

**ORDINANCE NO.**

**AN ORDINANCE AMENDING CITY CODE CHAPTER 13-2 RELATING TO  
TRANSPORTATION NETWORK COMPANIES AND GROUND  
TRANSPORTATION DRIVER DISQUALIFICATION.**

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

**PART 1.** City Code Section 13-2-103 (*Disqualification for Certain Offenses*) is amended to add a new subsection (E) and re-letter the remainder of this subsection accordingly to read:

**§ 13-2-103 DISQUALIFICATION FOR CERTAIN OFFENSES.**

(E) Any disqualified applicant may appeal the decision in accordance with § 13-2-107 (Appeal), and the director may overturn a disqualification by considering:

- (1) the nature and gravity of any offenses in the individual's criminal history;
- (2) the length of time since the offense and completion of the sentence; and
- (3) the impact of the offenses on the applicant's ability to perform the duties and discharge the responsibilities of a driver of a ground transportation service vehicle.

**PART 2.** City Code Section 13-2-527 (*Driver Eligibility – Criminal Background and Driver History Checks*) is amended to add a new subsection (M) to read:

1 **§ 13-2-527 DRIVER ELIGIBILITY – CRIMINAL BACKGROUND AND**  
2 **DRIVER HISTORY CHECKS.**

3 (M) Any disqualified applicant may appeal the decision in accordance with § 13-  
4 2-107 (*Appeal*), and the director may overturn a disqualification by  
5 considering:

- 6 (1) the nature and gravity of any offenses in the individual's criminal  
7 history;  
8 (2) the length of time since the offense and completion of the sentence;  
9 and  
10 (3) the impact of the offenses on the applicant's ability to perform the  
11 duties and discharge the responsibilities of a driver of a ground  
12 transportation service vehicle.

13 **PART 3.** Parts 1 and 2 go into effect immediately. The City Manager, however, is  
14 directed to develop a process through which appellate authority is shifted from the  
15 director to the Austin Municipal Court, so that an individual disqualified from driving a  
16 ground transportation vehicle due to a criminal conviction and filing an appeal of the  
17 decision will be heard by a judge of the Austin Municipal Court instead of the director.  
18 The City Manager should include as part of the appeal process a requirement that the  
19 judge shall rely on EEOC Enforcement Guidance 915.002 (Apr. 25, 2012) when  
20 assessing whether to overturn the disqualification. The City Manager is directed to  
21 present this process and all necessary ordinance amendments to Council on or before  
22 March 1, 2017.

23 **PART [3] 4.** This ordinance takes effect on \_\_\_\_\_, 2016.

24 **PASSED AND APPROVED**

25  
26 §  
27 §  
28 \_\_\_\_\_, 2016 § \_\_\_\_\_  
29 Steve Adler  
30 Mayor  
31  
32

33 **APPROVED:** \_\_\_\_\_  
34 Anne L. Morgan  
35 City Attorney

**ATTEST:** \_\_\_\_\_  
Jannette S. Goodall  
City Clerk