

ORDINANCE NO. 20150604-055

**AN ORDINANCE AMENDING CITY CODE CHAPTER 13-2 RELATING TO
GROUND TRANSPORTATION PASSENGER SERVICE REQUIREMENTS.**

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

PART 1. City Code Section 13-2-73 (*Sponsoring and Hiring Drivers*) is amended to read:

- (A) A holder may not allow an individual to drive a ground transportation service vehicle unless:
 - (1) the individual possesses a chauffeur's permit~~[, sponsored by that holder,]~~ or a state license, as provided under Section 13-2-121 (*Exemption From Chauffeur's Permit Requirement*); and
 - (2) the individual has not been convicted of a violation that results in a revocation under Section 13-2-108 (*Revocation of Chauffeur's Permit*) or a suspension under Section 13-2-109 (*Suspension of Chauffeur's Permit*).
- ~~[(B)]~~ ~~A holder may sponsor an individual to obtain a chauffeur's permit to drive a ground transportation service vehicle. To indicate a holder's sponsorship of an applicant for a chauffeur's permit, the holder shall sign the application for the chauffeur's permit in the space designated for the sponsor's signature.]~~
- (B) ~~[(C)]~~ A holder may not ~~[sponsor,]~~ contract with, or employ an individual as a driver who does not meet the standards established under Section 13-2-106 (*Approval and Denial of Applications*) or has been convicted of four or more violations of this chapter in a 12-month period. The prohibition regarding convictions begins on the date of the fourth conviction and ends on the last day of the 12th month following the month in which the conviction occurred.
- (C) ~~[(D)]~~ A holder may establish standards in addition to those set out in this chapter.
- (D) ~~[(E)]~~ For each driver who drives a ground transportation service vehicle for an operating authority without a chauffeur's permit, as authorized in Section 13-2-121 (*Exemption From Chauffeur's Permit Requirement*), the holder must present a statement that the holder has reviewed the driver's criminal and driving record and that the driver satisfies the requirements of Subsection (A).
- ~~[(F)]~~ ~~A holder shall rescind sponsorship of a driver whose criminal or driving record indicates a lack of capacity to be a safe and reliable driver in~~

~~accordance with the criteria prescribed by Sections 53.022 and 53.023 of the Texas Occupations Code.~~

~~(G) When a holder rescinds sponsorship of a driver, the holder shall notify the department, in writing, not later than the 10th day after the holder rescinds sponsorship.]~~

PART 2. City Code Section 13-2-74 (Hiring Drivers as Independent Contractors) is amended to read:

(A) Before a holder may hire a permittee as a driver on an independent contractor basis, the holder and the permittee shall execute a written contract that requires:

- (1) the holder to indemnify, defend, and hold the City harmless from any claim or cause of action against the City arising from conduct of the driver;
- (2) the driver to be insured under the holder's insurance policy and that the holder shall obtain proof of coverage for that driver before allowing the driver to drive a ground transportation service vehicle; and
- (3) the driver to comply with this chapter and the provisions of the holder's operating authority or taxicab franchise, and provides that failure to comply is grounds for termination of the contract.

(B) The written contract must include procedures for resolving contractual disputes between a holder and driver that includes, at least, the following:

- (1) opportunity for the driver to contest suspension, termination, or other disciplinary action through independent mediation; and
- (2) specific language describing actions or incidents that would result in suspension or termination

(C) The department shall confirm compliance these provisions prior to approving a holder's driver contract.

PART 3. City Code Section 13-2-102 (*Contents of Application*) is amended to delete Subsection (A)(6).

PART 4. City Code Chapter 13-2 (*Ground Transportation Passenger Services*) is amended to repeal Section 13-2-103 (*Chauffeur's Permit Requires Sponsoring Holder*).

PART 5. City Code Section 13-2-105 (*Multiple Chauffeur's Permits Allowed*) is amended to read:

§13-2-105 NO TRANSFER OF CHAUFFEUR'S PERMITS ALLOWED
[MULTIPLE CHAUFFEUR'S PERMITS ALLOWED]

- (A) ~~A person may apply for more than one chauffeur's permit. A separate fee is required for each permit.~~
- (B) ~~A chauffeur's permit issued by the department shall list the name of each holder for which the permittee is authorized to drive a ground transportation service vehicle.~~
- (C) ~~A person must obtain a separate chauffeur's permit for each holder for which the person intends to drive. A driver may obtain multiple chauffeur's permits only if the driver provides the department with a written statement from each sponsoring holder acknowledging that the driver has informed the sponsoring holder of the driver's intent to drive for more than one holder.~~
- (D) A permittee may not transfer or assign a chauffeur's permit. An attempt to transfer or assign a chauffeur's permit voids the permit.

PART 6. Subsection (B)(1) of City Code Section 13-2-106 (*Approval and Denial of Applications*) is amended to read:

- (B) The department may not approve an application for a chauffeur's permit unless the applicant:
 - ~~[(1) obtains sponsorship from a holder;]~~

PART 7. Subsection (D) of City Code Section 13-2-108 (*Revocation of Chauffeur's Permit*) is amended to read:

- (D) The department shall notify the permittee and affected ~~[sponsoring]~~ holders in writing of the revocation of a permit. A revocation under this section revokes all permits issued to the driver under this chapter.

PART 8. Subsections (A) and (D) of City Code Section 13-2-109 (*Suspension of Chauffeur's Permit*) are amended to read:

- ~~[(A) A chauffeur's permit issued to a driver is automatically suspended if a sponsoring holder rescinds sponsorship of the driver, in writing, to the department. A suspension under this subsection affects only the permit for which the holder served as sponsor. The driver may not drive a ground transportation service vehicle for that holder unless the driver obtains a new chauffeur's permit for that holder.]~~
- (A) ~~[(B)]~~ A chauffeur's permit issued to a driver is automatically suspended if the permittee fails to timely pay a penalty required to be paid under this chapter.

(B) ~~(C)~~ The department may suspend the chauffeur's permit of a driver who is convicted of at least two offenses under this chapter in a 12-month period. A suspension under this subsection suspends all permits issued to the driver under this chapter. The period of suspension under this subsection may not exceed 60 days.

(C) ~~(D)~~ The department shall notify the driver and all affected ~~[sponsoring]~~ holders in writing of the suspension of a permit under this section.

PART 9. City Code Section 13-2-111 (*State Driver's License*) is amended as follows:

A permittee whose Texas driver's license is suspended, revoked, or expired must notify the City and affected ~~[sponsoring]~~ holders and surrender all chauffeur's permits to the City.

PART 10. City Code Section 13-2-402(B) (*City Council Approval Required; General Standards, Franchise Permit Transfer*) is amended to read:

- (B) A taxicab franchise permit may be transferred from one taxicab franchise holder to another only with council approval. ~~[A taxicab franchise holder that holds 60 percent or more of the City's franchise permits is ineligible to receive a transfer of permits. After a transfer of franchise permits, the taxicab franchise holder that receives the franchise permits may not hold more than 60 percent of the City's franchise permits.]~~

PART 11. City Code Subsection 13-2-404 (*Recommendation on Franchise Application*) is amended as follows:

- (B) In evaluating a taxicab franchise application, the city manager must consider the following:
- (1) the accuracy of the applicant's data reports;
 - (2) the quality of dispatch services;
 - (3) the applicant's compliance with the Americans with Disabilities Act of 1990;
 - (4) the fuel efficiency of the applicant's fleet; and
 - (5) any and all fees the applicant charges to drivers;

(C)~~(B)~~ The city manager may not recommend that the council grant a franchise application unless the requirements of this chapter have been met.

~~(D)~~~~(C)~~ If the city manager recommends denial of a taxicab franchise application, the city manager shall include the reason for that recommendation. A copy of the recommendation shall be provided to the applicant.

PART 12. City Code Section 13-2-422 (*Calculation of Necessary Franchise Permits*) is amended to read as follows:

~~(A)~~ The department shall determine the annual increase or decrease in the number of necessary franchise permits, and the allocation among the taxi franchises, ~~[by multiplying the number of franchise permits that were determined to be necessary in the previous year by the average of the percent of annual change in:~~

~~(1) the population of the City; and~~

~~(2) the number of taxicab departures from Austin Bergstrom International Airport.~~

~~(B) The population figure for the City shall be based on the annual population estimate as determined by the department as of December 31 of the preceding year.]~~ by assessing performance measures approved by Council, to include the following:

(A) Compliance with Section 13-2-504(B) requirements that each modified ground transportation service vehicle provide service to between one and three percent of the total dispatched modified ground transportation service vehicle trips completed by the franchise monthly, the percentage to be determined by the department based on a formula that accounts for the permit number and trip volume of the franchise; and

(B) State or local contract for transportation services provided to a health care program.

PART 13. City Code Section 13-2-424(A) (*Allocation of Additional Franchise Permits*) is amended to delete subsection (A)(1).

PART 14. City Code Section 13-2-445 (*Response to Dispatched Service Requests*) is amended to read as follows:

While in service, [operating a taxicab,] a taxicab driver shall [respond to] accept service requests from the driver's dispatch terminal [when the location for pick-up is within a reasonable distance from the location of the taxicab] when the driver's taxicab is determined by the dispatch's global positioning system to be the closest taxicab to the pick-up location.

PART 15. City Code Section 13-2-489 (*Vehicle Design and Age Requirements*) is amended to read as follows:

- (C) A franchise holder may ~~[not]~~ use a vehicle as a taxicab as long as that vehicle meets existing inspection requirements. ~~[that is 96 months of age or older, except that a modified ground transportation service vehicle that is not more than 120 months of age may be used. The vehicle age is calculated from the first day of January of the model year of the vehicle. A franchise holder may not place into service a vehicle that exceeds 72 months of age unless the vehicle has previously been used as a taxicab in the City.]~~

PART 16. City Code Subsection 13-2-504(B) and (C) (*Eligibility for Special Franchise Permits*) is amended to read as follows:


- (B) For a franchise holder to qualify for special franchise permits ~~[during the second and succeeding years after this ordinance takes effect]~~, each modified ground transportation service vehicle for which a special permit was issued ~~[during the preceding year must have been in operation for at least 12 hours a day for 274 days of the preceding 12 month period.]~~ shall:
- (1) maintain an average response time to request for modified ground transportation service vehicle service within seven minutes of the franchise's average response time for standard service requests; and
 - (2) provide service to between one and three percent of the total dispatched modified ground transportation service vehicle trips completed by the franchise monthly, the percentage to be determined by the department based on a formula that accounts for the permit number and trip volume of the franchise.
- (C) The Department shall develop penalties for franchise holders that fail to perform to the standards required by subsection (B) to be approved by Council.

PART 17. This ordinance takes effect on June 15, 2015.

PASSED AND APPROVED

_____, June 4 _____, 2015

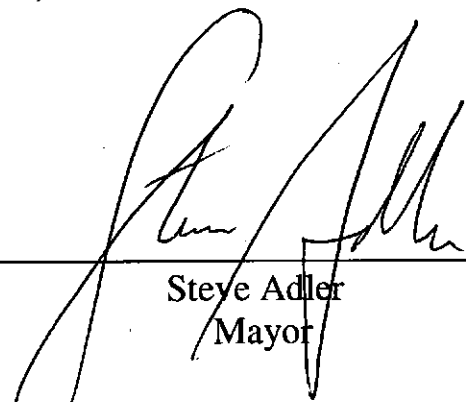
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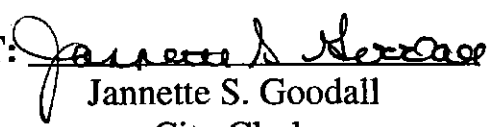
Anne L. Morgan
Interim City Attorney

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ATTEST:



Steve Adler
Mayor



Jannette S. Goodall
City Clerk