AGENDA

Thursday, March 29, 2018
at 4:00 PM

Board of Ethics Meeting
Commission Room
1st Floor ~ City Hall
224 West Ninth Street
Sioux Falls, South Dakota

CITY OF SIOUX FALLS

1. CALL TO ORDER

2. APPROVAL OF MINUTES FROM JANUARY 26, 2018 MEETING

3. ANY BUSINESS OR PENDING ISSUES TO BE BROUGHT BEFORE THE BOARD

   A. REQUEST FOR ADVISORY OPINION (18-1) FILED MARCH 5, 2018

4. ADJOURNMENT

BOARD OF ETHICS MEMBERS:
Jack Marsh, Chair
Jeff Gednalske, Vice Chair
Wanda Harris
Greg LaFollette
Sue Roust

CITY STAFF:
Karen Leonard, Acting City Attorney
Cari Hanzel, Paralegal/Board Liaison

If an ADA accommodation is needed, please contact the Human Relations Office at 367-8745 or humanrelations@siouxfalls.org at least 12 hours in advance of the meeting.
BOARD MEMBERS PRESENT:  Jeff Gednalske, Wanda Harris, Jack Marsh and Sue Roust

BOARD MEMBERS ABSENT:  Greg LaFollette

STAFF PRESENT:  Karen Leonard, Acting City Attorney and Cari Hanzel, Recording Clerk

CALL TO ORDER

A quorum being present, the meeting was called to order by Board Vice Chair Jack Marsh at 10:00 a.m.

ELECTION OF CHAIR AND VICE CHAIR

Following some preliminary discussion gauging members' interest in the positions, Sue Roust nominated Jack Marsh to serve as Chair of the Board of Ethics for 2018. Wanda Harris seconded the motion. With no further nominations on the floor, Jack Marsh declared the nominations closed and proceeded with a vote. 3 yeses. Motion carried.

Wanda Harris nominated Jeff Gednalske to serve as Vice Chair of the Board of Ethics for 2018. Sue Roust seconded the motion. With no further nominations on the floor, Jack Marsh declared the nominations closed and proceeded with a vote. 3 yeses. Motion carried.

APPROVAL OF MINUTES

A motion was made by Jeff Gednalske and seconded by Wanda Harris to approve the minutes from the Special Meeting on December 22, 2017. Vote to approve: 3 Yeses. Motion passed.

APPROVAL OF 2017 ANNUAL REPORT

A motion was made by Sue Roust and seconded by Jeff Gednalske to approve the 2017 Board of Ethics Annual Report dated January 26, 2018. Vote to approve: 3 Yeses. Motion passed.
APPROVAL OF REPORT AND NOTICE OF DISMISSAL OF CONFIDENTIAL COMPLAINT 17-B

Upon the correction of three typographical errors, a motion was made by Jeff Godnalskc and seconded by Sue Roust to approve the Report and Notice of Dismissal of Confidential Complaint 17-B dated January 26, 2018. Vote to approve: 3 Yeses. Motion passed.

BUSINESS OR PENDING ISSUES BROUGHT BEFORE THE BOARD

The Board noted that no members of the public were present.

No additional matters from the City Attorney's Office or Board members were brought forward.

NEXT MEETING

No specific date for the next meeting was scheduled.

ADJOURNMENT

A motion was made by Wanda Harris and seconded by Sue Roust to adjourn the meeting. Vote to approve: 3 Yeses. Motion passed. Meeting adjourned at 10:08 a.m.

Respectfully submitted,

Cari Hanzel
Recording Clerk
City of Sioux Falls
Board of Ethics
Request for Advisory Opinion

Name of Individual Requesting Opinion: Greg A Neitzert - City Councilor, Northwest District
Address: Carnegie Town Hall, 235 W. 10th St., Sioux Falls, SD 57117-7402
Telephone Number: (605) 367-8109
Email Address: gneitzert@siouxfalls.org

Statement of the situation giving rise to the request for an advisory opinion. Include names of individuals, locations, and dates, as applicable.

Respectfully, I would ask the Ethics Commission to give me an advisory opinion regarding the following questions regarding any participation or votes related to TNC (Transportation Networking Companies - e.g. Lyft) and other Vehicle for Hire services as defined in Chapter 124 Transportation Services of the Sioux Falls City Ordinances (SFCO):
1. Do I have a FINANCIAL INTEREST as defined by SFCO 35.052?
2. Does SFCO 35.053 subparts (c) or (g) apply in my situation?
3. Does SFCO 35.054 subparts (d) or (e) apply in my situation?
4. Do I need to follow the procedure outlined in SFCO 35.056 when a TNC related matter is in front of the City Council? If so, at what point in the future could I participate?
5. Do I need to follow the procedure outlined in SFCO 35.056 when another type of Vehicle for Hire related matter (not a TNC) is in front of the City Council? If so, at what point in the future could I participate?

***Please see the attached narrative for background of situation and my reason for asking for this advisory opinion***

Please be advised that the Board of Ethics may hear and discuss requests for advisory opinions in executive session only to the extent allowed by law. Even if an executive session is allowed, the Board must take any final action on the matter in a public meeting, where they must reveal your name and the general substance of your inquiry. If you have any pertinent and sensitive details to your inquiry that you wish to remain confidential, please share them with the Board during a possible executive session rather than placing them on this form or stating them in an open meeting of the Board.

I request that this information be kept confidential: Yes __________ No __________

The information provided is true to the best of my knowledge and belief.

Signature: ____________________________ Date: 3/5/2018

Received by: ____________________________ Date: MAR 5 - 2018

Please return completed form to the City Attorney's Office.

Http://insite/Topics/General Templates/Document Library/Attorney (F9906):F990671.docx

9/2014
Request for Advisory Opinion from the Board of Ethics
Submitted by: Councilor Greg A Neitzert, Northwest District
Date Submitted: 03/05/2018

Narrative submitted with application:

I am requesting an advisory opinion from the Board of Ethics in my capacity as an elected official. Since starting my role, I have endeavored to educate myself and to be a hands-on councilor. I have found that seeing things first hand has been invaluable. For example, I have taken part in various ride-along experiences with entities such as our ambulance service (Paramedics Plus) for a 12 hour overnight shift and an all-day ride along with city park workers doing a Project TRIM survey among many other varied experiences. As part of my due diligence and desire to educate myself after hearing a number of concerns and questions from citizens about the arrival of Lyft (a Transportation Networking Company – referred to as a TNC for short) in Sioux Falls last year, I took a ride as a passenger with a Lyft driver to see what it was like from the customer end. I also submitted an application to become approved as a Lyft driver. There were concerns regarding the vetting of drivers and other safety issues at the time coming from my constituents. This business model was and is new to our area so I did both of these things to get a first-hand experience and sense of how the process works. I had never used a TNC either as a passenger or a driver previous to this.

I submitted an application on my phone via the Lyft Driver app to become an approved driver and was approved within three (3) days. Once you are approved as a driver you have the ability to use your car in the capacity as a Lyft driver as an independent contractor. However, you are not obligated to do so and are completely free to do it as little or as much as you wish. There were no fees to apply or to be approved nor was there or has there been any compensation for doing either. At no time did or has any money changed hands between myself and Lyft in my capacity as an approved driver. I have never driven for Lyft, have never went “online” where I would be available to accept and perform a ride as a driver, and have received no compensation or benefit from being a Lyft driver. Although approved to be a driver, I never seriously intended to actually drive. I have NO INTENTION of driving for Lyft and will not do so during my time as an elected City Councilor. I also have no intention to work for any vehicle for hire business during my time on the City Council nor have I ever done so in the past. I have never worked for any of the companies regulated by this chapter of the ordinances nor do I intend to during my time on the City Council. My application to become a Lyft driver was only to see how the process worked first-hand and nothing more. After being approved, I did not use the app and essentially put it aside. I recently requested to be deactivated as a Lyft driver, as I did not want there to be any confusion or even appearance that I could receive compensation or participate as a driver with Lyft. That deactivation has been completed and I am no longer able to go “online” as a driver even if I had wanted to. To reiterate I never went “online” as a Lyft driver, and no compensation or benefit (monetary or otherwise) has been accrued by myself for being registered as a Lyft driver. I am also now deactivated from the service so am no longer capable of or allowed to use the Lyft driver app. In effect, I have “resigned” from the service, although I never “clocked in” to begin with. I am contemplating changes to the Transportation Services (Chapter 124) of the SFCO – both related to TNC and other vehicles for hire such as taxis - so out of an abundance of caution I am requesting this advisory opinion to clarify what if anything I should restrict in my activities related to these services. As a matter of prudence, I am seeking an advisory opinion given my situation.

As a matter of background, Chapter 124 Transportation Services of the SFCO regulates what we call Vehicles for Hire and TNC services. A VEHICLE FOR HIRE includes, but is not limited to a TAXICAB, a
Request for Advisory Opinion from the Board of Ethics  
Submitted by: Councilor Greg A Neitzert, Northwest District  
Date Submitted: 03/05/2018

LIVERY VEHICLE, PUBLIC TRANSIT (BUS/PARATRANSIT), and a PASSENGER SERVICE VEHICLE. This chapter also defines and regulates a PERSONAL VEHICLE used by an individual with the consent and as an independent contractor of a TRANSPORTATION NETWORK COMPANY (TNC) e.g. Lyft. Reviewing this chapter of the ordinances and its definitions is beneficial to understanding this request. I am enclosing a copy of this chapter of our ordinances for reference. It is fair to say that the various types of vehicles for hire and the TNC are all in competition with each other in the same industry - that is providing transportation for individuals. The exact model differs between types of services, but essentially they all provide transportation using a motor vehicle or conveyance for a fee. Note that this section of the ordinance also sets forth fees for our fixed route and paratransit bus service as well.

The following is a timeline of activities in regards to this request:

October 16, 2017 – City officials announce at a press conference that Lyft (a TNC) is entering the Sioux Falls market

October 20, 2017 – I apply to be a driver using the app to see how the process works

October 23, 2017 – I am approved to be a driver with Lyft

October 24, 2017 – Lyft starts service in Sioux Falls and passengers can request rides

Nov 2, 2017 – I take a ride as a passenger to experience the service from the customer perspective

February 15, 2018 – I am deactivated as a driver by my request and receive confirmation from Lyft that I am no longer a registered driver

I am submitting the following supporting exhibits to substantiate my assertions and to provide additional information:

Exhibit A – A screenshot from the Lyft website showing I gave no rides in 2018 as a driver

Exhibit B – A screenshot from the Lyft website showing I gave no rides in 2017 as a driver

Exhibit C – A screenshot from the Lyft website showing my profile which shows I am deactivated and I have never given a ride as a driver

Exhibit D – A screenshot from the Lyft website showing I had zero earnings in 2017 (tax summary)

Exhibit E – A screenshot of the text message I received confirming I was approved as a Lyft driver

Exhibit F – A PayPal receipt showing the payment I made to Lyft for the ride I took as a PASSENGER/CUSTOMER (NOT a driver – NOT INCOME)

Exhibit G – A copy of the email I received from Lyft confirming I have been deactivated as a driver and my request to be deactivated

Exhibit H – A screenshot of the ride I took as a PASSENGER/CUSTOMER showing details of that ride including a picture of the driver

Exhibit I – A screenshot of the receipt in the Lyft app for the ride I took as a PASSENGER/CUSTOMER which shows a $5.00 credit that was applied for my first ride with Lyft (available to all customers)
Request for Advisory Opinion from the Board of Ethics
Submitted by: Councilor Greg A Neitzert, Northwest District
Date Submitted: 03/05/2018

In summary, I am looking for guidance as to whether or not any of my previous activities, specifically applying to and being approved as a Lyft driver, while having never driven for Lyft or receiving any compensation or benefit, with no plans to work as a Lyft driver during my time in my role as a City Councilor, presents any conflict of interest or ethical issues for myself as a City Councilor. I am doing this out an abundance of caution before I might propose changes to the Transportation ordinance to get an independent opinion as to whether there is any possible conflict.

I would request guidance related to any restrictions I would have in participating in any activity related to the TNC ordinance as well as its competitors in the industry (vehicles for hire such as taxis and passenger service vehicles) and if there is any restriction how long or when that would no longer apply.

I would respectfully urge the Board of Ethics to narrowly tailor and be very specific as to any conflicts the board determines I might have (if any) with this chapter of the ordinances. This section of the ordinance as previously stated deals with not only Transportation Networking Companies (TNC), but also regulates other vehicles for hire, aspects of our bus and paratransit service, and our ambulance service. A vague or overly broad opinion would seriously adversely affect my ability to participate in a wide range of policy discussions and decisions and harm my ability to be an effective City Councilor. For those reasons I would ask that any guidance be very specific and as limited as possible regarding any determinations by the Board. I appreciate your volunteer service on behalf of our community and your time in this matter.

Best Regards,

Greg A Neitzert, City Councilor, Northwest District, Sioux Falls

6AN
3/5/2018
You didn't give any rides in 2018.

No history available.

Greg Veillette
You didn't give any rides in 2017

No history available

2017
Total Stats

- $0.00 Total non-ride payments
- $0.00 Total ride payments

Total Payments

The Lyft Driving Summary is not a tax form. Lyft does not provide tax or legal advice. We recommend you consult a tax professional to help file your taxes.

Lyft Driving Summary

Federal 2017 • 1099

Tax Documents

2017 Tax Information

Waybill
Payout Information
Tax Information
Tournaments
Vehicles
Driver Info
Driving History
Driver Referrals
Connected Services
Gift Cards
Help
You're approved to drive with Lyft! Densely populated areas are a good place to get your first ride. Ready to go? Get started here: http://lft.to/102317

Lyft | Drive
Subject: Receipt for Your Payment to Lyft

From: service@paypal.com
To: gneitzert@yahoo.com
Date: Thursday, November 2, 2017, 12:37:32 PM CDT

Hello Greg A Neitzert,

You sent a payment of $3.97 USD to Lyft

It may take a few moments for this transaction to appear in your account.

Merchant
Lyft

Instructions to merchant
You haven't entered any instructions.

When a snowglobe inspires new skis

<table>
<thead>
<tr>
<th>Description</th>
<th>Unit price</th>
<th>Qty</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$3.97 USD</td>
<td>1</td>
<td></td>
<td>$3.97 USD</td>
</tr>
</tbody>
</table>

Subtotal  $3.97 USD
Total     $3.97 USD
Payment   $3.97 USD

Issues with this transaction?
You have 180 days from the date of the transaction to open a dispute in the Resolution Center.

Hey Greg,

Thanks for contacting us today. I understand that you want your account to be deleted. We’re sorry to hear that you’re no longer interested in having this Lyft driver account.

Although we hate to see you go, we understand and are here to help.

Per your wishes, I’ve gone ahead and deactivated your driver account. If you would like to drive with Lyft in the future, please reach back out to us here, and we’ll help reactivate your account.

We appreciate your time on the Lyft platform and wish you the best of luck in your endeavors.

At this time, I have submitted a request to disable your Lyft account this will be updated in 24 to 48 hours. You can also delete the Lyft app from your phone.

Take care!

Best,

Tanita

Lyft Support Representative

Help Center — http://lyft.com/help

Ask Lyft on Twitter! — http://twitter.com/asklyft
Ride history

ALL  PERSONAL  BUSINESS

Nov 02, 2017 - 1.. $3.97

3.76mi • 8m 3..
**Nov 02, 2017 - 12:27 PM**

- **Pickup** 12:27 PM
  
  388 [redacted], Sioux Falls

- **Dropoff** 12:36 PM
  
  2058 [redacted] Ave, Sioux Falls

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lyft fare (3.76mi, 8m 33s)</td>
<td>$8.97</td>
</tr>
<tr>
<td>Total</td>
<td>$8.97</td>
</tr>
<tr>
<td>Lyft Credit</td>
<td>-$5.00</td>
</tr>
<tr>
<td><strong>PayPal</strong></td>
<td>$3.97</td>
</tr>
</tbody>
</table>

Find Lost Item

Get help

Exhibit 1

Pricing FAQ
CHAPTER 124: TRANSPORTATION SERVICES

Section

General Provisions

124.001 Definitions
124.002 Inspection required
124.003 Frequency of inspection
124.004 Smoking prohibited in buses
124.005 Taxi cab rates
124.006 Qualification for taxi cab businesses
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124.008 Driver prohibitions
124.009 Equipment of taximeter
124.010 Use of taximeter
124.011 Passenger must pay rate prescribed
124.012 Transit and paratransit fares
124.013 Wheelchair and stretcher transport rates
124.014 Livery vehicle operation
124.015 Identification and veterinarian certificate for animal used to pull livery vehicles
124.016 Qualifications for transportation network company business

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124.026 Chapter 110 applicable
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124.028 Vehicle for hire application
124.029 Vehicle for hire issuance
124.030 Application for transportation network company and issuance
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124.061 Application for driver's license
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124.063 Display of license
124.064 Business license inapplicable
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124.066 Transportation network company driver requirements
124.067 Suspension and revocation

Alcoholic Beverages

124.070 Sale of alcoholic beverages
124.071 Carrier license

Surface Ambulance Services

124.080 Definitions
124.081 Grant of exclusive franchise
124.082 Ambulance service rates

Cross-references:

Advertising, see ch. 97
Airports, see ch. 99
Emergency vehicle warning device, see § 73.003
Hospitals, see ch. 114
Licenses, see ch. 110
Motor vehicles, see §§ 73.001 through 73.007, 93.025 through 93.035
Public carrier stops and stands, see §§ 77.063 through 77.065
Signs and outdoor advertising, see ch. 155
Streets and sidewalks, see ch. 96
Traffic code, title VII

Statutory references:

Authority to license, tax and regulate taxicab drivers, see SDCL 9-34-10
Financial responsibility of vehicle owners and operators, see SDCL ch. 32-35
§ 124.001 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BUS** or **MOTORBUS.** A motor vehicle for carrying of passengers with a seating capacity of at least eight persons, not including the driver, and traveling a prescribed route and carrying or accepting passengers for hire, but shall not include funeral cars or ambulances.

**DIGITAL NETWORK.** Any online-enabled application, software, website, or system offered or utilized by a TNC that enables the prearrangement of rides with TNC Drivers.

**DRIVER.** One who actually engages in the driving of a vehicle for hire.

**LIMOUSINE.** A full-size motor vehicle (automobile) with an extended wheel base and which has a passenger compartment that can be sealed from the driver's compartment, with a seating capacity for at least six persons, not including the driver, not traveling any definite or prescribed route and operated by a driver.

**LIVERY VEHICLE.** An equine-type animal-drawn public passenger vehicle with driver furnished and carrying or accepting passengers for hire.

**OPERATOR.** A person engaged in business as an operator of a vehicle for hire.

**PARATRANSIT.** A service provided for individuals with disabilities who are unable to use fixed route systems.

**PASSENGER SERVICE VEHICLE.** A motor vehicle for hire without business decals or markings that carries passengers for a fixed fee and by appointment.

**PERSONAL VEHICLE.** A vehicle that is used by a TNC driver and is: owned, leased, or otherwise authorized for use by the TNC driver; 10 model years or newer; and not a taxicab, limousine, or vehicle for hire.

**PREARRANGED RIDE.** The provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider through a digital network controlled by a TNC, continuing while the 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 by a vehicle for hire.

**SEATING CAPACITY.** The number of persons, not including the driver, who can be conveniently seated in a vehicle for hire without undue crowding.

**STRETCHER TRANSPORT.** A service providing nonemergency transport by stretcher from licensed nursing home facilities to licensed hospitals, clinics, doctor offices, hospice facilities, or home health care, or from licensed hospitals, clinics, doctor offices, hospice facilities, or home health care to licensed nursing homes when the person being transported presents written proof authorizing the transport signed by the attending physician, registered nurse, or licensed practical nurse, or when authorized by written standing orders.

**TAXICAB.** A motor vehicle with business decals and/or markings that carries passengers, with a seating capacity for seven persons or less, not including the driver, not traveling any definite or prescribed route, operated by a driver, and carrying or accepting passengers for hire, but shall not include funeral cars or ambulances.

**TAXIMETER.** Any instrument or device attached to a taxicab, and designed or intended to measure mechanically the distance traveled by taxicab, to record the time the taxicab is in waiting, and to indicate upon the record by figures or designs the fare to be charged in dollars and cents.

**TRANSPORTATION NETWORK COMPANY** or **TNC.** An entity licensed pursuant to this chapter 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 written contract.

**TRANSPORTATION NETWORK COMPANY DRIVER** or **TNC DRIVER.** An individual who operates a personal vehicle who:

(a) Receives connections to potential passengers and related services from a TNC in exchange for payment of a fee to the TNC;
and

(b) Uses 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.

**VEHICLE FOR HIRE.** Any vehicle licensed under this chapter, including, but not limited to, bus or motorbus, taxicab, wheelchair transport, limousine, and livery vehicle not including a personal vehicle operated by a TNC driver.

**WHEELCHAIR, PARATRANSPORT, AND STRETCHER TRANSPORT.** A motor vehicle for carrying wheelchair, paratransit, and stretcher passengers and their accompanying guests or caregivers, with a seating capacity for 12 persons or less, not including the driver, not traveling any definite or prescribed route operated by a driver, and carrying or accepting wheelchair, paratransit, or stretcher passengers and their accompanying guests or caregivers for hire, but shall not include licensed ambulance services. The vehicles shall be equipped with straps to secure wheelchairs and stretchers and in the case of stretchers arranged so that the head of the passenger is visible to the driver.


**Cross-reference:**
Definitions and rules of construction generally, see § 10.002

**§ 124.002 INSPECTION REQUIRED.**

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.


**§ 124.003 FREQUENCY OF INSPECTION.**

The owner of each vehicle for hire shall conduct thorough, periodic inspections of each vehicle. The inspections must be conducted at least once every three months or every 3,000 odometer miles, whichever occurs first. Periodic inspections shall be governed by the city's vehicle for hire inspection form, which shall be available on the city website and the licensing specialist office. The owner shall keep the completed vehicle for hire inspection forms for up to 24 months for all vehicles regardless of ownership status, which shall be completed and signed. Falsification of the vehicle for hire inspection forms is prohibited and may result in suspension and/or revocation of license. The records shall be open to the city for inspection at the primary business location and subject vehicle. The city may inspect the vehicles at any time to determine compliance with applicable state and federal motor vehicle laws and standards.


**§ 124.004 SMOKING PROHIBITED IN BUSES.**

It shall be unlawful for any person to smoke a cigar, pipe, cigarette or other device or to carry any lighted cigar, pipe, cigarette or other device within or on any bus licensed under this chapter.

(1992 Code, § 43-5) (Ord. 9-72, passed 3-6-1972; Ord. 84-82, passed 8-9-1982) Penalty, see § 10.999

**§ 124.005 TAXICAB RATES.**

The maximum rates of fare for transporting passengers by taxicab from place to place within the city shall be as follows.

(a) Maximum fare.

(1) For seven passengers or less, for the first one-ninth mile or any fraction thereof, the sum of $2.95;
(2) For each succeeding one-ninth of a mile or fraction thereof, the sum of $0.35;

(b) *Charges for waiting time.* Charges for waiting time shall be, for each minute, the sum of $0.40. The waiting time shall include the time when a taxicab is not in motion, beginning with the time of arrival at the place to which it has been called or the time consumed while it is standing still at the direction of the passenger. No charge shall be made for the time lost because of the inefficiency of the taxicab or its operation or any time consumed by premature response to a call.

(c) *Posted schedule.* There must be conspicuously displayed at all times in the compartment of the taxicab occupied by the passenger a printed card or sign showing the maximum rates of fare allowed under § 124.005 and the actual rate of fare charged by the taxicab. The licensing specialist shall prescribe the format of the posted schedule.

(d) *Receipt for payment of rates.* If requested by the passenger, the driver shall provide a receipt containing date, business name, vehicle license number, distance traveled, fare total, sales tax, and total payment.

(e) *Overcharging.* No person shall charge, or attempt to charge, a passenger of a taxicab a higher rate of fare than is specified on the posted schedule or allowed under this section.

(f) *Deceit as to direct route.* No person owning or driving or operating a vehicle for hire shall deceive by trick or device any passenger who may ride in any such motor vehicle or who may desire to ride in any such motor vehicle as to his or her destination or the fare allowed under this section for such person, or shall convey such person or cause him or her to be conveyed to a place other than that directed by him or her, or in any other manner convey such person to the place directed by him or her except by the shortest and most direct route unless directed to take a different route by the passenger.


§ 124.006 QUALIFICATION FOR TAXICAB BUSINESSES.

Each business operating as a taxicab shall meet the following minimum requirements:

(a) Meet all applicable zoning ordinance regulations and other applicable city regulations.

(b) Activity log. Each business must keep a daily activity log listing the date, time, trip origination address, and trip destination address. The activity log must be available for inspection by and upon the request of the city. The logs must be maintained by the taxicab business for a period of one year.

(Ord. 24-14, passed 4-15-2014; Ord. 108-15, passed 11-2-2015)

§ 124.007 VEHICLE SIGNS AND MARKINGS.

Each taxicab shall display on the outside of a door on each side the business name and phone number. The markings shall be permanently affixed in letters or figures at least 2 inches in height.

(Ord. 24-14, passed 4-15-2014)

§ 124.008 DRIVER PROHIBITIONS.

It shall be unlawful for any driver or for any business to permit a driver to operate a taxicab more than 12 hours out of every 24 hours. A driver shall be deemed to be operating a taxicab within the terms of this section whenever he or she is in charge of a taxicab or holding themselves in readiness to convey passengers.

(Ord. 24-14, passed 4-15-2014)
§ 124.009 EQUIPMENT OF TAXI METER.

All taxicabs operated upon the streets shall be equipped with a taximeter that complies with SDCL 37-21-6. The taximeter shall be fastened in front of the passengers, visible to them at all times of the day and night, and, after surdow, the face of the taximeter shall be illuminated. The city or their designee is hereby authorized, either upon complaint of any person or without such complaint, to inspect any taximeter, and upon discovery of an inaccuracy beyond the tolerances allowed pursuant to SDCL 37-21-6, to notify the person operating said taxicab to cease operation. The taxicab shall then be kept out of service until the taximeter is repaired or replaced with another properly functioning meter. Wheelchair transports are not required to be equipped with a taximeter.

(1957 Rev. Ords., § 8.713; 1992 Code, § 43-7) (Ord. 42-74, passed 8-5-1974; Ord. 84-82, passed 8-9-1982; Ord. 24-14, passed 4-15-2014; Ord. 74-14, passed 10-14-2014)

§ 124.010 USE OF TAXI METER.

(a) When a taximeter is cleared, the indication "not registering," "vacant," or an equivalent expression shall be shown. Whenever a taximeter is set to register charges, it shall indicate "registering," "hired," or an equivalent expression and the rate at which it is set shall be automatically indicated.

(b) When a taximeter is set for fare registration with the time mechanism inoperative, it shall indicate "time not recording" or an equivalent expression.

(c) Fare indications shall be identified by the word "fare" or by an equivalent expression. Values shall be defined by suitable words or monetary signs.


§ 124.011 PASSENGER MUST PAY RATE PRESCRIBED.

All persons hiring or employing the use of a taxicab within the city shall pay for transportation the amount prescribed by this chapter or the taxicab, whichever is less.


§ 124.012 TRANSIT AND PARATRANSIT FARES.

Fares for Sioux Area Metro fixed-route service and paratransit service shall be as follows:

<table>
<thead>
<tr>
<th>Sioux Area Metro-fixed-route rates</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Adults and students (11 years and older)</td>
<td>$1.50</td>
</tr>
<tr>
<td>Book of ten tickets</td>
<td>$10.50</td>
</tr>
<tr>
<td>Children 5 years and under (accompanied by adult)</td>
<td>Free</td>
</tr>
<tr>
<td>Children 6-10 years of age (accompanied by adult)</td>
<td>$0.75</td>
</tr>
<tr>
<td>Elderly (65 and over) and persons with disabilities</td>
<td>$0.75</td>
</tr>
<tr>
<td>Monthly pass, adults and students</td>
<td>$30</td>
</tr>
<tr>
<td>Monthly pass, elderly (65 and over) and persons with disabilities</td>
<td>$15</td>
</tr>
<tr>
<td>One-day pass, adults and students</td>
<td>$3</td>
</tr>
<tr>
<td>Service Description</td>
<td>Price</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>One-day pass, elderly (65 and over) and persons with disabilities</td>
<td>$1.50</td>
</tr>
<tr>
<td>One-week pass, adults and students</td>
<td>$12.50</td>
</tr>
<tr>
<td>One-week pass, elderly (65 and over) and persons with disabilities</td>
<td>$6.25</td>
</tr>
<tr>
<td>Other rates</td>
<td></td>
</tr>
<tr>
<td>Veterans</td>
<td>Free</td>
</tr>
<tr>
<td>*College pass</td>
<td>$0.85 per ride</td>
</tr>
<tr>
<td>Pass-it-on bus pass</td>
<td>Free</td>
</tr>
<tr>
<td>Freedom Pass Summer Program (elementary, middle and high school students)</td>
<td>Free between the months of June through August</td>
</tr>
<tr>
<td>Replacement of reloadable fare card</td>
<td>$5</td>
</tr>
<tr>
<td>Special promotions/marketing</td>
<td>Negotiated</td>
</tr>
<tr>
<td>Ten-year pass (fixed route)</td>
<td>$3,600</td>
</tr>
<tr>
<td>Sioux Area Metro-paratransit rates **</td>
<td></td>
</tr>
<tr>
<td>Trip rate</td>
<td>$2.50</td>
</tr>
</tbody>
</table>

* College passes allow all people with student/staff IDs to ride unlimited with an approved agreement between the college and Sioux Area Metro. The college pays the agreement amount based upon the previous semester's ridership or no less than 500 rides ($425).

** Revenue generated from this ordinance will be used exclusively for paratransit.

§ 124.013 WHEELCHAIR AND STRETCHER TRANSPORT RATES.

(a) The maximum rates of fare for transporting passengers by wheelchair transport shall be $35 for a one-way trip within the city and $60 for a round-trip within the city. The maximum rate of fare for a one-way trip within the city by wheelchair transport for transporting passengers being dismissed from a hospital shall be $30. Maximum rates of the fare for transporting passengers by stretcher transport shall be $75 for a one-way trip within the city and $140 for a round-trip within the city. A schedule of transport rates shall be posted at all times in each wheelchair or stretcher transport.

(b) Starting in January of 2011, the maximum rates, as set forth in division (a) above shall be increased or decreased annually over the fares from the previous year in accordance with the Consumer Price Index percentage for transportation services as set forth by the United States Bureau of Labor Statistics. The annually adjusted rates will be posted on the city's website and the licensing specialist office by June 1 of each year.

(1992 Code, § 43-11) (Ord. 42-74, passed 8-5-1974; Ord. 46-77, passed 6-20-1977; Ord. 84-82, passed 8-9-1982; Ord. 147-84, passed 12-3-1984; Ord. 137-98, passed 12-21-1998; Ord. 48-99, passed 4-19-1999; Ord. 36-10, passed 4-12-2010; Ord. 24-14, passed 4-15-2014)

Cross-reference:

Animals and fowl, see ch. 90
§ 124.014 LIVERY VEHICLE OPERATION.

(a) A livery vehicle shall not cruise in search of patronage.

(b) Every livery vehicle placed or driven anywhere in the city, whether in motion or at rest, during the period from sunset to one-half hour before sunrise or when streetlights are on shall display at the rear thereof a red light visible from a distance of 500 feet to the rear.

(c) Every equine-type animal used to pull a livery vehicle within the city must be equipped with a manure collection device to prevent deposit of manure on streets or other places within the city. The manure must be disposed of in a proper manner so as not to create a public nuisance under § 92.071(e) of this Code.

(1992 Code, § 43-14) (Ord. 36-83, passed 6-6-1983; Ord. 24-14, passed 4-15-2014)

§ 124.015 IDENTIFICATION AND VETERINARIAN CERTIFICATE FOR ANIMAL USED TO PULL LIVERY VEHICLES.

Requirements for equine-type animals used with livery vehicles shall be as follows.

(a) Before any animal is brought into service by the license holder, the license holder shall assign a different number to each animal which the license holder intends to use and shall securely fix the number assigned to each animal and the assigned number will remain on the animal to which it is assigned at all times as a positive means of identification which may be safely read at a distance of not less than three feet by a person with normal eyesight without touching the animal, and the number shall be used to identify each animal in all reports required by this section.

(b) Before any animal is brought into service by the license holder, the license holder shall have it examined by a licensed veterinarian, who shall certify in writing that the animal is suited for the use intended by the license holder. The certification shall identify the animal by the number provided for in division (a) above, by name, and by physical description. A veterinarian certificate shall be filed with each license application.

(1992 Code, § 43-15) (Ord. 36-83, passed 6-6-1983; Ord. 24-14, passed 4-15-2014)

Cross-reference:  
Animals and fowl, see ch. 90

§ 124.016 QUALIFICATIONS FOR TRANSPORTATION NETWORK COMPANY BUSINESS.

(a) No street hails. A TNC driver shall not solicit or accept street hails.

(b) No cash trips. The TNC shall adopt a policy prohibiting solicitation or acceptance of cash payments or other compensation directly from passengers and notify TNC drivers of such policy. TNC drivers shall not solicit or accept cash payments or other compensation directly from passengers. Any payment for TNC services shall be made only electronically using the TNC's digital network or software application.

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

(d) 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 TNC service before the passenger enters the TNC driver's vehicle.

(e) Electronic receipt. Within a reasonable period of time following the completion of a trip, a TNC shall transmit an electronic receipt to the passenger on behalf of the TNC driver that lists:
(1) The origin and destination of the trip;
(2) The total time and distance of the trip; and
(3) An itemization of the total fare paid, if any.

(f) Records. A TNC shall maintain the following records:

(1) Individual trip records of passenger customers for at least one year from the date each trip was provided; and
(2) Individual records of TNC driver customers at least until the one year anniversary of the date on which a TNC driver's customer relationship with the TNC has ended.

(g) Record inspection authority.

(1) The city has the authority to inspect the records of the TNC as necessary to investigate an alleged crime or violation of this chapter, accident involving a TNC driver; or for other good cause. The TNC shall cooperate with the city to facilitate the exchange of relevant information required in an investigation. The city shall provide advance written notice at least seven days prior to any inspection, which shall be conducted at a mutually agreed upon third-party location, or pursuant to court order, grand jury, or investigative subpoena.

(2) Any record or information made available by the TNC to the city pursuant to this chapter is confidential and proprietary, and shall not be made public without TNC's express written permission. If the city is required to disclose confidential information under court order or other applicable law, the city shall promptly notify the TNC of such requirement, prior to disclosure, and shall make diligent efforts to limit disclosure pursuant to any available basis in South Dakota open records law or other applicable law.

(Ord. 108-15, passed 11-2-2015)

LICENSE; GENERALLY

§ 124.025 REQUIRED.

No person shall engage in the business of operating a vehicle for hire upon the streets or act as a driver of any vehicle for hire without a license to do so.


Cross-reference:
License fee for vehicles for hire, see § 110.026

§ 124.026 CHAPTER 110 APPLICABLE.

The provisions of chapter 110, insofar as the provisions may be applicable and not in conflict, shall apply to and govern the issuance of any license under the provisions of this subchapter.

(1992 Code, § 43-22) (Ord. 84-82, passed 8-9-1982)

§ 124.027 DETERMINATION OF ENGAGING IN BUSINESS.

Any person shall be deemed to have engaged in the business of operating a vehicle for hire if he or she keeps or maintains any vehicle for the purpose of engaging in a vehicle for hire business or if he or she accepts or permits any employee to accept any money or other thing of value from any passenger for transportation in a vehicle. Accepting a passenger under the guise that the transportation is purely gratuitous and that no payment of compensation or consideration is required shall not be deemed to remove the transaction from the effect of this subchapter. In any case where the driver or any person in charge of any vehicle does in fact accept any money or other thing of value, even though the money or thing of value is accepted or purported to be accepted as a gift or present or purported gift or present, the gift or present, or the purported gift or present, shall constitute prima facie evidence of an intent to
§ 124.028 VEHICLE FOR HIRE APPLICATION.

Every person desiring a license to engage in a vehicle for hire business in the city shall complete an approved application, which shall include information required by the city. This application will be available in the city’s licensing specialist office and shall also state:

(a) Previous experience in a motor vehicle transportation business if applicable.

(b) A description of the motor vehicle equipment proposed to be operated, including the seating capacity, the make, model, complete vehicle identification number (VIN), and license number where the information is available.

(c) A general statement of reasons supporting the granting of the application.

(d) Any information deemed necessary by the city.

(1957 Rev. Ords., § 8.703; 1992 Code, § 43-23) (Ord. 84-82, passed 8-9-1982) (Ord. 140-06, passed 10-16-2006; Ord. 139-08, passed 12-1-2008; Ord. 36-10, passed 4-12-2010; Ord. 24-14, passed 4-15-2014; Ord. 108-15, passed 11-2-2015)

§ 124.029 VEHICLE FOR HIRE ISSUANCE.

The city shall grant a vehicle for hire business license if satisfied that the applicant has complied with all of the terms and provisions of this chapter and if the evidence submitted in support of the application meets the conditions precedent to granting the license. A license decal issued by the city shall be permanently affixed to the lower left corner of the rear window of each vehicle for hire. The decal shall be visible at all times. A business license shall not be issued until:

(a) The vehicle for hire is in compliance with SDCL 32-9 Commercial Motor Vehicle Certificates.

(b) The city has determined that the applicant is in compliance with city ordinance.

(c) The applicant provides proof of sales tax license.

(d) The applicant is in good standing with the Department of Labor.

(e) All drivers are licensed per this chapter.


§ 124.030 APPLICATION FOR TRANSPORTATION NETWORK COMPANY AND ISSUANCE.

(a) A person shall not operate a TNC in Sioux Falls without first having obtained a license from the city licensing specialist. The city shall grant a business license if satisfied that the applicant has complied with all of the terms and provisions of this chapter and if the evidence submitted in support of the application meets the conditions precedent to granting the license.

(b) The City Licensing Specialist shall issue a license to each applicant that meets the requirements for a TNC set forth in this chapter, and pays an annual permit fee of $1,500 to the city. A licensing year, for the purposes of this section, begins February 1 and ends January 31 of the next year.

(c) The application shall include:

(1) The name and address of applicant;

(2) Trade name if any under which the license is to be exercised;

(3) If a partnership, the name and address of each partner;

(4) If a corporation, the names and addresses of the officers;
(5) Description of the activity to be carried on under the license;

(6) The name and contact information for an agent to be maintained for service of process in the State of South Dakota.

(7) The applicant provides proof of sales tax license if applicable.

(d) On a monthly basis, a TNC shall submit to the city a list of driver’s license numbers and state of issuance for each active driver.

(Ord. 108-15, passed 11-2-2015)

§ 124.031 SUSPENSION AND REVOCATION.

(a) Any license issued under this subchapter may be suspended or revoked by the licensing specialist for the violation by the licensee of any applicable provision of city ordinance, state or federal law, rule or regulation, or for other good cause. The licensee may appeal through the procedures established by the administrative code provisions of this code according to the procedure set forth in § 30.040.

(b) If the licensing specialist finds good cause to suspend or revoke a business license, the licensing specialist may take immediate action to suspend or revoke the business license. A license suspension shall be temporary in nature and the terms of any suspension shall be specified at the time of issuance; however, if no other time period is specified for a license suspension, the suspension shall be deemed in effect for the initial maximum time period of 90 days. The suspension period may be reviewed and increased by up to 90-day increments, if there is a valid reason for the extension. However, a total period of suspension shall not exceed one year under any circumstances. The business shall be informed of any temporary suspension or extension(s) of the suspension period. A business shall have the right to appeal any suspension, extension of a suspension, or revocation pursuant to the provisions of this code. Any circumstances or events that lead to a license suspension herein can similarly amount to good cause for a license revocation. A revocation may be ordered immediately without a suspension or at any time during or after a suspension.


§ 124.032 APPLICATION TO INCREASE NUMBER OF VEHICLES FOR HIRE.

Any person to whom a license to operate vehicles for hire has been granted may increase the number of vehicles authorized by making application to the city’s licensing specialist describing the additional vehicles which he or she proposes to operate by original application. The application shall be granted except when the city’s licensing specialist concludes that the granting thereof is inconsistent with public safety and convenience. The applicant may appeal through the procedures established by the administrative code provisions of this code according to the procedure set forth in § 30.040.


§ 124.033 TRANSFER.

No license decal for a taxicab, limousine or wheelchair, paratransit or stretcher transport may be transferred from one vehicle to another. Any license holder of a vehicle which is no longer in use as a vehicle for hire must either surrender or destroy the vehicle license decal. A public vehicle business license may only be transferred from one owner to another, upon review and approval by the city.


§ 124.034 EXPIRATION OF LICENSES.

(a) Any license issued under the provisions of this subchapter shall expire on January 31 in the licensing year for which the license was issued. Upon the expiration of the license, the owner shall remove the license to operate vehicles for hire from the vehicle and remove all markings from the exterior of the vehicle.
(b) A licensing year, for the purposes of this section, begins February 1 and ends January 31 of the next year.


LICENCES; FINANCIAL RESPONSIBILITY

§ 124.045 INSURANCE REQUIRED - VEHICLE FOR HIRE.

Before any vehicle for hire license is granted, or any preexisting license renewed under this subchapter, the applicant shall file with the city's licensing specialist a certificate or policy of insurance issued by a responsible insurer covering the vehicles to be operated by the applicant. The applicant shall list the city as an additional insured.

(1957 Rev. Ords., § 8.706; 1992 Code, § 43-34) (Ord. 84-82, passed 8-9-1982; Ord. 36-83, passed 6-6-1983; Ord. 140-06, passed 10-16-2006; Ord. 36-10, passed 4-12-2010; Ord. 24-14, passed 4-15-2014; Ord. 108-15, passed 11-2-2015)

§ 124.046 MINIMUM LIMITS OF COVERAGE.

(a) (1) The liability insurance required by this division (a) for a vehicle for hire shall provide at least the following coverage:

   A. Auto liability of comprehensive form shall be provided on all vehicles of not less than $500,000 bodily injury and property damage combined single limit.

   B. The policy or certificate shall not be modified or canceled without 30 days' actual notice to the city's licensing specialist.

   C. The cancellation or other termination of any required insurance policy shall automatically revoke and terminate all licenses issued for the business, independent contractors, and the vehicles covered by such insurance policy(ies), unless another policy(ies), complying with this section, shall be provided and in effect at the time of such cancellation or termination.

   (2) The limits established in this division (a) can be provided on one policy or base policy in combination with excess limits policy in a manner and combination acceptable to the city.

(b) The coverage shall be continuing, notwithstanding any recovery or settlement thereunder.


§ 124.047 BOND.

In lieu of the policy or certificate of liability insurance required by this subchapter, the applicant for a license required by this subchapter may furnish a corporate surety bond, issued by a surety company authorized to do business in the state if it meets the requirements of this subchapter.


§ 124.048 APPROVAL.

The policy, or certificate, of liability insurance or bond required by this subchapter shall be approved by the city's licensing specialist prior to issuance of the license.

(1957 Rev. Ords., § 7.1205; 1992 Code, § 43-38) (Ord. 84-82, passed 8-9-1982; Ord. 140-06, passed 10-16-2006; Ord. 36-10, passed 4-12-2010)
§ 124.049 INSURANCE REQUIRED - TRANSPORTATION NETWORK COMPANY.

(a) Financial responsibility of transportation network companies. A transportation network company driver or transportation network company on the driver's behalf shall maintain primary automobile insurance that:

(1) Recognizes that the driver is a transportation network company driver or otherwise uses a vehicle to transport passengers for compensation and covers the driver:

A. While the driver is logged on to the transportation network company's digital network; or

B. While the driver is engaged in a prearranged ride.

(2) The following automobile insurance requirements shall apply while a participating transportation network company driver is logged on to the transportation network company's digital network and is available to receive transportation requests but is not engaged in a prearranged ride:

A. Primary automobile liability insurance in the amount of at least $50,000 for death and bodily injury per person, $100,000 for death and bodily injury per incident, and $25,000 for property damage.

B. Uninsured and underinsured motorist coverage at the minimum limits required by SDCL § 58-11-9.4.

C. The coverage requirements of this division may be satisfied by any of the following:

1. Automobile insurance maintained by the transportation network company driver; or

2. Automobile insurance maintained by the transportation network company; or

3. Any combination of subparagraphs (1) and (2).

(3) The following automobile insurance requirements shall apply while a transportation network company driver is engaged in a prearranged ride:

A. Primary automobile liability insurance that provides at least $1,000,000 for death, bodily injury and property damage;

B. Uninsured and underinsured motorist coverage at the minimum limits required by SDCL § 58-11-9.4.

C. The coverage requirements of this subsection may be satisfied by any of the following:

1. Automobile insurance maintained by the transportation network company driver; or

2. Automobile insurance maintained by the transportation network company; or

3. Any combination of subparagraphs (2) and (3).

(4) If insurance maintained by driver in division (a) has lapsed or does not provide the required coverage, insurance maintained by a transportation network company shall provide the coverage required by division (a) beginning with the first dollar of a claim and have the duty to defend such claim.

(5) Coverage under an automobile insurance policy maintained by the transportation network company shall not be dependent on a personal automobile insurer first denying a claim nor shall a personal automobile insurance policy be required to first deny a claim.

(6) Insurance required by division (a) may be placed with an insurer licensed in the state or with a surplus lines insurer eligible under Chapter 58-32 of the South Dakota Insurance Code.

(7) A transportation network company driver shall carry physical or digital proof of coverage satisfying division (a) with him or her at all times during his or her use of a vehicle in connection with a transportation network company's digital network. In the event of an accident, a transportation network company driver shall provide this insurance coverage information to the directly interested parties, automobile insurers and investigating police officers, upon request pursuant to Chapter 32-35 of the South Dakota Insurance Code. Upon such request, a transportation network company driver shall also disclose to directly interested parties, automobile insurers, and investigating police officers, whether he or she was logged on to the transportation network company's digital network or on a prearranged ride at the time of an accident.

(8) In a claims coverage investigation, transportation network companies shall cooperate to facilitate the exchange of relevant information with directly involved parties and any insurer of the transportation network company driver if applicable, including the precise times that a transportation network company driver logged on and off of the transportation network company's digital network.
in the 12 hour period immediately preceding and in the 12 hour period immediately following the accident and disclose to one another a clear description of the coverage, exclusions and limits provided under any automobile insurance maintained under division (a).

(b) A TNC automobile insurance policy shall not be modified or canceled without 30 days' actual notice to the city's licensing specialist.

(c) The cancellation or other termination of any required automobile insurance policy shall automatically revoke and terminate all licenses issued for the TNC, unless another policy(ies), complying with this section, shall be provided and in effect at the time of such cancellation or termination.

(Ord. 108-15, passed 11-2-2015)

DRIVERS

§ 124.060 LICENSE REQUIRED.

It shall be unlawful for any driver or for any business to permit a driver to operate a vehicle for hire for the conveyance of passengers without first obtaining a license as the driver. Transportation network company drivers shall not be required to obtain a license from the city. If a TNC driver meets the requirements of this chapter, a TNC may allow access for that TNC driver to the TNC's digital network.


Cross-reference:

License fee for driver of vehicle for hire, see § 110.032

§ 124.061 APPLICATION FOR DRIVER'S LICENSE.

Each applicant for a vehicle for hire driver's license must comply with the following:

(a) Be of the age of 18 years or over.

(b) Be not addicted to the use of intoxicating liquors or drugs.

(c) Make a sworn statement on a form approved by the city giving his or her full name, residences during the last 10 years, length of time he or she has resided in the city, place of previous employment, whether he or she has ever been convicted of a felony or misdemeanor, and whether he or she has been previously licensed as a driver, and if so, where and when, and whether his or her license has ever been revoked, and for what cause, and provide any other information required by the city.

(1957 Rev. Ords., § 8.707; 1992 Code, § 43-50) (Ord. 10-72, passed 3-6-1972; Ord. 84-82, passed 8-9-1982; Ord. 24-14, passed 4-15-2014)

§ 124.062 INVESTIGATION, EXAMINATION OF APPLICANT.

(a) The application for a driver's license for a vehicle for hire shall be investigated by the police chief or his or her designee. No license shall be granted to any person:

(1) Who does not possess a valid driver's license.

(2) Who has been convicted for a sex crime as defined by SDCL 22-24b-1 or any indecent exposure for which they are still subject to registration requirements.

(3) Who has a conviction or date of discharge from prison, jail, probation, or parole within the last five years for all other indecent exposure (Class 1 misdemeanor).

(4) Who has a conviction or date of discharge from prison, jail, probation, or parole within the last ten years of application for a crime of violence as defined by SDCL 22-1-2(9).
(5) Who has a conviction or date of discharge from prison, jail, probation, or parole within the last five years of application for a felony possession/distribution of controlled substances.

(6) Who has a conviction or date of discharge from prison, jail, probation, or parole within one year of application for a simple assault.

(7) Who has a conviction or date of discharge from prison, jail, probation, or parole within the last five years of application for a felony driving or control of vehicle with alcohol in blood or while under influence of alcohol, drug, or intoxicant.

(8) Who has a conviction or date of discharge from prison, jail, probation, or parole within two years of application for any driving or control of vehicle with alcohol in blood or while under influence of alcohol, drug, or intoxicant.

(9) Who has a conviction or date of discharge from prison, jail, probation, or parole within two years of application for a hit/run or leaving the scene.

(10) For any good cause.

(b) Convictions in other states considered. Any conviction for an offense in another state which, if committed in this state, would be a violation of one of the offenses listed in subsection (a) shall be used to determine if applicant is eligible for a license.


§ 124.063 DISPLAY OF LICENSE.

Every licensed driver of a vehicle for hire shall exhibit his or her license in the vehicle. The license shall be conspicuously displayed and contain a photograph of the licensee.


§ 124.064 BUSINESS LICENSE INAPPLICABLE.

The issuance of a business license under the provisions of this chapter shall not constitute nor allow or permit the business licensee to operate a taxicab without a driver's license as required by this subchapter.

(1992 Code, § 43-54) (Ord. 84-82, passed 8-9-1982)

§ 124.065 TEMPORARY PERMIT.

In any emergency, the police chief may issue a temporary permit in writing to a person not licensed under the provisions of this subchapter to drive a vehicle for hire for a temporary, but definite, period of time.

(1992 Code, § 43-55) (Ord. 84-82, passed 8-9-1982)

§ 124.066 TRANSPORTATION NETWORK COMPANY DRIVER REQUIREMENTS.

(a) Before allowing an individual to accept trip requests through a TNC's digital platform:

(1) The individual shall submit an application to the TNC, which includes information regarding his or her address, age, driver's license, driving history, motor vehicle registration for vehicle ten model years or newer, automobile liability insurance, and other information required by the TNC;

(2) The TNC shall have a third party conduct, a local and national criminal background check for each applicant that shall include:

A. Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation (primary source search); and
B. National Sex Offender Registry database;
   (3) The TNC shall obtain, and review, a driving history research report for such individual.
   (b) The TNC shall not permit an individual to act as a TNC driver on its digital platform who:
      (1) Has had more than three traffic offenses in the prior three-year period, or one major violation in the prior three-year period (including, but not limited to, attempting to elude the police, reckless driving, hit/run or leaving the scene, or driving on a suspended or revoked license);
      (2) Has been convicted, within the past seven years, of driving under the influence of drugs or alcohol, fraud, sexual offenses, indecent exposure (Class 1 misdemeanor), use of a motor vehicle to commit a felony, a crime involving property damage, and/or theft, crimes of violence, felony possession/distribution of controlled substances or acts of terror;
      (3) Is a match in the National Sex Offender Registry database;
      (4) Does not possess a valid driver's license;
      (5) Does not possess proof of registration for the motor vehicle(s) used to provide TNC services;
      (6) Does not possess proof of automobile liability insurance for the motor vehicle(s) used to provide TNC services; or
      (7) Is not at least 18 years of age.
      (c) The TNC shall prohibit the use or influence of drugs or alcohol by a driver while providing TNC services requested through the TNC's digital platform. If a TNC receives a complaint of such drug or alcohol influence or other activity prohibited in § 124.066, the TNC shall:
         (1) Immediately revoke the driver's access to the TNC's digital platform until the duration of the investigation; and
         (2) If the complaint is found to be true, the TNC shall permanently revoke the driver's license access to the TNC's digital platform. If the complaint is found to be untrue, the driver's access to the TNC's digital platform may be immediately reinstalled.
(Ord. 108-15, passed 11-2-2015)

§ 124.067 SUSPENSION AND REVOCATION.

Any license or temporary permit issued under this subchapter may be suspended or revoked by the police chief or his or her designee for the violation by the licensee or permittee of any applicable provision of city ordinance, state or federal law, rule or regulation, or for other good cause. The licensee may appeal through the procedures established by the administrative code provisions of this code according to the procedure set forth in § 30.040.

If the police chief or his or her designee finds good cause to suspend or revoke a driver's license, the police chief or his or her designee may take immediate action to suspend or revoke the driver's license. A license suspension shall be temporary in nature and the terms of any suspension shall be specified at the time of issuance; however, if no other time period is specified for a license suspension, the suspension shall be deemed in effect for the initial maximum time period of 90 days. The suspension period may be reviewed and increased by up to 90-day increments if there is a valid reason for the extension. However, a total period of suspension shall not exceed one year under any circumstances. The driver shall be informed of any temporary suspension or extension(s) of the suspension period. A driver shall have the right to appeal any suspension, extension of a suspension, or revocation pursuant to the provisions of this code. Any circumstances or events that lead to a license suspension herein can similarly amount to good cause for a license revocation. A revocation may be ordered immediately without a suspension or at any time during or after a suspension.

ALCOHOLIC BEVERAGES

§ 124.070 SALE OF ALCOHOLIC BEVERAGES.

It shall be unlawful for any vehicle for hire business to sell or serve or to allow the sale or serving of alcoholic beverages to
passengers without first obtaining a carrier license pursuant to SDCL 35-4-2(9). A carrier license shall not be issued to a TNC or TNC driver.

(Ord. 74-14, passed 10-14-2014; Ord. 108-15, passed 11-2-2015)

§ 124.071 CARRIER LICENSE.

Pursuant to SDCL 35-4-2 and 35-4-2.12, a carrier’s licensee must comply with the following:

(a) The driver and server must be at least 21 years of age.

(b) Alcoholic beverage, open or closed, shall not be accessible to the driver while he/she is seated in the driver’s seat of the vehicle.

(c) An approved security management plan shall be required and address operational issues including, but not limited to, employee training, supervision of customers, and enforcement of age-restrictive product sales. If the conditions of the management plan are violated, the city may suspend or revoke the business license under § 124.031.

(Ord. 74-14, passed 10-14-2014)

SURFACE AMBULANCE SERVICES

§ 124.080 DEFINITIONS.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PERSON. Any individual, partnership, firm, corporation, association or other business entity.

SURFACE AMBULANCE SERVICE. Any transportation service for hire which is required to be licensed by SDCL ch. 34-11 and which utilizes authorized emergency vehicles.

(1992 Code, § 43-60) (Ord. 33-83, passed 5-16-1983)

Cross-reference:
Definitions and rules of construction generally, see § 10.002

§ 124.081 GRANT OF EXCLUSIVE FRANCHISE.

The city shall grant an exclusive franchise for providing ground ambulance transport services within the city as the official policy and regulatory scheme of the city for ground ambulance services.

(1992 Code, § 43-61) (Ord. 33-83, passed 5-16-1983; Ord. 74-07, passed 5-21-2007)

Cross-reference:
Licenses, see ch. 110

§ 124.082 AMBULANCE SERVICE RATES.

Per franchise agreement, rate references within this subchapter shall be adjusted annually by the city council through ordinance and remain on file in the office of the city clerk.

(1992 Code, § 43-68) (Ord. 33-83, passed 5-16-1983; Ord. 50-97, passed 7-7-1997; Ord. 118-99, passed 12-6-1999; Ord. 31-00, passed 4-10-2000; Ord. 109-00, passed 12-22-2000; Ord. 7-03, passed 1-21-2003; Ord. 15-05, passed 2-14-2005; Ord. 74-07, passed 5-21-2007)