

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTER 13-2 (*GROUND TRANSPORTATION PASSENGER SERVICES*), REPEALING FRANCHISE REQUIREMENTS FOR TAXICAB COMPANIES, AND ESTABLISHING TAXICAB OPERATING AUTHORITY REQUIREMENTS.

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

PART 1. City Code Section 13-2-11 (*Definitions*) is amended to repeal the definitions of “Franchise,” “Franchise Holder,” and “Franchise Permit,” adding definitions of “Taxicab Service,” “WAV,” and “Wheelchair Accessible Vehicle,” to amend the definitions of “Chauffeur’s Permit,” “Holder,” “Operating Authority,” and “Taxicab,” to renumber the remaining subsections accordingly, and to read as follows:

§13-2-11 – DEFINITIONS.

In this chapter:

- (1) **CHARTER BUS SERVICE** means transportation provided for compensation at the request of a third party for the exclusive use of a vehicle with a capacity of at least sixteen persons or more, including the driver, on a reservation basis, using motorized vehicles such as vans, minibuses, buses or motor coaches on irregular routes and schedules providing service originating, terminating and travelling solely within the city limits. Charter Bus Service does not include services owned, contracted, or subcontracted by a governmental entity or independent or consolidated school district, services provided by a charter van, or pursuant to a corporate contract.
- (2) **CHARTER BUS SERVICE PERMIT** means the required permit a Charter Bus Service Provider must obtain from the City in order to operate a Charter Bus Service.
- (3) **CHARTER BUS SERVICE PROVIDER** means an individual or entity that provides Charter Bus Service.
- (4) **CHARTER VAN SERVICES** means transportation provided for compensation at the request of a third party for the exclusive use of a chauffeured motorized vehicle bus with a passenger capacity of a minimum of six, but a maximum of 15

persons, including the driver, on irregular routes and schedules providing service within the City limits.

- (5) CHAUFFEUR means a person who operates a ground transportation service vehicle dispatched either by hail, telephonic, radio, or any electronic communication, including an E-Hail indicating the location of a passenger for immediate or prearranged transportation service.
- (6) CHAUFFEUR'S PERMIT means written permission granted to an individual by the department to chauffeur a vehicle under the authority granted to a [~~franchise holder or~~] holder.
- (7) CITY MANAGER includes the city manager's designee.
- (8) COMPENSATION means any money, thing of value, payment, consideration, reward, tip, donation, gratuity, or profit paid to, accepted, or received by the driver or owner of any vehicle providing transportation for a person, or persons; whether paid upon solicitation, demand or contract, or voluntarily, or intended as a gratuity or donation. Reimbursement for the following is not compensation: (1) tolls; (2) vehicle operating costs in an amount that is equal to or less than the most current privately-owned vehicle mileage reimbursement rates established by the U.S. General Services Administration; and (3) parking costs at the shared destination.
- (9) CONDITIONAL CHAUFFER'S PERMIT means a conditional written permit granted to an individual by the department.
- (10) CONTROLLED SUBSTANCE means a substance defined as a controlled substance under the Chapter 481 (Texas Controlled Substances Act) of the Texas Health and Safety Code or under Title 21 of the United States Code.
- (11) CORPORATE CONTRACT means a contract for services between a corporate entity or business and a ground transportation service provider for the provision of ground transportation services on a regular and on-going basis or for specific events to and from a pre-specified location, excluding dispatch services.
- (12) DEPARTMENT means the department designated by the city manager.

(13) DIRECTOR means the department director designated by the city manager.

(14) DRIVER means an individual who drives a ground transportation service vehicle.

(15) E-HAIL is the use of any electronic device in any manner, including e-mail, text message, push notification or application for the booking of, or request for, immediate or prearranged transportation services.

~~[(16) FRANCHISE means the authority to operate a taxicab service granted by ordinance under the City Charter.]~~

~~[(17) FRANCHISE HOLDER means a person who obtains a taxicab franchise from the City or has the control, direction, maintenance, or the benefit of the collection of revenue derived from the taxicab franchise, and includes the agents or employees of the franchise holder.]~~

~~[(18) FRANCHISE PERMIT means a decal issued by the City to a franchise holder that evidences the franchise holder's authority to operate a vehicle as a taxicab.]~~

(16[9]) GROUND TRANSPORTATION SERVICE means the service of providing chauffeured vehicles for compensation for the transportation of passengers within the city. Rideshares and Non-City Regulated Charter Service are not included in this definition of ground transportation service.

(17[20]) GROUND TRANSPORTATION SERVICE VEHICLE means a chauffeured vehicle used to transport passengers on City streets for compensation, excluding vehicles used for charter bus service.

(18[24]) GROUP CYCLE means a device with four or more wheels propelled by human power exerted through a belt, chain, or gears capable of carrying a driver and six or more seated passengers on a platform made as part of the device.

(19[22]) GROUP CYCLE SERVICE means a ground transportation service operating for hire that uses a group cycle in the operation of the service.

(20[3]) HOLDER means a person who is authorized to operate a ground transportation service[;] and includes the agents or employees of the holder. Holder ~~[includes a franchise holder but]~~ excludes a charter bus service provider.

- 116 (21[4]) MODIFIED GROUND TRANSPORTATION SERVICE VEHICLE means a
117 passenger-type van modified in accordance with the Americans with Disabilities
118 Act, 42 U.S.C.A. Section 12101 et seq., to accommodate disabled passengers in
119 wheelchairs.
120
- 121 (22[5]) NON-CITY REGULATED CHARTER SERVICE means transportation
122 provided for compensation at the request of a third party for the exclusive use of
123 a motor vehicle operating under a valid federal or state operating authority that
124 does not originate, terminate, and travel solely within the City limits.
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- 126 (23[6]) OPERATING AUTHORITY means the written authority granted by the City
127 to provide a ground transportation service [~~other than a taxicab service~~].
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- 129 (24[7]) OPERATING AUTHORITY PERMIT means a decal issued by the City to a
130 holder that evidences the holder's authority to operate a vehicle as a ground
131 transportation service vehicle.
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- 133 (25[8]) PASSENGER means an individual being transported for compensation in a
134 ground transportation service vehicle.
135
- 136 (26[9]) PEDICAB means a chauffeured vehicle operated for compensation that has at
137 least three wheels, is propelled by human power exerted through pedals, a belt or
138 chain and gears, and that is capable of transporting passengers on seats attached
139 to the vehicle.
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- 141 (27[30]) PEDICAB SERVICE means a ground transportation passenger service
142 operating for hire that uses a pedicab in the operation of the service.
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- 144 (28[34]) PERMITTEE means an individual or entity that applies to the department
145 for a permit described in this chapter and who has been issued an approved valid
146 permit by the City.
147
- 148 (29[32]) PREARRANGED SERVICE means ground transportation service provided
149 by a ground transportation service operating authority that is scheduled by
150 reservation in advance of the trip, excluding performance under a corporate
151 contract or by a Charter Bus Service.
152
- 153 (30[3]) RIDESHARE is the travelling of two or more persons by any mode of private
154 passenger vehicle, including, but not limited to, carpooling, vanpooling,

buspooling, to any location incidental to another purpose of the driver, for which compensation is neither accepted, collected, encouraged, promoted, or requested.

(31[4]) TAXI ZONE means a public place alongside the curb or curb line of a street that the City has designated as reserved exclusively for the use of taxicabs.

(32[5]) TAXICAB means every automobile or motor-propelled vehicle issued [with] a taxicab [franchise] permit [affixed].

(33) TAXICAB SERVICE means a ground transportation service operating for hire that uses a taxicab in the operation of the service.

(34[6]) TAXIMETER means a device used in a taxicab to compute a fare.

(35) WAV means a Wheelchair Accessible Vehicle used in a taxicab service.

(36) WHEELCHAIR ACCESSIBLE VEHICLE (WAV) means a passenger-type vehicle modified in accordance with the Americans with Disabilities Act, 42 U.S.C.A. Section 12101 et seq., to accommodate passengers who utilize wheelchairs.

PART 2. Subsections (A), (D) and (E) of City Code Section 13-2-3 (*Operation Authority or Taxicab Franchise Required*) are amended to delete references to taxicab franchises, to clarify use of a taximeter, and to read as follows:

**§ 13-2-3 - OPERATING AUTHORITY [~~OR TAXICAB FRANCHISE~~]
REQUIRED.**

(A) Except as provided by Subsections (B) and (C), a person may not provide or operate a ground transportation service that picks up passengers within the city or represent the person's business to the public as a ground transportation service unless that person obtains an authority to operate the ground transportation service under Section 13-2-161 (*Operating Authority Application Required*) [~~or a taxicab franchise to operate a taxicab service under Section 13-2-403 (Franchise Application Required)~~].

(D) A driver operating a ground transportation service vehicle without an authority to operate the ground transportation service under Section 13-2-161 (*Operating Authority Application Required*) [~~or a taxicab franchise to operate a taxicab service under Section 13-2-403 (Franchise Application Required)~~] or a chauffeur's permit under Section 13-2-

101 (*Chauffeur's Permit Required*) may transport a passenger from a point outside the city to one or more points within the city, or may transport the passenger across the city, but may not pick up a new passenger within the city. This Subsection (D) does not apply to Non-City Regulated Charter Service or to a Charter Bus Service Provider.

(E) A driver operating a taxicab under Subsection (D) shall keep the taximeter running while transporting a passenger within or across the city, or while waiting for a passenger within the city if a taximeter is utilized for the calculation of a fare.

PART 3. Subsection (C) of City Code Section 13-2-13 (*Enforcement*) is amended to delete the reference to taxicab franchises as follows:

(C) A police officer may impound a ground transportation service vehicle operated in violation of Code Section 13-2-3 (*Operating Authority [~~or Taxicab Franchise~~] Required*) or Code Section 13-2-253 (*Charter Bus Service Permit Required*).

PART 4. City Code Section 13-2-31 (*Vehicle to Display Permit*) is amended to delete the reference to franchise permits as follows:

§ 13-2-31 – VALID [~~VEHICLE TO DISPLAY~~] PERMIT.

A person may not drive or allow another to drive a vehicle as a ground transportation service vehicle unless the vehicle displays an operating authority permit [~~or franchise permit~~] issued by the City.

PART 5. Subsection (B) of City Code Section 13-2-33 (*Municipal Airport Service*) is amended to delete the reference to franchises as follows:

(B) An operating authority [~~or a franchise~~] issued under this chapter does not authorize a person to operate at the airport.

PART 6. Subsections (A) and (D) of City Code Section 13-2-34 (*Insurance Required*) is amended to delete references to taxicab franchises as follows:

§ 13-2-34 - INSURANCE REQUIRED.

(A) Except as provided by Subsection (F), before authority to operate any ground transportation service in the City becomes effective, other than a pedicab or group cycle operated for compensation, an applicant must obtain a public liability policy issued by an

insurance company licensed to operate in the State of Texas and by an agent licensed by the State of Texas. The policy must include the following: bodily injury and property damage coverage; and owned, non-owned and hired vehicle coverage. The insurance policy must be in a form satisfactory to the City, and it must meet the requirements of this section. The insurance coverage must be maintained throughout the term of the operating authority [~~or taxicab franchise~~]. The applicant must furnish a certificate of insurance for the policy to the department.

(D) The City must be included as an additional insured on each policy. The holder [~~or franchise holder~~] is responsible for paying all applicable deductibles.

PART 6. Subsection (B) of City Code Section 13-2-51 (*Taxi Zones*) is amended to delete references to taxicab franchises as follows:

(B) A taxicab service [~~franchise~~] holder may file a written request with the department requesting that the department establish additional taxi zones.

PART 7. City Code Section 13-2-71 (*Compliance with This Chapter Required*) is amended to delete the reference to taxicab franchises as follows:

§ 13-2-71 - COMPLIANCE WITH THIS CHAPTER REQUIRED.

A holder shall comply with the provisions of the holder's operating authority [~~or taxicab franchise~~], this chapter, rules adopted under this chapter, orders issued under this chapter, and applicable federal, state, and local laws and rules.

PART 8. Subsection (A) of City Code Section 13-2-74 (*Hiring Drivers as Independent Contractors*) is amended to delete reference to taxicab franchises as follows:

(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.

PART 9. Subsection (F) of City Code Section 13-2-141 (*Inspection Required*) is amended to delete references to taxicab franchise permits as follows:

(F) Except as provided in Subsection (G), the City shall annually pay for one vehicle inspection required by the department for each operating authority permit [~~or franchise permit~~] assigned to a holder. If multiple operating authority permits [~~or franchise permits~~] are issued to a holder for a vehicle, the City shall annually pay for one inspection required by the department for that vehicle.

PART 10. City Code Chapter 13 (*Ground Transportation Passenger Services*) Article 2 (*Ground Transportation Services Other Than Taxicabs*) is amended to delete reference to taxicabs and to read as follows:

ARTICLE 2. - GROUND TRANSPORTATION SERVICES [~~OTHER THAN TAXICABS~~].

PART 11. City Code Section 13-2-163 (*Standards for Issuing and Denying Operating Authority*) is amended to delete reference to taxicab franchises and to read as follows:

§ 13-2-163 - STANDARDS FOR ISSUING AND DENYING OPERATING AUTHORITY.

In a decision to approve or deny an initial or renewal application for operating authority, the department shall consider whether:

- (1) all applicable requirements of this chapter have been met;
- (2) a previous operating authority of the applicant has been revoked;
- (3) the applicant advertised, offered, or provided ground transportation service before the application was approved in violation of Section 13-2-3 (*Operating Authority [~~or Taxicab Franchise~~] Required*); and
- (4) the criminal history of the applicant, if any, may adversely affect the applicant's ability to provide the ground transportation service.

PART 12. Subsection (A) of City Code Section 13-2-166 (*Operating Authority Permit*) is amended to delete the requirement to affix permits as follows:

§ 13-2-166 - OPERATING AUTHORITY PERMIT.

(A) On the issuance of an operating authority, the department shall provide an operating authority permit to the holder for each vehicle approved in the operating authority. ~~[Before a vehicle is placed in service as a ground transportation service vehicle, the holder must affix the permit to the vehicle in the manner prescribed by the department.]~~

PART 13. Subsection (B) of City Code Section 13-2-173 (*Supplemental Vehicles*) is amended to add a reference to taxi service and delete vehicle age requirement as follows:

(B) A request under this section must be filed with the department and include the following:

(1) the holder's certification that the vehicle:

(a) qualifies under this chapter as a vehicle to be used in a taxi service, limousine service, shuttle service, or charter service;

(b) is a type of vehicle approved in the holder's operating authority; ~~and~~ ~~[(e) is not more than two model years old; and]~~

~~[(d)]~~ meets appearance and safety standards.

(2) A description of the proposed supplemental vehicle including make, model, year, body style, color, and license number.

(3) The proposed use of the vehicle.

PART 14. Subsection (A) of City Code Section 13-2-175 (*Operating Fees*) is amended as follows:

§13-2-175 OPERATING FEES.

(A) Except as provided in Subsection (C), a holder shall pay to the City an annual operating authority permit fee for each vehicle authorized in the operating authority. The fee shall be determined by the occupancy capacity of the vehicle or the type of vehicle used in the ground transportation service.

PART 15. Subsection (A) of City Code Section 13-2-192 (*No Solicitation for Immediate Hire*) is amended to read as follows:

§ 13-2-192 - NO SOLICITATION FOR IMMEDIATE HIRE.

(A) Except as provided in Article 2 (*Ground Transportation Services* [~~*Other Than Taxicabs*~~]), Division 2 (*Ground Transportation Services Generally*), Subparts C (*Shuttle Service*), ~~and~~ E (*Non-Motorized Services*), and N (*Taxicab Service*) a driver, a holder, or representative of either a driver or a holder may provide only prearranged service and may not solicit a passenger for immediate hire.

PART 16. The heading “Article 3” is reserved for expansion of the Code, and City Code Title 13 (*Ground Transportation*) Article 3 (*Taxi Service*) and Division 1. (*Taxicab Franchises*) are retitled as part of Article 2 as follows:

Subpart N.~~[ARTICLE 3]~~ – TAXICAB SERVICE.

~~[Division 1. – Taxicab Franchises.]~~

PART 17. City Code Section 13-2-401 (*Taxicab Service Described*) is amended as follows:

§ 13-2-401 - TAXICAB SERVICE DESCRIBED.

Taxicab service consists of service that operates on irregular routes and schedules on a call-and-demand basis, for compensation for that is usually determined by a taximeter.

PART 18. City Code Section 13-2-402 (*City Council Approval Required; General Standards; Franchise Permit Transfer*) is repealed and replaced as follows:

§ 13-2-402 - GENERAL STANDARDS.

(A) A holder of a taxicab service operating authority shall comply with Article 2, Division 1 (*Operating Authority*)

(B) An applicant for a taxicab service operating authority must be able to operate the taxicab service in accordance with the requirements of this chapter, rules of the department, orders issued under this chapter, and other applicable law; and

(C) An applicant for a taxicab operating authority must agree to provide taxicab service throughout the city.

(D) A taxicab operating authority must maintain a licensed fleet of at least 25 taxicabs, six percent of which shall be WAVs.

PART 19. City Code Sections 13-2-403 (*Franchise Application Required*), 13-2-404 (*Recommendation on Franchise Application*), 13-2-405 (*Franchise Ordinances*) 13-2-406 (*Recordkeeping Requirements*), 13-2-407 (*Reports Required*), 13-2-410 (*Selection of Franchisee*), Division 2. (*Franchise Permits*), 13-2-421 (*Franchise Permits Required*), 13-2-429 (*Franchise Permit Fee*), 13-2-430 (*Amendment; Revocation*), 13-2-431 (*Multiple Franchises Prohibited*), 13-2-441 (*Number of Taxicabs Placed in Service*), 13-2-501 (*Applicability; Administration*), and 13-2-504 (*Eligibility for Special Franchise Permits*) are repealed and these sections are reserved for expansion of the Code.

PART 20. City Code Sections 13-2-442 (*Owner-Operated Taxicabs*), 13-2-443 (*City-Wide Taxicab Service Required*) and 13-2-444 (*Prompt Response Required*) are amended to delete “franchise,” to add “taxicab operating authority,” to add circumstances for an affirmative defense, and to read as follows:

§ 13-2-442 - OWNER-OPERATED TAXICABS.

(A) In addition to the requirements for drivers under Article 1 (*General Provisions*), Division 6 (*Drivers*), Subparts A (*Chauffeur's Permit*) and C (*Duties and Conduct of Drivers*), a person who owns a vehicle may not drive that vehicle as part of a taxicab operating authority [~~franchise~~] holder's fleet unless the [~~franchise~~] holder and owner-operator enter into a written contract in accordance with rules prescribed by the department.

When an owner-operated vehicle is taken from service, the taxicab operating authority [~~franchise~~] holder shall notify the department of that fact not later than the 15th day of the month following the month in which the vehicle is taken from service.

§ 13-2-443 - CITY-WIDE TAXICAB SERVICE REQUIRED.

A taxicab operating authority [franchise] holder may not refuse to provide taxicab service to the general public to and from any point inside the City that is accessible by a public street. It is an affirmative defense to prosecution under this section that the holder or the driver had reason to believe that service in a particular circumstance would have subjected the driver to harm, violence, or the taxicab to damage or destruction.

§ 13-2-444 - PROMPT RESPONSE REQUIRED.

A taxicab operating authority [franchise] holder shall respond to each call received for service inside the city as soon as practicable. If the service cannot be rendered within a reasonable time, the [franchise]holder shall inform the caller of the reason for the delay and the approximate time required to answer the call.

PART 21. City Code Section 13-2-447 (*Limitations on Radio Use*) is amended to read as follows:

§ 13-2-447 - LIMITATIONS ON COMMUNICATIONS [RADIO USE].

While on duty a driver may not:

- (1) respond to a dispatched service request assigned to another driver;
- (2) monitor the dispatch activity [frequency] of a taxicab company other than the driver's company; or
- (3) respond to a call for service dispatched by another company. [~~;~~ ~~or~~]
- ~~(4) possess equipment capable of receiving the dispatch frequency of a taxicab company other than the driver's own.]~~

PART 22. City Code Section 13-2-450 (*Taxicab Use Restricted*) is repealed and this section is reserved for expansion of the Code.

PART 23. Subsections (A) through (D) of City Code Section 13-2-461 (*Rates of Fare*) are amended to replace “franchise” with “taxicab operating authority,” and to read as follows:

§ 13-2-461 - RATES OF FARE.

- (A) A driver may not charge a taxicab rate of fare in the city that is inconsistent with the rates of fare established by the taxicab operating authority [franchise] holder.
- (B) A taxicab operating authority [franchise] holder shall determine the rate of fare for its taxicab fleet.
- (C) Each taxicab operating authority [franchise] holder shall conspicuously post the current rates of fare on the [franchise] holder's website and rate card.
- (D) Taxicab operating authority [Franchise] holders shall provide the department with a schedule of rates prior to the rates going into effect in accordance with Article 2 (Ground Transportation Services) Division 1 Subpart B (Operations).

PART 24. City Code Section 13-2-463 (*Taximeter Required*) is amended as follows:

§ 13-2-463 - TAXIMETER REQUIRED.

- (A) A person may not drive or allow another person to drive a taxicab unless the taxicab is equipped with an operational taximeter approved by the department.
- (B) A [~~For purposes of determining a fare for taxicab service, a~~] person may not use a device other than a taximeter for measuring distance or time.
- (C) Except as provided by Subsection (D), a person may not drive or allow another person to drive a taxicab unless an accurate taximeter is used to determine the fare to be charged.
- (D) Taximeter rates of fare do not apply to:
- (1) a trip to a destination outside the corporate city limits if the taximeter is kept in operation while the taxicab has a passenger within the corporate limits of the city;
 - (2) on written approval of the department, a trip under a contract with a governmental agency, a nonprofit organization, or as otherwise reasonably necessary to provide a public service; or

- (3) fleet-wide flat rate charges set by the taxicab operating authority [franchise] holder.

PART 25. Subsection (C) of City Code Section 13-2-466 (*Taximeter Standards*) is amended to read as follows:

(B) Taximeters must conform to the following specifications:

- (1) The size, type, and design of a taximeter must be approved by the department.
- (2) A taximeter must register the following items on visual counters:
 - (a) total miles;
 - (b) paid miles;
 - (c) number of trips; and
 - (d) units of fare.

PART 26. City Code Sections 13-2-482 (*Numbering of Taxicabs*), 13-2-483 (*Notice of Complaint Procedures*), 13-2-485 (*Name of Franchise Displayed*), 13-2-486 (*Lettering and Design; Materials*), 13-2-488 (*Advertising on Taxicabs Permitted*), and 13-2-489 (*Vehicle Design and Age Requirements*) are amended to replace “franchise” with “taxicab operating authority,” and to read as follows:

§ 13-2-482 - NUMBERING OF TAXICABS.

(A) The department shall designate consecutive numbers for each vehicle in the taxicab operating authority [franchise] holder's taxicab fleet [~~and issue a number plate for each vehicle~~].

(B) A taxicab operating authority [franchise] holder shall assign one of the designated numbers to each taxicab and shall securely apply a numbered decal [~~issued by the department~~] to the interior of the taxicab in the manner prescribed by the department. A taxicab operating authority [franchise] holder shall purchase a replacement number decal for any lost, destroyed, or damaged decal from the department.

§ 13-2-483 - NOTICE OF COMPLAINT PROCEDURES.

(A) A taxicab operating authority [~~franchise~~] holder shall affix to the interior of each taxicab, in clear view of all passengers, a notice informing passengers of the procedures for filing complaints with the department regarding taxicab service.

(B) The department shall prescribe the contents of the notice.

§13-2-484 – RESERVED.

§ 13-2-485 - NAME OF TAXICAB SERVICE [~~FRANCHISE~~] DISPLAYED.

(A) The following information must be displayed on the exterior of a taxicab:

- (1) the [~~franchise holder's name or the registered assumed~~] name of the taxicab service;
- (2) the telephone number of the service; and
- (3) the taxicab number issued by the department under Section 13-2-382 (*Numbering of Taxicabs*).

(B) The lettering and designs of the information required in Subsection (A) must be displayed:

- (1) in characters at least 2½ inches in height and at least 5/16 of an inch in width;
- (2) in a clear, legible manner and in colors contrasting to the colors of the taxicab; and
- (3) on the exterior of the front or rear doors and the rear of the taxicab.

(C) The taxicab operating authority [~~franchise~~] holder may also display its insignia on the exterior of the taxicab in a manner approved by the department.

§ 13-2-486 - UNIFORM LETTERING AND DESIGN; MATERIALS.

(A) For each vehicle used in the taxicab operating authority [~~franchise~~] holder's service, the lettering and designs must be approved by the department and must be an applied adhesive material, magnetic sign, or painted.

~~[(B) Except as provided in Subsection (C), for each vehicle used in a franchise holder's service, the content, lettering, and design must be uniform and affixed or painted in the same location on each taxicab in a manner approved by the department.]~~

(B[~~C~~]) A taxicab operating authority [~~franchise~~] holder may display department-approved content, lettering, and design on the [~~franchise~~] holder's taxicabs, relating to the vehicle's compliance with City-approved environmental initiatives. The director shall by administrative rule prescribe the requirements for the display.

§13-2-487 – RESERVED.

§ 13-2-488 - ADVERTISING ON TAXICABS PERMITTED.

A taxicab operating authority [~~franchise~~] holder may affix an advertisement to a taxicab that does not obstruct the view of the driver, the visibility of signs, vehicle lights, or signal equipment required by this chapter.

§ 13-2-489 - VEHICLE DESIGN AND AGE REQUIREMENTS.

(A) The body design of a vehicle to be used as a taxicab is limited to a vehicle with at least three doors for passenger loading and unloading and with front and rear seats.

(B) A vehicle used as a taxicab must have a minimum occupancy capacity of five, including the driver, and a maximum occupancy capacity of six, including the driver. The seating capacity of station wagons, sport utility vehicles, vans, and minivans may be modified to comply with the occupancy capacity limitation in this subsection.

(C) A taxicab operating authority [~~franchise~~] holder may use a vehicle as a taxicab as long as that vehicle meets existing inspection requirements.

PART 27. City Code Sections 13-2-5-2 (*Special Franchise Permits*), 13-2-503 (*Use of Special Permits*), 13-2-505 (*Training*), 13-2-506 (*Equipment Required*), and 13-2-508 (*Additional Recordkeeping and Reporting*) are amended to delete “franchise” and add “taxicab operating authority”, to delete “special franchise permits” and procedures, and to add “wheelchair accessible vehicle” permit and procedures.

§ 13-2-502 - WAV TAXICAB [~~SPECIAL FRANCHISE~~] PERMITS.

(A) ~~[The department may issue an equal number of special franchise permits to each franchise holder for modified ground transportation service vehicles.]~~ At least six percent of the permits the department issues must be WAV taxicab ~~[special franchise]~~ permits. ~~[If the department distributes additional franchise permits under Division 2 (Franchise Permit), the department shall allocate additional special permits in the number necessary to maintain the ratio of franchise permits to special permits.]~~

(B) A ~~[special franchise]~~ permit is valid for three months from the date of issuance. A franchise holder shall pay a fee for each ~~[special franchise]~~ permit issued by the department. The fee for a WAV taxicab ~~[special]~~ permit may not exceed half that of a regular taxicab ~~[non-special franchise]~~ permit. If a taxicab service ~~[franchise holder]~~ provides at least five percent of its rides to persons needing accessible taxicabs, the director shall waive the WAV taxicab ~~[special franchise]~~ permit fee. The fees described shall be set by separate ordinance and may be paid quarterly.

§ 13-2-503 - USE OF WAV TAXICAB ~~[SPECIAL]~~ PERMITS.

(A) A taxicab operating authority ~~[franchise]~~ holder must place a WAV ~~[modified ground transportation service vehicle]~~ in service within 60 days after the department issues the WAV taxicab ~~[special franchise]~~ permit to the holder. The department may extend the deadline for placing a WAV ~~[modified vehicle]~~ in service if:

- (1) the holder possesses a contract of sale for the WAV ~~[modified vehicle]~~; or
- (2) the director determines that failure to meet the 60-day deadline is based on factors beyond the holder's control.

~~[(B) The department shall reduce the number of special franchise permits allocated to a franchise holder by the number of special permits that the holder does not use by the deadline prescribed in Subsection (A).]~~

§ 13-2-505 - TRAINING.

(A) A taxicab operating authority ~~[franchise]~~ holder who operates a WAV ~~[modified ground transportation service vehicle]~~ shall provide City-approved training for its WAV ~~[modified vehicle]~~ drivers, its dispatchers, and ~~[telephone]~~ agents.

§ 13-2-506 – RESERVED.

§ 13-2-507 - EQUIPMENT REQUIRED.

A WAV [~~modified ground transportation service vehicle~~] must include equipment for loading and unloading passengers using wheelchairs and safety devices to safely secure [~~hold~~] wheelchairs in a stationary position while the vehicle is in motion.

§ 13-2-508 - ADDITIONAL RECORDKEEPING AND REPORTING.

(A) The taxicab operating authority [~~franchise~~] holder shall maintain a daily activity log for each WAV [~~modified ground transportation service vehicle~~] that includes:

- (1) the total number of trips made;
- (2) the number of trips that include a passenger who uses a wheelchair [~~passenger~~];
- (3) the time of day the [~~wheelchair~~]passenger using a wheelchair requested the service, the time of day the passenger is picked up, and the length of time required for the trip; and
- (4) other information prescribed by the department.

(B) Not later than the 15th day of January, April, July, and October, a taxicab operating authority [~~franchise~~] holder to whom permits are issued under this division shall deliver to the department a report for the preceding calendar quarter that includes for each WAV [~~modified ground transportation vehicle~~]:

- (1) the information required by Subsection (A);
- (2) evidence of the number of days and hours each day that the vehicle was in service; and
- (3) the total number of requests for WAV [~~wheelchair accessible~~] service received by the holder and the number of requests fulfilled.

(C) The accuracy of each report required in Subsection (B) must be certified annually by a certified public accountant, licensed by this state and not affiliated with the taxicab operating authority [~~franchise~~].

(D) The department shall prescribe the forms required by this section.

(E) Annually, the department shall review the reports submitted under this section to determine whether each taxicab operating authority [franchise] holder has placed into service and operated the authorized number of WAVs [~~modified ground transportation service vehicles~~].

(F) The taxicab operating authority [franchise] holder may require the driver of a WAV [~~modified ground transportation service vehicle~~] to prepare the activity log prescribed by Subsection (A).

PART 28. This ordinance takes effect on _____, 2022

PASSED AND APPROVED

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§

_____, 2022

Steve Adler
Mayor

APPROVED:

Anne L. Morgan
City Attorney

ATTEST:

Myrna Rios
City Clerk