ORDINANCE NO. 20180628-054

AN ORDINANCE AMENDING CITY CODE CHAPTER 13-2 (*GROUND TRANSPORTATION PASSENGER SERVICES*) RELATED TO REGULATION OF TAXICABS AND LIMOUSINES, AND REPEALING CERTAIN REQUIREMENTS RELATED TO TAXICABS AND TAXICAB FRANCHISES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 13-2-1 (Definitions) is amended to revise the following definitions and add a definition of taxicab as follows:

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

(21) HOLDER means a person who is authorized to operate a ground transportation service, and includes the agents[~~, servants,~~] or employees of the holder. Holder includes a franchise holder but excludes a charter bus service provider.

(32) TAXICAB means every automobile or motor-propelled vehicle with a taxi franchise permit affixed.

(33[~~2~~]) TAXIMETER means a device used in a taxicab to compute a fare.

PART 2. Subsection (D) of City Code Section 13-2-51 (*Taxi Zones*) is amended to read:

§ 13-2-51 - TAXI ZONES.

(D) Only [~~A~~] a taxicab may stop, stand, or park in a taxi zone. A person shall not leave a taxicab parked unattended in the taxi zone.

PART 3. City Code Section 13-2-54 (*Display And Inspection of Driver Credentials)* is amended to read:

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

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

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

PART 4. City Code Section 13-2-59 (*City Map Required*) is repealed and reserved for future use.

PART 5. Subsections (A) and (D) of City Code Section 13-2-73 (*Sponsoring and Hiring Drivers*) are amended to read:

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

(A) A holder may [~~not~~] allow an individual to drive a ground transportation service vehicle only if [~~unless: (1) the individual possesses a chauffeur's permit or a state license, as provided under Section 13-2-121 (*Exemption From Chauffeur's Permit Requirement*); and (2)~~] the individual has not been convicted of a violation that results in a revocation under Section 13-2-108 (*Revocation of Chauffeur's Permit*) or a suspension under Section 13-2-109 (*Suspension of Chauffeur's Permit*).

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

PART 6. City Code Section 13-2-77 (*Criminal Conduct Prohibited*) is repealed and reserved for future use.

PART 7. Subsection (A) of City Code Section 13-2-101 (*Chauffeur's Permit Required*) is amended to read:

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

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

PART 8. City Code Sections 13-2-122 (*Certain Drivers Ineligible*), Section 13-2-123 (*Driver's Records*), and Section 13-2-132 (*Driver's Conduct*) are repealed and reserved for future use.

PART 9. Subsections (B), (G), (H), and (I) of City Code Section 13-2-142 (*Inspection Standards*) are amended to read:

§ 13-2-142 – INSPECTION STANDARDS.

(B) A vehicle must conform to the following:

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

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

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

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

(1) The exterior of the vehicle must be reasonably clean.

[~~(2) If a vehicle is equipped with wheel covers, all wheel covers on the vehicle must match. If the wheel covers or wheels are painted, they must be painted the same color and match the paint scheme of the vehicle.~~]

(2[~~3~~]) Missing or damaged body moldings or trim must be repaired or replaced.

(3[4]) Ripped or torn vehicle body parts must be repaired.

(4[~~5~~]) [~~One or more dents or buckles that collectively cover an area of nine square inches or more of the vehicle body must be repaired.~~] Windshield damage impairing the driver's view or creating a safety hazard must be repaired or replaced immediately. A cracked or damaged side window, rear window, or mirror must be repaired or replaced immediately.

[(6) ~~Exterior paint may not be noticeably rusted, flaked, scraped, or faded. Any noticeable exterior paint damage must be repaired in a neat and inconspicuous manner.~~]

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

(1) The interior of each vehicle must be reasonably clean.

(2) [~~The seats, floor, dash board, package tray, and any other area within the interior of the vehicle must be clear of any items not required for the performance of ground transportation services. No more than five newspapers, periodicals, or other publications may be kept within the vehicle at any one time.~~] The trunk area must be kept clean and must provide adequate space to accommodate passenger luggage.

(3) All portions of the interior upholstery of the vehicle must not have [~~match in color or be of similar shades, without~~] noticeable tears or other damage.

(4) Missing, broken, or significantly damaged interior parts that affect the operation or safety of the vehicle or the passenger's comfort must be repaired or replaced.

[~~(5) Interior repair or replacement required by this chapter must be neat and inconspicuous.~~]

(5[~~6~~]) Interior paint may not be noticeably rusted, flaked, scraped, or faded. [~~Any noticeable interior paint damage must be repaired in a neat and inconspicuous manner.~~]

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

PART 10. Subsection B of City Code Section 13-2-202 (*Limousine Service Requirements*) is amended to read:

§ 13-2-202 - LIMOUSINE SERVICE REQUIREMENTS.

(B) A holder may provide limousine service using:

(1) a[~~n~~] remanufactured extended wheelbase luxury sedan with a passenger capacity of five or more or a remanufactured extended wheelbase sport utility vehicle with a passenger capacity of five or more; or

(2) four luxury sedans or sport utility vehicles, each having a passenger capacity of four or more.

PART 11. Subsection (B) of City Code Section 13-2-403 (*Franchise Application Required*) is amended to read:

(B) The application must contain the following:

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

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

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

(c) An applicant that is a corporation, partnership, or other business entity must provide certified copies of any documents required by state law to be filed for the business entity to legally exist, and a

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

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

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

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

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

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

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

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

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

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

PART 12. City Code Section 13-2-406 (*Recordkeeping Requirements*) is amended to read:

§ 13-2-406 - RECORDKEEPING REQUIREMENTS.

(A) A franchise holder shall maintain records of its taxicab business, operations, receipts, and other documents required by this chapter, the taxicab franchise agreement, and the department.

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

(C) Except as provided in this section, a franchise holder shall keep the records for the term of the franchise. The records used to compile the reports required under Section 13-2-407(B) (*Reports Required*) shall be maintained for 12 months after the date of creation of the records.

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

PART 13. Subsection (C) of City Code Section 13-2-407 (*Reports Required*) is amended to read:

(A) The department may require additional information at intervals specified by the department, to include reports describing vehicle locations as determined by the vehicle's Global Positioning System or similar navigational method.

PART 14. City Code Sections 13-2-408 (*Granting of Taxicab Franchise Through Annual Reservation of Franchise Permits*), 13-2-409 (*Granting of Taxicab Franchise Under Certain Circumstances*), 13-2-422 (*Calculation of Necessary Franchise Permits*), 13-2-423 (*Additional Franchise Permits*), 13-2-424 (*Allocation of Additional Franchise Permits*), 13-2-425 (*Eligibility for Additional Franchise Permits*), 13-2-426 (*Request for Additional Franchise Permits*), 13-2-427 (*Distribution of Additional Permits*), 13-2-428 (*Evaluation of Calculation of Necessary Franchise Permits*) are repealed and reserved for future use.

PART 15. City Code Section 13-2-441 (*Number of Taxicabs Placed in Service*) is amended to read:

§ 13-2-441 - NUMBER OF TAXICABS PLACED IN SERVICE.

[~~(A) A franchise holder may not operate more taxicabs than the number authorized by the taxicab franchise ordinance and by Sections 13-2-431 (*Multiple Franchises Prohibited*) and 13-2-502 (*Special Franchise Permits*).~~

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

PART 16. City Code Section 13-2-442 (*Owner-Operated Taxicabs*) is amended to read:

§ 13-2-442 - OWNER-OPERATED TAXICABS.

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

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

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

PART 17. City Code Section 13-2-444 (Prompt Response Required) is amended to repeal Subsection (A) and to delete the lettering for Subsection (B) to read:

§ 13-2-444 - PROMPT RESPONSE REQUIRED.

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

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

PART 18. Subsections (A) and (B) of City Code Section 13-2-449 (*Limitations on Solicitations*) are repealed and Subsection (C) is amended to delete the lettering and to read:

§ 13-2-449 - LIMITATIONS ON SOLICITATIONS.

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

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

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

PART 19. Subsection (A) of City Code Section 13-2-450 (*Taxicab Use Restricted*) is amended to read:

§ 13-2-450 - TAXICAB USE RESTRICTED.

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

PART 20. Subsections (A) and (B) of City Code Section 13-2-451 (*Number of Passengers*) are amended to delete the lettering and to read:

§ 13-2-451 - NUMBER OF PASSENGERS.

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

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

PART 21. City Code Section 13-2-452 (*Additional Passengers*) is amended to delete Subsection (B) and delete the lettering to read:

§ 13-2-452 - ADDITIONAL PASSENGERS.

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

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

PART 22. City Code Section 13-2-453 (*Use of Taxi Zones*) is amended to read:

§ 13-2-453 - USE OF TAXI ZONES.

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

(B) A taxicab driver must not leave a taxicab parked in a taxi zone unattended.

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

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

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

PART 23. City Code Section 13-2-461 (*Rates of Fare*) is amended to delete the requirement for city approval of rates of fare and to authorize taxicab franchise holders to set rates of fare, and to read as follows:

§ 13-2-461 - RATES OF FARE.

(A) A [~~holder or~~] driver may not charge a taxicab rate of fare in the city that is inconsistent with the rates of fare established by the franchise holder [~~council~~].

(B) A taxicab franchise holder shall determine the rate of fare for its taxicab fleet.

(C) Each franchise holder shall conspicuously post the current rates of fare on the franchise holder's website and rate card.

(D) Franchise holders shall provide the department with a schedule of rates prior to the rates going into effect.

(E) A taxicab driver shall not begin any trip until the rider has agreed to the rate of fare.

(F) Rates of fare and charges incurred shall be displayed within the taxicab in a conspicuous location and in view of the passenger.

(G) A taxicab driver must transmit to the passenger a receipt documenting the origin and destination of each taxicab trip and the total amount paid upon completion of each trip.

PART 24. Subsections (A) and (D) of City Code Section 13-2-463 (*Taximeter Required*) are amended to read:

§ 13-2-463 - TAXIMETER REQUIRED.

(A) A person may not drive or allow another person to drive a taxicab unless the taxicab is equipped with an operational taximeter approved [~~that displays an accuracy seal, certifying its accuracy in accordance with procedures determined~~] by the department.

(D) Taximeter rates of fare do not apply to:

(1) a trip to a destination outside the corporate city limits if the taximeter is kept in operation while the taxicab has a passenger within the corporate limits of the city;

(2) on written approval of the department, a trip under a contract with a governmental agency, a nonprofit organization, or as otherwise reasonably necessary to provide a public service; or

(3) fleet-wide flat rate charges set by the franchise holder [~~a rate change approved under Section 13-2-470 (*Decision on Rate Application*)~~].

PART 25. City Code Section 13-2-464 (*Setting Taximeter*) is amended to read:

§ 13-2-464 - SETTING TAXIMETER.

(A) When using a taximeter to compute a fare, a driver shall place the taximeter in a [~~the~~] revenue-earning mode [~~position~~] when a passenger enters a taxicab, or at the pre-arranged time, if any, after the customer is informed of the taxicab's presence.

(B) When using a taximeter to compute a fare, a driver shall call the attention of passengers to the amount registered on the taximeter before resetting the taximeter. The taximeter may not be reset or turned off [~~to the "vacant" position~~] until after the fare is paid.

PART 26. Subsection (C) of City Code Section 13-2-466 (*Taximeter Standards*) is amended to read:

§ 13-2-466 - TAXIMETER STANDARDS.

(C) Taximeters must conform to the following specifications:

(1) The size and design of a taximeter must be approved by the department.

(2) A taximeter must register the following items on visual counters:

(a) total miles;

(b) paid miles;

(c) number of trips; and

(d) units of fare.

[~~(3) Each taximeter must be equipped with a tamper-proof switch and system of electrical distribution that meets the following requirements:~~

~~(a) The electric identification sign affixed to the roof of the taxicab must be lit when the taximeter is in a non-revenue-earning or "off" position.~~

~~(b) The two amber lights affixed to the roof of the taxicab must be lit and visible from all directions when the taximeter is in a revenue-earning or "on" position. The amber lights are not required to be~~

~~visible from the rear of the vehicle if the vehicle roof has been modified to allow the transport of disabled passengers.~~

~~(4) A mechanical taximeter must be connected directly to the taxicab transmission and sealed to prevent tampering.~~

~~(5) The rate change unit of an electronically operated taximeter must be sealed to prevent tampering.~~]

PART 27. City Code Section 13-2-467 (*Taximeter Inspections*) is repealed and replaced to read as follows:

§ 13-2-467 - TAXIMETER INSPECTIONS.

During the inspection of a taxicab under Section 13-2-141 (*Inspection Required*) the taximeter shall be inspected for accuracy.

PART 28: City Code Section 13-2-468 (*Equipment Alterations Prohibited*) is amended to read:

§ 13-2-468 - EQUIPMENT ALTERATIONS PROHIBITED.

(A) A person may not drive or allow another person to drive a taxicab in which the taximeter or other equipment has been altered in a manner that causes the taximeter to calculate an incorrect rate.

(B) A person may not drive or allow another person to drive a taxicab equipped with a taximeter that has been tampered with [~~since the last inspection~~].

[~~(C) A person may not drive or allow another person to drive a taxicab that displays the electric roof identification sign and amber roof lights in a manner indicating that the vehicle is available for hire when the taxicab is occupied by a passenger.~~]

PART 29. City Code Sections 13-2-469 (*Application for Rate Change*) is repealed and replaced and retitled as follows:

§ 13-2-469 – PAYMENT METHOD.

(A) All taxicabs must be equipped with a properly functioning credit and debit card payment device.

(B) A taxicab driver shall not collect a fare from a passenger unless the driver's credit or debit card payment systems are properly functioning.

(C) A driver shall accept fare payment in the form of credit or debit if tendered by a passenger.

PART 30. City Code Sections 13-2-470 (*Decision on Rate Application*), and 13-2-471 (*Taxicab Fuel Surcharge*) are repealed and reserved for future use.

PART 31. City Code Section 13-2-481 (*Additional Taxicab Standards*) is repealed and reserved for future use.

PART 32. City Code Section 13-2-482 (*Numbering of Taxicabs*) is amended to read:

§ 13-2-482 - NUMBERING OF TAXICABS.

(A) The department shall designate consecutive numbers for each vehicle in the franchise holder's taxicab fleet and issue a number plate for each vehicle.

(B) A franchise holder shall assign one of the designated numbers to each taxicab and shall securely apply a numbered decal issued by the department [~~fasten the number plate for each taxicab~~] to the interior of the taxicab in the manner prescribed by the department. A franchise holder shall purchase a replacement number [~~plate~~] decal for any lost, destroyed, or damaged [~~plate~~] decal from the department.

PART 33. City Code Section 13-2-484 (*Electric Signs Required*) is repealed and reserved for future use.

PART 34. Subsection (A) of City Code Section 13-2-486 (*Uniform Lettering and Design, Materials*) is amended to read:

§ 13-2-486 - UNIFORM LETTERING AND DESIGN; MATERIALS.

(A) For each vehicle used in the franchise holder's service, the lettering and designs must be approved by the department and must be [~~either~~] an applied adhesive material, magnetic sign, or painted.

PART 35. City Code Section 13-2-487 (*Color Scheme*) is repealed and reserved for future use.

PART 36. Subsection (A) of City Code Section 13-2-489 (*Vehicle Design and Age Requirement*) is amended to read:

§ 13-2-489 – VEHICLE DESIGN AND AGE REQUIREMENTS.

(A) The body design of a vehicle to be used as a taxicab is limited to [~~to the following:~~

~~(1)~~]a [~~sedan, station wagon, or sport utility~~] vehicle with at least three [~~four~~] doors for passenger loading and unloading and with front and rear seats[~~; and~~

~~(2) a full-size van or minivan with at least three doors for passenger loading and unloading and with front and rear seats~~.

PART 37. City Code Section 13-2-502 (*Special Franchise Permits*) is amended to read:

(A) The department may issue an equal number of special franchise permits to each franchise holder for modified ground transportation service vehicles. The total number of special franchise permits issued by the department may not be less than six percent [~~or more than six and one-half percent~~] of the total number of franchise permits issued by the department. If the department distributes additional franchise permits under Division 2 (*Franchise Permit*), the department shall allocate additional special permits in the number necessary to maintain the ratio of franchise permits to special permits.

(B) A special franchise permit is valid for three months from the date of issuance. A franchise holder shall pay a fee for each special franchise permit issued by the department. The fee for a special permit may not exceed half that of a non-special-franchise permit. If the franchise holder provides at least five percent of its rides to persons needing accessible taxicabs, the director shall waive the special franchise permit fee. The fees described shall be set by separate ordinance and may be paid quarterly.

[~~(C) Annually the department shall allocate an equal number of special franchise permits to each eligible franchise holder in the number necessary to maintain the ratio of franchise permits to special permits prescribed by Subsection (A).~~]

PART 38. City Code Section 13-2-506 (*Exception to Owner-Operated Requirement*) is repealed and reserved for future use.

PART 39. This ordinance takes effect on July 9, 2018.

PASSED AND APPROVED

June 28, 2018

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Steve Adler
Mayor

APPROVED:

Anne L. Morgan
City Attorney

ATTEST:

Jannette S. Goodall
City Clerk