

**ORDINANCE NO. 20161215-067**

**AN ORDINANCE AMENDING CITY CODE CHAPTER 13-2 RELATING TO  
TRANSPORTATION NETWORK COMPANIES AND GROUND  
TRANSPORTATION DRIVER DISQUALIFICATION.**

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

**PART 1.** City Code Section 13-2-103 (*Disqualification for Certain Offenses*) is amended to add a new subsection (E) and re-letter the remainder of this subsection accordingly to read:

**§ 13-2-103 DISQUALIFICATION FOR CERTAIN OFFENSES.**

- (E) Any disqualified applicant may appeal the decision in accordance with § 13-2-107 (*Appeal*), and the director may overturn a disqualification by considering:
- (1) the nature and gravity of any offenses in the individual's criminal history;
  - (2) the length of time since the offense and completion of the sentence; and
  - (3) the impact of the offenses on the applicant's ability to perform the duties and discharge the responsibilities of a driver of a ground transportation service vehicle.

**PART 2.** City Code Section 13-2-527 (*Driver Eligibility – Criminal Background and Driver History Checks*) is amended to add a new subsection (M) to read:

**§ 13-2-527 DRIVER ELIGIBILITY – CRIMINAL BACKGROUND AND  
DRIVER HISTORY CHECKS.**

- (M) Any disqualified applicant may appeal the decision in accordance with § 13-2-107 (*Appeal*), and the director may overturn a disqualification by considering:
- (1) the nature and gravity of any offenses in the individual's criminal history;
  - (2) the length of time since the offense and completion of the sentence; and
  - (3) the impact of the offenses on the applicant's ability to perform the duties and discharge the responsibilities of a driver of a ground transportation service vehicle.

**PART 3.** Parts 1 and 2 go into effect immediately. City Manager, however, is directed to develop a process through which appellate authority is shifted from the director to the Austin Municipal Court, so that an individual disqualified from driving a ground transportation vehicle due to a criminal conviction and filing an appeal of the decision will be heard by a judge of the Austin Municipal Court instead of the director. The City Manager should include as part of the appeal process a requirement that the judge shall rely on EEOC Enforcement Guidance 915.002 (April 25, 2012) when assessing whether to overturn the disqualification, among any other options. The City Manager is directed to present this process and all necessary ordinance amendments to Council on or before March 1, 2017.

**PART 4.** Council finds that with the impending holidays and weather hazards, the need for qualified ground transportation drivers to serve the public constitutes an emergency. Because of this emergency, this ordinance takes effect immediately on its passage for the immediate preservation of the public peace, health and safety.


**PASSED AND APPROVED**

December 15, 2016

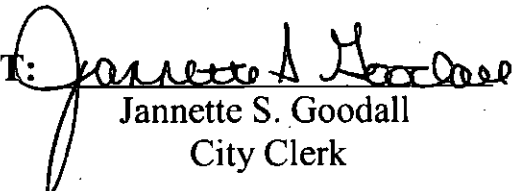
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Steve Adler  
Mayor

**APPROVED:**

  
Anne L. Morgan  
City Attorney

**ATTEST:**

  
Jannette S. Goodall  
City Clerk