

Executive Summary (FINAL) of differences between proposed new VHC and current VHC

CHAPTER 1

DEFINITIONS:

- 2 – New definition of airport shuttle
- 3 – New definition of airport shuttle permit
- 4 – Minor changes to definition of airport taxi
- 5 – Minor change to definition of airport taxi permit
- 6 – New definition of alternative transportation vehicle
- 7 – New definition of alternative vehicle permit
- 8 – New definition of carriages
- 9 – New definition of carriage permit
- 10 – New definition of Certificate of Convenience and Necessity (CCN)
- 11 - New definition of CCN holder
- 12 - New definition of certified taximeter inspector
- 13 – Definition of charter basis
- 14 – Definition of City
- 15 – New definition of City court summons
- 16 – New definition of commercial shuttle
- 17 – New definition of commercial shuttle permit
- 18 – Definition of County
- 19 – New definition of County court summons
- 20 – New definition of courtesy vehicle
- 21 – New definition of courtesy vehicle permit

- 22 – New definition of Director
- 23 – New definition of driver
- 24 – New definition of garage extra vehicle
- 25 – Definition of hearing officer
- 26 – New definition of hotel representative
- 27 – Definition of indicia
- 28 – New definition of lessee
- 29 – New definition of limousine
- 30 – New definition of limousine permit
- 31 – Definition of luxury vehicle
- 32 – Definition MTC
- 33 – Definition of MTC driver's license
- 34 – New definition of MTC summons
- 35 – New definition of major credit cards
- 36 – New definition of managing officer
- 37 – Definition of municipality
- 38 – Definition of non-emergency medical transport vehicle
- 39 – Definition of on-call taxi
- 40 – New definition of on-call taxi permits
- 41 – Definition of owner
- 42 – New definition of permit
- 43 – Definition of person
- 44 – New definition of prearranged

- 45 – New definition of premium sedan
- 46 – Definition of premium sedan permit
- 47 – Definition of service animal
- 48 – New definition of service category
- 49 – Definition of street
- 50 - Definition of taximeter
- 51 – Definition of VHC
- 52 – New definition of vehicle for hire
- 53 – Definition of vintage premium sedan
- 54 – New definition of violation

CHAPTER 2 – CERTIFICATE OF CONVENIENCE AND NECESSITY

201 Certificate of Convenience and Necessity Required - Application

A –Changes in the CCN provisions:

All CCN's are the property of the MTC; any change of operation including acquisition of assets from another operator to be used in the operation need permission of the MTC. Some changes in the application process but the major change is:

Agreement by the applicant that the applicant will provide operational oversight for its services to include the training of company drivers, the monitoring of driver compliance with this code and the general fitness and continuing maintenance of vehicles in operation under each certificate.

202 Certificate of Convenience and Necessity - Hearing

Change in the hearing section is:

All costs pertaining to the application for issuance of a new CCN, the sale or acquisition of a company currently operating CCN's or the merger of company's currently operating CCN's shall be born by the applicant and be payable at the time of the application. A schedule or estimate of this cost shall be set out in the Director's Rules.

203 Certificate of Convenience and Necessity - Issuance - Factors

Minor changes in this section.

204 Certificate of Convenience and Necessity - Not Transferable

Change in this section is:

In the event that the CCN holder is a natural person then upon the death of that person the CCN shall be considered to have passed per the decedent's will or by statute if the decedent died intestate. Within 90 days of the closure of the decedent's estate, the heir must apply to the MTC for approval as holder of the CCN. Violations of this section shall result in the revocation of the CCN involved.

205 Discontinuing Service.

Minor changes, now applies to CCN holders only.

206 Permits Assigned to Certificates of Convenience and Necessity.

Change in this section is:

The specific method of application of the growth allowance to each class of permit will be set out in detail in the Director's Rules. The application may vary among the various classes of permit, for example, there may be different rules for taxicabs than for courtesy vehicles.

207 Suspension - Revocation - Hearing.

Change is that CCN holders can be suspended or revoked if they are 60 days or more in arrears in financial obligations to the MTC. CCN holder has a right to appeal under Ch. 12.

If a CCN holder fails to follow any of the provisions of this Code or is sixty (60) days or more in arrears on any financial obligation to the MTC, then administrative penalties up to and including suspension or revocation may be brought by the Director.

208 Garage Extra Vehicles.

Change is the creation of the garage extra category for broken down or wrecked vehicles.

Permit fees for garage extra vehicles shall be the same as for other vehicles of its class, but permit fees need not be paid until such vehicle is put into service. The CCN holder may have garage extras in a number not to exceed 5% of it's fleet rounded to the nearest whole number. All such vehicles must be of the same color scheme as the rest of the fleet with which they operate and when such a vehicle is put into service it must first pass inspection, the CCN holder must designate the number of the vehicle which it is temporarily replacing and then the annual permit fee for its class of vehicle must be paid. The vehicle may then be operated until the vehicle it has temporarily

replaced, as designated to the MTC is placed back into service. Once the annual fee is paid for a garage extra that permit shall be valid for one year and the vehicle may be placed back into service only to replace other designated vehicles temporarily without further inspection or fee for the one year period of its permit. The MTC must be notified each time that a garage extra is deployed or removed from service. Failure to notify the MTC could result in the loss of the garage extra privilege.

209 Insurance Required.

Changes are:

A – Amount of insurance limit can be changed under Director’s Rules.

B – Non-emergency med-tech limits.

C – Carriage limits.

D – Same

E – Failure to provide proof of adequate insurance may result in suspension.

F - Suspensions under this section can only be stayed by providing the Director with a valid certificate of insurance.

G - Everyone must maintain a valid insurance card in the vehicle and display it on demand. Violations of this section are Class III.

210 Addresses and Directories.

Changes is:

Telephones must be answered during hours of operation and must have some means of taking messages. Messages, either telephonic or electronic left by the MTC during regular business hours must be returned before close of business that same day. Messages left after hours must be returned before noon of the next business day. Violations of this section shall result in a Class II violation.

211 Drivers’ Training.

Change is:

CCN holders implement a drivers’ training program and failure to do so will be a Class II violation.

Subject to the Director’s approval, CCN holders must develop and implement a training program and procedure manual for licensed cab drivers that are affiliated with that CCN Holder. At a minimum, the program and manual should deal with general street knowledge, basic customer service skills, and safety. Violation of this section 212 shall be a Class II violation.

212 Violations

Change is that a default section is created for violations of the code otherwise unspecified as category V violations.

213 Code Compliance and Financial Obligations.
Change is that current CCN holders can have no outstanding code violations or be arrearers in their financial obligations to the MTC.

A current CCN holder seeking to renew a CCN or to merge or acquire another CCN must not have any outstanding code violations nor any outstanding financial obligations to the MTC or renewal, merger or acquisition will be denied.

214 Validation of CCN.
Change is:

During the calendar year 2010 all holders of CCN's must reapply to the Director for a revalidation of the CCN. Any CCN holder failing to so reapply shall have its CCN revoked at year's end.

CHAPTER 3 – VEHICLE LICENSE REQUIREMENTS

301 Vehicle Permit Requirements.
Minor change, new categories added and violations are Class IV violations of the code.

302 Application for Vehicle Permit.
Minor changes such requiring proof the MTC inspected and sealed the taximeter and Only MTC personnel are permitted to remove a permit from a vehicle for hire. Unauthorized removal may result in the denial of a new permit.

303 Denial of Vehicle Permit
A - Minor changes.

304 Inspection of the Vehicle for Hire
Changes are:
A - Inspections are initial license inspection, renewal inspection, inspections become twice yearly when a vehicle has reached 2/3 of its code permitted life, after any red tag violation and may be scheduled with the taximeter inspection.
B - Fees are not longer set out in the code but must be adopted by the MTC each year and published in the Director's Rules.
C – No change
D – Minor change
E – Minor change
F - Taximeters are to be inspected and sealed by MTC personnel.
G – Director's Rules are to set out conditions under which a taximeter is to operate.

The Director's Rules shall set out the conditions under which vehicles meters may be operated, such as tire size. Operating a vehicle contrary to this section shall be a Class II violation of this code.

H - Tampering with a taximeter is a Class I violations most others in the chapter are Class III.

305 Vehicle for Hire Permit Fees – Term

A – Changes are that categories are added and the fee is no longer published in the code but is authorized annually by the MTC and published in the Director’s Rules.

B – Change is that permits are issued to the CCN holder

306 Vehicle Permits - Term, Expiration and Renewal.

A - Change is the expiration date of carriage permits.

B – Change is that re-inspected vehicles must pay a re-inspection fee.

CHAPTER 4 – DRIVER’S LICENSE REQUIREMENTS

401 Driver Licensing – Qualifications - Hearing on Denial of License.

A - Change - Driver’s licenses are issued for a specific CCN holder; driver can have no pending charges when applying to change companies and can’t transfer license without the Director’s permission. These are Class II violations.

B - Applicant must provide driving report from Missouri or Illinois; applicant must have a land address as opposed to PO Box; furnish evidence of drivers training; furnish evidence of highway patrol fingerprinting and acknowledge receipt of a copy of the VHC and Director’s Rules from the Commission cost to the driver.

C - Director will deny or revoke if driver engages in criminal or driving activity which might be a danger to the public.

D – Copy of MTC license must be posted in the vehicle visible to passengers.

E - Fee for license to be determined annually by the MTC and published in the Director’s Rules.

F – Same for replacement license.

G – Fee for failure to renew in advance of license expiration.

H – Minor change

I – altering or forging license shall result in a revocation.

CHAPTER 5 - GENERAL OPERATING REQUIREMENTS

501 Lettering and Signs Required - Taximeters - Correct Fares Charged

Minor changes require:

Taximeter inspections by the MTC; MTC placard showing on or off duty status for all on-call cabs; Director may change method of handling credit cards; drivers must take most direct route to designation. Flat fares cannot exceed the metered charge for any trip and all flat fares must be on file with the MTC.

502 Vehicle for Hire Stands and Parking Spaces - Soliciting.

Minor changes.

- 503 Vehicle Appearance.
Minor changes and Director may promulgate rules in the future.
- 504 Driver Appearance and Conduct.
A – G - Minor changes – Director may promulgate rules on clothing; no cell phone use; scanners are prohibited and may be confiscated and will result in revocation;
H - Smoking prohibited within 5 feet of vehicle;
I - Vehicle safety defects must be reported to CCN holder and CCN holder must keep record of such reports for one year;
J - Drivers must comply with all State and Federal rules;
K – Drivers must comply with all the airport rules;
L - Drivers cannot discharge a fare short of their destination with out cause;
M - Driver may not refuse a fair from a person in a protected category;
N - Driver must give receipt if requested;
O - Only bona fide passengers permitted in the taxi;
P – Property left in the taxi must be reported to CCN holder within 30 minutes of discovery;
Q - Addresses must be kept up to date;
R - Drivers are subject to random inspection.
S – Minor change
T – Director may promulgate rules;
U – Class III violations unless otherwise specified.
- 505 Animals in Vehicles for Hire.
Minor changes.

CHAPTER 6 – SPECIAL REQUIREMENTS

- 601 Director’s Authority with Regard to Special Requirements
A - Minor change clarifies the Director’s right to promulgate rules.
- 602 Special Requirements for Airport Taxicabs.
A – No change;
B – No change;
C - Minor change – Airport taxis must register with the Director of Revenue as a taxi;
D - Must get pre-approval from Lambert that they have met all rules;
E – Minor change;
F – Minor change;
G – Minor change;
H- No change;
I – No change;
J – Class II violation to refuse a fare from first position in queue;
K – Other violations of section 602 are Class III.

- 603 Special Requirements for On-Call Taxicabs.
Minor changes – all taxis must register as taxis with the DOR; CCN holder must have a 24/7 manned phone.
- 604 Special Requirements for Premium Sedans.
A - Change – no premium sedan shall enter service older two model years
- 605 Special Requirements for Commercial Shuttles
Minor changes
- 606 Special Requirements for Non-Emergency Medical Transport Vehicles.
Minor changes
- 607 Special Requirements for Airport Shuttles.
Changes – Shuttles can't stage within a ½ mile and can't enter a taxi stand.
- 608 Special Requirements for Horse-Drawn Carriages.
A – F - Changes – extensive specifications for training and provisions for operation as well as the health and safety of the animals.
- 609 Special Requirements for Courtesy Vehicles.
A – C - changes – courtesy vehicles must operate between fixed points, charge no fare and must be clearly designated as courtesy vehicles.
- 610 Special requirements for Limousines.
Changes – limousines must be no older than 10 years and may not be placed in service older than 4 years.

CHAPTER 7 – HOTEL RULES

- 701 Hotel Rules.
Minor changes.

CHAPTER 8 – SOLICITATION PROHIBITED - ABUSE AND FORCE PROHIBITED

- 801 Solicitation Prohibited – Abuse and Force Prohibited.
Minor changes

CHAPTER 9 – AMENDMENTS – RULES PROMULGATED BY THE DIRECTOR – SURCHARGES

- 901 Amendments – Rules Promulgated by the Director – Surcharges.
A – no change;
B - Change – Director may promulgate rules which the MTC may revoke.
Director;

- C – No change;
- D – Director may destroy documents if preserved;
- E - May issue emergency directives during a state of emergency which must be followed by CCN holders under risk of revocation for the duration of the emergency.

CHAPTER 10 – ENFORCEMENT

- 1001 Enforcement.
- A – Minor change.
 - B – Failure to follow instructions of a MTC officer is a Class III code violation and may result in suspension or revocation.
 - C – Minor change.
 - D – Sets out the purpose of points and penalties and how they work and how they can be forgiven.
 - E – Authorizes the use of administrative penalties paraphrasing Judge Garvey’s decision and citing to the State statute.
 - F – Requires the summary and posting for various violation penalties.
 - G – Gives the Director the authority to implement a form for citations.
 - H – Sets out when a citation should be issued.
 - I – Director must review each citation and may dismiss.
 - J – On appeal the General Counsel shall review citations and may dismiss.
 - K – Person may pay citation or appeal, consequences and accumulation of points and eventual suspension.
 - L – Violations of the VHC by drivers will also carry a point penalty but violations by CCN holders will carry an administrative penalty and possible suspension or revocation.
 - M – MTC will inform CCN holders of citations given to its drivers.
 - N – Citations given to CCN holders may be appealed under Chapter 12.
 - O – Sets out point penalties and accumulation rates.

CHAPTER 11 - MEASURES TO ENSURE COMPLIANCE - SUSPENSIONS OR REVOCATION OF LICENSE

- 1101 Suspension or Revocation for Non-Compliance.
- A – Sets out suspension progression for CCN holders and requires supervision of drivers;
 - B – Drivers can’t have suffered 2 license suspensions;
 - C- Drivers must have a valid Illinois or Missouri driver’s license in order to retain a MTC license;
 - D – Director may suspend a MTC driver’s license if, inter alia, he believes the driver’s record indicates that he may be a danger to the traveling public;
 - E – Suspended license holder has a right to appeal;
 - F – Driver’s license suspension may not be stayed on appeal under certain circumstances;
 - G – Charges against a driver in another forum;

- H – Alcohol or drug related conviction shall result in suspension;
- I – 1 through 8 sets up a citizen complaint procedure.
- J – Citation not appealed or not overturned on appeal must be paid within 30 days or suspension will follow and must be paid within 60 days or it will double (not to exceed \$200) and revocation will follow.

CHAPTER 12 – ADMINISTRATIVE PENALTIES AND APPEAL PROCESS

- 1201 Hearing Date.
 - A – Director must docket appeal within 120 days of filing, failure to appear is a Class V violation.
- 1202 Continuance
 - A – Can obtain one from the Director for good cause. Any further must come from hearing officer and may bear court costs.
- 1203 Setting Docket Dates
 - A – Director will work with the hearing officers to set docket which can be electronic.
- 1204 Procedure for Appeal to a Hearing Officer
 - A – Anyone receiving a citation will have a right to appeal. The Director will send forms which must be returned within 10 days. Person may have attorney or not. If appellant prevails then all charges and costs are dismissed. If person appealing is unsuccessful then he must pay court costs of \$50.50 which may be adjusted in the future by Director.
 - B – Hearing officer may elect to conduct hearings electronically.
 - C – Electronic hearing allows remote appearance.
 - D- Electronic hearing must allow parties to view and communicate with each other and examine witnesses.
- 1205 Hearing and Decision on Appeal
 - A – Hearing to be conducted pursuant to Ch 536 RSMo. and subpoenas may be issued.
- 1206 Appeal from Hearing Officer Decision
 - A – Appeal from a hearing officer’s decision shall be to an appellate hearing officer.
- 1207 Appeal to the Circuit Court
 - A – Further appeal is to the Circuit Court as in Ch. 536 RSMo.
- 1208 Stay of Proceedings
 - A – Director may stay a proceeding due to charge pending in another jurisdiction.
- 1209 Appeal of Citation for CCN Holders

A – Same as for drivers

1210 Hearing Officers

A – Must be familiar with code and make fair and impartial decisions.

B – Cannot be an employee of the MTC or a hotel or restaurant in the city or county or a MTC regulated business nor have immediate family with more than a 10% interest in any. MTC will endeavor to use retired judges.

C – Compensation to be established by the MTC and implemented by the Director.

D – Hearing officer may disqualify himself.

E – One change of Hearing officer permitted.

1211 Court Reporters

A – Director to work with General Counsel to establish.

1212 Hearing Premises

A – MTC offices unless otherwise notified.

Chapter 13 Compliance with the Americans with Disabilities Act

1301 Director authorized to comply

A – The Director is authorized to implement rules to comply with the ADA.

Director's Rules

These are not part of the code to be adopted. They are mostly the same but will change after the code is adopted. The Director's Rules will contain rules which are likely to be subject to relatively frequent change. Any Director's Rule must have underlying authority in the code in order to be valid. The Commission may repeal a Director's rule by a majority vote.