



## Legislation Text

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**File #:** 2023-0230, **Version:** 3

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AN ORDINANCE relating to transportation network companies, drivers, and vehicles; repealing or deleting provisions intended to no longer be in effect in separating the taxicab and transportation network company industries; conforming to changes in state law; amending Ordinance 10498, Section 1, as amended, and K.C.C. 6.64.010, Ordinance 10498, Section 5, as amended, and K.C.C. 6.64.015, Ordinance 17892, Section 20, as amended, and K.C.C. 6.64.211, Ordinance 17892, Section 24, as amended, and K.C.C. 6.64.251, Ordinance 17892, Section 26, as amended, and K.C.C. 6.64.271, Ordinance 17892, Section 27, as amended, and K.C.C. 6.64.281, Ordinance 10498, Section 10, as amended, and K.C.C. 6.64.300, Ordinance 10498, Section 16, as amended, and K.C.C. 6.64.360, Ordinance 10498, Section 27, as amended, and K.C.C. 6.64.500, Ordinance 10498, Section 28, as amended, and K.C.C. 6.64.510, Ordinance 10498, Section 30, as amended, and K.C.C. 6.64.530, Ordinance 10498, Section 31, as amended, and K.C.C. 6.64.540, Ordinance 10498, Section 34, as amended, and K.C.C. 6.64.570, Ordinance 10498, Section 35, as amended, and K.C.C. 6.64.580, Ordinance 17665, Section 20, as amended, and K.C.C. 6.64.595, Ordinance 10498, Section 38, as amended, and K.C.C. 6.64.610, Ordinance 10498, Sections 42 through 46, as amended, and K.C.C. 6.64.650, Ordinance 10498 Sections 47 through 60, as amended, and K.C.C. 6.64.660, Ordinance 10498, Sections 69 through 79, as amended, and K.C.C. 6.64.680,

Ordinance 10498, Sections 80 through 85, as amended, and K.C.C. 6.64.690, Ordinance 10498, Section 93, as amended, and K.C.C. 6.64.740, Ordinance 10498, Section 95, as amended, and K.C.C. 6.64.760, Ordinance 17892, Section 74, and K.C.C. 6.64.780, and Ordinance 10498, Section 97, as amended, and K.C.C. 6.64.800, adding a new section to K.C.C. chapter 6.64, and repealing Ordinance 17892, Section 6, and K.C.C. 6.64.101, Ordinance 17892, Section 11, and K.C.C. 6.64.121, Ordinance 17892, Section 12, and K.C.C. 6.64.131, Ordinance 17892, Section 13, and K.C.C. 6.64.141, Ordinance 17892, Section 14, and K.C.C. 6.64.151, Ordinance 17892, Section 15, and K.C.C. 6.64.161, Ordinance 17892, Section 16, and K.C.C. 6.64.171, Ordinance 17892, Section 17, and K.C.C. 6.64.181, Ordinance 17892, Section 18, and K.C.C. 6.64.191, Ordinance 10498, Section 11, as amended, and K.C.C. 6.64.310, Ordinance 10498, Section 12, as amended, and K.C.C. 6.64.320, Ordinance 10498, Section 13, as amended, and K.C.C. 6.64.330, Ordinance 10498, Section 14, as amended, and K.C.C. 6.64.340, Ordinance 10498, Section 15, as amended, and K.C.C. 6.64.350, Ordinance 10498, Section 18, as amended, and K.C.C. 6.64.380, Ordinance 10498, Section 19, as amended, and K.C.C. 6.64.390, Ordinance 10498, Section 20, as amended, and K.C.C. 6.64.400, Ordinance 10498, Section 21, as amended, and K.C.C. 6.64.410, Ordinance 10498, Section 22, as amended, and K.C.C. 6.64.420, Ordinance 10498, Section 23, as amended, and K.C.C. 6.64.430, Ordinance 10498, Section 24, as amended, and K.C.C. 6.64.440, Ordinance 10498, Section 25, as amended, and K.C.C. 6.64.450, Ordinance 10498, Section 26, as amended, and K.C.C. 6.64.460, Ordinance 10498, Sections 61 through 68, as amended, and K.C.C. 6.64.670, Ordinance 10498, Sections 86

through 88, as amended, and K.C.C. 6.64.695, Ordinance 10498, Section 89, as amended, and K.C.C. 6.64.700, Ordinance 10498, Section 90, as amended, and K.C.C. 6.64.710, Ordinance 10498, Section 92, as amended, and K.C.C. 6.64.730, and Ordinance 10498, Section 94, and K.C.C. 6.64.750 and prescribing penalties.

STATEMENT OF FACTS:

1. In 2022 Washington regulated the operation of transportation network companies but did not preempt the county's existing regulation of transportation network companies.
2. State law constrains the county's ability to amend existing county code addressing transportation network companies and their affiliated vehicles and drivers.
3. The county desires to continue comprehensively regulating transportation network companies and their affiliated drivers and vehicles within the constraints set by state law and to align with state law where appropriate.
4. The county partners with the city of Seattle to regulate the broader for-hire transportation industry and desires to maintain that partnership in the future under common regulations.
5. Due to changes in state law governing the regulation of transportation network companies, amending an existing King County Code chapter to regulate transportation network companies and establishing a new King County Code chapter to regulate taxicabs and for-hire vehicles provides the best approach to implement the county's policy objectives for these industries.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

NEW SECTION. SECTION 1. There is hereby added to K.C.C. chapter 6.64 a new section to read as follows:

This chapter applies to transportation network companies, transportation network company drivers, and transportation network company endorsed vehicles. K.C.C. chapter X.XX (the new chapter created in section

1 of Ordinance XXXXX (Proposed Ordinance 2023-0231)) applies to taxicab associations, for-hire vehicle companies, taxicabs, for-hire vehicles, and the drivers of those vehicles. References to taxicab associations, for-hire vehicle companies, taxicabs, for-hire vehicles, and the drivers of those for-hire vehicles remain in this chapter because RCW 46.72B.190 constrains the county from amending ordinances or regulations related to transportation network companies, transportation network company drivers, or transportation network company endorsed vehicles after January 1, 2022. In the event of a conflict between this chapter and K.C.C. chapter X.XX (the new chapter created in section 1 of Ordinance XXXXX (Proposed Ordinance 2023-0231)) related to taxicab associations, for-hire vehicle companies, taxicabs, for-hire vehicles, and the drivers of for-hire vehicles, K.C.C. chapter X.XX (the new chapter created in section 1 of Ordinance XXXXX (Proposed Ordinance 2023-2031)) controls.

SECTION 2. The following are hereby repealed:

- A. Ordinance 17892, Section 6, and K.C.C. 6.64.101;
- B. Ordinance 17892, Section 11, and K.C.C. 6.64.121;
- C. Ordinance 17892, Section 12, and K.C.C. 6.64.131;
- D. Ordinance 17892, Section 13, and K.C.C. 6.64.141;
- E. Ordinance 17892, Section 14, and K.C.C. 6.64.151;
- F. Ordinance 17892, Section 15, and K.C.C. 6.64.161;
- G. Ordinance 17892, Section 16, and K.C.C. 6.64.171;
- H. Ordinance 17892, Section 17, and K.C.C. 6.64.181;
- I. Ordinance 17892, Section 18, and K.C.C. 6.64.191;
- J. Ordinance 10498, Section 11, as amended, and K.C.C. 6.64.310;
- K. Ordinance 10498, Section 12, as amended, and K.C.C. 6.64.320;
- L. Ordinance 10498, Section 13, as amended, and K.C.C. 6.64.330;
- M. Ordinance 10498, Section 14, as amended, and K.C.C. 6.64.340;

- N. Ordinance 10498, Section 15, as amended, and K.C.C. 6.64.350;
- O. Ordinance 10498, Section 18, as amended, and K.C.C. 6.64.380;
- P. Ordinance 10498, Section 19, as amended, and K.C.C. 6.64.390;
- Q. Ordinance 10498, Section 20, as amended, and K.C.C. 6.64.400;
- R. Ordinance 10498, Section 21, as amended, and K.C.C. 6.64.410;
- S. Ordinance 10498, Section 22, as amended, and K.C.C. 6.64.420;
- T. Ordinance 10498, Section 23, as amended, and K.C.C. 6.64.430;
- U. Ordinance 10498, Section 24, as amended, and K.C.C. 6.64.440;
- V. Ordinance 10498, Section 25, as amended, and K.C.C. 6.64.450;
- X. Ordinance 10498, Section 26, as amended, and K.C.C. 6.64.460;
- Y. Ordinance 10498, Sections 61 through 68, as amended, and K.C.C. 6.64.670;
- Z. Ordinance 10498, Sections 86 through 88, as amended, and K.C.C. 6.64.695;
- AA. Ordinance 10498, Section 89, as amended, and K.C.C. 6.64.700;
- BB. Ordinance 10498, Section 90, as amended, and K.C.C. 6.64.710;
- CC. Ordinance 10498, Section 92, as amended, and K.C.C. 6.64.730; and
- DD. Ordinance 10498, Section 94, and K.C.C. 6.64.750.

SECTION 3. Ordinance 10498, Section 1, as amended, and K.C.C. 6.64.010 are hereby amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Active on a transportation network company dispatch system" or "active on the transportation network company dispatch system" includes, but is not limited to: when the driver is logged onto the transportation network company application dispatch system showing that the driver is available to pick up passengers; when a passenger is in the vehicle; when transportation network company dispatch records show

the vehicle is dispatched; or when the driver has accepted a dispatch and is en route to provide transportation services to a passenger.

B. "Application dispatch system" means technology that allows consumers to directly request dispatch of for-hire drivers for trips via the Internet using mobile interfaces such as smartphone applications.

C. "Approved mechanic " means mechanic or technician who:

1. Has successfully passed the examinations of, and met the experience requirements prescribed by, the National Institute for Automotive Service Excellence;

2. Has been awarded a certificate in evidence of competence satisfactory to the director; and

3. Is not the owner, lessee or driver of a taxicab, for-hire vehicle or transportation network company endorsed vehicle.

D. (~~"Contract agreement rate" means the rate specified in a written agreement signed by both parties in advance of the dispatch of a taxicab or for hire vehicle for the services identified in the contract.~~

~~E.))~~ "Director" means the director of the department of executive services or the director's designee.

~~((F.))~~ E. "Engage in the business of operating a taxicab or vehicle for hire" means the pickup and transportation of any fare paying passenger from a point within the geographical confines of unincorporated King County, whether or not the vehicle is dispatched from a taxicab stand or office within any other municipal corporation, and whether or not the ultimate destination or route of travel is within the confines of unincorporated King County. A transportation network company is engaged in the business of operating a vehicle for hire if it provides application dispatch services via an application dispatch system to any transportation network company driver at any time for the transport of any passenger for a fare from a point within unincorporated King County. However, nothing in this chapter shall be construed to apply to taxicabs or for-hire vehicles licensed by any other municipal corporation and transporting passengers from a point within the licensing municipality to a destination outside the municipality, whether or not the ultimate destination or route traveled is within unincorporated King County.

~~((G.))~~ F. "Fare" means anything of economic value that is provided, promised or donated primarily in exchange for services rendered.

~~((H.))~~ G. "For-hire driver" means any person in control of, operating or driving a taxicab, for-hire vehicle or transportation network company endorsed vehicle ~~((and includes a lessee, owner operator or driver of taxicabs or for hire vehicles as an employee))~~.

~~((I.))~~ H. "For-hire vehicle" means a motor vehicle used for the transportation of passengers for hire and not operated exclusively over a fixed and definite route, except:

1. Taxicabs;
2. Transportation network company endorsed vehicles;
3. Passenger vehicles carrying passengers on a noncommercial enterprise basis;
4. Vehicles or operators expressly exempt by state law from county regulation.

~~((J.))~~ I. "For-hire vehicle company" ~~((means a person who represents or owns for hire vehicles licensed by King County that use the same color scheme, trade name and dispatch services))~~ has the same meaning as "for-hire vehicle company" in section 6 of Ordinance XXXXX (Proposed Ordinance 2023-0231).

~~((K. "For-hire vehicle license" means a for-hire vehicle medallion.~~

~~L. "For-hire vehicle owner" means the registered owner of the vehicle as defined by RCW 46.04.460.~~

~~M.))~~ J. "Lessee" ~~((means a for-hire driver who is an independent contractor or sole proprietor and who has a taxicab or for-hire vehicle lease contract or other form of agreement with a taxicab or for-hire vehicle owner or taxicab association))~~ has the same meaning as "lessee" in section 6 of Ordinance XXXXX (Proposed Ordinance 2023-0231).

~~((N.))~~ K. "Licensee" means all persons, including for-hire drivers, vehicle owners, taxicab associations and transportation network of companies required to be licensed under this chapter.

~~((O.))~~ L. "Medallion" ~~((means a certificate issued by the director as evidence that a taxicab or for-hire vehicle license is an intangible property))~~ has the same meaning as "medallion" in section 6 of Ordinance

XXXXX (Proposed Ordinance 2023-0231).

~~((P.))~~ M. "Medallion system" ~~((means the system that deems a taxicab or for-hire vehicle license to be intangible property that may be used as collateral to secure a loan from a bank or any other financial institution ))~~ has the same meaning as "medallion system" in section 6 of Ordinance XXXXX (Proposed Ordinance 2023-0231).

~~((Q.))~~ N. "Motor vehicle" means every motorized vehicle by or upon which any person may be transported or carried upon a public street, highway or alley, though vehicles used exclusively upon stationary rail tracks or propelled by use of overhead electric wires shall not come under this chapter.

~~((R.))~~ O. "Person" means any individual, partnership, association, corporation, firm, institution or other entity, whether or not operated for profit. "Person" does not include ~~((a))~~:

1. A governmental unit of or within the United States;
2. An entity operating exclusively under contract with a government entity; or
3. That portion of an entity that is operating exclusively under contract with a government entity.

~~((S.))~~ P. "Personal vehicle" means a motor vehicle that is not a taxicab or for-hire vehicle.

~~((T.))~~ Q. "Special rate" means discounted rates for senior citizens and disabled persons.

~~((U.))~~ R. "Taxicab" ~~((means a motor vehicle used for the transportation of passengers for hire, where the route traveled or destination is controlled by the passenger and the fare is based on an amount recorded and indicated on a taximeter, on an application dispatch system linked to a taximeter, or on a special rate or contracted rate agreement as permitted by this chapter))~~ has the same meaning as "taxicab" in section 6 of Ordinance XXXXX (Proposed Ordinance 2023-0231).

~~((V.))~~ S. "Taxicab association" ~~((means a person licensed under this chapter who represents or owns taxicabs licensed by King County that use the same color scheme, trade name and dispatch services))~~ has the same meaning as "taxicab association" in section 6 of Ordinance XXXXX (Proposed Ordinance 2023-0231).

~~((W. "Taxicab association representative" means a person who a taxicab association has authorized to:~~



~~1. File applications and other documents on behalf of the association;~~

~~2. Receive and accept all correspondence and notices from the county pertaining to the association or its taxicabs, taxicab owners or for-hire drivers operating within the taxicab association.~~

~~X.))~~ T. "Taxicab license" (~~((means a taxicab medallion.))~~) has the same meaning as "taxicab license" in section 6 of Ordinance XXXXX (Proposed Ordinance 2023-0231).

~~((Y. "Taxicab vehicle owner" means the registered owner of the vehicle as defined in RCW 46.04.460.~~

~~Z.))~~ U. "Taximeter" (~~((means any instrument or device by which the charge for hire of a passenger-carrying vehicle is measured or calculated either for the distance traveled by the vehicle or for waiting time, or both, and upon which the calculated charges shall be indicated by means of figures))~~) has the same meaning as "taximeter" in Ordinance XXXXX, Section 6 (Proposed Ordinance 2023-0231, Section 6).

~~((AA.))~~ V. "Trade dress" means the unique visual element associated with a transportation network company that is attached to a transportation network company endorsed vehicle.

~~((BB.))~~ W. "Transportation network company" means a person licensed under this chapter that provides application dispatch services via an application dispatch system to connect drivers with passengers for the transportation of passengers for fares.

~~((CC.))~~ X. "Transportation network company driver" means a licensed for-hire driver affiliated with a licensed transportation network company in order to provide transportation to passengers by an application dispatch system.

~~((DD.))~~ Y. "Transportation network company endorsed vehicle" means a vehicle with a transportation network company vehicle endorsement.

~~((EE.))~~ Z. "Transportation network company representative" means a person who a transportation network company has authorized to:

1. File applications and other documents on behalf of the company;

2. Receive and accept all correspondence and notices from the county pertaining to the company or its

drivers.

~~((FF.))~~ AA. "Transportation network company vehicle endorsement" means an endorsement on a for-hire driver's license that allows the for-hire driver to use the driver's personal vehicle to affiliate with a transportation network company to provide transportation to passengers by an application dispatch system.

~~((GG.))~~ BB. "Wheelchair accessible taxicab" or "wheelchair accessible for-hire vehicle" or "wheelchair accessible transportation network company endorsed vehicle" means a taxicab, for-hire vehicle or transportation network company endorsed vehicle designed or modified to transport passengers in wheelchairs or other mobility devices and conforming to the requirements of the Americans with Disabilities Act and inspected and approved by the director.

SECTION 4. Ordinance 10498, Section 5, as amended, and K.C.C. 6.64.015 are hereby amended to read as follows:

The executive may execute an interlocal agreement with either the city of Seattle or the Port of Seattle, or both, for the purposes of coordinating and consolidating for-hire driver ~~((, taxicab and for-hire vehicle~~ licensing~~),))~~ administration and enforcement, reducing duplication of licensing functions and a sharing of license fees as agreed to by the city and county. ~~((The agreement may authorize the city to accept and investigate applications for and issue taxicab and for-hire vehicle licenses and license renewals on behalf of the county, but only if the city uses the requirements of this chapter for taxicab and for-hire vehicle licenses. The agreement may authorize the county to accept and investigate applications for and issue either for-hire driver licenses and license renewals or taxicab vehicle licenses and license renewals, or both, on behalf of the city, but only if the city agrees to the requirements of this chapter for either driver licenses taxicab licenses, or both.))~~

SECTION 5. Ordinance 17892, Section 20, as amended, and K.C.C. 6.64.211 are hereby amended to read as follows:

The director shall not issue a transportation network company license unless the person meets the following requirements:

A. Requires that drivers who affiliate with the company:

1. Possess a for-hire driver's license; and

2. When active on the company's dispatch system, operate a vehicle that is a taxicab, for-hire vehicle or transportation network company endorsed vehicle; and

B. Files with the director on behalf of the registered owners of endorsed vehicles, or ensures that the registered owners have filed, an insurance policy, and any related driver contracts if applicable, demonstrating that each endorsed vehicle has insurance that complies with state insurance requirements effective at that time. The transportation network company shall provide evidence that each vehicle affiliated with a transportation network company has insurance in an amount no less than required by RCW 46.72.050 and minimum underinsured motorist coverage of one hundred thousand dollars per person and three hundred thousand dollars per accident or in an amount no less than required by ~~((chapter 48.177))~~ RCW 46.72B.180, at any time while active on the transportation network company dispatch system. The insurance policy shall:

1. Be issued by an admitted carrier in the state of Washington with an A.M. Best Rating of not less than B VII, or show evidence that an exemption has been met allowing for the use of a surplus line insurer with an A.M. Best Rating of not less than B+ VII. However, the director may temporarily suspend any or all of these requirements if no other viable insurance options are available to the industry;

2. Name King County, its officers, officials, agents and employees as an additional insured on the insurance policy;

3. Provide that the insurer will notify the director in writing of any cancellation or nonrenewal at least thirty days before cancellation or nonrenewal of the policy; and

4. Not include aggregate limits, or named driver requirements or exclusions. Other limitations or restrictions beyond standard insurance services office business auto policy form are subject to approval by the director.

SECTION 6. Ordinance 17892, Section 24, and K.C.C. 6.64.251 are hereby amended to read as

follows:

In addition to meeting the license application requirements in K.C.C. 6.64.211, a transportation network company shall:

- A. Maintain a mailing address and email address where the company's representative will accept mail;
- B. When required by the director, forward correspondence from the director to a driver within five business days after receiving the correspondence by first class mail or email and keep a record of the mailings;
- C. Retain company records, including: copies of drivers' for-hire drivers licenses; copies of drivers' vehicle endorsements; copies of for-hire vehicle licenses or taxicab licenses; vehicle insurance policies; passenger complaints; and dispatch records. Records may be maintained electronically;
- D. Collect, retain and report the information required under K.C.C. 6.64.780;
- E. Permit the director to carry out inspections with reasonable notice of all records required to be kept under this chapter;
- F. Provide secure storage for all items left in a company's driver's vehicle by a passenger and turned in by the driver;
- G. Require that a passenger be able to view a picture of the driver and vehicle license plate number on the passenger's smart phone, tablet or other mobile device used to connect with the company's dispatch application before the trip is initiated;
- H. Maintain a nondiscrimination policy that complies fully with all applicable federal, state and local laws that prohibit discrimination;
- I. Allow any passenger to indicate the need for a wheelchair accessible vehicle and connect the passenger to an accessible vehicle service via an internet link, application or telephone number;
- J. Notify the director within two working days of having knowledge of the following:
  - 1. A conviction or bail forfeiture received by any of the company's drivers for any criminal offense or traffic violation that occurs during or arises out of the driver's operation of a vehicle while active on the

company's dispatch system;

2. A conviction or bail forfeiture received by any of the company's drivers for any criminal offense reasonably related to the driver's honesty and integrity or ability to operate a vehicle in a safe manner;

3. A vehicle accident required by law to be reported to ~~((the))~~ a state agency ~~((of Washington involving))~~ that involves any of the company's drivers; and

4. A restriction, suspension or revocation of a ~~((Washington state))~~ valid driver's license issued to any of the company's drivers;

K. Terminate a driver's access to the company's dispatch system immediately upon:

1. Receiving notification from the director that the driver does not meet the requirements of K.C.C. 6.64.211.A.; or

2. Having knowledge that a driver meets the criteria for the driver's license to be immediately suspended under K.C.C. 6.64.610;

L. Maintain a policy that prohibits the company's drivers while active on the company's dispatch system from being under the influence of any alcohol, narcotics, drugs, or prescription or over-the-counter medication that might impair their performance or in any way jeopardize the safety or security of passengers or the public. Provide notice of the policy on the company's website, mobile application and passenger trip confirmations and include in the notice a telephone number, web site link and email address for a passenger to report to the company a driver who the passenger suspects was in violation of the policy during a trip;

M. Maintain the rate structure documented with the application or file with the director for approval the documentation required by K.C.C. 6.64.760.C.;

N. Require the company's drivers to comply with K.C.C. 6.64.665.

O. Provide a written insurance disclosure to the company's drivers that includes the following language: "[insert name of company] confirms that while driver [insert driver's full name] is active on the application dispatch system, the driver's vehicle is insured as required by K.C.C. chapter 6.64"; and

P. Pay all penalties assessed against the company.

SECTION 7. Ordinance 17892, Section 26, as amended, and K.C.C. 6.64.271 are hereby amended to read as follows:

A. The director shall not issue a transportation network company vehicle endorsement unless the person meets the following requirements:

1. Has a for-hire driver's permit, as described in K.C.C. 6.64.595.B., or a transportation network company license under this chapter; and
2. Is affiliated with a licensed transportation network company.

B. The director shall not issue a transportation network company vehicle endorsement unless the vehicle meets the following requirements:

1. Has insurance that complies with K.C.C. 6.64.211 and state law;
2. Has a certificate of safety as required by K.C.C. 6.64.360; and
3. The vehicle's model year is no more than ~~((ten))~~ fifteen years old ~~((~~unless otherwise allowed by state law~~))~~.

SECTION 8. Ordinance 17892, Section 27, as amended, and K.C.C. 6.64.281 are hereby amended to read as follows:

A. An applicant for a transportation network company vehicle endorsement, or a transportation network company on behalf of the applicant, shall file annually with the director a signed application on a form provided by the director to include the following information about the applicant:

1. Name, aliases, residence or business address and residence and business telephone numbers;
2. If the applicant is an individual, the date of birth, which shall be at least ~~((twenty-one))~~ twenty years before the date of application, height, weight, ~~((color of hair))~~ and color of eyes;
3. If the applicant is an individual, a ~~((Washington state))~~ valid driver's license number. The applicant shall present the applicant's ~~((Washington state))~~ valid driver's license or a copy at the time of application;

4. If the applicant is an individual, evidence of a for-hire driver's license or permit, or an approved application for a for-hire driver's license or permit;

5. Vehicle information including vehicle identification number or numbers and ~~((Washington state))~~ valid license plate number or numbers;

6. Evidence of vehicle insurance as required in K.C.C. 6.64.211;

7. Vehicle certificate of safety required by K.C.C. 6.64.360;

8. Whether any of the circumstances in K.C.C. 6.64.291.B. apply to the applicant;

9. Evidence that the applicant is affiliated with a transportation network company; and

10. Other information as reasonably determined by the director.

B. The transportation network company vehicle endorsement consists of a certificate and an endorsement decal affixed to the vehicle. The certificate shall include the following:

1. Vehicle identification number;

2. Vehicle registered owner's full legal name;

3. Vehicle license plate number;

4. Endorsement expiration date;

5. Unique number; and

6. Other information the director may reasonably require.

C. A transportation network company vehicle endorsement is valid for not more than one year.

D. A person shall not lease, transfer or assign a transportation network company vehicle endorsement.

SECTION 9. Ordinance 10498, Section 10, as amended, and K.C.C. 6.64.300 are hereby amended to read as follows:

It is unlawful to own or operate, advertise or engage in the business of operating a ~~((taxicab, for hire vehicle or))~~ transportation network company endorsed vehicle without first having obtained, for each and every vehicle so used, a ~~((taxicab license, for hire vehicle license or))~~ transportation network company vehicle

endorsement issued under K.C.C. 6.64.281.

SECTION 10. Ordinance 10498, Section 16, as amended, and K.C.C. 6.64.360 are hereby amended to read as follows:

A. The certificate of safety required by K.C.C. 6.64.271 (~~or K.C.C. 6.64.320~~) shall be provided by an approved mechanic and shall certify that the following items are mechanically sound and fit for driving:

1. Foot brakes;
2. Emergency brakes;
3. Steering mechanism;
4. Windshield;
5. Rear window and other glass;
6. Windshield wipers;
7. Headlights;
8. Tail lights;
9. Turn indicator lights;
10. Stop lights;
11. Front seat adjustment mechanism;
12. Doors, including that doors properly open, close and lock;
13. Horn;
14. Speedometer;
15. Bumpers;
16. Muffler and exhaust system;
17. Condition of tires, including tread depth;
18. Interior and exterior rear view mirrors;
19. Safety belts and air bags for driver and a passenger or passengers; and



20. Other items reasonably required by the director.

B. The vehicle owner (~~((or the taxicab association))~~) shall keep all maintenance and service records for all vehicles for three years.

C. Vehicles shall be maintained following the service standards recommended by the vehicle manufacturer.

D. A vehicle that has been in a collision and determined by the insurance adjuster to be a total wreck or total loss shall not be placed back in service until an approved mechanic with a current certification in structural analysis and damage repair has verified that there is no damage to the vehicle frame.

E. A vehicle shall not be rebuilt or significantly modified from factory specifications.

F. Each vehicle owner shall ensure that the safety standards, conditions and requirements in this section are met and continually maintained.

G. The director shall place a vehicle out of service if the director determines that a violation of this section is an immediate safety hazard and immediate suspension is necessary to prevent a clear, substantial and imminent hazard to life, safety or property.

SECTION 11. Ordinance 10498, Section 27, as amended, and K.C.C. 6.64.500 are hereby amended to read as follows:

It is unlawful for any person to drive, be in control of, or operate a (~~((taxicab, for-hire vehicle or))~~) transportation network company endorsed vehicle in the unincorporated areas of King County without first having obtained a valid for-hire driver's license. K.C.C. 6.64.510 through (~~((K.C.C. 6.64.695))~~) K.C.C. 6.64.690 apply to drivers of (~~((taxicabs, for-hire vehicles and))~~) endorsed vehicles unless the context clearly requires otherwise.

SECTION 12. Ordinance 10498, Section 28, as amended, and K.C.C. 6.64.510 are hereby amended to read as follows:

For an initial for-hire driver's license and annually thereafter, the applicant, (~~((or a taxicab association,~~

~~for hire vehicle licensee, for hire vehicle company))~~ or transportation network company on behalf of the applicant, shall file a signed application on a form approved by the director. The application may be filed online, by email, by United States mail or in person. The application shall include the following: name; height; weight; ~~((color of hair))~~ and eyes; residence address; place and date of birth; social security number; ~~((Washington state))~~ driver's license number; aliases; consent to a background check or a copy of a background check as required by K.C.C. 6.64.520; whether the applicant has ever had a license suspended, revoked or denied and for what cause; the information required in K.C.C. 6.64.530 and 6.64.590; and any other information as the director may reasonably require.

SECTION 13. Ordinance 10498, Section 30, as amended, and K.C.C. 6.64.530 are hereby amended to read as follows:

The director shall not issue a for-hire driver's license to a person unless the following requirements about the person are met:

- A. Must be ~~((twenty-one))~~ twenty years ~~((of age))~~ old or older;
- B. Must possess a valid ~~((Washington state))~~ driver's license;
- C. Must submit a certificate of fitness;
- D. Must have completed the training program required by K.C.C. 6.64.570; and
- E. Must successfully complete the examination required by K.C.C. 6.64.580~~((; and~~
- ~~((F. Must present documentation, as required by the United States Department of Homeland Security, that the applicant is authorized to work in the United States)).~~

SECTION 14. Ordinance 10498, Sections 31, as amended, and K.C.C. 6.64.540 are hereby amended to read as follows:

A. Pending final action on a for-hire driver's license application, the director shall issue a temporary permit within two business days to an applicant who has:

1. Filed a complete application as required by K.C.C. 6.64.510 that has been reviewed under K.C.C.

6.64.600; and

2. Passed the examination required by K.C.C. 6.64.580.

B. The temporary permit is valid for a period not to exceed sixty days from the date of the application.

C. The temporary permit shall not be transferable or assignable.

D. The temporary permit shall be immediately null and void if at any time the applicant's ((Washington state)) valid driver's license ((becomes expired, suspended or revoked)) is no longer valid, or following the denial of an application.

SECTION 15. Ordinance 10498, Section 34, as amended, and K.C.C. 6.64.570 are hereby amended to read as follows:

A. An initial for-hire driver applicant is required to complete:

1. Before filling an application, a training program providing information about defensive driving, use of emergency procedures and equipment for the driver's personal safety, risk factors for crimes against for-hire drivers, enhancement of driver and passenger relations, professional conduct and communication skills; and

2. Before the end of the temporary permit period under K.C.C. 6.64.540, the National Safety Council Defensive Driving Course.

B. A currently licensed for-hire driver shall satisfy the requirements of subsection A. of this section if:

1. A ((taxicab association, for-hire vehicle company or)) transportation network company with which the driver is affiliated requests that the driver receive a refresher course; or

2. The director has reasonable grounds, based on documented complaints or violations, to believe that a refresher course is necessary.

C. The director shall assure that this training is offered by the county or offered by another public or private entity, or offered by both. The director shall annually approve the content and testing process for training offered by a noncounty entity.

D. A for-hire driver who operates a wheelchair accessible taxicab must successfully complete a separate

training program for the special needs of passengers in wheelchairs including, but not limited to, loading and tie-down procedures and door-to-door service.

SECTION 16. Ordinance 10498, Section 35, as amended, and K.C.C. 6.64.580 are hereby amended as follows:

A. An applicant for an initial for-hire driver's license shall be required to successfully complete an examination.

B. The examination shall test the applicant's knowledge of the requirements dealing with fare determination, driver-passenger relations, conduct including the applicant's ability to understand oral and written directions in the English language, vehicle safety requirements, transportation network company vehicle endorsement and driver regulations, risk factors for crimes against for-hire drivers, emergency procedures and ((taxicab)) equipment for driver's personal safety. The examination shall also test the applicant's geographical knowledge of King County and surrounding areas and local public and tourist destinations and attractions.

C. The examination is not required for the renewal of a for-hire driver's license unless the applicant's license has remained expired for more than one year.

D. The director shall assure that these examinations are offered by the county or offered by another public or private entity, or offered by both. The director shall annually approve the content and procedures for examinations offered by a noncounty entity.

SECTION 17. Ordinance 17665, Section 20, as amended, and K.C.C. 6.64.595 are hereby amended to read as follows:

A. A for-hire license that has been approved from an application filed online, by email or by United States mail shall be picked up directly from the director, and the applicant shall show photo identification.

B. The for-hire driver's license shall be in a form as determined by the director. When issued to an applicant who is affiliated with a transportation network company, the license shall display "for-hire permit." A copy shall be placed inside each ((taxicab or for-hire vehicle or)) transportation network company endorsed

vehicle so that the license is clearly visible from the passenger compartment at all times that the licensee is operating, driving or using the vehicle.

SECTION 18. Ordinance 10498, Section 38, as amended, and K.C.C. 6.64.610 are hereby amended to read as follows:

A. A for-hire driver's license shall be immediately suspended and is null and void if:

1. At any time the driver(~~(s Washington state)~~) no longer possesses a valid driver's license (~~((expires, is suspended or revoked))~~);

2. The director obtains information after license issuance that the driver fails to meet the qualifications of a for-hire driver; or

3. The driver is found to be in possession of controlled substances or alcohol while in control of or while operating a vehicle as a for-hire driver;

B. The director may suspend or revoke a for-hire driver's license if the director determines that the licensee has:

1. Received a conviction or bail forfeiture for a crime that would be grounds for denial as set forth in K.C.C. 6.64.600;

2. Failed to comply with the driver standards as set forth in this chapter; or

3. A driving record that leads the director to reasonably conclude that the applicant would not operate a vehicle in a safe manner.

SECTION 19. Ordinance 10498, Sections 42 through 46, as amended, and K.C.C. 6.64.650 are hereby amended to read as follows:

A. A driver, before starting each shift, shall check the lights, brakes, tires, steering, seat belts, (~~(taximeter seal)~~) and other vehicle equipment to see that they are working properly. The driver shall also ensure that the (~~((county or city taxicab license or for-hire vehicle license or))~~) transportation network company vehicle endorsement certificate, vehicle registration and proof of insurance card are in the vehicle.

B. A driver shall maintain the interior and the exterior of the vehicle in a clean condition and good repair.

C. A driver shall neither transport more passengers than the number of seat belts available nor more luggage than the vehicle capacity will safely and legally allow.

D. A driver shall not drive, be in control of or operate a vehicle that does not meet the applicable vehicle standards as set forth in this chapter.

E. A driver shall allow the director to inspect the vehicle at any reasonable time or place.

SECTION 20. Ordinance 10498, Sections 47 through 60, as amended, and K.C.C. 6.64.660 are hereby amended to read as follows:

A. A driver shall not operate a vehicle under the influence of any alcohol, narcotics, drugs, or prescription or over-the-counter medication that might impair the driver's performance or in any way jeopardize the safety or security of passengers or the public.

B. A driver shall, at the end of each trip, check the driver's vehicle for any article that is left behind by any passenger. The articles must be reported as found property on the hotline number, as well as to the ((~~taxicab association or~~)) transportation network company, and the articles are to be returned to the ((~~taxicab association or~~)) transportation network company at the end of the shift or sooner. ((~~Drivers of for-hire vehicles shall deposit the articles at the for-hire vehicle company, if the company provides a property return service, or the records and licensing services division.~~))

C. A driver shall have in the driver's possession and posted as required in K.C.C. 6.64.595 a valid for-hire driver's license at any time the driver is driving, in control of or operating a vehicle and the license shall be displayed as prescribed by the director.

D. A driver shall comply with any written notice and order by the director.

E. A driver shall not operate a vehicle when the vehicle has been placed out-of-service by order of the director.

F. A driver shall immediately surrender the vehicle license plate or decal to the director upon written notice that the vehicle is out-of-service.

G. A driver shall not be in control of a vehicle for more than ~~((twelve))~~ fourteen consecutive hours ~~((or for more than twelve hours spread over a total of fifteen hours))~~ in any twenty-four-hour period. Thereafter, the driver shall not drive a vehicle until eight consecutive hours have elapsed.

H. ~~((A driver shall not drive, be in control of or operate a taxicab or for hire vehicle when the customer information board is not present and contains the information required under K.C.C. 6.64.410.~~

I.) A driver shall operate the vehicle with due regard for the safety, comfort and convenience of passengers.

~~((J.))~~ I. A driver shall neither solicit for prostitution nor allow the vehicle to be used for prostitution.

~~((K.))~~ J. A driver shall not knowingly allow the vehicle to be used for the illegal solicitation, transportation, sale or any other activity related to controlled substances.

~~((L.))~~ K. A driver shall deposit all refuse appropriately and under no circumstances may litter.

~~((M.))~~ L. A driver shall not use offensive language, expressions or gestures to any person while the driver is driving, operating or in control of a vehicle.

~~((N.))~~ M. A driver shall not operate a wheelchair accessible taxicab unless the driver has successfully completed the special training requirements in K.C.C. 6.64.570.

~~((O.))~~ N. A driver shall not use a mobile phone unless in hands-free mode, consistent with RCW 46.61.667.

SECTION 21. Ordinance 10498, Sections 69 through 79, as amended, and K.C.C. 6.64.680 are hereby amended to read as follows:

A. When wearing a costume a driver shall display a photograph of the driver dressed in the costume along with the driver's for-hire license.

B. A driver shall provide a customer with professional and courteous service at all times.

~~C. ((A driver of a taxicab shall not refuse a request for service because of the driver's position in line at a taxicab zone; a passenger may select any taxicab in line.~~

~~D.)) A driver shall at all times assist a passenger by placing luggage or packages that are under fifty pounds in and out of the vehicle.~~

~~((E.))~~ D. A driver shall not refuse to transport in the vehicle:

1. Any passenger's wheelchair that can be folded and placed in either the passenger, driver or trunk compartment of the vehicle;

2. An assist dog or guide dog to assist the disabled or handicapped; and

3. Groceries, packages or luggage when accompanied by a passenger.

~~((F.))~~ E. A driver shall provide each passenger an electronic or paper receipt upon payment of the fare.

~~((G.))~~ F. A driver shall use the most direct available route on all trips unless the passenger specifically requests to change the route.

~~((H. A driver of a taxicab shall not refuse to transport any person except when:~~

~~1. The driver has already been dispatched on another call;~~

~~2. The passenger is acting in a disorderly, threatening or suspicious manner, or otherwise causes the driver to reasonably believe that the driver's health or safety, or that of others, may be endangered;~~

~~3. The passenger cannot, upon request, show ability to pay fare; or~~

~~4. The passenger refuses to state a specific destination upon entering the taxicab.~~

~~I.))~~ G. A driver shall not smoke in the vehicle.

~~((J. A driver of a taxicab or for-hire vehicle shall be able to provide a reasonable and prudent amount of change, and, if correct change is not available, no additional charge may be made to the passenger in attempting to secure the change.~~

~~K.))~~ H. If operating a wheelchair accessible (~~(taxicab, wheelchair accessible for-hire vehicle or wheelchair accessible))~~ transportation network company endorsed vehicle, a driver shall provide priority



service to private pay passengers in wheelchairs or other mobility devices.

~~((L-))~~ I. A driver must be clean and neat in dress and person and present a professional appearance to the public.

SECTION 22. Ordinance 10498, Sections 80 through 85, as amended, and K.C.C. 6.64.690 are hereby amended to read as follows:

A. A driver shall load or unload passengers at Sea-Tac airport only as permitted by the Sea-Tac International Airport Schedule of Rules and Regulations.

B. A driver shall not drive, be in control of or operate a vehicle to pick up passengers at Sea-Tac airport without having on display a Port of Seattle authorized permit.

C. A driver shall not solicit on Sea-Tac property.

D. ~~((A driver of a taxicab or for hire vehicle may solicit passengers only from the driver's seat or standing immediately adjacent to the vehicle, and only when the vehicle is safely and legally parked.~~

~~E. A driver of a taxicab or for hire vehicle shall not use any other person to solicit passengers.~~

F.)) A driver shall not hold himself out for designated destinations.

SECTION 23. Ordinance 10498, Section 93, as amended, and K.C.C. 6.64.740 are hereby amended to read as follows:

A. On or before April 30 of each year, the director shall file an annual report with the council for January 1 through December 31 of the preceding calendar year.

B. The report shall include, but not be limited to:

1. Number of ~~((taxicabs, for hire vehicles and))~~ transportation network company endorsed vehicles in King County, in Seattle only and in both King County and Seattle during the reporting period and during the preceding year;

2. Number of drivers licensed in King County only, Seattle only and in both King County and Seattle during the reporting period and during the preceding year;

3. Numbers and nature of complaints; and

4. ~~((Results of a survey of taxicab response times, changes in response times from previous reporting periods, and relationship of the actual response times to the optimum average response time established by the director under K.C.C. 6.64.730;~~

5.)) Any other recommendations deemed appropriate by the director.

C. The report required by this section shall be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the paper original and distribute electronic copies to all councilmembers.

SECTION 24. Ordinance 10498, Section 95, as amended, and K.C.C. 6.64.760 are hereby amended to read as follows:

A. ~~((The following apply to taxicab rates:~~

1. ~~The taximeter rates governed by this subsection apply when a taxicab is not operating on an application dispatch system. The director shall adopt rules to establish the rates. Until the director adopts rules, the rates in subsection A.4. of this section apply.~~

2. ~~In adopting rules to set taximeter rates, the director shall consider at least the following factors:~~

a. ~~the information in a report prepared under K.C.C. 6.64.740;~~

b. ~~the public need for adequate taxi service at the lowest cost consistent with the provision, maintenance and continuation of such a service;~~

c. ~~the rates of other licensees operating in similar areas;~~

d. ~~the effect of such rates upon transportation of passengers by other modes of transportation;~~

e. ~~the licensees' need for revenue at a level that under honest, efficient and economical management is sufficient to cover the cost of providing adequate taxi service, including all operating expenses, depreciation accruals, rents, license fees and taxes of every kind, plus an amount equal to a percentage of the cost that is reasonably necessary for the replacement of deteriorated taxicabs and a reasonable profit to the licensees; and~~

~~f. consistency of rates with those prescribed by the city of Seattle.~~

~~3. A taxicab shall have one rate on its meter, except a taxicab licensed by both the city of Seattle and King County shall have two rates on its meter.~~

~~4. Until the director adopts rules under subsection A.1. of this section, and except for special or contract rates as provided for in this chapter, any per trip fee established by the Port of Seattle and set forth in any operating agreement or tariff, any toll or charge established for roads, bridges, tunnel or ferries, or when operating on an application dispatch system, it shall be unlawful for anyone operating a taxicab licensed by King County to charge, demand or receive any greater or lesser rate than the following:~~

~~Meter rate~~

- ~~a. drop charge: for passengers for first 1/9 mile \$2.50~~
  - ~~b. per mile: for each 1/9 mile or fraction thereof after the first 1/9 mile \$0.30~~
  - ~~c. for every one minute of waiting time: waiting time rates are charged when taxicab speed is less than twelve miles per hour or when customer asks for taxicab to wait \$0.50 (charged at \$0.30 per 36 seconds)~~
  - ~~d. extra charge for passengers over two persons, excluding children under twelve years of age \$0.50~~
  - ~~e. special rates and contract rates as defined in this chapter shall be calculated as a percentage of the meter rate or a fixed dollar amount per trip.~~
- ~~—(1) all special rates must be filed with the director on a form furnished by the director.~~
  - ~~—(2) all meter rates, special rates or contract rates shall be filed once a year at the time of annual application by the taxicab association.~~
  - ~~—(3) licensees may change any filed special rate no more than once a year.~~
  - ~~—(4) rates for new contracts acquired or changed during the license year shall be filed within two weeks of filing the contract and before implementing the contracted rate. Contracts must be between taxicab associations or owners and legal business entities.~~

~~B. This subsection applies to for-hire vehicle rates. Every for-hire vehicle licensee shall, before commencing operating, file with the director all rates and charges with the director that apply when the licensee~~

~~is not operating on an application dispatch system. Rates may vary by time of day. All rates and charges shall be conspicuously displayed inside the for-hire vehicle so as to be readily viewed by the passenger. The manner of posting shall be prescribed by the director.~~

~~C.))~~ 1. Transportation network companies(~~(, taxicab associations and for-hire vehicles))~~) that use an application dispatch system shall file with the director documentation or provide a physical demonstration of the application dispatch rate structure that is visible to a passenger before the passenger confirms a ride.

2. The director shall approve the rate structure as transparent if, when a passenger requests a ride but before the passenger accepts the ride, the application clearly displays:

- a. the total fare or fare range;
- b. the rate by distance or time; and
- c. any variables that may result in a higher fare or additional charges; or

3. the cost of the ride is made clear to the passenger before the passenger confirms the ride through an alternative method approved by the director.

~~((D.))~~ B. The rates specified in this section shall not apply to transportation of persons provided pursuant to a written contract that establishes a fare at a different rate for specified transportation and that has been previously filed with the director. No contract may include any provision that directly or indirectly requires exclusive use of the transportation services of the contracting taxicab or for-hire vehicle.

~~((E.))~~ C. It is unlawful to make any discriminatory charges to any person or to make any rebate or in any manner reduce the charge to any person, unless the charge conforms to the discounts or surcharges contained in the filed rates.

~~((F. It is unlawful under the Americans with Disabilities Act to charge a special service vehicle rate that is different from the taxicab rates adopted in subsection A. of this section, except in those instances where the transportation of disabled persons is pursuant to a written contract as specified in subsection D. of this section))~~

D. A transportation network company may not impose additional charges for providing services to

persons with disabilities because of those disabilities, consistent with RCW 46.72B.110.

SECTION 25. Ordinance 17892, Section 74, and K.C.C. 6.64.780 are hereby amended to read as follows:

A. A transportation network company(~~((, taxicab association or for-hire vehicle company))~~) shall:

1. Submit quarterly the following reports in an electronic format approved by the director:

- a. total number of rides provided by each (~~((taxicab or for-hire vehicle licensee or))~~) transportation network company;
- b. type of dispatch for each ride, including whether by hail, telephone or application dispatch;
- c. percentage or number of rides picked up in each ZIP code;
- d. pickup and drop off ZIP codes of each ride;
- e. percentage by ZIP code of rides requested by telephone or application dispatch that are requested but not provided;
- f. vehicle collisions, including the name of the driver, identification of the vehicle, collision fault, injuries and estimated damage;
- g. number of requested rides for an accessible vehicle;
- h. crimes against drivers;
- i. passenger complaints; and
- j. other information reasonably determined by the director as necessary to ensure compliance with

this chapter by transportation network companies(~~((, taxicab associations and for-hire vehicle companies))~~);

2. Retain for at least two years records related to the reports required under subsection A. of this section. Records may be maintained electronically; and

3. Provide instructions to its for-hire drivers (~~((and taxicab and for-hire vehicle licensees))~~) for weekly reporting to the company or association the information needed for the reports in subsection A.1. of this section.

B. For-hire drivers (~~((and taxicab and for-hire vehicle licensees shall))~~) comply with the reporting

requirements in subsection A.3. of this section.

SECTION 26. Ordinance 10498, Section 97, as amended, and K.C.C. 6.64.800 are hereby amended to read as follows:

A.1. The director may assess the following civil penalties:

a. up to ten thousand dollars for each violation of the following:

(1) K.C.C. 6.64.201; and

(2) K.C.C. 6.64.251;

b. up to one thousand dollars for a violation of any of the following:

(1) ~~((K.C.C. 6.64.121;~~

~~(2) K.C.C. 6.64.181;~~

~~(3) K.C.C. 6.64.191;~~

~~(4)) K.C.C. 6.64.261;~~

~~((5)) (2) K.C.C. 6.64.300;~~

~~((6)) (3) K.C.C. 6.64.360;~~

~~((7) ((K.C.C. 6.64.420));~~

~~(8) K.C.C. 6.64.460;~~

~~(9)) (4) K.C.C. 6.64.500;~~

~~((10)) (5) K.C.C. 6.64.640;~~

~~((11)) (6) K.C.C. 6.64.650;~~

~~((12)) (7) K.C.C. 6.64.660;~~

~~((13)) (8) K.C.C. 6.64.665;~~

~~((14) K.C.C. 6.64.670;~~

~~(15)) (9) K.C.C. 6.64.680; and~~

~~((16)) (10) K.C.C. 6.64.690(; ~~and~~~~

~~(17) K.C.C. 6.64.695~~)).

2. In determining a penalty under subsection A.1. of this section, the director shall consider: the size of the business of the violator; the gravity of the violation; the number of past and present violations committed; and the good faith of the violator in attempting to achieve compliance after notification of the violation.

B. As an alternative to the civil penalties in subsection A. of this section:

1. A violation of K.C.C. 6.64.300, K.C.C. 6.64.500 or K.C.C. 6.64.261 is a Class 1 civil infraction and shall subject the violator to a maximum monetary penalty and default amount of one thousand dollars, inclusive of statutory assessments. An infraction under this subsection shall be initiated and processed under the Infraction Rules for Courts of Limited Jurisdiction, and the director is the enforcement officer under RCW 7.80.040. A person who is issued a notice of infraction shall not be assessed a civil penalty under subsection A. of this section for the same violation. In determining whether to issue a notice of infraction instead of a civil penalty under subsection A. of this section, the director shall consider whether it would be a more efficient method of providing notice to persons who are in violation.

2. Each subsequent violation of K.C.C. 6.64.300, K.C.C. 6.64.500 or K.C.C. 6.64.261 within five years of the prior violation is a misdemeanor. A person who is prosecuted for the misdemeanor in this subsection shall not be issued a notice of civil infraction or assessed a civil penalty for the same violation. In determining whether to refer a person for prosecution for a misdemeanor, the director shall consider whether it would be a deterrent to future violations.

**SECTION 27. Severability.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.