

11-2-20

ORDINANCE NO. 31689

An ordinance amending Chapter 47A, "Transportation for Hire," of the Dallas City Code by amending Sections 47A-1.5, 47A-1.6, 47A-2.1.2, 47A-2.1.8, 47A-2.2.1, 47A-2.2.4, 47A-2.2.7, 47A-2.2.8, 47A-2.2.9, 47A-2.3.1, 47A-2.3.2, 47A-2.3.3, 47A-2.4.7, 47A-2.5.2, and 47A-3.2; modifying definitions; modifying and deleting certain fees; modifying operating authority application requirements; clarifying driver permit requirements; clarifying driver permit investigations; modifying the driver permit expiration; providing additional requirements for displaying a driver permit; providing additional requirements to obtain vehicle permits; modifying vehicle quality standards; deleting signage requirements; modifying minimum insurance limits; making certain grammatical corrections as needed; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Paragraph (19) of Section 47A-1.5, "Definitions," of Article I, "General Provisions," of Chapter 47A, "Transportation for Hire," of the Dallas City Code is amended to read as follows:

"(19) PEDICAB means a non-motorized vehicle with three or more wheels propelled by human power or human-assisted power with seating for one or more passengers [~~device with two or more wheels designed to carry passengers while being propelled by human power~~]."

SECTION 2. That Paragraph (25) of Section 47A-1.5, "Definitions," of Article I, "General Provisions," of Chapter 47A, "Transportation for Hire," of the Dallas City Code is amended to read as follows:

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“(25) TRANSPORTATION-FOR-HIRE SERVICE means the business of offering or providing transportation of persons for compensation. The term does not include a transportation network company as defined in Section 2402.001(5) of the Texas Occupations Code, as amended.”

SECTION 3. That Section 47A-1.6, “Permit Fees,” of Article I, “General Provisions,” of Chapter 47A, “Transportation for Hire,” of the Dallas City Code is amended to read as follows:

“**SEC. 47A-1.6. PERMIT FEES.**

(a) The non-refundable fee for an operating authority permit is \$278 per year for transportation-for-hire service provided by non-motorized passenger transport vehicles, and \$1,000[282] per year for transportation-for-hire service provided by all other transport vehicles.

(b) The non-refundable fee for a transportation-for-hire vehicle permit is \$77 per vehicle permit per year for non-motorized passenger transport vehicles, and \$30[3] per vehicle permit per year or any portion thereof, for all other transportation-for-hire vehicles.

(c) The non-refundable fee for a driver permit is \$76[30] per year~~[two years. If a driver permit is issued for a period of time of less than two years, the fee will be prorated].~~

(d) The fee to reinstate a suspended operating authority or driver permit is \$100.”

SECTION 4. That Subsection (b) of Section 47A-2.1.2, “Application for Operating Authority Permit,” of Division 1, “Operating Authority Permit,” of Article II, “Regulations Applicable to all Transportation-For-Hire Services,” of Chapter 47A, “Transportation for Hire,” of the Dallas City Code is amended to read as follows:

“(b) An applicant shall file with the director a verified application statement~~[, to be accompanied by a non-refundable application fee of \$133,]~~ containing the following:

(1) the form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business and the name and address of each person with a 20 percent or greater ownership interest in the business;

(2) the verified signature of the applicant;

(3) the address of the fixed facilities to be used in the operation, if any, and the address of the applicant's corporate headquarters, if different from the address of the fixed facilities;

(4) the name of the person designated by the applicant to receive on behalf of the operating authority any future notices sent by the City to the operating authority, and that person's contact information, including a mailing address, telephone number, and email or other electronic address;

(5) a method for the director to immediately verify whether a driver or vehicle are currently operating under that operating authority or were operating under that operating authority within the past 90 days;

(6) documentary evidence from an insurance company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies or a surplus lines insurer listed on the Texas Department of Insurance's list of Eligible Surplus Lines Insurance Companies, indicating that such insurance company has bound itself to provide the applicant with the liability insurance required by this chapter;

(7) documentary evidence of payment of ad valorem taxes on the local property, if any, to be used in connection with the operation of the proposed transportation-for-hire company; and

(8) a copy of the company's zero-tolerance policy for intoxicating substances.];
and

(9) ~~a statement that the applicant does not maintain an ownership interest of 20 percent or greater in, or maintain control over, an entity that inspects or certifies vehicles pursuant to Section 47A-2.3.3 of this chapter.]”~~

SECTION 5. That Subsection (b), “Dallas Love Field Airport,” of Section 47A-2.1.8, “Transportation-For-Hire Service at Dallas Love Field Airport and Dallas-Fort Worth International Airport,” of Division 1, “Operating Authority Permit,” of Article II, “Regulations Applicable to all Transportation-For-Hire Services,” of Chapter 47A, “Transportation for Hire,” of the Dallas City Code is amended to read as follows:

“(b) Dallas Love Field Airport. An operating authority that tracks vehicle location for [~~ground~~] transportation services shall, upon request of the director, provide the director with the information necessary to independently verify trip fees, as that trip fee is set in Chapter five of this code, as amended, owed by that operating authority on a daily, weekly, and monthly basis.”

SECTION 6. That Subsection (a) of Section 47A-2.2.1, "Driver Permit Required," of Division 2, "Driver Permit," of Article II, "Regulations Applicable to all Transportation-For-Hire Services," of Chapter 47A, "Transportation for Hire," of the Dallas City Code is amended to read as follows:

"(a) A person may not drive a transportation-for-hire vehicle for the purpose of providing transportation-for-hire services without a valid driver permit, associated with an operating authority, issued under this article."

SECTION 7. That Section 47A-2.2.4, "Investigation of Application for Driver Permit," of Division 2, "Driver Permit," of Article II, "Regulations Applicable to all Transportation-For-Hire Services," of Chapter 47A, "Transportation for Hire," of the Dallas City Code is amended to read as follows:

"SEC. 47A-2.2.4. INVESTIGATION OF APPLICATION FOR DRIVER PERMIT.

(a) An applicant seeking an initial driver permit or renewal of an existing driver permit must provide to the director [~~or to a third party approved by the director for certification~~]:

(1) a current official criminal history report, issued by the Texas Department of Public Safety within the preceding 12 months, on each applicant to determine the applicant's qualification under Section 47A-2.2.2[~~an official copy of the applicant's criminal history from the state of Texas and all other states in which the applicant resided in the preceding five years, or the applicant's Identity History Summary Check from the Federal Bureau of Investigation~~]; and

(2) a current copy of the applicant's motor vehicle driving record and a list of any outstanding warrants for arrest of the applicant; and[~~an official copy of the applicant's driving record from the state of Texas and all other states in which the applicant resided in the preceding three years.~~]

(3) any other information the director considers necessary to determine whether an applicant qualifies for a driver's permit.

(b) The director shall provide the applicant, upon written request, a copy of all materials contained in the applicant's file to the extent allowed under Chapter 552 of the Texas Government Code. [~~If the director performs the review of the driver's criminal history and driving record, the fee for that review is \$23.~~]

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SECTION 8. That Subsection (a) of Section 47A-2.2.7, "Duration of Driver Permit," of Division 2, "Driver Permit," of Article II, "Regulations Applicable to all Transportation-For-Hire Services," of Chapter 47A, "Transportation for Hire," of the Dallas City Code is amended to read as follows:

"(a) A driver permit expires one year [~~two years~~] from the date it is issued."

SECTION 9. That Section 47A-2.2.8, "Duplicate Driver Permit," of Division 2, "Driver Permit," of Article II, "Regulations Applicable to all Transportation-For-Hire Services," of Chapter 47A, "Transportation for Hire," of the Dallas City Code is amended to read as follows:

"SEC. 47A-2.2.8. DUPLICATE DRIVER PERMIT.

If a driver permit is lost or destroyed, the director shall, for a \$50 fee, issue the driver a duplicate driver permit."

SECTION 10. That Section 47A-2.2.9, "Display of Driver Permit," of Division 2, "Driver Permit," of Article II, "Regulations Applicable to all Transportation-For-Hire Services," of Chapter 47A, "Transportation for Hire," of the Dallas City Code is amended to read as follows:

"SEC. 47A-2.2.9. DISPLAY OF DRIVER PERMIT.

(a) A driver shall have the driver permit in his possession at all times that the driver is providing transportation-for-hire services.

(b) A driver shall allow the director or a peace officer to examine the driver permit upon request.

(c) A driver shall at all times, while actively seeking or providing transportation-for-hire services, display driver permit information in a manner that is visible and legible to passengers, including the driver's first name, picture, permit number, and information on how to contact the city to make a complaint."

SECTION 11. That Section 47A-2.3.1, "Vehicle Permit Required," of Division 3, "Vehicle Permit," of Article II, "Regulations Applicable to all Transportation-For-Hire Services," of Chapter 47A, "Transportation for Hire," of the Dallas City Code is amended to read as follows:

“SEC. 47A-2.3.1. VEHICLE PERMIT REQUIRED.

No vehicle may be used to provide transportation-for-hire services without current insurance, association with a registered operating authority, and a valid permit for that vehicle issued under this article.”

SECTION 12. That Section 47A-2.3.2, “Requirements for Vehicle Permit,” of Division 3, “Vehicle Permit,” of Article II, “Regulations Applicable to all Transportation-For-Hire Services,” of Chapter 47A, “Transportation for Hire,” of the Dallas City Code is amended to read as follows:

“SEC. 47A-2.3.2. REQUIREMENTS FOR VEHICLE PERMIT.

(a) To obtain a vehicle permit, a permit applicant must provide the director [~~or an approved company~~] with the following information, including the:

- (1) vehicle's current state issued vehicle registration expiration year and month;
- (2) permit applicant's name, mailing address, email address, and telephone contact information;
- (3) vehicle identification number of the vehicle to be permitted;
- (4) year, make, and model of the vehicle to be permitted; [~~and~~]
- (5) license plate number of the vehicle to be permitted;[~~-~~]
- (6) state vehicle inspection; and
- (7) a vehicle lease agreement, if applicable.

(b) To obtain a vehicle permit for a previously permitted vehicle, in addition to providing the above information, a permit applicant must demonstrate that, within the preceding 90 days, the vehicle has been inspected and has a state vehicle inspection report [~~certified as meeting the requirements in Section 47A-2.3.3 of this chapter~~].”

SECTION 13. That Section 47A-2.3.3, “Vehicle Quality Standards,” of Division 3, “Vehicle Permit,” of Article II, “Regulations Applicable to all Transportation-For-Hire Services,” of Chapter 47A, “Transportation for Hire,” of the Dallas City Code is amended to read as follows:

“SEC. 47A-2.3.3. VEHICLE QUALITY STANDARDS.

(a) An operating authority shall maintain all motorized vehicles operating under its permit, and a driver shall maintain the motorized transportation-for-hire vehicle he is driving for

hire, in a condition such that each vehicle meets all safety standards required by the State of Texas for passenger vehicles and the following additional standards:

- (1) the exterior and interior are clean and appear new or substantially like new;
- (2) front and rear seats, armrests, interior door panels, headliners, carpet, mats, and front and rear dashboards are in good condition, free of cracks, rips, tears, or excessive wear;
- (3) body panels, trim, and moldings are free of dents (other than minor door dings that do not involve paint damage), scratches, or other obvious unrepaired damage;
- (4) paint is in good condition, free of scratches or other obvious unrepaired damage, visible fading, runs, peeling, overspray, mismatched colors, or excessive paint damage;
- (5) front and rear tires, wheels, and wheel covers match and are the proper size and type for the vehicle;
- (6) all recall work recommended by the vehicle's manufacturer has been performed;
- (7) air conditioner, heater, and defoggers function properly.

(b) It is a defense to prosecution for a violation of Subsection (a) that the violation was remedied within twenty-one (21) days after receiving the citation.

~~[(e) A person commits an offense if he knowingly falsely certifies, requests another to falsely certify, or intentionally causes another to falsely certify that a transportation-for-hire vehicle meets the standards in Subsection (a).]~~

SECTION 14. That Section 47A-2.4.7, "Signage," of Division 4, "Service Rules," of Article II, "Regulations Applicable to all Transportation-For-Hire Services," of Chapter 47A, "Transportation for Hire," of the Dallas City Code is amended to read as follows:

"SEC. 47A-2.4.7. RESERVED[SIGNAGE]."

~~[A driver shall at all times while the driver is providing transportation-for-hire services display inside the vehicle in a manner that is visible and legible to passengers: the driver's first name and picture, the driver permit number, the vehicle permit number, and information on how to contact the city to make a complaint.]"~~

SECTION 15. That Subsection (a), "Insurance Policy Limits for Motorized Transportation-For-Hire Vehicles," of Section 47A-2.5.2, "Minimum Insurance Limits," of Division 5, "Insurance," of Article II, "Regulations Applicable to all Transportation-For-Hire Services," of Chapter 47A, "Transportation for Hire," of the Dallas City Code is amended to read as follows:

“(a) Insurance policy limits for motorized transportation-for-hire vehicles. At a minimum, the liability coverage for motorized transportation-for-hire vehicles must be provided as follows:

(1) From the time a driver indicates that the vehicle is available to accept a ride request, but before the driver has accepted a ride request, the vehicle and driver must be covered by contingent primary liability coverage for injury and property damage arising out of or caused by the operation of the vehicle in the amount of \$50,000 per person, \$100,000 per occurrence for bodily injury and \$25,000 in property damage; and

(2) From the time a driver accepts a ride request, either by being physically hailed or dispatched, to the time the passenger exits the vehicle, the vehicle and driver must be covered by primary commercial automobile liability coverage with a combined single limit of liability for injury and property damage arising out of or caused by the operation of the vehicle in the following amounts:

For vehicles with a manufacturer’s rated seating capacity of 1- 5 [8] passengers	\$ 300,000 [500,000]
For vehicles with a manufacturer’s rated seating capacity of <u>6-10</u> [9 or more] passengers	\$ <u>500,000</u> [1,000,000.]
For vehicles with a manufacturer’s rated seating capacity of 11-14 <u>passengers</u>	\$ <u>1,000,000.</u> ”

SECTION 16. That Subsection (b) of Section 47A-3.2, "Requirements for Horses in Service," of Article III, "Regulations Specific to Non-Motorized Passenger Transport Vehicles," of Chapter 47A, "Transportation for Hire," of the Dallas City Code is amended to read as follows:

“(b) A horse used in a non-motorized passenger transport service must:

(1) be appropriately shod to work on paved streets; if a horse loses a shoe while working, an “easy[~~easy~~]” type boot may be used to finish the scheduled work day;

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- wound;
- (2) not have any open wound, oozing sore, cut below skin level, or bleeding
- irregular rhythm;
- (3) not have evidence of lameness, such as but not limited to head bobbing or
- hours;
- (4) be offered not less than five gallons of drinking water at least every two
- hours rest;
- (5) have at least a 10-minute rest period after every 50 minutes worked;
- (6) not work longer than eight hours in a 24-hour period with a minimum of 12
- (7) have all harnesses properly fitted and in good repair with no deficiencies that could reasonably be deemed a safety hazard;
- (8) be properly cleaned with no offensive odors or caked dirt or mud;
- (9) wear a special sanitary device for containing animal excrement;
- (10) not work when the outside temperature exceeds 99 degrees Fahrenheit, or the thermal heat index exceeds 150, as measured by the National Weather Service at Love Field; and
- (11) be examined at least once every six months by a veterinarian licensed by the State of Texas who specializes in equine medicine and receive a state certificate of veterinarian inspection, which must be submitted to the director.”

SECTION 17. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 18. That Chapter 47A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 19. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 20. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

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SECTION 21. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By Caden Byers
Assistant City Attorney

Passed NOV 11 2020



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL NOV 11 2020

ORDINANCE NUMBER 31689

DATE PUBLISHED NOV 14 2020

ATTESTED BY: