

## ORDINANCE 1797

**AN ORDINANCE REPEALING SECTIONS 10-12-101 THRU 10-12-112 AND 10-12-201 THRU 10-12-202 IN REVISION OF ORDINANCES OF THE CITY OF PIERRE, SOUTH DAKOTA, RELATING TO LICENSING TAXICABS, BUSES, AND OPERATORS.**

**BE IT ORDAINED BY THE CITY OF PIERRE, SOUTH DAKOTA:**

That Sections 10-12-101 THRU 10-12-112 AND 10-12-201 THRU 10-12-202 of City of Pierre Ordinances, shall be and hereby are repealed.

Be it Ordained by the Board of City Commissioners of the City of Pierre, South Dakota, the following Ordinance Sections shall be added as follows.

### **CHAPTER 10 - GENERAL LICENSING & LICENSING BOARDS**

#### **ARTICLE 12 - TAXICABS, BUSES AND TRANSPORTATION NETWORK COMPANIES**

##### **Section 10-12-101 License required.**

No person, firm, corporation, or entity shall operate a taxicab or motor bus or transportation network company for hire within the City without first having obtained a license from the City Commission and without having complied with all the provisions of Article 1 of this chapter.

##### **Section 10-12-102 Application for taxicab, bus, or transportation network license.**

Any person, firm or corporation desiring a license for a taxicab, taxicabs, bus or buses, or transportation network shall make application and pay to the City Finance Officer an annual fee set out in a schedule to be approved by the City Commission and as presented and on file at the City Finance Office. The licenses provided for in this chapter shall be issued by the City Finance Officer and the license fee shall be payable annually.

##### **Section 10-12-103 Liability insurance to be filed as prerequisite to issuance of license.**

Before any taxicab or motor bus license is granted or any pre-existing license renewed, the applicant shall file with the City Finance Officer a certificate or policy of insurance issued by a responsible insurer, covering the vehicle to be operated by applicant, primary motor vehicle liability insurance in the amount of at least fifty thousand dollars (\$50,000) for death and bodily injury per person, one hundred thousand dollars (\$100,000) for death and bodily injury per incident, and twenty-five thousand dollars (\$25,000) for property damage; and uninsured and underinsured coverage as required by SDCL 58-11-9 and 58-11-9.4.

The policy or certificate shall specify that the insurer shall be responsible for all liability of the applicant arising from the use of any motor vehicle as a part of the applicant's for hire fleet in the city even though such vehicle is not described in the policy or certificate of insurance and that the policy or certificate shall not be modified or cancelled without ten day's written notice to the City Finance Officer.

**Section 10-12-104 Safety and appearance requirements for vehicles.**

No vehicle for hire shall be operated in the City until it has been thoroughly and carefully tested and inspected and found to be in a safe condition for the transportation of passengers, and clean, fit, of good appearance and in compliance with all other applicable state and federal motor vehicle laws and standards.

It shall be the duty of the applicant to submit the inspection report with the license application or renewal or at any time upon complaint. It shall be unlawful for the owner or persons in charge of any vehicle to use or permit its use when the vehicle has not been satisfactorily inspected and until such vehicle has been repaired to the satisfaction of this section.

**Section 10-12-105 Requirements for identifying vehicles.**

Every vehicle licensed under the provisions of this chapter shall be identified by placing the name of the business on each vehicle. All names shall be of such color and type, as to be legible to one of normal eyesight at a minimum distance of twenty-five feet.

**Section 10-12-106 Requirements for taxicab, bus, or transportation operators.**

Every person responsible for operating a vehicle for the purpose pursuant to this chapter must maintain proper identification from company of hire. The identification must be worn by the driver where it is visible to all persons riding in the vehicle while the driver is on duty.

**Section 10-12-107-199 Reserved**

**Section 10-12-201 Transportation Network Companies, defined.**

**Transportation Network Company:** An entity licensed pursuant to this section that uses a digital network to connect passengers to transportation network company services provided by transportation network company drivers. A TNC shall not be deemed to control, direct, or manage the personal vehicles or TNC drivers except where agreed to by contract.

**Transportation Network Company Driver:** An individual who operates a personal vehicle to offer or provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee.

**Section 10-12-202 Requirements for Transportation Network Companies.**

Every Transportation Network Company doing business in the City of Pierre, shall be properly licensed pursuant to South Dakota Codified Law 32-40 and before any City license is granted or any pre-existing license renewed, a copy of this license must be provided to the City Finance Officer.

**Section 10-12-203 Requirements for Insurance.**

- A. A transportation network company driver or transportation network company on the driver's behalf shall maintain primary motor vehicle insurance that recognizes that the driver is a transportation network company driver or otherwise uses a vehicle to transport riders for compensation and covers the driver while:
  - 1) The driver is logged on to the transportation network company's digital network; or
  - 2) The driver is engaged in a prearranged ride.
  
- B. A transportation network company driver or transportation network company on the driver's behalf shall maintain primary motor vehicle insurance that recognizes that the driver is a transportation network company driver or otherwise uses a vehicle to transport riders for compensation and covers the driver while:
  - 1) The driver is logged on to the transportation network company's digital network; or
  - 2) The driver is engaged in a prearranged ride.
  
- C. The following motor vehicle insurance requirements apply while a transportation network company driver is engaged in a prearranged ride:
  - 1) Primary motor vehicle liability insurance that provides at least one million dollars for death, bodily injury, and property damage;
  - 2) Uninsured and underinsured coverage as required by SDCL 58-11-9 and 58-41-9.4; and
  - 3) The coverage requirements of subdivision (1) may be satisfied by motor vehicle insurance maintained by the transportation network company driver, motor vehicle insurance maintained by the transportation network company, or any combination of such insurance.
  
- D. If at any time this requirement is not in agreement with South Dakota codified laws under Chapter 32-40, SDCL supersedes this section.

**Section 10-12-204-299 Reserved**

1st Reading: 12/18/2018  
Second Reading & Adoption: 01/02/2018  
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Steve Harding, Mayor

ATTEST:

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Twila Hight, Finance Officer