

**ORDINANCE NO. 20150416-003**

**AN ORDINANCE AMENDING CITY CODE CHAPTER 13-2 RELATING TO CHARTER SERVICES TO REVISE DEFINITIONS AND REQUIREMENTS.**

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

**PART 1.** The following definitions in City Code Section 13-2-1 (*Definitions*) are amended to read as follows:

- (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 ~~[solely point to point intra-city]~~ 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 ~~[point to point intra-City routes that originate and terminate within the City limits. A permit is not required for charter bus service that has a valid federal operating authority or state authorization and passes through the City or conducts a trip that does not solely originate and terminate within the City limits].~~
- (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 ~~[solely point to point intra-city]~~ service within the City limits.
- (18) **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[s].

**PART 2.** City Code Section 13-2-1 (*Definitions*) is amended to add the following new definition to read as follows and to renumber the remaining definitions accordingly:

- (22) **NON-CITY REGULATED CHARTER SERVICE** means transportation provided for compensation at the request of a third party for the exclusive use of a motor vehicle operating under a valid federal or state operating authority that does not originate, terminate, and travel solely within the City limits.

**PART 3.** City Code Section 13-2-3 (*Operating Authority or Taxicab Franchise Required*) Subsection (D) is amended to read as follows:

- (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.

**PART 4.** City Code Section 13-2-252 (*Charter Bus Service Permit Applicability*) is amended to read as follows:

A person or entity shall not provide charter bus service [~~that picks up, transports, and delivers passengers from point to point locations within the city~~] or represent the person's business to the public as providing charter bus service unless that person or entity submits a written application to the department on a form prescribed by the department and is issued a permit to operate the charter bus service. The application must be sworn to or affirmed.

**PART 5.** City Code Section 13-2-3 (*Operating Authority or Taxicab Franchise Required*) Subsection (E) is amended to read as follows:

- (E) A driver operating a taxicab under Subsection (~~(E)~~(D)) shall keep the taximeter running while transporting a passenger within or across the city, or while waiting for a passenger within the city.

**PART 6.** City Code Section 13-2-253 (*Charter Bus Service Permit Required*) is amended to read as follows:

**§ 13-2-253 - CHARTER BUS SERVICE PERMIT REQUIRED.**

~~[(A)]~~The application must include:

- (1) The name, address, telephone number, and driver's license number of the applicant, and each officer, director, partner, and any other person who will participate in the business decisions of, or who has the authority to enter contracts on behalf of, the charter bus service.

- (2) Certified copies of any documents required by state law to be filed for the business entity to legally exist, and a statement from the Secretary of State certifying that the business is in good standing if state law requires the entity to file documents with the Secretary of State.
- (3) For each person described in Subsection [(B)](1), a description of all criminal convictions, and a criminal history certified by the Texas Department of Public Safety within the 30 days preceding the date the application is submitted.
- (4) If a person described in Subsection [(B)](1) has been a resident of Texas for less than three years preceding the date of the application, the criminal history must be certified by the corresponding governmental authority in the former state of residence within 30 days preceding the submission of the application.
- (5) The total number of vehicles to be used in the proposed service, including for each vehicle the year, make, model, vehicle identification number, manufacturer's rated seating capacity, state license plate number, and the body style.
- (6) For each vehicle listed, the applicant shall provide annually proof of a current passing vehicle inspection conducted by the appropriate federal or state authority.
- (7) provide the department with a current list of drivers, the driver's license number of each driver, and a photocopy of each driver's license.
- (8) A description of the applicant's charter bus service experience.
- (9) A detailed description of the proposed service.
- (10) Proof of insurance coverage required under applicable state or federal law.
- (11) An affidavit that there are no outstanding judgments that arise out of circumstances related to ground transportation service against a person described in Subsection [(B)](1).
- (12) Proof of a valid and current operating authority issued by the federal and/or state government.
- (13) Additional information required on the application form prescribed by the department.

**PART 7.** City Code Section 13-2-255 (*Standards for Issuing and Denying Charter Bus Service Permit*) is amended to read as follows:

**§ 13-2-255 - STANDARDS FOR ISSUING AND DENYING CHARTER BUS SERVICE PERMIT.**

In a decision to approve or deny an initial or renewal application for a charter bus service permit, the department shall consider whether:

- (1) all applicable requirements of this chapter have been met;
- (2) a previous charter bus service permit, state operating authority, or federal operating authority of the applicant has been revoked;
- (3) the applicant advertised, offered, or provided charter bus service before the application was approved in violation of Section 13-2-253 (*Charter Bus Service Permit Required*); and
- (4) the criminal history of the applicant, if any, may adversely affect the applicant's ability to provide safe charter bus service to the public.

**PART 8.** City Code Section 13-2-262 (*Automatic Revocation or Suspension of Charter Bus Service Permit*) is amended to read as follows:

**§ 13-2-262 - AUTOMATIC REVOCATION OR SUSPENSION OF CHARTER BUS SERVICE PERMIT.**

- (A) A charter bus service permit is automatically revoked on the occurrence of the following:
  - (1) a principal owner of the permittee of the charter bus permit is convicted of an offense under Section [~~13-2-278~~] 13-2-277 (*Sale of Alcoholic Beverages, Controlled Substances Prohibited*) or [~~13-2-279~~] 13-2-278 (*Criminal Conduct Prohibited*); or
  - (2) the permittee of the charter bus permit violates Section [~~13-2-266~~] 13-2-265 (*Transfer Prohibited*).
- (B) A charter bus permit is automatically suspended if the insurance coverage required by Section [~~13-2-269~~] 13-2-268 (*Insurance Required*) lapses.

**PART 9.** City Code Section 13-2-280 (*Driver's Duties and Conduct*) Subsection (C) is deleted in its entirety.

**PART 10.** City Code Section 13-2-284 (*Supplemental Vehicles*) Subsection (A) is amended to read as follows:

- (A) A permittee may request permission to operate additional vehicles of the type approved in the permit in place of temporarily disabled vehicles. This section

may not be used in lieu of section [~~13-2-286~~] 13-2-285 (*Special Events Applicability*).

**PART 11.** City Code Section 13-2-287 (*Special Event Permit Denial, Revocation and Appeal Process*) is amended to read as follows:

**§ 13-2-287 - SPECIAL EVENT PERMIT DENIAL, REVOCATION AND APPEAL PROCESS.**

The denial, revocation and appeal process for a special event permit shall be the same as the process described in section [~~13-2-258~~] 13-2-257 (*Appeal of Application Denials*) and sections [~~13-2-263~~] 13-2-262 (*Automatic Revocation or Suspension of Charter Bus Service*) through [~~13-2-265~~] 13-264 (*Appeal of Revocation or Suspension of Permit*).

**PART 12.** This ordinance takes effect on April 27, 2015.

**PASSED AND APPROVED**

\_\_\_\_\_, April 16 \_\_\_\_\_, 2015

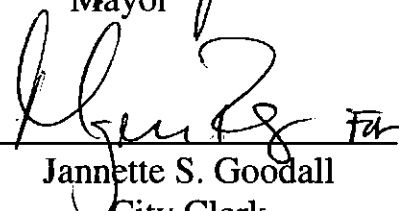
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Steve Adler  
Mayor

**APPROVED:**

  
\_\_\_\_\_  
Anne L. Morgan  
Interim City Attorney

**ATTEST:**

  
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Jannette S. Goodall  
City Clerk