

By: Huffines

S.B. No. 113

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the provision of and local regulation of certain
3 for-hire passenger transportation.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article 62.063(b), Code of Criminal Procedure,
6 is amended to read as follows:

7 (b) A person subject to registration under this chapter
8 because of a reportable conviction or adjudication for which an
9 affirmative finding is entered under Article 42.015(b) or
10 42A.105(a), as appropriate, may not, for compensation:

11 (1) operate or offer to operate a bus;

12 (2) provide or offer to provide passenger
13 transportation through:

14 (A) a street-hail [~~passenger~~] taxicab service;

15 (B) a prearranged [~~or~~] limousine or other car
16 transportation service; or

17 (C) a prearranged ride through an online-enabled
18 application, software, website, or system designed to connect
19 passengers with drivers;

20 (3) provide or offer to provide any type of service in
21 the residence of another person unless the provision of service
22 will be supervised; or

23 (4) operate or offer to operate any amusement ride.

24 SECTION 2. Section 215.004, Local Government Code, is

1 amended to read as follows:

2 Sec. 215.004. REGULATION OF TAXICABS, [AND] LIMOUSINES,
3 TRANSPORTATION NETWORK COMPANIES, AND OTHER FOR-HIRE
4 TRANSPORTATION PROHIBITED. A [(a) To protect the public health,
5 safety, and welfare, a] municipality may not license, control, or
6 otherwise regulate a person who, for compensation:

7 (1) provides passenger transportation using a vehicle
8 designed to accommodate 15 or fewer passengers, including a person
9 who provides:

10 (A) street-hail taxicab services;

11 (B) prearranged limousine or other car
12 transportation services; or

13 (C) prearranged rides through an online-enabled
14 application, software, website, or system designed to connect
15 passengers with drivers; or

16 (2) operates an online-enabled application, software,
17 website, or system designed to connect passengers with drivers. [by
18 ordinance:

19 ~~[(1) shall license, control, and otherwise regulate~~
20 ~~each private passenger vehicle, regardless of how it is propelled,~~
21 ~~that provides passenger taxicab transportation services for~~
22 ~~compensation and is designed for carrying no more than eight~~
23 ~~passengers; and~~

24 ~~[(2) may license, control, and otherwise regulate each~~
25 ~~private passenger vehicle, regardless of how it is propelled, that~~
26 ~~provides passenger limousine transportation services for~~
27 ~~compensation and is designed for carrying no more than 15~~

1 ~~passengers.~~

2 ~~[(a-1) Subsection (a) applies to a taxicab or limousine~~
3 ~~service that is operated:~~

4 ~~[(1) within the jurisdiction of the municipality,~~

5 ~~[(2) on property owned by the municipality, singly or~~
6 ~~jointly with one or more other municipalities or public agencies,~~

7 ~~[(3) on property in which the municipality possesses~~
8 ~~an ownership interest; or~~

9 ~~[(4) by transporting from the municipality, municipal~~
10 ~~property, or property in which the municipality has an interest and~~
11 ~~returning to it.~~

12 ~~[(b) The ordinance may include:~~

13 ~~[(1) regulation of the entry into the business of~~
14 ~~providing passenger taxicab or limousine transportation services,~~
15 ~~including controls, limits, or other restrictions on the total~~
16 ~~number of persons providing the services,~~

17 ~~[(2) regulation of the rates charged for the provision~~
18 ~~of the services,~~

19 ~~[(3) establishment of safety and insurance~~
20 ~~requirements; and~~

21 ~~[(4) any other requirement adopted to ensure safe and~~
22 ~~reliable passenger transportation service.~~

23 ~~[(c) In regulating passenger taxicab or limousine~~
24 ~~transportation services under this section, a municipality is~~
25 ~~performing a governmental function. A municipality may carry out~~
26 ~~the provisions of this section to the extent the governing body of~~
27 ~~the municipality considers it necessary or appropriate.~~

1 ~~[(d) The provisions of this section relating to the~~
2 ~~regulation of limousine transportation services apply only to a~~
3 ~~municipality with a population of more than 1.9 million.]~~

4 SECTION 3. Section 215.073, Local Government Code, is
5 amended to read as follows:

6 Sec. 215.073. VEHICLES [~~FOR HIRE~~]. Except as provided by
7 Section 215.004, a [~~The~~] municipality may license, fix the charges
8 or fares made by, or otherwise regulate any person who owns,
9 operates, or controls any type of vehicle used on the public streets
10 or alleys of the municipality for carrying passengers or freight
11 for compensation.

12 SECTION 4. Section 22.082, Transportation Code, is amended
13 to read as follows:

14 Sec. 22.082. RULES. A resolution, rule, or order of a joint
15 board dealing with a subject authorized by Section 22.014 [~~or~~
16 ~~22.081~~] is effective only on approval of the governing authorities
17 of the constituent agencies. On approval, a resolution, rule, or
18 order of the joint board has the same effect in the territories or
19 jurisdictions involved as an ordinance, resolution, rule, or order
20 of the public agency would have in its own territory or
21 jurisdiction.

22 SECTION 5. Section 22.081, Transportation Code, is
23 repealed.

24 SECTION 6. (a) The change in law made by this Act in
25 amending Article 62.063, Code of Criminal Procedure, applies only
26 to a person who is required to register under Chapter 62, Code of
27 Criminal Procedure, on the basis of a conviction or adjudication

1 for an offense committed on or after the effective date of this Act.
2 An offense committed before the effective date of this Act is
3 governed by the law in effect on the date the offense was committed,
4 and the former law is continued in effect for that purpose.

5 (b) A person who is required to register under Chapter 62,
6 Code of Criminal Procedure, solely on the basis of a conviction or
7 adjudication that occurs before the effective date of this Act is
8 governed by the law in effect when the conviction or adjudication
9 occurred, and the former law is continued in effect for that
10 purpose.

11 SECTION 7. This Act takes effect September 1, 2017.