



**CITY OF HOUSTON**  
Administration & Regulatory Affairs

**Interoffice**

Correspondence

**To:** City Council Members

**From:** Tina Paez, Director  
Administration & Regulatory Affairs

**Date:** June 3, 2014

**cc:** Mayor Annise Parker  
David Feldman  
James Koski  
Chris Newport  
Kathryn Bruning

**Subject:** **Chapter 46 Related to Vehicles-  
for-Hire – New Ordinance  
Amendments**

An updated version of the proposed amendments to Chapter 46 of the Code of Ordinances related to vehicles-for-hire is being distributed to each of you today. This most recent version includes new provisions related to wheelchair accessibility requirements. The new version also includes the actual language for the impounding of vehicles-for-hire operating without a valid City permit, and the due process provisions related to the removal of those vehicles. Below, for your convenience, are the provisions related to the proposed new amendments.

**Wheelchair Accessibility Requirements**

In response to our recent meetings with Council Members Stardig, Gallegos, Martin, Nguyen and Kubosh, and as a result of several discussion with members of the Houston Commission on Disabilities and other stakeholders from the disabilities community, the following provisions have been incorporated into the adopting ordinance and ordinance amendments for Chapter 46:

1. Wheelchair Accessibility Goal Across All Vehicle for Hire Categories: The amendments include the addition of a statement of policy aimed at demonstrating the City's commitment to exploring all viable options to ensure that wheelchair accessible vehicles are part of Houston's entire vehicle for hire fleet and not just taxicabs: "*WHEREAS, the City is committed to collecting and analyzing data and other relevant information, including but not limited to anecdotal evidence, concerning the provision of vehicle for hire transportation services to persons with disabilities, in an attempt to develop regulatory controls that promote and incentivize permittees and registrants to make available wheelchair accessible vehicles to passengers with disabilities in furtherance of the City's aspirational goal that within five years not less than five percent of the of the vehicles for hire operated in the City, and that an appropriate percentage within the diverse vehicle for hire categories, are wheelchair accessible vehicles*";
2. Data Submission Requirement: A new data submission item in section 46-11 (records to be kept by permittees and registrants) has been added concerning wheelchair accessible vehicles: "*The total number of vehicles available and in use by the permittee or registrant that are wheelchair accessible vehicles or are vehicles constructed and designed or*

*redesigned, modified, or equipped to provide vehicle for hire transportation services to persons with disabilities who require the use of a wheelchair as a means of movement or ability to move from one place to another”;*

3. Vehicle Age Extension for Wheelchair Accessible Vehicles: A new section is being created within Chapter 46 (Sec. 46-11.6) aimed at incentivizing permittees to continue to operate and make available wheelchair accessible vehicles: *“A permittee operating a wheelchair accessible vehicle pursuant to a valid permit may operate the wheelchair accessible vehicle beyond any applicable vehicle for hire age and mileage limitations prescribed in this chapter, provided the permittee submits the vehicle for inspection at a location authorized and identified by the director prior to the expiration of the permit, and the director determines that the wheelchair accessible vehicle for hire is in compliance with all applicable vehicle inspection provisions and any other conditions of operation prescribed by the director.”*
4. Accessibility Task Force: The revised ordinance amendments include the creation of the Houston Transportation Accessibility Task Force (referenced in section 7 of the adopting ordinance) which will study vehicle for hire transportation services provided in Houston and provide recommendations to ARA and City Council concerning opportunities to improve or refine local regulatory controls on vehicles for hire that impact the provision of transportation services to persons with disabilities.

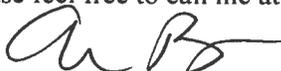
### **Impounding and Due Process**

In response to concerns raised by several Council Members about the City’s need for additional enforcement tools to protect the riding public from unlicensed operators of non-permitted vehicles for hire, Section 46-11.4 has been added to Chapter 46 in the proposed ordinance.

In short, the proposed language provides that *“the police department shall remove any vehicle from a public street or public place when probable cause exists to believe that the vehicle is being operated as a vehicle for hire without the required permit, certificate of registration..”*

1. The vehicle will be towed to a secure facility designated by the City, and the vehicle operator will be given detailed, written instructions on how to retrieve his vehicle from the storage lot operator.
2. If the vehicle owner does not agree with the removal of the vehicle, he may request a hearing within 14 business days of the vehicle being impounded. It should be noted that the vehicle owner may retrieve his vehicle immediately from the storage lot and does not need to wait for the hearing to be held.
3. Hearings must be held within 10 business days after the hearing request is received by the court. Both the owner and the police officer who order the removal of the vehicle shall be notified of the date, time and place of the hearing. If the court determines probable cause did not exist for the removal of the vehicle, the City shall fully reimburse the owner.

Please feel free to call me at (832) 393-8500 if you have any additional questions, comments or concerns.



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