

Recommended By: The Director of Finance

Submitted By: The Deputy City Attorney

**ORDINANCE NO. 15-181**

AN ORDINANCE TO AMEND “THE BUSINESS LICENSE CODE OF THE CITY OF BIRMINGHAM, ALABAMA”, AS ADOPTED BY ORDINANCE NO. 97-183, AS AMENDED, TO ADD AN ADDITIONAL NAICS SUB-SECTOR AND CORRESPONDING LICENSE SCHEDULE FOR “OTHER TRANSIT AND GROUND PASSENGER TRANSPORTATION” COMPANIES TO ARTICLE I “SCHEDULE OF BUSINESS LICENSES”, NAICS SECTOR 485 “TRANSIT AND GROUND PASSENGER TRANSPORTATION”.

**SECTION 1. BE IT ORDAINED** by the Council of the City of Birmingham that “The Business License Code of the City of Birmingham, Alabama”, as adopted by Ordinance No. 97-183, as amended, be and is hereby further amended to add the following North American Industry Classification System (NAICS) sub-sector and corresponding license schedule of 4859 “Other Transit and Ground Passenger Transportation” to Article I “Schedule of Business Licenses”, NAICS Sector 485 “Transit and Ground Passenger Transportation”:

**NAICS/NAICS TITLE**

**LICENSE SCHEDULE / LICENSE DESCRIPTION**

**NAICS 485 NAICS TITLE – Transit and Ground Passenger Transportation**

**SCHEDULE 4859 – Other Transit and Ground Passenger Transportation**

Each company primarily engaged in providing: other transit and ground passenger transportation service (except urban transit systems, interurban and rural bus transportation, taxi services, school and employee bus transportation, charter bus services, and limousine services (except shuttle services); Shuttle services (except employee bus) and special needs transportation services are included in this industry; Shuttle service establishments generally travel within a metropolitan area and its adjacent nonurban areas on regular routes, on regular schedules and provide services between hotels, airports, or other destination points; other Transit and Ground Passenger Transportation companies shall pay an annual license of.....\$8,000.00\*

For the purpose of this schedule, special needs transportation establishments provide passenger transportation to the infirm, elderly, or handicapped. These establishments may use specially equipped vehicles to provide passenger transportation.

The initial and annual license renewals are subject to provisions as provided in the City of Birmingham Business License Ordinance, 97-183, as amended, Article II.

**\*Additional Business License Requirement:**

**1. Each Transit and Ground Passenger Transportation company shall meet all of the requirements for obtaining a Transportation Network Company ("TNC") permit, as provided in the General Code of the City of Birmingham-Section 12-16-168, prior to being approved for the purchase of an Other Transit and Ground Transportation business license and operate within the City of Birmingham.**

**SECTION 2.** The provisions of this ordinance are severable. If any provision, section, paragraph, sentence, or thereof, or the part application thereof to any person, shall be declared unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect or impair the remainder of the ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof, separately and independently of each other.

**SECTION 3.** This ordinance shall become effective and operative when published as required by state law.

Adopted by the Council December 23, 2015 and Approved by the Mayor December 23, 2015



A CERTIFIED COPY  
Lee Frazier, City Clerk  
Birmingham, AL  
*Lee Frazier*

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Recommended By: The Director of Finance

Submitted By: The Deputy City Attorney

**ORDINANCE NO. 15-182**

AN ORDINANCE TO AMEND “THE BUSINESS LICENSE CODE OF THE CITY OF BIRMINGHAM, ALABAMA”, AS ADOPTED BY ORDINANCE NO. 97-183, AS AMENDED, TO ADD AN ADDITIONAL NAICS SUB-SECTOR AND CORRESPONDING LICENSE SCHEDULE FOR “TAXI, LIMOUSINE AND OTHER TRANSIT AND GROUND PASSENGER TRANSPORTATION DRIVER” COMPANIES TO ARTICLE I “SCHEDULE OF BUSINESS LICENSES”, NAICS SECTOR 485 “TRANSIT AND GROUND PASSENGER TRANSPORTATION”.

**SECTION 1. BE IT ORDAINED** by the Council of the City of Birmingham that “The Business License Code of the City of Birmingham, Alabama”, as adopted by Ordinance No. 97-183, as amended, be and is hereby further amended to add the following North American Industry Classification System (NAICS) sub-sector and corresponding license schedule of 4853 “Taxi, Limousine and Other Transit and Ground Passenger Transportation Driver” to Article I “Schedule of Business Licenses”, NAICS Sector 485 “Transit and Ground Passenger Transportation”:

**NAICS/NAICS TITLE**

**LICENSE SCHEDULE / LICENSE DESCRIPTION**

**NAICS 485 NAICS TITLE – Transit and Ground Passenger Transportation**

**SCHEDULE 4853 – Taxi, Limousine and Other Transit and Ground Passenger Transportation Driver**

Each individual who primarily engages in providing passenger transportation services, as a driver of an automobile or van, or provides an array of specialty and luxury passenger transportation services via limousine or luxury sedans as a driver, generally on a reserved basis and not operated over regular routes and on regular schedules shall pay a license in the amount of .....\$30.00\*

Drivers obtaining this license schedule shall obtain all required permits.

The initial and annual license renewals are subject to provisions as provided in the City of Birmingham Business License Ordinance, 97-183, as amended, Article II.

**Additional License Requirements:**

**TNC Drivers shall be required to be in actual physical possession of the TNC Driver's current business license while providing TNC services and shall allow any passenger or law enforcement officer to examine said business license upon request.**

**SECTION 2.** The provisions of this ordinance are severable. If any provision, section, paragraph, sentence, or thereof, or the part application thereof to any person, shall be declared unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect or impair the remainder of the ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof, separately and independently of each other.

**SECTION 3.** This ordinance shall become effective and operative when published as required by state law.

Adopted by the Council December 23, 2015 and Approved by the Mayor December 23, 2015



A CERTIFIED COPY

for Fraser City Cars

Erin Gray

Submitted by: Council President Austin

Recommended by: Council President Austin

**ORDINANCE NO. 15-183**

**AN ORDINANCE TO RECOGNIZE TRANSPORTATION NETWORK COMPANIES AND TO INCORPORATE THE REGULATION OF SUCH COMPANIES INTO THE CITY TRANSPORTATION CODE; TO PROVIDE FOR THE ISSUANCE OF APPROPRIATE PERMITS FOR SUCH A COMPANY; AND FOR OTHER PURPOSES.**

**WHEREAS**, technologies have developed which make it possible to connect persons who seek for-hire transportation within the City with drivers who are not necessarily involved in such activity on a full-time basis; and,

**WHEREAS**, these new technologies enable persons seeking transportation to use wireless or internet applications to determine the location of a potential driver, obtain information about the driver, and arrange for transportation with that specific driver; and,

**WHEREAS**, these new technologies require some amendment to the City Transportation Code, Title 12, "Licensing and Regulation", Chapter 16, "Taxis and Vehicles for Hire," in order to recognize these non-traditional for-hire transportation services and to protect the safety of drivers, riders, and the general public;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BIRMINGHAM, ALABAMA:**

**SECTION 1** Title 12, "Licensing and Regulation," Chapter 16, "Taxis and Vehicles for Hire," as amended of the General Code of the City of Birmingham, 1980, is hereby amended to include the following:

**ARTICLE F**

**TRANSPORTATION NETWORK COMPANIES**

**Section 12-16-167 Definitions.**

(a) *"Transportation Network Company" or "TNC"* shall mean an entity authorized to operate in the City pursuant to Section 12-16-170 of this Chapter that uses a digital network or software application service to connect passengers to Transportation Network Company Services provided by Transportation Network Company Drivers. The vehicles used to provide Transportation Network Company Services are not taxicabs or vehicles for hire for purposes of this Chapter.

(b) *"Transportation Network Company Driver" or "TNC Driver"* shall mean an individual who contracts with a TNC and operates a motor vehicle that is:

- (a) Owned, leased or otherwise authorized for use by the individual;
- (b) Not classified as a taxicab or vehicle-for-hire under this Chapter;
- (c) Used to provide Transportation Network Company Services for said TNC;
- (d) Inspected and insured as required by Sections 12-16-169 and 12-16-170 of this Chapter; and
- (e) Capable of carrying no more than eight (8) passengers at the same time.

(c) *“Transportation Network Company Services” or “TNC Services”* shall mean transportation of a passenger between points chosen by the passenger and prearranged with a TNC Driver through the use of a TNC digital network or software application. TNC Services shall begin when a TNC Driver accepts a request for transportation received through the TNC’s digital network or software application service, continue while the TNC Driver transports the passenger in the TNC Driver’s vehicle, and end when the passenger exits the TNC Driver’s vehicle. TNC Service is not taxicab or vehicles for hire for purposes of this Chapter.

**Section 12-16-168 Permit for Transportation Network Company Required**

(a) Each TNC using a mobile application shall first meet all of the requirements for obtaining a TNC permit in accordance with the provisions of this Article. A TNC operating within the corporate limits of the City of Birmingham must maintain current and accurate records of all qualified TNC Drivers providing TNC Services through the use of the mobile dispatch service. It is an offense to operate a TNC within the corporate limits of the City without a current and valid TNC permit.

(b) Each TNC shall be responsible for ensuring that any TNC Driver assigned to provide TNC Services and any vehicle used in the rendition of TNC Services are duly authorized by the TNC to provide TNC Services pursuant to the applicable provisions of this chapter.

(c) A TNC permit is specific to the TNC to whom it is issued and covers the TNC Drivers who are contracted with the said TNC, and may not be transferred or otherwise

assigned. Each TNC permit is nonexclusive, and no limits or restrictions shall exist upon the number of qualified vehicles that may provide TNC Services through a mobile dispatch service, provided that each vehicle must be operated in accordance with all applicable requirements of this article.

(d) A TNC permit issued pursuant this article shall be valid until December 31<sup>st</sup> of the year issued. Initial TNC permits issued on or after July 1 of the permit issuance year shall be subject to a fee equal to half of the annual permit fee. (e) Each applicant for a permit to operate a TNC shall comply with the requirements of this Chapter and pay an annual fee of \$2,000.00, due no later than January 1 and last payable without penalty January 31 of each year. Any permit renewal fee received after January 31<sup>st</sup> will incur a late fee of five hundred dollars (\$500.00). A TNC permit is a privilege and not a right. A TNC shall be subject to suspension or revocation of its permit for failing to comply with the requirements of this Article and for failing to cooperate with the City.

(f) Each TNC shall meet all of the requirements for obtaining a TNC permit as provided herein as well as purchase any required business license(s) prior to operating within the City of Birmingham. The TNC business license purchases and renewals are subject to provisions as provided in the City of Birmingham Business License Ordinance, 97-183, as amended.

**Section 12-16-169 Insurance Requirements for Transportation Network Companies**



Pursuant to the laws and regulations of the State of Alabama, drivers of motorized vehicles operating within the State of Alabama must have valid automobile insurance in force and effect at all times while operating a motor vehicle. Additionally, TNC Drivers authorized by a TNC to provide TNC Services must comply with the following additional regulations:

(a) On or before the effective date of this Ordinance and thereafter, TNCs and TNC Drivers shall comply with the automobile insurance requirements of this Section 12-16-169.

(b) The following automobile insurance requirements shall apply during the time that a TNC Driver is logged into the TNC's network and available to receive requests for transportation but is not performing TNC services:

(1) Automobile liability insurance that provides at least the minimum coverage amounts required under the Motor Vehicle Safety-Responsibility Act, Chapter 7, Title 32, Code of Alabama 1975.

(2) Automobile liability insurance in the amounts required in paragraph (1) of subsection (b) shall be maintained by a TNC and provide coverage in the event of participating TNC Driver's own automobile liability policy excludes coverage according to its policy terms or does not provide coverage of at least the limits required in paragraph (1) of subsection (b).

(c) The following automobile liability insurance requirements shall apply while a TNC Driver is providing TNC services:

(1) Automobile liability insurance that provides at least \$1,000,000 for death, bodily injury, and property damage.

(2) The coverage requirements of this subsection (c)(1) may be satisfied by any of the following:

(A) Automobile liability insurance maintained by the TNC Driver; or

(B) Automobile liability insurance maintained by the TNC; or

(C) Any combination of subparagraphs (A) and (B).

(d) Each TNC shall carry general liability insurance that provides for at least \$1,000,000 for claims against the TNC arising out of its operations.

(e) In every instance where insurance maintained by a TNC Driver, in order to fulfill the insurance requirements of Section 12-16-169, has lapsed, failed to provide the required coverage, denied a claim for the required coverage or otherwise ceased to exist, insurance maintained by a TNC shall provide the coverage required by this section beginning with the first dollar of a claim and have the duty to defend such claim.

(f) Insurance required by this Section 12-16-169 may be placed with an insurer authorized to do business in the state of Alabama, or with an eligible surplus lines insurer in accordance with Alabama Code Section 27-10-20.

(g) TNC Drivers shall carry proof of the insurance required under section 12-16-169 during the times the TNC Driver is in the vehicle, either logged into the TNC service or providing TNC Services. If the insurance is maintained by the TNC such proof of the insurance shall, at a minimum, identify the TNC's insurance company, policy number, effective dates of the policy, and instructions for filing a claim. Proof of insurance may be displayed electronically through the TNC's digital platform in accordance with Alabama Code Section 32-7A-6.

**Section 12-16-170 Vehicle Inspections, General Appearance, Distinctive Signage.**

(a) Within thirty days after a TNC Driver first uses a vehicle to provide TNC Services, and annually thereafter, a vehicle providing TNC Services shall be inspected to ensure compliance with the requirements of this Section. The inspection may be performed by: an American Advanced Technicians Institute ("AATI") or a National Institute for Automotive Service Excellence ("ASE") certified mechanic, an automobile technician at a licensed automobile repair shop, or any additional automobile repair shop otherwise approved by the City. The TNC shall maintain complete documentation of such inspection at least for the period the current inspection remains valid.

(b) The safety inspection shall cover the following equipment:

- (A) Foot brakes;
- (B) Emergency brakes;
- (C) Steering mechanism;

- (D) Windshield;
- (E) Rear window and other glass;
- (F) Windshield wipers;
- (G) Headlights;
- (H) Tail lights;
- (I) Turn indicator lights;
- (J) Stop lights;
- (K) Front seat adjustment mechanism;
- (L) Doors;
- (M) Horn;
- (N) Speedometer;
- (O) Bumpers;
- (P) Muffler and exhaust system;
- (Q) Condition of tires, including tread depth;
- (R) Interior and exterior rearview mirrors; and
- (S) Safety belts and air bags for driver and passenger(s).

(c) No TNC Driver shall drive or cause to be driven upon the streets of the city any vehicle that is more than ten (10) years old. For purposes of this requirement, a vehicle will be considered to be ten years old on July 31<sup>st</sup> of the tenth year following the manufacturer's model year of the vehicle, regardless of the purchase date or the date it was

originally placed into service.

(d) A TNC shall establish a uniform logo, insignia, decal or trade dress for use on a motor vehicle at any time a motor vehicle is providing or arranging to provide TNC Services.

(e) At all times that a TNC Driver is providing TNC Services, the vehicle he or she is driving shall prominently display a TNC's distinctive signage. At the time of application for a TNC permit, a TNC shall file an illustration of their distinctive signage with the Clerk's Office.

#### **Section 12-16-171 Transportation Network Company Requirements**

(a) To operate within the corporate limits of the City, a TNC must first qualify to do business in the State of Alabama and maintain an agent for service of process within the State of Alabama.

(b) Notwithstanding any other provision of this Code, a TNC may charge a fare for the services provided to passengers; provided that, if a fare is charged, the TNC shall disclose to passengers the fare or 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. The TNC shall disclose to the passenger prior to the passenger entering the TNC vehicle if it is operating during a period of dynamic pricing. The TNC shall also provide the passenger an option to be notified when the time of dynamic pricing is no longer

in effect. In addition to this notice, the TNC shall notify the passenger as soon as practicable of this same information, if the passenger requests this option.

A TNC may offer service at no-charge, suggest a donation, or charge a fare; provided, that if a fare is charged, a TNC shall disclose the fare or fare calculation method, the applicable rates being charged, and the option for an estimated fare to a passenger before the passenger arranges a trip with the TNC.

A TNC or a TNC Driver is not allowed to collect cash for the cost of the trip. Within a reasonable period of time following the completion of a trip, a TNC shall transmit an electronic receipt to the passenger, that includes the following information:

- (1) The origin and destination of the trip;
  - (2) The total time and distance of the trip; and
  - (3) A breakdown of the total fare paid, if any.
- (c) 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.
- (d) A TNC shall maintain:
- (1) individual trip records for at least two (2) years from the date each trip was provided; and
  - (2) TNC Driver records at least until the two (2) year anniversary of the date on which a TNC Driver's activation on the TNC digital network has ended.

(e) When requested, and no more frequently than on an annual basis, each TNC shall provide to the City up to one hundred (100) but not less than twenty-five unique identification numbers, each of which has been assigned to an individual TNC Driver associated with the TNC pursuant to the requirements of this Article. The City may once a year send to the TNC a list of up to fifteen (15) driver identification numbers and request visual inspection of records held by the TNC for those fifteen (15) TNC Drivers for purposes of verifying that the TNC is in compliance with the requirements of this Article including, but not limited to, vehicle inspections, proper completion of criminal background checks, and proper insurance. The inspection shall take place at a mutually agreed locale in the City of Birmingham. At this locale, the TNC shall furnish to the City the following records for each of the TNC Drivers associated with the driver identification numbers that the City has identified:

(1) Proof that the TNC confirmed that each vehicle passed an inspection in accordance with Section 12-16-170(a) of this Article.

(2) Proof that the TNC conducted, or had a third party conduct, the criminal background check and driving record check required by this Article; and

(3) Proof that the TNC required each driver to submit an application that complies with Section 12-16-172(b).

(4) The results and findings of the of the inspections and backgrounds checks of Sections (E) (1), (2) and (3) above.

The City does not assume any responsibility for the operations of the TNC, its drivers or any actions or omissions arising in connection with its activities, which, at all times, shall remain the responsibility of the TNC.

(f) A TNC shall maintain a site that can be accessed by the public via the internet, email, or other digital or telephonic communications, twenty-four hours a day, seven (7) days a week, except during short-term website outages or similar disruptions. Each TNC shall provide and keep current with the Chief of Police, or his designee, the address, telephone number, and internet, email or other digital access information of the TNC.

(g) Any TNC allowed to provide TNC Services within the corporate limits of the City, shall cooperate to the fullest extent reasonably possible with law enforcement to provide information about specific transportation incidents. If local, state, or federal, law enforcement asserts that access to such information must be immediate to prevent a reasonable threat of death, or serious physical injury, to a person, then the company, or any driver, shall provide that information immediately. Any TNC that is licensed by the City shall provide an emergency contact number to the Birmingham Police Department for such instances. In all other law enforcement situations, such information shall be provided promptly in response to the issuance of a prosecuting attorney's subpoena to review such records. Any failure to comply with this subsection shall result in the immediate suspension of the TNC license for any TNC Services.

(h) No TNC Driver shall pick up a passenger on any portion of the Birmingham-



Shuttlesworth International Airport (BHM) without proper authorization pursuant to the Ground Transportation Regulations of the Birmingham Airport Authority. Additionally, no TNC Driver shall pick up or discharge any passenger in any designated taxicab stands, whether at the airport, or otherwise.

(i) A TNC shall adopt a policy of non-discrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation or sexual identity with respect to passengers and potential passengers and notify TNC Drivers of such policy.

(1) TNC Drivers shall comply with all applicable laws regarding non-discrimination against passengers or potential passengers on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity.

(2) TNC Drivers shall comply with all applicable laws relating to accommodation of service animals;

(3) A TNC or TNC Driver shall not impose additional charges for providing services to persons with physical disabilities because of those disabilities.

(j) A TNC responding to a records request from the City may redact any records it furnishes to the requesting party to protect the privacy and identifying information of the TNC Driver. Records furnished to the City are designated confidential and are not subject to disclosure to a third party without the TNC's express written permission unless required to

be disclosed by applicable law or a court order; including without limitation the Alabama Public Records Law, provided that the City notifies the TNC of such requirement promptly prior to disclosure, and provided further that the City makes diligent efforts to limit disclosure pursuant to any available bases set forth in the Alabama Public Records Law or other applicable law. If the City is required to release the TNC's confidential information, it nevertheless shall use any available authorities to redact personal or business confidential information from such records to the extent consistent with applicable law and the final judgment.

(k) All TNCs shall name the City of Birmingham as an additional insured under the insurance policies required by Section 12-16-169 of this Article. Moreover, TNCs and TNC drivers are not agents, servants or employees of the City of Birmingham. Nothing in this Article shall be construed as the City waiving or forfeiting any privilege, immunity, statutory cap on damages, or any other defense it may be entitled to under city, state or federal law.

**Section 12-16-172 Transportation Network Company Drivers**

(a) A person shall not provide any TNC Services as a TNC Driver within the corporate limits of the City without having first obtained authorization from a TNC and obtained a City of Birmingham business license.

(b) Prior to authorizing an individual to act as a TNC Driver on its digital platform, the TNC shall:

(1) Require the individual to submit an application to the TNC, which includes information regarding his or her address, age, driver's license, motor vehicle registration, automobile liability insurance, and other information required by the TNC;

(2) Conduct, or have a nationally accredited 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 Public Website.

(3) Notify the TNC Driver of the requirement to obtain a City of Birmingham business license.

(c) The TNC shall not permit an individual to act as a TNC Driver on its digital platform who:

(1) Has had more than three moving violations in the prior three-year period, or one major violation in the prior three-year period (including, but not limited to, attempting to evade the police, reckless driving, 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, use of a motor vehicle to commit a felony, a crime involving property damage, and/or theft, acts of violence, or a violation that

constitutes a felony under the Anti-Terrorism Act of 2002, Ala. Code §§ 13A-10-150 *et al.* or a similar felony offense under the laws of another jurisdiction ;

(3) Has been convicted of murder, manslaughter, kidnapping, or sexual assault;

(4) Is a match in the National Sex Offender Public Website;

(5) Does not possess a valid driver's license;

(6) Does not possess proof of registration for the motor vehicle(s) used to provide TNC Services;

(7) Does not possess proof of automobile liability insurance for the motor vehicle(s) used to provide TNC Services; or

(8) Is not at least nineteen (19) years of age.

(d) It shall be unlawful for any TNC or TNC Driver to solicit potential passengers for vehicle for hire services at, in or near any passenger depot, hotel, airport, ship or ferry landing, bus stop or station, or upon any sidewalk or street or any other place in the city, or use any words or gestures that could be construed as soliciting a passenger for vehicle for hire transportation services.

(e) It shall be unlawful for a TNC Driver to accept or respond to passengers' or potential passengers' requests for service via traditional street hail, including hand gestures and verbal statements.

(f) It shall be the duty of each TNC Driver to pull his or her vehicle to the curb when loading or unloading passengers.

(g) The TNC's internet enabled application or digital platform accessed by potential passengers shall display for the potential passenger: (1) a picture of the TNC Driver and (2) the make and model of the vehicle the TNC Driver is approved to use, including the license plate number of the TNC Driver's vehicle.

The TNC shall make available on the mobile application and the receipt provided to the passenger, the contact information for their customer service department, including the department's email address.

(h) Any TNC or the TNC Driver shall provide to any authorized law enforcement officer proof of the insurance policies required by this article in case of an accident involving a TNC Driver's vehicle, if a law enforcement officer requests this proof.

Any terms or conditions in the agreement between the TNC and TNC Driver, or between the TNC or TNC Driver, and any passenger, that would exclude or limit the TNC's liability for a loss of personal property or injury are valid only to the extent permitted by Alabama law.

(i) A TNC Driver shall not drink any intoxicating liquor or be under the influence of any controlled substance, or alcohol or substance that inhibits the TNC Driver's ability to operate the vehicle in a safe manner, while operating the vehicle.

(j) If an accident occurs involving a motor vehicle that is being used for TNC Services, including when the TNC Driver is logged into or otherwise using the software application or network, the TNC Driver shall provide proof upon request, to the Birmingham Police Department of the following:

- (1) The TNC Driver's individual auto liability insurance meeting the local and state requirements;
  - (2) The TNC's auto liability coverage; provided, that a TNC Driver shall have proof of liability coverage and that the TNC may instead provide such proof to the Birmingham Police Department;
  - (3) Proof that the TNC Driver is logged into or is an active TNC Driver and has access to the TNC's software application or network. Such proof for this subsection shall include either the driver's license number or vehicle license plate.
- (k) A TNC Driver shall not drive for more than 12 hours in any consecutive 24-hour period.
- (l) A TNC Driver shall not refuse to transport a person to a requested destination located within the corporate limits of the city.

**Section 12-16-173 Penalty Provisions.**

Knowing violations of the provisions of this Article shall be subject to the applicable Penalty provisions set out in Section 12-16-50 of the General City Code of the City of Birmingham.

**Section 12-16-174 Controlling Authority.**

Notwithstanding any other provision of law, Transportation Network Application Companies and Transportation Network Drivers are governed exclusively by this Article.

**Section 12-16-175 Severability.**

In the event any section, subsection, subdivision, paragraph, subparagraph, item, sentence, clause, phrase or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining provisions of this ordinance which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of this ordinance.

**Section 2 BE IT FURTHER ORDAINED** that this Ordinance shall take effect upon its passage and publication as required by law and shall be reviewed within six months from the date of passage.

