

AMENDMENT NO. __
TO
ORDINANCE NO. BL2022-1089

Mr. President –

I hereby move to amend Ordinance No. BL2022-1089 as follows:

I. By repealing Amendment No. 1 in its entirety.

II. By amending Section 1 by deleting the proposed definition of “Enclosed vehicle” in Metropolitan Code of Laws Section 6.77.010 as follows:

~~“Enclosed Vehicle” means any motor vehicle that is fully enclosed by metal, plexiglass, professionally installed operable vinyl windows, or glass on all sides and on the top/roof. Any vehicle not meeting this definition would constitute an “unenclosed vehicle.” A vehicle is unenclosed if any portion of it lacks solid sides and a roof, including all appurtenances attached thereto, including, but not limited to, a pickup truck or a wagon or trailer pulled by a tractor, within which passengers are capable of standing and circulating while the vehicle is in motion. For purposes of this section, a vehicle “side” must be a full side enclosure of the vehicle and cannot consist of solely a guard rail or railing. It may contain windows capable of being opened, excluding the driver compartment if separate from the passenger area, but all windows shall be fully raised while the vehicle is in operation with customers aboard and any passenger is in possession of an open container. Enclosed vehicles shall maintain any required emergency access or exits but the emergency access or exits may not be used to avoid the safety goals intended by the enclosure.~~

III. By amending Section 1 by adding the following new definition of “Enclosed Vehicle”:

“Enclosed Vehicle” means a fully enclosed entertainment transportation vehicle. “Unenclosed Vehicle” means an entertainment transportation vehicle that does not meet the definition of an Enclosed Vehicle. The MTLC shall determine what constitutes a fully enclosed entertainment transportation vehicle and shall develop rules and regulations to ensure that both Enclosed Vehicles and Unenclosed Vehicles are safe and in compliance with existing noise ordinances.

IV. By amending Section 6 as follows:

Section 6. That Section 6.77.070 of the Metropolitan Code of Laws is hereby amended by deleting Subsections B and C in its their entirety and replacing it these subsections with the following:

B. Insurance coverage as provided in subsection (A) of this section means:

1. Holders of certificates of public convenience and necessity shall maintain commercial general (public) liability insurance, inclusive of contractual liability, in an amount of not less than one million dollars a minimum amount as determined by the MTLC in consultation with the Metropolitan Government Insurance and Claims Manager written on an

occurrence basis. This insurance shall be issued by an insurance company qualified to do business in the state and naming the metropolitan government as an additional insured.

2. Such holders shall also maintain commercial automobile liability insurance that shall afford protection to any third party sustaining injury or damage as a result of the negligent operation of any entertainment transportation or other motor vehicle affiliated with the company in minimum amounts and under such coverages as determined by the MTLC in consultation with the Metropolitan Government Insurance and Claims Manager, with the minimum amount of insurance to be three million dollars per incident, known as combined single limit insurance coverage, and uninsured/underinsured motorist insurance coverage in an amount not less than twenty five thousand dollars (bodily injury per person)/fifty thousand dollars (per accident)/fifteen thousand dollars (for property damage). These policies shall be issued by an insurance company qualified to do business in the state and naming the metropolitan government as an additional insured. These policies shall provide for the minimum coverage amounts (set as described above) to apply to each entertainment transportation vehicle for liability imposed by law for damages on account of bodily injuries, death or personal damages, other than injuries, death or property damages of the company or driver, in any one accident resulting from the ownership, maintenance or use of such entertainment transportation vehicle. The certificate of insurance shall also list the serial number or identification number of each entertainment transportation vehicle that is insured.
3. Any insurance policy issued in compliance with this article shall remain in place at least through the length of the licensing, and for any entertainment transportation vehicle insured thereunder Such policies shall expressly provide that they may not be canceled, except after thirty days written notice to the commission director.

V. By amending Section 14 by deleting proposed Metropolitan Code of Laws Section 6.77.220, Subsection 8, as follows:

- ~~8. Not permit a passenger to stand or ride on any part of the entertainment transportation vehicle other than the designated seating area while the entertainment transportation vehicle is in motion and to advise the passengers that they must be seated except when loading or unloading.~~

VI. By amending Section 16 as follows:

Section 16. That Section 6.77.240 of the Metropolitan Code of Laws is hereby amended by deleting Subsections B and C in ~~its~~ their entirety and replacing ~~it~~ these subsections with the following Subsections B, C, and D:

- B. A certificate holder or entertainment transportation vehicle driver commits a violation of this chapter if he or she provides or stocks any beer, ale, wine, or other alcoholic beverage in the entertainment transportation vehicle, except to the extent otherwise permitted by the Beer Board.
- C. The consumption of beer, ale, wine, or other alcoholic beverages upon or within an entertainment transportation vehicle is strictly prohibited, except to the extent otherwise permitted by the MTLC and the Metropolitan Beer Board.
- D. It is unlawful for any person driving or in any way operating an entertainment transportation vehicle to knowingly allow a passenger or staff to consume alcoholic beverages in violation of Beer Board or MTLC rules and regulations. For purposes of this subsection, "knowingly

allow” means the person has actual notice of or, through reasonable due diligence, should know that a passenger is consuming an alcoholic beverage or beer upon or within the entertainment transportation vehicle.

VII. By amending Section 21 as follows:

Section 21. That Section 6.77.420 of the Metropolitan Code of Laws is hereby amended by deleting Subsection C and adding the following new Subsections C and D:

C. The MTLC shall have the authority to promulgate, implement, and enforce additional rules and regulations pertaining to entertainment transportation vehicles, provided such rules and regulations are consistent with the provisions of this chapter. In developing these rules and regulations, the MTLC shall ensure safety, traffic flow, and compliance with existing noise ordinances.

D. Using a permitted service vehicle to increase capacity shall be grounds for immediate suspension of the certificate holder’s permit. Use of a permitted service vehicle is limited to replacing an out of service permitted vehicle only.

VIII. By amending Section 22 as follows:

Section 22. That Section 7.24.040 of the Metropolitan Code of Laws is hereby amended by deleting Subsection C in its entirety. C.1.a and replacing it with the following:

~~An “Enclosed Vehicle” means any motor vehicle that is fully enclosed by metal, plexiglass, professionally installed operable vinyl windows, or glass on all sides and on the top/roof. Any vehicle not meeting this definition would constitute an “unenclosed vehicle.” A vehicle is unenclosed if any portion of it lacks solid sides and a roof, including all appurtenances attached thereto, including, but not limited to, a wagon or trailer pulled by a tractor, within which passengers are capable of standing and circulating while the vehicle is in motion. For purposes of this section, a vehicle “side” must be a full side enclosure of the vehicle and cannot consist of solely a guard rail or railing. It may contain windows capable of being opened, but all windows, excluding the driver compartment if separate from the passenger area, shall be fully closed while the vehicle is in operation with customers about and any passenger is in possession of an open container. Enclosed vehicles shall maintain any required emergency access or exists but the emergency access or exits may not be used to avoid the safety goals intended by the enclosure.~~

Sponsored by:

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