City of Houston, Texas, Ordinance No. 2012-1112

AN ORDINANCE AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO THE REGULATION OF VEHICLES FOR HIRE; CONTAINING FINDINGS AND OTHER PROVISIONS RELATED TO THE FOREGOING SUBJECT; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL; CONTAINING A REPEALER; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, Chapter 46 of the City of Houston Code of Ordinances ("Code") contains the City's regulations applicable to vehicles for hire; and

WHEREAS, the Administration and Regulatory Affairs Department ("ARA") is responsible for the administration of the City's permit and license based regulatory program concerning the operation of various types of vehicles in providing vehicle for hire transportation services available to the general public; and

WHEREAS, the overall objective of the city's regulation of vehicles for hire is to provide enhanced customer service to the riding public with safe, clean and efficient vehicle for hire transportation services; and

WHEREAS, ARA has identified opportunities to standardize basic regulations applicable to all vehicle for hire permit and license applicants and current permit and license holders; and

WHEREAS, ARA seeks to harmonize the aforementioned regulations to eliminate unnecessary redundancies and inconsistencies throughout Chapter 46 of the Code and to provide a consistency amongst all vehicle for hire platforms, to the extent practicable; **NOW THEREFORE,**

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

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

Section 2. That Chapter 46 of the Code of Ordinances, Houston, Texas, is hereby amended to read as shown in Exhibit A, attached hereto and incorporated herein.

Section 3. That the various former provisions of Chapter 46 that are amended in **Section 2** of this Ordinance are saved from repeal for the limited purpose of their continuing application to licenses and permits issued before the effective date of this Ordinance until their applicable expiration dates. The Director of the Department of Administration and Regulatory Affairs is authorized to adopt and enforce all necessary rules and regulations for the successful implementation of the new regulatory provisions adopted in the Ordinance.

Section 4. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 5. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor.

PASSED AND APPROVED this 19th **day of** December**, 2012.**

Annise D. Parker

Mayor of the City of Houston

Prepared by Legal Dept. _____
RVG:asw 12/17/2012 Senior Assistant City Attorney
Requested by Alfred J. Moran, Jr., Director, Administration and Regulatory Affairs Department
L.D. File No. 0371200133001

AYE	NO	
✓		MAYOR PARKER
••••	••••	COUNCIL MEMBERS
✓		BROWN
✓		DAVIS
✓		COHEN
✓		ADAMS
✓		SULLIVAN
✓		HOANG
✓		PENNINGTON
✓		GONZALEZ
✓		RODRIGUEZ
✓		LASTER
✓		GREEN
✓		COSTELLO
✓		BURKS
✓		NORIEGA
✓		BRADFORD
✓		CHRISTIE
CAPTION	ADOPTED	

CAPTION PUBLISHED IN DAILY COURT REVIEW
DATE: DEC 21 2012

EXHIBIT A

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:

Central business district means the area beginning at the intersection of the centerline of U.S. 59 and the centerline of I.H. 45; thence in a northeasterly and northerly direction along the centerline of I.H. 45 to its intersection with the centerline of I.H. 10; thence in an easterly direction along the centerline of I.H. 10 to its intersection with the centerline of U.S. 59; thence in a southwesterly direction along the centerline of U.S. 59 to its intersection with I.H. 45, the point of beginning.

Certification decal means a metal tag, decal, or other evidence of a permit issued by the director for attachment on a vehicle for hire operated pursuant to a permit.

Curb means the raised edge of the street, driveway, or other public or private way upon which a vehicle for hire is operating, provided that if no raised edge curbing exists, then it means the edge of the area that is paved for vehicular operation.

Director means the director of the department of administration and regulatory affairs and his duly authorized representatives.

Disability has the meaning assigned in section 17-11 of this Code.

For hire means providing, or offering to provide, a transportation service in exchange for any form of payment or gratuity, whether monetary or other valuable consideration. The term expressly excludes car pooling or ride sharing arrangements for which no fee is imposed.

Metropolitan area means Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller Counties.

Mobile dispatch service means and refers to the operation of a scheduling service that enables prospective passengers to request immediate or schedule pre-arranged vehicle for hire transportation services by electronic, radio or

telephonic communication from a portable or handheld device, monitor, smartphone, or other electronic device or unit indicating the location of the passenger for immediate or pre-arranged vehicle for hire transportation services which information is then relayed to a vehicle for hire by radio or data communication of any type.

Pre-arranged transportation service means transportation that is scheduled by or through a mobile dispatch service that issues a trip confirmation not less than 30 minutes before a vehicle for hire picks up a passenger who requested to be transported.

Service animal has the meaning assigned in section 20-18 of this Code.

Vehicle for hire, when describing a class of vehicles, means a taxicab, pedicab, sightseeing and charter vehicle, chauffeured limousine, school vehicle, jitney, or low-speed shuttle used for the provision of transportation services for hire to the general public. The term expressly excludes vehicles operated or regulated by other government entities.

Sec. 46-2. Refusal to convey.

It shall be unlawful for any driver of any vehicle for hire to refuse to transport a passenger on a basis of race, color, religion, sex, national origin, age, or disability, including a driver's refusal to transport any service animal or medical equipment utilized in conjunction with a passenger's disability. It shall be unlawful for any driver of any vehicle for hire to refuse to transport a passenger at the rates authorized by this article or to demand or receive an amount in excess of the rates authorized by this article. It is an affirmative defense to prosecution under this subsection that the driver 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. 46-3. Taxes to be paid.

No person shall use the streets of the city for the operation of a vehicle for hire unless the ad valorem taxes due and owing on all properties used as a vehicle for hire shall have first been paid.

Sec. 46-4. Failure to pay permit and license fees; failure to maintain insurance.

A license or permit issued for the operation of a vehicle for hire may be terminated at any time for failure to pay any applicable fee or installment payments imposed pursuant to this chapter or failure to maintain the requisite insurance.

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

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

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

(1) The permit or license was issued through error;

(2) The applicant provided materially false or incomplete information on the permit or license application; or

(3) There are three or more instances within any one year period in which the permittee or permittee's employee or licensee violates any provision of this article or regulation issued by the director hereunder. Consistent with sections 1-9 and 1-10 of this Code and applicable state laws, the director shall promulgate regulations for any required hearings and procedures.

(c) The director shall not designate a person to act as hearing officer who participated in the review of the application. Hearings shall be conducted in a manner that is consistent with principles of due process. The applicant may be represented by legal counsel, may present evidence and cross examine witnesses presented by the city. The hearing officer shall have the discretion to exclude from hearings any person who is not the applicant, the director, their legal representatives, and such other persons entitled to attend and participate as a matter of law and any persons whose presence the hearing officer deems necessary or expedient to the complete resolution of the matter. The decision of the hearing officer, which shall be based upon the preponderance of credible evidence presented, shall be final, subject to the applicant's right to appeal pursuant to state law if the denial is based upon section 1-10 of this Code.

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

(a) Each applicant for a license issued pursuant to this chapter shall have at all times on file in the office of the director a certificate from a duly licensed physician, which certificate is not more than two years old, showing that the physician has examined the person and that the person has no disability or ailment that would prevent the person from safely operating the vehicle for hire for which the applicant has sought a license. The director shall have the authority to require a medical examination and the provision of a replacement certificate at any time upon five days' notice in writing to a

licensee or driver if the director has cause to believe that the driver's medical condition has materially changed or that the previously filed certificate is otherwise no longer accurate.

(b) Additionally, each applicant for a permit or license issued pursuant to this chapter shall:

(1) Submit himself to be fingerprinted at the location indicated by the director to determine if the applicant has been convicted of any applicable offense(s) listed in subsection (a) of section 1-10 of this Code. If so, the director shall follow the procedures set forth in section 1-9 of this Code and conduct a hearing if timely requested; and

(2) Provide or cause to be provided evidence that the applicant has passed a drug screening test within the 30 day period preceding the date of filing of the application for issuance or renewal. The director shall promulgate rules and regulations relating to the drug screening test. The test procedure shall be equivalent to that prescribed by the mayor for pre-employment drug screenings for city employees. The director shall authorize laboratories and facilities that meet nationally recognized standards to obtain samples and perform the tests. The responsibility for obtaining the test and all costs associated therewith shall rest with the applicants.

Sec. 46-7. Criminal history check.

Upon initial application for a license, upon the filing of an amended application adding one or more new drivers, and at license renewal intervals stated in this chapter, the director shall cause the criminal history of each person designated as a driver in an application for a license to be researched. Each person designated as a driver in an application shall complete any forms required for the director to obtain the report, and the applicant shall present the required completed forms to the director, along with funding in a manner specified to cover any fees imposed by state or federal agencies for the report. The provision of this requirement shall not be construed to preclude the director from obtaining interim reports at the expense of the city.

Sec. 46-8. Change of information.

It shall be the duty of each permittee, licensee, and all applicants for a permit or license issued pursuant to this chapter to advise the director immediately of any change of mailing address or any other information required to be submitted pursuant to this article. Any change in information shall be submitted within ten calendar days of the change on the form prescribed by the director. Notices under this article shall be effective if mailed to the last address provided to the director. The failure of a permittee, licensee, or applicant for a permit or license to receive any notice that is properly

addressed and mailed to the last known address shall not affect any action authorized or taken under this article, and the only obligation of the director with respect to returned notices shall be to publicly post them as provided herein or by regulation of the director.

Sec. 46-9. Accident reports.

(a) When any vehicle for hire is involved in an accident or collision that results in any injury or damage to any person or property, including, but not limited to, damage to the vehicle for hire or injury of the licensee, the licensee shall report the accident or collision to the permittee without delay. The permittee shall keep on the permittee's premises records of all accidents and collisions upon forms to be promulgated by the director, which shall include the following information:

(1) The permittee's and the licensee's names;

(2) The licensee's driver license number; and

(3) The time and location of the accident or collision.

(b) Upon one hour's prior request by the director during normal business hours, the permittee shall make the records available to the director for inspection and copying.

Sec. 46-10. Deficient service; action by director.

Should the director determine upon his own initiative or upon complaint of any person that the service authorized to be provided by any permittee is not being operated so as to serve fully the public safety or welfare, including but not limited to unsuitable or unsafe equipment or any other matter incident to such operation, the director shall notify the permittee of his concerns by clearly delineating the respects in which the service is deficient and require that the conditions complained of be remedied within such time as he may designate. In the event the conditions are not remedied within the time specified, the director may either suspend the permit for a period not to exceed 15 days or revoke the permit after providing a hearing in a manner consistent with section 1-9 of this Code.

Sec. 46-11. Records to be kept by permittee.

Permittees shall maintain business and operations records in a manner that demonstrates compliance with this chapter as provided by regulation of the director.

Sec. 46-11.1. Mobile dispatch services.

(a) All mobile dispatch services shall be responsible for ensuring that any driver assigned to provide transportation services and the vehicle used in the rendition

of the transportation services are duly authorized to provide such services pursuant to this chapter.

(b) All mobile dispatch services shall register with the director and provide and maintain accurate records of all permittees and licensees providing vehicle for hire transportation services by the mobile dispatch service.

Sec. 46-12. Penalty. (46-28)

Any person who fails or refuses to comply with the terms and provisions of this chapter shall be deemed guilty of an offense and, upon conviction thereof, shall be punished as provided by section 1-6 of this Code. Each violation shall constitute and be punishable as a separate offense.

Sec. 46-13. Rules and regulations.

The director is hereby authorized to adopt rules and regulations consistent with the intent and purposes of the provisions of this chapter. A copy of all rules and regulations shall be maintained in the director's office and the office of the city secretary for inspection by the public, and copies shall be made available for purchase consistent with the fees prescribed by law.

Secs. 46-14--46-15.Reserved.

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:

Daytime trip means a taxicab trip originating between the hours of 6:00 a.m. and 8:00 p.m.

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*.

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.

License means a taxicab driver's license issued pursuant to this article.

Licensee means any person in physical control of a taxicab who is the holder of a current and valid license issued pursuant to division 3 of this article.

Nighttime trip means a taxicab trip originating at any time other than between the hours of 6:00 a.m. and 8:00 p.m.

Permit means a current and valid permit issued by the director under this article for the operation of a taxicab.

Permittee means the person to whom a permit has been duly issued by the director. Any permittee who operates two or more taxicab companies under separate assumed names or different subsidiary firms or by any other means shall nevertheless be regarded as one and the same permittee for permit applications, disciplinary actions, and all other purposes relating to the administration of this article.

Stool light means an instrument or an accessory that is permanently attached to the top of a taxicab at a midpoint between the front doors and not more than 30 inches to the rear of the topmost part of the windshield.

Street means any public street, road, boulevard, alley, lane, highway, sidewalk, park roadway, railroad station, ship landing, ferry landing roadway, viaduct or other place under control of the city or other public authority and established by it for the use of vehicles not otherwise controlled by law or ordinance. It shall also mean any vehicular road, driveway, or area outside of and adjacent to, or in any railroad station, ferry landing, or bus station owned by the city or other public authority that is used regularly or may be so used by taxicabs for pickup and discharge of passengers, which places shall hereafter remain open to and be used by all duly permitted taxicabs without charge, except as authorized by city council, and without discrimination as to the identity of the permittee. The properties constituting the William P. Hobby Airport (HOU), the George Bush Intercontinental Airport/Houston (IAH), and the Ellington Airport (EFD) are not designated as streets under this definition.

Taxicab means every automobile or motor-propelled vehicle used for the transportation of passengers for hire whether the vehicle is identified or not as a taxicab as set forth herein over the public streets of the city, whether or not the operation extends beyond the city limits. Provided, the term *taxicab* shall not apply to limousines, school buses, emergency vehicles, jitneys, or sightseeing

vehicles that operate under a permit, franchise, or license issued by the city or any other governmental regulatory authority, and, provided further, the term shall not apply to limousines that are chartered, hired or provided in connection with funeral services.

Taxicab cost index (TCI) means a weighted combination of selected consumer price indexes and employment statistics as published by the United States Department of Labor used to measure the change in the costs of operating a taxicab.

Taximeter means a mechanical and/or electrical instrument that records miles or distances traveled or time consumed, or both, during the period of engagement of taxicab service and is so constructed as to visibly record the cumulative charges to the person engaging the service.

Sec. 46-17. Authorized operators.

No taxicab for which a permit has been issued under this article shall be operated by anyone except the permittee or an employee of the permittee or other person who may be operating the vehicle under a written agreement specifically incorporating therein any rules, regulations, and conditions as may be reasonably required by the director to ensure compliance with applicable laws and regulations. The permittee shall be responsible for anyone operating under his permit whether as an employee or contractor. Any person driving or operating a taxicab upon the streets or other public property of the city is presumed to be an employee of the taxicab's permittee or to have entered into a written agreement with the taxicab's permittee.

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

(a) Before any permittee may put a taxicab into service or replace a taxicab, he shall submit, for the director's approval, the vehicle, the certificate of title showing the current true ownership of the vehicle, his public liability insurance policy, insurance endorsement or evidence of self-insurance and, in the case of a leased vehicle, the written lease contract.

(b) The director shall not authorize a vehicle to initially be placed into service unless it is equipped with an air conditioning system that was factory-installed by the vehicle manufacturer and has sufficient interior passenger space to qualify in the United States Environmental Protection Agency's annual fuel economy guide as a mid-size car, a large car, a mid-size station wagon, a large station wagon or a van, passenger type, provided that the director may also allow vehicles classified for purposes of the fuel economy guide as special passenger vehicles if the vehicle has passenger seating and space accommodations at least equivalent to those of a vehicle rated as a mid-size car. To the extent that the fuel economy guide has not yet been published for the model year of the vehicle at the time that a vehicle is presented for placement into initial service,

then the director may utilize the previous year's guide entry for the same or most equivalent make and model of vehicle.

In addition to the foregoing, any vehicle to be placed into service or operated pursuant to any permit distribution occurring on or after January 1, 2008, must meet one or more of the following criteria:

(1) Be powered by a 4-cylinder engine;

(2) Be a hybrid-electric vehicle;

(3) Be a wheelchair accessible vehicle, either lift- or ramp-equipped; or

(4) Be a vehicle that meets a minimum combined fuel economy rating of 20 miles per gallon based on the most recently published United States Environmental Protection Agency's annual fuel economy guide for the year in which the vehicle is presented for placement into initial taxicab service. To the extent that the fuel economy guide has not yet been published for the model year of the vehicle at the time that a vehicle is presented for placement into initial service, the director may utilize the most recent fuel economy guide entry for the same or most equivalent make and model of vehicle.

Sec. 46-19. Reserved.

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

No licensee or permittee shall drive or cause to be driven upon the streets of the city any taxicab vehicle that is more than six years old, provided that no vehicle may be placed in service for the first time as a taxicab if it has been driven more than 100,000 actual miles, which shall be determined from the odometer and from odometer and title records. For purposes of this requirement, a taxicab will be considered to be six years old on April 30th of the sixth year following the manufacturer's model year of the vehicle, regardless of the purchase date or the date it was originally placed into service.

Sec. 46-21. Identification of vehicles generally.

(a) No permittee or licensee shall 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 doors 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 height and not less than five-sixteenths 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 approved by the director. The telephone number shall also be placed where plainly visible on the rear of the taxicab.

(b) No permittee shall operate or cause or suffer or allow to be operated a taxicab in the city unless and until a certification decal 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 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 immediately below the handles of the rear doors. 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. The number, in each instance, shall be not less than three inches high and not less than five-sixteenths of one inch in width.

Sec. 46-22. Vehicle color scheme.

(a) No permittee or licensee shall drive or cause to be driven any taxicab in the city until the permittee has filed with the director, for approval, the color scheme that he proposes to use under his ownership or radio service. In approving or disapproving the color scheme submitted, the director shall consider:

(1) The color scheme presently in use by the permittee, if any;

(2) The color schemes of other permittees; and

(3) Which permittee first used or requested approval of the color scheme.

If the director finds that the permittee is entitled to the use of the requested color scheme because of first or prior use and that it does not deceptively resemble the approved color scheme of another permittee, he shall approve its use by the permittee.

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

Sec. 46-23. Certification decals.

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 shall be attached to the taxicab for which it is issued, at the place on the taxicab as shall be designated by the director. It shall further be unlawful for any person to drive a taxicab without the certification decal being so attached.

Sec. 46-24. Stool light.

No permittee or licensee shall operate or cause to be operated any taxicab within the city unless it is equipped with a stool light that is illuminated when the taxicab is vacant and available for hire. The stool light shall be controlled by the taximeter. When the taximeter is in the recording position, the stool light shall be off, and when the taximeter is not recording, the stool light shall be on and shall illuminate a "vacant" sign contained thereon.

Sec. 46-25. Passenger's right of selection.

Every person shall be allowed to select a taxicab of his choice at any place in the city.

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 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 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 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 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 a *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.

(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, and the fee may be added by the licensee to metered fares and flat rate fares for trips originating from IAH when the average price per gallon of regular unleaded gasoline exceeds $2.00, provided that the amount of the fee is posted on the taxicab's rate card. Where passengers are being carried to two or more destinations, the airport use fee shall be prorated among them on a per destination basis. It shall be unlawful for any licensee to depart from the IAH with a passenger without having deposited the required fee.

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

(a) The director of the department of aviation 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, and the fee may be added by the licensee to metered fares and flat rate fares for trips originating from HOU when the average price per gallon of regular unleaded gasoline exceeds $2.00, provided that the amount of the fee is posted on the taxicab's rate card. Where passengers are being carried to two or more destinations, the airport use fee shall be prorated among them on a per destination basis. It shall be unlawful for any licensee to depart from the HOU with a passenger without having deposited the required fee.

Sec. 46-28. Reserved.

Sec. 46-29. Carrying additional passengers.

Any passenger who engages the services of a taxicab shall have the exclusive right to the passenger compartment of the taxicab, and it shall be unlawful for a licensee o carry additional passengers unless specific permission is obtained from the passenger who originally engaged the taxicab.

Sec. 46-30. Taximeter.

(a) No licensee or permittee shall drive or cause or suffer or allow to be driven a taxicab in the city, unless it is equipped with a properly functioning taximeter. Except for trips entirely within the central business district for which the alternate flat rate established by section 46-31(a)(9) of this Code is being charged, no licensee shall 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 so riding as a passenger;

(2) The passenger had not driven a taxicab for 30 days or more within the city 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) Except 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.

(c) The taximeter shall be inspected and sealed by the director when the taxicab is 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.

(d) No permittee shall drive or cause or suffer or allow to be driven and no licensee shall drive any taxicab on which the seal installed by the director has been removed, broken or tampered with. No permittee shall drive or cause or suffer or allow to be driven and no licensee shall drive any taxicab on which any modification has been made to the taximeter or to any mechanical or electrical parts of the taxicab activating the taximeter that cause rates other than those authorized in this division to be recorded and shown on the taximeter.

(e) The director shall promulgate regulations authorizing the temporary use of a permittee-installed substitute seal in lieu of a city-installed seal if a taximeter is installed repaired, modified, or adjusted during 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. Use of a temporary seal during the aforesaid period in a manner authorized by the regulations is an affirmative defense to prosecution under this section, provided that the taximeter is functioning in accordance with all requirements of this division.

Sec. 46-31. Rates prescribed.

(a) 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 metered travel fee shall be $2.75 for the first one-eleventh of a mile or less plus $0.20 for each additional one-eleventh of a mile or less.

(2) *Nighttime metered travel.* For nighttime trips, the metered travel fee shall be $3.75 for the first one-eleventh of a mile or less plus $0.20 for each additional one-eleventh of a mile or less.

(3) *IAH flat rates.* Alternative flat rates shall be imposed for trips between George Bush Intercontinental Airport/Houston (IAH) and its geographic zones I through X, as follows:

Zone	Daytime Trip Flat Rate	Nighttime Trip Flat Rate
I	$ 45.00	$ 46.00
II	52.50	53.50
III	60.00	61.00
IV	65.00	66.00
V	73.00	74.00
VI	81.00	82.00
VII	87.50	88.50
VIII	104.50	105.50
IX	34.00	35.00
X	41.00	42.00

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 rates are inclusive of airport use fees, which may be additionally imposed on metered fares but not on flat rate fares.

(4) *HOU flat rates.* Alternative flat rates shall be imposed for trips between William P. Hobby Airport (HOU) and its geographic zones I through XI, as follows:

Zone	Daytime Trip Flat Rate	Nighttime Trip Flat Rate
I	$32.00	$33.00

II	26.00	27.00
III	38.50	39.50
IV	54.50	55.50
V	61.50	62.50
VI	70.00	71.00
VII	80.50	81.50
VIII	71.00	72.00
IX	37.50	38.50
X	86.00	87.00
XI	79.50	80.50

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 rates are inclusive of airport use fees, which may be additionally imposed on metered fares but not on flat rate 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 flat rate of $6.00 shall be imposed for trips entirely within the central business district.

(10) *Annual TCI review.* On or before December 31st of each year, the director shall conduct a review of the TCI, which shall be used to determine whether taxicab rates need to be adjusted. 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.

(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. The last rate adjustment was at least three years ago;

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 30th 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 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.* No person shall 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.

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 a 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 taxicab rates specified in section 46-31 of this Code. 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 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 so that the

contents thereof can be seen by the other passengers riding in the cab. The director shall specify the size of print, the colors, and the information to be provided on each card as he finds necessary so that the information may be read by passengers.

(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.

Sec. 46-33. Payment method.

It shall be unlawful for any licensee to refuse to accept a passenger's payment of posted rates by credit card. For trips entirely within the central business district for which the alternate flat rate established by section 46-31(a)(9) of this Code is being charged, it is an affirmative defense to prosecution under this subsection that the licensee was operating a taxicab that was marked with signage, as prescribed by the director, that indicates "cash only" rides.

Sec. 46-34. Receipt for payment of fare.

No licensee of any taxicab, upon receiving full payment for a fare as authorized by this article, shall refuse to give a receipt upon the request of any passenger making the payment. The permittee of the taxicab shall make available to each licensee a receipt book to be used for this purpose.

Sec. 46-35. Required operation; 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 permits; and

(2) 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 operators having ten or more taxicab permits must have 60 percent of their taxicabs in operable condition at all times. Operators having fewer than ten taxicab permits must have 50 percent of their taxicabs in operable condition 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.

Sec. 46-36. Removal of identification marks when vehicle retired from service.

No permittee shall dispose of a taxicab that is being retired from service until all marks of taxicab identification have been removed therefrom.

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

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

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

(c) Inspections shall include, but not be limited to, the following items: vehicle identification number; taxicab number; date of purchase; foot brakes; emergency brake; head lamps; tail lamps; license plate lights; stool light; dome light; horn; windshield wipers; heating, ventilating, and air conditioning systems; current state inspection sticker; rearview mirror; all glasses; cleanliness; safety; condition of paint; color scheme; certification decals; taximeter seals and readings; rate card; signs; fumes; state license plates and registration sticker; speedometer readings; mileage; steering; tires; muffler and tail pipe; accuracy of taximeter; condition of the body of the vehicle and fenders.

Secs. 46-38--46-39.Reserved.

Sec. 46-40. Preferences and soliciting of business prohibited.

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

(b) It shall be unlawful for any cab starter, bell person, maitre d', or other person having the ability or authority to control the selection of taxicabs available for

hire at any business premises to solicit a fee or other compensation or favor for the purpose of granting preference or priority rights to any taxi. The provisions of this section shall not be construed to prohibit the owner of a business premises that maintains a private off-street cabstand area for the convenience of its patrons from entering into a written contract by which the owner receives compensation from one or more permittees in exchange for access to the premises' off-street cabstand area.

Secs. 46-41--46-42.Reserved.

Sec. 46-43. Passenger comfort; courtesy.

(a) It shall be unlawful for the permittee or licensee to suffer, allow or cause the taxicab to be in service at any time during which the vehicle's heating, ventilating, and air conditioning system 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 is operated for the comfort of the passengers and that the vehicle's heating, ventilating, and air conditioning system is in operation at all times while passenger(s) are present in the vehicle and is functioning in accordance with the 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 taxicab 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.

Sec. 46-44. Taxicab condition.

It shall be unlawful for the permittee or licensee of any taxicab to allow or cause the taxicab to be in service at any time that the cleanliness and condition of the taxicab do not meet any one or more of the following standards:

(1) The passenger compartment of the vehicle is free of litter and debris.

(2) The passenger compartment of the vehicle is free of any personal items of the licensee or other objects that would restrict the seating comfort of the passengers.

(3) The vehicle is free of noxious or offensive odors.

(4) The carpet, seating surfaces and head liner have no tears, exposed springs or underparts and are free of any spots or stains that are removable with a reasonable cleaning effort.

(5) The exterior of the vehicle is free from debris and dirt, commensurate with ambient weather conditions and free of any paint or body work damage, excepting "door dings," minor scratches, and similar defects that are not significantly visible.

(6) The vehicle has no broken windows or windows with cracks, except for cracks in places that do not interfere with licensee's vision.

(7) The taxicab has hubcaps or wheel covers on all four wheels if it was so equipped by the manufacturer.

Secs. 46-45--46-60.Reserved.

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:

Mean annual airport taxicab usage = (airport taxicab usage 2008 + 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:

Mean annual population = (Population estimate 2008 + 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 officer, each director and each other person who holds ten percent or more of the outstanding shares. For any other form of entity, the term shall include the equivalent persons as determined by the director.

Taxicab permit adjustment factor means the mean average of the population adjustment factor and the airport taxicab usage adjustment factor.

Sec. 46-62. Required.

(a) It shall be unlawful for any person to operate or drive or cause to be operated or driven any taxicab upon and over the streets of the city unless a current permit has been issued for the taxicab by the director in accordance with this article.

(b) It is an affirmative defense to prosecution under this section that the taxicab is not being operated for the purpose of serving any passenger in exchange for consideration unless the trip originated in a jurisdiction outside the city in which the taxicab is operated in compliance with all applicable laws. The provisions of this section shall not be construed to authorize a taxicab from another jurisdiction to originate any passenger service trip within the city.

Sec. 46-63. 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. Distribution of available permits.

(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 one-half 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 1 of each permit computation year, the director shall cause the computation of the available permit number to be 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.

Sec. 46-65. Applications.

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

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

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

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

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

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

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

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

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

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

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

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

(c) The director shall review applications received and on or before March 1 of the permit distribution year advise each applicant whether the applicant has been determined to be qualified or unqualified. An applicant is considered qualified if each of the following criteria is met:

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

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

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

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

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

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

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

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

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

Sec. 46-66. Drawing; distribution.

(a) Based upon the list generated for new entrant applicants in section 46-65(e) of this Code and the number of permits reserved for new entrant applicants in section 46-64(a) of this Code, the director shall conduct or cause to be conducted a public drawing to determine the granting of permits. All qualified new entrant applicants shall be invited to attend the drawing. The drawing shall be conducted in such a manner as to ensure distribution of the permits by random chance. 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 (d) may not exceed 25 percent of the available permit number. The purposes of granting additional permits, if any, by petition under this subsection (d) 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. 46-67. Insurance as prerequisite.

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

(b) The insurance required in subsection (a) shall be in the form of commercial auto liability coverage in no less than the minimum coverage amounts specified in the Texas Motor Vehicle Safety Responsibility Act issued by a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies. Additionally, the insurance policy must include an endorsement requiring 30 days' written notice of termination or cancellation to the director. In the event that a policy terminates or is cancelled without replacement, then each permit to which it pertains shall be suspended, and those taxicabs may not be operated. If a proper replacement policy is not provided to the director on or before the 10th business day after the date of termination or cancellation of the policy, the permit shall automatically terminate. Proof of insurance coverage shall be maintained at all times and shall be accepted only in the authorized form approved by the Texas Department of Insurance for that purpose.

Sec. 46-68. Fee.

(a) The annual fee for a permit under this division is stated for this provision in the city fee schedule and is payable for each taxicab. In the event a permit is issued for a period of time less than eight months, the permit fee shall be prorated according to the number of months remaining in the permit period, payable at the rate stated for this provision in the city fee schedule for each month or fraction of a month, not to exceed

the full amount of the annual fee. The reissuance of any certification decal that is lost, mutilated or otherwise rendered unusable shall be provided only upon reinspection of the taxicab.

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

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

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

(2) Deny the refund.

Sec. 46-69. Issuance.

Taxicab permits shall be issued by the director upon determination that the applicant is entitled to receive a taxicab permit and has otherwise complied with all of the requirements of this article, and upon payment by the applicant of the fee prescribed by section 46-68 of this Code.

Sec. 46-70. Term; renewal.

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

Sec. 46-71. Changes in principals after issuance.

Any change in principals of a 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 authorized to the extent that the applicant is qualified thereunder, provided that the director may utilize modified application forms and procedures that do not require the provision of information or data that is applicable by its nature to the issuance of a new permit but not applicable to the decision process for a change in principal. The director shall authorize the permittee to continue to operate on a temporary basis pending the determination if, based upon an initial review of the application, it appears that the applicant will be determined to be qualified. If the application is denied, the permittee may not continue to utilize the permit(s), and the permit(s) shall terminate on the thirtieth day following notice of denial and any appeal therefrom, unless the permittee divests itself of the new principal or otherwise returns to compliance with this article.

Sec. 46-72. Transfer of permits.

(a) When used in this section, the following words and terms shall have the meanings ascribed 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:

(1) The permittee remains fully responsible to the city for the actions of the driver-operator as provided by this article;

(2) The arrangement does not convey any right to purchase or acquire the permit or option to do so;

(3) The arrangement provides by its terms that it may not be used in any manner as collateral or as a guarantee to support any loan or extension of credit.

(c) A permit may only be transferred to:

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

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

(d) Any transfer to a person who is not an existing permittee shall be subject to an application to be filed in the same manner as under section 46-65 of this Code for a permit application and shall only be allowed to the extent that the applicant is determined to be qualified thereunder. The director may authorize the transfer on a temporary basis pending the completion of the processing of the application, subject to the same provisions set forth in section 46-71 of this Code.

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

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

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

Secs. 46-73--46-85.Reserved.

DIVISION 3. LICENSES

Sec. 46-86. Required.

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

(b) No permittee shall suffer or allow any of his taxicabs to be driven by anyone who does not possess a current and valid license.

Sec. 46-87. License application.

Applications for licenses shall be submitted to the director on a form promulgated by the director. The applicant shall provide the following information with each application, which shall be sworn before a notary public or conform to minimum state law requirements for unsworn declarations:

(1) The applicant's full name, residence, places of residence for five years previous to moving to his present address, age, race, height, weight, color of eyes and hair, place of birth, and length of time he has resided in the city;

(2) Whether the applicant is a citizen of the United States, and his record of employment for the past five years, social security number, and marital status;

(3) Whether the applicant has ever been convicted of a felony or misdemeanor;

(4) Whether the applicant has previously been a licensee;

(5) Whether the applicant has ever been denied a license or has had one or more licenses revoked or suspended;

(6) Whether the applicant has ever had a private passenger vehicle operator's license or a commercial vehicle driver license or a chauffeur's license revoked;

(7) The permittee that the applicant intends to work for; and

(8) Evidence of compliance with any qualifications established in this article and any other relevant information that may be requested by the director.

Sec. 46-88. Qualifications of applicant.

Each applicant for a license required by this division must:

(1) Have a valid state class A, B or C Texas driver license.

(2) Be 18 years of age or older.

(3) Be a person of good moral character.

(4) Be able to read and write the English language.

(5) Produce, on forms to be provided by the director, affidavits of his character from two reputable citizens who have known him personally and observed his conduct for at least one year.

(6) Submit to medical examination by a licensed physician and provide the report of the physician, which must be signed by the physician, on forms to be provided by the director.

(7) Have no criminal history that is disallowed under section 1-10 of this Code. Upon initial application for a license and at renewal intervals of six years, the director shall cause each applicant's criminal history to be researched. The applicant shall complete any forms required for the director to obtain the report and provide funding to the director in a manner specified to cover any fees imposed by state or federal agencies for the report. The provision of this requirement shall not be construed to preclude the director from obtaining interim reports at the expense of the city.

(8) Provide evidence, in a form to be specified by the director, that he is either (*i*) a citizen of the United States of America by birth or naturalization or (*ii*) an alien legally residing in the United States of America who has the legal right to engage in employment as a licensee.

(9) Provide a driving record, in a form to be specified by the director, from Texas and from any state that has issued the applicant a driver license that was valid at any time within the three years immediately preceding the submission of the application.

(10) Demonstrate by means of passing an examination, promulgated by the director, that the applicant possesses minimum essential knowledge of this article of this Code as well as city streets.

(11) Demonstrate the attendance and successful completion of a training course approved by the director regarding public relations and communication skills. A licensee must successfully complete a refresher training course complying with this item prior to the renewal of a license.

Secs. 46-89--46-90.Reserved.

Sec. 46-91. Issuance or denial.

The director, upon consideration of the application and reports submitted under this division, as reflecting the applicant's character, and the applicant's reputation in the community for character, shall, subject to applicable requirements of this article, issue the license or deny the application. If the application is denied, the applicant shall be notified in writing by the director within five days that his application has been denied and the grounds therefor. If the grounds are based in whole or in part upon section 1-10 of this Code, then the notice shall comply with section 1-9 of this Code and applicable state laws.

Sec. 46-92. License term; renewal.

Each license shall expire two years from the date of issuance. The license may be renewed by making application to the director upon forms provided by the director for that purpose 30 days prior to the date of expiration of the license.

Sec. 46-93. Fee.

No fees shall be charged for the issuance of alicense, or for renewal thereof.

Sec. 46-94. Appeal from denial of application.

The decision of the director in denying an application for a license under any provision of this article may be appealed to an independent hearing examiner designated by the director. Each appeal must be perfected by a letter addressed to the director and delivered to the director's office within 15 days of the date that notice of the director's decision, addressed to the party making the appeal, is placed in the United States mail. The letter of appeal must state that an appeal from the decision of the director is desired. The director may grant the applicant a hearing only if the applicant's notice of appeal is in writing and timely given. The hearing shall be conducted in accordance with section 1-9 of this Code and applicable state laws if the denial was based in whole or in part upon section 1-10 of this Code. Subject to any further appeal authorized by state law, the hearing examiner's decision shall be final.

Sec. 46-95. State driver license status.

The issuance of a license is subject to the holder's maintenance of a current and valid Class A, B, or C Texas Driver License and the expiration, suspension, or revocation of the State license shall automatically render the license invalid until the applicant again holds a current and valid state license.

Sec. 46-96. Waiting period before becoming eligible to reapply.

A person whose application for a permit or license has been denied or whose current permit or license has been revoked or refused for renewal and such action has become final shall be required to wait a period of one year from the date the denial or revocation became final before becoming eligible to reapply for a permit or license.

Secs. 46-97--46-110. Reserved.

DIVISION 4. MISCELLANEOUS LICENSEE REQUIREMENTS

Sec. 46-111. Licensee appearance.

(a) It shall be the duty of every licensee to be hygienically clean, well-groomed, neat, and suitably dressed in compliance with all applicable requirements of this section at all times while a taxicab is in his or her custody.

(b) Male licensees shall be clean-shaven, and hair shall be neatly trimmed. If a beard or moustache is worn, it shall be well groomed and neatly trimmed at all times in order not to present a ragged appearance.

(c) Subject to the limitations of subsection (e) below, the term *suitably dressed* shall be interpreted to mean the licensee, if male, shall wear trousers or slacks, a shirt, with or without a tie, shoes, and, if desired, appropriate outer garments.

(d) Subject to the limitations of subsection (e) below, the term *suitably dressed* shall be interpreted to mean the licensee, if female, shall wear a skirt, trousers, or slacks, a shirt or a blouse, shoes, and, if desired, appropriate outer garments.

(e) Clothing that is not considered appropriate and is not permitted, whether the licensee is male or female, includes: (1) T-shirts, underwear, tank tops, body shirts, swim wear, jogging suits, or similar types of attire when worn as an outer garment; or (2) any form of shorts.

Sec. 46-112. Reserved.

Sec. 46-113. Limitation on hours of work.

(a) No licensee shall drive more than 12 hours in any one consecutive 24 hour period.

(b) No taxicab permittee shall suffer or allow any licensee to drive a taxicab for more than 12 hours in any consecutive 24 hour period.

Sec. 46-114. Duty to transport passengers by shortest route.

Each licensee shall transport his passengers to definite points designated by the passengers, and he shall take the most direct and shortest route to deliver the passengers safely and expeditiously to their destination.

Sec. 46-115. Duty to pull to curb to load or unload.

It shall be the duty of each licensee to pull his vehicle to the curb when loading or unloading passengers.

Sec. 46-116. Refusal to discharge passenger at designated place.

(a) No licensee shall refuse to discharge a passenger at any place designated by the passenger upon the streets of the city, except when the place so designated is at a point not easily accessible by reason of an obstruction, a no parking zone, or conditions rendering the designated place or access to the designated place unreasonably hazardous.

(b) The provisions of this section shall not be deemed to excuse compliance with section 46-115 of this Code, which requires passengers to be unloaded at the curb.

Sec. 46-117. Leaving taxicab while waiting at depot, airport, hotel, etc.

No licensee shall leave his taxicab for any purpose, except in emergencies, while he is waiting at a depot, airport or hotel. This section does not prohibit a licensee from assisting passengers in loading and unloading.

Sec. 46-118. Duty to inspect vehicle; procedure when passenger leaves article in cab.

(a) Each licensee shall inspect his taxicab before going on duty and after discharging each passenger to see that the taxicab is free of cigars, cigarettes, papers, bottles, and anything that could cause offensive or objectionable odors. He shall check the interior of the taxicab and the trunk to see that no articles have been left in the vehicle after each passenger reaches his destination. In the event a passenger should leave any article in the taxicab, the licensee shall immediately notify the taxicab

dispatcher and shall immediately return the article to the owner, the company dispatcher, or a company representative, before making another trip. When a licensee delivers the article to the owner or the dispatcher, a receipt for the article shall be prepared in triplicate. The original copy of the receipt shall be mailed to the director, the second copy retained by the licensee, and the third copy shall be furnished to the permittee.

(b) The permittee shall keep the article for a period of not more than ten days and, if the owner of the article has not called for it within that period of time, the permittee shall then deliver the lost article to the office of the chief of police. The chief of police shall give the permittee a receipt for the article and, following any holding period required for the redemption, shall cause the item to be disposed of in accordance with applicable law.

Sec. 46-119. Duty to transport within the corporate limits.

It shall be unlawful for a licensee to refuse to transport a person to a requested destination located within the corporate limits of the city.

Secs. 46-120--46-140. Reserved.

ARTICLE III. PEDICABS

DIVISION 1. GENERALLY

Sec. 46-141. 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:

Bicycle means a belt-, chain-, or gear-driven device propelled by human power and on which a person may ride and that has two tandem wheels, either of which is more than 14 inches in diameter.

Daytime means the period between sunrise and sunset.

License means a pedicab driver's license issued pursuant to this article.

Licensee means any person in physical control of a pedicab who is the holder of a current and valid pedicab driver's license issued pursuant to division 2 of this article.

Nighttime means the period between sunset and sunrise.

Pedicab means a bicycle or tricycle used to transport passengers for hire, including a bicycle to which is attached a trailer, sidecar, or similar device.

Pedicab service means the business of transporting passengers for hire by means of a pedicab. Specifically excluded from this definition are:

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

(2) Taxicabs and jitneys licensed by the city;

(3) Vehicles operating under a contract with the city; and

(4) Sightseeing or charter vehicles licensed by the city.

Permit means a permit to operate a pedicab service pursuant to this article.

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

Tricycle means a belt-, chain-, or gear-driven device that is propelled by human power and on which a person may ride and that has three wheels in contact with the ground, any of which is more than 14 inches in diameter.

Sec. 46-142. Reserved.

Sec. 46-143. Article cumulative.

This article is cumulative of all other applicable laws and ordinances. Without limitation, this article is expressly made cumulative of division 3 of article II of chapter 9 of this Code. The director shall not approve the operation of a pedicab upon any airport terminal complex unless the permittee has first obtained an airport use permit for use of pedicabs.

Secs. 46-144--46-150. Reserved.

DIVISION 2. PERMITS AND LICENSES

Sec. 46-151. Permit required.

(a) It shall be unlawful for any person to operate a pedicab service without first obtaining a permit pursuant to the terms of this division.

(b) Each applicant for a permit required by this division must:

(1) Have no conviction of an offense listed in subsection (c) of section 1-10 of this Code;

(2) Identify each pedicab the applicant desires to receive a certification decal for, including trade name, if any, serial or identification number and body style of the pedicab;

(3) Identify the proposed route(s) or area(s) where the applicant desires to operate the pedicab service;

(4) Provide proof of insurance pursuant to the requirements of this article;

(5) If a natural person:

a. Be 18 years of age or older;

b. Be able to read and write the English language;

c. Provide written character references from two persons who have known the applicant for at least two years attesting to the applicant's good moral character. Character references shall be from persons who reside in the city unless the applicant has not resided in the city or county for the preceding five-year period; and

d. Hold a current and valid class A, B, or C Texas driver license.

(6) Not have had a license or permit issued under this chapter denied, revoked or refused for renewal, by the city within the one-year period preceding the date of filing of the application;

(7) Provide evidence that the applicant has a place of business within the metropolitan area from which the applicant's pedicab service will be operated and that such use of the location is in compliance with any applicable deed restrictions; and

(8) Provide any other information reasonably requested by the director for administration of this article.

Sec. 46-152. License required.

It shall be unlawful for any person to operate a pedicab without a license issued pursuant to this article.

Sec. 46-153. Fees.

(a) There shall be a fee in the amount stated for this provision in the city fee schedule for the issuance of a license.

(b) There shall be a nonrefundable application processing fee in the amount stated for this provision in the city fee schedule payable upon the filing of an application for a permit.

(c) In addition to the application processing fee provided in subsection (b) of this section, an annual permit fee in the amount stated for this provision in the city fee schedule shall be payable for each pedicab before it is placed into service and annually thereafter on before May 1 of each year.

Sec. 46-154. Application.

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

(b) Each license and permit applicant (including the proprietor if a proprietorship, each partner if a partnership, or each corporate officer, director, or holder of ten percent or more of the outstanding stock 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(s) set forth in subsection (c) of section 1-10 of this Code. If so, the director shall follow the procedures set forth in section 1-9 of this Code and conduct a hearing if timely requested.

Sec. 46-155. Review.

(a) Following review of the application, the director shall provide the applicant with written notification of the approval or denial of the requested permit or license.

(b) The submission of any false information or a materially incomplete application, including but not limited to an applicant's failure to provide any information reasonably requested by the director, shall be grounds for denial of the application. In the event of denial, the applicant shall be given written notice of the basis for such action. The applicant shall be entitled to appeal a decision based, in whole or in part, upon section 1-10 of this Code. Notice of any denial shall comply with section 1-9 of this Code and applicable state laws.

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

from the date of the filing of the appeal. At the hearing, the burden shall be upon the applicant to demonstrate that he is entitled to the license or permit.

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

(e) A license shall be issued upon the approval of the application therefor. A permit shall not be issued until the applicant has identified each pedicab, if not provided with the application, and has also obtained a satisfactory inspection and certification decal, provided proof of insurance, and provided proof of ownership or lease of each pedicab.

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

Sec. 46-156. Transfer; nonexclusive; fee.

(a) A license or permit is personal to the licensee or permittee to whom it is issued and may not be transferred or otherwise assigned. Any change of ownership, partnership interests, corporate officer, director, or holder of ten percent or more of the outstanding shares of stock as shown on the permit application shall render a permit void, unless an application for transfer 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. The fee for filing an application amendment is stated for this provision in the city fee schedule.

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

Sec. 46-157. Terms of licenses and permits.

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

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

pedicabs pursuant to a current and valid permit shall require an inspection as provided for in section 46-161 of this Code, including the payment of the inspection fee.

(c) A person whose application for a license or permit has been denied or whose current license or permit has been revoked or refused for renewal and such action has become final shall be required to wait a period of one year from the date the denial or revocation became final before becoming eligible to reapply for a license or permit.

Secs. 46-158--46-160. Reserved.

DIVISION 3. PEDICAB OPERATING REQUIREMENTS

Sec. 46-161. Pedicab inspection; fee.

(a) It shall be unlawful for any person to operate or cause to be operated any pedicab unless the pedicab has been inspected as required in this section and has a current and valid certification decal affixed in a manner and location prescribed by the director. There shall be a non-refundable inspection fee stated for this provision in the city fee schedule for each pedicab. All pedicabs shall be maintained in a safe and sanitary condition and shall be thoroughly cleaned and disinfected at least once in each 24-hour period.

(b) Each pedicab shall be inspected before it is initially placed into service and thereafter before May 1 of each year at such location as the director may specify. The director shall approve the pedicab if he determines that:

(1) The pedicab is of the approved color scheme and is marked as provided in this article;

(2) The pedicab is in generally good working condition with no safety-related defects, including inspection or testing of the wheels, brake system, pedicab frame, passenger compartment, audible signaling device, steering mechanism, tires, front lamp, rear lamp, and all reflectors; and

(3) The pedicab complies with all other requirements of this article.

(c) Upon satisfactory completion of the inspection, the director shall issue and permanently affix a certification decal to the pedicab. In any prosecution under this section, it shall be presumed that a pedicab has not been inspected as required in this section unless it has a current and valid certification decal affixed thereto.

(d) Replacement certification decals shall be provided only upon reinspection of the pedicab and payment of the applicable inspection fee provided in subsection (a) of this section.

(e) It shall be unlawful to:

(1) Remove, move, alter, or deface a certification decal;

(2) Transfer a certification decal from the pedicab for which it was issued to another pedicab;

(3) Operate a pedicab with a certification decal that was not issued for that pedicab; or

(4) Operate a pedicab with a fictitious or fraudulent certification decal.

(f) The director may inspect any pedicab and any records or documents required to be carried in or on the pedicab at any time upon presentation of identification to the licensee in order to determine compliance with the provisions of this article and the regulations adopted by the director.

Sec. 46-162. Authorized operators.

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

Sec. 46-163. Rate structure and fares.

A permittee shall file all rate structure and fare information with the director. It shall be unlawful for a permittee or licensee to charge a passenger a fare that was not agreed upon with the passenger in advance or to demand a fare from a passenger after agreeing to provide the service for a gratuity only.

Sec. 46-164. Receipt for payment of fare.

No licensee, upon receiving full payment for a fare as authorized by this article, shall refuse to provide a receipt upon the request of any passenger. The permittee of the pedicab shall make available to each licensee a receipt book or other electronic instrument capable of creating a payment record for this purpose.

Sec. 46-165. Posting of pedicab driver's license, fares, and other information.

(a) Each permitted pedicab shall be equipped with a holder mounted in a conspicuous location on the pedicab to ensure that its contents are visible by the passengers. It shall be the duty of the permittee and licensee to post in this holder a photograph of the licensee, the licensee's name, and a copy of the licensee's pedicab license. Each permitted pedicab shall also display the name, trademark, logo, or other identifying information of the permittee and the specific fares charged for services rendered. The size and content of the permittee's information and the posted fares shall be affixed to the pedicab in a manner approved by the director.

(b) 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 pedicab services or charges. The card shall be mounted adjacent to licensee's pedicab license information and shall inform any passenger that wishes to file a complaint to obtain the pedicab certification decal number as posted on the pedicab, and the date, time, destination, and fare charged. The director shall approve the size of the print, the colors, and the information to be provided so that the information may be easily read by passengers.

Sec. 46-166. Carrying additional passengers.

Any passenger who engages the services of a pedicab shall have the exclusive right to the passenger compartment of the pedicab. It shall be unlawful for a licensee to carry additional passengers unless specific permission is obtained from the passenger who originally engaged the pedicab.

Sec. 46-167. Operation of pedicabs on roadways.

(a) All pedicabs operating on a roadway shall comply with all traffic laws of the state and applicable provisions of this Code.

(b) All pedicabs operating on a roadway and moving slower than the other traffic on the roadway shall ride as near as practicable to the right curb or edge of the roadway, unless:

(1) The pedicab is passing another vehicle moving in the same direction;

(2) The pedicab is preparing to turn left at an intersection or onto a private road or driveway;

(3) A condition on or of the roadway, including a fixed or moving object, parked or moving vehicle, pedestrian, animal, or surface hazard prevents the pedicab from safely riding next to the right curb or edge of the roadway; or

(4) The person is operating a pedicab in an outside lane that is:

a. Less than 14 feet in width and does not have a designated bicycle lane adjacent to that lane; or

b. Too narrow for a bicycle and a motor vehicle to safely travel side by side.

(c) A licensee operating a pedicab on a one-way roadway with two or more marked traffic lanes may ride as near as practicable to the left curb or edge of the roadway.

(d) Licensees operating pedicabs on a roadway may ride two abreast. Licensees riding two abreast on a laned roadway shall ride in a single lane. Licensees riding two abreast may not impede the normal and reasonable flow of traffic on the roadway. Licensees may not ride more than two abreast unless they are riding on a part of a roadway set aside for the exclusive operation of bicycles, tricycles, or other similar forms of non-motorized transportation.

(e) Each licensee shall pull his or her pedicab to the curb when loading or unloading passengers.

Sec. 46-168. Pedicab condition.

It shall be unlawful for a permittee or licensee to operate, or cause to be operated, a pedicab that is not in good working order, including, but not limited to, the operation of a pedicab that has:

(1) Exposed rust;

(2) Ripped upholstery or fabric;

(3) Visible chips or scratches on any painted surface;

(4) Exposed wood that is not painted and in good condition;

(5) Exposed sharp edges; or

(6) Dirt or debris on any surface accessible to patrons.

Sec. 46-169. Licensee appearance.

(a) It shall be the duty of every licensee to be hygienically clean, well-groomed, neat, and suitably dressed in compliance with the requirements of this section at all times while operating a pedicab for hire.

(b) Licensees shall be clean-shaven or facial hair shall be neatly trimmed. If a beard or moustache is worn, it shall be well-groomed and neatly trimmed at all times.

(c) The term "suitably dressed" shall mean wearing appropriate outer garments, including, at minimum, shorts, slacks or trousers, a shirt with collar or blouse with or without a tie, and shoes. A licensee operating a pedicab shall be permitted to wear a T-shirt and a short uniform design displaying the permittee's name, trademark, logo, or other similar identifying information. All uniform designs shall be submitted to and kept on file with the director.

(d) Clothing that is not considered appropriate and is not permitted when the licensee is in charge of a pedicab includes: underwear (as an outer garment), tank tops, body shirts, swimwear, jogging suits, or similar types of attire when worn as an outer garment, athletic shorts or trunks (jogging or bathing), or sandals.

Sec. 46-170. Pedicab lighting and reflectors.

It shall be unlawful for any permittee or licensee to operate, or cause to be operated, a pedicab that does not have the following:

(1) A lamp on the front that emits a white light visible from a distance of at least one hundred feet to the front during daytime;

(2) A lamp on the front that emits a white light visible from a distance of at least five hundred feet to the front during nighttime;

(3) A red reflector on the rear of a type approved by the Texas Department of Transportation that is visible from fifty feet to three hundred feet to the rear when the reflector is directly in front of lawful upper beams of head lamps on a motor vehicle during nighttime; and

(4) One lamp that emits a red light visible from a distance of five hundred feet to the rear during nighttime.

Sec. 46-171. Pedicab brakes.

It shall be unlawful for a permittee or licensee to operate, or cause to be operated, a pedicab that is not equipped with a braking system capable of being manipulated by the licensee from his normal position of operation and is capable of

causing a pedicab with a loaded passenger compartment to come to a complete stop in a linear path of motion when each wheel of the pedicab is in contact with the ground on dry, level, clean pavement.

Sec. 46-172. Pedicab seat belts.

It shall be unlawful for a permittee or licensee to operate, or cause to be operated, a pedicab that is not equipped with a lap seat belt for each passenger.

Sec. 46-173. Pedicab trailer; limitation on number.

It shall be unlawful to operate a pedicab with more than one attached trailer, sidecar, or similar device.

Sec. 46-174. Pedicab width.

It shall be unlawful to operate a pedicab that is wider than 54 inches at its widest point.

Sec. 46-175. Pedicab operation; conduct.

(a) It shall be unlawful for a licensee operating a pedicab, or a permittee operating a pedicab service, to cause, suffer, or permit a licensee to:

(1) Operate the pedicab other than on or astride a permanent and regular seat attached to the pedicab;

(2) Carry at any one time a number of persons in excess of the number of seats available, provided that a passenger under five years of age shall not be considered a person for purposes of this subsection;

(3) Operate a pedicab in a manner that results in damage to public or private property;

(4) Fail to exercise due care to avoid colliding with a pedestrian on any roadway or sidewalk;

(5) Operate a pedicab that is not equipped with an audible signaling device approved by the director and a radio, mobile telephone, or other means of two-way communication that may be used to request assistance in the event of an emergency;

(6) Permit a person riding on a bicycle, coaster, sled, toy vehicle or roller skates to attach to the pedicab;

(7) Operate a pedicab while carrying a package, bundle or article if the package, bundle or article prevents the operator from keeping at least one hand on the handlebars;

(8) Operate a pedicab on any street or adjoining sidewalk that has been closed to vehicular traffic by barricade or similar barrier;

(9) Permit or allow passengers to ride in or on a pedicab in such a position that the licensee's vision forward or to the side is blocked;

(10) Refuse to board and convey a passenger on the basis of race, color, religion, sex, national origin, age, or disability, including the refusal to board and convey any service animal or medical equipment utilized in conjunction with a passenger's disability; or

(11) Stop or stand to pick up or discharge any passenger in a taxicab zone or any other area designated for other categories of vehicles.

(b) It shall be unlawful for any person to operate a pedicab on a street where the posted speed limit exceeds 35 miles per hour, except for the purpose of crossing that street.

(c) It shall be unlawful for any person, while operating a pedicab, to pick up or drop off passengers on a street where the posted speed limit exceeds 35 miles per hour.

(d) It shall be unlawful for any person to operate a pedicab upon any portion of a public sidewalk except as necessary to access locations immediately adjacent to roadways through the use of points of ingress and egress made available for use by motor vehicles operating in compliance with all applicable traffic laws.

(e) It shall be unlawful for any person, while operating a pedicab, to obstruct the flow of pedestrian or vehicular traffic by remaining stopped by a sidewalk, except for the time period necessary to load or unload passengers.

(f) It shall be unlawful to operate a pedicab that does not have a clearly visible manufacturer's serial or identification number. In the case of a pedicab that is not of unibody design, it is sufficient for purposes of this subsection that either the operator's portion or the passenger's portion of the pedicab contain the manufacturer's serial or identification number.

(g) It shall be unlawful to remove, deface, alter or destroy the manufacturer's serial or identification number on a pedicab.

Sec. 46-176. Pedicab 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) of this section.

(b) The insurance required in subsection (a) shall be in the form of commercial general liability policy. The required policy shall name the city as an additional insured and be issued by a carrier authorized or eligible to transact business in Texas. The insurance shall be a policy of commercial general liability insurance, including broad form coverage, products and completed operations, and personal injury and advertising injury in an amount not less than $1,000,000.00 12-month aggregate, and $1,000,000.00 per occurrence.

(c) Additionally, the policy must include an endorsement requiring 30 days' written notice of termination or cancellation to the director and an endorsement requiring ten days' written notice of non-payment 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 all pedicabs within such coverage may not be operated. 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. Proof of insurance required in subsection (b) shall be carried by licensees at all times while operating a pedicab and shall be accepted only in the authorized form approved by the Texas Department of Insurance for that purpose.

Secs. 46-177--46-190. Reserved.

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 ascribed to them in this section, except where the context clearly indicates a different meaning.

Chauffeured limousine shall mean:

a. A sedan-type luxury motor vehicle with a passenger capacity of five or six persons (including the driver), which vehicle is either less than or equal to six years of age;

b. An extended-body type motor vehicle with a passenger capacity of no more than 15 persons (including the driver), which vehicle is either less than or equal to ten years of age and modified to extend its original factory wheelbase by 40 inches or more in conformity with Federal Motor Vehicle Safety Standard requirements.

c. A vehicle that is classified in the United States Environmental Protection Agency's annual Fuel Economy Guide as a sport utility vehicle that: (*i*) has a passenger capacity of not less than six persons nor more than nine persons, including the driver; (*ii*) has a manufacturer's suggested base retail selling price of not less than $37,600.00, adjusted annually based upon Consumer Price Index (CPI-U), All Urban Consumers, U.S. City Average, New Trucks, as published by the U.S. Department of labor, excluding the cost of any manufacturer installed options or of any modifications or conversions that were made by other persons following the original assembly of the vehicle by the manufacturer. The adjustment shall be based upon the not seasonally adjusted data for the month of August and shall be effective November 1st; and (*iii*) is either less than or equal to six years of age;

d. A van with a manufacturer's rated passenger capacity of 9 to 15 persons (including the driver), which vehicle is less than or equal to seven years of age; or

e. An antique, classic, or special interest vehicle.

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

Chauffeured limousine service shall mean the business of renting or leasing a *chauffeured limousine*, as defined in this section, including the services of a driver, to a person, solely upon his request or one acting for or on his behalf, for any period of time not less than two hours to be used by the person or persons hiring the vehicle or under their direction and authority for the period of

time the vehicle is rented or leased. Specifically excluded from this definition are the following:

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

b. All taxicabs licensed by the city.

c. All vehicles operating under a contract with the city.

d. All sightseeing or charter vehicles licensed by the city.

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

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

License shall mean a sightseeing or charter service or chauffeured limousine service driver's license issued pursuant to this article.

Licensee shall mean the person in physical control of a motor vehicle operated as a sightseeing or charter vehicle or a chauffeured limousine who is the holder of a current and valid sightseeing or charter service or chauffeured limousine service driver's license issued pursuant to the applicable provisions of this article.

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

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

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

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

Sightseeing or charter vehicle shall mean a motor vehicle with a manufacturer's seating capacity of 16 persons or more, including the driver, manufactured, certified, and operated in compliance with the minimum requirements of the Federal Motor Vehicle Safety Standards and Regulations, as amended.

Secs. 46-192--46-199. Reserved.

DIVISION 2. SIGHTSEEING AND CHARTER SERVICES

Sec. 46-200. Scope.

The provisions of this division shall apply to charter and sightseeing services and permittees thereof.

Sec. 46-201. Permit and license required.

It shall be unlawful for any person to operate a sightseeing or charter service, or to drive or cause to be operated or driven any sightseeing motor vehicle or charter service motor vehicle upon and over the streets of the city, until such time as the director has approved and issued a permit for such service and a license.

Sec. 46-202. Permit term; operations authorized.

(a) A permit shall be issued for a term of ten years and shall authorize the permittee to operate in a manner under which persons picked up at various points are taken upon a route including stops at various points of public interest and eventually discharged at the place at which they were picked up. Proof that persons carried by a permittee are discharged and leave the motor vehicle at points other than those at which they are picked up shall constitute grounds for termination of the permit under the provisions hereinafter stated for notice and hearing; provided, that should a permittee

have scheduled routes under which "pickups" are made at several points within the business district of the city, then passengers who are picked up and carried over an entire sightseeing route of not less than ten miles in length may be discharged at any of the scheduled discharge points within the business district without constituting a violation of the terms of the permit.

(b) A permit for a charter and sightseeing service shall also authorize the operation of a charter service between points within the city and between such points and points without the city; provided however, that in operating motor vehicles for charter service from motels and hotels to transport visitors to and from various sporting events:

(1) A permittee shall not advertise locally except by use of posters or notices in said motels and hotels; and

(2) A permittee shall wait for the passengers and bring them back to the point of origin.

Sec. 46-203. License term; issuance procedure.

A license shall be valid for two years from the date of issuance. Licenses shall be issued in a manner consistent with the requirements established in division 3 of article II of this chapter regarding the issuance of taxicab driver's licenses.

Sec. 46-204. Permit application; issuance procedure.

(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, mailing address, and street address, if different, of the applicant's agent for service of legal process (which information shall always be kept 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 that the applicant desires to place into operation and a statement as to the legal ownership of each vehicle.

(4) A description of the sightseeing tours that the applicant proposes to furnish and a schedule of the routes proposed to be followed.

(b) An applicant for a permit under this division must:

(1) Be not less than 18 years of age and of good moral character.

(2) Not have been convicted of an applicable offense specified in section 1-10 of this Code unless the license is granted notwithstanding the conviction pursuant to section 1-9 of this Code.

(3) Be able to read and write the English language.

(4) Not have had a license or permit issued under this chapter denied, revoked or refused for renewal within the one-year period preceding the date of filing of the application.

(c) 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, a director or a holder of ten percent or more of the outstanding shares, 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, director, or shareholder. 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.

(d) Any change in associates, partners, officers, directors, or shareholders of the business entity holding a permit issued by the city shall require a permit amendment and must be reported to the director within ten days after the change. The new associates, partners, officers, directors, or shareholders shall complete and file the forms and supply the information required of applicants for permits. The director shall consider the information supplied regarding the new or proposed member or officer of the permittee, and if this examination discloses that the new or proposed person possesses the qualifications of a person to whom a permit would be issued under the terms of this article, he shall change his records to reflect the new member or officer of the permittee.

(e) Except as provided in section 46-218 of this Code, the addition, removal or substitution of any vehicle with a replacement vehicle operated pursuant to a permit shall require a permit amendment.

Sec. 46-205. Vehicle certification decals.

Upon the director's issuance of a permit, the permittee shall furnish to the director a list of the vehicles that he proposes to operate, describing them in such detail as the

director may require. The permittee shall furnish to the director similar descriptions and details when he proposes to place any additional vehicle in operation or withdraw from operation any vehicle theretofore operated. The director shall determine the number of vehicles a permitee shall be authorized to operate at any one time. The director shall devise a system of identification for such vehicles and prescribe and issue a certification decal identifying each vehicle as one lawfully operated under the permit.

Sec. 46-206. Waiting period before being eligible to reapply.

A person whose application for a permit or license has been denied or whose current permit or license has been revoked or refused for renewal and such action has become final shall be required to wait a period of one year from the date the denial or revocation became final before becoming eligible to reapply for a permit or license.

Sec. 46-207. Insurance requirements.

(a) Every vehicle operated under a permit issued pursuant to the provisions of this division shall at all times be covered by liability insurance meeting all requirements of Chapter 643 of the Texas Transportation Code.

(b) Policies issued under this section shall contain provisions for a continuing liability thereon up to the full amount thereof, notwithstanding any recovery thereon, and for the giving of 30 days written notice to the director before cancellation of such policy is effective. In the event that a policy terminates or is cancelled without replacement, then each permit to which it pertains shall be suspended, and all sightseeing and charter service vehicles within such coverage may not be operated. 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.

(c) The insurance required in subsection (a) shall be issued by a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies. Proof of coverage shall be accepted only in the authorized form approved by the Texas Department of Insurance for that purpose.

Sec. 46-208. Maintenance and operation of vehicles; qualifications of licensees.

(a) No permittee shall permit or cause to be driven, nor shall any licensee drive, on any street of the city any vehicle which does not comply with all of the provisions of this article. It shall be a violation of this article on the part of any permitee and licensee to fail to comply and to fail to require compliance with any of the provisions of this article.

(b) All vehicles operating as a sightseeing or charter service shall be maintained in a safe and sanitary condition and shall be thoroughly cleaned and disinfected at least once in each 24-hour period.

(c) All vehicles operating as a sightseeing or charter service shall be equipped with rear vision mirrors, a double windshield wiper, a partition or other guard to keep passengers from standing to the left of the driver, proper headlights and taillights in good working condition, which shall be lit from one-half hour after sunset to one-half hour before sunrise, and four-wheel hydraulic or air brakes in good working condition.

(d) Every vehicle operating as a sightseeing or charter service shall have posted in a conspicuous place in the vehicle the route to be traveled thereby and a schedule of the rates of fares and shall have painted on the front and on the rear thereof, or on both sides, a serial number indicating the sightseeing or charter service vehicle's route in accordance with the classification and enumeration of routes as the director may devise and order.

(e) The director, or his duly appointed representative, may at any time make tests and inspections of all vehicles operating as a sightseeing or charter service, and if, as a result of such inspection, any vehicle is found to be in an unsatisfactory condition, the owner or operator thereof shall be notified of the defects observed and shall immediately correct same to the satisfaction of the director. If the director finds any sightseeing or charter service vehicle to be unfit or unsafe for the carriage of passengers, he shall forthwith notify the operator of the sightseeing or charter service and such operator shall not thereafter cause or permit such vehicle to be operated on any street of the city until it has been made safe for the carriage of passengers. The director and any employee whom he may designate to the duty of inspection of sightseeing or charter service vehicles shall be given free and ready access to all sightseeing or charter service vehicles. Proof of a valid state inspection in the last 6 months will suffice for the purposes of this subsection in determining that the sightseeing and charter vehicle is fit and safe for the carriage of passengers.

(f) Licensees shall not smoke or use tobacco during the time they are driving vehicles that are operating as a sightseeing or charter service.

(g) No licensee shall drive for more than 12 hours in any twenty-four-hour period and no permittee shall permit or cause a licensee to drive a vehicle operating as a sightseeing or charter service more than 12 hours in any 24-hour period.

(h) The doors of a vehicle operated as a sightseeing or charter service shall be securely closed at all times while the vehicle is in motion.

(i) Passengers of a sightseeing or charter service shall not be picked up or discharged in the traveled portion of any street. Licensees shall pull the vehicle to the

curb and pick up and discharge the passengers on the side of the vehicle immediately against the curb.

(j) No licensee shall permit or allow passengers or employees to stand or ride on the running board, dash board, fender or any outside portion of the vehicle, nor shall any licensee permit any passenger to stand in such a position that the driver's vision forward or to the right front or left is blocked.

Sec. 46-209. Schedule of fares.

Upon being issued a permit, a permittee shall file with the director a complete schedule of fares to be charged. In the event any changes are made in such fares, the permittee shall file such changes with the director not later than 30 days before the effective date of such changes.

Sec. 46-210. Routes and schedules.

Permittees shall operate sightseeing and charter service motor vehicles only over and along routes and schedules filed with and approved by the director. The permittee shall submit all proposed routes and schedules for review and approval by the director. Routes and schedules may be amended from time to time. Routes shall not be exclusive.

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 is payable to the department of administration and regulatory affairs in two installments on or before January 1st and June 1st 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 refund application shall be made 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.

Sec. 46-212. Statements, reports, records.

Permittees shall furnish and render to the director such statements and reports incident to the operation of a sightseeing or charter service authorized as the director, including but not limited to records of such operation sufficient to show the amount of his gross receipts during any and every monthly period.

Secs. 46-213--46-215. Reserved.

Sec. 46-216. Transfer of license.

No transfer of a sightseeing and charter service license issued shall be effective unless it be in writing, in duplicate, signed by the transferor and by the transferee, stating the true consideration of such transfer, accompanied by the transferee's application substantially in the form prescribed in section 46-203 of this Code, which shall be filed with the city secretary, and also accompanied by the certificate of the director that he has found and determined that the public necessity and convenience will be justified and served by such transfer. No transfer of a license shall be effective until the transferee has complied in all respects with the terms of this division.

Sec. 46-217. Reserved.

Sec. 46-218. Temporary certification decals.

In addition to the vehicles regularly operated by a permittee, the permittee may place one or more vehicles into use on a temporary basis from time to time to meet seasonal or unexpected needs in accordance with this subsection. Temporary certification decals shall be issued for a term of 30 consecutive calendar days to

commence on the date of issuance at the fee stated for this provision in the city fee schedule per vehicle, per certification decal, upon provision to the director of proof of the identity of the vehicle to be used including verification that the vehicle is in compliance with all requirements of this division including proof that it is insured as required in section 46-238 of this Code and has been inspected and approved for use as provided in section 46-236 of this Code within six months preceding the date the certification decal is issued. For vehicles placed in service on a temporary basis that are less than or equal to two years of age (manufacturer's model year date counted as first full year), proof of a valid state inspection will suffice for the requirement of section 46-236 of this Code. If the permittee's insurance policy on file with the director pursuant to section 46-238 of this Code also covers the vehicles that will be placed in service on a temporary basis, no additional proof of insurance is required.

Secs. 46-219--46-229. Reserved.

DIVISION 3. CHAUFFEURED LIMOUSINE SERVICE

Sec. 46-230. Scope.

The provisions of this division shall apply to chauffeured limousine services and permittees thereof.

Sec. 46-231. Permit required.

(a) It shall be unlawful for any person to operate a chauffeured limousine service or to offer or agree to provide chauffeured limousine service, or to rent or lease motor vehicles, including the service of a driver, for chauffeured limousine service in the City of Houston, unless the person holds a current and valid chauffeured limousine service permit that has been issued under this division.

(b) It is an affirmative defense to prosecution under this section that the chauffeured limousine is not being operated for the purpose of serving any passenger in exchange for consideration or the trip originated in a jurisdiction outside the city in which the chauffeured limousine is operated in compliance with all applicable laws. The provisions of this section shall not be construed to authorize a chauffeured limousine from another jurisdiction to originate any passenger service trip within the city.

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 and is payable to the department of administration and regulatory affairs in two installments on or before January 1st and June 1st 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 state 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. Failure to pay the permit fees when due shall result in revocation, as provided in section 46-244(d) of this Code.

(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 refund application shall be made 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. 46-233. Application for permit--Form.

(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, mailing address, and street address, if different, of the applicant's agent for service of legal process (which information shall always be kept 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 chauffeured limousine;

(4) Documentary evidence from an insurance company indicating a willingness to provide insurance or proof of current coverage of insurance as required in section 46-238 of this Code; and

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

(b) An applicant for a license under this division must:

(1) Be not less than 18 years of age and of good moral character.

(2) Not have been convicted of an applicable offense specified in section 1-10 of this Code unless the license is granted notwithstanding the conviction pursuant to section 1-9 of this Code.

(3) Not have had a permit issued under this division denied, revoked, or not renewed for cause by the city within the one-year period preceding the date of filing the application.

(4) Be able to read and write the English language.

(c) 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, a director or a holder of ten percent or more of the outstanding shares, 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, director, or shareholder. 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.

(d) Any change in associates, partners, officers, directors, or shareholders of the business entity holding a permit issued by the city shall require a license amendment and must be reported to the director within ten days after the change. The new associates, partners, officers, directors, or shareholders shall complete and file the forms and supply the information required of applicants for permits. The director shall consider the information supplied regarding the new or proposed member or officer of

the permittee, and if this examination discloses that the new or proposed person possesses the qualifications of a person to whom a permit would be issued under the terms of this article, he shall change his records to reflect the new member or officer of the permittee.

(e) Except as provided in section 46-235(b) of this Code, the addition, removal, or substitution of any vehicle with a replacement vehicle pursuant to a permit shall require a permit amendment.

(f) Each permittee is required to maintain and operate at all times as part of his city authorized vehicle fleet of either:

(1) Not less than three chauffeured limousines, including at least one extended body type vehicle; or

(2) Not less than four chauffeured limousines.

The provisions of this requirement shall not extend to renewals or amendments of permits that were originally issued on the basis of applications that were filed on or before January 1, 2013; provided however, the revocation of a permit operated pursuant to this special exemption shall result in the permittee's forfeiture of the privilege of operating pursuant thereto and shall require the submission of a new application and compliance with the minimum fleet requirements prescribed in this subsection should the applicant desire to provide chauffeured limousine services in the city.

(g)(1) In addition to any other information required to be provided under this section, each applicant for issuance, renewal, or amendment of a permit shall be required to advise the director in writing upon the application form whether the applicant desires privileges to operate the limousine(s) covered by the permit upon the property of city airports.

(2) Each permittee who desires privileges to operate upon city airports is required to maintain and operate at all times under the permit a city authorized fleet of either:

a. Not less than three chauffeured limousines, including at least one extended body type vehicle, or

b. Not less than four chauffeured limousines.

The provisions of this requirement shall not extend to renewals or amendments of permits that were originally issued on the basis of applications that were filed on or before November 1, 2000; provided however, the revocation of a permit operated pursuant to this special exemption shall result in the permittee's forfeiture of the privilege of operating pursuant thereto and shall require the submission of a new

application and compliance with the minimum fleet requirements prescribed in this subsection should the applicant desire to provide chauffeured limousine services upon city airports.

(3) The director shall cause each permit that is issued, renewed, or amended and any certification decals or other evidence of authorization to operate a chauffeured limousine to indicate whether or not the permittee and vehicles have city airport privileges under this subsection.

(4) It shall be unlawful for any person to operate or cause to be operated any chauffeured limousine that does not have city airport privileges under this subsection upon any city owned or operated airport. Additionally, violation of this subsection shall be grounds for revocation or suspension of the offender's permit and license.

Sec. 46-234. Permit issuance procedure.

(a) The director shall initially review each application for issuance or amendment of a permit to determine whether the application is complete and all required information has been provided. If not, the application shall be returned, and the applicant shall be so advised.

(b) The director shall review completed applications to determine whether the applicant has met all applicable requirements of this article and of other applicable provisions, including section 1-10 of this Code. If so, the director shall issue the permit without conducting a hearing. If, based upon the review, the director determines that one or more requirements may not have been met, the director shall afford the applicant the right to a hearing before acting on the application.

(c) Prior to the denial of an application, the director shall afford the applicant notice of the proposed grounds for denial and that the applicant may, within thirty days following the date of deposit of the notice in the mail request a hearing. Where the grounds are based in whole or in part upon section 1-10 of this Code, the hearing shall conform to the requirements of section 1-9 of this Code with respect to those grounds.

(d) In the event that the permit is approved, 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.

(e) 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 46-239 of this Code.

(f) No chauffeured limousine for which a permit has been issued under this article shall be operated by anyone except the permittee or an employee of the

permittee or other person who may be operating the vehicle under a written agreement specifically incorporating therein any rules, regulations, and conditions as may be reasonably required by the director to ensure compliance with applicable laws and regulations. The permittee shall be responsible for anyone operating under his permit whether he is an employee or other person operating under a written agreement. Any person driving or operating a chauffeured limousine upon the streets or other public property of the city is presumed to be an employee of the permittee or to have entered into a written agreement with the permittee.

Sec. 46-235. Permit--term; renewal; number of vehicles; identification certificate.

(a) Permits shall be issued for a term of five years. Permittees desiring to have reissuance of their permit shall, at least 60 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. A permit shall be valid only for the vehicles listed thereon and any vehicles reported under an amendment to the application filed pursuant to section 46-233 of the Code, which vehicles must also pass inspection under section 46-236 of the Code.

(b) In addition to the vehicles regularly operated by a permittee, the permittee may place one or more vehicles into use on a temporary basis from time to time to meet seasonal or unexpected needs in accordance with this subsection. Temporary certification decals shall be issued for a term of 30 consecutive calendar days to commence on the date of issuance at the fee stated for this provision in the city fee schedule per vehicle, per certification decal, upon provision to the director of proof of the identity of the vehicle to be used including verification that the vehicle is in compliance with all requirements of this division including proof that it is insured as required in section 46-238 of this Code and has been inspected and approved for use as provided in section 46-236 of this Code within six months preceding the date the temporary certification decal is issued. For vehicles placed in service on a temporary basis that are less than or equal to two years of age (manufacturer's model year date counted as first full year), proof of a valid state inspection will suffice for the requirement of section 46-236 of this Code. If the permittee's insurance policy on file with the director pursuant to section 46-238 of this Code also covers the vehicles that will be placed in service on a temporary basis, no additional proof of insurance is required.

Sec. 46-236. Inspection fee; maintenance equipment.

(a) Each permittee shall cause each limousine operated under his permit to be submitted for inspection by the director from time to time at intervals not exceeding 12 months as more particularly provided in section 46-237 of this Code. The director shall inspect each limousine and determine whether it is in full compliance with the terms of this article. If so, the permittee shall be given an inspection compliance decal

for the limousine, which shall be valid for 12 months from the date of its issuance. The inspection compliance decal shall be affixed by the director to the windshield of the vehicle. It shall be unlawful to drive or to cause to be driven any limousine permitted under this division that does not have a current inspection compliance decal affixed by the director.

Each permittee shall pay to the director an inspection fee stated for this provision in the city fee schedule for the inspection services described in this section for each limousine operated pursuant to this division.

(b) All vehicles shall be maintained in a safe and sanitary condition at all times and shall always be maintained in good working condition.

(c) All vehicles shall be air-conditioned and equipped with interior and exterior rearview mirrors, windshield washers and two-speed windshield wipers, proper headlights and taillights that shall be in operation from one-half hour after sunset to one-half hour before sunrise when the limousine is in operation. The inspection shall include, but not be limited to, the following items: Vehicle identification number; date of purchase; foot brakes; emergency brake, headlights; taillights; brake lights; turn signal lights; license plate lights; horn; two-speed windshield wipers; interior and exterior rear vision mirrors; air conditioner; tires; muffler and tail pipe; condition of the body; condition of the fenders; condition of the paint; condition of the interior; current state inspection sticker; state license plates; speedometer readings; mileage; steering. Brakes, seat belts and all other safety, noise and antipollution requirements specified by the United States Government and the state shall be complied with at all times. The brakes shall always be kept in good working condition.

Sec. 46-237. Tests and inspections of limousine vehicles.

The director may at any time, and shall at least once each year, make tests and inspections of all limousine vehicles then in operation to assure that they are in compliance with the terms of section 46-236 of this Code, and if as a result of the inspection or test any limousine vehicle is found not to comply with any of the requirements therein set out, the permittee shall be notified of the defects observed and he shall immediately correct same to the satisfaction of the director. Any vehicle that is the subject of the notification shall not be operated on any street of the city until it has been reinspected and determined to be in compliance with the requirements of inspection. The director shall be given access to the vehicles at all reasonable times. Failure to submit a vehicle requested for inspection by the director shall be cause for suspension of the operation of the vehicle until such time the vehicle is submitted for inspection and it is determined that the vehicle is in compliance with the terms of section 46-236 of this Code.

Sec. 46-238. Insurance requirements.

(a) Notwithstanding any other provision of this article to the contrary, no permit shall become effective nor shall chauffeured limousine services be provided until the person to whom the permit is granted has filed with the director the requisite proof of insurance executed by an insurance company duly and legally authorized to do business in this state insuring the general public against any loss or damage that may result to any person or property from the operation of chauffeured limousine vehicles covered by his permit.

(b) The insurance required in subsection (a) shall be in a form of commercial automobile liability coverage with limits of not less than $500,000 combined single limit per occurrence, or limits of not less than $250,000.00 for bodily injury to one person or the death of one person, and $500,000.00 for bodily injury to or death of all persons injured or killed in any one accident and $100,000.00 for property damage.

(c) The insurance shall be for the protection of the passengers of limousine vehicles as well as for the general public, but shall not be required to cover personal injuries sustained by the servants, agents or employees of the permittee. The required insurance shall name the city as an additional insured. The policies issued under this section shall contain a provision for a continuing liability thereon up to the full amount thereof, notwithstanding any recovery thereon, and a provision requiring that 30 days written notice shall be given the city before cancellation of the policy is effective.

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

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

(f) The insurance required in this section shall be issued by a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies. Proof of coverage shall be accepted only in the authorized form approved by the Texas Department of Insurance for that purpose.

Sec. 46-239. License; other driver requirements.

(a) No person shall operate a limousine upon the streets of the city unless he holds a current and valid license.

(b) At all times while in service, whether physically operating a limousine, assisting passengers, or performing other duties attendant to the provision of limousine service, it shall be the duty of the licensee to conspicuously display his license upon his upper chest. The license may be attached to the driver's outer shirt or jacket pocket or lapel, suspended from a necklace or displayed in an equivalent manner on the driver's outer garments. In any prosecution under this subsection, it shall be presumed that the driver was not in possession of a current and valid license if the license card was not conspicuously displayed as aforesaid.

(c) Licenses shall be issued in all respects on the same basis and subject to all of the same requirements established in division 3 of article II of this chapter for the issuance of taxicab driver licenses.

(d) Each licensee shall, while operating a permittee's limousine, wear business attire (a dress shirt and matching slacks, dress, or skirt) or a chauffeur's uniform with a dress shirt or blouse and, for men, an appropriately tied neck tie. Additionally, each licensee shall be authorized to wear other appropriate attire prescribed by the director pursuant to section 46-192 of this Code.

(e) It is an affirmative defense to prosecution under this section that the person driving a limousine had been engaged by the permittee to perform repairs or servicing of the vehicle, and that the vehicle was not in service at the time of the alleged offense.

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

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

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

Sec. 46-241. Operation from permittee's usual place of business, etc.

(a) A permittee shall operate only from his usual place of business, and his vehicles shall be dispatched therefrom; provided, however, if any permittee has a written agreement authorizing the permittee to operate from a hotel or motel, that place shall be considered a usual place of business when a copy of the agreement is filed with the director.

(b) The permittee shall not operate, house, store or maintain any of his vehicles at any place of public accommodation unless the limousine is at that time hired. It shall be the duty of each licensee to present a copy of the rental agreement required under section 46-240 of this Code to any administration and regulatory affairs department employee or police officer upon request to evidence compliance with this section. If the licensee fails to produce a rental agreement evidencing compliance it shall be presumed in any prosecution under this subsection that the licensee's presence at the public place of accommodation was unlawful.

(c) The licensee shall not approach potential customers in any public place for the purpose of soliciting their business, and no advertising sign shall be displayed inside the limousine at any time; and the only advertising that may be displayed outside the limousine shall be limited to the name and telephone number of the permittee on the front and rear license plate frames in individual letters not to exceed one inch in height and width with the cumulative size not to exceed beyond one inch the length and width of the license plates.

(d) All mobile dispatch services or any person acting in concert therewith shall operate only on a pre-arranged vehicle for hire transportation service basis in providing chauffeured limousine services.

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. 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 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.

Sec. 46-243. Schedule of fares.

(a) The minimum fare of $70.00 shall be charged the person renting or leasing the chauffeured limousine service, and if the limousine is under hire for two hours or less, this sum shall be treated as the rental for such period of hire. For the third hour, and all hours thereafter, the minimum fare shall be not less than $15.00 per hour. Fares shall be pro-rated for all times in excess of two hours. The minimum fares specified in this section may include obligatory gratuity, tolls, parking fees and fuel surcharges. Provided further, per capita charges are specifically prohibited.

(b) Permittees shall file with the director a schedule of fares, which schedule must be approved or denied within 15 days after receipt by the director. Failure of the director to act on the request shall be deemed to be a denial by him.

(c) It shall be unlawful for any person to operate a chauffeured limousine service, or to offer or agree to provide chauffeured limousine service, or to rent or lease motor vehicles, including the service of a driver, for chauffeured limousine service, for less than the minimum fare prescribed in subsection (a) of this section.

Sec. 46-244. Waiting period before becoming eligible to reapply.

A person whose application for a permit or license has been denied or whose current permit or license has been revoked or refused for renewal and such action has become final shall be required to wait period of one year from the date the denial or revocation became final before becoming eligible to reapply for a permit or license.

Sec. 46-245. Transfer of permit or license.

A permit or license may not be transferred.

Sec. 46-246. Inspection--After accident.

A limousine involved in an accident shall not thereafter be used in limousine operations until it has been inspected by the director. If the director's inspection reveals that the limousine has been damaged to an extent that it is not in a reasonably good operating condition from the standpoint of the safety, health and comfort of passengers, or that the limousine has suffered damage in excess of $1,000.00, the limousine shall be ordered out of service until the director has authorized the return of the limousine to

limousine operations, which authorization shall not be given until proper repairs or corrections have been made.

Secs. 46-247--46-275. Reserved.

ARTICLE V. SCHOOL VEHICLES

DIVISION 1. GENERALLY

Sec. 46-276. Definitions.

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

License means a school vehicle service driver's license issued pursuant to this article.

Licensee means any person in physical control of a school vehicle who is the holder of a current and valid school vehicle driver's license issued pursuant to this article.

Permit means authorization to operate a school vehicle service pursuant to this article.

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

School means a public or private facility offering any one or more of: (*i*) day care or preschool programs, (*ii*) kindergarten, (*iii*) regular grades 1 through 12 or (*iv*) alternative programs for students under 21 years of age who have physical or learning disabilities or other special needs. The term also includes governmentally-sponsored job training centers, regardless of the age of persons attending the centers.

School vehicle means any motorized vehicle, whether a conventional sedan, station wagon, van, bus or other type, with a manufacturer's rated seating capacity of not more than 15 passengers, including the driver, that is used for hire to transport students to or from any school that is situated in the city or that is used under the sponsorship of the school to transport students to or from any school-sponsored activity of a school that is situated in the city. The term excludes any vehicle owned or leased by the person who operates the school and operated by that person's employees for the primary purpose of providing transportation to students of the school, and any intrastate or interstate motor

bus operating under Texas Department of Transportation or federal licensing jurisdiction.

School vehicle service means the business of transporting passengers for hire by means of a school vehicle. 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, and low speed shuttles permitted by the city; and

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

State certificate means a current and valid certificate pursuant to Chapter 14, Part 1, Title 37 of the Texas Administrative Code evidencing that the holder is enrolled in or has completed a driver training course in school bus safety education that has been approved jointly by the Texas Board of Education and the Texas Department of Public Safety. The term additionally means and includes a current and valid driver's license of a class that authorizes the operation of a school vehicle of the largest capacity that the driver will be assigned to drive.

Student means a person who is enrolled in a school.

Sec. 46-277. Reserved.

Sec. 46-278. Article is cumulative.

This article is cumulative of all other applicable laws and ordinances. Without limitation, this article is expressly made cumulative of the other articles of this chapter. No vehicle operated under a license or permit issued under another article of this chapter may be utilized as a school vehicle except by additionally complying with this article.

Secs. 46-279--46-285. Reserved.

DIVISION 2. PERMITS AND LICENSES

Sec. 46-286. Permit and license required.

(a) It shall be unlawful for any person to operate or cause to be operated any school vehicle service unless a permit has been issued for the operation of the school vehicle service under this article.

(b) It shall be unlawful for any person to act as a licensee unless the person receives a license and is designated as a licensee on the permit that pertains to that school vehicle. It is a defense to prosecution under this subsection that the vehicle was not being used for the transport of any student at the time of the alleged offense.

Sec. 46-287. Permit and license applications.

Each person desiring to obtain a permit shall make application on forms provided by the director and shall include the information requested by the director for implementation of this article. The application shall be completed by and, if granted, issued in the name of the person who owns the entity that will operate the school vehicles. A nonrefundable application process fee in an amount stated for this provision in the city fee schedule shall be payable upon the filing of each application. Each application shall be accompanied by:

(1) A list of vehicles proposed to be utilized;

(2) A list of the licensees proposed to operate pursuant to the permit;

(3) A copy of each licensee's state certificate; and

(4) Evidence of compliance with any qualifications established in this article and any other relevant information that may be requested by the director.

(b) Licenses shall be issued in a manner consistent with the requirements established in division 3 of article II of this chapter regarding the issuance of taxicab driver's licenses; provided however, compliance with the requirements of items (10) and (11) of section 46-88 of this Code shall not be applicable to an applicant for a license issued pursuant to this article.

Sec. 46-288. Review.

(a) Following review of the application, the director shall notify the applicant of intent to issue the permit unless:

(1) The applicant or any proposed licensee is determined to be unfit in accordance with the criteria of section 1-10 of this Code following a hearing under section 1-9 of this Code;

(2) The applicant fails to demonstrate that each proposed licensee has a state certificate;

(3) The applicant, if a natural person, is not yet 18 years old;

(4) The applicant, or a representative of the applicant who shall be designated as the liaison with the director, is unable to read and write the English language;

(5) Any information provided in the application was materially incomplete or false; or

(6) The applicant or any one of the proposed licensees has had a permit or license issued pursuant to this chapter or a school bus license issued by ordinance denied, revoked or refused for renewal by the city within the one-year period preceding the date of filing of the application.

(b) In the event that the application is denied, the applicant shall be given written notice of each reason for the denial. If the application is denied in whole or in part upon the basis of first criterion specified above, the applicant shall be entitled to appeal the decision regarding the first criterion in the manner provided by the applicable state law. If the application is denied in whole or in part on the basis of any of criteria (2) through (6), above, then the applicant may request a hearing regarding the denial under those criteria by submitting a written notice of appeal to the director within 15 days following the date that notice of the director's decision is deposited in the United States mail, addressed to the applicant. The director shall cause an informal hearing to be conducted on the matter by a disinterested hearing officer who shall render a decision within 30 days from the date of the filing of the appeal. In the hearing, the burden shall be upon the applicant to demonstrate that he is entitled to the issuance of the license.

(c) If the application is approved, the actual permit shall not be issued until the applicant has provided proof of vehicle ownership for each school vehicle, caused each school vehicle to be inspected, and provided proof of insurance for each school vehicle as required under sections 46-290, 46-292 and 46-293 of this Code, and has made payment of the annual permit fee prescribed in section 46-289 of this Code.

(d) A person whose application for a permit or license has been denied or whose current permit or license has been revoked or refused for renewal and such action has become final shall be required to wait a period of one year from the date the denial or revocation became final before becoming eligible to reapply for a permit or license.

Sec. 46-289. Annual permit fee.

(a) There is hereby assessed an annual fee which shall be payable by each permittee on or before November 1 of each year, provided that the director shall alternatively allow the fee to be paid in installments, with one half due by November 1 and the balance by the following February 1.

(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 one-half 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. 46-290. Vehicle inspection.

(a) It shall be unlawful for any licensee or permittee to drive or cause to be driven any school vehicle while in service for the transportation of any student, unless the vehicle has been inspected as required in this section or inspected and permitted by the Texas Department of Transportation.

(b) Each vehicle shall be inspected before it is initially placed into service and thereafter during October of each year by the director at such location as the director may specify. The director shall approve the vehicle if he determines that:

(1) The vehicle has current Texas registration and required Texas vehicle inspection stickers for both safety and air quality, if applicable;

(2) That the vehicle is marked as provided in section 46-301 of this Code;

(3) The vehicle is in generally sound working condition with no apparent safety-related defects and has a functioning speedometer and odometer;

(4) The vehicle has a lap or lap/shoulder seat belt for the driver and for each passenger seating space to the extent required by state law; and

(5) The vehicle has no seats that have been added in excess of the manufacturer's specifications.

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

(d) Replacement certification decals shall only be provided upon reinspection of the vehicle.

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.

Sec. 46-292. Insurance.

(a) Each school vehicle operated by a permittee shall be covered by liability insurance meeting all requirements of Chapter 643 of the Texas Transportation Code.

(b) The policy must be issued by a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies. 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 the permit to which it pertains shall be suspended, and no school vehicle may be operated under the permit. 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.

(c) Proof of the insurance required in this section shall be accepted only in the authorized form approved by the Texas Department of Insurance for that purpose.

Sec. 46-293. Ownership of vehicles, use of licensees.

(a) Each school vehicle must be registered to or leased on a long-term basis of at least a year to the permittee who operates the vehicle, a copy of which title or lease shall be provided to the director.

(b) It is the express intent of the city council in establishing the requirements of this section to ensure that licensees are fully responsible for the maintenance and operation of their school vehicles and to avoid any sort of scheme or artifice in which school vehicles are operated by persons who "lease" licenses or drive vehicles as "independent contractors." The director shall promulgate any regulations that are necessary to carry out this section. Without limitation, the regulations may require that each licensee make his drivers' payroll records available for inspection and copying by the director to verify compliance.

Sec. 46-294. Transfer, non-exclusive.

(a) A permit is personal to the permittee to whom it is issued and may not be sold, transferred or conveyed by operation of law or otherwise.

(b) Each permit is non-exclusive, and no limits or restrictions shall exist upon the number of school vehicles that may be authorized to operate pursuant to a permit in accordance with all applicable requirements of this article.

Secs. 46-295--46-300. Reserved.

DIVISION 3. OPERATING RULES

Sec. 46-301. Marking of vehicles.

Each school vehicle shall be conspicuously marked on the right and left sides and upon the rear with the name of the permittee and the permittee's local telephone number. The information shall be in characters at least three inches high and having a brush stroke width of at least three-eighths of an inch.

Sec. 46-302. Contracts required.

Each permittee under this article shall have a contract in writing authorizing the carriage of each student who is transported.

Sec. 46-303. Picking up and delivering students.

Each licensee hall ensure that students are loaded and offloaded in a safe manner that does not invite hazardous exposure to traffic or other hazards.

Sec. 46-304. Standees, seat belts.

(a) To the extent required by state law, each school vehicle shall be equipped with a functioning seat belt for each passenger seating space.

(b) It shall be unlawful for a licensee to allow any greater number of persons to be on board the vehicle than the seating capacity of spaces.

(c) It shall be the duty of a licensee to exercise reasonable caution to ensure that the vehicle is not in motion at any time when any person is not seated and does not have his seat belt attached, if seatbelts are required by state law.

Secs. 46-305--46-320. Reserved.

ARTICLE VI. JITNEYS

DIVISION 1. GENERALLY

Sec. 46-321. Definitions.

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

Jitney means a motorized passenger vehicle having a manufacturer's rated seating capacity of not less than nine nor more than 15 persons including the driver, that is operated upon a closed loop route following specified streets and highways in a specified direction, and is operated without a fixed schedule, carrying passengers from place to place in exchange for a fee.

Jitney service means the business of renting, leasing, or owning a 'jitney,' as defined in this section, including the services of a driver, for the use and convenience of the general public. Specifically excluded from this definition are the following:

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

(2) All taxicabs licensed by the city.

(3) All vehicles operating under a contract with the city.

(4) All sightseeing or charter vehicles licensed by the city.

License means a current and valid jitney driver's license issued under division 2 of this article.

Licensee means any person who is the holder of a current and valid jitney driver's license issued under division 2 of this article.

Permit means a current and valid jitney permit issued under division 2 of this article.

Permittee means any person, entity, business, partnership, joint venture, or corporation that holds a current and valid permit to operate a jitney service issued under division 2 of this article.

Route means the route for a jitney, as filed with the director in accordance with section 46-340 of this Code.

Sec. 46-322. Reserved.

Sec. 46-323. Article is cumulative.

This article is cumulative of all other applicable laws and ordinances. Without limitation, this article is expressly made cumulative of division 3 of article II of chapter 9 of this Code. The director shall not approve a route that involves the operation of a jitney upon any airport terminal complex unless the permittee has first obtained an airport use permit for use of that jitney upon that route.

Sec. 46-324. Exception for existing permits.

The minimum seating capacity of a jitney prescribed in section 46-321 of this Code shall not apply to any permit issued on or before August 4, 2010. The minimum seating capacity requirements provided in this article shall be immediately applicable to all permittees who received a permit on or before August 4, 2010 upon:

(1) The expiration of the vehicle age limitations set forth in section 46-353 of this Code; or

(2) A finding that the permittee has failed to comply with all other applicable provisions of this article resulting in the suspension, revocation, or refusal for renewal of a permit.

Secs. 46-325--46-330. Reserved.

DIVISION 2. LICENSES AND PERMITS

Sec. 46-331. Permit required.

(a) It shall be unlawful for any person to operate a jitney service unless a permit has been issued for the operation of the jitney service under this article.

(b) Each applicant for a permit required by this division 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 and vehicle identification number for each vehicle the applicant desires to receive a permit for and operate as a jitney;

(3) Be 18 years of age or older, if a natural person;

(4) Be able to read and write the English language, if a natural person;

(5) Provide written character references from two persons who have known the applicant for at least two years and who attest that the applicant is of good moral character, which references shall be from persons who reside in the city unless the applicant has not resided in the city or county for the preceding five-year period;

(6) Hold a current and valid class A, B or C Texas driver license;

(7) Not have had a license, permit or franchise issued under any article of this chapter denied, revoked or not renewed for cause by the city within the one-year period preceding the date of filing of the application; and

(8) Provide any other information reasonably requested by the director for administration of this article.

Sec. 46-332. License required.

It shall be unlawful for any person to drive a jitney unless the person holds a license issued for the driving of a jitney under this article.

Sec. 46-333. Fees.

(a) There shall be a fee in the amount stated for this provision in the city fee schedule for the issuance of a license.

(b) There shall be a nonrefundable application processing fee in the amount stated for this provision in the city fee schedule payable upon the filing of each application for one or more permits, regardless of the number of permits requested.

(c) In addition to the application processing fee provided in subsection (b) of this section, an annual permit fee shall be payable in the amount stated for this provision in the city fee schedule for each jitney before it is placed into service and annually thereafter as provided in section 46-336 of this Code.

Sec. 46-334. Application.

(a) Each person desiring to obtain a license or one or more permits shall make application on forms provided by the director and shall include the information requested by the director for implementation of this article.

(b) Upon notification by the director, each permit and license applicant (including the proprietor if a proprietorship, each partner if a partnership, or each corporate officer, director or holder of ten percent or more of the outstanding stock if a corporation) shall present himself at the location identified by the director for identification and fingerprinting to determine if he has been convicted of any applicable offense(s) as set forth in subsection (c) of section 1-10 of this Code. If so, the director shall follow the procedures set forth in section 1-9 of this Code and conduct a hearing if timely requested.

Sec. 46-335. Review.

(a) Following review of the application, the director shall provide the applicant with written notification of the approval or denial of the requested permit(s) or license.

(b) The submission of any false information or a materially incomplete application, including but not limited to an applicant's failure to provide any other information reasonably requested by the director, shall be immediate grounds for denial of the application. In the event that the application is denied, the applicant shall be given written notice of each reason for the denial. The applicant shall be entitled to appeal the decision if the application is denied in whole or in part upon section 1-10 of this Code. Notice of denial in whole or in part upon section 1-10 of this Code shall comply with section 1-9 of this Code and applicable state laws. If the application is denied in whole or in part on the basis of any other criteria stated in sections 46-331 and 46-332 of this Code, the applicant may request a hearing regarding the denial by submitting a written notice of appeal to the director within 15 days following the date that notice of the director's decision is deposited in the United States mail, addressed to the applicant. The director shall cause an informal hearing to be conducted on the matter by a disinterested hearing officer who shall render a decision within 30 days from the date of the filing of the appeal. In the hearing, the burden shall be upon the applicant to demonstrate that he is entitled to the issuance of the license or permit.

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

(d) If the application is for a license, then the license shall be issued upon the approval of the application. Following approval of an application for one or more permits, the actual permits shall not be issued until the applicant has provided the make, model, manufacturer's seating capacity and vehicle identification number of each jitney, if not provided with the application, and also has paid the annual fee, obtained a certification decal, provided proof of insurance, provided proof of ownership or lease

and filed routes and rate data for each jitney in a manner consistent with sections 46-336 through 46-340 of this Code.

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 payable on or before June 1 of each year, provided that the director shall alternatively allow the fee to be paid in two installments, with one half due by June 1 and the balance by December 1. In the event that a permit is issued after December, then an amount equal to 1/2 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. 46-337. Vehicle inspection; fee.

(a) It shall be unlawful for any person to drive or operate or cause to be driven or operated any jitney, unless the jitney has been inspected as required in this section

and has a current and valid certification decal affixed thereto. There shall hereby be a non-refundable vehicle inspection fee stated for this provision in the city fee schedule per jitney. All jitneys shall be maintained in a safe and sanitary condition and shall be thoroughly cleaned and disinfected at least once in each 24-hour period.

(b) Each jitney shall be inspected before it is initially placed into service and thereafter before June 1 of each year by the director at such location as the director may specify. The director shall approve the jitney if he determines that:

(1) The jitney has current Texas registration and required Texas vehicle inspection stickers for both safety and air quality, if applicable;

(2) The jitney is of the approved color scheme and is marked as provided in this article;

(3) The jitney is in generally sound working condition with no apparent safety-related defects, including inspection or testing of the speedometer, odometer, horn, windshield wipers, mirrors, steering, service brake, parking brake, tires, exhaust system, high beam indicator, tail lamp, stop lamps, license plate lamp, rear reflectors, turn signal lamps and headlamps.

(4) The jitney has a lap or lap/shoulder seat belt for the driver and for each passenger seating space to the extent that the vehicle was so equipped by the manufacturer;

(5) The jitney has no seats that have been added in excess of the manufacturer's specifications; and

(6) The jitney complies with all other applicable requirements of this article.

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

(d) Replacement certification decals shall only be provided upon reinspection of the jitney.

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 the minimum coverage amounts specified in the Texas Motor Vehicle Safety Responsibility Act issued by a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies. 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. Proof of the insurance required in subsection (a) shall be accepted only in the authorized form approved by the Texas Department of Insurance.

Sec. 46-339. Authorized operators.

No jitney for which a permit has been issued under this article shall be operated by anyone except the permittee or an employee of the permittee or other person who may be operating the jitney under a written agreement specifically incorporating therein any rules, regulations, and conditions as may be reasonably required by the director to ensure compliance with applicable laws and regulations. The permittee shall be responsible for anyone operating under his permit whether he be an employee or other person operating under a written agreement. Any person driving or operating a jitney upon the streets or other public property of the city is presumed to be an employee of the permittee or to have entered into a written agreement with the permittee. Any person driving or operating a jitney upon the streets or other public property of the city shall be required to secure a license pursuant to division 2 of this article.

Sec. 46-340. Rates; routes.

(a) Each jitney shall be operated upon a route, including a direction of travel upon that route, that has been filed by the permittee with the director. The permittee may file two or more routes for the same jitney if each route is specified for use during different times that are clearly specified. The rate shall be a fixed amount, per person, for transportation from any place on the route to any other place on the route. Rates may either be constant or may be differentiated between peak and off-peak hours, provided that the hours during which each rate will be imposed are specified.

(b) The permittee shall submit all proposed rates and route cards for review and approval by the director. Rates and routes may be amended from time to time. Routes shall not be exclusive. A fee stated for this provision in the city fee schedule shall be imposed for each route or rate filing, per jitney. Each route application that

involves use of airport facilities shall be accompanied by the proof required under section 46-323 of this Code.

(c) Approved rate and route cards for each jitney shall be conspicuously posted in the manner specified by regulation of the director. The route card shall state the route and the rate. The information shall also be posted on each side of the vehicle in a manner and location approved by the director. The director may assign route numbers and may assign different colors of route cards to signify fare amounts.

(d) It shall be unlawful for a licensee or permittee while in service with any passenger for hire on board to deviate from the route or to deviate from the direction of travel as filed with the director for that jitney.

(e) It shall be unlawful for a licensee or permittee to impose a fare other than as filed with the director.

(f) It shall be unlawful to drive or operate or cause to be driven or operated any jitney without the current rate cards posted as provided by the director for the jitney.

(g) Following notice and a hearing, the director may cancel any route that was authorized in error.

Sec. 46-341. Transfer; nonexclusive.

(a) A license or permit is personal to the licensee or permittee to whom it is issued and may not be leased, rented, sold, transferred or conveyed by operation of law or otherwise. Provided, any change of proprietor, change of partnership interests or change of corporate officer, director or holder of ten percent or more of the outstanding shares of stock as shown on the permit application shall render a permit void, unless an application for transfer is filed within ten days following the effective date of the change. The director shall promulgate procedures for the processing of amendments and may suspend the permit(s) pending the completion of the processing if any additional person who has acquired an interest in the business is determined to have been convicted of an applicable offense as provided in subsection (c) of section 1-10 of this Code. The fee for filing an application amendment is stated for this provision in the city fee schedule.

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

Sec. 46-342. Terms; suspension.

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

(b) In accordance with regulations promulgated by the director, a permit may be amended, without charge, for the limited purpose of adding, deleting or substituting jitney vehicles.

Secs. 46-343--46-350. Reserved.

DIVISION 3. OPERATING REQUIREMENTS

Sec. 46-351. Licensee appearance and conduct.

(a) It shall be the duty of every licensee to be hygienically clean, well groomed, neat, and suitably dressed in compliance with all applicable requirements of this section at all times while a jitney is in his or her custody.

(b) Licensees shall be clean-shaven, and facial hair shall be neatly trimmed. If a beard or moustache is worn, it shall be well groomed and neatly trimmed at all times in order not to present a ragged appearance.

(c) The term *suitably dressed* shall be interpreted to mean the licensee shall wear slacks or trousers, a shirt with collar or blouse with or without a tie, a dress or suit, shoes, and, if desired, appropriate outer garments.

(d) Clothing that is not considered appropriate and is not permitted, when the licensee is in charge of a jitney includes: T-shirts, underwear (as an outer garment), tank tops, body shirts, swimwear, jogging suits, or similar types of attire when worn as an outer garment, shorts or trunks (jogging or bathing), or sandals.

(e) No licensee shall permit or allow passengers or employees to stand or ride on the running board, dash board, fender or any outside portion of the vehicle, nor shall a licensee permit any passenger to stand in such a position that the licensee's vision forward or to the right front or left is blocked.

(f) It shall be unlawful for any licensee to refuse to board and convey a passenger on a basis of race, color, religion, sex, national origin, age, or disability, including a driver's refusal to board and convey any service animal or medical equipment utilized in conjunction with a passenger's disability.

Sec. 46-352. Jitney equipment.

(a) It shall be unlawful for any person to drive or operate or cause to be driven or operated any jitney that is not marked in a manner and location approved by the director and equipped as provided in this section.

(b) No licensee or permittee shall drive or cause to be driven any jitney in the city until the permittee has filed with the director, for approval, the color scheme that he

proposes to use in conjunction with the provision of the jitney service. In approving or disapproving the color scheme submitted, the director shall consider:

(1) The color scheme presently in use by the permittee, if any;

(2) The color schemes of other permittees; and

(3) Which permittee first used or requested approval of the color scheme.

If the director finds that the permittee is entitled to the use of the requested color scheme because of first or prior use and that it does not deceptively resemble the approved color scheme of another permittee, he shall approve its use by the permittee.

(c) If the color scheme is approved, 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 jitney of his color scheme, and he shall not change the color scheme without approval of the director.

(d) Additionally, each jitney shall:

(1) Be equipped with a light-equipped roof sign, which shall have the word "jitney" visible from the front and rear in red letters at least three inches tall with a brush stroke of at least 5/16 inch upon a white background and shall be illuminated at all times while the jitney is in service;

(2) Have no taxi meter;

(3) Have the word "jitney" painted on each side of the vehicle in black in letters at least 6 inches tall with a brush stroke width of at least one inch;

(4) Have the following signage in letters not less than three inches in height nor less than 5/16 of an inch in brush stroke and of contrasting color to the background:

a. The name and telephone number of the permittee and rate structure on both front doors;

b. The telephone number of the permittee on the rear deck or trunk lid;

c. The permit number on the right side of the trunk or rear deck, the right side of the hood, and below the rear door handle on each side of the vehicle; and

d. The street names or route name below the permit number on each side of the vehicle. In the event one jitney services multiple routes, a changeable electronic or analog sign shall indicate the route the vehicle is currently servicing. The current route and rate structure for each must be posted in a conspicuous manner in the interior of the vehicle so as to be clearly visible and understood by all passengers.

(5) Have a dashboard-mounted holder of a type approved by the director in which shall be mounted the operator's license, a photograph of the operator and one set of rate and route cards approved by the director under section 46-340 of this Code; and

(6) Have a radio, mobile telephone or other means of two-way communication that may be used to request assistance in the event of an emergency.

The information required in items (1), (3) and (4) above shall be painted upon the vehicle, provided that the director may allow the street name or route name information only to be posted upon a magnetic sign or other removable sign of durable materials.

Sec. 46-353. Age of vehicle.

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

Sec. 46-354. Operating requirements.

(a) It shall be the duty of the licensee to ensure that his jitney is operated in accordance with this section.

(b) Solicitation of passengers is unlawful. However, a licensee may indicate available space by gesture from within the jitney and may stop when flagged or hailed by a potential passenger.

(c) No jitney shall stop or stand to pick up or discharge any passenger in a taxicab zone.

(d) No jitney shall stop or stand to pick up or discharge any passenger at any place that is not upon the streets and highways designated upon the route.

(e) No jitney shall stop or stand upon the public streets or other public property, except as required to comply with lawful traffic control devices and to discharge and pick up passengers.

(f) Additional passengers shall have the right to utilize the jitney up to the manufacturer's rated seating capacity.

(g) A log shall be maintained within each jitney in a form prescribed by the director setting forth the hours of work of each licensee. No licensee shall operate a jitney for more than 12 hours in any 24-hour period and no permittee shall allow or cause any licensee to drive a vehicle in operation as a jitney more than 12 hours in a 24-hour period. Each permittee shall maintain the log for a period of six months and shall make the same available for inspection or copying upon request at the offices of the director.

Sec. 46-355. Inspection.

The director may inspect any jitney and any records or documents required to be carried in or upon the jitney at any time upon presentation of identification to the driver in order to determine operation in compliance with the provisions of this article and the regulations adopted hereunder by the director.

Secs. 46-356--46-370. Reserved.

ARTICLE VII. LOW-SPEED SHUTTLES

DIVISION 1. GENERALLY

Sec. 46-371. 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:

License means a current and valid low-speed shuttle driver's license issued pursuant to division 2 of this article.

Licensee means any person in engaged in the act of driving a low-speed shuttle who is the holder of a current and valid low-speed shuttle driver's license issued pursuant to this article.

Low-speed shuttle means a motorized non-fossil fuel powered vehicle with a seating capacity of four to eight passengers, including the driver, that has an attainable speed of more than 20 miles per hour and not more than 25 miles per hour on a paved level surface, conforms to Federal Motor Vehicle Safety

Standard 500 (49 C.F.R. Section 571.500), and is used to transport passengers for hire. The term does not include:

(1) A vehicle modified after its original manufacture to meet the speed requirements or safety equipment requirements contained in 49 C.F.R. Section 571.500;

(2) A golf cart, moped, motorcycle, or tractor;

(3) An electric bicycle or motor-driven cycle, as defined by § 541.201 of the Transportation Code;

(4) A motorized mobility device, as defined by § 542.009 of the Transportation Code;

(5) An electric personal assistive mobility device, as defined by § 551.201 of the Transportation Code; or

(6) A motor-assisted scooter, as defined in § 551.351 of the Transportation Code.

Low-speed shuttle service means the business of transporting passengers for hire by means of a low-speed shuttle. Specifically excluded from this definition are:

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

(2) Taxicabs and jitneys licensed by the city;

(3) Vehicles operating under a contract with the city;

(4) Sightseeing or charter vehicles licensed by the city; and

(5) Pedicabs licensed by the city.

Permit means a permit to operate a low-speed shuttle service pursuant to this article.

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

Zone means the geographic area in which the low-speed shuttle will generally operate, as filed with the director in accordance with section 46-400 of this Code.

Sec. 46-372. Reserved.

Sec. 46-373. Article cumulative.

This article is cumulative of all other applicable laws and ordinances. Without limitation, this article is expressly made cumulative of division 3 of article II of chapter 9 of this Code. The director shall not approve a zone that involves the operation of a low-speed shuttle upon any airport terminal complex unless the permittee has first obtained an airport use permit for use of low-speed shuttles within that zone.

Secs. 46-374--46-390. Reserved.

DIVISION 2. PERMITS AND LICENSES

Sec. 46-391. Permit required.

(a) It shall be unlawful for any person to operate a low-speed shuttle service without first obtaining a permit pursuant to the terms of this division.

(b) Each applicant for a permit required by this division 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 and vehicle identification number for each vehicle to be used as a low-speed shuttle;

(3) Identify the proposed zone(s) where the applicant desires to operate the low-speed shuttle service;

(4) Provide proof of insurance pursuant to the requirements of this article;

(5) If a natural person:

a. Be 18 years of age or older;

b. Be able to read and write the English language;

c. Provide written character references from two persons who have known the applicant for at least two years attesting to the

applicant's good moral character. Character references shall be from persons who reside in the city unless the applicant has not resided in the city or county for the preceding five-year period; and

d. Hold a current and valid class A, B, or C Texas driver license.

(6) Not have had a license, permit, or franchise 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;

(7) Provide evidence that the applicant has a place of business within the metropolitan area from which the applicant's low-speed shuttle service will be operated and that such use of the location is in compliance with any applicable deed restrictions; and

(8) Provide any other information reasonably requested by the director for administration of this article.

Sec. 46-392. License required.

It shall be unlawful for any person to operate low-speed shuttle without a license issued pursuant to this article.

Sec. 46-393. Fees.

(a) There shall be a fee in the amount stated for this provision in the city fee schedule for the issuance of a license.

(b) There shall be a nonrefundable application processing fee in the amount stated for this provision in the city fee schedule payable upon the filing of an application for a permit.

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 payable on or before June 1 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.

Sec. 46-395. Application.

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

(b) Each license and permit applicant (including the proprietor if a proprietorship, each partner if a partnership, or each corporate officer, director, or holder of ten percent or more of the outstanding stock 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(s) set forth in subsection (c) of section 1-10 of this Code. If so, the director shall follow the procedures set forth in section 1-9 of this Code and conduct a hearing if timely requested.

Sec. 46-396. Review.

(a) Following review of the application, the director shall provide the applicant with written notification of the approval or denial of the requested permit or license.

(b) The submission of any false information or a materially incomplete application, including but not limited to an applicant's failure to provide any information reasonably requested by the director, shall be grounds for denial of the application. In the event of denial, the applicant shall be given written notice of the basis for such action. The applicant shall be entitled to appeal a decision based, in whole or in part,

upon section 1-10 of this Code. Notice of any denial shall comply with section 1-9 of this Code and applicable state laws.

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

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

(e) A license shall be issued upon the approval of the application therefor. Following approval of an application for a permit, the actual permit shall not be issued until the applicant has provided the make, model, manufacturer's seating capacity and vehicle identification number of each low-speed shuttle, if not provided with the application, and has paid the annual permit fee, obtained a certification decal, provided proof of insurance, provided proof of ownership or lease of each low-speed shuttle, and filed and received approval of all requested zones and rate data for each low-speed shuttle with the director.

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

Sec. 46-397. Vehicle inspection; fee.

(a) It shall be unlawful for any person to operate or cause to be operated any low-speed shuttle, unless the low-speed shuttle has been inspected as required in this section and has a current and valid certification decal affixed thereto. There shall be a non-refundable vehicle inspection fee stated for this provision in the city fee schedule per low-speed shuttle. All low-speed shuttles shall be maintained in a safe and sanitary condition and shall be thoroughly cleaned and disinfected at least once in each 24-hour period.

(b) Each low-speed shuttle shall be inspected before it is initially placed into service and thereafter before June 1 of each year at such location as the director may specify. The director shall approve the low-speed shuttle if he determines that:

(1) The low-speed shuttle has current Texas registration and required Texas vehicle inspection stickers for both safety and air quality, if applicable;

(2) The low-speed shuttle is of the approved color scheme and is marked as provided in section 46-423 of this Code;

(3) The low-speed shuttle is in generally sound working condition with no apparent safety-related defects, including inspection or testing of the speedometer, odometer, horn, windshield wipers, mirrors, steering, service brake, parking brake, tires, high beam indicator, tail lamp, stop lamps, license plate lamp, rear reflectors, turn signal lamps and headlamps;

(4) The low-speed shuttle has a lap or lap/shoulder seat belt for the driver and for each passenger seating space to the extent the vehicle is so equipped by the manufacturer;

(5) The low-speed shuttle has no seats that have been added in excess of the manufacturer's specifications; and

(6) The low-speed shuttle complies with all other requirements of this article.

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

(d) Replacement certification decals shall be provided only upon reinspection of the low-speed shuttle.

(e) The director may inspect any low-speed shuttle and any records or documents required to be carried in or upon the low-speed shuttle at any time upon presentation of identification to the driver in order to determine operation in compliance with the provisions of this article and the regulations adopted hereunder by the director.

Sec. 46-398. Insurance.

(a) Before any permit shall be issued, or before renewal of any permit shall be granted, the applicant shall file proof of insurance coverage evidencing insurance coverage complying with the requirements contained in subsection (b) below or give proof that he is qualified as self-insured, including 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 an amount not less than $500,000.00 combined single limit per occurrence. Additionally, the policy must include an endorsement requiring 30 days' written notice of termination or cancellation to the director and an endorsement requiring ten days' written notice of non-payment 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 low-speed shuttles 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. Proof of the insurance required in this subsection shall be carried by licensees at all times while operating a low-speed shuttle and shall be accepted only in the authorized form approved by the Texas Department of Insurance for that purpose.

Sec. 46-399. Authorized operators.

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

Sec. 46-400. Rate structure and fares; zones.

(a) Each low-speed shuttle shall be operated within a zone that has been filed with the director. The permittee shall also file with the director the rate structure or fares to be in effect for each zone. The permittee may file two or more operating zones for the same low-speed shuttle.

(b) The permittee shall submit all proposed zones for review and approval by the director. Rates and zones may be amended periodically. Zones shall not be exclusive. The applicable fees stated for this provision in the city fee schedule shall be imposed for each zone, per low-speed shuttle and for the amendment of all zone or rate information submitted to the director. Each zone application that involves use of airport facilities shall be accompanied by the proof required under section 46-373 of this Code.

(c) Approved zones and all rate information, including compensation by gratuity only, for each low-speed shuttle shall be conspicuously posted on each side of

the vehicle in a manner and location approved by the director. The director may assign zone numbers and may assign different colors to signify rate amounts.

(d) It shall be unlawful for a licensee or permittee while in service with any passenger for hire on board to deviate from the zone as filed with the director for that low-speed shuttle.

(e) It shall be unlawful for a licensee or permittee to impose a rate structure or collect a fare other than as filed with the director.

(f) It shall be unlawful to drive or operate or cause to be driven or operated any low-speed shuttle without the current structure or fare posted as provided by the director.

(g) Following notice and a hearing, the director may cancel, alter, or amend any zone authorized in error.

Sec. 46-401. Receipt for payment of fare.

No licensee, upon receiving full payment for a fare as authorized by this article, shall refuse to provide a receipt upon the request of any passenger making a payment. The permittee of the low-speed shuttle shall make available to each licensee a receipt book or other electronic instrument capable of creating a record to be used for this purpose.

Sec. 46-402. Transfer; nonexclusive.

(a) A license or permit is personal to the licensee or permittee to whom it is issued and may not be leased, rented, sold, transferred or conveyed by operation of law or otherwise. Provided, any change of proprietor, change of partnership interests or change of corporate officer, director or holder of ten percent or more of the outstanding shares of stock as shown on the permit application shall render a permit void, unless an application for transfer is filed within ten days following the effective date of the change. The director shall promulgate procedures for the processing of amendments and may suspend the permit(s) pending the completion of the processing if any additional person who has acquired an interest in the business is determined to have been convicted of an applicable offense as provided in subsection (c) of section 1-10 of this Code. The fee for filing an amended application shall is stated for this provision in the city fee schedule.

(b) Each permit is nonexclusive, and no limits or restrictions shall exist upon the number of low-speed shuttles that may be permitted, provided that each must be operated pursuant to a permit and in accordance with all applicable requirements of this article.

Sec. 46-403. Terms of licenses and permits.

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

(b) In accordance with regulations promulgated by the director, a permit may be amended, without charge, for the limited purpose of adding, deleting or substituting any number of low-speed shuttle vehicles; provided however, the addition, deletion, or substitution of any low-speed shuttles pursuant to a current and valid permit shall require an inspection as provided for in section 46-397 of this Code, including the payment of the inspection fee.

Secs. 46-404--46-420. Reserved.

DIVISION 3. LOW-SPEED SHUTTLE OPERATING REQUIREMENTS

Sec. 46-421. Operating restrictions.

(a) It shall be unlawful for a licensee or permittee to operate or cause to be operated any low-speed shuttle in a zone that has not approved by the director or on any roadway in the city where the posted speed limit exceeds 35 miles per hour, except for the purpose of crossing that roadway. It shall be unlawful for a low-speed shuttle to be operated on a roadway at a speed that exceeds the lesser of the posted speed limit or 25 miles per hour.

(b) It shall be unlawful for a licensee or permittee to operate or cause to be operated any low-speed shuttle upon any portion of a public sidewalk except as necessary to access locations immediately adjacent to a roadway through the use of points of ingress and egress made available for use by motor vehicles operating in compliance with all applicable traffic laws.

Sec. 46-422. Licensee appearance and conduct.

(a) It shall be the duty of every licensee to be hygienically clean, well-groomed, neat, and suitably dressed in compliance with all applicable requirements of this section at all times while operating a low-speed shuttle for hire.

(b) Licensees shall be clean-shaven, and facial hair shall be neatly trimmed. If a beard or moustache is worn, it shall be well-groomed and neatly trimmed at all times.

(c) The term "suitably dressed" shall be interpreted to mean the licensee shall wear slacks or trousers, a shirt with collar or blouse with or without a tie, a dress or suit, shoes, and, if desired, appropriate outer garments.

(d) Clothing that is not considered appropriate and is not permitted, when the licensee is in charge of a low-speed shuttle includes: T-shirts, underwear (as an outer garment), tank tops, body shirts, swimwear, jogging suits, or similar types of attire when worn as an outer garment, shorts or trunks (jogging or bathing), or sandals; provided however, a licensee operating a low-speed shuttle that is not equipped with an interior air-conditioning system shall be permitted to wear a T-shirt and a short uniform design displaying the permittee's name, trademark, logo, or other similar identifying information. All uniform designs shall be submitted to and kept on file with the director.

(e) No licensee shall permit or allow passengers or employees to stand or ride on the running board, dash board, fender or any outside portion of the vehicle, nor shall a licensee permit any passenger to stand in such a position that the licensee's vision forward or to the side is blocked.

(f) It shall be unlawful for any licensee to refuse to board and convey a passenger on a basis of race, color, religion, sex, national origin, age, or disability, including the refusal to board and convey any service animal or medical equipment utilized in conjunction with a passenger's disability.

Sec. 46-423. Low-speed shuttle equipment.

(a) It shall be unlawful for any person to drive or operate or cause to be driven or operated any low-speed shuttle that is not marked in a manner and location approved by the director and equipped as provided in this division.

(b) No licensee or permittee shall drive or cause to be driven any low-speed shuttle in the city until the permittee has filed with the director, for approval, the color scheme that he proposes to use in conjunction with the provision of the low-speed shuttle service. In approving or disapproving the color scheme submitted, the director shall consider:

(1) The color scheme presently in use by the permittee, if any;

(2) The color schemes of other permittees; and

(3) Which permittee first used or requested approval of the color scheme.

If the director finds that the permittee is entitled to the use of the requested color scheme because of first or prior use and that it does not deceptively resemble the approved color scheme of another permittee, he shall approve its use by the permittee.

(c) If the color scheme is approved, 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 low-speed shuttle of his color scheme, and the permittee shall not change the color scheme without approval of the director.

(d) Additionally, each low-speed shuttle shall:

(1) Have no taxi meter;

(2) Have the following signage in letters not less than three inches in height nor less than 5/16 of an inch in brush stroke and of contrasting color to the background:

a. The name and telephone number of the permittee and rate structure on the exterior of both front doors;

b. The telephone number of the permittee on the rear deck or trunk lid;

c. The permit number on the right side of the trunk or rear deck, the right side of the hood, and below the rear door handle on each side of the vehicle; and

d. The zone name below the permit number on each side of the vehicle. In the event one low-speed shuttle serves multiple zones, a changeable electronic or analog sign shall indicate the zone the vehicle is currently serving. The current zone and rate structure or fare for each low-speed shuttle must be posted in a conspicuous manner in the interior of the vehicle so as to be clearly visible and understood by all passengers;

(3) Have a dashboard-mounted holder of a type approved by the director in which shall be mounted the operator's license, a photograph of the operator, and the telephone numbers of the director and the permittee for complaint purposes regarding low-speed shuttle services or charges, including instructions that if the passenger wishes to file a complaint, he should obtain the low-speed shuttle permit number as posted on the low-speed shuttle, date, time, destination, and fare charged. The director shall approve the size of the print, the colors, and the information to be provided so that the information may be easily read by passengers; and

(4) Have a radio, mobile telephone or other means of two-way communication that may be used to request assistance in the event of an emergency.

The information required in item (2) above shall be painted upon the vehicle, provided that the director may allow the zone information only to be posted upon a magnetic sign or other removable sign of durable materials.

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 years old. For purposes of this requirement, a low-speed shuttle is considered to be six years old on the 31st of May of the sixth 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.

Sec. 46-425. Carrying additional passengers.

Any passenger who engages the services of a low-speed shuttle shall have the exclusive right to the passenger compartment of the low-speed shuttle, and it shall be unlawful for a licensee to carry additional passengers unless specific permission is obtained from the passenger who originally engaged the low-speed shuttle.

Sec. 46-426. Operating requirements.

(a) It shall be the duty of the licensee to ensure that his low-speed shuttle is operated in accordance with this section.

(b) It shall be unlawful for a licensee to seek or solicit a passenger or passengers in an attempt to engage the services of a low-speed shuttle.

(c) It shall be unlawful for a low-speed shuttle to stop or stand to pick up or discharge any passenger in a taxicab zone or any other area designated for other categories of vehicles. It shall be the duty of each licensee when loading or unloading passengers to pull the low-speed shuttle to the curb and ensure that the low-speed shuttle does not impede normal vehicular and pedestrian movement.

(d) It shall be unlawful for a low-speed shuttle to stop or stand to pick up or discharge any passenger at any place that is not on a street or roadway with a zone submitted to and approved by the director.

(e) It shall be unlawful for a low-speed shuttle to stop or stand upon the public streets or other public property, except as required to comply with lawful traffic control devices and to discharge and pick up passengers.

(f) A log shall be maintained for each low-speed shuttle in a form prescribed by the director setting forth the hours of work of each licensee. No licensee shall operate a low-speed shuttle for more than 12 hours in any 24-hour period and no permittee shall allow or cause any licensee to drive a vehicle in operation as a low-speed shuttle more than 12 hours in a 24-hour period. Each permittee shall maintain the log for a period of six months and shall make the same available for inspection or copying upon request at the offices of the director.