

ORDINANCE NO. O-2016-75

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING TYLER CITY CODE CHAPTER 17, "STREETS AND TRAFFIC", BY DELETING ARTICLE VIII., "TRANSPORTATION FOR HIRE", FROM AND ADDING ARTICLE XI "TRANSPORTATION FOR HIRE", TO THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; TO AMEND AND ADOPT NEW REGULATIONS RELATING TO TRANSPORTATION FOR HIRE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and general welfare of citizens; and

WHEREAS, the City of Tyler is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, Texas Local Government Code Section 51.072(a) states that a home-rule municipality has full power of self-government; and

WHEREAS, Texas Local Government Code Section 51.072(b) provides that the grant of powers to a municipality under the Texas Local Government Code does not prevent by implication or otherwise, the municipality from exercising the authority incident to self-government; and

WHEREAS, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for good government, peace, or order of the municipality; and

WHEREAS, Texas Local Government Code Section 51.001(2) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, Section 1 of the Tyler City Charter states that the City of Tyler may make any and all rules and regulations by ordinances and resolutions; and

WHEREAS, Section 1 of the Tyler City Charter provides that the City may license and regulate persons, corporations, and associations engaged in any business, occupation, profession or trade; and

WHEREAS, Section 1 of the Tyler City Charter states that the City may define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the City; and

WHEREAS, Section 1 of the Tyler City Charter states that the City of Tyler may make and enforce local police, sanitary, and other regulations, and may pass such ordinances as may be

expedient for maintaining and promoting the peace, good government and welfare of the City, and for the performance of the functions thereof; and

WHEREAS, Section 1 of the Tyler City Charter provides that the City shall have all powers that now are, or hereafter may be granted to municipalities by the constitution or laws of Texas, and that all such powers, whether express or implied, shall be exercised and enforced, in the manner prescribed by the Charter, and when not prescribed by the Charter, in such manner as shall be provided by ordinances and resolutions of the City Council; and

WHEREAS, Section 2 of the Tyler City Charter states that the enumeration of particular powers by the Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated in the Charter, the City shall have, and may exercise all other powers which, under the constitution and laws of Texas, it would be competent for the Charter specifically to enumerate; and

WHEREAS, Section 6 of the Tyler City Charter states that pursuant to the provisions of and subject only to the limitations imposed by State law and the Charter, all powers of the City shall be vested in an elective Council, which shall, among other duties, enact legislation; and

WHEREAS, Texas Transportation Code Section 311.001(a) provides that a home-rule municipality has exclusive control over and under the public highways, streets, and alleys of the municipality; and

WHEREAS, State law, at Texas Local Government Code Section 215.004(a), mandates that municipalities license, control and otherwise regulate taxicab transportation services by ordinance; and

WHEREAS, State law, at Texas Local Government Code Section 215.004(b)(3) and (4), states that the ordinance may include the establishment of safety or any other requirements to ensure safe and reliable passenger transportation service; and

WHEREAS; it is important to update and revise existing provisions of the transportation for hire regulations; and

WHEREAS, Tyler City Code Section 17-30(c) states that the Traffic Safety Board shall make recommendations through the Traffic Engineer regarding traffic safety as the Board deems necessary;

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

PART 1: That Tyler City Code Chapter 17, "Streets and Traffic", is hereby amended by deleting Article VIII, and adopting a new Article XI related to all transportation for hire services and amending and adopting the following City Code Sections to read as follows:

**CHAPTER 17 STREETS AND TRAFFIC
ARTICLE XI TRANSPORTATION FOR HIRE ORDINANCE**

DIVISION A: GENERAL PROVISIONS

Sec. 17-173. Purpose.

The regulations of this Article are adopted for the purposes of protecting the public health and safety, promoting public convenience and necessity, and supporting consumer protection in all transportation-for-hire service industries.

Sec. 17-174 . Definitions.

For the purposes of this Article the following words and terms shall have the scope and meaning hereinafter defined and set out in connection with each:

Airport. The Tyler Pounds Regional Airport.

Airport Manager. - The designated administrator responsible for the administration and enforcement of all Airport security, emergency, operational, and regulatory procedures/ aspects.

Bus. A motor vehicle that has a manufacturer's rated seating capacity of more than fifteen (15) passengers.

Carpooling. Any voluntary sharing of transportation without compensation.

Chief of Police. The Chief of Police of the City of Tyler or designee.

City Manager. The City Manager of the City of Tyler or designee.

Traffic Engineer. The Traffic Engineer of the City of Tyler or designee.

Compensation. Any money, service, or other thing of value that is received, or is to be received, in return for transportation-for-hire services.

Contingent Primary Liability Coverage. A liability insurance policy that will act as a primary liability policy in the event that no other applicable primary liability policy exists or a policy exists but denies coverage.

Courtesy Vehicle. A vehicle that is not for-hire, is not used to transport passengers for compensation, and is operated by or for a business that provides free transportation to customers as an accessory to the main business activity.

Dispatch. Any communication system that conveys passenger ride requests to drivers.

Drive. To control the physical movements of a vehicle.

Driver. An individual who drives or otherwise controls the physical movements of a vehicle.

Entity. An individual; corporation; government or governmental subdivision; or, agency, trust, partnership, or two (2) or more persons having a joint or common economic interest.

Airport Ground Transportation Service. Any courtesy or transportation-for-hire vehicles that operate at the Airport.

Hail. To physically or audibly signal for the use of a transportation-for-hire vehicle.

Operating Authority. An entity providing transportation-for-hire services.

Operating Authority Permit. The permit required for an entity to provide transportation-for-hire services.

Payor. The person paying transportation-for-hire services.

Queue. A line or sequence of vehicles awaiting their turn to be attended to or to proceed.

Shuttle Vehicle. A motor vehicle that has a manufacturer's rated seating capacity of not less than seven (7) passengers and not more than fifteen (15) passengers.

Street or streets. Any street, alley, avenue, boulevard, thoroughfare, roadway, drive, public way, or highway commonly used for the purpose of public travel within the city limits.

Operating Authority Vehicle Identification. Any distinctive signage or display on a transportation-for-hire vehicle when providing services that is sufficient to allow a person of normal sensibilities to associate the vehicle with a particular transportation-for-hire service. Acceptable forms of operating authority vehicle identification may include, but are not limited to, magnetic or removable symbols or signs on vehicle doors, roofs, grills, or any other distinct recognizable feature that identifies the operating authority.

Transportation-for-Hire Service. The transportation of passengers for compensation within the city. This term is not applicable to ambulance transportation, emergency medical transportation, nonemergency medical transportation, transfer medical transportation, or tow truck service in the City of Tyler, Texas.

Transportation-for-Hire Vehicle. Any vehicle used to offer or provide transportation-for-hire services.

Vehicle. A motorized device in, upon, or by which any person is or may be transported upon a public way.

Website. A publicly remotely-accessible data site, digital platform, or mobile application that provides content in a manner that is accessible to the public through a digital network.

Wheelchair Accessible Vehicle. A vehicle designed or modified to transport passengers in wheelchairs or other mobility devices and conforming to the requirements of the Americans with Disabilities Act, as amended.

Sec. 17-175. Exclusions.

(a) This Article does not apply to the operation of:

- (1) City of Tyler transportation vehicles or those contracted to perform specific transportation services for the City of Tyler;
- (2) Courtesy vehicles;
- (3) Carpooling;

(4) The transportation of a person by a vehicle licensed by another governmental entity from a point outside of the City to a destination inside the City, if the vehicle leaves the City without receiving a passenger inside the City;

(5) non-motorized passenger transport vehicles; or

(6) A vehicle that is:

(i) Operated for a funeral home in the performance of funeral services;

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

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

(iv) Used to transport children when operated by a governmental agency, school district, or not for profit organization.

(v) Operated under county, state or federal authority unless subject to the City's regulatory authority;

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

Sec. 17-176. Duties of Traffic Engineer and Chief of Police.

(a) The Traffic Engineer, Chief of Police, Traffic Engineering Department, and Peace Officers of the Tyler Police Department are authorized to enforce this Article.

(b) The Traffic Engineer may adopt procedures to administer this Article.

(c) The Traffic Engineer may inspect any vehicle providing services under this Article to determine whether the vehicle complies with this Article and all other applicable law.

(d) The Airport Manager may adopt procedures to administer and enforce all aspects of ground transportation service rules and regulations at the Airport, as defined in Chapter 12.

(e) The Traffic Engineer and Airport Manager, with assistance from the Chief of Police, may conduct investigations into the operations of ground transportation services at the Airport to determine whether such services comply with this Article and other applicable laws.

(f) For the sole purpose of verifying that an operating authority is in compliance with the requirements of this Article and no more than annually, the Traffic Engineer and Chief of Police, shall have the right to visually inspect a sample of records that the operating authority is required to maintain. The sample shall be chosen randomly in a manner agreeable to both parties. The

audit shall take place at a mutually agreed upon location within Tyler City Limits. Any record furnished to the Traffic Engineer or Chief of Police may exclude information that would tend to identify specific drivers or riders.

(g) In response to a specific complaint against any driver or operating authority, the Traffic Engineer and Chief of Police are authorized to inspect records held by the operating authority that are necessary to investigate and resolve the complaint. The operating authority and agency shall endeavor to have the inspection take place at a mutually agreed upon location within Tyler City Limits, or submitted electronically. Any record furnished to the Traffic Engineer or Chief of Police may exclude information that would tend to identify specific drivers or riders, unless the identity of a driver or rider is relevant to the complaint.

(h) Any records inspected by the Traffic Engineer or Chief of Police under this Article which are designated as proprietary or confidential by an operating authority and which are the subject of a public information act request. City shall notify operating authority of any such public information request to release such information, and shall work with the operating authority to seek an opinion from the Texas Attorney General to protect any information deemed by the operating authority to be Confidential.

(i) Whereby any violation of this Article is unlawful and is subject to a penalty as set forth in City Code Chapter 1 Article I.

Sec. 17-177. Airport Ground Transportation Service.

(a) It is the policy of the City to provide and promote adequate and efficient ground transportation service at the Airport for the convenience of the public in accordance with City Code Chapter 12 or successor.

(b) An entity commits an offense if it operates a ground transportation service at the Airport without a valid operating authority permit.

(c) An entity commits an offense if it operates a ground transportation service at the Airport in such a way that violates this Article or any other applicable local, state, or federal law, rule, or regulation.

Sec. 17-178. Service of notice.

(a) An operating authority shall designate and maintain a representative to receive service of notice required under this Article.

(b) Notice required under this Article:

(1) May be personally served by the Traffic Engineer on an operating authority, or its designated representative; or

(2) May be personally served or sent by United States Certified Mail, Return Receipt Requested, to the address, last known to the Traffic Engineer, of the operating authority, or its designated representative; or

(3) May be sent by electronic mail, to the electronic mail address, last known to the Traffic Engineer, of the operating authority, or its designated representative.

(c) Notice required under this Article to be given to a person other than an operating authority, or its designated representative, may be served in the manner prescribed by Subsection (b).

(d) Service executed in accordance with this subsection constitutes notice to the person to whom the notice is addressed. The date of service for notice that is mailed is three (3) days after the date of mailing.

Sec.17-179 – 17-183. Reserved.

DIVISION B: OPERATING AUTHORITY REQUIREMENTS

Sec. 17-184. Transportation-for-Hire Operating Authority Permit Required

(a) A person may not operate a transportation-for-hire service within the City without a valid operating authority permit. Failure to comply with any conditions placed on the permit or with this article is unlawful.

(b) A person may not advertise nor cause to be advertised the operation of a transportation-for-hire service that does not have a valid operating authority permit when the advertisement is published to be seen by persons seeking such service in the City.

(c) However, no transportation-for-hire permit shall be required where the person:

(1) is operating a transportation-for-hire service which is transporting a passenger picked up from a location beyond the City limits and transported to a location beyond the City limits, only incidentally passing through the City; or

(2) is performing a service authorized by state or federal law to the extent of that authority only;

(d) Any person who is found in violation by operating a transportation-for-hire service without appropriate City issued permits may be issued a citation by the Tyler Police Department or any Texas licensed peace officer.

(e) Any law enforcement officer investigating a criminal case may request driver or operator information from the operating authority in emergency situations where a person is in danger of bodily injury, serious bodily injury or death. The operating authority must respond immediately. This information must include all information relevant to the investigation. The law enforcement agency will follow up with a warrant or subpoena when practical. In other criminal cases not involving emergency situations law enforcement will provide the correct means to gather the information and the operating authority must respond either verbally or in writing within twenty four (24) hours.

Sec. 17-185. Application for Transportation-for-Hire Operating Authority's Permit.

(a) The applicant for the operating authority must be the person who will own, control or operate the transportation-for-hire service. Applications for transportation-for-hire permits shall be made upon City forms which require:

(1) The operator's name, address and verified signature.

- (2) Trade or other fictitious name, if any, under which the operator does or proposes to do business.
- (3) If the applicant has ever had a transportation service permit revoked, the applicant shall provide a complete statement of the circumstances surrounding the revocation.
- (4) The location and description of the place(s) from which the transportation-for-hire operator intends to operate.
- (5) If vehicles used for transportation for hire services are owned and operated exclusively by the operating authority, a list of all vehicle in operating authority's fleet and proof of current registration for each vehicle.
- (6) Valid documentary evidence from an insurance company authorized to do business in Texas indicating a willingness to provide liability insurance as required by this Article.
- (7) Proof applicant has resolved any outstanding citations and is current on all taxes owed to City, where applicable.
- (8) A nonrefundable check in the total amount of the annual fees for the entire term as set out herein. The amount shall not be prorated for fractional parts of a calendar year.
- (9) The agreement of the operator that, in the event such permit is granted, thirty (30) days written notice of discontinuance of any transportation-for-hire service shall be given to the City.
- (10) If the operator is, or proposes or intends to do business as a corporation:
 - (i) Corporate name;
 - (ii) Place and date of incorporation;
 - (iii) Name and address of the corporate registered agent;
- (11) If the operator is, or proposes or intends to do business as a partnership or association:
 - (i) Name of partnership or association;
 - (ii) Names and addresses of all partners or associates, limited or general.
- (12) Such reasonable information as the City considers necessary to assist or promote the enforcement of this Article.

Sec. 17-186. Transportation-For-Hire Operating Authority Renewal.

- (a) A nonrefundable permit may be issued for any period not to exceed three (3) years ending on September thirtieth (30th). An operator may apply for a renewal of up to three (3) years at least thirty (30) days before the expiration of the permit. To obtain renewal, it must be established that:
 - (1) The operator has complied with the terms of the permit; and
 - (2) The operator continues to comply with all City requirements.
- (b) A new permit is required upon sale or transfer of ownership.

(c) The annual fee for the operator's permit is two hundred fifty dollars (\$250.00). All fees for the complete term of the permit are due upon original application and each renewal thereafter.

Sec. 17-187. Denial or Revocation of Transportation-For-Hire Operator Authority's Permit and Application.

(a) A transportation-for-hire operator's permit may be revoked upon any of the following:

- (1) Making a false statement or omission as to a material matter in the application for a permit;
- (2) Failure to comply with City requirements;
- (3) Failure to comply with transportation-for-hire permit requirements;
- (4) Final conviction for violation of another City, State or Federal law that indicates a lack of fitness of the permittee to perform a transportation-for-hire service;
- (5) Failure to pay any City taxes or other fees due in connection with property used in the transportation-for-hire service, where applicable.
- (6) Failure to comply with Federal and State law on the accommodation of persons with disabilities.

(b) Upon learning of an apparent violation of the regulations, the City shall notify the operator in writing and provide a reasonable length of time to correct the violation. The length of time allowed may vary from seventy-two (72) hours to ten (10) days. If the violation is not satisfactorily corrected, the City may revoke the permit.

(c) A denial of an original operator's permit application, or revocation of an operating authority's permit is subject to appeal in accordance with City Code Chapter 1, Article IV.

(d) The operating authority shall have the duty to insure that all applicable driver requirements are met by all drivers, staff, and contractors performing services on behalf of or in connection with the operating authority, whereas such violations shall be subject to penalties and fines as set forth in City Code Chapter 1 Article I.

Sec. 17-188. Surrender of Permit.

(a) Whenever a permit required under this Article is suspended, revoked, or denied, the permit holder shall turnover said permit to the Traffic Engineer immediately. Notice of said suspended, revoked, or denied permit shall be immediately communicated to all operating authority's staff, drivers or contractors.

(b) Continuing services following a permit being suspended, revoked, or denied is subject to penalties and fines as set forth in City Code Chapter 1 Article I.

Sec. 17-189 Intoxication and Substance Abuse Policy.

An operating authority shall employ and maintain a policy prohibiting the use of or under the influence of intoxicating substances by its drivers while they are on duty. Information on how passengers may report a possible violation of the policy to the operating authority and the City shall be made available electronically or upon request.

Sec. 190-195. Reserved.

DIVISION 3. DRIVER REQUIREMENTS

Sec. 17-196. Driver requirements.

- (a) A driver may not drive a transportation-for-hire vehicle without a physical or digital driver identification card issued to the driver by the operating authority for which the driver provides transportation-for-hire services.
- (b) The physical or digital driver identification card shall contain, at a minimum, the driver's full name, the driver's photograph, the operating authority's name, and a means to contact the operating authority.
- (c) While the driver is providing transportation-for-hire services, the driver shall ensure that the physical or digital driver identification card and license plate number is displayable to every passenger in the driver's transportation-for-hire vehicle or through the operator's digital network.
- (d) An operating authority shall not allow a driver to drive a transportation-for-hire vehicle for that operating authority if the operating authority knows or should know that the driver does not have a physical or digital driver identification card.
- (e) The operating authority shall have a nationally accredited third party background check provider conduct a local, state, and national criminal background check for each applicant.
- (f) The operating authority shall not permit an individual to accept trip requests through its digital network or service who:
 - (1) Has had more than three moving violations in the prior three-year (3 year) period, or one of the following major violations in the prior three-year (3 year) period:
 - (A) Attempting to evade the police,
 - (B) Reckless driving, or
 - (C) Driving on a suspended or revoked license;
 - (2) Has been convicted of or placed on deferred adjudication, within the past seven (7) years, for
 - (A) Any felony;
 - (B) Misdemeanor driving while intoxicated, hit and run, or any other driving-related offense or any misdemeanor violent offense or sexual offense;
 - (3) Is a match in the U.S. Department of Justice National Sex Offender Public Website;
 - (4) Has been convicted of criminal homicide or any other offense described in Chapter 19 of the Texas Penal Code;
 - (5) Has been convicted of any offense described in Chapter 49 of the Texas Penal Code involving serious bodily injury and/or death;
 - (6) Does not possess a valid driver's license;
 - (7) Does not possess proof of registration for the motor vehicle(s) used to provide prearranged rides;
 - (8) Does not possess proof of automobile liability insurance for the motor vehicle(s) used to provide prearranged rides;
 - (9) Is not at least 18 years of age; or
 - (10) Is in violation of any section under this Article.

Sec. 17-197. State License, Driving Record, Criminal History Records Information, and Investigation.

- (a) No operating authority shall issue a physical or digital driver identification card to a driver until the operating authority is issued a valid operator's permit from the City.
- (b) Any law enforcement officer investigating a criminal case may request driver or operator information from the operating authority in emergency situations where a person is in danger of bodily injury, serious bodily injury or death. The operating authority must respond immediately. This information must include all information relevant to the investigation. The law enforcement agency will follow up with a warrant or subpoena when practical. In other criminal cases not involving emergency situations law enforcement will provide the correct means to gather the information and the operating authority must respond either verbally or in writing within twenty four (24) hours.
- (c) Operating Authority's failure or delay in providing emergency and non-emergency information to City in a timely matter as defined in subsection (b) may result in a civil penalty of one thousand two hundred dollars (\$1,200) per day or fifty dollars (\$50) for each additional hour following twenty four (24) hours from which the request was made.
- (d) Any records inspected by the Traffic Engineer or Chief of Police under this Article which are designated as proprietary or confidential by an operating authority and which are the subject of a public information act request. City shall notify operating authority of any such public information request to release such information, and shall work with the operating authority to seek an opinion from the Texas Attorney General to protect any information deemed by the operating authority to be Confidential.

Sec. 17-198 – 17-205 Reserved.

DIVISION 4. VEHICLE STANDARDS

Sec. 17-206 Vehicle Standards Required.

No vehicle may be used to provide transportation-for-hire services within the city limits without complying with the vehicle standards required under this Article.

Sec. 17-207. Vehicle Standards.

- (a) In its annual operating authority permit application, an operating authority must attest to the Traffic Engineer that every vehicle performing transportation-for-hire services under its operating authority permit:
 - (1) Possesses a current, state-issued registration;
 - (2) Has been inspected by a State-authorized vehicle inspector, pursuant to State requirements;
 - (3) Has insurance that meets the minimum requirements as defined under this Article and State law; and

(4) Complies with state vehicle safety and equipment standards as provided by law.

(b) An operating authority commits an offense if it falsely certifies, requests another to falsely certify, or intentionally causes another to falsely certify that a vehicle performing transportation-for-hire services under its operation authority permit meets the standards in Subsection (1).

Sec.17-208 – 17-212. Reserved.

DIVISION 5. SERVICE RULES

Sec. 17-213. Number of Passengers.

While providing transportation-for-hire services, no driver shall carry more passengers during one trip than the number of seatbelt equipped seating positions in vehicle.

Sec. 17-214. City-Wide Service.

(a) An operating authority must offer transportation-for-hire services to every portion of the City.

(b) An operating authority shall not permit its drivers to refuse a ride request based on point of origin, destination, or length of trip.

Sec. 17-215. Non-Discrimination; Accessibility.

(a) A transportation-for-hire operator shall adopt a policy of non-discrimination on the basis of trip destination or origin, race, color, national origin, religious belief or affiliation, sex, disability, age, sexual orientation, or gender identity with respect to passengers and potential passengers and notify drivers of such policy.

(b) A transportation-for-hire driver shall comply with all applicable laws regarding non-discrimination against passengers or potential passengers on the basis of trip destination or origin, race, color, national origin, religious belief or affiliation, sex, disability, age, or sexual orientation, or gender identity.

(c) transportation-for-hire operators and drivers shall comply with all applicable laws relating to the American Disabilities Act and related Acts, and the accommodation of service animals.

(d) A transportation-for-hire operator shall not impose additional charges for providing services to persons with disabilities because of those disabilities.

(e) A transportation-for-hire operator or driver shall provide potential passengers an opportunity to indicate whether they require a wheelchair-accessible vehicle. If a transportation-for-hire service cannot arrange wheelchair accessible services in any instance, it shall direct the potential passenger to an alternate provider of wheelchair-accessible service, where applicable.

Sec. 17-216. Towing and Impounding.

(a) A vehicle providing services under this Article may be towed and impounded if the Traffic Engineer or the Chief of Police determines that the vehicle is not operating:

- (1) Under an operating authority permit required by this Article; or
- (2) With the insurance required by this Article.

Sec. 17-217. Electronic Payment Methods.

(a) If electronic payment methods are used by payors, an operating authority and its drivers must allow fares to be paid by credit card, debit card, and other such types of commonly accepted electronic payment.

(b) When accepting an electronic payment, an operating authority or driver must use a secure processing method that encrypts information transmitted to authenticate the payment transaction for approval

Sec. 17-218. Rates and Fares.

(a) If an operating authority accepts payment for transportation-for-hire services provided by its drivers, then the operating authority shall inform the payor of the rate of the transportation-for-hire service before the transportation-for-hire service is provided.

(b) An operating authority must disclose its rates on its website or application software.

(c) An operating authority or its driver shall provide the payor with a legible receipt at the time of payment. The receipt must contain the following information:

- (1) The date and time of the trip;
- (2) The fare rate, where applicable;
- (3) The total fare;
- (4) An itemization showing how the fare was calculated, where applicable;
 - (i) The trip distance (if the fare was based in whole or in part on distance);
 - (ii) The duration of the trip in minutes (if the fare was based in whole or in part on time);
- (5) The name and a means of contacting the operating authority under which the driver was operating at the time of the ride and a means of contacting the operating authority with any complaints; and
- (6) The driver's name.

(d) The receipt may be submitted to the payor electronically.

(e) An operating authority or its driver may not quote, charge, or attempt to charge a fare higher than the fare disclosed to the passenger prior to the trip or calculated based on the operating authority's published rates for transportation-for-hire vehicles.

Sec. 17-219 Transporting persons for unlawful purposes.

It shall be unlawful for any vehicle for hire driver to knowingly transport any passenger for any illegal or unlawful purpose.

Sec. 17-220. Property left in vehicles.

It shall be the duty of each transportation-for-hire driver to promptly return all luggage, merchandise, or other property left in the driver's vehicle by a passenger. If the owner of such property is not known or is uncertain, the driver shall promptly turn over the items to the police department.

Sec. 17-221 – 17-227. Reserved.

DIVISION 6. INSURANCE

Sec. 17-228. Insurance Policy Requirements and Prohibitions.

An operating authority shall, procure and keep in full force and effect no less than the insurance coverage as required by state law. Including requirements under chapter 601 of the Texas Transportation Code.

Any operating authority meeting the definition of a Transportation Network Company, as defined under Texas Insurance Code Chapter 1954, shall comply with all requirements therein.

Sec. 17-230. Indemnity.

ANY OPERATOR SHALL INDEMNIFY AND HOLD HARMLESS THE CITY FROM AND AGAINST ALL LIABILITY AND CLAIMS ARISING OUT OF THE OPERATORS' PERMITTED ACTIVITIES HEREUNDER. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS OBLIGATING THE OPERATING AUTHORITY TO INDEMNIFY CITY FOR THE NEGLIGENCE OR ACTIONS OF CITY. NOTHING HEREIN SHALL BE CONSTRUED TO CREATE A DUTY OWED BY THE OPERATING AUTHORITY TO THIRD PERSONS WHERE NO SUCH DUTY EXISTS BY LAW.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a civil penalty as described in this Chapter, or a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be August, 26, 2016.

PASSED AND APPROVED this 24th day of August, A. D., 2016.

MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

Cassandra Brager

CASSANDRA BRAGER, CITY CLERK



APPROVED:

Deborah G. Pullum

DEBORAH G. PULLUM,
CITY ATTORNEY