

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE TITLE 13 (*TRANSPORTATION SERVICES*) RELATING TO CHAUFFEUR'S PERMITS AND DRIVER ELIGIBILITY TO DRIVE FOR A TRANSPORTATION NETWORK COMPANY.

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

PART 1. City Code Section 13-2-102 (*Contents of an Application*) is amended to delete Subsection (D) and renumber the remaining subsections accordingly.

PART 2. City Code Title 13 (*Ground Transportation Passenger Services*) is amended to add a new Section 13-2-103 to read:

§ 13-2-103 DISQUALIFICATION FOR CERTAIN OFFENSES.

- (A) Except as provided in subsection (D), applicants for a chauffeur's permit or for a renewal are disqualified if, within the seven years preceding the date of the application, the applicant has been convicted under the laws of this state, or of any other U.S. state or territory, or of the United States, of the offense or offenses of:
- (1) a felony not listed in subsection (B) of this section;
 - (2) the misdemeanor sale, manufacture, or delivery of a controlled substance or chemical precursor;
 - (3) driving, flying, or boating while intoxicated or under the influence;
 - (4) prostitution, promotion of prostitution, aggravated promotion of prostitution, or compelling prostitution;
 - (5) fraud;
 - (6) resisting or evading arrest or detention;
 - (7) reckless driving or obstructing a highway or other passageway;
 - (8) any crime involving arson, criminal mischief, or other property damage or destruction;
 - (9) theft, burglary of a motor vehicle, or the unauthorized use of a motor vehicle; or
 - (10) crimes of violence.

1 (B) Except as provided in subsection (D), applicants for a chauffeur's permit
2 or for a renewal are disqualified if at any time the applicant has been
3 convicted under the laws of this state, or of any other U.S. state or
4 territory, or of the United States, of the offense or offenses of:

5 (1) criminal homicide;

6 (2) indecency with a child, sexual assault, aggravated sexual assault,
7 attempted sexual assault, intoxication assault, or continuous sexual
8 abuse of a young child or children;

9 (3) robbery or aggravated robbery;

10 (4) burglary or aggravated burglary;

11 (5) aggravated assault, intoxication assault, deadly conduct, terroristic
12 threat;

13 (6) abandoning or endangering a child, or injuring a child, elderly
14 individual, or disabled individual, or leaving a child inside a vehicle;

15 (7) kidnapping, aggravated kidnapping, unlawful restraint, smuggling of
16 persons, continuous smuggling of persons, trafficking of persons,
17 continuous trafficking of persons, harassment, or stalking;

18 (8) felony conviction for the sale, manufacture, or delivery of a
19 controlled substance or chemical precursor;

20 (9) use of a motor vehicle to commit a felony;

21 (10) criminal offenses involving the use of a deadly weapon;

22 (11) felonies involving acts of violence;

23 (12) felonies involving acts of terror; or

24 (13) multiple felony offenses.

25 (C) An offense that is named differently than those offenses listed in
26 subsections (A) and (B) is considered an offense for purposes of this
27 section if the elements of the differently-named offense are substantially
28 similar to an offense listed in subsections (A) and (B).

29 (D) Any conviction which has been expunged, or set aside, or for which a
30 person has been pardoned or has had civil rights restored shall not be
31 considered a conviction for purposes of this section.

1 (E) If an applicant for a new chauffeur's permit or for a renewal of a
2 chauffeur's permit has been charged with any offense listed in subsections
3 (A) or (B) of this section, or of an offense that meets the requirements of
4 subsection (C), the director shall suspend consideration of the application
5 until final disposition of the matter. If the applicant is convicted of the
6 offense, the director shall revoke or deny the chauffeur's permit.

7 (F) If the holder of a chauffeur's permit is charged with any of the offenses
8 listed in subsection (A) or (B) of this section, or of an offense that meets
9 the requirements of subsection (C), the charge shall be grounds for
10 immediate interim suspension of the existing chauffeur's permit until final
11 disposition of the charge. If convicted of the offense, the director shall
12 revoke the chauffeur's permit.

13 (G) A holder of a chauffeur's permit, or an applicant for a new or renewed
14 chauffeur's permit, must notify the director in writing of any arrest,
15 charge, or conviction of a crime not later than 15 days after the arrest,
16 charge, or conviction. If incarceration prevents notification within 15
17 days, the holder or applicant shall notify the director immediately upon
18 release. No later than 15 days after disposition or sentencing, the holder
19 or applicant shall deliver to the director a certified copy of any order,
20 judgment, or certificate of disposition issued by the clerk of the court.

21 **PART 3.** Subsection (D) of City Code Section 13-2-106 (*Approval and Denial of*
22 *Applications*) is amended to read:

23 (D) The department may deny the application of a person convicted of an
24 offense set forth in Section 13-2-103 (*Disqualification for Certain*
25 *Offenses*) or another [a] criminal offense if the department determines that
26 the conviction is directly related to the ability, capacity, or fitness required
27 to perform the duties and discharge the responsibilities of a driver of a
28 ground transportation service vehicle. In making a determination, the
29 department shall use the criteria established in Texas Occupations Code
30 Sections 53.022 (*Factors in Determining Whether Conviction Relates to*
31 *Occupation*) and 53.023 (*Additional Factors for Licensing Authority to*
32 *Consider*).

33 **PART 4.** Subsection (D) of City Code Section 13-2-527 (*Driver Eligibility—Criminal*
34 *Background and Diver History Checks*) is amended to read:

35 (D) To meet the requirements of this section, a criminal background check
36 must be national in scope and comply with the requirements in Subsection
37 (E) of this section. If the criminal background check indicates that the
38 potential driver has been convicted within the past seven years of an

1 offense listed in Section 13-2-103 (*Disqualification for Certain Offenses*)
2 Subsection (A), or that the applicant has been convicted at any time of an
3 offense listed in Section 13-2-103 (*Disqualification for Certain Offenses*)
4 Subsection (B), or of an offense that meets the requirements of Section 13-
5 2-103 (*Disqualification for Certain Offenses*) Subsection (C), then the
6 person [a person has been convicted of certain offenses, to be specified by
7 separate ordinance, that person] is prohibited from driving for a TNC. If a
8 TNC driver is charged with any of the offenses listed in Section 13-2-103
9 (*Disqualification for Certain Offenses*) Subsections (A) and (B), or of an
10 offense that meets the requirements of Section 13-2-103 (*Disqualification*
11 *for Certain Offenses*) Subsection (C), the driver shall be prohibited from
12 driving for a TNC until final disposition of the charge. If the driver is
13 convicted of the offense, that driver will be disqualified from driving for a
14 TNC.

15 **PART 5.** This ordinance takes effect on _____, 2016.

16 **PASSED AND APPROVED**

17
18 §
19 §
20 _____, 2016 §
21 _____
22 Steve Adler
23 Mayor
24

25 **APPROVED:** _____ **ATTEST:** _____
26 Anne L. Morgan Jannette S. Goodall
27 City Attorney City Clerk