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Uber Bill Up for a Vote in Florida House of Representatives – Questions Remain Unanswered

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Tallahassee, FL: House Bill 1389 is expected to be voted on as a stand-alone bill or an amendment to a larger bill by the Florida House of Representatives. Dubbed the “Uber Bill”, House Bill 1389 seeks to grant Uber Technologies a special state exemption from local vehicle-for-hire rules and regulations – laws that have been crafted, debated, implemented and enforced on the local level by cities and counties throughout Florida for decades.

The Uber Bill was assigned only two committee hearings in the House. It passed by “one vote margins” in each committee despite bi-partisan opposition. There have been numerous questions posed to the bill sponsor and Uber directly that have yet to be answered. In both committee meetings in the House, time expired on public input.

Uber is seeking to end local governments’ ability to regulate luxury vehicles, specifically rules requiring a “minimum fare” for luxury trips. For decades a minimum fare has been required from luxury operators as the only regulation they must follow, while taxi operators are required to adhere to literally dozens of regulations including an obligation to serve 365 24/7, requirement to charge regulated fares, serve all areas of the community, prohibited from refusing a fare, no ability to “price surge” for peak demand, required to take all forms of payment (not just credit cards), and a requirement to respond to calls for service by phone (not just smart phone apps), among other regulations.

Testimony from Uber has proven the company wants to operate like a taxi for “fill in” fares when luxury business is slow or the taxi business is brisk, but do not want to be required to adhere to all regulations taxis must follow each and every day, nor minimum luxury fare regulations.

“Uber’s model is to serve who they want, when they want, where they want and charge what they want with no interference by any regulations whatsoever,” said Roger Chapin, an executive with Mears Transportation and Florida Taxicab Association Board member. *“They can do that today, provided they follow the one rule in place for luxury operators – a minimum fare – that has existed for decades without controversy and is designed to prohibit precisely Uber’s business model, which is to cherry pick taxi fares when it suits them, and not follow taxi regulations when it doesn’t.”*

In an earlier committee meeting, State Representative Frank Artiles (R – Miami) sought assurances for consumer protection from the Uber bill. *“Miami Dade does have regulations in place,” he stated. “I have serious concerns regarding this bill. Rate increases, surge pricing, rate protection, insurance coverage, surplus lines. At this time I will support this bill, however, there is another stop, and I expect for this to be fixed, and if not, I will vote it down at the next stop.”*

State Representative and Chairman of House Economic Affairs Committee Jimmy Patronis (R – Panama City) asked bluntly, *“Is surge pricing legal?”* in reference to Uber’s practice of increasing fares on passengers without warning for inclement weather or special events.

“If Uber puts these other car companies out of business, what will my senior citizens do for a ride?” asked State Representative Irving Slosberg (D – Delray Beach) referencing the fact that Uber does not provide ADA service, underserves the elderly and denies service to socioeconomically or otherwise disadvantaged individuals.

State Representative Mark Danish (D – Tampa) stated, *“After listening to both sides I found out the gray area is huge. We need to put a pause button on this,”* then questioned, *“Do we want a bill about a local issue on the floor of the House?”*

Adding more trepidation pertaining to the lack of insurance and licensing, Uber is already advertising for driver positions in several cities across Florida for its “UberX” product, a service that encourages for-hire commercial transportation of passengers by non-licensed, uninsured every day drivers. State Representative Ed Hooper (R – Clearwater) asked, *“Is a chauffeur-driven limo required to have specific class of commercial driver’s license or just a regular drivers’ license?”*

[\(Click here to see Judge ruling to stop ridesharing practice in St. Louis\)](#)

“Uber wants to have it both ways”, said Louie Minardi, President of the Florida Taxicab Association and Yellow Cab owner in Tampa. *“They want to operate exactly like a taxi when there are good fares, but not provide service or follow the rules all other taxis must follow when times are slower.”*

Taxis are highly regulated in most every community they serve. They are prohibited from denying service to any consumer. In the City of Orlando for example, Chapter 55 (Sec. 55.31 “Driver Obligations”) in local ordinance states: *“No taxicab driver shall refuse any request for transportation from any orderly passenger where the destination of the trip is within the Tri-County Area.”*

The Florida Taxicab Association recently released a poll showing Uber’s practice of only serving customers with “smart phones” and credit cards, leaves out roughly 50% of the public.

According to University of Central Florida Professor and PHD James Wright, *“UBER-ineligible Floridians are disproportionately Hispanic (59%) and African American (55%), low income (70% not eligible among those earning less than 25K per year vs. 26% in the highest income group), and the elderly (64% not eligible among those 65 and older).”*

Uber has also come under fire nationally for their practice of rating passengers. In testimony, the Uber bill sponsor, State Representative James Grant (R-Tampa), revealed to lawmakers that Uber rates passengers and the Uber *“driver has the ability to see ratings of you”*. His testimony continued that Uber could then decide *“if you are somebody”* they may *“reject service to”* in the future.

(Source: Florida House of Representatives, Transportation & Highway Safety Subcommittee – March 24, 2014)

“Why else would Uber ‘rate’ a passenger except to deny them service in the future?” asked Mr. Minardi. *“Taxis in Florida and throughout the nation are expressly prohibited by local regulations from denying anyone service.”*

“Allowing Uber to operate without any regulation, then ‘rate passengers’ to ultimately deny them service in the future, takes us back to a dark place in history”, added Chapin. *“How do they rate poor tippers, an elderly person who requires more assistance, someone who regularly needs a short trip to the doctor or someone whom the driver may just not like the way they look?”*

For more information contact Roger Chapin, Florida Taxicab Association Board Member and executive at Mears Transportation Group in Orlando, FL at RChapin@MearsTransportation.com or 407/422-4561.

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