To: Bryan City Secretary

From: Councilmembers Southerland and Peña

CITY OF BRYAN
The Good Life, Texas Style.

Subject: Agenda Item Titled: Amendments to Chapter 126 "Vehicles for Hire"

Please place the following item on the Bryan City Council Regular Agenda for the regularly scheduled meeting of May 26, 2015:

Discussion, consideration, and possible action to:

Adopt the First Reading of an Ordinance – Amendments to Chapter 126 "Vehicles for Hire" First reading of an ordinance of the City of Bryan amending Chapter 126 "Vehicles for Hire" of The Code of Ordinances, City of Bryan, Texas by revising Article II "Horse-Drawn Carriages", Revising Article III "Taxicabs", and adding Division 5, "Transportation Network Companies" and Revising Article V "Pedicabs"; providing for publication; providing for penalty; and providing an effective date.

Discussion:

The attached article from the Houston Chronicle sheds new light on the importance of adopting these changes to the ordinance Chapter 126.

Presentations: Councilmembers Peña, and Southerland

This agenda item placement is in accordance with the Bryan City Charter (j) (1) a. 2. Also the Texas Attorney General Opinion Number DM-228 (1993) states no policy can preclude a councilmember from placing an item on the agenda for public discussion.

Any changes to this agenda item must be approved in writing by both under signs prior to posting to the agenda.

_____ **Date: 5/18/2015**
Rafael Peña, Councilmember, District 2, rpena@bryantx.gov, 979-402-9164

_____ **Date: 5/18/2015**
Mike Southerland, Councilmember, District 4, msoutherland@bryantx.gov, 979-229-7805

Enclosures:

1. Houston Chronicle article, dated 4/12/2015, "Uber safety dispute shows balance between personal choice, regulations"

2. Proposed Ordinance – Amending Chapter 126, Vehicles for Hire

TRANSPORTATION

Uber safety dispute shows balance between personal choice, regulations

As demand rises, city regulations work to catch up

By Dug Begley | April 11, 2015 | Updated: April 12, 2015 8:00am

2

Photo: David Ramos, Getty Images

In this photo illustration, the new smart phone app 'Uber' logo is displayed on a mobile phone next to a taxi on July 1, 2014 in Barcelona, Spain.(Photo Illustration by David Ramos/Getty Images)

The "creepo" who agreed to pick up Mel Smith about a month ago from a Midtown bar probably never got a chance to put her location into the Uber app.

"I always look at the picture," Smith said of the photo that pops up when she requests a ride via Uber, which connects drivers with passengers looking for a lift.

Smith canceled the ride quickly enough that she didn't have to pay. She waited a few minutes, opened the app and requested a ride again. This time Smith got a driver more to her liking - a woman - and made it safely to her Washington Avenue apartment.

Like thousands of others who hop into cars with Uber's "driver partners" every day around the country, Smith was entering an emerging realm characterized not just by changing technology, but by challenges to traditional notions of the role of government in regulating consumer services like paid rides. Surging demand is outpacing enforcement as questions arise about the adequacy of company oversight, and Uber clashes with regulators in city after city.

With the new, smartphone-based services, drivers and passengers said, the relationship between the person behind the wheel and the

person paying for the trip is unique: "It's just you and them," one driver said, asking not to be identified. "That's a big level of trust."

Accommodating the model of Uber and competitors such as Lyft is proving to be a tumultuous process for state and local governments, experts say.

"It is a disruptive technology and we are in a period in which we are trying to examine how these companies should be regulated," said Janice Griffith, a law professor at Suffolk University in Boston.

The companies' disputes with officials in many cities and states - including Houston, San Antonio and Texas - focus on how best to regulate a new way of providing paid rides. For example, the companies have pressed for their type of background check, which relies on Social Security information, while some cities demand a fingerprint-based system.

"If they would just start doing that, it would solve a lot of the issues," said Jeanne Christensen, a partner at the New York law firm Wigdor LLP. The firm represents women who say they were assaulted by Uber drivers in Boston, Detroit and New Delhi.

More scrutiny urged

The debate heated up in Houston and Austin last week after a Houston driver, Duncan Eric Burton, was charged April 1 with sexually abusing a drunken female passenger he took to his apartment. After Burton's arrest, city officials were angered because he never sought a city-issued permit allowing him to operate as a so-called transportation network company driver, yet still was allowed on Uber's online platform.

Passenger safety is a key issue in the discussions of how best to regulate the new paid-ride companies.

"I think societies make decisions about where they want to put extra filters on," said Deborah Hersman, president of the nonprofit National Safety Council. "School bus drivers face greater scrutiny, for example."

Truck drivers and drivers for public transit agencies also undergo fingerprint background checks, Hersman said, because of a consensus that is in everyone's best interest to screen them more thoroughly.

Christensen said repeated incidents have demonstrated that the less expensive background check used by Uber puts riders at risk.

"Everyone likes the service, the concept is great, but it is not working out great," she said, adding that additional checks and in-person interviews of drivers would probably ward off some less-desirable applicants and give the company more scrutiny of its drivers.

Local officials in many cities agree. During a December news conference announcing a consumer protection lawsuit filed by district attorneys in San Francisco and Los Angeles, San Francisco District Attorney George Gascon called Uber's background check "completely worthless."

The company has declined comment on many issues surrounding the Houston incident, but has repeatedly said it stands by its safety standards.

"We'll continue innovating, refining, and working diligently to ensure we're doing everything we can to make Uber the safest experience on the road," the company says on its website.

Christensen isn't convinced. As the company expands to more cities worldwide, she said, she believes the problem will only get worse until public perception turns.

"The problem is people like the service, so the word is not getting out," Christensen said.

Fingerprint system

No reliable national or local figures are available to assess whether crimes against passengers are more common in trips provided by Uber and its competitors than in conventional taxis and limousines. Most cities do not break down whether sexual abuse or assault occurs in a private vehicle or one for hire.

Alleged assaults by Uber drivers, however, receive far greater media attention than accusations against cab drivers. In the past year, drivers in San Francisco, Washington, Boston, Chicago, Orlando and Philadelphia have been accused of inappropriately touching riders or molesting them. Many of the incidents have a similar pattern, where the rider is alone and the driver takes advantage of them while they are inebriated, asleep or in a vulnerable position such as on a freeway where escape is unlikely.

Not all of the accusations have led to charges. Authorities in Chicago last week dropped charges against a driver accused of touching a female passenger while she was drunk after audio surfaced proving the woman was coherent and talking to the driver when the incident took place.

In all of the reported cases, according to media accounts, the company has immediately suspended the driver from operating on the system once the allegations surface. In Houston, Burton was removed from the system April 2 when Uber learned of his arrest related to the alleged Jan. 27 sexual assault.

Uber officials have not responded to multiple inquiries about how Burton was able to drive for Uber even though he lacked a city permit and had been released from federal prison in 2012 after serving 14 years for conspiracy to distribute cocaine. His recent prison term would have barred him for obtaining a city permit, Houston officials said, although he could appeal.

Four Houston Uber drivers interviewed last week said Burton's crimes reflected badly on the entire local operation. All have valid permits to operate in the city, and three of the four also have the proper permit to pick up and drop off riders at Houston's two airports. All requested anonymity, saying they feared they would be dropped from Uber's system if they were identified.

The four agreed that some drivers do not obey the rules and the city should have a role in determining who gets to drive.

"I wouldn't put my teenage daughter in a car with some of these guys," one driver said.

The same driver said he had no issue with the fingerprint-based background check requirement imposed by the city, saying it was probably the best way to weed out criminals.

"Do I like going to the courthouse and getting a warrant check? No," he said. "But I understand."

Riders' responsibility

But the drivers said passengers need to accept a measure of responsibility as well. Two of the drivers said passengers routinely tell them they cancel trips until they find a driver whose profile they are comfortable with. Women traveling late at night are especially vigilant, one driver observed.

Moreover, Houston's capacity to enforce its standards is limited. The city's regulatory affairs department has five inspectors and one supervisor who enforce rules on taxis, shuttles and transportation network companies such as Uber, said Lara Cottingham, deputy assistant director in the city's Regulatory Affairs Department.

Cottingham said the city is hiring an additional five inspectors and a supervisor as soon as possible because of the increased demand caused by Uber. The positions are funded in part by the permit and license fees associated with the new drivers.

Even a staff of 12 inspectors means the companies will have to be proactive to get drivers to comply. Supporters and skeptics differ on the level of Uber's interest in providing safety versus making a profit.

Complicating matters is that technology companies, and the business world in general, tend to move faster than government agencies. Uber, through word of mouth and aggressive marketing, can get up and running in a city in a matter of days. Houston officials took more than a year to craft regulations making it possible for the company to ferry passengers legally in Houston.

Griffith, the Boston law professor, said the marketplace and public sentiment will play a major role in determining the rules.

"What might happen is the public demands greater regulation to ensure safety, but they are going to have to pay for it," Griffith said.

The next few years will likely be pivotal, she said. Governments will set a standard and the companies will have to meet public demand for a safe trip. In Houston, that might take more than Uber hitting the streets.

"You might find competition between different ride-service companies," Griffith said. "One company might say they are going to have greater safety practices."

Dug Begley
Transportation Writer, Houston Chronicle

HEARST newspapers

© 2013 Hearst Newspapers, LLC.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 126, "VEHICLES FOR HIRE" OF THE CODE OF ORDINANCES, CITY OF BRYAN, TEXAS, BY REVISING ARTICLE II "HORSE-DRAWN CARRIAGES", REVISING ARTICLE III "TAXICABS" AND ADDING DIVISION 5 "TRANSPORTATION NETWORK COMPANIES", AND REVISING ARTICLE V "PEDICABS"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLICATION; PROVIDING FOR A PENALTY; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that Chapter 126 "Vehicles For Hire" of the Code of Ordinances of the City of Bryan is in need of revision to update certain provisions, resolve inconsistencies between articles, and improve the enforceability of some of the existing provisions; and

WHEREAS, the City Council finds that there is a new type of vehicle for hire services that has been created by the development of transportation network companies that provide digital platforms for obtaining and providing vehicle for hire services; and

WHEREAS, the City Council finds that transportation network companies are enabling services that are comparable to traditional vehicle for hire services, but which do not fit within the current regulations; and

WHEREAS, the City Council determines that the safety of the traveling public requires that transportation network companies submit to the same, or substantially similar scrutiny and that they carry the same level of protection as other vehicle for hire services; and

WHEREAS, the City Council determines that transportation network companies should be prohibited from operating within the city until their drivers have passed background checks, their vehicles have been inspected and insured, and their services are conducted fairly;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, THAT:

1.

Chapter 126 "Vehicles for Hire"; Article II "Horse-Drawn Carriages" is amended as follows:

Sec. 126-19. - Permit.

(a) It shall be unlawful to operate a horse-drawn carriage or other touring vehicle employing the use of draft animals for locomotion without first being issued a city carriage permit. The city secretary shall issue a carriage permit only if the following requirements have been satisfied:
   (1) The proposed route of the service does not operate on any hike-and-bike trail or footpath within the city.
   (2) The carriages and equipment proposed to be used in the service are in safe and presentable condition.

(3) The applicant has agreed to operate only on a schedule and route and over the designated traffic lanes approved by the chief of police and to park said carriages or vehicles only at such locations approved by the chief of police.
(4) The carriage wheels shall have all steel or iron outer rims adequately sheathed in rubber or other synthetic material to prevent damages to the street pavement.
(5) Documentation of a current rabies vaccination shall be on file with the city secretary at all times.
(6) All horseshoes used shall be of a type approved by the chief of police.
(7) The applicant has agreed to maintain all barns, stables, or other housing for horses and carriages in a safe and sanitary condition, and has agreed to permit the city to inspect such facilities at any time.
(8) The applicant has agreed to keep all carriage routes clear and free of animal void and excrement and to maintain all permitted stands in a clean and sanitary matter. Each animal shall wear a bag capable of holding animal feces or in the alternative, the carriage shall be equipped with a shovel and receptacle and the carriage driver shall promptly remove all feces from the ground.
(9) The applicant has agreed to post the fares for each ride or trip so that they are visible to the public. This section shall not apply to the exclusive, one-time rental of the carriage by a party by separate agreement, entered into more than twenty-four (24) hours prior to such trip.
(10) Lanterns shall be affixed to either side of the carriage and must be illuminated after dusk.
(11) The applicant has agreed that in order to protect the health and well-being of each animal employed in this service, the applicant shall specifically covenant and agree:
a. Each animal shall be inspected and certified as to its good health annually by a licensed veterinarian. The applicant will provide the city with Coggins paperwork, showing a negative result, upon request.
b. No animal shall be worked longer than four continuous hours without feeding and rest.
c. Each animal shall be provided water at each carriage stand.
d. Animals shall not be whipped unless necessary for the safety of the animal or carriage passengers.
e. Animals shall not be overworked.
f. Each animal shall be provided with its own custom fit harness.
g. No animal with an open sore or wound, or any animal which is lame or has any other ailment shall be worked without specific written authorization from a veterinarian that such work will not endanger the health or well-being of the animal.
h. Each animal shall be groomed daily.
i. No animal shall be allowed to pull more than seven people, including the driver.
j. No animal shall be worked during time when the combined temperature and humidity index exceeds a numerical value of 150.
(12) The applicant has paid a nonrefundable license fee of $50.00 per carriage to defray the expense of carrying out the provisions of this article.

(b) Upon finding that the applicant meets the qualifications stated herein, the city secretary shall cause to be issued to such applicant a carriage permit. Each permit shall expire on December 31st of the year it is issued, except when an application for a new permit is filed after September 30th, in which case the new permit is valid through December 31st of the following year. An application for a renewal permit must be filed on or before December 31st of the previous year or else be accompanied by a $25.00 (per carriage) reinstatement fee.

Sec. 126-20. - Insurance.

Any applicant for a carriage permit under this article shall, before the permit can be issued, deliver to the city secretary a certificate of insurance reflecting insurance coverage as herein prescribed. Said applicant shall keep in full force and effect during the term of the carriage permit a policy of public

liability insurance, issued by an insurance company fully authorized to do business in this state and performable in this county, ensuring the public against any loss or damage that may result to any person or property from the operation of such vehicle or vehicles. General liability insurance shall be maintained in the amount of combined single limit of not less than $500,000.00 per occurrence, with an aggregate amount of not less than $1,000,000.00, covering property damage, bodily injury and personal injury; to secure payment of all lawful and proper claims arising out of the operations of the vehicle for hire service authorized hereunder. The permit holder shall continually maintain insurance coverage during the term of the permit granted. If insurance lapses, is canceled, or is non-renewed and evidence of new insurance is not provided before the cancellation date, this permit shall be automatically revoked.

Sec. 126-21. - Revocation or suspension of permit.

Operation of a carriage permit shall be conditioned upon continued compliance by the permittee with each of the requirements of this article. The chief of police is hereby authorized and empowered to revoke or suspend any permit issued hereunder upon his or her finding that any carriage permit holder has violated any of the provisions of this article. Such revocation or suspension shall take effect upon delivery of written notice thereof to the carriage permit holder, with such delivery being made in person or by certified mail through the United States Postal Service; provided, however, that the carriage permit holder shall have the right to appeal to the city manager, or his or her designee, from any such action of the chief of police by delivering such appeal to the city secretary, with a copy delivered to the chief of police, not more than five (5) business days after receiving the notice of revocation or suspension. In the event the carriage permit holder shall fail to deliver such notice to the city secretary within the time prescribed, the action of the chief of police in revoking or suspending the license shall be final. If the carriage permit holder timely delivers the notice to the city secretary, the city manager or his or her designee shall hear the appeal not more than twenty (20) business days after the notice of appeal was filed.

Secs. 126-22—126-45. - Reserved.

2.

Chapter 126 “Vehicles for Hire”; Article III “Taxicabs” is amended as follows:

DIVISION 1. GENERALLY

Sec. 126-46. Definitions.

For the purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Applicant shall mean any individual, firm or corporation in the process of attaining either a license to operate or a city taxi driver permit.

Crime of moral turpitude shall mean a misdemeanor or state jail felony that involves homicide, assault, theft, robbery, kidnapping, prostitution, fraud, driving while intoxicated, driving while under the influence, attempting to evade police, driving while license suspended, failure to maintain financial responsibility, or a preparatory offense for any of the foregoing.

Cruise or *cruising* shall mean the movement of unoccupied vehicles over the public streets of the city in search of or soliciting prospective passengers for hire; provided, however, unoccupied vehicles proceeding to answer a telephone call for service from an intending passenger, and vehicles returning to the place where such vehicle is housed or to the place of discharge of the passenger or passengers, shall not be considered to be cruising.

Driver or *chauffeur* shall mean every person in actual charge of the operation of a taxicab whether as owner or agent, servant or employee of the owner.

License shall mean the authority granted by the city to use, or allow to be used, a taxicab in the business of transportation by taxicab.

Limousine shall mean a luxury vehicle that typically employs a partition between driver and passenger compartment and often has a lengthened wheel base, which is chartered or reserved by the customer a minimum of twenty-four (24) hours in advance of the time the service is rendered.

Manifest shall mean a daily record prepared by a taxicab driver of all trips made by such driver showing time and place of origin, destination, number of passengers and the amount of fare for passengers.

New in reference to a license, permit, or certificate issued pursuant to this article shall mean a license, permit, or certificate for an applicant who has not had one issued by the city in the preceding two (2) calendar years.

Overcrowding shall mean that the driver is transporting a greater number of people in the vehicle than has been recommended by the manufacturer of the vehicle or for whom there is no seat belt, inclusive of the driver.

Taxi driver permit shall mean a permit issued by the city to each driver of taxicabs authorizing the operation of a taxicab that has been licensed under this chapter.

Taxicab shall mean an automobile, or motor-propelled vehicle, designed for carrying no more than eight passengers, used for the transportation of passengers for hire over the public streets of the city, irrespective of whether or not the operation extends beyond the city limits, at rates for distance traveled and/or for time, when such vehicle is routed to passengers by a Taxicab Service, with the following exceptions:

(1) Motorbuses regularly operated in the city to or from points outside of the incorporated limits of the city or transporting to or from school or college;
(2) Ambulances operating pursuant to state law;
(3) Limousines;
(4) Courtesy vehicles operated as an accessory to some other service (e.g. transportation services offered by hotels, motels, parking lots, or car rental agencies); or
(5) Any vehicle being operated pursuant to a TNC certificate.

Taxicab Service Operator shall mean any person who has the control, direction, maintenance and the benefit of revenue derived from the operation of taxicabs on or over the streets of the city, whether as owner or otherwise.

Terminal shall mean the depot at which place the taxicabs shall be housed or parked, and at which place the telephone calls and requests for service shall be made, and at which place a dispatcher shall control the movements of the taxicabs to the points of request for taxicab service; this term shall likewise be synonymous with taxi terminal and shall mean and embrace that space and area of land and buildings off of the streets of the city, and upon private property, and shall be and constitute the main office of the owner and taxicab operator.

Transportation Network Company or *TNC* shall mean a company that enables passengers to request a vehicle for hire, and enables drivers to accept those fares, over a digital platform.

Sec. 126-47. Terminals.

Every Taxicab Service Operator shall maintain an off-street terminal of sufficient size to accommodate all of the taxicabs utilized in the service. A terminal may not be located on a property used primarily for single or multi-family residential dwelling purposes unless it can be operated as a home occupation in compliance with city ordinances. In such case, only one taxicab may be housed or parked at that terminal.

Sec. 126-48. Standards and requirements for vehicles and equipment.

Each taxicab proposed to be operated by a permit holder on the public streets of the city shall be inspected annually by the chief of police or his or her designee. A taxicab may be deemed to be in compliance with this section if an annual inspection is conducted by the City of College Station in accordance with ordinance provisions substantially similar to this one. Proof of inspection must be submitted at time of application for permit. No taxicab shall be operated on city streets that does not comply with the following minimum standards:

(1) Each taxicab must have affixed thereto a valid and current state certificate of inspection and state certificate of registration;

(2) Each vehicle shall be reasonably free from dirt or rubbish and shall be otherwise clean and sanitary;

(3) The vehicle identification number and the license number of each taxicab must match the numbers listed for that taxicab on the license application; and

(4) Each vehicle shall have the business name and phone number affixed to the door.

Sec. 126-49. Miscellaneous offenses.

(a) It shall be unlawful for any person engaged in the taxicab business to overcrowd the taxicab.

(b) It shall be unlawful for any taxicab driver to cruise at any time within the city.

(c) It shall be unlawful for any driver of any taxicab or for any other person acting for the driver to seek or solicit patrons or passengers for any such taxicab by word or sign, directly or indirectly, while driving any such taxicab over, through, or on, any public street or public place of the city, or while same is parked on any public street or alley of the city, or to repeatedly or persistently drive any taxicab through, over, or on, any public street or places of the city, except in response to calls of prospective passengers or while actually transporting passengers therein.

(d) When any taxicab is at any rail, air, or bus depot within the city, it shall be unlawful for the driver or person in charge thereof to leave the same and enter the depot or go upon the sidewalk or private property of any railroad company, airfield or bus station for the purpose of soliciting the transportation of any passenger or passengers arriving on the trains, planes or buses at such depot.

(e) It shall be unlawful for any officer or employee of the city to accept, or a taxicab service licensee or employee to offer, either directly or indirectly, any gifts, discounts or gratuities in association within the provision of taxicab services.

(f) It shall be unlawful for a taxicab driver to receive or discharge passengers in the roadway of any street. It is a defense to this section that said driver drove to the right-hand sidewalk, the extreme right-hand side of the road as nearly as practical, or into a driveway or parking lot for such purposes.

(g) It shall be unlawful for a taxicab driver employed to carry passengers to a definite point to fail to take the most direct route that will carry such passengers safely and expeditiously to their destination.

Sec. 126-50. Property left in vehicle; disposition.

All drivers of taxicabs shall promptly deliver to the police services division or to the permit holder all property left in such vehicles by passengers. If a driver delivers such articles to the permit holder, the latter shall deliver them to the police services division. When the articles left in the taxicabs have been delivered to the office of the chief of police, he or she shall make the entry of the fact in a book provided for that purpose and shall keep all such articles until claimed by the owner, or as the city manager may authorize in accordance with state law requirements regarding the disposition of abandoned property.

Sec. 126-51. Penalties.

(a) It shall be unlawful for any person to violate any provision of this article.
(b) A violation of this article shall be punishable, upon conviction, in accordance with section 1-14.

Sec. 126-52. Felonies and Crimes of Moral Turpitude.

The city council, in accordance with Chapter 53 of the Texas Occupations Code, has considered the following criteria in regards to criminal convictions that bar issuance of licenses, permits, or certificates under this Article:

(1) The nature and seriousness of the crimes.
(2) The relationship of the crimes to the purposes for requiring permits, licenses, and certificates.
(3) The extent to which vehicle for hire services present opportunities for further criminal activity of the same type.
(4) The relationship of the crimes to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities set forth in this Article.

Secs. 126-53—126-75. Reserved.

DIVISION 2. TAXICAB SERVICE LICENSE

Sec. 126-76. License—Required.

It shall be unlawful for an individual, firm, or corporation to drive or operate or cause to be driven or operated any taxicab for the transportation for hire of persons upon or over any street in the city unless there has first been obtained for such service, a license duly issued by the city as hereinafter provided.

Sec. 126-77. Same—Application.

(a) Application for taxicab service license within the city shall be filed with the city secretary on a form provided by the city. The applicant shall provide the following information on such form:

(1) Name of the owner, or person by whom such permit is desired;
(2) Name of company;
(3) Address of company;
(4) Telephone number of company;
(5) If corporation, name and address of major officers of corporation and major stockholders;
(6) If partnership or association, trade, partnership, or association name, name and address of partners;
(7) If sole proprietorship, name and address of owner;
(8) Description of make, horsepower, vehicle identification or factory number, the seating capacity, vehicle owner's name and address, and license number of every vehicle to be used as a taxicab;
(9) Names, addresses, date of birth, and driver's license numbers for each driver operating vehicles for the company. Such information shall be kept current during the year. Failure to provide such information to the city secretary for each driver operating a taxicab

within the city shall be grounds for revoking the taxicab service license of the cab company;

(10) Written proof each vehicle has passed the city inspection as required by this article;

(11) A schedule of rates to be charged to passengers; and

(12) A statement that the applicant has not been finally convicted of any felony or crime of moral turpitude within the past seven (7) years.

(b) The application shall include a sworn statement by the applicant that all information provided in the application is true and correct and shall further state that the city is authorized to check the driving record and criminal history, if any, of the applicant. The city may investigate to verify any of the facts stated in the application.

(c) Each application shall be accompanied by a nonrefundable license fee of $50.00 per vehicle to defray the expense of carrying out of the provisions of this article.

(d) A new license is valid from the date it is granted until December 31st, except when an application for a new license is filed after September 30th, in which case the new license is valid through December 31st of the following year. A renewal license is valid from January 1st, or from the date it is granted in the case of late applications, and expires on December 31st. An application for a renewal license must be filed on or before December 31st of the previous year or else be accompanied by a $50.00 (per vehicle) reinstatement fee.

Sec. 126-78. Insurance policy.

(a) Any applicant for vehicle for hire licensing under this article shall, before the license can be issued, deliver to the city secretary a certificate of insurance reflecting insurance coverage as herein prescribed. Said applicant shall keep in full force and effect during the term of the taxicab service license a policy of public liability insurance, issued by an insurance company fully authorized to do business in this state and performable in this county, ensuring the public against any loss or damage that may result to any person or property from the operation of such vehicle or vehicles. Insurance shall be in the following minimum amounts:

(1) General liability insurance in the amount of combined single limit of $500,000.00 per occurrence, with an aggregate amount of $1,000,000.00, covering property damage, bodily injury and personal injury; to secure payment of all lawful and proper claims arising out of the operations of the vehicle for hire service authorized hereunder. This section applies only to those vehicle for hire services that have a fixed base of operation, such as an office or terminal, that is visited by customers to secure services.

(2) Automobile insurance in the minimum amounts of $30,000.00 due to bodily injury or death to any one person in any one accident, $60,000.00 due to such damages to two or more people per accident, and $25,000.00 because of property damage of others in any one accident; and personal injury protection coverage in the amount of $5,000.00.

(b) The license holder shall continually maintain insurance coverage during the term of the license granted. If the insurance lapses, is canceled, or is non-renewed and evidence of new insurance is not provided before the cancellation date, the taxicab service license shall be automatically revoked. It is the responsibility of the taxicab service operator to comply with the requirements of this section and mistakes or delays by the insurance company shall not excuse compliance.

Sec. 126-79. Issuance of license.

The city secretary shall issue to each applicant a taxicab service license for each vehicle upon the filing of written proof of insurance as required herein and upon a determination that all requirements of this article have been met. The taxicab service license shall be issued for the period beginning January 1 and ending December 31. Except as provided in section 126-77(d), any new license issued during the year shall begin on the date of issuance and end on December 31 of that year. The taxicab service license shall state the period for which it is valid; that said vehicle is a taxicab; the make of the vehicle, the vehicle identification number, and the current license number.

Sec. 126-80. Posting of license; lettering on vehicle; exception; nontransferability of license; fee.

(a) The taxicab service license issued by the city secretary shall be posted by the applicant within the vehicle in a conspicuous place, and it shall be unlawful to fail to do so.

(b) Such vehicle shall have displayed on both front doors the name under which it is operated, and its designation as a taxicab, in lettering of not less than 2½ inches in height.

(c) No taxicab service license shall be used for any other vehicle unless previously approved in writing by the chief of police or his or her designee. The chief of police or his or her designee may, at the request of a licensee, transfer a license to a different vehicle owned by the same person provided all evidence of the old license and lettering is removed from the old vehicle and such vehicle is no longer being used as a taxicab. A new license for the substituted vehicle may be issued by the city secretary upon recommendation by the chief of police or his or her designee after all ordinance requirements have been met. The city secretary shall make an entry of such transfer of license in the official license records. A nonrefundable transfer fee of $10.00 per vehicle shall be collected by the city secretary to defray the costs of transferring the license.

Sec. 126-81. Revocation or suspension of taxicab service operator's license.

(a) The chief of police is hereby authorized and empowered to revoke or suspend any license issued hereunder upon his or her finding that any taxicab service operator has willfully violated any of the provisions of this article. Such revocation or suspension shall take effect upon delivery of written notice thereof to the taxicab service operator, with such delivery being made in person or by certified mail through the United States Postal Service; provided, however, that the taxicab service operator shall have the right to appeal to the city manager from any such action of the chief of police by delivering such appeal to the city secretary, with a copy delivered to the chief of police, not more than five (5) business days after the action appealed from. In the event the taxicab service operator shall fail to deliver such notice to the city secretary within the time prescribed, the action of the chief of police in revoking or suspending the license shall be final. If the taxicab service operator timely delivers the notice to the city secretary, the city manager or his or her designee shall hear the appeal not more than twenty (20) business days after the filing of the notice of appeal with the city secretary.

(b) A license shall be revoked or suspended by the city manager upon the verification of any of the following:

(1) The taxicab service operator has been finally convicted of a felony or crime of moral turpitude within the past seven (7) years;

(2) The license was obtained by an application in which any material fact was intentionally omitted or falsely stated;

(3) The taxicab service operator has persisted in the operation of motor vehicles that are in violation of any law;

(4) The taxicab service operator has violated or failed to comply with any of the provisions hereof or any policies or rules set out pursuant to this article;

(5) The taxicab service operator has charged, or allowed to be charged, rates in excess of the rate schedule filed with the city secretary as provided for in section 126-77(a)(11);

(6) The taxicab service operator has allowed its insurance to be cancelled, withdrawn, terminated, or to fall below the minimum prescribed in this article;

(7) The taxicab service operator has allowed any of its vehicles or equipment to become damaged, deteriorated or unclean to the extent that it is unsatisfactory for public use; or

(8) The taxicab service operator has allowed any driver or attendant to drive taxicabs after final conviction of an offense as described in section 126-77(a)(12).

Secs. 126-82—126-105. Reserved.

DIVISION 3. CITY TAXI DRIVER PERMIT

Sec. 126-106. City taxi driver permit required.

In accordance with the terms and provisions of this article, every individual desiring to drive a taxicab in the city, before driving a taxicab, shall apply for and obtain a city taxi driver permit. A taxicab service licensee may not cause or otherwise allow a person to drive for hire a taxicab owned, controlled or operated by the licensee unless the driver has a valid city taxi driver permit issued to them under this article. It shall be unlawful for any person to drive or operate any taxicab unless and until he or she has provided their name, address, date of birth, and state driver's license number to the city secretary and been issued a city taxi driver permit. All drivers shall display upon request on their person a city taxi driver permit issued by the city as described herein.

Sec. 126-107. City taxi driver permit application.

Every individual proposing to drive a taxicab upon the city streets shall submit an application to the city secretary on forms provided by the city secretary. A city taxi driver permit shall be issued to each driver fulfilling the requirements of this article. Every applicant shall furnish under oath the following information:

(1) Name, local residence address, date of birth, and telephone number;
(2) State driver's license number, expiration date and three-year driving record;
(3) The results of a background check show that the applicant has not been finally convicted within the past seven (7) years of a felony or crime of moral turpitude.
(4) A minimum of two color photographs of the applicant, meeting U.S. passport photo requirements for size and aspect ratios, taken within three (3) months prior to application; and
(5) a statement that the applicant has read in full and understands the provisions of this article.

Sec. 126-108. Fee generally; issuance; term.

(a) Upon finding that the applicant meets the qualifications stated herein, the city secretary shall cause to be issued to such applicant a city taxicab driver permit. Each permit issued shall expire on December 31st of the calendar year for which the permit is issued, except when the application for a new permit is filed after September 30th, in which case the new permit is valid through December 31st of the following year.

(b) An application for a renewal permit must be filed on or before December 31st of the previous year or else be accompanied by a $25.00 reinstatement fee.

Sec. 126-109. Revocation and suspension of city taxi driver permit.

(a) The chief of police is hereby authorized and empowered to revoke or suspend any taxicab driver permit issued hereunder upon his or her finding that any permittee has violated any of the provisions of this article. Such revocation or suspension shall take effect upon delivery of written notice thereof to the permittee, with such delivery being made in person or by certified mail through the United States Postal Service; provided, however, that the permittee shall have the right to appeal to the city manager, or his or her designee, from any such action of the chief of police by delivering such appeal to the city secretary, with a copy delivered to the chief of police, not more than five (5) business days after receiving the notice of violation. In the event the permittee shall fail to deliver such notice of appeal to the city secretary within the time prescribed, the action of the chief of police in revoking or suspending the permit shall be final. If the permittee timely delivers the notice to the city secretary, the city manager or his or her designee shall hear the appeal not more than twenty (20) business days after the filing of the notice of appeal with the city secretary.

(b) A permit shall be revoked or suspended by the chief of police upon the verification of any of the following:

(1) The permittee has been finally convicted of a felony or crime of moral turpitude within the past seven (7) years;
(2) The permit was obtained by an application in which any material fact was intentionally omitted or falsely stated;
(3) The permittee has persisted in the continued operation of motor vehicles that are in violation of any law;
(4) The permittee has violated or failed to comply with any of the provisions hereof or any policies or rules set out pursuant to this article;
(5) The permittee has charged rates in excess of the rate schedule filed with the city secretary as provided for in section 126-77(a)(11);
(6) The permittee has allowed insurance required by this chapter to be cancelled, withdrawn, terminated, or to fall below the minimum prescribed in this article;
(7) The permittee has allowed any of its vehicles or equipment to become damaged, deteriorated or unclean to the extent that it is unsatisfactory for public use; or
(8) The permittee has altered, or caused to be altered, the city taxi driver permit photograph.

Sec. 126-110. Permit, picture to be displayed.

The city taxi driver permit shall be prominently displayed at all times in full view of persons in the back seat of the taxicab being driven by the permittee.

Secs. 126-111—126-133. Reserved.

DIVISION 4. FARES

Sec. 126-134. Fares.

(a) All persons owning or operating any vehicle or taxicab under this article in the city shall post, in a conspicuous place in such taxicab, a printed schedule of prices and shall keep the same so posted during the continuance of the license.
(b) No driver, owner or corporation licensed by the city as a taxicab operator or hereinafter granted a license for such operation shall fix or charge a greater or lesser rate of fare than that submitted with the application for license in the city secretary's office. Scheduled rates may encompass the following:
    (1) Mileage;
    (2) Waiting time;
    (3) Charter;
    (4) Extra passengers;
    (5) Excessive baggage; exclusive of medically necessary devices; and,
    (6) Animals; exclusive of service animals (including but not limited to military and police canines).
(c) Changes in any rate schedule shall require notification of the city through the city secretary's office along with justification for increases 30 days prior to changes being enacted. Rates may not be increased more often than semiannually except for events beyond the control of the owner of the license to operate.

Sec. 126-135. Refusal to give receipt.

It shall be unlawful for a taxicab driver upon full payment of the fare, to refuse to give a receipt to the passenger having paid said fare.

Secs. 126-136—126-139. Reserved.

DIVISION 5. TRANSPORTATION NETWORK COMPANIES (TNC)

Sec. 126-140. TNC certificate required.

(a) A person shall not operate a TNC within the city unless he or she has been issued a current valid TNC certificate by the city.

(b) Certificates may not be sold, assigned, or otherwise transferred.

(c) A person shall not operate a TNC vehicle within the city limits unless the TNC has been issued a current, valid certificate by the city.

(d) All TNC drivers must comply with the requirements, and meet the standards, of this division. It is a violation for a TNC driver to provide TNC services in violation of this section.

Sec. 126-141. Requirements for TNC services.

Holders of TNC certificates shall meet the following requirements.

(a) The TNC must require all drivers to:

(1) be at least twenty-one (21) years of age;

(2) possess a valid driver's license;

(3) have proof of vehicle registration;

(4) obtain the annual inspection required by the State of Texas; and

(5) maintain proof of motor vehicle insurance in at least the amount required by the State of Texas.

(b) The TNC must maintain a combined single limit auto liability insurance policy that:

(1) Provides a minimum of $1,000,000.00 per-incident coverage for accidents involving a driver while performing TNC services;

(2) Does not have an aggregate policy limit; and

(3) Covers claims regardless of whether a driver maintains insurance adequate to cover any portion of a claim.

The TNC shall continually maintain insurance coverage for as long as the certificate is valid. If the insurance lapses, is canceled, or is non-renewed and evidence of new insurance is not provided before the cancellation date, the TNC certificate shall be automatically revoked. It is the responsibility of the TNC to comply with the requirements of this section and mistakes or delays by the insurance company shall not excuse compliance.

(c) The TNC must conduct a local and national criminal background check that shall include the Multi-State/Juris Criminal Records Locator, or other similar commercial nationwide database acceptable to the city with validation (i.e. primary source search), and the National Sex Offender Public Registry database as well as a three (3) year driving history record for each potential driver before the driver is allowed to perform TNC services. The results of the background check for each driver registered with the TNC to provide services within the city must be provided to the city with the application for the TNC certificate. In the case of drivers who register with the TNC to provide services after the application has been filed, background checks must be submitted to the city before the driver is permitted to perform TNC services.

(d) The TNC may not allow a person to perform TNC services if they

(1) are on the National Sex Offender Public Registry;

(2) have been convicted of any felony or a misdemeanor that involves a crime of moral turpitude within the last seven (7) years;

(3) have been convicted of three (3), or more, traffic violations arising out of separate events occurring within any twelve (12) month period over the last seven (7) years;

(4) have been involved in more than one (1) accident during the past twelve (12) month period where it was alleged by the investigating peace officer that the proposed TNC driver caused or contributed to causing the accident;

(5) were released from confinement for a violent felony within the last five (5) years; or

(6) are subject to any outstanding warrants for arrest.

(e) The TNC shall prohibit the use or influence of drugs or alcohol by a driver while providing TNC services. Drivers must be physically healthy enough to perform TNC services safely. TNC drivers may not be permitted to drive more than twelve (12) hours in a twenty-four (24) hour period. For the purposes of this provision, in addition to the periods when a driver has accepted a fare, a driver is assumed to be driving continuously if it has been less than one (1) hour between fares.

(f) The TNC shall post rates (and other charges) on its digital platform in a manner readily accessible to passengers prior to the TNC service being booked. The TNC may not permit drivers to charge or collect a rate higher than the one specified on the digital platform. Passengers must be able to request receipts via email or other electronic format.

(g) All requests for service must be placed and accepted only through the digital platform. The TNC may not permit its drivers to accept street hails. Passengers must place their own requests for service, and TNC drivers must be prohibited from placing requests for service on a potential passenger's behalf. The TNC digital platform must permit riders to view an accurate picture of the driver, an accurate picture or description of the vehicle, and the license plate number of the vehicle which accepts the fare.

(h) TNC drivers must take the most direct, expeditious, and safe route unless specifically requested by the passenger.

(i) The TNC must prohibit discrimination against passengers or potential passengers on the basis of race, color, national origin, religious belief/affiliation, sex, sexual orientation, age, or disability. The TNC shall require drivers to comply with all applicable law relating to accommodation of service animals and/or people with disabilities. The TNC may not impose additional charges for providing services to persons with disabilities because of those disabilities. TNC may not impose additional charges for service animals for police, military, or for people with disabilities.

(j) Every TNC vehicle shall be periodically inspected by the TNC, or a third party at its request, at such intervals as shall ensure the continued maintenance of safe operating conditions. Upon such inspection, if it is found that the vehicle does not meet safe operating requirements, the TNC shall cause the vehicle (and/or driver) to be removed from service until such time as the vehicle is in compliance with such requirements.

(k) It shall be unlawful for a TNC driver to overcrowd the vehicle. It shall be unlawful for a TNC driver to cruise within the city.

(l) In addition to any other requirements imposed by this division, state, or federal law, the TNC must require that each vehicle

(1) has a manufacturer's rated seating capacity of less than ten (10) persons, including the driver;

(2) has at least three (3) doors; and

(3) has not been designated, classified, or found to be "salvage", "rebuilt", "junk", or "total loss", or any equivalent classification in any jurisdiction.

(m) Upon receiving a complaint that a TNC driver or vehicle is not in compliance with, or has violated, any of the above standards, the TNC shall immediately suspend the driver's access to the TNC's digital platform and conduct an investigation (or have a third party do same). The results of the investigation, as well as the TNC's recommendation as to the consequence, shall be submitted to the chief of police who has ten (10) days to approve, reverse, or modify the recommendation. If the complaint is found to be true, the TNC shall revoke the driver's access to the digital platform. If the violation can be cured (e.g. failure to obtain a state inspection) the revocation can be temporary, (e.g. 30 days or until cured). If the complaint is found to be false, the driver's access to the digital platform shall be reinstated.

Sec. 126-142. Application for certificate.

(a) An application for a certificate shall be on a form furnished by the city secretary. It shall include documentary proof of meeting the requirements of this division (i.e. insurance, driver policies, etc.). The application expires if the applicant has not completed the process and provided all the documentation required by the city within ninety (90) days following the first submittal to the city, unless the chief of police grants an extension of that deadline, for good cause.

(b) The application shall require the following:

(1) Business name, address, and any established place of business within this state;

(2) Proof of registration with the Secretary of State for permission to do business in Texas;

(3) Proof of insurance required by this division;

(4) Description of type of services to be rendered;

(5) A copy of the results of background checks for drivers authorized to provide services for the TNC through its digital platform; and

(6) A copy of the drug and alcohol testing policies of the TNC, if any.

(c) Each application shall be accompanied by a nonrefundable certificate fee to defray the expense of carrying out the provisions of this division. The fee is based on the number of drivers authorized to provide services through the TNC's digital platform within the city as of the time of the application and is equal to: 1) $300.00 for ten (10) or fewer drivers; 2) $600.00 for eleven (11) to forty (40) drivers; 3) $900.00 for forty-one (41) to seventy (70) drivers; 4) or $1,200.00 for seventy-one (71) or more drivers.

(d) Each new certificate is valid from the date it is granted and expires on December 31st of the calendar year in which it was issued, except when an application for a new certificate is filed after September 30th, in which case the new certificate is valid through December 31st of the following year. A renewal certificate is valid from January 1st, or from the date it is granted in the case of late applications, and expires on December 31st. An application for renewal certificate must be filed on or before December 31st of the previous year or else be accompanied by a $50.00 (per driver) reinstatement fee.

Sec. 126-143. Suspension or revocation of certificate.

(a) The chief of police may revoke or suspend a TNC certificate if

(1) A TNC vehicle is operated in violation of the requirements of this division.

(2) The TNC has failed to obtain or maintain the required insurance or if the TNC is otherwise operated in violation of the requirements of this division.

(3) The certificate was procured by fraudulent conduct, a false statement of a material fact, or failure to disclose a material fact. A material fact is one that has bearing on whether a certificate would be issued.

(4) The TNC has failed to suspend and/or revoke a driver's access to the TNC's digital platform as required by this division.

(b) If a TNC is in violation of subsections (1) or (4) above, the certificate may be suspended by the chief of police for thirty (30) days. If a TNC is in violation of subsections (2) or (3) above and/or if a violation of (1) or (4) is not cured within the thirty (30) day suspension period, the certificate may be revoked.

(c) If the TNC disagrees with the decision of the chief of police, the TNC may file a written request for an appeal with the city secretary, which also states the legal or factual basis for the appeal, within five (5) business days of the chief of police's decision. The city manager, or his or her designee, will hear the appeal within twenty (20) business days. The suspension or revocation shall remain in force until the city manager, or his or her designee, issues a decision upholding, reversing, or modifying the chief of police's decision.

(d) If a revocation is upheld, or if no appeal is timely filed, the TNC is ineligible to obtain a certificate for two (2) calendar years from the date of the chief of police's decision. This ineligibility is applicable to parent companies, subsidiaries, or successors of the TNC.

Sec. 126-144. Record keeping.

(a) Each TNC shall maintain records of services provided within the city for the previous ninety (90) day period. Records must include the name of the TNC driver and passenger, as well as any other passengers (if available), the route taken, the fare charged, and the duration of the trip. The TNC shall also maintain records of any complaints raised against TNC drivers providing TNC services within the city for the previous ninety (90) day period.

(b) The chief of police, or his or her designee, is entitled to review any of the records described in subsection (a), and the TNC shall produce such records promptly upon request.

Secs. 126-145—126-150. Reserved.

3.

Chapter 126 "Vehicles for Hire"; Article V "Pedicabs" is amended as follows:

DIVISION 1. GENERAL

Sec. 126-166. Definitions.

In this article:

Crime of moral turpitude shall mean a misdemeanor or state jail felony that involves homicide, assault, theft, robbery, kidnapping, prostitution, fraud, driving while intoxicated, driving while under the influence, attempting to evade police, driving while license suspended, failure to maintain financial responsibility, or a preparatory offense for any of the foregoing.

Pedicab means a chauffeured tricycle that transports passengers for hire where passengers occupy seats attached to a trailer, sidecar, or similar device.

Sec. 126-167. Permit and license required.

It is unlawful to drive or operate a pedicab within the city unless the pedicab has a valid service license issued under this article and the pedicab driver has a valid permit issued under this article.

Sec. 126-168. Pedicab designated areas.

Pedicabs may only operate in areas as specified in their city issued license.

Sec. 126-169. Display of rates.

Each pedicab operated within the city must prominently display, in a frame covered with clear plastic or Plexiglas covering, a card or sign, printed in plain, legible letters and numbers, which must state whether gratuities or donations are accepted, and contain the schedule of rates for the transportation services furnished by the driver, and the name and work address of both the owner and the driver of the pedicab. No driver of any pedicab may charge a fee which is not so posted. A copy of the current rates must be on file with the city secretary's office.

Sec. 126-170. Passenger restrictions.

Pedicabs may not be operated transporting more than the manufacturer-recommended maximum number of passengers.

DIVISION 2. PEDICAB SERVICE LICENSE

Sec. 126-171. Service license requirements for pedicabs.

(a) License applications must be made on the form provided by the city secretary and accompanied by the $50.00 per pedicab application fee. A new license is valid from the date it is granted until December 31st, except when an application for a new license is filed after September 30th, in which case the new license is valid through December 31st of the following year. A renewal license is valid from January 1st, or from the date it is granted in the case of late applications, and expires on December 31st. An application for a renewal license must be filed on or before December 31st of the previous year or else be accompanied by a $50.00 (per pedicab) reinstatement fee.

(b) Before a license is issued or renewed, the applicant must provide:

- Written proof that each pedicab has passed city inspection within the past 30 days;
- A schedule of rates to be charged to passengers; and
- General liability insurance in the amount of combined single limit of not less than $500,000.00 per occurrence, with an aggregate amount of not less than $1,000,000.00, covering property damage, bodily injury, and personal injury for any loss or damage arising out of the operations of the pedicab authorized hereunder.

(c) The license holder shall continually maintain insurance coverage during the term of the license granted. If the insurance lapses, is cancelled, or is non-renewed and evidence of new insurance is not provided before the cancellation date, the pedicab service license may be suspended or revoked.

(d) Each pedicab licensed by the city must post the city issued license and rate card in a conspicuous location where the passengers may see the contents.

Sec. 126-172. Equipment requirements of pedicabs.

(a) Licenses will not be issued or renewed for any pedicabs that are not equipped with the following:

(1) A headlight capable of emitting a light at a distance of 500 feet or greater, as delegated by the Texas Transportation Code Sec. 551.104;
(2) Two properly functioning and operating taillights;
(3) Turn properly functioning and operating signals;
(4) Rear and side reflective devices;
(5) A properly functioning and operating braking system;
(6) A properly functioning and operating horn;
(7) A rearview mirror;
(8) Sufficient rubber and treading on all wheels;
(9) A slow moving vehicle emblem;
(10) Seatbelts installed by the pedicab manufacturer;
(11) A written document issued by the chief of police indicating that the pedicab has passed city inspection; and,
(12) A sign on the body of the pedicab stating that name under which the pedicab is operated. The name must be in letters not less than two and one-half inches in height and five-sixteenths of one inch in width, and must be a solid color that contrasts with the background.

(b) It is unlawful for any person to drive or operate a pedicab in the city that does not meet the requirements of this section.

Sec. 126-173. Modification of license conditions.

The city secretary must be informed of any modifications or changes to the pedicab, the license holder, or any other operational changes prior to implementation of the change. Failure to do so may result in the suspension or revocation of the pedicab license.

Sec. 126-174. Transferability of license.

The city secretary, or his or her designee may, at the request of a licensee, transfer a license to a different pedicab owned by the same person, provided all evidence of the old license and lettering is removed from the old pedicab, making the pedicab decommissioned and no longer operable as a pedicab within the city. A new license for the substituted pedicab may be issued by the city secretary upon recommendation by the chief of police or his or her designee, after all ordinance requirements have been met. The city secretary will make an entry of the transfer of license in the official license records. A nonrefundable transfer fee of $10.00 per pedicab will be collected by the city secretary to defray the administrative costs of transferring the license.

DIVISION 3. PEDICAB DRIVER PERMIT

Sec. 126-175. Permit requirements for pedicab drivers.

(a) Each individual proposing to operate a pedicab upon city streets shall submit a permit application on the form provided by the city secretary. A pedicab driver permit shall be issued to each driver fulfilling the requirements of this Article.

(b) Before a permit is issued or renewed, the applicant must:

(1) Be eighteen (18) years of age or older;

(2) Provide proof of valid Class A, B, or C driver's license;

(3) Provide two color photographs meeting U.S. passport photo requirements with respect to size and aspect ratio, taken within ninety (90) days immediately preceding the application; and

(4) Have not been convicted of a felony or a crime of moral turpitude within the past seven (7) years. Upon initial license application and all annual renewals, the city will research each applicant's criminal history.

(c) Each driver permitted by the city must post the city issued permit in a conspicuous location where the passengers may see the contents.

(d) A new permit is valid from the date it is granted until December 31st, except when the application for the new permit is filed after September 30th, in which case the new permit is valid through December 31st of the following year. A renewal permit is valid from January 1st, or from the date it is granted in the case of late applications, and expires December 31st. An application for a renewal permit must be filed on or before December 31st of the previous year or else be accompanied by a $25.00 reinstatement fee.

DIVISION 4. SUSPENSION OR REVOCATION OF PERMIT OR LICENSE

Sec. 126-176. Suspension or Revocation of permit or license.

(a) The chief of police may suspend or revoke a permit or license for any of the following reasons:

(1) The permitee or licensee provided false information on the application;

(2) The permitee or licensee failed to maintain the minimum insurance required under this article;

(3) The permitee, or licensee has been convicted of a felony or crime of moral turpitude;

(4) The permitee or licensee has allowed the pedicab to become damaged, deteriorated or unclean to the extent it is unsatisfactory for public use; or

(5) The permitee or licensee has violated any of the prohibitions listed in this article.

(b) Revocations or suspensions take effect upon delivery of written notice in person to the permitee or licensee or on the third business day following the date it is deposited in U.S. mail, postage prepaid, addressed to the permitee or licensee at the address listed in the application.

Sec. 126-177. Appeal of suspension or revocation of permit or license.

A permitee or licensee has the right to appeal a suspension or revocation to the city manager by submitting a written appeal to the city secretary, with a copy to the police chief, not more than five (5) business days after the effective date of the suspension or revocation. The city manager or his or her

designee will hear the appeal and issue a written finding not more than twenty (20) business days after the notice was delivered to the city secretary.

DIVISION 5. OPERATION OF PEDICABS

Sec. 126-178. Operation of pedicabs.

(a) When traveling on roadways with multiple lanes, a pedicab driver must travel in the right lane unless the destination requires otherwise.
(b) Pedicabs may not operate on sidewalks or other pedestrian designated areas.
(c) Pedicabs may not travel on roadways with a speed limit greater than thirty (30) miles per hour.
(d) Pedicabs may not stand or park on public roadways for longer than it is necessary to load or unload passengers. All loading of passengers from a roadway must be from a curb lane.
(e) A pedicab operator may not disrupt pedestrian traffic, and must obey all traffic laws enforced within the State of Texas and the City of Bryan, Texas.

Sec. 126-179. Property left in pedicab; disposition.

Any property left in a pedicab by a passenger will be promptly delivered to the police services division. The police services division will record the receipt of the items and keep all such items until claimed by the owner, or as the city manager may authorize in accordance with state law requirements regarding the disposition of abandoned property.

4.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

5.

The Code of the City of Bryan, Texas, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

6.

Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this Ordinance are declared to be severable.

7.

It is the intention of the City Council that this Ordinance shall become a part of the Code of the City of Bryan, Texas, and it may be renumbered and codified therein accordingly.

8.

That the City Secretary is directed to publish this ordinance in a newspaper of general circulation in the City of Bryan in compliance with the provisions of the City Charter, which publication shall be sufficient if it contains the title of this ordinance, the penalty provided therein for violation thereof, and the effective date of the ordinance.

9.

A person who violates any section of this Ordinance is guilty of a misdemeanor and upon conviction is punishable in accordance with Section 1-14 of the City of Bryan Code.

10.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meetings was given.

11.

This Ordinance will be effective from and after its final passage and publication as required by law. The effective date of this Ordinance will be April 1st 2015.

PRESENTED AND GIVEN first reading the 10th day of March, 2015, at a regular meeting of the City Council of the City of Bryan, Texas; and given a second reading, passed and approved on the 24th day of March, 2015, by a vote of ____ yeses and ____ noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

_____
Mary Lynne Stratta, City Secretary

CITY OF BRYAN:

_____
Jason P. Bienski, Mayor

APPROVED AS TO FORM:

_____
Janis K. Hampton, City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 126, "VEHICLES FOR HIRE" OF THE CODE OF ORDINANCES, CITY OF BRYAN, TEXAS, BY REVISING ARTICLE II "HORSE-DRAWN CARRIAGES", REVISING ARTICLE III "TAXICABS" AND ADDING DIVISION 5 "TRANSPORTATION NETWORK COMPANIES", AND REVISING ARTICLE V "PEDICABS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLICATION; PROVIDING FOR A PENALTY; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that Chapter 126 "Vehicles For Hire" of the Code of Ordinances of the City of Bryan is in need of revision to update certain provisions, resolve inconsistencies between articles, and to improve the enforceability of some of the existing provisions; and

WHEREAS, the City Council finds that there is a new type of vehicle for hire services that has been created by the development of transportation network companies that provide digital platforms for obtaining and providing vehicle for hire services; and

WHEREAS, the City Council finds that transportation network companies are enabling services that are comparable to traditional vehicle for hire services, but which do not fit within the current regulations; and

WHEREAS, the City Council determines that the safety of the traveling public requires that transportation network companies submit to the same, or substantially similar scrutiny and that they carry the same level of protection as other vehicle for hire services; and

WHEREAS, the City Council determines that transportation network companies should be prohibited from operating within the city until their drivers have passed background checks, their vehicles have been inspected and insured, and their services are conducted fairly;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, THAT:

1.

Chapter 126 "Vehicles for Hire"; Article II "Horse-Drawn Carriages" is amended as follows:

Sec. 126-19. - Permit.

(a) It shall be unlawful to operate a horse-drawn carriage or other touring vehicle employing the use of draft animals for locomotion without first being issued a city carriage permit. The city secretary shall issue a carriage permit only if the following requirements have been satisfied:

(1) The proposed route of the service does not operate on any hike-and-bike trail or footpath within the city.

(2) The carriages and equipment proposed to be used in the service are in safe and presentable condition.

(3) The applicant has agreed to operate only on a schedule and route and over the designated traffic lanes approved by the chief of police and to park said carriages or vehicles only at such locations approved by the chief of police.

(4) The carriage wheels shall have all steel or iron outer rims adequately sheathed in rubber or other synthetic material to prevent damages to the street pavement.

(5) Documentation of a~~A~~ current rabies ~~certificate~~ vaccination shall be on file with the city secretary at all times.

(6) All horseshoes used shall be of a type approved by the chief of police.

(7) The applicant has agreed to maintain all barns, stables, or other housing for horses and carriages in a safe and sanitary condition, and has agreed to permit the city to inspect such facilities at any time.

(8) The applicant has agreed to keep all carriage routes clear and free of animal void and excrement and to maintain all permitted stands in a clean and sanitary matter. Each animal shall wear a bag capable of holding animal feces or in the alternative, the carriage shall be equipped with a shovel and receptacle and the carriage driver shall promptly remove all feces from the ground.

(9) The applicant has agreed to post the fares for each ride or trip so that they are visible to the public. This section shall not apply to the exclusive, one-time rental of the carriage by a party by separate agreement, entered into more than twenty-four (24) hours prior to such trip.

(10) Lanterns shall be affixed to either side of the carriage and must be illuminated after dusk.

(11) The applicant has agreed that in order to protect the health and well-being of each animal employed in this service, the applicant shall specifically covenant and agree:

a. Each animal shall be inspected and certified as to its good health annually by a licensed veterinarian. The applicant will provide the city with Coggins paperwork, showing a negative result, upon request.

b. No animal shall be worked longer than four continuous hours without feeding and rest.

c. Each animal shall be provided water at each carriage stand.

d. Animals shall not be whipped unless necessary for the safety of the animal or carriage passengers.

e. Animals shall not be overworked.

f. Each animal shall be provided with its own custom fit harness.

g. No animal with an open sore or wound, or any animal which is lame or has any other ailment shall be worked without specific written authorization from a veterinarian that such work will not endanger the health or well-being of the animal.

h. Each animal shall be groomed daily.

i. No animal shall be allowed to pull more than seven people, including the driver.

j. No animal shall be worked during time when the combined temperature and humidity index exceeds a numerical value of 150.

(12) The applicant has paid a nonrefundable license fee of $50.00 per carriage to defray the expense of carrying out the provisions of this article.

(b) Upon finding that the applicant meets the qualifications stated herein, the city secretary shall cause to be issued to such applicant a carriage permit. Each permit shall expire on December 31st of the year it is issued, except when an application for a new permit is filed after September 30th, in which case the new permit is valid through December 31st of the following year. An application for a renewal permit must be filed on or before December 31st of the previous year or else be accompanied by a $25.00 (per ~~animal~~carriage) reinstatement fee.

Sec. 126-20. - Insurance.

Any applicant for a carriage permit~~ting~~ under this article shall, before the permit can be issued, deliver to the city secretary a certificate of insurance reflecting insurance coverage as herein prescribed. Said applicant shall keep in full force and effect during the term of the carriage permit a policy of public

liability insurance, issued by an insurance company fully authorized to do business in this state and performable in this county, ensuring the public against any loss or damage that may result to any person or property from the operation of such vehicle or vehicles. ~~The certificate of insurance shall contain a provision that coverage under such policy shall not be cancelled or materially changed until at least 30 days prior written notice has been given to the city. Passenger liability exclusions are expressly prohibited. Insurance shall be in the following minimum amounts:~~

~~(1)~~ General liability insurance shall be maintained in the amount of combined single limit of not less than $500,000.00 per occurrence, with an aggregate amount of not less than $1,000,000.00, covering property damage, bodily injury and personal injury; to secure payment of all lawful and proper claims arising out of the operations of the vehicle for hire service authorized hereunder. ~~This section applies only to those vehicle for hire services that have a fixed base of operation, such as an office or terminal, that is visited by customers to secure services.~~

~~(2)~~ The permit holder shall continually maintain insurance coverage during the term of the permit granted. If insurance lapses, is canceled, or is non-renewed and evidence of new insurance is not provided before the cancellation date, this permit shall be automatically revoked. ~~Vehicle insurance in the minimum amount of $20,000.00 due to bodily injury or death to any one person in any one accident, $40,000.00 due to such damages to two or more people per accident, and $15,000.00 because of property damage of others in any one accident; and personal injury protection coverage in the amount of $5,000.00 or the maximum amount available through state assigned risk pool.~~

Sec. 126-21. - ~~Termination~~ Revocation or suspension of permit.

Operation of a carriage permit shall be conditioned upon continued compliance by the permittee with each of the requirements of this article. ~~Any violation shall subject the permittee to termination of the permit upon prior notice and hearing before the chief of police.~~ The chief of police is hereby authorized and empowered to revoke or suspend any ~~license~~ permit issued hereunder upon his or her finding that any carriage permit holder has ~~willfully~~ violated any of the provisions of this article. Such revocation or suspension shall take effect upon delivery of written notice thereof to the carriage permit holder, with such delivery being made in person or by certified mail through the United States Postal Service; provided, however, that the carriage permit holder shall have the right to appeal to the city manager, or his or her designee, from any such action of the chief of police by delivering such appeal to the city secretary, with a copy delivered to the chief of police, not more than five (5) business days after ~~the action appealed from~~receiving the notice of revocation or suspension. In the event the carriage permit holder shall fail to deliver such notice to the city secretary within the time prescribed, the action of the chief of police in revoking or suspending the license shall be final. If the carriage permit holder timely delivers the notice to the city secretary, the city manager or his or her designee shall hear the appeal not more than twenty (20) business days after the ~~filing of the~~ notice of appeal ~~with the city secretary~~was filed.

Secs. 126-22—126-45. - Reserved.

2.

Chapter 126 “Vehicles for Hire”; Article III “Taxicabs” is amended as follows:

DIVISION 1. GENERALLY

Sec. 126-46. Definitions.

For the purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Applicant shall mean any individual, firm or corporation in the process of attaining either a license to operate or a city taxi driver permit.

Crime of moral turpitude shall mean a misdemeanor or state jail felony that involves homicide, assault, theft, robbery, kidnapping, prostitution, fraud, driving while intoxicated, driving while under the influence, attempting to evade police, driving while license suspended, failure to maintain financial responsibility, or a preparatory offense for any of the foregoing.

Cruise or *cruising* shall mean the movement of unoccupied ~~taxicabs~~ vehicles over the public streets of the city in search of or soliciting prospective passengers for hire; provided, however, unoccupied ~~taxicabs~~ vehicles proceeding to answer a telephone call for ~~taxicab~~ service from an intending passenger, and ~~taxicabs~~ vehicles returning to the place where such ~~taxicab~~ vehicle is housed or to the place of discharge of the passenger or passengers, shall not be considered to be cruising.

Driver or *chauffeur* shall mean every person in actual charge of the operation of a taxicab whether as owner or agent, servant or employee of the owner.

License shall mean the authority granted by the city to ~~operate~~ use, or allow to be used, a taxicab ~~or taxicabs and shall authorize such operator of a taxicab or taxicabs to engage~~ in the business of transportation by taxicab.

Limousine shall mean a luxury vehicle that typically employs a partition between driver and passenger compartment and often has a lengthened wheel base, which is chartered or reserved by the customer a minimum of twenty-four (24) hours in advance of the time the service is rendered.

Manifest shall mean a daily record prepared by a taxicab driver of all trips made by such driver showing time and place of origin, destination, number of passengers and the amount of fare for passengers.

New in reference to a license, permit, or certificate issued pursuant to this article shall mean a license, permit, or certificate for an applicant who has not had one issued by the city in the preceding two (2) calendar years.

Overcrowding shall mean that the driver is transporting a greater number of people in the vehicle than has been recommended by the manufacturer of the vehicle or for whom there is no seat belt, inclusive of the driver.

Taxi driver permit shall mean a permit issued by the city to ~~the~~ each driver of ~~a~~ taxicabs ~~meeting the qualifications as described within this article~~authorizing the operation of a taxicab that has been licensed under this chapter.

Taxicab shall mean ~~any and every~~an automobile, or motor-propelled vehicle ~~including limousines~~, designed for carrying no more than eight passengers, ~~and~~ used for the transportation of passengers for hire over the public streets of the city, irrespective of whether or not the operation extends beyond the city limits, at rates for distance traveled and/or for ~~waiting~~ time, ~~or for both, or for the trip, or at rates per hour, per day, or per month, which~~ when such vehicle is routed to ~~destinations under the direction of such passenger or passengers, or such person or persons hiring the same~~passengers by a Taxicab Service, with the following exceptions:

(1) Motorbuses regularly operated in the city to or from points outside of the incorporated limits of the city or transporting to or from school or college;

(2) Ambulances operating ~~under permit from this city or another city~~pursuant to state law;

(3) ~~Vehicles rented or leased for self operation by the person actually driving the same, unless such vehicle is transporting for compensation persons other than the one who actually rented or leased the same~~Limousines;

(4) Courtesy vehicles operated as an accessory to some other service (e.g. transportation services offered by ~~to or from the airport to~~ hotels, motels, parking lots, or car rental agencies); or

(5) Any vehicle being operated pursuant to a ~~franchise or permit legally issued by the Texas Railroad Commission or the Interstate Commerce Commission~~TNC certificate.~~; or~~

~~(6) Horse-drawn carriages.~~

Taxicab ~~*service*~~ *Service* ~~*operator*~~ *Operator* shall mean any person who has the control, direction, maintenance and the benefit of revenue derived from the operation of taxicabs on or over the streets of the city, whether as owner or otherwise.

Terminal shall mean the depot at which place the taxicabs shall be housed or parked, and at which place the telephone calls and requests for service shall be made, and at which place a dispatcher shall control the movements of the taxicabs to the points of request for taxicab service; this term shall likewise be synonymous with taxi terminal and shall mean and embrace that space and area of land and buildings off of the streets of the city, and upon private property, and shall be and constitute the main office of the owner and taxicab operator.

Transportation Network Company or *TNC* shall mean a company that enables passengers to request a vehicle for hire, and enables drivers to accept those fares, over a digital platform.

Sec. 126-47. Terminals.

Every Taxicab Service Operator ~~taxicab service operator~~ shall maintain an off-street terminal of sufficient size to accommodate all of the taxicabs utilized in the service. A terminal may not be located on a property used primarily for single or multi-family residential dwelling purposes unless it can be operated as a home occupation in compliance with city ordinances. In such case, only one taxicab may be housed or parked at that terminal.

Sec. 126-48. Standards and requirements for vehicles and equipment.

Each taxicab proposed to be operated by a permit holder on the public streets of the city shall be inspected annually by the chief of police or his or her designee. A taxicab may be deemed to be in compliance with this section if an annual inspection is conducted by the City of College Station in accordance with ordinance provisions substantially similar to this one. Proof of inspection must be submitted at time of application for permit. No taxicab shall be operated on ~~the~~ city streets that does not comply with the following minimum standards:

(1) Each taxicab must have affixed thereto a valid and current state certificate of inspection and state certificate of registration;

(2) Each vehicle shall be ~~equipped with a fire extinguisher that is in good operating order;~~

~~(3) Each vehicle shall be~~ reasonably free from dirt or rubbish and shall be otherwise clean and sanitary;

(3~~4~~) The vehicle identification number and the license number of each taxicab must match the numbers listed for that taxicab on the license application; and

(~~5~~4) Each vehicle shall have the business name and phone number affixed to the door.

Sec. 126-49. Miscellaneous offenses.

(a) It shall be unlawful for any person engaged in the taxicab business to overcrowd the taxicab.

(b) It shall be unlawful for any taxicab driver to cruise at any time within the city.

(c) It shall be unlawful for any driver of any taxicab or for any other person acting for the driver to seek or solicit patrons or passengers for any such taxicab by word or sign, directly or indirectly, while driving any such taxicab over, through, or on, any public street or public place of the city, or while same is parked on any public street or alley of the city, or to repeatedly or persistently drive any taxicab through, over, or on, any public street or places of the city, except in response to calls of prospective passengers or while actually transporting passengers therein.

(d) When any taxicab is at any rail, air, or bus depot within the city, it shall be unlawful for the driver or person in charge thereof to leave the same and enter the depot or go upon the sidewalk or private property of any railroad company, airfield or bus station for the purpose of soliciting the transportation of any passenger or passengers arriving on the trains, planes or buses at such depot.

(e) It shall be unlawful for any officer or employee of the city to accept, or a taxicab service licensee or employee to offer, either directly or indirectly, any gifts, discounts or gratuities in association within the provision of taxicab services.

(f) It shall be unlawful for a taxicab driver to receive or discharge passengers in the roadway of any street. It is a defense to this section that said driver drove to the right-hand sidewalk, the extreme right-hand side of the road as nearly as practical, or into a driveway or parking lot for such purposes.

(g) It shall be unlawful for a taxicab driver employed to carry passengers to a definite point to fail to take the most direct route that will carry such passengers safely and expeditiously to their destination.

Sec. 126-50. Property left in vehicle; disposition.

All drivers of taxicabs shall promptly deliver to the police services division or to the permit holder all property left in such vehicles by passengers. If a driver delivers such articles to the permit holder, the latter shall deliver them to the police services division. When the articles left in the taxicabs have been delivered to the office of the chief of police, he or she shall make the entry of the fact in a book provided for that purpose and shall keep all such articles until claimed by the owner, or as the city ~~council~~ manager may authorize in accordance with state law requirements regarding the disposition of abandoned property.

Sec. 126-51. Penalties.

(a) It shall be unlawful for any person to violate any provision of this article.

(b) A violation of this article shall be punishable, upon conviction, in accordance with section 1-14.

Sec. 126-52. Felonies and Crimes of Moral Turpitude.

The city council, in accordance with Chapter 53 of the Texas Occupations Code, has considered the following criteria in regards to criminal convictions that bar issuance of licenses, permits, or certificates under this Article:

(5) The nature and seriousness of the crimes.

(6) The relationship of the crimes to the purposes for requiring permits, licenses, and certificates.

(7) The extent to which vehicle for hire services present opportunities for further criminal activity of the same type.

(8) The relationship of the crimes to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities set forth in this Article.

Secs. 126-~~52~~53—126-75. Reserved.

DIVISION 2. TAXICAB SERVICE LICENSE

Sec. 126-76. License—Required.

It shall be unlawful for an individual, firm, or corporation to drive or operate or cause to be driven or operated any taxicab~~, taxicab service, jitney, limousine or other motor vehicle service~~ for the transportation for hire of persons upon or over any street in the city unless there has first been obtained for such service, a license duly issued by the city as hereinafter provided.

Sec. 126-77. Same—Application.

(a) Application for taxicab service license ~~service~~ within the city shall be filed with the city secretary on a form provided by the city. ~~Applications shall be filed on or before December 1 of each calendar year.~~ The applicant shall provide the following information on such form:

(1) Name of the owner, or person by whom such permit is desired;
(2) Name of company;
(3) Address of company;
(4) Telephone number of company;
(5) If corporation, name and address of major officers of corporation and major stockholders;
(6) If partnership or association, trade, partnership, or association name, name and address of partners;
(7) If sole proprietorship, name and address of owner;
(8) Description of make, horsepower, vehicle identification or factory number, the seating capacity, vehicle owner's name and address, and license number of every vehicle to be used as a taxicab;
(9) Names, addresses, date of birth, and driver's license numbers for each driver operating vehicles for the company. Such information shall be kept current during the year. Failure to provide such information to the city secretary for each driver operating a taxicab within the city shall be grounds for revoking the taxicab service license of the cab company;
(10) Written proof each vehicle has passed the city inspection as required by this article;
(11) A schedule of rates to be charged to passengers; and
(12) A statement that the applicant has not been finally convicted of any felony or ~~other offense involving~~crime of moral turpitude within the past ~~ten~~ seven (7) years ~~which adversely affects the applicant's ability to provide safe and reliable passenger transportation~~.

(b) The application shall include a sworn statement by the applicant that all information provided in the application is true and correct and shall further state that the city is authorized to check the driving record and criminal history, if any, of the applicant. The ~~police department shall~~city may investigate to verify any of the facts stated in the application.

(c) Each application shall be accompanied by a nonrefundable license fee of $50.00 per vehicle to defray the expense of carrying out of the provisions of this article.

(d) A new license is valid from the date it is granted until December 31st, except when an application for a new license is filed after September 30th, in which case the new license is valid through December 31st of the following year. A renewal license is valid from January 1st, or from the date it is granted in the case of late applications, and expires on December 31st. An application for a renewal license must be filed on or before December 31st of the previous year or else be accompanied by a $50.00 (per vehicle) reinstatement fee.

Sec. 126-78. Insurance policy.

(a) Any applicant for vehicle for hire licensing under this article shall, before the license can be issued, deliver to the city secretary a certificate of insurance reflecting insurance coverage as herein prescribed. Said applicant shall keep in full force and effect during the term of the taxicab service license a policy of public liability insurance, issued by an insurance company fully authorized to do business in this state and performable in this county, ensuring the public against

any loss or damage that may result to any person or property from the operation of such vehicle or vehicles. ~~The certificates of insurance shall contain a provision that coverage under such policies shall not be cancelled or materially changed until at least 30 days prior written notice has been given to the city. Passenger liability exclusions are expressly prohibited.~~ Insurance shall be in the following minimum amounts:

(1) General liability insurance in the amount of combined single limit of $500,000.00 per occurrence, with an aggregate amount of $1,000,000.00, covering property damage, bodily injury and personal injury; to secure payment of all lawful and proper claims arising out of the operations of the vehicle for hire service authorized hereunder. This section applies only to those vehicle for hire services that have a fixed base of operation, such as an office or terminal, that is visited by customers to secure services.

(2) Automobile insurance in the minimum amounts of $~~20~~30,000.00 due to bodily injury or death to any one person in any one accident, $~~40~~60,000.00 due to such damages to two or more people per accident, and $~~15~~25,000.00 because of property damage of others in any one accident; and personal injury protection coverage in the amount of $5,000.00~~ or the maximum amount available through state assigned risk pool~~.

(b) ~~In the event that any insurance policy is cancelled upon the request of the surety or insured, and no insurance policy is filed by the license holder~~The license holder shall continually maintain insurance coverage during the term of the license granted. If the insurance lapses, is canceled, or is non-renewed and evidence of new insurance is not provided before the cancellation date, the taxicab service license shall be automatically revoked. It is the responsibility of the taxicab service operator to comply with the requirements of this section and mistakes or delays by the insurance company shall not excuse compliance.

Sec. 126-79. Issuance of license.

The city secretary shall issue to each applicant a taxicab service license for each vehicle upon the filing of written proof of insurance as required herein and upon a determination that all requirements of this article have been met. The taxicab service license shall be issued for the period beginning January 1 and ending December 31. ~~Any~~ Except as provided in section 126-77(d), any new license issued during the year shall begin on the date of issuance and end on December 31 of that year. The taxicab service license shall state the ~~year~~ period for which it is valid; that said vehicle is a taxicab; the make of the vehicle, the vehicle identification number, and the current license number~~; and that all city taxes on the vehicle have been paid~~.

Sec. 126-80. Posting of license; lettering on vehicle; exception; nontransferability of license; fee.

(a) The taxicab service license issued by the city secretary shall be posted by the applicant within the vehicle in a conspicuous place, and it shall be unlawful to fail to do so.

(b) Such vehicle shall have displayed on both front doors the name under which it is operated, and its designation as a taxicab, in lettering of not less than 2½ inches in height.

(c) ~~Limousines shall not be required to comply with section 126-48(5) requiring lettering on the doors of the vehicle.~~

~~(d)~~ No taxicab service license shall be used for any other vehicle unless previously approved in writing by the chief of police or his or her designee. The chief of police or his or her designee may, at the request of a licensee, transfer a license to a different vehicle owned by the same person provided all evidence of the old license and lettering is removed from the old vehicle and such vehicle is no longer being used as a taxicab. A new license for the substituted vehicle may be issued by the city secretary upon recommendation by the chief of police or his or her designee after all ordinance requirements have been met. The city secretary shall make an entry of such transfer of license in the official license records. A nonrefundable transfer fee of $10.00 per vehicle shall be collected by the city secretary to defray the costs of transferring the license.

Sec. 126-81. Revocation or suspension of taxicab service operator's license.

(a) The chief of police is hereby authorized and empowered to revoke or suspend any license issued hereunder upon his or her finding that any taxicab service operator has willfully violated any of the provisions of this article. Such revocation or suspension shall take effect upon delivery of written notice thereof to the taxicab service operator, with such delivery being made in person or by certified mail through the United States Postal Service; provided, however, that the taxicab service operator shall have the right to appeal to the city manager from any such action of the chief of police by delivering such appeal to the city secretary, with a copy delivered to the chief of police, not more than five (5) business days after the action appealed from. In the event the taxicab service operator shall fail to deliver such notice to the city secretary within the time prescribed, the action of the chief of police in revoking or suspending the license shall be final. If the taxicab service operator timely delivers the notice to the city secretary, the city manager or his or her designee shall hear the appeal not more than twenty (20) business days after the filing of the notice of appeal with the city secretary.

(b) A license shall be revoked or suspended by the city manager upon the verification of any of the following:

(1) The taxicab service operator has been finally convicted of a felony or ~~other offense involving~~ crime of moral turpitude within the past seven (7) years~~, which adversely affects the operator's ability to provide safe and reliable passenger transportation to the public~~;

(2) The license was obtained by an application in which any material fact was intentionally omitted or falsely stated;

(3) The taxicab service operator has persisted in the operation of motor vehicles that are in violation of any law;

(4) The taxicab service operator has ~~willfully and knowingly~~ violated or failed to comply with any of the provisions hereof or any policies or rules set out pursuant to this article;

(5) The taxicab service operator has charged, or allowed to be charged, rates in excess of the rate schedule filed with the city secretary as provided for in section 126-77(a)(11);

(6) ~~The taxicab service operator or any agent thereof has been guilty of willfully operating said service in a negligent manner;~~

~~(7)~~ The taxicab service operator has allowed its insurance to be cancelled, withdrawn, terminated, or to fall below the minimum prescribed in this article;

(~~8~~7) The taxicab service operator has allowed any of its vehicles or equipment to become damaged, deteriorated or unclean to the extent that it is unsatisfactory for public use;

(~~9~~8) ~~The taxicab service operator is delinquent on any taxes owed to the city or fails to show financial ability to maintain services in compliance with the terms hereof; or~~

~~(10)~~ The taxicab service operator has allowed any driver or attendant to drive taxicabs after final conviction of an offense as described in section 126-77(a)(12).

Secs. 126-82—126-105. Reserved.

DIVISION 3. CITY TAXI DRIVER PERMIT

Sec. 126-106. City taxi driver permit required.

In accordance with the terms and provisions of this article, every individual desiring to drive a taxicab in the city, before driving a taxicab, shall apply for and obtain a city taxi driver permit. A taxicab service licensee may not cause or otherwise allow a person to drive for hire a taxicab owned, controlled or operated by the licensee unless the driver has a valid city taxi driver permit issued to them under this article. It shall be unlawful for any person to drive or operate any taxicab unless and until he or she has provided their name, address, date of birth, and state driver's license number to the city secretary and been

issued a city taxi driver permit. All drivers shall display upon request on their person a city taxi driver permit issued by the city as described herein.

Sec. 126-107. City taxi driver permit application.

Every individual proposing to drive a taxicab upon the city streets shall submit an application to the city secretary on forms provided by the city secretary. A city taxi driver permit shall be issued to each driver fulfilling the requirements of this article. Every applicant shall furnish under oath the following information:

(1) Name, local residence address, date of birth, and telephone number;

(2) State driver's license number, expiration date and three-year driving record;

(3) ~~A statement~~The results of a background check show that the applicant has not been finally convicted within the past ~~ten~~ seven (7) years of a felony or ~~the following offenses involving~~crime of moral turpitude. ~~which adversely affect the applicant's ability to provide safe and reliable passenger transportation:~~

~~a. Prostitution or related offenses;~~

~~b. Driving while intoxicated;~~

~~c. Driving while under the influence of drugs;~~

~~d. Violations of the Texas Controlled Substances Act (V.T.C.A., Health and Safety Code ch. 481);~~

~~e. Rape, murder, attempted murder, aggravated assault;~~

~~f. Theft over $200.00; or~~

~~g. A felony or other offense involving moral turpitude which adversely affects the applicant's ability to provide safe and reliable passenger transportation;~~

(4) A minimum of two color photographs of the applicant, meeting U.S. passport photo requirements for size and aspect ratios, taken within ~~the~~ three (3) months prior to application; and

(5) ~~That~~ a statement that the applicant has read in full and understands the provisions of this article.

Sec. 126-108. Fee generally; issuance; term.

(a) Upon finding that the applicant meets the qualifications stated herein, the city secretary shall cause to be issued to such applicant a city taxicab driver permit. Each permit issued shall expire on December 31st of the calendar year ~~in~~ for which the permit is issued, except when the application for a new permit is filed after September 30th, in which case the new permit is valid through December 31st of the following year.~~.~~

(b) An application for a renewal permit must be filed on or before December 31st of the previous year or else be accompanied by a $25.00 reinstatement fee.

Sec. 126-109. Revocation and suspension of city taxi driver permit.

(a) The chief of police is hereby authorized and empowered to revoke or suspend any taxicab driver permit issued hereunder upon his or her finding that any permittee has ~~willfully~~ violated any of the provisions of this article. Such revocation or suspension shall take effect upon delivery of written notice thereof to the permittee, with such delivery being made in person or by certified mail through the United States Postal Service; provided, however, that the permittee shall have the right to appeal to the city manager, or his or her designee, from any such action of the chief of police by delivering such appeal to the city secretary, with a copy delivered to the chief of police, not more than five (5) business days after ~~the action appealed from~~receiving the notice of violation. In the event the permittee shall fail to deliver such notice of appeal to the city secretary within the time prescribed, the action of the chief of police in revoking or suspending the permit shall be final. If the permittee timely delivers the notice to the city secretary, the city manager or

his or her designee shall hear the appeal not more than twenty (20) business days after the filing of the notice of appeal with the city secretary.

(b) A permit shall be revoked or suspended by the chief of police upon the verification of any of the following:

(1) The permittee has been finally convicted of a felony or ~~other offense involving~~crime of moral turpitude within the past ~~ten~~ seven (7) years~~ which adversely affects the applicant's ability to provide safe and reliable passenger transportation~~;

(2) The permit was obtained by an application in which any material fact was intentionally omitted or falsely stated;

(3) The permittee has persisted in the continued operation of motor vehicles that are in violation of any law;

(4) The permittee has ~~willfully and knowingly~~ violated or failed to comply with any of the provisions hereof or any policies or rules set out pursuant to this article;

(5) The permittee has charged rates in excess of the rate schedule filed with the city secretary as provided for in section 126-77(a)(11);

(6) ~~The permittee has been found guilty of willfully operating said taxicab in a negligent manner;~~

~~(7)~~ The permittee has allowed insurance ~~on a taxicab driver by said permittee~~ required by this chapter to be cancelled, withdrawn, terminated, or to fall below the minimum prescribed in this article;

(~~8~~7) The permittee has allowed any of its vehicles or equipment to become damaged, deteriorated or unclean to the extent that it is unsatisfactory for public use; or

(~~9~~8) ~~The permittee has continued to drive a taxicab after final conviction of an offense as described in section 126-77(a)(12); or~~

~~(10)~~ The permittee has altered, or caused to be altered, the city taxi driver permit photograph.

Sec. 126-110. Permit, picture to be displayed.

The city taxi driver permit shall be prominently displayed at all times in full view of persons in the back seat of the taxicab being driven by the permittee.

Secs. 126-111—126-133. Reserved.

DIVISION 4. FARES

Sec. 126-134. Fares.

(a) All persons owning or operating any vehicle or taxicab under this article in the city shall post, in a conspicuous place in such taxicab, a printed schedule of prices and shall keep the same so posted during the continuance of the license.

(b) No driver, owner or corporation licensed by the city as a taxicab operator or hereinafter granted a license for such operation shall fix or charge a greater or lesser rate of fare than that submitted with the application for license in the city secretary's office. Scheduled rates may encompass the following:

(1) Mileage;

(2) Waiting time;

(3) Charter;

(4) Extra passengers;

(5) Excessive baggage; exclusive of medically necessary devices;

(6) Animals; exclusive of service animals (including but not limited to military and police canines)~~specially trained to assist the disabled, when accompanying such persons~~.

(c) Changes in any rate schedule shall require notification of the city through the city secretary's office along with justification for increases 30 days prior to changes being enacted. Rates may not be increased more often than semiannually except for events beyond the control of the owner of the license to operate.

Sec. 126-135. Refusal to give receipt.

It shall be unlawful for a taxicab driver upon full payment of the fare, to refuse to give a receipt to the passenger having paid said fare.

Secs. 126-136—126-~~153~~139. Reserved.

DIVISION 5. TRANSPORTATION NETWORK COMPANIES

Sec. 126-140. TNC certificate required.

(a) A person shall not operate a TNC within the city unless he or she has been issued a current valid TNC certificate by the city.

(b) Certificates may not be sold, assigned, or otherwise transferred.

(c) A person shall not operate a TNC vehicle within the city limits unless the TNC has been issued a current, valid certificate by the city.

(d) All TNC drivers must comply with the requirements, and meet the standards, of this division. It is a violation for a TNC driver to provide TNC services in violation of this section.

Sec. 126-141. Requirements for TNC services.

Holders of TNC certificates shall meet the following requirements.

(a) The TNC must require all drivers to:

(1) be at least twenty-one (21) years of age;

(2) possess a valid driver's license;

(3) have proof of vehicle registration;

(4) obtain the annual inspection required by the State of Texas; and

(5) maintain proof of motor vehicle insurance in at least the amount required by the State of Texas.

(b) The TNC must maintain a combined single limit auto liability insurance policy that:

(1) Provides a minimum of $1,000,000.00 per-incident coverage for accidents involving a driver while performing TNC services;

(2) Does not have an aggregate policy limit; and

(3) Covers claims regardless of whether a driver maintains insurance adequate to cover any portion of a claim.

The TNC shall continually maintain insurance coverage for as long as the certificate is valid. If the insurance lapses, is canceled, or is non-renewed and evidence of new insurance is not provided before the cancellation date, the TNC certificate shall be automatically revoked. It is the responsibility of the TNC to comply with the requirements of this section and mistakes or delays by the insurance company shall not excuse compliance.

(c) The TNC must conduct a local and national criminal background check that shall include the Multi-State/Juris Criminal Records Locator, or other similar commercial nationwide database acceptable to the city with validation (i.e. primary source search), and the National Sex Offender Public Registry database as well as a three (3) year driving history record for each potential driver before the driver is allowed to perform TNC services. The results of the background check for each driver registered with the TNC to provide services within the city must be provided to the city with the application for the TNC certificate. In the case of drivers who register with the TNC

to provide services after the application has been filed, background checks must be submitted to the city before the driver is permitted to perform TNC services.

(d) The TNC may not allow a person to perform TNC services if they

(1) are on the National Sex Offender Public Registry;

(2) have been convicted of any felony or a misdemeanor that involves a crime of moral turpitude within the last seven (7) years;

(3) have been convicted of three (3), or more, traffic violations arising out of separate events occurring within any twelve (12) month period over the last seven (7) years;

(4) have been involved in more than one (1) accident during the past twelve (12) month period where it was alleged by the investigating peace officer that the proposed TNC driver caused or contributed to causing the accident;

(5) were released from confinement for a violent felony within the last five (5) years; or

(6) are subject to any outstanding warrants for arrest.

(e) The TNC shall prohibit the use or influence of drugs or alcohol by a driver while providing TNC services. Drivers must be physically healthy enough to perform TNC services safely. TNC drivers may not be permitted to drive more than twelve (12) hours in a twenty-four (24) hour period. For the purposes of this provision, in addition to the periods when a driver has accepted a fare, a driver is assumed to be driving continuously if it has been less than one (1) hour between fares.

(f) The TNC shall post rates (and other charges) on its digital platform in a manner readily accessible to passengers prior to the TNC service being booked. The TNC may not permit drivers to charge or collect a rate higher than the one specified on the digital platform. Passengers must be able to request receipts via email or other electronic format.

(g) All requests for service must be placed and accepted only through the digital platform. The TNC may not permit its drivers to accept street hails. Passengers must place their own requests for service, and TNC drivers must be prohibited from placing requests for service on a potential passenger's behalf. The TNC digital platform must permit riders to view an accurate picture of the driver, an accurate picture or description of the vehicle, and the license plate number of the vehicle which accepts the fare.

(h) TNC drivers must take the most direct, expeditious, and safe route unless specifically requested by the passenger.

(i) The TNC must prohibit discrimination against passengers or potential passengers on the basis of race, color, national origin, religious belief/affiliation, sex, sexual orientation, age, or disability. The TNC shall require drivers to comply with all applicable law relating to accommodation of service animals and/or people with disabilities. The TNC may not impose additional charges for providing services to persons with disabilities because of those disabilities. TNC may not impose additional charges for service animals for police, military, or for people with disabilities.

(j) Every TNC vehicle shall be periodically inspected by the TNC, or a third party at its request, at such intervals as shall ensure the continued maintenance of safe operating conditions. Upon such inspection, if it is found that the vehicle does not meet safe operating requirements, the TNC shall cause the vehicle (and/or driver) to be removed from service until such time as the vehicle is in compliance with such requirements.

(k) It shall be unlawful for a TNC driver to overcrowd the vehicle. It shall be unlawful for a TNC driver to cruise within the city.

(l) In addition to any other requirements imposed by this division, state, or federal law, the TNC must require that each vehicle

(1) has a manufacturer's rated seating capacity of less than ten (10) persons, including the driver;

(2) has at least three (3) doors; and

(3) has not been designated, classified, or found to be "salvage", "rebuilt", "junk", or "total loss", or any equivalent classification in any jurisdiction.

(m) Upon receiving a complaint that a TNC driver or vehicle is not in compliance with, or has violated, any of the above standards, the TNC shall immediately suspend the driver's access to the TNC's digital platform and conduct an investigation (or have a third party do same). The results of the investigation, as well as the TNC's recommendation as to the consequence, shall be submitted to the chief of police who has ten (10) days to approve, reverse, or modify the recommendation. If the complaint is found to be true, the TNC shall revoke the driver's access to the digital platform. If the violation can be cured (e.g. failure to obtain a state inspection) the revocation can be temporary, (e.g. 30 days or until cured). If the complaint is found to be false, the driver's access to the digital platform shall be reinstated.

Sec. 126-142. Application for certificate.

(a) An application for a certificate shall be on a form furnished by the city secretary. It shall include documentary proof of meeting the requirements of this division (i.e. insurance, driver policies, etc.). The application expires if the applicant has not completed the process and provided all the documentation required by the city within ninety (90) days following the first submittal to the city, unless the chief of police grants an extension of that deadline, for good cause.

(b) The application shall require the following:

(1) Business name, address, and any established place of business within this state;

(2) Proof of registration with the Secretary of State for permission to do business in Texas;

(3) Proof of insurance required by this division;

(4) Description of type of services to be rendered;

(5) A copy of the results of background checks for drivers authorized to provide services for the TNC through its digital platform; and

(6) A copy of the drug and alcohol testing policies of the TNC, if any.

(c) Each application shall be accompanied by a nonrefundable certificate fee to defray the expense of carrying out the provisions of this division. The fee is based on the number of drivers authorized to provide services through the TNC's digital platform within the city as of the time of the application and is equal to: 1) $300.00 for ten (10) or fewer drivers; 2) $600.00 for eleven (11) to forty (40) drivers; 3) $900.00 for forty-one (41) to seventy (70) drivers; 4) or $1,200.00 for seventy-one (71) or more drivers.

(d) Each new certificate is valid from the date it is granted and expires on December 31st of the calendar year in which it was issued, except when an application for a new certificate is filed after September 30th, in which case the new certificate is valid through December 31st of the following year. A renewal certificate is valid from January 1st, or from the date it is granted in the case of late applications, and expires on December 31st. An application for renewal certificate must be filed on or before December 31st of the previous year or else be accompanied by a $50.00 (per driver) reinstatement fee.

Sec. 126-143. Suspension or revocation of certificate.

(a) The chief of police may revoke or suspend a TNC certificate if

(1) A TNC vehicle is operated in violation of the requirements of this division.

(2) The TNC has failed to obtain or maintain the required insurance or if the TNC is otherwise operated in violation of the requirements of this division.

(3) If the certificate was procured by fraudulent conduct, a false statement of a material fact, or failure to disclose a material fact. A material fact is one that has bearing on whether a certificate would be issued.

(4) Failure to suspend and/or revoke a driver's access to the TNC's digital platform as required by this division.

(b) If a TNC is in violation of subsections (1) or (4) above, the certificate may be suspended by the chief of police for thirty (30) days. If a TNC is in violation of subsections (2) or (3) above and/or

if a violation of (1) or (4) is not cured within the thirty (30) day suspension period, the certificate may be revoked.

(c) If the TNC disagrees with the decision of the chief of police, the TNC may file a written request for an appeal with the city secretary, which also states the legal or factual basis for the appeal, within five (5) business days of the chief of police's decision. The city manager, or his or her designee, will hear the appeal within twenty (20) business days. The suspension or revocation shall remain in force until the city manager, or his or her designee, issues a decision upholding, reversing, or modifying the chief of police's decision.

(d) If a revocation is upheld, or if no appeal is timely filed, the TNC is ineligible to obtain a certificate for two (2) calendar years from the date of the chief of police's decision. This ineligibility is applicable to parent companies, subsidiaries, or successors of the TNC.

Sec. 126-144. Record keeping.

(a) Each TNC shall maintain records of services provided within the city for the previous ninety (90) day period. Records must include the name of the TNC driver and passenger, as well as any other passengers (if available), the route taken, the fare charged, and the duration of the trip. The TNC shall also maintain records of any complaints raised against TNC drivers providing TNC services within the city for the previous ninety (90) day period.

(b) The chief of police, or his or her designee, is entitled to review any of the records described in subsection (a), and the TNC shall produce such records promptly upon request.

Secs. 126-145—126-150. Reserved.

3.

Chapter 126 "Vehicles for Hire"; Article V "Pedicabs" is amended as follows:

DIVISION 1. GENERAL

Sec. 126-166. Definitions.

In this article:

Crime of moral turpitude shall mean a misdemeanor or state jail felony that involves homicide, assault, theft, robbery, kidnapping, prostitution, fraud, driving while intoxicated, driving while under the influence, attempting to evade police, driving while license suspended, failure to maintain financial responsibility, or a preparatory offense for any of the foregoing.

Pedicab means a chauffeured tricycle that transports passengers for hire where passengers occupy seats attached to a trailer, sidecar, or similar device.

Sec. 126-167. Permit and license required.

It is unlawful to drive or operate a pedicab within the city unless the pedicab has a valid service license issued under this article and the pedicab driver has a valid permit issued under this article.

Sec. 126-168. Pedicab designated areas.

Pedicabs may only operate in areas as specified in their city issued license.

Sec. 126-169. Display of rates.

Each pedicab operated within the city must prominently display, in a frame covered with clear plastic or ~~Plexiglass~~Plexiglas covering, a card or sign, printed in plain, legible letters and numbers, which must state whether gratuities or donations are accepted, and contain the schedule of rates for the

transportation services furnished by the driver, and the name and work address of both the owner and the driver of the pedicab. No driver of any pedicab may charge a fee which is not so posted. A copy of the current rates must be on file with the city secretary's office.

Sec. 126-170. Passenger restrictions.

Pedicabs may not be operated transporting more than the manufacturer-recommended maximum number of passengers.

DIVISION 2. PEDICAB SERVICE LICENSE

Sec. 126-171. Service license requirements for pedicabs.

(a) License applications must be made on the form provided by the city secretary and accompanied ~~with~~ by the $50.00 per ~~vehicle~~ pedicab application fee. A new license is valid from the date it is granted until December 31st, except when an application for a new license is filed after September 30th, in which case the new license is valid through December 31st of the following year. A renewal license is valid from January 1st, or from the date it is granted in the case of late applications, and expires on December 31st. An application for a renewal license ~~Applications~~ must be filed on or before December 31st of ~~each calendar~~the previous year or else be accompanied by a $50.00 (per pedicab) reinstatement fee.

(b) Before a license is issued or renewed, the applicant must provide:

- Written proof that each pedicab has passed city inspection within the past 30 days;
- A schedule of rates to be charged to passengers; and
- ~~Proof of commercial general liability policy meeting at least the minimum amounts specified in the Texas Motor Vehicle Safety Responsibility Act and issued by a company with an A.M. Best rating of "A-VI" or better. A copy of the required policy or a certificate of insurance must include an endorsement that the city will be notified at least 30 days in advance if the policy is canceled or expires before the expiration of the license.~~General liability insurance in the amount of combined single limit of not less than $500,000.00 per occurrence, with an aggregate amount of not less than $1,000,000.00, covering property damage, bodily injury, and personal injury for any loss or damage arising out of the operations of the pedicab authorized hereunder.

(c) The license holder shall continually maintain insurance coverage during the term of the license granted. If the insurance lapses, is cancelled, or is non-renewed and evidence of new insurance is not provided before the cancellation date, the pedicab service license may be suspended or revoked.

(~~c~~d)Each pedicab licensed by the city must post the city issued license and rate card in a conspicuous location where the passengers may see the contents.

Sec. 126-172. Equipment requirements of pedicabs.

(a) Licenses will not be issued or renewed for any pedicabs that are not equipped with the following:

(1) A headlight capable of emitting a light at a distance of 500 feet or greater, as delegated by the Texas Transportation Code Sec. 551.104;
(2) Two properly functioning and operating taillights;
(3) Turn properly functioning and operating signals;
(4) Rear and side reflective devices;
(5) A properly functioning and operating braking system;
(6) A properly functioning and operating horn;
(7) A rearview mirror;
(8) Sufficient rubber and treading on all wheels;
(9) A slow moving vehicle emblem;
(10) Seatbelts installed by the pedicab manufacturer;

(11) A written document issued by the chief of police indicating that the pedicab has passed city inspection; and,

(12) A sign on the body of the pedicab stating that name under which the pedicab is operated. The name must be in letters not less than two and one-half inches in height and five-sixteenths of one inch in width, and must be a solid color that contrasts with the background.

(b) It is unlawful for any person to drive or operate a pedicab in the city that does not meet the requirements of this section.

Sec. 126-173. Modification of license conditions.

The city secretary must be informed of any modifications or changes to the pedicab, ~~permit or~~ the license holder ~~for each pedicab~~, or any other operational changes prior to implementation of the change. Failure to do so may result in the suspension or revocation of the pedicab license.

Sec. 126-174. Transferability of license.

The city secretary, or his or her designee may, at the request of a licensee, transfer a license to a different pedicab owned by the same person, provided all evidence of the old license and lettering is removed from the old pedicab, making the pedicab decommissioned and no longer operable as a pedicab within the city. A new license for the substituted pedicab may be issued by the city secretary upon recommendation by the chief of police or his or her designee, after all ordinance requirements have been met. The city secretary will make an entry of the transfer of license in the official license records. A nonrefundable transfer fee of $10.00 per pedicab will be collected by the city secretary to defray the administrative costs of transferring the license.

DIVISION 3. PEDICAB DRIVER PERMIT

Sec. 126-175. Permit requirements for pedicab drivers.

(a) Each individual proposing to operate a pedicab upon city streets shall submit a ~~Permit~~ permit application~~s must be made~~ on the form~~s~~ provided by the city secretary~~and accompanied with the $50.00 application fee~~. A pedicab driver permit shall be issued to each driver fulfilling the requirements of this Article. ~~Each permit issued expires on December 31 of the calendar year in which the permit was issued~~.

(b) Before a permit is issued or renewed, the applicant must:

(1) Be eighteen (18) years of age or older;

(2) Provide proof of valid Class A, B, or C ~~Texas~~ driver's license;

(3) Provide two color photographs meeting U.S. passport photo requirements with respect to size and aspect ratio, taken within ninety (90) days immediately preceding the application; and

(4) Have ~~no criminal history that is disallowed under V.T.C.A., Occupations Code, ch. 53, as amended~~not been convicted of a felony or a crime of moral turpitude within the past seven (7) years. Upon initial license application and all annual renewals, the city will research each applicant's criminal history ~~with the FBI and the Texas Department of Public Safety~~.

(c) Each driver permitted by the city must post the city issued permit in a conspicuous location where the passengers may see the contents.

(d) A new permit is valid from the date it is granted until December 31st, except when the application for the new permit is filed after September 30th, in which case the new permit is valid through December 31st of the following year. A renewal permit is valid from January 1st, or from the date it is granted in the case of late applications, and expires December 31st. An application for a renewal permit must be filed on or before December 31st of the previous year or else be accompanied by a $25.00 reinstatement fee.

DIVISION 4. ~~DENIAL~~ SUSPENSION OR REVOCATION OF PERMIT OR LICENSE

Sec. 126-176. ~~Denial~~ Suspension or Revocation of permit or license.

~~(a) The city may refuse to issue a permit or license for any of the following reasons:~~

~~(1) The applicant provided false information on the application;~~

~~(2) The applicant does not have the minimum insurance required in this article; or~~

~~(3) The applicant has been convicted of a felony or misdemeanor involving a sex offense, trafficking in controlled substances, driving while intoxicated, driving while under the influence of drugs, violation of the Texas Controlled Substances Act (V.T.C.A., Heath and Safety Code, ch. 481, as amended), theft over $200.00, or a felony or other offense involving moral turpitude which adversely affects the applicant's ability to provide safe and reliable passenger transportation.~~

~~(b) The city will issue a notice of denial by written notice deposited in U.S. mail, postage prepaid, addressed to the applicant at the address listed in the application. The notice of denial is effective on the third business day following the date it was deposited in U.S. mail.~~

~~**Sec. 126-177. Revocation of permit or license.**~~

(a) The ~~city~~ chief of police may suspend or revoke a permit or license for any of the following reasons:

(1) The permitee or licensee provided false information on the application;

(2) The permitee or licensee failed to maintain the minimum insurance required under this article;

(3) The permitee, or licensee has been convicted of a felony or ~~misdemeanor involving a sex offense, trafficking in controlled substances, driving while intoxicated, driving while under the influence of drugs, violation of the Texas Controlled Substances Act (V.T.C.A., Heath and Safety Code, ch. 481, as amended), theft over $200.00, or a felony or other offense involving~~crime of moral turpitude ~~which adversely affects the permitee's or licensee's ability to provide safe and reliable passenger transportation~~;

(4) The permitee or licensee has allowed the pedicab to become damaged, deteriorated or unclean to the extent it is unsatisfactory for public use; or

(5) The permitee or licensee has violated any of the prohibitions listed in this article.

(b) Revocations or suspensions take effect upon delivery of written notice in person to the permitee or licensee or on the third business day following the date it is deposited in U.S. mail, postage prepaid, addressed to the permitee or licensee at the address listed in the application.

Sec. 126-~~178~~177. Appeal of ~~denial~~ suspension or revocation of permit or license.

A~~n~~ ~~applicant,~~ permitee or licensee has the right to appeal a ~~denial~~ suspension or revocation to the city manager by submitting a written appeal to the city secretary, with a copy to the police chief, not more than five (5) business days after the effective date of the ~~denial~~ suspension or revocation. The city manager or his or her designee will hear the appeal and issue a written finding not more than twenty (20) business days after the notice was delivered to the city secretary.

DIVISION 5. OPERATION OF PEDICABS

Sec. 126-~~179~~178. Operation of pedicabs.

(a) When traveling on roadways with multiple lanes, a pedicab driver must travel in the right lane unless the destination requires otherwise.

(b) Pedicabs may not operate on sidewalks or other pedestrian designated areas.

(c) Pedicabs may not travel on roadways with a speed limit greater than thirty (30) miles per hour.

(d) Pedicabs may not stand or park on public roadways for longer than it is necessary to load or unload passengers. All loading of passengers from a roadway must be from a curb lane.

(e) A pedicab operator may not disrupt pedestrian traffic, and must obey all traffic laws enforced within the State of Texas and the City of Bryan, Texas.

Sec. 126-~~180~~179. Property left in pedicab; disposition.

Any property left in a pedicab by a passenger will be promptly delivered to the police services division. The police services division will record the receipt of the items and keep all such items until claimed by the owner, or as the city ~~council~~ manager may authorize in accordance with state law requirements regarding the disposition of abandoned property.

4.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

5.

The Code of the City of Bryan, Texas, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

6.

Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this Ordinance are declared to be severable.

7.

It is the intention of the City Council that this Ordinance shall become a part of the Code of the City of Bryan, Texas, and it may be renumbered and codified therein accordingly.

8.

That the City Secretary is directed to publish this ordinance in a newspaper of general circulation in the City of Bryan in compliance with the provisions of the City Charter, which publication shall be sufficient if it contains the title of this ordinance, the penalty provided therein for violation thereof, and the effective date of the ordinance.

9.

A person who violates any section of this Ordinance is guilty of a misdemeanor and upon conviction is punishable in accordance with Section 1-14 of the City of Bryan Code.

10.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meetings was given.

11.

This Ordinance will be effective from and after its final passage and publication as required by law. The effective date of this Ordinance will be _____.

PRESENTED AND GIVEN first reading the _____ day of _____, 2015, at a _____ meeting of the City Council of the City of Bryan, Texas; and given a second reading, passed and approved on the _____ day of _____, 2015, by a vote of _____ yeses and _____ noes at a _____ meeting of the City Council of the City of Bryan, Texas.

CITY OF BRYAN

_____
Jason P. Bienski, Mayor

ATTEST:

_____
Mary Lynne Stratta, City Secretary

APPROVED AS TO FORM:

_____
Janis Hampton, City Attorney