

City of Houston, Texas, Ordinance No. 2015- 998

AN ORDINANCE ADDING A NEW ARTICLE X TO CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO PROVISION OF VEHICLE FOR HIRE SERVICE TO PERSONS WITH DISABILITIES, ESPECIALLY THOSE REQUIRING WHEELCHAIRS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City of Houston (the "City") is a home-rule municipality pursuant to Article XI, Section 5 of the Texas Constitution; and

WHEREAS, Section 215.073 of the Local Government Code provides that a home-rule municipality may regulate any individual who owns, operates or controls a vehicle used on public streets to carry passengers for compensation; and

WHEREAS, the Administration and Regulatory Affairs Department ("ARA") is responsible for the oversight and implementation of the City's regulations concerning all vehicles for hire operating within the City; and

WHEREAS, the City Council expressed concern that the composition of the City's vehicle for hire fleet did not adequately address the riding public's need for wheelchair accessible vehicle service within the City; and

WHEREAS, the City Council created the Houston Transportation Accessibility Task Force (the "HTATF") with Ordinance No. 2014-754 to study the transportation needs of persons with disabilities and make recommendations to City Council concerning wheelchair accessible vehicle service; and

WHEREAS, the HTATF, along with ARA, presented recommendations to a joint meeting of the Transportation, Technology and Infrastructure Committee and the Public Safety and Homeland Security Committee on August 25, 2015, including:

- (1) Introducing two options for selected vehicle for hire industry participants to demonstrate equitable and consistent service to disabled passengers;
- (2) Mandating that vehicle for hire industry participants select one of the two options by a certain deadline;
- (3) Mandating compliance with the vehicle for hire industry participants selection by benchmark timetables;
- (4) Introducing audit capabilities for ARA by requesting data outside the quarterly data report to ensure compliance with the accessibility component; and

WHEREAS, the City Council has determined that the recommendations made by the HTATF and ARA can best address the City's current need for greater wheelchair accessible service within the vehicle for hire industry;
NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. That Section 46-1 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new definition that reads as follows:

"Dispatch means the operation of a scheduling service by which prospective passengers request, by phone, by the internet or by any other voice, data or electronic communication, pre-arranged transportation services offered or provided for compensation from vehicles for hire and vehicles for hire are scheduled or routed via the relay of information from the scheduling service to the vehicle for hire by radio or data device, including but not limited to a device capable of any voice, data, or electronic communication."

Section 3. That Chapter 46 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Section 46-2.1 that reads as follows:

"Sec. 46-2.1 Vehicle for hire accessibility.

(a) ***Service to passengers with disabilities.*** Permittees and registrants who operate vehicles for hire other than low speed shuttles, pedicabs, school vehicles, antique vehicles and wheelchair accessible service providers shall select a method by which to achieve and demonstrate equitable and consistent service to disabled passengers and must comply with all standards and compliance benchmarks attendant to the chosen method.

(b) ***Rules of construction.*** In this section:

(1) ***Benchmark year.*** Benchmarks shall be assessed each year, as follows:

- a. The first benchmark year shall begin on JANUARY 12, 2016¹ and end on JANUARY 12, 2017²;
- b. The second benchmark year shall begin on JANUARY 12, 2017³ and end on JANUARY 12, 2018⁴; and
- c. Subsequent benchmark years shall coincide with the respective permitted industry's permit year.

- (2) *Percentage of fleet.* When calculating a percentage of a fleet, a result that includes a fraction shall be rounded up to the nearest whole number.
- (3) *Total number of permits.* The total number of permits held by a permittee shall include the total number of permits held by each corporation or legal entity in which the permittee has an ownership interest, including, but not limited to, stocks and shares.

(c) **Choice of compliance method.** A permittee or registrant to whom this section applies shall notify the director of the selection of one of the methods articulated in this subsection prior to January 15, 2016. A permittee or registrant may change methods at the next permit renewal date, provided all applicable standards and compliance benchmarks shall be assessed as provided in subsection (j) of this section.

- (1) **Fleet composition method.** Under this method, the permittee or registrant increases the percentage of wheelchair accessible vehicles in his fleet each year.
 - a. *Large fleets.* A permittee or registrant whose fleet is comprised of 20 or more vehicles must ensure that wheelchair accessible vehicles account for no less than three percent of that fleet by the end of the first benchmark year. In each of the five subsequent benchmark years, the minimum required percentage of wheelchair accessible vehicles in a permittee's or registrant's fleet shall increase by one percent.

¹ City Secretary/Editor shall insert the date of the ninetieth day after the effective date of this Ordinance.

² City Secretary/Editor shall insert the first anniversary of the date in footnote 1.

³ City Secretary/Editor shall insert the first anniversary of the date in footnote 1.

⁴ City Secretary/Editor shall insert the second anniversary of the date in footnote 1.

- b. *Small fleets.* Beginning on the first day of the industry's permit year in 2017, a permittee or registrant whose fleet is comprised of between two and nineteen vehicles must replace the first vehicle of the fleet that exceeds the age limits for its permitted industry with a wheelchair accessible vehicle, and the permittee must maintain a minimum of one wheelchair accessible vehicle at all times thereafter.
- c. *Single-vehicle operators.* Beginning on the first day of the industry's permit year in 2018, a permittee or registrant who operates one vehicle must replace the vehicle when it exceeds the vehicle age limit for its permitted industry with a wheelchair accessible vehicle.
- d. *Annual review of fleet percentage requirement.* The director of the department of administration and regulatory affairs shall conduct an annual review of the sufficiency of the fleet percentage requirement for that year and adjust the requirement accordingly. Adjusted fleet percentage requirements shall be posted on the website maintained by the department of administration and regulatory affairs. All permittees and registrants shall provide the director or designee all information needed to complete a reliable study.

(2) **Outcome based method.** In this method, the permittee or registrant decreases average wait times for passengers who request dispatch of wheelchair accessible vehicles each year.

- a. *First benchmark year.* By the conclusion of the first benchmark year following the adoption of this section, the permittee or registrant must pick-up passengers who request wheelchair accessible vehicles within an average of 40 minutes of receiving the trip request.
- b. *Subsequent benchmark years.* The average wait time for a wheelchair accessible vehicle must be reduced by ten minutes in the second year and each subsequent permit renewal thereafter until the average wait for a wheelchair accessible vehicle is no more than twenty minutes per trip.

- c. **Good faith.** If the permittee's or registrant's average wait time exceeds the minimum average wait time goal for that benchmark year by no more than 15 percent, the director may allow the permittee or registrant to continue to operate if the director determines, based on the audit and evaluation provided for in subsection (j), that the permittee or registrant has demonstrated a good faith attempt to comply with this section.
- d. **Contracts.** A permittee or registrant that elects to comply with the outcome based method may satisfy the required outcomes by entering into one or more contracts for the use of wheelchair accessible vehicles.

(d) **On entrance to industry.** Each permittee or registrant who first receives a permit or registration after November 13, 2015⁵ shall be required to meet the benchmarks for the benchmark year in effect at the time its first permit or registration is issued.

(e) **Dispatch required.** Each permittee or registrant must utilize a dispatch service that has the ability to assign trips to wheelchair accessible vehicles.

(f) **Refusal of service to passengers with disabilities.** It shall be an offense to refuse to provide service to a passenger because he requires a wheelchair accessible vehicle or a vehicle that can accommodate an assistive device or animal.

(g) **Citation for failure to comply.** Upon receipt of a written substantiated complaint from a passenger or a dispatcher, the department of administration and regulatory affairs may issue a citation to a permittee, registrant or licensee who fails to comply with this section.

(h) **Wait for pick-up time.** If a vehicle for hire driver arrives at a pick up location before the communicated or pre-arranged pickup time, the driver shall wait without additional charge until the pre-arranged time.

(i) **Inequity of service prohibited.** Options for arranging wheelchair accessible vehicle service by phone, by the internet or by any other voice, data or electronic communication shall not be segregated from options made available to prospective passengers seeking general transportation service. The pricing for accessible service shall be equivalent to the pricing for service provided for non-accessible services.

⁵. City Secretary/Editor shall insert the effective date of this Ordinance.

(j) **Audit and evaluation.** Upon request of the director or designee, each permittee or registrant shall submit the information necessary for audit and evaluation of compliance with this section, including but not limited to the following:

- (1) The number of wheelchair accessible vehicle trips requested.
- (2) The number of trips completed by wheelchair accessible vehicles.
- (3) The average wait time for trips where a wheelchair accessible vehicle was required.

The director shall analyze the relevant data and inform the permittee or registrant of any failure to comply with this section within 30 days of receipt of the requested data. Subsequently, the permittee or registrant must within 30 days either cure the failure or demonstrate to the director that the finding of non-compliance was incorrect. Within three weeks of the end of the 30 day cure period, the director shall analyze any additional data provided by the permittee or registrant. If the director determines that the permittee or registrant remains out of compliance a hearing for permit/registration revocation will be held in accordance with section 46-5 of this Code."

Section 4. That Subsections (a) and (b) of Section 46-11 of the Code of

Ordinances, Houston, Texas, are hereby amended to read as follows:

"(a) Permittees and registrants other than wheelchair accessible service providers shall maintain business and operations records in a manner that demonstrates compliance with this chapter as provided by regulation of the director.

(b) Permittees and registrants other than wheelchair accessible service providers shall collect, maintain, and provide to the director on a quarterly basis and on demand, operations data pertaining to the performance or facilitation of transportation services, including service provided by wheelchair accessible service providers on behalf of the permittee or registrant, as follows:

- (1) The total number of trips provided by the permittee or registrant in the city, specifying the number of trips provided by all authorized methodologies used to connect prospective passengers with the permittee's or registrant's vehicle for hire transportation service, including but not limited to the

number of trips provided as pre-arranged transportation services and the number of trips provided as a result of the direct, in-person solicitation of the licensee by a prospective passenger (i.e. street hailing), when direct, in-person solicitation of the licensee by a prospective passenger is an appropriate means of requesting vehicle for hire transportation services;

- (2) The total amount of revenue retained by the permittee or registrant;
- (3) The total amount of revenue retained by the permittee's or registrant's licensees;
- (4) The gross receipts generated by the permittee's or registrant's vehicle for hire service in the city, specifying the gross receipts produced as a result of all authorized methodologies used to connect prospective passengers with the permittee's or registrant's vehicle for hire transportation service, including but not limited to gross receipts generated from pre-arranged transportation services and the gross receipts generated as a result of the direct, in-person solicitation of the licensee by a prospective passenger (i.e. street hailing), when direct, in-person solicitation of the licensee by a prospective passenger is an appropriate means of requesting vehicle for hire transportation services;
- (5) The total number of trips provided to passengers traveling to George Bush Intercontinental Airport and William P. Hobby Airport, if applicable;
- (6) The total number of permitted vehicles in operation;
- (7) The total number of vehicles available and in use by the permittee or registrant that are wheelchair accessible vehicles or are vehicles constructed and designed or redesigned, modified, or equipped to provide vehicle for hire transportation services to persons with disabilities who require the use of a wheelchair as a means of movement or ability to move from one place to another;
- (8) The total number of wheelchair accessible trips requested of the permittee or registrant;
- (9) The total number of wheelchair accessible trips completed by the permittee or registrant;

- (10) The total number of wheelchair accessible trips refused by the permittee or registrant;
- (11) The average amount of time a passenger in need of a wheelchair accessible vehicle had to wait before pick up;
- (12) The total number of licensees that provide vehicle for hire transportation services on behalf of the permittee or registrant;
- (13) The total number of rides requested and accepted by the permittee or registrant and its licensees within each zip code within the city; and the number of rides that were requested but not accepted by the permittee or registrant and its licensees within each zip code;
- (14) The total number of accidents or collisions involving a permittee or registrant and its licensees, including the date and time of the accident or collision, the cause of the accident or collision; and
- (15) The total number of hours each of the permittee's or registrant's licensees spent providing vehicle for hire transportation services.
- (16) Additionally, taxicab permittees must comply with the requirements of section 46-35(c) of this Code."

Section 5. That the definition of the term *qualified vehicles for hire* in Section 46-451 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Qualified vehicles for hire means vehicles for hire authorized to provide such transportation services pursuant to articles II and X and division 3 of article IV of this chapter."

Section 6. That Chapter 46 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Article X that reads as set forth in Exhibit A, attached hereto and incorporated herein.

Section 7. That the City Council hereby approves the permit fee promulgated in Section 46-547, as added to the Code of Ordinances by this Ordinance, in the initial

amount of \$220.18. The Director of Finance shall incorporate this new approved fee in the City Fee Schedule.

Section 8. That the City Attorney is hereby authorized to direct the publisher of the Code of Ordinances, Houston, Texas, (the "Code") to make such nonsubstantive changes to the Code as are necessary to conform to the provisions adopted in this Ordinance, and also to make such changes to the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Code.

Section 9. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 10. That with the exception of **Section 6**, which shall take effect on the ninetieth day next following the date of passage and approval of this Ordinance, the provisions of this Ordinance shall become effective on the thirtieth day next following the date of passage and approval by the Mayor.

Section 11. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor;

therefore, this Ordinance shall be passed finally on such date and shall take effect as provided in **Section 10**, above.

PASSED AND APPROVED this 14th day of October, 2015.

Annie D. Parker
Mayor of the City of Houston

Jeanne
Jeanne

Prepared by Legal Dept. _____ Assistant City Attorney
TNE:JWG:asw 10/02/2015
Requested by Tina Paez, Director, Department of Administration and Regulatory Affairs
L.D. File No. 0371500168001

AYE	NO	
✓		MAYOR PARKER
....	COUNCIL MEMBERS
✓		STARDIG
✓		DAVIS
✓		COHEN
✓		BOYKINS
✓		MARTIN
✓		NGUYEN
	ABSENT ON PERSONAL BUSINESS	PENNINGTON
✓		GONZALEZ
✓		GALLEGOS
✓		LASTER
✓		GREEN
✓		COSTELLO
✓		ROBINSON
✓		KUBOSH
✓		BRADFORD
✓		CHRISTIE
CAPTION	ADOPTED	

CAPTION PUBLISHED IN DAILY COURT
REVIEW
DATE: OCT 20 2015

EXHIBIT A

ARTICLE X. WHEELCHAIR ACCESSIBLE SERVICE PROVIDERS

Sec. 46-541. Scope.

The provisions of this article shall not apply to wheelchair accessible vehicles for hire operated in accordance with a permit issued pursuant to another article of this chapter.

Sec. 46-542. Definitions.

When used in this article, the following words and terms shall have the meanings provided in this section, unless the context of their usage clearly indicates another meaning:

Wheelchair accessible service means a transportation service offered or provided to individuals with disabilities who require the use of a wheelchair on behalf of an entity that holds a valid permit or registration issued in accordance with another article of this chapter through a contractual relationship.

Wheelchair accessible service provider means an entity that contracts with another entity that holds a valid permit or registration in accordance with another article of this chapter to provide accessible service to the riding public.

Wheelchair accessible vehicle driver means an individual affiliated with a wheelchair accessible service provider transporting passengers for compensation using a wheelchair accessible vehicle.

Wheelchair accessible vehicle means any wheelchair accessible motor vehicle that is equipped with a ramp or lift or has been constructed and designed or redesigned, modified, or equipped to provide wheelchair accessible service to persons with disabilities who require the use of a wheelchair as a means of movement or ability to move from one place to another. Specifically excluded from this definition are wheelchair accessible vehicles permitted and operated in compliance with articles II through IX of this chapter.

Sec. 46-543. Permit required.

(a) No person shall operate a wheelchair accessible service provider in the city without a permit issued pursuant to this article.

(b) It shall be unlawful for any wheelchair accessible service provider permitted, licensed or authorized by another jurisdiction to initiate wheelchair accessible service provider service within the corporate boundaries of the city without a permit issued pursuant to this article; provided however, a wheelchair accessible vehicle operated by a driver affiliated with a wheelchair accessible service provider permitted, licensed, or authorized by or in another jurisdiction may come into the city to discharge a passenger whose trip originated outside of the city.

Sec. 46-544. Wheelchair accessible service provider permit—Application and qualifications.

(a) Each person desiring to obtain a permit shall apply on forms provided by the director and shall include all information required by this article.

(b) Each permit applicant (including the proprietor if a proprietorship, each partner if a partnership, or each corporate officer or director if a corporation) shall appear at a location specified by the director for identification and fingerprinting to determine the existence of any conviction of any applicable offense set forth in subsection (c) of section 1-10 of this Code. If any conviction exists, the director shall follow the procedures set forth in section 1-9 of this Code and conduct a hearing if timely requested.

(c) Each applicant for a permit required by this article must:

- (1) Have no conviction of an offense stated in subsection (c) of section 1-10 of this Code;
- (2) Identify the make, model, manufacturer's rated seating capacity, current rated seating capacity, and vehicle identification number for each wheelchair accessible vehicle to be used as a vehicle for hire;
- (3) Provide proof of insurance pursuant to the requirements of this article;
- (4) Not have had a license, permit, or registration issued under this chapter revoked or not renewed for cause by the city within the one-year period preceding the date of filing of the application;
- (5) Provide evidence that the applicant has a place of business within the metropolitan area from which the applicant's wheelchair accessible service will be operated and that such use of the location is in compliance with any applicable deed restrictions; and
- (6) Provide proof of a valid and current contract or service agreement with a permittee or registrant under any of articles II through IX of this chapter.
- (7) Provide any other information reasonably requested by the director for administration of this article.

Sec. 46-545. Review.

(a) Following review of the application, the director shall provide the applicant with written notification of the approval or denial of the requested permit. 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 application shall be returned, and the applicant shall be so advised.

(b) The submission of any false information or a materially incomplete application, including but not limited to an applicant's failure to provide any information reasonably requested by the director, shall be grounds for denial of the application. In the event of denial,

the applicant shall be given written notice of the basis for such action. The applicant shall be entitled to appeal a decision based, in whole or in part, upon section 1-10 of this Code. Notice of any denial shall comply with section 1-9 of this Code and applicable state laws.

(c) If the application is denied on the basis of the applicant's failure to satisfy any other requisites stated in this division, the applicant may request a hearing by submitting a written notice of appeal to the director within 15 business days following the date the director's decision is deposited in the United States mail. An informal hearing shall be conducted by an impartial hearing officer who shall render a decision within 30 business days from the date of the filing of the appeal. At the hearing, the burden shall be upon the applicant to demonstrate that he is entitled to the permit.

(d) If the reason for the denial of an application is curable, the director shall allow the applicant, upon a written request, to submit an amendment within the time allowed in subsections (b) and (c) for an appeal, in lieu of filing of an appeal. If the application is again denied, the applicant shall still be entitled to file an appeal within 15 business days following the date the director's decision regarding the amended application is deposited in the United States mail.

(e) Following approval of an application for a permit, the actual permit shall not be issued until the applicant has provided the make, model, manufacturer's seating capacity and vehicle identification number of each wheelchair accessible vehicle, if not provided with the application, and has paid the annual permit fee, obtained a certification decal, provided proof of insurance, provided proof of ownership or lease of each wheelchair accessible vehicle.

(f) The director shall promulgate regulations and procedures for any required hearings which shall be consistent with sections 1-9 and 1-10 of this Code and applicable state laws.

Sec. 46-546. License required.

It shall be unlawful for any person to operate wheelchair accessible vehicle as a vehicle for hire without a license issued pursuant to division 2 of article I of this chapter.

Sec. 46-547. Annual permit fee.

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.

Sec. 46-548. Vehicle inspection.

(a) It shall be unlawful for any person to operate or cause to be operated any wheelchair accessible vehicle used as a vehicle for hire, unless such vehicle has been inspected as required in this section and has a current and valid certification decal affixed thereto. Each wheelchair accessible vehicle used as a vehicle for hire shall be maintained in a safe and sanitary condition and shall be thoroughly cleaned and disinfected at least once in each 24-hour period.

(b) Each wheelchair accessible vehicle used as a vehicle for hire shall be inspected before it is initially placed into service and thereafter before October 1 of each year at such

location as the director may specify. The director shall approve the wheelchair accessible vehicle used as a vehicle for hire if he determines that:

- (1) The wheelchair accessible vehicle used as a vehicle for hire has current Texas registration sticker and the required Texas vehicle inspection documents for both safety and air quality, if applicable;
- (2) The wheelchair accessible vehicle used as a vehicle for hire is in generally sound working condition with no apparent safety-related defects, including but not limited to, inspection or testing of the speedometer, odometer, horn, windshield wipers, mirrors, steering, service brake, parking brake, tires, high beam indicator, tail lamp, stop lamps, license plate lamp, rear reflectors, turn signal lamps and headlamps and any installed safety devices to assist with wheelchairs;
- (3) The wheelchair accessible vehicle used as a vehicle for hire has a lap or lap/shoulder seat belt for the driver and for each passenger seating space to the extent the vehicle is so equipped by the manufacturer;
- (4) The wheelchair accessible vehicle used as a vehicle for hire has no seats that have been added in excess of the manufacturer's specifications; the vehicle may have fewer seats than in the specifications to accommodate one or more wheelchairs, provided appropriate safety devices, including but not limited to tiedowns, a ramp, or a lift, are installed; and
- (5) The wheelchair accessible vehicle used as a vehicle for hire complies with all other requirements of this article.

(c) Upon the satisfactory completion of the inspection, the director shall issue and permanently affix a certification decal to the lower right portion of the windshield of the wheelchair accessible vehicle used as a vehicle for hire. In any prosecution under this section, it shall be presumed that wheelchair accessible vehicle used as a vehicle for hire has not been inspected as required in this section unless it has a current and valid certification decal affixed thereto.

(d) Replacement certification decals shall be provided only upon reinspection of the wheelchair accessible vehicle used as a vehicle for hire.

(e) The director may inspect any wheelchair accessible vehicle used as a vehicle for hire and any records or documents required to be carried in or upon the wheelchair accessible vehicle used as a vehicle for hire at any time upon presentation of identification to the driver in order to determine operation in compliance with the provisions of this article and the regulations adopted hereunder by the director.

Sec. 46-549. Insurance.

(a) Notwithstanding any other provision of this article to the contrary, no permit shall become effective nor shall wheelchair accessible service be provided until the permittee has filed with the director the requisite proof of insurance insuring the general public against any loss or damage that may result to any person or property from the operation of a wheelchair accessible vehicle used as a vehicle for hire covered by the permit.

(b) The insurance required in subsection (a) shall be in a form of automobile liability coverage with limits of not less than \$1,000,000.00 combined single limit per accident 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.

(c) The insurance shall be for the protection of the passengers of wheelchair accessible vehicle used as a vehicle for hire as well as for the general public. The required insurance shall name the city as an additional insured. The policies issued under this section shall contain a provision for a continuing liability thereon up to the full amount thereof, notwithstanding any recovery thereon, and a provision requiring that 30 days written notice shall be given the city before cancellation of the policy is effective.

(d) If any insurer desires to be released from any insurance policy filed under this section, he may do so by giving written notice to the director at least 30 days before he desires to be released from liability. The director shall thereupon give written notice to the permittee and demand that the permittee furnish evidence of new insurance obtained before the expiration of the policy.

(e) If any policy is cancelled as herein provided, or expires and no new policy is filed by the permittee before the cancellation or expiration of the original insurance, the permit shall automatically be suspended, and the permittee shall discontinue the operation of the affected vehicles within the city. If a proper replacement policy is not provided to the director on or before the tenth business day after the date of termination or cancellation of the policy, the license shall automatically terminate.

(f) Proof of coverage shall be accepted only in the authorized form approved by the Texas Department of Insurance for that purpose.

Sec. 46-550. Authorized operators.

No wheelchair accessible vehicle used as a vehicle for hire shall be operated by anyone other than the permittee or an employee of the permittee or other person who may be operating the wheelchair accessible vehicle under a written agreement specifically incorporating therein any rules, regulations, and conditions as may be reasonably required by the director to ensure compliance with applicable laws and regulations. The permittee shall be responsible for any person operating under his permit whether the person is an employee or is a person operating under a written agreement. Any person operating a wheelchair accessible vehicle as a vehicle for hire on the streets or other public property of the city is presumed to be an employee of the permittee or to have entered into a written agreement with the permittee. Any person operating a wheelchair accessible vehicle as a vehicle for hire on the streets or other public property of the city shall be required to secure a license pursuant to article I of this chapter

Sec. 46-551. Receipt for payment of fare.

No licensee, upon receiving full payment for a fare as authorized by this article, shall refuse to provide a receipt upon the request of any passenger making a payment. The permittee

shall make available to each licensee a receipt book or other electronic instrument capable of creating a record to be used for this purpose.

Sec. 46-552. Permit amendment; nonexclusive.

(a) A permit is personal to the permittee to whom it is issued and may not be leased, rented, sold, transferred or conveyed by operation of law or otherwise. Provided, any change of proprietor, change of partnership interests or change of corporate officer or director as shown on the permit application shall render a permit void, unless an application for amendment is filed within ten days following the effective date of the change. The director shall promulgate procedures for the processing of amendments and may suspend the permit(s) 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 applicable offense as provided in subsection (c) of section 1-10 of this Code.

(b) Each permit is nonexclusive, and no limits or restrictions shall exist upon the number of wheelchair accessible vehicles used as a vehicle for hire that may be permitted, provided that each must be operated pursuant to a permit and in accordance with all applicable requirements of this article.

Sec. 46-553. Permit terms.

(a) A permit shall be valid for one year 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 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. 46-554. Street hails prohibited.

It shall be unlawful for a wheelchair accessible vehicle driver to accept or respond to a passenger's or potential passenger's request for service via traditional street hail, including hand gestures and verbal statements. It shall be unlawful for a wheelchair accessible vehicle driver to provide his or her direct phone number or email address to a passenger or potential passenger to enable requests for service. A wheelchair accessible service provider 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.

Sec. 46-555. Trips under contract.

(a) It shall be unlawful for a wheelchair accessible service provider to accept or respond to requests for service other than those received through contractual arrangement with an entity that holds a current and valid permit or registration issued in accordance with another article of this chapter.

(b) A wheelchair accessible service provider may not charge rates other than those established by contract with an entity that holds a current and valid permit or registration issued

in accordance with another article of this chapter. The pricing established for wheelchair accessible service must be equivalent to the pricing for non-accessible service provided to the general public by the entity that holds the current and valid permit or registration issued in accordance with another article of this chapter.

Sec. 46-556. Vehicle age and standards.

(a) Each wheelchair accessible vehicle must be a ramp- or lift-equipped wheelchair accessible vehicle or a vehicle constructed and designed or redesigned, modified, or equipped to provide vehicle for hire transportation services to persons with disabilities who require the use of a wheelchair as a means of movement or ability to move from one place to another.

(b) Except as provided in subsection (c) of this section, a licensee or permittee shall not drive or cause to be driven upon the streets of the city any wheelchair accessible vehicle that is more than six years old. For the purposes of this requirement, a wheelchair accessible vehicle will be considered to be six years old on September 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.

(c) A licensee or permittee may drive or cause to be a driven a wheelchair accessible vehicle indefinitely beyond the age limitation prescribed in subsection (b) of this section provided the licensee or permittee submits the wheelchair accessible vehicle 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 wheelchair accessible vehicle is in compliance with the provisions of section 46-548 of this Code and any other conditions of operation prescribed by the director.