

AN ORDINANCE REPLACING ARTICLE II OF CHAPTER 22 OF THE CITY CODE,
ENTITLED PASSENGER VEHICLES FOR HIRE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH
CAROLINA THAT:

Section 1: Article II of Chapter 22 of the City Code is hereby replaced.

Section 2: Chapter 22, Article II of the City Code is hereby adopted to read as shown in
the attached Exhibit A, which is incorporated into and made a part of this ordinance herein.

Section 3: This ordinance shall become effective on July 1, 2017.

Approved as to form:

Senior Assistant City Attorney

ARTICLE II. - PASSENGER VEHICLES FOR HIRE

DIVISION 1. – PURPOSE, DEFINITIONS

Sec. 22-100. – Purpose

The purpose of this Article is to regulate For-Hire Vehicles in order to preserve the health, safety, and welfare of the people in this City and the protection of their property. It shall be unlawful for any Person to violate any of the sections of this Article

Sec. 22-101. – 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. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.

- (a) Accessible Vehicle means a For-Hire Vehicle which (i) is capable of transporting passengers with disabilities or physical impairments; (ii) through the use of a wheelchair boarding ramp, lift, and/or gate; (iii) at the side or rear of the vehicle; and (iv) is operated by a Driver. An Accessible Vehicle shall not include any transportation services to passengers with disabilities or physical impairments being offered: (i) by any governmental agency as a public purpose; or (ii) by medical facilities exclusively to the patients of the medical facility. One Accessible Vehicle shall be equal to five Metered Vehicles.
- (b) Affiliation means an employer-employee relationship or the contractual or permissive arrangement for the provision of For-Hire Service. An Affiliation is presumed when a For-Hire Driver or For-Hire Vehicle Owner uses a For-Hire Company's logo or insignia. This term may also be referred to as Affiliated.
- (c) Agency Vehicle means a For-Hire Vehicle providing service pursuant to a written agreement with a governmental agency located within the City.
- (d) Article means the Passenger Vehicle For Hire Ordinance as amended by the Charlotte City Council.
- (e) Business Enterprise means a sole proprietorship, corporation, professional corporation, nonprofit corporation, limited liability company, limited partnership, limited liability partnership, or any other partnership whether or not formed under the laws of the State of North Carolina. All foreign Business Enterprises must be licensed by the Secretary of State of North Carolina to do business in North Carolina.
- (f) CDOT means the City's department of transportation as defined in chapter 14 of the City Code.
- (g) City means the Charlotte City Council, the City of Charlotte, and everything within its corporate limits.
- (h) Civil penalties mean only those penalties levied under this Article.
- (i) Company Operating Certificate means the valid license issued pursuant to this Article which has authorized a Business Enterprise to provide For-Hire Service.
- (j) Driver's Permit means the valid license issued pursuant to this Article to any Person which authorizes that Person to provide For-Hire Service in a Vehicle.
- (k) For-Hire means a transaction whereby any money, thing of value, charge tickets, surcharge, payment, pecuniary consideration or compensation, reward, donation, remuneration or profit is paid to, accepted by, or received by a Person in exchange for the temporary use by or for the transportation of a Person as a passenger, whether such is paid voluntarily or upon solicitation, demand, request, contract, agreement, or as a surcharge.
- (l) For-Hire Company means a Business Enterprise who provides or has provided For-Hire Services in the City.

- (m) For-Hire Driver means a Person who operates, is operating, or has operated a For-Hire Vehicle while providing For-Hire Service in the City.
- (n) For-Hire Service means any Person that engages in a For-Hire act and offers to transport any Person from a point of origin within the City to any specific destination within the United States. For-Hire Services shall not include the transportation services offered by the Charlotte Area Transit System.
- (o) For-Hire Vehicle means: (i) any Vehicle licensed by and registered with the North Carolina Division of Motor Vehicles or equivalent South Carolina state agency; and (ii) any Vehicle providing For-Hire Services. For purposes of this Article, For-Hire Vehicles shall not include: Vehicles owned and/or operated by the Charlotte Area Transit System; or (ii) any For-Hire Vehicle permitted by the State of North Carolina or the United States of America.
- (p) For-Hire Vehicle Owner means any Person whose name appears on the state-issued title of the For-Hire Vehicle.
- (q) Habitual Criminal Activity means a Person who has three (3) or more convictions of a Class 2 misdemeanor or higher.
- (r) Habitual User of Alcoholic Beverages or Drugs means a Person who has two (2) or more of the following within a three (3) year period: (i) alcohol or drug related misdemeanors; or (ii) alcohol or drug-related violations of state law or City ordinance.
- (s) Habitual Violator of Traffic Laws means the accrual on a Person's driving record or driver's license of either: (i) eight (8) points or more within a three-year period; or (ii) six (6) convictions of any type of traffic or moving offense.
- (t) Illegal Third Party means a Person (i) that has not been issued a Certificate Operating Certificate, Vehicle Operating Permit, and/or Driver's Permit, and (ii) provides For-Hire Service within the City.
- (u) Licensee means the Person and/or the Support Provider issued a Company Operating Certificate, Vehicle Operating Permit, and/or Driver's Permit pursuant to this Article.
- (v) Manifest means a daily record that: (i) is in electronic or paper form (ii) is prepared by the For-Hire Driver; (iii) shows all trips made by the For-Hire Vehicle; (iv) shows the time and place where each trip originated; (v) the destination of each trip; (vi) the fare amount for each trip; and (vii) the number of passengers.
- (w) Metered Vehicle means a Vehicle that: (i) is equipped with a meter; and (ii) calculates the For-Hire Service using the meter.
- (x) Nonmetered Vehicle means a Vehicle that: (i) is not equipped with a meter; and (ii) calculates the For-Hire Service pursuant to a Prearrangement.
- (y) On-Demand means For-Hire Service made indiscriminately and instantaneously by a Metered Vehicle on or along a Roadway. On-Demand shall include, but shall not be limited to: (i) the hailing of a Metered Vehicle; (ii) any other oral request for a Metered Vehicle; (ii) the movement of a Metered Vehicle in search of or for the purpose of attracting passengers. No Vehicle, other than a Metered Vehicle, shall be operated On-Demand.
- (z) Operate, operating, or operated means a Person that is either: (i) sitting in the driver's seat of a For-Hire Vehicle regardless of whether the For-Hire Vehicle is stationary or moving; or (ii) has access to the interior of a For-Hire Vehicle; or (iii) the For-Hire Vehicle's owner; or (iv) has control over the For-Hire Vehicle. Personal or off-duty use of a For-Hire Vehicle must comply with Section 22-161.
- (aa) Passenger Vehicle For Hire Board means a board charged with carrying out the duties set forth in Division 6 of the Article. This term shall also be referred to as the PVH Board.
- (bb) Person means any individual, firm, partnership, association, corporation, governmental agency, Business Enterprise, or combination thereof of whatsoever form or character.

- (cc) Prearrangement means a written or electronic agreement: (i) setting forth a fixed fee; (ii) to provide For-Hire Service; and (iii) prior to the trip's commencement. Prearrangement shall not include any activities constituting On-Demand.
- (dd) Passenger Vehicle For Hire Decal means an issued, nontransferable, numbered insignia providing exterior identification that a particular For-Hire Vehicle has a Vehicle Operating Permit. This term shall also be referred to as the PVH Decal.
- (ee) Passenger Vehicle For Hire Manager means the city employee, agent, or contractor responsible for the enforcement and administration of the Article. Any reference to PVH Manager shall include any city employees, agents, or contractors designated by the PVH Manager to assist in the enforcement and administration of this Article. This term shall also be referred to as the PVH Manager.
- (ff) Rate Sheet means the information displayed upon and within a Metered Vehicle that shall describe the schedule of fares and fees adopted by the PVH Board.
- (gg) Special Services Permit means a license issued by the PVH Manager to a Company Operating Certificate Licensee that allows the Company Operating Certificate Licensee to provide an infrequent and unusual For-Hire Service different from the For-Hire Services described in this Article. This infrequent and unusual For-Hire Service could require the pooling of unpermitted Vehicles to service the needs created by one-time citywide tourism events, fixed For-Hire Service routes, geographically or time-of-day/limited service, or any other innovative For-Hire Services.
- (hh) Roadway means any road, street, alley, avenue, highway, or any other public vehicular area within the City as they may exist or may be extended.
- (ii) Support Provider means the Person that satisfies, or guarantees to satisfy, the requirements of Section 22-125(b) and Section 22-125(c)(4).
- (jj) Unique Vehicle means a For-Hire Vehicle that shall be, but limited to, either of the following: (i) registered as an antique vehicle with the North Carolina Division of Motor Vehicles; (ii) manufactured at least thirty-five (35) years prior to its use as a For-Hire Vehicle; (iii) manufactured in a limited or small quantity; (iv) limousines that are stretched or have a lengthened wheelbase; (v) determined by the PVH Manager based upon the Vehicle's historical and sentimental value; or (vi) such other Vehicle as determined by the PVH Manager to be unique, vintage, or classic in nature.
- (kk) Vehicle means every motorized device in, upon, or by which any Person or property is or may be transported or drawn upon a Roadway. This term shall not include electric personal assistive mobility devices as defined in G.S. 20-4.01(7a), mopeds, golf carts, motorized devices moved by human power, or motorized devices used exclusively upon fixed rails or tracks. A Vehicle shall not include motor vehicles or motor vehicle carriers as defined in G.S. 62-259—62-279 or hotel courtesy vehicles that provide transportation services solely to patrons of the hotel.
- (ll) Vehicle Operating Permit means: (i) any Vehicle with a valid license issued pursuant to this Article; (ii) any Vehicle operated by a For-Hire Driver; (iii) any Vehicle providing For-Hire Services by a Person; and (iv) any Vehicle registered with the North Carolina Division of Motor vehicles or equivalent South Carolina state agency.

Secs. 22-102—22-124. - Reserved.

DIVISION 2. – REQUIREMENTS FOR NEW APPLICATIONS/RENEWALS/REINSTATEMENTS

Sec. 22-125. - Application requirements.

- (a) All applications for a Company Operating Certificate, Vehicle Operating Permit, and/or Driver's Permit are to be submitted on forms provided by the PVH Manager. Each application shall contain the following information:
 - (1) Be at least eighteen (18) years of age;

- (2) For the last ten (10) years, a Person must disclose all addresses that the Person has ever used or resided at.
 - (3) Each Person must disclose all legal names that the Person has ever used or any and all names the Person has ever gone by.
 - (4) Reliable documentation evidencing the Person's eligibility to be a Licensee. Reliable documentation shall include, when necessary, a valid resident alien registration card, U.S. passport, certificate of naturalization or any other documents allowed under part 274(a)(2) of the Immigration and Naturalization Service Rules of the Immigration Reform and Control Act of 1986.
 - (5) If the application is being submitted by a Business Enterprise, then the Business Enterprise must submit a certified copy of its articles, bylaws, or operating agreement.
 - (6) If the Person has been charged with any criminal offense or infraction, then the Person must produce all criminal records and evidence of the court's judgment. If the application is being submitted by a Business Enterprise, then all criminal records of the officers, directors, and supervising employees, including the general manager, if any, shall be provided.
 - (7) At least once every three (3) years, each Person shall provide the Person's fingerprints to the PVH Manager for submission to state and national criminal databases for the Person's criminal record. This information shall be kept privileged and confidential and shall not be a public record under G.S. ch. 132. The receipt of the Person's criminal history by the PVH Manager shall be used solely to determine eligibility for a Company Operating Certificate, Driver's Permit, and/or Vehicle Operating Permit.
 - (8) Evidence that For-Hire Service will be provided by the Person and will not be provided by a different Person; provided, however, the Person may engage a Support Provider if the potential engagement is disclosed when the application is submitted for approval by the PVH Manager.
 - (9) Any and all Affiliations.
- (b) Applications for a Company Operating Certificate shall include these application requirements in addition to Section 22-125(a):
- (1) Certification that the Person has the ability to provide For-Hire Service twenty-four (24) hours a day, seven (7) days a week throughout the City.
 - (2) Certification that the Person has the ability to provide adequate supervision of For-Hire Drivers operating under the Company Operating Certificate.
 - (3) Certification that a For-Hire Driver training program will have the following components:
 - (a) Instruction on City Roadways and local landmarks;
 - (b) The requirements of a Licensee under this Article;
 - (4) Certification of a ten (10) panel drug testing program that will be administered to any For-Hire Driver. Thereafter, the drug testing program shall be administered at least once every three (3) years to each For-Hire Driver.
 - (5) Provide evidence demonstrating that the Person has met at least one of the For-Hire Vehicle requirements set forth below:
 - i. Twenty-Five Metered Vehicles.
 - ii. One Nonmetered Vehicle.
 - iii. One Agency Vehicle.
 - (6) A lawfully zoned depot or terminal on private property, if any.

- (7) The uniform color scheme and logos painted or to be painted on the Metered Vehicle. This provision applies solely to Company Operating Certificate involving a Metered Vehicle. This item is not subject to appeal.
 - (8) The For-Hire Company's name, For-Hire Vehicle number, and logo to be affixed with permanent paint or permanent decals on both sides and the rear of each Metered Vehicle. The placement of a valid telephone number on a For-Hire Vehicle shall be optional. Lettering on the For-Hire Vehicle shall be at least three (3) inches in height.
 - (9) The For-Hire Company's name shall be affixed to the Nonmetered Vehicle's front license plate. PVH Decals shall be affixed on windows at the For-Hire Vehicle's passenger entry doors. The placement of a valid telephone number on a For-Hire Vehicle shall be optional. Lettering on the For-Hire Vehicle shall be at least three (3) inches in height.
- (c) Applications for a Company Operating Certificate and/or Vehicle Operating Permit shall include these application requirements in addition to Section 22-125(a):
- (1) The number of each Vehicle that is or will be a For-Hire Vehicle.
 - (2) The make, type, license plate number, and passenger capacity of each Vehicle that is or will be a For-Hire Vehicle.
 - (3) An appropriate license plate issued by the North Carolina Division of Motor Vehicles or equivalent South Carolina state agency to be placed on the For-Hire Vehicle.
 - (4) Proof of financial responsibility as defined in G.S. 20-280.
 - (a) Each Vehicle must be insured as a condition precedent to the operation of any For-Hire Vehicle on the Roadways.
 - (b) Any proof of financial responsibility must name and/or describe every For-Hire Vehicle covered under its terms.
 - (c) The Business Enterprise issuing the proof of financial responsibility shall provide written notice to the PVH Manager not less than fourteen (14) days prior to the cancellation, reduction in coverage, or other material change in the proof of financial responsibility.
 - (d) If a Licensee receives a notice cancelling the proof of financial responsibility, then the PVH Manager shall be notified by the Licensee within one (1) business day of receipt of the notice.
 - (e) Any proof of financial responsibility shall be conditioned upon the payment of any final judgment, within limits of the insurance policy, recovered by any Person as a result of the negligent operation of any For-Hire Vehicle under this Article, regardless of the Person operating the For-Hire Vehicle at the time of the injury or damage. Such insurance shall contain a provision for the continuing liability under the insurance to the full amount of the policy, notwithstanding any recovery thereon.
 - (f) If the For-Hire Vehicle is owned by a Person who operates under the Vehicle Operating Permit of another Vehicle Operating Permit Licensee, the other Vehicle Operating Permit Licensee shall be named as an additional insured in the policy covering the Vehicle.
 - (5) Certification by each Person that the For-Hire Vehicle shall be kept clean, in good mechanical condition, and in good physical condition
 - (6) The type of For-Hire Service authorized to provide.
- (d) Applications for a Driver's Permit shall include these application requirements in addition to Section 22-125(a):
- (1) The Person's medical, mental, and/or physical condition. The PVH Manager shall have the authority to request a medical certification by a licensed practitioner regarding a Person's ability to drive a For-Hire Vehicle.

- (2) The Person's physical description, including age, race, height, weight, eye color, and hair color.
 - (3) A valid North Carolina or South Carolina driver's license issued to the Person or issued within seven (7) days of the date of application.
 - (4) Permission from the Company Operating Certificate Licensee and the Vehicle Operating Permit Licensee to operate a For-Hire Vehicle for the Company Operating Certificate Licensee and/or Vehicle Operating Permit Licensee.
 - (5) A For-Hire Driver is exempt from the requirements of this Article if the For-Hire Driver: (i) exclusively operates a For-Hire Vehicle permitted by the State of North Carolina or the United States of America; and (ii) ceases operating all For-Hire Vehicles covered by this Article.
- (e) Applications for a Special Service Permit shall include these application requirements in addition to Section 22-125(a) shall:
- (1) describe the special service or its nature in detail.
 - (2) provide an explanation of why the proposed special service is necessary.
 - (3) provide the proposed number of For-Hire Vehicles needed for the special service.
 - (4) provide an explanation of why the existing number of For-Hire Vehicles by type is inadequate.
 - (5) provide the number of For-Hire Vehicles presently operated by the Company Operating Certificate Licensee on the date of the application.
- (f) An application for a Company Operating Certificate, Vehicle Operating Permit, and/or Driver's Permit may be submitted concurrently by the same Person for review by the PVH Manager.
- (g) The Person shall swear under penalty of perjury that the information submitted in the application is neither false nor misleading. Submitting, or causing to be submitted, false or misleading information is unlawful and shall be grounds for denial of an application.
- (h) No application shall be accepted by the PVH Manager if a Person has a criminal summons or a criminal charge pending against the Person at the time of application. For purposes of this subsection, pending criminal charges shall not include traffic infractions.
- (i) No application for a Company Operating Certificate, Vehicle Operating Permit, Driver's Permit, or Special Service Permit shall be approved until the application meets all requirements under this Article.
- (j) No application for a Special Service Permit shall be accepted until after a Company Operating Certificate has been issued to a Person.

Sec. 22-126. - Issuance.

- (a) The City authorizes the PVH Manager to issue a Company Operating Certificate, Vehicle Operating Permit, Driver's Permit, and/or Special Services Permit to any Person; provided, however, any issuance shall: (i) be subject to such conditions as the City may deem advisable or necessary in the public interest, (ii) comply with this Article before the commencement of the For-Hire Service, and (iii) occur after payment of a regulatory fee provided by Section 22-228.
- (b) A separate Company Operating Certificate, Vehicle Operating Permit, and/or Driver's Permit shall be required for each type of For-Hire Service offered or to be offered by the Person.
- (c) Any Driver's Permit issued to a Person shall show the following:
 - (1) The photograph and name of the Driver's Permit Licensee;
 - (2) The issue date and expiration date; and
 - (3) Any Affiliation.

Sec. 22-127. - Expiration.

- (a) All Company Operating Certificates, Vehicle Operating Permits, and Driver's Permits shall expire on a yearly basis on a date determined by the PVH Manager.
- (b) All Special Service Permits shall expire within seven (7) days of issuance.

Sec. 22-128 - Renewal.

The PVH Manager may renew a Company Operating Certificate, Vehicle Operating Permit, and Driver's Permit from year-to-year by appropriate endorsement thereon. Any application shall comply with the requirements of Section 22-125.

Sec. 22-129 - Transferability.

- (a) The privilege of engaging in For-Hire Service in the City through a Company Operating Certificate, Vehicle Operating Permit, and/or Driver's Permit is personal to the specific Licensee. The rights, requirements, and responsibilities which attach to the Company Operating Certificate, Vehicle Operating Permit, and/or Driver's Permit remain with its Licensee at all times that For-Hire Service is being provided in the City.
- (b) These rights, requirements and responsibilities which include, but are not limited to, the requirements of this Article will remain unaffected by any agreement or contractual arrangement between Licensees or any Licensee and an Illegal Third Party, regardless of the form or characterization of the agreement.
- (c) Each Company Operating Certificate, Vehicle Operating Permit, and Driver's Permit shall not be transferable by the Licensee without prior approval of the PVH Manager. The PVH Manager shall not approve any transfer that would not comply with Section 22-125 or any restrictions placed by the City.
- (d) No transfer shall be approved by the PVH Manager if the Company Operating Certificate Licensee is a Business Enterprise and the Company Operating Certificate Licensee transfers a majority of its ownership interest in the Business Enterprise.

Secs. 22-130—22-149. - Reserved.

DIVISION 3. – OPERATIONS

Sec. 22-150. - Required.

No Person shall provide any For-Hire Service in the City without a valid Company Operating Certificate, Vehicle Operating Permit, and/or Driver's Permit.

Sec. 22-151. - Types of service.

A Company Operating Certificate Licensee is authorized to provide the following types of service:

- (a) Metered Vehicle. A Metered Vehicle may provide the following types of service:
 - (1) Exclusive ride. For-Hire Service involving the transportation of a single party by a Metered Vehicle from a single origin to a single destination for compensation.
 - (2) Group ride. For-Hire Service involving the transportation of several passengers by a Metered Vehicle from a single origin to a single destination.
 - (3) Shared ride. For-Hire Service involving the transportation of several passengers by a Metered Vehicle from one or more points-of-origin to one or more destinations.
- (b) Nonmetered Vehicle. For-Hire Service offered pursuant to a Prearrangement. No Nonmetered Vehicle shall operate or allowed to operate On-Demand.
- (c) Agency Vehicle. For-Hire Service offered pursuant to a written agreement between the Company Operating Certificate Licensee and the governmental agency. No Agency Vehicle shall operate or allowed to operate On-Demand.

(d) Special Service.

- (1) Any exemption to this Article shall be noted on the Special Service Permit.
- (2) A Special Service Permit Licensee shall agree to be jointly and severally responsible for the conduct and actions of each Person on the Special Service Permit and shall ensure compliance with this Article.
- (3) Nothing contained in this section shall relieve the Special Service Permit Licensee from the requirements of Chapter 4.

Sec. 22-152. – Display of Driver's Permit, Vehicle Operating Permit, And PVH Decal

- (a) The For-Hire Driver shall place a copy of the Driver's Permit in the following location:
 - (1) In a Metered Vehicle, a copy of the Driver's Permit shall be displayed conspicuously at all times in the card frame attached to the back of the driver's seat or headrest area of the For-Hire Vehicle.
 - (2) In a Nonmetered Vehicle or an Agency Vehicle, a copy of the Driver's Permit shall be either clearly visible to a passenger seated in the rear seat of the For-Hire Vehicle or kept on the For-Hire Driver.
- (b) The For-Hire Vehicle Owner shall place a copy of the Vehicle Operating Permit in a conspicuous location on the For-Hire Vehicle's dashboard.
- (c) The For-Hire Vehicle Owner shall place a copy of the latest state safety inspection in the For-Hire Vehicle's glove box.
- (d) A PVH Decal shall be affixed as follows: (i) inside of the For-Hire Vehicle; (ii) on the front windshield; (iii) on the passenger's side; (iv) in the lower right corner; and (v) in plain view for any Person outside the For-Hire Vehicle to see.
- (e) No PVH Decal shall be affixed to a For-Hire Vehicle until the requirement of Section 22-152(b) above is met. No For-Hire Vehicle shall be operated without a PVH Decal affixed thereto and issued pursuant to this Article.

Sec. 22-153. – Rates and Charges, Prearrangement, Extra Charges, Amount of Cash

- (a) The PVH Board shall establish the rates, charges, and fare zones for Metered Vehicles pursuant to the procedures set forth in Section 22-235(f)(3).
- (b) Rates and charges for an Agency Vehicle will be established by the governmental agency contracting for For-Hire Service with the Company Operating Certificate Licensee.
- (c) Rates and charges for a Nonmetered Vehicle will be established in one-hour increments with a minimum one-hour period without regard to whether the trip requires less than one (1) hour or not. Each Company Operating Certificate Licensee shall file all rates and charges for its Nonmetered Vehicles with the PVH Manager. The Company Operating Certificate Licensee shall have uniform rates. All rates and charges must be filed annually with the application for a Company Operating Certificate. Rates and charges may be modified once after the filing of the application for a Company Operating Certificate if a Company Operating Certificate Licensee petitions for a modification to its rates and charges. All rates and charges shall become effective at least fifteen (15) days after the rates and charges has been filed with the PVH Manager.
- (d) Prearrangement shall be demonstrated by showing a copy of a written or electronic reservation for For-Hire Service from a specific location, at a specific date and time, for travel to any specific destination. All Persons must be able to present written or electronic proof of a reservation.
- (e) No extra charge shall be made for the transportation of a Person with a disability or for handling of manual wheelchairs, walkers, or other equipment reasonably necessary for the mobility of a Person with a disability.

- (f) No extra charge for excess baggage may be assessed unless authorized by the PVH Board or filed with the rates and charges for Nonmetered Vehicles by a Company Operating Certificate Licensee. However, a reasonable charge may be assessed for excess baggage for any of the following:
 - (1) Three or more bags or parcels per Person that are not ordinarily construed to be hand baggage.
 - (2) Large trunks accompanying a Person that is not ordinarily construed to be hand baggage.
 - (3) Other bulky items that are not ordinarily construed to be hand baggage.
- (g) A For-Hire Driver shall have a reasonable amount of cash in order to conduct business.

Sec. 22-154. - Posting Requirements.

- (a) For Metered Vehicles, the Rate Sheet:
 - (1) shall be conspicuously displayed inside the For-Hire Vehicle's passenger compartment on the back of the driver's seat or headrest area. The Rate Sheet also shall be conspicuously displayed outside of the For-Hire Vehicle.
 - (2) shall be in a type written notice, impressed upon a contrasting background, in at least 18-point type.
 - (3) must have language that complaints may be filed with the PVH Manager and shall include the mailing address and telephone number of the PVH Manager's office.
 - (4) must display the rates and charges established by the PVH Board.
- (b) Nonmetered Vehicles shall post within the Nonmetered Vehicle's passenger compartment a conspicuous notice stating that complaints may be filed with the PVH Manager and shall include the telephone number for the PVH Manager's office. In addition, Nonmetered Vehicles must include a provision in any written contract for Prearrangement that complaints may be filed with the PVH Manager and shall include the mailing address and telephone number of the PVH Manager's office.
- (c) A sign or notice containing the Vehicle number, if any.

Sec. 22-155. - Occupants.

- (a) Anytime a For-Hire Vehicle is occupied by a passenger, then the For-Hire Vehicle shall not be occupied by any other Person except the For-Hire Driver and any Person accompanying the passenger.
- (b) If the initial passenger consents to the Metered Vehicle offering a shared ride, then the additional passengers may be picked up prior to arriving at the destination of the initial passenger; provided, however, the initial passenger consents to the amount of additional trip time required for the shared-ride as estimated in advance of commencing the shared-ride. A shared-ride shall not be offered to any Person under eighteen (18) years of age and unaccompanied by a Person eighteen (18) years of age or older unless the For-Hire Driver has permission prior to commencing the shared-ride from a Person eighteen (18) years of age.
- (c) This section shall not apply during authorized driver training.

Sec. 22-156. - Passenger Pays Lawful Fares; Receipt Furnished Upon Request.

- (a) It shall be unlawful for any Person providing For-Hire Service in the City to charge any rate that exceeds the rates filed with the PVH Manager or set by the PVH Board. However, this subsection is not intended to prohibit a passenger from giving a gratuity to the Driver's Permit Licensee.
- (b) No Person shall use any For-Hire Service and willfully refuse to pay the fare prescribed therefore by law.

- (c) When requested by a passenger, the For-Hire Driver shall provide an accurate and legible receipt to the passenger showing the Vehicle Operating Permit number, name of the Company Operating Certificate Licensee, number on the Driver's Permit, the date, and the amount of fare paid. Refusal on the part of the For-Hire Driver to deliver such receipt upon request shall constitute a defense on behalf of a passenger charged with violating subsection (b).

Sec. 22-157. - Return of Passenger's Property.

- (a) Upon finding property left by a passenger in a For-Hire Vehicle, the For-Hire Driver shall immediately notify, if possible, the passenger and return the property. If the For-Hire Driver cannot notify the passenger, then For-Hire Driver shall promptly deliver the property to the For-Hire Company.
- (b) Upon delivery of the property to the For-Hire Company, the For-Hire Driver shall provide the For-Hire Company with any information available in regard to the property. The For-Hire Company shall record that information, including the time, date, name of For-Hire Driver, and For-Hire Vehicle number then attach such information to the property. The For-Hire Company shall hold the property in a secure place for three (3) months.
- (c) If requested by the For-Hire Driver who discovered the property, any unclaimed property in the possession of the For-Hire Company shall be returned to that For-Hire Driver within a time specified by the For-Hire Company which shall not exceed thirty (30) days following the required holding period.
- (d) No Person shall withhold property pending payment.

Sec. 22-158. - Conduct.

- (a) No For-Hire Company, For-Hire Vehicle Owner, and/or For-Hire Driver shall:
 - (1) deceive or attempt to deceive any passenger who uses For-Hire Service in any manner, especially as to the destination or the rate of fare to be charged.
 - (2) transport, or cause to be transported, any passenger to any place other than as directed by the passenger.
 - (3) direct, encourage, or allow any For-Hire Driver to take a longer route than reasonably necessary to the requested destination; provided, however, the For-Hire Driver is so requested by the passenger or for shared-ride service provided for in Section 22-151(a)(3).
 - (4) refuse or neglect to transport any Person requesting For-Hire Service on the basis of the time of day of the request or on the basis of the geographical area of the City to be served.
 - (5) refuse or neglect to transport any Person on the basis of race, color, religion, sex, or national origin.
 - (6) refuse or neglect to transport any Person on the basis of disability when such For-Hire Service can be provided to a Person with a disability with reasonable accommodation.
 - (7) knowingly use, sell, handle, or transport illegal or controlled substances at any time while operating a For-Hire Vehicle. In addition, no For-Hire Driver shall give any information to any passenger as to where or how illegal or controlled substances may be obtained.
 - (8) maintain, use, or possess a scanner or device capable of intercepting telephonic communications while operating a For-Hire Vehicle.
 - (9) knowingly solicit, procure, or give information in regard to or transport any passenger to any person for the purpose of prostitution.
 - (10) operate or allow a For-Hire Vehicle to be operated in a manner which threatens, endangers, or abuses a passenger or the general public.
 - (11) fail or refuse to surrender the Company Operating Certificate, Vehicle Operating Permit, PVH Decal, and/or Driver's Permit following a decision by the PVH Manager.

- (12) provide prompt, efficient service and shall be courteous at all times to another Person, to the PVH Manager, and to any officer of the Charlotte-Mecklenburg Police Department.
 - (13) fail to notify the PVH Manager in writing of any change to the address or telephone number at least two (2) business days before the effective date of the change.
 - (14) not operate any For-Hire Vehicle for any Person except the Company Operating Certificate Licensee shown on the Driver's Permit. Upon termination of the Affiliation between the Driver's Permit Licensee and the Company Operating Certificate Licensee, the Driver's Permit Licensee shall surrender the Driver's Permit to the PVH Manager within two (2) business days.
- (b) A For-Hire Company and For-Hire Vehicle Owner shall:
- (1) be responsible for Affiliated For-Hire Driver complying with this Article.
 - (2) not allow any For-Hire Driver to operate a For-Hire Vehicle while consuming, while under the influence of, or while having the odor of an alcoholic beverage or controlled substance on or about the For-Hire Driver.
 - (3) not provide or allow to provide For-Hire Service while the Company Operating Certificate and Vehicle Operating Permit has been suspended or revoked.
 - (4) keep copies of the Vehicle Operating Certificate in the For-Hire Vehicle at all times.
- (c) A For-Hire Driver shall:
- (1) comply with all reasonable and lawful requests of the passenger as to the speed of travel and the route to be taken.
 - (2) not allow the seating capacity of the For-Hire Vehicle to exceed the manufacturer's specifications.
 - (3) make visual contact with an orderly Person and form a belief that is reasonable under the circumstances that transporting such Person might be unsafe for the For-Hire Driver, prior to the For-Hire Driver refusing or neglecting to transport the Person requesting For-Hire Service.
 - (4) display an "off-duty" placard prior to the For-Hire Driver refusing or neglecting to transport a Person requesting For-Hire Service. Nothing contained in this subsection shall authorize a For-Hire Driver to refuse or neglect to transport any Person as a pretext to the driver's noncompliance with Section 22-158(a)(4), Section 22-158(a)(5), and/or Section 22-158(a)(6).
 - (5) not operate a Vehicle while consuming, while under the influence of, or while having the odor of an alcoholic beverage or controlled substance on or about the For-Hire Driver.
 - (6) notify the PVH Manager either: within two (2) business days of being charged with a criminal offense or infraction; or within two (2) business days upon release from confinement. Driver's Permit License must produce evidence of the disposition of the criminal case as soon as it is available.
 - (7) not provide or allow to provide For-Hire Service while the Driver's Permit has been suspended or revoked.
 - (8) specify any fare discounts authorized by the PVH Board to Metered Vehicle passengers participating in a shared-ride.
 - (9) advise of the probable time of delay, if For-Hire Service is not expected to be available within fifteen (15) minutes of the request or Prearrangement.
 - (10) not provide For-Hire Service continuously for more than sixteen (16) hours, meal time included, during any twenty-four (24) hour period. Each For-Hire Driver shall enter the time commencing active duty and ending active duty in the daily Manifest.

- (11) not solicit passengers (i) by any word, sign, signal (audible or otherwise) or gesture; (ii) to annoy any Person, or (iii) while obstructing the movement of traffic or any Person. However, for the duration that a Metered Vehicle is located in a Metered Vehicle Stand, the For-Hire Driver may solicit passengers by word, sign, signal (audible or otherwise) or gesture. In such circumstances, the For-Hire Driver may solicit passengers from inside the For-Hire Vehicle or outside of the For-Hire Vehicle but within ten (10) feet of the Vehicle.

Sec. 22-159. – Metered Vehicle Stands

- (a) The PVH Manager and CDOT shall jointly establish and designate Metered Vehicle stands.
- (b) Metered Vehicles shall enter designated Metered Vehicle stands from the rear only, and each Metered Vehicle therein must be heading in the direction of the exit. No Metered Vehicle shall stop at a Metered Vehicle stand unless there is a vacancy therein. Unless a passenger requests otherwise, Metered Vehicles shall exit Metered Vehicle stands in the order in which they enter. A For-Hire Driver shall remain in the Metered Vehicles or within the Metered Vehicle stand so that normal operations of the Metered Vehicle stand are maintained. A For-Hire Driver may leave the Metered Vehicle stand only in an emergency or to assist passengers.
- (c) No Vehicle, except a Metered Vehicle, shall use Metered Vehicle stands in the City.
- (d) A list of all Metered Vehicle stands in the City shall be kept on file with the PVH Manager's office and shall be open to inspection by the public.

Sec. 22-160. - Compliance with state law and ordinances; safety; parking.

- (a) Every For-Hire Vehicle shall be operated in accordance with the laws of this state and the sections of this Article and City ordinances and with due regard: for the safety, comfort and convenience of passengers; for the safe and careful transportation of property; and for the safety of the general public. Nothing in this subsection shall prohibit a For-Hire Driver from alighting to the sidewalk for the purpose of assisting passengers into or out of the For-Hire Vehicle.
- (b) A For-Hire Vehicle shall not be operated at a rate of speed inconsistent with existing traffic regulations, road conditions, hazards at intersections and any other conditions then existing or in such manner or condition to endanger or to likely endanger the safety of passengers, pedestrians, or the Person and property of others.
- (c) No For-Hire Vehicle shall be permitted to park in a metered space as determined by CDOT. For purposes of this section, metered spaces include any spaces for which payment is required through either a parking meter or a parking pay station operated by the City. This subsection does not restrict a For-Hire Vehicle from parking in a parking space that does not require payment to the City through meters or parking pay stations. This subsection does not apply if a For-Hire Driver complies with Section 22-161 and remains a minimum of twenty (20) feet from the parking space occupied by the For-Hire Vehicle.

Sec. 22-161. - Off-Duty Placards.

An "off-duty" placard may be placed on the dashboard of For-Hire Vehicles. Any placard must be three inches by ten inches, with two-inch-high letters, and placed on a black on white background.

Sec. 22-162. – Vehicle Infotainment Systems

A For-Hire Vehicle may be equipped with a Vehicle infotainment system for use by a passenger. A Vehicle infotainment system may be of any size if installed by original manufacturer and cannot exceed 11" in height and 7.5" in length if installed by secondary manufacturer.

Sec. 22-163. - Advertising.

- (a) Nothing within this section authorizes the dissemination of obscene advertising on For-Hire Vehicles. Any and all obscene images are prohibited by N.C.G.S 14-190.1 or similar state statute.
- (b) Roof Mounted Advertising

- (1) Each For-Hire Vehicle may display one dual-sided advertising assembly that is mounted securely on the For-Hire Vehicle's roof area.
- (2) No advertising assembly shall not exceed an overall height of eighteen (18) inches, obscure any required For-Hire Vehicle markings, obscure any color scheme of a Metered Vehicle, extend beyond the For-Hire Vehicle's roof area to either the front or rear windshield.

(c) Vehicle Panel Advertising

- (1) Advertisements may be attached to each For-Hire Vehicle in a permanent or temporary form.
- (2) No advertisement shall be placed in a manner that:
 - i. impairs the For-Hire Driver's range of vision when operating the For-Hire Vehicle.
 - ii. impairs the use of a For-Hire Vehicle's safety features or devices.
 - iii. obscures the For-Hire Company's name, logo, contact information, PVH Decal, or other information required to be displayed under this Article.
 - iv. obscures any color scheme or Rate Sheet of a Metered Vehicle.
 - v. adds weight, height, or length to the For-Hire Vehicle because the advertisement is attached to an apparatus or device, except as permitted by Section 22-163(a).
 - vi. violates any federal or state law or regulation.
 - vii. adds or attempts to add advertising to the For-Hire Vehicle's roof, except as permitted by Section 22-163(a).

Sec. 22-164. - Records

- (a) All reports shall be on a form furnished by the PVH Manager.
- (b) All accidents involving a For-Hire Vehicle shall be reported to the PVH Manager by the next business day after the accident. The For-Hire Company, For-Hire Vehicle Owner, and For-Hire Driver of the For-Hire Vehicle involved in an accident shall each be individually responsible for making the required report. A For-Hire Vehicle involved in an accident may be ordered out of For-Hire Service by the PVH Manager and shall be repaired before being returned to For-Hire Service.
- (c) Every For-Hire Company shall maintain a Person's drug test results for a period of three (3) years after the Person has taken the drug test.
- (d) Every For-Hire Company and For-Hire Vehicle Owner shall maintain the following information:
 - (1) Name, Driver's Permit number, address of all Affiliated For-Hire Driver,
 - (2) For-Hire Drivers who have completed a driver training program,
 - (3) When more than one For-Hire Vehicle Owner operates under the same Company Operating Certificate, the For-Hire Company may keep the records required by this Article on behalf of all For-Hire Vehicle Owners operating under the Company Operating Certificate. A failure of the For-Hire Company to comply with this section shall not relieve the other For-Hire Vehicle Owners operating under the Company Operating Certificate of responsibility for the records with respect to the Vehicles operated by them. It is the intent of this section to impose such responsibilities upon each For-Hire Vehicle Owners.
- (e) Every For-Hire Company and For-Hire Driver shall maintain the following information:
 - (1) A Manifest in a safe place for at least ninety (90) days, and shall be made available for inspection by the PVH Manager or any officer of the Charlotte-Mecklenburg Police Department

Sec. 22-165. – Contract Arrangements Between For-Hire Company, For-Hire Vehicle Owners, and/or For-Hire Driver

- (a) Nothing contained in this Article shall prohibit any Person from owning or operating a For-Hire Vehicle Affiliated with a For-Hire Company.
- (b) The For-Hire Company indemnifies the City and holds the City harmless for any claim or cause of action against the City arising from the conduct of the For-Hire Driver.
- (c) A For-Hire Company may enter into any contract, lease agreement or understanding with any For-Hire Driver as an independent contractor. Any contract, lease agreement, or understanding must contain the following:
 - (1) A payment arrangement between the For-Hire Driver and For-Hire Company for a fixed or determinable sum per day for the use of the For-Hire Vehicle. Nothing in this section restricts a For-Hire Driver from being entitled to all or a portion of the proceeds from For-Hire Service over and above the fixed or determinable sum.
 - (2) A For-Hire Driver shall comply with this Article, and failure to comply may be considered by the For-Hire Company as a material breach of the contract, lease agreement, or understanding.
 - (3) Any leased For-Hire Vehicle has and maintains insurance as required by the City and the state.
- (d) Nothing contained in this section shall prevent any For-Hire Company from paying a fixed fee or other compensation to another For-Hire Company for furnishing proof of financial responsibility required by this Article, for use of terminal facilities, and/or for the privilege of operating under the name of the other For-Hire Company.

Sec. 22-166. – For-Hire Vehicles At Charlotte Douglas International Airport

- (a) For-Hire Vehicles providing For-Hire Services at the Charlotte Douglas International Airport shall comply with the requirements set forth in Chapter 4 as well as this Chapter 22.
- (b) If a For-Hire Vehicle is assessed a charge or fee when a passenger is picked up from and/or dropped off at Charlotte Douglas International Airport, then the For-Hire Driver may add a one-time fee in an identical amount to the charge or fee assessed for that pick up from and or drop off at Charlotte Douglas International Airport.
- (c) Rights of appeal set forth under Section 22-234 do not apply to the imposition or enforcement of regulations adopted pursuant to Chapter 4.

Secs. 22-167—22-174. - Reserved.

DIVISION 4. – VEHICLE STANDARDS

Sec. 22-175. – For-Hire Vehicle Age Limits.

- (a) All For-Hire Vehicles shall be no older than ten (10) years. Accessible Vehicles and Unique Vehicles are exempt from the For-Hire Vehicle age requirements set forth herein. Any For-Hire Vehicle exceeding the For-Hire Vehicle age shall be removed immediately from For-Hire Service.

Sec. 22-176. – For-Hire Vehicle Requirements

(a) Minimum Requirements

- (1) Magnetic signs, temporary signs, or removable decals which display the name of For-Hire Company or For-Hire Vehicle number are prohibited.
- (2) Paint colors used for lettering and numbering shall be of sharp contrast. The surface paint color applied to the For-Hire Vehicle should be evenly visible at a reasonable distance, especially at night with streetlights. Lettering or numbering shall not be acceptable where it has been painted upon sheetmetal or other material which can be removed or detached from the For-Hire Vehicle.
- (3) All For-Hire Vehicles shall be clean, operable and in good repair.

- (4) All For-Hire Vehicle trunk compartments shall be clean and empty.
- (5) Each For-Hire Vehicle must have a minimum of three (3) doors, two (2) doors allowing entry to the driver's compartment of the For-Hire Vehicle and one (1) door allowing entry to the passenger's compartment of the For-Hire Vehicle. Notwithstanding this subdivision, all doors of For-Hire Vehicle shall be operable from the inside and outside of the For-Hire Vehicle and constructed with a double or safety lock on each door.
- (6) All upholstery covering or interior lining in any For-Hire Vehicles shall be substantially free of cuts or tears.
- (7) Seat belts shall be provided for each passenger in the For-Hire Vehicle to the extent required as original equipment by the Vehicle's manufacturer.
- (8) A For-Hire Vehicle must comply with all state safety inspection standards.
- (9) Windshield wiper and defroster operable and adequate.
- (10) Mirrors free of cracks and defects.
- (11) Windshield shall be clean and clear from both the outside and inside, free of cracks, chips, scratches or any other condition that reduces clarity of vision.
- (12) Windows shall be intact and must open and close properly. No decals, posters, or other materials on windows, other than credit card acceptance decals and PVH Decals. Windows gaskets shall not have any dry rot or leak.
- (13) Heater and air conditioner operable. Heater must not produce smell of coolant in interior of vehicle. Air conditioner must cool interior air to sixty-five degrees (65°) Fahrenheit at the vent face without using the interior air recycle feature.
- (14) Headlights, tail lights, parking lights, turn signal lights, brake lights, back-up lights, license plate lights, side lights and emergency flashers operable. Must also be covered with undamaged lenses of appropriate type and color.
- (15) Door handles and locks. All doors shall operate easily, shall close securely from both the outside and inside of the vehicle, and shall be accessible to passengers. No devices that restrict the ability of a passenger from readily exiting the For-Hire Vehicle in an emergency are allowed.
- (16) Braking system including emergency brake.
- (17) Tires, including spare (with tire jack and handle), properly inflated and having minimum tread depth of 2/32-inch and free of defects. Spare tire and jack shall be properly secured using manufacturer's equipment in designated trunk area.
- (18) For-Hire Vehicle wheels properly aligned with matching hubcaps or wheel covers unless the wheels are of a design which does not require hubcaps or wheel covers.
- (19) Wheel rims of uniform type, size and color. Lug nuts must be attached.
- (20) Horn operable; loud, clear sound.
- (21) Interior panels properly secured, free of tears and dirt.
- (22) Interior lights and driver instrument displays (speedometer, odometer, gear selection indicator, seat belt warning light, and engine warning system) operable.
- (23) Floor covering. No metal showing and undamaged.
- (24) Headliner clean, completely attached to interior ceiling and along edges.
- (25) Seats clean, unbroken and fastened securely, no exposed springs, wires or framework.
- (26) Seat belts for driver and each passenger position clean, accessible, and operable.

- (27) Accelerator, brake, emergency brake, and clutch pedals. Rubber pads in good condition, no exposed metal.
- (28) Bumpers, grills, and body molding. All bumpers and body moldings shall be in good condition and properly attached as when manufactured. No decals, bumper stickers or advertisements unless specifically authorized by this Article or approved by the PVH Manager.
- (29) For-Hire Vehicle exterior clean, polished and well-painted.
- (30) Steering system. No excessive play in steering column or front wheel assemblies.
- (31) Suspension system meets manufacturer's specifications, components provide steady ride without excessive bouncing.
- (32) Transmission. No slippage, proper function of each gear including "Park" position.
- (33) Exhaust system. No exhaust leaks, no missing support for tail pipe.
- (34) For-Hire Vehicle body shall be free from dents, rust and holes which impair its safety or appearance. Unacceptable body defects (dents, creases, blemishes, ripples, rust or holes) which impair the appearance or serviceability of the For-Hire Vehicle include:
 - viii. A body defect six (6) linear inches or greater and where the deepest point of depression is one-quarter (1/4) inch or greater.
 - ix. A body defect three (3) inches in width or greater and three (3) inches in height or greater and where the deepest point of depression is one-quarter (1/4) inch or greater.
 - x. Any defect which is one-half (1/2) inch at the deepest point of depression regardless of width or height (this includes any hole in the surface area).
 - xi. Exterior paint which is not uniform in color, does not completely cover the vehicle, or is not in compliance with approved color scheme.
 - xii. Any body panel, trunk, or hood misalignment.

(b) Additional Minimum Requirements For Metered Vehicles

- (1) A Metered Vehicle shall be equipped with either a traditional meter or virtual meter facing towards a passenger seated in the rear of the For-Hire Vehicle.
 - i. Any meter shall be mounted in such a fashion that it does not present a sight obstruction
 - ii. All meters shall be mounted in such a fashion that it does not present a hazard should a passenger riding in the right front seat be thrown against the For-Hire Vehicle dashboard. If the meter is not mounted so as to satisfy this requirement, the right front seat cannot be occupied by a passenger.
 - iii. If using a traditional meter, then it should be a size and design approved by the PVH Manager and which conforms to National Institute of Standards and Technology (NIST) specifications as amended. No Person shall use or permit a Metered Vehicle to provide For-Hire Service while the traditional meter's hardware is unsealed or its gear is not intact.
 - iv. If using a virtual meter in lieu of a traditional meter, then the virtual meter shall meet the applicable standards as established in the NIST specifications as amended.
- (2) A top light of a design approved by the PVH Manager. All toplights shall be equipped with a tamperproof switch and system of electrical distribution so (i) the Metered Vehicle's vacant sign (or center section of toplight) will be lit when the Metered Vehicle has no passengers or (ii) the Metered Vehicle's toplight will be unlit when the Metered Vehicle has a passenger and its meter indicator and tattle-tale lights are lit.

- (3) Metered Vehicles shall have an electronic card payment device which enables passengers to pay instantly for their fare. All electronic card payment devices shall be turned on, active, and usable for passengers to pay fares. Once a Person becomes aware that the electronic card payment device is inoperable, the For-Hire Driver shall remove the For-Hire Vehicle from For-Hire Service within twenty (12) hours.
- (4) Metered Vehicles shall have a global positioning system (GPS) that is usable for navigation by the For-Hire Driver.
- (5) Any time a Metered Vehicle is occupied by a Person other than the For-Hire Driver, the meter must be on and operating regardless of the actual fare charged. It shall be the duty of the For-Hire Driver to call to the passenger's attention the amount registered on the meter.
- (6) It shall be unlawful to reduce the size of wheels or tires of a Metered Vehicle or to change the gears that operate the meter.
- (c) Any For-Hire Vehicle found to be noncompliant with this Article shall have such repairs and alterations made as may be required. No For-Hire Company, For-Hire Vehicle Owner, and/or For-Hire Driver shall operate, or cause or permit to be operated, any such For-Hire Vehicle until all such repairs and alterations have been completed.
- (d) All For-Hire Vehicle components and equipment, and their replacements, shall operate properly and meet original manufacturer's specifications.

Secs. 22-177—22-199. - Reserved.

DIVISION 5. – DENIAL/SUSPENSION/REVOCATION

Sec. 22-200. – Actions or Events Constituting A Threat To Public Safety

- (a) The PVH Manager shall deny, suspend, or revoke a Company Operating Certificate, Vehicle Operating Permit, and/or Driver's Permit upon the commission, conviction, guilty plea, or plea of no contest to any of the following:
 - (1) Any violation relating to the use, possession, manufacturer or sale of alcoholic beverages or any substance regulated by the North Carolina Controlled Substances Act, G.S. 90-86 et seq., or the North Carolina Toxic Vapors Act, G.S. 90-113.8A et seq.
 - (2) A habitual user of alcoholic beverages or any substance regulated by the North Carolina Controlled Substances Act, G.S. 90-86 et seq., or the North Carolina Toxic Vapors Act, G.S. 90-113.8A et seq.
 - (3) Any criminal act by a Person against another Person which may be classified as a felony. For example, but not limited to, murder, voluntary manslaughter, involuntary manslaughter; felony death by vehicle; felonious assaults and/or batteries; robbery; rape and other sex offenses.
 - (4) Prostitution, any sex offense, or offense involving moral turpitude.
 - (5) Any criminal assault involving the For-Hire Service.
 - (6) Felonious drug offenses.
 - (7) A violation of the Federal Immigration Act.
 - (8) Any felony where citizenship rights have not been restored as provided by state law.
 - (9) A violation pertaining to the public health, safety, welfare, morals, or the protection of life.
 - (10) Any comparable provisions of federal, territory or possession of the United States of America, other state, or other local law for Section 22-200(a).

- (a1) The PVH Manager shall consider the following mitigating factors when evaluating an initial application for a Company Operating Certificate, Vehicle Operating Permit, and/or Driver's Permit under Section 22-200(a). The presence of one or more mitigating factors may demonstrate that a Person is not a threat to public safety. If the PVH Manager denies the initial application pursuant to Section 22-200(a), then the PVH Manager shall document the reasons why the mitigating factor(s) was outweighed by other considerations. These mitigating factors shall not be considered for all subsequent applications by the same Person. Mitigating factors include:
- (1) Completing all probationary requirements.
 - (2) Having the Person's citizenship rights restored as provided by state law.
 - (3) Not committing any additional criminal offenses listed in Section 22-200(a).
 - (4) Engaging in mentor or volunteer programs aimed at reducing crime or lowering recidivism.
 - (5) Being released from incarceration at least two (2) years prior to the date of application.
 - (6) Being charged or convicted at least twenty-five (25) prior to the date of application for any criminal offense listed in Section 22-200(a).
- (b) The PVH Manager may deny, suspend, or revoke a Company Operating Certificate, Vehicle Operating Permit, and/or Driver's Permit upon the commission, conviction, guilty plea, or plea of no contest to any of the following within the last ten (10) calendar years:
- (1) Any criminal act by a Person against another Person which may be classified as misdemeanor.
 - (2) Any criminal act by a Person involving property which may be classified as a felony or misdemeanor.
 - (3) An habitual violator of traffic laws.
 - (4) Any driving while impaired convictions.
 - (5) Two or more arrests for driving while impaired.
 - (6) Habitual criminal activity.
 - (7) Aided or abetted in the commission of any act listed in Section 22-200(a).
 - (8) Gambling.
 - (9) Any crime or infraction involving the operation of a Vehicle and resulting in an incapacitating class A injury to a Person as determined by the traffic accident report or the Person's death.
 - (11) Any comparable provisions of federal, territory or possession of the United States of America, other state, or other local law for Section 22-200(b).
- (c) The PVH Manager may deny, suspend, or revoke a Company Operating Certificate, Vehicle Operating Permit, and/or Driver's Permit for any of the following:
- (1) Submitting, or caused to be submitted, false or misleading information in the application.
 - (2) Does not continue to meet the qualifications pursuant to Section 22-125;
 - (3) An accumulation under G.S. 20-16 of twelve (12) or more points within a three (3) year period.
 - (4) An accumulation under G.S. 20-16 of eight (8) or more points within the three (3) year period following the reinstatement of a state driver's license that has been suspended or revoked.
 - (5) The revocation or suspension of a state-issued driver's license.
 - (6) Nonpayment of a civil penalty.

- (7) Any complaints regarding the failure to conduct an electronic financial transaction while providing For-Hire Service.
- (8) Any complaints regarding the ability to read, write and speak the English language.
- (9) Noncompliance with this Article in the operation of any For-Hire Vehicle.
- (10) The For-Hire Vehicle Owner does not operate a For-Hire Vehicle for a period of thirty (30) consecutive days.
- (11) An act committed with the intent to defraud passengers of For-Hire Service.
- (12) The failure to maintain the minimum number of For-Hire Vehicles in Section 22-125(b)(5).
- (13) No proof of financial responsibility submitted with any application.
- (14) The failure to notify the PVH Manager about any notice canceling the proof of financial responsibility.
- (15) Any acts committed by a For-Hire Driver.

Sec. 22-201. - Suspension.

- (a) Violations of this Article that are determined to present a clear, substantial, and imminent hazard to life, safety, or property shall result in an immediate suspension.
- (b) Each suspension by the PVH Manager shall be for thirty (30) days (i.e. one (1) calendar month).
- (c) The PVH Manager may issue up to two (2) suspensions for a total of sixty (60) days (i.e. two (2) calendar months) within twelve (12) months. Any further violations subjects a Person to Section 22-202.
- (d) No Company Operating Certificate, Vehicle Operating Permit, and/or Driver's Permit shall be reinstated until the Licensee satisfies Section 22-125.
- (e) If a Licensee does not seek reinstatement within fifteen (15) days after the conclusion of the suspension period, then the PVH Manager shall revoke the Company Operating Certificate, Vehicle Operating Permit, and/or Driver's Permit.

Sec. 22-202. – Denial/Revocation.

- (a) No application by a Person, whose Company Operating Certificate, Vehicle Operating Certificate, or Driver's Permit has been denied or revoked, shall be accepted by the PVH Manager within two (2) years from the date of the PVH Manager's written decision. The two (2) years shall not be tolled if any right of appeal is exercised.
- (b) The two (2) year period shall not be reduced or lessened by the PVH Manager or PVH Board.
- (c) When a Company Operating Certificate, Vehicle Operating Certificate, or Driver's Permit is revoked, the For-Hire Service shall cease and the Company Operating Certificate, Vehicle Operating Permit, Driver's Permit, and PVH Decal for all For-Hire Vehicles shall be surrendered immediately to the PVH Manager.

Sec. 22-203. – No Civil Liability Standard

Nothing in this Article shall be construed as establishing a standard for civil liability for the evaluation of prospective or current For-Hire Company, For-Hire Vehicle Owners, and/or For-Hire Driver, and a violation of this Article shall not be considered as evidence of negligence.

Secs. 22-204—22-224. - Reserved.

DIVISION 6. – ADMINISTRATION, ENFORCEMENT, APPEALS

Sec. 22-225. – PVH Manager's Office Created; PVH Manager's duties, recommendations, and reports.

- (a) The PVH Manager's office is hereby created and it shall be administered by a PVH Manager. The PVH Manager is charged with the duties required of the PVH Manager in this Article.

- (b) The PVH Manager shall advise the city manager, or designee, on matters covered or incidentally involved in the operation or administration of this Article. The PVH Manager shall make such reports, including the annual PVH Board report, to the city manager, or designee, and the City as may be required.

Sec. 22-226. - Enforcement by Police.

Officers of the Charlotte-Mecklenburg Police Department shall assist in the enforcement of this Article. A police officer observing a violation of this Article shall take necessary enforcement action to ensure the effective regulation of For-Hire Service in the City.

Sec. 22-227. - Hearing on Application.

The PVH Manager may request additional documents or an informal hearing if the PVH Manager is not convinced that a Person meets all eligibility criteria and has provided all necessary information to the PVH Manager for a Company Operating Certificate, Vehicle Operating Permit, and/or Driver's Permit.

Sec. 22-228. - Fees.

- (a) Regulatory fees to cover the administrative costs for obtaining, renewing, duplicating, transferring and reinstating a Company Operating Certificate, Vehicle Operating Permit, and/or Driver's Permit shall be collected. Also, a regulatory fee shall be collected for each PVH Decal issued to a For-Hire Vehicle. Fees shall be approved by the City and placed on file with the PVH Manager. Other fees permitted by law may also be collected.
- (b) Fees for Special Service Permit shall be set by the City.
- (c) Notwithstanding subsection (a), reduced fees may be assessed for any Accessible Vehicle.

Sec. 22-229. – Fare Disputes.

- (a) All disputes arising between the passenger and the For-Hire Driver to the proper fare shall be arbitrated first by the PVH Manager.
- (b) The PVH Manager shall request all appropriate and necessary documentation to investigate the facts of the fare dispute. Both the passenger and For-Hire Driver shall have twenty (20) days to respond to the PVH Manager's request.
- (c) If one Person fails to respond within twenty (20) days, then the PVH Manager shall close the investigation and render a decision in favor of the responding Person. If neither Person responds, then the PVH Manager shall close the investigation without rendering a decision.

Sec. 22-230. – Random Audits and Inspections by the PVH Manager.

- (a) The PVH Manager shall have the right, at any time and after displaying proper identification, to determine compliance with the Article by
 - (1) entering into any For-Hire Vehicle.
 - (2) requesting documentation from any Licensee.
- (b) The PVH Manager may perform no more than three (3) random audits or inspections within a calendar year.
- (c) If a For-Hire Company, For-Hire Vehicle Owner, or a For-Hire Driver fails or refuses to comply with a random audit of documentation within one (1) business day after being requested to do so or with a random inspection, then the PVH Manager may take such appropriate action authorized by this Article.

Sec. 22-231. – Civil Penalty

- (a) Procedure.

- (1) A Person must pay a civil penalty within thirty (30) days after the PVH Manager issues or mails the civil penalty. However, if a Person files an appeal of the civil penalty, then the civil penalty must be paid prior to the hearing before the PVH Board in the form of a bond.
- (2) Any and all civil penalties assessed against a For-Hire Driver shall remain the obligation of the For-Hire Driver regardless of any change in Affiliation with a For-Hire Company.
- (3) The PVH Manager shall notify the For-Hire Company of any civil penalties issued to a For-Hire Driver or For-Hire Vehicle Owner having an Affiliation with the For-Hire Company.
- (4) No Company Operating Certificate, Vehicle Operating Permit, and/or Driver's Permit shall be issued if any civil penalty assessed under this Article against a Person is unpaid.

(b) Amount.

- (1) A civil penalty shall be assessed against a Person who fails to file an application renewing the Company Operating Certificate prior to its expiration. This civil penalty shall be in the amount of \$100.00 per day for each day beginning on the first day following the expiration of the Company Operating Certificate when the Person has not applied to renew the Company Operating Certificate.
- (2) Each violation of this Article shall be assessed a \$100.00 civil penalty.
- (3) An additional civil penalty of \$500.00 shall be assessed to each Illegal Third Party for each violation of this Article.
- (4) Civil penalties may be levied against the For-Hire Company if its Affiliated For-Hire Drivers incur civil penalties above specific monetary thresholds. The amount of civil penalties levied against a For-Hire Company shall be determined by the number of For-Hire Vehicles under the For-Hire Company and the total amount of civil penalties incurred annually by the Affiliated For-Hire Driver. The chart below provides further illustration:

Number of For-Hire Vehicles	Annual Civil Penalties
1—15	Each \$1,000.00 in For-Hire Driver penalties shall result in a civil penalty of \$5,000.00
16—30	Each \$2,000.00 in For-Hire Driver penalties shall result in a civil penalty of \$5,000.00
31—50	Each \$3,000.00 in For-Hire Driver penalties shall result in a civil penalty of \$5,000.00
51—75	Each \$4,000.00 in For-Hire Driver penalties shall result in a civil penalty of \$5,000.00
Over 75	Each \$5,000.00 in For-Hire Driver penalties shall result in a civil penalty of \$5,000.00

Sec. 22-232. – Additional Remedies

- (a) The City or PVH Manager may seek enforcement of this Article by instituting a civil action for injunctive relief, an abatement order, or any other appropriate relief in a court of competent jurisdiction in the county.
- (b) This Article may be enforced by one, all or a combination of the remedies authorized and prescribed by this Article, section 2-21 of this Code, and state law.

Sec. 22-233. – Waiver.

PVH manager may issue a written waiver that a particular requirement under this Article is not applicable because of the For-Hire Vehicle's design or the nature of the For-Hire Vehicle's operation. Any waiver must set forth specific findings justifying the waiver.

Sec. 22-234. – Procedure For Appeals.

- (a) Actions By An Appellant

- (1) A Person aggrieved by the decision of the PVH Manager or the issuance of a civil penalty shall submit a written notice of appeal within ten (10) days of the PVH Manager's decision or issuance of the civil penalty.
 - (2) A Person shall submit a written notice of appeal on a form furnished by the PVH Manager. The Person should state the reason or basis for the appeal, why the alleged action is improper, and why the alleged action should be changed.
 - (3) For appeals of the issuance of a civil penalty, a Person shall provide a bond covering the amount of the civil penalty.
- (b) Actions By PVH Manager
- (1) The PVH Manager should schedule a hearing on the appeal to occur within a reasonable amount of time after the Person submits the written notice of appeal.
 - (2) The PVH Manager shall transmit all appropriate documents regarding the Person's written notice of appeal to the PVH Board Chairperson or PVH Board.
- (c) If a written notice of appeal is submitted within the allowed time, then the PVH Manager's decision shall be stayed until the issuance of the PVH Board's written decision. However, the PVH Manager's decision shall not be stayed if the PVH Manager determines the alleged action would impose an immediate threat or danger to public health, safety or welfare. The PVH Manager shall set forth the reasons in writing supporting the PVH Manager's determination that the alleged action would impose an immediate threat or danger to public health, safety, or welfare.
- (d) If no written notice of appeal is filed within the allowed time or a Person fails to submit a bond, then the decision of the PVH Manager or the issuance of a civil penalty shall be deemed proper and binding upon the Person aggrieved.

Sec. 22-235. – PVH Board.

- (a) A PVH Board is hereby established and is composed of five (5) members with three members appointed by the city council and two members appointed by the mayor. The mayor shall designate a chairperson. Such appointments shall be made as follows:
 - (1) one (1) representative of Persons with disabilities appointed by city council;
 - (2) one (1) representative of the hospitality/tourism industry appointed by city council;
 - (3) one (1) Company Operating Certificate Licensee appointed by city council;
 - (4) one (1) Person, who uses For-Hire Services and has no financial interest in or business affiliation with either the For-Hire Services or hospitality/tourism industries, appointed by the mayor.
 - (5) one (1) Vehicle Operating Permit Licensee or Driver's Permit Licensee appointed by the mayor.
- (b) All members of the PVH Board shall serve without compensation.
- (c) All terms of the PVH Board shall be for three (3) years with no member serving more than two (2) consecutive terms. No more than two (2) members shall have their terms expire in a given year.
- (d) Majority of the appointed members shall constitute a quorum in order to conduct business or hearings. Any member who fails to meet attendance requirements specified by city council policy shall be automatically removed from the board.
- (e) The PVH Board shall hold regular meetings on a monthly basis, unless the meeting is cancelled by the chairperson of the PVH Board.
- (f) The PVH Board shall have the following duties and responsibilities as set forth below:
 - (1) hearing appeals from a Person aggrieved by a decision of the PVH Manager.

- (2) establishing the standard rate schedule, fare zones, and the charges for Metered Vehicles. Standard charges including, but are not limited to, waiting time, additional passengers, discharge of bodily fluids, or luggage. The PVH Board shall hold a public hearing and provide notice of the public hearing prior to establishing new rate schedules, fare zones, or charges. Any new rate schedules, fare zones, or charges shall be effective on July 1 of each year. A current list of all rate schedules, fare zones, and other charges for all Metered Vehicles shall be kept on file at the PVH Manager's office.
 - (3) reviewing petitions by a Company Operating Certificate Licensee for a midyear change to Metered Vehicle rate schedules, fare zones, and charges. The petitioning Company Operating Certificate Licensee shall have the burden of showing that such changes are necessary due to acts of God, substantial or unexpected increases in fuel costs, or events beyond the control of the Company Operating Certificate Licensee. A four-fifths vote of the PVH Board is required to approve a petition for a midyear change. After the PVH Board votes to establish new rate schedules, fare zones and other charges, a Person may appeal to the city council for a legislative review and final determination.
 - (4) assessing the number of Accessible Vehicles having Vehicle Operating Permits. Upon determining the number of Accessible Vehicles needed to accommodate the needs of the City, the PVH Board may make recommendations to the City based on its findings. Upon reviewing the recommendation of the PVH Board, the City may mandate a minimum number of Accessible vehicles for each Company Operating Certificate Licensee providing For-Hire Service via Metered Vehicles.
 - (5) evaluating, at least once every two (2) years, whether limits should be imposed on the number of Company Operating Certificates, Vehicle Operating Permits and/or Driver's Permits to be issued by the City during any calendar year. Any recommendation shall be made to the City. The decision to limit the number of Company Operating Certificates, Vehicle Operating Permits, or Driver's Permits shall be solely within the discretion of the City following the recommendation of the PVH Board. The City may impose limits where the public convenience so warrants. Limits imposed under this section shall be applied to any applications for Company Operating Certificates, Vehicle Operating Permits, or Driver's Permits after the City adopts the new limitation. The burden of showing that public convenience requires the issuance of Company Operating Certificates, Vehicle Operating Permits, and/or Driver's Permits rests with and shall be the responsibility of the Person applying for it.
 - (6) The PVH Board shall promulgate rules and procedures to carry out its responsibilities under this division and shall keep such rules and procedures on file with the City clerk.
 - (7) The PVH Board may have any other responsibilities as assigned by the City.
- (g) Procedure For Appeals
- (1) If the appeal relates to the issuance of a civil penalty for less than \$500.00, then only the Chairperson of the PVH Board is empowered to read, review, and evaluate any and all written evidence submitted by the PVH Manager's office and the appealing Person. Any written evidence shall be subject to a penalty of perjury. No oral testimony should be considered by the chairperson of the PVH Board. If the chairperson finds an error in the application of these regulations, then the civil penalty shall be reversed. If the chairperson does not find an error, then the civil penalty shall be affirmed. The chairperson may elect to refer an appeal relating to the issuance of a civil penalty to the full PVH Board.
 - (2) If the appeal relates to a PVH Manager's decision or the issuance of a civil penalty for more than \$600.00, then the entire PVH Board will receive, review, and evaluate written evidence and oral testimony from the PVH Manager's office and the appealing Person.

- (3) If an appealing Person fails to appear before the PVH Board after being provided with a notice of hearing and no continuance has been granted, then the PVH Board shall dismiss the Person's appeal for a failure to prosecute the appeal. The appealing Person is not entitled to a rehearing after dismissal of the appeal.
- (4) Any appealing Person shall have the right to representation by a Person of his choice. The North Carolina Rules of Evidence, G.S. 8C, shall not strictly apply to the hearing, but the hearing shall afford the PVH Manager's office and the appealing Person an opportunity to offer evidence, cross-examine witnesses, and inspect documents. Hearsay evidence shall be considered only to the extent that the hearsay evidence would be permitted under the North Carolina Rules of Evidence G.S. 8C. Only sworn testimony shall be accepted and the chairperson of the PVH Board, as well as any board member designated by the chairperson, shall have the authority to administer the oath as set forth for witnesses in a civil matter by G.S. 11-11. The hearing shall be recorded, and the PVH Board's decision shall be in writing with copies provided to the PVH Manager's office and the appealing Person.
- (5) Hearings before the PVH Board shall be de novo. If the PVH Board finds an error in the application of these regulations, then the PVH Manager's decision shall be reversed or modified. If the PVH Board does not find an error, then the PVH Manager's decision shall be affirmed.
- (6) Decisions of PVH Board shall be either: (i) affirming or reversing the PVH Manager's decision; (ii) affirming or reversing the issuance of a civil penalty; (iii) imposing probationary status; (iv) imposing such other lesser penalties as it deems just and appropriate. Decisions of the PVH Board shall be subject to judicial review in a proceeding in the nature of certiorari instituted in the superior court of this county within thirty (30) days after the PVH Board.
- (7) The mailing address listed on the written notice of appeal by the appealing Person is presumed to be a valid and proper address for the appealing Person to receive the PVH Board's written decision.

Secs. 22-236—22-249. - Reserved.