

ORDINANCE NO. 2016-O0077

AN ORDINANCE AMENDING CHAPTER 24, "VEHICLES FOR HIRE", OF THE CODE OF ORDINANCES OF THE CITY OF LUBBOCK, TEXAS, BY DELETING ARTICLE 24.01 "GENERAL PROVISIONS," ARTICLE 24.02 "OPERATOR'S PERMIT," ARTICLE 24.03 "CHAUFFEUR'S PERMIT," ARTICLE 24.04 "BUS SERVICE FRANCHISE," ARTICLE 24.05 "TAXICABS," ARTICLE 24.06 "LIMOUSINES AND TOURING VEHICLES," AND ARTICLE 24.07 "NON-MOTORIZED VEHICLES;" ADDING ARTICLE 24.01 "GENERAL PROVISIONS," ARTICLE 24.02 "OPERATING AUTHORITY REGULATIONS," AND ARTICLE 24.03 "TRANSPORTATION NETWORK COMPANY REGULATIONS;" PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, Section 215.004(a)(1) of the Texas Local Government Code requires a municipality to regulate private passenger vehicles that provide taxicab transportation services for compensation, and Sections 215.004(a)(2)-(d), 215.029, 215.073, and 215.0735 of the Texas Local Government Code permit a municipality to regulate drivers and vehicles engaged in the carrying of passengers for compensation; and

WHEREAS, the City Council of the City of Lubbock, Texas deems it in the best interest of the health, safety, and welfare of the citizens of Lubbock to amend the Code of Ordinances by repealing outdated and antiquated provisions relating to vehicles-for-hire and adding new provisions that allow for transportation network companies; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUBBOCK:

SECTION 1. THAT the Code of Ordinances of the City of Lubbock, Texas, is hereby amended by adding Article 24.01, which reads as follows:

ARTICLE 24.01 GENERAL PROVISIONS

Sec. 24.01.001 Purpose

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

Sec. 24.01.002 Definitions

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

Airport. The Lubbock Preston Smith International Airport.

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 Lubbock or the chief of police's designee.

City Manager. The city manager of the City of Lubbock or the city manager's designee.

City Secretary. The city secretary of the City of Lubbock or the city secretary's designee.

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

Ground Transportation Service. Any courtesy, transportation-for-hire, or transportation network company service or vehicle that operates at the Airport.

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

Hailable Vehicle. A transportation-for-hire vehicle that can be hailed by a passenger.

Horse. Any member of the species *Equus Caballus*.

Horse-drawn Carriage. A non-motorized vehicle designed to carry passengers while being pulled by one or more horses.

Non-motorized Passenger Transport Vehicle. Any vehicle designed to transport passengers that is not powered by a motor, including, but not limited to, a horse-drawn carriage, pedicab, bicycle, or tricycle.

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 or transportation network company services.

Pedicab. A device with two (2) or more wheels designed to carry passengers while being propelled by human power.

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.

Trade Dress. 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 trade dress include, but are not limited to, magnetic or removable symbols or signs on vehicle doors, roofs, or grills.

Transportation-for-Hire Service. The transportation of passengers for compensation within the city, with the coordination and payment of such transportation not being provided through a digital network or website. This term is not applicable to ambulance transportation, emergency medical transportation, nonemergency medical transportation, transfer medical transportation, transportation network company service, or tow truck service in the City of Lubbock, Texas.

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

Transportation Network Company. Any entity that uses a digital network or website as the primary means through which it connects a passenger to a driver for the transportation of the passenger for compensation. This term is not applicable to ambulance transportation, emergency medical transportation, nonemergency medical transportation, transfer medical transportation, operating authority service, or tow truck service in the City of Lubbock, Texas.

Transportation Network Company Permit. The permit required for an entity to provide transportation network company 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. 24.01.003 Exclusions

- (1) This Chapter does not apply to the operation of:
 - (a) City of Lubbock transportation vehicles or those contracted to perform transportation services for the City of Lubbock;
 - (b) Courtesy vehicles;
 - (c) Carpooling;
 - (d) A rented vehicle without a driver;
 - (e) 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; or
 - (f) 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 to or from school;

- (v) Operated under 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.
- (2) Articles 24.07 and 24.08 of this Chapter are excluded from the regulations of Articles 24.01, 24.02, and 24.03 of this Chapter.

Sec. 24.01.004 Duties of City Secretary, Chief of Police, and City Manager

- (1) The City Secretary shall enforce this Chapter with assistance from the Chief of Police.
- (2) The City Secretary may adopt procedures to administer this Chapter.
- (3) The Chief of Police may inspect any vehicle providing services under this Chapter to determine whether the vehicle complies with this Chapter and all other applicable law.
- (4) The City Manager may adopt procedures to administer and enforce all aspects of ground transportation service rules and regulations at the Airport.
- (5) The City Secretary, 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 Chapter and other applicable laws.
- (6) The Chief of Police may perform an audit on the records of any operating authority or transportation network company to ensure that the provisions of this Chapter are met.
- (7) Upon the receipt of a complaint about any driver providing service for an operating authority or transportation network company, the Chief of Police shall have access to the records held by any operating authority or transportation network company concerning the driver that is the source of the complaint.

Sec. 24.01.005 Ground transportation service

- (1) 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. The City Manager may promulgate and enforce written rules and regulations, not inconsistent with this Chapter, governing ground transportation service at the Airport as the City Manager determines necessary to manage and provide for the orderly, efficient, and convenient flow of traffic at the Airport.

- (2) All ground transportation service at the Airport shall be subject to all rules and regulations promulgated by the City Manager or the Director of the Airport.
- (3) An entity commits an offense if it operates a ground transportation service at the Airport without a valid operating authority or transportation network company permit.
- (4) An entity commits an offense if it operates a ground transportation service at the Airport in such a way that violates this Chapter or any other applicable local, state, or federal law, rule, or regulation.

Sec. 24.01.006 Permit Fees

All permit fees required under this Chapter are nonrefundable and shall be set forth and established annually in the City's budget ordinance. A permit fee shall be tendered to the City Secretary when an application for a permit is made with the City Secretary.

Sec. 24.01.007 Complaint procedure

- (1) Any entity may file with the City Secretary a complaint or protest concerning any operating authority, transportation network company, or any transportation-for-hire or transportation network company driver or vehicle operating in the City of Lubbock.
- (2) Any complaint or protest submitted to the City Secretary under this Chapter shall be in writing and shall be signed by the complainant. The City Secretary shall then notify the Chief of Police and the named operating authority, transportation network company, or transportation-for-hire or transportation network company driver or vehicle of the complaint.
- (3) If, after a complaint or protest is investigated by the City Secretary, with the assistance of the Chief of Police, the investigation reveals a violation of this Chapter, any City ordinance, or State or Federal law or regulation, then the City Secretary shall issue a notice in the form of a correction order to the operating authority or transportation network company. Such correction order shall identify the violation, the date of issuance of the notice, the time period within which the violation must be corrected, a warning that failure to comply with the order may result in a penalty, and a statement indicating that the order may be appealed.
- (4) If the City Secretary determines that a violation constitutes an imminent and serious threat to the public health or safety, the City Secretary shall order the operating authority or driver to correct the violation immediately, and, if the operating authority or driver fails to comply, the City Secretary shall promptly take or cause to be taken such action as the City Secretary considers necessary to enforce the order immediately.

- (5) If the operating authority or transportation network company does not comply with the terms of the correction order, then it may be subject to the suspension or revocation of its permit and may be subject to a fine.

Sec. 24.01.008 Appeal of correction order

The holder of a permit issued under this Chapter may file an appeal with the Permit and License Appeal Board in accordance with this Code.

Sec. 24.01.009 Removal of evidence of authorization

Whenever a permit required under this Chapter is suspended, revoked, or denied, the City Secretary may require the surrender by the permit holder of all evidence of authorization to perform the services allowed by the permit.

Sec. 24.01.010 Towing and impounding

A vehicle providing services under this Chapter may be towed and impounded if the City Secretary or the Chief of Police determines that the vehicle is not operating:

- (1) Under an operating authority or transportation network company permit required by this Chapter; or
- (2) With the insurance required by this Chapter.

Sec. 24.01.011 Criminal offenses

- (1) An entity commits an offense if it violates or attempts to violate a provision of this Chapter, or a rule or regulation established by the City Secretary or City Manager under this Chapter, which is applicable to the entity. An offense of this Chapter shall be a class C misdemeanor punishable by a fine not exceeding such amount as is provided by the general laws of the State of Texas for such offenses. A separate offense is committed each day in which an offense occurs. A culpable mental state is not required for the commission of an offense under this Chapter unless the provision defining the conduct expressly requires a culpable mental state.
- (2) Prosecution for an offense under this Section does not prevent the use of other enforcement remedies or procedures applicable to the entity charged with or the conduct involved in the offense.

Sec. 24.01.012 Service of notice

- (1) An operating authority, transportation network company, or driver covered under this Chapter shall designate and maintain a representative to receive service of notice required under this Chapter.

- (2) Notice required under this Chapter:
 - (a) May be personally served by the City Secretary on an operating authority, transportation network company, or its designated representative; or
 - (b) May be personally served or sent by United States Certified Mail, Return Receipt Requested, to the address, last known to the City Secretary, of the operating authority, transportation network company, driver, or its designated representative; or
 - (c) May be sent by electronic mail, to the electronic mail address, last known to the City Secretary, of the operating authority, transportation network company, driver, or its designated representative.
- (3) Notice required under this Chapter to be given to a person other than an operating authority, transportation network company, driver, or its designated representative, may be served in the manner prescribed by Subsection (2).
- (4) 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.

SECTION 2. THAT the Code of Ordinances of the City of Lubbock, Texas, is hereby amended by adding Article 24.02, which reads as follows:

ARTICLE 24.02 OPERATING AUTHORITY REGULATIONS

Division 1. Operating Authority Permit

Sec. 24.02.001 Operating Authority Permit required

- (1) An entity may not operate a transportation-for-hire service inside the City without an operating authority permit granted under this Chapter.
- (2) A driver may not transport a passenger for hire within the city limits unless the entity that employs or contracts with the driver has been granted an operating authority permit under this Chapter.
- (3) Nothing in the operating authority permit shall be construed as granting to the operating authority a franchise to use city streets.

Sec. 24.02.002 Operating Authority Permit Application

To obtain an operating authority permit, an applicant shall submit an application in the manner prescribed by this Section. The applicant must be the entity that is the owner,

controller, or operator of the proposed operating authority. An applicant shall file with the City Secretary a nonrefundable application fee, as set forth and established annually in the City's budget ordinance, and an application containing and certifying the following:

- (1) The form of business of the applicant and the name and address of each entity with a twenty percent (20%) or greater ownership interest in the applicant's business;
- (2) If the applicant is a corporation or association, a copy of the documents establishing the applicant's corporation or association;
- (3) The verified signature of the applicant's signatory;
- (4) The address of the fixed facilities to be used as the applicant's primary place of business in the City, if any, and the address of the applicant's headquarters, if different from the address of the fixed facilities;
- (5) The name of the entity designated by the applicant to receive notice on behalf of the operating authority, and that entity's contact information, including a mailing address, telephone number, and email or other electronic address;
- (6) That the operating authority requires its drivers to undergo an annual local, state, and national criminal background check by a nationally accredited third-party background check provider;
- (7) That the operating authority's drivers are required to maintain a physical or digital identification card displayable within their vehicles that contains a photograph of the driver, the full name of the driver, the name of the operating authority, and a means to contact the operating authority;
- (8) That all vehicles operating under the operating authority permit have been inspected by a State of Texas authorized vehicle inspector, possess a current State-issued registration, and meet all required vehicle safety standards, required under this Chapter;
- (9) That the operating authority and all of its drivers are covered by a valid insurance policy, as described in this Chapter, from an insurance company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies, or a surplus lines insurer listed on the Texas Department of Insurance's list of Eligible Surplus Lines Insurance Companies;
- (10) A tax certificate showing the payment of ad valorem taxes on the operating authority's local property, if any, to be used by the operating authority in connection with its transportation-for-hire service; and
- (11) A copy of the applicant's zero-tolerance policy for intoxicating substances.

Sec. 24.02.003 Operating Authority Permit Application Changes

Any change to the information provided by the applicant in its operating authority permit application must be reported in writing to the City Secretary within ten (10) days of the change in the manner prescribed by the City Secretary.

Sec. 24.02.004 Operating Authority Permit Expiration

An operating authority permit expires one (1) year from the date it is issued.

Sec. 24.02.005 Operating Authority Permit denial, suspension, and revocation

- (1) If the City Secretary determines that an entity's operating authority permit should be denied, suspended, or revoked, the City Secretary shall then issue a correction order to the operating authority notifying it that its permit is denied, suspended, or revoked, with such correction order detailing the reason for the denial, suspension, or revocation of the operating authority permit, the procedure to remedy the violation, and a statement informing the operating authority of its right of appeal the denial, suspension, or revocation of its permit to the Permit and License Appeal Board in the manner set out in Chapter 2 of this Code.
- (2) Denial. The following shall constitute grounds for denial by the City Secretary of an operating authority permit:
 - (a) The determination by the Chief of Police that the applicant is not qualified under this Chapter;
 - (b) The applicant knowingly makes any false statement in its application statement;
or
 - (c) The applicant has knowingly violated any City, State, or Federal law or regulation.
- (3) Suspension. The following regulations apply to the suspension of an operating authority permit:
 - (a) The City Secretary shall suspend an operating authority permit if the City Secretary determines that the operating authority failed to comply with a correction order issued by the City Secretary within the time specified in the correction order.
 - (b) The expiration date of the operating authority permit is not tolled or extended by a suspension.
 - (c) The City Secretary may reinstate a suspended operating authority permit if the operating authority complies with the correction order and pays a reinstatement

fee as such reinstatement fee is set forth and established annually in the City's budget ordinance.

- (4) Revocation. The following regulations apply to the revocation of an operating authority permit:
- (a) The City Secretary shall revoke an operating authority permit if the City Secretary determines that the operating authority:
 - (i) Knowingly made a false statement in its application statement;
 - (ii) Failed to maintain the insurance required by this Chapter; or
 - (iii) Knowingly violated any City, State, or Federal law or regulation.
 - (b) After revocation of its operating authority permit, an operating authority is not eligible for another operating authority permit for a period of up to two (2) years, depending on the severity of the violation resulting in the revocation as determined by the City Secretary after its review of the revocation.
- (5) It shall be unlawful under this Chapter for any entity to operate as an operating authority if it fails to comply with a correction order notifying it of the denial, suspension, or revocation of its operating authority permit.

Sec. 24.02.006 Nontransferability

An operating authority permit is not transferable. This regulation should not be construed to impede the continuing use of trade names.

Sec. 24.02.007 Zero-Tolerance policy

- (1) An operating authority shall employ, maintain, and enforce a zero-tolerance policy prohibiting the use of intoxicating substances by its drivers while they are on duty.
- (2) An operating authority shall include on its website a notice of the operating authority's zero-tolerance policy for intoxicating substances, and information on how passengers may report a possible violation of the policy to the operating authority and to the City.

Sec. 24.02.008 Website

In no case shall the operating authority provide the opportunity for passengers to reserve, participate in, or pay for any transportation-for-hire service through the website or any form of the website, such as an "app" or other type of digital network.

Secs. 24.02.009–24.02.019 Reserved

Division 2. Driver Requirements

Sec. 24.02.020 Driver identification

- (1) 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.
- (2) 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.
- (3) While the driver is providing transportation-for-hire services, the driver shall ensure that the physical or digital driver identification card is displayable to every passenger in the driver's transportation-for-hire vehicle.
- (4) 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.

Sec. 24.02.021 Driver qualifications

Every operating authority must certify that each of its drivers:

- (1) Holds a driver's license that meets the requirements of Chapter 521, Texas Transportation Code;
- (2) Has undergone an annual local, state, and national criminal background check by a nationally accredited third-party background check provider to ensure that the driver has not been convicted of more than three (3) moving traffic violations arising out of separate incidents, or involved in more than one (1) automobile accident in which it could be reasonably determined that the driver was more than fifty percent (50%) at fault, within any twelve (12) month period during the preceding twenty-four (24) months.
- (3) Has undergone an annual local, state, and national criminal background check by a nationally accredited third-party background check provider to ensure that the driver has not been convicted of a crime:
 - (a) Involving:
 - (i) Criminal homicide as described in Chapter 19 of the Texas Penal Code;
 - (ii) Kidnapping as described in Chapter 20 of the Texas Penal Code;

- (iii) A sexual offense as described in Chapter 21 of the Texas Penal Code;
- (iv) An assaultive offense as described in Chapter 22 of the Texas Penal Code;
- (v) Robbery as described in Chapter 29 of the Texas Penal Code;
- (vi) Any offense under the Texas Penal Code committed against a person with whom the driver came in contact while engaged in transportation-for-hire service;
- (vii) The transfer, carrying, or possession of a weapon in violation of Chapter 46 of the Texas Penal Code, but only if the violation is punishable as a felony;
- (viii) A violation of the Dangerous Drugs Act (Chapter 483 of the Texas Health and Safety Code) that is punishable as a felony; or
- (ix) A violation of the Controlled Substances Act (Chapter 481 of the Texas Health and Safety Code) that is punishable as a felony;

(b) For which:

- (i) Less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the driver was convicted of a misdemeanor offense;
 - (ii) Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the driver was convicted of a felony offense; or
 - (iii) Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any 24-month period, the driver has two (2) or more convictions of any misdemeanor offense or combination of misdemeanor offenses; and
- (4) Has not been convicted of, or discharged by probation or deferred adjudication for, driving while intoxicated:
- (a) Within the preceding twelve (12) months; or
 - (b) More than one (1) time within the preceding five (5) years.

Sec. 24.02.022 State license, driving record, criminal history records information, and investigation

No operating authority shall issue a physical or digital driver identification card to a driver until the driver produces to the operating authority a valid State of Texas Class C driver's license, a copy of the driver's driving record from the State of Texas, and a copy of the driver's complete criminal history from a nationally accredited third-party background check provider.

Sec. 24.02.023 Driver Identification Card revocation and right to appeal

- (1) The Chief of Police may revoke a physical or digital driver's identification card if:
 - (a) The Chief of Police determines that the driver is not qualified to operate a transportation-for-hire vehicle under this Chapter; or
 - (b) The driver has knowingly violated any City, State, or Federal law or regulation.
- (2) The Chief of Police may revoke an operating authority's permit if:
 - (a) The Chief of Police determines that any driver providing services for the operating authority is not qualified to operate a transportation-for-hire vehicle under this Chapter and the operating authority has failed to fulfill the requirements of a correction order issued pursuant to subsection (3) of this Section;
 - (b) The operating authority knowingly makes a false statement in its permit application statement; or
 - (c) The operating authority has knowingly violated any City, State, or Federal law or regulation.
- (3) If the Chief of Police determines that a driver has failed to comply with this Chapter, then the Chief of Police shall notify the City Secretary to issue a correction order to the operating authority notifying it that its driver is not in compliance with this Chapter, the timeframe within which the operating authority shall work to correct the driver's non-compliance, and a statement informing the operating authority of its right of appeal.

Sec. 24.02.024 Possession, display, and content of Driver's Identification Card

- (1) An operating authority shall require each of its drivers to maintain possession of and allow access to their drivers' physical or digital identification cards for inspection by the Chief of Police. The driver's physical or digital identification card shall contain the driver's full name, the driver's photograph, the name of the operating authority, and a means to contact the operating authority.

- (2) While a transportation-for-hire driver is engaged in the provision of transportation-for-hire services, the driver shall ensure that its physical or digital identification card is displayable to every passenger riding in the driver's vehicle.

Sec. 24.02.025 Driver Regulations

An operating authority shall certify that its drivers:

- (1) Comply with this Chapter and all other local, state, and federal laws applicable to the operation of a motor vehicle in this State;
- (2) Comply with all of the rules and regulations of the Airport;
- (3) Treat members of the public and passengers with the utmost courtesy;
- (4) Do not distract any person by any sign or obstruct the movement of any person.

Secs. 24.02.026–24.02.039 Reserved

Division 3. Vehicle Standards

Sec. 24.02.040 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 Chapter.

Sec. 24.02.041 Vehicle standards

- (1) In its annual operating authority permit application, an operating authority must attest to the City Secretary that every vehicle performing transportation-for-hire services under its operating authority permit:
 - (a) Possesses a current, state-issued registration;
 - (b) Has been inspected by a State-authorized vehicle inspector;
 - (c) Has insurance that meets the minimum requirements required for transportation-for-hire vehicles under State law; and
 - (d) Is mechanically sound, road worthy, and complies with state safety and equipment standards as provided by law.
- (2) 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).

Secs. 24.02.042–24.02.059 Reserved

Division 4. Service Rules

Sec. 24.02.060 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. The driver shall know how to properly install and safely use a child safety seat.

Sec. 24.02.061 Refusal to pay fare

It shall be unlawful for a passenger using a transportation-for-hire service to refuse or fail to pay the agreed or established fare and such refusal or failure shall constitute theft of services punishable under state law, unless the passenger reasonably believes that the driver has manipulated the agreed or established fare.

Sec. 24.02.062 Driver solicitation and hailable vehicles

- (1) A transportation-for-hire driver may solicit passengers only if the solicitation is:
 - (a) From the driver's compartment of the driver's transportation-for-hire vehicle or the immediate vicinity of the driver's transportation-for-hire vehicle; and
 - (b) In a way that does not annoy or obstruct the movement of any person.
- (2) All hailable vehicles must:
 - (a) Have an operable roof mounted top light that illuminates when the vehicle is in service and available to be hailed; or
 - (b) Display the following information on at least one (1) door on the driver side and passenger side of the vehicle:
 - (i) The name of the operating authority under which the vehicle is currently operating; and
 - (ii) The vehicle's transportation-for-hire fare rate.

Sec. 24.02.063 Non-discrimination

No transportation-for-hire driver shall refuse service to a passenger based on the passenger's race; color; age; religion; sex; marital status; sexual orientation; gender identity and expression; national origin; disability; political opinions; or affiliations as such terms are defined in Chapter 8.02 of this Code.

Sec. 24.02.064 City-wide service

- (1) An operating authority must offer transportation-for-hire services to every portion of the City.
- (2) An operating authority shall not permit its drivers to refuse a ride request based on point of origin, destination, or length of trip.
- (3) This section does not apply to transportation-for-hire services provided by non-motorized passenger transport vehicles.

Sec. 24.02.065 Wheelchair accessibility

- (1) An operating authority must provide a wheelchair accessible vehicle upon request without unreasonable delay.
- (2) Operating authorities and drivers are prohibited from charging a higher fare rate for wheelchair accessible vehicles.

Sec. 24.02.066 Electronic payment methods

- (1) 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.
- (2) 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. 24.02.067 Rates and Fares

- (1) 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.
- (2) An operating authority must disclose its rates on its website. An operating authority must also disclose its rates on a sign placed in or on all hailable vehicles operated under the operating authority's permit.
- (3) An operating authority or its driver shall provide the payor with a legible receipt at the time of payment. The receipt, or a contemporaneously produced document, must contain the following information:
 - (a) The date and time of the trip;

- (b) The fare rate;
 - (c) The total fare;
 - (d) An itemization showing how the fare was calculated;
 - (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);
 - (e) The name and phone number of 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
 - (f) The driver's full name.
- (4) The receipt may be submitted to the payor electronically if the payor agrees to accept an electronic receipt.
- (5) An operating authority or its driver may not quote, charge, or attempt to charge a fare higher than the fare calculated based on the operating authority's published rates for transportation-for-hire vehicles.

Sec. 24.02.068 Transporting persons for unlawful purposes

It shall be unlawful for any transportation-for-hire driver to knowingly transport any passenger to the location of a prostitute or to knowingly transport any criminal, narcotic peddler, prostitute, or bootlegger in the commission of a crime or infraction of the law in any manner, or act in any manner as a panderer or pimp for prostitutes, or a contact for unlawful establishments of any character.

Sec. 24.02.069 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 to the operating authority all property left in the vehicle, giving a complete report of when and where the property was left in the vehicle. All such property shall be tagged by the operating authority for identification purposes. If property is not claimed by the owner within seven (7) days, then the operating shall notify the Chief of Police about the unclaimed property. Failure to follow the above procedure shall render the driver liable for the value of the property to the owner of such property.

Sec. 24.02.070 Trade Dress

An operating authority shall require its vehicles to display consistent trade dress when such vehicles are providing transportation-for-hire services.

Secs. 24.02.071–24.02.089 Reserved

Division 5. Non-motorized vehicles.

Sec. 24.02.090 Route

Any transportation-for-hire service using non-motorized passenger transport vehicles may only be offered in accordance with a preapproved route, with fixed pickup and destination points, that must be current and kept on file with the City Secretary.

Sec. 24.02.091 Requirements for horses in service

- (1) Before any horse may be used in a non-motorized passenger transport service, the operating authority permit holder must furnish to the City Secretary:
 - (a) A state certificate of veterinarian inspection identifying the horse by description or photograph and showing that the horse has been examined at least once within the preceding six (6) months by a veterinarian licensed by the State of Texas who specializes in equine medicine;
 - (b) Proof that the horse has had tetanus, rabies, and Eastern-Western encephalitis vaccinations; and
 - (c) Photographs showing identifying markings of the horse.
- (2) A horse used in a non-motorized passenger transport service must:
 - (a) Be appropriately shod to work on paved streets; if a horse loses a shoe while working, an “eazy” type boot may be used to finish the scheduled work day;
 - (b) Not have any open wound, oozing sore, cut below skin level, or bleeding wound;
 - (c) Not have evidence of lameness, such as but not limited to head bobbing or irregular rhythm;
 - (d) Be offered no less than five (5) gallons of drinking water every two (2) hours;
 - (e) Have at least a 10-minute rest period after every fifty (50) minutes worked;
 - (f) Not work longer than eight hours in a 24-hour period with a minimum of twelve (12) hours rest;

- (g) Have all harnesses properly fitted and in good repair with no deficiencies that could reasonably be deemed a safety hazard;
 - (h) Be properly cleaned with no offensive odors or caked dirt or mud;
 - (i) Wear a special sanitary device for containing animal excrement;
 - (j) Not work when the outside temperature exceeds ninety-nine (99) degrees Fahrenheit, or the thermal heat index exceeds one hundred fifty (150), as measured by the National Weather Service at the Airport; and
 - (k) Be examined at least once every six (6) months by a veterinarian licensed by the State of Texas who specializes in equine medicine and receive a state certificate of veterinarian inspection, which must be submitted to the City Secretary.
- (3) The City Secretary, with the assistance of the City of Lubbock Animal Services Department, may require the operating authority or driver of a horse-drawn carriage to remove from service any horse that appears to be ill, overtired, undernourished, overloaded, injured, or lame or whose health or life, in the opinion of a veterinarian or qualified equine animal services officer, is in imminent danger. To reinstate a horse removed from service, the horse must be re-examined and a new state certificate of veterinarian inspection issued for the horse by a veterinarian licensed by the State of Texas and specializing in equine medicine, which certificate must be submitted to the City Secretary.
- (4) It is an offense to knowingly or intentionally harass, startle, attempt to harass, attempt to startle, or otherwise treat a horse inhumanely while it is working in a non-motorized passenger transport service.
- (5) A horse shall be transported in a trailer if it is required to go to a job location in the city that is more than three miles from the location where the horse is stabled.
- (6) For purposes of this section, a horse is considered to be working any time it is on a public street or sidewalk, or other public right-of-way, during any hour of operation of the non-motorized passenger transport service that is authorized by and on file with the City Secretary.

Sec. 24.02.092 Equipment

All non-motorized passenger transport vehicle equipment shall be maintained in such a manner as to comply with all applicable federal, state, and local laws and regulations. An operating authority and driver shall, at all times, keep each non-motorized passenger transport vehicle in its use in safe operating condition.

Sec. 24.02.093 Application for operating authority for a non-motorized passenger transport vehicle

In addition to the information required by this Chapter, to obtain an operating authority permit for transportation-for-hire service offered by non-motorized passenger transport vehicles, the application filed with the City Secretary must include:

- (1) The number of horses the applicant proposes to use, if any, in the operation of the service with a description or photograph and a state certificate of veterinarian inspection for each horse; and
- (2) The proposed routes to be offered by the operating authority's non-motorized passenger transport vehicles.

Secs. 24.02.094–24.02.109 Reserved

Division 6. Insurance

Sec. 24.02.110 Insurance policy requirements and prohibitions

An operating authority shall procure and keep in full force and effect no less than the insurance coverage required by this Chapter through a policy or policies written by an insurance company that is listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's list of Eligible Surplus Lines Insurance Companies.

Sec. 24.02.111 Minimum insurance limits

At a minimum, the liability coverage for transportation-for-hire vehicles must be provided as follows:

- (1) From the time a driver indicates that the vehicle is available to accept a ride request, but before the driver has accepted a ride request, the vehicle and driver must be covered by contingent primary liability coverage for injury and property damage arising out of or caused by the operation of the vehicle in the amount of \$50,000 per person, \$100,000 per occurrence for bodily injury and \$25,000 in property damage; and
- (2) From the time a driver accepts a ride request, either by being physically hailed or by being dispatched by an operating authority, to the time the passenger exits the vehicle, the vehicle and driver must be covered by primary commercial automobile liability coverage with a combined single limit of liability for death, bodily injury, and property damage for each incident arising out of or caused by the operation of the vehicle with a total aggregate limit of \$1,000,000.

SECTION 3. THAT the Code of Ordinances of the City of Lubbock, Texas, is hereby amended by adding Article 24.03, which reads as follows:

ARTICLE 24.03 TRANSPORTATION NETWORK COMPANY REGULATIONS

Division 1. Transportation Network Company Permit

Sec. 24.03.001 Transportation Network Company Permit required

- (1) An entity may not operate a transportation network company inside the City without a transportation network company permit granted under this Chapter.
- (2) A driver for a transportation network company may not transport a passenger within the city limits unless the entity that employs or contracts with the driver has been granted a transportation network company permit under this Chapter.
- (3) Nothing in the transportation network company permit shall be construed as granting to the transportation network company a franchise to use city streets.

Sec. 24.03.002 Transportation Network Company Permit Application

To obtain a transportation network company permit, an applicant shall submit an application in the manner prescribed by this Section. The applicant must be the entity that is the owner, controller, or operator of the proposed transportation network company. An applicant shall file with the City Secretary a nonrefundable application fee, as set forth and established annually in the City's budget ordinance, and an application containing and certifying the following:

- (1) The form of business of the applicant and the name and address of each entity with a twenty percent (20%) or greater ownership interest in the applicant's business;
- (2) If the applicant is a corporation or association, a copy of the documents establishing the applicant's corporation or association;
- (3) The verified signature of the applicant's signatory;
- (4) The address of the fixed facilities to be used as the applicant's primary place of business in the City, if any, and the address of the applicant's headquarters, if different from the address of the fixed facilities;
- (5) The name of the entity designated by the applicant to receive notice on behalf of the transportation network company, and that entity's contact information, including a mailing address, telephone number, and email or other electronic address;

- (6) That the transportation network company requires its drivers to undergo an annual local, state, and national criminal background check by a nationally accredited third-party background check provider;
- (7) That the transportation network company's drivers are required to maintain a physical or digital identification card displayable within their vehicles that contains a photograph of the driver, the full name of the driver, the name of the transportation network company, and a means to contact the transportation network company;
- (8) That all vehicles operating under the transportation network company permit have been inspected by a State of Texas authorized vehicle inspector, possess a current State-issued registration, and meet all required vehicle safety standards, as required under this Chapter;
- (9) That the transportation network company and all of its drivers are covered by a valid insurance policy, as described in this Chapter, from an insurance company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies, or a surplus lines insurer listed on the Texas Department of Insurance's list of Eligible Surplus Lines Insurance Companies;
- (10) A tax certificate showing the payment of ad valorem taxes on the transportation network company's local property, if any, to be used by the transportation network company in connection with its business; and
- (11) A copy of the applicant's zero-tolerance policy for intoxicating substances.

Sec. 24.03.003 Transportation Network Company Permit Application Changes

Any change to the information provided by the applicant in its transportation network company permit application must be reported in writing to the City Secretary within ten (10) days of the change in the manner prescribed by the City Secretary.

Sec. 24.03.004 Transportation Network Company Permit Expiration

A transportation network company permit expires one (1) year from the date it is issued.

Sec. 24.03.005 Transportation Network Company Permit Denial, Suspension, and Revocation

- (1) If the City Secretary determines that a transportation network company's permit should be denied, suspended, or revoked, the City Secretary shall then issue a correction order to the transportation network company notifying it that its permit is denied, suspended, or revoked, with such correction order detailing the reason for the denial, suspension, or revocation of the transportation network company permit, the procedure to remedy the violation, and a statement informing the transportation

network company of its right of appeal the denial, suspension, or revocation of its permit to the Permit and License Appeal Board in the manner set out in Chapter 2 of this Code.

- (2) Denial. The following shall constitute grounds for denial by the City Secretary of a transportation network company permit:
 - (a) The determination by the Chief of Police that the applicant is not qualified under this Chapter;
 - (b) The applicant knowingly makes any false statement in its application statement; or
 - (c) The applicant has knowingly violated any City, State, or Federal law or regulation.
- (3) Suspension. The following regulations apply to the suspension of a transportation network company permit:
 - (a) The City Secretary shall suspend a transportation network company permit if the City Secretary determines that the transportation network company failed to comply with a correction order issued by the City Secretary within the time specified in the correction order.
 - (b) The expiration date of the transportation network company permit is not tolled or extended by a suspension.
 - (c) The City Secretary may reinstate a suspended transportation network company permit if the transportation network company complies with the correction order and pays a reinstatement fee as such reinstatement fee is set forth and established annually in the City's budget ordinance.
- (4) Revocation. The following regulations apply to the revocation of a transportation network company permit:
 - (a) The City Secretary shall revoke a transportation network company permit if the City Secretary determines that the transportation network company:
 - (i) Knowingly made a false statement in its application statement;
 - (ii) Failed to maintain the insurance required by this Chapter; or
 - (iii) Knowingly violated any City, State, or Federal law or regulation.
 - (b) After revocation of its transportation network company permit, a transportation network company is not eligible for another transportation network company

permit for a period of up to two (2) years, depending on the severity of the violation resulting in the revocation as determined by the City Secretary after its review of the revocation.

- (5) It shall be unlawful under this Chapter for any entity to operate as a transportation network company if it fails to comply with a correction order notifying it of the denial, suspension, or revocation of its transportation network company permit.

Sec. 24.03.006 Nontransferability

A transportation network company permit is not transferable. This regulation should not be construed to impede the continuing use of trade names.

Sec. 24.03.007 Zero-Tolerance policy

- (1) A transportation network company shall employ, maintain, and enforce a zero-tolerance policy prohibiting the use of intoxicating substances by its drivers while they are on duty.
- (2) A transportation network company shall include on its website a notice of the transportation network company's zero-tolerance policy for intoxicating substances, and information on how passengers may report a possible violation of the policy to the transportation network company and to the City.

Sec. 24.03.008 Website

The transportation network company's website, or any form of the website, such as an "app" or other type of digital network, must be the primary way through which the transportation network company's drivers and passengers are able to reserve, participate in, or pay for any transportation network company service. This Section does not prohibit the use of a telephone as a means of connecting a transportation network company's drivers and passengers.

Secs. 24.03.009–24.03.019 Reserved

Division 2. Driver Requirements

Sec. 24.03.020 Driver identification

- (1) A driver may not drive a vehicle for a transportation network company without a physical or digital driver identification card issued to the driver by the transportation network company for which the driver provides services for the transportation network company.

- (2) The physical or digital driver identification card shall contain, at a minimum, the driver's full name, the driver's photograph, the transportation network company's name, and a means to contact the transportation network company.
- (3) While the driver is providing services for the transportation network company, the driver shall ensure that the physical or digital driver identification card is displayable to every passenger in the driver's transportation network company vehicle.
- (4) A transportation network company shall not allow a driver to provide services for that transportation network company if the transportation network company knows or should know that the driver does not have a physical or digital driver identification card.

Sec. 24.03.021 Driver qualifications

Every transportation network company must certify that each of its drivers:

- (1) Holds a driver's license that meets the requirements of Chapter 521, Texas Transportation Code;
- (2) Has undergone an annual local, state, and national criminal background check by a nationally accredited third-party background check provider to ensure that the driver has not been convicted of more than three (3) moving traffic violations arising out of separate incidents, or involved in more than one (1) automobile accident in which it could be reasonably determined that the driver was more than fifty percent (50%) at fault, within any twelve (12) month period during the preceding twenty-four (24) months.
- (3) Has undergone an annual local, state, and national criminal background check by a nationally accredited third-party background check provider to ensure that the driver has not been convicted of a crime:
 - (a) Involving:
 - (i) Criminal homicide as described in Chapter 19 of the Texas Penal Code;
 - (ii) Kidnapping as described in Chapter 20 of the Texas Penal Code;
 - (iii) A sexual offense as described in Chapter 21 of the Texas Penal Code;
 - (iv) An assaultive offense as described in Chapter 22 of the Texas Penal Code;
 - (v) Robbery as described in Chapter 29 of the Texas Penal Code;

- (vi) Any offense under the Texas Penal Code committed against a person with whom the driver came in contact while engaged in transportation network company service;
 - (vii) The transfer, carrying, or possession of a weapon in violation of Chapter 46 of the Texas Penal Code, but only if the violation is punishable as a felony;
 - (viii) A violation of the Dangerous Drugs Act (Chapter 483 of the Texas Health and Safety Code) that is punishable as a felony; or
 - (ix) A violation of the Controlled Substances Act (Chapter 481 of the Texas Health and Safety Code) that is punishable as a felony;
- (b) For which:
- (i) Less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the driver was convicted of a misdemeanor offense;
 - (ii) Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the driver was convicted of a felony offense; or
 - (iii) Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any 24-month period, the driver has two (2) or more convictions of any misdemeanor offense or combination of misdemeanor offenses; and
- (4) Has not been convicted of, or discharged by probation or deferred adjudication for, driving while intoxicated:
- (a) Within the preceding twelve (12) months; or
 - (b) More than one (1) time within the preceding five (5) years.

Sec. 24.03.022 State license, driving record, criminal history records information, and investigation

No transportation network company shall issue a physical or digital driver identification card to a driver until the driver produces to the transportation network company a valid State of Texas Class C driver's license, a copy of the driver's driving record from the State of Texas, and a copy of the driver's complete criminal history from a nationally accredited third-party background check provider.

Sec. 24.03.023 Driver Identification Card revocation and right to appeal

- (1) The Chief of Police may revoke a physical or digital driver’s identification card if:
 - (a) the Chief of Police determines that the driver is not qualified to operate a vehicle for a transportation network company under this Chapter; or
 - (b) The driver has knowingly violated any City, State, or Federal law or regulation.
- (2) The Chief of Police may revoke an transportation network company’s permit if:
 - (a) The Chief of Police determines that any driver for the transportation network company is not qualified to operate a vehicle for a transportation network company under this Chapter and the operating authority has failed to fulfill the requirements of a correction order issued pursuant to subsection (3) of this Section;
 - (b) The transportation network company knowingly makes a false statement in its application statement; or
 - (c) The transportation network company has knowingly violated any City, State, or Federal law or regulation.
- (3) If the Chief of Police determines that a driver has failed to comply with this Chapter, then the Chief of Police shall notify the City Secretary to issue a correction order to the transportation network company notifying it that its driver is not in compliance with this Chapter, the timeframe within which the transportation network company shall work to correct the driver’s non-compliance, and a statement informing the transportation network company of its right of appeal.

Sec. 24.03.024 Possession, display, and content of Driver’s Identification Card

- (1) A transportation network company shall require each of its drivers to maintain possession of and allow access to their drivers’ physical or digital identification cards for inspection by the Chief of Police. The driver’s physical or digital identification card shall contain the driver’s full name, the driver’s photograph, the name of the transportation network company, and the means to contact the transportation network company.
- (2) While a driver is engaged in the provision of services for a transportation network company, the driver shall ensure that its physical or digital identification card is displayable to every passenger riding in the driver’s vehicle.

Sec. 24.03.025 Driver Regulations

A transportation network company shall certify that its drivers:

- (1) Comply with this Chapter and all other local, state, and federal laws applicable to the operation of a motor vehicle in this State;
- (2) Comply with all of the rules and regulations of the Airport;
- (3) Treat members of the public and passengers with the utmost courtesy;
- (4) Do not solicit patronage from or unreasonably interfere with any person.

Secs. 24.03.026–24.03.039 Reserved

Division 3. Vehicle Standards

Sec. 24.03.040 Vehicle standards required

No vehicle may be used to provide services for a transportation network company within the city limits without complying with the vehicle standards required under this Chapter.

Sec. 24.03.041 Vehicle standards

- (1) In its annual transportation network company permit application, a transportation network company must attest to the City Secretary that every vehicle performing transportation network company services under its transportation network company permit:
 - (a) Possesses a current, state-issued registration;
 - (b) Has been inspected by a State-authorized vehicle inspector;
 - (c) Has insurance that meets the minimum requirements required for transportation network company vehicles under State law; and
 - (d) Is mechanically sound, road worthy, and complies with state safety and equipment standards as provided by law.
- (2) A transportation network company commits an offense if it falsely certifies, requests another to falsely certify, or intentionally causes another to falsely certify that a vehicle performing services for the transportation network company under its transportation network company permit meets the standards in Subsection (1).

Secs. 24.03.042–24.03.059 Reserved

Division 4. Service Rules

Sec. 24.03.060 Number of passengers

While providing services for a transportation network company, no driver shall carry more passengers during one trip than the number of seatbelt equipped seating positions in the vehicle. The driver shall know how to properly install and safely use a child safety seat.

Sec. 24.03.061 Refusal to pay fare

It shall be unlawful for a passenger using a transportation network company to refuse or fail to pay the agreed or established fare and such refusal or failure shall constitute theft of services punishable under state law, unless the passenger reasonably believes that the driver has manipulated the agreed or established fare.

Sec. 24.03.062 No driver solicitation or hailable vehicles

A transportation network company driver may not solicit or hail passengers.

Sec. 24.03.063 Non-discrimination

No transportation network company driver shall refuse service to a passenger based on the passenger's race; color; age; religion; sex; marital status; sexual orientation; gender identity and expression; national origin; disability; political opinions; or affiliations as such terms are defined in Chapter 8.02 of this Code.

Sec. 24.03.064 City-wide service

- (1) A transportation network company must offer services to every portion of the City.
- (2) A transportation network company shall not permit its drivers to refuse a ride request based on point of origin, destination, or length of trip.
- (3) This section does not apply to non-motorized passenger transport vehicle services provided by a transportation network company.

Sec. 24.03.065 Wheelchair accessibility

- (1) A transportation network company must provide a wheelchair accessible vehicle upon request without unreasonable delay.
- (2) A transportation network company and its drivers are prohibited from charging a higher fare rate for wheelchair accessible vehicles.

Sec. 24.03.066 Electronic payment methods

- (1) A transportation network company and its drivers must allow fares to be paid by credit card, debit card, and other such types of commonly accepted electronic payment.

- (2) When accepting an electronic payment, a transportation network company or driver must use a secure processing method that encrypts information transmitted to authenticate the payment transaction for approval.

Sec. 24.03.067 Rates and Fares

- (1) If a transportation network company accepts payment for services provided by its drivers, then the transportation network company shall inform the payor of the rate of the service before the service is provided.
- (2) A transportation network company must disclose its rates on its digital network or website.
- (3) A transportation network company or its driver shall provide the payor with a legible receipt at the time of payment. The receipt, or a contemporaneously produced document, must contain the following information:
 - (a) The date and time of the trip;
 - (b) The fare rate;
 - (c) The total fare;
 - (d) An itemization showing how the fare was calculated;
 - (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);
 - (e) The name and phone number of the transportation network company under which the driver was operating at the time of the ride a means of contacting the transportation network company with any complaints; and
 - (f) The driver's full name.
- (4) The receipt may be submitted to the payor electronically if the payor agrees to accept an electronic receipt.
- (5) A transportation network company or its driver may not quote, charge, or attempt to charge a fare higher than the fare calculated based on the transportation network company's published rates.

Sec. 24.03.068 Transporting persons for unlawful purposes

It shall be unlawful for any transportation network company driver to knowingly transport any passenger to the location of a prostitute or to knowingly transport any criminal, narcotic peddler, prostitute, or bootlegger in the commission of a crime or infraction of the law in any manner, or act in any manner as a panderer or pimp for prostitutes, or a contact for unlawful establishments of any character.

Sec. 24.03.069 Property left in vehicles

It shall be the duty of each transportation network company 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 to the transportation network company all property left in the vehicle, giving a complete report of when and where the property was left in the vehicle. All such property shall be tagged by the transportation network company for identification purposes. If property is not claimed by the owner within seven (7) days, then the transportation network company shall notify the Chief of Police about the unclaimed property. Failure to follow the above procedure shall render the driver liable for the value of the property to the owner of such property.

Secs. 24.03.070–24.03.089 Reserved

Division 5. Non-motorized vehicles.

Sec. 24.03.090 Route

Any service offered by a transportation network company using non-motorized passenger transport vehicles may only be offered in accordance with a preapproved route, with fixed pickup and destination points, that must be current and kept on file with the City Secretary.

Sec. 24.03.091 Requirements for horses in service

- (1) Before any horse may be used in a non-motorized passenger transport service, the transportation network company permit holder must furnish to the City Secretary:
 - (a) A state certificate of veterinarian inspection identifying the horse by description or photograph and showing that the horse has been examined at least once within the preceding six (6) months by a veterinarian licensed by the State of Texas who specializes in equine medicine;
 - (b) Proof that the horse has had tetanus, rabies, and Eastern-Western encephalitis vaccinations; and
 - (c) Photographs showing identifying markings of the horse.
- (2) A horse used in a non-motorized passenger transport service must:

- (a) Be appropriately shod to work on paved streets; if a horse loses a shoe while working, an “eazy” type boot may be used to finish the scheduled work day;
 - (b) Not have any open wound, oozing sore, cut below skin level, or bleeding wound;
 - (c) Not have evidence of lameness, such as but not limited to head bobbing or irregular rhythm;
 - (d) Be offered no less than five (5) gallons of drinking water every two (2) hours;
 - (e) Have at least a 10-minute rest period after every fifty (50) minutes worked;
 - (f) Not work longer than eight hours in a 24-hour period with a minimum of twelve (12) hours rest;
 - (g) Have all harnesses properly fitted and in good repair with no deficiencies that could reasonably be deemed a safety hazard;
 - (h) Be properly cleaned with no offensive odors or caked dirt or mud;
 - (i) Wear a special sanitary device for containing animal excrement;
 - (j) Not work when the outside temperature exceeds ninety-nine (99) degrees Fahrenheit, or the thermal heat index exceeds one hundred fifty (150), as measured by the National Weather Service at the Airport; and
 - (k) Be examined at least once every six (6) months by a veterinarian licensed by the State of Texas who specializes in equine medicine and receive a state certificate of veterinarian inspection, which must be submitted to the City Secretary.
- (3) The City Secretary, with the assistance of the City of Lubbock Animal Services Department, may require the transportation network company or driver of a horse-drawn carriage to remove from service any horse that appears to be ill, overtired, undernourished, overloaded, injured, or lame or whose health or life, in the opinion of a veterinarian or qualified equine animal services officer, is in imminent danger. To reinstate a horse removed from service, the horse must be re-examined and a new state certificate of veterinarian inspection issued for the horse by a veterinarian licensed by the State of Texas and specializing in equine medicine, which certificate must be submitted to the City Secretary.
- (4) It is an offense to knowingly or intentionally harass, startle, attempt to harass, attempt to startle, or otherwise treat a horse inhumanely while it is working in a non-motorized passenger transport service.
- (5) A horse shall be transported in a trailer if it is required to go to a job location in the city that is more than three miles from the location where the horse is stabled.

- (6) For purposes of this section, a horse is considered to be working any time it is on a public street or sidewalk, or other public right-of-way, during any hour of operation of the non-motorized passenger transport service that is authorized by and on file with the City Secretary.

Sec. 24.03.092 Equipment

All non-motorized passenger transport vehicle equipment shall be maintained in such a manner as to comply with all applicable federal, state, and local laws and regulations. A transportation network company and driver shall, at all times, keep each non-motorized passenger transport vehicle in its use clean, free of refuse, and in safe operating condition.

Sec. 24.03.093 Application for a transportation network company permit for a non-motorized passenger transport vehicle

In addition to the information required by this Chapter, to obtain a transportation network company permit for non-motorized passenger transport vehicles, the application filed with the City Secretary must include:

- (1) The number of horses the applicant proposes to use, if any, in the operation of the service with a description or photograph and a state certificate of veterinarian inspection for each horse; and
- (2) The proposed routes to be offered by the transportation network company's non-motorized passenger transport vehicles.

Secs. 24.03.094–24.03.109 Reserved

Division 6. Insurance

Sec. 24.03.110 Insurance policy requirements and prohibitions

A transportation network company shall procure and keep in full force and effect no less than the insurance coverage required by this Chapter through a policy or policies written by an insurance company that is listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's list of Eligible Surplus Lines Insurance Companies.

Sec. 24.03.111 Minimum insurance limits

At a minimum, the liability coverage for transportation network company vehicles must be provided as follows:

- (1) From the time a driver indicates that the vehicle is available to accept a ride request, but before the driver has accepted a ride request, the vehicle and driver must be covered by contingent primary liability coverage for injury and property damage arising out of or caused by the operation of the vehicle in the amount of \$50,000 per person, \$100,000 per occurrence for bodily injury and \$25,000 in property damage; and
- (2) From the time a driver accepts a ride request, either by being physically hailed or by being dispatched by an transportation network company, to the time the passenger exits the vehicle, the vehicle and driver must be covered by primary commercial automobile liability coverage with a combined single limit of liability for death, bodily injury, and property damage for each incident arising out of or caused by the operation of the vehicle with a total aggregate limit of \$1,000,000.

Articles 24.04–24.07 Reserved

SECTION 4. THAT, unless otherwise provided herein, a violation of any provision of this Ordinance shall be deemed a misdemeanor punishable as provided by Section 1.01.004 of the Code of Ordinances of the City of Lubbock.

SECTION 5. THAT should any paragraph, section, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby.

SECTION 6. THAT the City Secretary of the City of Lubbock, Texas, is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative means of publication provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on April 28, 2016.

Passed by the City Council on second reading on May 12, 2016.



GLEN C. ROBERTSON, MAYOR

ATTEST:



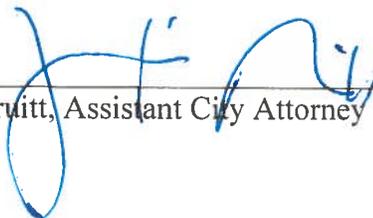
Rebecca Garza, City Secretary

APPROVED AS TO CONTENT:



Karen Gibson, Councilwoman – District 5

APPROVED AS TO FORM:



Justin Pruitt, Assistant City Attorney