

An Ordinance of the Haines Borough amending Haines Borough Code Section 5.20 to amend the requirements for Taxis and to provide for Transportation Network Companies like Uber and Lyft.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Title 5.20. Section 5.20 of the Haines Borough Code is hereby amended, as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
STRIKETHROUGH ITEMS ARE DELETED

**Chapter 5.20
COMMERCIAL PASSENGER VEHICLE REQUIREMENTS**

5.20.010 Definitions.

For the purposes of this chapter, the following terms shall be defined as follows:

"Commercial passenger vehicle" means a motorized or nonmotorized vehicle or means of conveyance that is used to transport passengers for compensation, regardless of the form or manner of charging the passenger or the form or manner of collecting the compensation. "Commercial passenger vehicle" does not include courtesy shuttles, **vehicles used by a transportation network company**, vehicles with a maximum capacity of six customers operated by fishing or hunting charter operators for excursions, vehicles operated for guided overnight excursions occurring outside of the Haines Borough, school buses operating exclusively under a contract with a school district, vehicles operated by profit or nonprofit transportation providers for the sole purpose of providing transport for elderly or disabled persons and their attendants, and vehicles operated exclusively by, or on behalf of, the borough, state, or federal governments.

"Commercial tour vehicle" means a commercial passenger vehicle that is used to conduct, or in furtherance of, a "commercial tour" as defined in HBC [5.18.010\(B\)](#). Unless otherwise defined or provided for in this section, any vehicle or means of conveyance used to transport nonemployee passengers to or from a commercial tour shall be considered a commercial tour vehicle.

"Courtesy shuttle" means:

1. A vehicle that is owned or operated by a hotel, motel, or other similar business providing overnight accommodations to the public and used to provide complimentary transportation to the overnight guests of the business; or

2. A vehicle owned or operated by an air carrier and used to provide complimentary transportation to or from the airport for the passengers of the air carrier.

"Digital Network" means any online-enabled application, software, website, or system offered or used by a transportation network company that enables the prearrangement of rides with transportation network company contractors.

"Historic, unique, or classic vehicle" must meet the criteria as defined by the State of Alaska Division of Motor Vehicles.

"Prearranged ride" means transportation provided by a contractor to a rider, beginning when a contractor accepts a ride requested by a rider through a digital network controlled by a transportation network company, continuing while the contractor transports the requesting rider, and ending when the last requesting rider departs from the personal vehicle; "prearranged ride" does not include shared expense carpool or vanpool arrangements or transportation provided using a taxi, limousine, or other commercial motor vehicle for hire.

"Taxi" means a commercial passenger vehicle that is used for the purpose of carrying passengers for pay or hire upon the streets of the city **borough**, operating from a fixed or mobile location but not limited in its operation to any particular route. A taxi operates on a call or hail basis to provide point-to-point transportation to a destination determined by the passenger.

"Transportation Network Company" means a corporation, partnership, sole proprietorship, or other entity that uses a digital network to connect transportation network company riders to transportation network company contractors who provide prearranged rides; a transportation network company may not be considered to control, direct, or manage the personal vehicles or transportation network company contractors that connect to the transportation network company's digital network, except where agreed to by written contract.

"Vehicles used by a Transportation Network Company" means a private vehicle that is used for the purpose of carrying commercial passengers pursuant to a digital network of a transportation network company to provide a prearranged ride.

5.20.020 Insurance requirements.

Commercial passenger vehicles and commercial tour vehicles shall maintain auto and commercial general liability insurance issued by an insurance company licensed to do business in the state of Alaska. Such policy shall provide coverage for each vehicle authorized in the amount of \$100,000 for bodily injury to any one person, in the amount of \$500,000 for injuries to more than one person which are sustained in the same accident, and \$50,000 for property damage resulting from any one accident. Each policy shall name the Haines Borough as an additional insured. Further, each policy shall contain a clause that it may not be canceled or terminated or allowed to expire by insurer without 30 days notice to the Haines Borough. A certificate showing issuance of the policy and containing statements as to coverage and cancellation shall be filed annually with the administrator.

A copy of broker's certificate of \$500,000 of auto and commercial general liability insurance naming the borough as additional insured on all motorized commercial passenger vehicles, except that ~~n~~Nonmotorized commercial passenger vehicles require only the commercial general liability certificate. In order to add additional vehicles to the original application, the permit

holder must submit proof of insurance and proof of motor vehicle inspection for each additional motor vehicle.

5.20.030 Vehicle identification.

A. A commercial tour vehicle and a commercial passenger vehicle must display the following:

1. Tour operator's identification on two sides and rear of vehicle readable from a distance of 50 feet.

B. Multiple vehicles of a commercial tour must be visibly distinguishable from each other by clearly visible name, number, or letter, and not by license plate alone.

C. The owner or operator of a historic, unique, or classic vehicle may request from the manager an exception from these display requirements to preserve the cosmetic integrity of the vehicle. The manager shall not unreasonably deny such a request.

5.20.040 Taxis.

A. Taxis must display the following for passenger review:

1. The appropriate license required under state law for the driver of the vehicle;
2. Rates, including information specifying whether the rate is per person, per trip, and whether there are additional charges for any other services, such as baggage handling and extra stops;
3. Address and phone number for the clerk, in order to lodge complaints or comments.

B. Taxis shall operate on a call or hail basis, and may not **directly** solicit passengers. **Any taxi which provides sightseeing tours shall hold** ~~except in accordance with an approved commercial tour permit issued under Chapter 5.18 HBC.~~ Taxis must adhere to all traffic **vehicle** and parking laws and may not block or delay traffic.

C. Taxis shall maintain auto and commercial general liability insurance issued by an insurance company licensed to do business in the state of Alaska. Such policy shall provide coverage for each vehicle authorized in the amount of \$100,000 for bodily injury to any one person, in the amount of \$300,000 for injuries to more than one person which are sustained in the same accident, and \$50,000 for property damage resulting from any one accident. Each policy shall name the Haines Borough as an additional insured. Further, each policy shall contain a clause that it may not be canceled or terminated or allowed to expire by insurer without 30 days notice to the Haines Borough. A certificate showing issuance of the policy and containing statements as to coverage and cancellation shall be filed annually with the administrator.

5.20.050 Nonmotorized commercial passenger vehicles.

The owner or operator of a nonmotorized commercial passenger vehicle proposing tours or shuttle services shall designate routes and stops as required in HBC [5.18.030](#). In addition to designated stops, a nonmotorized commercial passenger vehicle may stop to pick up passengers hailing the vehicle along designated routes, so long as the vehicle can pull clear of the road traffic lane. Active solicitation from the vehicle to persons along the route is prohibited.

5.20.060 Transportation Network Company Contractor.

A transportation network company contractor is an individual who receives connections to potential passengers and related services from a transportation network company in exchange for payment of a fee to the transportation network company and who uses a personal vehicle to offer or provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee. The transportation network company contractor shall:

- a) **Maintain a Haines Borough Business license**
- b) **Collect and remit municipal sales tax in the same manner that other services are taxed in the Haines Borough**
- c) **Adhere to all vehicle and parking laws and may not block or delay traffic**
- d) **Maintain appropriate license required under state law**
- e) **Maintain current registration with a Transportation Network Company which requires:**
 - 1. **An application process including a background check, driving history check, criminal check and sex offender registry listing check.**
 - 2. **Minimum age of 21 years old.**
 - 3. **Has a zero tolerance for drugs and alcohol while the contractor is providing a prearranged ride or is logged onto the digital network of the transportation network company but not providing a prearranged ride.**
 - 4. **A vehicle safety inspection.**

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 22nd DAY OF AUGUST, 2017.

ATTEST:


Janice Hill, Mayor


Julie Cozzi, MMC, Borough Clerk

Date Introduced: 07/25/17
Date of First Public Hearing: 08/08/17
Date of Second Public Hearing: 08/22/17

