

ORDINANCE NO. 32180

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-2.4.11, and 47A-4.6; removing definitions; providing a fee schedule for an operating authority permit for transportation-for-hire service provided by all other transport vehicles; providing for an application fee for an operating authority permit; deleting smartway certified vehicles provisions; amending appeal of correction order procedures; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

Now, Therefore,

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

SECTION 1. That 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:

"SEC. 47A-1.5. DEFINITIONS.

The definition of a term in this section applies to each grammatical variation of the term. In this chapter, unless the context requires a different definition:

(1) **BUS** means a motor vehicle that has a manufacturer's rated seating capacity of more than 15 passengers.

(2) **CARPOOLING** means any voluntary sharing of transportation without compensation.

(3) **COMPENSATION** means any money, service, or other thing of value that is received, or is to be received, in return for transportation-for-hire services.

(4) **CONTINGENT PRIMARY LIABILITY COVERAGE** means a liability insurance policy that will act as a primary liability policy in the event that no other applicable primary liability policy exists or a policy exists but denies coverage.

(5) COURTESY VEHICLE means a vehicle that is not for hire, is not used to transport passengers for compensation, and is operated by or for a business that provides free transportation to customers as an accessory to the main business activity.

(6) DEPARTMENT means the department designated by the city manager to enforce and administer this chapter.

(7) DIRECTOR means the director of the department designated by the city manager to enforce and administer this chapter and includes representatives, agents, or department employees designated by the director.

(8) DISPATCH means any communication system that conveys passenger ride requests to drivers.

(9) DRIVE means to control the physical movements of a transportation-for-hire vehicle.

(10) DRIVER means an individual who drives or otherwise controls the physical movements of a transportation-for-hire vehicle.

(11) DRIVER PERMIT means the permit required by this chapter to drive a transportation-for-hire vehicle.

(12) HAILABLE VEHICLE means a transportation-for-hire vehicle that can be immediately summoned by a passenger without the use of dispatch, and that meets the requirements in Section 47A-2.4.9.

(13) HORSE means any member of the species Equus Caballus.

(14) HORSE-DRAWN CARRIAGE means a non-motorized vehicle designed to carry passengers while being pulled by one or more horses.

(15) METER means a device that measures the time and distance of a trip.

(16) NON-MOTORIZED PASSENGER TRANSPORT VEHICLE means a horse-drawn carriage or a pedicab.

(17) OPERATING AUTHORITY means a person who is granted operating authority under this chapter to provide transportation-for-hire services.

(18) OPERATING AUTHORITY PERMIT means the permit required by this chapter to provide transportation-for-hire services.

(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.

(20) PERSON means an individual; corporation; government or governmental subdivision; or agency, trust, partnership, or two or more persons having a joint or common economic interest.

(21) PUBLICLY REMOTELY ACCESSIBLE DATA SITE means a website, digital platform, or mobile application (“app”) that provides content in a manner that is accessible to the public through a network.

(22) SHUTTLE VEHICLE means a van-type motor vehicle that has a manufacturer’s rated seating capacity of not less than seven passengers and not more than 15 passengers.

~~(23) [SMARTWAY VEHICLE means a passenger vehicle that is certified as a SmartWay vehicle under the Environmental Protection Agency’s SmartWay program or a passenger vehicle with a seating capacity of 7 or more that is certified by the EPA as an ultra-low emission vehicle or an equivalent or better emission rating.]~~

~~(24) TEMPORARY VEHICLE PERMIT means a permit issued by the city to a person to operate a transportation-for-hire service for a specified period of time that is less than one year.~~

~~(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.

~~(24[26])~~ TRANSPORTATION-FOR-HIRE VEHICLE means any vehicle used to offer or provide transportation-for-hire services.

~~(25[27])~~ VEHICLE PERMIT means the permit required by this chapter for a vehicle to operate as a transportation-for-hire vehicle.

~~(26[28])~~ WHEELCHAIR ACCESSIBLE VEHICLE means a vehicle designed or modified to transport passengers in wheelchairs or other mobility devices and conforming to the requirements of the Americans with Disabilities Act (ADA), as amended.”

SECTION 2. That Subsection (a) of 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:

“(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~~ the non-refundable fee for an operating authority permit [\$1,000] per year for transportation-for-hire service provided by all other transport vehicles are indicated in the fee schedule below.

<u>Number of vehicles in a transportation-for-hire service fleet</u>	<u>Annual Fee</u>
<u>1 to 5 vehicles</u>	<u>\$475.00</u>
<u>6 to 10 vehicles</u>	<u>\$675.00</u>
<u>11 or more vehicles</u>	<u>\$875.00</u>

SECTION 3. 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, accompanied by a non-refundable application fee of \$125, 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.”

SECTION 4. That Section 47A-2.4.11, “Smartway Certified Vehicles,” 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-2.4.11. **RESERVED** [~~SMARTWAY CERTIFIED VEHICLES~~].

~~[(a) SmartWay-certified hailable transportation-for-hire vehicles that are 2011-model year or newer, authorized to operate at Love Field, will be eligible to advance to the front of the airport’s holding or dispatch areas. “Head-of-the-line” privileges do not apply at stands used for loading passengers at the airports.~~

~~(b) A hailable compressed natural gas vehicle that is not SmartWay Certified but is in service and eligible for head-of-the-line privileges up to the effective date of this ordinance will continue to be eligible for head-of-the-line privileges until the expiration of seven (7) calendar years from the model year of the vehicle provided that the vehicle meets and continues to meet all other requirements of this chapter.]”~~

SECTION 5. That Section 47A-4.6, “Appeal of Correction Order,” of Article IV, “Enforcement,” of Chapter 47A, “Transportation for Hire,” of the Dallas City Code, is amended to read as follows:

“SEC. 47A-4.6. **APPEAL OF CORRECTION ORDER.**

(a) The holder of a permit may appeal a correction order issued under Section 47A-4.4 if an appeal is requested in writing not more than five days after notice of the order or action is received.

(b) The city manager or a designated representative shall act as the appeal hearing officer in an appeal under this section. The hearing officer shall give the appealing party an opportunity to present evidence and make argument. The formal rules of evidence do not apply to an appeal hearing under this section, and the hearing officer shall make a ruling on the basis of a preponderance of evidence presented at the hearing.

(c) The hearing officer may affirm, modify, or reverse all or part of the order of the director. The decision of the hearing officer is final. [The holder of a permit issued under this

~~section may file an appeal with the permit and license appeal board in accordance with Section 2-96 of this code.]”~~

SECTION 6. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$500.

SECTION 7. That Chapter 47A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8. 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 9. 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.

SECTION 10. 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  Assistant City Attorney

Passed APR 27 2022



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 APR 27 2022

ORDINANCE NUMBER 32180

DATE PUBLISHED APR 30 2022

ATTESTED BY:

A handwritten signature in black ink, appearing to be "R. G. ...", written over a faint horizontal line.