

Chapter 46

VEHICLES FOR HIRE

ARTICLE I. IN GENERAL

DIVISION 1. VEHICLES FOR HIRE GENERALLY

Sec. 46-3. Reserved. ~~Taxes to be paid.~~

~~_____ No person shall use the streets of the city for the operation of a vehicle for hire unless the ad valorem taxes due and owing on all properties used as a vehicle for hire shall have first been paid.~~

Sec. 46-4. Failure to pay taxes and permit and license fees; failure to maintain insurance; authorization to operate a vehicle for hire.

(a) _____ A license or permit issued for the operation of a vehicle for hire may be terminated at any time for failure to pay any applicable tax, fee, or installment payments imposed pursuant to this chapter or the Texas Tax Code or failure to maintain the requisite insurance. No license or permit issued for the operation of a vehicle for hire shall be terminated if a tax protest or value-related tax litigation is underway or prior to the date on which the tax becomes past due as specified in the Texas Tax Code.

(b) No permittee shall allow a licensee to operate a vehicle for hire in connection with the permittee, unless such licensee is either:

- (1) _____ A citizen of the Unites States of America;
- (2) _____ A lawful permanent resident of the United States of America; or
- (3) _____ An individual who has the legal right to work as a driver of a vehicle for hire in the United States of America.

Sec. 46-6. Physician's certificate of medical examination; dDrug screening.

~~(a) Each applicant for a license issued pursuant to this chapter shall provide a certificate from a physician duly licensed by the Texas Medical Board or a healthcare professional that is certified by the Federal Motor Carrier Safety Administration pursuant to 49 CFR 390.103, showing that the physician or healthcare professional has examined the person within the 30-day period preceding the date of the filing of the license application and that the person has no disability or ailment that would prevent the person from safely operating the vehicle for hire for which the applicant has sought a license. The director shall have the authority to require a medical examination and the provision of a replacement certificate at any time upon five days' notice in writing to a licensee or driver if the director has cause to believe that the driver's medical condition has materially changed or that the previously filed certificate is otherwise no longer accurate.~~

~~(b)~~ Additionally, each applicant for a license issued pursuant to this chapter shall provide or cause to be provided evidence that the applicant has passed a drug screening test within the 30-day period preceding the date of filing of the application for issuance or renewal. The director shall have the authority to require a licensee to submit to a drug screening test when reasonable suspicion to test exists.

(1) For purposes of this section, reasonable suspicion means an articulable belief based on specific facts and reasonable inferences drawn from those facts that a licensee is under the influence of drugs or alcohol when operating as a vehicle for hire. Circumstances which can constitute a basis for determining reasonable suspicion may include, but are not limited to:

a. Complaint of, or information provided regarding, abnormal or erratic behavior on the part of the licensee by a passenger or other reliable and credible source;

b. Complaint of, or information provided regarding, direct observation of drug or alcohol use by the licensee by a passenger or other reliable or credible source;

c. Complaint of, or information provided regarding, the presence of physical symptoms of drug use in the licensee's appearance and demeanor (i.e., glassy or bloodshot eyes, slurred speech, poor coordination or reflexes) by a passenger or other reliable or credible source; or

d. Violent or threatening behavior.

(2) A license issued pursuant to this chapter shall be subject to revocation pursuant to the procedures set forth in section 46-5 of this Code if a licensee:

(a) Obtains a positive test result pursuant to a drug screening test required under this section;

(b) Fails to submit to a drug screening test required under this section within 24 hours of being notified by the director or permittee that reasonable suspicion to test exists; or

(c) Fails to provide the results of a drug screening test required under this section to the director within five business days of submitting to the test.

~~(b)~~ The director shall promulgate rules and regulations relating to the drug screening test required under this section. The drug screening test procedure shall be similar to that prescribed by the mayor for pre-employment drug screenings for city-employees contractors. The director shall authorize laboratories and facilities that meet nationally recognized standards to obtain samples and perform the tests. The responsibility for obtaining the test and all costs associated therewith shall rest with the ~~applicants~~ licensees.

~~(c)~~ Reserved.

Sec. 46-7. Criminal history check.

(a) Upon initial application for any license and at license renewal intervals stated in this chapter, the director shall cause the criminal history of each person designated as a driver in an application for a license to be researched. In accordance with the provisions of subsections (c) and (d) of this section, Each person designated as a driver in an application shall complete any forms required for the director to obtain the report, and the applicant shall present the required completed forms to the director and shall bear the cost to cover any fees imposed by state or federal agencies for the report. The ~~This~~ provision of this requirement shall not be construed to preclude the director from obtaining interim reports at the expense of the city. Results of the criminal history check shall be valid for two years from the date the fingerprints are submitted to the state or federal agency researching the criminal history.

(b) An applicant who has met the other requirements of this chapter may be provisionally authorized to drive for a permittee if the permittee has caused the criminal history of the applicant to be researched by a company approved by the director, and such search discloses that the applicant has no convictions of any applicable offense listed in section 1-10 of this Code. Such a search shall include a national criminal history database and a national sex offender database. Drivers provisionally authorized pursuant to this subsection shall be required to comply with the requirements of subsection 46-6(c) of this section within 30 days of being provisionally authorized by the permittee.

(c) Each applicant for any permit, certificate of registration, or license issued pursuant to this chapter shall be fingerprinted at the location indicated by the director to determine if the applicant has been convicted of any applicable offense listed in section 1-10 of this Code. Upon authorization of the mayor and city council, an applicant may undergo a national background screening administered by a third party in lieu of fingerprint screening to determine whether the applicant has been convicted of any applicable offense listed in section 1-10 of this Code. If applicable, the applicant shall complete any forms required for the director to obtain the report and shall bear the cost to cover any fees imposed by state or federal agencies for the report. The ~~This~~ provision of this requirement shall not be construed to preclude the director from obtaining interim reports at the expense of the city.

Sec. 46-9.4. Appearance of licensee.

(a) It shall be the duty of every licensee to be hygienically clean, well groomed, neat, and suitably dressed in compliance with all applicable requirements of this section at all times while operating or in custody of a vehicle for hire.

(b) The term suitably dressed means the licensee shall wear slacks, trousers, dress or cargo shorts, a shirt ~~with collar~~ or blouse with or without a tie, a dress or suit, shoes, and, if desired, appropriate outer garments, ~~except that a licensee operating a pedicab or jitney shall be permitted to wear a T-shirt and a short uniform design displaying the permittee's name, trademark, logo, or other similar identifying information. All uniform designs shall be submitted to and kept on file with the director.~~

(c) Clothing that is not considered appropriate and is not permitted when the licensee is operating a vehicle for hire includes: ~~T-shirts, underwear (as an outer garment), tank tops, body shirts, swimwear, jogging suits, or similar types of attire when worn as an outer~~

~~garment, or cut off shorts or trunks (jogging or bathing), or sandals. All clothing must be free of rips, tears and holes. It is an affirmative defense to prosecution under this section that the licensee is a pedicab or jitney operator otherwise in compliance with the requirements articulated in this section.~~

(d) Additionally, each licensee shall be authorized to wear other appropriate attire prescribed by the director.

~~Sec. 46-11.1. Fire extinguisher required.~~

~~Except for pedicabs operated pursuant to article III of this chapter, no permittee or licensee shall operate or cause to be operated any vehicle for hire within the city unless it is equipped with a fire extinguisher consistent with Section 547.607 of the Texas Transportation Code stored within reach of the driver for immediate use.~~

DIVISION 2. VEHICLE FOR HIRE DRIVER LICENSES

Sec. 46-15. License application.

Applications for licenses or renewal of licenses shall be submitted to the director on a form promulgated by the director. The applicant shall provide the following information with each application, which shall be sworn before a notary public or conform to minimum state law requirements for unsworn declarations:

- (1) The applicant's full name, residence, places of residence for five years previous to moving to his present address, age, race, height, weight, color of eyes and hair, place of birth, and length of time he has resided in the city;
- (2) The specific type of vehicle for hire license for which the applicant is applying;
- (3) Whether the applicant is a citizen of the United States, and his record of employment for the five years prior to the date of the application, and social security number;
- (4) Whether the applicant has ever been convicted of a felony or misdemeanor;
- (5) Whether the applicant has previously been a licensee;
- (6) Whether the applicant has ever had a license issued pursuant to this chapter denied, revoked, or suspended;
- (7) Whether the applicant has ever had a state issued private passenger vehicle driver license or commercial vehicle driver license denied, revoked, or suspended;
- (8) The permittee ~~for~~ with whom the applicant intends to work; and

- (9) Evidence of compliance with all qualifications established in this article; and
- (10) Any other information that may be reasonably requested by the director.

Sec. 46-15.1. Qualifications of license applicant.

Each applicant for a license required by this chapter pursuant to this division must:

- (1) Have a valid state class A, B or C Texas driver license.
- (2) Be 18 years of age or older.
- (3) Be able to read and write the English language.
- (4) ~~Provide the certificate from a duly licensed physician or healthcare professional described in section 46-6(a) of this Code.~~
- ~~(5) Have no criminal history that is disallowed under section 1-10 of this Code.~~
- ~~(6) Provide evidence, in a form to be specified by the director, that he is~~ Be classified as either:
 - a. A citizen of the United States of America by birth or naturalization; or
 - b. A lawful permanent resident of the United States of America; or
 - bc. An alien individual legally residing in the United States of America who has the legal right to engage in employment as a licensee work as a driver of a vehicle for hire in the United States of America.

ARTICLE II. TAXICABS

DIVISION 1. GENERALLY

Sec. 46-18. General prerequisites to putting vehicle into service.

(a) Before any permittee may put a taxicab into service or replace a taxicab, he shall submit, for the director's approval, the vehicle, the certificate of title showing the current true ownership of the vehicle, his public liability insurance policy, insurance endorsement or evidence of self-insurance and, in the case of a leased vehicle, the written lease contract.

(b) The director shall not authorize a vehicle to initially be placed into service unless it is equipped with an air conditioning system that was factory-installed by the vehicle manufacturer ~~and has sufficient interior passenger space to qualify in the United States Environmental Protection Agency's annual fuel economy guide as a mid-size car, a large car, a mid-size station wagon, a large station wagon, a sport utility vehicle, a van, passenger type, or a four-door fully electric vehicle, provided that the director may also allow vehicles classified for purposes of the fuel economy guide as special passenger vehicles if the vehicle has passenger~~

~~seating and space accommodations at least equivalent to those of a vehicle rated as a mid-size car. To the extent that the fuel economy guide has not yet been published for the model year of the vehicle at the time that a vehicle is presented for placement into initial service, then the director may utilize the previous year's guide entry for the same or most equivalent make and model of vehicle.~~

~~———— In addition to the foregoing, any taxicab initially placed into service or operated pursuant to any permit distribution occurring on or after January 1, 2015, must meet one or more of the following criteria:~~

- ~~(1) — Be powered by a 4-cylinder engine;~~
- ~~(2) — Be a hybrid electric vehicle;~~
- ~~(3) — Be a wheelchair accessible vehicle, either lift- or ramp-equipped;~~
- ~~(4) — Be a vehicle that meets a minimum combined fuel economy rating of 20 miles per gallon based on the most recently published United States Environmental Protection Agency's annual fuel economy guide for the year in which the vehicle is presented for placement into initial taxicab service. To the extent that the fuel economy guide has not yet been published for the model year of the vehicle at the time that a vehicle is presented for placement into initial service, the director may utilize the most recent fuel economy guide entry for the same or most equivalent make and model of vehicle;~~
- ~~(5) — Be a sport utility vehicle ("SUV"), including but not limited to large SUVs, as said vehicles are defined or described by size, shape, specification, make or model according to commonly accepted industry standards; or~~
- ~~(6) — Be a four-door fully electric vehicle.~~

Sec. 46-20. Age and mechanical condition of taxicabs.

~~———— (a) — Except as provided in subsection (b) of this section, a A licensee or permittee shall not drive or cause to be driven upon the streets of the city any taxicab vehicle that is more than six-ten years old. For purposes of this requirement, a taxicab will be considered to be six-ten years old on April 30th of the sixth-tenth year following the manufacturer's model year of the vehicle, regardless of the purchase date or the date it was originally placed into service.~~

~~———— (b) — A licensee or permittee may drive or cause to be driven a taxicab for an additional four-year period beyond the age limitation prescribed in subsection (a) of this section provided the licensee or permittee submits the taxicab for inspection each year at a location authorized and identified by the director prior to the expiration of the permit and the director determines that the taxicab is in compliance with the provisions of section 46-37 of this Code and any other conditions of operation prescribed by the director.~~

~~———— (c) — A permittee or licensee may initially submit a vehicle into service during the vehicle age extension period, if such vehicle meets the requirements of section 46-18 and subsections (a) and (b) of this section.~~

Sec. 46-22. Vehicle color scheme.

(a) A permittee or licensee shall not drive or cause to be driven any taxicab in the city until the permittee has filed with the director, for approval, the primary color scheme that he proposes to use under his ownership or radio service. In approving or disapproving the primary color scheme submitted, the director shall consider the primary color scheme presently in use by the permittee and the primary color schemes of other permittees.

~~(b) A permittee may utilize up to five different color schemes, including those color schemes used by vehicles operated under a lease agreement.~~

~~(c)~~ All new entrant applicants who operate pursuant to a permit transferred in accordance with section 46-72 of this Code must operate vehicles that are white and all signage letters must be dark or deep green. The vehicle primary color scheme shall also have a 2-inch dark or deep green wide stripe along the length of the vehicle, placement of which shall be designated by the director. The director shall determine whether the colors submitted by the permittee comply with the requirements articulated within this section.

~~(c)~~ If the director approves the primary color scheme, the permittee shall, within 15 days, deliver to the director a color photograph, of a size and kind to be approved by the director, of a taxicab of his primary color scheme, and he shall not change the primary color scheme without approval of the director.

ARTICLE IV. SIGHTSEEING, CHARTER AND CHAUFFEURED LIMOUSINE SERVICES

DIVISION 1. GENERALLY

Sec. 46-191. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings assigned to them in this section, except where the context clearly indicates a different meaning.

Chauffeured limousine means:

- a. A sedan-type luxury motor vehicle with a passenger capacity of five or six persons (including the driver), which vehicle is either less than or equal to six-ten years of age;
- b. An extended-body type motor vehicle with a passenger capacity of no more than 15 persons (including the driver), which vehicle is either less than or equal to ten years of age and modified to extend its original factory wheelbase by 40 inches or more in conformity with Federal Motor Vehicle Safety Standard requirements;
- c. A vehicle that is classified in the United States Environmental Protection Agency's annual Fuel Economy Guide as a sport utility vehicle that: (i)

has a passenger capacity of not less than five persons nor more than nine persons, including the driver; (ii) has a manufacturer's suggested base retail selling price of not less than \$37,600.00, adjusted annually based upon Consumer Price Index (CPI-U), All Urban Consumers, U.S. City Average, New Trucks, as published by the U.S. Department of Labor, excluding the cost of any manufacturer installed options or of any modifications or conversions that were made by other persons following the original assembly of the vehicle by the manufacturer. The adjustment shall be based upon the not seasonally adjusted data for the month of August and shall be effective November 1st; and (iii) is either less than or equal to ~~six-ten~~ years of age;

- d. A passenger van with a passenger capacity of ~~nine-eight~~ to 15 persons (including the driver), which vehicle is less than or equal to ten years of age and has a manufacturer's suggested base retail selling price of not less than \$32,500, adjusted annually on November 1st each year based upon Consumer Price Index (CPI-U), All Urban Consumers, U.S. City Average, New Trucks, as published by the U.S. Department of Labor, excluding the cost of any manufacturer installed options or of any modifications or conversions that were made by other persons following the original assembly of the vehicle by the manufacturer, with the adjustment based upon the not seasonally adjusted data for the month of August; or
- e. An antique, classic, or special interest vehicle.

For the purposes of this article, antique means a vehicle that is 25 years old or older; classic means a vehicle recognized by the Classic Car Club of America; and special interest means a vehicle that, due to limited production, outstanding design, and/or technical achievement, is of special interest. The age of the vehicle will be measured from the manufacturer model year date. The model year shall always count as the first full year. It shall be the duty of the director to make a determination as to whether or not a given vehicle is less than or equal to ~~six years of age~~, ten years of age or is an antique, classic or special interest vehicle within the meaning of this article.

Livery edition vehicle means a vehicle manufactured for being used primarily to provide chauffeured limousine transportation services for hire to the general public.

Luxury motor vehicle means:

- a. Any livery edition vehicle; or
- b. A a vehicle that has a manufacturer's suggested base retail selling price of not less than \$33,000.00, adjusted annually based upon Consumer Price Index (CPI-U), All Urban Consumers, U.S. City Average, New Cars, as published by the U.S. Department of Labor, excluding the cost of any manufacturer installed options or of any modifications or conversions that were made by other persons following the original assembly of the vehicle by the manufacturer. The adjustment shall be based upon the not

seasonally adjusted data for the month of August and shall be effective November 1st.

DIVISION 3. CHAUFFEURED LIMOUSINE SERVICE

Sec. 46-237. Tests and inspections of limousine vehicles.

(a) — The director may at any time, and shall at least once each year, make tests and inspections of all limousine vehicles then in operation to assure that they are in compliance with the terms of section 46-236 of this Code. If upon inspection the director finds a limousine vehicle is not in compliance with any of the requirements therein set out, he shall notify the permittee of the defects observed. The permittee shall immediately correct the defects. Any vehicle that is the subject of the notification shall not be operated on any street of the city until it has been reinspected and determined to be in compliance with the requirements of inspection. The director shall be given access to the vehicles at all reasonable times. Failure to submit a vehicle requested for inspection by the director shall be cause for suspension of the operation of the vehicle until such time the vehicle is submitted for inspection and it is determined that the vehicle is in compliance with the terms of section 46-236 of this Code.

~~———— (b) — A licensee or permittee may drive or cause to be driven a sedan-type luxury motor vehicle or sport utility vehicle operated as a chauffeured limousine for an additional four-year period beyond the age limitations prescribed in subitems (a) and (c), respectively, of the definition of chauffeured limousine in section 46-191 of this Code provided:~~

- ~~(1) — The licensee or permittee submits the sedan-type luxury motor vehicle or sport utility vehicle for inspection each year at a location authorized and identified by the director prior to the expiration of the permit issued authorizing the operation of the chauffeured limousine; and~~
- ~~(2) — The vehicle is determined to be in compliance with the provisions of section 46-236 of this Code and any other conditions of operation prescribed by the director.~~

~~———— (c) — A licensee or permittee may drive or cause to be driven an extended-body type motor vehicle or passenger van operated as a chauffeured limousine for an additional five-year period beyond the age limitations prescribed in subitems (b) and (d), respectively, of the definition of chauffeured limousine in section 46-191 of this Code provided:~~

- ~~(1) — The licensee or permittee submits the vehicle for inspection each year at a location authorized and identified by the director prior to the expiration of the permit issued authorizing the operation of the chauffeured limousine; and~~
- ~~(2) — The vehicle is determined to be in compliance with the provisions of section 46-236 of this Code and any other conditions of operation prescribed by the director.~~

~~———— (d) — A permittee or licensee may initially submit a vehicle into service during the vehicle age extension period, if such vehicle meets the requirements of section 46-191 and subsection (b) or (c) of this section.~~

ARTICLE IX. TRANSPORTATION NETWORK COMPANIES

Sec. 46-513. Transportation network vehicles—Age and mechanical condition.

(a) In addition to the provisions of section 46-514 of this Code, no licensee or permittee shall drive or cause to be driven upon the streets of the city any transportation network vehicle that is more than ~~seven~~ten years old. For purposes of this requirement, a transportation network vehicle will be considered to be ~~seven~~ten years old on July 31st of the ~~seventh~~tenth year following the manufacturer's model year of the vehicle, regardless of the purchase date or the date it was originally placed into service.

~~(b) A licensee or permittee may drive or cause to be driven, a transportation network vehicle for an additional three-year period beyond the age limitations described in subsection (a), if the licensee or permittee submits the vehicle for inspection each year at a location authorized and identified by the director prior to the expiration of the permit issued authorizing the operation of the transportation network vehicle.~~

~~(c) A permittee or licensee may initially submit a vehicle into service during the vehicle age extension period, if such vehicle meets the requirements of section 46-512 and subsections (a) and (b) of this section.~~

Sec. 46-556. Vehicle age and standards.

(a) Each wheelchair accessible vehicle must be a ramp- or lift-equipped wheelchair accessible vehicle or a vehicle constructed and designed or redesigned, modified, or equipped to provide vehicle for hire transportation services to persons with disabilities who require the use of a wheelchair as a means of movement or ability to move from one place to another.

(b) Except as provided in subsection (b) (c) of this section, a licensee or permittee shall not drive or cause to be driven upon the streets of the city any wheelchair accessible vehicle that is more than ~~six~~ten years old. For the purposes of this requirement, a wheelchair accessible vehicle will be considered to be ~~six~~ten years old on September 30th of the ~~sixth~~tenth year following the manufacturer's model year of the vehicle, regardless of the purchase date or the date it was originally placed into service.

(c) A licensee or permittee may drive or cause to be a driven a wheelchair accessible vehicle indefinitely beyond the age limitation prescribed in subsection (b) of this section provided the licensee or permittee submits the wheelchair accessible vehicle for inspection each year, at a location authorized and identified by the director prior to the expiration of the permit and the director determines that the wheelchair accessible vehicle is in compliance with the provisions of section 46-548 of this Code and any other conditions of operation prescribed by the director.