



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: O-5

Date: July 11, 2007

Subject: Request that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 17, "Traffic", Article VIII., "Taxis", to amend the taxi driver requirements related to driver permit fee, permit term, and annual reviews of driver permits.

Page: 1 of 2

Item Reference: Texas Local Government Code Section 215.004; Tyler City Code Chapter 17, Article VIII.

State law, at Texas Local Government Code Section 215.004(a), mandates that municipalities' license, control and otherwise regulate taxicab transportation services by Ordinance. Accordingly, State law requires the City of Tyler to regulate taxicab services. The Tyler taxi regulations are located in Tyler City Code Chapter 17, Article VIII.

Texas Local Government Code Section 215.004(b)(3) and (4) provides that Ordinances regulating taxis may include the establishment of safety or any other requirements to ensure safe and reliable passenger transportation service. To ensure the public safety and welfare, the City requires driver's permits for the operation of a taxi service within the City and sets certain driver requirements for the obtaining of such permits in City Code Section 17-138.

The Traffic Engineering Department received a request from the Taxi Company, a provider of taxi service within the City, to allow driver permits to be valid for a term of three years, so long as annual reviews are conducted requiring drug testing, checks on driving record and criminal background of drivers, and issuance of updated identification cards. This would replace the current process which requires drivers to submit a new notarized application yearly to renew their driver's permits. Should the requested process be implemented, it will save drivers from having to obtain three (3) passport photos and a notarized application every year, while keeping intact annual reviews designed to ensure driver safety.

REVIEW BY TRAFFIC SAFETY BOARD


Tyler City Code Section 17-30.c. states that one of the duties of the Traffic Safety Board is to make recommendations through the Traffic Engineer regarding traffic safety. The Traffic Safety Board considered the proposed amendments to the taxi driver requirements on June 21, 2007 and voted to recommend approval.

Agenda Number: O-5
Page: 2 of 2

RECOMMENDATION:

It is recommended that the City Council consider adopting an Ordinance amending Tyler City Code Chapter 17, "Traffic", Article VIII., "Taxis", to amend the taxi driver requirements related to driver permit fee, permit term, and annual reviews of driver permits.

Drafted/Recommended By:
Department Leader


Kirk Houser, P.E.

Edited/Submitted By:

City Manager

ORDINANCE NO. 0-2007-78

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 17, "TRAFFIC", ARTICLE VIII., "TAXIS", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, BY AMENDING DRIVER REQUIREMENTS RELATING TO DRIVER PERMIT FEE, PERMIT TERM, AND ANNUAL REVIEWS OF DRIVER PERMITS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare; 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, the City of Tyler taxi regulations are located in City Code Chapter 17, Article VIII.; 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, to ensure the public safety and welfare, driver requirements are currently set forth in City Code Section 17-138; and

WHEREAS, it is beneficial to streamline the process for requiring driver permit renewal while maintaining sufficient procedures to review and ensure driver safety on an annual basis; and

WHEREAS, Tyler City Code Section 17-30.c. states that one of the duties of the Traffic Safety Board is to make recommendations through the Traffic Engineer regarding traffic safety as it deems necessary; and

WHEREAS, the Traffic Safety Board reviewed this proposed ordinance on June 21, 2007 and recommended approval;

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

PART 1: That Tyler City Code Chapter 17, "Traffic", Article VIII., "Taxis", is hereby amended by amending the taxi rates in Section 17-138 to read as follows:

Sec. 17-138. Driver requirements.

a. No person may drive a taxi without having a valid Class C license and a current City-issued driver's permit. A taxi operator may not employ any person as a driver unless the person has a valid Class C license.

b. Original applications or renewals for a City driver's permit shall contain:

1. Applicant's full name, current address, places of residence for five (5) years previous to moving to present address and length of time of residence in the City.
2. Applicant's age, height, and eye and hair color.
3. Whether applicant has ever been convicted of a felony or misdemeanor that relates directly to applicant's ability to perform duties as a driver and, if so, the date, time, place and nature or type of offenses.
4. Applicant's current Texas Class C driver's license number and their Moving Violation Record (MVR) obtained from the Department of Public Safety.
5. The name of the operator for which the applicant intends to work.
6. Three (3) recent passport-sized photos of the applicant.
7. Such other information as the City deems necessary to a fair determination of fitness as a driver.

Such application must be signed and sworn to before a notary public.

c. The fee for a driver's permit shall be forty-five dollars (\$45.00) and shall be paid at the time of the filing of the application. The fee shall be nonrefundable, even if the application is denied. All permits shall be valid for three (3) years from date of issuance. A fee of ten dollars (\$10.00) will be charged to replace a permit if the driver loses it.

d. No application or renewal shall be approved unless the applicant:

1. Possesses a valid Texas Class C driver's license.
2. Is of the age of eighteen (18) years or older, is a United States citizen or is a legal resident alien with appropriate work permit.
3. Does not suffer from any condition which might render applicant unfit to drive a vehicle safely.
4. Is clean and neat in dress and appearance and is not addicted to drugs or alcohol.
5. Has not been convicted of the offense of driving while intoxicated in any state in the previous three (3) years.
6. Has passed a drug test administered by an independent testing laboratory licensed to administer drug tests. Drug test will be paid for by the applicant or applicant's employer.
7. Satisfies all of the requirements described in this section.

e. The City shall inform the operator of its decision in writing within fifteen (15) days after the request is submitted.

f. After applicant is approved, the City shall provide the applicant with a picture identification indicating the bearer is permitted to drive any taxi on the roadways located within the City.

g. The City shall review all permit holders annually to determine the permit holder's fitness as a taxi driver and shall either approve or revoke each permit.

Such annual review shall include whether an applicant:

1. Possesses a valid Texas Class C driver's license and a satisfactory Moving Violation Record (MVR), which applicant's MVR shall be provided to the City prior to each annual review and will be paid for by the applicant or the applicant's employer;

2. Has passed a drug test administered by an independent testing laboratory licensed to administer drug tests, which drug test will be provided to the City prior to each annual review and paid for by the applicant or applicant's employer; and

3. Has been convicted of a felony or misdemeanor that relates directly to applicant's ability to perform duties as a driver, and the standard of such review of criminal convictions shall be as set forth in Art. 6252-13c, Vernon's Texas Civil Statutes, or successor statute.

The City shall inform the operator of its decision to approve or revoke a permit in writing within fifteen (15) days after the annual review is completed. After approval from an annual review, the City shall provide the permit holder with a current picture identification indicating the bearer is permitted to drive any taxi on the roadways located within the City. (Ord. No. O-96-28, 4-24-96; Ord. No. O-96-101, 12-18-96; Ord. 0-98-43, 5/27/98; Ord. 0-2007-78, 7/11/07)

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 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 become effective upon 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 July 13, 2007.

PASSED AND APPROVED this 11th day of July, A. D., 2007.

JOSEPH O. SEEBER, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY