

Sec. 46-4.1. Consolidated vehicle for hire electronic dispatch applications.

(a) The director is authorized to designate an electronic dispatching application designed to dispatch vehicles for hire permitted under this chapter. The designated electronic dispatch application shall be accessible by internet-enabled device, digital platform or telephone, or any other method approved by the director. The regulations may require the designated electronic dispatch application provider to maintain and provide to the city verifiable records regarding the electronic dispatching service application's reliability when responding to requests for service.

(b) Every taxicab licensee shall, at all times when in service, use the application designated by the director to provide service to the general public.

(c) The director may allow the electronic dispatch application provider to assess fees in the amount required to maintain and make such application available to vehicle-for-hire licensees and the public. All fees must be consistent with rules to be promulgated by the director.

(d) Nothing in this section shall be construed to prohibit a licensee from being affiliated with or dispatched by another dispatch system in addition to the electronic dispatch application designated pursuant to subsection (a) above.

(e) The director is authorized to adopt rules and regulations for the proper administration of this section.

Sec. 46-5. Revocations, suspensions, and refusals to renew.

(a) Permits, certificates of registration, and licenses issued pursuant to this chapter may be denied, revoked, suspended, or refused for renewal based upon the applicable grounds specified in section 1-10 of this Code by following procedures specified in section 1-9 of this Code.

(b) Additionally, permits, certificates of registration, and licenses may be revoked, suspended, or refused for renewal following notice and a hearing conducted by an impartial hearing officer appointed by the director if:

- (1) The permit, certificate of registration, or license was issued through error;
- (2) The applicant provided materially false or incomplete information on the permit, certificate of registration, or license application; or
- (3) The permittee or registrant or the permittee's or registrant's employee or licensee violates any provision of this chapter or regulation issued by the director hereunder. Consistent with sections 1-9 and 1-10 of this Code and applicable state laws, the director shall promulgate regulations for any required hearings and procedures.

(c) The director shall not designate a person to act as hearing officer who participated in the review of the application. Hearings shall be conducted in a manner that is consistent with principles of due process. The applicant may be represented by legal counsel, may present evidence and cross examine witnesses presented by the city. The hearing officer shall have the discretion to exclude from hearings any person who is not the applicant, the director, their legal representatives, and such other persons not entitled to attend and participate as a matter of law and any persons whose presence the hearing officer deems unnecessary to the complete resolution of the matter. The decision of the hearing officer, which shall be

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based upon the preponderance of credible evidence presented, shall be final, subject to the applicant's right to appeal pursuant to state law if the denial is based upon section 1-10 of this Code.

(d) In the event the director is informed by the Texas Department of Public Safety or the Federal Bureau of Investigation that a licensee's criminal record has been updated to reflect a conviction, the director shall require a licensee to submit to a hearing, wherein a hearing officer will determine if the subject's license should be suspended or revoked as a result of said conviction.

Sec. 46-6. Physician's certificate of medical examination; fingerprints; drug screening.

~~— (c) Each applicant for a permit, certificate of registration, or license issued pursuant to this chapter shall submit himself to be fingerprinted at the location indicated by the director to determine if the applicant has been convicted of any applicable offense(s) listed in section 1-10 of this Code. The applicant shall complete any forms required for the director to obtain the report and shall bear the cost to cover any fees imposed by state or federal agencies for the report. The provision of this requirement shall not be construed to preclude the director from obtaining interim reports at the expense of the city —~~

Sec. 46-7. Criminal history check.

(a) Upon initial application for any license and at license renewal intervals stated in this chapter, the director shall cause the criminal history of each person designated as a driver in an application for a license to be researched. Each person designated as a driver in an application shall complete any forms required for the director to obtain the report, and the applicant shall present the required completed forms to the director and shall bear the cost to cover any fees imposed by state or federal agencies for the report. The provision of this requirement shall not be construed to preclude the director from obtaining interim reports at the expense of the city. Results shall be valid for two years from the date of submission for license applications and license renewals.

(b) An applicant who has met the other requirements of this chapter may be provisionally authorized to drive for a permittee if the permittee has caused the criminal history of the applicant to be researched by a company approved by the director, and such search discloses that the applicant has no convictions of any applicable offense listed in section 1-10 of this Code. Such a search shall include a national criminal history database and a national sex offender database. Drivers provisionally authorized pursuant to this subsection shall be required to comply with the requirements of section 46-6(c) within 30 days of being provisionally authorized by the permittee.

(c) Each applicant for a permit, certificate of registration, or license issued pursuant to this chapter shall be fingerprinted at the location indicated by the director to determine if the applicant has been convicted of any applicable offense(s) listed in section 1-10 of this Code. The applicant shall complete any forms required for the director to obtain the report and shall bear the cost to cover any fees imposed by state or federal agencies for the report. The provision of this requirement shall not be construed to preclude the director from obtaining interim reports at the expense of the city.

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Sec. 46-11.7. Preferences and soliciting of business prohibited.

(a) It shall be unlawful for any person to seek or solicit a passenger or passengers for any vehicle for hire, other than a pedicab, whether or not the vehicle is identified as a vehicle for hire, at, in or near any passenger depot, hotel, airport, ship or ferry landing, bus stop or station, or upon any sidewalk or street or any other place in the city. It shall be unlawful for any person to call out "taxicab," "limousine," "auto for hire," "carriage," "bus," "baggage," "hotel," or any other words or gestures or signage that could be construed as soliciting a passenger for hire. Violators of this section, upon conviction, shall be fined not less than \$50.00 nor more than \$500.00.

(b) It shall be unlawful for any cab starter, bell person, maitre d', or other person having the ability or authority to control the selection of vehicles for hire available for hire at any business premises to solicit a fee or other compensation or favor for the purpose of granting preference or priority rights to any vehicle for hire. The provisions of this section shall not be construed to prohibit the owner of a business premises that maintains a private off-street cabstand or limo stand area for the convenience of its patrons from entering into a written contract by which the owner receives compensation from one or more permittees in exchange for access to the premises' off-street cabstand or limo stand area. Violators of this section, upon conviction, shall be fined not less than \$50.00 nor more than \$500.00.

Sec. 46-15.1. Qualifications of license applicant.

Each applicant for a license required by this chapter pursuant to this division must:

- (1) Have a valid state class A, B or C Texas driver license.
- (2) Be 18 years of age or older.
- (3) Be able to read and write the English language.
- (4) Provide the certificate from a duly licensed physician or healthcare professional described in section 46-6(a) of this Code.
- (5) Have no criminal history that is disallowed under section 1-10 of this Code.
- (6) Provide evidence, in a form to be specified by the director, that he is either:
 - a. A citizen of the United States of America by birth or naturalization; or
 - b. An alien legally residing in the United States of America who has the legal right to engage in employment as a licensee.
- ~~(7) Provide a driving record, in a form to be specified by the director, from Texas and from any state two that has issued the applicant a driver license that was valid at any time within the three years immediately preceding the submission of the application.~~
- ~~(8) Demonstrate the attendance and successful completion of a training course approved by the director.~~

~~(b) Additionally, applicants for a license to operate a taxicab must demonstrate by means of passing an examination, promulgated by the director, that the applicant possesses minimum essential knowledge of article II of this chapter as well as the city's streets.~~

Sec. 46-18. General prerequisites to putting vehicle into service.

- (a) Before any permittee may put a taxicab into service or replace a taxicab, he shall submit, for the director's approval, the vehicle, the certificate of title showing the current true ownership of the vehicle, his public liability insurance policy, insurance endorsement or evidence of self-insurance and, in the case of a leased vehicle, the written lease contract.
- (b) The director shall not authorize a vehicle to initially be placed into service unless it is equipped with an air conditioning system that was factory-installed by the vehicle manufacturer and has sufficient interior passenger space to qualify in the United States Environmental Protection Agency's annual fuel economy guide as a mid-size car, a large car, a mid-size station wagon, a large station wagon, a sport utility vehicle, or a van, passenger type or four door fully electric vehicle provided that the director may also allow vehicles classified for purposes of the fuel economy guide as special passenger vehicles if the vehicle has passenger seating and space accommodations at least equivalent to those of a vehicle rated as a mid-size car. To the extent that the fuel economy guide has not yet been published for the model year of the vehicle at the time that a vehicle is presented for placement into initial service, then the director may utilize the previous year's guide entry for the same or most equivalent make and model of vehicle.

In addition to the foregoing, any taxicab initially placed into service or operated pursuant to any permit distribution occurring on or after January 1, 2015, must meet one or more of the following criteria:

- (1) Be powered by a 4-cylinder engine;
- (2) Be a hybrid-electric vehicle;
- (3) Be a wheelchair accessible vehicle, either lift- or ramp-equipped;
- (4) Be a vehicle that meets a minimum combined fuel economy rating of 20 miles per gallon based on the most recently published United States Environmental Protection Agency's annual fuel economy guide for the year in which the vehicle is presented for placement into initial taxicab service. To the extent that the fuel economy guide has not yet been published for the model year of the vehicle at the time that a vehicle is presented for placement into initial service, the director may utilize the most recent fuel economy guide entry for the same or most equivalent make and model of vehicle; or
- (5) Be a sport utility vehicle ("SUV"), including but not limited to large SUVs, as said vehicles are defined or described by size, shape, specification, make or model according to commonly accepted industry standards.
- (6) Be a four-door fully electric vehicle.

Sec. 46-20. Age and mechanical condition of taxicabs.

(a) Except as provided in subsection (b) of this section, a licensee or permittee shall not drive or cause to be driven upon the streets of the city any taxicab vehicle that is more than six years old, ~~provided that no vehicle may be placed in service for the first time as a taxicab if it has been driven more than 100,000 actual miles, which shall be determined from the odometer and title records.~~ For purposes of this requirement, a taxicab will be considered to be six years old on April 30th of the sixth year following the manufacturer's model year of the vehicle, regardless of the purchase date or the date it was originally placed into service.

(b) A licensee or permittee may drive or cause to be driven a taxicab for an additional four-year period beyond the age limitation prescribed in subsection (a) of this section provided the licensee or permittee submits the taxicab for inspection each year at a location authorized and identified by the director prior to the expiration of the permit and the director determines that the taxicab is in compliance with the provisions of section 46-37 of this Code and any other conditions of operation prescribed by the director.

(c) A permittee or licensee may initially submit a vehicle into service during the vehicle age extension period, if such vehicle meets the requirements of section 46-18 and subsections (a) and (b) of this section.

Sec. 46-22. Vehicle color scheme.

(a) A permittee or licensee shall not drive or cause to be driven any taxicab in the city until the permittee has filed with the director, for approval, the color scheme that he proposes to use under his ownership or radio service. In approving or disapproving the color scheme submitted, the director shall consider:

- ~~(1) The color scheme presently in use by the permittee, if any;~~ (2) ~~The~~ and the color schemes of other permittees; and
- ~~(3) Which permittee first used or requested approval of the color scheme.~~

(b) A permittee may utilize up to 5 different color schemes, including those color schemes used by vehicles operated under a lease agreement.

(c) All new entrant applicants who operate pursuant to a permit transferred in accordance with section 46-72 of this Code must operate vehicles that are white and all signage letters must be dark or deep green. The vehicle color scheme shall also have a 2-inch dark or deep green wide stripe along the length of the vehicle, placement of which shall be designated by the director. The director shall determine whether the colors submitted by the permittee comply with the requirements articulated within this section.

(~~b~~d) If the director approves the color scheme, the permittee shall, within 15 days, deliver to the director a color photograph, of a size and kind to be approved by the director, of a taxicab of his color scheme, and he shall not change the color scheme without approval of the director.

Sec. 46-24. Stool light.

No permittee or licensee shall operate or cause to be operated any taxicab within the city unless it is equipped with a stool light that is illuminated when the taxicab is vacant and available for hire. The stool light may be magnetic or permanently affixed to the top of the vehicle or affixed to the front windshield or front dashboard. The stool light shall be controlled by the taximeter. When the taximeter is in the recording position, the stool light shall be off, and when the taximeter is not recording, the stool light shall be on and shall illuminate a "vacant" or "taxi" sign contained thereon. If the stool light is connected to taximeter, the stool light shall illuminate a "vacant" or "taxi" sign. If the stool light is not connected to the taximeter then it must say "taxi." Additionally, permittees and licensees shall be authorized to display and illuminate either the taxicab permittee name or permit number on the stool light when the taximeter is not recording.

Sec. 46-30. Taximeter.

(a) A licensee or permittee shall not drive or cause or suffer or allow to be driven a taxicab in the city, unless the taxicab is equipped with a properly functioning taximeter. A licensee shall not carry a passenger, whether for hire or not, unless the taximeter is in the recording position. Provided, however, it shall be an affirmative defense to prosecution under this subsection that the only passenger in the taxicab at the time the taximeter was not in recording position was a person riding for training purposes only, and:

- (1) The passenger had a valid license issued by the city at the time he was riding as a passenger;
- (2) The passenger had not driven a taxicab within the city for 30 days or more prior to the date the defendant was charged for violation of this subsection; and
- (3) At the time the person was riding as a passenger, there was a sign indicating that a passenger was riding for purposes of training as a licensee. The sign must be located so that it would be visible to any person who might ride in the vehicle as a passenger for hire.

(b) A licensee may utilize a virtual meter in lieu of a traditional meter, provided the virtual meter meets the applicable standards as established in the National Institutes of Standards and Technology's Handbook 44 and enforced by federal or state Departments of Weights and Measures or comparable agency or program. The electronic device that serves as a virtual meter must be visible to a passenger seated in the rear of the vehicle, and the virtual meter must have been submitted to the city and approved by the director prior to use.

(c) Except for any deposit or scheduling fee required for taxicab vehicle for hire services provided as pre-arranged transportation services or as otherwise provided in this article, all charges and collections for hire shall be based upon the taximeter reading. The dial showing the fare shall be in full view and readily visible and readable by the passenger or passengers at all times taxi service is being rendered.

(ed) ~~The Traditional taximeters~~ shall be inspected and sealed by the director at the time the taxicab is initially placed into service, during vehicle inspections conducted under this article, and before the taxicab is placed back into service following any repair, modification, or adjustment to the traditional taximeter.

(de) A permittee shall not drive or cause or suffer or allow to be driven and a licensee shall not drive any taxicab on which the seal installed by the director has been removed, broken or tampered with. A permittee shall not drive or cause or suffer or allow to be driven and a licensee shall not drive any taxicab on which any modification has been made to the traditional taximeter or virtual meter or to any mechanical or electrical parts of the taxicab activating the traditional taximeter or virtual meter that causes rates other than those authorized in this division to be recorded and shown on the traditional taximeter or virtual meter.

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(ef) The director shall promulgate regulations authorizing the temporary use of a permittee-installed substitute seal on traditional taximeters in lieu of a city-installed seal if a taximeter is installed, repaired, modified, or adjusted during either:

(1) the period commencing at noon on a Friday or on the day preceding a city-observed holiday and extending until 8:00 a.m. on the next day that is not a Saturday, Sunday, or city-observed holiday; or. Additionally, the director shall promulgate regulations authorizing the temporary use of a permittee-installed substitute seal in lieu of a city-installed seal if a taximeter is installed, repaired, modified or adjusted during

(2) the period commencing at 5:00 pm Monday through Thursday until 8:00 am the next business day when the ARA resumes vehicle inspections.

Use of a temporary seal which functions and is used in accordance with all requirements of this chapter during the aforesaid periods in a manner authorized by the regulations is an affirmative defense to prosecution under this section, ~~provided that the taximeter is functioning in accordance with all requirements of this division.~~

Sec. 46-32. Posting of license and other information.

(e) In lieu of placement of the information cards required in this section, the director may authorize the information to be displayed on the Passenger Information Module in the rear of the vehicle. ~~However, rate card information must still be displayed in the front passenger area of the vehicle.~~

Sec. 46-37. Inspection by city—Generally.

(a) The director shall cause each taxicab for which a permit has been issued to be inspected at the time that it is initially placed into service and thereafter at least once each year. The inspection shall be made to determine that the taxicab is in a reasonably good state of repair, clean, and equipped and being operated in compliance with all requirements of this article. The inspection shall be made at a place designated by the director. The director shall create a permanent record, in paper or electronic format, of all inspections, which shall be maintained for a period of at least two years.

(b) If the inspection reveals that a vehicle is not in a reasonably good operating condition, from the standpoint of the safety, health, and comfort of passengers, the director shall order the taxicab out of service until remedial repairs and corrections have been made. When the repairs and corrections have been made, the vehicle shall be reinspected to determine whether or not proper repairs and corrections have been made, and in no case shall the taxicab be permitted to resume its operation until the repairs and corrections have been made. It shall be unlawful for a permittee to utilize any taxicab that has been ordered out of service until the vehicle has been reinspected and the director authorizes resumption of its use.

(c) Inspections shall include, but not be limited to, the following items: vehicle identification number; taxicab number; date of purchase; foot brakes; parking brake; head lamps; tail lamps; license plate lights; stool light; dome light; horn; windshield wipers; heating, ventilating, and air conditioning systems; current state inspection sticker; rearview mirror; all glasses; cleanliness; safety; condition of paint; color scheme; certification decals; taximeter seals and readings; credit card payment device integrated with global

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positioning satellite system; rate card; signs; fumes; state license plates and registration sticker; speedometer readings; mileage; steering; tires; muffler and tail pipe; accuracy of taximeter; condition of the body of the vehicle and fenders.

Sec. 46-65. Applications.

(a) Applications for permits may be filed on or before December 1 of each permit computation year in which permits are determined to be available pursuant to section 46-63 of this Code. An application may be filed after the December 1st deadline if the application is associated with a permit transfer pursuant to section 46-72 of this Code. Each applicant shall utilize forms promulgated by the director and shall submit any information requested in accordance with instructions that shall be promulgated by the director. Without limitation of other information that the director may require in order to determine compliance with this Code and other applicable laws, the applicant shall set forth and provide the following information, which shall be sworn before a notary public or conform to minimum state law requirements for unsworn declarations:

- (1) The applicant's name, mailing address (and street address if different), and telephone number.
- (2) Evidence of the type of business enterprise that the applicant utilizes, e.g. proprietorship, partnership, or corporation, together with the identity and address of each principal.
- (3) Criminal history information for every principal as required by the director to determine compliance with section 1-10 of this Code.
- (4) Evidence that the applicant has a place of business within the metropolitan area from which the applicant's taxicab business is or will be operated and that use of the proposed location is in compliance with any applicable deed restrictions.
- (5) A statement indicating the number of permits requested by a new entrant applicant or an-other applicant.
- (6) A statement indicating whether the applicant is a new entrant applicant or an-other applicant.
- (7) For new entrant applicants, evidence that the applicant's operator has within the preceding period of ten years had at least five years active and practical taxicab business experience, with at least two of those years in the city.
- (8) For other applicants, the identity of the permittee as defined in section 46-16 of this Code on whose behalf the application is filed.
- (9) Evidence that the operator is either a United States citizen or an alien legally residing in the United States with the legal right to engage in employment in the United States.
- (10) If the application is filed in association with section 46-72 of this Code, a statement indicating the number of permits to be transferred to the applicant.
- (11) Any additional information that may be reasonably requested by the director.

Each application shall be accompanied by a filing fee. The filing fee shall be an amount established by city council by motion upon recommendation of the director of administration and regulatory affairs. The fee approved under this provision shall be included in the city fee schedule.

(b) The director shall initially review each application for issuance or amendment of a permit to determine whether the application is complete and all required information has been provided. If not, the director shall return the application and advise the applicant of the deficiencies. For permit distributions, Each applicant, whether a new entrant applicant or other applicant, shall be limited to the consideration of one application per permit computation year. Applications for transfer permits shall not count against the one application per permit computation year for open permit distributions. An application filed by a new entrant applicant shall be considered a duplication if any principal is also named in another application. An application filed by an other applicant shall be considered to be a duplicate if it identifies the same permittee as any previously filed application. In case of multiple applications, the first one filed shall be considered, and all others shall be returned unless the applicant elects in writing to withdraw the earlier-filed application.

(c) The director shall review applications received on or before March 1 of the permit distribution year and advise each applicant whether the applicant has been determined to be qualified or unqualified. The director shall within ten days of receiving any applications pursuant to section 46-72, advise applicants as to whether their status has been determined to be qualified or unqualified. An applicant is considered qualified if each of the following criteria is met:

- (1) The application was filed in completed form with no material inaccuracies or omissions, provided that if the application as originally filed was substantially complete and in proper form, the director shall allow an applicant a reasonable opportunity to correct any minor inaccuracies or omissions if that can be accomplished without delaying the processing of applications.
- (2) Neither the applicant nor any other business entity with which any of its principals is or was then associated has transferred one or more permits to another person within the four year period preceding the date of filing of the application, exclusive of transfers made for the purpose of settlement of estates and divorce proceedings, or exclusive of transfers to effect a change in the form of entity when the principal owner in the original company remains a principal in the subsequent entity, e.g., sole proprietorship or partnership to a corporation. This item applies only to the transferor and not the transferee.
- (3) The applicant and its principals are in compliance with the criminal history provisions of section 1-10 of this Code.
- (4) The applicant's operator has the experience required in item (a)(7) above.
- (5) The applicant's operator is a citizen or resident alien with work privileges as provided in item (a)(9) above.
- (6) The applicant has a place of business within the metropolitan area as provided in item (a)(4) above.
- (7) The applicant is in compliance with any other applicable requirement of this Code and other laws.

(d) Applicants who are determined to be unqualified shall also be notified of the grounds asserted for that determination and of their right to a hearing upon the determination to be conducted by an independent hearing examiner designated by the director. If the determination is based in whole or in part

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upon section 1-10 of this Code, then the notice and hearing procedures shall also include any requirements to comply with section 1-9 of this Code and applicable state laws. The determination of the hearing examiner with respect to the application shall be final, unless otherwise provided by law.

(e) Following the completion of the appeal hearings, if any, as provided in subsection (e), the director shall generate a list of qualified new entrant applicants and a list of qualified other applicants.

Sec. 46-67. Insurance as prerequisite.

(a) Before any taxicab permit shall be issued to any person, or before renewal of any permit shall be granted, the applicant shall file an insurance policy evidencing insurance coverage complying with the requirements contained in subsection (b) below or give proof that he has qualified as a self-insurer, as the term is defined in the Texas Motor Vehicle Safety Responsibility Act as now in force or hereafter amended.

(b) The insurance required in subsection (a) shall be in the form of commercial auto liability coverage in no less than the minimum coverage amounts specified in the Texas Motor Vehicle Safety Responsibility Act issued by either a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's list of Eligible Surplus Lines Insurance Companies. The eligible surplus lines insurance company is required to have a Best's Rating of at least B+ and a Best's Financial Size Category of Class VI or better according to the most current edition of Best's Key Rating Guide, Property-Casualty, United States. Additionally, the insurance policy must include an endorsement requiring 30 days' written notice of termination or cancellation to the director. In the event that a policy terminates or is cancelled without replacement, then each permit to which it pertains shall be suspended, and those taxicabs may not be operated. If a proper replacement policy is not provided to the director on or before the 10th business day after the date of termination or cancellation of the policy, the permit shall automatically terminate. Proof of insurance coverage shall be maintained at all times and shall be accepted only in the authorized form approved by the Texas Department of Insurance for that purpose.

(c) A permittee may comply with subsection (b) through a licensee under contract with such permittee obtaining insurance which otherwise complies with subsection (b), but the permittee shall remain financially responsible to assure that such insurance is in effect and compliant with subsection (b) at all times. The director shall require proof of financial responsibility as well as access to review the permittees records to ensure the permittee is meeting the obligations under this subsection. Access to the permittees records may be done with no fewer than 5 days' notice.

(c-1) If an insurance policy maintained by a licensee under this section has lapsed or does not provide the coverage required by this section, the permittee shall provide the coverage required by this section beginning with the first dollar of a claim against the licensee.

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Sec. 46-68. Fee.

(a) The annual fee for a permit under this division is stated for this provision in the city fee schedule and is payable for each taxicab. In the event a permit is issued for a period of time less than eight months, the permit fee shall be prorated according to the number of months remaining in the permit period, payable at the rate stated for this provision in the city fee schedule for each month or fraction of a month, not to exceed the full amount of the annual fee. The reissuance of any certification decal that is lost, mutilated or otherwise rendered unusable shall be provided only upon reinspection of the taxicab.

The annual permit fee shall be paid in advance to the department of administration and regulatory affairs in three installments on or before May 1st, June 1st, and June 15th of each calendar year in amounts prescribed in the city fee schedule.

(b) Within 90 days following the expiration of any ~~calendar year~~ permit year a permittee may apply to the director for a refund of a portion of his permit fees if the permit fees paid for the previous ~~calendar~~ permit year exceed two percent of the permittee's gross receipts. The refund application shall be made on a form promulgated by the director. The application shall state the amount of refund requested and shall be accompanied by copies of gross receipts records maintained by the permittee in a form approved by the director. The application as well as any supplementary material required by the director must be accompanied by an affidavit signed and sworn to by or on behalf of the applicant. The applicant shall state that the application or supplement and all attachments thereto are correct and complete and do not omit any material item, and that the applicant either: (i) has personal knowledge of each matter affirmed, or (ii) has conducted a thorough investigation into each matter affirmed. Upon receipt of a complete and timely application, together with any required supplements, and after examining and investigating the refund request, the director shall either:

- (1) Refund or credit to the account of the permittee the amount by which the total permit fees paid for the previous ~~calendar~~ permit year exceed two percent of the permittee's total gross receipts for the previous ~~calendar~~ permit year; or
- (2) Deny the refund.

Sec. 46-72. Transfer of permits.

(a) When used in this section, the following words and terms shall have the meanings assigned to them in this subsection:

New permit means any permit that has been issued for a period of less than five years, as computed from the date of its initial issuance by the city.

Old permit means any permit that is not a new permit.

Transfer means any sale, lease, lease assignment, or other arrangement by contract or otherwise whereby a permittee allows another person on a temporary or permanent basis to make use of one or more permits that are held by the permittee except an arrangement in the nature excepted in subsection (b).

(b) The terms of this section do not apply to a license, lease, or subcontractor arrangement in conformity with section 46-17 of this Code between a permittee and an individual driver-operator that allows

the driver-operator to operate a taxicab under one of the permittee's permits, provided that the permittee remains fully responsible to the city for the driver's compliance with this chapter.

(c) A permit may only be transferred to:

(1) A person who is an existing permittee; or

(2) A person who would be qualified to obtain a permit as a new entrant applicant under this division.

(d) Any transfer to a person who is not an existing permittee shall be subject to an application to be filed in the same manner as under section 46-65 of this Code for a permit application and shall only be allowed to the extent that the applicant is determined to be qualified thereunder. Every transfer must be approved in advance by the director ~~or director's designee~~.

A nonrefundable transfer fee shall be paid by the transferee at the time of application or upon transfer of the permit by the director. Any permit issued in conjunction with a permit computation conducted in 2017 or later is subject to the nonrefundable transfer fee. The transfer fee shall be five percent of the purchase price.

(e) Except as provided in this subsection, a new permit may not be transferred in any manner or by any means, whether at law, by contract or otherwise, and may only be held by the person with the same principals named as the applicant in the application filed under section 46-65 of this Code. Any alienation of a new permit or use of any taxicab operated thereunder other than in the business owned and operated by the lawful holder of the new permit shall render the permit void.

A new permit shall constitute a privilege to which no property interests or rights of any kind or character shall appertain. However, in the case of the death, disability, or unavailability of any new permittee or principal thereof or for other good cause, the city council may, by motion, upon request duly filed with the city secretary, authorize the reassignment of the new permit to a spouse, child, or other close relative of the new permittee who will carry on the business. The proposed transfer shall be first referred by the city secretary to the director of administration and regulatory affairs for a determination that the proposed transferee is qualified to receive the transfer of the new permit under the applicable provisions of this Code. A new permit shall be subject to revocation and shall be unlawful to possess to the extent that it is used in contravention of this subsection. The new permittee shall be entitled to notice and a hearing in the same manner as provided in this article for revocation of permits for other grounds.

(f) A permit that is subject to a suspension or revocation proceeding may not be transferred, nor may a suspended permit be transferred during the period of suspension.

(g) All transferred permits must be acquired by a transferee who utilizes a dispatch service.

(h) A permit may only be transferred to a new entrant applicant if:

~~(1) The new entrant applicant has filed an application fulfilling the requirements of section 46-65 of this Code; and~~

~~(2) The new entrant applicant maintains a minimum fleet size of at least 20 vehicles.~~

Sec. 46-191. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings assigned to them in this section, except where the context clearly indicates a different meaning.

Chauffeured limousine means:

- a. A sedan-type luxury motor vehicle with a passenger capacity of five or six persons (including the driver), which vehicle is either less than or equal to six years of age;
- b. An extended-body type motor vehicle with a passenger capacity of no more than 15 persons (including the driver), which vehicle is either less than or equal to ten years of age and modified to extend its original factory wheelbase by 40 inches or more in conformity with Federal Motor Vehicle Safety Standard requirements;
- c. A vehicle that is classified in the United States Environmental Protection Agency's annual Fuel Economy Guide as a sport utility vehicle that: (i) has a passenger capacity of not less than five persons nor more than nine persons, including the driver; (ii) has a manufacturer's suggested base retail selling price of not less than \$37,600.00, adjusted annually based upon Consumer Price Index (CPI-U), All Urban Consumers, U.S. City Average, New Trucks, as published by the U.S. Department of Labor, excluding the cost of any manufacturer installed options or of any modifications or conversions that were made by other persons following the original assembly of the vehicle by the manufacturer. The adjustment shall be based upon the not seasonally adjusted data for the month of August and shall be effective November 1st; and (iii) is either less than or equal to six years of age;
- d. A passenger van with a passenger capacity of nine to 15 persons (including the driver), which vehicle is less than or equal to ten years of age; or
- e. An antique, classic, or special interest vehicle.

For the purposes of this article, *antique* means a vehicle that is 25 years old or older; *classic* means a vehicle recognized by the Classic Car Club of America; and *special interest* means a vehicle that, due to limited production, outstanding design, and/or technical achievement, is of special interest. The age of the vehicle will be measured from the manufacturer model year date. The model year shall always count as the first full year. It shall be the duty of the director to make a determination as to whether or not a given vehicle is less than or equal to six years of age, ten years of age, or is an antique, classic or special interest vehicle within the meaning of this article. ~~In no event will a vehicle other than an antique vehicle be allowed in service for the first time with mileage in excess of 100,000 miles for vehicles, which mileage shall be determined from the odometer and from odometer and title records.~~

Chauffeured limousine service means the business of renting or leasing a chauffeured limousine, as defined in this section, including the services of a driver, to a person, solely upon his request or one acting for or on his behalf, to be used by the person or persons hiring the vehicle or under their direction and authority for the period of time the vehicle is rented or leased. Specifically excluded from this definition are the following:

- a. Vehicles, and the drivers thereof, provided for use in connection with, or attending, or participating in any phase of a funeral or funeral service;

- b. Taxicabs, pedicabs, jitneys, sightseeing and charter vehicles, school vehicles, low speed shuttles, and transportation network vehicles permitted and licensed by the city; and
- c. All vehicles operating under a contract with the city.

Extended body means that a vehicle has been modified to extend its original factory wheelbase by 40 inches or more in conformity with any applicable state or federal safety laws, standards, and regulations.

Gross receipts means the aggregate of all sums collected by the licensee in the operation of either a sightseeing or charter service or a chauffeured limousine service; provided, however, that in the case of a chauffeured limousine service, the term "gross receipts" shall not include or apply to revenues derived from providing chauffeured limousine services involving a vehicle leased or rented from another chauffeured limousine agency that makes a similar charge to the licensee providing the service to the customer.

License means a sightseeing or charter service or chauffeured limousine service driver's license issued pursuant to division 2 of article I of this chapter.

Licensee means the person in physical control of a motor vehicle operated as a sightseeing or charter vehicle or a chauffeured limousine who is the holder of a current and valid sightseeing or charter service or chauffeured limousine service license.

Luxury motor vehicle means a vehicle that has a manufacturer's suggested base retail selling price of not less than \$33,000.00, adjusted annually based upon Consumer Price Index (CPI-U), All Urban Consumers, U.S. City Average, New Cars, as published by the U.S. Department of Labor, excluding the cost of any manufacturer installed options or of any modifications or conversions that were made by other persons following the original assembly of the vehicle by the manufacturer. The adjustment shall be based upon the not seasonally adjusted data for the month of August and shall be effective November 1st.

Passenger van means a motor vehicle built on a small truck chassis that is constructed or adapted to provide a passenger seating capacity of not less than nine but not more than 15 persons, including the driver.

Permit means authorization to operate a sightseeing or charter service or a chauffeured limousine service pursuant to this article.

Permittee means any person, partnership, corporation, firm, joint venture, limited liability company, association, organization, and any other entity holding a permit issued pursuant to this article.

Sightseeing or charter service means the transporting of passengers by charter between points within the city and between such points and points without the city upon a route including stops at various points of public interest and providing for eventual discharge at the place at which such passengers are picked up. From such definition is specifically excluded the discharge of passengers from points other than those at which they are picked up.

Sightseeing or charter vehicle means a motor vehicle with a manufacturer's seating capacity of 16 persons or more, including the driver, manufactured, certified, and operated in compliance with

the minimum requirements of the Federal Motor Vehicle Safety Standards and Regulations, as amended.

Sec. 46-240. Written or electronic vehicle rental agreements.

(a) A written or electronic vehicle rental agreement shall be entered into by the permittee and any person renting or leasing any chauffeured limousine. All vehicle rental agreements shall include, among other things: the name(s) of the permittee and the name of the assigned licensee; the name(s) of the passenger(s); the date and time of hiring; the scheduled pickup address or location; the date and time of release of the vehicle; and the rates applicable to the vehicle. In addition to the foregoing information, all vehicle rental agreements for service originating at city airports shall also include the airline name, flight number, and scheduled date and time of arrival. The permittee shall deliver a copy of the vehicle rental agreement to the renting or leasing party at the time the vehicle is released or, if a monthly statement is submitted, at that time. A completed copy of the bill submitted showing the total fare charged and received shall be retained by permittee for a period of two years from the date of contract. Upon request, the permittee shall make available to the director completed copies of the vehicle rental agreements retained within the two-year period.

(b) A copy of the vehicle rental agreement form shall be filed with the director who shall approve the form before the permittee may operate his vehicles under this article.

(c) The licensee shall maintain a vehicle rental agreement at all times while operating and providing services and shall further upon request, present the vehicle rental agreement to the director or other person authorized to enforce this chapter.

Sec. 46-456. Expiration and renewal of certificate of registration.

(a) A certificate of registration issued pursuant to this article shall be valid for five ~~one~~-years from the date of issuance.

(b) A certificate of registration may be renewed by making application therefor in accordance with section 46-454 of this Code. A registrant shall apply for renewal at least 30 days before the expiration of the registration.

Sec. 46-505. Transportation network permit term.

(a) Permits shall be issued for a term of ~~one~~-five years. Permittees desiring to have reissuance of their permit shall, at least 30 days prior to the expiration of the permit, file with the director a written application for a renewal of their permit. Except as otherwise expressly stated, renewals shall be subject to the same requirements set forth in this article for issuance of new permits.

(b) A permit is specific to the permittee to whom it is issued and may not be transferred or otherwise assigned. Any change of ownership, partnership interests, corporate officer or director as shown on the permit application shall render a permit void, unless an application for an amendment is filed within

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ten days following the effective date of the change. The director shall promulgate procedures for the processing of amendments and may suspend the permit pending the completion of the processing if any additional person who has acquired an interest in the business is determined to have been convicted of an offense listed in section 1-10(c) of this Code.

(c) Each permit is nonexclusive, and no limits or restrictions shall exist upon the number of transportation network vehicles that may be operated provided that each must be operated pursuant to a permit and in accordance with all applicable requirements of this article.

Sec. 46-516. Transportation network drivers—Additional operating requirements.

(a) In addition to all other applicable requirements provided by law, it shall be unlawful for any person:

- (1) To operate a transportation network vehicle within the city while not in possession of a valid Texas Driver License; or
- (2) To operate, or cause to be operated, a transportation network vehicle that does not meet all the applicable requirements of this chapter.

(b) No transportation network driver shall pick up or discharge a passenger on any portion of George Bush Intercontinental Airport/Houston (IAH) or William P. Hobby Airport (HOU) without proper authorization pursuant to chapter 9 of this Code. A licensee carrying a passenger or passengers from IAH or HOU shall pay to the city the airport use fee established from time to time by division 3 of article II of chapter 9 of this Code. Additionally, no transportation network driver shall pick up or discharge any passenger in any designated taxicab stands or loading zones.

(c) It shall be unlawful for any permittee or licensee to solicit potential passengers for vehicle for hire services at, in or near any passenger depot, hotel, airport, ship or ferry landing, bus stop or station, or upon any sidewalk or street or any other place in the city, or use any words or gestures that could be construed as soliciting a passenger for vehicle for hire transportation services.

(d) It shall be unlawful for a transportation network driver to accept or respond to passengers' or potential passengers' requests for service via traditional street hail, including hand gestures and verbal statements. It shall be unlawful for a transportation network driver to provide his or her direct phone number or email address to passengers or potential passengers to enable requests for service. A TNC shall immediately notify the department of administration and regulatory affairs and provide any evidence in its possession if it obtains actual knowledge of any violation of this subsection.

(e) It shall be the duty of each licensee to pull his transportation network vehicle to the curb when loading or unloading passengers.

(f) The permittee's internet enabled application or digital platform accessed by potential passengers shall display for the potential passenger: (1) a picture of the transportation network driver and (2) a picture of the transportation network vehicle the driver is approved to use, including the license plate number of the driver's transportation network vehicle. In addition, any permittee shall make any information displayed in the permittee's Internet-enabled application or digital platform also available on such permittee's website.

(g) The permittee shall make available on the mobile application and the receipt provided to the passenger, the contact information for the permittee's customer service liaison, including, but not limited to, the liaison's name, phone number, and e-mail address.

(h) Any permittee shall clearly disclose, on the permittee's on-line enabled application or digital platform and website, that the permittee is a TNC. Additionally, the disclosure shall state that each permittee is required to maintain insurance policies as specified in section 46-508 of this Code.

(i) Any licensee shall provide to any authorized law enforcement officer proof of the insurance policies required by this article in case of an accident involving a transportation network vehicle while operating a transportation network vehicle.

(j) Any permittee shall provide passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle. If a permittee cannot provide a wheelchair-accessible transportation network vehicle, it shall provide the prospective passenger with for hire transportation services in a manner consistent with section 46-2 of this Code.

(k) Any permittee shall have an affirmative duty to respond to requests for service and shall be responsible for the actions of any of its employees, licensees, or other person that reports to, or acts as an agent of, the permittee, for any failure to respond to a request for service.

(l) All licensees operating a transportation network vehicle shall at all times: (1) carry proof of the insurance policies required in section 46-508 of this Code covering the vehicle; (2) carry an electronic or paper copy of the agreement or terms of service between the driver and the TNC; and (3) display the certification decal and distinctive signage or emblem required by this article. A transportation network driver shall log onto the transportation network company's internet-enabled application or digital platform showing that the driver is available to pick up passengers immediately upon entering his or her transportation network vehicle with the intent to provide service.

(m) Upon request a licensee shall display to the director, or other person authorized to enforce this chapter, a physical or electronic record of a ride in progress sufficient to establish that it was a prearranged transportation service. To the extent that trip records are contained on an electronic device, a licensee is not required to relinquish custody of the device in order to make the required display but must demonstrate to the director or other person authorized to enforce this chapter that the licensee has in his possession proof of that the ride in progress is the result of a prearranged transportation service.

(n) Any terms or conditions in the agreement between the permittee and licensee, or between the permittee and any passenger, that would act as a waiver of the permittee's liability to the passenger or to the public, are declared to be contrary to public policy, null, void and unenforceable.

(o) No licensee shall be authorized to remain at a curb or otherwise block traffic in any manner in order to wait for a trip to be dispatched from the digital platform.

Sec. 46-553. Permit terms.

(a) A permit shall be valid for five one years from the date of issuance.

(b) In accordance with regulations promulgated by the director, a permit may be amended, without charge, for the limited purpose of adding, deleting or substituting any number of wheelchair accessible vehicles used as a vehicle for hire; provided however, the addition, deletion, or substitution of any

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wheelchair accessible vehicle used as a vehicle for hire pursuant to a current and valid permit shall require an inspection as provided for in section 46-548 of this Code.

Sec. 46-547. Annual permit fee.

(a) ~~The annual permit fee in the amount stated for this provision in the city fee schedule per wheelchair accessible vehicle used as vehicle for hire shall be paid in advance to the department of administration and regulatory affairs on or before October 1st of each year.~~

(b) The amount of the fee is stated for this provision is in the city fee schedule. There shall be no fee for replacement of a vehicle with another vehicle of equivalent capacity. In the event that a permit is issued after March 1, or in the event that an additional vehicle is placed into service after March 1, then an amount equal to ½ of the foregoing fees shall be payable for the balance of the annual fee period.

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