LOUISIANA PUBLIC SERVICE COMMISSION

GENERAL ORDER

LOUISIANA PUBLIC SERVICE COMMISSION
EX PARTE

DOCKET NO. R-32141 - Louisiana Public Service Commission, ex parte. In re: Discussion and possible vote at the December 14, 2011 Business and Executive Session, Proposed General Order regarding the superseding of General Order dated October 11, 2010 and further supplementing General Order dated May 30, 2008 and General Order dated June 30, 1974, pertaining to Common and Contract Carriers of Passengers and Dispatch Taxicab Carriers under the jurisdiction of the LPSC, establishing rules, standards and registration for vehicles and their operators and further to adopt a Proposed Passengers Bill of Rights.

(Decided at the and March 21, 2012 Business and Executive Session)

(Supersedes General Order dated December 28, 2011, General Order dated October 11, 2010 and Amends General Order, Dated June 30, 1974 and May 30, 2008)

Purpose

The Louisiana Public Service Commission ("LPSC" or "Commission") initiated this Rulemaking to consider an amendment to General Order dated October 11, 2010, General Order dated May 30, 2008 and General Order dated June 30, 1974, pertaining to Common and Contract Carriers of Passengers and Dispatch Taxicab Carriers under the jurisdiction of the Commission, to establish rules, standards and registration procedures for vehicles and their Operators/Drivers. The Rulemaking and resulting General Order also provides for a Passengers Bill of Rights and fines and penalties for the failure to comply with this General Order.

Jurisdiction

The Rulemaking was established pursuant to the following Constitutional and Legislative authority:

Article IV, Section 21 (B) of the Louisiana constitution provides that:

> The [public service] commission shall regulate all common carriers and public utilities and have such other regulatory authority as provided by law. It shall adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by law.

La. R.S. 45:163 provides that:

> A. The [public service] commission has the power and authority necessary to supervise, govern, regulate and control common motor carriers, other than a contract carrier by bus, which transport household goods, passengers, or waste and to fix reasonable and just rates, fares, tolls, or charges for the commodities furnished or services rendered by such motor carriers. The commission shall prescribe rules and regulations governing the operation of contract carriers in competition with common carriers, and prescribe minimum rates, fares and charges to be collected by such carriers.
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> B. The power, authority, and duties of the commission shall include all matters connected with the service to be given or rendered, the records to be kept by

motor carriers, and except as otherwise provided, the power to adopt and enforce such reasonable rules, regulations, and modes of procedure as it may deem proper for the discharge of its duties, to summon and compel the attendance of witnesses, to swear witnesses, to compel the production of books and papers, to take testimony under commission and punish for contempt as fully as is provided for by law by the district courts, and to prescribe and require the furnishing and filing of tariffs and schedules.

C.(1) The commission shall be charged with the duty of policing and enforcing the provisions of R.S. 45:161 through R.S. 45:178. Its duly appointed officers shall have authority to make arrest for violations of any of the provisions of R.S. 45:161 through 45:178, orders, decisions, rules and regulations of the commission, or any part or portion thereof, and to serve any notice, order or subpoena issued by any court, the commission, its secretary or any employee authorized to issue same, and to this end shall have full authority throughout the state.

(2) Such officers upon reasonable belief that any motor vehicle is being operated in violation of any provisions of R.S. 45:161 through R.S. 45:178, shall be authorized to require the driver thereof to stop and exhibit the registration certificate issued for such vehicle, to submit to such officers for inspection any and all bills of lading, waybills, invoices or other evidences of the character of the lading being transported in such vehicle and to permit such officer to inspect the contents of such vehicle for the purpose of comparing same with bills of lading, waybills, invoices or other evidence of ownership or of transportation for compensation.

LA RS 45:166 provides that:

A. Any certificate or permit may, in the discretion of the commission, be amended, suspended or revoked in whole or in part after notice and hearing for failure to comply with any provision of R.S. 45:161 through 45:172, or with any lawful order, rule or regulation of the commission promulgated pursuant thereto, or with any term, condition or limitation of the certificate or permit.

LA RS 45:167 provides that:

There shall be displayed upon every vehicle operated intrastate under the authority of R.S. 45:161 through 172 the name and address of the operator and his certificate or permit number in such a manner as to be plainly discernible.

LA RS 45:170 provides that:

A. A vehicle may be impounded by an employee of the commission in the course of and as part of a highway inspection if:

(1) The vehicle is involved in a current infraction and the offending person cannot post the appropriate appearance bond before the close of the working day;

Background

Staff was directed by the Commission at the September 7, 2011, Business and Executive Session to open a rulemaking regarding Common and Contract Carriers of Passengers and Dispatch Taxicab Carriers subject to the jurisdiction of the LPSC. Staff was directed to review existing General Orders and formulate carrier, vehicle and operator/driver rules and standards designed to protect owners, operators, and passengers of these LPSC regulated services. The goal of the LPSC is to ensure that anyone who chooses to utilize the services of LPSC regulated

Common and Contract Carriers of Passengers and Dispatch Taxicab Carriers will be guaranteed safe, efficient, and reliable transportation at a fair price. Accordingly, these rules, standards and registration requirements shall apply to all Passenger Carriers excluding those carriers operating as a charter bus service pursuant to LPSC General Order dated April 21, 1999 and La. R.S. 45:162 (7).

This General Order requires all Common and Contract Carriers of Passengers and Dispatch Taxicab Carriers subject to LPSC jurisdiction to register and obtain operating authority from the Commission, provide documentary proof of established minimum limits of liability insurance coverage, maintain a tariff of rates on file with the Commission, register the vehicles used in regulated transportation and to register the Operators/Drivers of those vehicles. The General Order provides vehicle and operator/driver standards and prohibits the operation of said vehicles by operators/drivers who are not registered with the Commission. The General Order also provides for fines and penalties for failing to comply with its provisions.

As a result of this General Order, any individuals who utilize LPSC regulated Common and Contract Carriers of Passengers and Dispatch Taxicab Carriers will be assured safe, efficient, and reliable transportation at a just rate. In order to guarantee these protections, this General Order implements a Passengers Bill of Rights.

The Proposed Order was published in the Commission's November 11, 2011 Bulletin. The deadline for filing interventions and specific comments was November 28, 2011. Comments were filed by Riverside Limousines, A Service Cab and Jason Coleman of Coleman Cab Co. Riverside Limousines addressed the provision in the Proposed Order that required carriers operating more than five vehicles to have one ADA compliant vehicle for every twenty vehicles operated. Riverside Limousines suggested that the exemption should be set at ten vehicles and also questioned whether the requirement could be met by the carrier having the ability to provide an ADA vehicle by contract or other means. In its comments, A Service Cab objected to the prohibition of operating vehicles that were over seven years on the grounds that such was onerous and detrimental to taxicab companies. A Service Cab objected to the provision regarding the use of electronic passes for tollbooths and the phone and radio prohibitions as drivers needed to use same for dispatching purposes. The comments filed by Jason Coleman of Coleman Cab Co. addressed the same issues raised by the other carriers and offered similar suggestions.

A Technical Conference was held on December 1, 2011. Riverside Limousines appeared through its owner, Wade Randolph and its attorney, John Shirley. Baton Rouge Limousine appeared through Tommie French. A Service Cab Co. appeared through its owner, Richard Zorthian. The Carriers offered additional comments and Staff announced that their concerns had been addressed. A handout was provided containing the following changes to the Proposed Order:

1. The seven year limitation on the age of carrier vehicles was amended to provide that it would not apply to carriers holding authority on the effective date of the Order until January 1, 2013.

2. The ADA provision was amended to remove the 5 vehicle exemption and require that one ADA compliant vehicle be provided for every twenty vehicles registered by the Business Entity. In addition, it was amended to provide that the requirement can be met through the use of a subcontractor, provided a copy of the contract is filed with the Commission.

3. The provision regarding the use of an electronic pass at tollbooths was removed

4. The provision regarding the use of a radio and/or cell phone while operating a regulated vehicle as amended to allow said use for dispatching purposes.

Staff's Recommendation

Staff recommended that the following rules and regulations be adopted:

All Common or Contract Carriers of Passengers and Dispatch Taxicab Carriers and all of their Operators/Drivers, must comply with this General Order along with all other applicable laws, rules, or regulations governing these services. For purposes of this General Order a Business Entity ("Entity") is defined as a Common or Contract Carrier of Passengers or Dispatch Taxicab Carrier.

I. Uniform Registration Requirements

A. *Business Entity*

All Business Entities operating under this General Order shall as part of their required registration:

1) Apply for LPSC authority to operate as a Common or Contract Carrier of Passengers or Dispatch Taxicab Carrier.

2) The Application of the Business Entity must designate each and every Operator/Driver who operates one of the Entity's vehicles as an agent to accept service of Commission notices to correct defects in the subject vehicle. As such, delivery of a notice of defect to an Operator/Driver will be adequate service of notice to the owner of the Business Entity;

3) The Business Entity must have liability insurance coverage by bond or policy as evidence by the filing of a Form E pursuant to General Order dated January 12, 1976, and each Operator/Driver and vehicle utilized by the Business Entity must thereby verify the following minimum coverage:

   a. Common and Contract Carriers of Passengers are required to have a minimum coverage of $250,000 per person, $500,000 per occurrence and $10,000 for property damage.

   b. Dispatch Taxicab Carriers are required to have a minimum coverage of $25,000 per person, $50,000 per occurrence and $25,000 for property damage.

4) An Applicant, including an Applicant for a renewal License, must pay and provide proof of payment of, any outstanding fines or fees owed by the Applicant to the LPSC;

5) An Applicant must provide the Commission with the Applicant's current Mailing Address;

6) The Applicant must remit a fee of $200.00, with their application/registration to the LPSC;

7) The Applicant's of Common Carriers of Passengers or Dispatch Taxicab Services must file a Tariff with the LPSC and Contract Carriers of Passengers must file contracts with the LPSC, containing:

   a. The complete name and address of the Business Entity;

   b. Specific information regarding the rates/fares charged, including the method of calculating the rate/fare (i.e. flat rate, hourly rate, and distance based rate). When utilizing an hourly rate, the Business Entity must specify the method of calculating time, including when charges begin and end.

   c. Fuel surcharges must be stated in the tariff or contract. Applicant may set their Fuel Surcharge or follow the LPSC set Fuel Surcharge provided it is written in the tariff or contract.

   d. Contracts must be signed by both the LPSC Business Entity and the Company and must include the dates of the duration of the contract.

8) Upon the granting of the authority all Business Entities are require to file Annual Reports in accordance with General Order 2 dated July 21, 1921; General Order dated April 23, 2001 and the General Order issued in the Rulemaking Docket, R-31953.

B. Vehicle Requirements & Registration

Every vehicle operated as a Common or Contract Carrier of Passengers or a Dispatch Taxicab Carrier subject to LPSC jurisdiction shall be required to comply with each of the following:

1) The display of the operator and their certificate or permit number upon the vehicle of the common or contract carrier shall continue as required and is additionally modified to further require that if a certificate or permit covers multiple vehicles that each vehicle display the certificate or permit number with the addition of a decimal point at the end of the certificate or permit number and that an additional number be added to indicate the individual number of the vehicle covered under the certificate and/or permit.

2) A copy of current insurance on the vehicle and a copy of each Operator/Driver's license covered by the same insurance shall be displayed in the vehicle within the customer's sight, in a standardized LPSC Operator/Driver placard.

3) Uniform standards for vehicles, including age, model, type, and quality as established below.

a. For Common and Contract Carriers of Passengers

i. No Business Entity registered as a Common and Contract Carrier of Passengers may operate any vehicle when the model year of said vehicle is greater than seven (7) years old, subject to the following two (2) exemptions:

1. An exemption may be applied by the LPSC for any classic or unique vehicle that meets all other LPSC requirements when the LPSC informs the Business Entity in writing that the subject vehicle may operate subject to this exemption.

2. Carriers holding LPSC passenger authority on the effective date of this Order will not be required to comply with the vehicle age requirements of this Order until January 1, 2013.

ii. While the vehicle is in operation, all equipment, including brakes, tires, shock absorbers, lights and signals must be in good working order and meet all requirements of the state of Louisiana, and the Rules of the LPSC.

iii. The vehicle's exterior and interior must be clean, including a daily cleaning of the interior of the vehicle. All seats inside the subject vehicle must be vinyl, a similar material, or utilize a plastic cover for the seats.

iv. The vehicle must meet any and all other applicable requirements as set forth in this General Order.

b. For Dispatch Taxicab Carriers

i. No Dispatch Taxicab Carrier may operate any vehicle when the model year of said vehicle is greater than seven (7) years old. However, Dispatch Taxicab Carriers holding LPSC Dispatch Taxicab authority on the effective date of this Order will not be required to comply with the vehicle age requirements of this Order until January 1, 2013.

ii. While a taxicab is in operation, all equipment, including brakes, tires, shock absorbers, lights and signals must be in good working order and meet all requirements of the state of Louisiana, and the Rules of the LPSC.

iii. The taxicab's exterior and interior must be clean, including a daily cleaning of the interior of the vehicle. All seats inside the subject vehicle must be vinyl, a similar material, or utilize a plastic cover for the seats.

iv. The trunk compartment must be capable of securely holding passengers' baggage.

v. Every taxicab must be equipped with properly functioning seatbelts for the driver and all passengers.

vi. Inside every vehicle there shall be the appropriate device to allow a customer to pay by Credit Card and obtain a receipt for said payment. In the event that the device allowing payment by Credit Card is broken, the vehicle shall be taken out of service until the device is repaired, or the Operator/Driver of the vehicle will be subject to a fine at a public hearing of not less than $100.00 and not more than $10,000.00.

4) Have working air conditioning or heat available upon request. In the event that air conditioning or heat is not available, the vehicle shall be taken out of service until repaired, or the vehicle will be subject to a fine at a public hearing of not less than $100.00 and not more than $10,000.00.

5) Undergo routine maintenance inspections and the date and mileage of the last maintenance inspection shall be posted inside the vehicle, within sight of the customer.

6) Purchase LPSC registration stamps annually for each vehicle at a cost of $10 per vehicle. Current registration stamps must be carried onboard vehicle at all times.

C. Operators/Drivers

In order to protect the public interest, Operator/Drivers of Common or Contract Carriers of Passengers or Dispatch Taxicab Carriers, shall be registered with the LPSC.

All Common or Contract Carriers of Passengers or Dispatch Taxicab Carriers shall register with the LPSC all of their Operator/Drivers in the following manner:

1) The Business Entity must complete an approved Application with the LPSC for each of its Operator/Drivers;

2) All Operator/Drivers must be at least 18 years of age;

3) All Operator/Drivers must produce a valid government issued ID to the LPSC:

4) All Operator/Drivers must have a valid Louisiana Chauffeur's License;

5) All Operator/Drivers must be able to speak, read, write and understand the English language;

6) All Operator/Drivers must be familiar with the following:

   a) The geography, streets, and traffic regulations of any geographical area that the Operator/Driver will operate in and provide services to;

   b) The rules and regulations of the Louisiana Public Service Commission;

7) All Operator/Drivers must be of good moral character.

8) All Operator/Drivers must agree to accept service of any sort of notice or legal process issued by any agency of the State of Louisiana upon the Operator/Drivers at the Operator/Drivers Mailing Address; and

9) The Business Entity must remit a fee of $10.00 per Operator/Driver, with their application/registration to the Louisiana Public Service Commission.

II. Record Keeping

Pursuant to jurisdictional authority, and consistent with the rules established herein, the LPSC shall maintain all applicable applications and records in a manner that will allow for public inspection upon request. Accordingly, the LPSC retains the right to declare any application or submission to the LPSC as deficient. In the event of a deficient filing, the LPSC has the right to refuse the granting of authority until the information requested is received.

III. Operation by unregistered drivers

Only an Operator/Driver registered with the Louisiana Public Service Commission and associated with a registered Business Entity, shall be allowed to operate a certificated vehicle under this General Order. Any Operator/Driver not registered with the Business Entity and the Commission, and found operating a certificated vehicle owned by a common or contract carrier, shall be fined not less than $100.00 and not more than $10,000.00 after a public hearing. Each day of operation in violation of the above provisions shall be a separate offense.

IV. Appearance Bonds and Impounding of Vehicle(s)

The appearance bonds for violations of the provisions of this General Order are set as follows:

Business Entity operating without authority	$500
Operation of vehicle by a non LPSC registered Operator/Driver	$500
Violation of any and all vehicle and Operator/Driver standards established by this General Order	$200

All bonds including but not limited to repeat offenders shall be posted in accordance with provisions of Order R-30508 dated May 15, 2008.

In the event that the above appearance bond is not posted by the end of the Commission's work day, 4:30 pm, the vehicle shall be impounded pursuant to La. R.S. 45:170(A) 1 and all towing and storage cost associated with said impoundment shall be the responsibility of the Business Entity and/or the Operator/Driver of the impounded vehicle.

V. Payment

In the public interest, Operators/Drivers of Common and Contract Carriers of Passengers or Dispatch Taxicab Carriers governed by this General Order are required to accept payment for their services by Credit Card, Debit Card and/or Cash. All vehicles registered with the LPSC are required to have sufficient technology on board to accept payment with Credit Card or Debit Card and provide the customer with a receipt. In the event that the vehicle is not compliant, the Operator/Driver will be subject to a fine not less than $100.00 and not more than $10,000.00 after a public hearing.

All customers have the right to refuse to offer a tip in the event of poor service. Further, all customers shall be informed of the posted fare before the trip commences. This requirement may be satisfied by posting the fare in an area visible to the customer. The customer shall have the right to exit the vehicle without payment before the trip commences in the event that the required fare information is not properly posted.

Specifically for Common and Contract Carriers of Passengers, the customer has the right to receive a fare quote from the dispatcher pursuant to the tariff on file with the LPSC, and pay that amount for the ride, unless the route or trip is altered.

VI. Americans with Disabilities Act

Any Business Entity registered with the LPSC, and subject to this General Order, must comply with the minimum guidelines and requirements for accessibility standards established for vehicles by the Americans with Disabilities Act. "ADA" (See 36 CFR 1192.1 et seq.; 42 U.S.C. 12101 et seq.). Any Business Entity registered with the LPSC, must operate, or have the ability to dispatch through a contract vehicle one (1) ADA compliant vehicle if their fleet consists of less than twenty (20) vehicles, and one (1) additional ADA compliant vehicle for every additional twenty (20) vehicles registered to the Business Entity. If the Business Entity provides ADA compliant vehicles through a subcontractor, a copy of said contract shall be filed with the Transportation Division of the LPSC.

In order to be in compliance with this General Order, the Business Entity must:

1) Have the ability to dispatch an ADA compliant vehicle, or arrange for an ADA complaint vehicle to be dispatched to the customer pursuant to the terms set forth in this section;

2) The Business Entity must guarantee identical service is given to any customer with a disability;

3) The dispatching of an ADA compliant vehicle must not result in any extra cost to customers with disabilities, however in the event that any special equipment, such as a wheel chair, needs to be stored separately in the vehicle, the Business Entity is authorized to charge a fee equal to the fee assessed on any other type of luggage;

4) Service must be provided to customers with disabilities that meet their needs, and is equal to the service provided to other customers;

5) The identical service requirement contained in this section requires that the ADA compliant vehicle arrive at the customer's location within a substantially similar amount of time as a non-compliant vehicle would have arrived;

6) The dispatching of ADA compliant vehicles must be available during all hours that service is otherwise available.

Failure to comply with this section will result in a fine of not less than $100.00 and not more than $10,000.00 for each reported violation after a public hearing.

VII. Passenger Bill of Rights

Every Common and Contract Carrier of Passengers and Dispatch Taxicab Carrier, and their Operators/Drivers subject to LPSC jurisdiction, must comply with the following Bill of

Rights which is required to be posted in plain sight of the passengers in every LPSC registered vehicle. The Bill of Rights shall read as follows:

AS A CUSTOMER, YOU ARE ENTITLED TO:

1) The right to be driven by an LPSC registered and licensed Operator/Driver in good standing, whose LPSC license and insurance are clearly displayed in the vehicle;

2) To ride in a car that meets LPSC uniform standards of being clean and in good condition, interior and exterior with a suitable partition;

3) To have open access to review all of the registration documents, by all Business Entities and Operators/Drivers;

4) To have a safe and courteous Operator/Driver who obeys all traffic laws of the applicable City, Parish, and State;

5) To have a knowledgeable Operator/Driver who speaks, reads and writes the English language;

6) To go to any destination that the passenger designates;

7) To be able to pay for your ride with credit, debit card or cash, per the passenger's choice;

8) To direct a route taken, the most direct route or the ability of a passenger's choice;

9) To have working air-conditioning or heat on request;

10) To have a noise free trip, including no horn honking or radio use; except radio communication used for dispatching purposes;

11) To have a clean air vehicle, smoke and scent free;

12) To have properly functioning seatbelts for all passengers;

13) To be accompanied by a service animal;

14) To have a Operator/Driver who does not use a cell phone while driving, hand held or hands free; except cell phones used for dispatching purposes;

15) To not share a ride, unless the passenger chooses to;

16) The right to decline a tip for poor service;

17) The right to be charged the posted fare, regardless of any personal disability.

COMMISSION ACTION:

At the Business and Executive Session held on December 14, 2011, on motion of Commissioner Skrmetta, seconded by Commissioner Boissiere, with Commissioners Campbell and Holloway concurring and Commissioner Field temporarily absent, the Commission voted to accept the Staff Recommendation and adopt the proposed general order with the following modifications: 1) The following language shall be added to Section I(A)(3): "This verification requirement as it applies to the Business Entity's employees can be satisfied by the Business Entity's filing of the Form E. For the purposes of this subsection an employee is hereby defined

as an individual listed on the Business Entity's Employers' Quarterly Wage & Tax Report (LWC ES4) filed with the Louisiana Workforce Commission. Non-employees, independent contractors and contract drivers shall verify said coverage individually." 2) The words "classic or" shall be removed from Section I(B)(3)(a)(i)(1) 3) The same amended language from Section I(B)(3)(a)(i)(1) shall be inserted into Section I(B)(3)(b)(i).

At the Business and Executive Session held on January 25, 2012, the Commission directed Staff to go back and further investigate the concerns voiced during the Business and Executive Session, including but not limited to, exclusions for limousines regarding ADA accessibility, credit card machine requirements, plastic seat covers, as well as the age limitation imposed on all vehicles and a proposed check list for suitability of vehicles. At the Business and Executive Session held on February 15, 2012:

1) Commissioner Skrmetta offered a motion to accept the amendments to General Order dated December 28, 2011 as read into the record, with the following change to the exemption under Section I(B)(3)(a)(i)(1) and Section I(B)(3)(b)(i) to read: "An exemption may be applied by the LPSC for any vehicle when the LPSC informs the Business Entity in writing that the subject vehicle may operate under this exemption, provided that said vehicle has a valid state inspection sticker and has passed inspection by the criteria established by the PSC." Commissioner Boissiere seconded this motion, however;
2) Commissioner Field objected and offered a substitute motion to make this rule effective in Orleans and Jefferson Parishes only. Commissioner Holloway requested that Commissioner Field amend his motion to include Plaquemines, St. Charles, St. John, St. Tammany and St. Bernard in addition to Orleans and Jefferson Parishes. Commissioner Field accepted this amendment;
3) Commissioner Boissiere then offered a substitute motion, with Commissioner Skrmetta seconding, to pass this item to next month; however this motion failed three (3) votes to two (2);
4) On motion of Commissioner Field, seconded by Commissioner Holloway, with Commissioner Campbell concurring and Commissioners Boissiere and Skrmetta objecting, the Commission voted to accept Commissioner Skrmetta's amendments to the Staff Recommendation read into the record and to apply the entire Order as

amended for the following parishes only: Plaquemines, St. Charles, St. John, Jefferson, Orleans, St. Tammany and St. Bernard.

At the Business and Executive Session held on March 21, 2012, on motion of Commissioner Holloway, seconded by Commissioner Field, and unanimously adopted, the Commission voted to bring this item back up for reconsideration.

Thereafter, on motion of Commissioner Holloway, seconded by Commissioner Field, and unanimously adopted, the Commission voted to rescind the Commission's vote of February 15, 2012 in this matter only in so far as it regards the applicability of registration of vehicles and drivers solely to the parishes of Orleans, Jefferson, Plaquemines, St. Charles, St. John, St. Tammany and St. Bernard; and to make the vehicle and driver registration requirements only, contained in the order voted on at the February 15, 2012 Business and Executive Session, applicable statewide and retaining the applicability of the entire order voted on at the February 15, 2012 Business and Executive Session to the parishes of Orleans, Jefferson, Plaquemines, St. Charles, St. John, St. Tammany and St. Bernard.

IT IS THEREFORE ORDERED

That all Common or Contract Carriers of Passengers and Dispatch Taxicab Carriers and all of their Operators/Drivers, must comply with this General Order along with all other applicable laws, rules, or regulations governing these services. For purposes of this General Order a Business Entity ("Entity") is defined as a Common or Contract Carrier of Passengers or Dispatch Taxicab Carrier.

I. Uniform Registration Requirements

A. *Business Entity*

All Business Entities operating under this General Order shall as part of their required registration:

1) Apply for LPSC authority to operate as a Common or Contract Carrier of Passengers or Dispatch Taxicab Carrier.

2) The Application of the Business Entity must designate each and every Operator/Driver who operates one of the Entity's vehicles as an agent to accept service of Commission notices to correct defects in the subject vehicle. As such, delivery of a notice of defect to an Operator/Driver will be adequate service of notice to the owner of the Business Entity;

3) The Business Entity must have liability insurance coverage by bond or policy as evidence by the filing of a Form E pursuant to General Order dated January 12, 1976, and each Operator/Driver and vehicle utilized by the Business Entity must thereby verify the following minimum coverage:

a. Common and Contract Carriers of Passengers are required to have a minimum coverage of $250,000 per person, $500,000 per occurrence and $10,000 for property damage.

b. Dispatch Taxicab Carriers are required to have a minimum coverage of $25,000 per person, $50,000 per occurrence and $25,000 for property damage.

This verification requirement as it applies to the Business Entity's employees can be satisfied by the Business Entity's filing of the Form E. For the purposes of this sub-section an employee is hereby defined as an individual listed on the Business Entity's Employers' Quarterly Wage & Tax Report (LWC ES4) filed with the Louisiana Workforce Commission. Non-employees, independent contractors and contract drivers shall verify said coverage individually.

4) An Applicant, including an Applicant for a renewal License, must pay and provide proof of payment of, any outstanding fines or fees owed by the Applicant to the LPSC;

5) An Applicant must provide the Commission with the Applicant's current Mailing Address;

6) The Applicant must remit a fee of $200.00, with their application/registration to the LPSC;

7) The Applicants of Common Carriers of Passengers or Dispatch Taxicab Services must file a Tariff with the LPSC and Contract Carriers of Passengers must file contracts with the LPSC, containing:

a. The complete name and address of the Business Entity;

b. Specific information regarding the rates/fares charged, including the method of calculating the rate/fare (i.e. flat rate, hourly rate, and distance based rate). When utilizing an hourly rate, the Business Entity must specify the method of calculating time, including when charges begin and end.

c. Fuel surcharges must be stated in the tariff or contract. Applicant may set their Fuel Surcharge or follow the LPSC set Fuel Surcharge provided it is written in the tariff or contract.

d. Contracts must be signed by both the LPSC Business Entity and the Company and must include the dates of the duration of the contract.

8) Upon the granting of the authority all Business Entities are require to file Annual Reports in accordance with General Order 2 dated July 21, 1921; General Order dated April 23, 2001 and the General Order issued in the Rulemaking Docket, R-31953.

B. Vehicle Requirements & Registration

Every vehicle operated as a Common or Contract Carrier of Passengers or a Dispatch Taxicab Carrier subject to LPSC jurisdiction shall be required to comply with each of the following:

1) The display of the operator and their certificate or permit number upon the vehicle of the common or contract carrier shall continue as required and is additionally modified to further require that if a certificate or permit covers multiple vehicles that each vehicle display the certificate or permit number with the addition of a decimal point at the end of the certificate or permit number and that an additional number be added to indicate the individual number of the vehicle covered under the certificate and/or permit.

2) A copy of current insurance on the vehicle and a copy of each Operator/Driver's license covered by the same insurance shall be displayed in the vehicle within the customer's sight, in a standardized LPSC Operator/Driver placard. As to Common and Contract Carrier of Passengers said requirements may be met by the production of this information upon the request of the customer.

Hereinafter, the requirements contained in Sub-Section 3) through 5) are applicable solely to vehicles operating in the Parishes of Jefferson, Orleans, Plaquemine, St. Bernard, St. Charles, St. John, and St. Tammany.

3) Uniform standards for vehicles, including age, model, type, and quality as established below.

a. For Common and Contract Carriers of Passengers

i. No Business Entity registered as a Common and Contract Carrier of Passengers may operate any vehicle when the model year of said vehicle is greater than seven (7) years old, subject to the following two (2) exemptions:

1. An exemption may be applied by the LPSC for any vehicle when the LPSC informs the Business Entity in writing that the subject vehicle may operate under this exemption, provided that said vehicle has a valid state inspection sticker and has passed inspection by the criteria established by the LPSC.

2. Carriers holding LPSC passenger authority on the effective date of this Order will not be required to comply with the vehicle age requirements of this Order until January 1, 2013.

ii. While the vehicle is in operation, all equipment, including brakes, tires, shock absorbers, lights and signals must be in good working order and meet all requirements of the state of Louisiana, and the Rules of the LPSC.

iii. The vehicle's exterior and interior must be clean, including a daily cleaning of the interior of the vehicle.

iv. The vehicle must meet any and all other applicable requirements as set forth in this General Order.

b. For Dispatch Taxicab Carriers

i. No Dispatch Taxicab Carrier may operate any vehicle when the model year of said vehicle is greater than seven (7) years old. However, Dispatch Taxicab Carriers holding LPSC Dispatch Taxicab authority on the effective date of this Order will not be required to comply with the vehicle age requirements of this Order until January 1, 2013. An exemption may be applied by the LPSC for any vehicle when the LPSC informs the Business Entity in writing that the subject vehicle may operate under this exemption, provided that said vehicle has a valid state inspection sticker and has passed inspection by the criteria established by the LPSC.

ii. While a taxicab is in operation, all equipment, including brakes, tires, shock absorbers, lights and signals must be in good working order and meet all requirements of the state of Louisiana, and the Rules of the LPSC.

iii. The taxicab's exterior and interior must be clean, including a daily cleaning of the interior of the vehicle. All seats inside the subject vehicle must be vinyl, a similar material, or utilize a plastic cover for the seats.

iv. The trunk compartment must be capable of securely holding passengers' baggage.

v. Every taxicab must be equipped with properly functioning seatbelts for the driver and all passengers.

vi. Inside every vehicle there shall be the appropriate device to allow a customer to pay by Credit Card and obtain a receipt for said payment. In the event that the device allowing payment by Credit Card is broken, the vehicle shall be taken out of service until the device is repaired, or the Operator/Driver of the vehicle will be subject to a fine at a public hearing of not less than $100.00 and not more than $10,000.00.

4) Have working air conditioning or heat available upon request. In the event that air conditioning or heat is not available, the vehicle shall be taken out of service until repaired, or the vehicle will be subject to a fine at a public hearing of not less than $100.00 and not more than $10,000.00.

5) Undergo routine maintenance inspections and the date and mileage of the last maintenance inspection shall be posted inside the vehicle, within sight of the customer.

6) Purchase LPSC registration stamps annually for each vehicle at a cost of $10 per vehicle. Current registration stamps must be carried onboard vehicle at all times.

C. Operators/Drivers

In order to protect the public interest, Operator/Drivers of Common or Contract Carriers of Passengers or Dispatch Taxicab Carriers, shall be registered with the LPSC.

All Common or Contract Carriers of Passengers or Dispatch Taxicab Carriers shall register with the LPSC all of their Operator/Drivers in the following manner:

1) The Business Entity must complete an approved Application with the LPSC for each of its Operator/Drivers;

2) All Operator/Drivers must be at least 18 years of age;

3) All Operators/Drivers must produce a valid state issued Chauffeur's License or Commercial Drivers License that authorizes the transportation of passengers.

4) All Operator/Drivers must be able to speak, read, write and understand the English language;

5) All Operator/Drivers must be familiar with the following:

a) The geography, streets, and traffic regulations of any geographical area that the Operator/Driver will operate in and provide services to;

b) The rules and regulations of the Louisiana Public Service Commission;

6) All Operator/Drivers must be of good moral character.

7) All Operator/Drivers must agree to accept service of any sort of notice or legal process issued by any agency of the State of Louisiana upon the Operator/Drivers at the Operator/Drivers Mailing Address; and

8) The Business Entity must remit a fee of $10.00 per Operator/Driver, with their application/registration to the Louisiana Public Service Commission.

II. Record Keeping

Pursuant to jurisdictional authority, and consistent with the rules established herein, the LPSC shall maintain all applicable applications and records in a manner that will allow for public inspection upon request. Accordingly, the LPSC retains the right to declare any application or submission to the LPSC as deficient. In the event of a deficient filing, the LPSC has the right to refuse the granting of authority until the information requested is received.

III. Operation by unregistered drivers

Only an Operator/Driver registered with the Louisiana Public Service Commission and associated with a registered Business Entity, shall be allowed to operate a certificated vehicle under this General Order. Any Operator/Driver not registered with the Business Entity and the Commission, and found operating a certificated vehicle owned by a common or contract carrier, shall be fined not less than $100.00 and not more than $10,000.00 after a public hearing. Each day of operation in violation of the above provisions shall be a separate offense.

IV. Appearance Bonds and Impounding of Vehicle(s)

The appearance bonds for violations of the provisions of this General Order are set as follows:

Business Entity operating without authority	$500
Operation of vehicle by a non LPSC registered Operator/Driver	$500
Violation of any and all vehicle and Operator/Driver standards established by this General Order	$200

All bonds including but not limited to repeat offenders shall be posted in accordance with provisions of Order R-30508 dated May 15, 2008.

In the event that the above appearance bond is not posted by the end of the Commission's work day, 4:30 pm, the vehicle shall be impounded pursuant to La. R.S. 45:170(A) 1 and all towing and storage cost associated with said impoundment shall be the responsibility of the Business Entity and/or the Operator/Driver of the impounded vehicle.

V. Payment

In the public interest, Operators/Drivers of Dispatch Taxicab Carriers operating in the Parishes of Jefferson, Orleans, Plaquemine, St. Bernard, St. Charles, St. John, and St. Tammany are required to accept payment for their services by Credit Card, Debit Card and/or Cash. The subject vehicles registered with the LPSC are required to have sufficient technology on board to accept payment with Credit Card or Debit Card and provide the customer with a receipt. In the

event that the vehicle is not compliant, the Operator/Driver will be subject to a fine not less than $100.00 and not more than $10,000.00 after a public hearing.

All customers have the right to refuse to offer a tip in the event of poor service. Further, all customers shall be informed of the posted fare before the trip commences. This requirement may be satisfied by posting the fare in an area visible to the customer. The customer shall have the right to exit the vehicle without payment before the trip commences in the event that the required fare information is not properly posted.

Specifically for Common and Contract Carriers of Passengers, the customer has the right to receive a fare quote from the dispatcher pursuant to the tariff on file with the LPSC, and pay that amount for the ride, unless the route or trip is altered.

VI. Americans with Disabilities Act

Any Dispatch Taxicab Carrier registered with the LPSC, and operating in the Parishes of Jefferson, Orleans, Plaquemine, St. Bernard, St. Charles, St. John, and St. Tammany, must comply with the minimum guidelines and requirements for accessibility standards established for vehicles by the Americans with Disabilities Act. "ADA" (See 36 CFR 1192.1 et seq.; 42 U.S.C. 12101 et seq.). Any Dispatch Taxicab Carrier registered with the LPSC and operating in the Parishes of Jefferson, Orleans, Plaquemine, St. Bernard, St. Charles, St. John, and St. Tammany, must operate, or have the ability to dispatch through a contract vehicle one (1) ADA compliant vehicle if their fleet consists of less than twenty (20) vehicles, and one (1) additional ADA compliant vehicle for every additional twenty (20) vehicles registered to the Dispatch Taxicab Carrier. If the Dispatch Taxicab Carrier provides ADA compliant vehicles through a subcontractor, a copy of said contract shall be filed with the Transportation Division of the LPSC.

In order to be in compliance with this General Order, the Dispatch Taxicab Carrier must:

1) Have the ability to dispatch an ADA compliant vehicle, or arrange for an ADA complaint vehicle to be dispatched to the customer pursuant to the terms set forth in this section;

2) Guarantee identical service is given to any customer with a disability;

3) The dispatching of an ADA compliant vehicle must not result in any extra cost to customers with disabilities, however in the event that any special equipment, such as a wheel chair, needs to be stored separately in the vehicle, the Dispatch Taxicab Carrier is authorized to charge a fee equal to the fee assessed on any other type of luggage;

4) Service must be provided to customers with disabilities that meet their needs, and is equal to the service provided to other customers;

5) The identical service requirement contained in this section requires that the ADA compliant vehicle arrive at the customer's location within a substantially similar amount of time as a non-compliant vehicle would have arrived;

6) The dispatching of ADA compliant vehicles must be available during all hours that service is otherwise available.

Failure to comply with this section will result in a fine of not less than $100.00 and not more than $10,000.00 for each reported violation after a public hearing.

VII. Passenger Bill of Rights

Every Common and Contract Carrier of Passengers and Dispatch Taxicab Carriers, and their Operators/Drivers subject to LPSC jurisdiction and operating in the Parishes of Jefferson, Orleans, Plaquemine, St. Bernard, St. Charles, St. John, and St. Tammany, must comply with the following Bill of Rights and make it available to passengers. Dispatched Taxicab Carriers are required to post same in plain sight of the passengers in their LPSC registered vehicles. The Bill of Rights shall read as follows:

AS A CUSTOMER, YOU ARE ENTITLED TO:

1) The right to be driven by an LPSC registered and licensed Operator/Driver in good standing, whose LPSC license and insurance are clearly displayed in the vehicle;

2) To ride in a car that meets LPSC uniform standards of being clean and in good condition, interior and exterior with a suitable partition;

3) To have open access to review all of the registration documents, by all Business Entities and Operators/Drivers;

4) To have a safe and courteous Operator/Driver who obeys all traffic laws of the applicable City, Parish, and State;

5) To have a knowledgeable Operator/Driver who speaks, reads and writes the English language;

6) To go to any destination that the passenger designates;

7) To be able to pay for your ride with credit, debit card or cash, per the passenger's choice;

8) To direct a route taken, the most direct route or the ability of a passenger's choice;

9) To have working air-conditioning or heat on request;

10) To have a noise free trip, including no horn honking or radio use; except radio communication used for dispatching purposes;

11) To have a clean air vehicle, smoke and scent free;

12) To have properly functioning seatbelts for all passengers;

13) To be accompanied by a service animal;

14) To have a Operator/Driver who does not use a cell phone while driving, hand held or hands free; except cell phones used for dispatching purposes;

15) To not share a ride, unless the passenger chooses to;

16) The right to decline a tip for poor service;

17) The right to be charged the posted fare, regardless of any personal disability.

BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA

April 25, 2012

/S/ FOSTER L. CAMPBELL
DISTRICT V
CHAIRMAN FOSTER L. CAMPBELL

/S/ JAMES M. FIELD
DISTRICT II
VICE CHAIRMAN JAMES M. FIELD

/S/ ERIC F. SKRMETTA
DISTRICT I
COMMISSIONER ERIC F. SKRMETTA

/S/ LAMBERT C. BOISSIERE
DISTRICT III
COMMISSIONER LAMBERT C. BOISSIERE, III

EVE KAHAO GONZALEZ
SECRETARY

/S/ CLYDE C. HOLLOWAY
DISTRICT IV
COMMISSIONER CLYDE C. HOLLOWAY