

**VILLAGE OF CHOUDRANT**

**ORDINANCE NO. 121**

**AN ORDINANCE OF THE VILLAGE OF CHOUDRANT AUTHORIZING AND REGULATING TRANSPORTATION NETWORK COMPANIES**

WHEREAS, the Village of Choudrant has an interest in the health, safety and welfare of its citizens;

WHEREAS, The Transportation Network Company Motor Vehicle Responsibility Law has established general guidelines for the operation of Transportation Network Companies within the State of Louisiana and the Village of Choudrant has determined that there is a need to ensure that its citizens are able to safely use such transportation; and

WHEREAS, the Village of Choudrant desires to adopt a new Article in the Choudrant Code of Ordinance in compliance with The Transportation Network Company Motor Vehicle Responsibility Law set forth in Louisiana Revised Statute 45:201.1, *et. seq.*

NOW THEREFORE BE IT ORDAINED that the following ordinance be and is hereby adopted by the Choudrant City Council:

Section 1. Article IX of Chapter 9 of the Code of Ordinances are hereby enacted to read as follows:

**Art. IX. Transportation Network Companies**

**Sec. 1 Compliance, Adoption of State Law.**

The Village of Choudrant hereby adopts the provisions of Louisiana Revised Statute Title 45, Chapter 4, "The Public Passenger Motor Vehicle Responsibility Law" (R.S. 45:200.1, et seq.), and "The Louisiana Transportation Network Company Motor Vehicle Responsibility Law" (R.S. 45:201.1, et seq.) and regulations of the State of Louisiana pursuant thereto, as amended and to be amended, and except such as are in conflict or inconsistent with this title or other ordinances and except such as by their nature are not applicable. Notwithstanding the foregoing, in the event of a conflict in a provision of this article and a provision of Louisiana law or regulation, the provision imposing the greater obligation shall govern.

**Sec. 2 Definitions.**

The following words and phrases, when used in this article, shall have the meaning respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

*Digital network* means any online-enabled technology application service, website or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers.

*Prearranged ride* means the provision of transportation by a TNC driver to a rider, beginning when a TNC driver accepts a ride requested by a rider through a digital network controlled by a transportation network company, continuing while the TNC driver transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle. A prearranged ride does not include transportation provided using a vehicle operating as a taxicab, limousine, or any other vehicle for hire as provided by law.

*Transportation network company* ("TNC") means a person, corporation, partnership, sole proprietorship, or other entity that is licensed pursuant to this chapter and operating in the Village of Choudrant that uses a digital network or technology platform to connect transportation network company rides to transportation network company drivers who provide prearranged rides. A transportation network company may not be deemed to control, direct or manage the personal vehicles or transportation network company drivers that connect to its digital network, except where agreed to by written contract.

*Transportation network company driver* or *TNC driver* means an individual who receives connections to potential riders and related services from a transportation network company in exchange for payment of a fee to the transportation network company and uses a transportation network company vehicle to offer or provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company.

*Transportation network company rider* or *TNC rider* means an individual or persons who use a transportation network company's digital network to connect with a transportation network company driver who provides prearranged rides to the individual or persons in the TNC driver's transportation network company vehicle between points chosen by the rider.

*Transportation network company vehicle* or *TNC vehicle* means a vehicle that is used by a transportation network company driver and is:

- (a) Owned, leased or otherwise authorized for use by the transportation network company driver; and
- (b) Not a taxicab, limousine, luxury vehicle for hire, or any other vehicle for hire as provided by law.

### **Sec. 3 TNC Permit Required.**

(a) A person shall not operate a TNC in the city without first having obtained a permit or registration from the Village of Choudrant.

(b) Any person or TNC having first obtained an annual permit from the City of Ruston, or other political subdivision of the State of Louisiana, and providing proof of the same, shall be issued a Registration to operate in the Village of Choudrant upon completing a Registration Application, providing proof of required insurance, and paying a \$100 annual Registration Fee.

(c) If the person or TNC does not have a qualifying permit from another political subdivision of the State of Louisiana, then an application for a TNC Permit shall be submitted to the Village of Choudrant along with proof of required insurance, and the \$500.00 annual permit fee and after the background check process is completed and no disqualifiers are found, a TNC Permit shall be issued to operate in the city.

(d) Any Registration and Permit shall be valid for one year from the date of issuance and may be renewed annually upon paying the annual Registration or Permit fee and updating any change of information.

(e) Each Registration or Permit holder shall notify the Village of Choudrant of any change of ownership.

### **Sec. 4 Agent.**

The TNC shall maintain with the Secretary of State a registered agent for service of process in the State of Louisiana. The failure to register an agent shall result in the Secretary of State being the agent for service of process as required by La. R.S. 45:201.13.

### **Sec. 5 Fare Collected for Services.**

On behalf of a TNC driver, a TNC may charge a fare for the services provided to riders provided that, if a fare is collected from a rider, the TNC shall disclose to the rider the fare calculation method on its website or within the software application service. The TNC shall also provide riders with the applicable rates being charged and the option to receive an estimated fare before the rider enters the TNC driver's vehicle.

### **Sec. 6 Identification of TNC Vehicles and Drivers.**

The TNC's software application or website shall display a picture of the TNC driver, and the license plate number of the motor vehicle utilized for providing the prearranged ride before the rider enters the TNC driver's vehicle.

**Sec. 7            Electronic Receipt.**

Within a reasonable period of time following the completion of a trip, a TNC shall transmit an electronic receipt to the rider on behalf of the TNC driver that lists:

- (a)    The origin and destination of the trip;
- (b)    The total time and distance of the trip; and
- (c)    An itemization of the total fare paid, if any.

**Sec. 8            Financial Responsibility of Transportation Network Companies.**

TNCs and TNC drivers shall comply with the insurance requirements set forth in the Transportation Network Company Motor Vehicle Responsibility Law, R.S. 45:201.1 et seq. The TNC shall provide the Village of Choudrant with a certificate of insurance providing evidence that the TNC has purchased all insurance required by law on an annual basis.

**Sec. 9            Zero Tolerance for Drug or Alcohol Use.**

- (a)    The TNC shall implement a zero-tolerance policy regarding a TNC driver's activities while accessing the TNC's digital platform. The zero-tolerance policy shall address the use of drugs or alcohol while a TNC driver is providing prearranged rides or is logged into the TNC's digital network but is not providing prearranged rides, and the TNC shall provide notice of this policy on its website, as well as procedures to report to the TNC a complaint about a driver with whom a rider was matched and whom the rider reasonably suspects was under the influence of drugs or alcohol during the course of the trip.
- (b)    Upon receipt of such rider complaint alleging a violation of the zero-tolerance policy, the TNC shall suspend such TNC driver's access to the TNC's digital platform within forty-eight (48) hours from the initial reporting, and shall conduct an investigation into the reported incident. The suspension shall last the duration of the investigation.
- (c)    The TNC shall maintain records relevant to the enforcement of this requirement for a period of at least two (2) years from the date that a rider complaint is received by the TNC.

**Sec. 10          TNC Driver Requirements.**

- (a)    Before allowing an individual to accept trip requests through a TNC's digital platform the following conditions shall be met:
  - (1)    The individual shall submit an application to the TNC, which includes information regarding his or her address, age, driver's license, motor vehicle registration, automobile liability insurance, and other information required by the TNC.
  - (2)    The TNC shall conduct, or have a third-party conduct, a local and national criminal background check for each applicant that shall include:
    - (A)    A search of the multi-state/multi-jurisdiction criminal records locator or other similar commercial nationwide database with a validation (primary source search); and
    - (B)    A search of the National Sex Offender Public Website maintained by the United States Department of Justice;
  - (3)    The TNC, or a third party on behalf of the TNC, shall obtain, and review, a driving history research report for each potential TNC driver.
- (b)    The TNC shall not permit an individual to act as a TNC Driver on its digital platform if the individual:

- (1) Has had more than three (3) moving violations in the prior three-year period, or one major violation in the prior three-year period (including, but not limited to, attempting to evade the police, reckless driving, or driving on a suspended or revoked license);
- (2) Has been convicted, within the past seven (7) years, of a felony; misdemeanor for driving under the influence of drugs or alcohol, hit and run, or other driving-related offense; or a misdemeanor for a violent offense or sexual battery;
- (3) Is a match in the United States Department of Justice National Sex Offender public website;
- (4) Does not possess a valid driver's license;
- (5) Does not possess proof of registration for the motor vehicle(s) used to provide prearranged rides;
- (6) Does not possess proof of automobile liability insurance for the motor vehicle(s) used to provide prearranged rides; or
- (7) Is not a least nineteen (19) years of age.

**Sec. 11 Vehicle Safety.**

Before allowing a TNC driver to accept trip requests through the TNC's network, the TNC shall ensure that any motor vehicle(s) that TNC Driver is authorized to use to provide prearranged rides meets the State of Louisiana's vehicle safety requirements for private motor vehicle.

A valid Louisiana Inspection Certificate shall certify compliance of the vehicle herewith.

**Sec. 12 No street hails.**

A TNC driver shall not solicit or accept street hails.

**Sec. 13 No cash trips.**

The TNC shall adopt a policy prohibiting solicitation or acceptance of cash payments for fares from riders and notify TNC drivers of such policy. Any payment of fares for prearranged rides shall be made only electronically using the TNC's digital network or software application.

**Sec. 14 No discrimination; accessibility.**

- (a) The TNC shall adopt a policy of non-discrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, sexual orientation, or gender identity with respect to riders and potential riders and notify TNC drivers of such policy.
- (b) TNC drivers shall comply with all applicable laws regarding non-discrimination against riders or potential riders on the basis of race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation or gender identity.
- (c) TNC drivers shall comply with all applicable laws relating to accommodation of service animals.
- (d) A TNC shall not impose additional charges for providing services to person with physical disabilities because of those disabilities.

**Sec. 15 Records.**

A TNC shall maintain the following customer records:

- (a) Individual trip records for at least one year from the date each trip was provided; and
- (b) Individual records of TNC drivers for at least one year after the date on which a TNC driver last provides a prearranged ride using the TNCs digital network or last logs in to the TNC's digital network, whichever is later.

**Sec. 16 Confidentiality of Records.**

The Village of Choudrant shall have the authority to enforce the requirements of this ordinance, including through inspection of relevant records; provided that any records disclosed to the city that are otherwise exempt from the definition of a public record under the Louisiana Public Records Act shall not be disclosed to third parties.

**Sec. 17 Controlling Authority.**

Notwithstanding any other provision of this Code, TNCs and TNC drivers are governed exclusively by the chapter.

**Sec. 18 Penalties.**

Any person who shall operate a vehicle upon any street in violation of this article shall be guilty of a misdemeanor, and shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), or imprisoned for not less than sixty (60) days nor more than one year, or both.

**Sec. 19 Severability.**

If any one or more of the provisions of this Ordinance shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Ordinance, but this Ordinance shall be construed and enforced as if such illegal or invalid provisions had not been contained herein. Any constitutional or statutory provision enacted after the date of this Ordinance which validates or makes legal one or more of the provisions of this Ordinance, shall be deemed to apply to this Ordinance. To this end, the provisions of this Ordinance are hereby declared severable.

This Ordinance was duly introduced, the title of this ordinance was duly published in accordance with law, and then duly read and adopted on the 3rd day of June, 2019 by the following votes:

YEA: John Croswell  
Ricky Maier

NAY: None

NOT VOTING: None

ABSENT: Thomas Patton

This Ordinance was adopted on the 3<sup>rd</sup> day of June, 2019.

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-S-  
Bill Sanderson, Mayor

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Celeste H. Butler, Village Clerk