

Print

Austin City Code

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**ARTICLE 1. GENERAL PROVISIONS.**

**Division 1. General Provisions.**

**§ 13-2-1 DEFINITIONS.**

In this chapter:

- (1) CHAUFFEUR'S PERMIT means written permission granted to an individual by the department to chauffeur a vehicle under the authority granted to a franchise holder or holder.
- (2) CITY MANAGER includes the city manager's designee.
- (3) COMPENSATION means any money, thing of value, payment, consideration, reward, tip, donation, gratuity, or profit paid to, accepted, or received by the driver or owner of any vehicle providing transportation for a person, or persons; whether paid upon solicitation, demand or contract, or voluntarily, or intended as a gratuity or donation.
- (4) CONTROLLED SUBSTANCE means a substance defined as a controlled substance under the Chapter 481 (*Texas Controlled Substances Act*) of the Texas Health and Safety Code or under Title 21 of the United States Code.
- (5) DEPARTMENT means the department designated by the city manager.
- (6) DIRECTOR means the department director designated by the city manager.
- (7) DRIVER means an individual who drives a ground transportation service vehicle.
- (8) FRANCHISE means the authority to operate a taxicab service granted by ordinance under

the City Charter.

(9) **FRANCHISE HOLDER** means a person who obtains a taxicab franchise from the City or has the control, direction, maintenance, or the benefit of the collection of revenue derived from the taxicab franchise, and includes the agents, servants, or employees of the franchise holder.

(10) **FRANCHISE PERMIT** means a decal issued by the City to a franchise holder that evidences the franchise holder's authority to operate a vehicle as a taxicab.

(11) **GROUND TRANSPORTATION SERVICE** means the service of providing chauffeured vehicles for compensation for the transportation of passengers within the city.

(12) **GROUND TRANSPORTATION SERVICE VEHICLE** means a chauffeured vehicle used to transport passengers on City streets for compensation.

(13) **HOLDER** means a person who is authorized to operate a ground transportation service, and includes the agents, servants, or employees of the holder. Holder includes a franchise holder.

(14) **MODIFIED GROUND TRANSPORTATION SERVICE VEHICLE** means a passenger-type van modified in accordance with the Americans with Disabilities Act, 42 U.S.C.A. Section 12101 et seq., to accommodate disabled passengers in wheelchairs.

(15) **OPERATING AUTHORITY** means the written authority granted by the City to provide a ground transportation service other than a taxicab service.

(16) **OPERATING AUTHORITY PERMIT** means a decal issued by the City to a holder that evidences the holder's authority to operate a vehicle as a ground transportation service vehicle.

(17) **PASSENGER** means an individual being transported for a fee in a ground transportation service vehicle.

(18) **PEDICAB** means a chauffeured, non-motorized vehicle that is propelled by pedals and operated for compensation, but does not include a vehicle that is equipped with individual bicycle-style seats with pedaling stations for passengers.

(19) **PERMITTEE** means an individual who has been issued a chauffeur's permit to drive a ground transportation service vehicle.

(20) **PREARRANGED SERVICE** means ground transportation service that is scheduled in advance of the trip.

(21) **T2AXI ZONE** means a public place alongside the curb or curb line of a street that the City has designated as reserved exclusively for the use of taxicabs.

(22) **TAXIMETER** means a device used in a taxicab to compute a fare.

*Source: 1992 Code Section 8-13-1; Ord. 031106-13; Ord. 031211-11; Ord. 20050818-025; Ord. 20060504-039; Ord. 20120412-021.*

## § 13-2-2 APPLICABILITY OF CHAPTER.

This chapter applies to a ground transportation service operating in the city.

*Source: 1992 Code Section 8-13-2; Ord. 031106-13; Ord. 031211-11.*

## § 13-2-3 OPERATING AUTHORITY OR TAXICAB FRANCHISE REQUIRED.

(A) Except as provided by Subsections (B) and (C), a person may not provide or operate a ground transportation service that picks up passengers within the city or represent the person's business to the public as a ground transportation service unless that person obtains an authority to operate the ground transportation service under Section 13-2-161 (*Operating Authority Application Required*) or a taxicab franchise to operate a taxicab service under Section 13-2-303 (*Franchise Application Required*).

(B) A business with an Operating Authority issued by the City is subject to all provisions of this Chapter regardless of where the passenger pick up occurs.

(C) This section does not apply to the operation of:

(1) a vehicle owned, operated, or subcontracted by the federal government, the state, or a political subdivision when providing service exclusively to the governmental entity;

(2) a vehicle used exclusively for funeral services;

(3) a courtesy vehicle that:

(a) routinely provides transportation between the principal place of business of a courtesy vehicle provider and a public transportation terminal;

(b) is used by an automotive repair business, car dealership, or similar business operation to transport customers to or from their work or home and the business; or

(c) is operated by a corporation that qualifies for exemption from taxation under Section 501(c)(3) of the Internal Revenue Code;

(4) a vehicle that only provides a service that is regulated by the state or federal government;

(5) an ambulance; or

(6) a vehicle rented without a driver.

(D) A driver operating a ground transportation service vehicle without an authority to operate the ground transportation service under Section 13-2-161 (*Operating Authority Application Required*) or a taxicab franchise to operate a taxicab service under Section 13-2-303 (*Franchise Application Required*) or a chauffeur's permit under Section 13-2-101 (*Chauffeur's Permit Required*) may transport a passenger from a point outside the city to one or more points within the city, or may transport the passenger across the city, but may not pick up a new passenger within the city.

(E) A driver operating a taxicab under Subsection (C) shall keep the taximeter running while transporting a passenger within or across the city, or while waiting for a passenger within the city.

(F) It is presumed that an individual picked up within the city by a ground transportation service vehicle is a passenger.

*Source: 1992 Code Section 8-13-3; Ord. 031106-13; Ord. 031211-11; Ord. 20050818-025; Ord. 20120426-063.*

#### **§ 13-2-4 MULTIPLE OPERATING AUTHORITIES PERMITTED.**

A person may obtain more than one operating authority under Section 13-2-161 (*Operating Authority Application Required*).

*Source: 1992 Code Section 8-13-4; Ord. 031106-13; Ord. 031211-11.*

#### **§ 13-2-5 REVIEW OF APPLICATIONS.**

(A) An application required by this chapter shall be reviewed to determine whether it complies with the requirements of this chapter and rules adopted under this chapter.

(B) An application is considered complete on a determination by the department that all information required by the application has been provided.

*Source: 1992 Code Section 8-13-5; Ord. 031106-13; Ord. 031211-11.*

#### **§ 13-2-6 FEES.**

(A) The fees required under this chapter shall be established by separate ordinance.

(B) Fees paid to the department under this chapter are non-refundable.

*Source: 1992 Code Section 8-13-6; Ord. 031106-13; Ord. 031211-11.*

#### **§ 13-2-7 TRANSPORTING PASSENGERS BY DELIVERY VEHICLES PROHIBITED.**

(A) Except as provided in Subsection (B), a person in the business of parcel or package deliveries in the city may not transport or offer to transport a passenger, whether for hire or without charge, or permit any person to ride as a passenger in a delivery vehicle.

(B) A person may provide a free transport service if the service is an incidental part of the person's principal business and there is no charge for the service.

*Source: 1992 Code Section 8-14-15; Ord. 031106-13; Ord. 031211-11.*

### **Division 2. Enforcement.**

#### **§ 13-2-11 ADMINISTRATION; RULEMAKING.**

(A) The department shall administer this chapter at the direction of the city manager.

(B) The department may adopt rules to administer and enforce this chapter and all aspects of ground transportation service in the city. The department shall make copies of the rules available on request.

(C) The director of the Department of Aviation may adopt rules regarding the traffic flow of ground transportation service vehicles at the City's airport.

*Source: 1992 Code Section 8-13-11; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-12 INVESTIGATIONS.**

The city manager may conduct investigations into the operations of ground transportation services operating in the city to determine whether the services comply with this chapter and other applicable laws.

*Source: 1992 Code Section 8-13-12; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-13 ENFORCEMENT.**

(A) The city manager may issue orders to enforce this chapter. Failure to comply with an order of the department is an offense under this chapter.

(B) The city manager, the department, the Police Department, the Department of Aviation, and the Public Safety and Emergency Management Department shall enforce this chapter, rules adopted under this chapter, and orders issued under this chapter.

*Source: 1992 Code Section 8-13-13; Ord. 031106-13; Ord. 031211-11; Ord. 20050804-047.*

### **§ 13-2-14 ENFORCEMENT OFFICERS.**

(A) The city manager may designate an enforcement officer to issue citations to persons who violate this chapter, rules adopted under this chapter, and orders issued under this chapter.

(B) A person designated under this section must:

(1) be an employee of the department or the Department of Aviation;

(2) and successfully complete a training program developed by the director or the director of the Department of Aviation.

(C) A person designated under this section:

(1) is not a peace officer;

(2) has no authority other than the authority applicable to a citizen to enforce a law other than this chapter; and

(3) may not carry a weapon while performing duties under this section.

(D) The city manager shall provide an enforcement officer with an identification card clearly labeled "Ground Transportation Enforcement." The identification card must include the name and a photograph of the enforcement officer. An enforcement officer shall show the officer's identification card on request.

*Source: 1992 Code Section 8-13-14; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-15 CITATION.**

(A) An enforcement officer may issue a citation to a person the officer reasonably believes has engaged in conduct that violates this chapter.

(B) A citation issued under this section must be on a form prescribed by the municipal court clerk that includes the following information:

- (1) the name and address of the person cited;
- (2) the type and number of a permit issued to the person under this chapter, if any;
- (3) the offense for which the person is charged;
- (4) the date, time, and location of the offense;
- (5) the state license plate number of the vehicle;
- (6) the appearance date;

(7) a statement ordering the person receiving the citation to respond to the citation at municipal court on or before the appearance date indicated on the citation;

(8) a statement of the person's promise to respond to the citation by the appearance date indicated on the citation, together with a place for the person cited to provide the person's signature; and

(9) other information as determined by the director.

(C) The enforcement officer shall sign the original of the citation, request the signature of the person, and give a copy of the citation to the person cited. If the person cited refuses the citation or is not present to receive the citation, the enforcement officer shall:

- (1) leave a copy of the citation on the vehicle in a prominent place; or
- (2) mail a copy of the citation to:
  - (a) the person cited;
  - (b) the registered owner of the vehicle; or

- (c) the holder under whose authority the vehicle is operated.

*Source: 1992 Code Section 8-13-15; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-16 DUTY TO RESPOND TO CITATION.**

(A) On or before the appearance date indicated on the citation, a person cited under this division shall submit a plea to each charge indicated on the citation. The person may enter a plea of guilty, not guilty, or no contest. The plea may be submitted by mail, in person, or by other method acceptable to the municipal court.

(B) A person may enter a plea of guilty or no contest to a charge on a citation issued under this division by paying the fine for the charge.

*Source: 1992 Code Section 8-13-16; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-17 COMPLIANCE REQUIRED.**

(A) A person commits an offense if the person performs an act prohibited by this chapter or fails to perform an act required by this chapter. Each instance of a violation of this chapter is a separate offense.

(B) A person commits an offense if the person has been issued a citation under this division and the person fails to enter a plea to a charge indicated on the citation on or before the appearance date indicated on the citation.

(C) A person commits an offense if the person intentionally gives a false or fictitious name, residence address, permit, permit number, vehicle registration, or date of birth to an enforcement officer at the time the enforcement officer is issuing the person a citation under this division.

*Source: 1992 Code Sections 8-13-17 and 8-13-18; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-18 NO CULPABLE MENTAL STATE REQUIRED.**

Except as otherwise provided in this chapter, proof of a culpable mental state is not required for a conviction of an offense under this chapter.

*Source: 1992 Code Section 8-13-19; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-19 PENALTY.**

(A) An offense under this chapter is a Class C misdemeanor, punishable by a fine not to exceed \$500.

(B) Prosecution of an offense under Subsection (A) does not preclude other enforcement remedies under this chapter. The enforcement of other remedies under this chapter does not prevent prosecution for a violation of this chapter under Subsection (A).

*Source: 1992 Code Section 8-13-20; Ord. 031106-13; Ord. 031211-11.*

### **Division 3. Operations.**

#### **§ 13-2-31 VEHICLE TO DISPLAY PERMIT.**

A person may not drive or allow another to drive a vehicle as a ground transportation service vehicle unless the vehicle displays an operating authority permit or franchise permit issued by the City.

*Source: 1992 Code Section 8-13-31; Ord. 031106-13; Ord. 031211-11.*

#### **§ 13-2-32 REPORT OF VEHICLES PLACED IN SERVICE.**

Before a holder places a vehicle in service, the holder shall submit a report regarding that vehicle to the department. The report must be on a form prescribed by the department.

*Source: 1992 Code Section 8-13-32; Ord. 031106-13; Ord. 031211-11.*

#### **§ 13-2-33 MUNICIPAL AIRPORT SERVICE.**

(A) An applicant for authority to provide a ground transportation service that includes service to or from the municipal airport must obtain authority to operate at the airport from the director of the Department of Aviation under Chapter 13-1 (*Aviation Services*) of the Code.

(B) An operating authority or a franchise issued under this chapter does not authorize a person to operate at the airport.

*Source: 1992 Code Section 8-13-33; Ord. 031106-13; Ord. 031211-11.*

#### **§ 13-2-34 INSURANCE REQUIRED.**

(A) Except as provided by Subsection (F), before authority to operate any ground transportation service in the City becomes effective, other than a pedicab operated for compensation, an applicant must obtain a public liability policy issued by an insurance company licensed to operate in the State of Texas and by an agent licensed by the State of Texas. The policy must include the following: bodily injury and property damage coverage; and owned, non-owned and hired vehicle coverage. The insurance policy must be in a form satisfactory to the City, and it must meet the requirements of this section. The insurance coverage must be maintained throughout the term of the operating authority or taxicab franchise. The applicant must furnish a certificate of insurance for the policy to the department.

(B) The policy required by Subsection (A) must, at a minimum, provide coverage for:

- (1) bodily injury of \$100,000 per person and \$300,000 per accident;
- (2) property damage of \$25,000 per accident; and
- (3) personal injury protection of \$2,500 for each passenger.

(C) A business automobile liability insurance policy that provides coverage for scheduled vehicles but does not provide the liability coverage prescribed by Subsection (A) does not comply with this section.

(D) The City must be included as an additional insured on each policy. The holder or franchise holder is responsible for paying all applicable deductibles.

(E) Each policy must contain a "Cancellation Provision or Coverage Change" endorsement that provides 30 days notice to the City before the policy is canceled or materially changed to reduce or restrict the coverage. The notice must be mailed to the director.

(F) Instead of obtaining the insurance policy required by Subsection (A) of this section, a holder may furnish proof of compliance with Subchapter E of Chapter 601 (*Motor Vehicle Safety Responsibility Act*) of the Texas Transportation Code.

(G) Before authority to operate a pedicab ground transportation service in the City becomes effective, an applicant must obtain a public liability policy issued by an insurance company licensed to operate in the State of Texas and by an agent licensed by the State of Texas. The policy must include the following: commercial general liability insurance for a minimum limit of five hundred thousand dollars (\$500,000) combined single limit per occurrence, and \$2,500 medical expense. The policy shall provide coverage for any and all pedicabs for hire and all drivers of such pedicabs. The policy shall provide coverage for all passengers entering and exiting pedicabs.

*Source: 1992 Code Section 8-13-34; Ord. 031106-13; Ord. 031211-11; Ord. 20120412-021.*

#### **§ 13-2-35 IMPAIRED INSURANCE.**

If the insurance required by this chapter becomes impaired, the department shall require new insurance of the holder.

*Source: 1992 Code Section 8-13-35; Ord. 031106-13; Ord. 031211-11.*

### **Division 4. Service Delivery.**

#### **§ 13-2-51 TAXI ZONES.**

(A) The department shall establish taxi zones in locations that the department determines are required for public convenience and necessity.

(B) A franchise holder may file a written request with the department requesting that the department establish additional taxi zones.

(C) A taxi zone shall be established and situated to allow a taxicab as prescribed by this chapter to enter, stop, stand, or depart approximately parallel to the curblineline of the street, and not to allow angled or head-in stopping, standing, or parking.

(D) A taxicab may stop, stand, or park in a taxi zone.

*Source: 1992 Code Section 8-13-51; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-52 LOADING AND UNLOADING.**

A driver may not load or unload passengers in the roadway of a street, but shall drive to the right-hand sidewalk as nearly as possible, except on one-way streets where passengers may be discharged at either the right-hand or left-hand sidewalk, or at the side of a roadway without a sidewalk.

*Source: 1992 Code Section 8-13-52; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-53 ALTERNATIVE TRANSPORTATION.**

When a vehicle becomes inoperable, the driver shall immediately notify the holder's dispatcher that the vehicle has become inoperable. The holder shall then immediately provide alternative transportation to passengers occupying the vehicle.

*Source: 1992 Code Section 8-13-53; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-54 DISPLAY AND INSPECTION OF DRIVER CREDENTIALS.**

(A) A person may not drive a ground transportation vehicle unless a chauffeur's permit issued under this chapter or a Class "B" or "C" commercial driver's license with a passenger endorsement issued to the driver by the State of Texas, as provided under Section 13-2-121 (*Exemption From Chauffeur's Permit Requirement*), is displayed in the vehicle. The permit or license must be displayed in a manner approved by the department while the driver is on duty.

(B) While on duty, a driver of a ground transportation service vehicle shall allow enforcement personnel and customers to examine, on request, the driver's chauffeur's permit or commercial driver's license, as provided under Section 13-2-121 (*Exemption From Chauffeur's Permit Requirement*).

*Source: 1992 Code Section 8-13-54; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-55 REST PERIODS FOR DRIVERS.**

A driver who operates a ground transportation service vehicle for 12 consecutive hours must take an eight-hour rest period before resuming operation of a ground transportation service vehicle.

*Source: 1992 Code Section 8-13-55; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-56 RIDERS PROHIBITED.**

A driver may not allow a person other than a passenger, an employee, or a trainee of the ground transportation service for whom the driver works to occupy or ride in a ground transportation service vehicle while the vehicle is available for hire.

*Source: 1992 Code Section 8-13-56; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-57 USE OF AIR CONDITIONING OR HEATING.**

The vehicle's air conditioning or heating equipment shall be operated when the vehicle is in service unless a passenger requests that the equipment not be operated.

*Source: 1992 Code Section 8-13-57; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-58 RECEIPT FOR SERVICE.**

On request, a driver shall provide the person paying a fare with a receipt that contains the name, address, and telephone number of the service, the date of the trip, the total fare charged, and the name of the driver.

*Source: 1992 Code Section 8-13-58; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-59 CITY MAP REQUIRED.**

Each driver shall keep a map of the City in the ground transportation service vehicle when driving the vehicle.

*Source: 1992 Code Section 8-13-59; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-60 DISPOSITION OF ABANDONED PROPERTY.**

If practicable, a driver shall promptly attempt to return to a passenger property that is left by the passenger in a ground transportation service vehicle. If unable to locate the passenger, the driver shall deliver the property to the holder not later than 24 hours after discovery of the property.

*Source: 1992 Code Section 8-13-60; Ord. 031106-13; Ord. 031211-11.*

## **Division 5. Holders.**

### **§ 13-2-71 COMPLIANCE WITH THIS CHAPTER REQUIRED.**

A holder shall comply with the provisions of the holder's operating authority or taxicab franchise, this chapter, rules adopted under this chapter, orders issued under this chapter, and applicable federal, state, and local laws and rules.

*Source: 1992 Code Section 8-13-71; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-72 DUTY TO ESTABLISH POLICIES REQUIRING COMPLIANCE.**

A holder shall establish and enforce policies requiring compliance with this chapter by drivers employed by or contracting with the holder.

*Source: 1992 Code Section 8-13-72; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-73 SPONSORING AND HIRING DRIVERS.**

(A) A holder may not allow an individual to drive a ground transportation service vehicle unless:

(1) the individual possesses a chauffeur's permit, sponsored by that holder, or a state license, as provided under Section 13-2-121 (*Exemption From Chauffeur's Permit Requirement*); and

(2) the individual has not been convicted of a violation that results in a revocation under Section 13-2-108 (*Revocation of Chauffeur's Permit*) or a suspension under Section 13-2-109 (*Suspension of Chauffeur's Permit*).

(B) A holder may sponsor an individual to obtain a chauffeur's permit to drive a ground transportation service vehicle. To indicate a holder's sponsorship of an applicant for a chauffeur's permit, the holder shall sign the application for the chauffeur's permit in the space designated for the sponsor's signature.

(C) A holder may not sponsor, contract with, or employ an individual as a driver who does not meet the standards established under Section 13-2-106 (*Approval and Denial of Applications*) or has been convicted of four or more violations of this chapter in a 12-month period. The prohibition regarding convictions begins on the date of the fourth conviction and ends on the last day of the 12th month following the month in which the conviction occurred.

(D) A holder may establish standards in addition to those set out in this chapter.

(E) For each driver who drives a ground transportation service vehicle for an operating authority without a chauffeur's permit, as authorized in Section 13-2-121 (*Exemption From Chauffeur's Permit Requirement*), the holder must present a statement that the holder has reviewed the driver's criminal and driving record and that the driver satisfies the requirements of Subsection (A).

(F) A holder shall rescind sponsorship of a driver whose criminal or driving record indicates a lack of capacity to be a safe and reliable driver in accordance with the criteria prescribed by Sections 53.022 and 53.023 of the Texas Occupations Code.

(G) When a holder rescinds sponsorship of a driver, the holder shall notify the department, in writing, not later than the 10th day after the holder rescinds sponsorship.

*Source: 1992 Code Section 8-13-73; Ord. 031106-13; Ord. 031211-11.*

#### **§ 13-2-74 HIRING DRIVERS AS INDEPENDENT CONTRACTORS.**

Before a holder may hire a permittee as a driver on an independent contractor basis, the holder and the permittee shall execute a written contract that requires:

(1) the holder to indemnify, defend, and hold the City harmless from any claim or cause of action against the City arising from conduct of the driver;

(2) the driver to be insured under the holder's insurance policy and that the holder shall obtain proof of coverage for that driver before allowing the driver to drive a ground transportation service vehicle; and

(3) the driver to comply with this chapter and the provisions of the holder's operating authority or taxicab franchise, and provides that failure to comply is grounds for termination of the contract.

*Source: 1992 Code Section 8-13-74; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-75 ACCESS TO SERVICE FOR DISABLED PERSONS.**

A holder may not allow its drivers to refuse to accept a passenger who is disabled, or to charge a higher fare or additional fee to a person who is disabled, based on the person's disability, use of a support dog, wheelchair, crutches, or other mobility assistance device.

*Source: 1992 Code Section 8-13-75; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-76 SALE OF ALCOHOLIC BEVERAGES, CONTROLLED SUBSTANCES PROHIBITED.**

A holder may not sell or provide an alcoholic beverage or a controlled substance to a passenger in a ground transportation service vehicle.

*Source: 1992 Code Section 8-13-76; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-77 CRIMINAL CONDUCT PROHIBITED.**

A holder may not knowingly allow a driver to engage in conduct prohibited by Section 13-2-132(B)(2) (*Driver's Conduct*).

*Source: 1992 Code Section 8-13-77; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-78 ABANDONED PROPERTY.**

A holder who receives property from a driver under Section 13-2-60 (*Disposition of Abandoned Property*) shall attempt to locate the passenger. A holder who is unable to locate the passenger shall deliver the property to the Austin Police Department not later than the 30th day after receiving the property.

*Source: 1992 Code Section 8-13-78; Ord. 031106-13; Ord. 031211-11.*

## **Division 6. Drivers.**

### **Subpart A. Chauffeur's Permit.**

#### **§ 13-2-101 CHAUFFEUR'S PERMIT REQUIRED.**

(A) Except as provided in Section 13-2-121 (*Exemption From Chauffeur's Permit Requirement*), a person may not drive a ground transportation service vehicle unless that person has a chauffeur's permit issued by the City.

(B) To obtain a chauffeur's permit, an individual must submit a written application to the

department, on a form prescribed by the department.

(C) A driver whose application for an initial, renewal, replacement, or amended chauffeur's permit is approved shall pay a permit fee to the City.

*Source: 1992 Code Section 8-13-101; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-102 CONTENTS OF APPLICATION.**

(A) An application for a chauffeur's permit must contain the following:

- (1) Applicant's name, social security number, and date of birth.
- (2) Applicant's residence address and telephone number and states of residence during the three years preceding the date of the application.
- (3) Applicant's Texas driver's license number and expiration date.
- (4) A description of the applicant's experience in driving motor vehicles generally and in driving ground transportation service vehicles.
- (5) For a non-citizen applicant, proof that the applicant is permitted to work in the United States.
- (6) The name, address, telephone number, and signature of the sponsoring holder.
- (7) A statement that the applicant has read and understands the provisions of this chapter applicable to drivers of ground transportation service vehicles.
- (8) A statement of whether the applicant has been convicted of a criminal offense, whether the applicant's driver's license has been suspended or revoked, and complete information concerning any conviction, suspension, or revocation. Under this provision, a traffic violation must be included whether or not it is classified as a criminal offense.
- (9) Additional information required on the application form prescribed by the department.

(B) The applicant must attach to the application a copy of the applicant's complete criminal history and driving record, issued and certified by the Texas Department of Public Safety or other relevant governmental entity as determined by the department. The criminal history and driving record must be issued and certified not earlier than the 30th day before the date the applicant submits an application for a chauffeur's permit.

(C) An applicant who has been a resident of Texas for less than three years preceding the date the application is submitted must also submit a criminal history and driving record certified by the appropriate governmental authority in the former state of residence. The criminal history and driving record from the appropriate governmental authority in the former state of residence must be issued and certified not earlier than the 30th day before the date the applicant submits an application for a chauffeur's permit.

(D) An applicant who has been convicted of a criminal homicide offense; fraud or theft; unauthorized use of a motor vehicle; prostitution or promotion of prostitution; sexual assault; sexual abuse or indecency; state or federal law regulating firearms; violence to a person; use, sale or possession of drugs; or driving while intoxicated must provide proof that the applicant has maintained a record of good conduct and steady employment since release, has supported dependents, if applicable, and has paid all outstanding court costs, supervision fees, fines and restitution that were ordered at the time of conviction.

(E) An applicant whose driving record contains one or more traffic convictions or violations during the three years preceding the date of the application must submit proof of completion of a Driver Safety Course as provided for in the Texas Transportation Code for a course completed not earlier than the 180th day preceding the date the application is submitted to the department.

(F) The application must be signed and sworn or affirmed by the applicant in the presence of a notary public or other person authorized to administer oaths in this state.

*Source: 1992 Code Section 8-13-102; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-103 CHAUFFEUR'S PERMIT REQUIRES SPONSORING HOLDER.**

(A) To obtain a chauffeur's permit, an individual must be sponsored by a holder with a current operating authority or taxicab franchise under this chapter.

(B) When amending a chauffeur's permit to add a sponsoring holder or to transfer to a new sponsoring holder, the criminal history and driving record must be issued and certified within the six months preceding the date the applicant submits an application to amend their chauffeur's permit under this provision.

*Source: 1992 Code Section 8-13-103; Ord. 031106-13; Ord. 031211-11; Ord. 20120426-063.*

### **§ 13-2-104 ADDITIONAL REQUIREMENTS.**

A person is not eligible for a chauffeur's permit unless the person passes an examination administered by the department that demonstrates a general knowledge of this chapter and the location of streets, major business, and points of historical interest in the City.

*Source: 1992 Code Section 8-13-104; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-105 MULTIPLE CHAUFFEUR'S PERMITS ALLOWED.**

(A) A person may apply for more than one chauffeur's permit. A separate fee is required for each permit.

(B) A chauffeur's permit issued by the department shall list the name of each holder for which the permittee is authorized to drive a ground transportation service vehicle.

(C) A person must obtain a separate chauffeur's permit for each holder for which the person intends to drive. A driver may obtain multiple chauffeur's permits only if the driver provides the

department with a written statement from each sponsoring holder acknowledging that the driver has informed the sponsoring holder of the driver's intent to drive for more than one holder.

(D) A permittee may not transfer or assign a chauffeur's permit. An attempt to transfer or assign a chauffeur's permit voids the permit.

*Source: 1992 Code Section 8-13-105; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-106 APPROVAL AND DENIAL OF APPLICATIONS.**

(A) The department shall review each permit application, under the criteria established by Sections 53.022 (*Factors in Determining Whether Conviction Relates to Occupation*) and 53.023 (*Additional Factors for Licensing Authority to Consider*) of the Texas Occupations Code, to determine the applicant's fitness or ability to perform the duties and obligations of operating a ground transportation service vehicle under this chapter. The department may conduct investigations of the character, ground transportation service experience, and qualifications of each applicant to determine whether an applicant appears fit and qualified to receive a permit.

(B) The department may not approve an application for a chauffeur's permit unless the applicant:

- (1) obtains sponsorship from a holder;
- (2) has a current Texas driver's license;
- (3) has not been convicted of four or more moving violations of the traffic laws of the City or another jurisdiction within the 12-month period immediately preceding the date of application;
- (4) provides, if required, proof of authorization to work in the United States;
- (5) passes an examination required under Section 13-2-104 (*Additional Requirements*); and
- (6) meets all other requirements for obtaining a chauffeur's permit prescribed by this chapter.

(C) The department may not approve an application for a chauffeur's permit for an applicant who falsifies, materially alters, or omits information in the application.

(D) The department may deny the application of a person convicted of a criminal offense if the department determines that the conviction is directly related to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of a driver of a ground transportation service vehicle. In making a determination, the department shall use the criteria established in Sections 53.022 (*Factors in Determining Whether Conviction Relates to Occupation*) and 53.023 (*Additional Factors for Licensing Authority to Consider*) of the Texas Occupations Code.

(E) In making its determination under Subsection (D) of this section, the department may consider that an applicant has failed to complete at least one half of a probated or adjudicated sentence or term of parole for a crime directly related to the duties and responsibilities of a driver of a ground transportation service vehicle.

Source: 1992 Code Section 8-13-106; Ord. 031106-13; Ord. 031211-11.

### § 13-2-107 APPEAL.

An applicant may appeal a denial of the issuance, renewal, amendment, or replacement of a chauffeur's permit to the department. The appeal must be submitted in writing not later than the 30th day after receipt of the notice of denial.

Source: 1992 Code Section 8-13-107; Ord. 031106-13; Ord. 031211-11.

### § 13-2-108 REVOCATION OF CHAUFFEUR'S PERMIT.

(A) A chauffeur's permit is automatically revoked on the occurrence of the following:

- (1) the permittee receives four or more convictions for moving violations of local or state traffic laws within a 12-month period;
- (2) the permittee's Texas driver's license is suspended, revoked, or expires;
- (3) the permittee is convicted of an offense under Sections 13-2-132(B)(2) (*Driver's Conduct*) or 13-2-134 (*Unlawful Acts*); or
- (4) the permittee is convicted of an offense after the date of issuance of the chauffeur's permit that would disqualify an applicant for a chauffeur's permit.

(B) The department may revoke an individual's chauffeur's permit on the occurrence of the following:

- (1) the permittee is convicted of four or more violations of this chapter that occurred within a 12-month period;
- (2) the permittee is convicted of three or fewer moving violations of local or state traffic laws that occurred within a 12-month period;
- (3) the permittee drives a ground transportation service vehicle inside the city while the person's chauffeur's permit is suspended;
- (4) the permittee's chauffeur's permit is suspended at least twice within a 12-month period;
- (5) a probation, parole, or mandatory supervision of the permittee is revoked after the date of issuance of the chauffeur's permit; or
- (6) a falsification, material alteration, or omission of information in a governmental record submitted under this chapter is discovered after the permit is issued.

(C) A person is not eligible to re-apply for a permit for a 12-month period after the date of revocation.

(D) The department shall notify the permittee and sponsoring holders in writing of the

revocation of a permit. A revocation under this section revokes all permits issued to the driver under this chapter.

*Source: 1992 Code Section 8-13-108; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-109 SUSPENSION OF CHAUFFEUR'S PERMIT.**

(A) A chauffeur's permit issued to a driver is automatically suspended if a sponsoring holder rescinds sponsorship of the driver, in writing, to the department. A suspension under this subsection affects only the permit for which the holder served as sponsor. The driver may not drive a ground transportation service vehicle for that holder unless the driver obtains a new chauffeur's permit for that holder.

(B) A chauffeur's permit issued to a driver is automatically suspended if the permittee fails to timely pay a penalty required to be paid under this chapter.

(C) The department may suspend the chauffeur's permit of a driver who is convicted of at least two offenses under this chapter in a 12-month period. A suspension under this subsection suspends all permits issued to the driver under this chapter. The period of suspension under this subsection may not exceed 60 days.

(D) The department shall notify the driver and all affected sponsoring holders in writing of the suspension of a permit under this section.

*Source: 1992 Code Section 8-13-109; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-110 APPEAL OF REVOCATION OR SUSPENSION.**

(A) An individual whose chauffeur's permit is suspended or revoked may appeal the revocation or suspension to the director of the department not later than the 30th day after the notice of suspension is mailed by the department.

(B) An individual whose chauffeur's permit is suspended or revoked may not drive a ground transportation service vehicle during the pendency of an appeal.

*Source: 1992 Code Section 8-13-110; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-111 STATE DRIVER'S LICENSE.**

A permittee whose Texas driver's license is suspended, revoked, or expired must notify the City and sponsoring holders and surrender all chauffeur's permits to the City.

*Source: 1992 Code Section 8-13-111; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-112 PERMIT TERM.**

A chauffeur's permit is valid for a 24-month period from the date of issuance, unless the permit is revoked or suspended before the period expires.

Source: 1992 Code Section 8-13-112; Ord. 031106-13; Ord. 031211-11.

### **§ 13-2-113 RENEWAL; REPLACEMENT.**

(A) To renew a chauffeur's permit, a permittee must submit a written application not earlier than the 30th day before the expiration date of the permit and not later than the expiration date of the permit, accompanied by the renewal fee. Renewal application is made on a form prescribed by the department.

(B) The department shall deny a renewal application:

- (1) for a chauffeur's permit that has been revoked;
- (2) during a period in which a permit is suspended;
- (3) if any of the conditions exist for denial of an initial application for a chauffeur's permit;

or

- (4) that is received by the department after the deadline stated in Subsection (A).

(C) An expired chauffeur's permit is not renewable and the individual must apply for a new chauffeur's permit.

(D) A lost or destroyed chauffeur's permit may be replaced on written application by the permittee. The application must state the reason replacement is required and be accompanied by the replacement fee.

Source: 1992 Code Section 8-13-113; Ord. 031106-13; Ord. 031211-11.

### **§ 13-2-114 CHAUFFEUR'S RECORDS.**

The department shall maintain records regarding an individual to whom a chauffeur's permit is issued. The records shall include all applications submitted by the applicant and any accompanying information as well as records relating to action taken by the department on the applications or permits.

Source: 1992 Code Section 8-13-114; Ord. 031106-13; Ord. 031211-11.

## **Subpart B. Other Drivers.**

### **§ 13-2-121 EXEMPTION FROM CHAUFFEUR'S PERMIT REQUIREMENT.**

A driver of a ground transportation service vehicle that has an operating authority permit under Section 13-2-166 (*Operating Authority Permit*) and an occupancy capacity of 16 persons or greater, including the driver, is exempt from the permit requirement of Section 13-2-101 (*Chauffeur's Permit Required*) if the driver possesses a valid Class "B" or "C" commercial driver's license with a passenger endorsement issued to the driver by the State of Texas and a certificate stating that the

driver is physically qualified to drive a commercial motor vehicle issued by a qualified medical examiner under 49 Code of Federal Regulations Section 391.41.

*Source: 1992 Code Section 8-13-121; Ord. 031106-13; Ord. 031211-11; Ord. 20050818-025.*

### **§ 13-2-122 CERTAIN DRIVERS INELIGIBLE.**

An individual authorized to drive a ground transportation service vehicle under Section 13-2-121 (*Exemption From Chauffeur's Permit Requirement*) who is convicted of four or more offenses under this chapter in a 12-month period is ineligible to drive a ground transportation service vehicle for a one-year period from the date of the conviction for the fourth offense.

*Source: 1992 Code Section 8-13-122; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-123 DRIVER'S RECORDS.**

The department may maintain records regarding an individual who drives a ground transportation service vehicle under Section 13-2-121 (*Exemption From Chauffeur's Permit Requirement*).

*Source: 1992 Code Section 8-13-123; Ord. 031106-13; Ord. 031211-11.*

## **Subpart C. Duties and Conduct of Drivers**

### **§ 13-2-131 DRIVER'S DUTIES.**

(A) A driver shall comply with this chapter, rules established under this chapter, orders issued under this chapter, and all applicable federal, state, and local laws and rules.

(B) A driver may not refuse to accept a passenger who is disabled, or charge a higher fare or additional fee to a person who is disabled, based solely on the person's disability, use of a support dog, wheelchair, crutches, or other mobility assistance device.

*Source: 1992 Code Section 8-13-131; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-132 DRIVER'S CONDUCT.**

(A) While on duty, a driver shall:

- (1) act in a professional and courteous manner; and
- (2) maintain a well-groomed appearance.

(B) While on duty, a driver may not:

(1) consume an alcoholic beverage, controlled substance, or other substance that could adversely affect the driver's ability to drive a motor vehicle, and may not drive a vehicle while under the influence of an alcoholic beverage, controlled substance, or other substance that could adversely affect the driver's ability to drive a motor vehicle;

(2) sell or otherwise provide an alcoholic beverage or a controlled substance to a passenger in a ground transportation service vehicle;

(3) monitor the communication frequency of a ground transportation service other than the driver's own frequency or respond to a service call assigned to another driver; or

(4) possess communication equipment, including scanners, capable of receiving the frequency of a service other than the driver's own.

(C) If a person is convicted of an offense prescribed in Subsection (B)(2) section, the conviction results in the automatic revocation, without further notice, of all chauffeur's permits held by the person.

*Source: 1992 Code Section 8-13-132; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-133 SOLICITING FOR OTHER BUSINESS PROHIBITED.**

A driver may not solicit business for a hotel, motel, or similar business or attempt to divert patronage from one lodging business to another.

*Source: 1992 Code Section 8-13-133; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-134 UNLAWFUL ACTS.**

A driver may not knowingly:

(1) facilitate the commission of an unlawful act;

(2) solicit another person to engage in sexual conduct with another person for compensation;

(3) transport an individual who is engaged in the commission of an unlawful act, or otherwise aid or promote an unlawful act; or

(4) permit an unlawful act to be conducted in the ground transportation service vehicle.

*Source: 1992 Code Section 8-13-134; Ord. 031106-13; Ord. 031211-11.*

## **Division 7. Vehicles and Equipment.**

### **§ 13-2-141 INSPECTION REQUIRED.**

(A) A holder shall present each ground transportation service vehicle for inspection by the department on a schedule established by the department.

(B) A holder shall make a vehicle that is in service available for inspection by the department at any time.

(C) The department shall issue an inspection decal for a vehicle that passes the inspection

required by Subsection (A). The decal shall be affixed to the vehicle in a manner prescribed by the department.

(D) A person may not place a vehicle in service that does not comply with the inspection requirements of this chapter.

(E) When placing a vehicle in service, a holder must submit a report to the department that includes current state vehicle inspection history for the vehicle on a form prescribed by the department.

(F) Except as provided in Subsection (G), the City shall annually pay for one vehicle inspection required by the department for each operating authority permit or franchise permit assigned to a holder. If multiple operating authority permits or franchise permits are issued to a holder for a vehicle, the City shall annually pay for one inspection required by the department for that vehicle.

(G) When multiple operating authority permits are issued to a holder for one vehicle, only one inspection is required for that vehicle for each periodic inspection scheduled by the department.

*Source: 1992 Code Section 8-13-141; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-142 INSPECTION STANDARDS.**

(A) Except as otherwise provided by this chapter, to pass inspection, a vehicle must comply with this section. The inspection includes all operational and safety systems.

(B) A vehicle must conform to the following:

(1) The vehicle must conform to state safety standards.

(2) The vehicle must be equipped with a chemical fire extinguisher of a capacity of one quart or greater. The extinguisher must be mounted within the driver's reach.

(3) The vehicle must be equipped with a spare tire, a jack, and a lug nut wrench. The spare tire must be appropriately mounted and meet state safety requirements. This paragraph does not apply to a vehicle modified to operate using alternative fuels or to allow the transport of disabled passengers if the modification prevents compliance with this paragraph.

(C) The vehicle must be in condition to provide dependable and safe mechanical operation.

(D) The vehicle must have a physical barrier securely anchored between the passenger and luggage compartments if the vehicle has no trunk compartment.

(E) The vehicle must be equipped with two-way communication equipment capable of transmitting and receiving vocal communications between the vehicle and the dispatching office of the service.

(F) The vehicle must be equipped with air conditioning and heating equipment operating within manufacturer's specifications.

(G) The vehicle exterior must meet the following conditions:

- (1) The exterior of the vehicle must be reasonably clean.
- (2) If a vehicle is equipped with wheel covers, all wheel covers on the vehicle must match. If the wheel covers or wheels are painted, they must be painted the same color and match the paint scheme of the vehicle.
- (3) Missing or damaged body moldings or trim must be repaired or replaced.
- (4) Ripped or torn vehicle body parts must be repaired.
- (5) One or more dents or buckles that collectively cover an area of nine square inches or more of the vehicle body must be repaired.
- (6) Windshield damage impairing the driver's view or creating a safety hazard must be repaired or replaced immediately. A cracked or damaged side window, rear window, or mirror must be repaired or replaced immediately.
- (7) Exterior paint may not be noticeably rusted, flaked, scraped, or faded. Any noticeable exterior paint damage must be repaired in a neat and inconspicuous manner.

(H) The vehicle interior must meet the following conditions:

- (1) The interior of each vehicle must be reasonably clean.
- (2) The seats, floor, dash board, package tray, and any other area within the interior of the vehicle must be clear of any items not required for the performance of ground transportation services. No more than five newspapers, periodicals, or other publications may be kept within the vehicle at any one time. The trunk area must be kept clean and must provide adequate space to accommodate passenger luggage.
- (3) All portions of the interior upholstery of the vehicle must match in color or be of similar shades, without noticeable tears or other damage.
- (4) Missing, broken, or significantly damaged interior parts that affect the operation or safety of the vehicle or the passenger's comfort must be repaired or replaced.
- (5) Interior repair or replacement required by this chapter must be neat and inconspicuous.
- (6) Interior paint may not be noticeably rusted, flaked, scraped, or faded. Any noticeable interior paint damage must be repaired in a neat and inconspicuous manner.

(I) Damage required to be repaired under this section must be repaired to original condition.

*Source: 1992 Code Section 8-13-142; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-143 REMOVAL OF VEHICLE FROM SERVICE.**

(A) The department may order the removal of a vehicle from service if the vehicle fails to meet the inspection standards prescribed by this chapter.

(B) If an order to remove a vehicle from service is issued to a driver for a vehicle that is occupied by a passenger, the driver may continue to the passenger's destination before removing the vehicle from service.

(C) The department shall notify the holder in writing of the inspection failure, identifying the vehicle, the driver, and the specific inspection standard violated.

(D) The department may allow a vehicle that fails to pass inspection to continue to operate if:

(1) the holder or driver reports the vehicle damage or other failure to meet the required standards to the department;

(2) the vehicle's failure to meet the inspection standard does not affect the safe operation of the vehicle; and

(3) the vehicle is brought into compliance no later than the 10th day after the inspection failure occurs.

(E) The department's failure to issue an order to remove a vehicle from service is not a defense to an allegation of a violation under this chapter.

*Source: 1992 Code Section 8-13-143; Ord. 031106-13; Ord. 031211-11.*

## **ARTICLE 2. GROUND TRANSPORTATION SERVICES OTHER THAN TAXICABS.**

### **Division 1. Operating Authority.**

#### **Subpart A. Application; Administration.**

#### **§ 13-2-161 OPERATING AUTHORITY APPLICATION REQUIRED.**

(A) To obtain operating authority for a ground transportation service, a person must make written application to the department on a form prescribed by the department. The application must be sworn or affirmed.

(B) The application must include:

(1) The name, address, telephone number, and Texas driver's license number, if any, of the applicant and each officer, director, partner, and any other person who will participate in the business decisions of or who has the authority to enter contracts on behalf of the ground transportation service.

(2) Certified copies of any documents required by state law to be filed for the business entity

to legally exist, and a statement from the Texas Secretary of State certifying that the business is in good standing if state law requires the entity to file documents with the Texas Secretary of State.

(3) For each person described in Subsection (B)(1), a description of all criminal convictions, and a criminal history certified by the Texas Department of Public Safety within the 30 days preceding the date the application is submitted.

(4) If a person described in Subsection (B)(1) has been a resident of Texas for less than three years preceding the date of the application, the criminal history must be certified by the corresponding governmental authority in the former state of residence within 30 days preceding the submission of the application.

(5) The number, type, and description of each vehicle to be used in the proposed service, including for each vehicle the year, make, model, vehicle identification number, manufacturer's rated seating capacity, state license plate number, and the body style.

(6) A description of the applicant's ground transportation service experience.

(7) A detailed description of the proposed service.

(8) The proposed rate of fare.

(9) Proof of insurance coverage required under this chapter.

(10) An affidavit that there are no outstanding judgments that arise out of circumstances related to ground transportation service against a person described in Subsection (B)(1).

(11) Additional information required on the application form prescribed by the department.

(C) A person may apply for multiple operating authorities on a single application form, provided that the application:

(1) describes each service applied for; and

(2) complies with this chapter.

*Source: 1992 Code Section 8-13-161; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-162 APPLICATION FEE REQUIRED.**

(A) An application for an operating authority must be accompanied by an application fee.

(B) A person who applies for multiple operating authorities on one application shall pay only one application fee.

*Source: 1992 Code Section 8-13-162; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-163 STANDARDS FOR ISSUING AND DENYING OPERATING AUTHORITY.**

In a decision to approve or deny an initial or renewal application for operating authority, the department shall consider whether:

- (1) all applicable requirements of this chapter have been met;
- (2) a previous operating authority of the applicant has been revoked;
- (3) the applicant advertised, offered, or provided ground transportation service before the application was approved in violation of Section 13-2-3 (*Operating Authority or Taxicab Franchise Required*); and
- (4) the criminal history of the applicant, if any, may adversely affect the applicant's ability to provide the ground transportation service.

*Source: 1992 Code Section 8-13-163; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-164 APPEAL OF APPLICATION DENIALS.**

(A) The department shall notify an applicant in writing of the denial of an application and the reason for the denial. The notice must include a statement of the applicant's right to appeal.

(B) An applicant may appeal a denial of the application to the director. The appeal must be made in writing no later than the 30th business days after the notice of denial is mailed to the applicant.

(C) The director shall issue a decision on the appeal not later than the 30th day after receipt of the written appeal.

*Source: 1992 Code Section 8-13-164; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-165 CONTENTS OF OPERATING AUTHORITY.**

An operating authority must state the type of service for which it is issued. It must also contain the following conditions and limitations:

- (1) number and type of authorized vehicles;
- (2) maximum number of passengers that may be transported in each vehicle;
- (3) that the holder will own, lease, or contract for control of every ground transportation service vehicle used in providing the ground transportation service; and
- (4) any other conditions or limitations considered necessary by the department.

*Source: 1992 Code Section 8-13-165; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-166 OPERATING AUTHORITY PERMIT.**

(A) On the issuance of an operating authority, the department shall provide an operating

authority permit to the holder for each vehicle approved in the operating authority. Before a vehicle is placed in service as a ground transportation service vehicle, the holder must affix the permit to the vehicle in the manner prescribed by the department.

(B) An operating authority permit may not be granted for:

(1) a roadway that is closed to traffic, including construction zones, temporary street closures, or safety street closures, unless written approval from the entity authorized to close the roadway to traffic is provided to the department;

(2) a roadway or facility within the jurisdiction of the State of Texas, including but not limited to the University of Texas campus; the Capitol Complex, bounded by Lavaca Street, Martin Luther King, Jr. Boulevard, Trinity Street and 10th Street; or

(3) a privately owned roadway or facility.

(C) A holder may not operate a vehicle that displays an expired permit.

*Source: 1992 Code Section 8-13-166; Ord. 031106-13; Ord. 031211-11; Ord. 20120412-021.*

#### **§ 13-2-167 AMENDMENT TO OPERATING AUTHORITY.**

(A) To amend an operating authority, a holder must submit a written request to the department describing in detail the proposed amendment.

(B) The department may approve or deny an amendment to a holder's operating authority. If the department approves an amendment, the department shall issue an amended operating authority.

*Source: 1992 Code Section 8-13-167; Ord. 031106-13; Ord. 031211-11.*

#### **§ 13-2-168 RENEWAL OF OPERATING AUTHORITY.**

(A) An operating authority issued under this article expires one year after the date of issuance.

(B) To renew an operating authority, a holder must submit a written request for renewal not later than the 60th day preceding the expiration of the operating authority. The request must include any change in information from the initial application, and affirm that all of the information on file remains current.

(C) In addition to the standards prescribed by Section 13-2-163 (*Standards for Issuing and Denying Operating Authority*), in determining whether to renew an operating authority, the department shall also consider whether:

(1) the holder has performed satisfactorily under the terms of the operating authority;

(2) the holder has complied with this chapter;

(3) the operating authority has not been revoked for any period; and

(4) renewal serves the best interest of the public.

(D) The department shall deny a request for renewal of operating authority that is received by the department after the deadline stated in Subsection (B).

*Source: 1992 Code Section 8-13-168; Ord. 031106-13; Ord. 031211-11.*

#### **§ 13-2-169 EXPIRED OPERATING AUTHORITY.**

To obtain a new operating authority, the holder of an expired operating authority must submit a new application under Section 13-2-161 (*Operating Authority Application Required*).

*Source: 1992 Code Section 8-13-169; Ord. 031106-13; Ord. 031211-11.*

#### **§ 13-2-170 AUTOMATIC REVOCATION OR SUSPENSION OF OPERATING AUTHORITY.**

(A) An operating authority is automatically revoked on the occurrence of the following:

(1) the holder of the operating authority is convicted of an offense under Section 13-2-76 (*Sale of Alcoholic Beverages, Controlled Substances Prohibited*) or 13-2-77 (*Criminal Conduct Prohibited*); or

(2) the holder of the operating authority violates Section 13-2-174 (*Transfer Prohibited*).

(B) An operating authority is automatically suspended if the insurance coverage required by Section 13-2-34 (*Insurance Required*) lapses. Before the operating authority is eligible for reinstatement, the holder must provide proof that the requirements of Sections 13-2-34 (*Insurance Required*) and 13-2-35 (*Impaired Insurance*) have been met.

*Source: 1992 Code Section 8-13-170; Ord. 031106-13; Ord. 031211-11.*

#### **§ 13-2-171 REVOCATION OR SUSPENSION OF OPERATING AUTHORITY.**

(A) The department may revoke or suspend an operating authority if the holder:

(1) submits a written request or application containing false or misleading information, or omits required information;

(2) is convicted of an offense for which the department may deny an application for an operating authority;

(3) fails to comply with a provision of this chapter;

(4) fails to comply with a condition of the operating authority;

(5) fails to pay the operating authority fee when due;

(6) fails to provide prearranged or scheduled service, if applicable;

(7) fails to begin operation of a ground transportation service within 30 days of the date the operating authority is issued;

(8) discontinues the ground transportation service approved in the operating authority for more than 30 consecutive days; or

(9) fails to pay an outstanding final judgment that arises out of circumstances related to ground transportation service against the holder or a person described in Section 13-2-161(B)(1) (*Operating Authority Application Required*).

(B) The department shall provide written notice to the holder of the revocation or suspension of an operating authority not later than the 10th business day after the action is taken.

*Source: 1992 Code Section 8-13-171; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-172 APPEAL OF ADMINISTRATIVE ACTIONS.**

(A) A person whose application for renewal, amendment, or supplemental vehicles is denied, or whose operating authority is revoked or suspended may appeal, in writing, to the director not later than the 30th business day after notice of the denial, suspension or revocation is mailed to the applicant.

(B) The director shall issue a decision on the appeal not later than the 30th day after receipt of the written appeal.

(C) A person whose application for renewal or amendment is denied, or whose operating authority is revoked or suspended may not operate a ground transportation service during the pendency of an appeal.

*Source: 1992 Code Section 8-13-172; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-173 SUPPLEMENTAL VEHICLES.**

(A) A holder of a renewed operating authority may request permission to operate supplemental vehicles of the type approved in the operating authority.

(B) A request under this section must be filed with the department and include the following:

(1) the holder's certification that the vehicle:

(a) qualifies under this chapter as a vehicle to be used in a limousine service, shuttle service, or charter service;

(b) is a type of vehicle approved in the holder's operating authority;

(c) is not more than two model years old; and

(d) meets appearance and safety standards.

(2) A description of the proposed supplemental vehicle including make, model, year, body style, color, and license number.

(3) The proposed use of the vehicle.

(C) The holder shall submit a copy of proof of insurance for the vehicle with the supplemental vehicle request filed with the department.

(D) The holder shall pay the supplemental vehicle fee on the first City business day after the supplemental vehicle is placed in service.

(E) A copy of the supplemental vehicle report and proof of insurance must be kept in the supplemental vehicle when it is used to provide service. A driver of a supplemental vehicle must present a copy of the report on request of a scheduled customer or enforcement personnel described in Section 13-2-14 (*Enforcement Officers*).

(F) A supplemental vehicle permit is valid for a period of five days.

(G) The department shall adopt rules for the implementation of this section.

*Source: 1992 Code Section 8-13-173; Ord. 031106-13; Ord. 031211-11; Ord. 20080925-050.*

#### **§ 13-2-174 TRANSFER PROHIBITED.**

A holder of an operating authority may not attempt to transfer or assign an operating authority.

*Source: 1992 Code Section 8-13-174; Ord. 031106-13; Ord. 031211-11.*

#### **§ 13-2-175 OPERATING AUTHORITY FEES.**

(A) Except as provided in Subsection (C), a holder shall pay to the City an annual operating authority permit fee for each vehicle authorized in the operating authority. The fee shall be determined by the occupancy capacity of the vehicle.

(B) A holder of multiple operating authorities shall pay to the City only one operating authority permit fee for each vehicle. The fee for the vehicle is the higher of the operating authority permit fees that can be assessed under the holder's operating authorities.

(C) A holder may pay the fee in quarterly installments in accordance with the City's fiscal year. If a holder makes quarterly payments, the first payment is due immediately on approval of the operating authority and shall be prorated from the month the operating authority is approved. Subsequent payments are due no later than five business days before the beginning of the quarter for which the payment is due.

(D) The holder shall pay the fee before placing any ground transportation service vehicle into service.

(E) If an operating authority is amended to increase the number of ground transportation service

vehicles, the annual fee for each additional vehicle shall be prorated from the month the amendment is approved.

*Source: 1992 Code Section 8-13-175; Ord. 031106-13; Ord. 031211-11.*

### **Subpart B. Operations.**

#### **§ 13-2-191 RATES OF FARE.**

(A) A ground transportation service shall operate according to the rate of fare stated in the holder's application for operating authority.

(B) A holder may amend a rate of fare by submitting written notification to the department not later than the 10th day before the amended rate of fare takes effect.

*Source: 1992 Code Section 8-13-191; Ord. 031106-13; Ord. 031211-11.*

#### **§ 13-2-192 NO SOLICITATION FOR IMMEDIATE HIRE.**

(A) Except as provided in Article 2 (*Ground Transportation Services Other Than Taxicabs*), Division 2 (*Ground Transportation Services Generally*), Subparts C (*Shuttle Service*) and E (*Non-Motorized Services*), a driver, a holder, or representative of either a driver or a holder may provide only prearranged service and may not solicit a passenger for immediate hire.

(B) A driver may use a hand-held sign or a sign on the vehicle to identify his vehicle to a prearranged client.

*Source: 1992 Code Section 8-13-192; Ord. 031106-13; Ord. 031211-11.*

## **Division 2. Ground Transportation Services Generally.**

### **Subpart A. Limousine Service.**

#### **§ 13-2-201 LIMOUSINE SERVICE DESCRIBED.**

Limousine service consists of prearranged service that is operated on irregular routes and schedules.

*Source: 1992 Code Section 8-13-201; Ord. 031106-13; Ord. 031211-11.*

#### **§ 13-2-202 LIMOUSINE SERVICE REQUIREMENTS.**

(A) A holder of a limousine operating authority shall comply with Article 2, Division 1 (*Operating Authority*).

(B) Except as otherwise provided by this section, a holder may not use a vehicle to provide

limousine service under this chapter unless the vehicle is a remanufactured and extended wheelbase luxury sedan, extended wheelbase luxury sport utility vehicle, extended wheelbase luxury crossover vehicle, an extended wheelbase vehicle commonly known as a GM “Hummer Limo”, or a pick-up truck on a full-sized chassis with an occupancy capacity of five or more, excluding the capacity of the driver compartment.

(C) A holder that provides limousine service using at least one vehicle described in Subsection (B) may also provide limousine service using a full-sized sedan vehicle categorized as a luxury vehicle within the automobile industry, with a minimum occupancy capacity of four excluding the driver.

(D) A holder that provides limousine service using at least one vehicle described in Subsection (B) may also provide limousine service using a vehicle categorized by the automobile industry as a sport utility vehicle or a sport activity vehicle with a minimum occupancy capacity of four excluding the driver.

*Source: 1992 Code Section 8-13-202; Ord. 031106-13; Ord. 031211-11; Ord. 20050818-025; Ord. 20120426-063.*

### **§ 13-2-203 LIMOUSINE MINIMUM RATE OF FARE.**

(A) Except as otherwise provided in this section, the holder of a limousine service operating authority shall charge a customer a minimum of \$55 per hour, or portion of an hour, as a base rate excluding other fees and gratuities for the first six hours of service provided to a customer.

(B) This section does not apply to performance under a corporate contract.

*Source: 1992 Code Section 8-13-203; Ord. 031106-13; Ord. 031211-11; Ord. 20120426-063.*

### **§ 13-2-204 TRIP TICKET REQUIRED.**

(A) A driver operating a limousine within the city under Section 13-2-3(C) (*Operating Authority or Taxicab Franchise Required*) shall keep in the vehicle a trip ticket containing the information described in Subsection (B). The driver shall allow a person designated under Section 13-2-13(B) (*Enforcement*) or Section 13-2-14 (*Enforcement Officers*) to inspect the trip ticket upon request.

(B) A trip ticket must include the following information:

(1) date of the trip, the name, address, and phone number of the person who booked or paid for the limousine trip;

(2) the name, address, and phone number of at least one passenger transported by the limousine on the trip

(3) the pickup location and the drop off location for the trip; and

(4) the name of the ground transportation company providing the limousine trip.

(C) An electronic trip ticket is acceptable under this provision.

*Source: Ord. 20050818-025; Ord. 20120426-063.*

### **Subpart B. Airport Shuttle Service.**

#### **§ 13-2-211 AIRPORT SHUTTLE SERVICE DESCRIBED.**

(A) Airport shuttle service is service that operates on irregular routes and schedules and that originates or terminates at the municipal airport. Service to the airport is prearranged.

(B) The rate of fare that may be charged by an airport shuttle service is a flat rate zone charge for each passenger.

*Source: 1992 Code Section 8-13-211; Ord. 031106-13; Ord. 031211-11.*

#### **§ 13-2-212 AIRPORT SHUTTLE SERVICE REQUIREMENTS.**

(A) A holder of an airport shuttle service operating authority shall comply with Article 2 (*Ground Transportation Services Other Than Taxicabs*), Division 1 (*Operating Authority*).

(B) In addition to the requirements of Subsection (A), a holder must:

(1) provide the service using vehicles that have an occupancy capacity of more than six but fewer than 16, including the driver;

(2) own, rent, or lease each vehicle used to supply the service;

(3) operate a minimum of 10 vehicles;

(4) provide the service using vehicles that are the same color as other vehicles in the holder's fleet, display the name of the service in a manner approved by the department, and have a color scheme easily distinguishable from the color scheme of other ground transportation services operating in the city; and

(5) post the rate described in Section 13-2-211 (*Airport Shuttle Services Described*) in each vehicle as prescribed by the director.

*Source: 1992 Code Section 8-13-212; Ord. 031106-13; Ord. 031211-11.*

### **Subpart C. Shuttle Service.**

#### **§ 13-2-231 SHUTTLE SERVICE DESCRIBED.**

(A) Shuttle service consists of scheduled routes and stops pre-approved by the department.

(B) Section 13-2-192 (*No Solicitation for Immediate Hire*) does not apply to shuttle service.

Source: 1992 Code Section 8-13-231; Ord. 031106-13; Ord. 031211-11.

### **§ 13-2-232 SHUTTLE SERVICE REQUIREMENTS.**

(A) A holder of a shuttle service operating authority shall comply with Article 2 (*Ground Transportation Services Other Than Taxicabs*), Division 1 (*Operating Authority*), except as provided in Section 13-2-231(B) (*Shuttle Service Described*).

(B) In addition to the other requirements of this section, a holder must:

(1) provide the service using vehicles that have an occupancy capacity of more than six but fewer than 25, including the driver;

(2) own, rent, or lease each vehicle used to supply the service;

(3) operate a minimum of 10 vehicles;

(4) not employ independent contractor drivers to provide the service;

(5) provide the department with a current list of drivers licensed in the manner described in Section 13-2-121 (*Exemption from Chauffeur's Permit Requirement*), the driver's license number of each driver, and a photocopy of each driver's license; and

(6) specify off-street locations for passenger loading and unloading in the application for operating authority.

Source: 1992 Code Section 8-13-232; Ord. 031106-13; Ord. 031211-11.

### **Subpart D. Charter Service.**

### **§ 13-2-251 CHARTER SERVICE DESCRIBED.**

Charter service consists of prearranged service on irregular routes and schedules with a rate of fare based either on a flat rate for each passenger or on an hourly rate.

Source: 1992 Code Section 8-13-251; Ord. 031106-13; Ord. 031211-11.

### **§ 13-2-252 CHARTER SERVICE REQUIREMENTS.**

(A) A holder of a charter service operating authority shall comply with Article 2 (*Ground Transportation Services Other Than Taxicabs*), Division 1 (*Operating Authority*).

(B) A holder must:

(1) use vans, minibuses, or buses that have an occupancy capacity of more than six, including the driver, to provide the service.

(2) provide the department with a current list of drivers licensed in the manner described in

Section 13-2-121 (*Exemption from Chauffeur's Permit Requirement*), the driver's license number of each driver, and a photocopy of each driver's license.

*Source: 1992 Code Section 8-13-252; Ord. 031106-13; Ord. 031211-11.*

## **Subpart E. Non-Motorized Services**

### **§ 13-2-271 DEFINITIONS.**

In this subdivision:

(1) REST means the time an animal is allowed to stand at rest, including the time an animal is harnessed to a carriage but not available for public hire.

(2) WORK means the time an animal is harnessed to a carriage and available for public hire.

*Source: 1992 Code Section 8-13-271; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-272 NON-MOTORIZED SERVICE DESCRIBED.**

Non-motorized services provide ground transportation service using non-motorized vehicles. Motor assisted vehicles are not considered non-motorized vehicles. Passengers are transported on designated streets or within a designated area as determined by the department for a fixed, negotiated, or tips-only rate.

*Source: 1992 Code Section 8-13-272; Ord. 031106-13; Ord. 031211-11; Ord. 20120412-021.*

### **§ 13-2-273 NON-MOTORIZED SERVICE REQUIREMENTS.**

(A) Section 13-2-192 (*No Solicitation for Immediate Hire*) does not apply to non-motorized ground transportation services.

(B) A holder of a non-motorized service operating authority shall comply with Article 2 (*Ground Transportation Services Other Than Taxicabs*), Division 1 (*Operating Authority*), except as otherwise provided in this subdivision.

(C) In addition to the requirements of Subsection (B), the following are requirements for an operating authority for non-motorized ground transportation service:

(1) A non-motorized service may operate only on the streets and designated traffic lanes and during the times proposed in the application for operating authority and approved by the department.

(2) The holder may load and unload passengers and park a vehicle only at locations approved by the department in the operating authority.

(3) The holder may use only equipment approved by the department in the operating authority to provide the service.

- (4) The holder shall post in a location approved by the department:
  - (a) the permit assigned by the department and the name of the non-motorized service; and
  - (b) the fare for each ride on the vehicle or in an approved parking area.
- (D) A driver may refuse to convey a person requesting service if:
  - (1) the driver is answering a previous request for service;
  - (2) the person requesting service is disorderly;
  - (3) the person requesting service is engaged in unlawful conduct;
  - (4) the driver believes that transporting the person requesting service may result in risk to the safety of the driver, horse or vehicle; or
  - (5) the person requesting service cannot present proof of ability to pay the fare.
- (E) The department may impose additional requirements necessary to ensure safe and reliable service.

*Source: 1992 Code Section 8-13-273; Ord. 031106-13; Ord. 031211-11.*

#### **§ 13-2-274 NON-MOTORIZED SERVICE APPLICATION REQUIREMENTS.**

- (A) In addition to the application requirements under Section 13-2-161 (*Operating Authority Application Required*), an application for a non-motorized service operating authority must:
  - (1) identify the streets and designate traffic lanes over which the non-motorized service will travel during specified time periods;
  - (2) specify the off-street locations for parking and passenger loading and unloading; and
  - (3) specify the equipment the applicant proposes to use to provide the service.
- (B) In addition to the application requirements under Section 13-2-161 (*Operating Authority Application Required*), an application for a non-motorized service operating authority may not include routes that use hike-and-bike trails or footpaths.
- (C) The department may require additional information in the application process.
- (D) In addition to the requirements of this section, a horse-drawn carriage service shall comply with Section 13-2-276 (*Additional Requirements for Horse-Drawn Carriage Service*).

*Source: 1992 Code Section 8-13-274; Ord. 031106-13; Ord. 031211-11.*

#### **§ 13-2-275 NON-MOTORIZED SERVICE INSPECTION REQUIREMENTS.**

(A) Section 13-2-142 (*Inspection Standards*) does not apply to the inspection of non-motorized service vehicles.

(B) To pass inspection under Section 13-2-141 (*Inspection Required*), a vehicle must comply with the following inspection criteria:

(1) A vehicle and any equipment used to provide non-motorized service must be in safe, sanitary, and clean condition.

(2) The interior of a vehicle used to provide non-motorized service must be clean.

(3) All portions of the interior upholstery of a vehicle used to provide non-motorized service must match in color or be of similar shades, without noticeable tears or other damage.

(4) Missing, broken, or significantly damaged interior and exterior parts of a vehicle used to provide non-motorized service must be repaired or replaced in a neat and inconspicuous manner.

(5) The vehicle must conform with other equipment requirement prescribed by the department under Section 13-2-165(4) (*Contents of Operating Authority*).

(C) In addition to the requirements of this section, a pedicab service shall comply with the requirements of Section 13-2-277 (*Additional Requirements for Pedicab Service*).

*Source: 1992 Code Section 8-13-275; Ord. 031106-13; Ord. 031211-11; Ord. 20120412-021.*

#### **§ 13-2-276 ADDITIONAL REQUIREMENTS FOR HORSE-DRAWN CARRIAGE SERVICE.**

(A) The following are requirements for an operating authority for horse-drawn carriage service:

(1) The holder shall maintain all barns, stables, or other housing for horses and carriages in a safe and sanitary condition, and agrees to permit the department to inspect the facilities at any time.

(2) The holder shall keep all carriage routes clear and free of animal void and excrement and maintain all approved carriage parking areas in a clean and sanitary manner. The holder shall equip each carriage with a diaper device, approved by the department, to collect and prevent excrement from falling on the roadway. The holder shall transport all animal excrement collected in the diaper device to the holder's stable for disposal.

(B) A holder may not use an animal to provide the service unless the holder provides the department with a letter from a veterinarian licensed by the state, issued within the 90-day period immediately preceding the day the animal is to be used to provide the service, that includes:

(1) an identifying description of the animal; and

(2) a statement that the animal has been examined by a veterinarian, is in good health, and is suited to and physically capable of pulling the proposed carriage equipment with passengers.

(C) For the safety and well-being of the animals used to provide the service, a holder shall:

- (1) have each animal shod with horseshoes of a type approved by the department;
  - (2) offer potable water to each animal during each rest period;
  - (3) provide a clean, soft, and pliable custom fit harness for each animal;
  - (4) groom each animal before it is used to provide service;
  - (5) provide shade for an animal during a rest period or while waiting if the temperature is reported to be above 90 degrees Fahrenheit at any Austin site monitored by the National Weather Service; and
  - (6) require a driver to maintain a distance of not fewer than five feet from another animal and carriage.
- (D) For the safety and well-being of the animals used to provide the service, a holder may not:
- (1) work an animal:
    - (a) longer than one hour without a 10-minute rest period;
    - (b) longer than three consecutive hours without a continuous one-hour rest period;
    - (c) longer than a total of six hours per day; or
    - (d) more than five consecutive days without a 24-hour rest period before the next working day.
  - (2) Work an animal at a gait faster than a walking gait, or whip an animal unless necessary for the safety of the animal or passengers or use any equipment to injure or wound an animal;
  - (3) overwork an animal;
  - (4) work an animal with an open sore or wound, or any animal that is lame or has any other ailment without specific written authorization from a veterinarian licensed by the state that the work will not endanger the health or well-being of the animal;
  - (5) operate a carriage having more than a seven-passenger capacity, including the driver's box;
  - (6) carry more passengers than the maximum allowed by the carriage's design capacity;
  - (7) work an animal during the time when the temperature at any Austin site monitored by the National Weather Service is reported to be at or below 30 degrees Fahrenheit, or work an animal over two hours when the temperature is reported to be above 95 degrees Fahrenheit;
  - (8) allow an animal to be subjected to cruel or harassing treatment; or

(9) allow a driver or a person to attend more than one horse and carriage while stopped, standing, waiting, or resting.

(E) In addition to the requirements of Section 13-2-141 (*Inspection Required*) and this subdivision, in order to pass inspection the carriage wheels must have steel or iron outer rims adequately sheathed in rubber or other synthetic material to prevent damage to the street pavement.

(F) While on duty, a driver shall not:

(1) permit or allow a person on the back of an animal under the driver's control;

(2) leave an animal unattended unless the animal is confined to a stable or other enclosure;

(3) work an animal at a gait faster than a walking gait, unless necessary for the safety of the passengers or the animal;

(4) allow a person, other than the holder, a licensed driver, or a driver trainee in the driver's box of a carriage;

(5) stop, stand, wait, or rest an animal closer than five feet from another animal and carriage;  
or

(6) allow a person to attend more than one horse and carriage while stopped, standing, waiting, or resting.

(G) A holder shall report any accident involving an animal or carriage to the department.

(H) A driver trainee must be eligible for licensure by the department. The holder or a licensed driver must accompany a driver trainee at all time during training.

*Source: 1992 Code Section 8-13-276; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-277 ADDITIONAL REQUIREMENTS FOR PEDICAB SERVICE.**

(A) The requirements of this section apply to operation of a pedicab and are in addition to the requirements in Section 13-2-273 (*Non-Motorized Service Requirements*), 13-2-274 (*Non-Motorized Service Application Requirements*), and 13-2-275 (*Non-Motorized Service Inspection Requirements*).

(B) An application for an operating authority must describe the fare structure or structures, which must be posted in the pedicab in a manner approved by the department. Fare rates may be fixed, negotiated with the passenger, or for tips only, and must be agreed upon prior to service being rendered.

(C) A pedicab service may operate:

(1) up to 24 hours a day, seven days per week;

(2) in bike lanes, on the Pfluger Bridge, the Lance Armstrong Bikeway, and the 3rd Street

Extension;

- (3) on sidewalks adjacent to the bridges crossing Lady Bird Lake; and
  - (4) on public roadways on or within the following boundaries:
    - (a) 35th, 38th, and 38-1/2 Streets on the north;
    - (b) Cherrywood Road, Chestnut Avenue, and Pleasant Valley Road on the east;
    - (c) Oltorf Street (West), Lamar Boulevard, and Barton Skyway on the south; and MoPac Boulevard on the west, except as prohibited in subsections (D), (E), (F), (G), and (H); and
    - (d) other areas approved for operation by the director.
- (D) A pedicab service may not operate on any roadway with a speed limit exceeding 35 miles per hour.
- (E) A pedicab driver must:
- (1) comply with the traffic laws and regulations applicable to vehicles in addition to the requirements of this section;
  - (2) comply with the requirements of Section 13-2-54 (*Display and Inspection of Driver Credentials*) and Section 13-2-55 (*Rest Periods for Drivers*);
  - (3) limit operation to the travel lane nearest the curb or edge of the roadway, except when necessary to negotiate an obstruction, to turn onto another roadway, to enter a private driveway, or if the pedicab is travelling faster than other traffic; and
  - (4) tow no more than one trailer, which may not be attached to a combination bike/passenger unit.
- (F) A pedicab driver may not:
- (1) operate a pedicab on sidewalks or sidewalk areas, except that a pedicab may use the sidewalks adjacent to the bridges over Lady Bird Lake to cross the lake; or
  - (2) operate a pedicab on a hike and bike trail.
- (G) In addition to the requirements of Section 13-2-275 (*Non-Motorized Service Inspection Requirements*), a pedicab must meet the standards specified in this subsection.
- (1) A pedicab is limited to a maximum passenger capacity of 3, excluding the pedicab driver.
  - (2) A pedicab must meet the following dimensional requirements:
    - (a) a frame may not exceed 55 inches in width;

- (b) a bicycle tire must be at least 1.5 inches in width;
  - (c) a trailer tire must be at least 1.5 inches in width; and
  - (d) all wheels must have a minimum of 32 spokes and be securely mounted to the vehicle.
- (3) A pedicab must be maintained according to the following standards:
- (a) all spokes must be tight and none may be missing or broken;
  - (b) floorboards must have non-skid contact surfaces without holes;
  - (c) brakes must be capable of making a braked wheel stop within a distance determined by the department;
  - (d) after July 1, 2013, each pedicab trailer and single unit pedicab must be equipped with a disc brake system, or other reliable braking system, as approved by the department;
  - (e) if a trailer is used, it must be attached to the bicycle in a manner approved by the department;
  - (f) a pedicab must be equipped with a front white lamp visible from a distance of 500 feet;
  - (g) a pedicab must be equipped with two red lights mounted on the rear in a manner approved by the department, and visible from a distance of 500 feet;
  - (h) the passenger seat must be bench style and at least 17 inches deep unless the pedicab is equipped with individual bicycle style seats. No passenger seat may face to the rear.
  - (i) the pedicab paint may not be noticeably rusted, flaked, scraped, or faded. Paint repairs must be neat and inconspicuous;
  - (j) any sharp edges or open tubes must be capped in a manner approved by the department; and
  - (k) any additional requirements established by the department.
- (4) A trailer/pedicab unit must display the following:
- (a) a company name, telephone number, and individual unit number, with clear and legible lettering displayed in characters at least 1-3/4 inches in height and at least 1 inch in width, with colors contrasting the color of the pedicab;
  - (b) a permit decal, valid annual city inspection decal, and sign limiting the passenger capacity to 3 passengers; and
  - (c) a slow-moving vehicle emblem that:

- (i) complies with Section 547.108 of the Texas Transportation Code;
- (ii) is displayed on the rear of the pedicab and mounted in a manner approved by the department; and
- (iii) uses a reflective surface visible day or night from a distance of 500 feet.

(H) The department may immediately require a vehicle to be removed from service for any violation of a safety-related requirement of this section. The department may require a permit holder to make any non-safety related repairs within 10 days. A vehicle must be re-inspected following completion of repairs required by the department under this section.

(I) A pedicab passenger older than 6 years must sit on a seat in the pedicab and not in any other place on or in the pedicab, including the lap of another passenger. If a passenger refuses to comply with this requirement, a driver must stop the pedicab and ask the passenger to exit the pedicab.

*Source: Ord. 20120412-021.*

## **Subpart F. Touring and Sightseeing Services**

### **§ 13-2-281 TOURING AND SIGHTSEEING SERVICE DESCRIBED.**

Touring and sightseeing service consists of a prearranged or scheduled service transporting passengers from points of origin to multiple points of public interest within the city, including an historic structure or area, a scenic or natural feature, and other cultural sites, and returning to the points of origin.

*Source: Ord. 031211-38.*

### **§ 13-2-282 TOURING AND SIGHTSEEING SERVICE REQUIREMENTS.**

(A) A holder of a touring and sightseeing service operating authority shall comply with Article 2, Division 1 (*Operating Authority*).

(B) The rate of fare charged by a touring and sightseeing service shall be based on:

- (1) a flat rate for each passenger; or
- (2) an hourly rate.

(C) In addition to the requirements of Subsection (A), a holder must:

(1) use a sport utility vehicle, van, minibus, bus, or restored vehicle registered with the State of Texas as a classic vehicle; and

(2) provide the department with a current list of any drivers licensed in the manner described in Section 13-2-121 (*Exemption from Chauffeur's Permit Requirement*), the driver's license number of

each driver, and a photocopy of each driver's license.

(D) A holder may not provide touring and sightseeing services using a remanufactured and extended wheelbase vehicle.

*Source: Ord. 031211-38.*

### **§ 13-2-283 NAME OF COMPANY DISPLAYED.**

(A) The name of the company providing a touring or sightseeing service must be displayed on both sides of the exterior of each vehicle that is used to provide the service.

(B) The name of the company must be displayed:

- (1) in characters at least 2-1/2 inches in height and at least 5/16ths of an inch in width; and
- (2) in a clear, legible manner and in colors contrasting to the colors of the vehicle.

(C) The lettering for each vehicle must be approved by the department and must be either an applied adhesive material or painted.

*Source: Ord. 031211-38.*

## **Subpart G. Electric Low-Speed Vehicles.**

### **§ 13-2-284 ELECTRIC LOW-SPEED VEHICLE SERVICE DESCRIBED.**

(A) Electric low-speed vehicle services provide ground transportation service using four-wheeled battery powered electric low-speed vehicles.

(B) An electric low-speed vehicle:

- (1) may not exceed a gross vehicle weight rating of 3,000 pounds, except to the extent required for a modification necessary to achieve ADA compliance; and
- (2) must meet the minimum standards set forth in Section 13-2-288 (*Electric Low-Speed Vehicle Additional Equipment Minimum Standards*).

*Source: Ord. 20111020-053.*

### **§ 13-2-285 OPERATING AUTHORITY APPLICATION.**

(A) To obtain operating authority for an electric low-speed vehicle service, a person must make written application to the department in accordance with Section 13-2-161 (*Operating Authority Application Required*).

(B) In addition to the documentation required under Section 13-2-161 (*Operating Authority Application Required*), a person applying for operating authority for an electric low-speed vehicle

service must include in the application:

- (1) proof of the manufacturer's product liability insurance; and
  - (2) manufacturer documentation:
    - (a) describing the size and weight of the electric low-speed vehicle and the length of time the vehicle will operate before the battery must be recharged; and
    - (b) verifying that the maximum speed of the electric low-speed vehicle does not exceed 25 miles per hour;
  - (3) a proposed logo and color scheme to distinguish an applicant's electric low-speed vehicles from other ground transportation services; and
  - (4) information requested by the department, including information that is responsive to criteria recommended by the department relating to:
    - (a) proposed routes;
    - (b) schedule and frequency of operation;
    - (c) proposed fixed fare structure;
    - (d) use of electric power from a clean, renewable source; and
    - (e) safety factors, including insurance and driver qualifications.
- (C) The department shall evaluate applications for an operating authority based on the applicant's submission of information that is responsive to the application criteria, including information that meets the criteria specified in the department's description of the desired operation of electric low-speed vehicle services.

*Source: Ord. 20111020-053.*

### **§ 13-2-286 ELECTRIC LOW-SPEED VEHICLE RATE OF FARE.**

- (A) The holder of an electric low-speed vehicle service operating authority may only charge a fare that has been filed with the department.
- (B) All rate information for each electric low-speed vehicle shall be conspicuously posted on each side of the vehicle in a manner and location approved by the department.
- (C) The holder of an electric low-speed vehicle service or driver of an electric low-speed vehicle may not:
  - (1) impose a rate structure or collect a fare other than as filed with the department;
  - (2) drive or operate or cause to be driven or operated any electric low-speed vehicle without

the current structure or fare posted as provided by the department.

Source: Ord. 20111020-053.

**§ 13-2-287 REQUIREMENTS OF ELECTRIC LOW-SPEED VEHICLE SERVICE.**

(A) The requirements of this section apply to operation of an electric low-speed vehicle and are in addition to traffic laws and other regulations applicable to motor vehicles.

(B) An electric low-speed vehicle service may operate:

- (1) up to 24 hours a day, seven days per week;
- (2) on a route that uses the public roadways described in the operating authority; or
- (3) in other areas approved by the director for operation at the request of a permit holder.

(C) An electric low-speed vehicle service may not operate on privately owned roadways or facilities.

(D) An electric low-speed vehicle driver must:

- (1) comply with Section 13-2-55 (*Rest Periods for Drivers*); and
- (2) display current state vehicle registration and state safety inspection documentation within the electric low-speed vehicle.

(E) An electric low-speed vehicle driver may not:

- (1) operate at a maximum speed greater than 25 miles per hour;
- (2) load or unload passengers or stop or stand:
  - (a) at the curb or the edge of a roadway, except in legal parking areas; or
  - (b) in a driveway, unless the driveway is signed and marked as a legal parking area;
- (3) operate in any manner, including loading or unloading passengers or stopping or standing, on a sidewalk or sidewalk area;
- (4) carry more than 4 passengers, excluding the driver;
- (5) tow a trailer; or
- (6) operate a vehicle on a roadway other than a roadway authorized by Section 13-2-287 (*Requirements of Electric Low-Speed Vehicle Service*).

(F) An electric low-speed vehicle driver may:

- (1) display a company logo on both sides and on the rear of the electric low-speed vehicle;
- (2) display an advertisement on the electric low-speed vehicle in a manner approved by the department, provided that the advertisement may not obstruct the view of the driver, visibility of signs on the vehicle, vehicle lights, signal lights, or create any other hazard; and
- (3) refuse to convey a person requesting service only if:
  - (a) the person requesting service is disorderly;
  - (b) the person requesting service is engaged in unlawful conduct;
  - (c) the driver has reason to believe that the safety of the driver or the electric low-speed vehicle is at risk; or
  - (d) the person requesting service cannot present proof of ability to pay the fare.
- (G) A passenger must sit on a seat in the electric low-speed vehicle and not in any other place on or in the vehicle, including the lap of another passenger. If a passenger refuses to comply with this requirement, a driver must stop the electric low-speed vehicle and ask the passenger to exit.
- (H) driver and all passengers of an electric low-speed vehicle must wear seatbelts while the vehicle is in motion.

*Source: Ord. 20111020-053.*

### **§ 13-2-288 ELECTRIC LOW-SPEED VEHICLE ADDITIONAL EQUIPMENT MINIMUM STANDARDS.**

- (A) An electric low-speed vehicle must be designed, constructed, and maintained in accordance with the requirements of this section.
- (B) The frame of an electric low-speed vehicle must be constructed of iron, steel, or aluminum alloy extrusions.
- (C) All seats of the electric low-speed vehicle must be forward facing.
- (D) An electric low-speed vehicle is limited to a maximum passenger capacity of 4, excluding the driver.
- (E) An electric low-speed vehicle must be painted in the same color scheme and with the same markings as other electric low-speed vehicles in the holder's fleet and must be easily distinguishable from the color and marking scheme of other ground transportation services in the city.
- (F) Radio scanners are prohibited within an electric low-speed vehicle.
- (G) An electric low-speed vehicle must be equipped with:

- (1) hinged doors that are solid molded plastic or metal, with latches;
- (2) U. S. Department of Transportation approved 3-point shoulder harness seatbelts for the driver and each passenger;
- (3) rack and pinion steering;
- (4) four U.S. Department of Transportation approved street tires of 10 inch minimum diameter;
- (5) a U.S. Department of Transportation- approved windshield, made of scratch- resistant acrylic or AS-1 safety glass;
- (6) motorized windshield wipers;
- (7) a horn;
- (8) driver's side, passenger side, and inside rearview mirrors;
- (9) front disc and rear drum brakes, or four wheel disc brakes, which must be able to stop the electric low-speed vehicle within 10 feet at speeds up to 25 miles per hour;
- (10) a separate emergency brake pedal/ handle system capable of keeping the electric low-speed vehicle in a fixed position on both an incline and level terrain;
- (11) a volt or amp meter, turn signal indicator, headlight switch, and horn button, each of which must be fixed to the dash;
- (12) a slow-moving vehicle emblem compliant with Section 547.104 of the Texas Transportation Code, which must be mounted on the rear of the vehicle in a manner approved by the department;
- (13) two-way communication equipment, while providing service; and
- (14) the following equipment:
  - (a) two headlights;
  - (b) two front turn signals;
  - (c) two side turn signals;
  - (d) two reflectorized rear turn signals;
  - (e) two reflectorized brake lights;
  - (f) two reverse lights; and
  - (g) unobstructed four-way hazard lights.

(H) An electric low-speed vehicle must display the following:

(1) a company name, telephone number, and individual unit number, with clear and legible lettering displayed in characters at least 2-1/2 inches in height and at least 5/16 of an inch in stroke width, with colors contrasting the color of the electric low-speed vehicle; and

(2) a permit decal, a valid annual city inspection decal, a rate card, a complaint notice decal, and a sign limiting the passenger capacity to 4 passengers.

(I) An electric low-speed vehicle is not subject to the requirements in Subsections (D) and (F) of Section 13-2-142 (*Inspection Standards*).

*Source: Ord. 20111020-053.*

### **§ 13-2-289 OPERATING AUTHORITY LIMITATIONS.**

(A) The department may issue an operating authority to a maximum of three electric low-speed vehicle services.

(B) The department shall limit the number of electric low-speed vehicles operating on a route described in the operating authority to a maximum of four such vehicles at any time.

(C) The department may cancel the operating authority of an electric low-speed vehicle service if, at any time before September 30, 2012, the use of electric low-speed vehicles for hire is deemed to be unsafe or unworkable.

*Source: Ord. 20111020-053.*

#### ***Editor's note:***

*Ordinance 20111020-053, Part 3, provides that §§ 13-2-284 through 13-2-289 expire on September 30, 2012, unless the sections are extended by action of the City Council.*

## **ARTICLE 3. TAXI SERVICE.**

### **Division 1. Taxicab Franchises.**

#### **§ 13-2-301 TAXI SERVICE DESCRIBED.**

Taxicab service consists of service that operates on irregular routes and schedules on a call-and-demand basis, for a fee for that is usually determined by a taximeter.

*Source: 1992 Code Section 8-13-301; Ord. 031106-13; Ord. 031211-11.*

#### **§ 13-2-302 CITY COUNCIL APPROVAL REQUIRED; GENERAL STANDARDS; FRANCHISE PERMIT TRANSFER.**

(A) A taxicab franchise may be granted, renewed, extended, amended, or transferred only with council approval. The following conditions apply to a taxicab franchise:

(1) the applicant must be able to operate the taxicab service in accordance with the requirements of this chapter, rules of the department, orders issued under this chapter, provisions of the taxicab franchise, and other applicable law;

(2) the applicant must demonstrate the public necessity and convenience for the taxicab franchise; and

(3) the applicant must agree to provide taxicab service throughout the city.

(B) A taxicab franchise permit may be transferred from one taxicab franchise holder to another only with council approval. A taxicab franchise holder that holds 60 percent or more of the City's franchise permits is ineligible to receive a transfer of permits. After a transfer of franchise permits, the taxicab franchise holder that receives the franchise permits may not hold more than 60 percent of the City's franchise permits.

*Source: 1992 Code Section 8-13-302; Ord. 031106-13; Ord. 031211-11; Ord. 20070405-013.*

### **§ 13-2-303 FRANCHISE APPLICATION REQUIRED.**

(A) A person must submit a written application to the council to grant, renew, extend, amend, or transfer a taxicab franchise or to transfer a franchise permit. The applicant must file an original and three copies of the application with the city clerk.

(B) The application must contain the following:

(1) The applicant's full name, date of birth, telephone number, permanent residence address, and mailing address, and the principal place of business of the proposed taxicab business.

(a) An applicant that is a partnership must include in the application the full name, date of birth, telephone number, permanent residence address, and mailing address of each partner, and any person who participates in the business decisions of the partnership or who has the authority to enter contracts on behalf of the partnership.

(b) An applicant that is a corporation must include in the application the applicant's full name, including any assumed name, location of its principal place of business, and the date of birth, telephone number, permanent address, and mailing address of each officer, director, majority stockholder, and any person who participates in the business decisions of the corporation or who has the authority to enter contracts on behalf of the corporation.

(c) An applicant that is a corporation, partnership, or other business entity must provide certified copies of any documents required by state law to be filed for the business entity to legally exist, and a statement from the Texas Secretary of State certifying that the business is in good standing if state law requires the entity to file documents with the Texas Secretary of State.

(2) An applicant that operates a business under an assumed name must provide a copy of the

certificate of assumed name.

(3) The trade name of the proposed taxicab operation in the City.

(4) A description of the proposed taxicab service and the location of the fixed facilities to be used in the operation.

(5) The number of vehicles the applicant proposes to use in the taxicab service and a description of the vehicles.

(6) A description of any past ground transportation service experience of the applicant and a detailed description of any revocation or suspension of a taxicab franchise or permit held by the applicant or the applicant's business before the date of filing the application.

(7) The individual who signs the application must indicate the capacity in which the applicant signs the application and the individual's position with the business.

(8) A description of the proposed insignia and color scheme for the applicant's taxicabs and a description of the distinctive apparel, if any, to be worn by the applicant's drivers.

(9) Evidence demonstrating the public necessity and convenience for the proposed taxicab franchise.

(10) Additional information required on the application form prescribed by the department.

(C) The applicant must attach the following to the application:

(1) A current financial statement from the applicant, prepared by an independent certified public accountant licensed by this state and certifying that the financial statement truly and accurately reflects the financial status of the applicant and the assets and liabilities of the proposed taxicab business. The financial statement must contain a list of the assets to be used in the applicant's taxicab business. An applicant that does not own 100 percent of the assets to be used must include the names of the other owners of the assets and the other owners of ownership interest in the assets. An applicant that is a partnership must also provide a financial statement for each partner.

(2) Certification from an insurance company that it will provide the liability insurance required by this chapter to the franchise holder.

(3) For each person described in Subsection (B)(1), a description of all criminal convictions, and a criminal history certified by the Texas Department of Public Safety within ninety days of the date the application is submitted. A person described in Subsection (B)(1) who has been a resident of Texas for less than one year preceding the date the application is submitted, the criminal history must be certified by the corresponding governmental authority in the former state of residence within 90 days of submission of the application.

(4) An affidavit that there are no outstanding judgments that arise out of circumstances related to ground transportation service against the applicant or a person described in Subsection

(B)(1).

(D) The city manager may require additional information in the application process.

(E) On receiving a taxicab franchise application, the city clerk shall retain the original in the city clerk's files and forward three copies to the city manager.

*Source: 1992 Code Section 8-13-303; Ord. 031106-13; Ord. 031211-11; Ord. 20070405-013.*

### **§ 13-2-304 RECOMMENDATION ON FRANCHISE APPLICATION.**

(A) The city manager shall recommend to the council that the council grant or deny the taxicab franchise application. In evaluating a taxicab franchise application, the city manager may consider the following:

- (1) the service proposed;
- (2) the number, kinds, and types of equipment to be used by the applicant;
- (3) whether the applicant has demonstrated the public necessity and convenience for the taxicab franchise;
- (4) the effect of the proposed taxicab service on existing taxicab services;
- (5) the applicant's financial ability to provide the proposed service;
- (6) the ground transportation service experience of an applicant and of any partner or person having an interest in the business if a partnership, and all officers, directors, and majority stock holders if a corporation;
- (7) convictions, if any, of applicants, their officers, shareholders, or partners, for misdemeanor or felony crimes that directly relate to the duties and responsibilities of operating a taxicab business;
- (8) whether a holder has continued to employ, contract with, or sponsor an individual that is not a safe and reliable driver as reflected by the official Texas Department of Public Safety records, other applicable traffic enforcement agency records, if applicable, or by the individual's criminal record;
- (9) whether a previous operating authority or taxicab franchise has been revoked; and
- (10) for the transfer of a franchise permit, the requirements of Section 13-2-302(B) (*City Council Approval Required; General Standards; Franchise Permit Transfer*).

(B) The city manager may not recommend that the council grant a franchise application unless the requirements of this chapter have been met.

(C) If the city manager recommends denial of a taxicab franchise application, the city manager

shall include the reason for that recommendation. A copy of the recommendation shall be provided to the applicant.

*Source: 1992 Code Section 8-13-304; Ord. 031106-13; Ord. 031211-11; Ord. 20070405-013.*

### **§ 13-2-305 FRANCHISE ORDINANCES.**

(A) If the city manager finds the taxicab franchise applicant meets the requirements of this chapter, the city manager shall direct the city attorney to prepare the taxicab franchise ordinance for the City Council's consideration.

(B) In addition to the requirements for a franchise under Article XI (*Franchises and Public Utilities*) of the City Charter, a taxicab franchise ordinance submitted to the council must include the following provisions:

(1) the period for which the taxicab franchise is granted, and that the taxicab franchise remains in effect for that period unless, on review, the council finds that the taxicab franchise is subject to forfeiture or cancellation for good cause;

(2) a requirement that the taxicab franchise maintain an active fleet of at least 25 taxicabs;

(3) a requirement that the franchise holder comply with the provisions of this chapter and all amendments to this chapter enacted during the period of the taxicab franchise;

(4) a requirement that the taxicab franchise is subject to forfeiture on the holder's conviction for violations of the provisions of this chapter or on a showing that the taxicab franchise holder has substantially breached the terms of the taxicab franchise;

(5) a requirement that the taxicab franchise is subject to forfeiture if the franchise holder fails to pay an outstanding final judgment that arises out of circumstances related to ground transportation service against the franchise holder or a person described in Section 13-2-303(B)(1) (*Franchise Application Required*);

(6) a requirement that the franchise holder maintain complete records of all dispatched calls, all expenses incurred in connection with the operation of the taxicab service business, and all revenues derived from the taxicab business;

(7) a requirement that the franchise holder own, lease, or contract for control of each taxicab used in the taxicab franchise; and

(8) authorization for the department to inspect all records of a taxicab franchise in accordance with Section 13-2-306(D) (*Recordkeeping Requirements*).

*Source: 1992 Code Section 8-13-305; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-306 RECORDKEEPING REQUIREMENTS.**

(A) A franchise holder shall maintain records of its taxicab business, operations, receipts, and

other documents required by this chapter, the taxicab franchise agreement, and the department.

(B) A franchise holder shall maintain a record required by this section at the principal place of business of the franchise for a 90-day period after the date of creation of the record. After the 90-day period the records may be stored at another location within the city. The franchise holder shall provide the department with the address of the records storage location.

(C) Except as provided in this section, a franchise holder shall keep the records for the term of the franchise. The records used to compile the reports required under Section 13-2-307(B) (*Reports Required*) shall be maintained for 12 months after the date of creation of the records.

(D) The franchise holder shall make all records maintained at the principal place of business for the 90-day retention period available to the department for examination and inspection without notice. The franchise holder shall make records maintained after the 90-day retention period available to the department for examination and inspection on 24 hours notice.

*Source: 1992 Code Section 8-13-306; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-307 REPORTS REQUIRED.**

(A) A franchise holder shall submit to the department a report of revenues and expenses for each year of operation. The report shall be made on a form prescribed by the department and submitted not later than the 20th day after the close of the City's fiscal year.

(B) A franchise holder shall submit a monthly report of statistics of operation to the department. The report shall be submitted on a form prescribed by the department not later than the 15th day of the month following the month for which the statistics are collected.

(C) The department may require additional information at intervals specified by the department.

(D) A franchise holder shall submit to the department a report on any accident involving the operation of a taxicab that results in death or injury to a person or damage to a vehicle or other property exceeding \$500. The franchise holder shall submit the report on a form prescribed by the department not later than the 15th day of the month following the day of the accident.

*Source: 1992 Code Section 8-13-307; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-308 GRANTING OF TAXICAB FRANCHISE THROUGH ANNUAL RESERVATION OF FRANCHISE PERMITS.**

(A) If the department determines that an increase in the number of franchise permits is necessary under Section 13-2-322 (*Calculation of Necessary Franchise Permits*), the department shall reserve 25 percent of the additional franchise permits for allocation to future franchise applicants. The department shall allocate the remaining 75 percent of the additional franchise permits as prescribed by Section 13-2-324 (*Allocation of Additional Franchise Permits*).

(B) The department shall hold the franchise permits reserved under Subsection (A) until 50 franchise permits are held in reserve. Upon the reservation of 50 franchise permits, the department

shall publish a notice in a newspaper of general circulation in the city of the availability of 50 franchise permits for a new taxicab franchise.

(C) When not less than 50 franchise permits are held in reserve, the city council may grant the reserved permits to an applicant who meets the requirements of this chapter for a new taxicab franchise. If more than one applicant who meets the requirements of this chapter applies for a new franchise under this section, the council shall award the franchise in accordance with Section 13-2-310 (*Selection Of Franchisee*).

(D) If no qualified person applies for a new franchise when 50 or more reserved permits are available, the department shall allocate an equal number of the reserved permits to each eligible franchise holder under Section 13-2-324 (*Allocation of Additional Franchise Permits*).

*Source: 1992 Code Section 17-2-308; Ord. 031106-13; Ord. 031211-11; Ord. 20060824-016; Ord. 20070405-013.*

### **§ 13-2-309 GRANTING OF TAXICAB FRANCHISE UNDER CERTAIN CIRCUMSTANCES.**

(A) The city council may grant one or two additional taxicab franchises if:

(1) there have been fewer than five taxicab franchise holders in the city for five consecutive years; and

(2) the department has determined that at least one additional permit is necessary under Section 13-2-322 (*Calculation of Necessary Franchise Permits*).

(B) The council may not allocate more than 50 permits to a franchise applicant under this section.

(C) If the number of applicants who meet the requirements of this chapter is greater than the number of franchises the council may grant under this section, the council shall award a franchise in accordance with Section 13-2-310 (*Selection Of Franchisee*).

(D) If there have been fewer than five taxicab franchise holders in the city for five consecutive years, and the number of surplus franchise permits issued by the department is twelve or fewer under the formula in Section 13-2-322 (*Calculation of Necessary Franchise Permits*), the department shall submit a report to the council advising the council on an appropriate mechanism to determine how a franchise may be awarded under this section.

*Source: 1992 Code Section 17-2-309; Ord. 031106-13; Ord. 031211-11; Ord. 20060824-016.*

### **§ 13-2-310 SELECTION OF FRANCHISEE.**

(A) This section prescribes the method for selecting among multiple applicants when required by Section 13-2-308(C) (*Granting Of Taxicab Franchise Through Annual Reservation Of Franchise Permits*) or Section 13-2-309(C) (*Granting Of Taxicab Franchise Under Certain Circumstances*).

(B) The council shall award the franchise to the applicant that the city council determines is best

qualified after considering:

- (1) the information required by Section 13-2-303 (*Franchise Application Required*);
- (2) the criteria and recommendation prescribed by Section 13-2-304 (*Recommendation on Franchise Application*); and
- (3) criteria reasonably relating to the operation of a taxicab franchise promulgated by the city manager.

*Source: Ord. 20060824-016.*

## **Division 2. Franchise Permits.**

### **§ 13-2-321 FRANCHISE PERMITS REQUIRED.**

(A) On approval of a taxicab franchise, the department shall issue a franchise permit for each vehicle authorized in the taxicab franchise and for which the franchise holder has paid permit fees. Before placing a taxicab in service, a franchise holder shall affix the franchise permit issued for that vehicle to the vehicle in the manner prescribed by the department.

(B) A franchise permit issued to the franchise holder expires on the date printed on the permit.

(C) A holder may not operate a vehicle that displays an expired permit.

*Source: 1992 Code Section 8-13-321; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-322 CALCULATION OF NECESSARY FRANCHISE PERMITS.**

(A) The department shall determine the annual increase or decrease in the number of necessary franchise permits by multiplying the number of franchise permits that were determined to be necessary in the previous year by the average of the percent of annual change in:

- (1) the population of the City; and
- (2) the number of taxicab departures from Austin-Bergstrom International Airport.

(B) The population figure for the City shall be based on the annual population estimate as determined by the department as of December 31 of the preceding year.

*Source: 1992 Code Section 8-13-322; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-323 ADDITIONAL FRANCHISE PERMITS.**

(A) The department may issue additional franchise permits to reach the number of necessary permits calculated under in Section 13-2-322 (*Calculation of Necessary Franchise Permits*). A fraction of an additional permit shall be rounded down to the nearest whole number.

(B) The number of franchise permits authorized for each franchise holder may not be reduced if the number of authorized franchise permits issued exceeds the number of franchise permits determined to be necessary under Section 13-2-322 (*Calculation of Necessary Franchise Permits*).

*Source: 1992 Code Section 8-13-323; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-324 ALLOCATION OF ADDITIONAL FRANCHISE PERMITS.**

(A) If the department determines that an increase in the number of franchise permits is necessary under Section 13-2-322 (*Calculation of Necessary Franchise Permits*), the department shall allocate the additional franchise permits to each eligible franchise holder as follows:

(1) A franchise holder who holds 60 percent or more of the City's franchise permits is not eligible to receive additional franchise permits, unless:

(a) the department has published a notice of the availability of franchise permits for a new taxicab franchise in accordance with Section 13-2-308 (*Granting Of Taxicab Franchise Through Annual Reservation Of Franchise Permits*);

(b) no applicant who meets the requirements of this chapter applies for a new franchise within 30 days of the date of publication; and

(c) the franchise holder is eligible under Section 13-2-325 (*Eligibility For Additional Franchise Permits*) and request the permits in accordance with Section 13-2-326 (*Request For Additional Franchise Permits*).

(2) The franchise holders who are eligible to receive additional permits and who request the permits shall each receive an equal number of the additional franchise permits, and

(3) If no franchise holder is eligible to receive additional franchise permits or if no franchise holder requests additional franchise permits then the additional permits shall be reserved for allocation to future franchise applicants.

(B) Following the department's calculation of the total number of franchise permits under Section 13-2-322 (*Calculation of Necessary Franchise Permits*), the department shall notify franchise holders of the total number of additional franchise permits to be allocated and the total number of franchise permits for which each franchise holder may be eligible.

*Source: 1992 Code Section 8-13-324; Ord. 031106-13; Ord. 031211-11; Ord. 20070405-013.*

### **§ 13-2-325 ELIGIBILITY FOR ADDITIONAL FRANCHISE PERMITS.**

(A) For a franchise holder to qualify for an allocation of additional permits, one taxicab must have been in operation for each of the holder's authorized franchise permits for at least 30 days during the preceding January 1 through March 30 period and the franchise holder must attain an overall use rate of 75 percent. To determine the use rate, owner-operated vehicles under this chapter are considered to be in operation each day of the period. Company-owned daily lease vehicles are considered to be in service only when actually in service.

(B) The department shall apply the following formula to determine the use rate:

$$\begin{aligned} \text{Permit Days Used} &= \text{Number of days each} \\ &\quad \text{authorized permit was in} \\ &\quad \text{operation for the period} \\ \\ \text{Permit Use Rate} &= \frac{\text{Permit days used}}{\text{Number of authorized} \\ &\quad \text{franchise permits multiplied} \\ &\quad \text{by the number of days in} \\ &\quad \text{the period}} \end{aligned}$$

(C) This section does not apply to a modified ground transportation service vehicle.

*Source: 1992 Code Section 8-13-325; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-326 REQUEST FOR ADDITIONAL FRANCHISE PERMITS.**

(A) To request additional franchise permits, a franchise holder must submit a report from a certified public accountant, licensed by this state and not affiliated with the franchise, certifying that the franchise holder has satisfied the use rate requirement under Section 13-2-325 (*Eligibility for Additional Franchise Permits*) and that all vehicles were used as reported.

(B) The report must be submitted to the department not later than May 15th. A franchise holder that does not submit the report by the deadline is ineligible to receive additional franchise permits.

(C) When a franchise holder becomes ineligible to receive additional franchise permits, the department shall reallocate the additional franchise permits initially allocated to the ineligible franchise holder.

*Source: 1992 Code Section 8-13-326; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-327 DISTRIBUTION OF ADDITIONAL PERMITS.**

(A) The department shall distribute additional franchise permits to qualified franchise holders that comply with Sections 13-2-325 (*Eligibility for Additional Franchise Permits*) and 13-2-326 (*Request for Additional Franchise Permits*) within 60 days of the deadline prescribed in Section 13-2-326(B) (*Request for Additional Franchise Permits*).

(B) The department shall reduce the number of additional franchise permits allocated to coincide with the number of additional franchise permits in use for a franchise holder that receives additional franchise permits but does not increase its total fleet to the new allocated level within 90 days of the distribution of additional franchise permits.

(C) All franchise permits previously allocated to a franchise holder must be assigned to a vehicle that is in service before newly allocated franchise permits are assigned.

*Source: 1992 Code Section 8-13-327; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-328 EVALUATION OF CALCULATION OF NECESSARY PERMITS.**

Annually, the director may consider the department's calculation of the number of permits under Section 13-2-322 (*Calculation of Necessary Franchise Permits*) and recommend to the council a change in the calculation or any change the director determines is appropriate.

*Source: 1992 Code Section 8-13-328; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-329 FRANCHISE PERMIT FEE.**

(A) Except as provided in Subsection (B), a franchise holder shall pay to the City an annual franchise permit fee for each vehicle authorized in the taxicab franchise before placing any taxicab into service.

(B) The franchise holder may pay the fee in quarterly installments in accordance with the City's fiscal year. If the franchise holder makes quarterly payments, the first payment is due immediately on approval of the franchise permit. Subsequent payments are due no later than the fifth business day before the beginning of the quarter for which the payment is due.

(C) A fee for an additionally allocated franchise permit must include payment for the entire quarter in which the permit is distributed and may be paid as provided in Subsection (B).

(D) The fee prescribed by this section does not apply to a permit issued under Section 13-2-402 (*Special Franchise Permits*).

*Source: 1992 Code Section 8-13-330; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-330 AMENDMENT; REVOCATION.**

A taxicab franchise may be amended or revoked as provided by the City Charter, the taxicab franchise ordinance, or this chapter.

*Source: 1992 Code Section 8-13-331; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-331 MULTIPLE FRANCHISES PROHIBITED.**

(A) Except as provided by this section, a person may not have a pecuniary interest or security interest in the stock or other assets of a taxicab franchise that confers on the franchise holder a controlling or voting interest in more than one taxicab franchise.

(B) A person who has a pecuniary interest in one taxicab franchise and obtains a pecuniary interest in a second taxicab franchise as a result of the foreclosure of a security interest in the stock or other assets of that second taxicab franchise must comply with Subsection (A) not later than six months after the date the person obtained a pecuniary interest in the second taxicab franchise.

*Source: 1992 Code Section 8-13-332; Ord. 031106-13; Ord. 031211-11.*

## **Division 3. Operations.**

**§ 13-2-341 NUMBER OF TAXICABS PLACED IN SERVICE.**

(A) A franchise holder may not operate more taxicabs than the number authorized by the taxicab franchise ordinance and by Sections 13-2-331 (*Multiple Franchises Prohibited*) and 13-2-402 (*Special Franchise Permits*).

(B) A franchise holder may place into service only the number of vehicles for which the franchise holder has paid all charges required by the Code.

*Source: 1992 Code Section 8-13-341; Ord. 031106-13; Ord. 031211-11.*

**§ 13-2-342 OWNER-OPERATED TAXICABS.**

(A) At least 40 percent of the vehicles placed in service by a franchise holder must be owner-operated vehicles.

(B) In addition to the requirements for drivers under Article 1 (*General Provisions*), Division 6 (*Drivers*), Subparts A (*Chauffeur's Permit*) and C (*Duties and Conduct of Drivers*), a person who owns a vehicle may not drive that vehicle as part of a franchise holder's fleet unless the franchise holder and owner-operator enter into a written contract in accordance with rules prescribed by the department.

(C) When an owner-operated vehicle is taken from service, the franchise holder shall notify the department of that fact not later than the 15th day of the month following the month in which the vehicle is taken from service.

*Source: 1992 Code Section 8-13-342; Ord. 031106-13; Ord. 031211-11.*

**§ 13-2-343 CITY-WIDE TAXICAB SERVICE REQUIRED.**

A franchise holder may not refuse to provide taxicab service to the general public to and from any point inside the City that is accessible by a public street. It is an affirmative defense to prosecution under this section that the holder or the driver had reason to believe that service in a particular circumstance would have subjected the driver to violence or the taxicab to destruction.

*Source: 1992 Code Section 8-13-343; Ord. 031106-13; Ord. 031211-11.*

**§ 13-2-344 PROMPT RESPONSE REQUIRED.**

(A) A franchise holder shall maintain a dispatch terminal within the city or within 5,000 feet of the city limits that is operational 24 hours each day for the purpose of receiving calls and dispatching taxicabs.

(B) A franchise holder shall respond to each call received for service inside the city as soon as practicable. If the service cannot be rendered within a reasonable time, the franchise holder shall inform the caller of the reason for the delay and the approximate time required to answer the call.

*Source: 1992 Code Section 8-13-344; Ord. 031106-13; Ord. 031211-11; Ord. 20050818-025.*

### **§ 13-2-345 RESPONSE TO DISPATCHED SERVICE REQUESTS.**

While operating a taxicab, a driver shall respond to service requests from the driver's dispatch terminal when the location for pick-up is within a reasonable distance from the location of the taxicab.

*Source: 1992 Code Section 8-13-345; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-346 REFUSAL TO CONVEY PASSENGERS.**

While operating a taxicab, a driver may not refuse to convey a person who requests service unless:

- (1) the driver is engaged in answering a previous request for service;
- (2) the person requesting service is disorderly;
- (3) the driver has reason to believe that the person is engaged in unlawful conduct;
- (4) the driver has reason to believe that the safety of the driver or the taxicab is at risk; or
- (5) the person cannot present proof of ability to pay the fare.

*Source: 1992 Code Section 8-13-346; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-347 LIMITATIONS ON RADIO USE.**

While on duty a driver may not:

- (1) respond to a dispatched service request assigned to another driver;
- (2) monitor the dispatch frequency of a taxicab company other than the driver's company;
- (3) respond to a call for service dispatched by another company; or
- (4) possess equipment capable of receiving the dispatch frequency of a taxicab company other than the driver's own.

*Source: 1992 Code Section 8-13-347; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-348 DIRECT ROUTE.**

(A) A driver shall transport a passenger to the passenger's destination by the most direct route available unless otherwise directed by the passenger.

(B) This section applies only to taxicab service in which a taximeter is used to calculate the rate of fare.

*Source: 1992 Code Section 8-13-348; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-349 LIMITATIONS ON SOLICITATIONS.**

(A) A driver may not solicit business for a taxicab except from the driver compartment of the taxicab or the curb immediately adjacent to the taxicab.

(B) A driver may not solicit business in a loud or annoying tone of voice, or obstruct the movement of any person. A driver may not solicit business at the terminal of another common carrier or at points of loading and unloading along any established route of another common carrier.

(C) When a taxicab is at a rail, air, or bus depot within the city, the driver or person in charge of the taxicab may not leave the taxicab and enter the depot, the sidewalk, or private property of a railroad company, airline, or bus company to solicit the transportation of arriving passengers.

*Source: 1992 Code Section 8-13-349; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-350 TAXICAB USE RESTRICTED.**

(A) Except as provided by this section, the owner or driver of a taxicab may not use the taxicab for any purpose other than to transport passengers, run errands, deliver packages, or perform other services customary in the taxicab business.

(B) A driver or owner of a taxicab may use the taxicab for personal business during off-duty hours. If a driver or owner of a taxicab uses the taxicab for personal business during off-duty hours, the person shall place the taximeter in the revenue-earning position and report the trip to the franchise holder.

*Source: 1992 Code Section 8-13-350; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-351 NUMBER OF PASSENGERS.**

(A) The number of passengers a driver may transport during a single trip is limited to the number of seatbelts available in the taxicab.

(B) A franchise holder shall provide a decal not to exceed three square inches to be affixed to each rear side window of a taxicab that contains the maximum number of passengers allowed in that taxicab.

*Source: 1992 Code Section 8-13-351; Ord. 031106-13; Ord. 031211-11; Ord. 20120209-033.*

### **§ 13-2-352 ADDITIONAL PASSENGERS.**

(A) Unless the passenger employing a taxicab consents, a driver may not admit additional passengers to the taxicab on that trip.

(B) This section applies only to taxicab service in which a taximeter is used to calculate the rate of fare.

*Source: 1992 Code Section 8-13-352; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-353 USE OF TAXI ZONES.**

(A) To enter a taxi zone, a taxicab driver shall drive the taxicab into the taxi zone from the rear of the zone and proceed to the front of the zone in an orderly manner.

(B) The driver of a taxicab may not admit passengers in a taxi zone unless:

(1) each taxicab ahead of the driver's taxicab, if any, in the taxi zone has loaded passengers;  
or

(2) the passenger to be loaded has rejected service from each taxicab ahead of the driver's taxicab in the taxi zone.

*Source: 1992 Code Section 8-13-353; Ord. 031106-13; Ord. 031211-11.*

#### **§ 13-2-354 BUSINESS ESTABLISHMENTS REQUESTING TAXICABS FOR CUSTOMERS.**

An employee of a business establishment, other than a taxicab service, who acts as an agent in obtaining taxicab service for prospective taxicab passengers may not solicit or accept payment from a holder in return for giving preferential treatment by directing passengers to a taxicab, or interfere with the orderly progression of taxicabs from the rear to the front of a taxi zone.

*Source: 1992 Code Section 8-13-354; Ord. 031106-13; Ord. 031211-11.*

### **Division 4. Rates of Fare and Taximeters.**

#### **§ 13-2-361 RATES OF FARE.**

A holder or driver may not charge a taxicab rate of fare in the city that is inconsistent with the rates of fare established by the council.

*Source: 1992 Code Section 8-13-361; Ord. 031106-13; Ord. 031211-11.*

#### **§ 13-2-362 RATE CARD.**

A holder shall post a rate card containing a schedule of rates established by the council as well as other information prescribed by the department. The card must be clearly visible to passengers. The department shall prescribe the size, content, and format, and location of the rate card.

*Source: 1992 Code Section 8-13-362; Ord. 031106-13; Ord. 031211-11.*

#### **§ 13-2-363 TAXIMETER REQUIRED.**

(A) A person may not drive or allow another person to drive a taxicab unless the taxicab is equipped with an operational taximeter that displays an accuracy seal, certifying its accuracy in accordance with procedures determined by the department.

(B) For purposes of determining a fare for taxicab service, a person may not use a device other than a taximeter for measuring distance or time.

(C) Except as provided by Subsection (D), a person may not drive or allow another person to drive a taxicab unless an accurate taximeter is used to determine the fare to be charged.

(D) Taximeter rates of fare do not apply to:

(1) a trip to a destination outside the corporate city limits if the taximeter is kept in operation while the taxicab has a passenger within the corporate limits of the city;

(2) on written approval of the department, a trip under a contract with a governmental agency, a nonprofit organization, or as otherwise reasonably necessary to provide a public service; or

(3) a rate change approved under Section 13-2-370 (*Decision on Rate Application*).

*Source: 1992 Code Section 8-13-363; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-364 SETTING TAXIMETER.**

(A) When using a taximeter to compute a fare, a driver shall place the taximeter in the revenue-earning position when a passenger enters a taxicab, or at the pre-arranged time, if any, after the customer is informed of the taxicab's presence.

(B) When using a taximeter to compute a fare, a driver shall call the attention of passengers to the amount registered on the taximeter before resetting the taximeter. The taximeter may not be reset to the "vacant" position until after the fare is paid.

*Source: 1992 Code Section 8-13-364; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-365 MULTIPLE FARES.**

(A) All passengers occupying a taxicab on a single trip shall be charged according to the same rate method.

(B) When using a taximeter to compute a fare for multiple passengers who occupy a taxicab at the same point of origin and disembark at different destinations, the following rules apply:

(1) Passengers departing at a destination are responsible for the fare displayed on the taximeter at that destination.

(2) The driver shall reset the meter at each destination unless the passenger disembarking at the final destination agrees to pay the fare for the entire trip.

(3) Groups of passengers disembarking at one destination are not charged individually. The passengers are responsible only for the fare on the taximeter without any additional passenger fee.

*Source: 1992 Code Section 8-13-365; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-366 TAXIMETER STANDARDS.**

(A) A taximeter must electronically or mechanically calculate the charge for distance traveled

and waiting time, if any. The charge must be indicated by means of clearly legible, electrically lighted figures that are reset each time the taximeter is reset.

(B) In this section, “waiting time” means that period of time after a passenger enters a taxicab and after the meter is activated that the taxicab is not traveling because of delay caused by traffic, a traffic control device, or a request of the passenger. Waiting time does not include time lost because of mechanical failure of the taxicab.

(C) Taximeters must conform to the following specifications:

(1) The size and design of a taximeter must be approved by the department.

(2) A taximeter must register the following items on visual counters:

(a) total miles;

(b) paid miles;

(c) number of trips; and

(d) units of fare.

(3) Each taximeter must be equipped with a tamper-proof switch and system of electrical distribution that meets the following requirements:

(a) The electric identification sign affixed to the roof of the taxicab must be lit when the taximeter is in a non-revenue-earning or “off” position.

(b) The two amber lights affixed to the roof of the taxicab must be lit and visible from all directions when the taximeter is in a revenue-earning or “on” position. The amber lights are not required to be visible from the rear of the vehicle if the vehicle roof has been modified to allow the transport of disabled passengers.

(4) A mechanical taximeter must be connected directly to the taxicab transmission and sealed to prevent tampering.

(5) The rate change unit of an electronically operated taximeter must be sealed to prevent tampering.

*Source: 1992 Code Section 8-13-366; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-367 TAXIMETER INSPECTIONS.**

(A) During the inspection of a taxicab under Section 13-2-141 (*Inspection Required*), the taximeter may be inspected for accuracy.

(B) A taxicab may not receive an accuracy seal for any taximeter unless the taximeter is inspected and determined to be accurate and in conformity with this chapter.

(C) A holder may not drive or allow another person to drive a taxicab unless the taximeter:

- (1) has been inspected and an accuracy seal has been affixed to the taximeter in accordance with the procedures established by the department;
- (2) displays a seal described in this section that is intact and affixed to the taximeter in accordance with the procedures established by the department; and
- (3) is accurate.

(D) A driver may not drive a taxicab unless the taximeter:

- (1) has been inspected and an accuracy seal has been affixed to the taximeter in accordance with the procedures established by the department; and
- (2) displays a seal described in this section that is intact and affixed to the taximeter in accordance with the procedures established by the department.

*Source: 1992 Code Section 8-13-367; Ord. 031106-13; Ord. 031211-11.*

#### **§ 13-2-368 EQUIPMENT ALTERATIONS PROHIBITED.**

(A) A person may not drive or allow another person to drive a taxicab in which the taximeter or other equipment has been altered in a manner that causes the taximeter to calculate an incorrect rate.

(B) A person may not drive or allow another person to drive a taxicab equipped with a taximeter that has been tampered with since the last inspection.

(C) A person may not drive or allow another person to drive a taxicab that displays the electric roof identification sign and amber roof lights in a manner indicating that the vehicle is available for hire when the taxicab is occupied by a passenger.

*Source: 1992 Code Section 8-13-368; Ord. 031106-13; Ord. 031211-11.*

#### **§ 13-2-369 APPLICATION FOR RATE CHANGE.**

(A) A majority of taxicab franchise holders operating in the city may submit a joint application for a rate change. An application for a rate change must be signed by a majority of taxicab franchise holders. The applicants for the rate change shall coordinate the application to prove that the rate change is necessary.

(B) The application must include the following:

- (1) A cover letter stating the reason for the rate change request.
- (2) Information supporting the rate change that must include the following:

(a) A statement detailing the increase in the cost of living to taxicab operators since the previous rate change, as evidenced by the Consumer Price Index for Urban Consumers.

- (b) Information on rates of fares in other comparable cities.
- (c) Information on changes in costs for the operation of vehicles, including the cost of fuel, maintenance, and any other information related to the cost of operation.
- (d) The effect of the proposed rate changes on any average trip.
- (e) A summary of the information prescribed under paragraphs (a) through (d) of this subdivision identifying major operating expense changes necessitating the need for the rate changes and the effect on the industry if the proposed change is not granted.
- (f) If the proposed rate is not computed by taximeter, a description of the charging methodology, the manner in which the franchise holders intend to administer the proposed rate, and the additional City facilities or other City resources that would be required if the proposed change is granted.
- (g) The department may require additional information pertinent to the request from the applicants.

(C) All operational or financial data supplied and analyzed in the application must be based on the City's fiscal year.

(D) The application must be filed with the city clerk.

*Source: 1992 Code Section 8-13-369; Ord. 031106-13; Ord. 031211-11.*

#### **§ 13-2-370 DECISION ON RATE APPLICATION.**

(A) The city manager shall make a recommendation to the council regarding an application for a rate change.

(B) The city manager may not recommend that the council grant the rate change application unless the requirements of this chapter have been met.

(C) If the city manager recommends denial of a rate change application, the city manager shall include the reason for that recommendation.

(D) The council shall act on the application not later than the 45th day after receipt of the city manager's recommendation under this section.

*Source: 1992 Code Section 8-13-370; Ord. 031106-13; Ord. 031211-11.*

#### **§ 13-2-371 TAXICAB FUEL SURCHARGE.**

(A) In this section, "price of gasoline" means the average cost of regular unleaded gasoline in the City of Austin as reported by the American Automobile Association or another source determined by the department.

(B) As provided by this section, a fuel cost recovery fee shall be added to the taximeter rates of fare set by the city council.

(C) The fuel cost recovery fee shall be determined by the department at quarterly intervals beginning November 8, 2005, and shall be based on the most recently reported price of gasoline.

(D) The following price range schedule for the price of gasoline shall be used to determine the fuel cost recovery fee:

	<b>Low end price for each gallon</b>	<b>High end price for each gallon</b>	<b>Rollback price for each gallon</b>	<b>Applicable fuel cost recovery fee</b>
<b>Price range 1</b>	\$2.45	\$3.20	\$2.10	10 cents
<b>Price range 2</b>	\$3.20	\$3.95	\$2.85	20 cents
<b>Price range 3</b>	\$3.95	\$4.70	\$3.60	30 cents
<b>Price range 4</b>	\$4.70	\$5.45	\$4.35	40 cents
<b>Price range 5</b>	\$5.45	\$6.20	\$5.10	50 cents
<b>Price range 6</b>	\$6.20	\$6.95	\$5.85	60 cents
<b>Price range 7</b>	\$6.95	\$7.70	\$6.60	70 cents
<b>Price range 8</b>	\$7.70	\$8.45	\$7.35	80 cents
<b>Price range 9</b>	\$8.45	\$9.20	\$8.10	90 cents
<b>Price range 10</b>	\$9.20	\$9.95	\$8.85	\$1.00

(E) The fuel cost recovery fee shall be determined on the first business day of each bi-monthly interval using the most recently reported price of gasoline and the price ranges in Subsection (D). The fuel cost recovery fee for the bi-monthly interval shall be:

(1) inapplicable during the bi-monthly interval if:

(a) no fuel cost recovery fee applied during the previous bi-monthly interval and the price of gasoline is less than the low end price of Price Range 1; or

(b) a fuel cost recovery fee applied during the previous bi-monthly interval and the price of gasoline is less than the rollback price of Price Range 1;

(2) 10 cents for each paid mile if:

(a) the price of gasoline is equal to or greater than the low end price of Price Range 1 but less than the high end price of Price Range 1; or

(b) the fuel cost recovery fee for the previous bi-monthly interval was equal to or greater than 10 cents for each paid mile and the price of gasoline is above the rollback price of Price Range 1 but less than the high end price of Price Range 1;

(3) 20 cents for each paid mile if:

(a) the price of gasoline is equal to or greater than the low end price of Price Range 2 but less than the high end price of Price Range 2; or

(b) the fuel cost recovery fee for the previous bi-monthly interval was equal to or greater than 20 cents for each paid mile and the price of gasoline is above the rollback price of Price Range 2 but less than the high end price of Price Range 2;

(4) 30 cents for each paid mile if:

(a) the price of gasoline is equal to or greater than the low end price of Price Range 3 but less than the high end price of Price Range 3; or

(b) the fuel cost recovery fee for the previous bi-monthly interval was equal to or greater than 30 cents for each paid mile and the price of gasoline is above the rollback price of Price Range 3 but less than the high end price of Price Range 3;

(5) 40 cents for each paid mile if:

(a) the price of gasoline is equal to or greater than the low end price of Price Range 4 but less than the high end price of Price Range 4; or

(b) the fuel cost recovery fee for the previous bi-monthly interval was equal to or greater than 40 cents for each paid mile and the price of gasoline is above the rollback price of Price Range 4 but less than the high end price of Price Range 4;

(6) 50 cents for each paid mile if:

(a) the price of gasoline is equal to or greater than the low end price of Price Range 5 but less than the high end price of Price Range 5; or

(b) the fuel cost recovery fee for the previous bi-monthly interval was equal to or greater than 50 cents for each paid mile and the price of gasoline is above the rollback price of Price Range 5 but less than the high end price of Price Range 5;

(7) 60 cents for each paid mile if:

(a) the price of gasoline is equal to or greater than the low end price of Price Range 6 but less than the high end price of Price Range 6; or

(b) the fuel cost recovery fee for the previous bi-monthly interval was equal to or greater than 60 cents for each paid mile and the price of gasoline is above the rollback price of Price Range 6 but less than the high end price of Price Range 6;

(8) 70 cents for each paid mile if:

(a) the price of gasoline is equal to or greater than the low end price of Price Range 7 but less than the high end price of Price Range 7; or

(b) the fuel cost recovery fee for the previous bi-monthly interval was equal to or greater than 70 cents for each paid mile and the price of gasoline is above the rollback price of Price Range 7 but less than the high end price of Price Range 7;

(9) 80 cents for each paid mile if:

(a) the price of gasoline is equal to or greater than the low end price of Price Range 8 but less than the high end price of Price Range 8; or

(b) the fuel cost recovery fee for the previous bi-monthly interval was equal to or greater than 80 cents for each paid mile and the price of gasoline is above the rollback price of Price Range 8 but less than the high end price of Price Range 8;

(10) 90 cents for each paid mile if:

(a) the price of gasoline is equal to or greater than the low end price of Price Range 9 but less than the high end price of Price Range 9; or

(b) the fuel cost recovery fee for the previous bi-monthly interval was equal to or greater than 90 cents for each paid mile and the price of gasoline is above the rollback price of Price Range 9 but less than the high end price of Price Range 9;

(11) \$1.00 for each paid mile if:

(a) the price of gasoline is equal to or greater than the low end price of Price Range 10 but less than the high end price of Price Range 10; or

(b) the fuel cost recovery fee for the previous bi-monthly interval was \$1.00 for each paid mile and the price of gasoline is above the rollback price of Price Range 10 but less than the high end price of Price Range 10.

(F) Not later than the third business day of each bi-monthly interval, the department shall provide written notice to each taxicab franchise holder of the fuel cost recovery fee, if any, that will apply in the bi-monthly interval.

(G) A franchise holder shall adjust the taximeter in each of its taxicabs to accurately reflect the fuel cost recovery fee, if any, for the current bi-monthly interval not later than the fifteenth day after notice from the department.

*Source: Ord. 20051027-011; Ord. 20100225-052.*

### **§ 13-2-372 TOLL ROAD FEE.**

(A) If a toll road is the most direct route to a passenger's destination the driver must give the passenger the option of using the toll road or a different route. If a passenger chooses a route that includes a toll road, the passenger shall be responsible for paying the toll road fees incurred by the driver. If a trip on a route including a toll road involves multiple passengers going to different destinations, each passenger shall equally share the toll road fees.

(B) The toll road fees must be posted in the taxicab in a manner approved by the department. Before entering a toll road, the driver must inform the passenger of the requirements of Subsection (A). The driver is responsible for paying the toll road fee if the driver fails to explain the requirements of Subsection (A) to the passenger and provide the passenger the option to choose between the tolled route and a route without a toll.

*Source: Ord. 20051027-011.*

### **§ 13-2-373 TAXICAB CLEAN-UP FEE.**

In the event that a taxicab passenger soils the interior of a taxicab with bodily fluids or solids, a \$100 clean-up fee will be added to the trip fare.

*Source: Ord. 20101216-063; Ord. 20120209-032.*

### **§ 13-2-374 MINIMUM AIRPORT DEPARTURE FEE.**

The minimum fee for any taxicab trip departing from Austin Bergstrom International Airport (ABIA) shall be equal to the mileage fee for a four (4) mile trip, excluding any waiting time fee, plus the surcharge for trips departing ABIA. The amount of the fee shall be posted on the Rate Card described in Section 13-2-362, and posted by ABIA staff at the ABIA designated taxicab departure area.

*Source: Ord. 20101216-062.*

## **Division 5. Vehicles and Equipment.**

### **§ 13-2-381 ADDITIONAL TAXICAB INSPECTION STANDARDS.**

In addition to the requirements of Section 13-2-142 (*Inspection Standards*), a taxicab must comply with Sections 13-2-366 (*Taximeter Standards*) and 13-2-367 (*Taximeter Inspections*) to pass inspection.

*Source: 1992 Code Section 8-13-381; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-382 NUMBERING OF TAXICABS.**

(A) The department shall designate consecutive numbers for each vehicle in the franchise

holder's taxicab fleet and issue a number plate for each vehicle.

(B) A franchise holder shall assign one of the designated numbers to each taxicab and shall securely fasten the number plate for each taxicab to the interior of the taxicab in the manner prescribed by the department. A franchise holder shall purchase a replacement number plate for any lost, destroyed, or damaged plate from the department.

*Source: 1992 Code Section 8-13-382; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-383 NOTICE OF COMPLAINT PROCEDURES.**

(A) A franchise holder shall affix to the interior of each taxicab, in clear view of all passengers, a notice informing passengers of the procedures for filing complaints with the department regarding taxicab service.

(B) The department shall prescribe the contents of the notice.

*Source: 1992 Code Section 8-13-383; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-384 ELECTRIC SIGNS REQUIRED.**

A taxicab must be equipped with:

- (1) an electric sign that displays the name of the company affixed to the roof of the taxicab;
- (2) two amber lights affixed either to the electric identification sign or to the roof of the taxicab.

*Source: 1992 Code Section 8-13-384; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-385 NAME OF FRANCHISE DISPLAYED.**

(A) The following information must be displayed on the exterior of a taxicab:

- (1) the franchise holder's name or the registered assumed name of the taxicab service;
- (2) the telephone number of the service; and
- (3) the taxicab number issued by the department under Section 13-2-382 (*Numbering of Taxicabs*).

(B) The lettering and designs of the information required in Subsection (A) must be displayed:

- (1) in characters at least 2-1/2 inches in height and at least 5/16 of an inch in width;
- (2) in a clear, legible manner and in colors contrasting to the colors of the taxicab; and
- (3) on the exterior of the front or rear doors and the rear of the taxicab.

(C) The franchise holder may also display its insignia on the exterior of the taxicab in a manner

approved by the department.

*Source: 1992 Code Section 8-13-385; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-386 UNIFORM LETTERING AND DESIGN; MATERIALS.**

(A) For each vehicle used in the franchise holder's service, the lettering and designs must be approved by the department and must be either an applied adhesive material or painted.

(B) Except as provided in Subsection (C), for each vehicle used in a franchise holder's service, the content, lettering, and design must be uniform and affixed or painted in the same location on each taxicab in a manner approved by the department.

(C) A franchise holder may display department- approved content, lettering, and design on the franchise holder's taxicabs, relating to the vehicle's compliance with City-approved environmental initiatives. The director shall by administrative rule prescribe the requirements for the display.

*Source: 1992 Code Section 8-13-386; Ord. 031106-13; Ord. 031211-11; Ord. 20080424-032.*

### **§ 13-2-387 COLOR SCHEME.**

(A) A franchise holder may not adopt a color scheme for taxicabs used in its service unless that color scheme has been approved by the department. A franchise holder may not operate a taxicab until the taxicab has been painted the color or colors adopted by the franchise holder. All vehicles in the fleet must be the same color scheme approved for the taxicab franchise.

(B) A franchise holder may request approval of the department to change the color or colors of its vehicles. The franchise holder must submit a sample of the proposed color to the department for approval. Unless the director issues a written extension to the franchise holder, a franchise holder shall repaint all vehicles operating under the taxicab franchise not later than the 60th day after the color change has been approved and take from service any vehicle not repainted by the deadline until the vehicle is painted to meet the new franchise color requirements.

(C) The department may not approve a color scheme or identifying design submitted by a franchise holder that the department determines may mislead or tend to deceive or defraud the public.

*Source: 1992 Code Section 8-13-387; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-388 ADVERTISING ON TAXICABS PERMITTED.**

A franchise holder may affix an advertisement to a taxicab that does not obstruct the view of the driver, the visibility of signs, vehicle lights, or signal equipment required by this chapter.

*Source: 1992 Code Section 8-13-388; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-389 VEHICLE DESIGN AND AGE REQUIREMENTS.**

(A) The body design of a vehicle to be used as a taxicab is limited to the following:

(1) a sedan, station wagon, or sport utility vehicle with at least four doors for passenger loading and unloading and with front and rear seats; and

(2) a full-size van or minivan with at least three doors for passenger loading and unloading and with front and rear seats.

(B) A vehicle used as a taxicab must have a minimum occupancy capacity of five, including the driver, and a maximum occupancy capacity of six, including the driver. The seating capacity of station wagons, sport utility vehicles, vans, and minivans may be modified to comply with the occupancy capacity limitation in this subsection.

(C) A franchise holder may not use a vehicle as a taxicab that is 96 months of age or older, except that a modified ground transportation service vehicle that is not more than 120 months of age may be used. The vehicle age is calculated from the first day of January of the model year of the vehicle. A franchise holder may not place into service a vehicle that exceeds 72 months of age unless the vehicle has previously been used as a taxicab in the City.

*Source: 1992 Code Section 8-13-389; Ord. 031106-13; Ord. 031211-11.*

## **Division 6. Special Franchise Permits.**

### **§ 13-2-401 APPLICABILITY; ADMINISTRATION.**

(A) This division prescribes additional requirements for modified ground transportation service vehicle permits.

(B) The department may prescribe rules to administer this division.

*Source: 1992 Code Section 8-13-401; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-402 SPECIAL FRANCHISE PERMITS.**

(A) The department may issue an equal number of special franchise permits to each franchise holder for modified ground transportation service vehicles. The total number of special franchise permits issued by the department may not be less than six percent or more than six and one-half percent of the total number of franchise permits issued by the department. If the department distributes additional franchise permits under Division 2 (*Franchise Permits*), the department shall allocate additional special permits in the number necessary to maintain the ratio of franchise permits to special permits.

(B) A special franchise permit is valid for three months from the date of issuance. A franchise holder shall pay a fee for each special franchise permit issued by the department. The fee shall be set by separate ordinance and may be paid quarterly.

(C) Annually the department shall allocate an equal number of special franchise permits to each eligible franchise holder in the number necessary to maintain the ratio of franchise permits to special permits prescribed by Subsection (A).

*Source: 1992 Code Section 8-13-402; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-403 USE OF SPECIAL PERMITS.**

(A) A franchise holder must place a modified ground transportation service vehicle in service within 60 days after the department issues the special franchise permit to the holder. The department may extend the deadline for placing a modified vehicle in service if:

- (1) the holder possesses a contract of sale for the modified vehicle; or
- (2) the director determines that failure to meet the 60-day deadline is based on factors beyond the holder's control.

(B) The department shall reduce the number of special franchise permits allocated to a franchise holder by the number of special permits that the holder does not use by the deadline prescribed in Subsection (A).

*Source: 1992 Code Section 8-13-403; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-404 ELIGIBILITY FOR SPECIAL FRANCHISE PERMITS.**

(A) The department may reallocate a special permit that is not used by the franchise holder as required by Section 13-2-403(A) (*Use of Special Permits*) to a franchise holder that has complied with that section. A franchise holder to whom a special permit is reallocated must use the permit within the deadline in Section 13-2-403(A) (*Use of Special Permits*).

(B) For a franchise holder to qualify for special franchise permits during the second and succeeding years after this ordinance takes effect, each modified ground transportation service vehicle for which a special permit was issued during the preceding year must have been in operation for at least 12 hours a day for 274 days of the preceding 12-month period.

*Source: 1992 Code Section 8-13-404; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-405 TRAINING.**

(A) A franchise holder who operates a modified ground transportation service vehicle shall provide training for its modified vehicle drivers, its dispatchers, and telephone agents.

(B) The content of the training program must be approved by the City's Americans with Disabilities Act Coordinator. The coordinator may seek recommendations relating to the training program from community groups knowledgeable about disability issues.

*Source: 1992 Code Section 8-13-405; Ord. 031106-13; Ord. 031211-11.*

### **§ 13-2-406 EXCEPTION TO OWNER-OPERATOR REQUIREMENT.**

The 40 percent owner-operator requirement prescribed in Section 13-2-342(A) (*Owner-Operated Taxicabs*) does not apply to modified ground transportation service vehicles.

*Source: 1992 Code Section 8-13-406; Ord. 031106-13; Ord. 031211-11.*

**§ 13-2-407 EQUIPMENT REQUIRED.**

A modified ground transportation service vehicle must include equipment for loading and unloading passengers using wheelchairs and safety devices to hold wheelchairs in a stationary position while the vehicle is in motion.

*Source: 1992 Code Section 8-13-407; Ord. 031106-13; Ord. 031211-11.*

**§ 13-2-408 ADDITIONAL RECORDKEEPING AND REPORTING.**

(A) The franchise holder shall maintain a daily activity log for each modified ground transportation service vehicle that includes:

- (1) the total number of trips made;
- (2) the number of trips that include a wheelchair passenger;
- (3) the time of day the wheelchair passenger requested the service, the time of day the passenger is picked up, and the length of time required for the trip; and
- (4) other information prescribed by the department.

(B) Not later than the 15th day of January, April, July, and October, a franchise holder to whom permits are issued under this division shall deliver to the department a report for the preceding calendar quarter that includes for each modified ground transportation vehicle:

- (1) the information required by Subsection (A);
- (2) evidence of the number of days and hours each day that the vehicle was in service; and
- (3) the total number of requests for wheelchair accessible service received by the holder and the number of requests filled.

(C) The accuracy of each report required in Subsection (B) must be certified annually by a certified public accountant, licensed by this state and not affiliated with the franchise.

(D) The department shall prescribe the forms required by this section.

(E) Annually the department shall review the reports submitted under this section to determine whether each franchise holder has placed into service and operated the authorized number of modified ground transportation service vehicles.

(F) The franchise holder may require the driver of a modified ground transportation service vehicle to prepare the activity log prescribed by Subsection (A).

*Source: 1992 Code Section 8-13-408; Ord. 031106-13; Ord. 031211-11.*

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