

Chapter 29

TRANSPORTATION*

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ARTICLE I. GENERAL PROVISIONS**

DIVISION 1. GENERAL PROVISIONS

Sec. 29-1. Definitions.

(1) *Airport shuttle* shall mean a vehicle with an occupancy of more than six but fewer than sixteen that operates on irregular routes and schedules and that originates or terminates at the municipal airport.

(2) *Charter service* shall mean a vehicle consisting of vans, minibuses, or buses with an occupancy of more than six, including the driver, that operates on irregular routes and schedules, is prearranged, and at a fare mutually agreed upon by customer and holder.

***Cross reference**—Smoking, § 13-41 et seq.; licenses, permits and miscellaneous business regulations, Ch. 15; traffic, Ch. 28.

****Charter reference**—Regulation of taxicabs, §§ 27(13), 123.

State law reference—Authority to regulate taxicabs, V.T.C.A., Local Government Code §§ 215.004, 215.029.

(3) *City manager* includes the city manager's designee.

(4) *Controlled substance* means a substance defined as a controlled substance under the Texas Controlled Substances Act, section 481.001 of the Texas Health and Safety Code or under Title 21 of the United States Code.

(5) *Cruise or cruising* shall mean the movement of unoccupied taxicabs or limousines over the public streets of the city in search of, or soliciting prospective passengers for hire, except however, unoccupied taxicabs or limousines proceeding to answer a telephone call for taxicab or limousine service from an intended passenger and taxicabs or limousines returning by the most direct route after having discharged a passenger or passengers, to the garage where such taxicab or limousine is housed, or to its regularly established stand, shall not be considered cruising.

(6) *Demand-response transit service* shall mean transportation services provided on a first-come, first-serve basis. Services are upon a shared-ride basis and are dependent upon availability of vehicles during the time the passenger has requested. Demand-response transit services may be operated in one (1) of two (2) ways: for next-day services and nonroutine trips or by subscription. Subscription demand-response transit services will require a passenger needing the same trip(s) at the same time(s) on the same day(s) at least once a week. All of the provisions in this chapter relating to limousine service are applicable to demand-response transit service, save and except that a van may be utilized provided the manufacturer's rated seating capacity does not exceed fifteen (15) passengers.

(7) *Director* means the city manager or his designee.

(8) *Driver* means an individual who drives a ground transportation service vehicle.

(9) *Driver's permit* means written permission granted to an individual by the department to chauffeur a vehicle under the authority granted to a franchise holder or holder.

(10) *Franchise* means the authority to operate a taxicab service granted by ordinance under the city charter.

(11) *Franchise holder* means a person who obtains a taxicab franchise from the city or has the control, direction, maintenance, or the benefit of the collection of revenue derived from the taxicab franchise, and includes the agents, servants, or employees of the franchise holder.

(12) *Ground transportation service* means the service of providing chauffeured vehicles for hire for the transportation of passengers within the city.

(13) *Ground transportation vehicle* means a chauffeured vehicle other than a taxicab used to transport passengers on city streets for compensation under the authority of this chapter.

(14) *Holder* means a person who is authorized to operate a ground transportation service, and includes the agents, servants, or employees of the holder. Holder includes a franchise holder.

(15) *Limousine* shall mean a luxury vehicle that is operated on irregular routes and schedules with an occupancy of five or more, excluding the driver.

(16) *Operating authority* means the written authority granted by the city to provide a ground transportation service other than a taxicab service.

(17) *Owner* shall mean any person who has the control, direction, maintenance or the benefit of the collection of revenue derived from the operation of taxicabs or limousines on or over the streets or public ways of the city whether as owner or otherwise, except “driver” as hereinafter defined.

(18) *Passenger* means an individual being transported for a fee in a ground transportation service vehicle.

(19) *Permittee* means an individual who has been issued a driver’s permit to drive a ground transportation service vehicle.

(20) *Pre-arranged service* means ground transportation service that is scheduled in advance of the trip.

(21) *Shuttle* shall mean a vehicle with an occupancy of more than six but fewer than twenty-five excluding the driver that operates on scheduled routes.

(22) *Taxicab* means a vehicle for hire other than a ground transportation vehicle.

(23) *Taximeter* means a device used in a taxicab to compute a fare.

(24) *Vehicle for hire* means a chauffeured vehicle used to transport passengers on city streets for compensation under the authority of this chapter.

(25) *Vehicle permit* means a decal issued by the city to a franchise holder that evidences the franchise holder’s authority to operate a vehicle as a taxicab or a holder’s authority to operate a vehicle as a ground transportation service vehicle.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § I, 04-22-03)

Sec. 29-2. Purpose and applicability of chapter.

It is the city’s policy to provide for and to promote adequate and efficient ground service transportation service in the city. To this end, this chapter provides for the regulation of ground service transportation, taxicab rates, and services to be carried out in a manner that protects the public health and safety and promotes the public convenience and necessity and respects the concept of free enterprise. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § I, 04-22-03)

Sec. 29-3. Operating authority or taxicab franchise required.

(A) Except as provided by subsection (B) of this section, unless a person obtains an authority to operate the service under section 29-161 of this chapter or a taxicab franchise to operate a taxicab service under section 29-305 of this chapter or the person is providing service on behalf of a person who has obtained such authority or franchise, a person may not:

- (1) provide or operate a vehicle for hire within the city;
- (2) represent the person’s business to the public as a vehicle for hire; or

(3) operate a business that provides vehicle for hire services that originate in the city.

(B) This section does not apply to the operation of the following:

(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 vehicle used exclusively for funeral services.

(3) A courtesy vehicle that:

(a) routinely provides transportation between the principal place of business of a courtesy vehicle provider and a public transportation terminal;

(b) is used by an automotive repair business, car dealership, or similar business operation to transport customers to or from their work or home and the business; or

(c) 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.

(4) A vehicle that only provides a service that is regulated by the state or federal government.

(5) An ambulance.

(6) A vehicle rented without a driver.

(7) Ground transportation services originating outside of the city.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § I, 04-22-03; Ord. No. 07-089, § I, 09-25-07)

Sec. 29-4. Multiple operating authorities permitted.

A person may obtain more than one operating authority under section 29-161 of this chapter.

(Ord. No. 00-90, § I, 12-12-00)

Sec. 29-5. Review of applications.

(A) An application required by this chapter shall be reviewed to determine whether it complies with the requirements of this chapter and rules adopted under this chapter.

(B) An application is considered complete on a determination by the city manager that all information required by the application has been provided.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § I, 04-22-03)

Sec. 29-6. Fees.

(A) The fees required under this chapter shall be established by section 29-175 of this ordinance.

(B) Fees paid to the city under this chapter are non-refundable.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § I, 04-22-03)

Sec. 29-7. Default or arrearage prohibited.

A franchise applicant shall provide a statement attached to their application that they are not

in default or arrears in any amount or any way with or to the city of Killeen or any activity associated with the city of Killeen. (Ord. No. 00-90, § I, 12-12-00)

Secs. 29-8--29-10. Reserved.

DIVISION 2. ENFORCEMENT

Sec. 29-11. Administration; rulemaking.

(A) The city manager or his designee shall administer and enforce this chapter and may issue any orders to enforce this chapter. Failure to comply with an order is an offense under this chapter.

(B) The director of the department of aviation may adopt rules regarding the traffic flow of vehicles at the city's airport.
(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § II, 04-22-03)

Sec. 29-12. Investigations.

The city manager may conduct investigations into the operations of vehicles for hire operating in the city of Killeen to determine whether the services comply with this chapter and other applicable laws. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § II, 04-22-03)

Sec. 29-13. Enforcement personnel.

The city manager or his designee shall enforce this chapter, rules adopted under this chapter, and orders issued under this chapter. (Ord. No. 00-90, § I, 12-12-00)

Sec. 29-14. Compliance required.

A person commits an offense if the person performs an act prohibited by this chapter or fails to perform an act required by this chapter. Each instance of a violation of this chapter is a separate offense. (Ord. No. 00-90, § I, 12-12-00)

Sec. 29-15. No culpable mental state required.

Except as otherwise provided in this chapter, proof of a culpable mental state is not required for a conviction of an offense under this chapter. (Ord. No. 00-90, § I, 12-12-00)

Sec 29-16. Penalty.

(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 subsection (A) of this section does not preclude other enforcement remedies under this chapter. The enforcement of other remedies under this chapter does not prevent prosecution for a violation of this chapter under subsection (A) of this section.
(Ord. No. 00-90, § I, 12-12-00)

Sec. 29-17. Appeal deadlines.

Anywhere an appeal is provided or a license applied for the city shall provide a response no later than the 60th day following its filing unless a shorter period is provided in a specific section. (Ord. No. 00-90, § I, 12-12-00)

Sec 29-18. Alcohol and drug free workplace.

It is an objective of the city of Killeen to promote, encourage and require a drug and alcohol free environment for its employees. So far as possible the city of Killeen will now impose that responsibility on its franchisees, permittees or licensees. To that end the city of Killeen hereby will require that any owner, permittee or holder of a franchise to operate any ground transportation service within the city of Killeen will require, promote and support an alcohol and drug free environment for its employees and customers. (Ord. No. 00-90, § I, 12-12-00)

Secs. 29-19--29-30. Reserved.

DIVISION 3. OPERATIONS

Sec. 29-31. Vehicle to display permit.

(A) A person may not drive or allow another to drive a vehicle for hire unless the vehicle displays a vehicle permit issued by the city of Killeen.

(B) Each vehicle permitted in the city shall be issued a decal that shall be displayed according to the guidelines contained herein or by the rules promulgated by the department.

(C) The decal shall be of distinctive color and design and placed on the left rear passenger side door window, in the left lower corner inside the glass.

(D) A separate decal shall be issued by the city for authorizing transportation services at the city's airport. The airport decal shall be placed next to the city's decal.

(E) It is a violation of this code to not display the decals. The vehicle is not authorized to carry passengers of any sort if the decal is not displayed according to this section.

(F) It is no defense to an alleged violation of this section that the decal has been issued by the city but not displayed on the vehicle.

(G) It is the company that shall be held to have violated this ordinance if the decal is not displayed.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § III, 04-22-03)

Sec. 29-32. Municipal airport service.

(A) An applicant for authority to provide a vehicle for hire that includes service to or from the municipal airport must obtain authority to operate at the airport from the director of aviation.

(B) An operating authority or a franchise issued under this chapter does not authorize a

person to operate at the airport.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § III, 04-22-03)

Sec. 29-33. Insurance required.

(A) Except as provided by subsection (F) of this section, before authority to operate a vehicle for hire in the city becomes effective, an applicant must obtain a public liability policy issued by an insurance company licensed to operate in the state of Texas and by an agent licensed by the state of Texas. The policy must include the following: bodily injury and property damage coverage; and owned, non-owned and hired vehicle coverage. The insurance policy must be in a form satisfactory to the city, and it must meet the requirements of this section. The insurance coverage must be maintained throughout the term of the operating authority or taxicab franchise. The applicant must furnish a certificate of insurance for the policy to the department.

(B) The policy required by subsection (A) of this section must, at a minimum, provide coverage for:

- (1) bodily injury of \$50,000.00 per person and \$100,000.00 per accident;
- (2) property damage of \$25,000.00 per accident; and
- (3) all vehicles are to be properly insured 12 months in advance.

(C) A business automobile liability insurance policy that provides coverage for scheduled vehicles but does not provide the liability coverage prescribed by subsection (A) of this section does not comply with this section.

(D) The city must be included as an additional insured on each policy. The holder or franchise holder is responsible for paying all applicable deductibles.

(E) 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 director.

(F) 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.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § III, 04-22-03)

Sec. 29-34. Impaired insurance.

If the insurance required by this chapter becomes impaired, the city secretary shall require new insurance of the holder. (Ord. No. 00-90, § I, 12-12-00)

Secs. 29-35--29-50. Reserved.

DIVISION 4. SERVICE DELIVERY

Sec. 29-51. Loading and unloading.

A driver may not load or unload passengers in the roadway of a street, but shall drive to the

right hand sidewalk as nearly as possible, except on one-way streets where passengers may be discharged at either the right-hand or left-hand sidewalk, or at the side of a roadway without a sidewalk. (Ord. No. 00-90, § I, 12-12-00)

Sec. 29-52. Alternative transportation.

When a vehicle becomes inoperable, the driver shall immediately notify the holder's dispatcher that the vehicle has become inoperable. The holder shall then immediately provide alternative transportation to passengers occupying the vehicle. (Ord. No. 00-90, § I, 12-12-00)

Sec. 29-53. Display and inspection of driver credentials.

(A) A person may not drive a vehicle for hire unless a driver's permit issued under this chapter or a class "B" or "C" commercial driver's license with a passenger endorsement issued to the driver by the state of Texas, as provided under section 29-121, is displayed in the vehicle. The permit or license must be displayed on the vehicle's right side dash while the driver is on duty.

(B) While on duty, a driver of a vehicle for hire shall display the driver's permit or commercial driver's license, as provided under section 29-121. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § IV, 04-22-03)

Sec. 29-54. Rest periods for drivers.

A driver who operates a vehicle for hire for 12 consecutive hours must take a twelve-hour rest period before resuming operation of a ground transportation service vehicle. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § IV, 04-22-03)

Sec. 29-55. Riders prohibited.

A driver may not allow a person other than a passenger, an employee, or a trainee of the service for whom the driver works to occupy or ride in a vehicle for hire while the vehicle is available for hire. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § IV, 04-22-03)

Sec. 29-56. Use of air conditioning or heating.

The vehicle's air conditioning or heating equipment shall be operated when the vehicle is in service unless a passenger requests that the equipment not be operated. (Ord. No. 00-90, § I, 12-12-00)

Sec. 29-57. Receipt for service.

On request, a driver shall provide the person paying a fare with a receipt that contains the name, address, and telephone number of the service, the date of the trip, the total fare charged, and the name of the driver. (Ord. No. 00-90, § I, 12-12-00)

Sec. 29-58. City map required.

Each driver shall keep a map of the city of Killeen in the vehicle when driving the vehicle.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § IV, 04-22-03)

Sec. 29-59. Disposition of abandoned property.

If practicable, a driver shall promptly attempt to return to a passenger property that is left by the passenger in a vehicle for hire. If unable to locate the passenger, the driver shall deliver the property to the holder not later than the end of the workday after discovery of the property. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § IV, 04-22-03)

Sec. 29-60. Cruising prohibited.

No driver shall cruise in search of passengers at any time and whenever a taxicab is unoccupied, the driver shall proceed at once by the most direct route to the garage where the vehicle is housed. Except that when a taxi is otherwise at a public transportation terminal the driver may respond to a request to transport from a person seeking transportation. (Ord. No. 00-90, § I, 12-12-00)

Secs. 29-61--29-70. Reserved.

DIVISION 5. HOLDERS

Sec. 29-71. Compliance with this chapter required.

A holder shall comply with the provisions of the holder's operating authority or taxicab franchise, this chapter, rules adopted under this chapter, orders issued under this chapter, and applicable federal, state, and local laws and rules. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § V, 04-22-03)

Sec. 29-72. Duty to establish policies requiring compliance.

A holder shall establish and enforce policies requiring compliance with this chapter by drivers employed by or contracting with the holder. (Ord. No. 00-90, § I, 12-12-00)

Sec. 29-73. Sponsoring and hiring drivers.

(A) A holder may not allow an individual to drive a vehicle for hire unless:

- (1) the individual possesses a driver's permit, sponsored by that holder, or a state license, as provided under section 29-121; or
- (2) the individual has not been convicted of a violation that results in a revocation under section 29-107 or a suspension under section 29-108.

(B) A holder shall sponsor an individual to obtain a driver's permit to drive a vehicle for hire. To indicate a holder's sponsorship of an applicant for a driver's permit, the holder shall sign the application for the driver's permit in the space designated for the sponsor's signature.

(C) A holder may not sponsor, contract with, or employ an individual as a driver who does not meet the standards established under section 29-105 or has been convicted of four or more violations of this chapter in a 12-month period. The prohibition regarding convictions begins on

the date of the first conviction and ends on the last day of the 12th month following the month in which the conviction occurred.

(D) A holder may establish standards in addition to those set out in this chapter.

(E) A holder shall rescind sponsorship of a driver whose criminal or driving record indicates a lack of capacity to be a safe and reliable driver in accordance with the criteria prescribed by the Texas Occupations Code, chapter 53.

(F) When a holder rescinds sponsorship of a driver, the holder shall notify the police department, in writing, not later than the 10th day after the holder rescinds sponsorship.
(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § V, 04-22-03)

Sec. 29-74. Hiring drivers as independent contractors.

(A) Before a holder may hire a permittee as a driver on an independent contractor basis, the holder and the permittee shall execute a written contract that requires:

- (1) the holder to indemnify, defend, and hold the city harmless from any claim or cause of action against the city arising from conduct of the driver;
- (2) the driver to be insured under the holder's insurance policy and that the holder shall obtain proof of coverage for that driver before allowing the driver to drive a vehicle for hire; and
- (3) the driver to comply with this chapter and the provisions of the holder's operating authority or taxicab franchise, and provides that failure to comply is grounds for termination of the contract.

(B) The holder shall provide the city secretary with a copy of this written contract within five (5) days of execution.
(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § V, 04-22-03)

Sec. 29-75. Access to service for disabled persons.

A holder may not allow its drivers to refuse to accept a passenger who is disabled, or to charge a higher fare or additional fee to a person who is disabled, based on the person's disability, use of a service animal, wheelchair, crutches, or other mobility assistance device.
(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § V, 04-22-03)

Sec. 29-76. Sale of alcoholic beverages, controlled substances prohibited.

A holder may not sell or provide an alcoholic beverage or a controlled substance to a passenger in a vehicle for hire. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § V, 04-22-03)

Sec. 29-77. Criminal conduct prohibited.

A holder may not knowingly allow a driver to engage in conduct prohibited by section 29-132(B)(2). (Ord. No. 00-90, § I, 12-12-00)

Sec. 29-78. Abandoned property.

A holder who receives property from a driver under section 29-60 of this code shall attempt to locate the passenger. A holder who is unable to locate the passenger shall deliver the property to the Killeen police department not later than the 24 hours after receiving the property. (Ord. No. 00-90, § I, 12-12-00)

Secs. 29-79--29-100. Reserved.

DIVISION 6. DRIVERS

Subdivision 1. Driver's Permit

Sec. 29-101. Driver's permit required.

(A) Except as provided in section 29-121, a person may not drive a vehicle for hire for trips originating in the city unless that person has a driver's permit issued by the city.

(B) To obtain a driver's permit, an individual must submit a written application to the police department, on a form prescribed by the department, and pay the permit fee as required by section 29-175.

(C) A driver's permit is not required when a vehicle for hire passes through the city or when a vehicle for hire makes a stop in the city as part of a trip originating outside of the city. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § VI, 04-22-03; Ord. No. 07-089, § II, 09-25-07)

Sec. 29-102. Contents of application.

(A) An application for a driver's permit must contain the following:

- (1) Applicant's name, social security number, and date of birth.
- (2) Applicant's residence address and telephone number and states of residence during the three years preceding the date of the application.
- (3) Applicant's Texas driver's license number and expiration date.
- (4) A description of the applicant's experience in driving motor vehicles generally and in driving ground transportation service vehicles.
- (5) For a non-citizen applicant, proof that the applicant is permitted to work in the United States.
- (6) The name, address, telephone number, and signature of the sponsoring holder.
- (7) A statement that the applicant has read and understands the provisions of this chapter applicable to drivers of ground transportation service vehicles.
- (8) A statement of whether the applicant has been convicted of a criminal offense, whether the applicant's driver's license has been suspended or revoked, and complete information concerning any conviction, suspension, or revocation. Under this provision, a traffic violation must be included whether or not it is classified as a criminal offense.
- (9) Additional information required on the application form prescribed by the police department.

(B) An applicant who has been convicted of a criminal homicide offense; fraud or theft; unauthorized use of a motor vehicle; prostitution or promotion of prostitution; sexual assault; sexual abuse or indecency; state or federal law regulating firearms; violence to a person; use, sale or possession of drugs; or driving while intoxicated must provide proof that the applicant has maintained a record of good conduct and steady employment since release, has supported dependents, if applicable, and has paid all outstanding court costs, supervision fees, fines and restitution that were ordered at the time of conviction.

(C) An applicant whose driving record contains one or more traffic convictions or violations during the three years preceding the date of the application must submit proof of completion of a driver safety course within the last three years as provided for in the Texas Transportation Code.

(D) The application must be signed and sworn or affirmed by the applicant in the presence of a notary public or other person authorized to administer oaths in this state.
(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § VI, 04-22-03)

Sec. 29-103. Driver's permit requires sponsoring holder.

To obtain a driver's permit, an individual must be sponsored by a holder with a current operating authority or taxicab franchise under this chapter. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § VI, 04-22-03)

Sec. 29-104. Additional requirements.

A person is not eligible for a chauffeur's permit unless the person passes an examination administered by the department that demonstrates a general knowledge of this chapter and the location of streets, major businesses, and points of historical interest in the city. (Ord. No. 00-90, § I, 12-12-00)

Sec. 29-105. Multiple driver's permits allowed.

(A) A person may apply for more than one driver's permit, and a separate fee is required for each permit.

(B) A person must obtain a separate driver's permit for each holder for which the person intends to drive. A driver may obtain multiple permits only if the driver provides the police department with a written statement from each sponsoring holder acknowledging that the driver has informed the sponsoring holder of the driver's intent to drive for more than one holder.

(C) A permittee may not transfer or assign a driver's permit. An attempt to transfer or assign a driver's permit voids the permit.
(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § VI, 04-22-03)

Sec. 29-106. Approval and denial of applications.

(A) The police department shall review each permit application, under the criteria established by the Texas Occupations Code, chapter 53, to determine the applicant's fitness or ability to perform the duties and obligations of operating a vehicle for hire under this chapter. The police department may conduct investigations of the character, ground transportation service

experience, and qualifications of each applicant to determine whether an applicant appears fit and qualified to receive a permit.

(B) The police department may not approve an application for a driver's permit unless the applicant:

- (1) obtains sponsorship from a holder;
- (2) has a current Texas driver's license;
- (3) has not been convicted of four or more moving violations of the state traffic laws of this state or another jurisdiction within the 12-month period immediately preceding the date of application;
- (4) provides, if required, proof of authorization to work in the United States;
- (5) passes an examination required under section 29-104; and
- (6) meets all other requirements for obtaining a driver's permit prescribed by this chapter.

(C) The police department shall not approve an application for a driver's permit for an applicant who falsifies, materially alters, or omits information in the application.

(D) The police department shall deny the application of a person convicted of a criminal offense if the police department determines that the conviction is directly related to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of a driver of a vehicle for hire. In making a determination, the police department shall use the criteria established in the Texas Occupations Code, chapter 53.

(E) In making its determination under subsection (D) of this section, the police department shall consider that an applicant has failed to complete at least one half of a probated or adjudicated sentence or term of parole for a crime directly related to the duties and responsibilities of a driver of a vehicle for hire.

(F) An applicant who is denied a driver's permit may not reapply for thirty (30) days from receipt of the notice of denial from the police department.
(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § VI, 04-22-03)

Sec. 29-107. Appeal.

An applicant may appeal a denial of the issuance, renewal, amendment, or replacement of a driver's permit to the city manager or his designee. The appeal must be submitted in writing not later than the 30th day after receipt of the notice of denial. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § VI, 04-22-03)

Sec. 29-108. Revocation of driver's permit.

(A) A driver's permit is automatically revoked on the occurrence of the following:

- (1) the permittee receives four or more convictions for moving violations of local or state traffic laws within a 12-month period;
- (2) the permittee's Texas driver's license is suspended, revoked, or expired;
- (3) the permittee is convicted of an offense under sections 29-132(B)(2) or 29-134; or

(4) the permittee is convicted of an offense after the date of issuance of the driver's permit that would disqualify an applicant for a driver's permit.

(B) The police department shall revoke an individual's driver's permit on the occurrence of the following:

- (1) the permittee is convicted of four or more violations of this chapter that occurred within a 12-month period;
- (2) the permittee is convicted of two or more moving violations of local or state traffic laws that occurred within a 12-month period;
- (3) the permittee drives a ground transportation service vehicle inside the city while the person's driver's permit is suspended;
- (4) the permittee's driver's permit is suspended at least twice within a 12-month period;
- (5) a probation, parole, or mandatory supervision of the permittee is revoked after the date of issuance of the driver's permit; or
- (6) a falsification, material alteration, or omission of information in a governmental record submitted under this chapter is discovered after the permit is issued.

(D) A person is not eligible to re-apply for a permit for a 12-month period after the date of revocation.

(E) The police department shall notify the permittee and sponsoring holders in writing of the revocation of a permit. A revocation under this section revokes all permits issued to the driver under this chapter.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § VI, 04-22-03)

Sec. 29-109. Suspension of driver's permit.

(A) A driver's permit issued to a driver is automatically suspended if a sponsoring holder rescinds sponsorship of the driver, in writing, to the police department. A suspension under this subsection affects only the permit for which the holder served as sponsor. The driver may not drive a vehicle for hire for that holder unless the driver obtains a new driver's permit for that holder.

(B) A driver's permit issued to a driver is automatically suspended if the permittee fails to timely pay a fine under section 29-17.

(C) The police department may suspend the driver's permit of a driver who is convicted of two or more offenses under this chapter in a 12-month period. A suspension under this subsection suspends all permits issued to the driver under this chapter. The period of suspension under this subsection may not exceed 60 days.

(D) The police department shall notify the driver and all affected sponsoring holders in writing of the suspension of a permit under this section.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § VI, 04-22-03)

Sec. 29-110. Appeal of revocation or suspension.

(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 30th day after receipt of the notice of suspension.

(B) An individual whose driver's permit is suspended or revoked shall not drive a vehicle for hire during the pendency of an appeal.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § VI, 04-22-03)

Sec. 29-111. State driver's license.

A permittee whose Texas driver's license is suspended, revoked, or expired must notify the city and sponsoring holders and surrender all driver's permits to the city. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § VI, 04-22-03)

Sec. 29-112. 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. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § VI, 04-22-03)

Sec. 29-113. Renewal; replacement.

(A) To renew a driver's permit, a permittee must submit a written application not earlier than the 30th day before the expiration date of the permit and not later than the expiration date of the permit, accompanied by the renewal fee. Renewal application is made on a form prescribed by the police department.

(B) The police department shall deny a renewal application:

- (1) for a driver's permit that has been revoked;
- (2) during a period in which a permit is suspended;
- (3) if any of the conditions exist for denial of an initial application for a driver's permit; or
- (4) that is received by the police department after the deadline stated in subsection (A) of this section.

(C) A lost or destroyed driver's permit may be replaced on written application by the permittee. The application must state the reason replacement is required and be accompanied by the replacement fee.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § VI, 04-22-03)

Sec. 29-114. Driver's records.

The police department shall maintain records regarding an individual to whom a driver's permit is issued. The records shall include all applications submitted by the applicant and any accompanying information as well as records relating to action taken by the department on the applications or permits. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § VI, 04-22-03)

Secs. 29-115--29-120. Reserved.

Subdivision 2. Other Drivers

Sec. 29-121. Exemption from driver's permit requirement.

A driver of a vehicle for hire with an occupancy capacity of 16 persons or greater, including the driver, is exempt from the permit requirement of section 29-101 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 and a certificate stating that the driver is physically qualified to drive a commercial motor vehicle issued by a qualified medical examiner under 49 C.F.R. §391.41. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § VII, 04-22-03)

Sec. 29-122. Certain drivers ineligible.

An individual authorized to drive a vehicle for hire under section 29-121 who is convicted of 4 or more offenses under this chapter in a 12-month period is ineligible to drive a vehicle for hire for a one-year period from the date of the conviction for the fourth offense. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § VII, 04-22-03)

Sec. 29-123. Driver's records.

The department may maintain records regarding an individual who drives a vehicle for hire under section 29-121. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § VII, 04-22-03)

Secs. 29-124--29-130. Reserved.

Subdivision 3. Duties and Conduct of Drivers

Sec. 29-131. Driver's duties.

(A) A driver shall comply with this chapter, rules established under this chapter, orders issued under this chapter, and all applicable federal, state, and local laws and rules.

(B) A driver may not refuse to accept a passenger who is disabled, or charge a higher fare or additional fee to a person who is disabled, based solely on the person's disability, use of a service animal, wheelchair, crutches, or other mobility assistance device. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § VIII, 04-22-03)

Sec. 29-132. Driver's conduct.

(A) While on duty, a driver shall act in a professional and courteous manner and maintain a well-groomed appearance.

(B) While on duty, a driver shall not:

- (1) consume an alcoholic beverage, controlled substance, or other substance that could adversely affect the driver's ability to drive a motor vehicle, and may not drive a vehicle while under the influence of an alcoholic beverage, controlled substance, or other substance that could adversely affect the driver's ability to drive a motor vehicle;

- (2) sell or otherwise provide an alcoholic beverage or a controlled substance to a passenger in a vehicle for hire; or
- (3) monitor the communication frequency of a service other than the driver's own frequency or respond to a service call assigned to another driver.

(C) If a person is convicted of an offense described in subsection (B)(2) of this section, the conviction shall result in the automatic revocation of all driver's permits held by the person, without further notice.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § VIII, 04-22-03)

Sec. 29-133. Soliciting for other business prohibited.

A driver shall not solicit business for a hotel, motel, or similar business or attempt to divert patronage from one lodging business to another for the payment or promise to pay, any tip, gratuity, salary, bonus, benefit or anything of value. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § VIII, 04-22-03)

Sec. 29-134. Unlawful acts.

A driver shall not:

- (1) facilitate the commission of an unlawful act;
- (2) solicit another person to engage in sexual conduct with another person for compensation;
- (3) transport an individual who is engaged in the commission of an unlawful act, or otherwise aid or promote an unlawful act; or
- (4) permit an unlawful act to be conducted in the vehicle for hire.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § VIII, 04-22-03)

Secs. 29-135--29-140. Reserved.

DIVISION 7. VEHICLES AND EQUIPMENT

Sec. 29-141. Inspection required.

(A) Before any vehicle can be placed in service, it must be inspected, and this initial inspection shall not be charged a fee. Annually, all vehicles currently in service must appear at a location on the time set by the city, and this annual inspection shall be performed by the city at no cost to the franchisee. Each vehicle presented for inspection that does not pass the initial inspection and requires a second or subsequent inspection will be assessed an inspection fee at the time of the second or subsequent inspection as provided in section 29-174. Any currently-permitted vehicle that is not presented for the annual inspection will be charged an inspection fee as provided in section 29-174 at the time it is inspected.

(B) A holder shall make a vehicle that is in service available for inspection by the police department at any time.

(C) The city secretary shall issue an inspection decal for a vehicle that passes the inspection. The decal shall be affixed to the vehicle as required by this chapter.

(D) A person may not place a vehicle in service that does not comply with the inspection requirements of this chapter.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § IX, 04-22-03; Ord. No. 05-119, § I, 12-13-05; Ord. No. 06-115, § I, 10-17-06)

Sec. 29-142. Inspection standards.

(A) Except as otherwise provided by this chapter, to pass inspection, a vehicle must comply with this section. The inspection includes all operational and safety systems.

(B) A vehicle must:

- (1) pass all state safety standards.
- (2) be equipped with a chemical fire extinguisher of a capacity of one quart or greater and mounted within the driver's reach.
- (3) be equipped with a spare tire, a jack, and a lug nut wrench. The spare tire must be appropriately mounted and meet state safety requirements. This subsection does not apply to a vehicle modified to operate using alternative fuels or to allow the transport of disabled passengers if the modification prevents compliance with this subparagraph.

(C) The vehicle must have a physical barrier securely anchored between the passenger and luggage compartments if the vehicle has no trunk compartment.

(D) The vehicle must be equipped with two-way communication equipment capable of transmitting and receiving vocal communications with the dispatching office.

(E) The vehicle must be equipped with air conditioning and heating equipment operating within manufacturer's specifications.

(F) The vehicle exterior must:

- (1) be reasonably clean.
- (2) if equipped with wheel covers, all wheel covers must match. If the wheel covers or wheels are painted, they must be painted the same color and match the vehicle's paint scheme.
- (3) have no missing or damaged body moldings or trim.
- (4) have no dents or buckles that collectively cover an area of nine square inches or more to the vehicle body.
- (5) have no windshield damage impairing the driver's view or creating a safety hazard.
- (6) have no cracked or damaged side window, rear window, or mirror.
- (7) have no exterior paint that is noticeably rusted, flaked, scraped, or faded. Any noticeable exterior paint damage must be painted the same color and match the vehicle's paint scheme.

(G) The vehicle interior must:

- (1) be reasonably clean. The seats, floor, dashboard, package tray, and any other area within the interior must be clear of any items not required for the performance of ground transportation services. No more than five newspapers, periodicals, or other publications may be kept within the vehicle at any one time. The trunk area must be kept clean and provide adequate space to accommodate passenger luggage. All portions of the upholstery must match in color or be of similar shades, without noticeable tears or other damage.
- (2) have no missing, broken, or significantly damaged interior parts that affect the operation or safety of the vehicle or the passenger's comfort.

(H) Damage required to be repaired under this section must be repaired to original condition. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § IX, 04-22-03)

Sec. 29-143. Removal of vehicle from service after initial inspection.

(A) The police department shall order the removal of a vehicle from service if the vehicle fails to meet the inspection standards at any time.

(B) If a removal order is issued to a driver for a vehicle that is occupied by a passenger, the driver may continue to the passenger's destination before returning the vehicle to the holder's place of business and removing it from service.

(C) The police department shall notify the holder in writing of the inspection failure, identifying the vehicle, the driver, and the specific inspection standard violated. A citation issued by the police department meets the notice requirements.

(D) The police department's failure to order the removal of a vehicle from service is not a defense to an allegation of a violation under this chapter. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § IX, 04-22-03)

Secs. 29-144--29-160. Reserved.

ARTICLE II. GROUND TRANSPORTATION SERVICES OTHER THAN TAXICABS

DIVISION 1. OPERATING AUTHORITY

Subdivision 1. Application; administration

Sec. 29-161. Operating authority application required.

(A) To obtain 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) The application must include:

- (1) The name, address, telephone number, and Texas driver's license number of the applicant and each officer, director, partner, and any other person who will participate in the business decisions of or who has the authority to enter contracts on behalf of

- the ground transportation service.
- (2) Certified copies of any documents required by state law to be filed for the business entity to legally exist, and a statement from the Texas secretary of state certifying that the business is in good standing if state law requires the entity to file documents with the Texas secretary of state.
 - (3) For each person listed in the application, a description of all criminal convictions and criminal history certified by the Texas department of public safety within the past 30 days must be included with the application. If a person listed in the application has been a resident of Texas for less than three years preceding the application date, the criminal history must be certified by the corresponding governmental authority in the former state of residence within the past 30 days.
 - (4) The number, type, and description of each vehicle to be used in the proposed service, including the year, make, model, vehicle identification number, manufacturer's rated seating capacity, state license plate number, and the body style.
 - (5) A description of the applicant's ground transportation service experience to include airport transportation service experience.
 - (6) A detailed description of the proposed service including proposed service to and from the airport if any.
 - (7) The proposed rate of fare.
 - (8) Proof of insurance coverage required under this chapter.
 - (9) An affidavit that there are no outstanding judgments arising out of circumstances related to ground transportation service involving a person listed in the application.
 - (10) A statement that there is no arrearage or default in any amount or any way with or to the city of Killeen on any activity associated with the city of Killeen.
 - (11) Additional information required on the application form.

(C) 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. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § X, 04-22-03)

Sec. 29-162. Application fee required.

The application fee must be paid at the time the application is submitted and be paid for each group of vehicles operating under the same name and identified by the same color scheme. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § X, 04-22-03)

Sec. 29-163. Standards for issuing and denying operating authority.

(A) In a decision to approve or deny an initial or renewal application for operating authority, the city manager shall consider whether:

- (1) all applicable requirements of this chapter have been met;
- (2) a previous operating authority of the applicant has been revoked;
- (3) the applicant advertised, offered, or provided ground transportation service before the application was approved in violation of section 29-3;
- (4) the criminal history of the applicant, if any, may adversely affect the applicant's ability to provide the ground transportation service.

(B) If the city manager recommends denial of an operating authority application, the city

manager shall include the reason for the recommendation, and a copy of the recommendation shall be provided to the applicant.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § X, 04-22-03)

Sec. 29-164. Appeal of application denials.

(A) The city manager shall notify an applicant in writing of the denial of an application and the reason for the denial. The notice must include a statement of the applicant's right to appeal.

(B) An applicant may appeal a denial of the application to the city council. The appeal must be made in writing to the city manager no later than 30 business days after the notice of denial is mailed to the applicant.

(C) The city council shall hear the appeal not later than the 30th day after receipt of the written appeal.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § X, 04-22-03)

Sec. 29-165. Contents of operating authority.

An operating authority must state the type of service for which it is issued and contain the following conditions and limitations:

(A) number and type of authorized vehicles;

(B) maximum number of passengers that may be transported in each vehicle;

(C) that the holder will own or lease every vehicle used in providing the ground transportation service; and

(D) any other conditions or limitations.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § X, 04-22-03)

Sec. 29-166. Vehicle permit.

(A) On the issuance of a operating authority, the city secretary shall provide a vehicle permit to the holder for each vehicle approved in the operating authority. Before a vehicle is placed in service, the holder must affix the permit to the vehicle on the left rear passenger door window in the lower left corner inside the glass.

(B) The permit expires December 31st of each year.

(C) A holder shall not operate a vehicle displaying an expired permit.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § X, 04-22-03)

Sec. 29-167. Amendment to operating authority.

(A) To amend an operating authority, a holder must submit a written request to the city secretary describing in detail the proposed amendment.

(B) The city manager may approve or deny an amendment to a holder's operating authority. If the city manager approves an amendment, the city secretary shall issue an amended operating authority.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § X, 04-22-03)

Sec. 29-168. Renewal of operating authority.

(A) An operating authority issued under this article expires December 31st of each calendar year.

(B) To renew an operating authority, a holder must submit a written request for renewal not later than 60 days preceding the expiration of the operating authority. The request must include any change in information from the initial application, and affirm that all of the information on file remains current.

(C) In addition to the standards prescribed by section 29-163, in determining whether to renew an operating authority, the city manager shall also consider whether:

- (1) the holder has performed satisfactorily under the terms of the operating authority;
- (2) the holder has complied with this chapter;
- (3) the operating authority has not been revoked for any period; and
- (4) renewal serves the best interest of the public.

(D) The city manager shall deny a request for renewal of operating authority that is received by the department after the deadline stated in subsection (B) of this section.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § X, 04-22-03)

Sec. 29-169. Expired operating authority.

To obtain a new operating authority, the holder of an expired operating authority must submit a new application and fees under sections 29-161 and 29-162 respectively. (Ord. No. 00-90, § I, 12-12-00)

Sec. 29-170. Automatic revocation or suspension of operating authority.

(A) An operating authority is automatically revoked on the occurrence of the following:

- (1) the holder of the operating authority is convicted of an offense under section 29-76 or 29-77; or
- (2) the holder of the operating authority violates section 29-174.

(B) An operating authority is automatically suspended if the insurance coverage required by section 29-33 lapses. Before the operating authority is eligible for reinstatement, the holder must provide proof that the requirements of sections 29-33 and 29-34 have been met.

(Ord. No. 00-90, § I, 12-12-00)

Sec. 29-171. Revocation or suspension of operating authority.

(A) The city manager may revoke or suspend an operating authority if the holder:

- (1) submits a written request or application containing false or misleading information, or omits required information;
- (2) is convicted of an offense for which the city manager may deny an application for an operating authority;
- (3) fails to comply with a provision of this chapter;
- (4) fails to comply with a condition of the operating authority;
- (5) fails to pay the operating authority fee when due;
- (6) fails to provide prearranged or scheduled service, if applicable;
- (7) fails to begin operation of a ground transportation service within 30 days of the date the operating authority is issued;
- (8) discontinues the ground transportation service approved in the operating authority for more than 30 consecutive days; or
- (9) fails to pay an outstanding final judgment that arises out of circumstances related to ground transportation service against the holder or a person described in section 29-161(B)(l).

(B) The city manager shall provide written notice to the holder of the revocation or suspension of an operating authority no later than 10 business days after the action is taken.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § X, 04-22-03)

Sec. 29-172. Appeal of administrative actions.

(A) A person whose application for renewal, amendment, or supplemental vehicles is denied, or whose operating authority is revoked or suspended may appeal, in writing, to the city manager or his designee no later than 30 business days after notice of the denial, suspension or revocation is mailed to the applicant.

(B) The city manager or his designee shall issue a decision on the appeal not later than the 30th day after receipt of the written appeal.

(C) A person whose application for renewal or amendment is denied, or whose operating authority is revoked or suspended may not operate a ground transportation service during the pendency of an appeal.

(Ord. No. 00-90, § I, 12-12-00)

Sec. 29-173. Transfer prohibited.

A holder of an operating authority may not attempt to transfer or assign an operating authority. (Ord. No. 00-90, § I, 12-12-00)

Sec. 29-174. Schedule of fees.

(A) The schedule of fees are as follows:

Application fee (initial application by company)	\$300.00
Renewal fee (annual)	100.00
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
Second, subsequent, or rescheduled vehicle inspection	30.00

(B) A holder shall pay to the city an annual operating authority permit fee for each vehicle authorized in the operating authority on or before December 31 of each year.

(C) A holder of multiple operating authorities shall pay to the city only one operating authority permit fee for each vehicle.

(D) Renewal fees are due and payable on or before December 31 of each year.

(E) The holder shall pay the operating authority permit fee before placing any ground transportation service vehicle into service.

(F) 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 amendment is approved.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § X, 04-22-03; Ord. No. 05-119, § II, 12-13-05; Ord. No. 06-115, § II, 10-17-06)

Secs. 29-175--29-190. Reserved.

Subdivision 2. Operations

Sec. 29-191. 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. Franchise 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.
(Ord. No. 00-90, § I, 12-12-00; Ord. No. 05-64, § I, 9-6-05; Ord. No. 08-068, § I, 8-26-08)

Sec. 29-192. No solicitation for immediate hire.

(A) Except as provided in article II, division 2, subdivisions 2 and 3 of this chapter, a driver, a holder, or representative of either a driver or a holder may provide only prearranged service and may not solicit a passenger for immediate hire.

(B) A driver may use a hand-held sign or a sign on the vehicle to identify his vehicle to a prearranged client.
(Ord. No. 00-90, § I, 12-12-00)

Secs. 29-193--29-200. Reserved.

DIVISION 2. GROUND TRANSPORTATION SERVICES GENERALLY

Subdivision 1. Limousine Service

Sec. 29-201. Limousine service requirements.

A holder of a limousine operating authority shall comply with article II, division 1 of this chapter. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XI, 04-22-03)

Sec. 29-202. Limousine rate of fare.

Rates shall be mutually agreed upon by the holder and customer in advance upon terms satisfactory to them. A schedule of current rates shall be filed with the city secretary for each licensed vehicle. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XI, 04-22-03)

Secs. 29-203--29-210. Reserved.

Subdivision 2. Airport Shuttle Service

Sec. 29-211. Airport shuttle service described.

(A) Service to the airport is prearranged.

(B) The rate of fare that may be charged by an airport shuttle service is a prearranged flat rate zone charge for each passenger.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XII, 04-22-03)

Sec. 29-212. Airport shuttle service requirements.

(A) A holder of an airport shuttle service operating authority shall comply with article II, division 1 of this chapter.

(B) In addition to the requirements of subsection (A) of this section, a holder must:

- (1) provide the service using vehicles that have an occupancy capacity of more than 6 but fewer than 16, including the driver;
- (2) own, rent, or lease each vehicle used to supply the service;
- (3) operate a minimum of 1 vehicle;
- (4) provide the service using vehicles that are the same color as other vehicles in the holder's fleet, display the name of the service in a manner approved by the department, and have a color scheme easily distinguishable from the color scheme of other ground transportation services operating in the city; and
- (5) be available on an on call basis for an airport emergency as declared by the airport director.

(C) A holder may not employ independent contractors to provide the service.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XII, 04-22-03)

Secs. 29-213--29-230. Reserved.

Subdivision 3. Shuttle Service

Sec. 29-231. Shuttle service requirements.

(A) A holder of a shuttle service operating authority shall comply with article II, division 1 of this chapter, except section 29-192 shall not apply to shuttle service.

(B) In addition to the other requirements of this section, a holder must:

- (1) provide the service using vehicles that have an occupancy capacity of more than 6 but fewer than 25, excluding the driver;
- (2) own, rent, or lease each vehicle used to supply the service;
- (3) operate a minimum of 1 vehicle;
- (4) not employ independent contractors to provide the service; and
- (5) provide the police department with a current list of drivers licensed in the manner described in section 29-121, the driver's license number of each driver, and a photocopy of each driver's license.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XIII, 04-22-03)

Secs. 29-232--29-250. Reserved.

Subdivision 4. Charter Service

Sec. 29-251. Charter service requirements.

(A) A holder of a charter service operating authority shall comply with article II, division 1 of this chapter.

(B) A holder must provide the police department with a current list of drivers licensed in the manner described in section 29-121, the driver's license number of each driver, and a photocopy of each driver's license.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XIV, 04-22-03)

Secs. 29-252--29-300. Reserved.

ARTICLE III. TAXI SERVICE

DIVISION 1. TAXICAB FRANCHISES

Sec. 29-301. City council approval required; general standards.

A taxicab franchise may be granted, renewed, extended, amended, or transferred only with city council approval. The following conditions apply to a taxicab franchise:

(1) the applicant must be able to operate the taxicab service in accordance with the requirements of this chapter, orders issued under this chapter, provisions of the taxicab franchise, and any other applicable law;

(2) the applicant must agree to provide taxicab service throughout the city.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XVI, 04-22-03)

Sec. 29-302. Franchise application required.

(A) A person must submit a written application to the city council to grant, renew, extend, amend, or transfer a taxicab franchise. The applicant must file an original and three copies of the application with the city secretary.

(B) The application must contain the following:

(1) The applicant's full name, date of birth, telephone number, permanent residence address, and mailing address, and the principal place of business of the proposed taxicab business.

(a) A partnership must include the full name, date of birth, telephone number, permanent residence address, and mailing address of each partner, and any person who participates in the business decisions of the partnership or who has the authority to enter contracts on behalf of the partnership.

(b) A corporation must include the applicant's full name, including any assumed name, location of its principal place of business, and the date of birth, telephone number, permanent address, and mailing address of each officer, director,

majority stockholder, and any person who participates in the business decisions of the corporation or who has the authority to enter contracts on behalf of the corporation.

- (c) A corporation, partnership, or other business entity must provide certified copies of any documents required by state law to be filed for the business entity to legally exist, and a corporation must provide a statement from the Texas secretary of state certifying that the business is in good standing.
- (2) A copy of the certificate of assumed name if an applicant operates a business under an assumed name.
- (3) The trade name of the proposed taxicab operation in this city.
- (4) A description of the proposed taxicab service and the location of the fixed facilities to be used in the operation.
- (5) The number of vehicles the applicant proposes to use in the taxicab service and a description of the vehicles.
- (6) A description of any past ground transportation service experience of the applicant and a detailed description of any revocation or suspension of a taxicab franchise or permit held by the applicant or the applicant's business before the date of filing the application.
- (7) The capacity in which the applicant signs the application and the individual's position with the business.
- (8) A description of the proposed insignia and color scheme for the applicant's taxicabs and a description of the distinctive apparel, if any, to be worn by the applicant's drivers.
- (9) Evidence demonstrating the public necessity and convenience for the proposed taxicab franchise.
- (10) Provide a statement that the applicant is not in default or arrears in any amount or any way to the city.

(C) The applicant must attach the following to the application:

- (1) A current financial statement, prepared by an independent certified public accountant licensed by this state and certifying that the financial statement truly and accurately reflects the financial status of the applicant and the assets and liabilities of the proposed taxicab business. The financial statement must contain a list of the assets to be used in the applicant's taxicab business. An applicant that does not own 100 percent of the assets to be used must include the names of other owners and their ownership interest. An applicant that is a partnership must also provide a financial statement for each partner.
- (2) Certification from an insurance company that it will provide the liability insurance required by this chapter.
- (3) For each person described in the application, a description of all criminal convictions, and a criminal history certified by the Texas Department of Public Safety within ninety days of the date the application is submitted. For a person described in the application who has been a resident of Texas for less than one year preceding the date the application is submitted, the criminal history must be certified by the corresponding governmental authority in the former state of residence within 90 days of submission of the application.
- (4) An affidavit that there are no outstanding judgments against the applicant or a person

described in the application, arising out of circumstances related to ground transportation service.

(D) The city manager may require additional information in the application process. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XVI, 04-22-03)

Sec. 29-303. Application fee required.

An application for a franchise must be accompanied by an application fee. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XVI, 04-22-03)

Sec. 29-304. Recommendation on franchise application.

(A) The city manager shall recommend to the city council that the council grant or deny the taxicab franchise application. In evaluating a taxicab franchise application, the city manager may consider the following:

- (1) the service proposed;
- (2) the number, kinds, and types of equipment to be used by the applicant;
- (3) demonstrated public necessity and convenience for the taxicab franchise;
- (4) the effect of the proposed taxicab service on existing taxicab services;
- (5) financial ability to provide the proposed service;
- (6) the ground transportation service experience of an applicant, of any partner or person having an interest in the business if a partnership, and all officers, directors, and majority stock holders if a corporation;
- (7) any convictions of applicants, its officers, shareholders, or partners, for misdemeanor or felony crimes that directly relate to the duties and responsibilities of operating a taxicab business;
- (8) that a previous operating authority or taxicab franchise has been revoked.

(B) The city manager may not recommend that the city council grant a franchise application if the applicant is in default or arrears in any amount or any way to the city and unless the requirements of this chapter have been met.

(C) If the city manager recommends denial of a taxicab franchise application, the city manager shall include the reason for that recommendation, and provide a copy to the applicant. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XVI, 04-22-03)

Sec. 29-305. Franchise ordinances.

(A) If the city manager finds the taxicab franchise applicant meets the requirements of this chapter, the city manager shall direct the city attorney to prepare the taxicab franchise ordinance for the city council's consideration.

(B) In addition to the requirements for a franchise under article XI of the city charter, a taxicab franchise ordinance submitted to the city council must include the following:

- (1) the period for which the taxicab franchise is granted, and that the franchise remains in effect for that period unless, on review, city council finds that the franchise is subject

- to forfeiture or cancellation for good cause;
- (2) that the franchise holder must maintain an active fleet of at least 5 taxicabs;
 - (3) that the franchise holder must comply with the provisions of this chapter and all amendments to this chapter enacted during the period of the franchise;
 - (4) that the franchise is subject to forfeiture on the franchise holder's conviction for violations of the provisions of this chapter or on a showing of substantial breach of the terms of the franchise;
 - (5) that the franchise is subject to forfeiture if the franchise holder fails to pay an outstanding final judgment against the franchise holder or a person described in the application arising out of circumstances related to ground transportation services;
 - (6) that the franchise holder must maintain complete records of all dispatched calls, all expenses incurred in connection with the operation of the taxicab business, and all revenues derived from the taxicab business;
 - (7) that the franchise holder must own or lease each taxicab used in the franchise; and
 - (8) authorization for the city manager or his designee to inspect all records of the franchise in accordance with section 29-306(D).
- (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XVI, 04-22-03)

Sec. 29-306. Record keeping requirements.

(A) A franchise holder shall maintain records of its taxicab business, operations, receipts, and other documents required by this chapter and the taxicab franchise agreement.

(B) A franchise holder shall maintain a record required by this section at the principal place of business of the franchise for a 90-day period after the date of creation of the record. After the 90-day period the records may be stored at another location. The franchise holder shall provide the city secretary with the address of the records storage location.

(C) Except as provided in this section, a franchise holder shall keep the records for the term of the franchise. The records used to compile the reports required under section 29-307 below, shall be maintained for 12 months after the date of creation of the records.

(D) The franchise holder shall make all records maintained at the principal place of business for the 90-day retention period available to the city for examination and inspection without notice. The franchise holder shall make records maintained after the 90-day retention period available to the city for examination and inspection on 24 hours notice.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XVI, 04-22-03)

Sec. 29-307. Reports required.

(A) A franchise holder shall submit a quarterly report of statistics of operation to the city secretary. The report shall be submitted on a form prescribed by the city not later than the 15th day of the month following the quarter for which the statistics are collected.

(B) The city may require additional information at any time.

(C) A franchise holder shall submit to the city secretary a report on any accident involving the operation of a taxicab. The franchise holder shall submit the report on a form prescribed by the city not later than the 15th day of the month following the day of the accident.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XVI, 04-22-03)

Secs. 29-308--29-320. Reserved.

DIVISION 2. VEHICLE PERMITS

Sec. 29-321. Vehicle permits required.

(A) The city secretary shall issue a vehicle permit for each vehicle that has passed the inspection required in section 29-141 and for which the franchise holder has paid permit fees. Before placing a taxicab in service, a franchise holder shall affix the vehicle permit issued for that vehicle on the left rear passenger side door window in the left lower corner inside the glass.

(B) A vehicle permit issued to the franchise holder expires at the end of the calendar year in which it was issued.

(C) A holder may not operate a vehicle that displays an expired permit.
(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XVII, 04-22-03)

Sec. 29-322. Amendment; revocation.

A taxicab franchise may be amended or revoked as provided by the city charter, the taxicab franchise ordinance, or this chapter. (Ord. No. 00-90, § I, 12-12-00)

Sec. 29-323. Multiple franchises prohibited.

(A) Except as provided by this section, a person may not have a pecuniary interest or security interest in the stock or other assets of a taxicab franchise that confers on the franchise holder a controlling or voting interest in more than one taxicab franchise.

(B) A person who has a pecuniary interest in one taxicab franchise and obtains a pecuniary interest in a second taxicab franchise as a result of the foreclosure of a security interest in the stock or other assets of that second taxicab franchise must comply with subsection (A) of this section not later than six months after the date the person obtained a pecuniary interest in the second taxicab franchise.

(Ord. No. 00-90, § I, 12-12-00)

Secs. 29-324--29-340. Reserved.

DIVISION 3. OPERATIONS

Sec. 29-341. Owner-operated taxicabs.

(A) No more than 40 percent of the vehicles placed in service by the franchise holder may be owner-operated vehicles.

(B) In addition to the requirements for drivers under article I, division 6, subdivisions 1 and 3 of this chapter, a person who owns a vehicle may not drive that vehicle as part of a franchise holder's fleet unless the franchise holder and owner-operator enter into a written contract, and

the holder shall provide the city secretary with a copy of the contract within five (5) days of execution.

(C) When an owner-operated vehicle is removed from service, the franchise holder shall notify the city secretary of that fact not later than the 15th day of the month following the month in which the vehicle is removed from service.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XVIII, 04-22-03)

Sec. 29-342. City-wide taxicab service required.

A franchise holder may not refuse to provide taxicab service to the general public to and from any point inside the city that is accessible by a public street. It is an affirmative defense to prosecution under this section that the holder or the driver had reason to believe that service in a particular circumstance would have subjected the driver to violence or the taxicab to destruction. (Ord. No. 00-90, § I, 12-12-00)

Sec. 29-343. Prompt response required.

(A) A franchise holder shall maintain a dispatch terminal within thirty miles of the city that is operational 24 hours each day for the purpose of receiving calls and dispatching taxicabs.

(B) A franchise holder shall respond to each call received for service inside the city as soon as practicable. If the service cannot be rendered within forty-five minutes, the franchise holder shall inform the caller of the reason for the delay and the approximate time required to answer the call.

(C) Pre-arranged time call pick-ups shall be made within ten minutes of the appointed time. (Ord. No. 00-90, § I, 12-12-00)

Sec. 29-344. Refusal to convey passengers.

While operating a taxicab, a driver may not refuse to convey a person who requests service unless:

- (1) the driver is answering a previous request for service;
- (2) the person requesting service is disorderly;
- (3) the driver has reason to believe that the person is engaged in unlawful conduct;
- (4) the driver has reason to believe that the safety of the driver or the taxicab is at risk;
- (5) the person cannot present proof of ability to pay the fare; or
- (6) the person requesting the service refuses to stop smoking, to stop drinking an alcoholic beverage, or to dispose of same properly.

(Ord. No. 00-90, § I, 12-12-00)

Sec. 29-345. Limitations on radio use.

A driver may not:

- (1) respond to a dispatched service request assigned to another driver;
- (2) monitor the dispatch frequency of a taxicab company other than the driver's company; or
- (3) respond to a call for service dispatched by another company.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XVIII, 04-22-03)

Sec. 29-346. Direct route.

(A) A driver shall transport a passenger to the passenger's destination by the most direct route available unless otherwise directed by the passenger.

(B) This section applies only to taxicab service in which a taximeter is used to calculate the rate of fare.

(Ord. No. 00-90, § I, 12-12-00)

Sec. 29-347. Limitations on solicitations.

(A) A driver may not solicit business for a taxicab except from the driver compartment of the taxicab or the curb immediately adjacent to the taxicab.

(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 an airport or bus depot within the city, the driver of the taxicab may not leave the taxicab 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.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XVIII, 04-22-03)

Sec. 29-348. Taxicab use restricted.

(A) Except as provided by this section, the owner or driver of a taxicab that is in service may not use the taxicab for any purpose other than to transport passengers, run errands, deliver packages, or perform other services customary in the taxicab business.

(B) A driver or owner of a taxicab may use the taxicab for personal business during off-duty hours with the franchise holder's permission.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XVIII, 04-22-03)

Sec. 29-349. Number of passengers.

A driver may not transport more passengers in a taxicab at one time than the number of operational seat belts in the vehicle, excluding the driver. It is the driver's responsibility to comply with all state restraint laws applying to infants and youths who are passengers. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XVIII, 04-22-03)

Sec. 29-350. Additional passengers.

(A) Unless the passenger employing a taxicab consents, a driver may not admit additional passengers to the taxicab on that trip.

(B) This section applies only to taxicab service in which a taximeter is used to calculate the rate of fare.
(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XVIII, 04-22-03)

Sec. 29-351. Business establishments requesting taxicabs for customers.

An employee of a business establishment, other than a taxicab service, who acts as an agent in obtaining taxicab service for prospective taxicab passengers may not solicit or accept payment from a holder in return for giving preferential treatment by directing passengers to a taxicab.
(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XVIII, 04-22-03)

Secs. 29-352--29-360. Reserved.

DIVISION 4. RATES OF FARE AND TAXIMETERS

Sec. 29-361. Rates of fare.

A holder or driver may not charge a taxicab rate of fare in the city that is above the maximum rates of fare established by the city council in this ordinance. (Ord. No. 00-90, § I, 12-12-00)

Sec. 29-362. Rate card.

A holder shall post a clearly visible rate card containing a schedule of rates established by the city council. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XIX, 04-22-03)

Sec. 29-363. 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 that has been inspected and approved by the city.

(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.
(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XIX, 04-22-03)

Sec. 29-364. Taximeter standards.

(A) A taximeter must electronically or mechanically calculate the charge for distance traveled and waiting time, if any. The charge must be indicated by means of clearly legible, electrically lighted figures that are reset each time the taximeter is reset.

(B) In this section, “waiting time” means that period of time after a passenger enters a taxicab and after the meter is activated that the taxicab is not traveling because of delay caused by traffic, a traffic control device, or a request of the passenger. Waiting time does not include time lost because of mechanical failure of the taxicab.

(C) Taximeters must conform to the following specifications:

(1) A taximeter must register the following items on visual counters:

- (a) total miles;
- (b) paid miles;
- (c) number of trips; and
- (d) units of fare.

(2) Each taximeter must be equipped with a tamper-proof switch and system of electrical distribution that meets the requirement that the electric identification sign affixed to the roof of the taxicab be lit when the taximeter is in a vacant position.

(3) A mechanical taximeter must be connected directly to the taxicab transmission and sealed to prevent tampering.

(4) The rate change unit of an electronically operated taximeter must be sealed to prevent tampering.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XIX, 04-22-03)

Sec. 29-365. Setting taximeter.

(A) When using a taximeter to compute a fare, a driver shall activate the taximeter when a passenger enters a taxicab, or if a pre-arranged time after the customer is informed of the taxicab's presence.

(B) When using a taximeter to compute a fare, a driver shall call the attention of passengers to the amount registered on the taximeter before resetting the taximeter, and the taximeter shall not be reset to the "vacant" position until after the fare is paid.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XIX, 04-22-03)

Sec. 29-366. Multiple fares.

(A) All passengers occupying a taxicab on a single trip shall be charged according to the same rate method.

(B) When using a taximeter to compute a fare for multiple passengers who occupy a taxicab at the same point of origin and disembark at different destinations, the following rules apply:

(1) Passengers departing at a destination are responsible for the fare displayed on the taximeter at that destination.

(2) Groups of passengers disembarking at one destination are not charged individually. The passengers are responsible only for the fare on the taximeter plus any additional passenger fee.

(Ord. No. 00-90, § I, 12-12-00)

Sec. 29-367. Taximeter inspections.

During the inspection of a taxicab under section 29-141, the taximeter shall be inspected for accuracy. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XIX, 04-22-03)

Sec. 29-368. Equipment alterations prohibited.

(A) A person may not drive or allow another person to drive a taxicab in which the taximeter or other equipment has been altered in a manner that causes the taximeter to calculate an incorrect rate.

(B) A person may not drive or allow another person to drive a taxicab equipped with a taximeter that has been tampered with since the last inspection.

(C) A person may not drive or allow another person to drive a taxicab that displays the electric roof identification sign in a manner indicating that the vehicle is available for hire when the taxicab is occupied by a passenger.

(Ord. No. 00-90, § I, 12-12-00)

Sec. 29-369. Application for rate change.

(A) A majority of taxicab franchise holders operating in the city may submit a joint application for a rate change to the city secretary. The applicants for the rate change shall coordinate the application to prove that the rate change is necessary.

(B) The application must include the following:

- (1) A cover letter stating the reason for the rate change request.
- (2) Information supporting the rate change that must include the following:
 - (a) A statement detailing the increase in the cost of living to taxicab operators since the previous rate change, as evidenced by the consumer price index for urban consumers.
 - (b) Information on rates of fares in other comparable cities.
 - (c) Information on changes in costs for the operation of vehicles, including the cost of fuel, maintenance, and any other information related to the cost of operation.
 - (d) The effect of the proposed rate changes on any average trip.
- (3) A summary of the information prescribed under paragraphs (a) through (d) of this subdivision identifying major operating expense changes necessitating the need for the rate changes and the effect on the industry if the proposed change is not granted.
- (4) If the proposed rate is not computed by taximeter, a description of the charging methodology, the manner in which the franchise holders intend to administer the proposed rate, and the additional city facilities or other city resources that would be required if the proposed change is granted.
- (5) The city manager may require additional information pertinent to the request from the applicants.

(C) All operational or financial data supplied and analyzed in the application must be based on the city's fiscal year.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XIX, 04-22-03)

Sec. 29-370. Decision on rate application.

(A) The city manager shall make a recommendation to the city council regarding an application for a rate change.

(B) The city manager may not recommend that the city council grant the rate change application unless the requirements of this chapter have been met.

(C) If the city manager recommends denial of a rate change application, the city manager shall include the reason for that recommendation.

(D) The city council shall act on the application not later than the 45th day after receipt of the city manager's recommendation under this section.
(Ord. No. 00-90, § I, 12-12-00)

Secs. 29-371--29-380. Reserved.

DIVISION 5. VEHICLES AND EQUIPMENT

Sec. 29-381. Numbering of taxicabs.

The franchise holder shall designate consecutive numbers for each vehicle in the franchise holder's taxicab fleet, and the numbers shall be visible from each side and to the rear the taxicab.
(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XX, 04-22-03)

Sec. 29-382. Notice of complaint procedures.

A franchise holder shall affix to the interior of each taxicab, in clear view of all passengers, a notice informing passengers of the procedures for filing complaints with the department regarding taxicab service, and the city shall prescribe the contents of the notice. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XX, 04-22-03)

Sec. 29-383. Electric signs required.

A taxicab must be equipped with an electric sign that displays "taxi." (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XX, 04-22-03)

Sec. 29-384. Name of franchise displayed.

(A) The following information must be displayed on the exterior of a taxicab:

- (1) the franchise holder's name or the registered assumed name of the taxicab service;
- (2) the telephone number of the service; and
- (3) the taxicab number.

(B) The lettering and designs of the information required in subsection (A) of this section must be displayed:

- (l) in characters at least 4 inches in height and at least 5/16 of an inch in width;

- (2) in a clear, legible manner and in colors contrasting to the colors of the taxicab;
- (3) on the exterior of the front or rear doors and the rear of the taxicab.

(C) No franchise holder shall do anything to cause confusion to the public or city with name, color scheme, operations, phone number, logo or advertising of the same, of another company operating in the same general area.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XX, 04-22-03)

Sec. 29-385. Uniform lettering and design; materials.

For each vehicle used in the franchise holder's service, the lettering and designs must be approved by the city and must be either an applied adhesive material or painted. The content, lettering, and design must be uniform and affixed or painted in the same location on each taxicab. (Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XX, 04-22-03)

Sec. 29-386. Color scheme.

(A) A franchise holder may not adopt a color scheme for taxicabs used in its service unless that color scheme has been approved in the franchise ordinance. A franchise holder may not operate a taxicab until it has been painted the approved color or colors, and all vehicles in the fleet must be the same color scheme.

(B) The city may not approve a color scheme or identifying design submitted by a franchise holder that may mislead or tend to deceive or defraud the public.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XX, 04-22-03)

Sec. 29-387. Advertising on taxicabs permitted.

A franchise holder may affix an advertisement to a taxicab that does not obstruct the view of the driver, the visibility of signs, vehicle lights, or signal equipment required by this chapter.

(Ord. No. 00-90, § I, 12-12-00)

Sec. 29-388. Vehicle design and age requirements.

(A) The body design of a vehicle to be used as a taxicab is limited to the following:

- (1) a sedan, station wagon, or sport utility vehicle with at least four doors for passenger loading and unloading and with front and rear seats; and
- (2) a full-size van or minivan with at least three doors for passenger loading and unloading and with front and rear seats.

(B) A vehicle used as a taxicab must have a minimum occupancy capacity of five, including the driver.

(Ord. No. 00-90, § I, 12-12-00; Ord. No. 03-20, § XX, 04-22-03; Ord. No. 07-113, § I, 12-18-07)