

City of Houston, Texas, Ordinance No. 2011- 35

AN ORDINANCE SUSPENDING VEHICLE FOR HIRE AGE LIMITATIONS ESTABLISHED IN CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, APPLICABLE TO 2005 AND 2006 MANUFACTURER MODEL YEAR TAXICABS AND 2006 AND 2007 SEDAN-TYPE LUXURY MOTOR VEHICLES AND SPORT UTILITY VEHICLES OPERATED AS CHAUFFEURED LIMOUSINES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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

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

WHEREAS, ARA has determined that certain categories of vehicles for hire operating in the city can log up to 75,000 miles per year in transportation services and that used vehicles are often purchased and placed into service, resulting in increased incidents of mechanical failure and a decrease in the number of vehicles available to provide safe, reliable, efficient, and mechanically sound transportation to the public; and

WHEREAS, ARA’s data also demonstrates that taxicabs and sedan-type luxury motor vehicles and sport utility vehicles operating as chauffeured limousines approaching six years of age experience increased incidents of mechanical failure resulting in an inability to pass inspection and be considered roadworthy to be operated as vehicles for hire; and

WHEREAS, the aforementioned concerns regarding mechanical failures coupled with the city’s effort to ensure safe, clean, and reliable transportation options for the riding public resulted in the adoption of regulations prohibiting the operation of any taxicab or sedan-type luxury motor vehicles and sport utility vehicles operated as a chauffeured limousine that is in excess of six years of age; and

WHEREAS, ARA is cognizant of the economic forces that impact the vehicle for hire industry and that improvements in vehicle construction and safety equipment have resulted in increased reliability of automobiles and that certain classifications of vehicles for hire

may have a life cycle that exceeds the current limitation of six years of age; **NOW THEREFORE;**

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

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

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

Section 3. That, in order to carry out the testing recommended in the Section 2 above, the application of Section 46-20 of the Code of Ordinances, Houston, Texas, relating to the age of taxicab vehicles is hereby suspended with respect to 2005 and 2006 manufacturer model year vehicles but shall remain effective for all other manufacturer model year vehicles. The suspension established in this Section shall expire at 11:59 p.m. on March 31, 2012. All operators of 2005 and 2006 manufacturer model year taxicab vehicles desiring to participate in the testing recommended in Section 2 above shall submit their taxicab vehicles for inspection on or before March 31, 2012.

Section 4. That, as part of the testing referred to in Section 2 above, the application of Section 46-191 of the Code of Ordinances, Houston, Texas, relating to the age of sedan-type luxury motor vehicles and sport utility vehicles operating as chauffeured limousines is hereby suspended with respect to 2006 and 2007 manufacturer model year vehicles but shall remain effective for all other manufacturer model year vehicles. The suspension established in this section shall expire on 11:59 p.m. on December 31, 2012. All operators of 2006 and 2007 manufacturer model year sedan-type luxury motor vehicles

and sport utility vehicles operating as chauffeured limousines desiring to participate in the testing recommended in Section 2 above shall submit their taxicab vehicles for inspection on or before December 31, 2012.

Section 5. That City Council hereby authorizes and instructs the Director of ARA to administer a program not to exceed two years from the date of passage of this Ordinance authorizing the operation of 2005 and 2006 manufacturer model year taxicabs and 2006 and 2007 sedan-type luxury motor vehicles and sport utility vehicles operated as chauffeured limousines for an additional one-year period provided the vehicle permit holder submits the vehicle and it passes an inspection to be conducted by a third-party entity authorized to provide vehicle for hire inspection services on behalf of the city in accordance with all applicable requirements prescribed in Chapter 46 of the Code of Ordinances, Houston, Texas, and all rules and regulations promulgated by the Director.

Section 6. That the provisions of this Ordinance shall be applicable only to 2005 and 2006 manufacturer year taxicabs and 2006 and 2007 sedan-type luxury motor vehicles and sport utility vehicles operated as chauffeured limousines that are in good standing and permitted by the city to operate as a vehicle for hire on the date of passage of this Ordinance.

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

consistent with the requirements of Chapter 46 of the Code of Ordinances, Houston, Texas.

Section 8. That this Ordinance shall expire at 11:59 p.m. on December 31, 2012.

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

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

Section 11. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor.

PASSED AND APPROVED this 12th day of January, 2011.

Annie D. Parker
 Mayor of the City of Houston

all

Prepared by Legal Dept. Ashton D. Hammond
 RVG:asw 01/07/2011 Assistant City Attorney
 Requested by Alfred Jay Moran, Jr., Director, Department of Administration and Regulatory Affairs
 L.D. File No. 0371000251001

AYE	NO	
✓		MAYOR PARKER
••••	••••	COUNCIL MEMBERS
✓		STARDIG
✓		JOHNSON
✓		CLUTTERBUCK
✓		ADAMS
✓		SULLIVAN
		ABSENT on City Bus. HOANG
✓		PENNINGTON
✓		GONZALEZ
✓		RODRIGUEZ
✓		COSTELLO
✓		LOVELL
✓		NORIEGA
		ABSENT out of City BRADFORD
✓		JONES
CAPTION	ADOPTED	