under a "CPNC" issued by the Council to operate as a suburban jitney service is prohibited from accepting or discharging passengers at any location other than the locations on its approved fixed route and is prohibited from providing any other service defined herein.

"Taxicab service: A public service automobile or accessible vehicle for hire equipped with a taximeter which is not operated or driven in regard to any fixed route or in regard to definite termini. Taxicab service is allowed to engage in cruising and may be operated on call or demand.

"Taxicab: A motor vehicle not operated over a fixed route furnishing transportation for hire within the city to passengers from points of origin to destinations as directed by the passengers. Provided, however, the classification "taxicab" shall not apply to any motor vehicle which is:

- (1) Classified as a limousine, executive sedan or shuttle vehicle as herein defined.
- (2) Used exclusively by or under a written agreement with a hotel, motel, airport, hospital, club or other such entity for the transportation of its members, guests, patients or clients; provided, that each vehicle under such agreement will have the same distinctive visible outside painted appearance as each other vehicle under the agreement to any such hotel, motel, airport, hospital, club or other such entity.
- (3) Operated as a bus under a franchise granted by the city.

"Taximeter: A device that automatically calculates, at a predetermined rate or rates, and displays the charge for hire of a vehicle.

"Taxi Stand: A reserved area where waiting taxicabs are parked.

"Terminal: The fixed base of operations from which the applicant proposes to conduct his vehicle for

hire business.

“Third-party transportation app means a software application available to users for download onto a smartphone or other electronic device for vehicle transportation purposes.

“Third-party transportation app company means an individual, firm, corporation, association, partnership, or cooperative that owns, controls and operates a third-party transportation app.

“Transportation network application company means a company operating in the City of Birmingham, Alabama that uses a digital network or software application to connect a passenger to transportation network services provided by a transportation network operator.

“Transportation network operator means an individual who operates a motor vehicle that is:

- (a) Owned or leased by the individual;
- (b) Not a commercial vehicle as defined by this Ordinance;
- (c) Not licensed as a vehicle for hire under this Ordinance; and
- (d) Used to provide transportation network services.

“Transportation network services means transportation of a passenger between points chosen by the passenger and that is prearranged by a transportation network application company.

“Uniformed Chauffeur: A driver of a stretch luxury or specialty limousine who shall wear a uniform or a dark blue or black business suit, or tuxedo, and a solid white or colored shirt.

“Vehicle for hire (VFH): Any motor vehicle, animal-drawn vehicle, pedicab or other vehicle designed or used for the transportation of passengers for hire, the charges for the use of which are determined by agreement, mileage or by the length of time for which the vehicle is engaged. The following are excluded from the definition of vehicle for hire under this chapter:

- (1) Limousines or any other vehicle owned solely by a funeral home and used for the performance of funeral services. However, if the limousine or other vehicle owned by a funeral home is used for other transportation-for-hire purposes for which a fee is charged, a CPNC is required.
- (2) Ambulance and other medical transport service vehicles
- (3) Vehicles provided by an employer or an employee association for use in transporting employees back and forth between the employees' homes and to the employers' place of business, with employees reimbursing the employer or employee association in an amount calculated to offset the reasonable expenses of operating the vehicle.
- (4) Vehicles owned and operated for the purpose of transporting the driver and/or others on a prearranged basis between their homes and places of employment or places of common destination and only charging a fee calculated to reasonably cover expenses (i.e. carpool, vanpool, etc.).
- (5) Vehicles owned and operated by a person, corporation, or other entity under contract with the city for the purpose of providing a transportation service for the general public.
- (6) Vehicles owned and operated by hotels/motels which provide free transportation service to guests. However, vehicles operated by hotels/motels which provide transportation services for a fee are not excluded.

"Section 12-16-5 Vehicle insurance.

"A. Every vehicle classified as a vehicle for hire under this chapter and operated within the city limits or police jurisdiction thereof shall be required to carry and maintain in effect a single limit policy of insurance issued by a company duly authorized to conduct business in the State of Alabama, by the provisions of which insurance policy the company promises and undertakes to pay in full all claims for damages to persons or property resulting from the operation of the vehicles for hire referred to in such application; provided, that the minimum amount for which liability shall be assumed for injury to or death of one or more persons and for which liability shall be assumed for injury to or destruction of property in any one accident shall be:

(1) Taxis, Pedicabs, Specialty Limousines and Horse Drawn Carriages: five hundred thousand (\$500,000) dollars. The applicant is required to have insurance coverage in the minimum amount of five hundred thousand (\$500,000) dollars for personal injury, property damage or advertising liability and is required to name the City as an additional insured.

(2) All other vehicles for hire: one million (\$1,000,000) dollars. The applicant is required to have insurance coverage in the minimum amount of one million (\$1,000,000) dollars for personal injury, property damage or advertising liability and is required to name the City as an additional insured.

"B. No permit required by this chapter or business license shall be granted to any person to operate any vehicle for hire upon the streets or elsewhere in the city or its police jurisdiction until such person shall have first filed in person with the City Clerk a current and valid copy of the certificate of the insurance requirements stated in paragraph A hereinabove, issued to such person by a public liability insurance company authorized to do business in the state, and excepting Specialty Limousines operated as Hired Autos, must denote the VIN# for each individual vehicle covered by the policy. In addition, each VIN# listed must correspond to the VIN# attached to each CPNC held by the business owner.

"C. Specialty Limousine services may operate vehicles leased, hired, rented, or borrowed from private owners as Hired Autos under commercial Hired Auto Liability insurance coverage, provided that:

1. The vehicle is owned by, and possesses a current and valid vehicle registration to, a person or entity other than the business, its owner(s), employees, partners (if a partnership), members (if a limited liability company), or members of their households,
2. The vehicle maintains a valid CPNC and complies with all requirements of this Chapter, including but not limited to the inspection requirements set forth in section 12-16-6,
3. The business owner shall have first filed in person with the City Clerk a copy of the vehicle registration and a current and valid certificate of commercial Hired Auto Liability coverage, listing the business as the Insured, and with a liability limit greater than or equal to the minimum limits of liability prescribed for Specialty Limousines in paragraph A hereinabove,
4. All vehicles owned by, or registered to, the business or its owner(s), partners (if a partnership), or members (if a limited liability company) in operation and requiring a CPNC under this

Chapter are scheduled by VIN# on a commercial automobile single limit policy of insurance meeting the requirements prescribed by paragraph A hereinabove.

CPNCs issued to Specialty Limousine services for vehicles operated as Hired Autos shall be valid only while the vehicle is operated by the business named as the Insured in item (3) hereinabove and covered by Hired Auto Liability insurance, and may not be operated for hire within the City by any other person or business at any time.

"D. The insurance coverage required by this section shall at all times be maintained for the full amount. The certificate of each policy or policies of insurance required by this section to be filed with the City Clerk shall contain a clause obligating the company issuing the same to give not less than thirty (30) days' written notice to the City Clerk's office before cancellation thereof. Notice of cancellation shall not relieve the company issuing such policy or policies of liability insurance for any injury or claim arising before the cancellation becomes effective. The cancellation of any such policy shall have the effect of suspending the permit of such person to operate vehicles for hire or business covered thereby until a new policy or policies complying with the provisions of this section is filed with the City Clerk. If any such policy shall be allowed to lapse such that the insurance held does not meet the requirements set forth by this code the CPNC's associated with said policy shall be revoked by the Council following notice by the City Clerk's Office to the Council Transportation and Communications Committee.

"Section 12-16-10 Required.

A. It shall be unlawful for any owner of any vehicle for hire to operate or to permit the same to be operated on the streets of the City until a valid CPNC and a business license have been obtained therefore, as the case may be, as herein provided.

B. To ensure the public safety of all citizens who reside in or visit the city, the provisions of Title 12 "Licensing And Regulation," Chapter 16, "Taxis And Vehicles For Hire", as amended, shall additionally apply to all services offered by third-party transportation apps, except to the extent that such services are preempted by federal law. No third-party transportation app company shall operate in the city unless the third-party transportation app company complies with this the terms of this Ordinance, except to the extent that compliance with this Ordinance is preempted by federal law.

"Section 12-16-43 Only taxis to be allowed in taxi stands. Placement and use of taxi stands.

(1) Transportation companies seeking the installation, construction, placement, or otherwise of a taxi stand must receive approval from the City of Birmingham Department of Traffic Engineering. The decision of the City Traffic Engineer shall be forwarded to the Transportation and Communications Committee for the Council of the City of Birmingham for informational purposes.

(2) It shall be unlawful to occupy or park any vehicle except a taxicab duly permitted hereunder in a space established as a taxi stand as provided herein.

"Section 12-16-45 Preferences and soliciting of business.

~~(1) It shall be unlawful for any person to seek or solicit a passenger or passengers for any vehicle for hire, whether or not the vehicle is identified as a taxicab, at, in or near any passenger depot, hotel, airport, bus stop or station, or upon any sidewalk or street or any other place in the City except for within the boundaries of the City Center, Five Points South, Lakeview Commercial Revitalization District, and other areas as may be designated by the Council.~~

~~(2) It shall be unlawful for any person to call out "taxicab," "limousine," "auto for hire," "carriage," "bus," "baggage," "hotel," or any other words or gestures that could be construed as soliciting a passenger for hire outside of the City Center or Lakeview Commercial Revitalization District.~~

It shall be unlawful for any cab starter, bell person, maitre d', or other person having the ability or authority to control the selection of taxicabs available for hire at any business premises to solicit a fee or other compensation or favor for the purpose of granting preference or priority rights to any taxi. The provisions of this section shall not be construed to prohibit the owner of business premises that maintains a private off-street cabstand area for the convenience of its patrons from entering into a written contract by which the owner receives compensation from one or more permittees in exchange for access to the premises' off-street cabstand area.

~~(4) Transportation companies seeking the installation, construction, placement, or otherwise of a taxi stand must submit a request to REV and the Department of Traffic Engineering, and receive approval of the Council.~~

"Section 12-16-50 Penalties for violation of these provisions."

Violation of any of the Sections set out herein can result in the forfeiture of all of the CPNC' s for

the individual company or individual involved. In addition to the forfeiture of CPNC's the following fines or penalties are hereby established for violation of these Sections:

- (1) Driving with an expired CPNC • \$500.00
- (2) No or expired Operator's Permit • \$500.00
- (3) Operation without Business License or CPNC • \$500.00
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- (4) Transportation of biohazardous, medical, or otherwise hazardous material • .00
- (5) Violation of 12-16-45 (Soliciting Business) • \$500.00
- (6) Failure to have inspection certificate for vehicle • \$250.00
- (7) Operator failing to comply with clothing requirements • \$200.00
- (8) Operator failing to keep Taxicab clean or serviceable • \$200.00

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|------|--|------------|
| (9) | No or improper signage on vehicle for Hire | • \$200.00 |
| (10) | Operator sleeping in vehicle for hire | • \$50.00 |
| (11) | High Flagging | • \$50.00 |
| (12) | No or inoperable Taxi Light or Taximeter light | • \$50.00 |
| (13) | Failure to display Operator's Permit | • \$50.00 |
| (14) | Failure to keep/maintain Trip Log | • \$50.00 |
| (15) | Driver operating a commercial motor vehicle with passenger capacity of 16 passengers or more operating without a CDL/P endorsement | \$500.00 |

~~Additionally, any public service vehicle requiring a CPNC whose CPNC has been revoked by the City Council of the City of Birmingham, and who continues to operate within the Birmingham city limits is subject to being impounded by the Birmingham Police Department until such time as the owner/operator of said vehicle comes into compliance with this Ordinance.~~

Additionally, any vehicle requiring a CPNC found to be operating a for-hire transportation service within the Birmingham city limits is subject to being impounded by the Birmingham Police Department until such time as the owner/operator of said vehicle comes into compliance with this Ordinance.

ARTICLE B

"BUSES

"Section 12-16-101 Terminals for interurban buses and suburban jitneys commercial transportation vehicles.

No operator of an ~~interurban bus or suburban jitney~~ a commercial transportation vehicle shall receive or discharge any passenger within the corporate limits of the City otherwise than at a fixed-route-stop or terminal, approved by the City of Birmingham Department of Traffic Engineering Traffic and Engineering, provided for the receipt and discharge of passengers outside of any street or alley of the City.

"Section 12-16-102 Where buses to stop for loading and unloading.

It shall be the duty of drivers of ~~franchise buses~~ any commercial transportation vehicle, when stopping for the purposes of receiving or discharging passengers at intersections to stop at the right-hand curb line at such intersection;

except, that where there has been established and marked a bus loading zone, it shall be the duty of such drivers to stop adjacent to such bus loading zone for the receipt or discharge of passengers therein.