

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1868
91ST GENERAL ASSEMBLY

Reported from the Committee on Motor Vehicle and Traffic Regulations, April 11, 2002, with recommendation that the House Committee Substitute for House Bill No. 1868 Do Pass.

TED WEDEL, Chief Clerk

4522L.07C

AN ACT

To amend chapter 67, RSMo, by adding thereto twelve new sections relating to the creation of a regional taxicab commission.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 67, RSMo, is amended by adding thereto twelve new sections, to be known as sections 67.1800, 67.1802, 67.1804, 67.1806, 67.1808, 67.1810, 67.1812, 67.1814, 67.1816, 67.1818, 67.1820 and 67.1822, to read as follows:

67.1800. As used in sections 67.1800 to 67.1822, the following terms mean:

- (1) "Airport authority", an entity established by city ordinance regarding governance of the airport with representatives appointed by the chief executives of the city, county, and other approximate counties within the region;**
- (2) "Airport", Lambert-St. Louis International Airport and any other airport located within the district and designated by a chief executive;**
- (3) "Airport taxicab", a taxicab which picks up passengers for hire at the airport, transports them to places they designate by no regular specific route, and the charge is made on the basis of distance traveled as indicated by the taximeter;**
- (4) "Chief executive", the mayor of the city and the county executive of the county;**
- (5) "City", a city not within a county;**
- (6) "Commission", the regional taxicab commission created in section 67.1804;**
- (7) "County", a county with a charter form of government and with more than one million inhabitants;**
- (8) "District", the geographical area encompassed by the regional taxicab commission;**
- (9) "Driver", an individual operator of a motor vehicle and may be an employee**

18 or independent contractor;

19 (10) "Hotel and restaurant industry", the group of enterprises actively engaged in
20 the business of operating lodging and dining facilities for transient guests;

21 (11) "Municipality", a city, town, or village which has been incorporated in
22 accordance with the laws of the state of Missouri;

23 (12) "On-call/reserve taxicab", any motor vehicle or nonmotorized carriage
24 engaged in the business of carrying persons for hire on the streets of the district, whether
25 the same is hailed on the streets by a passenger or is operated from a street stand, from a
26 garage on a regular route, or between fixed termini on a schedule, and where no regular
27 or specific route is traveled, passengers are taken to and from such places as they
28 designate, and the charge is made on the basis of distance traveled as indicated by a
29 taximeter;

30 (13) "Premium sedan", any motor vehicle engaged in the business of carrying
31 persons for hire on the streets of the district which seats a total of five or less passengers
32 in addition to a driver and which carries in each vehicle a manifest or trip ticket containing
33 the name and pickup address of the passenger or passengers who have arranged for the
34 use of the vehicle, and the charge is a prearranged fixed contract price quoted for
35 transportation between termini selected by the passenger;

36 (14) "Taxicab", airport taxicabs, on-call/reserve taxicabs and premium sedans
37 referred to collectively as taxicabs;

38 (15) "Taxicab company", the use of one or more taxicabs operated as a business
39 carrying persons for hire;

40 (16) "Taximeter", a meter instrument or device attached to an on-call taxicab or
41 airport taxicab which measures mechanically or electronically the distance driven and the
42 waiting time upon which the fare is based.

43 67.1802. There is hereby established a "Regional Taxicab District", with
44 boundaries which shall encompass any city not within a county and any county with a
45 charter form of government and with more than one million inhabitants, including all
46 incorporated municipalities located within such county.

67.1804. For the regional taxicab district, there is hereby established a "Regional
2 Taxicab Commission", which shall be a body politic and corporate vested with all the
3 powers expressly granted to it herein and created for the public purposes of recognizing
4 taxicab service as a public transportation system, improving the quality of the system, and
5 exercising primary authority over the provision of licensing, control and regulations of
6 taxicab services within the district.

67.1806. 1. The regional taxicab commission shall consist of a chairperson plus

2 eight members, four of whom shall be appointed by the chief executive of the city, and four
3 of whom shall be appointed by the chief executive of the county. Of the eight members first
4 appointed, one city appointee and one county appointee shall be appointed to a four-year
5 term, two city appointees and two county appointees shall be appointed to a three-year
6 term, and one city appointee and one county appointee shall be appointed to a one-year
7 term. Members appointed after the expiration of these initial terms shall serve a four-year
8 term. The chief executive officer of the city and the chief executive officer of the county
9 shall alternately appoint a chairperson who shall serve a term of three years. The
10 respective chief executive who appoints the members of the commission shall appoint
11 members to fill unexpired terms resulting from any vacancy of a person appointed by that
12 chief executive. All members and the chairperson must reside within the district while
13 serving as a member. All members shall serve without compensation. Nothing shall
14 prohibit a representative of the taxicab industry from being chairperson.

15 2. In making the eight appointments set forth in subsection 1 of this section, the
16 chief executive officer of the city and the chief executive officer of the county shall
17 collectively select four representatives of the taxicab industry. Such four representatives
18 of the taxicab industry shall include one, but not more than one, of the following:

19 (1) An owner or designated assignee of a taxicab company which holds at least one
20 but no more than one hundred taxicab licenses;

21 (2) An owner or designated assignee of a taxicab company which holds at least one
22 hundred one taxicab licenses or more;

23 (3) A taxicab driver, excluding any employee or independent contractor of a
24 company currently represented on the commission.

25

26 The remaining five commission members shall be designated "at large" and shall not be
27 a representative of the taxicab industry or be the spouse of any such person nor be an
28 individual who has a direct material or financial interest in such industry. If any
29 representative of the taxicab industry resigns or is otherwise unable to serve out the term
30 for which such representative was appointed, a similarly situated representative of the
31 taxicab industry shall be appointed to complete the specified term.

67.1808. The regional taxicab commission is empowered to:

2 (1) Develop and implement plans, policies, and programs to improve the quality of
3 taxicab service and encourage minority participation within the district;

4 (2) Cooperate and collaborate with the hotel and restaurant industry to:

5 (a) Restrict the activities of those doormen employed by hotels and restaurants who
6 accept payment from taxicab drivers or taxicab companies in exchange for the doormen's

7 assistance in obtaining passengers for such taxicab drivers and companies; and

8 (b) Obtain the adherence of hotel shuttle vehicles to the requirement that they
9 operate solely on scheduled trips between fixed termini and shall have authority to create
10 guidelines for hotel and commercial shuttles;

11 (3) Cooperate and collaborate with other governmental entities, including the
12 government of the United States, this state, and political subdivisions of this and other
13 states;

14 (4) Cooperate and collaborate with governmental entities whose boundaries adjoin
15 those of the district to assure that any taxicab or taxicab company neither licensed by the
16 commission nor officed within its boundaries shall nonetheless be subject to those aspects
17 of the taxicab code applicable to taxicabs operating within the district's boundaries;

18 (5) Contract with any public or private agency, individual, partnership, association,
19 corporation or other entity, consistent with law, for the provision of services necessary to
20 improve the quality of taxicab service within the district;

21 (6) Accept grants and donations from public or private entities for the purpose of
22 improving the quality of taxicab service within the district;

23 (7) Execute contracts, sue, and be sued;

24 (8) Adopt a taxicab code to license and regulate taxicab companies and individual
25 taxicabs within the district consistent with existing ordinances, and to provide for the
26 enforcement of such code for the purpose of improving the quality of taxicab service within
27 the district;

28 (9) Collect reasonable fees in an amount sufficient to fund the commission's
29 licensing, regulatory, inspection, and enforcement functions; except that, for the first year
30 after the regional taxicab commission's taxicab code becomes effective, any increase in fees
31 shall not exceed twenty percent of the total fees collected and for subsequent years, the fees
32 may be adjusted annually based on the rate of inflation according to the Consumer Price
33 Index; and

34 (10) Establish accounts with appropriate banking institutions, borrow money, buy,
35 sell, or lease property for the necessary functions of the commission.

67.1810. 1. To implement internally the powers which it has been granted, the
2 commission shall:

3 (1) Elect its own vice chair, secretary, and such other officers as it deems necessary,
4 make such rules as are necessary and consistent with the commission's powers;

5 (2) Provide for the expenditure of funds necessary for the proper administration
6 of the commission's assigned duties;

7 (3) Convene monthly meetings of the entire commission or more often if deemed

8 necessary by the commission members;

9 (4) Make decisions by affirmative vote of the majority of the commission; provided
10 that each of the commissioners, including the chairperson, shall be entitled to one vote on
11 each matter presented for vote and provided further that at least two city appointees and
12 two county appointees, excluding the chairperson, must be included in each majority vote
13 of the commission.

14 2. The commission shall not exceed or expend moneys in excess of any fees collected
15 and any moneys provided to the commission pursuant to section 67.1820.

67.1812. Following the appointment of the commissioners, the regional taxicab
2 commission shall meet for the purpose of establishing and adopting a district-wide taxicab
3 code. In promulgating the taxicab code, the commission shall seek, to the extent reasonably
4 practical, to preserve within the code provisions similar to those contained in chapter 8.98
5 of the city's municipal ordinance and chapter 806 of the county ordinances, both relating
6 to taxicab issues such as licensing, regulation, inspection, and enforcement while avoiding
7 unnecessary overlaps or inconsistencies between the ordinances. The commission shall
8 present a draft of its district-wide taxicab code at public hearings, one of which will be held
9 in the city and another in the county, following prior public notice of same. Notice of the
10 public hearing shall be given by publication at least twice, the first publication to be not
11 more than thirty days and the second publication to be not more than ten days prior to
12 each hearing in a newspaper of general circulation in the city and county. The commission
13 shall adopt its taxicab code no later than one hundred eighty days after the appointment
14 of the initial commission members. The commission shall have the power to amend the
15 taxicab code from time to time following the initial adoption without the requirement of
16 public notice or hearings.

67.1814. The commission shall further seek the input of the city, county, and
2 airport authority generally regarding the taxicab code and, in particularly with reference
3 to airport taxicabs, shall seek to ensure:

4 (1) Continuous, smooth airport service during any transition period from the
5 current city and county operation to the new regional taxicab commission;

6 (2) The need of the airport authority to provide services at the airport's passenger
7 terminals; and

8 (3) Airport authority involvement as to the servicing of the airport by airport
9 taxicabs.

10

11 The commission shall not regulate the airport or airport taxicabs as to cab parking,
12 circulation, cab stands, or passenger loading at the airport, or the payment by airport

13 taxicabs for use of the airport or its facilities.

2 **67.1816. The city and county's ordinances relating to taxicabs shall remain in full**
3 **force and effect and be enforced as such by the city and county until one hundred twenty**
4 **days after the regional taxicab commission adopts its taxicab code, at which time such city**
5 **and county ordinances shall be deemed to be rescinded as well as ordinances adopted by**
6 **municipalities within the county. Upon the effective date of the taxicab code:**

7 **(1) All licensing, regulations, inspections, inspections of taxicabs, and enforcement**
8 **of the taxicab code shall rest exclusively with the regional taxicab commission;**

9 **(2) All taxicabs subject to the taxicab code shall be required to comply fully with**
10 **the taxicab code, notwithstanding any previously issued licenses or certificates of**
11 **convenience;**

12 **(3) All permits valid and effective as of August 28, 2002, shall remain valid and**
13 **effective until the date of expiration or renewal of such permit; and**

14 **(4) All available taxicab licensing, inspection, and related fees previously collected**
15 **and remaining unspent by other jurisdictions shall be immediately paid over the regional**
16 **taxicab commission for its future use in administering the taxicab code.**

17 **The provisions of this section notwithstanding, existing municipal regulations relating to**
18 **taxicab curb locations and curb fees as well as local business licenses which do not seek to**
19 **regulate taxicab use shall not be preempted by the taxicab code except by agreement**
20 **between the commission and applicable municipality.**

2 **67.1818. The commission shall establish as part of the taxicab code its own internal,**
3 **administrative procedure for decisions involving the granting, denying, suspending, or**
4 **revoking of licenses. The commission shall study and take into account rate and fee**
5 **structures as well as the number of existing taxicab licenses within the district in**
6 **considering new applications for such licenses. The internal procedures set forth in the**
7 **taxicab code shall allow appeals from license-related decisions to be conducted by**
8 **independent hearing officers.**

2 **67.1820. The regional taxicab commission shall initially establish, subject to public**
3 **hearings thereon, an annual fee-generated budget required for the effective**
4 **implementation and enforcement of the taxicab code, taking into account staffing**
5 **requirements and related expenses as well as all revenue sources, including collection of**
6 **fees previously paid to and unspent by other enforcing jurisdictions and future fees**
7 **projected to be collected by the commission. Recognizing the elimination of duties and**
8 **costs associated with the regulatory and enforcement functions of taxicab administration**
9 **previously borne by the city and county and being assumed by the commission, the city and**

9 county shall have the authority to appropriate additional budgetary funding for the
10 commission's needs.

67.1822. 1. Before the second Monday in April of each year, the regional taxicab
2 commission shall make an annual report to the chief executive officers and to the governing
3 bodies of the city and county stating the conditions of the commission as of the first day of
4 January of that year, and the sums of money received and distributed by it during the
5 preceding calendar year.

6 2. Before the close of the regional taxicab commission's first fiscal year and at the
7 close of each fiscal year thereafter, the chief executives of the city and the county shall
8 appoint one or more certified public accountants who shall annually examine the books,
9 papers, documents, accounts, and vouchers of the commission, and who shall report
10 thereon to the chief executives of the city and the county and to the regional taxicab
11 commission. The commission shall produce and submit for examination all books, papers,
12 documents, accounts, and vouchers, and shall in every way assist such certified public
13 accountants in the performance of their duties pursuant to this section.