

6-13-22

ORDINANCE NO. 32236

An ordinance amending Chapter 43, “Streets and Sidewalks,” of the Dallas City Code by amending Article X of Chapter 43; amending the general authority and duty of the director, amending the application for an operating authority permit, amending the director’s authority to suspend and revoke an operating authority permit, and repealing deployment and operation and data sharing requirements; 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 Article X, “Dockless Vehicle Permit,” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code is amended to read as follows:

“ARTICLE X.

SHARED DOCKLESS VEHICLE OPERATING PERMIT.

SEC. 43-157. DEFINITIONS.

In this article:

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

(2) ~~[DOCKLESS VEHICLE means a bicycle, an electric bicycle, or an electric motor-assisted scooter, pursuant to the definitions set forth in Texas Transportation Code, Sections 541.201 and 551.351, that can be located and unlocked using a smartphone app.~~

~~(3)]~~ OPERATOR means an individual or company that has been issued an operating authority permit under this article.

~~(3[4])~~ REBALANCE means moving shared dockless vehicles from an area of low demand to an area of high demand.

(4) SHARED DOCKLESS VEHICLE means a bicycle, an electric bicycle pursuant to the definition set forth in Texas Transportation Code Section 664.001, as amended, or a motor-assisted scooter, pursuant to the definition set forth in Texas Transportation Code, Section 551.351, that is intended to be rented or leased to different users.

(5) SHARED DOCKLESS VEHICLE SERVICE means a service to rent, lease, or sell shared dockless vehicles in the public right-of-way for the purpose of transportation or conveyance [~~RESIDENTIAL AREA means a residential district as defined in Section 51A-2.102, "Definitions," of the Dallas Development Code, or a planned development district or conservation district with residential base zoning~~].

SEC. 43-158. GENERAL AUTHORITY AND DUTY OF DIRECTOR.

(a) The director may issue an operating authority permit to a shared dockless vehicle service for use of the public right-of-way to sell, rent, lease, or exchange, offer to sell, rent, lease, or exchange, or take order for the use of shared dockless vehicles.

(b) The director shall implement and enforce this article and may by written order establish [~~sueh~~] rules or regulations, consistent with this article and state or federal law, as the director determines are necessary to discharge his or her duty under, or to affect the policy of, this article, to achieve a safe, orderly, equitable, and multi-modal transportation system. The director's rules and regulations may include[~~ing~~] but are not limited to, rules or regulations on hours of operation, the appropriate number of operators to be permitted, the number of shared dockless vehicles that may be placed in the public right-of-way, rebalancing requirements, and data-sharing requirements [~~slow zones, and areas where riding dockless vehicles is prohibited~~]. The director may contract with vendors to assist with data collection and analysis and to collect and store shared dockless vehicles deployed or parked in violation of this chapter.

SEC. 43-159. ESTABLISHMENT OF RULES AND REGULATIONS.

(a) Before adopting, amending, or abolishing a rule, the director shall hold a public hearing on the proposal.

(b) The director shall fix the time and place of the hearing and, in addition to notice required under the Open Meetings Act (Chapter 551, Texas Government Code), as amended, shall notify each operator and such other persons as the director determines are interested in the subject matter of the hearing.

(c) After the public hearing, the director shall notify all operators and other interested persons of the director's action and shall post an order adopting, amending, or abolishing a rule on the official bulletin board in city hall for a period of not fewer than 10 days. The order becomes effective immediately upon expiration of the posting period.

SEC. 43-160. OPERATING AUTHORITY PERMIT.

(a) A person commits an offense if, within the city, the person operates, or causes or permits the operation of, a shared dockless vehicle service without a valid operating authority permit issued under this article.

(b) An operator shall abide by the requirements of this article and any rules or regulations adopted by the director.

SEC. 43-161. APPLICATION FOR OPERATING AUTHORITY PERMIT.

(a) To obtain an operating authority permit, an applicant [~~a person~~] shall submit an [~~make~~] application on the form and in the manner prescribed by the director. The applicant must be the person who will own, control, or operate the proposed shared dockless vehicle service [~~program~~].

(b) An applicant shall file with the director a verified application statement, to be accompanied by a non-refundable application fee, containing the following, in addition to the information needed under Subsection (c):

(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 applicant any future notices sent by the city to the operator, and that person's contact information, including a mailing address, telephone number, and email or other electronic address;

(5) documentary evidence from an insurance company indicating that such insurance company has bound itself to provide the applicant with the liability insurance required by this article;

(6) documentary evidence of payment of ad valorem taxes on property within the city, if any, to be used in connection with the operation of the proposed shared dockless vehicle service [~~program~~];

(7) documentary evidence from a bonding or insurance company or a bank indicating that the bonding or insurance company or bank has bound itself to provide the applicant with the performance bond or irrevocable letter of credit required by this article;

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- (8) the number and types of shared dockless vehicles to be operated; [~~and~~]
- (9) an agreement to indemnify the city; and
- (10) three references from municipal bodies located in North America where the applicant is currently operating.

(c) The director shall review the application for an operating authority permit and determine if the following criteria have been met, in addition to other criteria that the director may establish by rule or regulation:

- (1) the operator's effort to educate users and ensure compliance by its users with applicable laws;
- (2) the operator's capacity to comply with this article, rules and regulations issued by the director, and all other state or federal laws or regulations;
- (3) the operator's experience operating shared dockless vehicle services, including the operator's compliance with applicable laws; and
- (4) the operator's efforts to increase access to shared dockless vehicle service to low-income and non-English speaking users.

(d) An operating authority permit may be renewed following the process in this section.

(e[~~d~~]) The initial application for an operating authority permit must be accompanied by an application fee of \$2,000 and the appropriate vehicle fee as specified in Section 43-172. Applications to renew an operating authority permit must be accompanied by an application fee of \$1,000 and the appropriate vehicle fee as specified in Section 43-172.

SEC. 43-162. CHANGES TO INFORMATION IN OPERATING AUTHORITY APPLICATION.

(a) Any changes to the information provided in the operating authority permit application must be reported to the director, in the manner prescribed by the director, within 10 days of the change.

(b) If the information reported to the director under this section includes an increase in the number of shared dockless vehicles, the director may approve the additional shared dockless vehicles. If the director approves the additional shared dockless vehicles, the operator shall pay any additional vehicle fees due under Section 43-172 before the additional vehicles are allowed to operate [~~must be submitted to the director simultaneously with the change in information~~].

SEC. 43-163. EXPIRATION OF OPERATING AUTHORITY PERMIT.

An operating authority permit expires one year from the date it is issued.

SEC. 43-164. REFUSAL TO ISSUE OR RENEW OPERATING AUTHORITY PERMIT.

(a) The director shall refuse to issue or renew an operating authority permit if ~~the applicant~~:

(1) the applicant intentionally or knowingly makes a false statement as to a material matter in an application for a permit or permit renewal; ~~or~~

(2) the applicant ~~[has been convicted twice within a 12-month period for a violation of this article regarding the deployment of a dockless vehicle or the rebalancing or removal of a dockless vehicle, or a rule or regulation adopted under this article regarding the deployment of a dockless vehicle or the rebalancing or removal of a dockless vehicle, or]~~ has had an operating authority permit revoked within two years of the date of application;

(3) the applicant is providing shared dockless vehicles services without an operating authority permit;

(4) issuance of the permit would result in activity that is expected to cause significant sidewalk congestion or make accessing abutting property hazardous; or

(5) issuance of the permit would result in activity that is expected to impede the flow of pedestrian traffic or make the use of sidewalks hazardous.

(b) If the director determines that a permit should be denied, the director shall notify the applicant or operator in writing that the application is denied and include in the notice the specific reason or reasons for denial and a statement informing the applicant or operator of the right to, and the process for, appeal of the decision.

(c) The director is authorized to develop an objective scoring matrix used to determine if issuance of a permit would cause significant sidewalk congestion, make accessing abutting property hazardous, impede the flow of pedestrian traffic, or make the use of sidewalks hazardous, in accordance with Paragraphs (a)(4) and (a)(5) of this section.

SEC. 43-165. SUSPENSION OR REVOCATION OF OPERATING AUTHORITY PERMIT.

(a) Suspension. The following regulations apply to the suspension of an operating authority permit:

(1) The director may suspend an operating authority permit if the director determines that the operator violated the rules and regulations established by the director or for any of the reason for revocation in Subsection (b)~~;~~

~~(A) the operator failed to comply with a request to remove a dockless vehicle or a request to rebalance dockless vehicles issued by the director within the time specified in the order; or~~

~~(B) a performance bond or irrevocable letter of credit required by this article is cancelled].~~

(2) Suspension of an operating authority permit does not affect the expiration date of the permit.

(b) Revocation. ~~[The following regulations apply to the revocation of an operating authority permit:~~

~~(1)]~~ The director may revoke an operating authority permit if ~~[the director determines that the operator has]:~~

~~(1[A])~~ the operator has made a false statement as to a material matter in the application concerning the operating authority permit;

~~(2[B])~~ the operator failed to maintain the insurance, performance bond, or irrevocable letter of credit required by this article;

~~(3[C])~~ the operator is operating more shared dockless vehicles than is ~~[operated dockless vehicles that were not]~~ authorized by the operating authority permit; ~~[or]~~

~~(4[D])~~ the operator failed to pay a fee required by this article;

~~(5)~~ the operator violated this article, any other ordinance, or any state or federal law or regulation;

~~(6)~~ after consultation with the chief of police, the director determines that the operator's shared dockless vehicle service constitutes an imminent threat to public safety;

~~(7)~~ the operator failed to maintain or correct current information with the director concerning the operating authority permit;

~~(8)~~ the operator shows a pattern of not responding to inquiries by the director;

~~(9)~~ the operator has filed bankruptcy, is insolvent, or failed to meet financial obligations on a timely basis or is unable to obtain or maintain the financial resources needed to properly maintain facilities or provide adequate service; or

~~(10)~~ the operator operates a shared dockless vehicle service with a suspended operating authority permit.

~~[(2) After revocation of an operating authority permit, an operator is not eligible for another permit for a period of up to two years, depending on the severity of the violation resulting in the revocation.]~~

(c) Ceasing operations upon notice of suspension or revocation. Upon receiving an emailed notice by the director that its operating authority permit has been suspended or revoked, an operator must stop providing shared dockless vehicle services within 12 hours and must remove its shared dockless vehicles from the public right-of-way within 24 hours. If the operator fails to retrieve all its shared dockless vehicles within 24 hours of receipt of notice the director may remove the shared dockless vehicles from the public right-of-way without notice or consent of the operator. The operator is responsible for the cost of removal and storage of its shared dockless vehicles, and the operator will be assessed a fee to retrieve any of its shared dockless vehicles that are removed and stored. Any shared dockless vehicle that remains unclaimed with the city for 30 days is subject to sale or disposal in accordance with Division 2, "Sale of Unclaimed and Surplus Property," of Article IV, "Procurement," of Chapter 2, "Administration," of the Dallas City Code, as amended. The director shall provide notice via email and certified mail to the addresses provided under Section 43-161.

SEC. 43-166. APPEALS.

Any person whose application for an operating authority permit, or renewal of an operating authority permit, is denied by the director, or an operator whose operating authority permit has been revoked or suspended by the director, may file an appeal with the permit and license appeal board in accordance with Section 2-96, "Appeals From Actions of Department Directors," of this code.

SEC. 43-167. NONTRANSFERABILITY.

An operating authority permit is not transferable. This regulation should not be construed to impede the continuing use of trade names.

SEC. 43-168. RESERVED. ~~[OPERATIONS.]~~

~~(a) Each operator shall provide dockless vehicles to accommodate a wide range of users.~~

~~(b) Each dockless vehicle permitted under this article must display the emblem of the operator along with a unique identification number.~~

~~(c) Dockless vehicles must not display third party advertising.~~

~~(d) Dockless vehicles must meet all requirements of local, state, and federal law. Bicycles must meet the safety standards outlined in ISO 43-150 — Cycles, Subsection 4210, as amended.~~

- (e) ~~Dockless vehicles must be high quality and sturdily built to withstand the effects of weather and constant use for five years.~~
- (f) ~~Dockless vehicles must be well maintained and in good riding condition.~~
- (g) ~~Each dockless vehicle permitted under this article must be equipped with active global positioning system technology and display a unique identification number with characters no less than one inch in height per character.~~
- (h) ~~Spoken word alarm systems are prohibited on dockless vehicles.~~
- (i) ~~Operators shall maintain a staffed operations center.~~
- (j) ~~Operators shall maintain a 24 hour customer service number posted on each dockless vehicle for customers and citizens to report safety concerns, make complaints, ask questions, or request a dockless vehicle be relocated.~~
- (k) ~~Operators shall rebalance dockless vehicles at least once per week.~~
- (l) ~~Operators shall provide the director with contact information for someone who can rebalance and relocate dockless vehicles. The operator shall rebalance or relocate dockless vehicles within two hours of receiving notification on weekdays between 6:00 a.m. and 6:00 p.m. (excluding holidays) and within 12 hours of receiving notice at all other times. An operator shall notify the director within 24 hours of a change of contact information.~~
- (m) ~~An operator shall remove any inoperable dockless vehicle, or a dockless vehicle that is not safe to operate, from the right of way within 24 hours of notice from the director. A dockless vehicle removed from the right of way in accordance with this subsection must be repaired before it is returned to revenue service.~~
- (n) ~~An operator shall provide the director with special access, via the operator's app or other device, to immediately unlock and remove dockless vehicles that are blocking access to city property or the public right of way.~~
- (o) ~~The director may remove a dockless vehicle from city property or the right of way that is parked in violation of this article after notification in accordance with Section 43-169(l). Any dockless vehicle the director removes from city property or the public right of way for a parking violation or retrieves from a stream, lake, fountain, or other body of water will be disposed of in accordance with Division 2, "Sale of Unclaimed and Surplus Property," of Article IV, "Purchasing," of Chapter 2, "Administration," of the Dallas City Code, as amended, if not collected by the operator after notification. The operator shall pay the director a fee of \$50, a daily storage fee of \$25 after a dockless vehicle has been stored for more than 48 hours, and reimburse the city for any expenses under subsection (p) of this section before the dockless vehicle may be collected. A dockless vehicle either in the director's custody under this subsection, or disposed of under Chapter 2, counts against the number of dockless vehicles an operator may deploy under an operating authority permit.~~

~~(p) If the city incurs any costs addressing or abating any violations of this article, or incurs any costs of repair or maintenance of public property, the operator shall reimburse the city for the costs within 30 days of receiving written notice from the director.~~

~~(q) An operator shall not place or attach any personal property (other than dockless vehicles), fixtures, or structures in the public right of way without the separate written permission of the director. Any permission to place items in the public right of way must be incorporated into the permit.~~

~~(r) An operator shall not adversely affect the property of any third parties during the use of city property or the public right of way.~~

~~(s) An operator shall engage in community outreach and promote safety awareness in collaboration with the city, including educating customers regarding the law applicable to riding, operating, and parking a dockless vehicle. An operator shall periodically provide riders with promotional safety gear such as helmets. An operator's mobile application must provide information notifying the user that:~~

~~(1) minors must wear helmets while riding a bicycle as required by Section 9-8, "Bicycle Helmet Required," of the Dallas City Code and while riding a motor-assisted scooter as required by Section 28-41.1.1, "Restrictions on the Use of Motor-Assisted Scooters, Pocket Bikes, and Minimotorbikes," of the Dallas City Code;~~

~~(2) dockless vehicles must be parked legally and properly;~~

~~(3) bicyclists and motor-assisted scooters must yield to pedestrians on sidewalks and trails;~~

~~(4) bicycles may not be ridden on sidewalks within the central business district per Section 9-1, "Applicability of Traffic Regulations to Bicycle Riders," of the Dallas City Code;~~

~~(5) motor-assisted scooters may not be ridden on sidewalks within city per Section 28-41.1.1 of the Dallas City Code;~~

~~(6) motor-assisted scooters may not be ridden at certain locations during the times specified by a rule or regulation established in accordance with Sections 43-158 and 43-159; and~~

~~(7) motor-assisted scooters must comply with the speed limits specified in Section 28-41.1.1 of the Dallas City Code.~~

~~(t) Operators shall provide a cash option for riders to unlock dockless vehicles.]~~

SEC. 43-169. RESERVED. ~~[DOCKLESS VEHICLE PARKING, DEPLOYMENT,
AND OPERATION.~~

~~(a) Dockless vehicles may not be parked in a manner that would impede normal and reasonable pedestrian access on a sidewalk or in any manner that would reduce the minimum clear width of a sidewalk to less than 36 inches.~~

~~(b) Dockless vehicles may not be parked in a manner that would impede vehicular traffic on a street or alley.~~

~~(c) Dockless vehicles may not be parked in a manner that would impose a threat to public safety or security.~~

~~(d) Dockless vehicles may not be parked on a public street without specific permission from the director.~~

~~(e) Dockless vehicles may not be deployed on a block where the sidewalk is less than 36 inches in width, or on a block that does not have sidewalks unless a docking zone is safely created for this block. The director may determine other blocks where deploying dockless vehicles is prohibited.~~

~~(f) Dockless vehicles must be deployed on a sidewalk or other hard surface, at a bicycle rack, or at a city-owned location. Dockless vehicles may only be deployed on private property with the permission of the property owner.~~

~~(g) Dockless vehicles must stand upright while parked.~~

~~(h) Dockless vehicles may not be parked in a visibility triangle as defined in Section 51A 4.602, "Fence, Screening and Visual Obstruction Regulations," of the Dallas Development Code.~~

~~(i) Dockless vehicles may not be parked within five feet of a crosswalk or curb ramp, unless given specific permission by the director. Dockless vehicles must be parked in a manner to provide a 20-foot clear zone around transit stops, shelters, or platforms.~~

~~(j) Dockless vehicles may not be parked in a way that blocks:~~

~~(1) Transit stops, shelters, or platforms.~~

~~(2) Commercial loading zones.~~

~~(3) Railroad or light rail tracks or crossings.~~

~~(4) Passenger loading zones or valet parking service areas.~~

~~(5) Disabled parking zones.~~

~~(6) Street furniture that requires pedestrian access (for example, benches or parking pay stations).~~

~~(7) Building entryways.~~

~~(8) Vehicular driveways.~~

~~(k) Dockless vehicles parked along multi-use trails may only be parked at trailheads or other areas identified by the director.~~

~~(l) Dockless vehicles that are parked in an incorrect manner must be re-parked or removed by the operator within two hours of receiving notice from the director between 5:00 a.m. and 12:00 a.m. (midnight) on a daily basis.~~

~~(m) A dockless vehicle that is parked in a residential area may remain in the same location for up to 48 hours as long as it is parked in accordance with this section. An operator shall relocate or rebalance a dockless vehicle parked in a residential area after receiving a citizen request or complaint in accordance with the timeframes specified in Section 43-169(1).~~

~~(n) The director may remove and store any dockless vehicle that is left unutilized at the same location for five or more consecutive days.~~

~~(1) The operator is responsible for the costs of removal and storage in accordance with Section 43-168(o).~~

~~(2) The director shall invoice the operator for the cost of removal and storage.~~

~~(3) Any dockless vehicle that remains unclaimed with the city for 30 days is subject to sale in accordance with Division 2, "Sale of Unclaimed and Surplus Property," of Article IV, "Purchasing," of Chapter 2, "Administration," of the Dallas City Code, as amended.~~

~~(o) The director may identify designated dockless vehicle parking zones. Subject to advance approval of the director, an operator may indicate virtual dockless vehicle parking areas with paint or decals where appropriate in order to guide riders to preferred parking zones in order to assist with orderly parking of dockless vehicles throughout the city.~~

~~(p) Every person riding a dockless vehicle upon the streets of the city shall be subject to provisions of all laws and ordinances applicable to the operator of any other vehicle, except those provisions of laws and ordinances which, by their very nature, can have no application.~~

~~(q) Any person riding a dockless vehicle upon a sidewalk shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.~~

~~(r) A person commits an offense if the person rides a dockless vehicle in violation of time of day or locational restrictions established by rule or regulation in accordance with Sections 43-158 and 43-159.~~

~~(s) Operators shall employ geofencing to comply with any time of day or location restrictions on the operation of motor assisted scooters established by rule or regulation in accordance with Sections 43-158 and 43-159.]~~

SEC. 43-170. INSURANCE REQUIREMENTS.

(a) An operator shall procure and keep in full force and effect no less than the insurance coverage required by this section through a policy or policies written by an insurance company that:

- (1) is authorized to do business in the State of Texas;
- (2) acceptable to the city; and
- (3) does not violate the ownership or operational control prohibition described in Subsection (e) of this section.

(b) The insured provisions of the policy must name the city and its officers and employees as additional insureds, and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a shared dockless vehicle.

(c) An operator shall maintain the following insurance coverages:

(1) The commercial general liability insurance must provide single limits of liability for bodily injury (including death) and property damage of \$1 million for each occurrence, with a \$2 million annual aggregate.

(2) If an operator will utilize motor vehicles in its operations, the business automotive liability insurance must cover owned, hired, and non-owned vehicles, with a combined single limit for bodily injury (including death) and property damage of \$500,000 per occurrence.

(3) Worker's compensation insurance with statutory limits.

(4) Employer's liability insurance with the following minimum limits for bodily injury by:

(A) accident, \$500,000 per each accident; and

(B) disease, \$500,000 per employee with a per policy aggregate of \$500,000.

(5) Cyber/technology network liability and risk insurance, inclusive of information security and privacy with minimum limits of \$1 million per claim.

(d) Insurance required under this article must:

(1) include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 30 days before cancelling the insurance policy (for a reason other than non-payment) or before making a reduction in coverage;

(2) include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 10 days before cancelling for non-payment;

(3) include an endorsement to waive subrogation in favor of the city and its officers and employees for bodily injury (including death), property damage, or any other loss.

(4) cover all shared dockless vehicles during the times that the vehicles are deployed or operating in furtherance of the operator's business;

(5) include a provision requiring the insurance company to pay every covered claim on a first-dollar basis;

(6) require notice to the director if the policy is cancelled or if there is a reduction in coverage; and

(7) comply with all applicable federal, state, and local laws.

(e) No person who has a 20 percent or greater ownership interest in the operator may have an interest in the insurance company.

(f) An operator may not be self-insured.

(g) Any insurance policy required by this article must be on file with the city within 45 days of the issuance of the initial operating authority permit, and thereafter within 45 days of the expiration or termination of a previously issued policy.

SEC. 43-171. RESERVED. [~~DATA SHARING.~~

~~(a) An operator shall comply with the mobility data specification (MDS) standard and cooperate with the city in the collection and analysis of aggregated data concerning its operations.~~

~~(b) An operator shall provide live MDS data to city data vendors. City data vendors shall supply the director a daily report of aggregated data for the previous 24 hours. City data vendors shall not supply the director with live MDS data. The director may request aggregated data from data vendors at other times when necessary for law enforcement and other emergencies.~~

~~(c) An operator shall provide other reports at the director's request.]~~

SEC. 43-172. VEHICLE FEE AND RIDE FEE.

(a) An operator shall pay an annual vehicle fee of \$35 for each permitted shared dockless vehicle with \$5 from the annual vehicle fee dedicated to equity programs.

(b) An operator shall pay a right-of-way rental fee of \$0.20 for each ride a customer takes on a shared dockless vehicle.

(c) The director may establish a program, subject to city council approval, to rebate or waive fees under this section in order to encourage equity in the distribution of shared dockless vehicles throughout the city.

(d) City council must review the fees in this article by June 22, 2024 [~~January 25, 2024~~].

SEC. 43-173. PERFORMANCE BOND OR IRREVOCABLE LETTER OF CREDIT.

Before issuance of an operating authority permit, the operator shall give the director a performance bond or an irrevocable letter of credit approved as to form by the city attorney.

(1) A bonding or insurance company authorized to do business in the State of Texas and acceptable to the city must issue the performance bond. A bank authorized to do business in the State of Texas and acceptable to the city must issue the irrevocable letter of credit.

(2) The performance bond or irrevocable letter of credit must list the operator as principal and be payable to the city.

(3) The performance bond or irrevocable letter of credit must remain in effect for the duration of the operating authority permit.

(4) The amount of the performance bond or irrevocable letter of credit must be at least \$10,000.

(5) Cancellation of the performance bond or irrevocable letter of credit does not release the operator from the obligation to meet all requirements of this article and the operating authority permit. If the performance bond or irrevocable letter of credit is cancelled, the operating authority permit shall be suspended on the date of cancellation and the operator shall immediately cease operations until the operator provides the director with a replacement performance bond or irrevocable letter of credit that meets the requirements of this article.

(6) The city may draw against the performance bond or irrevocable letter of credit or pursue any other available remedy to recover damages, fees, fines, or penalties due from the operator for violation of any provision of this article or the operating authority permit.

SEC. 43-174. ENFORCEMENT.

(a) The director may, with or without notice, inspect any shared dockless vehicle operating under this article to determine whether the shared dockless vehicle complies with this article, rules and regulations established under this article, or other applicable laws.

(b) The director shall enforce this article. Upon observing a violation of this article or the rules or regulations established by the director, the director shall take necessary action to ensure effective regulation of shared dockless vehicles. The director has authority to issue citations for violations of this division including moving violations.

SEC. 43-175. CRIMINAL OFFENSES.

(a) A person commits an offense if he violates or attempts to violate a provision of this article, or a rule or regulation established by the director under this article, that is applicable to a person. A culpable mental state is not required for the commission of an offense under this article unless the provision defining the conduct expressly requires a culpable mental state. A separate offense is committed each day in which an offense occurs.

(b) Prosecution for an offense under Subsection (a) does not prevent the use of other enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense.”

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 3. That Chapter 43 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. 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 5. 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 6. 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 JUN 22 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 JUN 22 2022

ORDINANCE NUMBER 32236

DATE PUBLISHED JUN 25 2022

ATTESTED BY: