

Chapter 46. VEHICLES FOR HIRE

ARTICLE II. TAXICABS

DIVISION 1. GENERALLY

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Sec. 46-31. Rates prescribed.

- (a) Except for taxicabs dispatched through a mobile dispatch service, all permittees and licensees shall comply with and abide by the rates established in this section:
- (1) *Daytime metered travel.* For daytime trips, the maximum metered travel fee shall be \$2.91 for the first 1/11 of a mile or less plus \$0.21 for each additional 1/11 of a mile or less.
 - (2) *Nighttime metered travel.* For nighttime trips, the maximum metered travel fee shall be \$3.91 for the first 1/11 of a mile or less plus \$0.21 for each additional 1/11 of a mile or less.
 - (3) *IAH flat rates.* Alternative maximum flat rates shall be imposed for trips between George Bush Intercontinental Airport/Houston (IAH) and its geographic zones I through X. Current maximum rates shall be posted on the website maintained by the department of administration and regulatory affairs and kept on file in the office of the city secretary, where, upon request, such rates shall be made available for viewing during normal business hours. Provided that the lesser of the applicable flat rate or the actual metered rate shall be charged. A copy of the zone map for IAH taxicab rates shall remain on file for public inspection in the office of the city secretary. The centers of the streets and geographic features noted thereon as boundary lines shall determine boundaries between adjacent zones. The foregoing zone rates exclude the airport use fees, which may be additionally imposed on metered or flat fares.
 - (4) *HOU flat rates.* Alternative maximum flat rates shall be imposed for trips between William P. Hobby Airport (HOU) and its geographic zones I through XI. Current maximum rates shall be posted on the website maintained by the department of administration and regulatory affairs and kept on file in the office of the city secretary, where, upon request, such rates shall be made available for viewing during normal business hours. Provided that the lesser of the applicable flat rate or the actual metered rate shall be charged. A copy of the zone map for HOU taxicab rates shall remain on file for public inspection in the office of the city secretary. The centers of the streets and geographic features noted thereon as boundary lines shall determine boundaries between adjacent zones. The foregoing zone rates exclude the airport use fees, which may be additionally *imposed* on metered or flat fares.

- (5) *Waiting time.* An amount not to exceed \$24.00 per hour may be charged for waiting time, provided the clock on the taximeter is set and regulated at a rate not to exceed \$24.00 per hour.
- (6) *Hand luggage.* No charge will be made for hand luggage.
- (7) *Reservation and billing service fee:*
 - a. A reservation and billing service fee may be added to the total trip charges authorized in this section, provided:
 - 1. The trip originates with an advance reservation; and
 - 2. At the request of the account holder or his authorized agent the fare and other charges are billed on account by the permittee, rather than being paid at the end of the trip.

The reservation and billing service fee shall not exceed ten percent of the total trip charges imposed, including the tip, if any.
 - b. Notwithstanding the foregoing, this item (7) shall not be construed to authorize the operation of a taxicab service in such manner as to constitute a chauffeured limousine service. In the event of conflict, the provisions of article IV of this chapter shall prevail.
- (8) *Toll road fee.* In addition to the fees prescribed in this section, the permittees and licensees may impose a toll road fee in an amount exactly equal to any fees imposed by the Harris County Toll Road Authority for use of its facilities during the trip, provided that the imposition of the fee is noted on the posted rate card, and further provided that the passenger(s) are notified of the fee before the taxicab enters the toll road. Where passengers are being carried to two or more destinations, the toll road fees shall be prorated among them, per destination.
- (9) *Alternate central business district flat rate.* An alternate maximum flat rate of \$6.00 shall be imposed for trips entirely within the central business district. All forms of payment shall be accepted for these trips.
- (10) *TCI review and rate adjustment.* The director shall promulgate regulations regarding review of the TCI and its factors and weighting, which shall be used to determine whether taxicab rates need to be adjusted, and regarding the review of rates and the implementation of new rates, should they be deemed necessary. Current rates as adjusted by the TCI shall be posted on the website maintained by the department of administration and regulatory affairs and kept on file in the office of the city secretary and, upon request, made available for viewing during normal business hours.

(11) Fuel cost recovery fee and fuel surcharge:

- a. When the average price per gallon of regular unleaded gasoline exceeds \$3.00, the per trip fuel surcharge shall be as follows:

<u>Gasoline Price Per Gallon</u>	<u>Surcharge Per Trip</u>
<u>\$3.00 or less</u>	<u>None</u>
<u>\$3.01 to \$3.50</u>	<u>\$0.50</u>
<u>\$3.51 to \$4.00</u>	<u>\$1.00</u>
<u>Each additional increment of \$0.50</u>	<u>\$0.50 per additional increment of \$0.50</u>

- b. When required, a fuel surcharge shall become effective on the first day of the first month of each calendar quarter, and shall remain in effect for the duration of the quarter.
- c. The average price per gallon of regular unleaded gasoline shall be based on the American Automobile Association (AAA) Daily Fuel Gauge Report for Houston, Texas.
- d. The average price per gallon shall be calculated for a three-month period ending not more than 14 days prior to the beginning of a calendar quarter.
- e. It shall be the duty of the permittee to post signage in each permitted vehicle that fuel surcharge is in effect. The signage shall be posted in plain view of the customer.

- (b) The director shall establish a taxicab passenger capacity rating (exclusive of children in arms), which will constitute the maximum number of passengers that may be carried simultaneously.
- (c) In the event two or more taxicab passengers are going to the same destination, the licensee shall collect only one fare as recorded on the taximeter. If the passengers are going to different destinations, the licensee shall clear his taximeter at the first destination and charge the first passenger the amount recorded on the taximeter, and then proceed to the next destination as though it were a completely new trip. Other destinations shall be treated likewise.
- (d) Where any permittee has contracted with any department, agency or subdivision of the state, the United States or any foreign government or any nonprofit charitable organization for the transportation of passengers for the entity on a regular basis within the corporate limits of the city, the permittee is authorized, in lieu of the fares prescribed in subsection (a) above, to make other charges as are agreed to in writing by the contracting parties and filed with the director, prior to

the transportation of passengers under the contract. A permittee or licensee transporting contract passengers under this subsection must fully comply with all other applicable provisions of this article.

(e) Senior citizens' discount:

(1) *Rate; restrictions.* Any taxicab passenger 60 years old or older who provides to the licensee proof of age as specified in this subsection at the time the fare is collected shall be charged a reduced fare equal to 90 percent of the fee otherwise applicable as set out in items (a)(1) through (a)(5) of this section; provided, however, the reduced fare set out in this subsection shall not be applicable in any of the following situations:

- a. In the event the passenger has ridden in the taxicab to the same destination with another passenger who is not an attendant but is 13 years of age or older but less than 60 years of age;
- b. The passenger is a person with disabilities who is riding in the taxicab pursuant to the terms of a contract between the permittee and the Metropolitan Transit Authority; or
- c. The fare is being charged to any account other than the passenger's personal account.

For purposes of this item, an attendant is a person who is accompanying a passenger because the passenger is physically or mentally unable to travel alone.

(2) *Proof of age.* To provide proof of age for the purposes of this subsection, the taxicab passenger must allow the licensee to examine one of the following identification documents that has been issued to the passenger and that has a picture of the passenger thereon:

- a. A driver license or identification card issued by a state of the United States;
- b. A military identification card;
- c. A passport; or
- d. An alien registration receipt card (Form I-551 or I-151) or border crossing card issued by the United States Immigration Service.

(3) *Posting of notice in taxicab.* A person shall not operate a taxicab unless a notice regarding the discount set out in this subsection is posted in the passenger area of the taxicab. The director shall specify the information to be set out on the notice, the size of the print, the colors, and the location where the notice shall be placed.

- (f) A permittee may charge rates that are lower than the maximum rates approved in this section, provided the permittee must file its schedule of rates or any revisions to its schedule with the director at least ten days before the rates become effective.

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Chapter 46. VEHICLES FOR HIRE

ARTICLE III. PEDICABS

DIVISION 2. PERMITS

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Sec. 46-151. Permit required.

- (a) It shall be unlawful for any person to operate a pedicab service without first obtaining a permit pursuant to the terms of this division.
- (b) Each applicant for a permit required by this division must:
- (1) Have no conviction of an offense listed in subsection (c) of section 1-10 of this Code;
 - (2) Identify each pedicab the applicant desires to receive a certification decal for, including trade name, if any, serial or identification number and body style of the pedicab;
 - (3) Identify the proposed route(s) or area(s) where the applicant desires to operate the pedicab service;
 - (4) Provide proof of insurance pursuant to the requirements of this article;
 - (5) If a natural person:
 - a. Be 18 years of age or older;
 - b. Be able to read and write the English language; and
 - c. Hold a current and valid class A, B, or C Texas driver license;
 - (6) ~~Not have had a license or permit issued under this chapter denied, revoked or refused for renewal, by the city within the one-year period preceding the date of filing of the application;~~
 - ~~(7)~~ Provide evidence that the applicant has a place of business within the metropolitan area from which the applicant's pedicab service will be

operated and that the use of the location is in compliance with any applicable deed restrictions enforceable by the city; and

~~(8)~~ (7) Provide any other information reasonably requested by the director for administration of this article.

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Sec. 46-153. Fees.

- (a) There shall be a nonrefundable application processing fee in the amount stated for this provision in the city fee schedule payable upon the filing of an application for a permit.
- (b) In addition to the application processing fee provided in subsection (a) of this section, an annual permit fee in the amount stated for this provision in the city fee schedule shall be paid in advance to the department of administration and regulatory affairs for each pedicab before it is placed into service and annually thereafter on or before ~~May 1st~~ February 1 of each year.

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Chapter 46. VEHICLES FOR HIRE

ARTICLE III. PEDICABS

DIVISION 3. Pedicab OPERATING REQUIREMENTS

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Sec. 46-161. Pedicab inspection; fee.

- (a) It shall be unlawful for any person to operate or cause to be operated any pedicab unless the pedicab has been inspected as required in this section and has a current and valid certification decal affixed in a manner and location prescribed by the director. There shall be a non-refundable inspection fee stated for this provision in the city fee schedule for each pedicab. All pedicabs shall be maintained in a safe and sanitary condition and shall be thoroughly cleaned and disinfected at least once in each 24-hour period.
- (b) The director shall inspect each pedicab before it is initially placed into service and thereafter before ~~May 1~~ February 1 of each year at such location as the director may specify. The director shall approve the pedicab if he determines that:
 - (1) The pedicab is of the approved color scheme and is marked as provided in this article;

- (2) The pedicab is in generally good working condition with no safety-related defects, including inspection or testing of the wheels, brake system, pedicab frame, passenger compartment, audible signaling device, steering mechanism, tires, front lamp, rear lamp, and all reflectors; and
- (3) The pedicab complies with all other requirements of this article.
- (c) Upon satisfactory completion of the inspection, the director shall issue and permanently affix a certification decal to the pedicab. In any prosecution under this section, it shall be presumed that a pedicab has not been inspected as required in this section unless it has a current and valid certification decal affixed thereto.
- (d) The director shall provide replacement certification decals only upon reinspection of the pedicab.
- (e) It shall be unlawful to:
 - (1) Remove, move, alter, or deface a certification decal;
 - (2) Transfer a certification decal from the pedicab for which it was issued to another pedicab;
 - (3) Operate a pedicab with a certification decal that was not issued for that pedicab; or
 - (4) Operate a pedicab with a fictitious or fraudulent certification decal.
- (f) The director may inspect any pedicab and any records or documents required to be carried in or on the pedicab at any time upon presentation of identification to the licensee in order to determine compliance with the provisions of this article and the regulations adopted by the director.

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Chapter 46. VEHICLES FOR HIRE

ARTICLE IV. SIGHTSEEING, CHARTER AND CHAUFFERED LIMOUSINE SERVICES

DIVISION 3. CHAUFFERED LIMOUSINE SERVICE

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Sec. 46-241. Operation from permittee's usual place of business, etc.

- (a) A permittee shall operate only from his usual place of business; provided, however, if any permittee has a written agreement authorizing the permittee to operate from a hotel or motel, that place shall be considered a usual place of business when a copy of the agreement is filed with the director.

- (b) The permittee shall not operate out of a house or store or maintain any of his vehicles at any place of public accommodation unless the limousine is at that time hired. It shall be the duty of each licensee to present a copy of the rental agreement required under section 46-240 of this Code to any administration and regulatory affairs department employee or police officer upon request to evidence compliance with this section. If the licensee fails to produce a rental agreement evidencing compliance it shall be presumed in any prosecution under this subsection that the licensee's presence at the public place of accommodation was unlawful.
- (c) The licensee shall not approach potential customers in any public place for the purpose of soliciting their business, and the only advertising that may be displayed outside the chauffeured limousine shall be limited to the name and telephone number of the permittee on the front and rear license plate frames in individual letters not to exceed one inch in length and width with the cumulative size not to exceed beyond one inch the length and width of the license plates. A passenger van may display the company name, company logo, and company telephone number on the outside of the van.

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Chapter 46. VEHICLES FOR HIRE

ARTICLE VII. LOW-SPEED SHUTTLES

DIVISION 1. GENERALLY

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Sec. 46-371. Definitions.

When used in this article, the following words and terms shall have the meanings provided in this section, unless the context of their usage clearly indicates another meaning:

License means a current and valid low-speed shuttle driver's license issued pursuant to division 2 of article I of this chapter.

Licensee means any person in engaged in the act of driving a low-speed shuttle who is the holder of a current and valid low-speed shuttle driver's license.

Low-speed shuttle means a motorized non-fossil fuel powered vehicle with a seating capacity of four to eight passengers, including the driver, that has an attainable speed of more than 20 miles per hour and not more than 25 miles per hour on a paved level surface, conforms to Federal Motor Vehicle Safety Standard 500 (49 C.F.R. Section 571.500), and is used to transport passengers for hire. The term does not include:

- (1) A vehicle modified after its original manufacture to meet the speed requirements or safety equipment requirements contained in 49 C.F.R. Section 571.500;
- (2) A ~~golf cart~~, moped, motorcycle, or tractor;
- (3) An electric bicycle or motor-driven cycle, as defined by § 541.201 of the Transportation Code;
- (4) A motorized mobility device, as defined by § 542.009 of the Transportation Code;
- (5) An electric personal assistive mobility device, as defined by § 551.201 of the Transportation Code; or
- (6) A motor-assisted scooter, as defined in § 551.351 of the Transportation Code.

Low-speed shuttle service means the business of transporting passengers for hire by means of a low-speed shuttle. Specifically excluded from this definition are:

- (1) Vehicles used in connection with any phase of a funeral or funeral service;
- (2) Taxicabs, pedicabs, jitneys, sightseeing and charter vehicles, and chauffeured limousines permitted and licensed by the city; and
- (3) Vehicles operating under a contract with the city.

Permit means a permit to operate a low-speed shuttle service pursuant to this article.

Permittee means any person, partnership, corporation, firm, joint venture, *limited liability company, association, organization and any other entity holding a permit issued pursuant to this article.*

Zone means the geographic area in which the low-speed shuttle will generally operate, as filed with the director in accordance with section 46-400 of this Code.