

ORDINANCE NO. _____

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

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

PART 1. Subsections (B), (C) of City Code Section 13-2-102 (*Contents of an Application*) is amended to read:

- (B) ~~[The applicant must attach to the application a copy of the applicant's complete criminal history and driving record]~~ A person must pass a driver history check and a fingerprint-based national criminal background check under the provisions of this section to be eligible for a chauffeur permit. The department will implement procedures for drivers to provide the department driver history and finger-print based background checks issued and certified by the Texas Department of Public Safety or other relevant governmental entity as determined by the department. The criminal history and driving record must be issued and certified not earlier than the 30th day before the date the applicant submits an application for a chauffeur's permit.
- (C) An applicant who has been a resident of Texas for less than three years preceding the date the application is submitted must also submit a ~~[criminal history and]~~ driving record certified by the appropriate governmental authority in the former state of residence. The ~~[criminal history and]~~ driving record from the appropriate governmental authority in the former state of residence must be issued and certified not earlier than the 30th day before the date the applicant submits an application for a chauffeur's permit.

PART 2. City Code Section 13-2-102 (Contents of an Application is amended to add Subsection (G) to read:

- (G) Consistent with the requirements of Texas Government Code Sections 411.122 and 411.087, which authorizes the City to obtain criminal history record information maintained or indexed by the Federal Bureau of Investigation (FBI) through the Texas Department of Public Safety (DPS).
- (1) Each individual whose application for a license, permit or authorization or any renewal thereof is subject to subsection (a) shall be required to provide a complete set of fingerprints and other identifying information to the official designated by the permitting,

1 licensing or authorizing department, along with any applicable fee and
2 any release or waiver forms required in order for the official to
3 conduct a national background check through the FBI.

4 (2) Upon receipt of the fingerprints and any applicable fee, the City, or
5 City approved third-party, is authorized to submit the fingerprints to
6 the DPS for a search of the State's criminal history record, and the
7 DPS is authorized to forward a set of the fingerprints to the FBI for a
8 national criminal history check. The results of the FBI check will be
9 returned to the DPS, which will disseminate the results of state and
10 national criminal history checks to the City.

11 (3) The criminal history record information obtained through the FBI
12 will be used by the Austin Transportation Department to determine
13 whether an individual is prohibited from obtaining a chauffeur permit.

14 **PART 2.** The definition of "Prearranged Service" in City Code Section 13-2-1
15 (*Definitions*) is amended to read:

16 (28) PREARRANGED SERVICE means ground transportation service provided
17 by a ground transportation service operating authority that is scheduled by
18 an initial reservation [~~a minimum of one half hour~~] in advance of the trip,
19 excluding performance under a corporate contract or by a Charter Bus
20 Service.

21 **PART 3.** City Code Section 13-2-202 (*Limousine Service Requirements*) is amended to
22 read:

23 **§ 13-2-202 - LIMOUSINE SERVICE REQUIREMENTS.**

24 (A) A holder of a limousine operating authority shall comply with Article 2,
25 Division 1 (*Operating Authority*).

26 ~~[(B) Except as otherwise provided by this section, a holder may not use a vehicle~~
27 ~~to provide limousine service under this chapter unless the vehicle is a~~
28 ~~remanufactured and extended wheelbase luxury sedan, extended wheelbase~~
29 ~~luxury sport utility vehicle, extended wheelbase luxury crossover vehicle, an~~
30 ~~extended wheelbase vehicle commonly known as a GM "Hummer Limo", or~~
31 ~~a pick-up truck on a full-sized chassis with an occupancy capacity of five or~~
32 ~~more, excluding the capacity of the driver compartment.]~~

33 ~~[(C)]~~ (B) Except as provided in Subsection (C), a holder [~~that provides limousine~~
34 ~~service using at least one vehicle described in Subsection (B)] shall [may~~
35 ~~also] provide limousine service using a full-sized sedan vehicle categorized~~

as a luxury vehicle within the automobile industry, with a minimum occupancy capacity of four excluding the driver.

~~((D))~~(C) A holder that provides limousine service [~~using at least one vehicle described in Subsection (B)~~] may also provide limousine service using a vehicle categorized by the automobile industry as a sport utility vehicle or a sport activity vehicle with a minimum occupancy capacity of four excluding the driver.

(D) A holder of a limousine operating authority shall inform potential customers of the estimated fare for the limousine service before the beginning of a trip.

PART 4. City Code Section 13-2-203 (*Limousine Rate of Fare*) is repealed.

PART 5. Paragraph (B)(4) of City Code Section 13-2-291 (*Charter Van Requirements*) is amended to read:

(B) A holder must:

(4) not hold itself out as a taxi service as defined in Section 13-2-401 (*Taxi Service Described*)~~[, and cannot accept passengers less than one-half hour in advance of commencement of scheduled service].~~

PART 6. This ordinance takes effect on _____, 2016.

PASSED AND APPROVED

_____, 2016

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Steve Adler
Mayor

APPROVED: _____
Anne L. Morgan
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk