

SECOND REGULAR SESSION

SENATE BILL NO. 1108

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR KENNEDY.

Read 1st time February 5, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

4228S.021

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. There is hereby established a regional taxicab district, the boundaries of which shall encompass each constitutional charter city not within a county and each constitutional charter county adjoining such city, including all incorporated municipalities located within such constitutional charter county.

67.1802. For each regional taxicab district, there is hereby established a regional taxicab commission, which shall be a body politic and corporate, vested with all the powers expressly granted to it herein, created for the public purposes of recognizing taxicab service as a public transportation system, improving the quality of the system and exercising primary authority over the provision of licensing, control and regulations of taxicab services within the district.

67.1804. As used in sections 67.1800 to 67.1822, the following words and terms mean:

(1) "Airport commission", 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 therefor 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 by section 67.1802;

(7) "County", a first class county with a charter form of government adjacent to a city not within a county;

(8) "District", the geographical area encompassed by the regional taxicab commission;

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

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

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

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

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

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

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

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

eight members, four of whom shall be appointed by the chief executive of the city, and four of whom shall be appointed by the chief executive of the county. Of the eight members first appointed, one city appointee and one county appointee shall be appointed to a four-year term, two city appointees and two county appointees shall be appointed to a three-year term, and one city appointee and one county appointee shall be appointed to a one-year term. Members appointed after the expiration of these initial terms shall serve a four-year term. The chief executive officer of the city and the chief executive officer of the county shall alternately appoint a chairperson who shall serve a term of three years. The respective chief executive who appoints the members of the commission shall appoint members to fill unexpired terms resulting from any vacancy of a person appointed by that chief executive. All members and the chairman must reside within the district while serving as a member. All members shall serve without compensation.

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

(1) An owner of a taxicab company which holds at least one hundred taxicab licenses;

(2) An owner of a taxicab company which holds at least five taxicab licenses but less than twenty-five taxicab licenses;

(3) An owner of a taxicab company which holds at least one taxicab license but less than five taxicab licenses.

The remaining five commission members and single chairperson shall be designated "at large" and shall not be a representative of the taxicab industry or be the spouse of any such person nor be an individual who has a direct material and/or financial interest in such industry. Should any representative of the taxicab industry resign or be otherwise unable to serve out the term for which that representative was appointed, a similarly situated representative of the taxicab industry shall be appointed to complete the specified term.

67.1808. The regional taxicab commission is empowered to:

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

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

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

the doormen's assistance in obtaining passengers for such taxicab drivers and companies; and

(b) Obtain the adherence of hotel shuttle vehicles to the requirement that they operate solely on scheduled trips between fixed termini;

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

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

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

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

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

(8) Adopt a taxicab code to license and regulate taxicab companies and individual taxicabs, and provide for the enforcement of such code for the purpose of improving the quality of taxicab service within the district;

(9) To enact the taxicab code under power of law with the authority granted the commission to cause both the civil and criminal prosecution of those failing to comply with the code's licensing, inspection, and other regulatory requirements, including the agreed upon delegation by the commission of prosecutorial and judicial functions to those existing bodies currently so serving the respective city and county which comprise the district;

(10) Collect reasonable fees in an amount sufficient to fund the commission's licensing, regulatory, inspection and enforcement functions; and

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

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

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

(2) Employ a director and necessary staff, fix their compensation, and establish

the scope, benefits and other terms of such employment;

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

(4) Convene monthly meetings of the entire commission or more often if deemed necessary by the commission members;

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

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

67.1814. The commission shall further seek the input of the city, county and airport commission generally as regards the taxicab code and, in particularly with reference to airport taxicabs, shall seek to insure:

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

(2) Twenty-four hour a day, seven day a week availability of service to both the main airport terminal and east terminal; and

(3) Airport commission involvement as to the servicing of the airport by airport taxicabs.

The commission shall regulate neither the airport nor airport taxicabs with reference

to cab parking, circulation, cab stands or passenger loading at the airport nor the payment by airport taxicabs for use of the airport or its facilities.

67.1816. The city and county's ordinances relating to taxicabs shall remain in full force and effect, and be enforced as such by the city and county, until one hundred twenty days after the regional taxicab commission adopts its taxicab code, at which time such city and county ordinances shall be deemed to be rescinded, as well as ordinances adopted by municipalities within the county. Thereafter, all: licensing, regulations, inspections, inspections of taxicabs, and enforcement of the taxicab code shall rest exclusively with the regional taxicab commission; all taxicabs subject to the taxicab code shall be required to comply fully therewith, notwithstanding any previously issued licenses or certificates of convenience; all available taxicab licensing, inspection and related fees previously collected and remaining unspent by other jurisdictions shall be immediately paid over the regional taxicab commission for its future use in administering the taxicab code. The provisions of this section notwithstanding, existing municipal regulations relating to taxicab curb locations and curb fees, as well as local business licenses which do not seek to regulate taxicab use, shall not be pre-empted by the taxicab code except by agreement between the commission and applicable municipality.

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

67.1820. The regional taxicab commission shall initially establish, subject to public hearings thereon, an annual budget required for the effective implementation and enforcement of the taxicab code, taking into account staffing requirements and related expenses as well as all revenue sources, including collection of fees previously paid to, and unspent by, other enforcing jurisdictions and future fees projected to be collected by the commission. Recognizing the elimination of duties and costs associated with the regulatory and enforcement functions of taxicab administration previously borne by the city and county and being assumed by the commission, the city and county shall have the authority to appropriate additional budgetary funding for the commission's needs.

67.1822. 1. The regional taxicab commission shall, before the second Monday in April of each year, make an annual report to the chief executive officers and to the

governing bodies of the city and county, stating the conditions of the commission as of the first day of January of that year, and the sums of money received and distributed by it during the preceding calendar year.

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

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