

**AN ORDINANCE TO PROVIDE FOR AN INCREASE IN THE MAXIMUM RATES OF FARE FOR TAXIS AND TO PROVIDE A TEMPORARY SURCHARGE IN RESPONSE TO THE SHARP INCREASE IN FUEL COSTS.**

**WHEREAS** automotive fuel costs have increased by more than 50% over the past year and it appears that increases will continue for the foreseeable future; and,

**WHEREAS** maximum taxicab rates of fare, as set forth in Section 12-16-8 of the General Code of the City of Birmingham have not been increased since 2012; and,

**WHEREAS** members of the taxi industry in the City have requested an increase in the rates and a temporary surcharge per fare to relieve the impact of high fuel costs on the drivers; and,

**WHEREAS** the Council of the City of Birmingham finds it in the best interest of the citizens of the City to have access to a viable taxi industry, which could be stifled by increasing fuel costs; and,

**WHEREAS** the Council also finds that it is in the best interest of the citizens and the taxicab industry to review processes to adjust maximum rates of fares for fluctuations in fuel costs and to review the fares set herein in sixth months.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Birmingham that Section 12-16-8 (a) of the General Code of the City of Birmingham be and hereby is amended as follows:

**“Sec. 12-16-8. - Rates of fare.**

(a) *Taxicab rates.* No owner or driver of a taxicab shall charge a greater sum for the use of a taxicab than in accordance with the following rates as adjusted under paragraph (c) herein:

(1) Three dollars for the first one-fourth mile or fraction thereof, and ~~\$0.25~~ \$0.32 for each additional one-eighth mile or fraction thereof.

a. There shall be a charge for waiting on the basis of ~~twenty-four dollars (\$24.00)~~ thirty dollars (\$30.00) per hour, after the first five minutes.

b. There will be no charge for any bag, suitcase or ordinary light traveling baggage weighing not more than 50 pounds.

c. Contract rates: Any taxicab may transport packages not otherwise prohibited in this section, or passengers at a prearranged flat rate mutually agreeable to all parties to the agreement.

d. Taxicabs shall clearly display the rates of fare charged before transporting any passenger.

e. Prearranged transportation services shall provide passengers their rates prior to being engaged for service.

(2) Credit cards:

a. Every taxicab operating authority or other call or demand service shall require its drivers to accept all major credit, debit, and charge cards (collectively "credit cards") as payment for services rendered and shall accept any and all risk of nonpayment. No additional charge shall be levied against a passenger for use of credit cards, nor shall any passenger be refused service for their use of credit cards. Drivers shall not set a minimum or maximum charge for any credit card transactions. Drivers shall provide all credit card paying customers with a truncated copy of their sales draft or charge receipt clearly showing the amount and date of the transaction, company owner's name and telephone number, the driver's taxi number, and the transaction's authorization approval code. The truncated sales draft or receipt shall not include the credit card's expiration date or any more than the last four digits of the credit card's number.

b. Every taxicab or other call or demand vehicle shall be equipped with a fully-functioning wireless device that provides a secure credit card processing method, satisfies all payment card industry data security standard ("PCI DSS") requirements, and (i) encrypts any information transmitted to authenticate a credit card payment transaction for approval, (ii) generates a truncated printed sales draft or charge receipt, and (iii) accepts cards affiliated with all major Credit Card Associations including, but not limited to, MasterCard, Visa, American Express, and Discover Network. Manual imprinting machines are prohibited.”

**SECTION 2. BE IT FURTHER ORDAINED** by the Council of the City of Birmingham as follows:

- (a) Owners or drivers of taxicabs shall be authorized to add a \$1.00 fuel surcharge to each fare to help offset the unprecedented increase in fuel costs. This surcharge shall not be charged after December 31, 2022, unless extended and approved by the Council.
- (b) This ordinance shall be reviewed by the Council’s Transportation Committee during the month of November, 2022, to determine the need for continuing the surcharge and whether any further changes to rates are needed.
- (c) The provisions of Section 12-16-8(c), setting forth procedures for periodic adjustments to the rates of fare shall be reviewed for recommendations to improve and implement regular review of fares and fuel costs.
- (d) All other subsections and subdivision shall remain in full force and effect until amended by ordinance.

**SECTION 3. SEVERABILITY.** The provisions of this ordinance are severable. If any part of this ordinance is determined by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, such determination shall not affect any other part of this ordinance.

**SECTION 4. EFFECTIVE DATE.** This ordinance shall be effective when published as required by law.

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