**Chapter 46**

**VEHICLES FOR HIRE**

### ARTICLE I. IN GENERAL

Sec. 46-1. Definitions.

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

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 *Electric-drive vehicle* means a vehicle having an electric motor that uses electricity as its primary or secondary source of propulsion.

\* \* \*

 *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.

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**Sec. 46-2. Refusal to convey.**

 (a) It shall be unlawful for any permittee, registrant, or licensee to refuse to transport a passenger on the basis of a passenger's race, color, ethnicity, religion, sex, national origin, age, familial status, marital status, military status, sexual orientation, genetic information, gender identity, pregnancy or disability, including a driver's refusal to transport any service animal or medical equipment utilized in conjunction with a passenger's disability. All permittees, registrants, and licensees shall be required to provide safe, reliable, consistent and equivalent transportation services to the general public, including but not limited to persons with disabilities requesting transportation services from a specific class of vehicle for hire operating pursuant to this chapter.

 (b) It shall be unlawful for any permittee, registrant, or licensee to refuse to transport a passenger at the rates authorized by this chapter or to demand or receive an amount in excess of the rates authorized by this chapter. It is an affirmative defense to prosecution under this subsection that the permittee, registrant, or licensee advised the passenger of the fare or estimated fare to the passenger's destination, and the passenger advised that he did not have the means to pay the fare.

~~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, 2016, and end on January 12, 2017;~~

~~b. The second benchmark year shall begin on January 12, 2017, and end on January 12, 2018; 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.~~

~~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, 2015, 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.~~

 (c~~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.~~

**Sec. 46-2.1. ~~(i)~~ Inequity of service prohibited.**

 (a) When a wheelchair accessible vehicle is requested, the permittee or registrant must provide a wheelchair accessible vehicle, or cause one to be provided, without unreasonable delay.

 (b) 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.

**Sec. 46-3. ~~(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~~ sections 46-2 and 46-2.1 of this Code, 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.

**~~Sec. 46-3. Reserved.~~**

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Sec. 46-9.1. Passenger comfort; courtesy.

 (a) It shall be unlawful for the permittee or licensee to suffer, allow or cause the vehicle for hire to be in service at any time during which the vehicle's heating, ventilating, and air conditioning system, if applicable, is not in good repair and capable of functioning within the tolerances of the vehicle manufacturer's specifications.

 (b) It shall be the duty of the licensee to ensure that the vehicle for hire is operated for the comfort of the passengers and that the vehicle's heating, ventilating, and air conditioning system, if applicable, is in operation at all times while one or more passengers are present in the vehicle and is functioning in accordance with a passenger's reasonable request for heating, ventilating, or cooling, unless the passenger(s) specifically request that the system be turned off.

 (c) No licensee while operating a vehicle for hire ~~with passengers present~~ shall:

(1) Use abusive, indecent, profane or vulgar language that by its very utterance tends to incite an immediate breach of the peace;

(2) Make any offensive gesture or display that by its very nature tends to incite an immediate breach of the peace;

(3) Create by chemical means any noxious and unreasonable odor;

(4) Threaten another person in an obviously offensive manner;

(5) Fight with another person; or

(6) Engage in any other conduct that is a violation of law.

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Sec. 46-9.5. Blocking traffic prohibited.

 No licensee shall be authorized to remain at a curb or otherwise block traffic for the purpose of waiting to acquire a passenger, whether by dispatch or hail, unless the ~~taxicab~~ vehicle for hire is operating in compliance with Chapter 45 of this Code.

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**Sec. 46-11. Records to be kept by permittees and registrants.**

 (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, who operate wheelchair accessible vehicles 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~~2) The total number of wheelchair accessible trips provided to passengers traveling to and from George Bush Intercontinental Airport and William P. Hobby Airport, if applicable;

~~(6) The total number of permitted vehicles in operation;~~

(~~7~~3) 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~~4) The total number of wheelchair accessible trips requested of the permittee or registrant;

(~~9~~5) The total number of wheelchair accessible trips completed by the permittee or registrant; and

~~(10) The total number of wheelchair accessible trips refused by the permittee or registrant;~~

(~~11~~6) 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.~~

 ~~(c) Additionally, for purposes of law enforcement, emergency response, and complaint resolution, all permittees and registrants shall collect, maintain, and provide to the director, on demand, all tracking information concerning the permittee's or registrant's licensees and vehicles, including access to the licensee's identifying information, GPS location data, and whether or not the licensee is engaged with a passenger. The provisions of this subsection shall only apply to permittees and registrants operating vehicles for hire equipped with global positioning satellite equipment or permittees and registrants using internet-enabled applications or digital platforms to send or transmit electronic, radio or telephonic communication through the use of a portable or handheld device, monitor, smartphone, or other electronic device or unit indicating the location of the passenger which information is then relayed to a vehicle for hire by radio or data communication of any type.~~

 ~~(d) A permittee or registrant required to collect, maintain, and provide the operations data listed in subsection (a) of this section may request, each year, a waiver from the director excusing the permittee or registrant from all or part of the quarterly reporting requirements, provided the permittee or registrant:~~

~~(1) Clearly articulates the reason it is unable to provide the operations data required in subsection (a) of this section;~~

~~(2) Provides a sample of the operations data it is able to produce for submission consistent with the reporting requirements in subsection (a) of this section; and~~

~~(3) Submits a plan of action acknowledging the operations data submission requirements of subsection (a) of this section and provides a definitive timeframe within three years from the date of submitting its initial waiver request wherein the permittee or registrant will provide all operations data required pursuant to subsection (a) of this section.~~

~~The director shall review the waiver request and may grant the waiver upon the submission of all supporting documentation required pursuant to this subsection. A waiver request must be submitted at the time of renewal of the current permit or at the time of application if a permittee has not previously been permitted.~~

**Sec. 46-11.1. ~~Reserved~~ Tracking information and access to identifying information.**

 For purposes of law enforcement, emergency response, and complaint resolution, all permittees and registrants shall collect, maintain, and provide to the director, on demand, all tracking information concerning the permittee's or registrant's licensees and vehicles, including access to the licensee's identifying information. The provisions of this subsection shall only apply to permittees and registrants operating vehicles for hire equipped with global positioning satellite equipment or permittees and registrants using internet-enabled applications or digital platforms to send or transmit electronic, radio or telephonic communication through the use of a portable or handheld device, monitor, smartphone, or other electronic device or unit indicating the location of the passenger which information is then relayed to a vehicle for hire by radio or data communication of any type.

\* \* \*

Sec. 46-11.3. Vehicle for hire title classification.

 (a) No vehicle for hire authorized to operate as such pursuant to the terms of this chapter shall have a title classification of "salvage," "junk," "rebuilt-salvage," "total loss," "non-repairable," or any equivalent or comparable classification in any other jurisdiction.

 (b) The provisions of this section shall not be applicable to the renewal or amendment of permits for vehicles for hire operating with vehicle title classifications prescribed in subsection (a) that were originally issued on the basis of applications that were filed and permits issued on or before August 6, 2014, the date this section was adopted; provided however, the revocation of a permit for a vehicle operated pursuant to this special exemption or any transfer, lease, sale, rental, assignment or any other conveyance of a vehicle operated pursuant to this special exemption from a licensee or permittee shall result in the forfeiture of the privilege of operating pursuant thereto and shall require the submission of a new application and compliance with the vehicle for hire title classifications prescribed in this section.

 (c) The provisions of subsection (b) of this section shall not prohibit a licensee from transferring a vehicle operated pursuant to this special exception from one permittee to another permittee.

 (d) A licensee or permittee may operate a vehicle pursuant to the special exemption in subsection (b) provided the licensee or permittee submits the vehicle for annual inspection at a location authorized and identified by the director and the vehicle is determined to be in compliance with the provisions of this chapter and any other conditions of operation prescribed by the director.

\* \* \*

Sec. 46-14. Vehicle for hire driver's license required.

 (a) It shall be unlawful for any person who does not hold a current and valid license issued pursuant to this division to operate a vehicle for hire on the streets of the city. A duly authorized licensee shall have a current and valid license in his possession at all times when operating a vehicle for hire and shall display the license to any peace officer or city inspector upon request.

 (b) No permittee shall suffer or allow any vehicle for hire to be driven by anyone who does not possess a current and valid license issued pursuant to the terms of this division.

 (c) The provisions of this division shall be cumulative of all other additional license requirements contained in this chapter applicable to the license for the operation of a specific vehicle for hire.

 (d) All licenses issued pursuant to the provisions of this article and applicable to this chapter shall be specific to the vehicle for hire indicated in the license application.

 (e) The requirements of this section do not apply to the driver of a sightseeing or charter vehicle.

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**ARTICLE II. TAXICABS**

DIVISION 1. GENERALLY

Sec. 46-16. Definitions.

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

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*~~Gross receipts~~* ~~means an amount of money equal to the total of all fares received and charged for the carriage of passengers by taxicabs permitted to a permittee, including all tip revenue and reservation and billing service fees, if any. Provided, however, special passenger charges for taxicab operations at city airports and toll road fees allowable under this article shall not be included in the calculation of gross receipts.~~

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*~~Hybrid-electric vehicle~~* ~~means a vehicle that is propelled by the use of two or more distinct power sources consisting of an internal combustion engine and an on-board rechargeable energy storage system.~~

\* \* \*

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

 (a) Before any permittee may put a taxicab into service or replace a taxicab, he shall submit, for the director's approval, the vehicle, the certificate of title showing the current true ownership of the vehicle, his public liability insurance policy, insurance endorsement or evidence of self-insurance and, in the case of a leased vehicle, the written lease contract. In addition, before a permittee may replace a taxicab that is an electric-drive vehicle with a vehicle that is not an electric-drive vehicle, the permittee shall be required to pay, in full, the difference between the permit fee amount he paid for the electric-drive vehicle and the permit fee amount for the replacement vehicle.

 (b) The director shall not authorize a vehicle to initially be placed into service unless it is equipped with an air conditioning system that was factory-installed by the vehicle manufacturer.

Sec. 46-19. ~~Reserved~~ Accessibility training.

 Each permittee who first receives a permit and each licensee who receives a license after \_\_\_\_\_\_\_\_\_\_\_\_\_[[1]](#footnote-2), 2019, shall attend an accessibility training course designated by regulation of the director.

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Sec. 46-21. Identification of vehicles generally.

 (a) A permittee or licensee shall not drive or cause or suffer to be driven or operate or cause to be operated a taxicab in the city unless the taxicab has signs on ~~the front door on~~ each side of the taxicab stating the telephone number and the name or the assumed name under which the owner operates or the name of the partnership, copartnership, association, society or corporation under which the owner operates the taxicab, as is on file with the director. ~~The name and numbers shall be not less than three inches in length and not less than 5/16 of one inch in width and shall be a solid color that contrasts with the background.~~ The name and numbers ~~on the front door~~ of the taxicab shall be placed in a location and in a size ~~approved~~ as provided by regulation of the director. ~~The telephone number shall also be placed where plainly visible on the rear of the taxicab.~~

 (b) A permittee shall not operate or cause or suffer or allow to be operated a taxicab in the city unless and until a permit number has been assigned by the director at the time the permit is issued under this article. The number shall remain in full force and effect for each permit so long as the permit remains valid. The number shall be displayed on the taxicab in four separate and plainly visible locations and in a size as provided by regulation of the director ~~as follows: on the right of the trunk lid when viewed from the rear of the taxicab; on the left of the hood when viewed from the front of the taxicab; and one on each side of the taxicab~~. ~~If a taxicab has only one rear door, then the number for the side where there is no rear door shall be placed in an alternative location designated by the director. Each number shall be not less than three inches in length and not less than 5/16 of one inch in width.~~

**Sec. 46-22.** **Vehicle color scheme.**

 (a) A permittee or licensee shall not drive or cause to be driven any taxicab in the city until the permittee has filed with the director, for approval, the primary color scheme that he proposes to use under his ownership or radio service. All vehicles operating under the same company name shall be the same color scheme. ~~In approving or disapproving the primary color scheme submitted, the director shall consider the primary color scheme presently in use by the permittee and the primary color schemes of other permittees.~~

 (b) ~~All new entrant applicants~~ A permittee who operates pursuant to a permit transferred in accordance with section 46-72 of this Code or distributed after\_\_\_\_\_\_\_\_\_\_\_\_\_[[2]](#footnote-3), 2019, must operate vehicles that are white, and all signage letters on the vehicles must be dark or deep green. The vehicle primary color scheme shall ~~also have~~ include a 2-inch wide dark or deep green ~~wide~~ stripe along the length of the vehicle, placement of which shall be designated by the director. However, if a vehicle operated pursuant to the permit transfer or distribution is at the time of the transfer or distribution authorized to operate under a leased permit, the permittee may operate the leased vehicle without changing the color scheme until such time as the vehicle is replaced. Replacement vehicles must be operated in compliance with this subsection. The director shall determine whether the colors submitted by the permittee comply with the requirements articulated within this section.

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

Sec. 46-23. Certification decals and ~~taxicab~~ permits.

 At the time a ~~taxicab~~ permit is issued or renewed under this article, the director shall issue one certification decal to the permittee for the taxicab covered by the permit. The certification decal and ~~taxicab~~ permit shall be attached to the taxicab for which it is issued, at the place on the taxicab designated by the director and shall be affixed by the director or designee. It shall further be unlawful for any person to drive a taxicab without the certification decal and permit being so attached. The reissuance of any certification decal that is lost, mutilated or otherwise rendered unusable shall be provided only upon reinspection of the taxicab.

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Sec. 46-26. Taxicabs at George Bush Intercontinental Airport/Houston.

 (a) The provisions of this section shall apply to all taxicab service at any place upon the grounds of George Bush Intercontinental Airport/Houston (IAH).

 (b) The director of ~~aviation~~ the Houston Airport System shall establish one or more locations at or near the various terminal buildings at IAH as taxicab arrival and departure loading zones for the loading and discharge of passengers and baggage by taxicabs. It shall be unlawful for any licensee to load or discharge passengers or baggage at any location within the airline terminal areas of IAH other than in a zone so established.

 (c) The director of ~~aviation~~ the Houston Airport System shall establish taxicab standing lines to service the departure loading zones designated under subsection (b) above. It shall be unlawful for any licensee to cause his vehicle to stand upon any area of IAH other than in a designated standing line. It is a defense to prosecution under this subsection that the operator has lawfully stopped his vehicle in order to comply with a traffic control device or that the operator is actually and lawfully engaged in the loading or unloading of passengers or baggage.

 (d) Except where the passenger may request the service of a particular taxicab, departing passengers at IAH terminals will be assigned to taxicabs waiting in the standing lines by starters who have been designated by the director of ~~aviation~~ the Houston Airport System to operate the various departure zones and standing lines. Taxicabs will be assigned from the standing lines on a first-in-line-first-to-depart basis, provided that the director of ~~aviation~~ the Houston Airport System shall administratively provide by rule for the priority reassignment of any taxicab operating from a standing line that receives a short trip. For purposes of this provision, short trip means a trip within an area immediately adjacent to IAH as defined on a map promulgated for that purpose by the director of ~~aviation~~ the Houston Airport System.

 (e) A licensee carrying a passenger or passengers from IAH shall pay to the city the airport use fee established from time to time by division 3 of article II of chapter 9 of this Code. The licensee shall deposit the fee in the manner prescribed by the director of ~~aviation~~ the Houston Airport System, and the fee may be added by the licensee to metered fares and flat rate fares for trips originating from IAH. Where passengers are being carried to two or more destinations, the airport use fee shall be prorated among them on a per destination basis.

Sec. 46-27. Operation at William P. Hobby Airport.

 (a) The director of the ~~department of aviation~~ the Houston Airport System is hereby authorized to designate one or more locations on the airport adjacent to the airline terminal building at the William P. Hobby Airport (HOU) as standing and loading zones for the loading and discharge of passengers and baggage by taxicabs. It shall be unlawful for a licensee to load or discharge passengers or baggage at any other location within the airline terminal building area of the airport.

 (b) A licensee carrying a passenger or passengers from the airline terminal building at the HOU shall pay to the city the airport use fee established from time to time by division 3 of article II of chapter 9 of this Code. The licensee shall deposit the fee in the manner prescribed by the director of ~~aviation~~ the Houston Airport System, and the fee may be added by the licensee to metered fares and flat rate fares for trips originating from HOU. Where passengers are being carried to two or more destinations, the airport use fee shall be prorated among them on a per destination basis.

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Sec. 46-30. Taximeter.

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

(1) The passenger had a valid license issued by the city at the time he was riding as a passenger;

(2) The passenger had not driven a taxicab within the city for 30 days or more prior to the date the defendant was charged for violation of this subsection; and

(3) At the time the person was riding as a passenger, there was a sign indicating that a passenger was riding for purposes of training as a licensee. The sign must be located so that it would be visible to any person who might ride in the vehicle as a passenger for hire.

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

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

 (d) Upon receipt of a complaint or information that a permittee or licensee is operating or has operated a taxicab vehicle in violation of this section, the director shall require the subject permittee’s or licensee’s records and the subject taxicab vehicle’s taximeter to ~~Taximeters shall~~ be inspected ~~and sealed~~ by the director at a time and location designated by the director. ~~at the time the taxicab is initially placed into service, during vehicle inspections conducted under this article, and before the taxicab is placed back into service following any repair, modification, or adjustment to the taximeter.~~

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

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

~~(1) The period commencing at noon on a Friday or on the day preceding a city-observed holiday and extending until 8:00 a.m. on the next day that is not a Saturday, Sunday, or city-observed holiday; or~~

~~(2) The period commencing at 5:00 p.m. Monday through Thursday until 8:00 a.m. the next business day when the department of administration and regulatory affairs resumes vehicle inspections.~~

~~Use of a temporary seal that functions and is used in accordance with all requirements of this chapter during the aforesaid periods is an affirmative defense to prosecution under this section.~~

Sec. 46-31. Rates prescribed.

 (a) Except for taxicabs dispatched through a mobile dispatch service, all ~~taxicab~~ permittees and licensees shall comply with and abide by the rates established in this section:

(1) *Daytime metered travel.* For daytime trips, the maximum metered travel fee shall be $2.91 ~~2.75~~ for the first 1/11 of a mile or less plus $0.21 ~~0.20~~ for each additional 1/11 of a mile or less.

(2) *Nighttime metered travel.* For nighttime trips, the maximum metered travel fee shall be $3.91 ~~3.75~~ for the first 1/11 of a mile or less plus $0.21 ~~0.20~~ for each additional 1/11 of a mile or less.

(3) *IAH flat rates.* Alternative maximum flat rates shall be imposed for trips between George Bush Intercontinental Airport/Houston (IAH) and its geographic zones I through X. Current maximum rates shall be posted on the website maintained by the department of administration and regulatory affairs and kept on file in the office of the city secretary, where, upon request, such rates shall be made available for viewing during normal business hours. Provided that the lesser of the applicable flat rate or the actual metered rate shall be charged. A copy of the zone map for IAH taxicab rates shall remain on file for public inspection in the office of the city secretary. The centers of the streets and geographic features noted thereon as boundary lines shall determine boundaries between adjacent zones. The foregoing zone rates exclude the airport use fees, which may be additionally imposed on metered or flat fares.

(4) *HOU flat rates.* Alternative maximum flat rates shall be imposed for trips between William P. Hobby Airport (HOU) and its geographic zones I through XI. Current maximum rates shall be posted on the website maintained by the department of administration and regulatory affairs and kept on file in the office of the city secretary, where, upon request, such rates shall be made available for viewing during normal business hours. Provided that the lesser of the applicable flat rate or the actual metered rate shall be charged. A copy of the zone map for HOU taxicab rates shall remain on file for public inspection in the office of the city secretary. The centers of the streets and geographic features noted thereon as boundary lines shall determine boundaries between adjacent zones. The foregoing zone rates exclude the airport use fees, which may be additionally imposed on metered or flat fares.

(5) *Waiting time.* An amount not to exceed $24.00 per hour may be charged for waiting time, provided the clock on the taximeter is set and regulated at a rate not to exceed $24.00 per hour.

(6) *Hand luggage.* No charge will be made for hand luggage.

(7) *Reservation and billing service fee:*

a. A reservation and billing service fee may be added to the total trip charges authorized in this section, provided:

1. The trip originates with an advance reservation; and

2. At the request of the account holder or his authorized agent the fare and other charges are billed on account by the permittee, rather than being paid at the end of the trip.

 The reservation and billing service fee shall not exceed ten percent of the total trip charges imposed, including the tip, if any.

b. Notwithstanding the foregoing, this item (7) shall not be construed to authorize the operation of a taxicab service in such manner as to constitute a chauffeured limousine service. In the event of conflict, the provisions of article IV of this chapter shall prevail.

(8) *Toll road fee.* In addition to the fees prescribed in this section, the permittees and licensees may impose a toll road fee in an amount exactly equal to any fees imposed by the Harris County Toll Road Authority for use of its facilities during the trip, provided that the imposition of the fee is noted on the posted rate card, and further provided that the passenger(s) are notified of the fee before the taxicab enters the toll road. Where passengers are being carried to two or more destinations, the toll road fees shall be prorated among them, per destination.

(9) *Alternate central business district flat rate.* An alternate maximum flat rate of $6.00 shall be imposed for trips entirely within the central business district. All forms of payment shall be accepted for these trips.

(10) *~~Annual~~ TCI review and rate adjustment.* The director shall promulgate regulations regarding ~~On or before December 31~~~~st~~ ~~of each year, the director shall conduct a~~ review of the TCI and its factors and weighting, which shall be used to determine whether taxicab rates need to be adjusted, and regarding the review of rates and the implementation of new rates, should they be deemed necessary. Current rates as adjusted by the TCI shall be posted on the website maintained by the department of administration and regulatory affairs and kept on file in the office of the city secretary and, upon request, made available for viewing during normal business hours. ~~The TCI shall be weighted as indicated in Table 46-1 below:~~

|  |
| --- |
| **~~Table 46-1~~** **~~Taxi Cost Index Factors and Weighting~~** |
| ~~Fuel~~  | ~~22.0%~~  | ~~CPI—Gasoline (All Types)—Houston-Galveston-Brazoria, TX~~  |
| ~~Repairs and Maintenance~~  | ~~7.0%~~  | ~~CPI—Motor Vehicle Maintenance—US City Average~~  |
| ~~Parts and Equipment~~  | ~~7.0%~~  | ~~CPI—Motor Vehicle Parts and Equipment—US City Average~~  |
| ~~Insurance~~  | ~~6.0%~~  | ~~CPI—Motor Vehicle Insurance—US City Average~~  |
| ~~Depreciation/Return on Investment~~  | ~~4.0%~~  | ~~CPI—Used Cars and Trucks—City Size A~~  |
| ~~Driver/Operator Returns—Part I~~  | ~~25.0%~~  | ~~Average Hourly Earnings—Transit and Ground Transportation—National~~  |
| ~~Driver/Operator Returns—Part II~~  | ~~25.0%~~  | ~~CPI—All Items—Houston-Galveston-Brazoria, TX~~  |
| ~~Fees and Miscellaneous~~  | ~~4.0%~~  | ~~CPI—All Items—Houston-Galveston-Brazoria, TX~~  |
| **~~Total~~**  | **~~100.0%~~**  |  |

~~(11)~~ *~~Requested taxicab rate review.~~* ~~A review of the taxicab rates may also be initiated by taxicab owners and operators by making a request in writing to the director. Upon receipt of a request for a rate review, the director shall prepare an estimate of the administrative cost of the rate review. If the taxicab owner or operator determines to proceed with the rate review, the owner or operator shall submit a cashier's check to the director for the full amount determined by the director. The rate review shall be conducted in accordance with the procedures established for that purpose by the director. Without limitation, the director may select a representative group of taxicab owners and operators and request that they provide verified financial data and vehicle-operating data regarding their operating costs and return on investment for use as a basis in conducting the review. Following receipt and review of the information, the director shall make a recommendation to city council whether a rate adjustment is justified, and, if so, the amount of the recommended rate adjustment. If a rate adjustment is recommended to city council, then city council shall conduct a hearing before adopting any adjustment to the taxicab rate.~~

|  |
| --- |
| **~~Table 46-1~~** **~~Taxi Cost Index Factors and Weighting~~** |
| ~~Fuel~~  | ~~22.0%~~  | ~~CPI—Gasoline (All Types)—Applicable Core Based Statistical Area~~ |
| ~~Repairs and Maintenance~~  | ~~7.0%~~  | ~~CPI—Motor Vehicle Maintenance—US City Average~~ |
| ~~Parts and Equipment~~  | ~~7.0%~~  | ~~CPI—Motor Vehicle Parts and Equipment—US City Average~~ |
| ~~Insurance~~  | ~~6.0%~~  | ~~CPI—Motor Vehicle Insurance—US City Average~~ |
| ~~Depreciation/Return on Investment~~  | ~~4.0%~~  | ~~CPI—Used Cars and Trucks—City Size A~~  |
| ~~Driver/Operator Returns—Part I~~  | ~~25.0%~~  | ~~Average Hourly Earnings—Transit and Ground Transportation—National~~ |
| ~~Driver/Operator Returns—Part II~~  | ~~25.0%~~  | ~~CPI—All Items—Applicable Core Based Statistical Area~~ |
| ~~Fees and Miscellaneous~~  | ~~4.0%~~  | ~~CPI—All Items—Applicable Core Based Statistical Area~~ |
| **~~Total~~**  | **~~100.0%~~**  |  |

~~(12)~~ *~~Annual automatic rate adjustment.~~* ~~Except for years in which a rate adjustment adopted by city council under item (11) of this subsection will take effect, the director shall make an automatic rate adjustment if:~~

~~a. The TCI has changed by more than five percent since the last rate adjustment; or~~

~~b. At least three years have elapsed since the effective date of the most recent rate adjustment;~~

 ~~provided however, an increase in the TCI resulting in a rate adjustment of ten percent or more of the current taxicab rates shall require the approval of city council.~~

 ~~The TCI shall be computed annually and shall be based upon the not seasonally adjusted data for the month of October, rounded to the nearest $0.05. Automatic adjustments to the rates shall be calculated by applying the percentage change in the TCI to the current six mile fare. The new rates shall be effective February 1 of the following year. Written notice of the automatically adjusted rates shall be provided by regular mail to taxi permittees not later than the 30~~~~th~~ ~~day before the rates go into effect.~~

 ~~This item does not apply to the flat rate specified in item (9).~~

 (b) The director shall establish a taxicab passenger capacity rating (exclusive of children in arms), which will constitute the maximum number of passengers that may be carried simultaneously.

 (c) In the event two or more taxicab passengers are going to the same destination, the licensee shall collect only one fare as recorded on the taximeter. If the passengers are going to different destinations, the licensee shall clear his taximeter at the first destination and charge the first passenger the amount recorded on the taximeter, and then proceed to the next destination as though it were a completely new trip. Other destinations shall be treated likewise.

 (d) Where any permittee has contracted with any department, agency or subdivision of the state, the United States or any foreign government or any nonprofit charitable organization for the transportation of passengers for the entity on a regular basis within the corporate limits of the city, the permittee is authorized, in lieu of the fares prescribed in subsection (a) above, to make other charges as are agreed to in writing by the contracting parties and filed with the director, prior to the transportation of passengers under the contract. A permittee or licensee transporting contract passengers under this subsection must fully comply with all other applicable provisions of this article.

 (e) Senior citizens' discount:

(1) *Rate; restrictions.* Any taxicab passenger 60 years old or older who provides to the licensee proof of age as specified in this subsection at the time the fare is collected shall be charged a reduced fare equal to 90 percent of the fee otherwise applicable as set out in items (a)(1) through (a)(5) of this section; provided, however, the reduced fare set out in this subsection shall not be applicable in any of ~~in~~ the following situations:

a. In the event the passenger has ridden in the taxicab to the same destination with another passenger who is not an attendant but is 13 years of age or older but less than 60 years of age;

b. The passenger is a person with disabilities who is riding in the taxicab pursuant to the terms of a contract between the ~~taxicab~~ permittee and the Metropolitan Transit Authority; or

c. The fare is being charged to any account other than the passenger's personal account.

 For purposes of this item, an attendant is a person who is accompanying a passenger because the passenger is physically or mentally unable to travel alone.

(2) *Proof of age.* To provide proof of age for the purposes of this subsection, the taxicab passenger must allow the licensee to examine one of the following identification documents that has been issued to the passenger and that has a picture of the passenger thereon:

a. A driver license or identification card issued by a state of the United States;

b. A military identification card;

c. A passport; or

d. An alien registration receipt card (Form I-551 or I-151) or border crossing card issued by the United States Immigration Service.

(3) *Posting of notice in taxicab.* A person shall not operate a taxicab unless a notice regarding the discount set out in this subsection is posted in the passenger area of the taxicab. The director shall specify the information to be set out on the notice, the size of the print, the colors, and the location where the notice shall be placed.

 (f) A permittee may charge rates that are lower than the maximum rates approved in this section, provided the permittee must file its schedule of rates or any revisions to its schedule with the director at least 10 days before the rates become effective.

 ~~(f) All taxicabs dispatched through a mobile dispatch service shall display their fare rate and provide a fare rate estimator on their website, internet-enabled application, or digital platform used by the permittee to connect drivers and passengers.~~

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

 (a) Each permitted taxicab shall be equipped with a license and rate card holder approved by the director. The holder shall be mounted on the taximeter or dashboard of the taxicab in a conspicuous location where the contents thereof may be seen by the passengers. It shall be the duty of the permittee and licensee to place in the holder the city-issued license containing a picture of the licensee, the licensee's name and description, and a rate card showing the name of the permittee and the approved maximum taxicab rates specified in section 46-31 of this Code and the rates that will be charged by the permittee or licensee, if the rates are lower. The size and contents of the license and the rate cards shall be approved by the director.

 (b) It shall be the duty of the permittee and licensee of each taxicab to ensure that the taxicab has cards posted showing the rates for travel to and from IAH and to and from HOU for each zone as specified in section 46-31 of this Code and the taxicab zone rates that will be charged by the permittee or licensee, if the rates are lower, ~~and~~ as well as a map depicting the zones. One card shall be posted ~~on the dashboard~~ in a location conspicuous to a passenger in the front seat and the other card shall be posted ~~on the back of the front seat or at the top of the inside of either rear door window~~ in a location in the back seats so that the contents thereof can be seen by ~~the other~~ passengers riding in the back seats ~~cab~~.

 (c) It shall be the duty of each permittee and licensee to post a card with the telephone numbers of the director and the permittee for complaint purposes regarding taxicab services or charges. This card shall be mounted adjacent to the rate cards required by this section and shall instruct the passenger that if he wishes to file a complaint, he should obtain the taxicab number as posted on the taxicab, date, time, destination, and fare charged. ~~The director shall approve the size of the print, the colors, and the information to be provided on each card as he finds necessary so that the information may be easily read by passengers.~~

 (d) It shall be the duty of each permittee and licensee to post a card that indicates whether smoking is permitted or prohibited in the taxicab. ~~The director shall approve the size of the print, the colors, and the information to be provided on each card as he finds necessary so that the information may be easily read by passengers.~~

 (e) In lieu of placement of the information cards required in this section, the director may authorize the information to be displayed on the passenger information module in the rear of the vehicle.

 (f) Each permittee and licensee shall ensure that the fare rates charged for travel in a taxicab are displayed as provided in subsection (b) of this section. Each permittee and licensee whose taxicab is dispatched through a mobile dispatch service shall ensure that the fare rates charged for travel in his taxicab are displayed along with a fare rate estimator, on the website, internet-enabled application, or digital platform used by the permittee to connect drivers and passengers.

**Sec. 46-33. Payment method.**

 ~~(a)~~ A permittee or licensee ~~or permittee~~ shall not drive or cause or suffer or allow to be driven a taxicab in the city, unless it is equipped with a properly functioning credit card payment device ~~integrated with a global positioning satellite system~~ that either is mounted in a location that is within reach of a customer in a rear seat or can be passed to a passenger in a front seat or back seat. Additionally, it shall be unlawful for any permittee or licensee to refuse to accept a passenger's payment of posted rates by credit card. The use of other credit card payment devices that do not allow the passenger to maintain control of his credit card is expressly prohibited.

 ~~(b) The credit card payment device integrated with a global positioning satellite system shall be inspected and approved by the director at the time the taxicab is initially placed into service, during vehicle inspections conducted under this article, and before the taxicab is placed back into service following any repair, modification, or adjustment to the taximeter.~~

\* \* \*

**Sec. 46-35. Required operation; placing taxicab vehicles into service ~~taking vehicles out of service generally~~.**

 (a) Permittees shall pick up or accept delivery of any permit~~(s)~~ initially granted under ~~division 2 of~~ this article and place the taxicab~~(s)~~ into service as follows:

(1) The permittee shall pick up or accept delivery of the permit~~(s)~~ and place the taxicab~~(s)~~ into service within 180 days subsequent to the date of the granting of the permit~~s~~; ~~and~~

(2) The permittee shall present the taxicab for initial placement into service and for inspection at a location authorized and identified by the director within 180 days subsequent to the date of the granting of the permits; and

(3) If any permit is not obtained or any taxicab is not placed into service as provided herein, the permit shall be automatically revoked, and the director shall cause the permittee to surrender any certification decals or other permit indicia that have been issued.

 (b) Permittees shall operate or cause their taxicabs to be operated whenever public convenience requires that the taxicabs be in operation. The director may order any or all permittees to put into operation any taxicab not then in operation whenever public convenience requires that all permitted taxicabs be in operation.

 ~~(c) Permittees may take out of service those taxicabs that require repairs or that need to be taken out of service for any other reason, with the exception that permittees having ten or more taxicab permits must have not less than 60 percent of their taxicabs in operable condition and in service at all times. Permittees having fewer than ten taxicab permits must have not less than 50 percent of their taxicabs in operable condition at all times. Permittees shall furnish the director with quarterly reports demonstrating the percentage of their taxicabs in operable condition and in service at all times.~~

~~(d) The director may, upon the request of a permittee and the surrender of one or more taxicab permits to the director, hold surrendered permits for the permittee for a period not to exceed one year without revoking the permits for nonuse. The director may hold permits for a permittee as herein provided when the circumstances causing their non-utilization are beyond the control of the permittee and when the holding of the permit(s) by the director would not adversely affect public convenience. Only permittees who hold ten permits or fewer may use illness as a reason to request the holding of permits. The permittee must provide to the director verifiable proof/documentation of the circumstances, and the circumstances must be specifically related to the permittee's illness. The director may hold permits as herein provided once in a five-year period commencing on the date the surrender is accepted by the director. Once any of a permittee's permits are surrendered to the director for holding, no other permits held by the same permittee may be surrendered for holding during the five-year period. Permits surrendered by the permittee must be redeemed by the end of the surrender period by payment of all fees due, plus interest. The applicable interest rate~~ ~~shall be based on the rate of interest for variable rate demand obligations as fixed by the city's financial underwriting firm and shall be the average of that rate current as of the date of acceptance of surrender of the permits by the director and that rate current as of the date of redemption of the permits. Permits not redeemed within 30 days following the surrender period will automatically be revoked. A permittee who has paid the requisite fee is not entitled to a refund of the fee under the provisions of section 46-68(b) of this Code.~~

\* \* \*

#### DIVISION 2. VEHICLE PERMIT

Sec. 46-61. Definitions.

 As used in this division, the following words and terms shall have the meanings assigned to them in this section:

*~~Airport taxicab usage adjustment factor~~* ~~means the percentage increase or decrease between the mean annual airport taxicab usage and the base year airport taxicab usage.~~

*~~Available permit number~~* ~~means the number of permits made available for distribution, if any, as computed for a permit computation year pursuant to section 46-63 of this Code.~~

*~~Base year airport taxicab usage~~* ~~means either (1) the mean annual airport taxicab usage for the last preceding permit computation year in which the issuance of permits was considered, or (2) the mean annual airport taxicab usage calculated for any preceding permit computation year in which the issuance of permits was considered, wherever is greater. Notwithstanding the foregoing, the base year airport taxicab usage for permit computation year 2011 shall be 600,270.~~

*~~Base year population~~* ~~means the mean annual population of the city for the last preceding permit computation year in which the issuance of permits was considered. Notwithstanding the foregoing, the base year population for permit computation year 2011 shall be 2,076,189.~~

*~~Mean annual airport taxicab usage~~* ~~means the combined number of taxicab passenger trip starts commenced at George Bush Intercontinental Airport/Houston and William P. Hobby Airport during the three calendar years preceding each permit computation year as counted and compiled by the department of aviation and provided to the director. By example, the formula for determining the mean annual airport taxicab usage for permit computation year 2011 is expressed as follows:~~

 ~~airport taxicab usage 2008~~

~~Mean annual airport taxicab usage = airport taxicab usage 2009 + airport taxicab usage 2010                       3~~

*~~Mean annual population~~* ~~means the mathematical average of the population for the city published by the United States Census Bureau as of June 30 for the three years preceding the permit computation year, whether a decennial census population or an interim estimated population. The published Census Bureau data shall be utilized without adjustment unless the planning and development director advises the director that the Census Bureau has not included territory added to the city by annexation, in which case the director of planning and development shall provide to the director an adjusted population to include, based upon Census Bureau data, the population in the annexed territory. By example, the formula for determining the mean annual population for permit computation year 2011 is expressed as follows:~~

 ~~population estimate 2008~~

~~Mean annual population = population estimate 2009 + population estimate 2010                       3~~

*~~New entrant applicant~~* ~~means a permit applicant who is not a permittee or principal of a permittee.~~

 *Operator* means the person who is or will be principally in charge of the day-to-day operations of a permittee or applicant for a permit.

 *~~Other applicant~~* ~~means any permit applicant who is not a new entrant applicant.~~

*~~Permit computation year~~* ~~means a year in which the issuance of taxicab permits shall be considered. The first permit computation year shall be 2007. The next permit computation year shall be 2011, and subsequent permit computation years shall occur at three year intervals (2014, 2017, 2020, etc.).~~

*~~Permit computation year base permit number~~* ~~means the total number of city taxicab permits then authorized on June 1 of a permit computation year.~~

*~~Permit computation year base permittee number~~* ~~means the number of permittees that exists as of June 1 of a permit computation year.~~

*~~Permit distribution year~~* ~~means the calendar year immediately following the permit computation year. The first permit distribution year shall be 2008. The next permit distribution year shall be 2012, and subsequent permit distribution years shall occur at three year intervals (2015, 2018, 2021, etc.).~~

*~~Population adjustment factor~~* ~~means the percentage increase or decrease between the mean annual population and the base year population.~~

 *Principal* means the operator and also includes in the case of a proprietorship the proprietor and proprietor's spouse, in the case of a partnership each partner, and in the case of a corporation each corporate officer or director. For any other form of entity, the term shall include the equivalent persons as determined by the director.

*~~Taxicab trip adjustment factor~~* ~~means the mean average of the population adjustment factor and the airport taxicab usage adjustment factor.~~

\* \* \*

**Sec. 46-63. Reserved. ~~Computation of permits to be distributed, if any.~~**

 ~~(a) On or before September 1 of each permit computation year, the director shall compute the taxicab permit adjustment factor, permit computation year base permit number and permit computation year base permittee number and cause the data to be published one time in a newspaper of general circulation and to be mailed to each permittee and licensee at the permittees' and licensees' last known addresses. The director shall provide a written explanation of the computations to any person who requests the data.~~

 ~~(b) Any interested person may appeal the director's computations as published under subsection (a) by filing a notice of appeal in the director's office on or before September 15 of the permit computation year. The appeal notice shall specify in detail the nature of any errors that are alleged in the director's computations. In the event of an appeal, the director shall cause an appeal hearing to be conducted by a hearing examiner in which all appellants may jointly participate. The hearing examiner's decision shall be rendered on or before October 15 and shall be final.~~

 ~~(c) Following the computations under subsection (a) and resolution of any appeals therefrom under subsection (b), a mathematical determination shall be made whether any taxicab permits are to be issued. If the taxicab permit adjustment factor is a negative percentage or is zero, then no permits shall be issued. If the taxicab permit adjustment factor is a positive number, then the taxicab permit adjustment factor shall be multiplied by the permit computation year base permit number, and the result is the available permit number.~~

**Sec. 46-64. ~~Redistribution~~ Availability of ~~available~~ permits for distribution.**

 (a) A permit that has been surrendered or revoked shall revert to the city and be held for redistribution in the annual permit distribution and drawing process as provided in this article.

 ~~(a) For purposes of distribution, the available permit number shall be divided into two categories:~~

~~(1) A number of permits equal to five percent of the available permits, rounded to the nearest whole number (with a fraction of ½ rounded up), shall be reserved for new entrant applicants.~~

~~(2) Based upon the computation provided in item (1) above, the balance of the available permit number shall be reserved for other applicants.~~

 (b) On or before ~~November~~ July 1 of each ~~permit computation~~ year, the director shall cause the ~~computation of the~~ available permit number to be published on the website maintained by the department of administration and regulatory affairs and posted at any other location as designated by the director ~~published one time in a newspaper of general circulation~~.

 (c) If permits are to be issued, then the publication shall also include ~~the reservation numbers computed under subsection (a), the deadline for filing of applications, and~~ an explanation of how to obtain filing information. ~~If during a permit computation year, the director determines that the number of wheelchair accessible taxicabs is less than two percent of the entire taxicab fleet, the director shall cause the appropriate number of available permits listed in items (1) and (2) of subsection (a) to be designated for wheelchair accessible vehicles.~~ Additionally, the director shall mail the information regarding permits available and filing procedures to all permittees and licensees at their last known addresses or electronic address (e-mail address).

Sec. 46-65. Application~~s~~.

 (a) Applications for permits may be filed ~~on or before December 1 of each permit computation year in which permits are determined to be available pursuant to section 46-63 of this Code. An application may be filed after the December 1~~~~st~~ ~~deadline if the application is associated with a permit transfer pursuant to section 46-72 of this Code~~ in conjunction with a permit distribution drawing as described in section 46-66 of this Code or a transfer as authorized under section 46-72 of this Code. Each applicant shall submit his application upon ~~utilize~~ forms promulgated by the director ~~and shall submit~~, including any information requested in accordance with the director’s instructions. Without limitation of other information that the director may require in order to determine compliance with this Code and other applicable laws, the applicant shall set forth and provide the following information, which shall be sworn before a notary public or conform to minimum state law requirements for unsworn declarations:

(1) The applicant's name, mailing address (and street address if different), and telephone number.

(2) Evidence of the type of business enterprise that the applicant utilizes, e.g. proprietorship, partnership, or corporation, together with the identity and address of each principal.

(3) Criminal history information for every principal as required by the director to determine compliance with section 1-10 of this Code.

(4) Evidence that the applicant has a place of business within the metropolitan area from which the applicant's taxicab business is or will be operated and that use of the proposed location is in compliance with any applicable deed restrictions.

~~(5) A statement indicating the number of permits requested by a new entrant applicant or an other applicant.~~

~~(6) A statement indicating whether the applicant is a new entrant applicant or an other applicant.~~

~~(7) For new entrant applicants, evidence that the applicant's operator has within the preceding period of ten years had at least five years active and practical taxicab business experience, with at least two of those years in the city.~~

~~(8) For other applicants, the identity of the permittee as defined in section 46-16 of this Code on whose behalf the application is filed.~~

(5~~9~~) Evidence that the operator is either a United States citizen or an alien legally residing in the United States with the legal right to engage in employment in the United States.

(6~~10~~) If the application is filed in association with section 46-72 of this Code, a statement indicating the number of permits to be transferred to the applicant.

(7~~11~~) Any additional information that may be reasonably requested by the director.

Each application shall be accompanied by an application filing fee. The filing fee ~~shall be an amount~~ established by city council is stated in the city fee schedule and is not subject to the annual fee increase established in section 1-13 of this Code ~~by motion upon recommendation of the director of administration and regulatory affairs~~. ~~The fee approved under this provision shall be included in the city fee schedule.~~ The application filing fee is non-refundable.

 (b) The director shall initially review each application for issuance or amendment of a permit to determine whether the application is complete and all required information has been provided. If not, the director shall return the application and advise the applicant of the deficiencies. For permit distributions, each applicant~~, whether a new entrant applicant or other applicant,~~ shall be limited to the consideration of one application ~~per permit computation year. Applications for transfer permits shall not count against the aforementioned limit imposed upon non-transfer permit applications~~.

 (c) An application filed by ~~a new entrant~~ an applicant shall be considered a duplication if any principal is also named in another application. ~~An application filed by an other applicant shall be considered to be a duplicate if it identifies the same permittee as any previously filed application.~~ In case of multiple applications, the first one filed shall be considered, and all others shall be returned unless the applicant elects in writing to withdraw the earlier-filed application.

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

(1) The application was filed in completed form with no material inaccuracies or omissions, provided that if the application as originally filed was substantially complete and in proper form, the director shall allow an applicant a reasonable opportunity to correct any minor inaccuracies or omissions if that can be accomplished without delaying the processing of applications.

~~(2) Neither the applicant nor any other business entity with which any of its principals is or was then associated has transferred one or more permits to another person within the four year period preceding the date of filing of the application, exclusive of transfers made for the purpose of settlement of estates and divorce proceedings, or exclusive of transfers to effect a change in the form of entity when the principal owner in the original company remains a principal in the subsequent entity, e.g., sole proprietorship or partnership to a corporation. This item applies only to the transferor and not the transferee.~~

(2~~3~~) The applicant and its principals are in compliance with the criminal history provisions of section 1-10 of this Code.

~~(4) The applicant's operator has the experience required in item (a)(7) above.~~

(3~~5~~) The applicant's operator is a citizen or resident alien with work privileges as provided in item (a)(5~~9~~) above.

(4~~6~~) The applicant has a place of business within the metropolitan area as provided in item (a)(4) above.

(5~~7~~) The applicant is in compliance with any other applicable requirement of this Code and other laws.

 (e) Applicants who are determined to be unqualified shall also be notified of the grounds asserted for that determination and of their right to a hearing upon the determination to be conducted by an independent hearing examiner designated by the director. If the determination is based in whole or in part upon section 1-10 of this Code, then the notice and hearing procedures shall also include any requirements to comply with section 1-9 of this Code and applicable state laws. The determination of the hearing examiner with respect to the application shall be final, unless otherwise provided by law.

 (f) Following the completion of the appeal hearings, if any, as provided in subsection (e), the director shall generate: (1) a list of qualified ~~new entrant~~ applicants and (2) a list of unqualified ~~other~~ applicants.

**Sec. 46-66. Drawing; payment of initial annual permit fee; distribution.**

 ~~(a) Based upon the list generated for new entrant applicants in section 46-65(f) of this Code and the number of permits reserved for new entrant applicants in section 46-64(a) of this Code, the~~ The director shall conduct or cause to be conducted a public drawing to determine the granting of permits. ~~All~~ Each qualified ~~new entrant~~ applicant~~s~~ shall be invited to attend the drawing, at which a qualified applicant shall pay the initial annual permit fee for each permit he is awarded. The drawing shall be conducted in such a manner as to ensure distribution of ~~the~~ each permit~~s~~ by random chance, generally as follows: (1) each qualified applicant whose name is drawn shall receive one permit, then (2) that name shall be placed back in the pool and another name drawn until all permits have been awarded, provided a qualified applicant may request the removal of his name from the drawing at any time during the drawing. ~~Each new entrant applicant may receive no more than one permit.~~

 ~~(b) For other applicants, an equal percentage of permits shall be granted to each qualified applicant based on the total number of permits reserved for other applicants in section 46-64(a) of this Code and the total number of permits requested by qualified other applicants. For example, if a total number of 100 permits is reserved for other applicants and the qualified other applicants have cumulatively requested a total number of 200 permits, then each qualified other applicant shall receive 50 percent of the number of permits he requested. Fractional permits may not be issued. The director may adjust percentages as required equitably to dispose of fractions or conduct a public drawing in accordance with regulations promulgated for that purpose to resolve any fractional imbalance.~~

 ~~(c) Within five days following the completion of the drawing and distribution process, the director shall notify qualified applicants of the number of permits granted to each by mailing a notice to each qualified applicant at his last known address.~~

 ~~(d) In permit years in which permits are issued, a qualified other applicant who meets the criteria set forth below may petition the city council requesting that he be granted permits or additional permits in an amount not exceeding the difference between the number of permits the applicant requested in his application and the number of permits that the applicant was granted, if any, under subsection (b) above. Petitions shall be filed with the director within 30 days following the date of mailing of the notices under subsection (c) above, upon forms promulgated by the director. The director shall forward to city council each timely filed petition. In order to be considered for permits hereunder, a petitioner shall be required to demonstrate through written evidence submitted with the petition that is independently verifiable by the director that each of the following criteria has been satisfied:~~

~~(1) The petitioner has had an overall vehicle utilization rate of 90 percent or more during the six month period preceding the date of filing of the petition as determined in accordance with computation regulations established by the director. Acceptable evidence shall include lease documents or employer tax records; and~~

~~(2) The petitioner's taxicab business has sustained growth from sources other than trips departing from the city airports in a percentage at least equal to the taxicab permit adjustment factor. Acceptable evidence shall be in the form of growth in radio dispatch trips, growth in trips from contracts, growth in reservation trips (commonly known as personal trips), or any combination thereof. Percentage growth shall be measured over the three year period preceding the filing date of the petition; provided, however, that during the 2001 permit issuance process, growth shall be measured from February 2000 to the date of filing of the petition, and a corresponding adjustment shall be made to the taxicab permit adjustment factor for purposes of petitions under this subsection (d).~~

 ~~(e) The total number of additional permits granted to all petitioners under this subsection may not exceed 25 percent of the available permit number. The purposes of granting additional permits, if any, by petition under this subsection are (i) to foster enhanced competition within the taxicab industry, (ii) to increase the level and quality of taxicab service available to the public for other than city airport departure trips, and (iii) to promote more efficient utilization of taxicabs, which purposes should enhance the public satisfaction and generate operating cost and fare savings. Within 60 days following the last day for filing of petitions, the director shall submit the petitions to the city council for consideration with a report setting forth and including:~~

~~(1) The director's determination whether each of the petitioners has met each of the consideration criteria set forth above and is therefore eligible or ineligible to be considered hereunder; and~~

~~(2) If two or more petitioners have met each of the consideration criteria, the relative ranking of those petitioners with respect to their utilization rates and sustained growth rates for service other than trips departing from city airports.~~

 ~~The director shall forward the petitions and report to city council accompanied by any relevant portions of the application processing record. City council shall consider the matter based upon the petition, report, and record in the same manner as an appeal under City Council Rule 12. The decision of city council shall be based upon the consideration criteria and purposes set forth above, and the city council's decision whether to grant any additional permits and, if so, the distribution thereof shall be final.~~

\* \* \*

Sec. 46-68. Fee.

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

After payment of the initial annual permit fee, the ~~The~~ annual permit fee shall be paid ~~in advance~~ to the department ~~of administration and regulatory affairs~~ on or before April 1 of each calendar year. For permits issued prior to \_\_\_\_\_\_\_\_\_\_\_\_\_[[3]](#footnote-4), 2019, the annual permit fee may be paid in advance to the department in three installments on or before April 1, May 1~~st~~, and June 1~~st, and June 15th~~ of each calendar year in amounts prescribed in the city fee schedule.

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

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

~~(2) Deny the refund.~~

Sec. 46-69. Permit is privilege, not property right. ~~Placing newly permitted vehicles into service.~~

 ~~(a) A permittee shall place a taxicab into service, including any for which a permit is granted under this division, as follows:~~

~~(1) The permittee shall present the taxicab for initial placement into service and for inspection at a location authorized and identified by the director within 180 days subsequent to the date of the granting of the permits; and~~

~~(2) If any taxicab is not placed into service as provided herein, the permit shall be automatically revoked.~~

 ~~(b) Notwithstanding subsection (a), vehicles may be taken out of service for repairs as provided in subsection 46-35(c) of this Code, and permits may be temporarily surrendered as provided in subsection 46-35(d) of this Code.~~

 A permit shall constitute a privilege to which no property interests or rights of any kind or character shall appertain. However, in the case of the death of any permittee or principal thereof, a spouse, child or other close relative of the permittee who wishes to carry on the business may request reassignment of the permit by application duly filed with the department in the same manner as in section 46-65 of this Code. Upon his determination that the applicant is qualified as provided in that section, the director may authorize the reassignment of the permit to the spouse, child, or other close relative applicant.

**Sec. 46-70. Term; renewal.**

 A permit issued under this division shall be valid for a one-year permit term commencing on ~~May~~ April 1 and extending through the succeeding ~~April 30~~~~th~~ March 31. A permit may be renewed each year by payment of the annual fee as provided in section 46-68 of this Code.

\* \* \*

Sec. 46-72. Transfer of permits.

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

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

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

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

 (b) The terms of this section do not apply to a license, lease, or subcontractor arrangement in conformity with section 46-17 of this Code between a permittee and an individual driver-operator that allows the driver-operator to operate a taxicab under one of the permittee's permits, provided that the permittee remains fully responsible to the city for the driver's compliance with this chapter.

 (c) A permit may only be transferred to:

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

(2) A ~~person who would be~~ qualified ~~to obtain a permit as a new entrant~~ applicant under ~~this division~~ section 46-65 of this Code.

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

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

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

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

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

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

 ~~(h) A permit may only be transferred to a new entrant applicant if the new entrant applicant has filed an application fulfilling the requirements of section 46-65 of this Code.~~

\* \* \*

### ARTICLE IV. SIGHTSEEING, CHARTER AND CHAUFFEURED LIMOUSINE SERVICES

DIVISION 1. GENERALLY

Sec. 46-191. Definitions.

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

\* \* \*

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

\* \* \*

#### DIVISION 2. SIGHTSEEING AND CHARTER SERVICES

\* \* \*

Sec. 46-211. Annual permit fee.

 (a) *Fees.* The annual fee for a permit under this division for each sightseeing or charter vehicle is stated for this provision in the city fee schedule and shall be paid in advance to the department of administration and regulatory affairs in two installments on or before January 1~~st~~ and March 1~~st~~ of each calendar year in amounts prescribed in the city fee schedule. In the event the permit is issued for a period of time less than one year, the fee shall be prorated, payable at the rate stated for this provision in the city fee schedule for each month or fraction thereof remaining in the calendar year, not to exceed the full annual fee. The reissuance of each certification decal that is lost, mutilated, or otherwise rendered unusable shall be provided only upon reinspection of the sightseeing or charter service vehicle.

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

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

~~(2) Deny the refund.~~

 ~~(c)~~ *Additional to other required fees.* The fees established in this section shall be payable in addition to any other applicable fees imposed by this Code or other ordinances of the city.

\* \* \*

#### DIVISION 3. CHAUFFEURED LIMOUSINE SERVICE

\* \* \*

**Sec. 46-232. Annual permit fee; other fees and taxes to be paid.**

 (a) *Required.* The annual fee for a permit under this division for each limousine is stated for this provision in the city fee schedule shall be paid in advance to the department of administration and regulatory affairs in two installments on or before January 1~~st~~ and March 1~~st~~ of each calendar year in amounts prescribed in the city fee schedule. In the event the permit is issued for a period of time less than one year, the fee shall be prorated, payable at the rate stated for this provision in the city fee schedule for each month or fraction thereof remaining in the calendar year, not to exceed the full amount of the annual fee. The reissuance of any certification decal that is lost, mutilated, or otherwise rendered unusable shall be provided only upon reinspection of the limousine.

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

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

~~(2) Deny the refund.~~

 ~~(c)~~ *Additional fees.* The fees established in this section shall be payable in addition to any other applicable fees imposed by this Code or other ordinances of the city.

\* \* \*

Sec. 46-242.   Operation upon city airport property.

 No licensee shall operate a limousine upon the property of any city airport except for the purpose of discharging passengers whose trips originated elsewhere or for the purpose of rendering service to deplaning passengers who wish to be transported from the airports. No licensee shall park or stand his limousine upon airport property except for the purpose of actually loading or unloading passengers in accordance with a rental agreement executed under section 46-240 of this Code, nor shall any licensee enter or remain upon airport property unless his limousine has permanently affixed on the windshield an automatic vehicle identification tag in accordance with policies and procedures promulgated by the director of ~~aviation~~ the Houston Airport System. It shall be the duty of each licensee to present a copy of the rental agreement instrument required under section 46-240 of this Code to any ~~aviation department~~ Houston Airport System employee, administration and regulatory affairs department employee, or peace officer upon request to evidence compliance with this section. If the licensee fails to produce the rental agreement evidencing compliance, it shall be presumed in any prosecution under this subsection that the licensee's presence upon the airport property was unlawful.

\* \* \*

### ARTICLE V. SCHOOL VEHICLES

\* \* \*

DIVISION 2. PERMITS AND LICENSES

\* \* \*

Sec. 46-289. Annual permit fee.

 (a) There is hereby assessed an annual fee which shall be paid by each permittee in advance to the department of administration and regulatory affairs in two installments on or before November 1~~st~~ and February 1~~st~~ of each calendar year.

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

 ~~(c) The fee imposed under this section is based upon an estimate of the fee allowed pursuant to section 502.003 of the Texas Transportation Code in the amount of two percent of gross receipts. Any permittee who wishes to do so may keep a record of gross receipts in the manner prescribed by regulation of the director. Within 90 days following the expiration of any permit year (November 1 to October 31 of the following year) a permittee who has kept a record of gross receipts in the prescribed form may apply to the director for a refund of any portion of his total fees paid under this section for the previous permit year that exceeds two percent of the permittee's gross receipts from the operation of all permitted school vehicles. The refund application shall be made on a form promulgated by the director. The application shall state the amount of refund requested and shall be accompanied by copies of records maintained by the permittee in the form approved by the director. The application as well as any supplementary material required by the director must be accompanied by an affidavit signed and sworn to by or on behalf of the permittee. The permittee shall state that the application (or supplement) and all attachments thereto are correct and complete and do not omit any material item, and that the permittee either: (i) has personal knowledge of each matter affirmed, or (ii) has conducted a thorough investigation into each matter affirmed. Upon receipt of a complete and timely application, together with any required supplements, and after examining and investigating same, the director shall either:~~

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

~~(2) Deny the refund. If the refund is denied, the director shall give written notice of the reason and, upon request, shall afford the permittee an informal hearing on the matter before a disinterested hearing official.~~

\* \* \*

Sec. 46-291. Permit and license terms; licensees and vehicles.

 (a) A permit shall be valid for five years from the date of its issuance. A license shall be valid for three years from the date of its issuance. A permit shall be valid only for the operation of the school vehicles designated thereon and operated by the licensees designated in the application, provided that each licensee designated continues to maintain a current and valid state certificate. No permittee shall suffer or permit the driving of any school vehicle while in service for the transportation of any student by a person not designated as a licensee on the application. It shall also be the duty of each permittee to ensure that no licensee continues to operate any school vehicle in the event that the licensee's state certificate expires without renewal or is revoked or suspended by the state.

 (b) A permittee may add or delete licensees from those listed on the application by filing an amended application with the director for that purpose~~, which shall be accompanied by the filing fee stated for this provision in the city fee schedule~~. A copy of the state certificate shall be furnished for each person proposed to be added as a licensee.

 (c) School vehicles may be added to or deleted from a permit by filing an amended application listing the vehicles to be added or deleted and providing proof of insurance and ownership for vehicles to be added as specified in sections 46-292 and 46-293 of this Code. Added vehicles may not be placed into service until they have been inspected and certified in accordance with section 46-290 of this Code. It shall be the duty of the permittee to return the certification decal or remnants thereof for any vehicle that is removed from the permittee's authorized fleet.

\* \* \*

**ARTICLE VI. JITNEYS**

\* \* \*

#### DIVISION 2. LICENSES AND PERMITS

\* \* \*

Sec. 46-336. Annual permit fee.

 (a) There is hereby assessed the annual permit fee stated for this provision in the city fee schedule per jitney, which shall be paid in advance to the department of administration and regulatory affairs on or before June 1~~st~~ and September 1~~st~~ of each year. In the event that a permit is issued after December, then an amount equal to ½ of the foregoing fees shall be payable for the balance of the annual fee period.

 (b) There shall be no fee for replacement of a jitney with another jitney.

 ~~(c) The fee imposed under this section is based upon an estimate of the fee allowed pursuant to § 502.003 of the Texas Transportation Code in the amount of two percent of gross receipts. Any permittee who wishes to do so may keep a record of gross receipts in the manner prescribed by regulation of the director. Within 90 days following the expiration of any permit year (June 1 to May 31) a permittee who has kept a record of gross receipts in the prescribed form may apply to the director for a refund of any portion of his total fees paid under this section for the previous permit year that exceeds two percent of the permittee's gross receipts from the operation of the vehicle to which the permit pertains. The refund application shall be made on a form promulgated by the director. The application shall state the amount of refund requested and shall be accompanied by copies of records maintained by the permittee in the form approved by the director. The application as well as any supplementary material required by the director must be accompanied by an affidavit signed and sworn to by or on behalf of the permittee. The permittee shall state that the application and all attachments thereto are correct and complete and do not omit any material item, and that the permittee either: (i) has personal knowledge of each matter affirmed, or (ii) has conducted a thorough investigation into each matter affirmed. Upon receipt of a complete and timely application, together with any required supplements, and after examining and investigating same, the director shall either:~~

~~(1) Refund or credit to the account of the permittee the amount stated on the application; or~~

~~(2) Deny the refund. If the refund is denied, the director shall give written notice of the reason and, upon request, shall afford the permittee an informal hearing on the matter before a disinterested hearing official.~~

\* \* \*

Sec. 46-338. Insurance.

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

 (b) The insurance required in subsection (a) shall be in the form of commercial auto liability coverage in no less than $1,000,000.00 combined single limit per accident. The insurance required shall be issued by either a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's List of Eligible Surplus Lines Insurance Companies. The eligible surplus lines insurance company is required to have a Best's Rating of at least B+ and a Best's Financial Size Category of Class VI or better according to the most current edition of Best's Key Rating Guide, Property-Casualty, United States. Additionally, the policy must include an endorsement requiring 30 days' written notice of termination or cancellation to the director. In the event that a policy terminates or is cancelled without replacement, then each permit to which it pertains shall be suspended, and those jitneys may not be operated. ~~If a proper replacement policy is not provided to the director on or before the tenth day after the date of termination or cancellation of the policy, the permit shall automatically terminate.~~ 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 permit shall automatically terminate.

\* \* \*

**ARTICLE VII. LOW SPEED SHUTTLES**

\* \* \*

#### DIVISION 2. PERMITS AND LICENSES

\* \* \*

Sec. 46-394. Annual permit fee.

 (a) The annual permit fee in the amount stated for this provision in the city fee schedule per low-speed shuttle shall be paid in advance to the department of administration and regulatory affairs on or before June 1~~st~~ of each year.

 (b) There shall be no fee for the replacement of a low-speed shuttle with another low-speed shuttle.

 ~~(c) The fee imposed under this section is based upon an estimate of the fee allowed pursuant to § 502.003 of the Texas Transportation Code in the amount of two percent of gross receipts. Any permittee who wishes to do so may keep a record of gross receipts in the manner prescribed by regulation of the director. Within 90 days following the expiration of any permit year (June 1 to May 31) a permittee who has kept a record of gross receipts in the prescribed form may apply to the director for a refund of any portion of his total fees paid under this section for the previous permit year that exceeds two percent of the permittee's gross receipts from the operation of the vehicle to which the permit pertains. The refund application shall be made on a form promulgated by the director. The application shall state the amount of refund requested and shall be accompanied by copies of records maintained by the permittee in the form approved by the director. The application as well as any supplementary material required by the director must be accompanied by an affidavit signed and sworn to by the permittee. The permittee shall state that the application and all attachments are correct and complete and do not omit any material item, and that the permittee: (i) has personal knowledge of each matter affirmed, or (ii) has conducted a thorough investigation into each matter affirmed. Upon receipt of a complete and timely application, together with any required supplements, and after examining and investigating same, the director shall:~~

~~(1) Refund or credit to the account of the permittee the amount stated on the application; or~~

~~(2) Deny the refund. If the refund is denied, the director shall give written notice of the reason and, upon request, shall afford the permittee an informal hearing on the matter before an impartial hearing official.~~

\* \* \*

DIVISION 3. LOW-SPEED SHUTTLE OPERATING REQUIREMENTS

\* \* \*

**Sec. 46-424. Age of vehicle.**

 No person shall drive or operate or cause to be driven or operated any low-speed shuttle that is more than ~~six~~ ten years old. For purposes of this requirement, a low-speed shuttle is considered to be ~~six~~ ten years old on the ~~31~~~~st~~31stof May of the ~~sixth~~ tenth year following the manufacturer's model year of the low-speed shuttle, regardless of the date of its original purchase or the date it was first placed into service.

\* \* \*

### ARTICLE VIII. MOBILE DISPATCH SERVICES

Sec. 46-451. 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:

\* \* \*

*Qualified vehicles for hire* means vehicles for hire authorized to provide such transportation services pursuant to all articles of this chapter except article V. ~~However, a mobile dispatch service may dispatch vehicles authorized to provide service by article IX through a direct integration with the digital application or platform maintained by a permitted transportation network company if:~~

~~a. The permitted transportation network company's insurance as required by Section 46-508 remains in effect; and~~

~~b. All applicable fees are paid by the permitted transportation network company as required by section 46-504.~~

\* \* \*

### ARTICLE IX. RESERVED ~~TRANSPORTATION NETWORK COMPANIES~~

Secs. 46-501~~. Scope.~~

 ~~The provisions of this article shall not apply to transportation which qualifies as ridesharing.~~

~~Sec. 46-502. Definitions.~~

*~~License~~* ~~means a current and valid transportation network driver's license issued pursuant to division 2 of article I of this chapter.~~

*~~Licensee~~* ~~means any person engaged in the act of driving a transportation network vehicle who is the holder of a current and valid license.~~

*~~Operation of a transportation network vehicle~~* ~~or~~ *~~operating a transportation network vehicle~~* ~~means offering, making available, or using a transportation network vehicle to provide a transportation network service, 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 transportation network service to a passenger.~~

*~~Permit~~* ~~means a transportation network company permit.~~

*~~Transportation network permittee~~* ~~or~~ *~~permittee~~* ~~means the holder of, or a person that is required to hold, a current valid transportation network company permit issued pursuant to this chapter.~~

*~~Transportation network driver~~* ~~or~~ *~~driver~~* ~~means an individual affiliated with a transportation network company transporting passengers for compensation using a transportation network vehicle.~~

*~~Transportation network company~~* ~~or~~ *~~TNC~~* ~~means a person that offers or provides a transportation network service.~~

*~~Transportation network service~~* ~~or~~ *~~service~~* ~~means a prearranged transportation service offered or provided for compensation using 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 or unit that indicates the location of the passenger which information is then relayed by electronic, radio, or data communication of any type to a transportation network driver operating a transportation network vehicle.~~

*~~Transportation network vehicle~~* ~~means any private passenger motor vehicle used to provide transportation network services. Specifically excluded from this definition are:~~

~~(1) Vehicles used in connection with any phase of a funeral or funeral service;~~

~~(2) Taxicabs, pedicabs, jitneys, sightseeing and charter vehicles, chauffeured limousines, school vehicles, and low speed shuttles, permitted and licensed by the city; and~~

~~(3) Vehicles operating under a contract with the city.~~

~~Sec. 46-503. Transportation network company permit required.~~

 ~~(a) No person shall operate a transportation network company in the city without a permit issued pursuant to this article.~~

 ~~(b) It shall be unlawful for any TNC permitted, licensed, or authorized by another jurisdiction to initiate transportation network service within the corporate boundaries of the city without a permit issued pursuant to this article; provided however, a transportation network vehicle operated by a driver affiliated with a TNC 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. 46-504. Transportation network company permit fee.~~

 ~~(a) The fee imposed for a permit issued pursuant to this article shall be in an amount equal to two percent of the annual gross receipts for the operation of each transportation network vehicle operated by each permittee.~~

 ~~(b) The fee provided in subsection (a) of this section shall be paid to the department of administration and regulatory affairs on a quarterly basis on or before the 10~~ ~~th~~ ~~day following the close of the calendar month for which the quarterly payment is calculated.~~

 ~~(c) The initial payment shall cover the period beginning from the date the permit was issued to the permittee. Upon the submission of each quarterly payment, the permittee shall file with the director a financial report itemizing the components of the permittee's gross receipts for the payment period. All permittees shall utilize any forms promulgated by the director for the submission of the required financial reports and shall submit the financial reports in accordance with any instructions, rules, or regulations promulgated by the director.~~

 ~~(d) Upon ten days' notice to the permittee, the director shall have the right to inspect the permittee's records the director deems necessary and appropriate to determine that the permittee is in compliance with the requirements of this section.~~

 ~~(e) The fees established in this section shall be payable in addition to any other applicable fees imposed by this Code or other ordinances of the city.~~

~~Sec. 46-505. Transportation network permit term.~~

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

 ~~(b) A permit is specific to the permittee to whom it is issued and may not be transferred or otherwise assigned. Any change of ownership, partnership interests, corporate officer or director as shown on the permit application shall render a permit void, unless an application for an amendment is filed within ten days following the effective date of the change. The director shall promulgate procedures for the processing of amendments and may suspend the permit pending the completion of the processing if any additional person who has acquired an interest in the business is determined to have been convicted of an offense listed in section 1-10(c) of this Code.~~

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

~~Sec. 46-506. Transportation network company permit—Application.~~

 ~~(a) An application for a permit shall be submitted on forms to be furnished by the director, and the applicant shall furnish the following information with each application, which shall be sworn to before a notary public or conform to minimum state law requirements for unsworn declarations:~~

~~(1) The name and form of business under which the service will be operated (If a partnership or corporation, a copy of the partnership agreement or articles of incorporation must be attached.);~~

~~(2) The name, phone number, mailing address, and street address (if different from the mailing address) of the applicant's agent for service of legal process (which information the applicant shall keep current);~~

~~(3) A schedule showing the model, manufacturer model year date, type, make, vehicle identification number, license plate number, and mileage of each motor vehicle, and a statement as to the legal ownership of each vehicle proposed to be placed into operation as a transportation network vehicle;~~

~~(4) Proof of current coverage of insurance as required in section 46-508 of this Code;~~

~~(5) A general description of the means and methodology used to charge passengers for vehicle for hire transportation services rendered;~~

~~(6) The proposed schedule of fares, rates, or other compensation to be charged by the applicant; and~~

~~(7) Any additional information as requested by the director for the administration of this division.~~

 ~~(b) If the applicant is a partnership or association, the partners or associates, or if the applicant is a corporation, each person who is either an officer or director shall be required to join in filing the application and all of the herein set forth provisions and requirements applicable to individual applicants shall apply to and be required of each such partner, associate, officer or director. Failure of any of the persons heretofore mentioned to meet such requirements shall be grounds to deny the application of the partnership, association or corporation.~~

~~Sec. 46-507. Transportation network company permit—Qualifications for permit.~~

 ~~(a) The director shall initially review each application for the issuance or amendment of a permit to determine whether the application is complete. If not, he shall return the application to the applicant with a statement of deficiencies.~~

 ~~(b) The director shall review complete applications to determine whether the applicant has met all applicable requirements of this chapter and Code. In determining whether an applicant is qualified for a permit, or the renewal thereof, the director shall take into consideration whether:~~

~~(1) The application was filed with no material inaccuracies or omissions, provided that if the application as originally filed was substantially complete and in proper form, the director shall allow an applicant a reasonable opportunity to correct any minor inaccuracies or omissions if that can be accomplished without delaying the processing of applications;~~

~~(2) The applicant and its principals are in compliance with the criminal history provisions of section 1-10 of this Code;~~

~~(3) The applicant is in compliance with all applicable city, State of Texas, and federal laws;~~

~~(4) The applicant has a place of business within the metropolitan area from which the applicant's transportation network service will be operated and that such use of the location is in compliance with any applicable deed restrictions enforceable by the city; and~~

~~(5) The applicant is in compliance with any other applicable requirement of this Code and other laws.~~

 ~~(c) The director shall issue the permit if all applicable requirements of this chapter and Code have been met. If the director approves the permit, issuance shall be subject to compliance with this article, including, but not limited to, payment of any required fees, inspection of vehicles to be utilized, and submission of proof of insurance. A permit does not entitle the permittee to act as the driver of covered vehicles. A separate license is required for that purpose as provided in section 46-510 of this Code.~~

 ~~(d) Applicants who are determined to be unqualified shall be notified of the grounds asserted for that determination and may make a written demand upon the director for a hearing within ten days of receipt of notice that it is unqualified to receive a permit. The director shall conduct a hearing within 15 business days of receipt of a timely written demand for a hearing. If at such a hearing the applicant establishes through competent evidence that the determination that the applicant was unqualified to receive a permit was based upon incorrect findings, the director shall issue the permit. If at such a hearing the determination was found to have been based upon correct findings, the determination shall become final.~~

 ~~(e) If the denial of the permit is based in whole or in part upon section 1-10 of this Code, then the notice and hearing procedures shall also include any requirements to comply with section 1-9 of this Code and applicable state laws. The determination of the hearing examiner with respect to the application shall be final, unless otherwise provided by law.~~

~~Sec. 46-508. Transportation network company permit—Insurance required.~~

 ~~(a) Every permittee and transportation network driver shall comply with all applicable insurance requirements mandated by federal, State of Texas, and city laws, including those articulated in Chapter 1954 of the Insurance Code.~~

 ~~(b) Each applicant for the issuance or renewal of a permit shall provide proof that the applicant has automobile liability insurance, 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.~~

 ~~(b-1) Notwithstanding subsection (b) of this section, a licensee may fulfill the requisite automobile insurance requirements by maintaining personal liability insurance that complies with the standards articulated in subsection (c).~~

 ~~(c) The insurance required in subsection (a) shall be in the form of:~~

~~(1) Automobile liability insurance with a combined single limit for bodily injury and property damage of $1,000,000.00 per accident covering liability resulting from any occurrence arising out of or caused by the operation of a transportation network vehicle for incidents involving a driver from the time a driver is matched with and accepts a trip request through the transportation network company until the completion of the trip including the drop off of passenger(s) at their final destination, regardless of whether the driver maintains personal insurance adequate to cover any portion of the claim and regardless of whether a driver is logged onto the transportation network company's internet-enabled application or digital platform at any point following the acceptance of the trip request; and~~

~~(2) Automobile liability insurance coverage in no less than $50,000.00 for bodily injury to or death for each person in an incident; $100,000.00 for bodily injury to or death of a person per incident; and $25,000.00 for damage to or destruction of property of other in an incident during the time that a driver for a transportation network company is logged in and available to provide vehicle for hire transportation services on the transportation network company's internet-enabled application or website, but not actively engaged in providing the service.~~

 ~~(d) The insurance policy required in this section shall be (i) available to cover claims as specified in this section regardless of whether a driver maintains insurance adequate to cover any portion of the claim; (ii) disclosed on the permittee's Internet-enabled application and website, and (iii) maintained in force at all times that the transportation network company offers or provides transportation network service.~~

 ~~(e) No transportation network company permit shall be issued unless the applicant first agrees to provide electronic, on-demand access to the insurance policy required in this section to the director.~~

 ~~(f) Each permittee shall be required to provide proof of insurance (electronic certificates of insurance) required by this section to each transportation network driver before the driver begins providing service and for as long as the driver remains available to provide service.~~

 ~~(g) If any insurer desires to be released from any insurance policy filed under this section, the TNC must give written notice to the director at least 30 days before release from liability occurs. The director shall demand that such TNC furnish evidence of new insurance obtained before the expiration of the policy.~~

 ~~(h) If any policy is cancelled or expires and no new policy is filed by the TNC before the cancellation or expiration of the original insurance, the permit shall automatically be suspended, and the TNC 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 permit shall automatically terminate.~~

~~Sec. 46-509. Service charges and fare rates.~~

 ~~All permittees shall display their fare rate and provide a fare rate estimator on the website, internet-enabled application, or digital platform used by the permittee to connect drivers and passengers.~~

~~Sec. 46-510. Transportation network drivers—License required.~~

 ~~It shall be unlawful for any person to operate a transportation network vehicle without a license issued pursuant to division 2 of article I of this chapter.~~

~~Sec. 46-511. Licensee hours of operation; duty to transport within the corporate limits.~~

 ~~(a) A licensee shall not drive for more than 12 hours in any consecutive 24-hour period and a permittee shall not permit or cause a licensee to drive a transportation network vehicle more than 12 hours in any consecutive 24-hour period.~~

 ~~(b) A licensee shall not to refuse to transport a person to a requested destination located within the corporate limits of the city.~~

~~Sec. 46-512. Transportation network vehicles—Vehicle ownership and standards.~~

 ~~(a) No person shall operate or cause to be operated any transportation network vehicle in the city unless and until the vehicle meets all the terms and conditions of this article.~~

 ~~(b) No permittee shall own or lease or provide financing for the ownership or leasing of any transportation network vehicle.~~

 ~~(c) In addition to all other applicable legal requirements, it shall be unlawful for any person to operate or cause to be operated any transportation network vehicle unless the vehicle:~~

~~(1) Has at least two doors and meets applicable Federal Motor Vehicle Safety Standards for vehicles of its size, type, and proposed use; and~~

~~(2) Is a coupe, sedan, or light-duty vehicle, including a van, minivan, sport utility vehicle, pickup truck, hatchback or convertible.~~

 ~~(d) No vehicle permitted or subject to a certificate of registration and operated as vehicle for hire pursuant to articles II through VIII of this chapter shall be operated as a transportation network vehicle.~~

 ~~(e) The permittee and the permittee's driver shall be jointly and severally liable if the permittee causes or permits the licensee to use a vehicle that does not meet the requirements for a transportation network vehicle.~~

~~Sec. 46-513. Transportation network vehicles—Age and mechanical condition.~~

 ~~In addition to the provisions of section 46-514 of this Code, no licensee or permittee shall drive or cause to be driven upon the streets of the city any transportation network vehicle that is more than ten years old. For purposes of this requirement, a transportation network vehicle will be considered to be ten years old on July 31st of the tenth year following the manufacturer's model year of the vehicle, regardless of the purchase date or the date it was originally placed into service.~~

~~Sec. 46-514. Transportation network vehicles—Inspections.~~

 ~~(a) Prior to using any transportation network vehicle, and annually thereafter, a permittee or licensee shall have the vehicle inspected at a facility designated by the director, and maintain complete documentation of such inspections in the vehicle at all times, and a written copy of such documentation shall be provided to the director upon request. The inspection shall be made to determine that the transportation network vehicle is in a reasonably good state of repair, clean, and equipped and being operated in compliance with all requirements of this article. Inspections shall include, but not be limited to, the following items:~~

~~(1) Foot brakes;~~

~~(2) Parking brakes;~~

~~(3) Steering mechanism;~~

~~(4) Windshield;~~

~~(5) Rear window and other glass;~~

~~(6) Windshield wipers;~~

~~(7) Headlights;~~

~~(8) Tail lights;~~

~~(9) Turn indicator lights;~~

~~(10) Stop lights;~~

~~(11) Front seat adjustment mechanism;~~

~~(12) Doors (open, close, lock);~~

~~(13) Horn;~~

~~(14) Speedometer;~~

~~(15) Bumpers;~~

~~(16) Muffler and exhaust system;~~

~~(17) Condition of tires, including tread depth;~~

~~(18) Interior and exterior rear view mirrors;~~

~~(19) Safety belts for driver and passenger(s); and~~

~~(20) Heating, ventilation and air-conditioning systems.~~

 ~~(b) Upon passing the inspection prescribed in subsection (a) of this section, the director shall issue one certification decal for the transportation network vehicle. The certification decal shall be attached and displayed at the place on the transportation network vehicle designated by the director. The permittee and the licensee shall be jointly and severally liable for any violation of this section.~~

~~Sec. 46-515. Transportation network vehicles—Distinctive signage or emblem.~~

 ~~(a) In addition to the certification decal issued pursuant to section 46-514(b) of this Code, a transportation network vehicle shall display, as provided by rule, consistent and distinctive signage at all times while being operated as a transportation network vehicle. The distinctive signage shall be sufficiently large and color contrasted (i) as to be readable at a distance of at least 50 feet, and (ii) to identify a particular vehicle associated with a particular permittee. Acceptable forms of distinctive signage include, but are not limited to, symbols or signs on vehicle doors, roofs, or grilles. Magnetic or other removable distinctive signage is acceptable. Permittees shall file an illustration of their distinctive signage with the director for approval.~~

 ~~(b) A transportation network vehicle shall display a consistent and distinctive emblem at all times while being used to provide vehicle for hire transportation services. The director is authorized to specify, by rule, the manner of display, method of issuance, design and contents of such emblem.~~

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

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

~~(1) To operate a transportation network vehicle within the city while not in possession of a valid Texas Driver License; or~~

~~(2) To operate, or cause to be operated, a transportation network vehicle that does not meet all the applicable requirements of this chapter.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

~~Secs. 46-517~~—46-540. Reserved.

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### ARTICLE X. WHEELCHAIR ACCESSIBLE SERVICE PROVIDERS

\* \* \*

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. 46-555. ~~Trips under contract~~ Rates.

 ~~(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 that differ from rates approved for like service under ~~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.

\* \* \*

## Chapter 1

## GENERAL PROVISIONS

\* \* \*

Sec. 1-10. Same—Specific permits, licenses, and registrations.

\* \* \*

 (b) The authorizations enumerated in this subsection shall be denied if the applicant has been convicted of any of the designated offenses within the five-year period immediately preceding the date of the filing of the application or has spent time in jail or prison during the five-year period immediately preceding the date of the filing of the application for such a conviction. Additionally the following authorizations shall be subject to denial, revocation, or refusal for renewal, as applicable, if the holder has been convicted of any of the designated offenses since the application was filed. Provided however, no such authorization shall be denied, revoked or refused for renewal if the conviction was set aside as invalid or if it is found that the authorization should not be denied, revoked or refused for renewal under chapter 53 of the Texas Occupations Code:

\* \* \*

(8) Occupational licenses or permits issued to, or in connection with, the following businesses or occupations:

|  |  |
| --- | --- |
| TYPE OF PERMIT  | CODE REFERENCE  |

\* \* \*

|  |  |
| --- | --- |
| ~~Transportation Network Company Permit~~  | ~~46-503~~ |

\* \* \*

1. City Secretary shall insert the month and day of the effective date of this Ordinance. [↑](#footnote-ref-2)
2. City Secretary shall insert the month and day of the effective date of this Ordinance. [↑](#footnote-ref-3)
3. City Secretary shall insert the month and day of the effective date of this Ordinance. [↑](#footnote-ref-4)