

ORDINANCE 2022-11-03-0845

AMENDING CHAPTER 33 OF THE CITY CODE OF SAN ANTONIO BY REPEALING ARTICLE IX, TRANSPORTATION NETWORK COMPANIES AND REFERENCES TO THESE ENTITIES; BY ADDING ARTICLES II, MOTORBIKE SIDECAR SERVICE AND IX, ELECTRIC VEHICLE SERVICE; BY AMENDING ARTICLE I TO DEFINE ELECTRIC VEHICLE, ELECTRIC VEHICLE SERVICE, MOTORBIKE SIDECAR AND MOTORBIKE SIDECARE SERVICE; AND, BY REVISING THE PROCEDURES FOR THE OPERATION OF VEHICLES FOR HIRE IN ARTICLES I, III, V, VII, AND VIII.

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WHEREAS, vehicle for hire services allow people to visit the City of San Antonio for business and for pleasure, and enhance the enjoyment and experiences of those who visit by allowing access to the different areas of the City; and

WHEREAS, vehicle for hire services are likewise convenient and necessary for many residents of the City of San Antonio for business and pleasure, and for essential personal and family needs including food and medical care; and

WHEREAS, the City has been prohibited by state law from regulating Transportation Network Companies (TNCs), with certain minor exceptions, so chapter IX and references to TNCs need to be removed; and

WHEREAS, after careful consideration, the City Council has determined that it is in the best interest of the citizens of the City of San Antonio to modify certain provisions that apply to Chapter 33 of the City Code of San Antonio, Texas (City Code) to provide for the operation of Electric Vehicles for Hire and Motorbike Sidecars, and to modify provisions related to Group Cycle Services, Limousine Services, Tour Service and Charter Service and Taxicabs to assist with their economic viability and to make the city operations more efficient; and

WHEREAS, in order to accomplish such revisions, it is necessary to modify Chapter 33 of the City Code, Vehicles for Hire, in Articles I, II, III, V, VII, VIII and IX; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. City Code Chapter 33, Article IX, Transportation Network Companies, is hereby repealed, to be replaced by Article IX, Electric Vehicle Services, as stated in Attachment A. Article II, Motorbike Sidecar Service is hereby added to the City Code, Chapter 33, as stated in Attachment B. Article I, General Provisions, Sections 33-003, 33-015, 33-018, 33-034, 33-045 and 33-062; Article III, Group Cycle Services, Section 33-321; Article V, Limousine Services, Sections 33-524 and 33-525; Article VII, Tour Service and Charter Service, Sections 33-724 and

33-725; and Article VIII, Taxicabs, Sections 33-928, 33-929, 33-930 and 33-981 are hereby amended as stated in Attachment C. For Attachments A, B and C, strikethroughs indicate deletions and underlines indicate additions, and the listed attachments are incorporated herein in their entirety.

SECTION 2. The remainder of City Code Chapter 33 shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 3. Funds generated by this ordinance from permit fees for motorbike sidecars and Electric Vehicles will be deposited into the General Fund, Internal Order 217000000009 and General Ledger Numbers 4202258, 4406837 and 4406861.

SECTION 4. The financial allocations in this ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 5. Should any portion of this ordinance for any reason be held illegal, inoperative, invalid, unconstitutional or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted or ordained without the portion held to be illegal, inoperative, invalid, unconstitutional or ineffective.

SECTION 6. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein, to correct typographical errors and to format and number paragraphs to conform to the existing Code.

SECTION 7. The City Clerk of the City of San Antonio is hereby directed to publish notice of this Ordinance as required by Section 17 of the Charter of the City of San Antonio and the laws of the State of Texas.

SECTION 8. This ordinance shall take effect November 21st, 2022.

PASSED and APPROVED this 3rdth day of November, 2022.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

ATTACHMENT A

ARTICLE IX. Electric Vehicle Service

DIVISION 1. IN GENERAL

Sec. 33-910. Scope of instant article.

Holders of permits to operate Electric Vehicles (EV) and Electric Vehicle Service (EVS) and drivers of EVs shall be governed by the provisions of Articles I and IX of this chapter.

Sec. 33-911. Fees.

The following fees are hereby established:

- (1) Inspection. . . \$28
- (2) Re-inspection/ Re-scheduling. . . \$28
- (3) Drivers permit... \$30
- (4) Drivers permit renewal... \$30
- (5) Replacement of lost drivers permit . . . \$15
- (6) Drivers permit transfer. . . \$15
- (7) Operating permit...\$250* per year/ per vehicle
- (8) Permit application... \$110 per permit
- (9) Late permit payment...\$30

All fees are due upon request of service and non-refundable.

*Operating permit fees shall be paid to the city for each vehicle authorized by the permit agreement. The operating permit fees shall be paid in one payment or four quarterly payments, due on the first business day of the following months: January, April, July, and October.

Late permit payments shall be charged for all permit payments that are received after the close of business on the fifth business day of the month payment is due. Permits that do not have fees paid prior to 30 calendar days from the due date shall be suspended until all fees are paid. If the fees are not paid prior to 60 calendar days from the due date, all permits shall be revoked.

Sec. 33-912. Amount of insurance.

Except as otherwise provided by the holder's operating permit, the public liability and property damage insurance required by this article shall be the minimum of \$1,000,000 per occurrence for each vehicle, to include the state minimum amount of commercial insurance for the vehicle. These minimums shall be required to cover the following categories:

- (1) For damages arising out of bodily injury to or death of one person in any one accident;
- (2) For damages arising out of bodily injury to or death of two or more persons in any one accident; and
- (3) For damages arising out of injury to or destruction of property in any one accident.

Secs. 33-913 – 33-920, Reserved.

DIVISION 2. OPERATING AUTHORITY

Sec. 33-921. Number of ground transportation vehicles authorized per classification.

- (a) The total number of vehicle permits shall be determined by the director. The director may modify the total number of permits as the director determines to be appropriate.
- (b) A holder within 180 days after receipt of an operating permit shall operate and maintain a city-approved fleet of vehicles for hire consisting of the number of vehicles authorized and required by the permit agreement. After 180 days, the number of vehicles authorized by the permit agreement and the number of vehicle permits issued pursuant thereto shall be reduced to reflect the actual number of vehicles the holder is able to operate and maintain in accordance with the provisions of this chapter, the operating permit, the permit agreement, and the rules and regulations of the director.
- (c) A holder may not hold more permits than are issued by the director.

Secs. 33-921 – 33-229, Reserved.

DIVISION 3. SERVICE REGULATIONS

Sec. 33-930. Hours of operation.

The director shall establish the hours during which a driver may operate an EV as a rule or regulation in accordance with Secs. 33-004 and 33-005 of this chapter.

Sec. 33-931. Areas of service.

The areas of service shall be determined by the director in the rules and regulations.

Sec. 33-932. Passenger restrictions.

No EV shall transporter more passengers than the vehicle is rated for. If the vehicle does not have a manufactured passenger rating, the director shall determine the vehicle's maximum occupancy.

Sec. 33-933. Standing or resting.

- (a) EVs shall not stand, park, or wait for a fare on any public roadway, sidewalk, or walkway. The exception are provided in the rules and regulations.

Sec. 33-934. Holder's duty to comply.

- (a) In the operation of an EV service, a holder shall comply with the terms and conditions of the holder's permit agreement. Except to the extent expressly provided otherwise by the permit agreement, the holder shall comply with this chapter, the director's interpretations of the provisions herein, rules and regulations established by the director, and other laws applicable to the operation of a vehicle for hire.

(b) Upon written notice by the director of a violation by a driver or employee, a holder who allows such driver or employee to operate a EV while in violation becomes responsible and liable to the city for all fees, penalties, and license revocations incurred by the driver or employee because of a failure to comply with this chapter, rules, and regulations established by the director, and other laws applicable to the operation of the EV.

Sec. 33-935. Holder's duty to enforce compliance by drivers.

(a) A holder shall establish a policy and take action to discourage, prevent, and correct violations of this chapter by drivers who are employed or contracted by the holder.

(b) A holder shall not permit a driver who is employed or contracted by the holder to operate any EV, if the holder knows or has reasonable cause to suspect that the driver has failed to comply with this chapter, the rules and regulations established by the director, or other applicable law.

Sec. 33-936. Holders responsible for fitness of drivers.

(a) Each holder operating a service in the city shall employ or contract as drivers only persons who are physically and mentally fit and who have sufficient experience and training to operate the specific EV in a safe and proper manner. It shall be the sole responsibility of the holder to employ or contract only those drivers who are qualified under this chapter to obtain a driver permit. The employment or contracting of any driver shall be subject to the driver obtaining a temporary or permanent driver permit.

(b) Each holder is charged with knowledge of the contents of the file of all drivers the holder employs or contracts. The director shall consider a holder's continued employment or contracting of any driver whose file shows a lack of mental, emotional, or temperamental capacity to be a safe and reliable driver. when reviewing such holder's request for a grant or renewal of an operating permit.

Sec. 33-937. Periodic appearance in person by holders and drivers.

(a) Upon request and reasonable notice holders and drivers shall appear, in person, before the director and the director's representative.

Secs. 33-938 – 33-939, Reserved.

DIVISION 4. FARES

Sec. 33-940. Fares.

(a) The use of any type of meter or measuring device to calculate rate of fare is prohibited.

Secs. 33-941 – 33-949, Reserved.

DIVISION 5. VEHICLES AND EQUIPMENT

Sec. 33-950. Inspection Requirements:

- (a) EVs shall be inspected yearly.
- (b) EVs shall comply with all vehicle requirements outlined in rules and regulations established by the director as well as the requirements outlined in the vehicle inspection guidelines.

Secs. 33-951 – 33-999, Reserved.

ATTACHMENT B

ARTICLE II. Motorbike Sidecar Service

DIVISION 1. IN GENERAL

Sec. 33-210. Scope of instant article.

Holders of permits to operate Motorbike Sidecar Service and drivers of Motorbike Sidecars shall be governed by the provisions of Articles I and II of this chapter.

Sec. 33-211. Fees.

The following fees are hereby established:

- (1) Inspection. . . \$28
- (2) Re-inspection. . . \$28
- (3) Inspection no show. . . \$28
- (4) Drivers permit (two year permit). . . \$15
- (5) Replacement of lost drivers permit . . . \$15
- (6) Drivers permit transfer. . . \$15
- (7) Operating permit transfers (per vehicle) . . . \$25
- (8) Operating permit...\$110* per vehicle
- (9) Late permit payment...\$30
- (10) Permit application, per permit requested on the application. . . \$150

All fees are due upon request of service and non-refundable.

*Operating permit fees shall be paid to the city for each vehicle authorized by the permit agreement. The operating permit fees shall be paid in one payment or four quarterly payments, due on the first business day of the following months: January, April, July and October.

Late permit payments shall be charged for all permit payments that are received after the close of business on the fifth business day of the month payment is due. Permits that do not have fees paid prior to 30 calendar days from the due date shall be suspended until all fees are paid. If the fees are not paid prior to 60 calendar days from the due date all permits shall be revoked.

Sec. 33-212. Amount of insurance.

Except as otherwise provided by the holder's operating permit, the public liability and property damage insurance required by this article shall be the minimum of \$1,000,000 per occurrence for each vehicle, to include the state minimum amount of commercial insurance for vehicle. These minimums shall be required to cover the following categories:

- (1) For damages arising out of bodily injury to or death of one person in any one accident;
- (2) For damages arising out of bodily injury to or death of two or more persons in any one accident; and
- (3) For damages arising out of injury to or destruction of property in any one accident.

Secs. 33-213 – 33-219, Reserved.

DIVISION 2. OPERATING AUTHORITY

Sec. 33-220. Number of ground transportation vehicles authorized.

- (a) The total number of all vehicle permits issued among all operating permit holders shall be determined by the director, which may be modified by the director as the director determines to be appropriate.
- (b) A holder, within 90 days after receipt of an operating permit, shall operate and maintain a city approved fleet of vehicles for hire consisting of the number of vehicles authorized and required by the permit agreement. The number of vehicles authorized by the permit agreement and the number of vehicle permits issued pursuant thereto shall be reduced to reflect the actual number of vehicles the holder is able to operate and maintain in accordance with the provisions of this chapter, the operating permit, the permit agreement, and the rules and regulations of the director.
- (c) A holder may not hold more permits than are issued by the director.

Secs. 33-221 – 33-229, Reserved.

DIVISION 3. SERVICE REGULATIONS

Sec. 33-230. Hours of operation.

The director shall establish the hours during which a driver may operate a Motorbike Sidecar as a rule or regulation in accordance with Secs. 33-004 and 33-005 of this chapter.

Sec. 33-231. Areas of service.

- (a) Motorbike Sidecars shall only operate on streets that have speed limits of 35 MPH or lower.
- (b) Motorbike Sidecars shall not be operated on sidewalks.
- (c) Motorbike Sidecars shall operate only on streets and must obey all vehicle traffic laws.
- (d) The areas of service may be changed or removed by the director when the director determines it would be in the best interest of the public. This change or removal may be made with or without notice.

Sec. 33-232. Passenger restrictions.

No sidecar shall transport more passengers than the Motorbike Sidecar is rated for.

Sec. 33-233. Standing or resting.

- (a) No Motorbike Sidecar shall stand or park on any public roadway, sidewalk, or walkway. The exception is commercial loading zones, curb cutouts, and vehicle parking spaces.
- (b) Motorbike Sidecars may utilize any unoccupied commercial loading zone to load and unload. All sidecars must give the right of way to commercial vehicles or other authorized motor vehicles to these commercial loading zones.

Sec. 33-234. Holder's duty to comply.

- (a) In the operation of a Motorbike Sidecar Service, a holder shall comply with the terms and conditions of the holder's permit agreement. Except to the extent expressly provided otherwise by the permit agreement, the holder shall comply with this chapter, the director's interpretations of the provisions herein, rules and regulations established by the director, and other laws applicable to the operation of a vehicle for hire.
- (b) Upon written notice by the director of a violation by a driver or employee, a holder who allows such driver or employee to operate a Motorbike Sidecar while in violation becomes responsible and liable to the city for all fees, penalties and license revocations incurred by the driver or employee because of a failure to comply with this chapter, rules and regulations established by the director, and other laws applicable to the operation of a sidecar.

Sec. 33-235. Holder's duty to enforce compliance by drivers.

- (a) A holder shall establish a policy and take action to discourage, prevent and correct violations of this chapter by drivers who are employed or contracted by the holder.
- (b) A holder shall not permit a driver who is employed or contracted by the holder to operate any sidecar if the holder knows or has reasonable cause to suspect that the driver has failed to comply with this chapter, the rules and regulations established by the director, or other applicable law.

Sec. 33-236. Holders responsible for fitness of drivers.

- (a) Each holder operating a service in the city shall employ or contract as drivers only persons who are physically and mentally fit and who have sufficient experience and training to operate a sidecar in a safe and proper manner. It shall be the sole responsibility of the holder to employ or contract only those drivers who are qualified under this chapter to obtain a driver permit. The employment or contracting of any driver shall be subject to the driver obtaining a temporary or permanent driver permit.
- (b) Each holder is charged with knowledge of the contents of the file of all drivers the holder employs or contracts. The director shall consider a holder's continued employment or contracting of any driver whose file shows a lack of mental, emotional or temperamental capacity to be a safe and reliable driver, when reviewing such holder's request for a grant or renewal of an operating permit.

Sec. 33-237. Periodic appearance in person by holders and drivers.

- (a) Upon request and reasonable notice holders and drivers shall appear, in person, before the director and the director's representative.

Secs. 33-238 – 33-239, Reserved.

DIVISION 4. FARES

Sec. 33-240. Fares.

- (a) The use of any type of meter or measuring device to calculate rate of fare is prohibited.

Secs. 33-241 – 33-249, Reserved.

DIVISION 5. VEHICLES AND EQUIPMENT

Sec. 33-250. Inspection Requirements:

- (a) Motorbike Sidecar shall be inspected yearly.
- (b) Motorbike Sidecars shall comply with all vehicle requirements outlined in rules and regulations established by the director as well as the requirements outlined in the sidecar vehicle inspection guidelines.

Secs. 33-251 – 33-299, Reserved.

ATTACHMENT C

ARTICLE I. GENERAL PROVISIONS

Sec. 33-003. Definitions.

~~*Driver's identification* shall mean an identification document which is given to a driver by a TNC holder following the issuance of a driver's permit, which must include the driver's true and correct name and a photograph of the driver. Transportation network companies may issue this identification in an electronic format.~~

~~*Drivers permit* shall mean a photo I.D. card issued to an individual by the director which verifies that the individual has met all city requirements and is qualified to operate a vehicle for hire in the city, except for transportation network companies this term shall mean an authorization issued pursuant to sec. 33-985. For transportation network companies, a driver's permit is a prerequisite to the issuance of a driver's identification.~~

Electric Vehicle (EV) shall mean a vehicle propelled by an electric motor (non-combustion) that has a maximum speed of no more than 35 mph and otherwise complies with Federal Motor Safety Standard 500 (49 C.F.R. Section 571.500) for Low-Speed Vehicles.

Electric Vehicle Service shall mean a ground transportation service operating for hire that uses an EV in the operation of the service and includes, but not limited to, a facility from which the service is operated, an EV used in the operation of the service, and a person who owns or operates said service. Such services shall be operated on a pre-arranged or on demand basis.

Motorbike Sidecar shall mean a car that is attached to the side of a motorbike for a passenger. The motorbike may be combustion or electric and must be street legal.

Motorbike Sidecar Service shall mean a ground transportation service operating for hire that uses a motorbike with a sidecar in the operation of the service and includes, but not limited to, a facility from which the service is operated, a sidecar used in the operation of the service, and a person who owns or operates said service. Such services shall be operated on a pre-arranged or on demand basis.

Tour service shall mean a passenger ground transportation service that uses vehicles with a manufacturer's rating capacity of ~~eight~~ nine or more passengers in the operation of the service and includes, but is not limited to, a facility from which the service is operated, vehicles used in the operation of the service, and a person who owns or operates said service, and that:

- (a) Is used to provide regularly scheduled and routed sight-seeing tours to persons for a per-passenger or per-hour charge agreed upon in advance; and
- (b) Returns passengers to their point of origin upon completion of a tour.
- (c) If the rated seating capacity is more than 15 passengers, has registered with the Texas Department of Motor Vehicles as a commercial vehicle.

~~Transportation network company (TNC) shall mean a person that uses an internet-enabled application or digital platform to send or transmit an electronic, radio or telephonic communication through the use of a portable or handheld device, monitor, smartphone or other electronic device to connect passengers with transportation network drivers for transportation network operations.~~

~~Transportation network operation shall mean offering, making available or using a transportation network vehicle to provide a vehicle for hire service through a transportation network company, including any time when a driver is logged onto the transportation network company's internet-enabled application or digital platform showing that the driver is available to pick up passengers; when a passenger is in the vehicle; when the company's dispatch records show that the vehicle is dispatched or when the driver has accepted a dispatch and is enroute to provide a vehicle for hire service to a passenger.~~

~~Transportation network vehicle shall mean any motor vehicle used to provide transportation network services, with a seating capacity of not more than seven passengers.~~

Vehicle permit shall mean the city decal affixed to a vehicle for hire which evidences the holder's authority to operate said vehicle pursuant to the holder's operating permit. ~~Transportation network companies shall issue the decal following verification by the TNC that the vehicle has met all city requirements under this chapter and the rules established by the director, which allows the vehicle to be operated for hire in the city. TNCs may issue this permit in an electronic format that can be displayed by the driver, and the expiration date of the permit will be determined by the date of the yearly inspection made by the TNC.~~

Sec. 33-015. Amount of bond.

Except as otherwise provided by the holder's operating permit, every license/permit bond required by this division shall be in an amount fixed by the following schedule:

- (a) If the holder is authorized to operate five vehicles for hire or less, then the bond shall be in the sum of \$1,500;

- (b) If the holder is authorized to operate at least 6 but not more than 10 vehicles for hire, then the bond shall be in the sum of \$3,000;
- (c) If the holder is authorized to operate at least 11 but not more than 15 vehicles for hire, then the bond shall be in the sum of \$4,500;
- (d) If the holder is authorized to operate at least 16 but not more than 25 vehicles for hire, then the bond shall be in the sum of \$6,000;
- (e) If the holder is authorized to operate at least 26 but not more than 50 vehicles for hire, then the bond shall be in the sum of \$7,500;
- (f) If the holder is authorized to operate at least 51 but not more than 100 vehicles for hire, then the bond shall be in the sum of \$11,200; and
- (g) If the holder is authorized to operate more than one hundred 100 vehicles for hire, then the bond shall be in the sum of \$15,000.
- ~~(h) If the holder is a TNC, then the bond shall be in the sum of \$15,000.~~

Sec. 33-018. Insurance requirements generally.

- (a) Prior to commencement of operations pursuant to this chapter the holder shall produce and furnish to the director, and thereafter keep in full force and effect, a policy of public liability and property damage insurance. Such policy of insurance shall be in the amount hereafter specified in this chapter and shall be subject to approval by the city risk manager. Every such policy shall insure all the vehicles ~~used~~ permitted by the holder in the vehicle for hire service authorized in the operating permit. Such policy shall inure to the benefit of any person who shall be injured or who shall sustain property damage as a result of the negligence of the holder or his servants or agents. The insurer shall be obligated to pay all final judgments which may be rendered on behalf of the public for injury or damage resulting to persons or property from the negligent operation of the holder's ground transportation service.
- (b) Every policy of insurance shall be issued by an insurance company with a minimum A.M. Best rating of B+ and authorized to do business in Texas.
- (c) Failure to procure and keep in full force and effect an insurance policy from a company that has an A.M. Best rating of B+ or above, ~~or an A.M. Best rating of A- or above if the holder is a TNC,~~ and that meets the minimum amount of insurance requirements under this chapter shall result in the suspension of the holder's operating permits.

Sec. 33-034. Revocation and suspension of operating permit.

- (a) The director may revoke an operating permit, or suspend such operating permit for a period not to exceed 60 days, where the director has determined it is in the best interest of the public or where the holder:

- (1) Since the date of issuance of his operating permit, has been convicted or placed on community supervision, including but not limited to probation and deferred adjudication, for violations of any city, state, or federal law where said violation relates directly to the duties and responsibilities of the holder including but not limited to the violations listed in Sec. 33-010 of this chapter;
 - (2) Since the date of issuance of the Operating Permit, has been indicted for criminal homicide, including murder and manslaughter but excluding criminal negligent homicide, or for any of the offenses listed in Sec. 33-010 of this chapter;
 - (3) Has under his employment or contract a driver whose drivers permit has been suspended or revoked under the provisions of this chapter, or where a holder has failed to take reasonable action against one of the holder's drivers;
 - (4) Has failed to comply with a correction order issued to him by the director within the time specified in the order;
 - (5) Has failed to comply with this chapter or any rules, regulations, orders or directives;
 - (6) Has substantially breached the terms of the permit agreement;
 - (7) Has failed to pay a permit fee at the time it was due;
 - (8) Has failed to pay a monetary penalty at the time it was due;
 - (9) Has failed to comply with the license/permit bond requirements of this chapter;
 - (10) Has failed to comply with the insurance requirements of this chapter;
 - (11) Has transferred an operating permit without the city's approval;
 - (12) Has allowed the operation of a ground transportation service without the city's approval;
 - (13) Has failed to place in operation pursuant to the provisions of this chapter the number of vehicles authorized in the permit agreement within ~~90~~180 days of the date of the issuance of the operating permit;
- (b) The decision of whether to suspend or revoke an operating permit, while vested in the director, shall be based on the following considerations:

- (1) The relationship of the violation to a holder's ability, capacity or fitness to provide a safe and reliable service;
- (2) The relationship of the violation to the city's interest in protecting the public safety and welfare;
- (3) A holder's willingness or ability to promptly come into compliance with any provision that is the basis for the suspension or revocation of the operating permit; and
- (4) The number or frequency of similar violations attributed to the holder or the holder's company.

Sec. 33-045. License file to be kept.

A driver permit file shall be kept and maintained, in a location determined by the director, of all persons to whom such permit have been issued. ~~A TNC shall maintain such file in its offices.~~

Sec. 33-062. General safety requirements and inspections.

- (a) The city may by ordinance, rule or regulation establish requirements for size, condition and accessories of a vehicle for hire used by a holder.
- (b) Holders for limousine, tour, and charter services, and taxicabs, shall have each vehicle inspected prior to operation and yearly thereafter in accordance with established inspection guidelines and standards of the City. Vehicles with a rating capacity of 16 or more passengers that are registered with the Texas Department of Transportation shall be exempt. ~~with Texas Department of Motor Vehicles standards.~~
- (c) The director shall inspect pedicabs, group cycles and horse carriages yearly, in accordance with established inspection guidelines and standards of the city, before such vehicle is placed in service, and upon passage of any such inspection, the director shall affix to the vehicle for hire a vehicle permit. The director may inspect a vehicle for hire at any other time which the director determines to be reasonable and necessary for enforcement of compliance with the provisions of this chapter and all other applicable rules, regulations and laws.
- (d) No person shall operate a vehicle for hire which has attached thereto an expired vehicle permit.
- (e) It shall be a violation for a person to forge, alter, deface or counterfeit a vehicle permit; it shall also be a violation for a person to have in his possession any vehicle permit which has been forged, altered, defaced or counterfeited.
- (f) A holder shall make a vehicle for hire available for inspection when ordered by the city. If a holder fails to make a vehicle for hire available for inspection when so ordered, said vehicle shall be immediately suspended from service for

up to 30 days. After 30 days, if a holder has failed to make a vehicle for hire available for inspection as ordered by the city, the director shall initiate the revocation of the vehicle permit of said vehicle as authorized by Sec. 33-035 under this chapter.

(g) If a holder makes a vehicle for hire available for inspection when so ordered, and if the director determines that said vehicle is in violation of any of the provisions of this chapter or other applicable rules, regulations and laws, then the director shall issue a correction order or vehicle inspection report to said holder as provided by Sec. 33-070 of this chapter.

(h) The holder shall have ten days from the date of the director's decision to immediately remove a vehicle from service or from the date of receipt of a correction order to request a hearing before the director, in writing and addressed to the director, and to present to the director any additional information, including inspection reports from mechanics retained by the holder, which may aid the director in his determination whether to affirm or reverse the director's initial determination.

ARTICLE III. GROUP CYCLE SERVICES

~~Sec. 33-321. - Available permit distribution~~

~~(a) When the city determines that permits shall become available, the city shall advertise the availability of group cycle permits for no less than 30 days. The advertisement method shall be determined by the director.~~

~~(b) All applications must be submitted by a date set by the director and must comply with Secs. 33-007 and 33-008 of this chapter (as determined by the director). If the application is approved by the director, each application shall be placed into a permit drawing. Applications shall not be for more permits than are available.~~

~~(c) Permit drawings shall be held with all permit applicants present. Only permit applicants shall be allowed to attend the drawing. However, if an applicant can not be present they must provide a written letter informing the city that they can not attend. The applicant may request for one individual to attend on their behalf. Failure to attend or have someone attend the drawing shall not disqualify the applicant.~~

~~(d) Drawing procedures shall be outlined in group cycle rules and regulations.~~

~~(e) If there are not applications for all the available permits the director shall have the discretion as to when to advertise a drawing for permits, based upon any request for a permit or a lapse of time.~~

Sec. 33-322321 – 329. – Reserved.

ARTICLE V. LIMOUSINE SERVICES

Sec. 33-524. Supplemental operating permit.

If a limousine service experiences peak demand periods requiring more vehicles than are designated in its permit agreement or operating permit, the holder may request supplemental vehicles by submitting a written application for a supplemental operating permit, along with proof of inspections, insurance, and which shall state the reason why supplemental vehicles are needed and identify the vehicles to be used. Supplemental vehicles authorized by a supplemental operating permit:

- (a) May not be used for more than ten days;
- (b) Must comply with the vehicle requirements of this chapter;
- (c) Must comply with the insurance requirements of this chapter;
- (d) Are subject to inspection by the director, who may at any time order unsafe vehicles to be removed from service;
- (e) If leased or rented through a nationally recognized leasing or rental company, the vehicle shall be exempt from inspection requirements;
- (f) Vehicles that are permitted by other Texas cities may be utilized and are exempt from inspection requirements;
- (g) Vehicles with a rated seated capacity of 16 or more passengers and that are registered with the Texas Department of Transportation are exempt from inspection requirements;
- ~~(h)(g)~~ Vehicles that are utilizing a supplemental permit are exempt from ownership requirements and Sec. 33-062(b), but must comply all other requirements of this chapter;
- ~~(i) (h)~~ The applicant must pay the supplemental operating permit fee in advance of the use of said supplemental permit;
- ~~(j)(i)~~ A limousine service that utilizes a supplemental vehicle that is not in compliance with Sec. 33-524 of this chapter shall be in violation of Sec. 33-006 (a) of this chapter;
- ~~(j)(k)~~ A limousine service or the holder that has been convicted or placed on community supervision, including probation and deferred adjudication, for a

violation of Sec. 33.524(g) of this chapter shall no longer be authorized the use of supplemental operating permits.

~~(k)~~(l) For the purposes of the supplemental operating permits, the provisions of Sec. 33-564 of this chapter shall not apply.

Sec. 33-525. Supplemental drivers permit.

If a limousine service experiences peak demand periods requiring more drivers than are currently permitted, the holder may request supplemental drivers by submitting a written application for a supplemental drivers permit, which shall state the reason why a supplemental driver is needed. Supplemental drivers:

- (a) Shall possess a valid Texas driver's license as outlined in Sec 33-041 (3);
- (b) Shall possess a valid driver's permit from the City of San Antonio or another Texas city, or have a Texas Department of Public Safety license designated for the type of vehicle they will be operating;
- (c) May not be used for more than 10 consecutive days;
- (d) Every individual driver may not be used for more than a total of 30 days in a calendar year;
- (e) A supplemental driver's permit shall automatically expire if the driver operates in violation of Secs. 33-524 and 33-52, and the driver shall be in violation of Sec. 33-006 (a) of this chapter.

ARTICLE VII. TOUR SERVICE AND CHARTER SERVICE

Sec. 33-724. Supplemental operating permit.

If a vehicle for hire service experiences peak demand periods requiring more vehicles than are designated in its permit agreement or operating permit, the holder may request supplemental vehicles by submitting a written application for a supplemental operating permit along with proof of inspections and insurance, and which shall state the reason why supplemental vehicles are needed and identify the vehicles to be used. Supplemental vehicles authorized by a supplemental operating permit:

- (a) May not be used for more than ten days.
- (b) Must comply with the vehicle requirements of this chapter.
- (c) Must comply with the insurance requirements of this chapter.

(d) Are subject to inspection by the director, who may at any time order unsafe vehicles to be removed from service.

(e) If leased or rented through a nationally recognized leasing or rental company, the vehicle shall be exempt from inspection requirements.

(f) Vehicles that are permitted by other Texas cities may be utilized and are exempt from inspection requirements.

(g) Vehicles with a rated seating capacity of 16 or more passengers and that are registered with the Texas Department of Transportation are exempt from inspection requirements.

~~(h)~~ ~~(g)~~ The applicant must pay the supplemental operating permit fee in advance of the use of said supplemental permit.

~~(i)~~ ~~(h)~~ A tour or charter service that utilizes a supplemental vehicle that is not in compliance with Sec. 33-524 of this chapter shall be in violation of Sec. 33-006 (a) of this chapter.

~~(j)~~ ~~(i)~~ A tour or charter service or the holder that has been convicted or placed on community supervision, including probation and deferred adjudication, for a violation of Sec. 33.524(g) of this chapter shall no longer be authorized the use of supplemental operating permits.

~~(k)~~ ~~(j)~~ For the purposes of the supplemental operating permits, Sec. 33-723 of this chapter shall not apply.

Sec. 33-725. Supplemental drivers permit.

If a service experiences peak demand periods requiring more drivers than are currently permitted, the holder may request supplemental drivers by submitting a written application for a supplemental drivers permit, which shall state the reason why a supplemental driver is needed. Supplemental drivers:

(a) Shall possess a valid Texas driver's license as outlined in Sec 33-041 (3);

(b) Shall possess a valid driver's permit from the City of San Antonio or another Texas city, or have a Texas Department of Public Safety license designated for the type of vehicle they will be operating;

(c) May not be used for more than 10 consecutive days;

(d) Every individual driver may not be used for more than a total of 30 days in a calendar year;

(e) A supplemental driver that is not in compliance with Sec. 33-724, Sec 33-725 of this chapter shall be in violation of Sec. 33-006 (a) of this chapter.

ARTICLE VIII. TAXICABS

Sec. 33-928. Classifications and requirements of vehicles.

Holders shall operate taxicabs in the city in accordance with the terms and conditions of the type of operating permit issued. The types of operating permits authorized by this chapter shall be classified as city-wide and airport, as defined in Sec. 33-003 of this chapter.

(a) Each holder, owner and driver shall remove from city-wide and airport service any taxicab ~~which is twelve years of age that does not comply with, as outlined in Rule 421~~ established by the director under this chapter. The age of the vehicle shall be calculated from the vehicle's model year.

(b) Wheelchair accessible vehicle requirements:

(1) Wheelchair accessible vehicles shall service the entire city.

(2) Wheelchair accessible vehicles shall comply with the rules and regulations as established by the director.

(3) Wheelchair accessible vehicles may pick-up and drop-off at the airport as requested.

(4) Wheelchair accessible vehicles shall not have any age limits; however, vehicles may be removed from service by the director if the vehicle(s) do not comply with any part of this chapter, the rules and regulations, or vehicle inspection guidelines.

Sec. 33-929. Number of taxicabs; authority to operate additional taxicabs.

(a) A holder shall maintain in service a minimum of three taxicabs.

(b) The number of vehicles authorized by the permit agreement and the number of vehicle permits issued pursuant thereto shall be reduced to reflect the actual number of vehicles the holder is able to operate and maintain in accordance with the provisions of this chapter, the operating permit, the permit agreement, and the rules and regulations established by the director.

(c) All applicants for permits or additional permits shall be eligible to receive only such additional taxicab permits as are necessary to meet the service needs of the city's population growth. The number of additional taxicab permits for each calendar year shall be determined by a ratio of one taxicab per 1,700 population within the legal

boundaries of the city. The population figure for the city will be based upon the annual population estimate as determined by the planning department as of December 31 of the year preceding the allocation period.

~~(d) The procedure to distribute the Taxicab permits shall be outlined in the rules and regulations established by the director. Once the director has determined whether any additional permits are available for the city for a given year, applications may be obtained by current holders and new applicants by satisfying the requirements of Secs. 33-007 and 33-008 of this chapter. The applicants will be notified of the total number of operating permits to be allocated following the receipt of the population data by the director. Applications for additional permits shall be considered by the Taxicab Permit Allocation Committee (TPAC). The TPAC shall consist of three members selected by the director. The TPAC shall also conduct interviews of the applicants. After evaluation of the applications by TPAC on a scale of 0 to 100, the TPAC shall then allocate the available permits to those applicants who scored 80 or greater. The allocation shall be made in a manner that is fair and equitable, that protects the public health and safety, that promotes the public convenience and necessity, and that respects the concept of free enterprise.~~

(e) In addition to the requirements of subsections (c) and (d) above, other factors which may be relied on in determining eligibility for additional or new permits include, but are not limited to, whether:

(1) One hundred percent of the holder's authorized taxicabs passed the most recent scheduled semi-annual inspection;

~~(2) During the first quarter (January through March) of the preceding year, a vehicle was in operation for each of the holder's authorized taxicab permits for at least 30 days, and each vehicle had an overall utilization rate of 75 percent; and~~

~~(3) Within 30 days of receiving notice from the director of intention to increase the number of taxicab permits, the holder submits a report verifying an overall utilization rate of 75 percent for each of the holder's authorized taxicabs for the first quarter of the preceding year prepared by an independent certified public accountant licensed by the state, such rate being calculated by the following formula:~~

~~_____ Permit days utilized = sum of the number of days each authorized permit
_____ was in operation.~~

~~_____ Permit utilization rate = permit days utilized / (# of authorized permits × #
_____ of days in the period) × 100.~~

~~_____ In determining the utilization rate, bona fide owner-operated vehicles will
_____ be considered to be in service 100 percent. Company owned daily lease
_____ vehicles are considered only when in service.~~

~~(4)~~ (2) Holder has complied with this chapter and the rules and regulations established by the director.

(f) The holder's application for additional vehicle permits may be denied if any of the requirements of the section above are not met or if at any time during the twelve month period immediately preceding the application for additional permits the holder:

~~(1)~~ ~~Has been a permit holder for less than one year;~~

~~(2)~~ (1) Failed to pay a fine or fee owed within the time required by this chapter or the director;

~~(3)~~ (2) Failed to maintain the license/permit bond or insurance required by this chapter;

~~(4)~~ (3) Had a vehicle permit revoked or suspended; or

~~(5)~~ (4) Has failed to assign any previously issued vehicle permits to a vehicle.

~~If a holder is denied a permit under this section or is disqualified from receiving additional permits, the number of additional permits to be allocated to each qualified holder will be recalculated.~~

(g) A holder who is approved for additional vehicle permits shall execute an amended permit agreement authorizing the additional vehicles. The amended permit agreement shall supersede any such agreements previously executed between the city and the holder. The duration of the amended permit agreement shall be for the same period of time as provided for in the original permit agreement.

~~(h) Additional vehicle permits shall be distributed to qualified holders within 60 days of a reported deadline. A holder receiving new or additional vehicle permits shall, within 180-90 days of signing the permit agreement have presented the vehicle(s) to the City which must have passed the initial inspection, the distribution of such additional vehicle permits, increase his total fleet to the new level as required by subsection (a) of this section.~~

~~(i) Any applicant who scored 80 or greater may appeal to a hearing officer the allocation of additional permits, but not the scores granted, by the TPAC. Said appeal must be filed no later than the tenth business day following the applicant's receipt of notification of the TPAC's allocation of additional permits. The appeal must be in writing, filed with the director, and accompanied by an appeal fee of \$100. If no appeal is filed, the allocation of the TPAC shall become final. The city manager shall appoint a hearing officer for such appeals. Said hearing officer is hereby authorized to affirm or modify the allocation of additional permits by the TPAC. The decision of the hearing officer shall be final. Should an appeal be filed, the additional permits allocated shall not be distributed until such time as the hearing officer issues a decision.~~

Sec. 33-930. Permit Usage

(a) A holder shall operate and maintain a city approved fleet of vehicles consistent with the number of vehicles authorized in the permit agreement. No company shall operate and maintain less the three vehicles.

(b) A holder shall replace a vehicle within ~~90~~ 180 days from the date that the vehicle taken out of service. Permits that are not filed after ~~90~~ 180 days shall have the permits revoked.

(c) The number of vehicles authorized by the permit agreement shall be reduced to reflect the actual number of vehicles the holder is able to operate and maintain.

Sec. 33-981. Rate of fares.

(a) Taxicab fare rates shall be:

Drop charge . . . ~~\$ 2.50~~ \$3.50

Per mile . . . ~~\$2.35~~ \$2.70

Per hour wait time . . . ~~\$24.00~~ \$27.00

Per hour traffic delay . . . ~~\$24.00~~ \$27.00

(b) Taxicab operator may charge a rate that is less than the maximum rate outlined in Sec. 33-981 (a). All passengers must be notified of discounted rates through an electronic application, website, or over the phone by a dispatcher. The Taxicab meter must be utilized at all time to include during a discounted fare.

(c) The minimum rate charge on any trip originating at the San Antonio International Airport or any pre-arranged (time-call) trip shall be ~~\$10.50~~ \$20.00 or the meters fare, whichever is greater.

(d) The minimum rate charge on any trip originating in the "downtown rate zone" shall be ~~\$5~~ \$10.00. "Downtown rate zone" is the geographical area bounded by Interstate 37, traveling south from IH 35 to E. Houston St.; E. Houston St., traveling east to N. Cherry St.; N. Cherry Street, traveling south to Caesar Chavez Blvd.; Caesar Chavez Blvd., traveling west to Alamo St.; Alamo St., traveling south to Frio St.; Frio St., traveling north to W. Houston; W. Houston, traveling east to IH 35; IH 35, traveling north to IH 37.

~~(e) Taxicab night rate: Meters shall be set to increase the drop charge by \$1 per trip (for a total drop charge of \$3.50) between the hours of 7:00 p.m. and 7:00 a.m.~~

(e) Taxicab operators may charge \$2.00 for each additional passenger over 4 passengers (the 5th and 6th passengers) not to exceed more that \$4.00.

(f) A driver or holder shall not charge a fare for operating a taxicab that is higher than permitted in Sec. 33-981 of this chapter. A driver or holder shall not charge any additional fees to include but not limited to: credit card processing fees, debit card processing fees, any third party card processing fees, and any other fees that are inconsistent with Sec. 33-981 of this chapter.

(g) A driver or holder may be authorized to charge a \$5.00 surcharge to be added to the amount on the meter for trips that originate from the following venues:

1. AT&T Center
2. Alamodome
3. Freeman Coliseum
4. Toyota Field
5. During Official Fiesta Events

(h) A driver may charge up to a \$200 cleaning fee, when at no fault of the driver a passenger leaves the taxicab in a state that requires immediate cleaning or the taxicab could not transport additional passengers. Prior to charging this fee the driver shall report the situation to their dispatch company and record the date, time, detailed information of the cleaning needed, and the amount the driver is charging.

(i) The director may require a holder to display rates on or within a vehicle for hire in a manner prescribed by the director.

(j) A per-mile fuel surcharge shall be added to the fares established by this section where the average price of regular unleaded gasoline is \$2.20 or greater. The per-mile surcharge shall be as outlined in appendix A Sec. 33-982;

(k) A fuel surcharge adjustment shall be done when the average price of fuel increases or decreases more than ~~\$.50~~ \$.25 from the last effective date. Fuel surcharge adjustments shall be done within 45 days from the date that the calculated average fuel price is received by the director; ~~however, no more than 2 fuel surcharge adjustments may be done in a calendar year.~~

(l) Taxicab operators may charge an airport departure fee to the customer at the rate that is equal to the amount charged to the operator pursuant to Sec. 3-86 of the City Code of San Antonio, Texas.

(m) Between January 1 and April 1 of every even numbered year, the Transportation Advisory Board shall review the taxicab fare rates and make a recommendation to city council, no later than July 1, whether to adjust the rates in effect at the time of the recommendation. Nothing in this section shall preclude the city from undertaking a study of taxicab rate of fares at its own discretion at any time, for referral to city council.