

9-13-16

ORDINANCE NO. 30180

An ordinance amending Chapter 47A, "Transportation For Hire," of the Dallas City Code, as amended, by amending Sections 47A.1-4, 47A-1.6, 47A-2.1.2, 47A-2.1.8, 47A-2.2.1, 47A-2.3.2, 47A-2.3.3, 47A-2.3.5, 47A-2.4.8, 47A-2.5.1, and 47A-2.5.2; clarifying certain exclusions and definitions; clarifying insurance requirements; providing that an operating authority may not own a certain interest or maintain control over entities that inspect vehicles as required to obtain a vehicle permit under this chapter; providing that the director may request information to verify airport fees from operating authorities; adding requirements for vehicle permits; removing certain vehicle quality standards; synchronizing the vehicle permit validity period with the state registration period; adjusting the flat rates from Love Field and Dallas-Fort Worth International Airports; clarifying what flat rates from the airports include; and making certain other grammatical changes; 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 Section 47A.1-4, "Exclusions," of Article I, "General Provisions," of Chapter 47A, "Transportation for Hire," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 47A-1.4. EXCLUSIONS.

This chapter does not apply to:

- (1) a vehicle operating as a Dallas Area Rapid Transit ("DART") vehicle[s];
- (2) courtesy vehicles;
- (3) carpooling;

(4) the transportation of a person by a transportation-for-hire vehicle licensed by another governmental entity from a point outside the city to a destination inside the city, if the transportation-for-hire vehicle leaves the city without receiving a passenger inside the city;

(5) a motor vehicle used to transport persons for hire that is regulated by another chapter of this code, such as ambulances regulated under Chapter 15D, "Emergency Vehicles"; or

(6) a bus or shuttle vehicle that is:

(A) operated for a funeral home in the performance of funeral services;

(B) provided by an employer or employee association for use in transporting employees between the employees' homes and the employer's place of business or between workstations, with the employees reimbursing the employer or employee association in an amount calculated only to offset the reasonable expenses of operating the vehicle;

(C) owned and operated by the federal or state government, by a political subdivision of the state, or by a person under contract with the city for operation of the vehicle;

(D) used to transport children to or from school if only a fee calculated to reasonably cover expenses is charged;

(E) regulated by Texas Department of Transportation (TXDOT) or the Federal Motor Carrier Safety Administration (FMCSA) [~~operated under state or federal authority unless subject to the city's regulatory authority~~];

(F) owned by a nonprofit organization and carrying only passengers associated with that organization, if no compensation is received from any other person for carrying the passengers; or

(G) operated under authority granted by the Surface Transportation Board."

SECTION 2. 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 fee for an operating authority permit is \$278 per year for transportation-for-hire service provided by non-motorized passenger transport vehicles, and \$282 per year for transportation-for-hire service provided by all other transport vehicles.

(b) The fee for a transportation-for-hire vehicle permit is \$77 per vehicle permit per year for non-motorized passenger transport vehicles, and \$3 per vehicle permit per year or any

~~portion thereof, for all other transportation-for-hire vehicles. [If a vehicle permit is issued for a period of time of less than one year, the fee will be prorated.]~~

(c) The fee for a driver permit is \$30 per two years. If a driver permit is issued for a period of time of less than two years, the fee will be prorated.”

SECTION 3. That 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:

“SEC. 47A-2.1.2. APPLICATION FOR OPERATING AUTHORITY PERMIT.

(a) To obtain an operating authority permit, a person shall make application in the manner prescribed by the director ~~[this section]~~. The applicant must be the person who will own, control, or operate the proposed transportation-for-hire company.

(b) An applicant shall file with the director a verified application statement, to be accompanied by a non-refundable ~~[nonrefundable]~~ 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 [a willingness to provide] 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 4. That 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:

"SEC. 47A-2.1.8. TRANSPORTATION-FOR-HIRE SERVICE AT DALLAS LOVE FIELD AIRPORT AND DALLAS-FORT WORTH INTERNATIONAL AIRPORT.

(a) In general. In addition to complying with this chapter, an operating authority providing transportation-for-hire services at Dallas Love Field Airport or Dallas-Fort Worth International Airport shall comply with all of the rules and regulations of those airports.

(b) Dallas Love Field Airport. An operating authority that tracks vehicle location for ground transportation 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 5. That 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:

"SEC. 47A-2.2.1. DRIVER PERMIT REQUIRED.

(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 issued under this article.

(b) An operating authority may not knowingly request or allow a person who does not hold a valid driver permit issued under this article to drive a transportation-for-hire vehicle for the purpose of providing transportation-for-hire services for that operating authority.”

SECTION 6. 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 [~~or renewal of a vehicle permit~~], a permit applicant [~~person~~] must provide the director or an approved company with the following information, including the [~~and documents~~]:

(1) vehicle’s current state issued vehicle registration expiration year and month [~~and safety inspection expiration year and month~~];

(2) permit applicant’s name, mailing address, email address, and telephone contact information [~~proof that within the preceding 90 days, the vehicle has been inspected and certified as meeting the requirements in Section 47A-2.3.3~~];

(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.

(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 certified as meeting the requirements in Section 47A-2.3.3 of this chapter.”

SECTION 7. 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 [~~is mechanically sound and road worthy, the exterior and interior are clean and appear new or substantially like new, and meets the following standards~~]:

(1) the exterior and interior are clean and appear new or substantially like new [~~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~~];

(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 [~~paint in good condition, free of scratches or other obvious unrepaired damage, visible fading, runs, peeling, overspray, mismatched colors, or excessive “orange peel”~~];

(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 [~~all recall work recommended by the vehicle’s manufacturer has been performed~~];

(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 [~~all exterior lights function and are aimed as designed by the manufacturer~~];

(5) front and rear tires, wheels, and wheel covers match and are the proper size and type for the vehicle [~~all doors open and close smoothly using interior and exterior door handles~~];

(6) all recall work recommended by the vehicle’s manufacturer has been performed [~~windshield and windows are in good condition, free of cracks or any condition that obscures visibility~~];

(7) [~~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~~];

(8) ~~all seat belts function smoothly, lock securely, and are free of twists, cuts or visible signs of wear~~;

(9) ~~power windows and locks function properly~~;

(10) ~~windshield wipers function as designed and wiper blades clean properly~~;

- (11) ~~all dashboard lights illuminate as designed;~~
- (12) ~~air conditioner, heater, and defoggers function properly[;]~~
- (13) ~~all interior lights function properly;~~
- (14) ~~all power controlled rearview mirrors function properly;~~
- (15) ~~trunk lid functions properly;~~
- (16) ~~trunk compartment contains a proper spare tire in good condition with proper tread depth and air pressure, and all tools required to change a tire;~~
- (17) ~~engine hood release operates properly;~~
- (18) ~~all engine compartment fluid levels are at manufacturer recommended levels;~~
- (19) ~~no leaks or excessive noise emitting from the fuel pump, cooling system, water pump, engine, or transmission;~~
- (20) ~~all engine belts are in good condition with no visible signs of damage or excessive wear;~~
- (21) ~~air filter is clean;~~
- (22) ~~engine oil is clean and free of contaminants;~~
- (23) ~~battery is at full charge, tests to proper standards and shows no visible signs of damage or leakage;~~
- (24) ~~front and rear tires, wheels and wheel covers match and are the proper size and type for the vehicle;~~
- (25) ~~front and rear tires contain the proper air pressure, sidewalls are in good condition, and tread depth is a minimum of 5/32";~~
- (26) ~~all lug nuts are properly torqued;~~
- (27) ~~brake rotors show no signs of warpage, heat damage, or excessive wear;~~
- (28) ~~brakes, including parking brakes, and brake assemblies, calipers, lines, hoses and cables show no signs of leakage, damage, or excessive wear;~~

~~(29) vehicle chassis, including frame rails, subframe, transmission case or pan, drive shaft, fuel tank and components, steering system, differential assembly, exhaust system, transmission mounts, and struts/shocks show no sign of damage, leakage, or excessive wear;~~

~~(30) on startup, engine idles normally; and~~

~~(31) while driving, engine performs normally, transmission shifts normally, brakes function normally, no warning lights illuminate, and steering functions normally, with no abnormal vibration].~~

(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.

(c) 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 8. That Section 47A-2.3.5, “Expiration of 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-2.3.5. EXPIRATION OF VEHICLE PERMIT.

A [The] vehicle permit is valid for the period of and expires concurrently with the permitted vehicle’s state registration displayed on the vehicle at the time the permit is issued ~~[expires one year from the date it is issued].”~~

SECTION 9. That Section 47A-2.4.8, “Rates and Fares,” 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-2.4.8. RATES AND FARES.

(a) For purposes of this section, “payor” means the person paying for transportation-for-hire service.

(b) An operating authority shall inform the payor of the rate for the transportation-for-hire service before the transportation-for-hire service is provided.

(c) An operating authority must disclose its rates on a publicly remotely accessible data site. An operating authority must also disclose its rates on a sign placed in or on all hailable transportation-for-hire vehicles operated under the operating authority's permit.

(d) A driver or operating authority shall provide the payor of a fare with a legible receipt at the time of payment. The receipt, alone or in combination with additional contemporaneously produced document(s), must contain the following information:

- (1) the fare rate;
- (2) the total fare;
- (3) an itemization showing how the fare was calculated;
- (4) the trip distance (if fare based in whole or in part on distance);
- (5) the duration of the trip in minutes (if fare based in whole or in part on time);
- (6) the name of the operating authority under which the driver was operating at the time of the ride;
- (7) the driver's first name and driver permit number; and
- (8) the vehicle permit number.

(e) The receipt may be submitted to the payor electronically if the ride was dispatched electronically or if the payor agrees to accept an electronic receipt.

(f) Hailable vehicles shall not charge any fare for providing transportation-for-hire service in the city that exceeds the maximum rates of fare authorized by the following schedule:

- (1) General fares.
 - (A) Initial meter drop: \$2.25;
 - (B) Each 1/9 mile: \$0.20;
 - (C) Traffic delay time/waiting time, per 1- 1/2 minutes: \$0.45; and
 - (D) Each extra passenger (up to manufacturer's rated seating capacity): \$2.00.
- (2) Love Field Airport fares.

(A) Each [~~passenger-carrying~~] trip departing from the airport (in addition to the general fare) shall include the trip fee as that trip fee is set in Chapter 5 of this code, as amended. [~~\$0.50~~]

(B) Minimum charge for each trip departing from the airport: \$8.00.

(C) Flat rate for each trip either originating at the airport and terminating at a location within the Dallas Central Business District area or originating at a location within the Dallas Central Business District area and terminating at the airport: \$21[+8].00.

(D) Flat rate for each trip either originating at the airport and terminating at a location within the Dallas Market Center area or originating at a location within the Dallas Market Center area and terminating at the airport: \$18[+5].00.

(3) Dallas-Fort Worth International Airport fares.

(A) Minimum charge for each terminal transfer: \$7.00.

(B) Minimum charge for each trip that requires exiting the Airport parking plaza and terminates inside of airport property: \$14.50.

(C) Minimum charge for each trip that requires exiting the Airport parking plaza and terminates outside of airport property: \$17.00.

(D) Flat rate for each trip either originating at the airport and terminating at a location within the Dallas Central Business District area or originating at a location within the Dallas Central Business District area and terminating at the airport: \$45[0].00.

(E) Flat rate for each trip either originating at the airport and terminating at a location within the Dallas Market Center area or originating at a location within the Dallas Market Center area and terminating at the airport: \$37[+2].00.

(4) Gasoline surcharge.

(A) A gasoline surcharge approved by the director may be added to a hailable vehicle fare when the average weekly retail price of regular grade gasoline in the State of Texas exceeds \$2.00 per gallon as determined by the United States Department of Energy, Energy Information Administration.

(B) The gasoline surcharge will be calculated in \$0.50 increments and applied per trip. For every \$0.50 increase or decrease in the average price per gallon of gasoline above the \$2.00 threshold, the per trip surcharge fee will be adjusted \$0.50 up or down to reflect the change in the average gasoline price. For example:

| AVERAGE PRICE OF GASOLINE (PER GALLON) | AMOUNT OF SURCHARGE (PER TRIP) |
|--|--------------------------------|
| \$2.00 or less | No surcharge |
| \$2.01 to \$2.50 | \$0.50 |
| \$2.51 to \$3.00 | \$1.00 |
| \$3.01 to \$3.50 | \$1.50 |
| Each additional \$0.50 increase in the average per gallon price of gasoline | Additional \$0.50 per trip |

(C) The director shall determine the gasoline surcharge on a quarterly basis each year by checking, in accordance with the following schedule, the average price per gallon of gasoline as posted by the United States Department of Energy in its weekly updates:

| DATE OF QUARTERLY PRICE CHECK BY DIRECTOR | DATE OF QUARTERLY ADJUSTMENT (IF REQUIRED) |
|--|--|
| December 20 | January 1 |
| March 20 | April 1 |
| June 20 | July 1 |
| September 20 | October 1 |

(g) Each driver of a hailable vehicle shall charge the rates of fare prescribed in Subsection (f) in accordance with the following terms and conditions:

(1) "Dallas Central Business District area" includes:

(A) the Dallas Central Business District, which is the area bounded by Woodall Rodgers Freeway on the north, Central Expressway on the east, R. L. Thornton Freeway on the south, and Stemmons Freeway on the west; and

(B) all points located within 1,000 feet of the Dallas Central Business District boundaries described in Paragraph (1)(A) of this subsection.

(2) "Dallas Market Center area" includes:

(A) the Dallas Market Center, which is the area bounded by Medical District Drive [~~Motor Street~~] on the northwest, Harry Hines Boulevard on the northeast, Oak Lawn Avenue on the southeast, and Irving Boulevard on the southwest; and

(B) all points located within 1,000 feet of the Dallas Market Center boundaries described in Paragraph (2)(A) of this subsection.

(3) “Extra passengers” means the total number of passengers, less one, riding in the same vehicle whether or not going to the same destination.

(4) “Traffic delay time” is that time, as set and determined by the meter, during which the vehicle is stopped in traffic or proceeding at a speed of less than 11.5 miles per hour due to traffic conditions.

(5) “Waiting time” may be charged only when a passenger or party requests a vehicle to wait and be held exclusively for the use of that passenger or party.

(6) Passengers in the same vehicle traveling between the same points must be considered as one trip, and a multiple fare may not be charged. The only extra charge permitted for additional passengers is the \$2.00 allowed under Subsection (e) for each extra passenger.

(7) When passengers in the same vehicle have different destinations, the fare must be collected and the meter must be reset at each destination point, except when the vehicle is engaged by, and the fare for the entire trip is paid by, one passenger or party. The \$2.00 charge for each extra passenger is permitted under this paragraph only when the fare for the entire trip is paid by one passenger or party or when more than one passenger disembarks at a single location.

(8) A passenger or party must reimburse the driver for all lawful tolls paid during the time of engagement only if the passenger or party was notified of the toll route beforehand by the driver and did not object to the toll route.

(9) Flat rate fares provided in Subsection (f) of this section, as amended, shall include all fares described in this section, except for the extra passenger fare, also as described in this section.

(h) The director shall periodically review the hailable vehicle rates of fare and, after receiving input from operators and drivers of hailable vehicles, recommend any change to the city council. The city council shall hold a public hearing to consider the proposed change in rates of fare. After the hearing, the city council may approve, disapprove, or modify the proposed change.

(i) Nothing in this section prohibits a hailable vehicle from being operated for a discounted rate or charge.”

SECTION 10. That Subsection (c) of Section 47A-2.5.1, “Insurance Policy Requirements and Prohibitions,” 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:

“(c) 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 [~~material change to the insurance policy~~];

(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) cover all transportation-for-hire vehicles during all times that the vehicles are operating in furtherance of the operating authority's business, whether the vehicles are owned, non-owned, hired, rented, or leased by the operating authority, and whether the vehicles are or are not listed on a schedule of vehicles provided to the insurance company;

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

(5) require notice to the city of Dallas if the policy is cancelled or if there is a reduction in coverage [~~materially changed~~]; and

(6) comply with all applicable federal, state, or local laws."

SECTION 11. That Subsection (b), "Insurance Policy Limits for Non-Motorized Passenger Transport 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:

"(b) Insurance policy limits for non-motorized passenger transport vehicles. The commercial general liability insurance for non-motorized passenger transport vehicles must provide combined single limits of liability for bodily injury and property damage of not less than \$500,000 for each occurrence, or the equivalent, and include coverage for premises operations, independent contractors, products/completed operations, personal injury, contractual liability, and medical payments. Coverage for medical payments must include a minimum limit of \$5,000 per person. [~~Aggregate limits of liability are prohibited.~~]"

SECTION 12. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.


SECTION 13. That Chapter 47A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 14. 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 15. 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 D. BOWERS, Interim City Attorney

By  _____
Assistant City Attorney

SEP 14 2016

Passed _____



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 SEP 14 2016

ORDINANCE NUMBER 30180

DATE PUBLISHED SEP 17 2016

ATTESTED BY: