

(Published in the Journal Record July 31, 2019)

ORDINANCE NO. 26,213

ORDINANCE RELATING TO MOTOR VEHICLES AND TRAFFIC AND VEHICLES FOR HIRE AND OTHER TRANSPORTATION SERVICES, AMENDING CHAPTER 32 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2010, ENACTING SECTION 32-176, ADDING LOW SPEED VEHICLE LIMITATIONS; AMENDING CHAPTER 56 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2010, SECTION 56-2, DEFINITIONS, ADDING DEFINITION OF LOW SPEED VEHICLE, AND AMENDING SECTION 56-41, VEHICLE INSPECTIONS; MAINTENANCE; EQUIPMENT, AMENDING EQUIPMENT REQUIREMENTS FOR VEHICLES FOR HIRE.

ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:

SECTION 1. That Section 32-176 of Chapter 32 of the Oklahoma City Municipal Code, 2010, is hereby enacted to read as follows:

CHAPTER 32 - MOTOR VEHICLES AND TRAFFIC

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ARTICLE IV. - SPEED AND RELATED RESTRICTIONS

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§ 32-176. – Low speed vehicle speed limitations.

(a) No person shall operate any low speed vehicle on any street or highway with a posted speed limit greater than thirty-five (35) miles per hour.

(b) The provisions of Subsection (a) of this section shall not prohibit a low speed vehicle from crossing a street or highway with a posted speed limit greater than thirty-five (35) miles per hour.

SECTION 2. That Section 56-2 of Chapter 56 of the Oklahoma City Municipal Code, 2010, is hereby amended to read as follows:

CHAPTER 56 - VEHICLES FOR HIRE AND OTHER TRANSPORTATION SERVICES

ARTICLE I. - MOTOR VEHICLES FOR HIRE

DIVISION 1. - IN GENERAL

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§ 56-2. - Definitions.

The following words, terms and phases, when used in Articles I and II of this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Autobus* means a self-propelled motor vehicle not operated on fixed tracks, with a manufacturer's rated seating capacity of seven or more passengers, operating over a fixed route, between fixed termini and/or on trips pursuant to a published bus schedule; which transports passengers in exchange for compensation; and the vehicles are regulated by the Oklahoma Corporation Commission.
- (2) *Carriage* means any animal-drawn carriage, pedicab, bicycle carriage, and any other form of animal-drawn and/or human powered vehicle used to transport persons for any compensation, including tips only. Neither motor-assisted nor electric-assisted carriages shall be used to transport persons for hire on City streets.
- (3) *Certificate of public convenience and necessity/business license* means the authority granted by the City to engage in the operation of a business that provides vehicle(s) for hire originating in the City.
- (4) *Commercial automobile liability insurance* means an automobile liability insurance policy issued to business organizations or individuals for motor vehicles for hire.
- (5) *Conviction* means any plea of guilty, nolo contendere or finding of guilt for an offense beginning after the completion of any court-imposed probationary term and continuing for any terms specified in Articles I and II of this chapter.
- (6) *Cruising* means the driving of a vehicle for hire on the streets, alleys or public places of the City in search of or in solicitation of prospective passengers for hire.
- (7) *Driver* means, for purposes of Articles I and II of this chapter, every person who is permitted to drive or operate a vehicle for hire.
- (8) *Licensee* means every vehicle for hire company that is licensed under Articles I and II of this chapter by the City.
- (9) *Limousine* means a vehicle that is a stretched or late model luxury vehicle with a seating capacity of at least five but not more than 15 or designated as a classic car, that is neither a public van nor equipped with a taximeter, but is for hire by a prearranged schedule at a fixed rate only on the hourly or one-half hour basis without regard to whether the trip requires less than one-half hour.
- (10) *Low-speed vehicle means a motor vehicle*
 - (a) *that is 4-wheeled;*
 - (b) *whose speed attainable in 1.6 km (1 mile) is more than 32 kilometers per hour (20 miles per hour) and not more than 40 kilometers per hour (25 miles per hour) on a paved level surface; and*
 - (c) *whose GVWR is less than 1,361 kilograms (3,000 pounds).*
- (11) *Motor vehicle for hire* means an automobile, bus, truck, van, limousine, shuttle, or any other form of motor vehicle which is used to transport persons for any amount of compensation, including money, property, service, tips only, or anything else of value,

in exchange for the transportation. This definition shall not include school buses used for transporting children to and from school or to and from a school activity; vehicles used for ridesharing/carpooling when the seating capacity of the motor vehicle is 15 or less; funeral home limousines used exclusively for customers of the funeral home; autobuses; courtesy vehicles which are provided by hotels or other businesses/companies free of charge to the individual customers of the hotel/business and which are not open to use by the general public; or vehicles owned and/or utilized by a non-profit organization to which contributions are tax deductible under Section 501(c)(3) of the Internal Revenue Code.

- (~~412~~) *Open stand for taxis* means a public place alongside the curb of a street or elsewhere in the City which has been designated by the Traffic Commission pursuant to Section 56-60 as reserved exclusively for the use of taxicabs.
- (~~4213~~) *Open stand for carriages* means a public place alongside the curb of a street or elsewhere in the City which has been designated by the Traffic Commission pursuant to Section 56-218 as reserved exclusively for the use of carriages.
- (~~4314~~) *Owner* means every person, firm, partnership, association or corporation having proprietary use, ownership or control of any vehicles for hire or fleets of vehicles for hire.
- (~~4415~~) *Permittee* means, for purposes of Articles I and II of this chapter, every person who drives or operates a motor vehicle for hire subject to the license of a motor vehicle for hire company.
- (~~4516~~) *Person* includes both singular and plural, and shall mean any individual, firm, partnership, corporation, or association for business purposes.
- (~~4617~~) *Ridesharing/carpooling* means an arrangement whereby two or more participants travel together in one vehicle, with a seating capacity of 15 or less, the participants voluntarily sharing the costs and often taking turns as the driver. Operation of a motor vehicle for hire shall not be construed as ridesharing/carpooling.
- (~~4718~~) *Shuttle* means a motor vehicle classified by the manufacturer as a van, sport utility vehicle, or other similar type of vehicle that is built on a small truck chassis with a seating capacity of at least seven but not more than 15 which transports passenger(s) and does not utilize a taximeter
 - (a) to and from an airport in exchange for compensation; or
 - (b) according to a pre-arranged written agreement to transport a specified person or group of persons to and from specified points of origin and destination;
 - (c) but does not include an airport parking shuttle that operates solely on airport property by or for the sole purpose of the Oklahoma City Airport Trust.
- (~~4819~~) *Street* means any street, road, alley, avenue, boulevard, public way, lane or highway within the corporate limits of the City.
- (~~4920~~) *Supervisor of Licenses* means that person who supervises and enforces the licensing provisions of Articles I and II of this chapter.
- (~~2021~~) *Taxicab or taxi or cab* means a motor vehicle for hire designed to carry ten persons or less, operated upon any street or on call or demand, accepting or soliciting passengers indiscriminately for transportation for hire between such points along streets or highways as may be directed by the passenger or passengers so being transported, and equipped with a taximeter, for compensation fixed by a taximeter.

- (~~21~~~~22~~) *Taximeter* means a mechanical and/or electronic device attached to a taxicab, which calculates the authorized charge on the basis of distance traveled, waiting time, or a combination of both which reflects the rates previously submitted to the City. Charges shall be indicated upon such device in dollars and cents. A taximeter may not be an internet based application.
- (~~22~~~~23~~) *Traffic Commission* means the Oklahoma City Traffic and Transportation Commission.
- (~~23~~~~24~~) *Vehicle for Hire Inspector* means any officer designated by the Oklahoma City Chief of Police, and charged with the responsibility of ensuring compliance with all the provisions of Articles I and II of this chapter.

SECTION 3. That Section 56-41 of Chapter 56 of the Oklahoma City Municipal Code, 2010, is hereby amended to read as follows:

CHAPTER 56 - VEHICLES FOR HIRE AND OTHER TRANSPORTATION SERVICES

ARTICLE I. - MOTOR VEHICLES FOR HIRE

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DIVISION 3. – OPERATING REQUIREMENTS FOR ALL MOTOR VEHICLES FOR HIRE

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§ 56-41. - Vehicle inspections; maintenance; equipment.

- (a) Every vehicle operating under this article shall be periodically inspected by the Vehicle for Hire Inspector at such intervals as shall be established by the Chief of Police, but at least once annually to ensure the continued maintenance of safe operating conditions. The fees for vehicle inspection shall be as set forth in Chapter 60, the General Schedule of Fees. Upon such inspection, if it is found that the vehicle operating under this article does not meet the requirements established herein, the Vehicle for Hire Inspector shall cause the vehicle's decal to be suspended and removed until such time as the vehicle has complied with the standards of this article.
- (b) If any vehicle licensed under this article has been involved in an accident, the licensee shall notify the Vehicle for Hire Inspector within one business day of the accident. If the accident results in more than cosmetic damage to the vehicle, the vehicle shall not provide motor vehicle for hire service until repaired and then inspected by the Vehicle for Hire Inspector and an ASE Certified Master Technician. It is the primary responsibility of the licensee to ensure that all necessary repairs are made before the vehicle is returned to service. The vehicle must pass inspections by both the Vehicle for Hire Inspector and a Master Technician inspections. The ASE Certified Master

Technician inspection shall be on a lift or appropriate mechanical device designed to allow viewing and inspection of the vehicle for compliance with the requirements in this chapter. The ASE Certified Master Technician inspection shall include an evaluation for compliance in accordance with the manufacturer's specifications for all requirements in § 56-41(d), including the vehicle's braking system (parking brake, disc/drums, hoses, lines, etc.); suspension system (shock absorbers/struts, springs, shackles, etc.); steering system (power steering, linkage, free turning, etc.); and exhaust system (leaks, legal muffler, tailpipe, noise, etc.).

- (c) All motorized vehicles for hire three years old or older by model year, or having 150,000 miles, whichever comes first, shall be inspected annually by an ASE Certified Master Technician. The age of the vehicle will be considered the age or mileage at the time of the annual vehicle license renewal (June 30th each year). No vehicle failing either the City's inspection or the ASE Certified Master Technician inspection will be granted a vehicle for hire permit. The vehicle's owner/operator will be required to have the vehicle inspected by an ASE Master Technician within 45 days prior to presenting the vehicle to the Vehicle for Hire Inspector for the City's inspection. The ASE Certified Master Technician inspection will be completed on the inspection form provided by the Vehicle for Hire Inspector and will be at the expense of the owner/operator. The ASE Certified Master Technician inspection shall be on a lift or appropriate mechanical device designed to allow viewing and inspection for compliance with the requirements of this section. The ASE Certified Master Technician inspection shall include an inspection in accordance with the manufacturer's specifications, which shall include all requirements in § 56-41(d); the vehicle's braking system (parking brake, disc/drums, hoses, lines, etc.); suspension system (shock absorbers/struts, springs, shackles, etc.); steering system (power steering, linkage, free turning, etc.); and exhaust system (leaks, legal muffler, tailpipe, noise, etc.).
- (d) All vehicles to be licensed as a vehicle for hire shall ~~be~~ have as standard equipment and in good a safe operating condition; and at a minimum, equipped with the following:
 - (1) Four-wheel brakes;
 - (2) Parking brake;
 - (3) Front and rear bumpers, all chrome trim and matching wheels and hubcaps;
 - (4) Heater, defroster, and air conditioner;
 - (5) Exterior right and left side and interior mirrors to provide for side and rear viewing;
 - (6) A visible speedometer, maintained in accurate operating condition;
 - (7) A visible odometer, maintained in accurate operating condition;
 - (8) Functioning windshield wipers;
 - (9) Properly inflated tires with a minimum of 3/32 -inch tread groove pattern depth of at least 2/32 of an inch when measured in a major tread groove;
 - (10) Factory-recommended shock absorbers;
 - (11) Properly functioning turn indicators;
 - (12) A visible taximeter, maintained in accurate operating condition (for taxis only);
 - (13) All door and window glass shall be safety glazed glass equal to manufacturer's standard specifications;
 - (14) Seat belts;

- (15) Airbags;
 - (16) Doors, maintained in proper operating condition as designed by the manufacturer;
 - (17) Audible horn operating as designed by the manufacturer;
 - (18) Seats with ~~ample adequate~~ room for ~~legs, backs, and buttocks for~~ an average person passenger; and
 - (19) Lights, including headlights (including high beams), ~~turn indicator lights~~, tail lights, brake lights, and back-up lights.
 - (20) No low-speed vehicle shall operate as a vehicle for hire unless it meets the minimum equipment requirements specified in 49 C.F.R. § 571.500. A low-speed vehicle that is in compliance with the equipment requirements in 49 C.F.R. § 571.500 shall be deemed to be in compliance with the provisions of this subsection.
- (e) All motor vehicles for hire shall be operated by a duly authorized permittee as herein provided, and shall also be subject to the following requirements:
- (1) A current and valid license tag, properly placed on the vehicle for hire as issued by the State of Oklahoma, or a sovereign nation located within the physical boundaries of the State of Oklahoma;
 - (2) Comply with all safety standards now or hereafter required by the State of Oklahoma and the City and any applicable federal regulations, and maintenance in a safe operating condition with adequate lights;
 - (3) Vehicles shall be equipped with doors opening directly into the seats to be occupied by the passengers, which doors shall be in addition to those provided for the use of the driver. No motor vehicle having less than three doors in good working order shall be used as a vehicle for hire in the City;
 - (4) A knob or handle shall be available on the inside of each door opening out of the compartment in which the passengers are carried, which can be easily opened from the inside;
 - (5) Adequate space for baggage shall be provided in a manner that is separate from the seats of the passengers;
 - (6) Operation of the vehicle for hire shall only be by a permittee duly permitted as herein provided;
 - (7) Proof of adequate insurance coverage as required by this chapter shall be maintained without lapse;
 - (8) Placement in each vehicle, in a location clearly visible to all passengers, placards in each vehicle which state the City's Action Center phone number and the rates or fares charged;
 - (9) At least annual painting of each vehicle for hire, unless the Vehicle for Hire Inspector determines in his/her discretion that the vehicle does not require painting at that time. All major hail damage, dings and cosmetic damage shall be promptly repaired;
 - (f) The Vehicle for Hire Inspector may remove any vehicle from service that does not meet the operating requirements set forth herein or that does not obtain the required inspections.

- (g) The Vehicle for Hire Inspector may deny an ASE Certified Master Technician inspection when it is determined that the inspection conducted by the ASE Certified Master Technician was not in compliance with the required standards listed in this section.

INTRODUCED AND READ in open meeting of the Council of The City of Oklahoma City this 2nd day of July, 2019.

PASSED by the Council and **SIGNED** by the Mayor of The City of Oklahoma City this 30th day of July, 2019.

ATTEST: (Seal)

Frances Kersey
CITY CLERK

s/b David Holt
MAYOR