

City of Houston, Texas, Ordinance No. 2014-_____

AN ORDINANCE AMENDING SECTION 46-11.3 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO THE OPERATION OF VEHICLES WITH JUNK AND SALVAGE TITLES AS VEHICLES FOR HIRE; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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WHEREAS, the Administrative and Regulatory Affairs Department ("ARA") is responsible for the oversight and implementation of the City's regulations concerning all vehicles for hire operating within the City; and

WHEREAS, on August 6, 2014, the City made omnibus amendments to Chapter 46 (titled Vehicles for Hire) that included a prohibition on the use of vehicles with a title classification of "salvage," "junk," "rebuilt-salvage," "total loss," "non-repairable," or any equivalent or comparable classification as vehicles for hire in the City; and

WHEREAS, after careful consideration and discussion with industry stakeholders, ARA recognized that a substantial portion of the industry involves the operation of salvage titled vehicles; and

WHEREAS, ARA proposes to extend the privilege of allowing salvage-titled vehicles operating in good standing within all the applicable provisions of Chapter 46 on or before August 6, 2014, to continue to operate as vehicles for hire subject to all applicable limitations and restrictions contained in Chapter 46; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. That Section 46-11.3 of City of Houston Code of Ordinances is hereby amended to read as follows:

"Sec. 46-11.3. Vehicle for hire title classification.

(a) No vehicle for hire authorized to operate as such pursuant to the terms of this chapter shall have a title classification of "salvage," "junk," "rebuilt-salvage," "total loss," "non-repairable," or any equivalent or comparable classification in any other jurisdiction.

(b) The provisions of this section shall not be applicable to the renewal or amendment of permits for vehicles for hire operating with

vehicle titles classifications prescribed in subsection (a) that were originally issued on the basis of applications that were filed and permits issued on or before August 6, 2014, the date this section was adopted; provided however, the revocation of a permit operated pursuant to this special exemption or any transfer, lease, sale, rental, assignment or any other conveyance of a vehicle operated pursuant to this special exemption from a licensee or permittee shall result in the forfeiture of the privilege of operating pursuant thereto and shall require the submission of a new application and compliance with the vehicle for hire title classifications prescribed in this section.

(c) A licensee or permittee may operate a vehicle pursuant to the special exemption in subsection (b) provided the licensee or permittee submits the vehicle for annual inspection at a location authorized and identified by the director and the vehicle is determined to be in compliance with the provisions of this chapter and any other conditions of operation prescribed by the director.

Section 3. That City Council hereby authorizes the Director of the Administration and Regulatory Affairs Department to suspend the application of any provision of Chapter 46 or any rule or regulation promulgated by the Director that is inconsistent with the spirit of Section 46-11.3 of the City Code, as amended by this Ordinance.

Section 4. That the City Attorney is hereby authorized to direct the publisher of the Code of Ordinances, Houston, Texas, (the "Code") to make such nonsubstantive changes to the Code as are necessary to conform to the provisions adopted in this Ordinance and also to make such changes to the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Code.


Section 5. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained

herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 6. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor.

PASSED AND APPROVED this ___ day of _____, 2014.

Mayor of the City of Houston

mc Prepared by Legal Dept. 
NK:asw 1/2/2015 Assistant City Attorney
Requested by Tina Paez, Director of Administration & Regulatory Affairs Department
L.D. File No. 0371400241001