

ORDINANCE 17,242

**AN ORDINANCE AMENDING CHAPTER 30 OF THE CODE OF THE CITY OF PEORIA
PERTAINING TO TAXICABS AND TRANSPORTATION NETWORK COMPANY VEHICLES**

WHEREAS, the City of Peoria is a home rule unit of government pursuant to Article VII, Section 6 of the Constitution of the State of Illinois 1970, and may exercise any power and perform any function pertaining to its government and affairs including the regulation of vehicles for hire within its city limits;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, as follows:

Section 1: Chapter 30, Article II of the Code of the City of Peoria is hereby amended by deleting the following stricken words and by adding the following underlined words.

ARTICLE II. TAXICABS AND TRANSPORTATION NETWORK COMPANY VEHICLES

Sec. 30-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Taxicab includes all motor vehicles carrying passengers for hire for which public patronage is solicited and all motor vehicles carrying passengers to or from privately owned parking lots, except a vehicle used to provide Transportation Network Company Services, the fee for such transportation to be considered as a part of the passenger's parking fee, such motor vehicles not to be included in the number of taxicab licenses allowed to be issued under this article; provided, however, that railroad cars and motorbuses, operating under the authority and jurisdiction of the state commerce commission, shall not be considered taxicabs or motor vehicles within this definition; and provided further, that the so-called "drive yourself" motor vehicles, rented from public or private garages, shall not be considered taxicabs or motor vehicles within this definition.

Taximeter means and includes any instrument or fare-registering device designed to register automatically the distance travelled by vehicles used as taxicabs and the time such vehicle is in waiting and to indicate on such record, by figures, the fare to be charged in dollars and cents.

Transportation Network Company or (TNC) shall mean an entity licensed pursuant to this Chapter and operating in Peoria that uses a digital network or software application service to connect passengers to Transportation Network Company Services provided by Transportation Network Company Drivers.

Transportation Network Company (TNC) Driver shall mean an individual who operates a motor vehicle that is:

- (a) Owned, leased or otherwise authorized for use by the individual; and

(b) Used to provide Transportation Network Company Services.

Transportation Network Company (TNC) Services shall mean transportation (for hire) of a passenger between points chosen by the passenger and prearranged with the TNC Driver through the use of a TNC digital network or software application. TNC Services shall begin when a TNC Driver accepts a request for transportation received through the TNC's digital network or software application service, continue while the TNC Driver transports the passenger in the TNC Driver's vehicle, and end when the passenger exits the TNC Driver's vehicle.

Transportation Network Vehicle shall mean any vehicle owned, leased or otherwise authorized for use by a TNC Driver and used to provide a transportation network company service.

Sec. 30-28. Same Duties.

~~(a) It shall be the duty of the public vehicle license board to pass upon all applications for taxicab licenses and to determine whether the public convenience and necessity require the additional taxicab service.~~

~~(b) It shall be the duty of the public vehicle license board, upon the filing of an application for a license to operate a public vehicle within the city by any person not now licensed and engaged in the operation of a taxicab, to cause a notice of the filing of such application to be published in one of the leading daily newspapers of the city, which notice shall state that the application for a taxicab license has been made, giving the name of the applicant, and that a public hearing on the application will be held at some public place, designating the place, date and hour, but which date shall not be less than five nor more than 15 days from the date of publication. The board shall require the applicant to pay the expense of the publication of such notice.~~

Sec. 30-29. Same Complaints to.

~~(a) Upon the publication and before the date set for the hearing, as provided in section 30-28, the holders of existing taxicab licenses or any other person affected by the issuance of additional taxicab licenses may file with the public vehicle license board complaints or protests against the issuance of such additional taxicab licenses and shall be entitled to offer proof upon the question of public necessity and convenience for additional taxicab service; but in all events, the burden of proof shall be upon the applicant to establish by clear and convincing evidence that the public convenience and necessity required the additional taxicab service.~~

~~(b) The city council shall have the power to review the decision of the public vehicle license board.~~

Sec. 30-28 – 30-29. Reserved.

Sec. 30-30. Additional and group passengers.

No driver shall permit any other person to occupy or ride in a taxicab or TNC vehicle, unless the person first engaging the taxicab vehicle shall consent to the acceptance of additional passengers.

Sec. 30-31. Rates—Schedule.

(a) Taxicab Rates. No person operating or controlling any motor vehicle operated as a taxicab within the limits of the city shall charge to exceed the following rates, to be determined by the taximeter unless the ride is pre-arranged or by the taxi company's software application:

- (1) *Generally.* For the first 1/10 of a mile, or fraction thereof, \$2.80; for each additional 1/7 mile, or fraction thereof, \$0.40; for each one-half minute of waiting time, or fraction thereof, \$0.25.
- (2) *Waiting time.* Waiting time shall be charged only for that time actually consumed:
 - a. Beginning three minutes after arrival at the place to which the taxicab has been called and until the trip is started;
 - b. While standing at the direction of the passenger; or
 - c. An unavoidable delay in excess of three minutes caused by extraordinary obstructions of streets or intersections, raising of drawbridges or similar circumstances.

Waiting time shall not be charged while the taxicab is in motion, nor for routine delays, such as at traffic-control signals for normal traffic congestion.

- (3) *Hiring by day.* For the use of any taxicab for the day, the rate may be any amount fixed by agreement between the parties.
- (4) *Baggage.* A charge of \$1.00 may be made for the use of the trunk compartment of each taxicab, but no charge may be made for the usual hand baggage carried inside the taxicab.
- (5) *Fee where summoned by licensed liquor establishment.* Notwithstanding any other provision in this chapter, the person operating or controlling a taxicab may charge a rate of \$5.00 per person for any trip originating at an establishment licensed to sell alcoholic liquor for consumption on the premises when the taxicab is summoned by the licensee, his employee, officer, agent or member. Such fee may be required by the driver in advance. The taximeter required by section 30-38 and the flag and light required by section 30-39 shall not be used during such trips, provided that the log as required by section 30-49 shall reflect prior to the start of the trip that the taxicab was summoned by a licensed liquor establishment. No driver,

however, shall be required to accept a passenger pursuant to this subsection if he so notifies the licensed establishment upon his arrival.

(b) Taxicab Pre-Arranged or Ride obtained via "App". If a ride is pre-arranged or obtained by utilizing the corporations software application, a taxicab corporation may charge any amount fare for the services provided to passenger; maximum rates and; provided that, if a fare is charged, the taxicab corporation shall disclose to passengers the fare calculation method on its website, or within the software application service. The taxicab corporation shall also provide passengers with the applicable rates being charged and the option to receive an estimated fare before the passenger enters the taxicab driver's vehicle. In addition, a taxicab corporation must post on its application or website a description of its "pricing" policy.

(c) Transportation Network Company Services – Rates. A TNC may charge any amount fare for the services provided to passenger and; provided that, if a fare is charged, the TNC shall disclose to passengers the fare calculation method on its website or within the software application service. The TNC shall also provide passengers with the applicable rates being charged and the option to receive an estimated fare before the passenger enters the TNC Driver's vehicle. In addition, a TNC must post on its application or website a description of its "pricing" policy.

(d) A TNC driver shall exclusively accept rides booked through a TNC digital network or software application service and shall not solicit or accept "street hails".

(e) If the Mayor or City Manager declares a municipal emergency, the Mayor or City Manager may limit dynamic pricing.

Sec. 30-34. Same–Receipt.

~~If demanded requested by the passenger, the driver in charge of the taxicab shall deliver to the person paying for the hiring of the same at the time of such payment a receipt thereof, in legible type or writing, containing the name of the owner and any items for which charged for and the total amount paid. within a reasonable period of time following the completion of the trip, a TNC or taxicab driver shall transmit an electronic or paper receipt to the passenger that lists:~~

- (1) _____ The origin and destination of the trip;
- (2) _____ The total time and distance of the trip; and
- (3) _____ An itemization of the total.

Sec. 30-35. Same–Payment in advance; refusal to carry orderly passengers.

Every driver of a taxicab shall have the right to demand payment of the regular fare in advance and may refuse employment unless so prepaid, but no driver of a taxicab or TNC vehicle shall refuse or neglect to convey any orderly person, upon request, anywhere in the city, unless previously engaged or unable to do so.

Sec. 30-36. Same—Overcharge; shortest route.

No person shall charge or attempt to charge any passenger a greater rate of fare than that which the taxicab is entitled to under the provisions of this article nor to transport any passenger except by the shortest and most direct practical route unless specifically directed otherwise by the passenger.

Any person, or TNC driver, who as owner/operator or driver knowingly charges or attempts to charge any passenger a greater fare than that which the taxicab, or TNC, is entitled to under the provisions of this article or any person who knowingly suffers, permits or directs another to do so, shall, upon conviction, thereof for the first offense be fined not less than \$100.00 and shall have his taxicab driver's license or taxicab license for the vehicle involved, or TNC driver's access to the TNC's digital platform suspended for not less than ten days. For a second or subsequent offense within five years, such person shall be fined not less than \$500.00 and shall have such license suspended for not less than 90 days or revoked. For a third or subsequent offense within five years, such persons shall be fined not less than \$500.00 and shall have his taxicab driver's license revoked, and in the case of an owner/operator, all taxicab licenses issued to such owner/operator shall be suspended for not less than 90 days or revoked.

Sec. 30-49. Log required.

(a) Every driver of a taxicab or a TNC vehicle shall record on a form approved by the city comptroller or through the taxicab or TNC's digital network the following information concerning each trip for hire made by such driver:

- (1) The point of origin and the point of destination of each trip.
- (2) The beginning and ending mileage of each trip.
- ~~(3) The number of persons transported on each trip.~~
- (4) The total amount charged for each trip.

(b) The driver and/or dispatcher shall complete the log entry for each trip before commencing another trip. The owner of each taxicab or TNC shall be responsible for maintaining such log for a period of not less than 90 days.

~~(c) Such logs shall be open to inspection by the police department at any time and any information contained therein shall be given to the police department upon request.~~ The police department may submit a request to a taxicab corporation or TNC to inspect such logs at any time in accordance with local, state, and federal law.

(d) If a third party submits a request of the City for records that the City obtains from a TNC, the City shall assert applicable exemptions to the request as set forth in the Illinois Freedom of Information Act, in an effort to protect confidential personal

business, and proprietary information, and the City shall, before the deadline to respond to the third party's request, notify the TNC that it has received a request and inform the TNC of whether it will release the requested record(s).

Sec. 30-50. Inspection and Operating standards.

(a) Operating standard. It shall be unlawful for anyone to operate or cause to be operated a taxicab or TNC vehicle which is mechanically unsafe or in such a deteriorated condition as to render it unfit for passenger use.

~~(b) No taxicab shall be operated unless it is equipped with floor mats of rubber, leather, metal chain or similar nonabsorbent, washable material, which can be easily cleaned.~~ Inspection standard. No taxicab corporation or TNC shall allow and no taxicab or TNC driver shall operate any vehicles to be used as a transportation network vehicle or taxicab unless such vehicle is inspected as required by this chapter. Any motor vehicle(s) that a TNC or taxicab driver will use to provide transportation services, that has a vehicle age of more than five (5) years, shall obtain annual written certification from a city-approved vehicle inspection station affirming that the vehicle(s) that a TNC or taxicab driver will use to provide transportation services is being maintained in a safe operating condition and in accordance with the requirements of this chapter. A list of city-approved vehicle inspection stations shall be provided to each taxicab corporation or TNC that applies for a license pursuant to this chapter by the police department's traffic investigations unit. When a motor vehicle that a TNC or taxicab driver will use to provide TNC services has been inspected and approved for operation as a taxicab or a TNC vehicle by an Illinois police department or municipality other than the City of Peoria, the corporations or the driver may provide the City police department's traffic investigations unit with written proof of such approval. The Chief of Police may accept such written approval from an Illinois police department or other municipality than the City of Peoria in lieu of the vehicle inspection required in this section provided any such written approval was issued within the previous one year. The TNC or taxicab corporation shall require all drivers to maintain and all drivers shall maintain complete documentation of such inspections in the vehicle at all times while being used to provide transportation services, and a written copy of such documentation shall be provided to the police department's traffic investigations unit or a police officer upon request.

(c) Additional Inspection Standards. In addition to any other inspections that may be required or permitted by this article, it shall be the responsibility of the ~~superintendent~~Chief of ~~p~~Police to inspect taxicabs and TNC vehicles licensed under this article-to ensure that such vehicles:

- (1) Have adequate seating for the number of passengers to be transported.
- (2) Have a clean interior in a good state of repair and appearance, ~~and are equipped with approved floor mats,~~ and are free of litter, trash, garbage, residue and offensive odors.

(3) Have no external body damage, or protruding parts which could cause a hazard to pedestrians, passengers, or other vehicles, objects or things.

(4) Have no body damage of such extent as would significantly detract from its appearance to the public on city streets.

(5) Are in compliance with all other provisions of this article.

Such inspections by the ~~superintendent~~Chief of pPolice may be conducted at reasonable times and places in a random fashion and without notice.

(d) On or after January 1, 2002, no taxicab that is more than 12 years old, as shown on the manufacturing plate and/or title records, shall be operated or licensed.

Sec. 30-51. Taxicabs for transportation of disabled or handicapped passengers.

~~Licenses may be issued as provided for in this article for the operation of taxicabs~~
Each taxicab corporation and TNC may provide vehicles specially designed and equipped for the transportation of handicapped or disabled passengers, without regard to the limit of taxicab licenses authorized to be issued under the provisions of this article. Rates to be charged such passengers shall be according to a rate schedule filed with and approved by the ~~public vehicle license board~~ of the city, and not according to other rate schedules for passengers as provided for in this article. In all other respects, such taxicabs and TNC and TNC vehicles, and the owners and operators thereof, shall conform and be subject to the provisions of this article.

Sec. 30-52. Identification of TNC Vehicles and Drivers.

Taxicab corporations or TNC's software application or website shall display a picture of the taxicab and taxicab driver or TNC driver and TNC vehicle, and the license plate number of the motor vehicle utilized for providing the transportation service before the passenger enters the vehicle.

Secs. 30-523—30-70. Reserved.

DIVISION 2. TAXICAB OR TNC OWNER'S LICENSE

Sec. 30-71. Required.

No person, whether acting as owner, principal, agent, employee, lessee or licensee, shall operate or permit to be operated upon the streets of the city any taxicab or ~~motor~~ TNC vehicle for the carriage of passengers for hire, without first having procured a license therefor, as provided in the following section. Such license shall be issued on a quarterly or annual basis at the option of the applicant.

Sec. 30-72. Application; contents.

(a) No person, whether acting as owner, principal, agent, employee, lessee or licensee, shall operate a taxicab company or ~~motor~~ TNC vehicle, for the carriage of

persons, for hire in the city, without first making application, in writing, for a license so to do to the comptroller. Applications for licenses for taxicabs or TNCs shall be made by the owner or a company representative upon blank forms provided for by the comptroller, and such applications shall contain the full name and address of the owner or company representative, ~~a description thereof, including the model, motor and chassis number, the state license number,~~ the principal place of business and office address of and the names of the officers of the person owning and operating the same; and, if a partnership, the names and addresses of each partner; and such other information as the comptroller and city manager may require.

(b) A TNC shall not operate in Peoria without first having obtained a license from the city. The city shall issue a license to each applicant that meets the requirements for a TNC set forth in this Chapter, and pays an annual license fee of \$3,000 to the City.

Sec. 30-73. Issuance.

(a) The license required by this division shall be issued by the comptroller after the application for the same has been first approved by the city manager; provided, however, that no new license shall be issued until the application for the same has been on file in the office of the comptroller for at least ten days from the date of filing of the application.

(b) ~~No public~~Taxicab or TNC vehicle-license shall be issued until after all the terms, provisions and conditions of this article have been complied with and until after the payment of the license fee required by section 30-77 is made.

(c) ~~No public~~Taxicab or TNC vehicle-license shall be issued, renewed or reinstated until the vehicle has been inspected and found to be in good repair and in safe mechanical operating condition. Such inspections shall be conducted at testing stations approved by the ~~public vehicle license board or as otherwise authorized by the public vehicle license board~~City.

~~Sec. 30-74. Establishment of public convenience and necessity required.*~~

~~No new taxicab or TNC vehicle license shall be issued to any person until public convenience and necessity have first been established for such taxicab license, as provided in this division. The city comptroller is hereby authorized and directed to issue such licenses until the limit of 66 as provided in section 30-76.~~

~~Sec. 30-75. Transferability.~~

~~No taxicab or TNC vehicle license issued under this division may be sold, assigned, mortgaged or otherwise transferred, without the consent of the city manager.~~

~~Sec. 30-76. Restriction on number issued.~~

~~Not more than 66 taxicab or 66 TNC vehicle licenses shall be issued unless, after a public hearing, the city council shall determine that the public convenience and necessity require additional taxicab service.~~

Sec. 30-774. Fee—Amount.

A quarterly license fee shall be charged by the city to each person applying for and securing a license for the operation of a taxicab in the sum of \$30.00 for each such taxicab. The full fee shall be charged if any operation is conducted in any quarter.

Sec. 30-785. Same—When due and payable; proration.

The license fee required by section 30-77 shall be due and payable on January 1, April 1, July 1 and October 1 of each and every year or in one lump sum on January 1.

Sec. 30-796. Same—Transfer fee.

For the transfer of any license issued by the comptroller and after the issuance of the same by the comptroller, a transfer fee of \$30.00 shall be paid to the city treasurer for recording the transfer of such license from one taxicab to another owned by the same person.

Sec. 30-8077. Revocation or suspension.

The city manager is empowered and authorized, upon the recommendation of the ~~superintendent~~Chief of ~~p~~Police, to revoke or suspend the license of any taxicab or require a TNC to limit access for a TNC vehicle to the digital network for good cause shown, or if any ~~taxicab~~vehicle is found not to be safe, or not in good condition with respect to appearance, cleanliness or mechanical operation. Licenses, when so suspended or revoked, or access to the platform shall not be reissued until the cause for such revocation or suspension shall have been removed to the satisfaction of the city manager or the ~~superintendent~~Chief of ~~p~~Police. In the event of suspension or revocation of a license under the provisions of this section, no refund shall be made to the owner for any portion of the license fee.

Sec. 30-8178. Insurance policy requiredOption for Taxicab Corporations.

A Taxicab Corporation is required to provide an insurance policy in compliance with this Section or in compliance with section 30-80 and:

(a) Before any license for a taxicab shall be issued, the owner shall file, annually, with the comptroller an insurance policy issued by an insurance company licensed to do business in the State of Illinois, providing insurance coverage for each and every taxicab owned, operated or leased or operated by the applicant against liability upon the owner in the following minimum limits:

- (1) \$250,000.00 for bodily injury or death per person;
- (2) \$500,000.00 for bodily injury or death per accident; and
- (3) \$50,000.00 for property damage per accident.

(b) Such policy shall further provide that insolvency or bankruptcy of the insured shall not release the insurance company from any payment due under such policy; and, if by reason of such insolvency or bankruptcy, an execution on a judgment against the insured is returned unsatisfied, the judgment creditor shall have a right of action against the insurance company to recover the amount of such judgment to the same extent that the insured would have had to recover against the company, had the insured paid the judgment.

(c) The policy shall further provide that it cannot be cancelled until ten days' notice of such cancellation shall have been given to the comptroller.

(d) If the owner of any taxicab shall fail to provide within ten days after receipt of notice of cancellation another policy of insurance complying with this section, then the licenses issued for such taxicabs shall automatically become void and of no effect.

(e) The cancellation or other termination of any insurance policies issued for or in compliance with the provisions of this section shall automatically terminate any license issued for the taxicab covered by such insurance policy or bond, unless another policy complying with the provisions of this section shall be provided and in full force and effect at the time of such cancellation or termination.

Sec. 30-79. Insurance policy required for TNC and Alternative Option for Taxicab Corporations.

(a) Transportation network company participating TNC drivers, and taxicab corporations shall comply with the automobile liability insurance requirements of this Section as required.(b) The following automobile liability insurance requirements shall apply from the moment a participating TNC or taxicab driver logs on to the transportation network company's digital network or software application until the driver accepts a request to transport a passenger, and from the moment the driver completes the transaction on the digital network or software application or the ride is complete, whichever is later, until the driver either accepts another ride request on the digital network or software application or logs off the digital network or software application:

(1) Automobile liability insurance shall be in the amount of at least \$50,000 for death and personal injury per person, \$100,000 for death and personal injury per incident, and \$25,000 for property damage.

(2) Contingent automobile liability insurance in the amounts required in paragraph (1) of this subsection

(b) shall be maintained by a transportation network company or taxicab corporation and provide coverage in the event a participating driver's own automobile liability policy excludes coverage according to its policy terms or does not provide at least the limits of coverage required in paragraph (1) of this subsection (b).

(c) The following automobile liability insurance requirements shall apply from the moment a TNC or taxicab driver accepts a ride request on the company's digital network or software application until the TNC or taxicab driver completes the transaction on the digital network or software application or until the ride is complete, whichever is later:

(1) Automobile liability insurance shall be primary and in the amount of \$1,000,000 for death, personal injury, and property damage. The requirements for the coverage required by this paragraph (1) may be satisfied by any of the following:

(A) automobile liability insurance maintained by a participating TNC or taxicab corporation or driver;

(B) automobile liability company insurance maintained by a transportation network company or taxicab corporations; or

(C) any combination of subparagraphs (A) and (B).

(2) Insurance coverage provided under this subsection(c) shall also provide for uninsured motorist coverage and underinsured motorist coverage in the amount of \$50,000from the moment a passenger enters the vehicle of a participating TNC or taxicab driver until the passenger exits the vehicle.

(3) The insurer, in the case of insurance coverage provided under this subsection (c), shall have the duty to defend and indemnify the insured.

(4) Coverage under an automobile liability insurance policy required under this subsection (c) shall not be dependent on a personal automobile insurance policy first denying a claim nor shall a personal automobile insurance policy be required to first deny a claim.

(d) In every instance when automobile liability insurance maintained by a participating TNC or taxicab driver to fulfill the insurance obligations of this Section has lapsed or ceased to exist, the transportation network company or taxicab corporation shall provide the coverage required by this Section beginning with the first dollar of a claim.

(e) This Section shall not limit the liability of a transportation network company or taxicab corporation arising out of an automobile accident involving a participating TNC or taxicab driver in any action for damages against a transportation network company or taxicab corporation for an amount above the required insurance coverage.

(f) The transportation network company or taxicab corporation shall disclose in writing to TNC or taxicab drivers, as part of its agreement with those TNC or taxicab drivers, the following:

(1) the insurance coverage and limits of liability that the transportation network company or taxicab corporation provides while the TNC or taxicab driver uses a vehicle

in connection with a transportation network company's digital network or software application; and

(2) that the TNC or taxicab corporation driver's own insurance policy may not provide coverage while the TNC or taxicab driver uses a vehicle in connection with a transportation network company digital network depending on its terms.

(g) An insurance policy required by this Section may be placed with an admitted Illinois insurer, or with an authorized surplus line insurer under Section 445 of the Illinois Insurance Code; and is not subject to any restriction or limitation on the issuance of a policy contained in Section 445a of the Illinois Insurance Code.

(h) Any insurance policy required by this Section shall satisfy the financial responsibility requirement for a motor vehicle under Sections 7-203 and 7-601 of the Illinois Vehicle Code.

Sec. 30-8280. Operation of taxicabs or TNC vehicles while license suspended or revoked.

Any person owning or operating taxicabs or a TNC vehicle not licensed and equipped in accordance with the provisions of this division, or a taxicab or a TNC vehicle, the license of which has been revoked, or whose license is at the time suspended, who operates or permits another to operate the same as a taxicab or a TNC vehicle, or attempts so to do, or who solicits passengers for hire in the city, shall, upon conviction thereof, be punished as provided in section 1-5 of this Code.

No person owning or operating taxicabs or TNC vehicles shall permit such taxicab or TNC vehicle to be driven by any person who does not have a current and valid taxicab or TNC vehicle driver's license issued under this chapter, and a current valid State of Illinois driver's license with proper classification.

Sec. 30-8381. Operation of taxicabs with taximeter seals missing or broken; duty to report.

Should a taximeter seal be broken, it shall be the responsibility of the driver and the owner/operator to immediately notify the police department and to take the taxicab out of service until the seal has been replaced.

Any person owning or operating taxicabs who operates or knowingly permits another to operate the same as a taxicab, or attempts to do so, or who solicits passengers for hire in the city, while the taximeter seal is broken or missing, shall, upon conviction, thereof, for the first offense be fined not less than \$100.00 and shall have the taxicab license suspended for not less than ten days. For a second offense within three years involving any taxicab owned or operated by that owner or operator, such owner or operator shall be fined not less than \$300.00 and shall have the taxicab license suspended for up to 90 days or revoked. For a third or subsequent offense within three years involving any taxicab owned or operated by that owner or operator, such owner or operator shall be fined \$500.00 and shall have all taxicab licenses issued to that owner or operator suspended for not less than 90 days or revoked.

It shall be a defense to a violation of this section that an owner/operator who is not actually driving the taxicab at the time of the violation, had inspected the taximeter within the preceding 24 hours and found the seal intact, provided that the owner/operator maintains a log documenting that the taximeter of each taxicab is inspected at least once each day the taxicab is in use showing that the taximeter seal is intact.

Secs. 30-8482—30-100. Reserved

DIVISION 3. DRIVER'S LICENSE REQUIREMENT FOR TAXICAB AND TNC DRIVERS.

Sec. 30-101. Required.

No person shall drive a taxicab or a transportation network vehicle unless properly licensed as described in this Chapter. ~~he shall have applied for and obtained a license therefor from the police department.~~

Sec. 30-102. Application generally.

(a) Each application for a taxicab's or a TNC driver's license shall be in writing upon forms to be ~~furnished~~approved by the police department and shall be signed by the applicant and by the owner of the licensed taxicab business which plans to employ the applicant, which application shall be accompanied by a photograph of the driver not less than 1½ inches by 1¾ inches in size.

(b) Along with the application, all the applicant(s) shall file an affidavit stating his full name, residence, places of residence during the previous five years, age, height, places of previous employment, whether married or single, whether he has ever been convicted of a felony or misdemeanor, whether he has previously been licensed as a driver or chauffeur, and if so, whether his license has ever been revoked and for what cause, and a statement as to the number of traffic violations in which he has been involved, which affidavit shall be filed as a permanent record.

(c) A TNC driver shall not be required to submit a written application to the city. Each TNC or taxicab company may authorize driver to have access to the TNC's or taxicab's digital network if that driver has met all the requirements of this chapter.

Sec. 30-103. Prerequisites to issuance.

(a) No taxicab or TNC driver's license shall be issued to any person unless such person:

- (1) Is 18 years of age or older.
- (2) Has demonstrated physical fitness to operate a taxicab vehicle by submitting the results of a medical examination conducted by a licensed physician practicing medicine within the city within 90 days of the date of application according to standards promulgated by the superintendent of police which standards shall be based upon factors which will determine whether or not the applicant has sufficient capacities for sight, hearing, and

control of a vehicle to adequately and safely drive a taxicab. Provided, however, that such physical examination shall be required for an original license and every five years thereafter until the applicant reaches the age of 60, at which time such examination shall be required every two years. *

- (3) ~~Submitted to fingerprinting and photographing by the police department and signed a consent to a background investigation by the police department, including authorization for the release of medical, employment, insurance and criminal history records which may be relevant to such background investigation, relating to the applicant's qualifications to hold a taxicab driver's license. Submitted to, a local and national criminal history background check for each individual applicant that shall include:~~

(a) Multi-State or Multi-Jurisdictional Criminal Records Locator or other similar commercial nationwide database with validation (primary source search); and

(b) National Sex Offenders Registry database;

(c) Obtain and review a driving history research report for the individual.

- (4) Has a valid and properly classified driver's license issued by the secretary of state. A restricted driver's permit issued following the suspension or revocation of a driver's license shall not be considered a valid and properly classified driver's license for the purposes of this subsection (a).
- (5) Had a valid driver's license for one year prior to the date of application or reapplication; provided, however, that in the case of reapplication, the city manager may issue a permit if after hearing he finds that:
- a. The driver's license has been suspended by the secretary of state under the Illinois Vehicle Code for failure to provide proof of financial responsibility, section 7-205 (625 ILCS 5/7-205) or for failure to file an accident report, section 11-406 (625 ILCS 5/11-406) or for failure to pay fines for traffic and parking violations, section 6-306.1 (625 ILCS 5/6-306.1); and
 - b. The driver's license has already been reinstated by the secretary of state; or
 - c. The cause for suspension has been reversed by the secretary of state after a hearing and finding that the suspension was improper.

The manager in issuing such permit may impose such reasonable terms and conditions of probation which he deems fit, including determining the time for issuance of such permit.

- (6) Has not been convicted of, or placed on supervision by a court for more than three offenses against the traffic regulations governing the movement of vehicles within two years of the date of application; provided, however,

that the city manager may issue a permit to an applicant where the applicant has been convicted of, or placed on supervision for only one offense in the past year, if, after hearing, the city manager finds that the violation does not demonstrate careless or reckless driving habits which may endanger the life or safety of the driver's passengers.

- (7) Has not been convicted of or placed on supervision for reckless driving, driving under the influence of intoxicating liquor or drugs, drag racing, fleeing or attempting to elude a police officer, leaving the scene or failure to report an accident involving death or injury within five years of the date of application.
- (8) Has never been convicted of any of the following offenses under the Illinois Criminal Code (720 ILCS) or any offense substantially similar to such offenses under any other law of this state or any other state or of the United States: any forcible felony as defined in section 2-8 of the Code; any felony committed while operating or using a taxicab; Indecent solicitation of a child (section 11-6); Indecent solicitation of an adult (section 11-6.5); Sexual exploitation of a child (section 11-9.1); Prostitution (section 11-14); Solicitation of a sexual act (section 11-14.1); Soliciting for a prostitute (section 11-15); Soliciting for a juvenile prostitute (section 11-15.1) Pandering (section 11-16); Keeping a place of prostitution (section 11-17); Keeping a place of juvenile prostitution (section 11-17.1); Patronizing a juvenile prostitute (section 11-18.1); Pimping (section 11-19); Juvenile pimping (section 11-19.1); Exploitation of a child (section 11-19.2); Child pornography (section 11-20.1); Harmful materials (section 12-7.1); Hate crime (section 12-7.1); any violation of the Illinois Controlled Substances Act (720 ILCS 570) which involves the unlawful manufacture of, delivery or possession with intent to deliver or manufacture a controlled substance or counterfeit substance or controlled substance analog; any violation of the Illinois Cannabis Control Act (720 ILCS 550) which involves the unlawful manufacture, delivery or possession with intent to deliver or manufacture more than 30 grams of any substance containing cannabis. Provided, however, that the city manager may issue a permit to an applicant who has been convicted of one such offense if such conviction was more than ten years prior to such application and any sentence of imprisonment was completed more than five years prior to such application and the applicant can affirmatively demonstrate that he has been sufficiently rehabilitated to warrant the public trust.
- (9) Has not had a taxicab or TNC driver's license issued under this division revoked for cause within three years of the date of application.
- (10) Has not knowingly furnished false or misleading information or withheld relevant information on such application or caused or permitted another to furnish or withhold such information on his behalf.
- (11) Is not required to register as a sex offender, pursuant to 730 ILCS 150/3 and has never been adjudicated a sexually dangerous person.

(b) This section shall apply to all taxicab or TNC driver's licenses whether original or renewal.

(c) In addition TNC and TNC drivers must comply with the mandates of 625 ILCS 57 seq., the "Transportation Network Providers Act" and the above statute is hereby adopted and incorporated herein as set forth fully herein unless specific language herein contradicts the Act. In such case the language of this Ordinance controls.

Sec. 30-105. Form.

All ~~taxicab~~ drivers' licenses issued under this division shall be in the form prescribed by the police department and shall contain a blank space for the record of all arrests or charges made against the owner thereof.

Sec. 30-106. Expiration.

All taxicab or TNC drivers' licenses authorized under this Chapter shall expire ~~on December 31 of the calendar year~~ one year after issuance for which such driver's license is issued.

Sec. 30-107. Alteration.

Alteration of any taxicab or TNC driver's license issued under this division shall invalidate the license so altered.

Sec. 30-108. Fees.

The following license fees shall be paid for taxicab drivers' licenses and renewals thereof:

- (1) For each original license..... \$ 50.00
- (2) For each renewal 50.00
- (3) Duplicate license 5.00

Sec. 30-109. Suspension or revocation.

Taxicab or TNC driver's licenses may be suspended or revoked by the city manager upon recommendation of the superintendent of police or his designee if the city manager shall find one or more of the following:

- (1) That the licensee has violated any of the provisions of this article regulating taxicabs or TNC.
- (2) The licensee has committed any of the acts or offenses listed in section 30-104.

- (3) The licensee has engaged in any conduct which would constitute a criminal offense against any ~~taxicab~~ passenger while the licensee is acting as a taxicab or TNC driver.
- (4) The licensee has knowingly furnished false or misleading information or withheld relevant information on any application for any license or permit required by this division or knowingly caused or suffered another to furnish or withhold such information on his behalf.
- (5) The licensee has had his driver's license suspended or revoked by the secretary of state. A restricted driver's permit issued following the suspension or revocation of a driver's license shall not be considered a valid driver's license for the purposes of this subsection.
- (6) The licensee has used or possessed marijuana or any controlled substance other than one prescribed by a physician for the licensee while the licensee is acting as a ~~taxicab~~ driver, or the licensee has knowingly permitted another to use or possess marijuana or any controlled substance, other than one prescribed by a physician for that individual while present in a vehicle ~~taxicab~~ being operated by or under the control of the licensee.
- (7) The licensee has, while acting as a taxicab or TNC driver, failed to maintain a reasonable level of personal hygiene, appearance and conduct. Violation of this paragraph includes, but is not be limited to, wearing torn, dirty or stained clothing or clothing with visible holes; failure to be clean and well groomed, free of offensive body odors; rude, insulting or profane speech or actions towards or in the presence of a member of the public.

Sec. 30-110. Identification badge.

Every licensed taxicab or TNC driver shall be provided, at his own or the taxicab or TNC's ~~company's~~ expense, with a ~~taxicab~~ driver's identification badge 2½ inches in diameter, with space for the insertion of the photograph of the driver and the number of the driver's license. The taxicab or TNC driver shall have his photograph inserted in the badge at all times. It shall be unlawful for any person to drive a ~~taxicab~~vehicle upon the streets of the city after the identification badges are obtainable, without having such driver's badge permanently displayed in a conspicuous place. In the event of the loss or destruction of the driver's badge, he shall immediately provide himself with another taxicab or TNC driver's identification badge, at his own or the taxicab or TNC's ~~company's~~ expense. Every taxicab or TNC driver shall provide a photograph of himself not less than 1½ inches by 1¾ inches. In addition, the TNC's software application or website shall display a current photograph of the TNC driver, and the license plate number of the motor vehicle utilized for providing the TNC service before the passenger enters the TNC driver's vehicle.

Section 2. This ordinance shall be in full force and effect immediately after its passage and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS this 23rd day of June, 2015.

ATTEST: Beth Baer
City Clerk

APPROVED:
[Signature]
Mayor

EXAMINED AND APPROVED:
Donald B. Leist
Corporation Counsel