

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 6 (VEHICLES FOR HIRE),
CHAPTER 6.12(CHAUFFEUR'S LICENSE), OF THE EL PASO CITY CODE
TO AMEND SECTIONS THEREUNDER TO CREATE A QUALIFIED CHAUFFEUR
LICENSE FOR BICYCLES, PEDICABS AND OTHER SIMILARLY-OPERATED
VEHICLES THAT ARE OPERATED AS NON-MOTORIZED VEHICLES FOR HIRE**

WHEREAS, the City Council for the City of El Paso recognizes and acknowledges that Chapter 6.12 of the El Paso City Code needs to be amended to provide for a qualified chauffeur license for the non-motorized vehicles for hire that primarily use pedal power and are specially constructed to carry the operator as well as one to three passengers while using the same methods of power and operation as a bicycle or electric bicycle.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Section 6.12.020 (Qualifications for a chauffeur's license) of the El Paso City Code, be amended to read as follows:

Section 6.12.020

A. Qualifications for a chauffeur's license for motorized vehicles. To qualify for a chauffeur's license for a motorized vehicle, an applicant must:

1. Be at least eighteen years of age;
2. Be a citizen of the United States or a lawful resident alien and be a resident of the county or an adjacent county;
3. Hold a valid class A, B or C license issued by the state;
4. Exhibit a proficiency with the English language so as to be able to understand and respond to passengers' inquiries and directions and be able to comprehend and interpret traffic signs, issue written receipts to passengers and obey lawful orders of police and others in lawful authority;
5. Not be afflicted with a physical or mental disease or disability that is likely to prevent him from exercising ordinary and reasonable control over a motor vehicle or that is likely to otherwise endanger the public health or safety;
6. Not have been convicted of more than four moving violations arising out of separate transactions, nor involved in more than two automobile accidents in which it could be reasonably determined that he/she was at fault, within any twelve-month period during the preceding thirty-six months;
7. Not have been convicted for a period of five years previous to the date of application of a crime involving criminal homicide, rape, aggravated assault, kidnapping, theft, burglary, robbery, prostitution, promotion of prostitution, a sexual offense, child molestation, a

drug related offense, and felony in the commission of which a motor vehicle was used, or driving a motor vehicle while under the influence of intoxicating beverages or controlled substances;

8. Not be addicted to the use of alcohol or controlled substances;
9. Be subject to no outstanding warrants of arrest;
10. Be sanitary and well-groomed and dressed in person;
11. Submit a written statement from a holder of an operating permit showing that the applicant will be affiliated as a driver with that holder upon issuance of the city chauffeur's license. Whenever a driver discontinues affiliation with a holder of an operating permit for more than ninety days, the driver's city chauffeur's license will be considered invalid. Thereafter, a new application for a city chauffeur's license must be submitted to the chief of police.

B. Qualifications for a qualified chauffeur's license for non-motorized vehicles. To qualify for a qualified chauffeur's license for a non-motorized vehicle, an applicant must:

1. Be at least eighteen years of age;
2. Be a citizen of the United States or a lawful resident alien and be a resident of the county or an adjacent county;
3. Hold a valid class A, B or C license issued by the state;
4. Exhibit proficiency with the English language so as to be able to understand and respond to passengers' inquiries and directions and be able to comprehend and interpret traffic signs, issue written receipts to passengers and obey lawful orders of police and others in lawful authority;
5. Not be afflicted with a physical or mental disease or disability that is likely to prevent him from exercising ordinary and reasonable control over a vehicle, motorized or non-motorized) or that is likely to otherwise endanger the public health or safety;
6. Not have been convicted for a period of five years previous to the date of application of a crime involving criminal homicide, rape, aggravated assault, kidnapping, theft, burglary, robbery, prostitution, promotion of prostitution, a sexual offense, child molestation, a drug related offense, and any felony involving the use of a motor vehicle;
7. Not have been convicted of more than four moving violations arising out of separate transactions, nor involved in more than two automobile accidents in which it could be reasonably determined that he/she was at fault, within any twelve-month period during the preceding thirty-six months;
8. Not be addicted to the use of alcohol or controlled substances;
9. Be subject to no outstanding warrants of arrest;
10. Be sanitary and well-groomed and dressed in person;
11. Submit a written statement from a holder of an operating permit showing that the applicant will be affiliated as a driver with that holder upon issuance of the city chauffeur's license. Whenever a driver discontinues affiliation with a holder of an operating permit for more than ninety days, the driver's city qualified chauffeur's license will be considered invalid. Thereafter, a new application for a city qualified chauffeur's license must be submitted to the chief of police.

C. Additional qualifications for all chauffeur's licenses.

1. The applicant shall be required to pass an examination given by the department that tests the applicant's knowledge of the laws, ordinances and regulations governing such vehicles, motorized and non-motorized, and of streets, institutions and landmarks located both in the city and the surrounding area. In an application for renewal of a chauffeur's license the requirements set forth in this subsection will not apply unless the applicant's license has been expired for more than ninety days prior to the renewal application.

2. Within ninety days of being issued a chauffeur's license, for either motorized or non-motorized vehicles, an applicant is required to attend a tourist awareness course. The course will be conducted by the El Paso Convention and Performing Arts Center to promote reliable passenger transportation service. If the applicant fails to attend the tourist awareness course within ninety days, his/her chauffeur's license may be suspended until such time as he/she attends the course and the chief of police receives notice of the same.

Section 2. Except as expressly amended herein, all other provisions of Title 6 (Vehicles for Hire) of the El Paso City Code shall remain in full force and effect.

PASSED AND APPROVED this the _____ day of _____, 2008.

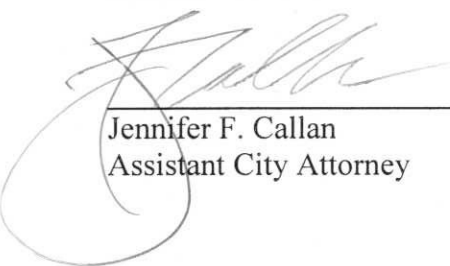
THE CITY OF EL PASO

John Cook
Mayor

ATTEST:

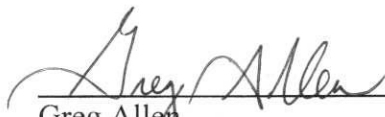
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Jennifer F. Callan
Assistant City Attorney

APPROVED AS TO CONTENT:



Greg Allen
Chief of Police