

City of Houston, Texas, Ordinance No. 2012-1113

AN ORDINANCE CREATING A PILOT PROGRAM AND AUTHORIZING THE SUSPENSION OF VEHICLE FOR HIRE AGE LIMITATIONS FOR CERTAIN MANUFACTURER MODEL YEAR TAXICABS AND CHAUFFEURED LIMOUSINES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, Chapter 46 of the Code of Ordinances contains permit-based regulatory provisions regarding the operation of vehicles for hire within the city limits, including rigorous inspection processes to ensure that vehicles for hire are equipped, operated, and maintained in a manner sufficient to provide safe, clean, efficient, and reliable transportation service to the riding public; and

WHEREAS, the Administration and Regulatory Affairs Department ("ARA") is responsible for the oversight and implementation of the city's regulations concerning the inspection of vehicles for hire; and

WHEREAS, on January 12, 2011, city council passed Ordinance No. 2011-35, authorizing ARA to implement a pilot program authorizing certain model year vehicles operated as taxicabs and chauffeured limousines to remain in service for two additional years if the vehicles passed a rigorous inspection conducted on behalf of the city by a third party; and

WHEREAS, ARA indicates that the aforementioned pilot program:

- (1) Successfully encouraged economic relief within the industry;
- (2) Ensured that the vehicles allowed to remain in service for a period in excess of the applicable limits set forth in Chapter 46 were roadworthy;
- (3) Produced the additional benefit of improved vehicle maintenance by the taxicab industry and;
- (4) Facilitated the collection of statistics to be used by ARA in making recommendations to city council concerning appropriate life cycles for certain vehicles for hire; and

WHEREAS, ARA recommends that city council authorize the implementation of an additional pilot program for the operation of additional model year vehicles for hire; **NOW THEREFORE**;

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

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

Section 2. That the City undertake the testing of the use of vehicles for hire that exceed the age limits set forth in Sections 46-20 and 46-191 of the Code of Ordinances.

Section 3. That, in order to carry out the testing recommended in the Section 2 above, the application of Section 46-20 of the Code of Ordinances, Houston, Texas, relating to the age of taxicab vehicles is hereby suspended with respect to 2007 and 2008 manufacturer model year vehicles but shall remain effective for all other manufacturer model year vehicles. The suspension established in this Section shall expire at 11:59 p.m. on April 30, 2014 and April 30, 2015, respectively. All operators of 2007 and 2008 manufacturer model year taxicab vehicles desiring to participate in the testing recommended in Section 2 above shall submit their taxicab vehicles for inspection on or before April 30, 2013 and April 30, 2014, respectively.

Section 4. That, as part of the testing referred to in Section 2 above, the application of Section 46-191 of the Code of Ordinances, Houston, Texas, relating to the age of sedan-type luxury motor vehicles and sport utility vehicles operating as chauffeured limousines is hereby suspended with respect to 2008 and 2009 manufacturer model year vehicles but shall remain effective for all other manufacturer model year vehicles. The

suspension established in this section shall expire on 11:59 p.m. on December 31, 2014 and December 31, 2015, respectively. All operators of 2008 and 2009 manufacturer model year sedan-type luxury motor vehicles and sport utility vehicles operating as chauffeured limousines desiring to participate in the testing recommended in Section 2 above shall submit their sedan-type luxury motor vehicles and sport utility vehicles operating as chauffeured limousines for inspection on or before December 31, 2013 and December 31, 2014, respectively.

Section 5. That City Council hereby authorizes and instructs the Director of ARA to administer a program not to exceed two years from the date of passage of this Ordinance authorizing the operation of 2007 and 2008 manufacturer model year taxicabs and 2008 and 2009 sedan-type luxury motor vehicles and sport utility vehicles operated as chauffeured limousines for an additional one-year period provided the vehicle permit holder submits the vehicle and it passes an inspection to be conducted by a third-party entity authorized to provide vehicle for hire inspection services on behalf of the city in accordance with all applicable requirements prescribed in Chapter 46 of the Code of Ordinances, Houston, Texas, and all rules and regulations promulgated by the Director.

Section 6. That the provisions of this Ordinance shall be applicable only to 2007 and 2008 manufacturer year taxicabs and 2008 and 2009 sedan-type luxury motor vehicles and sport utility vehicles operated as chauffeured limousines that are in good standing and permitted by the city to operate as a vehicle for hire on the date of passage of this Ordinance.

Section 7. That, consistent with the provisions and requirements of this Ordinance and other laws and ordinances, the Director of ARA may implement and enforce all necessary rules and regulations for the successful implementation of this program consistent with the requirements of Chapter 46 of the Code of Ordinances, Houston, Texas.

Section 8. That this Ordinance shall expire at 11:59 p.m. on December 31, 2015.

Section 9. That the Director of ARA shall compile all data concerning inspections of vehicles for hire operated pursuant to the program authorized by this Ordinance and prior to the expiration of this Ordinance shall make a recommendation whether Sections 46-20 and 46-191 of the Code of Ordinances should be retained as they now read or be amended or repealed.

Section 10. That if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 11. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore,

this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor.

PASSED AND APPROVED this 19th day of December, 2012.

Annise D. Parker
 Mayor of the City of Houston

Prepared by Legal Dept. Tiffany Gram
 TNE 12/12/2012 Assistant City Attorney

Requested by Alfred Jay Moran, Jr., Director, Department of Administration and Regulatory Affairs
 L.D. File No. 0371200171001

AYE	NO	
✓		MAYOR PARKER
....	COUNCIL MEMBERS
✓		BROWN
✓		DAVIS
✓		COHEN
✓		ADAMS
✓		SULLIVAN
✓		HOANG
✓		PENNINGTON
✓		GONZALEZ
✓		RODRIGUEZ
✓		LASTER
✓		GREEN
✓		COSTELLO
✓		BURKS
✓		NORIEGA
✓		BRADFORD
✓		CHRISTIE
CAPTION	ADOPTED	