
MEMORANDUM

DATE: July 5, 2007
TO: City Council Members
FROM: Russell Weeks
RE: Proposed Ordinance: Establishing Agency to Implement Ground Transportation Drivers Criminal History Background Checks and Other Items
CC: Cindy Gust-Jenson, Lyn Creswell, Louis Zunguze, Ed Rutan, Sam Guevara, Orion Goff, Gary Mumford, Jodi Howick, Brent Kovac, Larry Bowers, Edna Drake

This memorandum pertains to a proposed ordinance that would amend *Salt Lake City Code* chapters 5.71, titled *Ground Transportation Requirements*, 5.72, titled *Taxicabs*, and 5.76, titled *Transportation of Persons with Disabilities*. The proposed ordinance would establish an agency to manage the applications of drivers of vehicles regulated by those chapters to have a federal background check. It also would require that drivers of ground transportation vehicles include in each's application for a ground transportation operator's certificate a request for permission to pick up or drop off passengers at Salt Lake City International Airport. In addition, the proposed ordinance would change the fee charged drivers for an operator's certificate application from \$100 for the initial application plus a \$15 renewal fee to \$100 each year.

The proposed ordinance is a result of a continued effort by Salt Lake City to implement a higher standard of background checks for vehicle operators who have access to the Salt Lake City International Airport and who will have access to other transportation terminals in the future.

This item is scheduled for a briefing during the City Council work session July 10. Because the proposed ordinance affects about 3,200 ground transportation drivers, the City Council is scheduled to hold a public hearing on the proposed ordinance on July 17. The July 10 briefing is scheduled to be held *after* the Council's formal 7 p.m. meeting. The Council is scheduled to confirm the public hearing date at the July 10 formal meeting.

OPTIONS

- Adopt the proposed ordinance.
- Do not adopt the proposed ordinance.
- Amend the proposed ordinance based on any issues raised at the July 10 briefing.

MOTIONS

- I move that the City Council adopt the ordinance enacting and amending sections of City Code chapters 5.71, 5.72, and 5.76 relating to permission for drivers of vehicles regulated by those chapters, including requirements for criminal history background checks.

- I move that the City Council consider the next item on the agenda.
- I move that the City Council adopt the ordinance enacting and amending sections of City Code chapters 5.71, 5.72, and 5.76 relating to permission for drivers of vehicles regulated by those chapters, including requirements for criminal history background checks with the following further amendments (Council Members may include amendments of their choice.)

KEY POINTS

- The proposed ordinance would require drivers of vehicles regulated by Salt Lake City Code chapters 5.71, 5.72, and 5.76 to obtain a “valid ground transportation vehicle operator’s certificate” to operate a vehicle on City streets.¹ The language is a slight change from language adopted in December 2005.
- The Administration estimates that the proposed ordinance would affect about 3,200 drivers who mostly operate vehicles smaller than large buses such as those in fleets operated by the Department of Airports, Utah Transit Authority and commercial tour bus companies.
- Under the proposed ordinance, the drivers would apply to the City for an operator’s certificate and pay a \$100 application fee. Under the ordinance, the application fee would rise by no more than 5 percent per year. Under current practice, the City charges a \$100 fee for the original application, and a \$15 renewal fee, according to the Administration.
- The application would include a provision requesting permission to conduct business at the Salt Lake City International Airport.
- As in the ordinance adopted in December 2005, drivers would be required to obtain a “fingerprint-based Federal Bureau of Investigation (Triple III) criminal history background check.”²
- Implementation of the ordinance would be conducted by the Ground Transportation Administration Section of the Salt Lake City Division of Building Services and Licensing. The division hired a supervisor last year to operate the agency, and the City Council allocated \$230,000 in funding for the agency in the budget for Fiscal Year 2007-2008. Hiring for three positions is now under way.
- The City Council adopted a similar ordinance in August 2004 – including requiring an FBI Triple III background check – that applied to drivers of ground transportation vehicles as well as taxicabs. However, full implementation of that ordinance has been delayed until a variety of issues were resolved, including the passage of a bill by the Legislature authorizing cities to require criminal background checks as a condition of providing ground transportation service to an airport that is under a city’s authority.³

ISSUES/QUESTIONS FOR CONSIDERATION

- If the proposed ordinance is adopted, and the Administration implements it, the number of drivers affected by the proposed ordinance would increase significantly. Although earlier ordinances also applied to the same pool of drivers, taxicab drivers have been the only drivers who have had background checks – not the FBI Triple III check – conducted by the Police Department. The Administration estimates that taxicab drivers make up about 10 percent to 12 percent of the vehicle drivers affected by the proposed ordinance.
- Since about 2004, City officials have sought to improve the requirement for criminal background checks because of the accessibility of commercial vehicles to Salt Lake City International Airport. According to the Administration's transmittal letter, Department of Airports records indicate that "virtually all drivers of commercial ground transportation vehicles and courtesy vehicles that serve transportation hubs have the ability to conduct businesses in the commercial lanes at the Airport." However, even ground transportation vehicle drivers that do not have access to the Airport's commercial lanes can access lanes nearby, and every ground transportation vehicle driver has "the ability to ... drive and park at the Airport's front door," according to the Administration transmittal letter.
- The transmittal letter also notes that "employee groups working at the Airport are already subject to federal background checks under aviation laws."
- It should be noted that while the proposed ordinance is geared mainly toward airport access, the ordinance defines a "ground transportation vehicle" as "any motor vehicle which is used for the transportation of persons using Salt Lake City streets for commercial purposes or as a courtesy in connection with providing ground transportation to or from any terminal of public transportation ..."⁴ The language appears to extend to the Utah Transit Authority's Intermodal Hub and any future bus terminal facilities such as the one described in the Downtown Transportation Master Plan which the City Council will consider formally later this year.
- Under the proposed ordinance, drivers who work for "a ground transportation business duly licensed by the city" will have six months from the ordinance's effective date to obtain the new operator's certificate. The ordinance also requires annual renewal of the certificate. However, the proposed ordinance contains language that says, "The department may set various expiration dates for operator's certificates issued during the first year of this program ... to provide for an orderly renewal process, but no expiration date shall exceed a period of two years from the date of issuance."⁵ Given that, the City Council may wish to clarify with the Administration how it intends to implement the certificate program. (See also *Background/Discussion* section below.)

BACKGROUND/DISCUSSION

The proposed ordinance has its roots in the City's efforts to do four things: increase safety for passengers in commercial vehicles that provide ground transportation service in Salt Lake City; increase ground transportation safety standards at Salt Lake City International Airport to meet safety standards required for other businesses and employees there; make requirements uniform and equal for all drivers of ground transportation vehicles; and improve all ground transportation drivers' professional conduct with customers and understanding of driving in Salt Lake City.

As noted in the *Key Points* section, the Salt Lake City Council adopted earlier ordinances starting in August 2004 that required drivers of all forms of ground transportation to obtain “a valid ground transportation vehicle driver’s license.”⁶ To obtain a license, drivers had, among other things, to apply to the City; to show that “the applicant has completed training approved by the city and to pass a satisfactory examination” demonstrating the applicant’s knowledge of Salt Lake City; and to obtain the “results of a Federal Bureau of Investigation (Triple III) background check.”⁷

Due to a variety of factors, full implementation of the earlier ordinances was delayed until a number of issues were resolved, including the passage of a bill by the Legislature authorizing cities to require criminal background checks as a condition of providing ground transportation service to an airport that is under a city’s authority. The proposed ordinance is designed to implement the City’s earlier efforts – because the reasons for the 2004 and 2005 ordinances remain the same.

As the Administration notes in its transmittal letter:

“Airport and Ground Transportation staffs at the City believe it is important to perform these background checks for ground transportation drivers. Records at the Department of Airports demonstrate that virtually all drivers of commercial ground transportation vehicles that serve transportation hubs have the ability to conduct business in the commercial lanes at the Airport. In rare cases a driver may not take the steps necessary to gain access to the Airport’s commercial lanes, but in all cases drivers of these vehicles can access adjacent lanes to drop off passengers who request transportation to the Airport. These lanes are very near the terminal buildings, and all of these drivers have the ability to both drive and park at the Airport’s front door.”

Professor Ray Mundy, Ph.D., the City Council’s ground transportation consultant, in his 2005 study for the Council, noted:

... There would appear to be few differences that could bring immediate improvement for the City of Salt Lake. Notable exceptions are more comprehensive driver screening ... More and more communities are requiring more extensive criminal background checks in their screening of potential taxi driver, drug checks, and finger printing as a precaution against felons, and now terrorists, driving their streets in taxicabs. Salt Lake appears to be in the bottom quartile of communities that utilize tight screening and required training processes.”⁸

One of the study’s recommendations was to “enforce elements of the latest ground transportation ordinance regarding licensing of all ground transportation vehicles and drivers.” The recommendation went on to say:

With the current situation regarding the legality of non-metered cabs ... officials should move forward to clarify who will be required to obtain city approval to operate ground transportation vehicles in both courtesy and commercial operations. As per discussion with the police department, applicants should have a complete FBI background check for each of their drivers ...”⁹

Two differences between the 2004 ordinance and the proposed one involve the cost of the application, and who would issue the operator’s certificate. The 2004 ordinance reflected the City’s previous position of subsidizing the cost of the application and set the fee at \$30. The City

Council changed that in December 2005 by requiring a \$100 fee as of December 2006. The annual fee is what Ground Transportation Administration Section estimates is the actual cost to the City of processing the full application, including the FBI background check.

Two other things should be noted:

First the Administration established the Ground Transportation Administration Section as the most effective means to establish, process and monitor the applications. The Administration has obtained a building and is hiring employees to work with ground transportation drivers. If the City Council adopts the proposed ordinance, the Administration Section would contact ground transportation drivers based on groups the Section already has identified.

Second, although the Utah Bureau of Criminal Identification will prepare documentation to be sent to the federal Bureau of Investigation, the state agency's backlog of another background check program should not delay the FBI background check.

According to the Administration, the background check that news reports have indicated that the State agency has fallen behind schedule involves a background check using information from Intermountain West states and Alaska. The Utah Bureau of Criminal identification will act as a conduit between Salt Lake City and the FBI for applications for the ground transportation operator's certificate, the Administration says.

¹ Proposed Ordinance, Page 7.

² Ibid, Page 7.

³ Please See Attachment.

⁴ Proposed Ordinance, Page 3.

⁵ Proposed Ordinance, Pages 7, 8, 21, and 22.

⁶ City Code Section 5.71.250, License Required for Operators

⁷ City Code Sections 5.71.300 through 5.71.330

⁸ Ground Transportation Study, Salt Lake City, Utah, Ray Mundy, Ph.D., Page 35.

⁹ Ibid, Page 60.

72-10-602. Criminal background check authorized -- Written notice required.

(1) A city may by ordinance require a ground transportation service provider to submit to a criminal background check as a condition of providing ground transportation service to an airport under the city's authority.

(2) (a) Each ground transportation service provider, if required to submit a background check under Subsection (1), shall:

(i) submit a fingerprint card in a form acceptable to the division; and

(ii) consent to a fingerprint background check by:

(A) the Utah Bureau of Criminal Identification; and

(B) the Federal Bureau of Investigation.

(b) If requested by a city that has adopted an ordinance in accordance with Subsection (1), the division shall request the Department of Public Safety to complete a Federal Bureau of Investigation criminal background check through a national criminal history system for each background check requested by a city under this section.

(c) (i) If a city has adopted an ordinance in accordance with Subsection (1), the city may make a ground transportation service provider's access to provide ground transportation service to an airport conditional pending completion of a criminal background check under this section.

(ii) If a criminal background check discloses that a ground transportation service provider failed to disclose accurately a criminal history, the city may deny or, if conditionally given, immediately terminate the ground transportation service provider's right to provide ground transportation service to an airport.

(iii) If a ground transportation service provider accurately disclosed the relevant criminal history and the criminal background check discloses that the ground transportation service provider has been convicted of a crime that indicates a potential risk for the safety or well-being of the patrons or employees of the airport under the city's authority, the city may deny or, if conditionally given, immediately terminate the ground transportation service provider's right to provide ground transportation service to an airport.

(3) Each city that requests a criminal background check under Subsection (1) shall prepare criteria for which criminal activity will preclude ground transportation service to the airport and shall provide written notice to the ground transportation service provider who is the subject of the criminal background check that the background check has been requested.

(4) The legislative body of a city may by a majority vote of its members overrule a decision made by the mayor or a city employee establishing the criteria for precluding the right of a ground transportation service provider under Subsection (3).

Enacted by Chapter 137, 2006 General Session

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Last revised: Monday, April 30, 2007

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SALT LAKE CITY CORPORATION

DEPT. OF COMMUNITY DEVELOPMENT
OFFICE OF THE DIRECTOR

ROSS C. "ROCKY" ANDERSON
MAYOR

 CITY COUNCIL TRANSMITTAL

TO: Lyn Creswell, Chief Administrative Officer **DATE:** April 25, 2007

FROM: Louis Zunguze, Community Development Director 

RE: Ground Transportation Driver Operator's Certificates and Criminal History
Background Checks

STAFF CONTACTS: Jodi Howick, Senior City Attorney, 575-2226
Orion Goff, Building Services Director, 535-6681
Brent Kovac, Ground Transportation Administrator, 535-6693

RECOMMENDATION: Approve changes to the City Code

DOCUMENT TYPE: City Code Ordinance Revisions

BUDGET IMPACT: Direct Ground Transportation costs are estimated to be
approximately \$180,000.00 in the Fiscal Year 2007-2008 budget.

BACKGROUND/DISCUSSION:

The Salt Lake City Council and City administration have been evaluating the City's ground transportation programs. As a part of that evaluation, the Council and administration have agreed that background checks for ground transportation drivers need to be upgraded consistent with the type of checks performed at the Salt Lake City International Airport. Previous ordinances required this type of check, an FBI Triple III check, but legal barriers to using the FBI system prevented the City from implementing that ordinance.

Airport and Ground Transportation staffs strongly recommend that the City perform these background checks for ground transportation drivers. Records at the Department of Airports demonstrate that virtually all drivers of commercial ground transportation vehicles and of courtesy vehicles that serve transportation hubs have the ability to conduct business in the commercial lanes at the Airport. In rare cases a driver may not take the steps necessary to gain access to the Airport's commercial lanes, but in all cases drivers of these vehicles can access adjacent lanes to drop off passengers who request transportation to the Airport. These lanes are very near the terminal buildings, and all of these drivers have the ability to both drive and park at the Airport's front door.

The Department of Airports implements rigorous measures to provide for the safety of the public. Employee groups working at the Airport are already subject to federal background checks under aviation laws. Ground transportation drivers do not have these checks, yet they have a similar ability to interact with areas where the public congregates at the Airport. Recent threats at public facilities have included the potential to place explosives in vehicles, and access increases the potential for a threat. The background check requirement contained in the attached ordinance creates a security measure consistent with measures elsewhere at the Airport, and it will enhance safety for the traveling public.

The City was successful in removing legal barriers to performing these background checks through a state statute passed during the 2006 session of the Utah State Legislature. That statute allows the City to implement these checks by passing an ordinance meeting certain criteria. The ordinance accompanying this memorandum addresses the requirements of state and federal law, streamlines the City's badging process, and integrates this ordinance with other ground transportation ordinances. This ordinance has been structured to operate on an interim basis, and it may be adjusted in the future as the City continues to pursue changes in ground transportation ordinances.

Among other things, this ordinance does the following:

- Designates the City's new Ground Transportation Administration Section of the Division of Building Services and Licensing as the section of the City responsible for administering the background check program, and gives the Section the ability to adopt rules consistent with this ordinance and Airport requirements.
- Permits a period of 180 days to implement the new requirements to provide for an orderly process.
- Requires all drivers of a "ground transportation vehicle" (taxis, vans, hotel shuttles, limousines, courtesy vehicles, vehicles for transporting the disabled, etc.) to obtain an operator's certificate from the City, and prohibits drivers and companies from conducting operations without the driver operator's certificate.
- Requires payment of a fee of \$100 to apply for the operator's certificate, and to renew it each year.
- Requires drivers to complete an employer-sponsored course in knowledge of the city, map reading, English skills, courtesy skills, and ability to assist the disabled (beginning January, 2008).
- Requires drivers to be at least 21 and not a registered sex offender, possess a current driver's license, have evidence of employment, submit a health certificate, submit identification, submit character references and information, and pass the FBI III background check.

- Includes a finding by the Council that all drivers of “ground transportation vehicles” have the ability to provide service to the Airport, whether picking up passengers or dropping them off, in response to the requirements of state statute.
- Contains a list of specific disqualifying offenses in 5.71.330, requires that drivers have no conviction for the listed offenses within five years prior to the application, and obligates drivers to notify the Section of a subsequent conviction.
- Requires the Ground Transportation Administration Section to follow some specific best practices when conducting background checks, including investigating arrest records to determine whether a conviction resulted, allowing drivers to access their records and question and correct them, and maintaining information confidentially.
- Provides an appeal process for drivers denied an operator’s certificate.
- Designates drivers who have permission to conduct business at the City’s Airport, and imposes a Class B misdemeanor penalty for improperly accessing the Airport.
- Allows the Ground Transportation Administration Section to revoke or suspend an operator’s certificate if a driver ceases to comply with the application requirements of the ordinance, creates a threat or disruption to the public, or for cause through a hearing process.

The City’s Ground Transportation Administration Section has been preparing to administer this new background check program in a variety of ways. Among them:

- Revising and creating appropriate background check procedures for the City.
- Evaluating and recommending an independent, convenient facility location near the Airport where driver applications can be processed.
- Working with the Airport to create a streamlined application form consistent with the needs of the Airport, Business Licensing, the Police and IMS, and to provide multiple means of accessing the form online.
- Working with Business Licensing to determine a reasonable and workable timetable to process some 3,200 drivers.
- In conjunction with IMS and Airport staff, determining the physical needs of the program and acquiring necessary staffing, facilities, equipment and supplies.
- Defining and coordinating background check procedures with the State Bureau of Criminal Identification, the state agency that by law must perform the federal record check.

- Reviewing regulatory functions ancillary to the badging process, such as vehicle inspections, to determine how and where they should be performed in the future as we further refine the City's ground transportation efforts.

Upon passage of this ordinance, the City will notify the FBI and obtain final authorization to use the FBI system. Upon receiving that authorization, the City's Ground Transportation Administration Section will begin to implement this new requirement.

RECOMMENDATION: Adopt ordinance.

SALT LAKE CITY ORDINANCE
No. _____ of 2007
(Providing for Ground Transportation Driver Operator's Certificates, including Criminal
History Background Check Requirements)

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 5.71,
SALT LAKE CITY CODE, RELATING TO PERMISSION FOR DRIVERS TO
CONDUCT GROUND TRANSPORTATION BUSINESS ACTIVITIES IN THE CITY,
INCLUDING REQUIREMENTS FOR CRIMINAL HISTORY BACKGROUND
CHECKS, AND MAKING NECESSARY AMENDMENTS TO COORDINATE WITH
CERTAIN SECTIONS OF CHAPTER 5.72 *SALT LAKE CITY CODE*, RELATING TO
DRIVERS OF TAXICABS, AND CHAPTER 5.76, *SALT LAKE CITY CODE*,
RELATING TO DRIVERS OF VEHICLES TRANSPORTING PERSONS WITH
DISABILITIES.

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Section 5.71.010, *Salt Lake City Code*, pertaining to
"Definitions" be, and the same hereby is, amended to read as follows:

5.71.010 Definitions:

The words and phrases, when used in this chapter, shall have the meanings defined
and set forth in this section:

A. "Applicant" means an individual submitting an application to the city to obtain a
ground transportation vehicle operator's certificate pursuant to Article VI of this Chapter.

BA. "Authorized ground transportation business" means any business operating any ground transportation vehicle, which has a current, valid business license as required by the city and, when applicable, a current certificate of convenience and necessity as required by the city. This shall not include an "authorized airport ground transportation business" as defined by title 16 of this code and which shall be governed by that title.

CB. "Automobile" means any motor vehicle which is registered at a gross weight of less than six thousand (6,000) pounds, or, if not registered commercially, that such vehicle would receive a weight classification as gross weight of less than six thousand (6,000) pounds, if such vehicle were to be registered commercially.

DE. "Bus" means any licensed motor vehicle operated on the streets and highways for hire on a scheduled or nonscheduled basis that is registered with the state at a gross weight of over thirty six thousand (36,000) pounds. Such defined word, however, shall not include any buses operated by the Utah transit authority.

ED. "Business licensing office" means the division of building services and licensing of Salt Lake City Corporation or its successor.

FE. "Civil notice" means the written notice of ground transportation violation as provided under this chapter.

GF. "Comment form" or "form" has the meaning set forth in article I of this chapter, or its successor.

HG. "Courtesy vehicle" means any motor vehicle which is regularly operated on Salt Lake City streets for transportation of customers and/or baggage without making a specific separate charge for such transportation. All contracts providing for operating a courtesy vehicle at the airport on behalf of a hotel or motel shall be filed under the direction of the director of airports and shall be subject to all applicable airport rules and regulations.

IH. "Department" means the Ground Transportation Administration Section of the Salt Lake City Division of Building Services and Licensing, or such other city department or division as may be delegated by the mayor to have responsibility for the enforcement of this chapter.

IJ. "Fixed schedule" means ground transportation service operating on a regular time schedule previously announced as to time of departure and arrival between definitely established and previously announced points along definitely established and previously announced routes regardless of whether there are passengers or freight to be carried.

KJ. "Ground transportation business" means any business operating any ground transportation vehicle.

LK. "Ground transportation vehicle" means any motor vehicle which is used for the transportation of persons using Salt Lake City streets for commercial purposes or as a courtesy in connection with providing ground transportation to or from any terminal of public transportation, including the Salt Lake City International Airport, which includes a

~~business including~~, but is not limited to, any automobile, bus, courtesy vehicle, hotel vehicle, limousine, minibus, special transportation vehicle, taxicab and van.

ML. "Hotel vehicle" means any motor vehicle which is regularly operated for transportation of customers and/or baggage to and from any railroad station, bus station, airport, or similar terminal of public transportation and any motel or hotel and under contract with such motel or hotel and for which transportation the customer is charged a separate fee or fare. All contracts providing for operating a hotel vehicle at the airport shall be filed under the direction of the director of airports and shall be subject to all applicable airport rules and regulations.

N. "License", when referring to a driver's license, means a ground transportation vehicle operator's certificate.

OM. "Limousine" means any motor propelled vehicle which is a Rolls Royce or other automobile described by its manufacturer as a limousine or luxury vehicle having a wheel base in excess of one hundred ten inches (110"), operated on the streets and highways for hire, with a driver furnished who is dressed in a "chauffeur's uniform" (defined as a jacket and tie for a man or a pants suit or dress for a woman) or tuxedo while on duty, and licensed as required by this code.

PN. "Manifest", for purposes of this chapter, means a daily record of all prearranged service trips provided by a driver of a ground transportation vehicle during such driver's hours of work which record shall be made by such driver, showing time(s) and place(s) of

origin and destination, intermediate stop(s), the names of all passengers, and the amount of fare of each trip.

QΘ. "Minibus" means any motor vehicle which is registered with the state at a gross weight of ten thousand one (10,001) to thirty six thousand (36,000) pounds, operated on a scheduled or nonscheduled basis, or is designed to transport sixteen (16) or more persons, including the driver, and is licensed as required by this code. Such term, however, shall not include any minibus operated by any local, state or federal agency.

RP. "Named party" means the driver, vehicle owner or authorized ground transportation business named in a civil notice issued by the city.

SQ. "On demand airport service" or "on demand service" means transportation provided by an authorized ground transportation business which is not "scheduled service" or "prearranged service" as defined in this section.

T. "Operator's certificate" means the operator's certificate that the city may issue pursuant to Article VI of this chapter to signify that an individual has meet the requirements stated therein to lawfully operate a ground transportation vehicle upon the streets of the city.

UR. "Prearranged service" means transportation provided by an authorized ground transportation business from points within the city, other than from the airport, in which the name of the prospective passenger and other required information is listed on the vehicle driver's manifest at least thirty (30) minutes prior to the transporting of the

passenger by such vehicle. Prearranged service from the airport is governed by subsection 16.60.090L of this code or its successor.

VS. "Scheduled service" means transportation provided by an authorized ground transportation business on a fixed schedule posted with the city business license office in advance of such transportation.

WT. "Special transportation vehicle" means any vehicle for hire on Salt Lake City streets, which is used for the transportation of persons with disabilities as provided ~~and is licensed under chapter 5.76 of this title, or its successor.~~

XU. "Starter" means a person appointed by and representing a ground transportation business at a terminal of public transportation and providing coordinated travel arrangements and information about available services and fares.

YV. "Taxicab" means a motor vehicle used in the transportation of passengers for hire over the public streets and not operated over a fixed route or upon a fixed schedule, but which is subject for contract hire by persons desiring special trips from one point to another, as provided ~~and which is licensed under chapter 5.72 of this title, or its successor.~~ It does not include an automobile rental vehicle licensed under any other section of this code.

ZW. "Temporary vehicle" means any motor vehicle used in the transportation of passengers and their luggage, using the streets within the corporate limits of Salt Lake City, for commercial purposes, or in connection with the operation of a service providing transportation to or from any terminal of public transportation, including the Salt Lake

~~City International Airport, hotel, motel, parking establishment, car rental operation, or in connection with the operations of a transportation for hire, for a period not to exceed fourteen (14) days. It does not include any vehicle operated as a taxicab as provided licensed under chapter 5.72 of this title, or its successor.~~

~~AA~~X. "Van" means any licensed motor vehicle which is registered with the state at a gross weight of four thousand (4,000) to ten thousand (10,000) pounds, or is designed to transport fifteen (15) passengers or fewer, including the driver, and which is licensed as required by city code.

SECTION 2. That Title V, Chapter 71, Article VI, *Salt Lake City Code*, pertaining to ground transportation driver licensing be, and the same hereby is repealed, and that new Title V, Chapter 71, Article VI be enacted to read as follows:

Article VI. Driver Operator's Certificate

5.71.250 Operator's Certificate Required:

It is unlawful for any person to operate a ground transportation vehicle upon the streets of the city without having first obtained and having then in force a valid ground transportation vehicle operator's certificate issued annually by the department under the provisions of this chapter. The foregoing notwithstanding, a ground transportation vehicle operator who has operated upon the streets of the city prior to the effective date hereof, and while in the employ of a ground transportation business duly licensed by the city, shall have until one hundred eighty (180) calendar days from the effective date hereof to file an application for a valid ground transportation vehicle operator's certificate issued

by the city. The department may set various times for compliance within such one hundred eighty (180) calendar days to provide for the orderly implementation of this section.

5.71.260 Permitting Uncertified Operator Unlawful:

Except as provided in Section 5.71.250 of this article, or its successor, it is unlawful for any person who owns or controls a ground transportation vehicle to permit it to be driven, and no ground transportation vehicle authorized by the city shall be so driven at any time, unless the ground transportation vehicle is operated by a driver who has then in force a valid ground transportation vehicle operator's certificate issued under the provisions of this Article VI.

5.71.270 Operator's Certificate Application:

Any person applying for a ground transportation vehicle operator's certificate shall file an application with the department on forms provided by the city.

5.71.280 Application Verification:

An application for a ground transportation vehicle operator's certificate shall be verified by the applicant under oath, and he/she shall be required to swear to the truthfulness of the matters contained upon the application.

5.71.290 Application Fee Required:

At the time an application is filed, the applicant shall pay to the city a fee of one hundred dollars (\$100.00). The city may adjust such fee on an annual basis in order to recover the costs of administering the city's ground transportation programs, but no increase shall exceed five percent in a single year.

5.71.300 Training Required to Obtain Operator's Certificate:

Before the City issues any operator's certificate, the applicant shall be required to provide a written statement demonstrating that the applicant has completed a training program that is satisfactory to the city as to: a) the applicant's knowledge of the city and map reading capabilities; b) the applicant's ability to understand, read, write and speak basic English; c) the applicant's understanding of principles of common courtesy; and d) the applicant's understanding of how to address the needs of disabled passengers. The city may review any such program from time to time to determine whether it is satisfactory to address the needs of the traveling public. This Section 5.71.300 shall be effective for any application submitted as of January 2, 2008 or thereafter.

5.71.310 Driver Qualifications Required to Obtain Operator's Certificate:

An applicant for a ground transportation vehicle operator's certificate shall be required to demonstrate the information set forth in this Section 5.71.310, and no operator's certificate shall be issued or renewed if all such information cannot be demonstrated to the city's satisfaction.

- A. The applicant must be twenty one (21) years old or older.
- B. The applicant must not be an individual required to register pursuant to the Utah penal code, Section 77-27-21.5, Utah Code Annotated, sex offender registration, or its successor.
- C. The applicant must have a current motor vehicle license issued by the state with all required endorsements.
- D. The applicant must submit written evidence that a ground transportation business operating in compliance with the requirements of this code will employ or retain the applicant upon the issuance of an operator's certificate.
- E. The applicant must submit a certificate from a reputable, board certified physician practicing in the state of Utah certifying that, in such physician's opinion, the applicant is able to operate a ground transportation vehicle in a safe manner.
- F. The applicant must submit written evidence of complying with Section 5.71.300, or its successor, regarding driver training requirements.
- G. The applicant must submit two forms of identification, at least one of which must have been issued by a government authority and include a photo.
- H. The applicant must successfully comply with the criminal history background check requirements set forth in this Article VI.

I. The applicant must submit the following information demonstrating that the applicant is of suitable character and integrity to interact with the traveling public:

1. The names and addresses of four (4) persons in the state of Utah who have known the prospective applicant for a period of thirty (30) days and who will vouch for the sobriety, honesty and general good character of the applicant;

2. A statement explaining the applicant's experience and ability to safely transport passengers;

3. A concise history of the applicant's employment;

4. A letter of introduction from the ground transportation business that will employ or retain the applicant.

J. An applicant seeking an operator's certificate in connection with a special transportation vehicle shall file with the application a certificate from the valley health department certifying that such applicant has received a proper course of instruction in the transporting of "persons with disabilities", as such term is defined in Section 5.76.040.

5.71.320 Criminal History Background Check Requirement:

The Salt Lake City Council finds that any driver operating a ground transportation vehicle as defined in Section 5.71.010 has the ability to provide ground transportation service to the Salt Lake City International Airport, whether by working for a ground transportation business that picks up passengers at such airport, or due to occasional

requests by passengers to be dropped off at such airport. Therefore, pursuant to Utah Code § 72-10-602 or its successor, an applicant for a ground transportation vehicle operator's certificate shall be required to obtain a criminal history background check demonstrating that the applicant meets the requirements set forth in this article before any certificate will be issued.

A. The applicant must obtain a fingerprint-based Federal Bureau of Investigation (Triple III) criminal history background check in the manner directed by the city through the appropriate governmental agency empowered to provide the results of such background check directly to the city.

B. The city may investigate any information relevant to such background check, determine the accuracy of any information, require an applicant to provide additional information, and take any other action necessary to determine the results of such background check and make a determination under this article. Submission of an application under this Article VI constitutes the applicant's consent to such background check and any associated investigative efforts by the city.

C. No applicant shall be issued an operator's certificate if such background check for the applicant demonstrates that the applicant has a disqualifying criminal offense as described in Section 5.71.330.

5.71.330 Disqualifying Criminal Offenses:

An applicant has a disqualifying criminal offense if the applicant has been convicted, or found not guilty of by reason of insanity, of any of the disqualifying crimes listed in

this Section 5.71.330, or of a conspiracy or attempt to commit any such crime, in any jurisdiction during the five (5) years before the date of the applicant's application for an operator's certificate. The disqualifying criminal offenses are as follows:

A. Murder.

B. Assault or aggravated assault.

C. Kidnapping or hostage taking.

D. Rape, aggravated sexual abuse or other sex crimes, including but not limited to unlawful sexual activity with or sexual abuse of a minor, enticing a minor over the internet, unlawful sexual intercourse or conduct, object rape or sodomy, forcible sexual abuse, aggravated sexual assault, sexual exploitation or a minor, incest, lewdness or obscene acts, sex acts for hire, or soliciting.

E. Stalking.

F. Urinating in public or other disorderly conduct at a time when the applicant was engaged in operating a ground transportation business.

G. Unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon.

H. Extortion.

I. Robbery, burglary, theft or bribery.

- J. Distribution of, or intent to distribute, a controlled substance.
- K. Felony arson.
- L. Felony involving a threat.
- M. Felony involving willful destruction of property.
- N. Felony involving dishonesty, fraud, or misrepresentation.
- O. Possession or distribution of stolen property.
- P. Felony involving importation or manufacture of a controlled substance.
- Q. Illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than one year.
- R. Reckless driving, driving while under the influence of alcohol or a controlled substance, or being in or about a vehicle while under the influence of alcohol or a controlled substance with the intent of driving.
- S. Felony involving a driving offense.
- T. The following aviation related offenses:
 - 1. Aircraft registration violations under 49 U.S.C. § 46306.
 - 2. Interference with air navigation under 49 U.S.C. § 46308.
 - 3. Improper transportation of hazardous material under 49 U.S.C. § 46312.

4. Aircraft piracy under 49 U.S.C. § 46502.
5. Interference with flight crew members under 49 U.S.C. § 46504.
6. Crimes aboard aircraft under 49 U.S.C. § 46506.
7. Carrying a weapon or explosive aboard an aircraft under 49 U.S.C. § 46505.
8. Conveying false information and threats under 49 U.S.C. § 46507.
9. Aircraft piracy outside the United States under 49 U.S.C. § 46502(b).
10. Lighting violations involving transporting controlled substances under 49 U.S.C. § 46315.
11. Unlawful entry into an aircraft or airport area contrary to security regulations under 49 U.S.C. § 46314.
12. Destruction of an aircraft or aircraft facility under 18 U.S.C. § 32.
13. Violence at airports under 18 U.S.C. § 37.
14. Espionage, sedition or treason.

5.71.340 Background Check Procedures:

The department shall maintain the following procedures in connection with criminal history background checks under this Article VI:

A. The department shall advise an applicant that he or she may receive a copy of his or her criminal record received from the FBI upon submitting a written request to the department, and that the applicant may direct questions regarding such record to the department administrator.

B. If an applicant's criminal record discloses an arrest for any disqualifying criminal offense without indicating a disposition, the department must determine, after investigation, that the arrest did not result in a disqualifying offense as provided under Section 5.71.330 before issuing an operator's certificate.

C. Before making a final decision to deny an operator's certificate, the department must advise the applicant that the FBI criminal record discloses information that would disqualify him or her from receiving such operator's certificate and provide the applicant with a copy of the FBI record if he or she requests it in writing.

D. An applicant whose criminal record discloses disqualifying information may seek to complete or correct information contained in his or her criminal record by contacting the local jurisdiction responsible for the information and the FBI. Within thirty (30) days after being advised that the criminal record received from the FBI discloses a disqualifying criminal offense, the applicant must notify the department in writing of his or her intent to correct any information that he or she believes to be inaccurate. The department must then receive a copy of the revised FBI record or a certified true copy of the information from the appropriate court prior to granting the operator's certificate. If the department receives no such notification within thirty (30) days that the applicant

intends to seek a correction, the department may make a final determination based on the information available to the department.

E. Criminal record information provided by the FBI pursuant to this Article VI may be used only to carry out the background check requirements in this Article VI. The department shall maintain criminal history background check records and other information of a personal nature in a confidential manner. The FBI criminal record shall be maintained until one hundred eighty (180) days after the termination of an operator's certificate, including any subsequent renewals, and the FBI criminal record shall then be destroyed.

5.71.350 Continuing Obligation to Disclose Noncompliance with Background

Check:

Any person who complies with the background check requirements stated in this Article VI has a continuing obligation to disclose to the department within twenty four (24) hours if he or she is convicted of any disqualifying criminal offense, or otherwise fails to comply with Section 5.71.330, at any time while he or she has a ground transportation vehicle operator's certificate.

5.71.360 Issuance of Operator's Certificate:

The department shall issue an operator's certificate to any applicant who complies with the requirements of this Article VI. Such certificate shall be in the form of an identification card showing the applicant's name, business address, date of birth, signature, current photograph, and the ground transportation business employing or

retaining the applicant, and showing any permission given under Section 5.71.380 pertaining to conducting business at the airport. If the department determines to deny the application of any applicant, the department shall issue a letter within ten (10) calendar days of making such a determination to the applicant stating the reason(s) why the applicant was not found to be in compliance with the requirements of this chapter, including any disqualifying offenses in the applicant's criminal record.

5.71.370 Appeal of Denial of Operator's Certificate:

If the city determines not to issue an operator's certificate, the applicant denied such operator's certificate may appeal the city's determination in the following manner:

A. The denied applicant shall submit a request for appeal to the city's ground transportation administrator within fourteen (14) calendar days from the time when the city issues a letter denying the application for the operator's certificate. Such request shall state the reasons why the applicant believes the applicant has complied with this Article VI and the denial is in error.

B. The ground transportation administrator shall convene a review board composed of the following members to review the appeal:

1. Two city employees who are knowledgeable in security background check requirements from either the department of airports or the police department.

2. One management-level employee from the ground transportation business proposed to employ or retain the denied applicant.

C. The review board shall provide the ground transportation administrator and the denied applicant the opportunity to submit written information regarding the denial for the board's consideration. The review board shall also convene a meeting to provide the ground transportation administrator and the denied applicant an opportunity to be heard within thirty (30) calendar days after the date when the ground transportation administrator received the request for appeal.

D. After considering all written and oral information submitted, the review board shall issue in writing findings of fact and a decision determining whether the denied applicant has demonstrated compliance with the requirements of this Article VI within forty five (45) calendar days after the date when the ground transportation administrator received the denied applicant's request for appeal.

E. The members of the review board shall be persons who do not have a personal conflict of interest with the denied applicant, and the board shall keep a record of its actions and a recording of any hearing.

F. The time periods required under this section may be modified with the consent of the ground transportation administrator and the denied applicant, or may be modified by the city when compliance with such time periods would be unduly burdensome to the city and the modification would not impose an unreasonable hardship on the denied applicant.

5.71.380 Permission to Conduct Business at the Salt Lake City International

Airport:

An applicant for a ground transportation vehicle operator's certificate under this Article VI must request permission to pick up or drop off passengers at the Salt Lake City International Airport on the application form provided by the department. If the applicant complies with the requirements of this Article VI, and is in compliance with the requirements of Title 16 of this code and airport rules and regulations, the department shall designate on the operator's certificate that such driver has permission to conduct business at such airport. Permission to conduct business at such airport is subject to the provisions of this code, including Title 16 hereof, and to airport rules and regulations, and such permission may be withdrawn for a violation of any such requirement.

5.71.390 Penalty for Improperly Accessing Airport.

A. It is unlawful for any person who has been issued a ground transportation vehicle operator's certificate to access property at the Salt Lake City International Airport for the purpose of conducting any ground transportation-related business activity when:

1. Such person has not been given permission to conduct business at the airport pursuant to Section 5.71.380; or
2. The Salt Lake City Department of Airports has withdrawn permission to conduct business at the airport from such person.

B. Any person who violates the provisions of Subsection A of this section shall be guilty of a Class B misdemeanor.

5.71.400 Display of Operator's Certificate:

Every person issued an operator's certificate under this chapter shall post his or her ground transportation vehicle operator's certificate in such a place as to be in full view of all passengers while such person is operating a ground transportation vehicle, and every such person shall exhibit such certification upon demand by any police officer, or any authorized agent of the department, or any authorized agent of the Salt Lake City Department of Airports, or any other person authorized by the mayor to enforce the provisions of this chapter.

5.71.410 Operator's Certificate Duration and Renewal:

The ground transportation vehicle operator's certificate shall be effective beginning on the day indicated thereon by the city, and shall expire on the same day of the next calendar year. Any person holding such a certificate may renew such certificate annually by submitting a new application as provided in this Article VI up to thirty (30) days prior to the expiration of the operator's certificate, and paying a renewal fee of one hundred dollars (\$100.00). The city may adjust such fee on an annual basis in order to recover the costs of administering the city's ground transportation programs, but no increase shall exceed five percent in a single year. The foregoing notwithstanding, the department may set various expiration dates for operator's certificates issued during the first year of this

program in order to provide for an orderly renewal process, but no expiration date shall exceed a period of two years from the date of issuance.

5.71.420 Suspension or Revocation of Operator's Certificate:

The department may suspend or revoke any ground transportation vehicle operator's certificate issued under this Article VI as follows:

A. A ground transportation vehicle operator's certificate shall be revoked if the department determines that the person to whom it was issued ceases to comply with the application requirements set forth in this Article VI. Any person whose operator's certificate is so revoked may appeal a determination made under this Subsection A as provided in Section 5.71.370. If such appeal is not successful, such person may reapply to obtain an operator's certificate when such person is in full compliance with the requirements of this Article VI. Any person who corrects the noncompliance under this Article VI within thirty (30) days after a revocation issued under this Subsection A shall be allowed to reinstate his or her operator's certificate without fee.

B. If any person having a ground transportation vehicle operator's certificate fails to comply with any provision of this code other than the application requirements included within this Article VI, or if the City otherwise determines that such person is a threat to the public or is disruptive to providing effective services to the public, the department may temporarily suspend such operator's certificate as provided herein, and may revoke such operator's certificate for cause shown. An operator's certificate may be temporarily suspended if the city determines based on reasonable evidence that a temporary

suspension is necessary to protect important public interests, and if the temporary suspension is effective only until a hearing officer can make a determination under this Subsection B. An operator's certificate may be revoked under this Subsection B only when the person possessing such certificate has first been given notice and has had an opportunity to present evidence on his or her behalf at a hearing before a mayoral hearing examiner as provided in Section 5.02.280 of this title or any successor thereof. Notice of such hearing shall be deemed to be sufficient if it is mailed to the address designated on the ground transportation vehicle operator's certificate application at least ten (10) days prior to the hearing. Unless reinstated by a hearing officer, any person whose ground transportation vehicle operator's certificate has been revoked under this Subsection B shall not be eligible to reapply for such certificate for a period of one year.

5.71.430 Compliance with City, State and Federal Laws:

Every person issued an operator's certificate under this chapter shall comply with all city, state and federal laws. Failure to do so may justify the suspension or revocation of an operator's certificate.

5.71.440 False Information:

Any applicant who shall knowingly provide false information on an application submitted pursuant to this chapter shall be denied an operator's certificate, and shall not be permitted to resubmit an application for a period of five (5) years.

5.71.450 Authority to Make Rules:

The department shall have authority to create rules and regulations to administer the requirements of this chapter that are consistent with the requirements of this Article VI and with any security or operating requirements applicable to the Salt Lake City International Airport.

SECTION 3. That Title V, Chapter 71, Article VII, *Salt Lake City Code*, pertaining to manifests for prearranged service be, and the same hereby is, amended to read as follows:

5.71.4640 Drivers to Keep Manifests:

Except for drivers of taxicabs, every ground transportation vehicle driver providing prearranged service shall maintain a daily manifest upon which is reported all prearranged service trips made during such driver's hours of work, showing time(s) and place(s) or origin and destination of trip, intermediate stop(s), the names of all passengers and amount of fare of each trip, and all such complete manifests shall be returned by the driver at the conclusion of his or her working day to the licensee of the ground transportation business for whom the driver is operating the vehicle. Taxicab drivers shall be governed by the manifest requirements of chapter 5.72, article VIII, of this division, or its successor.

5.71.4750 Manifest Forms To Be Approved:

The forms for each manifest shall be furnished to the driver by the licensee of the ground transportation business for whom the driver is operating the vehicle, and shall be of a character approved by the mayor.

5.71.4860 Manifests Holding Period Availability:

Every licensee of a ground transportation business providing prearranged service shall retain and preserve all drivers' manifests in a safe place for at least the calendar year next preceding the current calendar year, and such manifests shall be available at a place readily accessible for examination by the department and the licensing office.

SECTION 4. That Title V, Chapter 71, Article VIII, *Salt Lake City Code*, pertaining to payment for furnishing of passengers be, and is hereby enacted to read as follows:

Article VIII. Payment for Furnishing of Passengers

5.71.490 Payment For Furnishing Of Passengers:

It shall be unlawful for any person operating a ground transportation vehicle, business, driver, independent contractor or employee to pay any remuneration to another person, specifically including bellman, doorman and vehicle dispatcher, for the furnishing of passengers and/or baggage to be transported by a ground transportation vehicle. It shall be unlawful for any person, specifically including bellmen, doormen and vehicle dispatcher, to receive any remuneration from any person operating a ground transportation vehicle, business, driver, independent contractor or employee for the furnishing of passengers and/or baggage to be transported by a ground transportation vehicle. Nothing herein shall prohibit hotels and motels from contracting or invoicing for, and being paid or making payment for, the transportation of customers and/or baggage.

which payment may include a portion thereof being distributed by the hotel or motel to a bellman or doorman as a gratuity.

SECTION 5. That Section 5.72.105, *Salt Lake City Code*, pertaining to the definition of “Taxicab Driver’s License” be, and the same hereby is, amended to read as follows:

5.72.105 Taxicab Driver’s License:

“Taxicab driver’s license” means the operator’s certificate required pursuant to Section 5.71.250.~~permission granted by the mayor to a person to drive a taxicab upon the streets of the city.~~

SECTION 6. That Title V, Chapter 72, Article III, *Salt Lake City Code*, pertaining to driver licensing be, and the same hereby is repealed, and that new Title V, Chapter 72, Article III be enacted to read as follows:

Article III. Driver Operator’s Certificate

5.72.220 Operator’s Certificate Required:

It shall be unlawful for any person to operate a taxicab for hire upon the streets of the City unless the taxicab driver first obtains and has in effect a valid operator’s certificate issued pursuant to Title V, Chapter 71, Article VI, and it shall be unlawful for any person or business to permit a taxicab to be so operated unless its driver has such an operator’s certificate.

SECTION 7. That Section 5.76.030, *Salt Lake City Code*, pertaining to the definition of “Driver’s License” be, and the same hereby is, amended to read as follows:

5.76.30 Driver’s License:

“Driver’s license” shall mean the operator’s certificated required pursuant to Section 5.71.250, which constitutes permission granted by the city council to a person to drive a “special transportation vehicle”, as defined in this article, upon the streets of the city.

SECTION 8. That Title V, Chapter 76, Article III, *Salt Lake City Code*, pertaining to driver licensing be, and the same hereby is repealed, and that new Title V, Chapter 76, Article III be enacted to read as follows:

Article III. Driver Operator’s Certificate

5.76.230 Operator’s Certificate Required:

It shall be unlawful for any person to operate a special transportation vehicle for hire within the city without having first obtained and having then in force a valid operator’s certificate issued pursuant to Title V, Chapter 71, Article VI, and it shall be unlawful for any person or business to permit a special transportation vehicle to be so operated unless its driver has such an operator’s certificate.

SECTION 9. EFFECTIVE DATE. That this Ordinance shall take effect on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of

_____, 2007.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to the Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

ATTEST:

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2007

Published: _____.