

AN ORDINANCE 2016-12-08-0968

**AMENDING ARTICLE I, GENERAL PROVISIONS,
ARTICLE V, LIMOUSINE SERVICES, ARTICLE VII,
TOUR AND CHARTER SERVICE, AND ARTICLE VIII,
TAXICABS TO CHAPTER 33 OF THE CITY CODE OF
SAN ANTONIO, TEXAS, TO AMEND THE DEFINITIONS,
THE FEES, AND THE OPERATING PROCEDURES AND
REQUIREMENTS**

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WHEREAS, vehicle for hire services allow people to visit the City of San Antonio for business and for pleasure, and enhance the enjoyment and experiences of those who visit by allowing access to the different areas of the City; and

WHEREAS, vehicle for hire services are likewise convenient and necessary for many residents of the City of San Antonio for business and pleasure, and for essential personal and family needs including food and medical care; and

WHEREAS, it is beneficial for the City, and residents and visitors to the city, to have multiple choices in the types of vehicles for hire available; and

WHEREAS, after careful consideration, the City Council has determined that it is in the best interest of the citizens of the City of San Antonio to modify certain provisions that apply to Chapter 33 of the City Code of San Antonio, Texas (City Code) to help maintain the viability of our existing vehicles for hire by amending the operating procedures and requirements to reduce the regulatory burden, and to lower the fees due to the city; and

WHEREAS, in order to accomplish such revisions, it is necessary to modify Chapter 33 of the City Code, Vehicles for Hire, in Article I, Article V, Article VII and Article VIII; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Article I, Article V, Article VII and Article VIII of the City Code are hereby amended as stated in accordance with Attachment B, which is incorporated herein in its entirety, with strikethroughs indicating deletions and underlines indicating additions.

SECTION 2. The remainder of City Code Chapter 33 shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 3. Funds generated by this ordinance permit fees will be deposited into Fund 11001000, Internal Order 217000000009 and General Ledger 4202300.

SECTION 4. The financial allocations in this ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the

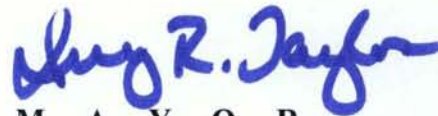
City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 5. Should any portion of this ordinance for any reason be held illegal, inoperative, invalid, unconstitutional or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted or ordained without the portion held to be illegal, inoperative, invalid, unconstitutional or ineffective.

SECTION 6. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein, to correct typographical errors and to format and number paragraphs to conform to the existing Code.

SECTION 7. This ordinance shall take effect January 1, 2017.

PASSED and APPROVED this 8th day of December, 2016.


M A Y O R
Ivy R. Taylor

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



City Attorney

Agenda Item:	16B (in consent vote: 16B, 16C)						
Date:	12/08/2016						
Time:	11:34:00 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance amending Article I, General Provisions, Article V, Limousine Services, Article VII, Tour and Charter Service, and Article VIII, Taxicabs to Chapter 33 of the City Code of San Antonio, Texas, to amend the definitions, the fees, and the operating procedures and requirements.						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x			x	
Alan Warrick	District 2		x				x
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				

CHAPTER 33 - VEHICLES FOR HIRE

ARTICLE I. GENERAL PROVISIONS

DIVISION 1. GENERAL PROCEDURES

Sec. 33-001. Statement of policy.

It is the policy of the City of San Antonio to promote efficient, safe, reliable, and quality ground transportation services in the city. To this end, this chapter provides for the regulation of such services to be carried out in a manner that protects the public health and safety, promotes the public convenience and necessity, and respects the concept of free enterprise.

Sec. 33-002. Scope; effect; exclusions.

This chapter governs the operation of vehicles for hire and ground transportation services in the City of San Antonio under each form of operating authority. The chapter, however, is not a limitation on the power of the city council to incorporate in a grant of operating authority special provisions relating to the operation of the particular ground transportation service to the grant. To the extent that a special provision conflicts with this chapter, the special provision controls. The following exclusions apply:

(a) This chapter does not apply to a person operating a ground transportation service that is:

- (1) Operated under state or federal authority unless subject to the city's regulatory authority;
- (2) Used to transport persons for hire and is regulated by another City of San Antonio ordinance;
- (3) In the performance of a service involving a point of origin or destination outside the city that was authorized by a certificate of public convenience and necessity issued by the Texas Railroad Commission, except that the director shall prescribe routes, times, and locations for loading, unloading and stopping on public streets in the city for a ground transportation service operated under such a certificate.
- (4) Operated for a funeral home in the performance of funeral services;

(5) Provided by an employer or employee association for use in transporting employees between the employees' homes and the employer's place of business or between work stations, with the employees reimbursing the employer or employee association in an amount calculated only to offset the reasonable expenses of operating the vehicle;

(6) Owned and operated by the federal or state government, by a political subdivision of the state, or by a person under contract with the city for operation of the vehicle;

(7) Used in a carpool to transport the person and others on a prearranged basis between their homes and places of employment or places of common destination, if only a fee calculated to reasonably cover expenses is charged;

(8) Used to transport children to or from school if only a fee calculated to reasonably cover expenses is charged;

(9) Owned by a nonprofit organization and carrying only passengers associated with that organization, if no compensation is received from any other person for carrying the passengers;

(10) A courtesy vehicle, as defined in Sec. 33-003 of this chapter, if the name of the business or sponsor of such vehicle is permanently affixed to the outside of the vehicle;

(11) Those services the provision of which is a continuation of interstate travel; and

(12) Those services provided by VIA Metropolitan Transit wherein persons are transported along regularly scheduled routes throughout the city for loading and unloading, at frequent intermittent stops, alongside the curb or curb lines of a street; wherein the disabled and the elderly are provided with special services; and wherein persons are offered express service from designated park and ride locations throughout the city.

(b) Divisions 4 and 6 of this article do not apply to:

(1) The driver of a ground transportation service operated under authority granted by the Interstate Commerce Commission, if the driver is operating within the scope of the driver's employment; and

(2) Motor coaches having a gross-weight rating in excess of 23,000 pounds.

Sec. 33-003. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings ascribed to them by this section, unless the context shall indicate another or different meaning or intent.

Airport Service shall mean vehicles that may serve the airport without city-wide service restrictions. A city-wide permit is a prerequisite for the issuance of an airport permit. No driver shall pick up a passenger on any portion of San Antonio International Airport (SAT) or Stinson Airfield (SSF) without proper authorization pursuant to Chapter 3, Article II of this Code, including payment of any fees.

Application shall mean the written request for a permit agreement or drivers permit.

Appointment basis only shall mean a ground transportation service pre-arranged by the passenger prior to the arrival of a vehicle for hire at the point of origin.

Association shall mean an incorporated or unincorporated society or group of persons united for some purpose related to the operation of ground transportation vehicles. This term includes a cooperative association.

Business office shall mean a location used for the purpose of conducting operations, ~~other than a dwelling~~. A business office must have a valid mailing address within the city limits of the City of San Antonio, other than a post office box.

Charter service shall mean a ground transportation service that uses vehicles with a capacity of 16 or more passengers to transport passengers belonging to a specified group and that is:

- (a) Offered only upon a pre-arranged basis, the pre-arrangement being made at least one hour in advance of the time the transportation is to begin and on a pre-sold basis; and
- (b) Is used to transport a specified group of passengers from the same or various points of origin to a same point of destination.
- (c) has registered with the Texas Department of Motor Vehicles as a commercial vehicle.

City shall mean the City of San Antonio.

City manager shall mean the person, or the city manager's authorized or designated representative.

City-wide service shall mean vehicles that service the entire city except the San Antonio International Airport. City-wide vehicles may drop-off passengers at the airport

Classic vehicle shall mean a motor vehicle used in the operation of a limousine service, which is 25 years of age or older and is of special interest to or in demand by auto collectors due to the vehicle's rarity, limited production, public recognition or increasing value.

Code shall mean the City Code of San Antonio, Texas.

Compensation shall mean any money, thing of value, payment, consideration, reward, tip, donation, gratuity or profit paid to, accepted or received by the driver or owner of any vehicle in exchange for transportation of a person, or persons, whether paid upon solicitation, demand or contract, or voluntarily, or intended as a gratuity or donation.

Courtesy vehicle shall mean a vehicle which provides a passenger ground transportation service exclusively for the clients of a sponsor of such vehicle and such sponsor is not a business, association, organization or any other entity engaged in providing a vehicle for hire service of any kind, and which accepts no fares or compensation paid by a passenger to the driver of such a vehicle or to the sponsor.

Conviction means a conviction in a federal court or a court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned. Conviction shall also mean a plea of guilty or a finding of guilt in said courts.

Data device shall mean any device that is approved by the department for dispatching purposes. This device must be assigned to either a licensed vehicle or licensed driver.

Director or department director shall mean the department head assigned the responsibility for supervising the city's ground transportation services or the authorized or designated representative of such department head.

Dispatch shall mean to operate a scheduling service in which requests for vehicles for hire are received by phone, in person, by the internet, or by any other voice, data or electronic communication, and vehicles for hire are scheduled from the service to the vehicle for hire by radio or data device including but not limited to a device capable of any voice, data or electronic communication, or transportation network company application.

Driver shall mean any individual who operates a vehicle for hire under the holder's permit. The driver shall have a State of Texas driver's license required

for the class of vehicle being operated, as defined in Secs. 521.081 and 521.082 of the Transportation Code, and a valid and current driver's permit issued under this chapter.

Driver's identification shall mean an identification document which is given to a driver by a TNC holder following the issuance of a driver's permit, which must include the driver's true and correct name and a photograph of the driver. Transportation network companies may issue this identification in an electronic format.

Drivers permit shall mean a photo I.D. card issued to an individual by the director which verifies that the individual has met all city requirements and is qualified to operate a vehicle for hire in the city, except for transportation network companies this term shall mean an authorization issued pursuant to sec. 33-985. For transportation network companies, a driver's permit is a prerequisite to the issuance of a driver's identification.

Dwelling shall mean any "dwelling, one-family," "dwelling, one-family attached," "dwelling, single family-detached," "dwelling, two-family (duplex)," "dwelling, two-family attached," "dwelling, three-family (triplex)," "dwelling, four-family (quadraplex)," "dwelling, multifamily," "dwelling, single-family" or "dwelling unit," as such terms are defined in Chapter 35 of this code.

Facility shall mean a location for the conduct of business which includes but is not limited to a business office and a garage for the maintenance of vehicles for hire.

Ground transportation service shall mean a service which utilizes or connects individuals with vehicles for hire in the transportation of passengers from within the city and which includes, but is not limited to, horse-drawn carriage service, group cycle service, limousine service, pedicab service, tour service, charter service, taxicab service and transportation network companies.

Group cycle shall mean a device with four or more wheels propelled by human power exerted through a belt, chain, or gears capable of carrying a driver and six or more seated passengers on a platform made as part of the device. Group cycles may utilize assist motors as long as they:

- (a) are not intended to be the primary power for the cycle;
- (b) are not continuously operating and are shut off when the cycle is at a speed of 5 miles per hour or greater speed; and
- (c) have been approved by the director.

Group cycle service shall mean a ground transportation service operating for hire that uses a group cycle in the operation of the service and includes, but is not limited to, a facility from which the service is operated, a group cycle used in the operation of the service, and a person who owns or operates said service. Such service shall only be operated on a pre-arranged basis.

Holder shall mean a person, company, corporation, cooperative or association, or the individual members of such cooperative or association that applies for and is granted an operating permit with the city for a ground transportation service. A holder is responsible to assure that any driver who operates under the holder's permit fully complies with Chapter 33, the failure of which shall subject a holder to potential revocation or suspension of the holder's permit(s) under Article I, Division 3, Revocation / Suspension of Permits.

Hybrid taxicab shall mean a taxicab with more than one power source, such as an electric motor and internal combustion engine or an electric motor with battery and fuel cells for energy storage.

Inspection re-scheduling fee shall mean a fee that is charged to a permit holder for a vehicle that was scheduled for an inspection and that vehicle failed to show for the scheduled inspection. This fee may be waived if the permit holder provides an acceptable reason, at least 24 hours in advance of the inspection, the permit holder can provide proof of an extreme situation that caused a vehicle to fail to show or if the inspection time is filled by another vehicle.

Limousine service shall mean a ground transportation service that uses vehicles with a capacity of 4 to 15 passengers to transport passengers for a fare based on a one hour or more hiring period and:

- (a) On an pre-arranged basis only; and,
- (b) On irregular routes and schedules.

The term, "limousine service," may also refer to any or all of the following:

- (1) A facility from which the service is operated;
- (2) Vehicles for hire used in the operation of the service; or
- (3) A person who owns or operates said service.

A limousine service vehicle shall not be equipped with a taximeter.

Limo-bus shall mean a motor vehicle that:

- (a) Has been so designated by the director; and

- (b) Has a manufacturer's or modifier's rated seating capacity at least nine and not more than 45 passengers.
- (c) If the rated seating capacity is more than 15 passengers, has registered with the Texas Department of Motor Vehicles as a commercial vehicle.

Limo-van shall mean a motor vehicle that:

- (a) Has been so designated by the director; and
- (b) Has a manufacturer's or modifier's rated seating capacity of at least eight and not more than 15 passengers.

Luxury vehicle shall mean a motor vehicle that:

- (a) Has been designated by the director as a luxury vehicle;
- (b) Has a manufacturer's rated seating capacity of not more than eight passengers; and
- (c) Has an original wheelbase of 109 inches or more.

Manifest shall mean the daily record prepared by a driver or a holder upon which appears the driver's name and vehicle number; date and hours of operation; time, place, origin and destination of each trip; amount of fare and other charges; and all other information as required by this chapter.

Mini-bus shall mean a motor vehicle that has a manufacturer's rated seating capacity of at least nine and not more than 45 passengers.

Motor coach shall mean a motor vehicle that:

- (a) Has a manufacturer's seating capacity of more than 40 passengers;
- (b) Has luggage storage compartments located below the passenger area; and
- (c) Is normally associated with interstate bus service.

Open-air bus shall mean a bus in which all levels have open sides or an open top.

Operate or operating shall mean to drive or to be in control of a vehicle for hire. It shall also include the act of driving, managing or directing the utilization of one or more vehicles for hire.

Operating permit shall mean a city issued certificate which authorizes the holder to operate the number of vehicles for hire specified therein.

Operator shall mean the driver of a vehicle for hire, the owner of a vehicle for hire, or the holder of a vehicle for hire service.

Owner shall mean the person to whom state license plates for a vehicle were issued.

Passenger shall mean an individual, including the driver, being transported by a vehicle for hire.

Pedicab shall mean a device with three or more wheels propelled exclusively by human power exerted through a belt, chain, or gears capable of carrying a driver and one or more passengers on a platform made as part of the device. Pedicabs may utilize assist motors as long as they:

- (a) Are not intended to be the primary power for the cycle;
- (b) Are not continuously operating and shut off when the cycle is at a speed of 5 miles per hour or greater speed; and
- (c) Have been approved by the director.

Pedicab shall mean a device with three or more wheels propelled exclusively by human power exerted through a belt, chain, or gears capable of carrying a driver and one or more passengers on a platform made as part of the device.

Pedicab service shall mean a ground transportation service operated for hire that uses a pedicab in the operation of the service and includes, but is not limited to a facility from which the service is operated, a pedicab used in the operation of the service and a person who owns or operates said service.

Permit agreement shall mean the written agreement between the city and a person for an operating permit which authorizes the operation of a ground transportation service after the issuance of such operating permit.

Permit holder shall mean the individual who:

- (a) Owns the company if a sole proprietorship;
- (b) Who has been designated as having the controlling interest over a company by the majority of owners of said company, and who is identified as an owner on the letter of incorporation; or
- (c) Has been elected as the president of a co-operative.

Person shall mean an individual, partnership, corporation, company association, co-op or other legal entity.

Pre-arranged basis shall mean operating with a reservation for service made at least one hour in advance of the time the transportation is to begin.

Pre-sold basis shall mean full or partial payment is made or guaranteed by cash, check, or charge account, at the time of reservation.

Rated passenger capacity shall mean that designated in number by the manufacturer, or if none, that designated in number by the director.

Reservation schedule shall mean a record prepared at the time of reservation upon which appears the specified group name; the date and time the reservation for service was made; the type of payment made (cash, check, charge); the amount charged; the number of persons in the specified group; the place of origin; the time of pick-up; the destination; and the time of drop-off.

Service Animal shall mean any guide dog, signal dog or other animal individually trained to work or perform tasks for a person with a disability, including but not limited to guiding persons with impaired vision, alerting persons with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair or fetching dropped items.

Specified group shall mean more than one individual having some unifying relationship purposely assembled for traveling together. However, they are not required to be transported together.

Stand shall mean a public place alongside the curb or curb line or a street which has been designated by the director as reserved exclusively for use by a particular type of ground transportation service.

State shall mean the State of Texas.

Street shall mean any street, alley, avenue, boulevard, drive, public way or highway commonly used for the purpose of public travel within the city.

Stretch limousine shall mean a motor vehicle that:

- (a) Is a luxury vehicle with a wheelbase which has been extended 100 inches or more beyond the original manufacturer's specification;
- (b) Is in compliance with the rated seating capacity as required by the U.S. Department of Transportation (DOT) approved manufacturers or modifier's data plate or weather proof label on the door jamb;
- (c) Possesses a DOT approved manufacturer's or modifier's data plate or weatherproof label on the door jamb; and
- (d) Is used for the transportation of persons from a location in the city to another location either inside or outside the city.
- (e) If the rated seating capacity is more than 15 passengers, has registered with the Texas Department of Motor Vehicles as a commercial vehicle.

Sports utility vehicle (SUV) shall mean a motor vehicle that:

- (a) Is designated by the manufacturer as a SUV and is designated by the director as a SUV authorized for use in the limousine service; and
- (b) Has a manufacturer's seating capacity of not more than eight passengers.

Taxicab shall mean a chauffeured motor vehicle having a rated passenger capacity not more than seven passengers that is used to transport persons in a vehicle for hire on an on demand basis over routes determined by the destination of the passenger. A taxicab shall be equipped with a taximeter.

Taxicab service shall mean a passenger ground transportation service operated for hire that uses taxicabs in the operation of the service and includes, but is not limited to, a facility from which the service is operated, taxicabs used in the operation of the service and a person who owns or operates said service.

Taximeter shall mean a device that mechanically or electronically computes records and indicates a fare based upon the time or distance a vehicle for hire is engaged and/or the distance travelled by said vehicle. The taximeter shall calculate distance by the transmission of the vehicle or by electrical impulses from the vehicle. A Taximeter may also be a virtual /smart taximeter that meets the applicable standards as established and updated or amended in the National Institute of Standards and Technology's (NIST) Handbook 44 and enforced by federal or state departments of Weights and measures or comparable agency or

program. A Taximeter must be visible to a passenger seated in the rear of the vehicle. Taximeters shall be approved and sealed by the city.

Tour service shall mean a passenger ground transportation service that uses vehicles with a manufacturer's rating capacity of nine or more passengers in the operation of the service and includes, but is not limited to, a facility from which the service is operated, vehicles used in the operation of the service, and a person who owns or operates said service, and that:

- (a) Is used to provide regularly scheduled and routed sight-seeing tours to persons for a per-passenger or per-hour charge agreed upon in advance; and
- (b) Returns passengers to their point of origin upon completion of a tour.
- (c) If the rated seating capacity is more than 15 passengers, has registered with the Texas Department of Motor Vehicles as a commercial vehicle.

Transportation Advisory Board shall mean the advisory board created and designated as such by the city council.

Transportation network company (TNC) shall mean a person that uses an internet enabled application or digital platform to send or transmit an electronic, radio or telephonic communication through the use of a portable or handheld device, monitor, smartphone or other electronic device to connect passengers with transportation network drivers for transportation network operations.

Transportation network operation shall mean offering, making available or using a transportation network vehicle to provide a vehicle for hire service through a transportation network company, including any time when a driver is logged onto the transportation network company's internet-enabled application or digital platform showing that the driver is available to pick up passengers; when a passenger is in the vehicle; when the company's dispatch records show that the vehicle is dispatched or when the driver has accepted a dispatch and is enroute to provide a vehicle for hire service to a passenger.

Transportation network vehicle shall mean any motor vehicle used to provide transportation network services, with a seating capacity of not more than seven passengers.

Van shall mean a motor vehicle that:

- (a) Is designated by the manufacturer as a van and is designated by the director as a van; and

- (b) Has a manufacturer's seating capacity of at least eight and not more than 15 passengers.

Vehicle for hire shall mean every chauffeured vehicle, other than mass transit vehicles or vehicles involved in an organized car pool not available to the general public, which is operated for any fare or compensation and used for the transportation of passengers over city streets. Such vehicles shall include but are not limited to taxicabs, buses, vans, mini-buses, motor coaches, stretch limousines, classic vehicles, luxury vehicles, pedicabs and transportation network vehicles.

Vehicle number shall mean the identification number assigned to a vehicle for hire by the director.

Vehicle permit shall mean the city decal affixed to a vehicle for hire which evidences the holder's authority to operate said vehicle pursuant to the holder's operating permit. Transportation network companies shall issue the decal following verification by the TNC that the vehicle has met all city requirements under this chapter and the rules established by the director, which allows the vehicle to be operated for hire in the city. TNCs may issue this permit in an electronic format that can be displayed by the driver, and the expiration date of the permit will be determined by the date of the yearly inspection made by the TNC.

Sec. 33-004. Authority and duty of director.

The director shall implement and enforce this chapter, interpret the provisions herein, and may by written order establish such rules or regulations, not inconsistent with this chapter, as the director determines are necessary to discharge any duty under, or to affect the policy of, this chapter and of the city. The director may at all reasonable times inspect a vehicle or facility operating under this chapter to determine whether the vehicle or facility complies with the provisions of this chapter and all other applicable rules, regulations and laws.

Sec. 33-005. Establishment of rules and regulations.

(a) Before adopting, amending, or abolishing a rule or regulation, the director together with the Transportation Advisory Board shall hold a public hearing on the proposal.

(b) The director shall fix the time and place of the hearing and, in addition to notice required under Sec. 551.041, of the Texas Government Code, shall notify each holder and such other persons as the director determines are interested in the subject matter of the hearing.

(c) After the public hearing, the director shall notify the holders and other interested persons of the action taken and shall post an order adopting,

amending, or abolishing a rule or regulation on the official bulletin board in the City Hall for a period of not fewer than ten days. The order becomes effective immediately upon expiration of the posting period.

(d) All rules and regulations established by the director shall be enforced as provided for in Sec. 33-073 of this chapter.

DIVISION 2. OPERATING AUTHORITY

Sec. 33-006. Operating permit required.

(a) A person shall not knowingly operate, allow to be operated, or cause to be operated, a ground transportation service as defined in Sec. 33-003 of this chapter, or any other service providing or related to ground transportation service, without a current and valid operating permit issued under this chapter, nor shall a person transport a passenger for hire from within the city unless the person driving the vehicle for hire or another who employs or contracts with said driver has a current and valid operating permit under this chapter.

(b) No person shall knowingly represent a vehicle as a vehicle for hire nor use or offer the use of such vehicle in a ground transportation service unless the vehicle being so represented, used, or offered for use has a current and valid operating permit under this chapter.

(c) A holder of an operating permit issued under this chapter shall not operate a ground transportation service, other than for the type of service for which an operating permit has been granted.

(d) Before an operating permit is granted, a written application for such on a form provided for that purpose must be submitted to and approved by the director in accordance with the provisions of this chapter.

(e) No person for compensation or at any charge to a passenger shall by any means (including but not limited to any data or electronic communication, any telephone and cellular service, any software, any application, any internet service, and any physical presence) operate, arrange, dispatch to or solicit a vehicle for hire unless permitted under this chapter. A person is responsible for violations of this chapter by his own conduct, by the conduct of another person if acting with intent to violate this chapter he solicits, encourages, directs, aids, or attempts to aid another person to violate this chapter, or by both.

(f) A person commits an offense if he violates this section. A separate offense is committed each day during which an offense occurs. An offense committed under this section is punishable by a fine of not more than \$500. Prosecution for an offense under this section does not prevent the use of the enforcement remedies provided in Sec. 33-074 of this chapter.

Sec. 33-007. Application for operating permit.

To obtain an operating permit, a person shall submit an application to the director in the manner prescribed by this section. The applicant must be the person who will own or operate the proposed ground transportation service or the chief officer. An applicant shall file with the director a written, sworn application containing the following:

- (a) The form of business of the applicant; if the business is a corporation or association, a copy of the documents establishing the business and the name, address and citizenship of each person with a direct interest in the business. Notice of any change in an applicant's form of business shall be provided to the department director, within ten business days of the change;
- (b) The name, street address, phone number and verified signature of the applicant and of the applicant's proposed business; an applicant shall notify the director, in writing, of any change in the foregoing within ten business days of the change;
- (c) A representation of whether the applicant is a citizen of the United States of America by birth or naturalization, or, if alien, evidence of the applicant's legal residence in the United States and of the applicant's legal right to engage in employment therein;
- (d) A description of any past business experience of the applicant, particularly in providing ground transportation services.
- (e) An identification and description of any revocation or suspension of an operating permit held by the applicant or the applicant's business which occurred prior to the date of filing the application.
- (f) The number of vehicles to be used by the applicant in the operation of the proposed ground transportation service. Notice of any change in the foregoing shall be provided to the director, in writing and with supporting documentation as required by the director, within five business days of the change;
- (g) A description of each of the vehicles the applicant proposes to use in providing ground transportation services including, but not limited to, each vehicle's year, make, model, type, and seating capacity;
- (h) A description of the operations of the proposed ground transportation service and the location of the fixed facilities to be used in the operation;

(i) A management plan including:

(1) A maintenance plan which the applicant shall utilize for the upkeep and replacement of vehicles to be permitted. Such plan may include a maintenance contract with an outside contractor;

(2) A procedure outlining the handling of complaints; and

(3) A drivers training program submitted to the director for approval. The drivers training program must contain;

a. Customer service;

b. Company orientation;

c. Chapter 33 overview (including rules and regulations);

d. Airport Operations, including the provisions of Chapter 3, Article II, of this Code, and the rules and regulations established thereunder;

e. Local sights and location orientation; and

f. Dispatching, to include (if required) meter and radio training.

(j) A description of the proposed insignia and color scheme for the applicant's vehicles and a description of apparel to be worn by the applicant's drivers;

(k) Documentation from an insurance company authorized by this chapter evidencing a willingness to provide, prior to commencement of the proposed service, the insurance required by this chapter;

(l) Documentation evidencing timely payment of all City and County taxes, fees and assessments which have been levied on the business and property to be used in connection with the proposed service;

(m) Written documentation authorizing the release to the city of any and all information which an organization or entity may have concerning the applicant and a release to said organization or entity from all liability which may result from the furnishing of such to the city; and

(n) Such additional information as the applicant desires to include to aid in the determination of whether the requested operating authority should be granted.

Sec. 33-008. Prerequisites to issuance.

(a) The authority to grant or deny an application for an operating or vehicle permit is vested with the director, and the director's designee, acting in accordance with the provisions of this chapter.

(b) An applicant for an operating permit has the burden of providing to the satisfaction of the director:

(1) That the applicant is of good character and is qualified to provide the service proposed in the application;

(2) That the proposed ground transportation service complies with the quality and safety standards of this chapter, and of the rules and regulations established by the director;

(3) That the applicant is fit, willing and able to operate the ground transportation service in accordance with the requirements of this chapter, rules and regulations established by the director, provisions of the operating permit, and all other applicable rules, regulations and laws.

(4) Where an applicant has been involved in past criminal activity, that the applicant has otherwise maintained a record of steady employment and good conduct; has supported any dependents; and has paid all outstanding court costs, supervision fees, fines and restitution that may have been ordered in all criminal cases in which the applicant has been convicted; and

(5) Where an applicant is or has been a permit holder in any industry that is regulated by Chapter 33, that the applicant has met the requirements of Sec. 33-010 of this chapter.

Sec. 33-009. Grant of operating permit; service requirements.

(a) Upon approval of an application for an operating permit by the director, and the execution of a permit agreement pursuant thereto, the director shall promptly issue the operating permit. Within 90 days after receipt of such permit, the holder shall operate a city-wide ground transportation service in accordance with the provisions of this chapter, the operating permit, the permit agreement, and the rules and regulations established by the director, for a period of 24 months beginning on the date stated in the permit agreement.

(b) Each holder and dispatch service shall maintain a business office within the county limits of Bexar County, Texas.

Sec. 33-010. Denial of operating permit.

(a) If the director, based on an investigation of the application under Secs. 33-007 and 33-008 of this chapter determines that good cause exists for denial of the application; the director shall notify the applicant in accordance with Sec. 33-072 of this chapter, of the decision and of the basis therefore. Upon the applicant receiving notice of the director's decision, the applicant may appeal such decision in accordance with Sec. 33-033 of this chapter.

(b) In the case where an applicant has a background of past criminal activity, application denial based solely thereon is warranted if and only if the past criminal activity is directly related to the duties and responsibilities of a holder as more fully described in this chapter. Accordingly, the following shall be considered in making a determination of job-relatedness:

- (1) The nature and seriousness of the crime;
- (2) The relationship of the crime to the reasons for requiring the city's approval prior to engagement in a ground transportation service;
- (3) The extent to which the applicant's engagement in a ground transportation service might offer an opportunity for further criminal activity of the same type as that which the applicant had previously been involved; and
- (4) The relationship of the crime to the ability, capacity or fitness required of the applicant to perform the duties and discharge the responsibilities of the ground transportation service, including:
 - a. The extent and nature of the applicant's past criminal history;
 - b. The age of the applicant at the time of the commission of the crime;
 - c. The amount of time that has elapsed since the applicant's last criminal activity;
 - d. The conduct and work activity of the applicant prior to and following the criminal activity;
 - e. Evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and
 - f. Other evidence of the applicant's present fitness, including letters of recommendation from: prosecutorial, law enforcement and correctional officers who prosecuted arrested or had custodial

responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.

(c) An application for an operating permit shall be denied where the applicant:

(1) Is under indictment for or has been convicted of criminal homicide including murder, capital murder and manslaughter, but excluding criminally negligent homicide;

(2) Is under indictment, is currently on community supervision including but not limited to probation and deferred adjudication, or has been convicted of any of the following:

a. Multiple offenses involving violence to any person except conduct classified as no greater than a class C misdemeanor offense under state law;

b. Any offense involving prostitution or the promotion of prostitution;

c. Any offense involving sexual assault, sexual abuse or indecency;

d. Any offense involving the sale or manufacturing of drugs; or

e. Any offense involving driving while intoxicated within five years of the application date or more than one offense involving driving while intoxicated, or a combination of driving while intoxicated and other drug or alcohol related offenses.

(3) Has falsified or materially altered or omitted pertinent information in any governmental record, including an application for an operating permit; or

(4) Has not met the requirements for obtaining an operating permit as set forth in this chapter, rules or regulations established by the director.

(d) An application for an operating permit may also be denied where the applicant is under indictment, is currently on community supervision, including but not limited to probation and deferred adjudication, or has been convicted of any of the following:

(1) Any offense involving fraud or theft;

(2) Any offense involving the unauthorized use of a motor vehicle;

(3) Any violation of state or federal laws regulating firearms;

(4) Any offense involving violence to any person except conduct classified as no greater than a class C misdemeanor offense under state law;

(5) Any offense involving the use or possession of drugs; or

(6) Any other job-related offense.

(e) An application for an operating permit may be denied where the applicant has a current vehicle fleet that is regulated by any Sec. of Chapter 33 and in which they have had any of the following fleet issues with in the previous 12 months;

(1) Has failed to have 100 percent of their fleet pass the annual inspection;

(2) Has failed to comply with all corrective notices;

(3) Has failed to maintain insurance or bond that complies with Chapter 33;

(4) Has had one or more permits revoked; or

(5) Has demonstrated a history of non-compliance with any of the provisions of Chapter 33, the rules or regulations established by the director, the permit agreement, or the operating permit.

(f) Upon denial of an application for an operating permit, an applicant shall not be eligible for re-application for a period of 12 months from the date of denial.

Sec. 33-011. Amendments to permit agreement/operating permit.

Minor amendments to the permit agreement and operating permit may be made by the director. Amendments that materially change the scope of the permit agreement or operating permit must be applied for in the same manner as the original.

Sec. 33-013. License/permit bond.

Prior to commencement of operations pursuant to this chapter, the holder shall file with the director, as security for compliance under the operating permit, a good and sufficient license/permit bond for each ground transportation service. The form and substance of such license/permit bond shall be subject to approval by the City Attorney's Office and shall be in the amount hereafter specified in

Sec. 33-015 of this chapter (amount of bond). The right to operate under an operating permit shall be conditional upon the existence and maintenance in full force and effect of the license/permit bond herein described.

Sec. 33-014. Conditions of bond.

The license/permit bond required by this division shall be conditioned as follows:

- (a) That the holder of the operating permit shall pay to the city all amounts due under the terms of this chapter and all fees, costs, damages, and expenses which the city may incur or suffer as a result of the holder's acts or inactions in violation of the requirements of this chapter, any rules or regulations established by the director, any provisions of the operating permit, any provisions of the permit agreement, and all other applicable rules, regulations and laws;
- (b) That the holder of the operating permit shall pay all fines, assessments and judgments levied against the holder by any court, by the city Treasurer or by direction of city council, and by such other officials authorized to levy such fines, taxes, charges, assessments or judgments; and
- (c) That the holder of the operating permit shall perform every duty of a person owning, operating a ground transportation service as required by this chapter, rules or regulations established by the director, and provisions of the permit agreement and operating permit.

Sec. 33-015. Amount of bond.

Except as otherwise provided by the holder's operating permit, every license/permit bond required by this division shall be in an amount fixed by the following schedule:

- (a) If the holder is authorized to operate five vehicles for hire or less, then the bond shall be in the sum of \$1,500;
- (b) If the holder is authorized to operate at least 6 but not more than 10 vehicles for hire, then the bond shall be in the sum of \$3,000;
- (c) If the holder is authorized to operate at least 11 but not more than 15 vehicles for hire, then the bond shall be in the sum of \$4,500;
- (d) If the holder is authorized to operate at least 16 but not more than 25 vehicles for hire, then the bond shall be in the sum of \$6,000;
- (e) If the holder is authorized to operate at least 26 but not more than 50 vehicles for hire, then the bond shall be in the sum of \$7,500;
- (f) If the holder is authorized to operate at least 51 but not more than 100 vehicles for hire, then the bond shall be in the sum of \$11,200; and

(g) If the holder is authorized to operate more than one hundred 100 vehicles for hire, then the bond shall be in the sum of \$15,000.

(h) If the holder is a TNC, then the bond shall be in the sum of \$15,000.

Sec. 33-016. Additional bonds and insurance may be required.

Upon discovery or determination that either the license/permit bond or the public liability and property damage insurance required of the holder under this chapter has become impaired, the director shall require new or additional bonds and insurance as appear to the director as necessary and sufficient to insure faithful performance and payment by such holder, his servants or agents, to persons injured by reason of the neglect of such holder, his servants or agents, or by reason of the violation by such holder, individually or through his servants or agents, of any of the provisions of this chapter, rules and regulations established by the director, provisions of the permit agreement and operating permit, or other applicable rules, regulations and laws.

Sec. 33-017. Provisions to be contained in bonds and insurance policies.

Every license/permit bond and insurance policy required under this chapter shall contain an endorsement that termination of the obligations of such bond or expiration, material change in, or cancellation of such insurance policy shall not become effective before 30 days after written notice is received by the city of such termination, expiration, change or cancellation. Every insurance policy required by this chapter shall name the city as an additional insured.

Sec. 33-018. Insurance requirements generally.

(a) Prior to commencement of operations pursuant to this chapter the holder shall produce and furnish to the director, and thereafter keep in full force and effect, a policy of public liability and property damage insurance. Such policy of insurance shall be in the amount hereafter specified in this chapter and shall be subject to approval by the city risk manager. Every such policy shall insure all the vehicles used by the holder in the vehicle for hire service authorized in the operating permit. Such policy shall inure to the benefit of any person who shall be injured or who shall sustain property damage as a result of the negligence of the holder or his servants or agents. The insurer shall be obligated to pay all final judgments which may be rendered on behalf of the public for injury or damage resulting to persons or property from the negligent operation of the holder's ground transportation service.

(b) Every policy of insurance shall be issued by an insurance company with a minimum A.M. Best rating of B+ and authorized to do business in Texas.

(c) Failure to procure and keep in full force and effect an insurance policy from a company that has an A.M. Best rating of B+ or above, or an A.M. Best rating of A- or above if the holder is a TNC, and that meets the minimum amount of

insurance requirements under this chapter shall result in the suspension of the holder's operating permits

Secs. 33-019 - 33-024, reserved.

Sec. 33-025. Renewal of operating permit.

(a) The operating permit shall then be renewed unless the director determines, before the renewal date, that good cause exists to deny the renewal based on documentation:

(1) That the holder is in noncompliance or has demonstrated a history of noncompliance with the provisions of this chapter, the rules and regulations by the director, the permit agreement, or the operating permit;

(2) That the holder is neither fit, willing, nor able to continue to operate the ground transportation service in accordance with the provisions of this chapter, the rules and regulations established by the director, the permit agreement, or the operating permit;

(3) That the holder, since the date of the execution of the original permit agreement:

a. Has been convicted of any felony;

b. Has had his felony probation, parole or mandatory supervision revoked;

c. Has falsified or materially altered or omitted pertinent information in any governmental record, including an application for permit renewal; or

d. Has not met the requirements for permit renewal as set forth in this chapter;

(4) That the holder, since the date of execution of his original permit agreement has been convicted or spent time in jail or prison for a conviction of any of the offenses listed in Sec. 33-010 of this chapter;

(5) That public convenience and necessity do not require the continued operation of the ground transportation service;

(6) That materials change to the terms and conditions of the current permit agreement is requested or required;

(7) That good cause exists to deny renewal; or

(b) If the director decides to deny the application for renewal of an operating permit, the director shall notify the holder of such decision, giving specific reasons for the basis of the denial, in accordance with Sec. 33-072 of this chapter. Upon the holder receiving notice of the director's decision, the holder may appeal such decision in accordance with Sec. 33-033 of this chapter.

(c) If the operating permit expires at no fault of the holder before a ruling either on the approval or denial of the renewal, then the holder may continue to operate the ground transportation service pending a final decision.

Secs. 33-026 - 33.027 reserved.

Sec. 33-028. Operation contingent upon payment of fees.

Notwithstanding any other provisions of this chapter or any operating authority granted hereunder, the number of vehicles for hire which a holder shall be authorized to operate shall not exceed the number of vehicles for hire for which such holder shall have paid all charges as required by this chapter.

Sec. 33-029. Drug free workplace.

(a) Upon application for or request for renewal of an operating permit, each holder or applicant shall deliver to the director a statement certifying that the holder or applicant has established for its employees and drivers a drug free workplace policy. If this statement is not delivered to the director, the director or his designated agent may deny the application or renewal and may deny approval of the driver for whom the holder failed to deliver the statement.

(b) Each holder shall enforce the drug free workplace policy it has established and provide proof that drivers are being tested to the director within ten days of:

(1) Receipt of a written request for such proof from the director whenever the director has good cause to believe that production of such proof is in the best interest of the public; or

(2) The first date on which any new driver operates a vehicle under the holder's operating permit.

(c) The purpose of this provision is to protect public safety by deterring the unsafe use of drugs and alcohol by drivers of vehicles for hire, by requiring each permit holder to establish certain standards for drug testing of employees and drivers, known as a drug free workplace. Uniform standards and requirements regarding testing of employees, licenses and job applicants must be put into place to protect the rights of individuals. The minimum standards set forth in this provision helps ensure public safety is promoted without unduly infringing on the privacy and dignity of employees and drivers.

At a minimum, the holder must adopt in writing a detailed policy setting forth the specifics of such a program which includes the utilization of the test for alcohol and other substances listed under subsection (e) of this section, and that includes at least the following information:

- (1) A statement of the holder's policy regarding drug and alcohol use by employees and drivers. The policy shall include a zero-tolerance statement for which termination or cancelation of a driver's contract will result if a positive test result is obtained following an accident involving a permitted vehicle. Declining a test shall be considered the same as a positive test result.
 - (2) The job classifications for which employees, drivers and job applicants are subject to testing;
 - (3) The circumstances under which testing may be required;
 - (4) The substances as to which testing may be required;
 - (5) The testing methods and collection procedures to be used;
 - (6) The consequences of a refusal to participate in the testing;
 - (7) The adverse action that may be taken based on the testing procedure or results;
 - (8) The right of an individual to explain in confidence positive test results;
 - (9) The right of the individual to obtain all information related to the testing of that individual;
 - (10) Confidentiality requirements for the testing;
 - (11) The available appeal procedures, remedies and sanctions; and
 - (12) The substance abuse programs for education and treatment available to the individual.
- (d) The holder shall post notice of the policy in prominent employee and driver access areas and give a written copy of the policy to each driver, applicant and affected employee. Notice shall be posted and the policy distributed any time the policy is changed.

(e) At a minimum, a holder shall insure that the testing complies with either Texas Department of Transportation 5-panel urine drug test standards or tests for the following substances:

Amphetamines;
Cannabinoids;
Cocaine;
Phencyclidine;
Methaqualone;
Opiates;
Barbiturates;
Benzodiazepines;
Synthetic Narcotics; and
Methadone.

All laboratory security, chain of custody, transporting and receiving of specimens, specimen processing, retesting, and storage of specimens, instrument calibration and reporting of results shall be in accordance with the National Institute on Drug Abuse standards.

(f) At a minimum, every holder shall insure that the following types of testing are included:

(1) Post accident testing: all drivers shall be tested immediately after any automobile accident resulting in outside medical attention being required for any party involved, a fatality, or property or vehicle damage, or if the driver received a citation. The driver shall be tested for alcohol during this test.

(2) Testing for cause: if reasonable suspicion exists to believe the employee or driver is under the influence of drugs or alcohol and could adversely affect performance of duties and responsibilities.

(3) Applicant testing: any person applying to drive under the holder's operating permit to shall submit to testing no more than seven days prior to the day on which said driver first operates a vehicle in connection with

the holder's operating permit, Pedicab and group cycle drivers shall be exempt from applicant drug testing.

(4) Random testing: because there is likelihood that a driver may harm the public if impaired by alcohol or drug use, all drivers shall be subject to random testing. Other employees or drivers may be subject to random testing if injury to the public may occur if the employee or driver is impaired by drug or alcohol use.

(5) Testing after prior use--employees or drivers who have received a confirmed positive test result within the past year may be required to submit to testing at reasonable intervals for a period of one year after the test.

(6) Drivers that do not comply with or refuse a test shall constitute a positive test results.

(7) The director may request for a test for any of the above reasons at the permit holders expense. All results for all testing shall be sent the director within 24 hours of testing. If a driver has a positive test, the results should also include documentation of actions taken by the company.

Sec. 33-030. Persons with Disabilities.

(a) Every holder and driver shall comply with all applicable requirements of the Americans with Disabilities Act of 1990.

(b) A holder or driver:

(1) Shall not discriminate against persons with disabilities in providing ground transportation services;

(2) Shall not discriminate against persons with disabilities by actions including, but not limited to, refusing to provide ground transportation service to persons with disabilities who are capable of using that service, refusing to assist with the stowing of mobility devices, and charging higher fares or fees for carrying persons with disabilities and their equipment than are charged to other persons;

(3) Shall not require persons with disabilities to use designated priority seats, if the person does not choose to use these seats;

(4) Shall not impose additional or special charges, fares or fees, not authorized by this chapter, on provisions or services necessary to accommodate persons with disabilities, including persons who use wheelchairs;

(5) Shall not require that persons with disabilities be accompanied by an attendant;

(6) Shall not refuse to serve persons with disabilities or require anything contrary to this chapter because an insurance company conditions coverage or rates on the absence of persons with disabilities or requirements contrary to this chapter;

(7) Shall permit service animals to accompany persons with disabilities in vehicles;

(8) Shall not prohibit persons with disabilities from traveling with a respirator or portable oxygen supply, consistent with Department of Transportation rules on transportation of hazardous materials; and,

(9) Shall ensure that adequate time is provided to allow persons with disabilities to complete boarding and disembarking from the vehicle.

(c) A holder, driver and dispatch service shall make available to persons with disabilities adequate information concerning ground transportation services. This obligation includes making adequate communications capacity available, through

accessible formats and technology, to enable persons with disabilities to obtain information and schedule service.

(d) Ground transportation services, and their holders, drivers and dispatch services providing on-demand vehicles for hire, including taxicabs and transportation network companies:

(1) Are not required to purchase, lease or make available wheelchair accessible vehicles;

(2) Upon request, shall ensure that a person with a disability who requests a wheelchair accessible vehicle receives such a vehicle, if that ground transportation service has such vehicles available:

a. the ground transportation service may require up to 48 hours advance notice to provide this service;

b. if the person with a disability does not provide the advance notice, the ground transportation service shall nevertheless provide the service if it can do so by making a reasonable effort; and,

c. if the ground transportation service does not have wheelchair accessible vehicles, then the ground transportation service is required to provide contact information to ground transportation services that have such vehicles;

(e) It is not discrimination under this chapter for an entity to refuse to provide service to a person with disabilities because that person engages in violent, seriously disruptive, or illegal conduct. However, a ground transportation service shall not refuse to provide service to a person with disabilities solely because the person's disability results in appearance or involuntary behavior that may offend, annoy or inconvenience another person.

(f) Training requirements:

(1) Holders shall ensure that drivers are trained to proficiency, as appropriate to their duties, so that they operate vehicles and equipment safely, and properly assist and treat persons with disabilities who use the ground transportation service in a respectful and courteous way, with appropriate attention to the difference among persons with disabilities.

(2) Dispatch services shall ensure that all personnel are trained on the types of vehicles that are available, on ground transportation services in San Antonio that provide the service being requested, and how to provide service in a respectful and courteous way to a person with disabilities.

(g) Enforcement: a holder, driver or dispatch service who violates a provision of this chapter, or who fails to perform an act required by this chapter shall be subject to suspension or revocation of the holder, driver, vehicle and dispatch service permit, under the procedures established in Secs. 33.034(b), 33.035(c), 33.042(b) (3) and 33.033.

Secs. 33-031 - 33-032, reserved.

DIVISION 3. REVOCATION/SUSPENSION OF PERMITS

Sec. 33-033. Right to appeal director's decisions; hearing officer established; procedure for appeals established; actions.

(a) A holder or driver may appeal to a hearing officer a decision by the director to revoke, suspend, or deny an operating permit, vehicle permit, or driver permit. The city manager shall appoint a hearing officer for such appeals. Such hearing officer is hereby authorized to affirm, modify, or reverse the director's decisions which shall not become final unless affirmed by the hearing officer.

(b) Upon the holder or driver receiving notice of the director's decision, said holder or driver shall have ten business days from the date of receipt thereof during which to appeal such decision to the hearing officer. The appeal shall be in writing, accompanied by an appeal fee of \$100.00, and directed to the director. If no appeal is made to the hearing officer within ten business days after receipt of the director's decision, the director's decision shall become final.

(c) Upon revocation, suspension, or denial of a vehicle permit or driver permit by the director, the holder or driver shall immediately cease operation of such service or vehicle, whether or not an appeal is filed. This section shall not apply in the case of a vehicle which may be operated for ten days following the director's action under Sec. 33-070(d) of this chapter.

(d) Upon revocation, suspension or denial of an operating permit by the director, the holder shall cease operations, except that a holder who appeals the suspension or revocation of an operating permit and is in compliance with the bond and insurance requirements of this chapter may continue to operate the service until the final decision on the appeal. Operating permit suspensions and denials shall be appealed to a hearing officer. Operating permit revocations shall be appealed to city council.

(e) Upon the scheduling of the hearing officer's review of the director's decision, the holder or driver shall be given an opportunity to appear before said officer and present to him any information, including witnesses, which may be of assistance in arriving at a decision on the matter.

(f) Upon action being taken by the hearing officer, the director shall promptly and without delay act in accordance therewith and pursuant to the directions thereof.

(g) If any such permits expire at no fault of the holder or driver before a ruling on the revocation or suspension of such permits, the holder or driver may continue to operate the ground transportation service or the vehicle pending a final decision on the matter. The holder or driver, however, shall immediately cease operation of such service or vehicle upon revocation or suspension of any such permits by the hearing officer. A suspension of any such permits shall not affect the expiration date.

Sec. 33-034. Revocation and suspension of operating permit.

(a) The director may revoke an operating permit, or suspend such operating permit for a period not to exceed 60 days, where the director has determined it is in the best interest of the public or where the holder:

- (1) Since the date of issuance of his operating permit, has been convicted or placed on community supervision, including but not limited to probation and deferred adjudication, for violations of any city, state, or federal law where said violation relates directly to the duties and responsibilities of the holder including but not limited to the violations listed in Sec. 33-010 of this chapter;
- (2) Since the date of issuance of the Operating Permit, has been indicted for criminal homicide, including murder and manslaughter but excluding criminal negligent homicide, or for any of the offenses listed in Sec. 33-010 of this chapter;
- (3) Has under his employment or contract a driver whose drivers permit has been suspended or revoked under the provisions of this chapter, or where a holder has failed to take reasonable action against one of the holder's drivers;
- (4) Has failed to comply with a correction order issued to him by the director within the time specified in the order;
- (5) Has failed to comply with this chapter or any rules, regulations, orders or directives;
- (6) Has substantially breached the terms of the permit agreement;
- (7) Has failed to pay a permit fee at the time it was due;
- (8) Has failed to pay a monetary penalty at the time it was due;
- (9) Has failed to comply with the license/permit bond requirements of this chapter;

- (10) Has failed to comply with the insurance requirements of this chapter;
 - (11) Has transferred an operating permit without the city's approval;
 - (12) Has allowed the operation of a ground transportation service without the city's approval;
 - (13) Has failed to place in operation pursuant to the provisions of this chapter the number of vehicles authorized in the permit agreement within 90 days of the date of the issuance of the operating permit;
- (b) The decision of whether to suspend or revoke an operating permit, while vested in the director, shall be based on the following considerations:
- (1) The relationship of the violation to a holder's ability, capacity or fitness to provide a safe and reliable service;
 - (2) The relationship of the violation to the city's interest in protecting the public safety and welfare;
 - (3) A holder's willingness or ability to promptly come into compliance with any provision that is the basis for the suspension or revocation of the operating permit; and
 - (4) The number or frequency of similar violations attributed to the holder or the holder's company.

Sec. 33-035. Revocation and suspension of vehicle permit.

- (a) The director shall revoke or suspend a vehicle operating permit for a period not to exceed 60 days, when the director has determined:
- (1) That the holder has failed to make a vehicle for hire available for inspection when so ordered by the city in accordance with Sec. 33-062 of this chapter;
 - (2) That the vehicle for hire poses a serious threat to the safety of the public;
 - (3) That the holder has failed to comply with a correction order issued in connection with a vehicle for hire within the time specified in such order; or
 - (4) That a vehicle for hire is operated by a driver not authorized by the director to operate such vehicle.

(5) That a vehicle with a rated seated capacity of more than 15 passengers does not have a valid registration with the Texas Department of Motor Vehicles as a commercial vehicle.

(b) Upon revocation of a vehicle permit by the director, the director shall amend the permit agreement of the holder to reduce the number of vehicles authorized by the number of vehicles for which vehicle permits were revoked.

(c) The decision of whether to suspend or revoke a vehicle operating permit, while vested in the director, shall be based on the following consideration:

(1) The relationship of the violation to a holder's ability, capacity, or fitness to provide a safe and reliable service;

(2) The relationship of the violation to the city's interest in protecting the public safety and welfare;

(3) A holder's willingness or ability to promptly come into compliance with any provision that is the basis for the suspension or revocation of the operating permit; and

(4) The number or frequency of similar violations attributed to the holder or his company.

Sec. 33-036. Operating permit re-application.

Upon revocation of an operating permit, a holder shall not be eligible for re-application for a period of 48 months from the date of revocation.

Sec. 33-037. Penalties.

(a) A person commits an offense if he knowingly operates, allows to be operated, or causes to be operated, a ground transportation service as defined in Sec. 33-003 of this chapter, or any other service providing vehicles for hire, or if he transports a passenger for hire from within the city after the operating permit of such person has been revoked by the director.

(b) A person commits an offense if he knowingly represents a vehicle as a vehicle for hire or uses or offers the use of such vehicle in a ground transportation service after the vehicle permit for such vehicle has been revoked by the director.

(c) Violations under subsections (a) and (b) of this section are punishable by a fine of not more than \$500.00. Each day on which a violation occurs is a separate offense. Prosecution for an offense under this section shall not prevent the use of any other enforcement remedies available under this chapter.

(d) It is a defense to a violation under this section that the permit has been reinstated by the director or that the ten day period provided for in Sec. 33-033 of this chapter has not expired.

Sec. 33-038, reserved.

DIVISION 4. DRIVERS PERMIT

Sec. 33-039. Drivers permit.

In accordance with the terms and provisions of this chapter, every person before driving a vehicle for hire within the city, shall obtain a drivers permit. A driver's permit shall be valid for 48 months from the date of issuance.

Sec. 33-040. Drivers permit authorized companies

(a) A holder may not employ, contract with, or otherwise allow a person to drive a vehicle for hire owned or operated by the holder unless such person has a valid drivers permit and has an authorized company listed on the drivers permit.

(b) A driver shall not driver for or contract with a company that is not listed as an authorized company on his or her drivers permit.

Sec. 33-041. Investigation of applicant; records to be considered; qualifications; issuance and denial.

(a) A holder may not allow a person who does not have a current and valid driver's permit to operate a vehicle for hire. If a holder wants to hire a person without a driver's permit, or provide for the renewal of a drivers permit, the holder is responsible for assisting such person in obtaining a drivers permit. The holder shall conduct an investigation at no expense to the City concerning the character, experience and qualifications of the applicants to determine whether or not that applicant is fit, willing, and able to operate a vehicle for hire in a manner consistent with the general welfare of the public and in accordance with the requirements of this chapter, rules and regulation established by the director, and all other applicable laws, rules and regulation.

(b) The holder shall confirm, obtain, and maintain evidence for submission to the city upon request pursuant to Sec. 33-055, that at the time the driver submits the application to the City, and by providing the applicant with an enrollee/transfer slip provided by the City that has been signed by the authorized representative of the holder. The holder is attesting that the applicant is in compliance with the following:

(1) Is 18 years of age or older;

- (2) Is a citizen of the United States of America by birth or naturalization, or if an alien, submit evidence of legal residence in the United States and legal right to engage in employment herein;
- (3) Possesses a valid Texas driver's license required for the class of vehicle to be operated by the applicant as required by Secs. 521.081 and 521.082 of the Transportation Code, or possess an active Department of Defense ID card and a current and valid driver's license from another state.
- (4) Is able to read and speak the English language;
- (5) Has been added to or remains on the permit holder's insurance policy;
- (6) Has completed a driver's training program that has been approved under Chapter 33-007 of this chapter;
- (7) Has a negative drug test as required under Sec. 33-029 of this Chapter;
- (8) Has successfully completed any other training outlined in the rules and regulations established by the director;
- (9) Has provided a copy of the applicants DD-214, if the applicant has prior military service;

(c) An applicant at the time of application and at their own expense shall

- (1) Provide the director with the applicant's residence, street, address, and a valid phone number; an applicant shall notify the director of any changed thereto within five business days of the change;
- (2) Execute an authorization in writing for the release by the city to an organization or entity of any and all information which the city may have concerning the applicant, including but not limited to criminal history information, and a release of the city for all liability which may result from the furnishing of such to an organization;
- (3) Execute an authorization in writing for the release to the city by any organization or entity of any and all information, without limitation, which the organization or entity may have concerning the applicant, and a release of the organization or entity and the city from all liability which may result from the furnishing of such by the organization or entity;
- (4) Pay any fees required by this chapter

(d) An applicant may be issued a drivers permit where the applicant:

(1) Has complied with Sec. 33-041(a), (b), and (c); and

(2) Has paid for and complied with the requirements for a fingerprint criminal history background check, approved by the director.

(e) An application for a drivers permit shall be denied where the applicant:

(1) is under indictment for or has been convicted of criminal homicide including murder, capital murder and manslaughter, but excluding criminally negligent homicide;

(2) Has been convicted or has been placed on community supervision, including but not limited to probation and deferred adjudication, of four or more moving violations of the traffic laws of this or any other city or state within the 12 month period immediately preceding the date of application;

(3) Has falsified or materially altered or omitted pertinent information in any governmental record, including an application for a drivers permit; or

(4) Has not met the requirement for obtaining a drivers permit as set forth in this division.

(f) An application for a drivers permit may also be denied where the applicant is under Indictment, is currently on community supervision, including but not limited to probation and deferred adjudication, or has been convicted of any of the offenses listed in Sec. 33-010 of this chapter.

(g) If the director disapproves an application for a drivers permit, then the director shall notify the applicant, in accordance with Sec. 33-072 of this chapter, of the decision and of the basis for the decision.

(h) Upon the applicant receiving notice of the decision of the director, the applicant may appeal such decision as provided by and in accordance with Sec. 33-033 of this chapter.

(i) In the case where an applicant has a background of past criminal activity, drivers permit denial based solely thereon is warranted if and only if the past criminal activity is directly related to the duties and responsibilities of a driver as more fully described in this chapter. Accordingly, the factors set forth in Sec. 33-010 of this chapter shall be considered in making a determination of job-relatedness. In this regard, however, it shall be the applicant's responsibility to secure and provide proof that applicant has otherwise maintained a record of steady employment and good conduct, that applicant has supported applicant's dependents, and that applicant has paid all outstanding court costs, supervision fees, fines and restitution as may have been ordered in any criminal cases.

(j) Should the hearing officer affirm the decision of the director to deny the application for a drivers permit, an applicant shall not be eligible for re-application for a period 12 months from the date of the denial, or in the case of an appeal, from the date the appeal is affirmed.

Sec. 33-042. Revocation and suspension of drivers permit.

(a) A driver's permit may be revoked for any of the following:

- (1) Suspension or revocation of the state driver's license;
- (2) Two or more suspensions pursuant to the provisions of this chapter within any twelve month period;
- (3) Three or more convictions or adjudications of the same provision of this chapter or rules and regulations established by the director, within any twelve month period;
- (4) Four or more convictions or placements on community supervision, including but not limited to probation and deferred adjudication, of any moving violation of the traffic laws of this or any other city or state within any twelve month period;
- (5) Has been convicted or placed on community supervision, including but not limited to probation and deferred adjudication, for any felony since the date of issuance of the drivers permit;
- (6) Revocation of felony community supervision, probation, parole or other supervision since the date of issuance of the drivers permit;
- (7) Falsification or material alteration or omission of pertinent information in any governmental record, including an application for a driver permit or for renewal thereof;
- (8) Failure to pay a monetary penalty required to be paid for a violation of this chapter within 30 days of the date said penalty becomes due;
- (9) A positive drug test as outlined in Sec. 33-029 of this chapter, on or off duty, or a positive drug or alcohol test while on duty; or
- (10) Failure to keep and maintain current documentation as outlined in this chapter.

(b) A drivers permit may be revoked or suspended for a period not to exceed 60 days, when the director has determined it is in the best interest of the public to do so, or where the driver:

(1) Since the date of issuance of the drivers permit, has been convicted or has been placed on community supervision, including but not limited to probation and deferred adjudication, for violation of any city, state or federal law where said violation relates directly to the duties and responsibilities of the driver including, but not limited to, the violations listed in Sec. 33-010 of this chapter;

(2) Since the date of issuance of the drivers permit has been indicted for homicide, including murder, capital murder and manslaughter, but excluding criminally negligent homicide, or for any of the offenses listed in Sec. 33-010 of this chapter; or

(3) Has failed to comply with this chapter.

(c) A suspension of a drivers permit does not affect the expiration date of that drivers permit.

(d) If the director determines that good cause exists pursuant to this chapter, to revoke or suspend a driver's permit, then the director shall notify the driver of his decision, in accordance with Sec. 33-072 of this chapter.

(e) Upon receiving notice of the decision of the director, the driver may appeal such decision as provided by and in accordance with Sec. 33-033 of this chapter.

Sec. 33-043. Reinstatement of drivers permit.

Upon revocation of a drivers permit, a driver shall not be eligible to re-apply for a period of 12 months from the date of revocation, or in the case of an appeal, from the date the appeal is affirmed.

Sec. 33-044. Display of permit.

A driver shall at all times keep his/her drivers permit in the driver's possession and shall allow the director, a peace officer, and any other person authorized to enforce the provisions of this chapter, to examine said permit upon request.

Sec. 33-045. License file to be kept.

A driver permit file shall be kept and maintained, in a location determined by the director, of all persons to whom such permit have been issued. A TNC shall maintain such file in its offices.

Sec. 33-046 . Voidance of drivers permit.

(a) If the license required by the state for the class of vehicle operated by a driver is suspended or revoked, then the drivers permit issued under this chapter automatically becomes void.

(b) A driver shall, within three days of any expiration, suspension or revocation of the driver's state license, so notify the director and the holder for whom he/she drives and surrender his drivers permit to the director.

Sec. 33-047. Driver lists to be furnished and maintained.

Within 10 calendar days of the director's request, a permit holder shall furnish a current list of permitted drivers and the driver's current phone number(s).

Sec. 33-048 reserved

Sec. 33-049. Transfer of drivers permit

A driver may transfer from one permitted company to another; however, a driver shall not drive for a new company prior to the listing of this new company on the drivers permit.

(a) A driver shall not be eligible to transfer between companies until the driver has:

(1) Provided an enrollee/transfer slip ~~(developed by the city)~~, on a form approved by the director, that has been signed by the authorized representative of the hiring / contracting company(s), that attests to the drivers qualifications under Chapter 33-041; and

~~(2) Provided the results of a passing drug test as outlined in Sec. 33-029 of this chapter; and~~

~~(3)~~ (2) Paid all fees required by this chapter.

DIVISION 5. HOLDER AND DRIVER REGULATIONS

Sec. 33-050. Effect of amendments.

In the event that the city determines that it is in the best interests of the public to do so, and the city amends this chapter; any permit agreement, drivers permit, and vehicle permit granted pursuant to this chapter will become subject to the amended chapter upon the effective date of the amendment.

Sec. 33-051. Holder's duty to comply.

- (a) In the operation of a ground transportation service, a holder shall comply with the terms and conditions of the holder's permit agreement and shall comply with all aspects of Chapter 33 and the rules and regulations. Except to the extent expressly provided otherwise by the permit agreement, the holder shall comply with this chapter, the director's interpretations of the provisions herein, rules and regulations established by the director, and other laws applicable to the operation of a vehicle for hire.
- (b) Upon written notice by the director of a violation by a driver or employee, a holder who allows such driver or employee to drive a vehicle for hire while in violation becomes responsible and liable to the city for all fees, penalties, and license revocations incurred by the driver or employee because of a failure to comply with this chapter, rules and regulations established by the director, and other laws applicable to the operation of a vehicle for hire.
- (c) A holder shall establish a policy and take action to discourage, prevent and correct violations of this chapter by drivers who are employed or contracted by the holder.
- (d) A holder shall not permit a driver who is employed or contracted by the holder to operate any vehicle for hire if the holder knows or has reasonable cause to suspect that the driver has failed to comply with this chapter, the rules and regulations established by the director, or other applicable law.

Sec. 33-052. Holder's duty to enforce compliance by drivers.

- (a) A holder shall establish a policy and take action to discourage, prevent and correct violations of this chapter by drivers who are employed by the holder.
- (b) A holder shall not permit a driver to operate a vehicle for hire if the holder knows or has reasonable cause to suspect that the driver has failed to comply with this chapter, the rules and regulations established by the director, or other applicable law.

Sec. 33-053. Notification of change of address or ownership.

A holder commits a violation if the holder:

- (a) Fails to notify the director within five business days of a change in the address or telephone number of the holder; or
- (b) Changes the form of the business or officers of the corporation of the ground transportation service from that originally submitted, without a request to amend the operating permit that is approved by the director.

Sec. 33-054. Holders responsible for fitness of drivers.

- (a) Every holder operating a ground transportation service in the city shall employ or contract as driver's only persons who are physically and mentally fit and who have sufficient experience and training to operate a vehicle in a safe

and proper manner. It shall be the sole responsibility of the holder to employ or contract only those drivers who are qualified under this chapter to obtain a drivers permit and who are familiar with those streets and addresses within the city over which they may operate. The employment or contracting of any driver shall be subject to the driver's obtaining a temporary or permanent drivers permit.

(b) Every holder is charged with knowledge of the contents of the drivers file of all drivers whom he employs and with whom he contracts. The director shall consider a holder's continued employment or contracting of any driver whose file shows a lack of mental, emotional or temperamental capacity to be a safe and reliable driver, when reviewing such holder's request for a grant or renewal of an operating permit.

Sec. 33-055. Information and data to be kept, maintained, and made available for inspection.

Each holder ~~shall~~ may maintain at the business office information and data on his ground transportation service business, drivers and operations, including the following specific requirements:

(a) Accurate records, reports, receipts, driver manifests and other operating information and data ~~as may be required by the director~~ shall be kept and maintained in the business office for at least ~~four~~ years after the date the information was first recorded, and all such documents shall be made available for examination at all reasonable times by the director;

~~(b) For good cause and upon request by the director, every holder shall submit to the director, in accordance with the uniform system prescribed, such information and data (including, but not limited to, reports, receipts, expenses, and statistics for each month and/or year of operation) as determined necessary by the director to evaluate the holder's operations; submission of the information and data shall be no later than the tenth day of the month following the request by the director;~~

~~(c) Every holder shall submit to the director reports on all accidents arising from or in connection with the operation of vehicles for hire owned or operated by him; reports shall be submitted within 48 hours from the time of such occurrence on a form or report approved by the director; and~~

~~(d)~~ (b) Every holder shall keep complete records on employees and drivers, bonds, and insurance policies.

Sec. 33-056. Appearance of drivers; driver's uniforms.

It shall be the responsibility of every permit holder to require that a driver employed or contracted wear clean and neat attire, as appropriate to the job

duties performed), and to display proper identification. Uniforms and dress code should be professional. Those not in uniforms should dress in a way that is conducive to a professional environment. Non-uniformed clothing shall be free of obscenities, rude messages, and political statements.

~~(a) It shall be the responsibility of every holder to require that drivers employed by the holder be hygienically clean, well-groomed, neat, and suitably dressed.~~

~~(1) The term "hygienically clean" shall refer to that state of personal hygiene, body cleanliness and absence of offensive body odor normally associated with bathing or showering on a regular basis.~~

~~(2) The term "well-groomed" shall mean that male drivers shall be clean-shaven, except for those parts of the face where a beard or mustache is worn and their hair shall be neatly trimmed; beards or mustaches shall be groomed and neatly trimmed at all times in order not to present a ragged appearance. For all drivers, it shall mean that scalp or facial hair shall be combed or brushed and that all clothing is clean, free from soil, grease and dirt, and without unrepaired rips or tears.~~

~~(3) The term "neat and suitably dressed" shall mean all drivers are prohibited from wearing tee shirts as an outer garment, sweat shirts, sweat pants, halter or tube tops, body shirts (see through mesh) or similar attire. Shirts with tails must be tucked into pants, and socks or stockings shall be worn with shoes. Male drivers shall wear long pants and shirts with collars and sleeves. Female drivers shall wear dresses, slacks or skirts with blouses. Knee length shorts may be worn with the approval of the director.~~

~~(b) A holder shall specify and require each driver to wear an identification tag bearing the driver's name, the name of the holder's business and be of such distinctive and uniform design as to readily identify the holder's ground transportation service.~~

~~(c) While on duty, a driver shall wear the item specified by the holder employing the driver and shall comply with such other identification regulations as may be established by the director.~~

Sec. 33-057. Periodic appearance in person by holders and drivers.

Upon request and reasonable notice, holders and drivers shall appear, in person, before the director.

Sec. 33-058. Disposition of property left in vehicles for hire.

A driver shall return to the property owner without delay, any luggage, merchandise or other property left in a vehicle for hire. If the owner is not known,

the driver shall immediately deliver to the holder employing or contracting them, ~~employing him~~ any property left in the vehicle with a complete written report as to when it was left in the vehicle and the circumstance relating thereto. The holder shall tag the property so delivered and attach to it a copy of the driver's written report and, if its owner is not or cannot be located, shall turn the property over to the police department no later than 30 days after its discovery in the vehicle.

Secs. 33-059 - 33-061, reserved.

DIVISION 6. VEHICLES AND EQUIPMENT

Sec. 33-062. General safety requirements and inspections.

(a) The city may by ordinance, rule or regulation establish requirements for size, condition and accessories of a vehicle for hire used by a holder.

(b) Holders for limousine, tour and charter services, and taxicabs, shall have each vehicle inspected prior to operation and yearly thereafter in accordance with Texas Department of Motor Vehicles standards. ~~by an A.S.E. certified mechanic in accordance with established inspection guidelines and standards of the city, and attest to same to the city before the city affixes a vehicle permit to allow such vehicle to be placed in service as a vehicle for hire.~~

(c) The director shall inspect pedicabs, group cycles and horse carriages yearly, in accordance with established inspection guidelines and standards of the city, before such vehicle is placed in service, and upon passage of any such inspection, the director shall affix to the vehicle for hire a vehicle permit. The director may inspect a vehicle for hire at any other time which the director determines to be reasonable and necessary for enforcement of compliance with the provisions of this chapter and all other applicable rules, regulations and laws.

(d) No person shall operate a vehicle for hire which has attached thereto an expired vehicle permit.

(e) It shall be a violation for a person to forge, alter, deface or counterfeit a vehicle permit; it shall also be a violation for a person to have in his possession any vehicle permit which has been forged, altered, defaced or counterfeited.

(f) A holder shall make a vehicle for hire available for inspection when ordered by the city. If a holder fails to make a vehicle for hire available for inspection when so ordered, said vehicle shall be immediately suspended from service for up to 30 days. After 30 days, if a holder has failed to make a vehicle for hire available for inspection as ordered by the city, the director shall initiate the revocation of the vehicle permit of said vehicle as authorized by Sec. 33-035 under this chapter.

(g) If a holder makes a vehicle for hire available for inspection when so ordered, and if the director determines that said vehicle is in violation of any of the provisions of this chapter or other applicable rules, regulations and laws, then the

director shall issue a correction order or vehicle inspection report to said holder as provided by Sec. 33-070 of this chapter.

(h) The holder shall have ten days from the date of the director's decision to immediately remove a vehicle from service or from the date of receipt of a correction order to request a hearing before the director, in writing and addressed to the director, and to present to the director any additional information, including inspection reports from mechanics retained by the holder, which may aid the director in his determination whether to affirm or reverse the director's initial determination.

Sec. 33-063. Required equipment.

A holder or driver shall, at all times, provide and maintain in good operating condition the following equipment and requirements for each vehicle for hire:

- (a) Except on open-air buses and pedicabs, an air conditioner;
- (b) Except on open-air buses and pedicabs, a heater;
- (c) An ABC chemical-type fire extinguisher of at least 2.5 pounds located in the area of the vehicle specified in the inspection guidelines established by the director;
- (d) Evidence of insurance required by this chapter;
- (e) A vehicle or temporary permit placed inside the vehicle's windshield as designated by the director or, where the vehicle has no windshield, at the location designated by the director;
- (f) Any other equipment required to comply with all applicable federal and state vehicle and motor vehicle safety standards; and
- (g) Any other special equipment that the director determines to be necessary for the service to be operated as outlined in the inspection guidelines established by the director.

Secs. 33-064 - 33-066, reserved.

Sec. 33-067. Substituted or replaced vehicles for hire.

Any vehicle for hire within the total number of vehicles authorized by the permit agreement and operated by a holder may be substituted or replaced upon completion of the following requirements:

- (a) Written notification to the director of the proposed replacement;
- (b) Documentation evidencing the make, model, type, seating capacity, ownership, identification number and registration of the replacement vehicle as well as of the vehicle for which replacement is being proposed;
- (c) Documentation from the holder's insurance company evidencing a willingness to provide the insurances required by this chapter on the replacement vehicle;
- (d) Documentation evidencing timely payment of all city taxes, fees and assessments which have been levied on the replacement vehicle;
- (e) Inspection by the city of the replacement vehicle prior to placement of said vehicle into service;
- (f) Return to the director of the vehicle permit originally issued to the vehicle for which replacement is being proposed; and
- (g) Complete removal of all vehicles for hire identifying markings and equipment from the vehicle for which replacement is being proposed.

Secs. 33-068 - 33-069, reserved.

DIVISION 7. ENFORCEMENT**Sec. 33-070. Correction order.**

- (a) If the director determines that a holder, or any person providing a service subject to this chapter, violates this chapter or the director's interpretations of the provisions therein, terms of its operating authority, a regulation established by the director, or other law, the director may notify the holder or violator in writing of the violation and by written order direct the holder or violator to correct the violation within a reasonable period of time. In setting the time for correction, the director shall consider the degree of danger to the public health or safety and the nature of the violation. If the violation involves equipment that is unsafe or functioning improperly, the director shall order the holder or violator to immediately cease use of the equipment.
- (b) If the director determines that a violation constitutes an imminent or serious threat to the public health or safety, the director shall immediately order the vehicle removed from service and shall immediately remove the vehicle permit

affixed to said vehicle. The director shall notify the holder of such action in accordance with the provisions of Sec. 33-072 of this chapter. No person shall operate a vehicle which has been ordered removed from service by the director until the violation which caused the removal has been corrected in accordance with the director's instructions.

(c) The director shall include in a notice issued under this section an identification of the violation, the date of issuance of the notice and the time period within which the violation must be corrected. Failure to complete all corrections within 30 days will result in immediate removal of the vehicle from service and suspension of the operating permit until the corrections are completed. Correction notices that are not corrected within 90 calendar days shall have the vehicle permit revoked.

(d) Except when ordered to immediately remove a vehicle from service under subsections (a) and (b) of this section, the holder or violator shall have ten days from the date of the director's decision to remove a vehicle from service. A holder or violator has ten days from the date of receipt of a correction order to request a hearing before the director, in writing and addressed to the director, and to present to the director any additional information, including inspection reports from mechanics retained by the holder, which may aid the director in his determination whether to affirm or reverse the director's initial determination.

(e) If the director determines that a holder, or any person providing a vehicle for hire subject to this chapter, may be violating this chapter or the director's interpretations of the provisions therein, terms of a holder's operating authority, operations requiring a permit or license, a regulation established by the director, or other law, the director may request that person deliver copies of records, including electronic files and transmissions, sufficient to show each communication relating to a vehicle for hire, the date and time of such request, the date and time that such service was provided, and all charges related to such service. The failure to deliver copies of such records within 15 days after the director's request shall constitute a rebuttable presumption of probable cause under Sec. 33-074 of this chapter, which authorizes the police department to impound vehicles operating without the required vehicle permits.

Sec. 33-071. Permanent removal of vehicles and equipment.

The director may permanently remove a vehicle or any other equipment from service if in the opinion of the director the vehicle or equipment cannot be corrected to the extent necessary to meet the safety, service, and quality standards established for vehicles for hire.

Sec. 33-072. Service of notice.

(a) A holder shall designate and maintain a representative to receive service of notice required under this chapter to be given a holder and a driver employed by a holder.

(b) Notice required under this chapter:

(1) A holder or the holder's designated representative must be personally served or served by certified mail, return receipt requested, directed to the address last known to the director, of the holder to be notified, or to the holder's designated representative;

(2) A driver must be personally served or served by certified mail, return receipt requested, directed to the address last known to the director, of the driver to be notified, or to the designated representative for the driver.

(c) Service executed in accordance with this section constitutes notice to the person to whom the notice is addressed. In the case of certified mail, notice occurs on the date indicated as the delivery date on the return receipt or on the fifth day after the date of postmark, whichever is sooner.

Sec. 33-073. Enforcement by police department.

(a) It shall be the duty of the police department or of such other city employees as may be designated by the city manager, to enforce the provisions of this chapter.

(b) All violations of the provisions of this chapter and of the rules and regulations established by the director are hereby declared to be civil offenses subject to administrative adjudication. This subsection does not apply to a violation of Sec. 33-006(a) and (b) or to Sec. 33-926 of this chapter, which are hereby declared to be criminal offenses.

(c) The total fines, costs, and fees per violation shall not be less than \$10 and shall not exceed \$500. However, for the first violation of Secs. 33-725 or 33-726 of this chapter, the total fines, costs, and fees shall not be less than \$200; for the second violation of said sections, the total fines, costs, and fees shall not be less than \$350; for the third violation of said sections, the total fines, costs, and fees shall not be less than \$500 and shall preclude the convicted person from obtaining a historic district destination point permit, as referred to in Sec. 33-725 under this chapter, for a period of one year from the date of conviction. Fines assessed shall be based on the relationship of the violation to the public safety, the number of violations committed by the person or company summoned, and any other considerations that may be relevant to the adjudication of the matter.

(d) Violators shall be issued a summons. The summons must provide information as to the time and place of an administrative adjudication hearing. The City Attorney's Office may participate at such hearings.

(e) Hearing officers shall be appointed by the city manager. Said officers may question witnesses and review documents presented by the parties before issuing an order. The order shall be in writing and shall state whether the person charged is liable for the violation, and the amount of any fines assessed against the person or company charged. The fines shall be assessed in accordance with subsection (c) of this section. The order shall be filed with the Municipal Court Clerk with a copy provided to the director. The failure of any person charged with a violation to appear at the hearing shall be an admission of liability for the charged violation.

(f) Fines, costs, or fees assessed by the hearing officer may be levied against the license/permit bond of the holder, if the person summoned or the holder for whom such person works, fails to pay such fines, costs, or fees within 30 days after the order is filed.

(g) The Municipal Court Clerk shall establish a written body of administrative procedures for these cases.

(h) A person determined by the hearing officer to be in violation may appeal the decision to Municipal Court by filing an appeal petition with the San Antonio Municipal Court Clerk not later than 30 days after the order is filed and by paying a \$25 appeal filing fee. The appeal hearing must be scheduled to occur within ten days of the filing of the appeal petition. The appeal hearing before a municipal court judge shall be an administrative review for the purpose of confirming or overruling the order issued by the administrative hearing officer, based upon the evidence presented to the administrative hearing officer. The record of witness testimony may be preserved for appellate review by the use of an audio tape recording or a video tape recording.

(i) Neither a notice of intent to appeal nor the filing of an appeal petition shall stay the enforcement and collection of the judgment order unless the service of the notice of appeal is preceded by the posting of a cash bond in the same amount of the adjudged penalty. However, the bond may not in any case be for a sum less than \$50.

Sec. 33-074. Impoundment of vehicles.

(a) The police department shall seize and impound any vehicle when probable cause exists to believe that such vehicle is being operated for ground transportation service without the required vehicle permit, in violation of this chapter. A vehicle seized in accordance with this subsection shall be removed to a designated secured facility. Probable cause shall mean the existence of a

reasonable ground to believe that facts exist to justify the impoundment of the vehicle.

(b) If a vehicle has been moved and placed in a secured facility without the consent of the owner, the owner is entitled to a hearing to determine whether or not probable cause existed for the removal and placement of the vehicle. A hearing under this subsection shall be before a municipal court judge

(c) A person entitled to a hearing hereunder shall deliver a written request for the hearing to the San Antonio Municipal Court Clerk before the sixth day after the date the vehicle was placed in a secured facility. In computing time under this subsection Saturdays, Sundays, and legal holidays are excluded. A person who fails to deliver the request within the specified time period waives the right to the hearing.

(d) A written request under this section must contain the following information:

- (1) The name, address, and telephone number of the owner of the vehicle;
- (2) The date and the location from which the vehicle was removed;
- (3) The name, address, and telephone number of the police official who authorized the removal; and
- (4) The name, address, and telephone number of the secured facility where the vehicle was placed.

(e) A hearing under this section shall be held before the fourth working day after the date the request for the hearing was received by the Municipal Court Clerk. The court shall notify the vehicle's owner and the police official who authorized the removal of the vehicle of the date, time and place of the hearing. The sole issue in a hearing under this section is whether probable cause existed for the removal and placement of the vehicle. The court shall make written findings of fact and conclusions of law regarding the issues in the hearing.

(f) If the court determines that probable cause existed for the removal and placement of the vehicle, the owner of the vehicle shall pay the costs of removing and storing the vehicle. If the court determines that probable cause did not exist for the removal and placement of the vehicle, the city shall pay the costs of removing and storing the vehicle. If the vehicle's owner paid removal or storage costs before the hearing, the city shall fully reimburse the owner.

(g) The court may charge a filing fee of \$10 for a hearing under this section and may award court costs to the prevailing party.

Sec. 33-075. General penalties.

Any violation of this chapter for which a penalty is not specifically stated is punishable by a fine of no more than \$500. A separate offense is committed each day during which an offense occurs.

DIVISION 8. AIRPORT OPERATIONS**Sec. 33-076. Scope of instant article.**

Drivers and holders operating on airport premises are subject to the provisions of Division 8, in addition to all the other requirements of this chapter.

Sec. 33-077. Airport Rules and Regulations

- (a) Chapter 3, Article II of this Code of San Antonio, San Antonio International Airport and Stinson Municipal Airport Rules and Regulations (Airport Rules and Regulations) applies to all holders, drivers, independent contractors and their agents working on airport property.
- (b) All ground transportation vehicles conducting business on airport premises which do not operate pursuant to a concessions agreement with the city, are subject to the imposition of the per trip fees outlined in the Airport Rules and Regulations.
- (c) Payment of the per trip fees is required in the manner prescribed by the Aviation Director. Failure to pay prescribed fees will result in revocation of the Airport Permit.

Sec. 33-078. Permit Requirements

- (a) Any holder or driver desiring to operate a ground transportation vehicle on airport premises for passenger pick-up on airport property must apply for and obtain an Airport Permit from the Aviation Department prior to operating such vehicle on airport premises. Any ground transportation vehicle operating at the airport which is not operating pursuant to a concession agreement must purchase and display an Airport Permit. All city permitted vehicles for hire may drop-off on airport property without obtaining an Airport Permit.
- (b) Holders, drivers and vehicles must meet all requirements of this chapter as applicable to their operations type in order to qualify to obtain an airport permit.

Sec. 33-079 – 33-099 reserved.

ARTICLE V. LIMOUSINE SERVICES

Sec. 33-500. Scope of instant article.

Holders of operating permits for a limousine service operated pursuant to supplemental operating permits, and the drivers operating the vehicles of the sponsored limousine services shall be governed by the provisions of Articles I and V of this chapter. Secs. 33-501 - 33-518, reserved.

Sec. 33-519. Amount of insurance.

Except as otherwise provided by the holder's operating permit or supplemental operating permits, the public liability and property damage insurance required by this article shall be the minimum of \$500,000 combined single limit (CSL) for each vehicle with a rated passenger capacity of 15 passengers or less. Vehicles with rated capacity of more than 15 passengers shall be required to maintain insurance cover equal to or greater than the minimum requirements set by the State of Texas Department of Transportation. These minimums shall be required to cover the following categories:

- (a) For damages arising out of bodily injury to or death of one person in any one accident;
- (b) For damages arising out of bodily injury to or death of two or more persons in any one accident; and
- (c) For damages arising out of injury to or destruction of property in any one accident.

Secs. 33-520 - 33-522, reserved.

Sec. 33-523. Number of ground transportation vehicles authorized.

(a) A holder within 90 days after receipt of an operating permit shall operate and maintain a city approved fleet of vehicles for hire consisting of the number of vehicles authorized and required by the permit agreement. The number of vehicles authorized by the permit agreement and the number of vehicle permits issued pursuant thereto shall be reduced to reflect the actual number of vehicles the holder is able to operate and maintain in accordance with the provisions of this chapter, the operating permit, the permit agreement, and the rules and regulations established by the director.

(b) A holder may apply for and receive additional vehicle permits within 10 business days, once after the ~~if such~~ application satisfies the requirements of Secs. 33-008 and 33-007 of this chapter. The application, however, shall be denied if such holder:

- (1) Has not held permits for at least one year;

(2) At any time during a 12 month period immediately preceding the application for additional permits, the applicant has failed to pay a fine owed within the time required by this chapter or by the director;

3) At any time during a 12 month period immediately preceding the application for additional permits, the applicant has failed to maintain the license/permit bond or insurances required by this chapter;

(4) At any time during a 12 month period immediately preceding the application for additional permits, the applicant has had a vehicle permit revoked or suspended; or

5) The applicant has failed to assign any previously issued vehicle permits to a vehicle.

(c) A holder who is approved for additional vehicle permits must execute an amended permit agreement authorizing the additional vehicles. The amended permit agreement shall supersede any such agreements previously executed between the city and the holder. The duration of the amended permit agreement shall be for the same period of time as provided for in the original permit agreement.

(d) Additional vehicle permits shall be distributed to qualified holders within 60 days of a reported deadline. A holder receiving additional vehicle permits shall, within 90 days of the distribution of such additional vehicle permits, increase his total fleet to the new level as required by subsection (a) of this section.

Sec. 33-524. Supplemental operating permit.

If a limousine service experiences peak demand periods requiring more vehicles than are designated in its permit agreement or operating permit, the holder may request supplemental vehicles by submitting a written application for a supplemental operating permit, along with proof of inspections, insurance, and which shall state the reason why supplemental vehicles are needed and identify the vehicles to be used. Supplemental vehicles authorized by a supplemental operating permit:

(a) May not be used for more than ten days;

(b) Must comply with the vehicle requirements of this chapter;

(c) Must comply with the insurance requirements of this chapter;

(d) Are subject to inspection by the director, who may at any time order unsafe vehicles to be removed from service.

(e) If leased or rented through a nationally recognized leasing or rental company, the vehicle shall be exempt from inspection requirements;

(f) Vehicles that are permitted by other Texas cities may be utilized and are exempt from inspection requirements.

(g) Vehicles that are utilizing a supplemental permit are exempt from ownership requirements and Sec. 33-062(b), but must comply all other requirements of this chapter.

(f)(h) The applicant must pay the supplemental operating permit fee in advance of the use of said supplemental permit;

(g) (i) A limousine service that utilizes a supplemental vehicle that is not in compliance with Sec. 33-524 of this chapter shall be in violation of Sec. 33-006 (a) of this chapter;

(h) (j) A limousine service or the holder that has been convicted or placed on community supervision, including probation and deferred adjudication, for a violation of Sec. 33.524(g) of this chapter shall no longer be authorized the use of supplemental operating permits.

(i) (k) For the purposes of the supplemental operating permits, the provisions of Sec. 33-564 of this chapter shall not apply.

Sec. 33-525. Supplemental drivers permit.

If a limousine service experiences peak demand periods requiring more drivers than are currently permitted, the holder may request supplemental drivers by submitting a written application for a supplemental drivers permit, which shall state the reason why a supplemental driver is needed. Supplemental drivers:

(a) Shall possess a valid Texas driver's license as outlined in Sec 33-041 (3);

(b) Shall possess a valid driver's permit from the City of San Antonio or another Texas city;

(c) May not be used for more than 10 consecutive days;

(d) Every individual driver may not be used for more than a total of 30 days in a calendar year;

(e) A supplemental driver's permit shall automatically expire if the driver operates in violation of Secs. 33-524 and 33-52, and the driver shall be in violation of Sec. 33-006 (a) of this chapter.

Sec. 33-526. Fees.

The following fees are hereby established:

(1) Inspection of vehicle

Passenger capacity:

~~10 or less . . . \$42~~

~~11 or More . . . \$84~~

(2)(1) Drivers permit . . . \$30

(3)(2) Renewal of driver permit . . . \$30

(4)(3) Replacement of lost driver permit . . . \$15

(5)(4) Driver transfers from one holder to another... \$15

(6)(5) Supplemental operating permit, ten days (including airport operating permit) ... \$100

(7)(6) Application... \$110

(8)(7) * City-wide limousine operating permit (per vehicle/per year)... ~~\$440~~ \$250

(9)(8) Late permit . . . \$30

(10)(9) Re-inspection ... \$28

(11)(10) Inspection re-scheduling ... \$28

All fees are due upon request of service and are non-refundable.

*City-wide limousine operating permit fees shall be paid to the city for each vehicle authorized by the permit agreement. The limousine operating permit fees shall be paid in one payment or two semi-annual payments~~four quarterly payments~~, due on the first business day of January and July. ~~the following months: January, April, July and October.~~

Permit fees shall not be pro-rated.

Late permit payments shall be charged for all permit payments that are received after the close of business on the fifth business day of the month a payment is due.

Permits that do not have fees paid prior to 30 calendar days from the due date shall be suspended until all fees are paid. If the fees are not paid prior to 60 calendar days from the due date all permits shall be revoked.

Secs. 33-527 - 33-560, reserved.

Sec. 33-561. Rates of fare.

(a) A holder shall charge a minimum fare of \$67.50 per hour for all permitted vehicles. This amount shall be exclusive of any gratuity. The holder shall file with the director a schedule of fares to be charged for services provided.

(b) A holder shall notify the director within 48 hours of any changes in the fare schedule filed by the holder.

(c) The use of any type of meter or measuring device to calculate rate of fare is prohibited.

(d) The director may approve exemptions to Sec. 33-561(a) of this chapter, by written contracts.

Secs. 33-562 - 33-563, reserved.

Sec. 33-564. Vehicle requirements.

Each holder of a limousine operating permit must own all of vehicles permitted. No vehicle shall be allowed to enter into service that more than four model years old, stretch limousine may not be more than seven model years old, and no vehicle may enter into service that has more than 100,000 miles on the odometer. Each holder must operate and maintain a minimum of:

(a) Two stretch limousines as defined in Sec. 33-003 of this chapter; or

(b) One stretch limousine and two luxury vehicles or SUVs as defined in Sec. 33-003 of this chapter.

Sec. 33-565. Vehicle age requirements.

Vehicle used for Limousine Services shall not have any age limits; however vehicles may be removed from service by the director if the vehicles do not comply with any part of this chapter, rules and regulations, or vehicle inspection guidelines.

Secs. 33-566 - 33-699, reserved.

ARTICLE VII. TOUR SERVICE AND CHARTER SERVICE

Sec. 33-700. Scope of instant article.

Holders of operating permits for tour services and charter services and drivers and tour operators of said vehicles, shall be governed by the provisions Articles I and VII of this chapter.

Secs. 33-701 - 33-718, reserved.

Sec. 33-719. Amount of insurance.

Except as otherwise provided by the holder's operating permit, the public liability and property damage insurance required by this article shall be the minimum of \$500,000 combined single limit (CSL) for each vehicle with a rated capacity of 15 passengers or less. Vehicles with rated capacity of more than 15 passengers shall be required to maintain insurance equal to or greater than the minimum requirements set by the State of Texas Department of Transportation. These minimums shall be required to cover the following categories:

- (a) For damages arising out of bodily injury to or death of one person in any one accident;
- (b) For damages arising out of bodily injury to or death of two or more persons in any one accident; and
- (c) For damages arising out of injury to or destruction of property in any one accident.

Secs. 33-720 - 33-722, reserved.

Sec. 33-723. Number of ground transportation vehicles authorized.

(a) A holder within 90 days after receipt of an operating permit, shall own, operate and maintain a city approved fleet of vehicles for hire consisting of the number of vehicles authorized and required by the permit agreement. The number of vehicles authorized by the permit agreement and the number of vehicle permits issued pursuant thereto shall be reduced to reflect the actual number of vehicles the holder is able to operate and maintain in accordance with the provisions of this chapter, the operating permit, the permit agreement, and the rules and regulations established by the director.

(b) A holder may apply for and receive additional vehicle permits if such application satisfies the requirements of Secs. 33-008 and 33-007 of this chapter. The application, however, shall be denied if such holder:

- (1) Has been a permit holder for less than one year;

(2) At any time during a twelve month period immediately preceding receipt of the application for additional permits, has failed to pay a fine owed within the time required by this chapter or by the director;

(3) At any time during a twelve month period immediately preceding receipt of the application for additional permits, has failed to maintain the license/permit bond or insurances required by this chapter;

(4) At any time during a twelve month period immediately preceding receipt of the application for additional permits, has had a vehicle permit revoked or suspended; or

(5) Has failed to assign any previously issued vehicle permits to a vehicle.

(c) A holder who is approved for additional vehicle permits must execute an amended permit agreement authorizing the additional vehicles. The amended permit agreement shall supersede any such agreements previously executed between the city and the holder. The duration of the amended permit agreement shall be for the same period of time as provided for in the original permit agreement.

(d) Additional vehicle permits shall be distributed to qualified holders within 60 days of a reported deadline. A holder receiving additional vehicle permits shall, within 90 days of the distribution of such additional vehicle permits, increase his total fleet to the new level as required by subsection (a) of this section.

Sec. 33-724. Supplemental operating permit.

If a vehicle for hire service experiences peak demand periods requiring more vehicles than are designated in its permit agreement or operating permit, the holder may request supplemental vehicles by submitting a written application for a supplemental operating permit along with proof of inspections and insurance, and which shall state the reason why supplemental vehicles are needed and identify the vehicles to be used.

Supplemental vehicles authorized by a supplemental operating permit:

(a) May not be used for more than ten days.

(b) Must comply with the vehicle requirements of this chapter.

(c) Must comply with the insurance requirements of this chapter.

(d) Are subject to inspection by the director, who may at any time order unsafe vehicles to be removed from service.

(e) If leased or rented through a nationally recognized leasing or rental company, the vehicle shall be exempt from inspection requirements.

(f) Vehicles that are permitted by other Texas cities may be utilized and are exempt from inspection requirements.

(g) The applicant must pay the supplemental operating permit fee in advance of the use of said supplemental permit.

(h) A tour or charter service that utilizes a supplemental vehicle that is not in compliance with Sec. 33-524 of this chapter shall be in violation of Sec. 33-006 (a) of this chapter.

(i) A tour or charter service or the holder that has been convicted or placed on community supervision, including probation and deferred adjudication, for a violation of Sec. 33.524(g) of this chapter shall no longer be authorized the use of supplemental operating permits.

(j) For the purposes of the supplemental operating permits, Sec. 33-723 of this chapter shall not apply.

Sec. 33-725. Supplemental drivers permit.

If a service experiences peak demand periods requiring more drivers than are currently permitted, the holder may request supplemental drivers by submitting a written application for a supplemental drivers permit, which shall state the reason why a supplemental driver is needed. Supplemental drivers:

(a) Shall possess a valid Texas driver's license as outlined in Sec 33-041 (3);

(b) Shall possess a valid driver's permit from the City of San Antonio or another Texas city;

(c) May not be used for more than 10 consecutive days;

(d) Every individual driver may not be used for more than a total of 30 days in a calendar year;

(e) A supplemental driver that is not in compliance with Sec. 33-724, Sec 33-725 of this chapter shall be in violation of Sec. 33-006 (a) of this chapter.

Sec. 33-726. Historic district restrictions.

(a) This section applies to any tour or charter service, whether operated from within or without the city and whether required to be permitted pursuant to the provisions of this chapter. This section does not apply where a tour or charter service is providing service to patrons residing, either permanently or temporarily, in the King William Historic District or the Monte Vista Historic District which does not include a tour of either historic district. This section does not apply where a tour or charter service is transporting

primary and secondary school students to the Steves Homestead in the King William Historic District on a school-related trip. This section does not apply where a charter service is transporting persons to or from property owned or leased by a non-profit organization.

(b) For purposes of this article only, the King William Historic District is that area bordered by S. St. Mary's, between Eagleland and Durango, Durango, between S. St. Mary's and Pancoast, Pancoast, between Durango and Washington, Washington, between Pancoast and E. Arsenal, E. Arsenal, between Washington and S. Main, S. Main, between Arsenal and Alamo, Alamo, between S. Main and S. Alamo, S. Alamo, between Alamo and E. Guenther, E. Guenther, between S. Alamo and Crofton, Crofton, between E. Guenther and Constance, Constance, between Crofton and E. Guenther, E. Guenther, between Constance and Eagleland, and Eagleland, between E. Guenther and S. St. Mary's. For purposes of this section only, the following streets are designated as commercial streets in the King William Historic District: S. Main, Durango, S. St. Mary's, Alamo, S. Alamo, and E. Guenther, between S. Main and S. Alamo.

(c) For purposes of this article only, the Monte Vista Historic District is that area bordered by McCullough, between E. Huisache and E. Ashby, E. Ashby, between McCullough and San Pedro, San Pedro, between E. Ashby and E. Hildebrand, E. Hildebrand, between San Pedro and Shook, Shook, between E. Hildebrand and Ledge, Ledge, between Shook and Kings Court, Kings Court, between Trinity University and E. Mulberry, E. Mulberry, between Kings Court and Stadium, Stadium, between E. Mulberry and E. Huisache, E. Huisache, between Stadium and McCullough. The Monte Vista Historic District also includes the following roadways: E. Rosewood, east of Shook, E. Hollywood, east of Shook, Oakmont, east of Shook, and Bushnell, east of Shook. For purposes of this section only, the following streets are designated as commercial streets in the Monte Vista Historic District: San Pedro, E. Hildebrand, McCullough, Stadium, and N. Main, between E. Ashby and E. Mistletoe.

(d) Except as otherwise provided in this section, no tour or charter service may operate a bus or motor coach on any street in the King William Historic District or the Monte Vista Historic District that is not a commercial street.

(e) Nothing in this section shall be construed to prohibit a vehicle for hire operated by a tour or charter service to operate along Wickes, between S. Alamo and Forcke, for the purpose of entering the property on which the Alamo Street Theater is located where said vehicle enters Wickes from S. Alamo.

(f) No tour or charter service operating a vehicle for hire along E. Guenther, between S. Main and S. Alamo, shall park or allow passengers to board or disembark on the north side of the roadway nor remain parked on the south side of the roadway for more than fifteen minutes and only then for the purpose of allowing passengers to board and disembark.

(g) After having first obtained a destination point permit, a tour or charter service may operate a bus or motor coach along the destination routes designated in this section for the purpose of transporting passengers to and from the destination points within the King William Historic District or the Monte Vista Historic District designated in this section, but only where said passengers will disembark at said destination points. No such vehicle for hire operated for this purpose may remain parked on any non-commercial street within the King William Historic District or the Monte Vista Historic District for any period of time after said passengers have disembarked. Said vehicles may return to the destination point along the destination routes for the purpose of boarding said passengers at the completion of their tour, but may not remain on any non-commercial street for any period of time after the passengers have boarded.

(h) The following are designated destination points within the King William Historic District:

(1) The Steves Homestead Museum located at 509 King William, the destination route for which shall begin at the intersection of S. Alamo and E. Johnson and proceed west along E. Johnson to the intersection of E. Johnson and King William and then proceed south along King William to said destination point and then from the destination point south along King William to the intersection of King William and E. Guenther and then proceed west along E. Guenther to the intersection of E. Guenther and S. Main, or, alternatively, begin at the intersection of E. Guenther and S. Main and be the opposite route of the route described; and

(2) The San Antonio Art League located at 130 King William, the destination route for which shall begin at the intersection of King William and S. St. Mary's and proceed south along King William to said destination point and then from said destination point south along King William to the intersection of King William and Turner and then proceed east along Turner to the intersection of Turner and S. Alamo, or, alternatively, begin at the intersection of Turner and S. Alamo and be the opposite route of the route described.

(i) No destination points are designated within the Monte Vista Historic District.

(j) No tour or charter service may operate a vehicle for hire of any type on any non-commercial street in the aforementioned historic districts except between the hours of 10:00 a.m. and 6:00 p.m. Monday through Friday, and 12:00 p.m. and 6:00 p.m. Saturday and Sunday.

(k) No tour or charter service may utilize or cause to be utilized from or in a vehicle for hire of any type operated by said tour or charter service an electronic sound amplification system that is audible outside of any vehicle operated by said service in the King William Historic District or the Monte Vista Historic District.

Sec. 33-727. Destination point permits.

- (a) A destination point permit shall not be issued without the submission of a written application before use of the permit.
- (b) The director may establish rules and requirements for obtaining permits. In addition, the director may establish rules further restricting the use of permits.
- (c) Permits shall be displayed, at all times, in the windshield of any vehicle operating under the authority of the permit while in the King William Historic District or the Monte Vista Historic District.

Sec. 33-728. Fees.

The following fees are hereby established:

- (1) Inspection of vehicle
 - Passenger capacity:
 - 15 or less . . . \$42.00
 - More than 15 . . . \$84.00
- (2) (1) Driver permit . . . \$30.00
- (3) (2) Renewal of driver permit . . . \$30.00
- (4) (3) Replacement of lost driver permit . . . \$15.00
- (5) Reserved.
- (6) (4) Driver transfers from one holder to another . . . \$15.00
- (7) (5) Supplemental permits, ten days (including airport operating permit) . . . \$100.00
- (8) (6) Application . . . \$110.00
- (9) (7) Historic district designation point permits:
 - per five consecutive days/per service . . . \$20.00
 - per year/per service . . . \$100.00
- (10) (8) * Tour Vehicle permit (per vehicle/per year)

Passenger capacity:

15 or less . . . \$440.00

More than 15 . . . \$550.00

(9) * Charter Vehicle permit (per vehicle/per year)...\$250.00

(14)(10) Late permit payment . . . \$30.00

(12)(11) Re-inspection . . . \$28.00

(13)(12) Inspection re-scheduling ...\$28.00

All fees are due upon request of service and non-refundable.

*Tour and charter operating permit fees shall be paid to the city for each vehicle authorized by the permit agreement. The operating permit fees shall be paid in one payment or four quarterly payments, due on the first business day of the following months: January, April, July and October.

*Charter operating permit fees shall be paid to the city for each vehicle authorized by the permit agreement. The Charter operating permit fees shall be paid in one payment or two semi-annual payments, due on the first business day of January and July.

Permit fees shall not be pro-rated.

Tour operating permit and charter operating permits are separate. Vehicles that require both permits must request a tour permit and a charter permit.

Late permit payments shall be charged for all permit payments that are received after the close of business on the fifth business day of the month a payment is due.

Permits that do not have fees paid prior to 30 calendar days from the due date shall be suspended until all fees are paid. If the fees are not paid prior to 60 calendar days from the due date all permits shall be revoked.

Secs. 33-729 - 33-760, reserved.

Sec. 33-761. Rates of fare.

(a) A holder shall file with the director a schedule of fares to be charged for services provided.

(b) A holder shall notify the director within 48 hours of any changes in the fare schedule filed by the holder.

(c) The use of any type of meter or measuring device to calculate rate of fare is prohibited.

(d) Fares for charter service shall be based on the size and type of the vehicle used and the amount of time for which the vehicle is reserved.

Secs. 33-762 - 33-764, reserved.

Sec. 33-765. Vehicle age requirements.

Vehicle used for charter or tour services shall not have any age limits; however, vehicles may be removed from service by the director if the vehicles do not comply with any part of this chapter, rules and regulations, or vehicle inspection guidelines.

Secs. 33-766 - 33-769, reserved.

Sec. 33-770. Reservation schedule required.

No charter vehicle may be operated for the purpose of providing charter service without a reservation schedule on board the vehicle reflecting the service being provided at the time.

Secs. 33-771 - 33-899, reserved.

ARTICLE VIII. TAXICABS

Sec. 33-900. Scope of instant article.

Holders of permits to operate taxicab services and drivers of taxicabs shall be governed by the provisions of Articles I and VIII of this chapter.

Secs. 33-901 - 33-908, reserved.

Sec. 33-909. Business office.

A holder of an operating permit to operate taxicab services shall maintain a business office in a location other than a dwelling.

Secs. 33-910 - 33-923, reserved.

Sec. 33-924. Qualification as self-insurer.

In lieu of furnishing an insurance policy required under Sec. 33-018 of this chapter, a taxicab service may qualify for and obtain, pursuant to Sec. 601.124 of the Transportation Code, a certificate of self-insurance for the types of insurance and

amounts of coverage required by this chapter. Should a holder opt for such self-insurance, however, proof thereof must be provided to the director prior to commencement of any operations under this chapter. The holder must also meet the city's approved self-insurance requirements.

Sec. 33-925. Amount of insurance.

Except as otherwise provided by the holder's operating authority, the public liability and property damage insurance required by this chapter shall be the minimum amount. The state minimum amount shall be required for the following categories:

- (a) For damages arising out of bodily injury to or death of one person in any one accident;
- (b) For damages arising out of bodily injury to or death of two or more persons in any one accident; and
- (c) For damages arising out of injury to or destruction of property in any one accident.

~~Sec. 33-926. Dispatch service license required.~~

~~No person, holder or dispatch service may knowingly dispatch taxicabs or provide radio service without first obtaining a dispatch service license from the director. A person commits an offense if he violates this section. A separate offense is committed each day during which an offense occurs. An offense committed under this section is punishable by a fine of not more than \$500. Prosecution for an offense under this section does not prevent the use of the enforcement remedies provided in Sec. 33-074 of this chapter.~~

~~Sec. 33-927. Reserved Number of vehicles for hire authorized.~~

~~The director may make studies and surveys concerning public convenience and necessity and may, from time to time, prescribe the number of vehicles for hire authorized for and operated by a holder in order to adequately provide ground transportation services in the city.~~

~~Secs. 33-926 – 33-927, reserved.~~

Sec. 33-928. Classifications and requirements of vehicles.

Holders shall operate taxicabs in the city in accordance with the terms and conditions of the type of operating permit issued. The types of operating permits authorized by this chapter shall be classified as city-wide and airport, as defined in Sec. 33-003 of this chapter.

- (a) Each holder, owner and driver shall remove from city-wide and airport service any taxicab which is twelve years of age, as outlined in Rule 421 established by the director

under this chapter. The age of the vehicle shall be calculated from the vehicle's model year.

(b) Wheelchair accessible vehicle requirements:

- (1) Wheelchair accessible vehicles shall service the entire city.
- (2) Wheelchair accessible vehicles shall comply with the rules and regulations as established by the director.
- (3) Wheelchair accessible vehicles may pick-up and drop-off at the airport as requested.
- (4) Wheelchair accessible vehicles shall not have any age limits; however, vehicles may be removed from service by the director if the vehicle(s) do not comply with any part of this chapter, the rules and regulations, or vehicle inspection guidelines.

Sec. 33-929. Number of taxicabs; authority to operate additional taxicabs.

- (a) A holder shall maintain in service a minimum of three taxicabs.
- (b) The number of vehicles authorized by the permit agreement and the number of vehicle permits issued pursuant thereto shall be reduced to reflect the actual number of vehicles the holder is able to operate and maintain in accordance with the provisions of this chapter, the operating permit, the permit agreement, and the rules and regulations established by the director.
- (c) All applicants for permits or additional permits shall be eligible to receive only such additional taxicab permits as are necessary to meet the service needs of the city's population growth. The number of additional taxicab permits for each calendar year shall be determined by a ratio of one taxicab per 1,700 population within the legal boundaries of the city. The population figure for the city will be based upon the annual population estimate as determined by the planning department as of December 31 of the year preceding the allocation period.
- (d) Once the director has determined whether any additional permits are available for the city for a given year, applications may be obtained by current holders and new applicants by satisfying the requirements of Secs. 33-007 and 33-008 of this chapter. The applicants will be notified of the total number of operating permits to be allocated following the receipt of the population data by the director. Applications for additional permits shall be considered by the Taxicab Permit Allocation Committee (TPAC). The TPAC shall consist of three members selected by the director. The TPAC shall also conduct interviews of the applicants. After evaluation of the applications by TPAC on a scale of 0 to 100, the TPAC shall then allocate the available permits to those applicants who scored 80 or greater. The allocation shall be made in a manner that is fair and

equitable, that protects the public health and safety, that promotes the public convenience and necessity, and that respects the concept of free enterprise.

(e) In addition to the requirements of subsections (c) and (d) above, other factors which may be relied on in determining eligibility for additional or new permits include, but are not limited to, whether:

- (1) One hundred percent of the holder's authorized taxicabs passed the most recent scheduled semi-annual inspection;
- (2) During the first quarter (January through March) of the preceding year, a vehicle was in operation for each of the holder's authorized taxicab permits for at least 30 days, and each vehicle had an overall utilization rate of 75 percent; and
- (3) Within 30 days of receiving notice from the director of intention to increase the number of taxicab permits, the holder submits a report verifying an overall utilization rate of 75 percent for each of the holder's authorized taxicabs for the first quarter of the preceding year prepared by an independent certified public accountant licensed by the state, such rate being calculated by the following formula:

Permit days utilized = sum of the number of days each authorized permit was in operation.

Permit utilization rate = permit days utilized / (# of authorized permits × # of days in the period) × 100.

In determining the utilization rate, bona fide owner-operated vehicles will be considered to be in service 100 percent. Company owned daily lease vehicles are considered only when in service.

- (4) Holder has complied with this chapter and the rules and regulations established by the director.

(f) The holder's application for additional vehicle permits may be denied if any of the requirements of the section above are not met or if at any time during the twelve month period immediately preceding the application for additional permits the holder:

- (1) Has been a permit holder for less than one year;
- (2) Failed to pay a fine or fee owed within the time required by this chapter or the director;
- (3) Failed to maintain the license/permit bond or insurance required by this chapter;
- (4) Had a vehicle permit revoked or suspended; or

- (5) Has failed to assign any previously issued vehicle permits to a vehicle.

If a holder is denied a permit under this section or is disqualified from receiving additional permits, the number of additional permits to be allocated to each qualified holder will be recalculated.

(g) A holder who is approved for additional vehicle permits shall execute an amended permit agreement authorizing the additional vehicles. The amended permit agreement shall supersede any such agreements previously executed between the city and the holder. The duration of the amended permit agreement shall be for the same period of time as provided for in the original permit agreement.

(h) Additional vehicle permits shall be distributed to qualified holders within 60 days of a reported deadline. A holder receiving additional vehicle permits shall, within 90 days of the distribution of such additional vehicle permits, increase his total fleet to the new level as required by subsection (a) of this section.

(l) Any applicant who scored 80 or greater may appeal to a hearing officer the allocation of additional permits, but not the scores granted, by the TPAC. Said appeal must be filed no later than the tenth business day following the applicant's receipt of notification of the TPAC's allocation of additional permits. The appeal must be in writing, filed with the director, and accompanied by an appeal fee of \$100. If no appeal is filed, the allocation of the TPAC shall become final. The city manager shall appoint a hearing officer for such appeals. Said hearing officer is hereby authorized to affirm or modify the allocation of additional permits by the TPAC. The decision of the hearing officer shall be final. Should an appeal be filed, the additional permits allocated shall not be distributed until such time as the hearing officer issues a decision.

Sec. 33-930. Permit Usage

(a) A holder shall operate and maintain a city approved fleet of vehicles consistent with the number of vehicles authorized in the permit agreement. No company shall operate and maintain less the three vehicles.

(b) A holder shall replace a vehicle within 90 days from the date that the vehicle taken out of service. Permits that are not filed after 90 days shall have the permits revoked.

(c) The number of vehicles authorized by the permit agreement shall be reduced to reflect the actual number of vehicles the holder is able to operate and maintain.

Sec. 33-931. Approval of wheelchair accessible vehicle permits for operation of taxicabs.

(a) The director may approve wheelchair accessible permits for the purpose of providing a service to the disability community and these vehicles must give priority to

individuals that need a wheelchair accessible vehicle as outlined in the Taxicabs Rules and Regulations. (h) All other provisions of this chapter applicable to taxicabs apply to the operation of wheelchair accessible taxicabs pursuant to this section where such provisions are not in conflict with this section.

Sec. 33-932, reserved.

Sec. 33-933. Fees.

The following fees are hereby established:

- | ~~(1) Inspection of vehicle ... \$42~~
- | ~~(2)~~ (1) Driver permit . . . \$30
- | ~~(3)~~ (2) Renewal of driver permit . . . \$30
- | ~~(4)~~ (3) Replacement of lost driver permit . . . \$15
- | ~~(5)~~ (4) Driver transfers from one holder to another . . . \$15
- | ~~(6)~~ (5) Taxicab application . . . \$110 per permit
- | ~~(7)~~ (6) *Citywide taxicab operating permit (per year/per vehicle) . . . ~~\$440~~ \$250
- | ~~(8) Dispatch license (per year) ... \$100~~
- | ~~(9) Additional dispatch channel (per year) ... \$25~~
- | ~~(10)~~ (7) Late permit payment . . . \$30
- | ~~(11)~~ (8) Re-inspection . . . \$28
- | ~~(12)~~ (9) Inspection re-scheduling ... \$28

All fees are due upon request of service and are non-refundable.

Taxicab operating permit fees shall be paid to the city for each taxicab authorized by the permit agreement. The taxicab operating permit fees shall be paid in one payment ~~or or~~ two semi-annual payments, four quarterly payments due on the first business day of January and July, the following months: January, April, July and October.

Permit fees shall not be pro-rated.

Late permit payments shall be charged for all permit payments that are received after the close of business on the fifth business day of the month payment is due.

Permits that do not have fees paid prior to 30 calendar days from the due date shall be suspended until all fees are paid. If the fees are not paid prior to 60 calendar days from the due date all permits shall be revoked.

Secs. 33-934 - 33-970, reserved.

Sec. 33-971. Operating requirements.

(a) Every taxicab shall be operated as a unit of an effective operating group of sufficient number and equipped with such approved communication facilities for rendering satisfactory call service, unless expressly exempted by the director. This requires that owners of small fleets or single taxicabs shall operate as members of a city approved operating association or as independent contractors as provided for in this chapter.

~~(b) A holder as defined in this chapter, other than an association or cooperative approved by the director, shall own and maintain sole registered ownership of at least 50 percent of all vehicles authorized under such holder's permit agreement.~~

~~(c)~~(b) Each member of an approved association or cooperative shall own and maintain sole registered ownership of one association or cooperative vehicle only.

Sec. 33-972. Driver as an independent contractor.

(a) A holder may contract with a driver on an independent contractor basis if and only if:

(1) Either the holder himself or the driver with whom he contracts is the owner of the vehicle for hire to be operated by such driver in the holder's ground transportation service;

(2) The contract provides that the holder indemnifies the city and holds the city harmless for all claims and/or causes of action against the city arising from the acts or inactions of the driver;

(3) The contract provides that the driver being contracted with is insured under the holder's insurance policy as required by this chapter;

(4) The contract imposes a condition that the driver must comply with the requirements of this chapter, rules and regulations established by the director, rules and regulations established by the city's director of aviation and all other applicable rules, regulations and laws, and that failure to so comply may be considered by the holder as a material breach of the contract; and

(5) The holder provides to the director within two business days, an itemized disclosure of all lease fees charged to each driver. The contract shall state that an independent contractor will not be charged more than a 5 percent processing fee for credit and debit cards.

(b) A holder who continues to contract with a driver who repeatedly violates Chapter 33 may face revocation or suspension of the holder's permit(s) under Article I, Division 3, revocation /suspension of permits.

(c) The form of the contract between a holder and driver must be approved by the director. The director may disapprove a contract form if he determines that the contract is inconsistent with this chapter, regulations established under this chapter, or other applicable law. A holder may not use a contract that has been disapproved by the director.

Sec. 33-973. Driver conduct

A driver shall not offer, confer or agree to confer on another person money, compensation or any benefit in order to receive a paying fare:

(a) A driver's permit shall be suspended for 60 days for the violation of this provision.

(b) A driver's permit shall be revoked for a second violation of this provision within 24 months from the date of the first violation.

Secs. 33-974 - 33-980, reserved.

Sec. 33-981. Rate of fares.

(a) Taxicab fare rates shall be:

Drop charge . . . \$ 2.50

Per mile . . . \$2.35

Per hour wait time . . . \$24.00

Per hour traffic delay . . . \$24.00

(b) Taxicab operator may charge a rate that is less than the maximum rate outlined in Sec. 33-981 (a). ~~All passengers must be notified of all discounted rates shall be offered utilizing through an electronic application, website, or over the phone by a dispatcher. The Taxicab meter must be utilized at all time to include during a discounted fare. Taxicab operators may charge a rate 20 percent below the maximum allowable set rate. Taxicab operators shall not advertise this discount in any fashion to include printed, electronic, and internet based advertising. Taxicab operators must post~~

~~rate signs on each vehicle as directed in the provision and rules and regulations established by the director.~~

(c) The minimum rate charge on any trip originating at the San Antonio International Airport or any pre-arranged (time-call) trip shall be \$10.50 or the meters fare, whichever is greater.

(d) The minimum rate charge on any trip originating in the "downtown rate zone" shall be \$5. "Downtown rate zone" is the geographical area bounded by Interstate 37, traveling south from IH 35 to E. Houston St.; E. Houston St., traveling east to N. Cherry St.; N. Cherry Street, traveling south to Caesar Chavez Blvd.; Caesar Chavez Blvd., traveling west to Alamo St.; Alamo St., traveling south to Frio St.; Frio St., traveling north to W. Houston; W. Houston, traveling east to IH 35; IH 35, traveling north to IH 37.

(e) Taxicab night rate: Meters shall be set to increase the drop charge by \$1 per trip (for a total drop charge of \$3.50) between the hours of 7:00 p.m. and 7:00 a.m.

(f) A driver or holder shall not charge a fare for operating a taxicab that is higher than permitted in Sec. 33-981 of this chapter. A driver or holder shall not charge any additional fees to include but not limited to: credit card processing fees, debit card processing fees, any third party card processing fees, and any other fees that are inconsistent with Sec. 33-981 of this chapter.

(g) A driver or holder may be authorized to charge a \$5.00 surcharge to be added to the amount on the meter ~~only~~ for trips that originate from the following venues:

1. AT&T Center
2. Alamodome
3. Freeman Coliseum
4. Toyota Field
5. During Official Fiesta Events

~~(g)~~ (h) A driver may charge up to a \$200 cleaning fee, when at no fault of the driver a passenger leaves the taxicab in a state that requires immediate cleaning or the taxicab could not transport additional passengers. Prior to charging this fee the driver shall report the situation to their dispatch company and record the date, time, detailed information of the cleaning needed, and the amount the driver is charging.

~~(h)~~ (i) The director may require a holder to display rates on or within a vehicle for hire in a manner prescribed by the director.

~~(i)~~ (j) A per-mile fuel surcharge shall be added to the fares established by this section where the average price of regular unleaded gasoline is \$2.20 or greater. The per-mile surcharge shall be as outlined in appendix A-Sec. 33-982;

(j)(k) A fuel surcharge adjustment shall be done when the average price of fuel increases or decreases more than \$.50 from the last effective date. Fuel surcharge adjustments shall be done within 45 days from the date that the calculated average fuel price is received by the director; however, no more than 2 fuel surcharge adjustments may be done in a calendar year.

(k)(l) Taxicab operators may charge an airport departure fee to the customer at the rate that is equal to the amount charged to the operator pursuant to Sec. 3-86 of the City Code of San Antonio, Texas.

(l)(m) Between January 1 and April 1 of every even numbered year, the Transportation Advisory Board shall review the taxicab fare rates and make a recommendation to city council, no later than July 1, whether to adjust the rates in effect at the time of the recommendation. Nothing in this section shall preclude the city from undertaking a study of taxicab rate of fares at its own discretion at any time, for referral to city council.

~~Secs. 33-982 – 33-999, reserved.~~

Sec. 33-982. Per mile surcharge.

Average Gas Price	Per-Mile Surcharge
Under \$2.20	\$0.00
\$2.20 - \$2.49	\$0.05
\$2.50 - \$2.79	\$0.10
\$2.80 - \$2.99	\$0.15
\$3.00 - \$3.20	\$0.20
\$3.21 - \$3.49	\$0.25
\$3.50 - \$3.79	\$0.30
\$3.80 - \$3.99	\$0.35
\$4.00 - \$4.19	\$0.40
\$4.20 - \$4.49	\$0.45
\$4.50 - \$4.79	\$0.50
\$4.80 - \$4.99	\$0.55

\$5.00 - \$5.19	\$0.60
\$5.20 - \$5.49	\$0.65
\$5.50 - \$5.79	\$0.70
\$5.80 - \$5.99	\$0.75
\$6.00 - \$6.19	\$0.80
\$6.20 - \$6.49	\$0.85
\$6.50 - \$6.79	\$0.90
\$6.80 - \$6.99	\$0.95
\$7.00 and above	\$1.00

Secs. 33-983 - 33-999, reserved.