

AN ORDINANCE AMENDING CHAPTER 29 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN, TEXAS; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, Chapter 29 of the Code of Ordinances governs for-hire transportation services, more specifically, taxicabs, limousines and shuttles; and

WHEREAS, Section 215.004 of the Texas Local Government Code provides that a municipality shall regulate passenger taxicab transportation services in order to protect the public health, safety and welfare; **NOW, THEREFORE**,

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

SECTION 1. That Chapter 29, Transportation, is hereby adopted to read as follows:

Chapter 29. TRANSPORTATION
DIVISION 1. GENERALLY

Sec. 29-1. Purpose and applicability of chapter.

It is the city's policy to promote adequate and efficient ground transportation service in the city. To this end, this chapter provides for the regulation of ground transportation services to be carried out in a manner that protects the public health and safety, promotes the public convenience and necessity, and respects the concept of free enterprise.

Sec. 29-2. Definitions.

- (1) *Ground transportation service* means providing chauffeured vehicle for hire for the transportation of passengers within the city, including but not limited to taxicabs, limousines, shuttles, and shuttles.
- (2) *Holder* means a person who is authorized to operate a ground transportation service, and includes the agents and employees of a holder.
- (3) *Operating Authority* means the written authority granted by the city council to provide a ground transportation service.
- (4) *Taxicab* means a chauffeured motor vehicle equipped with a taximeter with a rated passenger capacity of eight (8) or less used to transport persons, and which typically operates on irregular routes, on irregular schedules, and on a call and demand basis.
- (5) *Taximeter* means a device used in a taxicab to compute a fare.

(6) *Transportation network company* means a corporation, partnership, sole proprietorship, or other entity that, for compensation, enables a passenger to prearrange with a driver, exclusively through the entity's digital network, a digitally prearranged ride, and that is permitted to operate by the Texas Department of License and Regulation.

Sec. 29-3. Penalties.

(A) An offense under this chapter is a class C misdemeanor, punishable by a fine not to exceed \$500.

(B) Prosecution of an offense under this chapter does not preclude other enforcement remedies under this chapter, and the enforcement of other remedies under this chapter does not prevent prosecution for a violation of this chapter.

Sec. 29-4. Exceptions.

This chapter does not apply to:

- (1) A vehicle owned, operated, or subcontracted by the federal government, the state, or a political subdivision when providing service exclusively to the governmental entity.
- (2) A courtesy vehicle that routinely provides transportation to and from the principal place of business of a courtesy vehicle provider and a public transportation terminal or is operated by a corporation that qualifies for exemption from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended.
- (3) An ambulance or other vehicle providing non-emergency medical transports.
- (4) Ground transportation services originating outside of the city.
- (5) Transportation provided by a Transportation Network Company permitted by the Texas Department of License and Regulation.

Sec. 29-5 – 29-10. Reserved.

DIVISION 2. OPERATING AUTHORITY

Sec. 29-11. Operating Authority Required.

A person may not operate a ground transportation service within in the City of Killeen for the pickup of passengers inside the City of Killeen without first having obtained an operating authority from the city issued under the terms and provisions of this chapter.

Sec. 29-12. Permit Application.

- (A) To obtain an operating authority for a ground transportation service, a person must make written application to the city council on a form prescribed by the city manager or his designee. The application must be sworn or affirmed.
- (B) A person may apply for multiple operating authorities on a single application form, provided that the application describes each service applied for and complies with this chapter.

Sec. 29-13. Permit Terms and Conditions.

- (A) An operating authority issued under this division is valid for five (5) years.
- (B) To amend an operating authority, a holder must submit a written request to the city secretary describing in detail the proposed amendment. Any amendment must be approved by the City Council, except for increasing or reducing the number of vehicles or substituting vehicles.
- (C) A holder of an operating authority may not transfer or assign an operating authority.

Sec. 29-14. Window Permits.

- (A) Upon city council approval of an operating authority, the city secretary shall provide a vehicle permit to the holder for each vehicle approved in the operating authority and that meets the requirements of section 29-15. Before a vehicle is placed in service, the holder must affix the permit to the vehicle on the passenger side of the windshield in the lower left corner inside the glass.
- (B) Vehicle permits expire December 31st of each year. A renewal application along with the required fee shall be submitted to the City Secretary to renew a vehicle permit.
- (C) A person commits an offense if he:
 - (1) operates a vehicle with an expired permit; or
 - (2) attaches a permit to a vehicle not authorized to operate.

Sec. 29-15. Vehicle Requirements

Before a vehicle permit may be issued to a ground transportation service vehicle, the holder must present written proof to the city secretary showing that each vehicle has a current State of Texas registration and inspection and pay the fee required in section 29-31.

Sec. 29-16. Insurance.

- (A) It shall be unlawful to operate a ground transportation service in the city unless the holder maintains in force during the authorized period of its operating authority the amount and character of insurance coverage for all vehicles used in such service as follows:
 - (1) bodily injury of \$50,000.00 per person and \$100,000.00 per accident;
 - (2) property damage of \$25,000.00 per accident;
 - (3) all vehicles are to be properly insured 6 months in advance;

- (4) Carried with an insurance company authorized to do business in the State of Texas; and
 - (5) the city is named as an additional insured.
- (B) Each policy must contain a cancellation provision or coverage change endorsement that provides 30 days' notice to the city before the policy is canceled or materially changed to reduce or restrict the coverage. The notice must be mailed to the city secretary.
- (C) Instead of obtaining the insurance policy required by subsection (A) of this section, a holder may furnish proof of compliance with subchapter E of chapter 601 of the Texas Transportation Code.

Sec. 29-17 – 29.20. Reserved.

DIVISION 3. DRIVER'S PERMITS

Sec. 29-21. Driver's Permits Required; Exception.

- (A) A person may not drive a ground transportation service vehicle for trips originating in the city unless that person has a driver's permit issued by the city.
- (B) A holder may not employ or contract with a driver or otherwise allow a person to drive a ground transportation service vehicle owned, controlled or operated by the holder unless the person has a valid driver's permit issued under this division, except as provided in (c).
- (C) A driver of a ground transportation service vehicle with an occupancy capacity of 16 persons or greater, including the driver, is exempt from the permit requirement of this section if the individual possesses a valid class "B" or "C" commercial driver's license with a passenger endorsement issued to the driver by the state of Texas.

Sec. 29-22. Driver Qualifications.

To qualify for a driver's permit, a person must:

- (1) be at least eighteen (18) years old;
- (2) possess a valid driver's license;
- (3) have a valid contract with or currently be employed by a holder;
- (4) provide authorization to work in the United States if the person is not a citizen;
- (5) not have been convicted in a three-year period preceding the application date of:
 - (a) more than three (3) moving violations; or
 - (b) fleeing or attempting to elude a police officer, reckless driving, driving without a valid driver's license or driving with an invalid driver's license;
- (6) not have been convicted in the preceding seven-year period of driving while intoxicated, use of a motor vehicle to commit a felony, any felony involving property damage, fraud, theft, an act of violence, or an act of terrorism; and

- (7) not be registered as a sex offender.

Sec. 29-23. Application and Investigation.

- (A) To obtain a driver's permit, a person must file a completed written application with the police department on the prescribed form and pay the fee required by this chapter.
- (B) The police department shall conduct such investigation as it considers necessary to determine whether a person is qualified for a driver's permit. The police department shall review criminal history information using the criteria established by the Texas Occupations Code, Chapter 53.

Sec. 29-24. Issuance and Denial.

- (A) If the police department determines an applicant is qualified, a driver's permit shall be issued.
- (B) An application for a driver's permit may be denied if:
 - (1) the person is not qualified under this division; or
 - (2) the person falsifies, materially alters or omits information in the application.

Sec. 29-25. Suspension or Revocation.

- (A) A driver's permit may be suspended by the police chief or designee for up to sixty (60) days if the holder rescinds sponsorship of a driver in writing to the police department.
- (B) A driver's permit may be revoked by the chief of police or designee at any time if the permittee no longer meets the qualifications to possess a permit.

Sec. 29-26. Appeal.

- (A) An individual whose driver's permit is suspended or revoked may appeal the revocation or suspension to the city manager or his designee not later than the 10th day after receipt of the notice of suspension. The city manager or designee shall provide a written response no later than thirty (30) days after receiving an appeal.
- (B) An individual whose driver's permit is suspended or revoked shall not drive a ground transportation service vehicle during the pendency of an appeal.

Sec. 29-27. Permit term.

A driver's permit is valid for a 12-month period from the date of issuance, unless the permit is revoked or suspended before the period expires.

Sec. 29-28 – 29-30. Reserved.

DIVISION 4. FARES AND FEES.

Sec. 29-31. Rates of Fare.

(A) The following fares shall be the maximum rate charged by taxicabs operating in the city of Killeen:

- (1) For the first one-tenth mile ("drop charge") \$2.50
- (2) For each additional one-tenth mile ("per mile") 0.285
- (3) For waiting time, per hour ("wait time") 25.00
- (4) For each additional passenger over one, per person ("extras") 1.00
- (5) For each trip, per trip ("minimum fare") 5.00
- (6) Meter Time On

(B) A fuel surcharge as provided in this section may be added to a taxicab fare per trip and any surcharge shall be based on the retail price of regular grade unleaded gasoline. The gasoline price shall be determined by the Oil Price Information Service, as reported by the American Automobile Association (www.fuelgaugereport.com) for the Austin, Texas market. The fuel surcharge, including any increase or decrease in the surcharge, may go into effect any time the price is in a range as indicated below for a period of seven (7) consecutive days. Holders shall notify the city manager in writing within one (1) day of implementing, increasing, decreasing or eliminating a fuel surcharge. Each taxicab shall display a sign clearly visible from the passenger area that indicates that a fuel surcharge is being charged and the amount of the fuel surcharge.

Amount of Surcharge	Gas Price Per Gallon
\$0.50	\$4.00 - \$4.50
\$1.00	\$4.51 - \$5.00
\$1.50	\$5.01 - \$5.50
\$2.00	\$5.51 - \$6.00

(C) No charge shall be made by the driver of any taxicab for waiting time of five minutes or less. Hourly and daily rates for extraordinary services shall be mutually agreed upon by the driver and passenger in advance upon terms satisfactory to them.

Sec. 29-32. Rate Card.

A holder shall post a clearly visible rate card containing a schedule of rates established by the city council.

Sec. 29-33. Fees.

(A) The schedule of fees is as follows:

- Application fee for operating authority (initial application by company) \$300.00

Vehicle permit (annual permit) 50.00
Airport authority permit (annual permit) 40.00
Duplicate decals/permits (damaged or destroyed) 10.00
Driver permit (original/renewal) 25.00
Driver permit (replace/lost) 10.00

- (B) A holder of multiple operating authorities shall pay to the city only one operating authority permit fee for each vehicle.
- (C) Renewal fees are due and payable on or before December 31 of each year.
- (D) The holder shall pay the all required fees before placing any vehicle into service.
- (E) If an operating authority is amended to increase the number of ground transportation service vehicles, the annual operating authority permit fee for each additional vehicle shall be prorated from the month the vehicle permit is approved.
- (F) Fees paid to the city under this chapter are non-refundable.

Sec. 29-34. Taximeter required.

- (A) A person may not drive or allow another person to drive a taxicab unless the taxicab is equipped with an operational taximeter.
- (B) Except as provided by subsection (C) of this section, a person may not use a device other than a taximeter for measuring distance or time or to determine the fare to be charged.
- (C) Taximeter rates of fare do not apply to a trip to a destination outside the corporate city limits or a trip under a contract with a governmental agency, a nonprofit organization, or as otherwise reasonably necessary to provide a public service.

Sec. 29-35 – 29-40. Reserved.

DIVISION 5. OPERATIONS.

Sec. 29-41. Limitations on solicitations.

- (A) A driver may not solicit business for a taxicab except from the driver compartment of the vehicle or the curb immediately adjacent to the vehicle.
- (B) A driver may not solicit business in a loud or annoying tone of voice, or obstruct the movement of any person. A driver may not solicit business at the terminal of another common carrier or at points of loading and unloading along any established route of another common carrier.

- (C) When a taxicab is at the airport or bus depot within the city, the driver may not leave the vehicle and enter the depot, the sidewalk, or private property of an airline or bus company to solicit the transportation of arriving passengers. The meeting, loading and unloading of passengers, loading and unloading of luggage and the assisting of passengers with luggage is permissible at the airport.

Sec. 29-42. Municipal airport service.

- (A) An applicant for authority to provide a ground transportation service vehicle that includes service to or from the municipal airport must obtain authority to operate at the airport. The city secretary shall consult with the executive director of aviation or designee before granting authority. A separate decal shall be issued for airport operation and shall be placed next to the city decal.
- (B) An operating authority issued under this chapter does not authorize a person to operate at the airport.
- (C) The executive director of aviation may adopt rules regarding the traffic flow of vehicles at the airport.

Sec. 29-43. Continued operations.

A ground transportation service operating under a valid franchise or operating authority granted before the effective date of this ordinance may continue to operate under that franchise or operating authority. The ground transportation service shall continue to pay all fees and remain in compliance with the franchise or operating authority previously granted. Upon expiration, the ground transportation service shall apply for an operating authority under this chapter to continue operating in the city.

SECTION II: That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION III: That should any section or part of any section or paragraph of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

SECTION IV: That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION V: That this ordinance shall be effective upon publication according to law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, on this the 28th day of November, 2017, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, § 551.001 *et. seq.*

APPROVED:

Jose L. Segarra
MAYOR

APPROVED AS TO FORM:

ATTEST:

Kathryn H. Davis
CITY ATTORNEY

Dianna Barker
CITY SECRETARY