

HOUSE BILL NO. 2284

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PARKINSON.

5049H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 67.1800, 67.1802, 67.1804, 67.1806, 67.1808, 67.1809, 67.1810, 67.1812, 67.1813, 67.1814, 67.1816, 67.1818, 67.1819, 67.1820, and 67.1822, RSMo, relating to regional taxicab districts.

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

Section A. Sections 67.1800, 67.1802, 67.1804, 67.1806, 67.1808, 67.1809, 67.1810, 67.1812, 67.1813, 67.1814, 67.1816, 67.1818, 67.1819, 67.1820, and 67.1822, RSMo, are repealed, to read as follows:

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

(1) "Airport", Lambert-St. Louis International Airport and any other airport located within the district and designated by a chief executive;

(2) "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;

(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) "Central repository", the Missouri state highway patrol central repository for compiling and disseminating complete and accurate criminal history records;

(5) "Chief executive", the mayor of the city and the county executive of the county;

(6) "City", a city not within a county;

(7) "Commission", the regional taxicab commission created in section 67.1804;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 (8) "County", a county with a charter form of government and with more
20 than one million inhabitants;

21 (9) "Criminal history record information", information collected by
22 criminal justice agencies on individuals consisting of identifiable descriptions
23 and notations of arrests, detentions, indictments, information, or other formal
24 criminal charges, and any disposition arising there from sentencing, correctional
25 supervision and release;

26 (10) "District", the geographical area encompassed by the regional
27 taxicab commission;

28 (11) "Driver", an individual operator of a motor vehicle and may be an
29 employee or independent contractor;

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

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

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

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

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

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

53 (18) "Taximeter", a meter instrument or device attached to an on-call
54 taxicab or airport taxicab which measures mechanically or electronically the
55 distance driven and the waiting time upon which the fare is based.]
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2 [67.1802. There is hereby established a "Regional Taxicab District", with
3 boundaries which shall encompass any city not within a county and any county
4 with a charter form of government and with more than one million inhabitants,
5 including all incorporated municipalities located within such county.]

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

2 [67.1806. 1. The regional taxicab commission shall consist of a
3 chairperson plus eight members, four of whom shall be appointed by the chief
4 executive of the city with approval of the board of aldermen, and four of whom
5 shall be appointed by the chief executive of the county with approval of the
6 governing body of the county. Of the eight members first appointed, one city
7 appointee and one county appointee shall be appointed to a four-year term, two
8 city appointees and two county appointees shall be appointed to a three-year term,
9 and one city appointee and one county appointee shall be appointed to a one-year
10 term. Members appointed after the expiration of these initial terms shall serve
11 a four-year term. The chief executive officer of the city and the chief executive
12 officer of the county shall alternately appoint a chairperson who shall serve a
13 term of three years. The respective chief executive who appoints the members
14 of the commission shall appoint members to fill unexpired terms resulting from
15 any vacancy of a person appointed by that chief executive. All members and the
16 chairperson must reside within the district while serving as a member. All
17 members shall serve without compensation. Nothing shall prohibit a
18 representative of the taxicab industry from being chairperson.

19 2. In making the eight appointments set forth in subsection 1 of this
20 section, the chief executive officer of the city and the chief executive officer of
21 the county shall collectively select four representatives of the taxicab industry.
22 Such four representatives of the taxicab industry shall include at least one from
23 each of the following:

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

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

28 (3) A taxicab driver, excluding any employee or independent contractor
29 of a company currently represented on the commission. The remaining five
30 commission members shall be designated "at large" and shall not be a
31 representative of the taxicab industry or be the spouse of any such person nor be
32 an individual who has a direct material or financial interest in such industry. If
33 any representative of the taxicab industry resigns or is otherwise unable to serve
34 out the term for which such representative was appointed, a similarly situated
35 representative of the taxicab industry shall be appointed to complete the specified
term.]

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[67.1808. The regional taxicab commission is empowered to:

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

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

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(a) Restrict the activities of those doormen employed by hotels and restaurants who accept payment from taxicab drivers or taxicab companies in exchange for the doormen's assistance in obtaining passengers for such taxicab drivers and companies; and

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

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(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;

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(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;

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(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;

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

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

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

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(9) Collect reasonable fees in an amount sufficient to fund the commission's licensing, regulatory, inspection, and enforcement functions; except that, fees charged to entities regulated by the city or county prior to August 28, 2004, shall not exceed three times those amounts charged by such city or county in the first three years of the commission's operation, nor shall said fees exceed four times those amounts for the next three years and for subsequent years, the fees may be adjusted annually based on the rate of inflation according to the consumer price index. Previously regulated entities the class of service of which was regulated by both the city and the county may have fees based on the higher of the two fees charged for that class of service;

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

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and

43 (11) Require taxicabs to display special taxicab license plates as provided
44 in chapter 301 in order to operate within the district. If the commission revokes
45 the taxicab license the commission may confiscate such license plates and return
46 them to the director of revenue pursuant to subsection 3 of section 67.1813.]
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2 [67.1809. 1. The regional taxicab commission established under section
3 67.1804 may license, supervise, and regulate any person who engages in the
4 business of transporting passengers in commerce, wholly within the regional
5 taxicab district established in section 67.1802, in any motor vehicle designed or
6 used to transport not more than eight passengers, including the driver. The
7 powers granted to the regional taxicab commission under this section shall apply
8 to the motor vehicles described in this subsection and to the persons owning or
9 operating those vehicles:

10 (1) Whether or not the vehicles are equipped with a taximeter or use a
11 taximeter; and

12 (2) Whether the vehicles are operated by a for-hire motor carrier of
13 passengers or by a private motor carrier of passengers not for hire or
14 compensation.

15 2. This section shall apply, notwithstanding any provisions of this chapter
16 or of subsection 2 of section 390.126 to the contrary, except that the vehicles
17 described in subsection 1 of this section, and the operators of such vehicles, shall
18 be licensed, supervised, and regulated by the state highways and transportation
19 commission, as provided under section 226.008, instead of the regional taxicab
20 commission, whenever:

21 (1) Such motor vehicles transport passengers within the district in
22 interstate commerce, and those interstate operations are subject to the powers of
23 the state highways and transportation commission under section 226.008;

24 (2) Such motor vehicles are operated exclusively by a not-for-profit
25 corporation or governmental entity, whose passenger transportation within the
26 regional taxicab district is subsidized, wholly or in part, with public transit
27 funding provided by the state highways and transportation commission, the
28 Federal Transit Administration, or both;

29 (3) Such vehicles transport one or more passengers on the public
30 highways in a continuous journey from a place of origin within the regional
31 taxicab district to a destination outside the district, or from a place of origin
32 outside the district to a destination within the district, either with or without a
33 return trip to the point of origin. Such continuous transportation of passengers
34 between points within and without the district is subject to regulation by the state
35 highways and transportation commission, even if the journey includes temporary
36 stops at one or more intermediate destinations within the boundaries of the
37 district.

38 3. The provisions of subdivision (3) of subsection 2 of this section shall
not limit the powers of the regional taxicab commission under this section to

39 license, supervise, and regulate the transportation of any passenger whose journey
40 by motor vehicle takes place wholly within the regional taxicab district, even if
41 transported on the same vehicle with other passengers whose transportation, both
42 within and without the boundaries of the district, is subject to the exclusive
43 powers of the state highways and transportation commission. A motor carrier or
44 driver who transports passengers subject to the powers of the regional taxicab
45 commission, under subsection 1 of this section, on the same vehicle with
46 passengers whose transportation is subject to the powers of the state highways
47 and transportation commission, under subsection 2 of this section, shall comply
48 with all applicable requirements of the regional taxicab commission and with all
49 applicable requirements of the state highways and transportation commission.

50 4. No provision within this chapter shall be interpreted or construed as
51 limiting the powers of the state highways and transportation commission and its
52 enforcement personnel, the state highway patrol and its officers and personnel,
53 or any other law enforcement officers or peace officers to enforce any safety
54 requirements or hazardous materials regulations made applicable by law to the
55 motor vehicles, drivers, or persons that own or operate any motor vehicles
56 described in this section.

57 5. Every individual person, partnership, or corporation subject to
58 licensing, regulation, and supervision by the regional taxicab commission under
59 this section, with reference to any transportation of passengers by a motor vehicle
60 previously authorized by a certificate or permit issued by the state highways and
61 transportation commission under section 390.051 or 390.061, which certificate
62 or permit was in active status and not suspended or revoked on August 27, 2005,
63 according to the records of the state highways and transportation commission, is
64 hereby deemed to be licensed, permitted, and authorized by the regional taxicab
65 commission, and the vehicles and drivers used by such motor carriers are hereby
66 deemed to be licensed, permitted, and authorized by the regional taxicab
67 commission to operate and engage in the transportation of passengers within the
68 regional taxicab district, to the same extent as they formerly were licensed,
69 permitted, and authorized by the highways and transportation commission on
70 August 27, 2005. Such motor carriers, drivers, and vehicles shall be exempted
71 from applying for any license, certificate, permit, or other credential issued or
72 required by the regional taxicab commission under sections 67.1800 to 67.1822,
73 except that the regional taxicab commission may, after December 31, 2005,
74 require such motor carriers and drivers to apply and pay the regular fees for
75 annual renewals of such licenses, permits, certificates, or other credentials under
76 uniform requirements applicable to all motor carriers, vehicles, and drivers
77 operating within the regional taxicab district.]

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

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

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

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

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

15 2. The commission shall not exceed or expend moneys in excess of any
 16 fees collected and any moneys provided to the commission pursuant to section
 17 67.1820.]
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19 [67.1812. Following the appointment of the commissioners, the regional
 2 taxicab commission shall meet for the purpose of establishing and adopting a
 3 districtwide taxicab code. In promulgating the taxicab code, the commission
 4 shall seek, to the extent reasonably practical, to preserve within the code
 5 provisions similar to those contained in chapter 8.98 of the city's municipal
 6 ordinance and chapter 806 of the county ordinances, both relating to taxicab
 7 issues such as licensing, regulation, inspection, and enforcement while avoiding
 8 unnecessary overlaps or inconsistencies between the ordinances. The
 9 commission shall present a draft of its districtwide taxicab code at public
 10 hearings, one of which will be held in the city and another in the county,
 11 following prior public notice of same. Notice of the public hearing shall be given
 12 by publication at least twice, the first publication to be not more than thirty days
 13 and the second publication to be not more than ten days prior to each hearing in
 14 a newspaper of general circulation in the city and county. The commission shall
 15 adopt its taxicab code no later than one hundred eighty days after the appointment
 16 of the initial commission members. The commission shall have the power to
 17 amend the taxicab code from time to time following the initial adoption without
 18 the requirement of public notice or hearings.]

2 [67.1813. 1. Any such person required by the regional taxicab
 3 commission pursuant to section 67.1808 to obtain and display a special taxicab
 4 license plate shall make application for such license plates on a form prescribed
 5 by the director of revenue.

6 2. Upon application and payment of the same fee as required in section
 7 301.144 in addition to the regular registration fees and documents as required by
 8 law the director of revenue shall issue special taxicab license plates that display
 the word "TAXICAB" in place of the words "SHOW-ME STATE".

9 3. If the regional taxicab commission revokes the taxicab license
10 authorizing the taxicab to be operated within the district, the licensee or owner
11 shall immediately surrender the special taxicab license plates to the director of
12 revenue and obtain new license plates as otherwise provided by law. If the
13 licensee or owner fails to surrender the special taxicab license plates the regional
14 taxicab commission has the authority to confiscate such plates and return them
15 to the director of revenue.

16 4. The director of the department of revenue may promulgate rules and
17 regulations for the administration of this section. Any rule or portion of a rule,
18 as that term is defined in section 536.010, that is promulgated under the authority
19 delegated in this section shall become effective only if it has been promulgated
20 pursuant to the provisions of chapter 536. All rulemaking authority delegated
21 prior to August 28, 1999, is of no force and effect; however, nothing in this
22 section shall be interpreted to repeal or affect the validity of any rule filed or
23 adopted prior to August 28, 1999, if it fully complied with the provisions of
24 chapter 536. This section and chapter 536 are nonseverable and if any of the
25 powers vested with the general assembly pursuant to chapter 536 to review, to
26 delay the effective date or to disapprove and annul a rule are subsequently held
27 unconstitutional, then the grant of rulemaking authority and any rule proposed or
28 adopted after August 28, 1999, shall be invalid and void.]
29

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

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

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

9 (3) Airport authority involvement as to the servicing of the airport by
10 airport taxicabs. The commission shall not regulate the airport or airport taxicabs
11 as to cab parking, circulation, cab stands, or passenger loading at the airport, or
12 the payment by airport taxicabs for use of the airport or its facilities.]

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

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

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

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

15 (4) All available taxicab licensing, inspection, and related fees previously
 16 collected and remaining unspent by other jurisdictions shall be immediately paid
 17 over to the regional taxicab commission for its future use in administering the
 18 taxicab code. The provisions of this section notwithstanding, existing municipal
 19 regulations relating to taxicab curb locations and curb fees as well as local
 20 business licenses which do not seek to regulate taxicab use shall not be
 21 preempted by the taxicab code except by agreement between the commission and
 22 applicable municipality.]
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2 [67.1818. The commission shall establish as part of the taxicab code its
 3 own internal, administrative procedure for decisions involving the granting,
 4 denying, suspending, or revoking of licenses, or the imposition of administrative
 5 penalties not to exceed two hundred dollars, and shall develop a schedule of
 6 penalties which shall be available to the public and provided to all owners and
 7 operators of taxicabs. The commission shall study and take into account rate and
 8 fee structures as well as the number of existing taxicab licenses within the district
 9 in considering new applications for such licenses. The internal procedures set
 10 forth in the taxicab code shall allow appeals from license-related decisions to be
 11 conducted by independent hearing officers.]

2 [67.1819. 1. The commission with the passage of a taxicab code shall
 3 request a Missouri criminal record review for a prospective or current driver from
 4 the central repository by furnishing information on forms and in the manner
 5 approved by the highway patrol.

6 2. The prospective or current driver shall submit two sets of fingerprints
 7 to the Missouri state highway patrol, Missouri criminal records repository, for the
 8 purpose of checking the person's criminal history. The first set of fingerprints
 9 shall be used to search the Missouri criminal records repository and the second
 10 set shall be submitted to the Federal Bureau of Investigation to be used for
 11 searching the federal criminal history files.

12 3. The prospective or current driver shall pay the appropriate fee to the
 13 state central repository payable to the criminal record system fund and pay the
 14 appropriate fee determined by the Federal Bureau of Investigation for the federal
 15 criminal history record when applying for or renewing a license.

16 4. Any criminal history information received by the commission pursuant
 17 to the provisions of this section shall be used solely for the internal purposes of
 18 the commission in determining the suitability of the prospective or current driver.
 The dissemination of criminal history information from the Federal Bureau of

19 Investigation beyond the authorized or related governmental entity is prohibited.
 20 All criminal record check information shall be confidential and any person who
 21 discloses the information beyond the scope allowed is guilty of a class A
 22 misdemeanor.]
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2 [67.1820. The regional taxicab commission shall initially establish,
 3 subject to public hearings thereon, an annual fee-generated budget required for
 4 the effective implementation and enforcement of the taxicab code, taking into
 5 account staffing requirements and related expenses as well as all revenue sources,
 6 including collection of fees previously paid to and unspent by other enforcing
 7 jurisdictions and future fees projected to be collected by the commission.
 8 Recognizing the elimination of duties and costs associated with the regulatory
 9 and enforcement functions of taxicab administration previously borne by the city
 10 and county and being assumed by the commission, the city and county shall have
 11 the authority to appropriate additional budgetary funding for the commission's
 12 needs.]

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

7 2. Before the close of the regional taxicab commission's first fiscal year
 8 and at the close of each fiscal year thereafter, the chief executives of the city and
 9 the county shall appoint one or more certified public accountants who shall
 10 annually examine the books, papers, documents, accounts, and vouchers of the
 11 commission, and who shall report thereon to the chief executives of the city and
 12 the county and to the regional taxicab commission.

13 The commission shall produce and submit for examination all books, papers,
 14 documents, accounts, and vouchers, and shall in every way assist such certified
 public accountants in the performance of their duties pursuant to this section.]

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