

ORDINANCE NO. _____

AN ORDINANCE RELATING TO GROUND TRANSPORTATION PASSENGER SERVICES.

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

PART 1. Subsection 5 of City Code Section 13-2-1 (*Definitions*) is amended to read:

- (5) CHAUFFEUR means a person who operates a ground transportation service vehicle that either is: (1) 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[.] or (2) provides on-demand transportation using an online-enabled application or platform.

PART 2. A new City Code Section 13-2-8 is added to read:

§ 13-2-8 BADGE PROGRAM.

A program to address traffic, public, and personal safety issues related to ground transportation in the City of Austin such as drinking while intoxicated, emergency vehicle access, and safe and efficient flow of traffic, is established under the terms in this section.

- (A) A driver of a ground transportation service vehicle may apply to participate in the Badge Program by submitting an application in a form prescribed by the director. The application shall include a copy of either the applicant's complete fingerprint based national criminal background check, or the applicant's current chauffeur's license.
- (B) If the director determines that either the background check information attached to the application complies with the requirements in subsections (D) and (E) of Section 13-2-102 (*Contents of Application*), or the applicant holds a valid chauffeur's license under this chapter, the director shall issue a badge to the applicant.
- (C) The recipient of a badge issued under this section is entitled to:
- (1) pick-up, and where feasible drop-off, passengers at a designated or geo-fenced location:
- a. during large gatherings and special events, including but not limited to South by Southwest Festival, Austin City Limits Festival, and the Trail of Lights;

- b. within entertainment districts established by the director and subject to hours established by the director, including evening hours.
- (2) wait or queue in areas established by the director.
- (D) The director shall adopt rules necessary to implement the Badge Program, to include:
 - (1) areas required to be designated by the director in subsection (C),
 - (2) methods to address traffic safety and other public health and safety issues related to ground transportation passenger services including at the Austin Bergstrom International Airport, and
 - (3) methods to address the ability of passengers to identify and choose a Badge Holder for transportation services.
- (E) The director shall consider adopting additional entitlements to further increase the public safety benefit of the Badge Program, such as providing a separate fee schedule for meeting established benchmarks, and providing funding for a limited period of time for some or all of the cost to the drivers to participate in the Badge Program.
- (F) The director may contract with, or otherwise collaborate with an independent third party to operate the Badge Program.
- (G) This section does not apply to charter bus services regulated under Article 2, Subpart D (*Charter Bus Service*).

PART 3. Subsection (B) of City Code Section 13-2-102(*Contents of Application*) is amended to read:

- (B) The applicant must attach to the application a copy of the applicant's complete criminal background check, ~~history~~ and driving record, issued and certified by the Texas Department of Public Safety or other relevant governmental entity as determined by the department. The criminal background check [~~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. To meet the requirements of this section, a criminal background check must be national in scope and comply with the requirements in Subsection (G) of this section.

PART 4. City Code Section 13-2-102 (*Contents of Application*) is amended to add a new subsection (G) to read:

- (G) Consistent with the requirements of the 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 initial or renewal application for a license, permit, or authorization is subject to this Section 13-2-102 shall be required to provide a complete set of fingerprints and other identifying information to the official designated by the permitting, licensing or authorizing department, along with any applicable fee and any release or waiver forms required in order for the official to conduct a national background check through the FBI.
 - (2) Upon receipt of the fingerprints and any applicable fee, the City or City approved third-party, is authorized to submit the fingerprints to the DPS for a search of the State's criminal history record, and the DPS is authorized to forward a set of the fingerprints to the FBI for a national criminal history check. The results of the FBI check will be returned to the DPS, which will disseminate the results of state and national criminal history checks to the City.
 - (3) The criminal history information obtained through the FBI will be used by the Austin Transportation Department to determine whether an individual is prohibited from driving under Subsections (D) or (E) of this Section 13-2-102.
 - (4) An individual may request and obtain a copy of his or her criminal history and related information from Austin Transportation Department. Any requests to amend or correct an individual's criminal history must be submitted to and approved by the DPS, for a Texas state record, or the FBI for records from other jurisdictions maintained in this file.

PART 5. City Code Section 13-2-142 (*Inspection Standards*) is amended to add a new subsection (J) to read:

- (J) For any inspection required of a motorized vehicle under this Chapter, the inspection shall at a minimum include the following items:
- (1) Emergency brakes;
 - (2) Foot brakes;
 - (3) Steering mechanism;

- (4) Windshield condition;
- (5) Rear window and other glass;
- (6) Windshield wipers;
- (7) Headlights;
- (8) Tail lights;
- (9) Turn indicator lights;
- (10) Brake lights;
- (11) Front seat adjustment mechanism;
- (12) Door operation (open, close, and lock);
- (13) Horn;
- (14) Speedometer;
- (15) Bumper condition;
- (16) Muffler and exhaust system;
- (17) Condition of tires (including tread depth);
- (18) Interior and exterior rear view mirrors; and
- (19) Safety belts for drivers and passengers

PART 6. Chapter 13-2 (*Ground Transportation Passenger Services*), is amended to add a new section 13-2-160 to read:

§ 13-2-160 Amendment, Renewal, Revocation, and Suspension of Operating Authorities.

Sections 13-2-168 (*Renewal of Operating Authority*); 13-2-169 (*Expired Operating Authority*); 13-2-170 (*Automatic Revocation or Suspension of Operating Authority*); 13-2-171 (*Revocation or Suspension of Operating Authority*); and 13-2-172 (*Appeal of Administrative Actions*) apply to all ground transportation passenger services regulated by this chapter. This section does not apply to charter bus services regulated under Article 2, Subpart D (*Charter Bus Service*).

PART 7. Parts 3 and 4 of this ordinance shall apply only to new applications for, and renewals of, chauffeur's permits and shall not affect the status or validity of any

chauffeur's permits existing on the effective date of this ordinance. Parts 3 and 4 do not apply to charter bus services regulated under Article 2, Subpart D (*Charter Bus Service*).

PART 8. 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