ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTER 13 -2 (*GROUND TRANSPORTATION PASSENGER SERVICES*) RELATING TO DATA REPORTING REQUIREMENTS AND PENALTIES FOR NONCOMPLIANCE WITH CRIMINAL BACKGROUND AND DRIVER HISTORY CHECK REQUIREMENTS.

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

PART 1. Section 13-2-516(D) (*Data Reporting Requirements*) of the City Code is amended to read:

(D) A TNC shall record the following data monthly and report it to the director on the last day of each month:

(1) number of trips completed and passengers transported;
(2) gross receipts generated;
(3) progress on meeting the accessibility needs of the public; [~~and~~]
(4) total hours and miles driven by compliant drivers and for all drivers[~~.~~]; and
(5) total number of drivers authorized to operate on the TNC platform, or the total number of drivers registered with the TNC and the names of those drivers, audited and certified by a third-party auditor.

PART 2. Section 13-2-527 (*Driver Eligibility—Criminal Background and Driver History Checks*) of the City Code is amended to read:

(B) The department will implement procedures for drivers to obtain driver history and finger-print based background checks in order to assist TNCs to meet the following benchmarks. The department is authorized to calculate benchmarks using data reported by TNCs under Section 13-2-516, and other data available to the department. Benchmarks are calculated as the percentage of hours or miles driven by compliant drivers of the total hours or miles driven by other drivers for the TNC during the benchmark time period. [~~TNCs that fail to meet the following benchmarks shall be subject to penalties established by separate ordinance.~~]

(1) 25% compliance by May 1, 2016.
(2) 50% compliance by August 1, 2016.
(3) 85% compliance by December 1, 2016.
(4) 99% compliance by February 1, 2017.

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PART 3. Section 13-2-527 (*Driver Eligibility—Criminal Background and Driver History Checks*) of the City Code is amended to add a new subsection (I):

(I) A TNC that fails to meet the requirements in subsection (B), (G), or (I) may not participate in the City's Safety Assurance Program. Penalties for violations of subsection (B) will be assessed through increasing the gross amount due to the City at the rate of an additional one percent of gross revenue for each day of noncompliance.

PART 4. Section 13-2-527 (*Driver Eligibility—Criminal Background and Driver History Checks*) of the City Code is amended to add a new subsection (J):

(J) A TNC must report its level of compliance with the benchmarks set forth in subsection (B) by giving that information to the Director either directly by providing the names of drivers operating or through an independent third-party auditor.

PART 5. Section 13-2-527 (*Driver Eligibility—Criminal Background and Driver History Checks*) of the City Code is amended to add a new subsection (K):

(K) A TNC that violates the reporting requirements set forth in subsection (J) or that operates without a valid operating authority commits a Class "C" Misdemeanor punishable by a fine of not less than $500 per offense. Each day of noncompliance is a separate offense, and continued violations may lead to revocation of operating authority.

PART 6. This ordinance takes effect on _____, 2016.

PASSED AND APPROVED

§
§
_____, 2016 § _____
Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan — Jannette S. Goodall
City Attorney — City Clerk

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