

**MOBILITY COMMITTEE RECOMMENDATION FOR THIRD
READING**

ORDINANCE NO. _____

**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 13-2-102 (*Contents of Application*) is amended to repeal Subsection (A) (6).

PART 3. City Code Chapter 13-2 (*Ground Transportation Passenger Services*) is amended to repeal Section 13-2-103 (*Chauffeur's Permit Requires Sponsoring Holder*).

PART 4. 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 5. Subsection (B) 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;]~~

1 (1) ~~(2)~~ has a current Texas driver's license;

2 (2) ~~(3)~~ has not been convicted of four or more moving violations of the traffic
3 laws of the City or another jurisdiction within the 12-month period
4 immediately preceding the date of application;

5 (3) ~~(4)~~ provides, if required, proof of authorization to work in the United
6 States;

7 (4) ~~(5)~~ passes an examination required under Section 13-2-104 (*Additional*
8 *Requirements*); and

9 (5) ~~(6)~~ meets all other requirements for obtaining a chauffeur's permit
10 prescribed by this chapter.

11 **PART 6.** Subsection (D) of City Code Section 13-2-108 (*Revocation of Chauffeur's*
12 *Permit*) is amended to read:

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

16 **PART 7.** Subsections (A) and (D) of City Code Section 13-2-109 (*Suspension of*
17 *Chauffeur's Permit*) are amended to read:

18 ~~[(A) A chauffeur's permit issued to a driver is automatically suspended if a~~
19 ~~sponsoring holder rescinds sponsorship of the driver, in writing, to the~~
20 ~~department. A suspension under this subsection affects only the permit for~~
21 ~~which the holder served as sponsor. The driver may not drive a ground~~
22 ~~transportation service vehicle for that holder unless the driver obtains a new~~
23 ~~chauffeur's permit for that holder.]~~

24 (A) ~~(B)~~ A chauffeur's permit issued to a driver is automatically suspended if the
25 permittee fails to timely pay a penalty required to be paid under this chapter.

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

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

33 **PART 8.** City Code Section 13-2-111 (*State Driver's License*) is amended to read:

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

4 **PART 9.** City Code Section 13-2-422 (*Calculation of Necessary Franchise Permits*) is
5 amended to read as follows:

6 ~~[(A)]~~ The department shall determine the annual increase or decrease in the
7 number of necessary franchise permits ~~[by multiplying the number of~~
8 ~~franchise permits that were determined to be necessary in the previous year~~
9 ~~by the average of the percent of annual change in:~~

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

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

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

16 **PART 10.** Subsection (C) of City Code Section 13-2-489 (*Vehicle Design and Age*
17 *Requirements*) is amended to read:

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

PART 11. This ordinance takes effect on _____, 2015.

PASSED AND APPROVED

_____, 2015 §
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 § _____
 Steve Adler
 Mayor

APPROVED: _____
 Anne L. Morgan
 Interim City Attorney

ATTEST: _____
 Jannette S. Goodall
 City Clerk