

CHAPTER 33 - VEHICLES FOR HIRE

ARTICLE I. GENERAL PROVISIONS

DIVISION 4. DRIVERS PERMIT

Sec. 33-039. Drivers permit.

In accordance with the terms and provisions of this chapter, every person before driving a vehicle for hire within the city, shall obtain a drivers permit. A driver's permit shall be valid for 48 months from the date of issuance.

Sec. 33-040. Drivers permit authorized companies

(a) A holder may not employ, contract with, or otherwise allow a person to drive a vehicle for hire owned or operated by the holder unless such person has a valid drivers permit and has an authorized company listed on the drivers permit.

(b) A driver shall not drive for or contract with a company that is not listed as an authorized company on his or her drivers permit.

Sec. 33-041. Investigation of applicant; records to be considered; qualifications; issuance and denial.

(a) A holder may not allow a person who does not have a current and valid driver's permit to operate a vehicle for hire. If a holder wants to hire a person without a driver's permit, or provide for the renewal of a drivers permit, the holder is responsible for assisting such person in obtaining a drivers permit. The holder shall conduct an investigation at no expense to the City concerning the character, experience and qualifications of the applicants to determine whether or not that applicant is fit, willing, and able to operate a vehicle for hire in a manner consistent with the general welfare of the public and in accordance with the requirements of this chapter, rules and regulation established by the director, and all other applicable laws, rules and regulation.

(b) The holder shall confirm, obtain, and maintain evidence for submission to the city upon request pursuant to Sec. 33-055, that at the time the driver submits the application to the City, and by providing the applicant with an enrollee/transfer slip provided by the City that has been signed by the authorized representative of the holder. The holder is attesting that the applicant is in compliance with the following:

- (1) Is 18 years of age or older;

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- (2) Is a citizen of the United States of America by birth or naturalization, or if an alien, submit evidence of legal residence in the United States and legal right to engage in employment herein;
 - (3) Possesses a valid Texas driver's license required for the class of vehicle to be operated by the applicant as required by Secs. 521.081 and 521.082 of the Transportation Code or possess an active Department of Defense ID card and a current and valid driver's license from another state.
 - (4) Is able to read and speak the English language;
 - (5) Has been added to or remains on the permit holder's insurance policy;
 - (6) Has completed a driver's training program that has been approved under Chapter 33-007 of this chapter;
 - (6) Has a negative drug test as required under Sec. 33-029 of this Chapter:
 - (8) Has successfully completed any other training outlined in the rules and regulations established by the director;
 - (9) Has provided a copy of the applicants DD-214, if the applicant has prior military service;
- (c) An applicant at the time of application and at their own expense shall:
- (1) Provide the director with the applicant's residence, street, address, and a valid phone number; an applicant shall notify the director of any changed thereto within five business days of the change;
 - (2) Execute an authorization in writing for the release by the city to an organization or entity of any and all information which the city may have concerning the applicant, including but not limited to criminal history information, and a release of the city for all liability which may result from the furnishing of such to an organization;
 - (3) Execute an authorization in writing for the release to the city by any organization or entity of any and all information, without limitation, which the organization or entity may have concerning the applicant, and a release of the organization or entity and the city from all liability which may result from the furnishing of such by the organization or entity;
 - (4) Pay any fees required by this chapter.

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(d) An applicant may be issued a drivers permit where the applicant:

(1) Has complied with Sec. 33-041(a), (b), and (c); and

(2) Has paid for and complied with the requirements for a fingerprint criminal history background check, approved by the director.

(e) An application for a drivers permit shall be denied where the applicant:

(1) is under indictment for or has been convicted of criminal homicide including murder, capital murder and manslaughter, but excluding criminally negligent homicide;

(2) Has been convicted or has been placed on community supervision, including but not limited to probation and deferred adjudication, of four or more moving violations of the traffic laws of this or any other city or state within the 12-month period immediately preceding the date of application;

(3) Has falsified or materially altered or omitted pertinent information in any governmental record, including an application for a drivers permit; or

(4) Has not met the requirement for obtaining a drivers permit as set forth in this division.

(f) An application for a drivers permit may also be denied where the applicant is under Indictment, is currently on community supervision, including but not limited to probation and deferred adjudication, or has been convicted of any of the offenses listed in Sec. 33-010 of this chapter.

(g) If the director disapproves an application for a drivers permit, then the director shall notify the applicant, in accordance with Sec. 33-072 of this chapter, of the decision and of the basis for the decision.

(h) Upon the applicant receiving notice of the decision of the director, the applicant may appeal such decision as provided by and in accordance with Sec. 33-033 of this chapter.

(i) In the case where an applicant has a background of past criminal activity, drivers permit denial based solely thereon is warranted if and only if the past criminal activity is directly related to the duties and responsibilities of a driver as more fully described in this chapter. Accordingly, the factors set forth in Sec. 33-010 of this chapter shall be considered in making a determination of job-relatedness. In this

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regard, however, it shall be the applicant's responsibility to secure and provide proof that applicant has otherwise maintained a record of steady employment and good conduct, that applicant has supported applicant's dependents, and that applicant has paid all outstanding court costs, supervision fees, fines and restitution as may have been ordered in any criminal cases.

(j) Should the hearing officer affirm the decision of the director to deny the application for a drivers permit, an applicant shall not be eligible for re-application for a period 12 months from the date of the denial, or in the case of an appeal, from the date the appeal is affirmed.

Sec. 33-042. Revocation and suspension of drivers permit.

(a) A driver's permit may be revoked for any of the following:

- (1) Suspension or revocation of the state driver's license;
- (2) Two or more suspensions pursuant to the provisions of this chapter within any twelve month period;
- (3) Three or more convictions or adjudications of the same provision of this chapter or rules and regulations established by the director, within any twelve month period;
- (4) Four or more convictions or placements on community supervision, including but not limited to probation and deferred adjudication, of any moving violation of the traffic laws of this or any other city or state within any twelve month period;
- (5) Has been convicted or placed on community supervision, including but not limited to probation and deferred adjudication, for any felony since the date of issuance of the drivers permit;
- (6) Revocation of felony community supervision, probation, parole or other supervision since the date of issuance of the drivers permit;
- (7) Falsification or material alteration or omission of pertinent information in any governmental record, including an application for a driver permit or for renewal thereof;
- (7) Failure to pay a monetary penalty required to be paid for a violation of this chapter within 30 days of the date said penalty becomes due;

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- (8) A positive drug test as outlined in Sec. 33-029 of this chapter, on or off duty, or a positive drug or alcohol test while on duty; or
 - (10) Failure to keep and maintain current documentation as outlined in this chapter.
- (b) A drivers permit may be revoked or suspended for a period not to exceed 60 days, when the director has determined it is in the best interest of the public to do so, or where the driver:
- (1) Since the date of issuance of the drivers permit, has been convicted or has been placed on community supervision, including but not limited to probation and deferred adjudication, for violation of any city, state or federal law where said violation relates directly to the duties and responsibilities of the driver including, but not limited to, the violations listed in Sec. 33-010 of this chapter;
 - (2) Since the date of issuance of the drivers permit has been indicted for homicide, including murder, capital murder and manslaughter, but excluding criminally negligent homicide, or for any of the offenses listed in Sec. 33-010 of this chapter; or
 - (3) Has failed to comply with this chapter.
- (c) A suspension of a drivers permit does not affect the expiration date of that drivers permit.
- (d) If the director determines that good cause exists pursuant to this chapter, to revoke or suspend a driver's permit, then the director shall notify the driver of his decision, in accordance with Sec. 33-072 of this chapter.
- (e) Upon receiving notice of the decision of the director, the driver may appeal such decision as provided by and in accordance with Sec. 33-003 of this chapter.

Sec. 33-043. Reinstatement of drivers permit.

Upon revocation of a drivers permit, a driver shall not be eligible to re-apply for a period of 12 months from the date of revocation, or in the case of an appeal, from the date the appeal is affirmed.

Sec. 33-044. Display of permit.

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A driver shall at all times keep his/her drivers permit in the driver's possession and shall allow the director, a peace officer, and any other person authorized to enforce the provisions of this chapter, to examine said permit upon request.

Sec. 33-045. License file to be kept.

A driver permit file shall be kept and maintained, in a location determined by the director, of all persons to whom such permit have been issued.

Sec. 33-046 . Voidance of drivers permit.

(a) If the license required by the state for the class of vehicle operated by a driver is suspended or revoked, then the drivers permit issued under this chapter automatically becomes void.

(b) A driver shall, within three days of any expiration, suspension or revocation of the driver's state license, so notify the director and the holder for whom he/she drives and surrender his drivers permit to the director.

Sec. 33-047. Driver lists to be furnished and maintained.

Within 10 calendar days of the director's request, a permit holder shall furnish a current list of permitted drivers and the driver's current phone number(s).

Sec. 33-048 reserved

Sec. 33-049. Transfer of drivers permit

A driver may transfer from one permitted company to another; however, a driver shall not drive for a new company prior to the listing of this new company on the drivers permit.

(a) A driver shall not be eligible to transfer between companies until the driver has:

(1) Provided an enrollee/transfer slip, on a form approved by the director, that has been signed by the authorized representative of the hiring / contracting company(s), that attests to the drivers qualifications under Chapter 33-041; and

(2) Paid all fees required by this chapter.