

CHAPTER 33 - VEHICLES FOR HIRE

ARTICLE VIII. TAXICABS

Sec. 33-900. Scope of instant article.

Holders of permits to operate taxicab services and drivers of taxicabs shall be governed by the provisions of Articles I and VIII of this chapter.

Secs. 33-901 - 33-908, reserved.

Sec. 33-909. Business office.

A holder of an operating permit to operate taxicab services shall maintain a business office in a location other than a dwelling.

Secs. 33-910 - 33-923, reserved.

Sec. 33-924. Qualification as self-insurer.

In lieu of furnishing an insurance policy required under Sec. 33-018 of this chapter, a taxicab service may qualify for and obtain, pursuant to Sec. 601.124 of the Transportation Code, a certificate of self-insurance for the types of insurance and amounts of coverage required by this chapter. Should a holder opt for such self-insurance, however, proof thereof must be provided to the director prior to commencement of any operations under this chapter. The holder must also meet the city's approved self-insurance requirements.

Sec. 33-925. Amount of insurance.

Except as otherwise provided by the holder's operating authority, the public liability and property damage insurance required by this chapter shall be the minimum amount. The state minimum amount shall be required for the following categories:

- (a) For damages arising out of bodily injury to or death of one person in any one accident;
- (b) For damages arising out of bodily injury to or death of two or more persons in any one accident; and
- (c) For damages arising out of injury to or destruction of property in any one accident.

Secs. 33-926 – 33-927, reserved.

Sec. 33-928. Classifications and requirements of vehicles.

Holders shall operate taxicabs in the city in accordance with the terms and conditions of the type of operating permit issued. The types of operating permits authorized by this chapter shall be classified as city-wide and airport, as defined in Sec. 33-003 of this chapter.

(a) Each holder, owner and driver shall remove from city-wide and airport service any taxicab which is twelve years of age, as outlined in Rule 421 established by the director under this chapter. The age of the vehicle shall be calculated from the vehicle's model year.

(b) Wheelchair accessible vehicle requirements:

(1) Wheelchair accessible vehicles shall service the entire city.

(2) Wheelchair accessible vehicles shall comply with the rules and regulations as established by the director.

(3) Wheelchair accessible vehicles may pick-up and drop-off at the airport as requested.

(4) Wheelchair accessible vehicles shall not have any age limits; however, vehicles may be removed from service by the director if the vehicle(s) do not comply with any part of this chapter, the rules and regulations, or vehicle inspection guidelines.

Sec. 33-929. Number of taxicabs; authority to operate additional taxicabs.

(a) A holder shall maintain in service a minimum of three taxicabs.

(b) The number of vehicles authorized by the permit agreement and the number of vehicle permits issued pursuant thereto shall be reduced to reflect the actual number of vehicles the holder is able to operate and maintain in accordance with the provisions of this chapter, the operating permit, the permit agreement, and the rules and regulations established by the director.

(c) All applicants for permits or additional permits shall be eligible to receive only such additional taxicab permits as are necessary to meet the service needs of the city's population growth. The number of additional taxicab permits for each calendar year shall be determined by a ratio of one taxicab per 1,700 population within the legal boundaries of the city. The population figure for the city will be based upon the annual population estimate as determined by the planning department as of December 31 of the year preceding the allocation period.

(d) Once the director has determined whether any additional permits are available for the city for a given year, applications may be obtained by current holders and new applicants by satisfying the requirements of Secs. 33-007 and 33-008 of this chapter. The applicants will be notified of the total number of operating permits to be allocated following the receipt of the population data by the director. Applications for additional permits shall be considered by the Taxicab Permit Allocation Committee (TPAC). The TPAC shall consist of three members selected by the director. The TPAC shall also conduct interviews of the applicants. After evaluation of the applications by TPAC on a scale of 0 to 100, the TPAC shall then allocate the available permits to those applicants who scored 80 or greater. The allocation shall be made in a manner that is fair and equitable, that protects the public health and safety, that promotes the public convenience and necessity, and that respects the concept of free enterprise.

(e) In addition to the requirements of subsections (c) and (d) above, other factors which may be relied on in determining eligibility for additional or new permits include, but are not limited to, whether:

- (1) One hundred percent of the holder's authorized taxicabs passed the most recent scheduled semi-annual inspection;
- (2) During the first quarter (January through March) of the preceding year, a vehicle was in operation for each of the holder's authorized taxicab permits for at least 30 days, and each vehicle had an overall utilization rate of 75 percent; and
- (3) Within 30 days of receiving notice from the director of intention to increase the number of taxicab permits, the holder submits a report verifying an overall utilization rate of 75 percent for each of the holder's authorized taxicabs for the first quarter of the preceding year prepared by an independent certified public accountant licensed by the state, such rate being calculated by the following formula:

Permit days utilized = sum of the number of days each authorized permit was in operation.

Permit utilization rate = permit days utilized / (# of authorized permits × # of days in the period) × 100.

In determining the utilization rate, bona fide owner-operated vehicles will be considered to be in service 100 percent. Company owned daily lease vehicles are considered only when in service.

- (4) Holder has complied with this chapter and the rules and regulations established by the director.

(f) The holder's application for additional vehicle permits may be denied if any of the requirements of the section above are not met or if at any time during the twelve month period immediately preceding the application for additional permits the holder:

- (1) Has been a permit holder for less than one year;
- (2) Failed to pay a fine or fee owed within the time required by this chapter or the director;
- (3) Failed to maintain the license/permit bond or insurance required by this chapter;
- (4) Had a vehicle permit revoked or suspended; or
- (5) Has failed to assign any previously issued vehicle permits to a vehicle.

If a holder is denied a permit under this section or is disqualified from receiving additional permits, the number of additional permits to be allocated to each qualified holder will be recalculated.

(g) A holder who is approved for additional vehicle permits shall execute an amended permit agreement authorizing the additional vehicles. The amended permit agreement shall supersede any such agreements previously executed between the city and the holder. The duration of the amended permit agreement shall be for the same period of time as provided for in the original permit agreement.

(h) Additional vehicle permits shall be distributed to qualified holders within 60 days of a reported deadline. A holder receiving additional vehicle permits shall, within 90 days of the distribution of such additional vehicle permits, increase his total fleet to the new level as required by subsection (a) of this section.

(i) Any applicant who scored 80 or greater may appeal to a hearing officer the allocation of additional permits, but not the scores granted, by the TPAC. Said appeal must be filed no later than the tenth business day following the applicant's receipt of notification of the TPAC's allocation of additional permits. The appeal must be in writing, filed with the director, and accompanied by an appeal fee of \$100. If no appeal is filed, the allocation of the TPAC shall become final. The city manager shall appoint a hearing officer for such appeals. Said hearing officer is hereby authorized to affirm or modify the allocation of additional permits by the TPAC. The decision of the hearing officer shall be final. Should an appeal be filed, the additional permits allocated shall not be distributed until such time as the hearing officer issues a decision.

Sec. 33-930. Permit Usage

(a) A holder shall operate and maintain a city approved fleet of vehicles consistent with the number of vehicles authorized in the permit agreement. No company shall operate and maintain less the three vehicles.

(b) A holder shall replace a vehicle within 90 days from the date that the vehicle taken out of service. Permits that are not filed after 90 days shall have the permits revoked.

(c) The number of vehicles authorized by the permit agreement shall be reduced to reflect the actual number of vehicles the holder is able to operate and maintain.

Sec. 33-931. Approval of wheelchair accessible vehicle permits for operation of taxicabs.

(a) The director may approve wheelchair accessible permits for the purpose of providing a service to the disability community and these vehicles must give priority to individuals that need a wheelchair accessible vehicle as outlined in the Taxicabs Rules and Regulations. (h) All other provisions of this chapter applicable to taxicabs apply to the operation of wheelchair accessible taxicabs pursuant to this section where such provisions are not in conflict with this section.

Sec. 33-932, reserved.

Sec. 33-933. Fees.

The following fees are hereby established:

- (1) Driver permit . . . \$30
- (2) Renewal of driver permit . . . \$30
- (3) Replacement of lost driver permit . . . \$15
- (4) Driver transfers from one holder to another . . . \$15
- (5) Taxicab application . . . \$110 per permit
- (6) *Citywide taxicab operating permit (per year/per vehicle) . . . \$250
- (7) Late permit payment . . . \$30
- (8) Re-inspection . . . \$28
- (9) Inspection re-scheduling ...\$28

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All fees are due upon request of service and are non-refundable.

Taxicab operating permit fees shall be paid to the city for each taxicab authorized by the permit agreement. The taxicab operating permit fees shall be paid in one payment or two semi-annual payments, due on the first business day of January and July.

Permit fees shall not be pro-rated.

Late permit payments shall be charged for all permit payments that are received after the close of business on the fifth business day of the month payment is due.

Permits that do not have fees paid prior to 30 calendar days from the due date shall be suspended until all fees are paid. If the fees are not paid prior to 60 calendar days from the due date all permits shall be revoked.

Secs. 33-934 - 33-970, reserved.

Sec. 33-971. Operating requirements.

(a) Every taxicab shall be operated as a unit of an effective operating group of sufficient number and equipped with such approved communication facilities for rendering satisfactory call service, unless expressly exempted by the director. This requires that owners of small fleets or single taxicabs shall operate as members of a city approved operating association or as independent contractors as provided for in this chapter.

(c)(b) Each member of an approved association or cooperative shall own and maintain sole registered ownership of one association or cooperative vehicle only.

Sec. 33-972. Driver as an independent contractor.

(a) A holder may contract with a driver on an independent contractor basis if and only if:

(1) Either the holder himself or the driver with whom he contracts is the owner of the vehicle for hire to be operated by such driver in the holder's ground transportation service;

(2) The contract provides that the holder indemnifies the city and holds the city harmless for all claims and/or causes of action against the city arising from the acts or inactions of the driver;

(3) The contract provides that the driver being contracted with is insured under the holder's insurance policy as required by this chapter;

(4) The contract imposes a condition that the driver must comply with the requirements of this chapter, rules and regulations established by the director, rules and regulations established by the city's director of aviation and all other applicable rules, regulations and laws, and that failure to so comply may be considered by the holder as a material breach of the contract; and

(5) The holder provides to the director within two business days, an itemized disclosure of all lease fees charged to each driver. The contract shall state that an independent contractor will not be charged more than a 5 percent processing fee for credit and debit cards.

(b) A holder who continues to contract with a driver who repeatedly violates Chapter 33 may face revocation or suspension of the holder's permit(s) under Article I, Division 3, revocation /suspension of permits.

(c) The form of the contract between a holder and driver must be approved by the director. The director may disapprove a contract form if he determines that the contract is inconsistent with this chapter, regulations established under this chapter, or other applicable law. A holder may not use a contract that has been disapproved by the director.

Sec. 33-973. Driver conduct

A driver shall not offer, confer or agree to confer on another person money, compensation or any benefit in order to receive a paying fare:

(a) A driver's permit shall be suspended for 60 days for the violation of this provision.

(b) A driver's permit shall be revoked for a second violation of this provision within 24 months from the date of the first violation.

Secs. 33-974 - 33-980, reserved.

Sec. 33-981. Rate of fares.

(a) Taxicab fare rates shall be:

Drop charge . . . \$ 2.50

Per mile . . . \$2.35

Per hour wait time . . . \$24.00

Per hour traffic delay . . . \$24.00

(b) Taxicab operator may charge a rate that is less than the maximum rate outlined in Sec. 33-981 (a). All passengers must be notified of discounted rates through an electronic application, website, or over the phone by a dispatcher. The Taxicab meter must be utilized at all time to include during a discounted fare.

(c) The minimum rate charge on any trip originating at the San Antonio International Airport or any pre-arranged (time-call) trip shall be \$10.50 or the meters fare, whichever is greater.

(d) The minimum rate charge on any trip originating in the "downtown rate zone" shall be \$5. "Downtown rate zone" is the geographical area bounded by Interstate 37, traveling south from IH 35 to E. Houston St.; E. Houston St., traveling east to N. Cherry St.; N. Cherry Street, traveling south to Caesar Chavez Blvd.; Caesar Chavez Blvd., traveling west to Alamo St.; Alamo St., traveling south to Frio St.; Frio St., traveling north to W. Houston; W. Houston, traveling east to IH 35; IH 35, traveling north to IH 37.

(e) Taxicab night rate: Meters shall be set to increase the drop charge by \$1 per trip (for a total drop charge of \$3.50) between the hours of 7:00 p.m. and 7:00 a.m.

(f) A driver or holder shall not charge a fare for operating a taxicab that is higher than permitted in Sec. 33-981 of this chapter. A driver or holder shall not charge any additional fees to include but not limited to: credit card processing fees, debit card processing fees, any third party card processing fees, and any other fees that are inconsistent with Sec. 33-981 of this chapter.

(g) A driver or holder may be authorized to charge a \$5.00 surcharge to be added to the amount on the meter for trips that originate from the following venues:

1. AT&T Center
2. Alamodome
3. Freeman Coliseum
4. Toyota Field
5. During Official Fiesta Events

(h) A driver may charge up to a \$200 cleaning fee, when at no fault of the driver a passenger leaves the taxicab in a state that requires immediate cleaning or the taxicab could not transport additional passengers. Prior to charging this fee the driver shall report the situation to their dispatch company and record the date, time, detailed information of the cleaning needed, and the amount the driver is charging.

(i) The director may require a holder to display rates on or within a vehicle for hire in a manner prescribed by the director.

(j) A per-mile fuel surcharge shall be added to the fares established by this section where the average price of regular unleaded gasoline is \$2.20 or greater. The per-mile surcharge shall be as outlined in appendix A Sec. 33-982;

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(k) A fuel surcharge adjustment shall be done when the average price of fuel increases or decreases more than \$.50 from the last effective date. Fuel surcharge adjustments shall be done within 45 days from the date that the calculated average fuel price is received by the director; however, no more than 2 fuel surcharge adjustments may be done in a calendar year.

(l) Taxicab operators may charge an airport departure fee to the customer at the rate that is equal to the amount charged to the operator pursuant to Sec. 3-86 of the City Code of San Antonio, Texas.

(m) Between January 1 and April 1 of every even numbered year, the Transportation Advisory Board shall review the taxicab fare rates and make a recommendation to city council, no later than July 1, whether to adjust the rates in effect at the time of the recommendation. Nothing in this section shall preclude the city from undertaking a study of taxicab rate of fares at its own discretion at any time, for referral to city council.

Sec. 33-981. Per mile surcharge.

Average Gas Price	Per-Mile Surcharge
Under \$2.20	\$0.00
\$2.20 - \$2.49	\$0.05
\$2.50 - \$2.79	\$0.10
\$2.80 - \$2.99	\$0.15
\$3.00 - \$3.20	\$0.20
\$3.21 - \$3.49	\$0.25
\$3.50 - \$3.79	\$0.30
\$3.80 - \$3.99	\$0.35
\$4.00 - \$4.19	\$0.40
\$4.20 - \$4.49	\$0.45
\$4.50 - \$4.79	\$0.50
\$4.80 - \$4.99	\$0.55

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\$5.00 - \$5.19	\$0.60
\$5.20 - \$5.49	\$0.65
\$5.50 - \$5.79	\$0.70
\$5.80 - \$5.99	\$0.75
\$6.00 - \$6.19	\$0.80
\$6.20 - \$6.49	\$0.85
\$6.50 - \$6.79	\$0.90
\$6.80 - \$6.99	\$0.95
\$7.00 and above	\$1.00

Secs. 33-983 - 33-999, reserved.