

Memorandum



CITY OF DALLAS

DATE March 27, 2015

TO The Honorable Mayor and Members of the City Council

SUBJECT Implementation of Transportation for Hire Regulations

On Wednesday, April 1, 2015, the City Council will be briefed on the Implementation of Transportation for Hire Regulations. The briefing is attached for your review.

Please contact me if you have any questions.

A handwritten signature in blue ink that reads "J Zapata".

Joey Zapata
Assistant City Manager

Attachment

c: A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Ryan S. Evans, First Assistant City Manager

Eric D. Campbell, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council



City of Dallas

IMPLEMENTATION OF TRANSPORTATION FOR HIRE REGULATIONS

APRIL 1, 2015

Dallas City Council



Purpose

- ▶ Provide update on progress to date on implementing Transportation for Hire Ordinance
- ▶ Review transition plans
- ▶ Post implementation

Key Dates

- ▶ The “Transportation for Hire” ordinance was approved by City Council on December 10, 2014
- ▶ The ordinance repealed Chapters 10, 10A, 10B, and 45 of the City Code, amended Chapter 5, and added a new Chapter 47A
- ▶ The ordinance will take effect on April 30, 2015

Key Provisions

- ▶ All business models require operating authority, permitted drivers, and permitted vehicles
- ▶ Barriers to entry and to competition are removed
- ▶ Vehicles must meet quality standards, not age limits
- ▶ Tiered insurance based on passenger capacity with increase to \$1 million combined single limit (CSL) for largest vehicles
- ▶ Service rules require city wide service, prohibit discrimination, and require wheelchair accessible vehicle be dispatched on request
- ▶ “Head of the line” privileges at Love Field for all Smartway certified hailable vehicles model year 2011 or newer
- ▶ Hailable vehicles maintain set (taxi) rates; all others are free market published rates

Stakeholder Meetings

- ▶ Formal bi-weekly implementation meetings began with stakeholders in early January
 - Stakeholders included Independent Taxi Operators Association, Uber, Irving Holdings/Yellow Cab, Cowboy/Ranger Cab, Star Cab, Lyft, DFW Limo Association, ALOODFW, and Limo and Taxi International Group
- ▶ Informal communications on more frequent basis
- ▶ Worked together to ensure as smooth of an implementation as possible for all parties

Staff Workgroup

- ▶ Weekly meetings began with a cross-departmental implementation team in December
 - City Manager's Office
 - Code Compliance
 - City Attorney's Office
 - Communication & Information Services
 - Business Development & Procurement Services
 - Dallas Police Department
 - Aviation

Vehicle Inspections

- ▶ Identified vendors to provide inspection services that meet the requirements in the ordinance
- ▶ Staff will maintain a list of third-party vendors and locations
 - Third-party vendors sign Memo of Understanding (MOU) to conduct inspections to City standards
 - City will no longer conduct inspections and will not inspect vendor sites, but will enforce vehicle quality standards
- ▶ 12 currently identified vendors with 28 locations throughout the Metroplex
 - New vendors may offer their services at any time and will be added to the list with MOU

Vehicle Permits

- ▶ New vehicle permit stickers have been designed and ordered
- ▶ After a vehicle is inspected, the vehicle permit sticker will be mailed to person of record for the vehicle or may be picked up in person at the Transportation Regulation office

Background Checks

- ▶ To perform the required background check, a driver may use either the City's background check company, or a third-party background check company
 - City's background check company will run background checks on drivers who apply directly to the City
 - A driver may use a third-party background check company if applying through an operating authority
 - City will conduct audits to ensure that the third-party companies are in compliance with background check requirements in ordinance

Insurance

- ▶ Ordinance requires contingent primary auto liability coverage 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
 - \$50,000 per person
 - \$100,000 per occurrence for bodily injury
 - \$25,000 in property damage

Insurance (cont.)

- ▶ Ordinance requires tiered insurance based on passenger capacity
 - Primary commercial automobile liability coverage with combined single limit of \$500,000 for vehicles with a manufacturer's seating capacity of 1 – 8 passengers
 - Primary commercial automobile liability coverage with combined single limit of \$1,000,000 for vehicles with a manufacturer's rated seating capacity of 9 or more passengers
- ▶ Vehicle and driver must be covered from the time a driver accepts a ride request, either by physically hailed or dispatched, to the time the passenger exits the vehicle

Insurance (cont.)

- ▶ Driver must keep proof of any and all liability insurance policies applicable to the driver or vehicle in the vehicle at all times
- ▶ Approval of Operating Authority requires approval of insurance policy by City's vendor (CertFocus)
- ▶ Staff has received and is reviewing policies
- ▶ Policies must be approved and in place by April 30th

Training

- ▶ Training content has been developed
- ▶ Training will be made available to all Operating Authorities and drivers
- ▶ Confirmation of completion as part of submitting application

Facility Enhancement

- ▶ Increased volume of walk-in applicants expected
- ▶ Will add a second window for servicing customers

Fee Study

- ▶ Fees were initially estimated when ordinance was passed
- ▶ More in-depth study completed by City's consultant for fee studies in March to determine extent of full cost recovery
- ▶ Fees recommended:
 - Driver Permit – \$30.00
 - City Background Check – \$23.00
 - Vehicle Permit – \$3.00
 - Operating Authority – \$282.00
- ▶ To be considered on April 8th Council agenda

Technology

- ▶ City contracted with Mitchell Humphrey & Co. for “FastTrackGov” hosted solution
- ▶ Functionality
 - Transportation Regulation
 - Process automation
 - Drivers
 - Online vehicle registration, license renewals, and fee payments
 - Online status reports concerning drivers and vehicles
 - Citizens
 - Online comment submissions
 - Online access to licensed companies and rate information

Technology (cont.)

- ▶ **Implementation Status**
 - Configuration being done by Mitchell Humphrey & Co. based upon requirements developed jointly with City staff
- ▶ Information on existing drivers and vehicles will be uploaded into the system prior to implementation

Outreach

- ▶ The Public Information Office is assisting with the development of community messaging around the implementation
 - City's role in Transportation for Hire regulation
 - What to look for regarding transportation providers
 - How to submit comments
 - Where to find more information

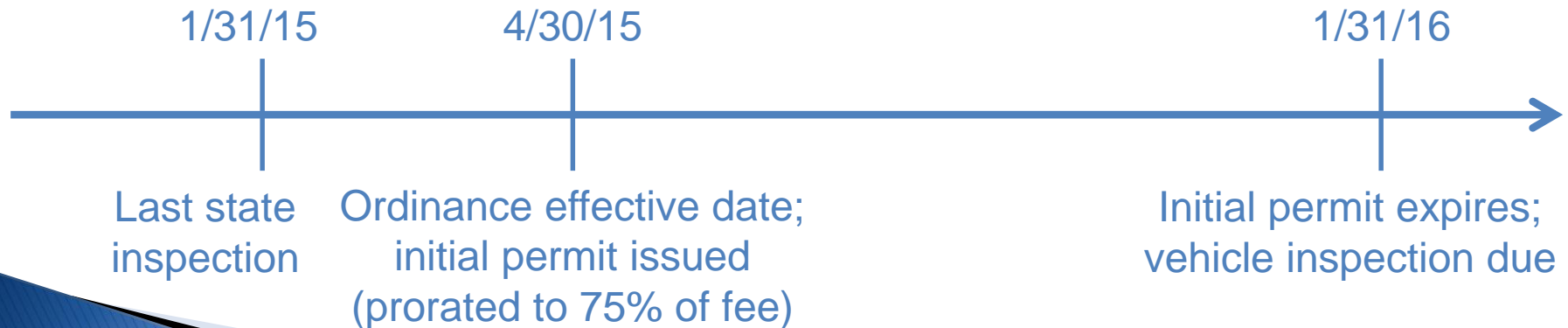
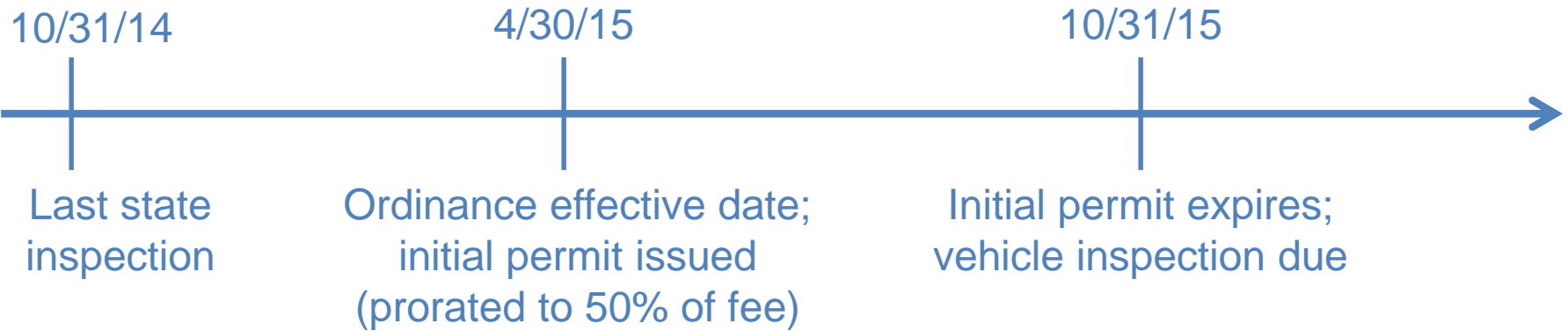
Transition Plan

▶ Vehicle Inspections

- Initial Vehicle Permits will expire at the same time as the vehicle's current state registration expires
 - Amount due for Vehicle Permit will be prorated
 - All 31 vehicle quality standards in the ordinance are still in effect and may be enforced, although the vehicle will not have to be inspected until the initial permit expires
- Allows Transportation for Hire (TFH) providers to complete state and City inspections in one visit to inspection facility
- Anticipated to reduce costs to TFH providers

Transition Plan

Vehicle Inspection Examples:



Transition Plan

- ▶ Background Checks for Driver Permits
 - Initial Driver Permit will be issued to expire one year from last background check
 - Amount due for Driver Permit will be prorated to expiration date

Post Implementation

- ▶ DPD enforcement
- ▶ Automation between Transportation for Hire companies and Mitchell Humphrey & Co. (FastTrackGov) for application processes
- ▶ Automation of vehicle inspection information and vehicle permitting

Appendix

Adopted Ordinance

12/10/14

ORDINANCE NO. 29596

An ordinance amending Chapter 5, "Aircraft and Airports," of the Dallas City Code; repealing Chapter 10, "Buses and Shuttles," Chapter 10A, "Limousines," Chapter 10B, "Non-Motorized Passenger Transport Vehicles," and Chapter 45, "Taxicabs," of the Dallas City Code; adding a new Chapter 47A, "Transportation for Hire," to the Dallas City Code; providing regulations for all transportation-for-hire vehicles; making conforming changes; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; and

WHEREAS, the city council believes it is in the interest of the public health, safety, and welfare to prohibit persons convicted of certain crimes from driving transportation-for-hire vehicles in the city of Dallas until the respective time periods designated in Section 47A-2.2.2 have expired; and

WHEREAS, the city council, in accordance with Chapter 53 of the Texas Occupations Code, has considered the following criteria:

- (1) the nature and seriousness of the crimes;
- (2) the relationship of the crimes to the purposes for requiring a permit to drive a transportation-for-hire vehicle;
- (3) the extent to which a driver permit might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously has been involved; and
- (4) the relationship of the crimes to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of driving a transportation-for-hire vehicle;

and has determined that the crimes listed in Section 47A-2.2.2 of Chapter 47A, "Transportation for Hire," of the Dallas City Code, as set forth in this ordinance, are serious crimes that are directly related to the duties and responsibilities of the drivers of transportation-for-hire vehicles; and

WHEREAS, the city council has determined that the very nature of driving a transportation-for-hire vehicle brings such a person into constant contact with the public, which gives the person repeated opportunities to participate in crimes of violence or dishonesty, or crimes against the public health, safety, or morals, should the person be so inclined, and, thus, it is the finding of the city council that the crimes listed Section 47A-2.2.2 of Chapter 47A, "Transportation for Hire," of the Dallas City Code, as set forth in this ordinance, render a person unable, incompetent, and unfit to perform the duties and responsibilities of a driver of a transportation-for-hire vehicle in a manner that would promote the public safety and trust; and

WHEREAS, the city council has determined that no person who has been convicted of a crime listed in Section 47A-2.2.2 of Chapter 47A, "Transportation for Hire," of the Dallas City Code, as set forth in this ordinance, is presently fit to drive a transportation-for-hire vehicle in the city until the respective time periods designated in that section have expired, and, thus, should be disqualified from being issued a permit to drive a transportation-for-hire vehicle until the expiration of those time periods; Now, Therefore,

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

SECTION 1. That Article II, "Ground Transportation Services at Love Field Airport," of Chapter 5, "Aircraft and Airports," of the Dallas City Code is amended to read as follows:

"ARTICLE II.

GROUND TRANSPORTATION SERVICES AT LOVE FIELD AIRPORT.

SEC. 5-57. STATEMENT OF POLICY.

It is the policy of the city to provide and promote adequate and efficient ground transportation services at Dallas Love Field Airport for the convenience of the public. To this end, the city has established a ground transportation system at the airport designed to control

traffic congestion, protect the public health and safety, preserve the airport infrastructure, and provide beneficial and convenient ground transportation services to air carrier passengers and other users at the airport.

SEC. 5-58. DEFINITIONS.

In this article:

(1) AIRPORT means all of the land, improvements, facilities, and developments within the boundaries of Dallas Love Field Airport.

(2) ~~[AUTOMATIC VEHICLE IDENTIFICATION (“AVI”)]~~ TAG means an electronic automatic vehicle identification tag issued by the North Texas Tollway Authority that is registered with the airport’s ground transportation office and is ~~[may be]~~ used to charge trip fees for ground transportation vehicles operating at the airport.

(3) ~~[BUS has the definition given that term in Chapter 10 of this code.~~

(4) CERTIFICATE OF REGISTRATION or REGISTRATION means a certificate of registration issued by the director under Section 5-62 of this article that authorizes the operation of a courtesy vehicle or transportation-for-hire vehicle ~~[service]~~ at the airport.

(4[5]) CONCESSION CONTRACT means a contractual agreement between the city and another person for the provision of car rental and parking services at the airport, under which the city receives a minimum monthly payment or percentage of the gross revenues received by the contractor for such services.

(5[6]) COURTESY VEHICLE means any vehicle used to offer or provide courtesy vehicle services ~~[a motor vehicle that is:~~

(A) ~~neither for hire nor used to transport a passenger in exchange for direct compensation; and~~

(B) ~~operated by or on behalf of a hotel, motel, automobile rental, auto auction, or parking company in performing ground transportation service at the airport].~~

(6[7]) COURTESY VEHICLE SERVICE means the provision of free transportation to customers by or for a business as an accessory to the main activities of the business ~~[business of performing ground transportation service using courtesy vehicles].~~

(7[8]) DECAL means a decal issued by the director under Section 5-62 of this article authorizing a courtesy vehicle or transportation-for-hire vehicle to be operated at the airport.

(9) ~~DEDICATED COMPRESSED NATURAL GAS VEHICLE~~ means ~~a vehicle that operates exclusively on compressed natural gas.]~~

(8[10]) DIRECTOR means the city's director of aviation or the director's designated representative, including the transportation coordinator.

(9[11]) DRIVER means an individual who drives or otherwise controls the physical movements of [~~operates~~] a courtesy vehicle or transportation-for-hire [~~ground transportation~~] vehicle.

(10[12]) FIXED-BASE OPERATOR means a person who provides full-service aircraft maintenance, aircraft rental, passenger charter flight service, or fuel operations for compensation at the airport.

(11[13]) GROUND TRANSPORTATION SERVICE means the business of operating a courtesy vehicle or transportation-for-hire vehicle [~~using the roadways~~] at the airport for the purpose of dropping off or picking up passengers at the airport's terminal building or other areas of the airport.

(12[14]) GROUND TRANSPORTATION VEHICLE means a courtesy vehicle or transportation-for-hire [~~taxicab, bus, shuttle vehicle, limousine, or courtesy~~] vehicle that is used for performing ground transportation service at the airport.

(13[15]) HOLDER means a person who is granted operating authority to perform ground transportation service at the airport, and includes any person with an ownership interest in the ground transportation service.

(14[16]) LAWFUL ORDER means a verbal or written directive issued by the director in the performance of official duties in the enforcement of this article and any rules and regulations promulgated under in this article.

[(17) LIMOUSINE has the definition given that term in Chapter 10A of this code.]

(15[18]) OPERATE means:

(A) to own, drive, or be in control of a ground transportation vehicle at the airport; or

(B) to own or be in control of a ground transportation service provided at the airport.

(16[19]) OPERATING AUTHORITY has the definition given that term in Chapter 47A of this code [~~means a permit, reciprocal agreement, certificate of registration, or other permission granted by the city to operate ground transportation service:~~

(A) ~~a bus or shuttle service under Chapter 10 of this code;~~

- ~~(B) a limousine service under Chapter 10A of this code;~~
- ~~(C) a taxicab service under Chapter 45 of this code; or~~
- ~~(D) a courtesy vehicle service under this article].~~

(17[20]) OPERATOR means:

- (A) the owner or driver of a ground transportation vehicle; or
- (B) the holder of operating authority to perform ground transportation service at the airport.

(18[21]) OWNER means the person:

- (A) who is the legal owner of a motor vehicle;
- (B) to whom a motor vehicle is registered by the state; or
- (C) who is leasing a motor vehicle.

(19[22]) 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.

~~[(23) SHUTTLE VEHICLE has the definition given that term in Chapter 10 of this code.~~

~~(24) TAXICAB has the definition given that term in Chapter 45 this code.]~~

(20[25]) TRANSPORTATION COORDINATOR means the person designated by the director to oversee and manage the ground transportation service operations at the airport.

(21) TRANSPORTATION-FOR-HIRE SERVICE has the definition given that term in Chapter 47A of this code.

(22) TRANSPORTATION-FOR-HIRE VEHICLE has the definition given that term in Chapter 47A of this code.

(23[26]) TRIP means each time passengers are picked up at the airport by a ground transportation vehicle.

(24[27]) TRIP FEE means the monetary amount charged per trip to the owner or operator of a ground transportation vehicle in accordance with Section 5-63 of this article.

SEC. 5-59. GENERAL AUTHORITY FOR ENFORCEMENT.

(a) The director shall implement and enforce this article and may promulgate and enforce written rules and regulations, not inconsistent with this article, governing the operation of ground transportation vehicles and ground transportation services at the airport as the director determines necessary to provide for the orderly, efficient, and convenient flow of traffic, to protect the public health and safety, and to manage the ground transportation system at the airport.

(b) The director may issue lawful orders, not inconsistent with this article, as the director determines necessary to carry out duties under, or to effect the policy of, this article.

(c) The transportation coordinator is authorized to enforce this article and all rules, regulations, and lawful orders promulgated or issued by the director under this article.

SEC. 5-60. DEFENSES.

It is a defense to prosecution under this article that:

(1) the motor vehicle was owned, operated, or leased by:

(A) a nonprofit organization and being used to carry only passengers associated with that organization, if no compensation is received from any other person for carrying the passengers;

(B) an employer or employee association and being used to transport employees between the employee's homes and the employer's place of business or between work stations;

(C) an air freight or cargo company utilizing air cargo terminals at the airport;

(D) a fixed-based operator and being used to transport employees or customers at the airport;

(E) the federal or state government or a political subdivision of the state; or

(F) a school, university, organ donor company, medical service provider, or ambulance service; or

(2) the ground transportation vehicle was licensed by another governmental entity and was transporting a passenger from a point outside the city to a destination inside the airport, if the ground transportation vehicle leaves the airport without receiving a passenger inside the airport.

SEC. 5-61. GROUND TRANSPORTATION SERVICE REQUIREMENTS.

(a) A person commits an offense if he ~~[performs ground transportation service at the airport or operates a ground transportation vehicle at the airport without either]:~~

(1) performs ground transportation service at the airport without being authorized under a current, valid certificate of registration issued under Section 5-62 of this article ~~[current, valid operating authority granted by the city under this article or under Chapter 10, 10A, or 45 of this code]; or~~

(2) operates, or as a holder allows the operation of, a ground transportation vehicle at the airport without the operator of the vehicle being named in the registration issued under Section 5-62 of this article and without the vehicle being listed in the registration issued under Section 5-62 of this article ~~[a license to perform ground transportation service at the airport pursuant to the terms and conditions contained in a concession contract with the city].~~

(b) A person commits an offense if he performs transportation-for-hire service at the airport or operates a transportation-for-hire vehicle at the airport without current, valid operating authority under Chapter 47A of this code.

~~(c[b])~~ Each ground transportation vehicle operated at the airport must display an AVI ~~[a valid automatic vehicle identification]~~ tag issued to the owner or operator of the vehicle. The AVI tag must be affixed to the vehicle in a location and manner approved by the director. An AVI tag is not transferable.

~~(d[e])~~ Each ground transportation ~~[courtesy]~~ vehicle must have a decal issued under Section 5-62 of this article conspicuously affixed to the vehicle's front windshield in a location and manner approved by the director.

~~[SEC. 5-61.1. TAXICABS THAT ARE DEDICATED COMPRESSED NATURAL GAS VEHICLES.~~

~~(a) A taxicab authorized to operate at the airport will be eligible for "head of the line" privileges in the taxicab holding and dispatch areas if the taxicab is verified as a dedicated compressed natural gas vehicle by the director in accordance with this section and rules, regulations, and procedures promulgated by the director.~~

~~(b) "Head of the line" privileges allow an eligible taxicab to advance to the front of a taxicab holding or dispatch area, ahead of all ineligible taxicabs, in accordance with rules, regulations, and procedures promulgated by the director. "Head of the line" privileges do not apply at taxicab stands used for loading passengers at the airport.~~

~~(e) To receive "head of the line" privileges, the owner or operator of the taxicab must submit to the director the following information:~~

~~(1) The name, address, and telephone number of the taxicab owner or operator.~~

~~(2) A description of the taxicab, including the make, model, vehicle identification number, and state license plate number of the taxicab.~~

~~(3) Proof that the taxicab was:~~

~~(A) equipped by the original manufacturer with an engine exclusively powered by compressed natural gas and has remained unaltered; or~~

~~(B) converted to be equipped with an engine exclusively powered by compressed natural gas, and the conversion was in compliance with Mobile Source Enforcement Memorandum 1A, the Addendum to Mobile Source Enforcement Memorandum 1A, and the Revised Addendum to Mobile Source Enforcement Memorandum 1A, as issued by the United States Environmental Protection Agency, and with Title 40, Parts 85 through 88, of the Code of Federal Regulations, as amended.~~

~~(4) Any other information requested by the director that is reasonably necessary to determine whether the taxicab is a dedicated compressed natural gas vehicle.~~

~~(d) Upon determining that a taxicab is a dedicated compressed natural gas vehicle, the director shall issue to the taxicab a sticker or emblem that identifies it as a designated compressed natural gas vehicle eligible for "head of the line" privileges. The sticker or emblem must be displayed on the taxicab in a manner and location approved by the director. The sticker or emblem is nontransferable.~~

~~(e) A person commits an offense if he uses a sticker or emblem issued under this section on an unauthorized vehicle or in an unauthorized manner.]~~

SEC. 5-62. REGISTRATION OF GROUND TRANSPORTATION [COURTESY VEHICLE] SERVICE AT THE AIRPORT.

(a) Registration required; application.

~~[(1) A person commits an offense if he:~~

~~(A) performs courtesy vehicle service at the airport without being authorized under a current, valid certificate of registration issued under this section; or~~

~~(B) operates, or as a holder allows the operation of, a courtesy vehicle at the airport without:~~

~~(i) the operator of the vehicle being named in the registration for the courtesy vehicle service; or~~

(ii) ~~the vehicle being listed in the registration for the courtesy vehicle service.]~~

(1[2]) To obtain a ground transportation [~~courtesy vehicle~~] service certificate of registration, a person must submit an application to the director on a form provided for that purpose. The applicant must be the person who will own or operate the proposed ground transportation [~~courtesy vehicle~~] service.

(2[3]) The registration application must include or be accompanied by:

(A) the name, address, and verified signature of the applicant;

(B) a description of each motor vehicle the applicant proposes to use in the operation of the ground transportation [~~courtesy vehicle~~] service, including the make, model, vehicle identification number, and state license plate number of the motor vehicle;

(C) the full name and driver's license number of every individual expected to drive or operate a ground transportation [~~courtesy~~] vehicle at the airport under the registration;

(D) proof of each driver's authority to operate the type of motor vehicle designated by the applicant to be operated in the ground transportation [~~courtesy vehicle~~] service;

(E) documentary evidence from an insurance company indicating a willingness to provide liability insurance on each courtesy vehicle or transportation-for-hire vehicle to be operated at the airport;

(F) for transportation-for-hire vehicles, proof of current, valid operating authority issued by the city under Chapter 47A of this code;

(G) proof showing the purchase or authorized use of a valid AVI tag for each courtesy vehicle or transportation-for-hire vehicle to be operated at the airport;

(H[G]) an annual registration fee in the amount specified in Section 5-63 of this article; and

(I[H]) any other information requested by the director that is reasonably necessary to determine the qualifications of the applicant to perform ground transportation [~~courtesy vehicle~~] service at the airport.

(b) Issuance and denial of registration.

(1) The director shall issue a certificate of registration to the applicant, unless the director determines that the applicant:

(A) failed to comply with the requirements for receiving a certificate of registration;

(B) failed to submit a complete registration application;

(C) made a false statement as to a material matter on or in connection with the registration application;

(D) had a ground transportation [~~courtesy vehicle~~] service certificate of registration revoked within the 24 months preceding the date of application; or

(E) owes the city money relating to the operation of ground transportation service at the airport.

(2) If the director approves the registration application, the applicant will receive a ground transportation [~~courtesy vehicle~~] service certificate of registration and a decal for each vehicle authorized to be operated in the ground transportation [~~courtesy vehicle~~] service. A certificate of registration and all accompanying decals expire September 30 of each year and must be renewed in accordance with the application procedures set forth in this section.

(3) If the director determines that a certificate of registration should be denied, the director shall notify the applicant in writing that the application is denied and include in the notice the reason for the denial and a statement informing the applicant of the right of appeal.

(c) Suspension or revocation of registration.

(1) The director may suspend or revoke a certificate of registration if the director determines that:

(A) the holder made a false statement as to a material matter on or in connection with the registration application;

(B) the holder, or any operator of a courtesy vehicle or transportation-for-hire vehicle authorized under the holder's registration, failed to pay any fee required by this article at the time or in the manner required by this article or approved by the director;

(C) the holder, or any operator of a courtesy vehicle or transportation-for-hire vehicle authorized under the holder's registration, used an AVI tag or courtesy vehicle or transportation-for-hire vehicle decal in an unauthorized manner; or

(D) the holder, or any operator of a courtesy vehicle or transportation-for-hire vehicle authorized under the holder's registration, failed to comply with any provision of this article or any rule, regulation, or lawful order promulgated or issued by the director under this article.

(2) The director may suspend the certificate of registration of a ground transportation [~~courtesy vehicle~~] service for a period not to exceed 60 days. The director may apply the suspension to all of the holder's courtesy vehicle or transportation-for-hire vehicle operations at the airport or limit the suspension to the particular courtesy vehicle or transportation-for-hire vehicle operator listed on the holder's certificate of registration who is responsible for creating the grounds for the suspension. At the end of the suspension period, the holder or the courtesy vehicle or transportation-for-hire vehicle operator, whichever applies, may resume providing courtesy vehicle or transportation-for-hire vehicle service at the airport after providing verification to the director that any deficiency for which the suspension was given has been corrected within the suspension period. Failure to correct a deficiency within the time period established by the director may result in revocation of the holder's certificate of registration.

(3) The director shall notify the holder in writing of any suspension or revocation under this section. Written notice must also be given to any particular courtesy vehicle or transportation-for-hire vehicle operator whose authority to operate at the airport under a holder's certificate of registration is suspended under this section. The director shall include in the notice the reason for the suspension or revocation, the scope of the suspension, the date the director orders the suspension or revocation to begin, the duration of any suspension, and a statement informing the holder and any suspended courtesy vehicle or transportation-for-hire vehicle operator of the right of appeal. The period of suspension or revocation begins on the date specified by the director or, in the case of an appeal, on the date ordered by the permit and license appeal board.

(4) If the director denies issuance or renewal of a ground transportation [~~courtesy vehicle~~] service certificate of registration, suspends or revokes a holder's certificate of registration, or suspends the authority of a courtesy vehicle or transportation-for-hire vehicle operator to operate at the airport under a holder's certificate of registration, the applicant, holder, or courtesy vehicle or transportation-for-hire vehicle operator, whichever applies, shall immediately cease any ground transportation [~~courtesy vehicle~~] service at the airport and shall promptly surrender and remove any registration decal from any motor vehicle used to perform ground transportation [~~courtesy vehicle~~] service at the airport.

(5) A holder whose certificate of registration has been revoked is not eligible to reapply for another ground transportation [~~courtesy vehicle~~] service certificate of registration before the expiration of 24 months after the date of revocation or, in the case of an appeal, the date the permit and license appeal board affirms the revocation.

(d) Appeal of denial, suspension, or revocation. Any person whose application for issuance or renewal of a ground transportation [~~courtesy vehicle~~] service certificate of registration is denied by the director, any holder whose certificate of registration has been revoked or suspended by the director, or any courtesy vehicle or transportation-for-hire vehicle operator whose authority to operate at the airport under a holder's certificate of registration has been suspended by the director may file an appeal with a permit and license appeal board in accordance with Section 2-96 of this code.

SEC. 5-63. FEES.

(a) A person performing ground transportation service at the airport shall pay the following fees to the director:

(1) ~~Courtesy vehicle service fees.~~

~~(A)~~ Annual registration fee. The annual registration fee for ground transportation ~~[courtesy vehicle]~~ service is \$325 ~~[\$200, except this fee will not be charged to a courtesy vehicle service that is operating at the airport under a concession contract].~~ If a certificate of registration is issued for a period of time of less than one year, the fee will be prorated. A \$50 late fee will be charged for each ground transportation ~~[courtesy vehicle]~~ service operating at the airport that has not registered with the city by September 30 of each year.

~~(2[B])~~ Decal fees. An annual decal fee of \$15~~[40]~~ will be charged for each courtesy vehicle or transportation-for hire vehicle operated at the airport by a ground transportation ~~[courtesy vehicle]~~ service operating at the airport. The fee to replace a decal that has been lost, stolen, or mutilated is \$15~~[40]~~.

~~(3[2])~~ Trip fees. Each courtesy vehicle not operating under an airport concession contract and each transportation-for-hire vehicle will be charged \$2.50 per trip per vehicle.

~~(A)~~ Courtesy vehicles operating under an airport concession contract will not be charged a trip fee. ~~(per vehicle):~~

~~(i) 1 to 240 trips per day: No charge.~~

~~(ii) Over 240 trips per day: \$1.25 per trip.~~

~~(B)~~ Courtesy vehicles not operating under an airport concession contract (per vehicle):

~~(i) 1 to 200 trips per day: \$0.75 per trip.~~

~~(ii) Over 200 trips per day: \$1.25 per trip.~~

~~(C) Buses/shuttle vehicles (per vehicle): \$2.00 per trip.~~

~~(D) Taxicabs (per vehicle): \$1.00 per trip.~~

~~(E) Limousines (per vehicle): \$2.00 per trip.]~~

(b) The director shall establish rules and regulations governing the time and manner in which the fees required by this section must be paid.”

SECTION 2. That Chapter 10, "Buses and Shuttles," of the Dallas City Code is repealed, and Chapter 10 shall be indicated as "Reserved" in the Dallas City Code, as follows:

~~"RESERVED. [CHAPTER 10~~

~~BUSES AND SHUTTLES~~

~~ARTICLE I.~~

~~GENERAL PROVISIONS.~~

~~SEC. 10-1. STATEMENT OF POLICY.~~

~~It is the policy of the city of Dallas to provide for and promote adequate and efficient bus and shuttle service in the city. To this end, this chapter provides for the monitoring of bus and shuttle rates and services, to be carried out in a manner that protects the public health and safety, promotes the public convenience and necessity, and respects the concept of free enterprise.~~

~~SEC. 10-2. GENERAL AUTHORITY AND DUTY OF DIRECTOR.~~

~~The director shall implement and enforce this chapter and may by written order establish such rules or regulations, not inconsistent with this chapter, as the director determines are necessary to discharge any duty under or to effect the policy of this chapter.~~

~~SEC. 10-3. ESTABLISHMENT OF RULES AND REGULATIONS.~~

~~(a) Before adopting, amending, or abolishing a rule or regulation, 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 Article 6252-17, Vernon's Texas Civil Statutes, shall notify each holder 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 the holders and other interested persons of the action taken and shall post an order adopting, amending, or abolishing a rule or regulation on the official bulletin board in the city hall for a period of not fewer than 10 days. The order becomes effective immediately upon expiration of the posting period.~~

~~SEC. 10-4. EXCLUSIONS.~~

~~(a) This chapter does not apply to a bus or shuttle vehicle or to a person operating a bus or shuttle vehicle that is:~~

~~(1) used to transport a person from a point outside the city to a destination inside the city, if the bus or shuttle vehicle leaves the city without receiving a passenger inside~~

~~the city; a bus or shuttle vehicle is considered as having received a passenger inside the city any time a passenger, including one who was originally picked up outside the city, enters the vehicle from a location inside the city;~~

~~(2) operated under state or federal authority unless subject to the city's regulatory authority;~~

~~(3) used to transport persons for hire and is regulated by another city ordinance;~~

~~(4) in the performance of a service involving a point of origin or destination outside the city that was authorized by a certificate of public convenience and necessity issued by the Texas Railroad Commission, except that the director shall prescribe routes, times, and locations for loading, unloading, and stopping on public streets in the city for a bus or shuttle service operated under such a certificate;~~

~~(5) operated for a funeral home in the performance of funeral services;~~

~~(6) 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;~~

~~(7) 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;~~

~~(8) used in a carpool to transport the person and others on a prearranged basis between their homes and places of employment or places of common destination, if only a fee calculated to reasonably cover expenses is charged;~~

~~(9) used to transport children to or from school if only a fee calculated to reasonably cover expenses is charged; or~~

~~(10) 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.~~

~~(b) Articles III and VII of this chapter do not apply to:~~

~~(1) the driver of a bus or shuttle vehicle operated under authority granted by the Interstate Commerce Commission, if the driver is operating within the scope of the driver's employment; or~~

~~(2) a bus or shuttle vehicle operated under authority granted by the Interstate Commerce Commission.~~

SEC. 10-5. DEFINITIONS.

In this chapter:

(1) ~~ALTERNATIVE FUEL~~ means ~~natural gas, liquified petroleum gas, electricity, methanol or methanol/gasoline blends of 85 percent or greater, or ethanol or ethanol/gasoline blends of 85 percent or greater.~~

(2) ~~BUS~~ means a motor vehicle that:

(A) ~~has a manufacturer's rated seating capacity of more than 15 passengers;~~
and

(B) ~~is used for the transportation of persons from a location in the city to another location either inside or outside the city.~~

(3) ~~BUS SERVICE~~ means ~~the business of offering or providing transportation of persons for hire by bus, whether the fare is paid by individuals boarding the bus or by contract with or for a specified group of persons, when:~~

(A) ~~a driver or referral to a driver is furnished as part of the service; and~~

(B) ~~the service is offered either as a charter bus service or a special bus service.~~

(4) ~~BUS/SHUTTLE DRIVER'S PERMIT~~ means a permit issued to an individual by the director authorizing that individual to operate a bus or shuttle vehicle for hire in the city.

(5) ~~CHARTER BUS SERVICE~~ means a bus service for the transport of persons belonging to a specified group that is:

(A) ~~offered only upon a prearranged basis, the prearrangement being made at least one hour in advance of the time the transportation is to begin; and~~

(B) ~~operated from locations within the city to locations either inside or outside the city.~~

(6) ~~CONVICTION~~ means a conviction in a federal court or a court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned.

(7) ~~DIRECTOR~~ means the director of the department designated by the city manager to enforce and administer this chapter or the director's authorized representative.

(8) ~~DRIVER~~ means an individual who drives or operates a bus or shuttle vehicle.

~~(9) GENERAL PUBLIC TRANSPORTATION means a bus service for the transport of persons from the general public along regularly scheduled routes throughout the city, loading and unloading passengers in the street at frequent intermittent stops. The city council finds that the bus service provided in this category by the Dallas Area Rapid Transit system adequately serves the public interest.~~

~~(10) HOLDER means a person who is granted operating authority under this chapter to provide either bus or shuttle service in the city.~~

~~(11) LAWFUL ORDER means a verbal or written directive issued by the director in the performance of official duties in the enforcement of this chapter and any rules and regulations promulgated under this chapter.~~

~~(12) OPERATE means to drive or to be in control of a bus or shuttle vehicle.~~

~~(13) OPERATING AUTHORITY means written permission granted by the director under this chapter to operate a bus or shuttle service.~~

~~(14) OPERATOR means the driver of a bus or shuttle vehicle, the owner of a bus or shuttle vehicle, or the holder of bus or shuttle service operating authority.~~

~~(15) OWNER means the person to whom state license plates for a vehicle were issued.~~

~~(16) PERMITTEE means an individual who has been issued a bus/shuttle driver's permit under this chapter.~~

~~(17) PERSON means an individual, corporation, government or governmental subdivision, or an agency, trust, partnership, or two or more persons having a joint or common economic interest.~~

~~(18) PREAPPROVED REGULARLY SCHEDULED BASIS means a shuttle service operating on a predetermined schedule with a fixed point of pickup and with a final destination located within a fixed zone or sector, all of which have been approved by and are on file with the director.~~

~~(19) PREAPPROVED ROUTE means a bus or shuttle service operating on a predetermined schedule with fixed pickup and destination points located on a route approved by and on file with the director.~~

~~(20) PREARRANGED BASIS means a bus or shuttle service operating with a reservation for service made in advance of the time the transportation is to begin.~~

~~(21) SHUTTLE SERVICE means the business of offering or providing transportation for hire by a shuttle vehicle when:~~

~~(A) the driver is furnished as part of the service; and~~

~~(B) the service is offered on a prearranged basis, a preapproved regularly scheduled basis, or a preapproved route.~~

~~(22) SHUTTLE VEHICLE means a van type motor vehicle that:~~

~~(A) has a manufacturer's rated seating capacity of not less than seven passengers and not more than 15 passengers; and~~

~~(B) is used for the transportation of persons from a location in the city to another location either inside or outside the city.~~

~~(23) SPECIAL BUS SERVICE means a bus service for the transport of persons on a contract basis that is:~~

~~(A) offered in accordance with a preapproved route that must be current and on file with the director; and~~

~~(B) operated from locations within the city to locations either inside or outside the city.~~

~~(24) WHEELCHAIR TRANSPORT VEHICLE means a bus or shuttle vehicle equipped with a lift mechanism or ramp that allows access by passengers in wheelchairs.~~

ARTICLE II.

BUS AND SHUTTLE SERVICE OPERATING AUTHORITY.

SEC. 10-6. OPERATING AUTHORITY REQUIRED.

~~(a) A person commits an offense if he operates a bus or shuttle service within the city without valid operating authority granted under this article.~~

~~(b) A person commits an offense if he advertises or causes to be advertised the operation of a bus or shuttle service that does not have valid operating authority granted under this article when the advertisement is reasonably calculated to be seen by persons seeking bus or shuttle service in the city.~~

~~(c) A person commits an offense if he transports, or offers to transport, a passenger for hire by bus or shuttle vehicle from a location within the city to a location either inside or outside the city unless the person driving the bus or shuttle vehicle or another who employs the driver holds valid operating authority issued under this article.~~

~~(d) A person commits an offense if he hires or employs a bus or shuttle service to pick up passengers in the city that he knows does not have valid operating authority under this article.~~

~~(e) It is a defense to prosecution under Subsection (b) that the person was the publisher of the advertising material and had no knowledge that the bus or shuttle service did not have valid operating authority under this article.~~

~~(f) Separate operating authority is required for each type of service, bus or shuttle, to be operated and for each category of bus service, charter or special, to be operated.~~

SEC. 10-7. QUALIFICATION FOR OPERATING AUTHORITY.

- (a) ~~To qualify for bus or shuttle service operating authority, an applicant must:~~
- ~~(1) be at least 19 years of age;~~
 - ~~(2) be currently authorized to work full time in the United States;~~
 - ~~(3) be able to communicate in the English language; and~~
 - ~~(4) not have been convicted of a crime:~~
 - ~~(A) involving:~~
 - ~~(i) criminal homicide as described in Chapter 19 of the Texas Penal Code;~~
 - ~~(ii) kidnapping as described in Chapter 20 of the Texas Penal Code;~~
 - ~~(iii) a sexual offense as described in Chapter 21 of the Texas Penal Code;~~
 - ~~(iv) robbery as described in Chapter 29 of the Texas Penal Code;~~
 - ~~(v) burglary as described in Chapter 30 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~
 - ~~(vi) theft as described in Chapter 31 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~
 - ~~(vii) fraud as described in Chapter 32 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~

~~(viii) tampering with a governmental record as described in Chapter 37 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~

~~(ix) public indecency (prostitution or obscenity) as described in Chapter 43 of the Texas Penal Code;~~

~~(x) the transfer, carrying, or possession of a weapon in violation of Chapter 46 of the Texas Penal Code, or of any comparable state or federal law, but only if the violation is punishable as a felony under the applicable law;~~

~~(xi) a violation of the Dangerous Drugs Act (Article 4476-14, Vernon's Texas Civil Statutes), or of any comparable state or federal law, that is punishable as a felony under the applicable law;~~

~~(xii) a violation of the Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes), or of any comparable state or federal law, that is punishable as a felony under the applicable law; or~~

~~(xiii) criminal attempt to commit any of the offenses listed in Subdivision (4)(A)(i) through (xii) of this subsection;~~

~~(B) for which:~~

~~(i) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the applicant was convicted of a misdemeanor offense;~~

~~(ii) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the applicant was convicted of a felony offense; or~~

~~(iii) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any 24 month period, the applicant has two or more convictions of any misdemeanor offense or combination of misdemeanor offenses;~~

~~(b) An applicant who has been convicted of an offense listed in Subsection (a)(4), for which the required time period has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, may qualify for operating authority only if the director determines that the applicant is presently fit to provide a passenger transportation service. In determining present fitness under this section, the director shall consider the following:~~

~~(1) the extent and nature of the applicant's past criminal activity;~~

- (2) ~~the age of the applicant at the time of the commission of the crime;~~
 - (3) ~~the amount of time that has elapsed since the applicant's last criminal activity;~~
 - (4) ~~the conduct and work activity of the applicant prior to and following the criminal activity;~~
 - (5) ~~evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and~~
 - (6) ~~other evidence of the applicant's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.~~
- (c) ~~It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness under Subsection (b) of this section.~~

SEC. 10-8. APPLICATION FOR OPERATING AUTHORITY.

~~To obtain bus or shuttle service operating authority, a person must submit an application on a form provided for that purpose to the director. The applicant must be the person who will own, control, or operate the proposed bus or shuttle service. The application must be verified and contain the following:~~

- (1) ~~a statement of the type of operating authority, bus or shuttle service, for which application is being made, and if bus service operating authority is being applied for, which category, special or charter, the applicant proposes; an applicant may request operating authority for a special bus service and a charter bus service in one application but separate operating authority will be issued for each;~~
- (2) ~~the form of business of the applicant; if the business is a corporation or association, a copy of the documents establishing the business and the name, address, and citizenship of each person with a direct interest in the business;~~
- (3) ~~the name, address, and verified signature of the applicant;~~
- (4) ~~a description of any past business experience of the applicant, particularly in providing passenger transportation services; identification and description of any revocation or suspension of operating authority held by the applicant or business before the date of filing the application;~~
- (5) ~~the number and description of vehicles the applicant proposes to use in the operation of the bus or shuttle service, including year, make, model, whether or not the vehicle is~~

~~equipped with refrigerated air, manufacturer's rated seating capacity, motor identification number, and state license registration number for each vehicle;~~

~~(6) a description of the proposed bus or shuttle service, including routes, rates or fares to be charged, and schedules, where applicable;~~

~~(7) documentary evidence from an insurance company indicating a willingness to provide liability insurance as required by this chapter;~~

~~(8) documentary evidence of payment of ad valorem taxes owed on the real and personal property to be used in connection with the operation of the proposed bus or shuttle service if the business establishment is located in the city;~~

~~(9) such additional information as the applicant desires to include to aid in the determination of whether the requested operating authority should be granted; and~~

~~(10) such additional information as the director considers necessary to assist or promote the implementation or enforcement of this chapter or the protection of the public safety.~~

SEC. 10-9. PUBLIC HEARING; BURDEN OF PROOF.

~~(a) Upon receipt of an application for operating authority, the director shall promptly call a public hearing to consider the application. The director shall publish notice of the hearing once in the official newspaper of the city, and post notice of the hearing on the official bulletin board in the city hall, not less than five nor more than 15 days before the date of the hearing and shall give at least five days' written notice of the hearing to:~~

- ~~(1) the applicant;~~
- ~~(2) the general manager of the Dallas Area Rapid Transit system; and~~
- ~~(3) the city secretary's office.~~

~~(b) At the public hearing, the director shall hear evidence from interested persons on relevant issues.~~

~~(c) The applicant for operating authority has the burden of proving that:~~

~~(1) the public convenience and necessity require the proposed bus or shuttle service;~~

~~(2) the applicant is qualified and financially able to provide the service proposed in the application;~~

~~(3) the proposed fares and rates to be charged by the applicant are reasonable;~~
and

(4) ~~the proposed operating procedures and type of service to be offered will not interfere with, or adversely affect, existing transportation systems.~~

SEC. 10-10. ~~ISSUANCE AND DENIAL OF OPERATING AUTHORITY.~~

(a) ~~In deciding whether to issue or deny an application for operating authority, the director shall consider, but not be limited to, the following:~~

(1) ~~whether the public convenience and necessity require the proposed service;~~

(2) ~~whether the applicant has complied with all requirements of this chapter for providing the service applied for; and~~

(3) ~~the current safety record of the applicant, and the previous safety record, if the applicant has operated a passenger transportation service in the past.~~

(b) ~~In making a decision concerning an application for operating authority for special bus service, the director shall, in addition to the considerations in Subsection (a), consider, but not be limited to, the following:~~

(1) ~~the proximity of loading and unloading points of the regular service of the Dallas Area Rapid Transit system to the points of origin and destination of the prospective passengers to be served by the applicant;~~

(2) ~~the time required to travel from loading points to unloading points of regular service provided by the Dallas Area Rapid Transit system compared to the traveling time required in the service proposed by the applicant;~~

(3) ~~the times and frequency of scheduling of the service provided by the Dallas Area Rapid Transit system compared to those in the service proposed by the applicant, considering the need for passengers who are employed to be regularly on time at the places of their employment and back to their places of residence within a reasonable time after work; and~~

(4) ~~the cost to passengers of transportation provided by the Dallas Area Rapid Transit system compared to the cost of the service proposed by the applicant, considering the distances involved and the number of passengers to be carried.~~

(c) ~~The director shall issue operating authority to the applicant, if the director determines that:~~

(1) ~~the applicant has complied with all requirements for issuance of operating authority;~~

~~(2) the public convenience and necessity require the operation of the proposed service;~~

~~(3) the applicant has not been convicted twice within a two-year period for violation of this chapter;~~

~~(4) the applicant has not made a false statement as to a material matter in an application for operating authority;~~

~~(5) the applicant has not been finally convicted for violation of another city, state, or federal law that indicates a lack of fitness of the applicant to perform a passenger transportation service; or~~

~~(6) the applicant's operating authority has not been revoked within two years prior to the date of application.~~

~~(d) If the director determines that the requirements of Subsection (c) have not been met, the director shall deny operating authority.~~

~~(e) If the director determines that an applicant should be denied operating authority, the director shall notify the applicant in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal.~~

SEC. 10-11. LIMITATIONS OF OPERATING AUTHORITY.

~~(a) Operating authority when issued must state on its face the type of service, bus or shuttle, and the category of bus service, special or charter, for which it is issued. It may also contain other conditions and limitations determined necessary by the director, including, but not limited to:~~

~~(1) number of vehicles authorized;~~

~~(2) description of vehicles to be operated;~~

~~(3) number of passengers that may be transported in each vehicle;~~

~~(4) customers to be served;~~

~~(5) places and times of loading or unloading passengers;~~

~~(6) schedules and routes to be followed, if applicable;~~

~~(7) maximum rates to be charged, including any hourly minimums and gratuities;~~

~~(8) operating procedures; and~~

~~(9) special conditions or limitations.~~

~~(b) A holder commits an offense if he fails to comply with the conditions or limitations placed on the operating authority under which he is operating a bus or shuttle service.~~

SEC. 10-12. AMENDMENTS TO OPERATING AUTHORITY.

~~(a) Minor amendments to operating authority may be made by the director upon written request by a holder. Amendments that substantially change the scope of the operating authority must be applied for in the same manner as the original operating authority.~~

~~(b) If a bus or shuttle service experiences peak demand periods requiring more vehicles than are designated in its operating authority, the holder may request supplemental vehicles by submitting a written application for a temporary operating authority amendment to the director. The application shall state the reason why supplemental vehicles are needed and identify the vehicles to be used. Supplemental vehicles authorized by a temporary operating authority amendment under this section:~~

- ~~(1) may not be used for more than 10 consecutive days;~~
- ~~(2) must comply with the vehicle requirements of this chapter;~~
- ~~(3) must comply with the insurance requirements of this chapter; and~~
- ~~(4) are subject to inspection by the director, who may at any time order unsafe vehicles to be removed from service.~~

SEC. 10-13. EXPIRATION AND RENEWAL OF OPERATING AUTHORITY.

~~(a) Operating authority expires September 30 of each year. A holder shall apply for a renewal at least 30 days before the expiration of the operating authority. The director shall renew operating authority without a public hearing if, after investigation, the director determines that:~~

- ~~(1) the holder has performed satisfactorily under the terms of the operating authority;~~
- ~~(2) the service provided continues to be necessary and desirable; and~~
- ~~(3) the holder continues to comply with all requirements of this chapter.~~

~~(b) If, after investigation of a renewal application, the director determines that a statement in Subsection (a)(1), (2), or (3) is not true, the director shall call a public hearing and consider the renewal in the same manner as an original application.~~

SEC. 10-14. ~~REVOCATION OF OPERATING AUTHORITY.~~

~~The director shall revoke operating authority if the director determines that the holder has:~~

- ~~(1) made a false statement as to a material matter in the application or hearing concerning the operating authority;~~
- ~~(2) failed to comply with applicable provisions of this chapter;~~
- ~~(3) operated a service not authorized by the operating authority;~~
- ~~(4) failed to comply with the conditions and limitations of the operating authority;~~
- ~~(5) been finally convicted for violation of another city, state, or federal law, that indicates a lack of fitness of the permittee to perform a passenger transportation service;~~
- ~~(6) is under indictment for or has been convicted of any felony offense while holding operating authority;~~
- ~~(7) does not qualify for operating authority under Section 10-7 of this chapter; or~~
- ~~(8) failed to pay a fee for operating authority at the time it was due.~~

SEC. 10-15. ~~APPEALS.~~

~~Any person whose application for operating authority or renewal of operating authority is denied by the director, or a holder whose operating authority has been revoked or suspended by the director, may file an appeal with a permit and license appeal board in accordance with Section 2-96 of this code.~~

SEC. 10-16. ~~NONTRANSFERABILITY.~~

~~A holder's operating authority, permit, emblem, or decal is not transferable to another.~~

SEC. 10-17. ~~FEES.~~

- ~~(a) The annual fee for bus service operating authority is:

 - ~~(1) \$600 for three buses or less; and~~
 - ~~(2) \$200 for each additional bus authorized to operate under the operating authority.~~~~
- ~~(b) The annual fee for shuttle service operating authority is:~~

- (1) ~~\$520 for three shuttle vehicles or less; and~~
- (2) ~~\$50 for each additional shuttle vehicle authorized to operate under the operating authority.~~
- (e) ~~The annual fee for operating authority must be paid before operating authority will be issued. If operating authority is issued for a length of time less than one year, the fee shall be prorated on the basis of whole months.~~
- (d) ~~If a bus is authorized to operate under more than one category of bus service operating authority, special or charter, a separate fee must be paid for each category of operating authority held.~~
- (e) ~~A \$220 application fee must be paid at the time an application for operating authority is submitted to the director.~~
- (f) ~~If operating authority is amended to increase the number of vehicles used under the operating authority, the director shall compute and collect an adjusted amount for the fee as a result of the increase in accordance with Subsection (a)(2) or (b)(2) of this section, whichever is applicable.~~
- (g) ~~A \$138 amendment fee must be paid when requesting an amendment to operating authority under Section 10-12, other than a temporary amendment authorizing supplemental vehicles.~~
- (h) ~~The fee for a temporary amendment to operating authority authorizing supplemental vehicles during peak demand periods under Section 10-12 is \$35 for each vehicle.~~
- (i) ~~No refund of a fee required by this section may be made.~~

ARTICLE III.

BUS/SHUTTLE DRIVER'S PERMIT.

SEC. 10-18. BUS/SHUTTLE DRIVER'S PERMIT REQUIRED.

- (a) ~~A person commits an offense if he operates a vehicle engaged in bus or shuttle service in the city without a valid bus/shuttle driver's permit issued to the person under this article.~~
- (b) ~~A holder commits an offense if he employs or otherwise allows a person to operate for hire a bus or shuttle vehicle owned, controlled, or operated by the holder unless the person has a valid bus/shuttle driver's permit issued under this article.~~

SEC. 10-19. QUALIFICATIONS FOR A BUS/SHUTTLE DRIVER'S PERMIT.

- (a) ~~To qualify for a bus/shuttle driver's permit, an applicant must:~~
- (1) ~~be at least 19 years of age;~~
 - (2) ~~be currently authorized to work full time in the United States;~~
 - (3) ~~hold a valid driver's license issued by the State of Texas;~~
 - (4) ~~be able to communicate in the English language;~~
 - (5) ~~not be afflicted with a physical or mental disease or disability that is likely to prevent the applicant from exercising ordinary and reasonable control over a motor vehicle or that is likely to otherwise endanger the public health or safety;~~
 - (6) ~~not have been convicted of more than four moving traffic violations arising out of separate transactions, nor involved in more than two motor vehicle accidents in which it could be reasonably determined that the applicant was at fault, within any 12 month period during the preceding 36 months;~~
 - (7) ~~not have been convicted of a crime:~~
 - (A) ~~involving:~~
 - (i) ~~criminal homicide as described in Chapter 19 of the Texas Penal Code;~~
 - (ii) ~~kidnapping as described in Chapter 20 of the Texas Penal Code;~~
 - (iii) ~~a sexual offense as described in Chapter 21 of the Texas Penal Code;~~
 - (iv) ~~an assaultive offense as described in Chapter 22 of the Texas Penal Code;~~
 - (v) ~~robbery as described in Chapter 29 of the Texas Penal Code;~~
 - (vi) ~~burglary as described in Chapter 30 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~
 - (vii) ~~theft as described in Chapter 31 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~

~~(viii) fraud as described in Chapter 32 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~

~~(ix) tampering with a governmental record as described in Chapter 37 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~

~~(x) public indecency (prostitution or obscenity) as described in Chapter 43 of the Texas Penal Code;~~

~~(xi) the transfer, carrying, or possession of a weapon in violation of Chapter 46 of the Texas Penal Code, or of any comparable state or federal law, but only if the violation is punishable as a felony under the applicable law;~~

~~(xii) a violation of the Dangerous Drugs Act (Article 4476-14, Vernon's Texas Civil Statutes), or of any comparable state or federal law, that is punishable as a felony under the applicable law;~~

~~(xiii) a violation of the Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes), or of any comparable state or federal law, that is punishable as a felony under the applicable law; or~~

~~(xiv) criminal attempt to commit any of the offenses listed in Subdivision (7)(A)(i) through (xiii) of this subsection;~~

~~(B) for which:~~

~~(i) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the applicant was convicted of a misdemeanor offense;~~

~~(ii) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the applicant was convicted of a felony offense; or~~

~~(iii) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any 24 month period, the applicant has two or more convictions of any misdemeanor offense or combination of misdemeanor offenses;~~

~~(8) not have been convicted of, or discharged by probation or deferred adjudication for, driving while intoxicated:~~

~~(A) within the preceding 12 months; or~~

~~(B) more than one time within the preceding five years;~~

~~(9) not be addicted to the use of alcohol or narcotics;~~

~~(10) be subject to no outstanding warrants of arrest;~~

~~(11) be sanitary and well-groomed in dress and person;~~

~~(12) be employed by the holder; and~~

~~(13) have successfully completed within the preceding 12 months a defensive driving course approved by the Texas Education Agency and be able to present proof of completion.~~

~~(b) An applicant who has been convicted of an offense listed in Subsection (a)(7) or (8), for which the required time period has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, may qualify for a bus/shuttle driver's permit only if the director determines that the applicant is presently fit to engage in the occupation of a bus or shuttle vehicle driver. In determining present fitness under this section, the director shall consider the following:~~

~~(1) the extent and nature of the applicant's past criminal activity;~~

~~(2) the age of the applicant at the time of the commission of the crime;~~

~~(3) the amount of time that has elapsed since the applicant's last criminal activity;~~

~~(4) the conduct and work activity of the applicant prior to and following the criminal activity;~~

~~(5) evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and~~

~~(6) other evidence of the applicant's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.~~

~~(c) It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness under Subsection (b) of this section and under Section 10-25 of this article.~~

~~(d) As an additional qualification for a bus/shuttle driver's permit, the director may require the applicant to pass an examination testing general knowledge of traffic laws and the geography of the city.~~

SEC. 10-20. APPLICATION FOR BUS/SHUTTLE DRIVER'S PERMIT; FEE.

To obtain a bus/shuttle driver's permit, or renewal of a bus/shuttle driver's permit, a person must file with the director a completed written application on a form provided for the purpose and a nonrefundable application fee of \$40. The director shall require each application to state such information as the director considers necessary to determine whether an applicant is qualified.

SEC. 10-21. INVESTIGATION OF APPLICATION.

(a) For the purpose of determining qualification under Section 10-19(a)(5), the director may require an applicant to submit to a physical examination conducted by a licensed physician, at applicant's expense, and to furnish to the director a signed statement from the physician certifying that the physician has examined the applicant and that in the physician's professional opinion the applicant is qualified under Section 10-19(a)(5).

(b) Upon request of the director, the police department shall investigate each applicant and furnish the director a report concerning the applicant's qualification under Section 10-19. The municipal court shall furnish the director a copy of the applicant's motor vehicle driving record and a list of any warrants of arrest for the applicant which might be outstanding.

(c) The director may conduct such other investigation as the director considers necessary to determine whether an applicant for a bus/shuttle driver's permit is qualified.

SEC. 10-22. ISSUANCE AND DENIAL OF BUS/SHUTTLE DRIVER'S PERMIT.

(a) If the director determines that an applicant is qualified, the director shall issue a bus/shuttle driver's permit to the applicant.

(b) The director shall delay until final adjudication the approval of the application of any applicant who is under indictment for or has charges pending for:

(1) a felony offense involving a crime described in Section 10-19(a)(7)(A)(i), (ii), (iii), (iv), or (v) or criminal attempt to commit any of those offenses; or

(2) any offense involving driving while intoxicated.

(c) The director shall deny the application for a bus/shuttle driver's permit if the applicant:

(1) is not qualified under Section 10-19;

(2) refuses to submit to or does not pass a medical examination authorized under Section 10-21(a) or a written examination authorized under Section 10-19(d); or

(3) ~~makes a false statement of a material fact in an application for a bus/shuttle driver's permit.~~

(d) ~~If the director determines that a permit should be denied the applicant, the director shall notify the applicant in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal.~~

~~SEC. 10-23. EXPIRATION OF BUS/SHUTTLE DRIVER'S PERMIT; VOIDANCE UPON SUSPENSION OR REVOCATION OF STATE DRIVER'S LICENSE.~~

(a) ~~Except in the case of a probationary or provisional permit, a bus/shuttle driver's permit expires two years from the date of issuance.~~

(b) ~~If a permittee's state driver's license is suspended or revoked by the state, the bus/shuttle driver's permit automatically becomes void. A permittee shall notify the director and the holder for whom the permittee drives within three days of a suspension or revocation of a state driver's license and shall immediately surrender the bus/shuttle driver's permit to the director.~~

~~SEC. 10-24. PROVISIONAL PERMIT.~~

(a) ~~The director may issue a provisional bus/shuttle driver's permit if the director determines that it is necessary pending completion of investigation of an applicant for a bus/shuttle driver's permit.~~

(b) ~~A provisional bus/shuttle driver's permit expires on the date shown on the permit, which date shall not exceed 45 days after the date of issuance, or on the date the applicant is denied a bus/shuttle driver's permit, whichever occurs first.~~

(c) ~~The director shall not issue a provisional permit to a person who has been previously denied a bus/shuttle driver's permit.~~

~~SEC. 10-25. PROBATIONARY PERMIT.~~

(a) ~~The director may issue a probationary bus/shuttle driver's permit to an applicant who is not qualified for a bus/shuttle driver's permit under Section 10-19 if the applicant:~~

(1) ~~could qualify under Section 10-19 for a bus/shuttle driver's permit within one year from the date of application;~~

(2) ~~holds a valid state driver's license or occupational driver's license; and~~

(3) ~~is determined by the director, using the criteria listed in Section 10-19(b) of this article, to be presently fit to engage in the occupation of a bus or shuttle vehicle driver.~~

~~(b) A probationary bus/shuttle driver's permit may be issued for a period not to exceed one year.~~

~~(c) The director may prescribe appropriate terms and conditions for a probationary bus/shuttle driver's permit as the director determines are necessary.~~

SEC. 10-26. DUPLICATE PERMIT.

~~If a bus/shuttle driver's permit is lost or destroyed, the director shall issue the permittee a duplicate permit upon payment to the city of a duplicate permit fee of \$18.~~

SEC. 10-27. DISPLAY OF PERMIT.

~~A bus or shuttle vehicle driver shall at all times keep a bus/shuttle driver's permit in the driver's possession and shall allow the director or a peace officer to examine the bus/shuttle driver's permit upon request.~~

SEC. 10-28. SUSPENSION BY A DESIGNATED REPRESENTATIVE.

~~(a) If a representative designated by the director to enforce this chapter determines that a permittee has failed to comply with this chapter (except Section 10-19) or a regulation established under this chapter, the representative may suspend the bus/shuttle driver's permit for a period of time not to exceed three days by personally serving the permittee with a written notice of the suspension. The written notice must include the reason for suspension, the date the suspension begins, the duration of the suspension, and a statement informing the permittee of the right of appeal.~~

~~(b) A suspension under this section may be appealed to the director or the director's assistant if the permittee requests an appeal at the time the representative serves notice of suspension. When an appeal is requested, the suspension may not take effect until a hearing is provided by the director or the director's assistant.~~

~~(c) The director may order an expedited hearing under this section, to be held as soon as possible after the permittee requests an appeal. The director may affirm, reverse, or modify the order of the representative. The decision of the director is final.~~

SEC. 10-29. SUSPENSION OF BUS/SHUTTLE DRIVER'S PERMIT.

~~(a) If the director determines that a permittee has failed to comply with this chapter (except Section 10-19) or a regulation established under this chapter, the director may suspend the bus/shuttle driver's permit for a definite period of time not to exceed 60 days.~~

~~(b) If at any time the director determines that a permittee is not qualified under Section 10-19, or is under indictment or has charges pending for any offense involving driving while intoxicated or a felony offense involving a crime described in Section 10-19(a)(7)(A)(i),~~

~~(ii), (iii), (iv), or (v) or criminal attempt to commit any of those offenses, the director may suspend the bus/shuttle driver's permit until such time as the director determines that the permittee is qualified or that the charges against the permittee have been finally adjudicated.~~

~~(e) A permittee whose bus/shuttle driver's permit is suspended shall not drive a bus or shuttle vehicle for hire inside the city during the period of suspension.~~

~~(d) The director shall notify the permittee and the holder in writing of a suspension under this section and include in the notice the reason for the suspension, the date the director orders the suspension to begin, the duration of suspension or if it is under Subsection (b), and a statement informing the permittee of the right of appeal. The period of suspension begins on the date specified by the director or, in the case of an appeal, on the date ordered by the appeal hearing officer.~~

SEC. 10-30. REVOCATION OF BUS/SHUTTLE DRIVER'S PERMIT.

~~(a) The director may revoke a bus/shuttle driver's permit if the director determines that the permittee:~~

~~(1) operated a bus or shuttle vehicle for hire inside the city during a period in which the permittee's bus/shuttle driver's permit was suspended;~~

~~(2) made a false statement of a material fact in an application for a bus/shuttle driver's permit;~~

~~(3) engaged in conduct that constitutes a ground for suspension under Section 10-29(a), and received either a suspension in excess of three days or a conviction for violation of this chapter, two times within the 12 month period preceding the occurrence of the conduct or three times within the 24 month period preceding the occurrence of the conduct;~~

~~(4) engaged in conduct that could reasonably be determined to be detrimental to the public safety;~~

~~(5) failed to comply with a condition of a probationary permit; or~~

~~(6) is under indictment for or has been convicted of any felony offense while holding a bus/shuttle driver's permit.~~

~~(b) A person whose bus/shuttle driver's permit is revoked shall not:~~

~~(1) apply for another bus/shuttle driver's permit before the expiration of 12 months from the date the director revokes the permit or, in the case of an appeal, the date the appeal hearing officer affirms the revocation; or~~

~~(2) drive a bus or shuttle vehicle for hire inside the city.~~

(e) ~~The director shall notify the permittee and the holder in writing of a revocation and include in the notice the reason for the revocation, the date the director orders the revocation, and a statement informing the permittee of the right of appeal.~~

SEC. 10-31. ~~BUS OR SHUTTLE VEHICLE OPERATION AFTER SUSPENSION OR REVOCATION.~~

(a) ~~After receipt of notice of suspension, revocation, or denial of permit renewal, the permittee shall, on the date specified in the notice, discontinue driving a bus or shuttle vehicle for hire inside the city and shall surrender the bus/shuttle driver's permit to the director.~~

(b) ~~Notwithstanding Section 10-29(e), Section 10-30(b)(2), and Subsection (a) of this section, if the permittee appeals the suspension or revocation under this section, the permittee may continue to drive a bus or shuttle vehicle for hire pending the appeal unless:~~

(1) ~~the bus/shuttle driver's permit of the permittee is suspended pursuant to Section 10-29(b) or revoked pursuant to Section 10-30(a)(6); or~~

(2) ~~the director determines that continued operation by the permittee would impose an immediate threat to public safety.~~

SEC. 10-32. ~~APPEAL FROM DENIAL, SUSPENSION, OR REVOCATION.~~

(a) ~~A person may appeal a denial of a bus/shuttle driver's permit application, suspension of a bus/shuttle driver's permit, or revocation of a bus/shuttle driver's permit, if the person requests an appeal in writing, delivered to the city manager not more than 10 business days after notice of the director's action is received.~~

(b) ~~The city manager or a designated representative shall act as the appeal hearing officer in an appeal hearing 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 the evidence presented at the hearing.~~

(c) ~~The hearing officer may affirm, modify, or reverse all or part of the action of the director being appealed. The decision of the hearing officer is final as to available administrative remedies.~~

SEC. 10-33. ~~NONTRANSFERABILITY.~~

~~A bus/shuttle driver's permit, badge, sticker, or emblem assigned to one person is not transferable to another.~~

ARTICLE IV.

MISCELLANEOUS HOLDER AND DRIVER REGULATIONS.

SEC. 10-34. HOLDER'S AND DRIVER'S DUTY TO COMPLY.

(a) ~~Holder. In the operation of a bus or shuttle service, a holder shall comply with the terms and conditions of the holder's operating authority and, except to the extent expressly provided otherwise by the operating authority, shall comply with this chapter, rules and regulations established under this chapter, and other law applicable to the operation of a bus or shuttle service.~~

(b) ~~Driver. While on duty, a driver shall comply with this chapter, regulations established under this chapter, other law applicable to the operation of a motor vehicle in this state, and orders issued by the holder employing the driver in connection with the holder's discharging of its duty under its operating authority and this chapter.~~

SEC. 10-35. HOLDER'S DUTY TO ENFORCE COMPLIANCE BY DRIVERS.

(a) ~~A holder shall establish policy and take action to discourage, prevent, or correct violations of this chapter by drivers who are employed by the holder.~~

(b) ~~A holder shall not permit a driver who is employed by the holder to drive a bus or shuttle vehicle if the holder knows or has reasonable cause to suspect that the driver has failed to comply with this chapter, the rules and regulations established by the director, or other applicable law.~~

SEC. 10-36. INSURANCE; SUSPENSION OF OPERATING AUTHORITY.

(a) ~~A holder shall procure and keep in full force and effect automobile liability insurance written by an insurance company that:~~

(1) ~~is approved, licensed, or authorized by the State of Texas;~~

(2) ~~is acceptable to the city; and~~

(3) ~~does not violate the ownership/ operational control prohibition described in Subsection (i) of this section.~~

(b) ~~The insurance must be issued in the standard form approved by the Texas Department of Insurance, and all provisions of the policy must be acceptable to the city. 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 bus or shuttle service by the holder.~~

(c) ~~The automobile liability insurance 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, for each motor vehicle used by the holder. Aggregate limits of liability are prohibited.~~

~~(d) If a vehicle is removed from service, the holder shall maintain the insurance coverage required by this section for the vehicle until the director receives satisfactory proof that all evidence of operation as a bus or shuttle vehicle has been removed from the vehicle.~~

~~(e) Insurance required under this section must include:~~

~~(1) a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 30 days before canceling, failing to renew, or making a material change to the insurance policy;~~

~~(2) a provision to cover all vehicles, whether owned or not owned by the holder, operated under the holder's operating authority; and~~

~~(3) a provision requiring the insurance company to pay every claim on a first-dollar basis.~~

~~(f) Insurance required by this section may be obtained from an assigned risk pool if all of the policies and coverages are managed by one agent, and one certificate of insurance is issued to the city.~~

~~(g) Operating authority will not be granted or renewed unless the applicant or holder furnishes the director with such proof of insurance as the director considers necessary to determine whether the applicant or holder is adequately insured under this section.~~

~~(h) If the insurance of a holder lapses or is canceled and new insurance is not obtained, the director shall suspend the operating authority until the holder provides evidence that insurance coverage required by this section has been obtained. A person shall not operate a passenger transportation service while operating authority is suspended under this section whether or not the action is appealed. A \$100 fee must be paid before operating authority suspended under this section will be reinstated.~~

~~(i) No person with any direct or indirect ownership interest in the holder's bus or shuttle service may have any operational control, direct or indirect, in any insurance company that provides insurance required by this section to the bus or shuttle service. For purposes of this subsection, "operational control" means holding any management position with the insurance company (including, but not limited to, the chief executive officer, the president, any vice-president, or any person in a decision making position with respect to insurance claims) or having the right to control the actions or decisions of any person in such a management position in the insurance company.~~

~~SEC. 10-37. INFORMATION TO BE SUPPLIED UPON REQUEST OF DIRECTOR.~~

~~Upon request of the director, a holder shall submit to the director the following information:~~

- ~~(1) a current consolidated list of vehicles;~~
- ~~(2) a current financial statement that includes a balance sheet and income statement;~~
- ~~(3) names of current officers, owners, and managers; and~~
- ~~(4) a list of current drivers employed by the holder, with their bus/shuttle driver's permits indicated.~~

~~SEC. 10-38. HOLDER'S RECORDS AND REPORTS.~~

~~Each holder shall maintain at a single location business records of its bus or shuttle service. The method used in maintaining the records must be approved by the director, and the director may require maintenance of certain records that the director determines are necessary for monitoring the activities, operations, service, and safety record of a holder. A holder shall make its records available for inspection by the director at reasonable times upon request.~~

~~SEC. 10-39. FAILURE TO PAY AD VALOREM TAXES.~~

~~A holder or an applicant for operating authority shall not allow the payment of ad valorem taxes upon any vehicle, equipment, or other property used directly or indirectly in connection with the bus or shuttle service to become delinquent.~~

~~ARTICLE V.~~

~~SERVICE RULES AND REGULATIONS.~~

~~SEC. 10-40. SOLICITATION.~~

- ~~(a) A person commits an offense if he, by word or gesture, solicits a passenger for hire.~~
- ~~(b) It is a defense to prosecution under Subsection (a) that the person was soliciting:

 - ~~(1) from a location and in a manner authorized by written contract executed by an authorized property manager of the location and the holder of the bus or shuttle service; or~~
 - ~~(2) at a time and from a location complying with a schedule of loading and drop off points on file with and approved by the director.~~~~

~~SEC. 10-41. PAYMENT FOR PREFERENTIAL PLACEMENT OF PASSENGERS.~~

(a) ~~An employee of a business establishment, other than a bus or shuttle service, who acts as an agent in obtaining bus or shuttle service for prospective passengers shall not solicit or accept payment from a driver in return for giving preferential treatment in directing passengers to the driver's bus or shuttle vehicle.~~

(b) ~~A bus or shuttle driver commits an offense if he pays an employee of another business to solicit passengers or to give preferential treatment in directing passengers to the driver's bus or shuttle vehicle.~~

(c) ~~This section does not prohibit the holder of the bus or shuttle service from entering into a contractual agreement or other prior arrangement with the management of the other business for the directing of passengers to the service's vehicles.~~

SEC. 10-42. SHUTTLE SERVICE.

(a) ~~Every vehicle authorized for a shuttle service must be owned by the holder.~~

(b) ~~A shuttle service operating on a preapproved regularly scheduled basis or a preapproved route must meet the following requirements:~~

(1) ~~Every vehicle authorized for the shuttle service must operate on the schedule approved by the director at least 12 hours a day, six days a week and at least eight hours a day, one day a week. The vehicles are not required to operate on the following holidays:~~

- (A) ~~New Year's Day (January 1);~~
- (B) ~~Memorial Day (last Monday in May);~~
- (C) ~~Independence Day (July 4);~~
- (D) ~~Thanksgiving Day (fourth Thursday in November);~~
- (E) ~~Day after Thanksgiving (fourth Friday in November);~~
- (F) ~~Christmas Day (December 25); and~~
- (G) ~~Easter Day.~~

(2) ~~Every vehicle must operate along routes or schedules approved by the director. A driver and holder shall follow the scheduled route "on time," whether or not the vehicle is filled to capacity. The shuttle service must serve each approved route "on time" as specified in the operating authority. The shuttle service must maintain an "on time" rating of zero to 15 minutes after scheduled arrival time for not less than 80 percent of the total schedule. "On time" computation ratings will be determined using sampling procedures in a manner approved by the director.~~

(e) ~~The shuttle service must serve each approved route on a frequency schedule with not more than 120 minutes between scheduled departure times.~~

SEC. 10-43. CONDUCT OF DRIVERS.

~~A driver shall:~~

- ~~(1) act in a reasonable, prudent, and courteous manner;~~
- ~~(2) maintain a sanitary and well-groomed appearance;~~
- ~~(3) not consume an alcoholic beverage, drug, or other substance that could adversely affect the driver's ability to drive a motor vehicle;~~
- ~~(4) not interfere with the director in the performance of the director's duties; and~~
- ~~(5) comply with lawful orders of the director issued in the performance of the director's duties.~~

SEC. 10-44. ALCOHOL IN A BUS OR SHUTTLE VEHICLE.

~~(a) A holder or driver commits an offense if he provides an alcoholic beverage to a passenger for a fee or as part of the bus or shuttle service.~~

~~(b) A holder or driver commits an offense if he purchases or stocks a bus or shuttle vehicle with an alcoholic beverage. A nonalcoholic beverage or mixer may be purchased and provided by the holder or driver.~~

~~(c) An alcoholic beverage may be in the bus or shuttle vehicle only if the passenger:~~

- ~~(1) brings the alcoholic beverage into the vehicle and meets minimum age requirements of the state; or~~
- ~~(2) personally purchases the alcoholic beverage at a liquor store while using the vehicle.~~

SEC. 10-45. SERVICE ON PREARRANGED BASIS; TRIP MANIFESTS.

~~(a) Each holder providing bus or shuttle service on a prearranged basis shall provide its drivers with forms for maintaining a trip manifest. The form must include appropriate spaces for recording:~~

- ~~(1) time, place, origin, and destination of each trip;~~
- ~~(2) the names and addresses of the passengers;~~

- (3) ~~the total number of passengers; and~~
- (4) ~~other information required by the director to aid in the discharge of official duties.~~

~~(b) A driver furnishing bus or shuttle service on a prearranged basis shall show the written documentation required by Subsection (a) to the director upon request.~~

~~(e) A driver furnishing bus or shuttle service on a prearranged basis shall not accept any passenger except one for whom service has been prearranged and documented in accordance with this section.~~

~~(d) A driver furnishing bus or shuttle service on a prearranged basis shall not arrive at a location to pick up a passenger with whom prearrangement has been made more than 20 minutes before the designated pickup time.~~

SEC. 10-46. NOTIFICATION OF CHANGE OF ADDRESS OR OWNERSHIP.

~~A holder commits an offense if he:~~

~~(1) fails to notify the director within 10 days of a change in the address or telephone number of the bus or shuttle service; or~~

~~(2) changes the form of the business or officers of the corporation of the bus or shuttle service, from that originally submitted, without a request to amend the operating authority.~~

SEC. 10-47. RETURN OF PASSENGERS' PROPERTY.

~~A driver of a bus or shuttle vehicle shall immediately attempt to return to a passenger any property left by the passenger in the vehicle. If unable to locate the passenger, the driver shall notify the holder of the bus or shuttle service, who shall notify the director within 24 hours of a description of the property and the location where the property is being stored.~~

SEC. 10-47.1. GROUND TRANSPORTATION SERVICE AT DALLAS LOVE FIELD AIRPORT.

~~In addition to complying with this chapter, a holder performing ground transportation service at Dallas Love Field airport shall comply with all requirements of Chapter 5, Article II of this code that are applicable to buses and shuttle vehicles, including, but not limited to:~~

~~(1) only operating bus or shuttle vehicles at the airport that have valid automatic vehicle identification (AVI) tags as defined in Chapter 5, Article II;~~

~~(2) paying all fees applicable to bus and shuttle vehicles operating at the airport as required in Chapter 5, Article II; and~~

~~(3) complying with lawful orders of the director of aviation or the director's designee while performing ground transportation service at the airport.~~

ARTICLE VI.

FARES.

SEC. 10-48. RATES OF FARE.

~~(a) A driver or holder shall not charge a fare for operating a bus or shuttle vehicle that is inconsistent with the rates authorized in the bus or shuttle service operating authority.~~

~~(b) A holder desiring to change the authorized rates of fare must submit a written request in accordance with Section 10-12 of this chapter.~~

~~(c) The rates listed in the holder's operating authority must be strictly adhered to, and no change in rates may be implemented without written approval of the director.~~

~~(d) The director may require a holder to display rates on or within a bus or shuttle vehicle in a manner prescribed by the director.~~

~~(e) The driver or holder shall give the person paying a fare a ticket or receipt that indicates the name, address, and phone number of the bus or shuttle company and the amount of the fare.~~

~~(f) The use of any type of meter or measuring device to calculate rates of fare for bus or shuttle service is prohibited.~~

ARTICLE VII.

VEHICLES AND EQUIPMENT.

SEC. 10-49. VEHICLE INSPECTION AND MAINTENANCE.

~~(a) The applicant for operating authority under this chapter shall have each vehicle to be used in the bus or shuttle service inspected in a manner approved by the director before the operating authority is issued and at such other times as may be ordered by the director. Inspection must determine safety of the vehicle, condition of maintenance, and compliance with state and federal laws.~~

~~(b) If a vehicle is involved in an accident or collision during the term of the operating authority, the holder shall notify the director within five days after the accident or collision. Before operating the vehicle again under the operating authority, a holder shall have the vehicle reinspected for safety and shall send to the director a sworn affidavit that the vehicle has been restored to its previous condition.~~

~~(c) The director shall designate the time and place for annual inspection of vehicles operated under holder's operating authority. If the director designates someone other than a city employee to perform the inspection, the applicant or holder shall bear the reasonable cost of inspections.~~

~~(d) A holder may contract for maintenance but shall be responsible for maintaining all vehicles operated under the operating authority in safe operating condition.~~

SEC. 10-49.1. SHUTTLE VEHICLE AGE LIMITS.

~~(a) A holder, owner, or driver commits an offense if he operates any vehicle as a shuttle vehicle in the city that is older than:~~

~~(1) 84 months of age for a vehicle not equipped to use alternative fuel; or~~

~~(2) 108 months of age for a vehicle equipped to use alternative fuel, if the equipment was on the vehicle when the vehicle was purchased new or added to the vehicle within 30 days after the vehicle was purchased new.~~

~~(b) For purposes of this section, vehicle age, for a vehicle purchased used, will be calculated from January 1 of the model year of the vehicle. If the vehicle is purchased new, age will be calculated from the date of purchase and the holder, owner, or driver shall present to the director:~~

~~(1) a certified copy of the vehicle's title stating the date of purchase and an odometer reading of no more than 1,000 miles at the time of purchase; and~~

~~(2) a manufacturer's certificate, as defined in Article 6687-1 of Vernon's Texas Code Annotated, certifying that the vehicle has not been previously titled and has not been previously subject to retail sale.~~

SEC. 10-50. REQUIRED EQUIPMENT.

~~(a) A holder or driver shall, at all times, provide and maintain in good operating condition the following equipment for each bus or shuttle vehicle:~~

~~(1) an air conditioner;~~

~~(2) a heater;~~

~~(3) a chemical type fire extinguisher, of at least a one quart capacity, conveniently located in the same compartment of the vehicle as the driver so that it is readily accessible for immediate use;~~

~~(4) evidence of insurance required by Section 10-35;~~

(5) ~~for a shuttle vehicle, a rate schedule posted inside the vehicle in a manner approved by the director;~~

(6) ~~a copy of this chapter of the code;~~

(7) ~~a decal or temporary permit placed on the lower right side of the vehicle's windshield, unless otherwise designated by the director;~~

(8) ~~the trade name of the bus or shuttle service and a unit number permanently affixed to both sides of the vehicle in letters at least three inches high with a one half inch stroke in a contrasting color;~~

(9) ~~any other equipment required to comply with all applicable federal and state motor vehicle safety standards; and~~

(10) ~~any other special equipment that the director determines to be necessary for the service to be operated.~~

(b) ~~Each shuttle vehicle operating on a preapproved regularly scheduled basis or preapproved route must:~~

(1) ~~have a lighted front destination sign;~~

(2) ~~have a designated luggage holding area, located separately from passenger seating;~~

(3) ~~have a uniform paint scheme approved by the director;~~

(4) ~~have a two way radio or cellular telephone that is operational during service hours;~~

(5) ~~have a sufficient number of backup vehicles for each approved route; and~~

(6) ~~be inspected and approved at a location and time approved by the director.~~

SEC. 10-51. ~~WHEELCHAIR TRANSPORT VEHICLE SPECIAL REQUIREMENTS.~~

~~In addition to all other applicable requirements of this chapter, a holder operating a wheelchair transport vehicle must also provide and maintain the following special equipment and requirements:~~

(1) ~~an electrically/hydraulically operated lift mechanism or a ramp with a non-skid surface;~~

- ~~(2) a means of securing a wheelchair to the inside of the vehicle to prevent any lateral, forward, backward, or vertical motion of the wheelchair within the vehicle;~~
- ~~(3) a rear view mirror that enables the driver to view any passenger in a wheelchair;~~
- ~~(4) a door at the rear of the vehicle for an emergency exit; and~~
- ~~(5) a minimum interior height, from floor to ceiling, of 72 inches.~~

~~ARTICLE VIII.~~

~~ENFORCEMENT.~~

~~SEC. 10-52. ENFORCEMENT BY POLICE DEPARTMENT.~~

~~Officers of the police department shall assist in the enforcement of this chapter. A police officer upon observing a violation of this chapter, or the regulations established by the director, shall take necessary enforcement action to insure effective regulation of bus and shuttle service.~~

~~SEC. 10-53. CORRECTION ORDER.~~

~~(a) If the director determines that a holder violates this code, terms of its operating authority, a regulation established by the director, or other law, the director may notify the holder in writing of the violation and by written order direct the holder to correct the violation within a reasonable period of time. In setting the time for correction, the director shall consider the degree of danger to the public health or safety and the nature of the violation. If the violation involves equipment that is unsafe or functioning improperly, the director shall order the holder to immediately cease use of the equipment.~~

~~(b) If the director determines that a violation constitutes an imminent and serious threat to the public health or safety, the director shall order the holder to correct the violation immediately, and, if the holder fails to comply, the director shall promptly take or cause to be taken such action as the director considers necessary to enforce the order immediately.~~

~~(c) The director shall include in a notice issued under this section an identification of the violation, the date of issuance of the notice and the time period within which the violation must be corrected, a warning that failure to comply with the order may result in suspension or revocation of operating authority or imposition of a fine or both, and a statement indicating that the order may be appealed to the city manager.~~

~~SEC. 10-54. SERVICE OF NOTICE.~~

~~(a) A holder shall designate and maintain a representative to receive service of notice required under this chapter to be given a holder and to serve notice required under this chapter to be given a driver employed by a holder.~~

(b) ~~Notice required under this chapter to be given:~~

(1) ~~a holder must be personally served by the director on the holder or the holder's designated representative; or~~

(2) ~~a driver licensed by the city under Article III, must be personally served or sent by certified United States Mail, five day return receipt requested, to the address, last known to the director, of the person to be notified, or to the designated representative for drivers.~~

(c) ~~Notice required under this chapter to be given a person other than a driver licensed under Article III or a holder may be served in the manner prescribed by Subsection (b)(2).~~

(d) ~~Service executed in accordance with this section constitutes notice to the person to whom the notice is addressed. The date of service for notice that is mailed is the date received.~~

SEC. 10-55. APPEAL.

(a) ~~A holder may appeal a correction order issued under Section 10-53 if an appeal is requested in writing not more than 10 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 hearing 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 a part of the order of the director. The decision of the hearing officer is final.~~

SEC. 10-56. CRIMINAL OFFENSES.

(a) ~~A person commits an offense if he violates or attempts to violate a provision of this chapter applicable to the person. A culpable mental state is not required for the commission of an offense under this chapter unless the provision defining the conduct expressly requires a culpable mental state. A separate offense is committed each day during which an offense occurs. An offense committed under this chapter is punishable by a fine of not more than \$500.~~

(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 3. That Chapter 10A, "Limousines," of the Dallas City Code is repealed, and Chapter 10A shall be indicated as "Reserved" in the Dallas City Code, as follows:

RESERVED. [CHAPTER 10A

LIMOUSINES

ARTICLE I.

GENERAL PROVISIONS.

SEC. 10A-1. STATEMENT OF POLICY.

~~It is the policy of the city of Dallas to provide for and promote adequate and efficient limousine service in the city. To this end, this chapter provides for the monitoring of limousine rates and services, to be carried out in a manner that protects the public health and safety, promotes the public convenience and necessity, and respects the concept of free enterprise.~~

SEC. 10A-2. GENERAL AUTHORITY AND DUTY OF DIRECTOR.

~~The director shall implement and enforce this chapter and may by written order establish such rules or regulations, not inconsistent with this chapter, as the director determines are necessary to discharge any duty under or to effect the policy of this chapter.~~

SEC. 10A-3. ESTABLISHMENT OF RULES AND REGULATIONS.

(a) ~~Before adopting, amending, or abolishing a rule or regulation, 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 Article 6252-17, Vernon's Texas Civil Statutes, shall notify each holder 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 the holders and other interested persons of the action taken and shall post an order adopting, amending, or abolishing a rule or regulation on the official bulletin board in the city hall for a period of not fewer than 10 days. The order becomes effective immediately upon expiration of the posting period.~~

SEC. 10A-4. EXCLUSIONS.

(a) ~~This chapter does not apply to a limousine or to a person operating a limousine that is:~~

(1) ~~used to transport a person from a point outside the city to a destination inside the city, if the limousine leaves the city without receiving a passenger inside the city; a~~

~~limousine is considered as having received a passenger inside the city any time a passenger, including one who was originally picked up outside the city, enters the vehicle from a location inside the city;~~

~~(2) operated under state or federal authority unless subject to the city's regulatory authority;~~

~~(3) used to transport persons for hire and is regulated by another city ordinance;~~

~~(4) in the performance of a service involving a point of origin or destination outside the city that was authorized by a certificate of public convenience and necessity issued by the Texas Railroad Commission, except that the director shall prescribe routes, times, and locations for loading, unloading, and stopping on public streets in the city for a limousine service operated under such a certificate;~~

~~(5) operated for a funeral home in the performance of funeral services;~~

~~(6) 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;~~

~~(7) 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;~~

~~(8) used in a carpool to transport the person and others on a prearranged basis between their homes and places of employment or places of common destination, if only a fee calculated to reasonably cover expenses is charged;~~

~~(9) used to transport children to or from school if only a fee calculated to reasonably cover expenses is charged; or~~

~~(10) 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.~~

~~(b) Articles III and VII of this chapter do not apply to:~~

~~(1) the driver of a limousine operated under authority granted by the Interstate Commerce Commission, if the driver is operating within the scope of the driver's employment; or~~

~~(2) a limousine operated under authority granted by the Interstate Commerce Commission.~~

SEC. 10A-5. DEFINITIONS.

In this chapter:

- (1) ~~CLASSIC LIMOUSINE~~ means a stretch or executive limousine that is recognized by the Classic Car Club of America as a classic vehicle.
- (2) ~~CONVICTION~~ means a conviction in a federal court or a court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned.
- (3) ~~DIRECTOR~~ means the director of the department designated by the city manager to enforce and administer this chapter or the director's authorized representative.
- (4) ~~DRIVER~~ means an individual who drives or operates a limousine.
- (5) ~~EXECUTIVE LIMOUSINE~~ means a limousine that:
- (A) is a luxury sedan;
 - (B) has a manufacturer's rated seating capacity of not more than six nor less than five passengers; and
 - (C) is not a stretch limousine.
- (6) ~~HOLDER~~ means a person who is granted operating authority under this chapter to provide limousine service in the city.
- (7) ~~LAWFUL ORDER~~ means a verbal or written directive issued by the director in the performance of official duties in the enforcement of this chapter and any rules and regulations promulgated under this chapter.
- (8) ~~LIMOUSINE~~ means a motor vehicle that:
- (A) is a luxury sedan, luxury sport utility vehicle, luxury truck, or luxury van;
 - (B) has a manufacturer's rated seating capacity of not more than 15 passengers;
 - (C) is used for the transportation of persons from a location in the city to another location either inside or outside the city; and
 - (D) has been driven no more than 150,000 miles before being placed in limousine service in the city for the first time, except that this requirement does not apply to a classic limousine or specialty limousine.

(9) ~~LIMOUSINE DRIVER'S PERMIT~~ means a permit issued to an individual by the director authorizing that individual to operate a limousine for hire in the city.

(10) ~~LIMOUSINE SERVICE~~ means the business of offering or providing transportation of persons for hire by limousine when:

(A) a driver is furnished as part of the service; and

(B) the service is offered either upon a prearranged basis, the prearrangement being made in advance of the time the transportation is to begin, or in accordance with a preapproved route that must be current and kept on file with the director.

(11) ~~LUXURY SEDAN~~ means a motor vehicle:

(A) that is designated by the manufacturer as a full-size sedan;

(B) that has at least four doors, except that this requirement does not apply to a classic limousine or specialty limousine;

(C) that is equipped with a combination of at least five of the following nonessential passenger comfort appointments, except that this requirement does not apply to a classic limousine or specialty limousine:

(i) electric locks;

(ii) power windows;

(iii) power seats;

(iv) enhanced interior lighting;

(v) upgraded seat covers and carpeting, such as leather or another high-quality fabric;

(vi) upgraded trim, such as leather or woodgrain;

(vii) a sunroof or moonroof;

(viii) an intercom system;

(ix) upgraded wheel covers; and

(x) separate heating and air conditioning controls for rear passengers;

~~(D) that, when purchased new, has a sticker price in excess of \$35,000, except that this requirement does not apply to a classic limousine or specialty limousine;~~

~~(E) whose interior and exterior, including all parts, features, appointments, equipment, and accessories, are in excellent condition both in operation and in appearance; and~~

~~(F) that is approved by the director for use as a limousine.~~

~~(12) LUXURY SPORT UTILITY VEHICLE means a motor vehicle:~~

~~(A) that is designated by the manufacturer as a full-size sport utility vehicle;~~

~~(B) that has at least four doors, except that this requirement does not apply to a classic limousine or specialty limousine;~~

~~(C) that is equipped with a combination of at least five of the following nonessential passenger comfort appointments, except that this requirement does not apply to a classic limousine or specialty limousine:~~

~~(i) electric locks;~~

~~(ii) power windows;~~

~~(iii) power seats;~~

~~(iv) enhanced interior lighting;~~

~~(v) upgraded seat covers and carpeting, such as leather or another high-quality fabric;~~

~~(vi) upgraded trim, such as leather or woodgrain;~~

~~(vii) a sunroof or moonroof;~~

~~(viii) an intercom system;~~

~~(ix) upgraded wheel covers; and~~

~~(x) separate heating and air conditioning controls for rear passengers;~~

~~(D) that, when purchased new, has a sticker price in excess of \$35,000, except that this requirement does not apply to a classic limousine or specialty limousine;~~

~~(E) whose interior and exterior, including all parts, features, appointments, equipment, and accessories, are in excellent condition both in operation and in appearance; and~~

~~(F) that is approved by the director for use as a limousine.~~

(13) ~~LUXURY TRUCK~~ means a motor vehicle modified to be a stretch limousine:

~~(A) that is designated by the manufacturer as a truck or a sport utility vehicle;~~

~~(B) that, after modification, has at least three doors, except that this requirement does not apply to a classic limousine or specialty limousine;~~

~~(C) that, after modification, has seating capacity for at least four passengers, excluding the driver;~~

~~(D) that is equipped with a combination of at least five of the following nonessential passenger comfort appointments, except that this requirement does not apply to a classic limousine or specialty limousine:~~

~~(i) electric locks;~~

~~(ii) power windows;~~

~~(iii) power seats;~~

~~(iv) enhanced interior lighting;~~

~~(v) upgraded seat covers and carpeting, such as leather or another high quality fabric;~~

~~(vi) upgraded trim, such as leather or woodgrain;~~

~~(vii) a sunroof or moonroof;~~

~~(viii) an intercom system;~~

~~(ix) upgraded wheel covers; and~~

~~(x) separate heating and air conditioning controls for rear passengers;~~

~~(E) that, when purchased new, has a sticker price in excess of \$30,000, except that this requirement does not apply to a classic limousine or specialty limousine;~~

~~(F) whose interior and exterior, including all parts, features, appointments, equipment, and accessories, are in excellent condition both in operation and in appearance; and~~

~~(G) that is approved by the director for use as a stretch limousine.~~

(14) ~~LUXURY VAN~~ means a motor vehicle:

~~(A) that is designated by the manufacturer as a full size van with a wheel base of not less than 135 inches;~~

~~(B) that has at least one driver's side door, two passengers' side doors, and a rear door for the cargo area, except that this requirement does not apply to a classic limousine or specialty limousine;~~

~~(C) that is equipped with a combination of at least five of the following nonessential passenger comfort appointments, except that this requirement does not apply to a classic limousine or specialty limousine:~~

~~(i) electric locks;~~

~~(ii) power windows;~~

~~(iii) power seats;~~

~~(iv) enhanced interior lighting;~~

~~(v) upgraded seat covers and carpeting, such as leather or another high quality fabric;~~

~~(vi) upgraded trim, such as leather or woodgrain;~~

~~(vii) a sunroof or moonroof;~~

~~(viii) an intercom system;~~

~~(ix) upgraded wheel covers; and~~

~~(x) separate heating and air conditioning controls for rear passengers;~~

~~(D) that, when purchased new, has a sticker price in excess of \$30,000, except that this requirement does not apply to a classic limousine or specialty limousine;~~

~~(E) whose interior and exterior, including all parts, features, appointments, equipment, and accessories, are in excellent condition both in operation and in appearance; and~~

~~(F) that is approved by the director for use as a limousine.~~

~~(15) MANUFACTURER'S RATED SEATING CAPACITY means the rated seating capacity assigned to a vehicle when it is originally manufactured at the manufacturing plant.~~

~~(16) OPERATE means to drive or to be in control of a limousine.~~

~~(17) OPERATING AUTHORITY means written permission granted by the director under this chapter to operate a limousine service.~~

~~(18) OPERATOR means the driver of a limousine, the owner of a limousine, or the holder of limousine service operating authority.~~

~~(19) OWNER means the person to whom state license plates for a vehicle were issued.~~

~~(20) PERMITTEE means an individual who has been issued a limousine driver's permit under this chapter.~~

~~(21) PERSON means an individual, corporation, government or governmental subdivision, or an agency, trust, partnership, or two or more persons having a joint or common economic interest.~~

~~(22) PREAPPROVED ROUTE means a scheduled limousine service operating on predetermined fixed pickup points located on a fixed route approved by and on file with the director.~~

~~(23) PREARRANGED BASIS means a limousine service operating with a reservation for service made in advance of the time the transportation is to begin.~~

~~(24) SPECIALTY LIMOUSINE means a stretch or executive limousine that has been:~~

~~(A) modified to accommodate a special feature, such as a hot tub; or~~

~~(B) enhanced by altering its appearance to provide a distinctive design, such as with a kit to replicate a classic vehicle.~~

~~(25) STRETCH LIMOUSINE means a limousine with a wheelbase that has been extended not less than 12 inches from its original length.~~

~~ARTICLE II.~~

~~LIMOUSINE SERVICE OPERATING AUTHORITY.~~

~~SEC. 10A-6. OPERATING AUTHORITY REQUIRED.~~

~~(a) A person commits an offense if he operates a limousine service within the city without valid operating authority granted under this article.~~

~~(b) A person commits an offense if he advertises or causes to be advertised the operation of a limousine service that does not have valid operating authority granted under this article when the advertisement is reasonably calculated to be seen by persons seeking limousine service in the city.~~

~~(c) A person commits an offense if he transports, or offers to transport, a passenger for hire by limousine from a location within the city to a location either inside or outside the city unless the person driving the limousine or another who employs the driver holds valid operating authority issued under this article.~~

~~(d) A person commits an offense if he hires or employs a limousine service to pick up passengers in the city that he knows does not have valid operating authority under this article.~~

~~(e) It is a defense to prosecution under Subsection (b) that the person was the publisher of the advertising material and had no knowledge that the limousine service did not have valid operating authority under this article.~~

~~SEC. 10A-7. QUALIFICATION FOR OPERATING AUTHORITY.~~

~~(a) To qualify for limousine service operating authority, an applicant must:~~

- ~~(1) be at least 19 years of age;~~
- ~~(2) be currently authorized to work full time in the United States;~~
- ~~(3) be able to communicate in the English language; and~~
- ~~(4) not have been convicted of a crime:~~

~~(A) involving:~~

~~(i) criminal homicide as described in Chapter 19 of the Texas Penal Code;~~

(ii) ~~kidnapping as described in Chapter 20 of the Texas Penal Code;~~

(iii) ~~a sexual offense as described in Chapter 21 of the Texas Penal Code;~~

(iv) ~~robbery as described in Chapter 29 of the Texas Penal Code;~~

(v) ~~burglary as described in Chapter 30 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~

(vi) ~~theft as described in Chapter 31 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~

(vii) ~~fraud as described in Chapter 32 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~

(viii) ~~tampering with a governmental record as described in Chapter 37 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~

(ix) ~~public indecency (prostitution or obscenity) as described in Chapter 43 of the Texas Penal Code;~~

(x) ~~the transfer, carrying, or possession of a weapon in violation of Chapter 46 of the Texas Penal Code, or of any comparable state or federal law, but only if the violation is punishable as a felony under the applicable law;~~

(xi) ~~a violation of the Dangerous Drugs Act (Article 4476-14, Vernon's Texas Civil Statutes), or of any comparable state or federal law, that is punishable as a felony under the applicable law;~~

(xii) ~~a violation of the Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes), or of any comparable state or federal law, that is punishable as a felony under the applicable law; or~~

(xiii) ~~criminal attempt to commit any of the offenses listed in Subdivision (4)(A)(i) through (xii) of this subsection;~~

(B) for which:

~~(i) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the applicant was convicted of a misdemeanor offense;~~

~~(ii) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the applicant was convicted of a felony offense; or~~

~~(iii) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any 24 month period, the applicant has two or more convictions of any misdemeanor offense or combination of misdemeanor offenses.~~

~~(b) An applicant who has been convicted of an offense listed in Subsection (a)(4), for which the required time period has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, may qualify for operating authority only if the director determines that the applicant is presently fit to provide a passenger transportation service. In determining present fitness under this section, the director shall consider the following:~~

- ~~(1) the extent and nature of the applicant's past criminal activity;~~
- ~~(2) the age of the applicant at the time of the commission of the crime;~~
- ~~(3) the amount of time that has elapsed since the applicant's last criminal activity;~~
- ~~(4) the conduct and work activity of the applicant prior to and following the criminal activity;~~
- ~~(5) evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and~~
- ~~(6) other evidence of the applicant's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.~~

~~(c) It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness under Subsection (b) of this section.~~

SEC. 10A-8. APPLICATION FOR OPERATING AUTHORITY.

~~To obtain limousine service operating authority, a person must submit an application on a form provided for that purpose to the director. The applicant must be the person who will own,~~

control, or operate the proposed limousine service. The application must be verified and contain the following:

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

(2) the name, address, and verified signature of the applicant;

(3) a description of any past business experience of the applicant, particularly in providing passenger transportation services; identification and description of any revocation or suspension of operating authority held by the applicant or business before the date of filing the application;

(4) the number and description of vehicles the applicant proposes to use in the operation of the limousine service, including year, make, model, whether or not the vehicle is equipped with refrigerated air, manufacturer's rated seating capacity, motor identification number, and state license registration number for each vehicle;

(5) a description of the proposed limousine service, including routes, rates or fares to be charged, and schedules, where applicable;

(6) documentary evidence from an insurance company indicating a willingness to provide liability insurance as required by this chapter;

(7) documentary evidence of payment of ad valorem taxes owed on the real and personal property to be used in connection with the operation of the proposed limousine service if the business establishment is located in the city;

(8) such additional information as the applicant desires to include to aid in the determination of whether the requested operating authority should be granted; and

(9) such additional information as the director considers necessary to assist or promote the implementation or enforcement of this chapter or the protection of the public safety.

SEC. 10A-9. PUBLIC HEARING; BURDEN OF PROOF.

(a) Upon receipt of an application for operating authority, the director shall promptly call a public hearing to consider the application. The director shall publish notice of the hearing once in the official newspaper of the city, and post notice of the hearing on the official bulletin board in the city hall, not less than five nor more than 15 days before the date of the hearing and shall give at least five days' written notice of the hearing to:

(1) the applicant;

(2) the general manager of the Dallas Area Rapid Transit system; and

~~(3) the city secretary's office.~~

~~(b) At the public hearing, the director shall hear evidence from interested persons on relevant issues.~~

~~(c) The applicant for operating authority has the burden of proving that:~~

~~(1) the public convenience and necessity require the proposed limousine service;~~

~~(2) the applicant is qualified and financially able to provide the service proposed in the application;~~

~~(3) the proposed fares and rates to be charged by the applicant are reasonable; and~~

~~(4) the proposed operating procedures and type of service to be offered will not interfere with, or adversely affect, existing transportation systems.~~

SEC. 10A-10. ISSUANCE AND DENIAL OF OPERATING AUTHORITY.

~~(a) In deciding whether to issue or deny an application for operating authority, the director shall consider, but not be limited to, the following:~~

~~(1) whether the public convenience and necessity require the proposed service;~~

~~(2) whether the applicant has complied with all requirements of this chapter for providing the service applied for; and~~

~~(3) the current safety record of the applicant, and the previous safety record, if the applicant has operated a passenger transportation service in the past.~~

~~(b) The director shall issue operating authority to the applicant, if the director determines that:~~

~~(1) the applicant has complied with all requirements for issuance of operating authority;~~

~~(2) the public convenience and necessity require the operation of the proposed service;~~

~~(3) the applicant has not been convicted twice within a two year period for violation of this chapter;~~

~~(4) the applicant has not made a false statement as to a material matter in an application for operating authority;~~

~~(5) the applicant has not been finally convicted for violation of another city, state, or federal law that indicates a lack of fitness of the applicant to perform a passenger transportation service; or~~

~~(6) the applicant's operating authority has not been revoked within two years prior to the date of application.~~

~~(e) If the director determines that the requirements of Subsection (b) have not been met, the director shall deny operating authority.~~

~~(d) If the director determines that an applicant should be denied operating authority, the director shall notify the applicant in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal.~~

SEC. 10A-11. LIMITATIONS OF OPERATING AUTHORITY.

~~(a) Operating authority when issued must state on its face the type of service for which it is issued. It may also contain other conditions and limitations determined necessary by the director, including, but not limited to:~~

- ~~(1) number of vehicles authorized;~~
- ~~(2) description of vehicles to be operated;~~
- ~~(3) number of passengers that may be transported in each vehicle;~~
- ~~(4) customers to be served;~~
- ~~(5) places and times of loading or unloading passengers;~~
- ~~(6) schedules and routes to be followed, if applicable;~~
- ~~(7) maximum rates to be charged, including any hourly minimums and gratuities;~~
- ~~(8) operating procedures; and~~
- ~~(9) special conditions or limitations.~~

~~(b) A holder commits an offense if he fails to comply with the conditions or limitations placed on the operating authority under which he is operating a limousine service.~~

SEC. 10A-12. AMENDMENTS TO OPERATING AUTHORITY.

~~(a) Minor amendments to operating authority may be made by the director upon written request by a holder. Amendments that substantially change the scope of the operating authority must be applied for in the same manner as the original operating authority.~~

~~(b) If a limousine service experiences peak demand periods requiring more vehicles than are designated in its operating authority, the holder may request supplemental vehicles by submitting a written application for a temporary operating authority amendment to the director. The application shall state the reason why supplemental vehicles are needed and identify the vehicles to be used. Supplemental vehicles authorized by a temporary operating authority amendment under this section:~~

- ~~(1) may not be used for more than 10 consecutive days;~~
- ~~(2) must comply with the vehicle requirements of this chapter;~~
- ~~(3) must comply with the insurance requirements of this chapter; and~~
- ~~(4) are subject to inspection by the director, who may at any time order unsafe vehicles to be removed from service.~~

SEC. 10A-13. EXPIRATION AND RENEWAL OF OPERATING AUTHORITY.

~~(a) Operating authority expires September 30 of each year. A holder shall apply for a renewal at least 30 days before the expiration of the operating authority. The director shall renew operating authority without a public hearing if, after investigation, the director determines that:~~

- ~~(1) the holder has performed satisfactorily under the terms of the operating authority;~~
- ~~(2) the service provided continues to be necessary and desirable; and~~
- ~~(3) the holder continues to comply with all requirements of this chapter.~~

~~(b) If, after investigation of a renewal application, the director determines that a statement in Subsection (a)(1), (2), or (3) is not true, the director shall call a public hearing and consider the renewal in the same manner as an original application.~~

SEC. 10A-14. REVOCATION OF OPERATING AUTHORITY.

~~The director shall revoke operating authority if the director determines that the holder has:~~

- ~~(1) made a false statement as to a material matter in the application or hearing concerning the operating authority;~~

- ~~(2) failed to comply with applicable provisions of this chapter;~~
- ~~(3) operated a service not authorized by the operating authority;~~
- ~~(4) failed to comply with the conditions and limitations of the operating authority;~~
- ~~(5) been finally convicted for violation of another city, state, or federal law, that indicates a lack of fitness of the permittee to perform a passenger transportation service;~~
- ~~(6) is under indictment for or has been convicted of any felony offense while holding operating authority;~~
- ~~(7) does not qualify for operating authority under Section 10A-7 of this chapter; or~~
- ~~(8) failed to pay a fee for operating authority at the time it was due.~~

SEC. 10A-15. APPEALS.

~~Any person whose application for operating authority or renewal of operating authority is denied by the director, or a holder whose operating authority has been revoked or suspended by the director, may file an appeal with a permit and license appeal board in accordance with Section 2-96 of this code.~~

SEC. 10A-16. NONTRANSFERABILITY.

~~A holder's operating authority, permit, emblem, or decal is not transferable to another.~~

SEC. 10A-17. FEES.

- ~~(a) The annual fee for limousine service operating authority is:

 - ~~(1) \$550; and~~
 - ~~(2) \$50 for each vehicle authorized to operate under the operating authority.~~~~
- ~~(b) The annual fee for operating authority must be paid before operating authority will be issued. If operating authority is issued for a length of time less than one year, the fee shall be prorated on the basis of whole months.~~
- ~~(c) A \$220 application fee must be paid at the time an application for operating authority is submitted to the director.~~

~~(d) If operating authority is amended to increase the number of vehicles used under the operating authority, the director shall compute and collect an adjusted amount for the fee as a result of the increase in accordance with Subsection (a)(2) of this section.~~

~~(e) A \$138 amendment fee must be paid when requesting an amendment to operating authority under Section 10A-12, other than a temporary amendment authorizing supplemental vehicles.~~

~~(f) The fee for a temporary amendment to operating authority authorizing supplemental vehicles during peak demand periods under Section 10A-12 is \$20 for each vehicle.~~

~~(g) No refund of a fee required by this section may be made.~~

ARTICLE III.

LIMOUSINE DRIVER'S PERMIT.

SEC. 10A-18. LIMOUSINE DRIVER'S PERMIT REQUIRED.

~~(a) A person commits an offense if he operates a vehicle engaged in limousine service in the city without a valid limousine driver's permit issued to the person under this article.~~

~~(b) A holder commits an offense if he employs, contracts with, or otherwise allows a person to operate for hire a limousine owned, controlled, or operated by the holder unless the person has a valid limousine driver's permit issued under this article.~~

SEC. 10A-19. QUALIFICATIONS FOR A LIMOUSINE DRIVER'S PERMIT.

~~(a) To qualify for a limousine driver's permit, an applicant must:~~

- ~~(1) be at least 19 years of age;~~
- ~~(2) be currently authorized to work full-time in the United States;~~
- ~~(3) hold a valid driver's license issued by the State of Texas;~~
- ~~(4) be able to communicate in the English language;~~

~~(5) not be afflicted with a physical or mental disease or disability that is likely to prevent the applicant from exercising ordinary and reasonable control over a motor vehicle or that is likely to otherwise endanger the public health or safety;~~

~~(6) not have been convicted of more than four moving traffic violations arising out of separate transactions, nor involved in more than two motor vehicle accidents in~~

~~which it could be reasonably determined that the applicant was at fault, within any 12-month period during the preceding 36 months;~~

~~(7) not have been convicted of a crime:~~

~~(A) involving:~~

~~(i) criminal homicide as described in Chapter 19 of the Texas Penal Code;~~

~~(ii) kidnapping as described in Chapter 20 of the Texas Penal Code;~~

~~(iii) a sexual offense as described in Chapter 21 of the Texas Penal Code;~~

~~(iv) an assaultive offense as described in Chapter 22 of the Texas Penal Code;~~

~~(v) robbery as described in Chapter 29 of the Texas Penal Code;~~

~~(vi) burglary as described in Chapter 30 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~

~~(vii) theft as described in Chapter 31 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~

~~(viii) fraud as described in Chapter 32 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~

~~(ix) tampering with a governmental record as described in Chapter 37 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~

~~(x) public indecency (prostitution or obscenity) as described in Chapter 43 of the Texas Penal Code;~~

~~(xi) the transfer, carrying, or possession of a weapon in violation of Chapter 46 of the Texas Penal Code, or of any comparable state or federal law, but only if the violation is punishable as a felony under the applicable law;~~

~~(xii) a violation of the Texas Dangerous Drug Act (Chapter 483, Texas Health and Safety Code), or of any comparable state or federal law, that is punishable as a felony under the applicable law;~~

~~(xiii) a violation of the Texas Controlled Substances Act (Chapter 481, Texas Health and Safety Code), or of any comparable state or federal law, that is punishable as a felony under the applicable law; or~~

~~(xiv) criminal attempt to commit any of the offenses listed in Subdivision (7)(A)(i) through (xiii) of this subsection;~~

~~(B) for which:~~

~~(i) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the applicant was convicted of a misdemeanor offense;~~

~~(ii) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the applicant was convicted of a felony offense; or~~

~~(iii) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any 24-month period, the applicant has two or more convictions of any misdemeanor offense or combination of misdemeanor offenses;~~

~~(8) not have been convicted of, or discharged by probation or deferred adjudication for, driving while intoxicated:~~

~~(A) within the preceding 12 months; or~~

~~(B) more than one time within the preceding five years;~~

~~(9) not be addicted to the use of alcohol or narcotics;~~

~~(10) be subject to no outstanding warrants of arrest;~~

~~(11) be sanitary and well-groomed in dress and person;~~

~~(12) have a valid contract with or be currently employed by the holder; and~~

~~(13) have successfully completed within the preceding 12 months a defensive driving course approved by the Texas Education Agency and be able to present proof of completion.~~

~~(b) An applicant who has been convicted of an offense listed in Subsection (a)(7) or (8), for which the required time period has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, may qualify for a limousine driver's permit only if the director determines that the applicant is presently fit to engage in the occupation of a limousine driver. In determining present fitness under this section, the director shall consider the following:~~

- ~~(1) the extent and nature of the applicant's past criminal activity;~~
- ~~(2) the age of the applicant at the time of the commission of the crime;~~
- ~~(3) the amount of time that has elapsed since the applicant's last criminal activity;~~
- ~~(4) the conduct and work activity of the applicant prior to and following the criminal activity;~~
- ~~(5) evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and~~
- ~~(6) other evidence of the applicant's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.~~

~~(c) It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness under Subsection (b) of this section and under Section 10A-25 of this article.~~

~~(d) As an additional qualification for a limousine driver's permit, the director may require the applicant to pass an examination testing general knowledge of traffic laws and the geography of the city.~~

SEC. 10A-20. APPLICATION FOR LIMOUSINE DRIVER'S PERMIT; FEE.

~~To obtain a limousine driver's permit, or renewal of a limousine driver's permit, a person must file with the director a completed written application on a form provided for the purpose and a nonrefundable application fee of \$40. The director shall require each application to state such information as the director considers necessary to determine whether an applicant is qualified.~~

SEC. 10A-21. INVESTIGATION OF APPLICATION.

~~(a) For the purpose of determining qualification under Section 10A-19(a)(5), the director may require an applicant to submit to a physical examination conducted by a licensed physician, at applicant's expense, and to furnish to the director a signed statement from the~~

~~physician certifying that the physician has examined the applicant and that in the physician's professional opinion the applicant is qualified under Section 10A-19(a)(5).~~

~~(b) Upon request of the director, the police department shall investigate each applicant and furnish the director a report concerning the applicant's qualification under Section 10A-19. The municipal court shall furnish the director a copy of the applicant's motor vehicle driving record and a list of any warrants of arrest for the applicant which might be outstanding.~~

~~(c) The director may conduct such other investigation as the director considers necessary to determine whether an applicant for a limousine driver's permit is qualified.~~

SEC. 10A-22. ISSUANCE AND DENIAL OF LIMOUSINE DRIVER'S PERMIT.

~~(a) If the director determines that an applicant is qualified, the director shall issue a limousine driver's permit to the applicant.~~

~~(b) The director shall delay until final adjudication the approval of the application of any applicant who is under indictment for or has charges pending for:~~

~~(1) a felony offense involving a crime described in Section 10A-19(a)(7)(A)(i), (ii), (iii), (iv), or (v) or criminal attempt to commit any of those offenses; or~~

~~(2) any offense involving driving while intoxicated.~~

~~(c) The director shall deny the application for a limousine driver's permit if the applicant:~~

~~(1) is not qualified under Section 10A-19;~~

~~(2) refuses to submit to or does not pass a medical examination authorized under Section 10A-21(a) or a written examination authorized under Section 10A-19(d); or~~

~~(3) makes a false statement of a material fact in an application for a limousine driver's permit.~~

~~(d) If the director determines that a permit should be denied the applicant, the director shall notify the applicant in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal.~~

SEC. 10A-23. EXPIRATION OF LIMOUSINE DRIVER'S PERMIT; VOIDANCE UPON SUSPENSION OR REVOCATION OF STATE DRIVER'S LICENSE.

~~(a) Except in the case of a probationary or provisional permit, a limousine driver's permit expires two years from the date of issuance.~~

~~(b) If a permittee's state driver's license is suspended or revoked by the state, the limousine driver's permit automatically becomes void. A permittee shall notify the director and the holder for whom the permittee drives within three days of a suspension or revocation of a state driver's license and shall immediately surrender the limousine driver's permit to the director.~~

SEC. 10A-24. PROVISIONAL PERMIT.

~~(a) The director may issue a provisional limousine driver's permit if the director determines that it is necessary pending completion of investigation of an applicant for a limousine driver's permit.~~

~~(b) A provisional limousine driver's permit expires on the date shown on the permit, which date shall not exceed 45 days after the date of issuance, or on the date the applicant is denied a limousine driver's permit, whichever occurs first.~~

~~(c) The director shall not issue a provisional permit to a person who has been previously denied a limousine driver's permit.~~

SEC. 10A-25. PROBATIONARY PERMIT.

~~(a) The director may issue a probationary limousine driver's permit to an applicant who is not qualified for a limousine driver's permit under Section 10A-19 if the applicant:~~

~~(1) could qualify under Section 10A-19 for a limousine driver's permit within one year from the date of application;~~

~~(2) holds a valid State of Texas driver's license or occupational driver's license; and~~

~~(3) is determined by the director, using the criteria listed in Section 10A-19(b) of this article, to be presently fit to engage in the occupation of a limousine driver.~~

~~(b) A probationary limousine driver's permit may be issued for a period not to exceed one year.~~

~~(c) The director may prescribe appropriate terms and conditions for a probationary limousine driver's permit as the director determines are necessary.~~

SEC. 10A-26. DUPLICATE PERMIT.

~~If a limousine driver's permit is lost or destroyed, the director shall issue the permittee a duplicate permit upon payment to the city of a duplicate permit fee of \$18.~~

SEC. 10A-27. DISPLAY OF PERMIT.

~~A limousine driver shall at all times keep a limousine driver's permit in the driver's possession and shall allow the director or a peace officer to examine the limousine driver's permit upon request.~~

SEC. 10A-28. SUSPENSION BY A DESIGNATED REPRESENTATIVE.

~~(a) If a representative designated by the director to enforce this chapter determines that a permittee has failed to comply with this chapter (except Section 10A-19) or a regulation established under this chapter, the representative may suspend the limousine driver's permit for a period of time not to exceed three days by personally serving the permittee with a written notice of the suspension. The written notice must include the reason for suspension, the date the suspension begins, the duration of the suspension, and a statement informing the permittee of the right of appeal.~~

~~(b) A suspension under this section may be appealed to the director or the director's assistant if the permittee requests an appeal at the time the representative serves notice of suspension. When an appeal is requested, the suspension may not take effect until a hearing is provided by the director or the director's assistant.~~

~~(c) The director may order an expedited hearing under this section, to be held as soon as possible after the permittee requests an appeal. The director may affirm, reverse, or modify the order of the representative. The decision of the director is final.~~

SEC. 10A-29. SUSPENSION OF LIMOUSINE DRIVER'S PERMIT.

~~(a) If the director determines that a permittee has failed to comply with this chapter (except Section 10A-19) or a regulation established under this chapter, the director may suspend the limousine driver's permit for a definite period of time not to exceed 60 days.~~

~~(b) If at any time the director determines that a permittee is not qualified under Section 10A-19, or is under indictment or has charges pending for any offense involving driving while intoxicated or a felony offense involving a crime described in Section 10A-19(a)(7)(A)(i), (ii), (iii), (iv), or (v) or criminal attempt to commit any of those offenses, the director may suspend the limousine driver's permit until such time as the director determines that the permittee is qualified or that the charges against the permittee have been finally adjudicated.~~

~~(c) A permittee whose limousine driver's permit is suspended shall not drive a limousine for hire inside the city during the period of suspension.~~

~~(d) The director shall notify the permittee and the holder in writing of a suspension under this section and include in the notice the reason for the suspension, the date the director orders the suspension to begin, the duration of suspension or if it is under Subsection (b), and a statement informing the permittee of the right of appeal. The period of suspension begins on the date specified by the director or, in the case of an appeal, on the date ordered by the appeal hearing officer.~~

SEC. 10A-30. ~~REVOCATION OF LIMOUSINE DRIVER'S PERMIT.~~

~~(a) The director may revoke a limousine driver's permit if the director determines that the permittee:~~

~~(1) operated a limousine for hire inside the city during a period in which the permittee's limousine driver's permit was suspended;~~

~~(2) made a false statement of a material fact in an application for a limousine driver's permit;~~

~~(3) engaged in conduct that constitutes a ground for suspension under Section 10A-29(a), and received either a suspension in excess of three days or a conviction for violation of this chapter, two times within the 12-month period preceding the occurrence of the conduct or three times within the 24-month period preceding the occurrence of the conduct;~~

~~(4) engaged in conduct that could reasonably be determined to be detrimental to the public safety;~~

~~(5) failed to comply with a condition of a probationary permit; or~~

~~(6) is under indictment for or has been convicted of any felony offense while holding a limousine driver's permit.~~

~~(b) A person whose limousine driver's permit is revoked shall not:~~

~~(1) apply for another limousine driver's permit before the expiration of 12 months from the date the director revokes the permit or, in the case of an appeal, the date the appeal hearing officer affirms the revocation; or~~

~~(2) drive a limousine for hire inside the city.~~

~~(c) The director shall notify the permittee and the holder in writing of a revocation and include in the notice the reason for the revocation, the date the director orders the revocation, and a statement informing the permittee of the right of appeal.~~

SEC. 10A-31. ~~LIMOUSINE OPERATION AFTER SUSPENSION OR REVOCATION.~~

~~(a) After receipt of notice of suspension, revocation, or denial of permit renewal, the permittee shall, on the date specified in the notice, discontinue driving a limousine for hire inside the city and shall surrender the limousine driver's permit to the director.~~

~~(b) Notwithstanding Section 10A-29(c), Section 10A-30(b)(2), and Subsection (a) of this section, if the permittee appeals the suspension or revocation under this section, the permittee may continue to drive a limousine for hire pending the appeal unless:~~

(1) ~~the limousine driver's permit of the permittee is suspended pursuant to Section 10A 29(b) or revoked pursuant to Section 10A 30(a)(6); or~~

(2) ~~the director determines that continued operation by the permittee would impose an immediate threat to public safety.~~

SEC. 10A-32. APPEAL FROM DENIAL, SUSPENSION, OR REVOCATION.

~~A person may appeal a denial of a limousine driver's permit application, suspension of a limousine driver's permit, or revocation of a limousine driver's permit to the permit and license appeal board in accordance with Section 2 96 of this code.~~

SEC. 10A-33. NONTRANSFERABILITY.

~~A limousine driver's permit, badge, sticker, or emblem assigned to one person is not transferable to another.~~

ARTICLE IV.

MISCELLANEOUS HOLDER AND DRIVER REGULATIONS.

SEC. 10A-34. HOLDER'S AND DRIVER'S DUTY TO COMPLY.

(a) ~~Holder. In the operation of a limousine service, a holder shall comply with the terms and conditions of the holder's operating authority and, except to the extent expressly provided otherwise by the operating authority, shall comply with this chapter, rules and regulations established under this chapter, and other law applicable to the operation of a limousine service.~~

(b) ~~Driver. While on duty, a driver shall comply with this chapter, regulations established under this chapter, other law applicable to the operation of a motor vehicle in this state, and orders issued by the holder employing or contracting with the driver in connection with the holder's discharging of its duty under its operating authority and this chapter.~~

SEC. 10A-35. HOLDER'S DUTY TO ENFORCE COMPLIANCE BY DRIVERS.

(a) ~~A holder shall establish policy and take action to discourage, prevent, or correct violations of this chapter by drivers who are employed by or contracting with the holder.~~

(b) ~~A holder shall not permit a driver who is employed by or contracting with the holder to drive a limousine if the holder knows or has reasonable cause to suspect that the driver has failed to comply with this chapter, the rules and regulations established by the director, or other applicable law.~~

SEC. 10A-35.1. DRIVER AS INDEPENDENT CONTRACTOR.

~~(a) A holder may contract with a driver on an independent contractor basis, but only if the contract:~~

~~(1) provides that the holder shall indemnify the city and hold the city harmless for a claim or a cause of action against the city arising from conduct of the driver;~~

~~(2) provides that the driver is insured under the holder's fleet insurance policy; and~~

~~(3) imposes a condition that the driver must comply with this chapter and provides that failure to comply may be considered by the holder as a material breach of the contract.~~

~~(b) The form of the contract between a holder and a driver must be approved by the director. The director may disapprove a contract form if the director determines that the contract is inconsistent with this chapter, rules and regulations established under this chapter, or other applicable law. A holder may not use a contract that has been disapproved by the director.~~

SEC. 10A-36. INSURANCE; SUSPENSION OF OPERATING AUTHORITY.

~~(a) A holder shall procure and keep in full force and effect automobile liability insurance written by an insurance company that:~~

~~(1) is approved, licensed, or authorized by the State of Texas;~~

~~(2) is acceptable to the city; and~~

~~(3) does not violate the ownership/ operational control prohibition described in Subsection (i) of this section.~~

~~(b) The insurance must be issued in the standard form approved by the Texas Department of Insurance, and all provisions of the policy must be acceptable to the city. 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 limousine service by the holder.~~

~~(c) The automobile liability insurance 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, for each motor vehicle used by the holder. Aggregate limits of liability are prohibited.~~

~~(d) If a vehicle is removed from service, the holder shall maintain the insurance coverage required by this section for the vehicle until the director receives satisfactory proof that all evidence of operation as a limousine has been removed from the vehicle.~~

~~(e) Insurance required under this section must include:~~

~~(1) a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 30 days before canceling, failing to renew, or making a material change to the insurance policy;~~

~~(2) a provision to cover all vehicles, whether owned or not owned by the holder, operated under the holder's operating authority; and~~

~~(3) a provision requiring the insurance company to pay every claim on a first-dollar basis.~~

~~(f) Insurance required by this section may be obtained from an assigned risk pool if all of the policies and coverages are managed by one agent, and one certificate of insurance is issued to the city.~~

~~(g) Operating authority will not be granted or renewed unless the applicant or holder furnishes the director with such proof of insurance as the director considers necessary to determine whether the applicant or holder is adequately insured under this section.~~

~~(h) If the insurance of a holder lapses or is canceled and new insurance is not obtained, the director shall suspend the operating authority until the holder provides evidence that insurance coverage required by this section has been obtained. A person shall not operate a passenger transportation service while operating authority is suspended under this section whether or not the action is appealed. A \$100 fee must be paid before operating authority suspended under this section will be reinstated.~~

~~(i) No person with any direct or indirect ownership interest in the holder's limousine service may have any operational control, direct or indirect, in any insurance company that provides insurance required by this section to the limousine service. For purposes of this subsection, "operational control" means holding any management position with the insurance company (including, but not limited to, the chief executive officer, the president, any vice-president, or any person in a decision making position with respect to insurance claims) or having the right to control the actions or decisions of any person in such a management position in the insurance company.~~

~~SEC. 10A-37. INFORMATION TO BE SUPPLIED UPON REQUEST OF DIRECTOR.~~

~~Upon request of the director, a holder shall submit to the director the following information:~~

~~(1) a current consolidated list of vehicles;~~

- (2) ~~a current financial statement that includes a balance sheet and income statement;~~
- (3) ~~names of current officers, owners, and managers; and~~
- (4) ~~a list of current drivers employed by or contracting with the holder, with their limousine driver's permits indicated.~~

SEC. 10A-38. ~~HOLDER'S RECORDS AND REPORTS.~~

~~Each holder shall maintain at a single location business records of its limousine service. The method used in maintaining the records must be approved by the director, and the director may require maintenance of certain records that the director determines are necessary for monitoring the activities, operations, service, and safety record of a holder. A holder shall make its records available for inspection by the director at reasonable times upon request.~~

SEC. 10A-39. ~~FAILURE TO PAY AD VALOREM TAXES.~~

~~A holder or an applicant for operating authority shall not allow the payment of ad valorem taxes upon any vehicle, equipment, or other property used directly or indirectly in connection with the limousine service to become delinquent.~~

ARTICLE V.

~~SERVICE RULES AND REGULATIONS.~~

SEC. 10A-40. ~~SOLICITATION.~~

- (a) ~~A person commits an offense if he, by word or gesture, solicits a passenger for hire.~~
- (b) ~~It is a defense to prosecution under Subsection (a) that the person was soliciting:~~
 - (1) ~~from a location and in a manner authorized by written contract executed by an authorized property manager of the location and the holder of the limousine service; or~~
 - (2) ~~at a time and from a location complying with a schedule of loading and drop-off points on file with and approved by the director.~~

SEC. 10A-41. ~~PAYMENT FOR PREFERENTIAL PLACEMENT OF PASSENGERS.~~

~~(a) An employee of a business establishment, other than a limousine service, who acts as an agent in obtaining limousine service for prospective passengers shall not solicit or accept payment from a driver in return for giving preferential treatment in directing passengers to the driver's limousine.~~

~~(b) A limousine driver commits an offense if he pays an employee of another business to solicit passengers or to give preferential treatment in directing passengers to the driver's limousine.~~

~~(e) This section does not prohibit the holder of the limousine service from entering into a contractual agreement or other prior arrangement with the management of the other business for the directing of passengers to the service's vehicles.~~

SEC. 10A-42. CONDUCT OF DRIVERS.

A driver shall:

- ~~(1) act in a reasonable, prudent, and courteous manner;~~
 - ~~(2) maintain a sanitary and well-groomed appearance;~~
 - ~~(3) not consume an alcoholic beverage, drug, or other substance that could adversely affect the driver's ability to drive a motor vehicle;~~
 - ~~(4) not interfere with the director in the performance of the director's duties;~~
- and
- ~~(5) comply with lawful orders of the director issued in the performance of the director's duties.~~

SEC. 10A-43. ALCOHOL IN A LIMOUSINE.

~~(a) A holder or driver commits an offense if he provides an alcoholic beverage to a passenger for a fee or as part of the limousine service.~~

~~(b) A holder or driver commits an offense if he purchases or stocks a limousine with an alcoholic beverage. A nonalcoholic beverage or mixer may be purchased and provided by the holder or driver.~~

- ~~(c) An alcoholic beverage may be in the limousine only if the passenger:~~
- ~~(1) brings the alcoholic beverage into the vehicle and meets minimum age requirements of the state; or~~
 - ~~(2) personally purchases the alcoholic beverage at a liquor store while using the vehicle.~~

SEC. 10A-44. SERVICE ON PREARRANGED BASIS; TRIP MANIFESTS.

~~(a) Each holder providing limousine service on a prearranged basis shall provide its drivers with all of the following printed or electronic information to be used in maintaining a trip manifest:~~

- ~~(1) The time, place, origin, and destination of each trip.~~
- ~~(2) The names and addresses of the passengers.~~
- ~~(3) The total number of passengers.~~
- ~~(4) Other information required by the director to aid in the discharge of official duties.~~

~~(b) A driver furnishing limousine service on a prearranged basis shall show the documentation required by Subsection (a) to the director upon request.~~

~~(c) A driver furnishing limousine service on a prearranged basis shall not accept any passenger except one for whom service has been prearranged and documented in accordance with this section.~~

~~(d) A driver furnishing limousine service on a prearranged basis shall not arrive at a location to pick up a passenger with whom prearrangement has been made more than 10 minutes before the designated pickup time.~~

~~SEC. 10A-45. NOTIFICATION OF CHANGE OF ADDRESS OR OWNERSHIP.~~

~~A holder commits an offense if he:~~

- ~~(1) fails to notify the director within 10 days of a change in the address or telephone number of the limousine service; or~~
- ~~(2) changes the form of the business or officers of the corporation of the limousine service, from that originally submitted, without a request to amend the operating authority.~~

~~SEC. 10A-46. RETURN OF PASSENGERS' PROPERTY.~~

~~A driver of a limousine shall immediately attempt to return to a passenger any property left by the passenger in the vehicle. If unable to locate the passenger, the driver shall notify the holder of the limousine service, who shall notify the director within 24 hours of a description of the property and the location where the property is being stored.~~

~~SEC. 10A-46.1. GROUND TRANSPORTATION SERVICE AT DALLAS LOVE FIELD AIRPORT.~~

In addition to complying with this chapter, a holder performing ground transportation service at Dallas Love Field airport shall comply with all requirements of Chapter 5, Article II of this code that are applicable to limousines, including, but not limited to:

- (1) only operating limousines at the airport that have valid automatic vehicle identification (AVI) tags as defined in Chapter 5, Article II;
- (2) paying all fees applicable to limousines operating at the airport as required in Chapter 5, Article II; and
- (3) complying with lawful orders of the director of aviation or the director's designee while performing ground transportation service at the airport.

~~ARTICLE VI.~~

~~FARES.~~

~~SEC. 10A-47. RATES OF FARE.~~

- (a) A driver or holder shall not charge a fare for operating a limousine that is inconsistent with the rates authorized in the limousine service operating authority.
- (b) A holder desiring to change the authorized rates of fare must submit a written request in accordance with Section 10A-12 of this chapter.
- (c) The rates listed in the holder's operating authority must be strictly adhered to, and no change in rates may be implemented without written approval of the director.
- (d) The director may require a holder to display rates on or within a limousine in a manner prescribed by the director.
- (e) The driver or holder shall give the person paying a fare a ticket or receipt that indicates the name, address, and phone number of the limousine company and the amount of the fare.
- (f) The use of any type of meter or measuring device to calculate rates of fare for limousine service is prohibited.

~~ARTICLE VII.~~

~~VEHICLES AND EQUIPMENT.~~

~~SEC. 10A-48. VEHICLE INSPECTION AND MAINTENANCE.~~

- (a) The applicant for operating authority under this chapter shall have each vehicle to be used in the limousine service inspected in a manner approved by the director before the

~~operating authority is issued and at such other times as may be ordered by the director. Inspection must determine safety of the vehicle, condition of maintenance, and compliance with state and federal laws.~~

~~(b) If a vehicle is involved in an accident or collision during the term of the operating authority, the holder shall notify the director within five days after the accident or collision. Before operating the vehicle again under the operating authority, a holder shall have the vehicle reinspected for safety and shall send to the director a sworn affidavit that the vehicle has been restored to its previous condition.~~

~~(e) The director shall designate the time and place for annual inspection of vehicles operated under holder's operating authority. If the director designates someone other than a city employee to perform the inspection, the applicant or holder shall bear the reasonable cost of inspections.~~

~~(d) A holder may contract for maintenance but shall be responsible for maintaining all vehicles operated under the operating authority in safe operating condition.~~

SEC. 10A-49. REQUIRED EQUIPMENT.

~~A holder or driver shall, at all times, provide and maintain in good operating condition the following equipment in each limousine:~~

- ~~(1) an air conditioner;~~
- ~~(2) a heater;~~
- ~~(3) a chemical type fire extinguisher, of at least a one quart capacity, conveniently located in the same compartment of the vehicle as the driver so that it is readily accessible for immediate use;~~
- ~~(4) evidence of insurance required by Section 10A-35;~~
- ~~(5) a current copy of this chapter of the code;~~
- ~~(6) a valid decal or temporary permit placed on the lower right side of the vehicle's windshield, unless otherwise designated by the director;~~
- ~~(7) any other equipment required to comply with all applicable federal and state motor vehicle safety standards; and~~
- ~~(8) any other special equipment that the director determines to be necessary for the service to be operated.~~

ARTICLE VIII.

ENFORCEMENT.**SEC. 10A-50. ENFORCEMENT BY POLICE DEPARTMENT.**

~~Officers of the police department shall assist in the enforcement of this chapter. A police officer upon observing a violation of this chapter, or the regulations established by the director, shall take necessary enforcement action to ensure effective regulation of limousine service.~~

SEC. 10A-51. CORRECTION ORDER.

~~(a) If the director determines that a holder violates this code, terms of its operating authority, a regulation established by the director, or other law, the director may notify the holder in writing of the violation and by written order direct the holder to correct the violation within a reasonable period of time. In setting the time for correction, the director shall consider the degree of danger to the public health or safety and the nature of the violation. If the violation involves equipment that is unsafe or functioning improperly, the director shall order the holder to immediately cease use of the equipment.~~

~~(b) If the director determines that a violation constitutes an imminent and serious threat to the public health or safety, the director shall order the holder to correct the violation immediately, and, if the holder fails to comply, the director shall promptly take or cause to be taken such action as the director considers necessary to enforce the order immediately.~~

~~(c) The director shall include in a notice issued under this section an identification of the violation, the date of issuance of the notice and the time period within which the violation must be corrected, a warning that failure to comply with the order may result in suspension or revocation of operating authority or imposition of a fine or both, and a statement indicating that the order may be appealed to the city manager.~~

SEC. 10A-52. SERVICE OF NOTICE.

~~(a) A holder shall designate and maintain a representative to receive service of notice required under this chapter to be given a holder and to serve notice required under this chapter to be given a driver employed by or contracting with a holder.~~

~~(b) Notice required under this chapter to be given:~~

~~(1) a holder must be personally served by the director on the holder or the holder's designated representative; or~~

~~(2) a driver licensed by the city under Article III, must be personally served or sent by certified United States Mail, five day return receipt requested, to the address, last known to the director, of the person to be notified, or to the designated representative for drivers.~~

~~(e) Notice required under this chapter to be given a person other than a driver licensed under Article III or a holder may be served in the manner prescribed by Subsection (b)(2).~~

~~(d) Service executed in accordance with this section constitutes notice to the person to whom the notice is addressed. The date of service for notice that is mailed is the date received.~~

SEC. 10A-53. APPEAL.

~~(a) A holder may appeal a correction order issued under Section 10A-51 if an appeal is requested in writing not more than 10 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 hearing 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 a part of the order of the director. The decision of the hearing officer is final.~~

SEC. 10A-54. CRIMINAL OFFENSES.

~~(a) A person commits an offense if he violates or attempts to violate a provision of this chapter applicable to the person. A separate offense is committed each day during which an offense occurs. An offense committed under this chapter is punishable by a fine of not more than \$500.~~

~~(b) The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code.~~

~~(c) 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 4. That Chapter 10B, “Non-Motorized Passenger Transport Vehicles,” of the Dallas City Code is repealed, and Chapter 10B shall be indicated as “Reserved” in the Dallas City Code, as follows:

“RESERVED. [CHAPTER 10B

NON-MOTORIZED PASSENGER TRANSPORT VEHICLES

ARTICLE I.**GENERAL PROVISIONS.****SEC. 10B-1. STATEMENT OF POLICY.**

~~It is the policy of the city of Dallas to provide for and promote adequate and efficient non-motorized passenger transport service in the city. To this end, this chapter provides for the monitoring of non-motorized passenger transport rates and services, to be carried out in a manner that protects the public health and safety, promotes the public convenience and necessity, and respects the concept of free enterprise.~~

SEC. 10B-2. GENERAL AUTHORITY AND DUTY OF DIRECTOR.

~~The director shall implement and enforce this chapter and may by written order establish such rules or regulations, not inconsistent with this chapter, as the director determines are necessary to discharge any duty under or to effect the policy of this chapter.~~

SEC. 10B-3. ESTABLISHMENT OF RULES AND REGULATIONS.

~~(a) Before adopting, amending, or abolishing a rule or regulation, 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 Article 6252-17, Vernon's Texas Civil Statutes, shall notify each holder 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 the holders and other interested persons of the action taken and shall post an order adopting, amending, or abolishing a rule or regulation on the official bulletin board in the city hall for a period of not fewer than 10 days. The order becomes effective immediately upon expiration of the posting period.~~

SEC. 10B-4. EXCLUSIONS.

~~(a) This chapter does not apply to a non-motorized passenger transport vehicle or to a person operating a non-motorized passenger transport vehicle that is:~~

~~(1) used to transport persons for hire and is regulated by another city ordinance;~~

~~(2) operated in compliance with a valid parade permit issued by the city;~~

~~(3) operated at Fair Park during the annual state fair in compliance with written authorization from the city; or~~

(4) ~~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.~~

SEC. 10B-5. DEFINITIONS.

In this chapter:

(1) ~~CONVICTION~~ means a conviction in a federal court or a court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned.

(2) ~~DIRECTOR~~ means the director of the department designated by the city manager to enforce and administer this chapter or the director's authorized representative.

(3) ~~DRIVER~~ means an individual who operates a non-motorized passenger transport vehicle.

(4) ~~HOLDER~~ means a person who is granted operating authority under this chapter to provide non-motorized passenger transport service in the city.

(5) ~~HORSE~~ means any member of the species *Equus Caballus*.

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

(7) ~~LAWFUL ORDER~~ means a verbal or written directive issued by the director in the performance of official duties in the enforcement of this chapter and any rules and regulations promulgated under this chapter.

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

(9) ~~NON-MOTORIZED PASSENGER TRANSPORT SERVICE~~ means the business of offering or providing transportation of persons for hire by a non-motorized passenger transport vehicle when:

(A) a driver is furnished as part of the service; and

(B) the service is offered only in accordance with a preapproved route that must be current and kept on file with the director.

(10) ~~NON-MOTORIZED PASSENGER TRANSPORT VEHICLE DRIVER'S PERMIT~~ means a permit issued to an individual by the director authorizing that individual to operate a non-motorized passenger transport vehicle for hire in the city.

(11) ~~OPERATE~~ means to drive or to be in control of a non-motorized passenger transport vehicle.

(12) ~~OPERATING AUTHORITY~~ means written permission granted by the director under this chapter to operate a non-motorized passenger transport service.

(13) ~~OPERATOR~~ means the driver or owner of a non-motorized passenger transport vehicle or the holder of non-motorized passenger transport service operating authority.

(14) ~~PEDICAB~~ means a device with two or more wheels designed to carry passengers while being propelled by human power.

(15) ~~PERMITTEE~~ means an individual who has been issued a non-motorized passenger transport vehicle driver's permit under this chapter.

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

(17) ~~PREAPPROVED ROUTE~~ means a non-motorized passenger transport service operating on a predetermined schedule with fixed pickup and destination points located on a route approved by and on file with the director.

~~ARTICLE II.~~

~~NON-MOTORIZED PASSENGER TRANSPORT SERVICE OPERATING AUTHORITY.~~

~~SEC. 10B-6. OPERATING AUTHORITY REQUIRED.~~

(a) ~~A person commits an offense if he operates a non-motorized passenger transport service within the city without valid operating authority granted under this article.~~

(b) ~~A person commits an offense if he advertises or causes to be advertised the operation of a non-motorized passenger transport service that does not have valid operating authority granted under this article when the advertisement is reasonably calculated to be seen by persons seeking non-motorized passenger transport service in the city.~~

(c) ~~A person commits an offense if he transports, or offers to transport, a passenger for hire by a non-motorized passenger transport vehicle within the city unless the person driving the vehicle or another who employs the driver holds valid operating authority issued under this article.~~

(d) ~~A person commits an offense if he hires or employs a non-motorized passenger transport service to pick up passengers in the city that he knows does not have valid operating authority under this article.~~

~~(e) It is a defense to prosecution under Subsection (b) that the person was the publisher of the advertising material and had no knowledge that the non-motorized passenger transport service did not have valid operating authority under this article.~~

~~(f) Separate operating authority is required for each type of non-motorized passenger transport service, pedicab or horse-drawn carriage, to be operated.~~

SEC. 10B-7. QUALIFICATION FOR OPERATING AUTHORITY.

~~(a) To qualify for non-motorized passenger transport service operating authority, an applicant must:~~

- ~~(1) be at least 19 years of age;~~
- ~~(2) be currently authorized to work full-time in the United States;~~
- ~~(3) be able to communicate in the English language; and~~
- ~~(4) not have been convicted of a crime:~~

~~(A) involving:~~

~~(i) criminal homicide as described in Chapter 19 of the Texas Penal Code;~~

~~(ii) kidnapping as described in Chapter 20 of the Texas Penal Code;~~

~~(iii) a sexual offense as described in Chapter 21 of the Texas Penal Code;~~

~~(iv) robbery as described in Chapter 29 of the Texas Penal Code;~~

~~(v) burglary as described in Chapter 30 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~

~~(vi) theft as described in Chapter 31 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~

~~(vii) fraud as described in Chapter 32 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~

~~(viii) tampering with a governmental record as described in Chapter 37 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~

~~(ix) public indecency (prostitution or obscenity) as described in Chapter 43 of the Texas Penal Code;~~

~~(x) the transfer, carrying, or possession of a weapon in violation of Chapter 46 of the Texas Penal Code, or of any comparable state or federal law, but only if the violation is punishable as a felony under the applicable law;~~

~~(xi) a violation of the Dangerous Drugs Act (Article 4476-14, Vernon's Texas Civil Statutes), or of any comparable state or federal law, that is punishable as a felony under the applicable law;~~

~~(xii) a violation of the Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes), or of any comparable state or federal law, that is punishable as a felony under the applicable law; or~~

~~(xiii) criminal attempt to commit any of the offenses listed in Subdivision (4)(A)(i) through (xii) of this subsection;~~

~~(B) for which:~~

~~(i) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the applicant was convicted of a misdemeanor offense;~~

~~(ii) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the applicant was convicted of a felony offense; or~~

~~(iii) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any 24 month period, the applicant has two or more convictions of any misdemeanor offense or combination of misdemeanor offenses;~~

~~(b) An applicant who has been convicted of an offense listed in Subsection (a)(4), for which the required time period has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, may qualify for operating authority only if the director determines that the applicant is presently fit to provide a passenger transportation service. In determining present fitness under this section, the director shall consider the following:~~

~~(1) the extent and nature of the applicant's past criminal activity;~~

- ~~(2) the age of the applicant at the time of the commission of the crime;~~
- ~~(3) the amount of time that has elapsed since the applicant's last criminal activity;~~
- ~~(4) the conduct and work activity of the applicant prior to and following the criminal activity;~~
- ~~(5) evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and~~
- ~~(6) other evidence of the applicant's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.~~

~~(e) It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness under Subsection (b) of this section.~~

~~SEC. 10B-8. APPLICATION FOR OPERATING AUTHORITY.~~

~~To obtain non-motorized passenger transport service operating authority, a person must submit an application on a form provided for that purpose to the director. The applicant must be the person who will own, control, or operate the proposed non-motorized passenger transport service. The application must be verified and contain the following:~~

- ~~(1) a statement of the type of non-motorized passenger transport service, pedicab or horse-drawn carriage, for which application is made;~~
- ~~(2) the form of business of the applicant; if the business is a corporation or association, a copy of the documents establishing the business and the name, address, and citizenship of each person with a direct interest in the business;~~
- ~~(3) the name, address, and verified signature of the applicant;~~
- ~~(4) a description of any past business experience of the applicant, particularly in providing passenger transportation services; identification and description of any revocation or suspension of operating authority held by the applicant or business before the date of filing the application;~~
- ~~(5) the number and description of vehicles the applicant proposes to use in the operation of the service, including year, make, model, manufacturer's rated seating capacity, and state license registration number for each vehicle;~~

~~(6) the number of horses the applicant proposes to use in the operation of the service with a description or photograph and a state certificate of veterinarian inspection for each horse;~~

~~(7) a description of the proposed service, including routes, rates or fares to be charged, and schedules, where applicable;~~

~~(8) documentary evidence from an insurance company indicating a willingness to provide liability insurance as required by this chapter;~~

~~(9) documentary evidence of payment of ad valorem taxes owed on the real and personal property to be used in connection with the operation of the proposed service if the business establishment is located in the city;~~

~~(10) such additional information as the applicant desires to include to aid in the determination of whether the requested operating authority should be granted; and~~

~~(11) such additional information as the director considers necessary to assist or promote the implementation or enforcement of this chapter or the protection of the public safety.~~

SEC. 10B-9. PUBLIC HEARING; BURDEN OF PROOF.

~~(a) Upon receipt of an application for operating authority, the director shall promptly call a public hearing to consider the application. The director shall publish notice of the hearing once in the official newspaper of the city, and post notice of the hearing on the official bulletin board in the city hall, not less than five nor more than 15 days before the date of the hearing and shall give at least five days' written notice of the hearing to:~~

- ~~(1) the applicant;~~
- ~~(2) the general manager of the Dallas Area Rapid Transit system; and~~
- ~~(3) the city secretary's office.~~

~~(b) At the public hearing, the director shall hear evidence from interested persons on relevant issues.~~

~~(c) The applicant for operating authority has the burden of proving that:~~

- ~~(1) the public convenience and necessity require the proposed service;~~
- ~~(2) the applicant is qualified and financially able to provide the service proposed in the application;~~

~~(3) the proposed fares and rates to be charged by the applicant are reasonable;~~
and

~~(4) the proposed operating procedures and type of service to be offered will not interfere with, or adversely affect, existing transportation systems.~~

SEC. 10B-10. ISSUANCE AND DENIAL OF OPERATING AUTHORITY.

~~(a) In deciding whether to issue or deny an application for operating authority, the director shall consider, but not be limited to, the following:~~

~~(1) whether the public convenience and necessity require the proposed service;~~

~~(2) whether the applicant has complied with all requirements of this chapter for providing the service applied for; and~~

~~(3) the current safety record of the applicant, and the previous safety record, if the applicant has operated a passenger transportation service in the past.~~

~~(b) The director shall issue operating authority to the applicant, if the director determines that:~~

~~(1) the applicant has complied with all requirements for issuance of operating authority;~~

~~(2) the public convenience and necessity require the operation of the proposed service;~~

~~(3) the applicant has not been convicted twice within a two-year period for violation of this chapter;~~

~~(4) the applicant has not made a false statement as to a material matter in an application for operating authority;~~

~~(5) the applicant has not been finally convicted for violation of another city, state, or federal law that indicates a lack of fitness of the applicant to perform a passenger transportation service; or~~

~~(6) the applicant's operating authority has not been revoked within two years prior to the date of application.~~

~~(c) If the director determines that the requirements of Subsection (b) have not been met, the director shall deny operating authority.~~

~~(d) If the director determines that an applicant should be denied operating authority, the director shall notify the applicant in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal.~~

SEC. 10B-11. LIMITATIONS OF OPERATING AUTHORITY.

~~(a) Operating authority when issued must state on its face the type of service, pedicab or horse drawn carriage, for which it is issued. It may also contain other conditions and limitations determined necessary by the director, including, but not limited to:~~

- ~~(1) number and description of vehicles authorized;~~
- ~~(2) number and description of horses to be used, if applicable;~~
- ~~(3) number of passengers that may be safely transported in each vehicle, based on the size of the vehicle and, if applicable, the type of horse pulling the vehicle;~~
- ~~(4) customers to be served;~~
- ~~(5) places for loading or unloading passengers;~~
- ~~(6) hours of operation;~~
- ~~(7) schedules and routes to be followed, if applicable;~~
- ~~(8) maximum rates to be charged, including any hourly minimums and gratuities;~~
- ~~(9) operating procedures;~~
- ~~(10) the use of special safety equipment;~~
- ~~(11) the use of special sanitary devices and special care procedures if horses are used; and~~
- ~~(12) special conditions or limitations.~~

~~(b) A holder commits an offense if he fails to comply with the conditions or limitations placed on the operating authority under which he is operating a non-motorized passenger transport service.~~

~~(c) Approval of temporary changes in authorized routes and hours of operation of a non-motorized passenger transport service must be requested from the director at least three business days before being implemented.~~

SEC. 10B-12. AMENDMENTS TO OPERATING AUTHORITY.

(a) Minor amendments to operating authority may be made by the director upon written request by a holder. Amendments that substantially change the scope of the operating authority must be applied for in the same manner as the original operating authority.

(b) If a non-motorized passenger transport service experiences peak demand periods requiring more vehicles than are designated in its operating authority, the holder may request supplemental vehicles by submitting a written application for a temporary operating authority amendment to the director. The application shall state the reason why supplemental vehicles are needed and identify the vehicles to be used. Supplemental vehicles authorized by a temporary operating authority amendment under this section:

- (1) ~~may not be used for more than 10 consecutive days;~~
- (2) ~~must comply with the vehicle requirements of this chapter;~~
- (3) ~~must comply with the insurance requirements of this chapter; and~~
- (4) ~~are subject to inspection by the director, who may at any time order unsafe vehicles to be removed from service.~~

~~SEC. 10B-13. EXPIRATION AND RENEWAL OF OPERATING AUTHORITY.~~

(a) ~~Operating authority expires September 30 of each year. A holder shall apply for a renewal at least 30 days before the expiration of the operating authority. The director shall renew operating authority without a public hearing if, after investigation, the director determines that:~~

- (1) ~~the holder has performed satisfactorily under the terms of the operating authority;~~
- (2) ~~the service provided continues to be necessary and desirable; and~~
- (3) ~~the holder continues to comply with all requirements of this chapter.~~

(b) ~~If, after investigation of a renewal application, the director determines that a statement in Subsection (a)(1), (2), or (3) is not true, the director shall call a public hearing and consider the renewal in the same manner as an original application.~~

~~SEC. 10B-14. REVOCATION OF OPERATING AUTHORITY.~~

~~The director shall revoke operating authority if the director determines that the holder has:~~

- (1) ~~made a false statement as to a material matter in the application or hearing concerning the operating authority;~~

- ~~(2) failed to comply with applicable provisions of this chapter;~~
- ~~(3) operated a service not authorized by the operating authority;~~
- ~~(4) failed to comply with the conditions and limitations of the operating authority;~~
- ~~(5) been finally convicted for violation of another city, state, or federal law, that indicates a lack of fitness of the permittee to perform a passenger transportation service;~~
- ~~(6) is under indictment for or has been convicted of any felony offense while holding operating authority;~~
- ~~(7) does not qualify for operating authority under Section 10B-7 of this chapter; or~~
- ~~(8) failed to pay a fee for operating authority at the time it was due.~~

~~SEC. 10B-15. APPEALS.~~

~~Any person whose application for operating authority or renewal of operating authority is denied by the director, or a holder whose operating authority has been revoked or suspended by the director, may file an appeal with a permit and license appeal board in accordance with Section 2-96 of this code.~~

~~SEC. 10B-16. NONTRANSFERABILITY.~~

~~A holder's operating authority, permit, emblem, or decal is not transferable to another.~~

~~SEC. 10B-17. FEES.~~

~~(a) The annual fee for operating authority for a non-motorized passenger transport service that operates pedicabs is:~~

- ~~(1) \$360; and~~
- ~~(2) \$50 for each vehicle authorized to operate under the operating authority.~~

~~(b) The annual fee for operating authority for a non-motorized passenger transport service that operates horse-drawn carriage is:~~

- ~~(1) \$500; and~~
- ~~(2) \$50 for each vehicle authorized to operate under the operating authority.~~

~~(e) The annual fee for operating authority must be paid before operating authority will be issued. If operating authority is issued for a length of time less than one year, the fee shall be prorated on the basis of whole months.~~

~~(d) An application fee of \$250 for a pedicab service and \$250 for a horse drawn carriage service must be paid at the time an application for operating authority as a non-motorized passenger transport service is submitted to the director.~~

~~(e) If operating authority is amended to increase the number of vehicles used under the operating authority, the director shall compute and collect an adjusted amount for the fee as a result of the increase in accordance with Subsection (a)(2) or (b)(2) of this section, whichever is applicable.~~

~~(f) A \$138 amendment fee must be paid when requesting an amendment to operating authority under Section 10B-12, other than a temporary amendment authorizing supplemental vehicles.~~

~~(g) The fee for a temporary amendment to operating authority authorizing supplemental vehicles during peak demand periods under Section 10B-12 is \$25 for each vehicle.~~

~~(h) No refund of a fee required by this section may be made.~~

ARTICLE III.

~~NON-MOTORIZED PASSENGER TRANSPORT VEHICLE DRIVER'S PERMIT.~~

~~SEC. 10B-18. NON-MOTORIZED PASSENGER TRANSPORT VEHICLE DRIVER'S PERMIT REQUIRED.~~

~~(a) A person commits an offense if he operates a vehicle engaged in non-motorized passenger transport service in the city without a valid non-motorized passenger transport vehicle driver's permit issued to the person under this article.~~

~~(b) A holder commits an offense if he employs or otherwise allows a person to operate for hire a non-motorized passenger transport vehicle owned, controlled, or operated by the holder unless the person has a valid non-motorized passenger transport vehicle driver's permit issued under this article.~~

~~SEC. 10B-19. QUALIFICATIONS FOR A NON-MOTORIZED PASSENGER TRANSPORT VEHICLE DRIVER'S PERMIT.~~

~~(a) To qualify for a non-motorized passenger transport vehicle driver's permit, an applicant must:~~

- ~~(1) be at least 19 years of age;~~

- (2) ~~be currently authorized to work full time in the United States;~~
- (3) ~~hold a valid driver's license issued by the State of Texas;~~
- (4) ~~be able to communicate in the English language;~~
- (5) ~~not be afflicted with a physical or mental disease or disability that is likely to prevent the applicant from exercising ordinary and reasonable control over a vehicle or that is likely to otherwise endanger the public health or safety;~~
- (6) ~~not have been convicted of more than four moving traffic violations arising out of separate transactions, nor involved in more than two vehicle accidents in which it could be reasonably determined that the applicant was at fault, within any 12 month period during the preceding 36 months;~~
- (7) ~~not have been convicted of a crime:~~
 - (A) ~~involving:~~
 - (i) ~~criminal homicide as described in Chapter 19 of the Texas Penal Code;~~
 - (ii) ~~kidnapping as described in Chapter 20 of the Texas Penal Code;~~
 - (iii) ~~a sexual offense as described in Chapter 21 of the Texas Penal Code;~~
 - (iv) ~~an assaultive offense as described in Chapter 22 of the Texas Penal Code;~~
 - (v) ~~robbery as described in Chapter 29 of the Texas Penal Code;~~
 - (vi) ~~burglary as described in Chapter 30 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~
 - (vii) ~~theft as described in Chapter 31 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~
 - (viii) ~~fraud as described in Chapter 32 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~

~~(ix) tampering with a governmental record as described in Chapter 37 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~

~~(x) public indecency (prostitution or obscenity) as described in Chapter 43 of the Texas Penal Code;~~

~~(xi) the transfer, carrying, or possession of a weapon in violation of Chapter 46 of the Texas Penal Code, or of any comparable state or federal law, but only if the violation is punishable as a felony under the applicable law;~~

~~(xii) a violation of the Dangerous Drugs Act (Article 4476-14, Vernon's Texas Civil Statutes), or of any comparable state or federal law, that is punishable as a felony under the applicable law;~~

~~(xiii) a violation of the Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes), or of any comparable state or federal law, that is punishable as a felony under the applicable law; or~~

~~(xiv) criminal attempt to commit any of the offenses listed in Subdivision (7)(A)(i) through (xiii) of this subsection;~~

~~(B) for which:~~

~~(i) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the applicant was convicted of a misdemeanor offense;~~

~~(ii) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the applicant was convicted of a felony offense; or~~

~~(iii) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any 24-month period, the applicant has two or more convictions of any misdemeanor offense or combination of misdemeanor offenses;~~

~~(8) not have been convicted of, or discharged by probation or deferred adjudication for, driving while intoxicated:~~

~~(A) within the preceding 12 months; or~~

~~(B) more than one time within the preceding five years;~~

~~(9) not be addicted to the use of alcohol or narcotics;~~

- (10) ~~be subject to no outstanding warrants of arrest;~~
- (11) ~~be sanitary and well-groomed in dress and person;~~
- (12) ~~be employed by the holder; and~~
- (13) ~~have successfully completed within the preceding 12 months a defensive driving course approved by the Texas Education Agency and be able to present proof of completion.~~

(b) ~~An applicant who has been convicted of an offense listed in Subsection (a)(7) or (8), for which the required time period has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, may qualify for a non-motorized passenger transport vehicle driver's permit only if the director determines that the applicant is presently fit to engage in the occupation of a non-motorized passenger transport vehicle driver. In determining present fitness under this section, the director shall consider the following:~~

- (1) ~~the extent and nature of the applicant's past criminal activity;~~
- (2) ~~the age of the applicant at the time of the commission of the crime;~~
- (3) ~~the amount of time that has elapsed since the applicant's last criminal activity;~~
- (4) ~~the conduct and work activity of the applicant prior to and following the criminal activity;~~
- (5) ~~evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and~~
- (6) ~~other evidence of the applicant's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.~~

(e) ~~It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness under Subsection (b) of this section and under Section 10B-25 of this article.~~

(d) ~~As an additional qualification for a non-motorized passenger transport vehicle driver's permit, the director may require the applicant to pass an examination testing general knowledge of traffic laws and the geography of the city.~~

~~SEC. 10B-20. APPLICATION FOR NON-MOTORIZED PASSENGER TRANSPORT VEHICLE DRIVER'S PERMIT; FEE.~~

~~To obtain a non-motorized passenger transport vehicle driver's permit, or renewal of a non-motorized passenger transport vehicle driver's permit, a person must file with the director a completed written application on a form provided for the purpose and a nonrefundable application fee of \$40. The director shall require each application to state such information as the director considers necessary to determine whether an applicant is qualified.~~

~~SEC. 10B-21. INVESTIGATION OF APPLICATION.~~

~~(a) For the purpose of determining qualification under Section 10B-19(a)(5), the director may require an applicant to submit to a physical examination conducted by a licensed physician, at applicant's expense, and to furnish to the director a signed statement from the physician certifying that the physician has examined the applicant and that in the physician's professional opinion the applicant is qualified under Section 10B-19(a)(5).~~

~~(b) Upon request of the director, the police department shall investigate each applicant and furnish the director a report concerning the applicant's qualification under Section 10B-19. The municipal court shall furnish the director a copy of the applicant's motor vehicle driving record and a list of any warrants of arrest for the applicant which might be outstanding.~~

~~(c) The director may conduct such other investigation as the director considers necessary to determine whether an applicant for a non-motorized passenger transport vehicle driver's permit is qualified.~~

~~SEC. 10B-22. ISSUANCE AND DENIAL OF NON-MOTORIZED PASSENGER TRANSPORT VEHICLE DRIVER'S PERMIT.~~

~~(a) If the director determines that an applicant is qualified, the director shall issue a non-motorized passenger transport vehicle driver's permit to the applicant.~~

~~(b) The director shall delay until final adjudication the approval of the application of any applicant who is under indictment for or has charges pending for:~~

~~(1) a felony offense involving a crime described in Section 10B-19(a)(7)(A)(i), (ii), (iii), (iv), or (v) or criminal attempt to commit any of those offenses; or~~

~~(2) any offense involving driving while intoxicated.~~

~~(c) The director shall deny the application for a non-motorized passenger transport vehicle driver's permit if the applicant:~~

~~(1) is not qualified under Section 10B-19;~~

~~(2) refuses to submit to or does not pass a medical examination authorized under Section 10B-21(a) or a written examination authorized under Section 10B-19(d); or~~

~~(3) makes a false statement of a material fact in an application for a non-motorized passenger transport vehicle driver's permit.~~

~~(d) If the director determines that a permit should be denied the applicant, the director shall notify the applicant in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal.~~

~~SEC. 10B-23. EXPIRATION OF NON-MOTORIZED PASSENGER TRANSPORT VEHICLE DRIVER'S PERMIT; VOIDANCE UPON SUSPENSION OR REVOCATION OF STATE DRIVER'S LICENSE.~~

~~(a) Except in the case of a probationary or provisional permit, a non-motorized passenger transport vehicle driver's permit expires two years from the date of issuance.~~

~~(b) If a permittee's state driver's license is suspended or revoked by the state, the non-motorized passenger transport vehicle driver's permit automatically becomes void. A permittee shall notify the director and the holder for whom the permittee drives within three days of a suspension or revocation of a state driver's license and shall immediately surrender the non-motorized passenger transport vehicle driver's permit to the director.~~

~~SEC. 10B-24. PROVISIONAL PERMIT.~~

~~(a) The director may issue a provisional non-motorized passenger transport vehicle driver's permit if the director determines that it is necessary pending completion of investigation of an applicant for a non-motorized passenger transport vehicle driver's permit.~~

~~(b) A provisional permit expires on the date shown on the permit, which date shall not exceed 45 days after the date of issuance, or on the date the applicant is denied a non-motorized passenger transport vehicle driver's permit, whichever occurs first.~~

~~(c) The director shall not issue a provisional permit to a person who has been previously denied a non-motorized passenger transport vehicle driver's permit.~~

~~SEC. 10B-25. PROBATIONARY PERMIT.~~

~~(a) The director may issue a probationary non-motorized passenger transport vehicle driver's permit to an applicant who is not qualified for a non-motorized passenger transport vehicle driver's permit under Section 10B-19 if the applicant:~~

~~(1) could qualify under Section 10B-19 for a non-motorized passenger transport vehicle driver's permit within one year from the date of application;~~

~~(2) holds a valid state driver's license or occupational driver's license; and~~

~~(3) is determined by the director, using the criteria listed in Section 10B-19(b) of this article, to be presently fit to engage in the occupation of a non-motorized passenger transport vehicle driver.~~

~~(b) A probationary permit may be issued for a period not to exceed one year.~~

~~(e) The director may prescribe appropriate terms and conditions for a probationary permit as the director determines are necessary.~~

SEC. 10B-26. DUPLICATE PERMIT.

~~If a non-motorized passenger transport vehicle driver's permit is lost or destroyed, the director shall issue the permittee a duplicate permit upon payment to the city of a duplicate permit fee of \$18.~~

SEC. 10B-27. DISPLAY OF PERMIT.

~~A driver shall at all times conspicuously display a non-motorized passenger transport vehicle driver's permit on the clothing of the driver's upper body. A driver shall allow the director or a peace officer to examine the permit upon request.~~

SEC. 10B-28. SUSPENSION BY A DESIGNATED REPRESENTATIVE.

~~(a) If a representative designated by the director to enforce this chapter determines that a permittee has failed to comply with this chapter (except Section 10B-19) or a regulation established under this chapter, the representative may suspend the non-motorized passenger transport vehicle driver's permit for a period of time not to exceed three days by personally serving the permittee with a written notice of the suspension. The written notice must include the reason for suspension, the date the suspension begins, the duration of the suspension, and a statement informing the permittee of the right of appeal.~~

~~(b) A suspension under this section may be appealed to the director or the director's assistant if the permittee requests an appeal at the time the representative serves notice of suspension. When an appeal is requested, the suspension may not take effect until a hearing is provided by the director or the director's assistant.~~

~~(c) The director may order an expedited hearing under this section, to be held as soon as possible after the permittee requests an appeal. The director may affirm, reverse, or modify the order of the representative. The decision of the director is final.~~

SEC. 10B-29. SUSPENSION OF NON-MOTORIZED PASSENGER TRANSPORT VEHICLE DRIVER'S PERMIT.

~~(a) If the director determines that a permittee has failed to comply with this chapter (except Section 10B-19) or a regulation established under this chapter, the director may suspend~~

the non-motorized passenger transport vehicle driver's permit for a definite period of time not to exceed 60 days.

(b) ~~If at any time the director determines that a permittee is not qualified under Section 10B-19, or is under indictment or has charges pending for any offense involving driving while intoxicated or a felony offense involving a crime described in Section 10B-19(a)(7)(A)(i), (ii), (iii), (iv), or (v) or criminal attempt to commit any of those offenses, the director may suspend the non-motorized passenger transport vehicle driver's permit until such time as the director determines that the permittee is qualified or that the charges against the permittee have been finally adjudicated.~~

(c) ~~A permittee whose non-motorized passenger transport vehicle driver's permit is suspended shall not drive a non-motorized passenger transport vehicle for hire inside the city during the period of suspension.~~

(d) ~~The director shall notify the permittee and the holder in writing of a suspension under this section and include in the notice the reason for the suspension, the date the director orders the suspension to begin, the duration of suspension or if it is under Subsection (b), and a statement informing the permittee of the right of appeal. The period of suspension begins on the date specified by the director or, in the case of an appeal, on the date ordered by the appeal hearing officer.~~

~~SEC. 10B-30. REVOCATION OF NON-MOTORIZED PASSENGER TRANSPORT VEHICLE DRIVER'S PERMIT.~~

(a) ~~The director may revoke a non-motorized passenger transport vehicle driver's permit if the director determines that the permittee:~~

(1) ~~operated a non-motorized passenger transport vehicle for hire inside the city during a period in which the permittee's non-motorized passenger transport vehicle driver's permit was suspended;~~

(2) ~~made a false statement of a material fact in an application for a non-motorized passenger transport vehicle driver's permit;~~

(3) ~~engaged in conduct that constitutes a ground for suspension under Section 10B-29(a), and received either a suspension in excess of three days or a conviction for violation of this chapter, two times within the 12-month period preceding the occurrence of the conduct or three times within the 24-month period preceding the occurrence of the conduct;~~

(4) ~~engaged in conduct that could reasonably be determined to be detrimental to the public safety;~~

(5) ~~failed to comply with a condition of a probationary permit; or~~

~~(6) is under indictment for or has been convicted of any felony offense while holding a non-motorized passenger transport vehicle driver's permit.~~

~~(b) A person whose non-motorized passenger transport vehicle driver's permit is revoked shall not:~~

~~(1) apply for another non-motorized passenger transport vehicle driver's permit before the expiration of 12 months from the date the director revokes the permit or, in the case of an appeal, the date the appeal hearing officer affirms the revocation; or~~

~~(2) drive a non-motorized passenger transport vehicle for hire inside the city.~~

~~(c) The director shall notify the permittee and the holder in writing of a revocation and include in the notice the reason for the revocation, the date the director orders the revocation, and a statement informing the permittee of the right of appeal.~~

~~SEC. 10B-31. OPERATION OF NON-MOTORIZED PASSENGER TRANSPORT VEHICLE AFTER SUSPENSION OR REVOCATION.~~

~~(a) After receipt of notice of suspension, revocation, or denial of permit renewal, the permittee shall, on the date specified in the notice, discontinue driving a non-motorized passenger transport vehicle for hire inside the city and shall surrender the non-motorized passenger transport vehicle driver's permit to the director.~~

~~(b) Notwithstanding Section 10B-29(e), Section 10B-30(b)(2), and Subsection (a) of this section, if the permittee appeals the suspension or revocation under this section, the permittee may continue to drive a non-motorized passenger transport vehicle for hire pending the appeal unless:~~

~~(1) the non-motorized passenger transport vehicle driver's permit of the permittee is suspended pursuant to Section 10B-29(b) or revoked pursuant to Section 10B-30(a)(6); or~~

~~(2) the director determines that continued operation by the permittee would impose an immediate threat to public safety.~~

~~SEC. 10B-32. APPEAL FROM DENIAL, SUSPENSION, OR REVOCATION.~~

~~(a) A person may appeal a denial of a non-motorized passenger transport vehicle driver's permit application, suspension of a non-motorized passenger transport vehicle driver's permit, or revocation of a non-motorized passenger transport vehicle driver's permit, if the person requests an appeal in writing, delivered to the city manager not more than 10 business days after notice of the director's action is received.~~

~~(b) The city manager or a designated representative shall act as the appeal hearing officer in an appeal hearing 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 the evidence presented at the hearing.~~

~~(e) The hearing officer may affirm, modify, or reverse all or part of the action of the director being appealed. The decision of the hearing officer is final as to available administrative remedies.~~

SEC. 10B-33. NONTRANSFERABILITY.

~~A non-motorized passenger transport vehicle driver's permit, badge, sticker, or emblem assigned to one person is not transferable to another.~~

ARTICLE IV.

MISCELLANEOUS HOLDER AND DRIVER REGULATIONS.

SEC. 10B-34. HOLDER'S AND DRIVER'S DUTY TO COMPLY.

~~(a) Holder. In the operation of a non-motorized passenger transport service, a holder shall comply with the terms and conditions of the holder's operating authority and, except to the extent expressly provided otherwise by the operating authority, shall comply with this chapter, rules and regulations established under this chapter, and other law applicable to the operation of a non-motorized passenger transport service.~~

~~(b) Driver. While on duty, a driver shall comply with this chapter, regulations established under this chapter, other law applicable to the operation of a motor vehicle in this state, and orders issued by the holder employing the driver in connection with the holder's discharging of its duty under its operating authority and this chapter.~~

SEC. 10B-35. HOLDER'S DUTY TO ENFORCE COMPLIANCE BY DRIVERS.

~~(a) A holder shall establish policy and take action to discourage, prevent, or correct violations of this chapter by drivers who are employed by the holder.~~

~~(b) A holder shall not permit a driver who is employed by the holder to drive a non-motorized passenger transport vehicle if the holder knows or has reasonable cause to suspect that the driver has failed to comply with this chapter, the rules and regulations established by the director, or other applicable law.~~

SEC. 10B-36. INSURANCE; SUSPENSION OF OPERATING AUTHORITY.

~~(a) A holder shall procure and keep in full force and effect commercial general liability insurance written by an insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the state board of insurance. All provisions of the policy must be acceptable to the city. 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 non-motorized passenger transport service by the holder.~~

~~(b) The commercial general liability insurance 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.~~

~~(c) If a vehicle is removed from service, the holder shall maintain the insurance coverage required by this section for the vehicle until the director receives satisfactory proof that all evidence of operation as a non-motorized passenger transport vehicle has been removed from the vehicle.~~

~~(d) Insurance required under this section must include:~~

~~(1) a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 30 days before cancelling, failing to renew, or making a material change to the insurance policy; and~~

~~(2) a provision to cover all vehicles, whether owned or not owned by the holder, operated under the holder's operating authority.~~

~~(e) No insurance required by this section may be obtained from an assigned risk pool.~~

~~(f) Operating authority will not be granted or renewed unless the applicant or holder furnishes the director with such proof of insurance as the director considers necessary to determine whether the applicant or holder is adequately insured under this section.~~

~~(g) If the insurance of a holder lapses or is cancelled and new insurance is not obtained, the director shall suspend the operating authority until the holder provides evidence that insurance coverage required by this section has been obtained. A person shall not operate a passenger transportation service while operating authority is suspended under this section whether or not the action is appealed. A \$100 fee must be paid before operating authority suspended under this section will be reinstated.~~

~~SEC. 10B-37. INFORMATION TO BE SUPPLIED UPON REQUEST OF DIRECTOR.~~

~~Upon request of the director, a holder shall submit to the director the following information about a non-motorized passenger transport service:~~

~~(1) a current consolidated list of all vehicles and, if applicable, horses used;~~

- (2) ~~a current financial statement that includes a balance sheet and income statement;~~
- (3) ~~names of current officers, owners, and managers; and~~
- (4) ~~a list of current drivers employed by the holder, with their non-motorized passenger transport vehicle driver's permits indicated.~~

SEC. 10B-38. ~~HOLDER'S RECORDS AND REPORTS.~~

(a) ~~Each holder shall maintain at a single location business records of its non-motorized passenger transport service. The records must be maintained in a manner approved by the director and contain the following information:~~

- (1) ~~an identification of the vehicle used for each trip;~~
- (2) ~~the number of trips a day made by each vehicle;~~
- (3) ~~an identification of the horse used for each trip, if applicable, and a statement of the periods of work and rest for each horse; and~~
- (4) ~~any other information the director determines necessary for monitoring the activities, operations, service, and safety record of the holder.~~

(b) ~~A holder shall make its records available for inspection by the director or by a designated representative of the city department of health and human services at reasonable times upon request.~~

SEC. 10B-39. ~~FAILURE TO PAY AD VALOREM TAXES.~~

~~A holder or an applicant for operating authority shall not allow the payment of ad valorem taxes upon any vehicle, equipment, or other property used directly or indirectly in connection with the non-motorized passenger transport service to become delinquent.~~

ARTICLE V.

~~SERVICE RULES AND REGULATIONS.~~

SEC. 10B-40. ~~SOLICITATION.~~

- (a) ~~A person commits an offense if he, by word or gesture, solicits a passenger for hire.~~
- (b) ~~It is a defense to prosecution under Subsection (a) that the person was soliciting:~~

(1) ~~from a location and in a manner authorized by written contract executed by an authorized property manager of the location and the holder of the non-motorized passenger transport service; or~~

(2) ~~at a time and from a location complying with a schedule of loading and drop-off points on file with and approved by the director.~~

SEC. 10B-41. PAYMENT FOR PREFERENTIAL PLACEMENT OF PASSENGERS.

(a) ~~An employee of a business establishment, other than a non-motorized passenger transport service, who acts as an agent in obtaining non-motorized passenger transport service for prospective passengers shall not solicit or accept payment from a driver in return for giving preferential treatment in directing passengers to the driver's vehicle.~~

(b) ~~A driver commits an offense if he pays an employee of another business to solicit passengers or to give preferential treatment in directing passengers to the driver's vehicle.~~

(c) ~~This section does not prohibit the holder of the non-motorized passenger transport service from entering into a contractual agreement or other prior arrangement with the management of the other business for the directing of passengers to the service's vehicles.~~

SEC. 10B-42. APPAREL TO BE WORN BY DRIVERS.

(a) ~~A holder shall specify and require an item of apparel or an item placed on the apparel to be worn by drivers employed by the holder, which item must be of such distinctive and uniform design as to readily identify the holder's service and must bear the name of the holder's service. The item specified by each holder must be approved by the director to insure that drivers of one holder may be easily distinguished from drivers of another and to insure the neat appearance of drivers.~~

(b) ~~While on duty, a driver shall wear the item specified by the holder who employs the driver and shall comply with such other identification regulations prescribed by the holder's operating authority.~~

SEC. 10B-43. CONDUCT OF DRIVERS.

A driver shall at all times:

- (1) ~~act in a reasonable, prudent, and courteous manner;~~
- (2) ~~maintain a sanitary and well-groomed appearance;~~
- (3) ~~not consume an alcoholic beverage, drug, or other substance that could adversely affect the driver's ability to operate a non-motorized passenger transport vehicle;~~

~~(4) not permit a person other than another employee of the non-motorized passenger transport service to operate a vehicle under the driver's control;~~

~~(5) if driving a horse-drawn carriage:~~

~~(A) not permit a person on the back of a horse when under the driver's control;~~

~~(B) not leave a horse untethered and unattended except when confined to a stable or other enclosure;~~

~~(C) not permit a horse to drop excrement from its diaper; and~~

~~(D) keep all carriage stands clean and free of animal excrement;~~

~~(6) not interfere with the director in the performance of the director's duties;~~
and

~~(7) comply with lawful orders of the director issued in the performance of the director's duties.~~

~~SEC. 10B-44. ALCOHOL IN A NON-MOTORIZED PASSENGER TRANSPORT VEHICLE.~~

~~(a) A holder or driver commits an offense if he provides an alcoholic beverage to a passenger for a fee or as part of the non-motorized passenger transport service.~~

~~(b) A holder or driver commits an offense if he purchases or stocks a vehicle with an alcoholic beverage. A nonalcoholic beverage or mixer may be purchased and provided by the holder or driver.~~

~~(c) An alcoholic beverage may be in the vehicle only if the passenger:~~

~~(1) brings the alcoholic beverage into the vehicle and meets minimum age requirements of the state; or~~

~~(2) personally purchases the alcoholic beverage at a liquor store while using the vehicle.~~

~~SEC. 10B-45. NOTIFICATION OF CHANGE OF ADDRESS OR OWNERSHIP.~~

~~A holder commits an offense if he:~~

~~(1) fails to notify the director within 10 days of a change in the address or telephone number of the non-motorized passenger transport service; or~~

(2) ~~changes the form of the business or officers of the corporation of the service, from that originally submitted, without a request to amend the operating authority.~~

SEC. 10B-46. RETURN OF PASSENGERS' PROPERTY.

~~A driver of a non-motorized passenger transport vehicle shall immediately attempt to return to a passenger any property left by the passenger in the vehicle. If unable to locate the passenger, the driver shall notify the holder of the service, who shall notify the director within 24 hours of a description of the property and the location where the property is being stored.~~

ARTICLE VI.

FARES.

SEC. 10B-47. RATES OF FARE.

(a) ~~A driver or holder shall not charge a fare for operating a non-motorized passenger transport vehicle that is inconsistent with the rates authorized in the operating authority.~~

(b) ~~A holder desiring to change the authorized rates of fare must submit a written request in accordance with Section 10B-12 of this chapter.~~

(c) ~~The rates listed in the holder's operating authority must be strictly adhered to, and no change in rates may be implemented without written approval of the director.~~

(d) ~~The director may require a holder to display rates on or within a non-motorized passenger transport vehicle in a manner prescribed by the director.~~

(e) ~~The use of any type of meter or measuring device to calculate rates of fare for non-motorized passenger transport service is prohibited.~~

ARTICLE VII.

HORSES, VEHICLES, AND EQUIPMENT.

SEC. 10B-48. REQUIREMENTS FOR HORSES IN SERVICE.

(a) ~~Before any horse may be used in a non-motorized passenger transport service, the holder must furnish the director with:~~

(1) ~~a state certificate of veterinarian inspection identifying the horse by description or photograph and showing that the horse has been examined at least once within the preceding six months by a veterinarian licensed by the State of Texas who specializes in equine medicine;~~

~~(2) proof that the horse has had tetanus, rabies, and Eastern Western encephalitis vaccinations; and~~

~~(3) photographs showing identifying markings of the horse.~~

~~(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 "eazy" type boot may be used to finish the scheduled work day;~~

~~(2) not have any open wound, oozing sore, cut below skin level, or bleeding wound;~~

~~(3) not have evidence of lameness, such as but not limited to head bobbing or irregular rhythm;~~

~~(4) be offered not less than five gallons of drinking water at least every two hours;~~

~~(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 hours rest;~~

~~(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.~~

~~(c) The director, or a designated representative of the city department of code compliance, may require the holder or driver of a horse-drawn carriage to remove from service any horse that appears to be ill, overtired, undernourished, overloaded, injured, or lame or whose health or life, in the opinion of a veterinarian or qualified equine animal services officer, is in imminent danger. To reinstate a horse removed from service, the horse must be re-examined and a new state certificate of veterinarian inspection issued for the horse by a veterinarian licensed by~~

~~the State of Texas and specializing in equine medicine, which certificate must be submitted to the director.~~

~~(d) A person commits an offense if he harasses or startles, or attempts to harass or startle, any horse while the horse is pulling a carriage or at rest or otherwise treats a horse inhumanely while it is working in a non-motorized passenger transport service.~~

~~(e) A holder and driver shall use a trailer to transport a horse to a job location in the city that is more than three miles from the location where the horse is stabled.~~

~~(f) For purposes of this section, a horse is considered to be working any time it is on a public street or sidewalk, or other public right of way, during any hour of operation of the non-motorized passenger transport service that is authorized by and on file with the director.~~

~~SEC. 10B-49. VEHICLE INSPECTION AND MAINTENANCE.~~

~~(a) The applicant for operating authority under this chapter shall have each vehicle to be used in the non-motorized passenger transport service inspected in a manner approved by the director before the operating authority is issued and at such other times as may be ordered by the director. Inspection must determine safety of the vehicle, condition of maintenance, and compliance with state and federal laws.~~

~~(b) If a vehicle is involved in an accident or collision during the term of the operating authority, the driver shall immediately notify the holder and the police department. The holder shall submit a full written report of the accident or collision to the director within 48 hours after its occurrence. Before operating the vehicle again under the operating authority, a holder shall have the vehicle reinspected for safety and shall send to the director a sworn affidavit that the vehicle has been restored to its previous condition.~~

~~(c) The director shall designate the time and place for annual inspection of vehicles operated under holder's operating authority. If the director designates someone other than a city employee to perform the inspection, the applicant or holder shall bear the reasonable cost of inspections.~~

~~(d) A holder may contract for maintenance but shall be responsible for maintaining all vehicles operated under the operating authority in safe operating condition.~~

~~SEC. 10B-50. REQUIRED EQUIPMENT.~~

~~(a) A holder or driver shall, at all times, provide and maintain in good operating condition the following equipment for each non-motorized passenger transport vehicle:~~

~~(1) head lights;~~

~~(2) tail lights;~~

- (3) ~~flashing lights;~~
 - (4) ~~a braking system approved by the director;~~
 - (5) ~~rubber on all wheels;~~
 - (6) ~~a "slow moving vehicle" sign attached to the rear of the vehicle;~~
 - (7) ~~evidence of insurance required by Section 10B-36;~~
 - (8) ~~a copy of this chapter of the code;~~
 - (9) ~~the company name and a unit number conspicuously located on the rear of the vehicle in letters not less than two inches high;~~
 - (10) ~~a decal or temporary permit placed in a manner and location approved by the director;~~
 - (11) ~~any other equipment required to comply with all applicable federal and state laws; and~~
 - (12) ~~any other special equipment that the director determines to be necessary for the service to be operated.~~
- (b) ~~A holder or driver shall, at all times, keep each non-motorized passenger transport vehicle clean and free of refuse and in safe operating condition.~~
- (c) ~~A vehicle must not have any cracks, broken or missing parts, or other visible damage. All wheels must be firmly attached to the hub of a vehicle and all springs, axles, and supporting structures of each vehicle must be intact.~~

~~ARTICLE VIII.~~

~~ENFORCEMENT.~~

~~SEC. 10B-51. ENFORCEMENT BY POLICE DEPARTMENT.~~

~~Officers of the police department shall assist in the enforcement of this chapter. A police officer upon observing a violation of this chapter, or the regulations established by the director, shall take necessary enforcement action to insure effective regulation of non-motorized passenger transport service.~~

~~SEC. 10B-52. CORRECTION ORDER.~~

(a) ~~If the director determines that a holder violates this code, terms of its operating authority, a regulation established by the director, or other law, the director may notify the holder~~

~~in writing of the violation and by written order direct the holder to correct the violation within a reasonable period of time. In setting the time for correction, the director shall consider the degree of danger to the public health or safety and the nature of the violation. If the violation involves equipment that is unsafe or functioning improperly, the director shall order the holder to immediately cease use of the equipment.~~

~~(b) If the director determines that a violation constitutes an imminent and serious threat to the public health or safety, the director shall order the holder to correct the violation immediately, and, if the holder fails to comply, the director shall promptly take or cause to be taken such action as the director considers necessary to enforce the order immediately.~~

~~(c) The director shall include in a notice issued under this section an identification of the violation, the date of issuance of the notice and the time period within which the violation must be corrected, a warning that failure to comply with the order may result in suspension or revocation of operating authority or imposition of a fine or both, and a statement indicating that the order may be appealed to the city manager.~~

SEC. 10B-53. SERVICE OF NOTICE.

~~(a) A holder shall designate and maintain a representative to receive service of notice required under this chapter to be given a holder and to serve notice required under this chapter to be given a driver employed by a holder.~~

~~(b) Notice required under this chapter to be given:~~

~~(1) a holder must be personally served by the director on the holder or the holder's designated representative; or~~

~~(2) a driver licensed by the city under Article III, must be personally served or sent by certified United States Mail, five day return receipt requested, to the address, last known to the director, of the person to be notified, or to the designated representative for drivers.~~

~~(c) Notice required under this chapter to be given a person other than a driver licensed under Article III or a holder may be served in the manner prescribed by Subsection (b)(2).~~

~~(d) Service executed in accordance with this section constitutes notice to the person to whom the notice is addressed. The date of service for notice that is mailed is the date received.~~

SEC. 10B-54. APPEAL.

~~(a) A holder may appeal a correction order issued under Section 10B-52 if an appeal is requested in writing not more than 10 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 hearing 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 a part of the order of the director. The decision of the hearing officer is final.~~

SEC. 10B-55. CRIMINAL OFFENSES.

~~(a) A person commits an offense if he violates or attempts to violate a provision of this chapter applicable to the person. A culpable mental state is not required for the commission of an offense under this chapter unless the provision defining the conduct expressly requires a culpable mental state. A separate offense is committed each day during which an offense occurs. An offense committed under this chapter is punishable by a fine of not more than \$500.~~

~~(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 5. That Chapter 45, “Taxicabs,” of the Dallas City Code is repealed, and Chapter 45 shall be indicated as “Reserved” in the Dallas City Code, as follows:

“RESERVED. [CHAPTER 45

TAXICABS

ARTICLE I.

GENERAL PROVISIONS.

SEC. 45-1.1. STATEMENT OF POLICY.

~~It is the policy of the city of Dallas to provide for and to promote adequate and efficient taxicab service in the city. To this end, this chapter provides for the regulation of taxicab rates and services, to be carried out in a manner that protects the public health and safety, promotes the public convenience and necessity, and respects the concept of free enterprise.~~

SEC. 45-1.2. GENERAL AUTHORITY AND DUTY OF DIRECTOR.

~~The director shall implement and enforce this chapter and may by written order establish such rules or regulations, not inconsistent with this chapter, as he determines are necessary to discharge his duty under, or to effect the policy of this chapter.~~

SEC. 45-1.3. ESTABLISHMENT OF RULES AND REGULATIONS.

~~(a) Before adopting, amending, or abolishing a rule or regulation, 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 holder 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 the holders and other interested persons of the director's action and shall post an order adopting, amending, or abolishing a rule or regulation on the official bulletin board in the city hall for a period of not fewer than 10 days. The order becomes effective immediately upon expiration of the posting period.~~

SEC. 45-1.4. EXCLUSIONS.

This chapter does not apply to:

~~(1) the transportation of a person by taxicab licensed by another governmental entity from a point outside the city to a destination inside the city, if the taxicab leaves the city without receiving a passenger inside the city;~~

~~(2) a taxicab service operated under state or federal authority unless the service is subject to the city's regulatory authority; or~~

~~(3) a motor vehicle used to transport persons for hire that is regulated by other city ordinance.~~

SEC. 45-1.5. 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) ALTERNATIVE FUEL VEHICLE means any vehicle that:~~

~~(A) uses only an alternative fuel as defined by the Energy Policy Act of 1992 or is powered by hybrid electricity; and~~

~~(B) meets Tier 2 Bin 1-3 emission standards as defined by the United States Environmental Protection Agency.~~

~~(2) ANNUAL PERMIT means permission granted by the city to a person to operate a taxicab service inside the city for a period of one year, renewable under the provisions of this chapter.~~

~~(3) CONVICTION means a conviction in a federal court or a court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned.~~

~~(4) DEPARTMENT means the department designated by the city manager to enforce and administer this chapter.~~

~~(5) 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.~~

~~(6) DISPATCHING FACILITY means a fixed facility:~~

~~(A) at which requests for taxicab service are received;~~

~~(B) from which drivers are notified, by radio or any other electronic communication system, of requests for taxicab service; and~~

~~(C) to which drivers communicate, by radio or any other electronic communication system, their availability to provide the requested taxicab service. Except when being operated from the permanent and established place of business required under Section 45-2.4(a)(9) of this chapter, the term does not include any facility from which the primary administrative operations of the taxicab service are conducted or at which taxicabs are parked, stored, repaired, or maintained.~~

~~(7) DRIVER means an individual who drives or operates a taxicab.~~

~~(8) FRANCHISE means an agreement between the city and another person, executed in the manner prescribed by the city charter, under which the other person is granted the privilege of operating a taxicab service inside the city for a specific period of time and in accordance with the specific terms and conditions of the agreement.~~

~~(9) HOLDER means a person who is granted an annual permit or franchise under this chapter. If the context in which the term is used applies to operations under a temporary permit or reciprocal agreement the term "holder" includes a person who is granted a temporary permit or reciprocal agreement.~~

~~(10) LEGAL RESIDENT means a citizen of the United States or a person residing in the United States in accordance with federal immigration laws.~~

~~(11) OPERATE means to drive or to be in control of a taxicab.~~

~~(12) OPERATING AUTHORITY means a franchise, annual permit, temporary permit, or reciprocal agreement granted under this chapter.~~

(13) ~~OPERATOR~~ means the driver of a taxicab, the owner of a taxicab, or the holder of a taxicab operating authority.

(14) ~~OWNER~~ means the person to whom state license plates for a vehicle were issued.

(15) ~~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.

(16) ~~RECIPROCAL AGREEMENT~~ means an agreement between the city and one or more political subdivisions to provide reciprocal operation of taxicabs.

(17) ~~TAXICAB~~ means a chauffeured motor vehicle with a rated passenger capacity of eight or less, used to transport persons for hire that typically operates on irregular routes, irregular schedules, and a call and demand basis, but not including limousines or special service vehicles as defined in Chapter 10 of this code.

(18) ~~TAXICAB DRIVER'S LICENSE~~ means a license issued to an individual by the director authorizing that person to operate a taxicab in the city.

(19) ~~TAXICAB SERVICE~~ means a passenger transportation service operated for hire that uses taxicabs in the operation of the service and includes (but is not limited to) a facility from which the service is operated, taxicabs used in the operation, and a person who owns, controls, or operates the service.

(20) ~~TAXICAB STAND~~ means a public place reserved exclusively for use by taxicabs.

(21) ~~TAXIMETER~~ means a device that mechanically or electronically computes a fare based upon the distance traveled, the time the taxicab is engaged, and any other basis for charges authorized in Article VI of this chapter.

(22) ~~TEMPORARY PERMIT~~ means permission granted by the city to a person to operate a taxicab service inside the city for a specified period of time less than one year.

ARTICLE II.

OPERATING AUTHORITY.

SEC. 45-2.1. OPERATING AUTHORITY REQUIRED.

(a) A person may not operate a taxicab service inside the city without operating authority granted under this chapter, nor may a person transport a passenger for hire inside the city by taxicab unless the person driving the taxicab or another who employs or contracts with the driver has been granted operating authority under this chapter.

(b) ~~A person shall not engage or hire a taxicab which he knows does not have operating authority from the city.~~

SEC. 45-2.2. TRANSFERABILITY OF OPERATING AUTHORITY.

(a) ~~A franchise or annual permit may not be transferred to another unless the holder files a written application for the transfer in the manner and containing the information prescribed by the director, and the transfer application is approved by the city council.~~

(b) ~~A temporary permit or reciprocal agreement is not transferable.~~

SEC. 45-2.3. FRANCHISE OR ANNUAL PERMIT GRANTED BY CITY COUNCIL; SERVICE REQUIREMENTS.

(a) ~~Before a franchise or annual permit is granted, the application for the franchise or annual permit must be approved by the city council. The granting of a franchise or annual permit is in the discretion of the city council, but will not be granted unless:~~

(1) ~~the proposed taxicab service is required by the public convenience and necessity; and~~

(2) ~~the applicant qualifies for operating authority under Section 45-2.3.1 of this chapter and is otherwise fit, willing, and able to operate the taxicab service in accordance with the requirements of this chapter, rules and regulations of the director, provisions of the franchise or annual permit, and other applicable law.~~

(b) ~~The holder of a franchise must provide taxicab service to the entire city with a minimum of 50 taxicabs. A franchise may not be granted for a period longer than 15 years.~~

(c) ~~The holder of an annual permit must provide taxicab service as specified in the permit with a minimum of 25 taxicabs.~~

SEC. 45-2.3.1. QUALIFICATION FOR OPERATING AUTHORITY.

(a) ~~To qualify for operating authority, an applicant must:~~

(1) ~~be at least 19 years of age;~~

(2) ~~be currently authorized to work full time in the United States;~~

(3) ~~be able to communicate in the English language; and~~

(4) ~~not have been convicted of a crime:~~

(A) ~~involving:~~

(i) ~~kidnapping as described in Chapter 20 of the Texas Penal Code;~~

(ii) ~~a sexual offense as described in Chapter 21 of the Texas Penal Code;~~

(iii) ~~robbery as described in Chapter 29 of the Texas Penal Code;~~

(iv) ~~burglary as described in Chapter 30 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~

(v) ~~theft as described in Chapter 31 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~

(vi) ~~fraud as described in Chapter 32 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~

(vii) ~~tampering with a governmental record as described in Chapter 37 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~

(viii) ~~public indecency (prostitution or obscenity) as described in Chapter 43 of the Texas Penal Code;~~

(ix) ~~the transfer, carrying, or possession of a weapon in violation of Chapter 46 of the Texas Penal Code, but only if the violation is punishable as a felony;~~

(x) ~~a violation of the Dangerous Drugs Act (Article 4476-14, Vernon's Texas Civil Statutes) that is punishable as a felony;~~

(xi) ~~a violation of the Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes) that is punishable as a felony; or~~

(xii) ~~criminal attempt to commit any of the offenses listed in Subdivision (4)(A)(i) through (xi) of this subsection;~~

(B) ~~for which:~~

(i) ~~less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the applicant was convicted of a misdemeanor offense;~~

~~(ii) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the applicant was convicted of a felony offense; or~~

~~(iii) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any 24 month period, the applicant has two or more convictions of any misdemeanor offense or combination of misdemeanor offenses;~~

~~(b) An applicant who has been convicted of an offense listed in Subsection (a)(4), for which the required time period has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, may qualify for operating authority only if the director determines that the applicant is presently fit to provide a public transportation service. In determining present fitness under this section, the director shall consider the following:~~

- ~~(1) the extent and nature of the applicant's past criminal activity;~~
- ~~(2) the age of the applicant at the time of the commission of the crime;~~
- ~~(3) the amount of time that has elapsed since the applicant's last criminal activity;~~
- ~~(4) the conduct and work activity of the applicant prior to and following the criminal activity;~~
- ~~(5) evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and~~
- ~~(6) other evidence of the applicant's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.~~

~~(c) It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness under Subsection (b) of this section.~~

SEC. 45-2.4. APPLICATION FOR FRANCHISE OR ANNUAL PERMIT.

~~(a) To obtain a franchise or annual permit, a person shall make application to the city council in the manner prescribed by this section. The applicant must be the person who will own, control, or operate the proposed taxicab service. An applicant shall file with the director a written, verified application statement, to be accompanied by a nonrefundable application fee of \$250, 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, address, and citizenship of each person with a direct interest in the business;~~

~~(2) the name, address, and verified signature of the applicant;~~

~~(3) an actual or pro forma income statement and balance sheet showing the assets, liabilities, and equity of the business;~~

~~(4) a description of any past business experience of the applicant, particularly in providing passenger transportation services, and an identification and description of any revocation or suspension of a franchise or permit held by the applicant or business before the date of filing the application.~~

~~(5) the number of vehicles and a description of the vehicles the applicant proposes to use in the operation of the taxicab service, and a description of the operations of the proposed taxicab service and the location of the fixed facilities to be used in the operation;~~

~~(6) a description of the proposed insignia and color scheme for the applicant's taxicabs and a description of the distinctive item of apparel or item placed on the apparel to be worn by the applicant's taxicab drivers;~~

~~(7) documentary evidence from an insurance company, authorized to do business in the State of Texas, indicating a willingness to provide liability insurance required by this chapter;~~

~~(8) documentary evidence of payment of ad valorem taxes on the property to be used in connection with the operation of the proposed taxicab service;~~

~~(9) proof of a permanent and established place of business within the city of Dallas, the location of which complies with the Dallas Development Code, from which the proposed taxicab service will be operated, which place of business may, but is not required to, include the dispatching facility for the taxicab service;~~

~~(10) such additional information as the applicant desires to include to aid in the determination of whether the requested operating authority should be granted; and~~

~~(11) such additional information as the director or city council considers necessary to assist or promote the implementation or enforcement of this chapter or the protection of the public safety.~~

~~(b) A holder shall notify the director in writing of any change of address or change in ownership or management of a taxicab service not less than 10 days prior to the change.~~

(c) ~~The established place of business required by Subsection (a)(9) of this section must be kept open from 9:00 a.m. to 5:00 p.m. weekdays, other than recognized holidays, and must be staffed and equipped to receive telephone calls during all business hours.~~

SEC. 45-2.5. ~~FRANCHISE OR ANNUAL PERMIT — INVESTIGATION OF APPLICATION AND APPROVAL.~~

(a) ~~Upon receipt of an application for a franchise or annual permit the director shall conduct an investigation and make findings of fact concerning public convenience and necessity and other relevant factors, including, but not limited to:~~

- (1) ~~the number of taxicabs presently in operation in the city;~~
- (2) ~~the public transportation needs of the city and the adequacy of existing transportation services, including existing holders, to meet those needs;~~
- (3) ~~whether existing holders can render the proposed additional taxicab service more efficiently or effectively than the applicant;~~
- (4) ~~the effect of the proposed additional taxicab service on traffic conditions, taxicab drivers' working conditions and wages, and existing holders and public mass transportation services; and~~
- (5) ~~the character, experience, and fiscal responsibilities of the applicant.~~

(b) ~~The applicant for a franchise or annual permit has the burden of proving that the public convenience and necessity require the proposed taxicab service and that the applicant is qualified and financially able to provide the service proposed in the application.~~

(c) ~~Within a reasonable time following the date of application, the director shall report in writing his findings of fact and recommendation to the city manager for transmittal to the city council. The city council shall then hold a public hearing to consider whether a franchise or annual permit should be granted.~~

SEC. 45-2.6. ~~TEMPORARY PERMIT; APPLICATION; PURPOSES.~~

(a) ~~To obtain a temporary permit, a person shall make application to the director. Upon receipt of an application for a temporary permit, the director shall give reasonable notice to all holders of his consideration of the application.~~

(b) ~~After the director makes a recommendation concerning the application, the city council may issue a temporary permit for the purposes of:~~

- (1) ~~providing supplemental services during periods of extraordinary demand;~~
- or

(2) ~~to assess the feasibility of new technology or services in furtherance of the duties assigned under Section 2-44.1(d) of this code.~~

(e) ~~A temporary permit is not renewable.~~

SEC. 45-2.7. RECIPROCAL AGREEMENT.

~~Upon approval of the city council, the city manager may enter into a reciprocal agreement with one or more political subdivisions to provide reciprocal operation and mutual regulation of taxicab services between the city and other political subdivisions. The director shall give all holders reasonable notice of when a reciprocal agreement is to be considered by the city council.~~

SEC. 45-2.8. GRANT OF FRANCHISE AND PERMIT.

(a) ~~Upon approval of an application for a franchise by the city council, the franchise will be granted in the manner prescribed by the city charter, containing such terms or conditions as are included by the city council. Unless the ordinance granting the franchise expressly indicates otherwise, the provisions of this chapter that apply to a franchise or franchise holder are deemed to be a part of each franchise as if the provisions were expressly included in the ordinance granting the franchise.~~

(b) ~~Upon approval of an application for an annual or temporary permit by the city council, the director shall promptly issue the permit and incorporate in the permit the duration of the permit and such other terms or conditions as the city council determines are necessary.~~

SEC. 45-2.9. RENEWAL OF ANNUAL PERMIT.

(a) ~~An annual permit is automatically renewed unless the director notifies the holder, before the renewal date, of an intention to recommend denial of the permit renewal based on a determination that:~~

(1) ~~the holder is not in compliance with the permit or applicable provisions of this code, department regulations, or other law; or~~

(2) ~~the holder does not qualify for operating authority under Section 45-2.3.1 of this chapter or is otherwise not fit, willing, or able to continue to operate the taxicab service in accordance with the permit and applicable provisions of this code, department regulations, and other law; or~~

(3) ~~public convenience and necessity do not require the continued operation of the taxicab service.~~

(b) ~~A holder desiring a change in the terms or conditions of the permit must file with the director, not fewer than 60 days before the permit expires, a written request stating reasons for the requested changes.~~

(c) ~~Minor changes may be made in a permit by the director without city council approval.~~

(d) ~~If the director determines that a denial of a permit renewal or material change in the terms or conditions of the permit is required by the public convenience and necessity, or if a holder requests a material change in the terms or conditions of the permit, the director shall submit for consideration by the city council a written report containing his recommendations for denial or his recommendations on the proposed or requested change together with supporting findings of fact. Upon action being taken by the city council, the director shall issue a denial of permit renewal or renew the permit, as directed by the city council. In the case of renewal he shall incorporate such changes as authorized by the city council.~~

(e) ~~If the permit expires at no fault of the holder before a ruling on the approval or denial of the renewal, the holder may continue to operate the taxicab service pending a final decision. The holder shall cease operation of the taxicab service immediately upon denial of the request for renewal by the city council.~~

~~SEC. 45-2.10. AMENDMENT, SUSPENSION, AND REVOCATION OF OPERATING AUTHORITY.~~

(a) ~~Amendment. A franchise is amendable under the conditions and in the manner prescribed by the city charter and the ordinance granting the franchise. An annual permit is amendable at any time by the city council, and a temporary permit is amendable at any time by the director. The director may make a minor change by amendment of an annual permit at any time without the approval of the city council.~~

(b) ~~Revocation of franchise. A franchise is revocable on the grounds and in the manner prescribed by the city charter.~~

(c) ~~Suspension and revocation of permit. The following regulations apply to the suspension or revocation of a temporary or annual permit.~~

(1) ~~The director may suspend or revoke a permit if the director determines that the holder:~~

(A) ~~failed to comply with a correction order issued to the holder by the director, within the time specified in the order;~~

(B) ~~intentionally or knowingly impeded the department or other law enforcement agency in the performance of its duty or execution of its authority;~~

(C) ~~failed to comply with this chapter;~~

(D) ~~does not qualify for operating authority under Section 45-2.3.1 of this chapter;~~

~~(E) has been convicted of a violation of another city, state, or federal law, which violation reflects unfavorably on the fitness of the holder to perform a public transportation service;~~

~~(F) is under indictment for or has been convicted of any felony offense while holding taxicab operating authority;~~

~~(G) substantially breached the terms of the permit;~~

~~(H) failed to pay city ad valorem taxes on any property of the holder used directly or indirectly in connection with the taxicab service; or~~

~~(I) failed to pay a permit fee at the time it was due.~~

~~(2) A suspension of a permit does not affect the expiration date of the permit.~~

~~(3) After revocation of a permit, a holder is not eligible for a permit or franchise for a period of two years.~~

~~(d) Appeal. After suspension or revocation of a permit by the director, a holder may file an appeal with the permit and license appeal board in accordance with Section 2-96 of this code.~~

~~SEC. 45-2.11. FRANCHISE AND PERMIT FEES.~~

~~(a) A holder of a franchise shall pay the city a franchise fee in the amount and manner prescribed by the city charter and the franchise.~~

~~(b) A holder of an annual permit shall pay the city a permit fee of \$350 a year for each taxicab authorized by the permit or an amount stated in the permit. The fee for a temporary permit is that which is stated in the permit. A permit fee is payable in the manner and at the time prescribed by the permit.~~

~~(c) The city shall refund the amount that a permit fee exceeds two percent of the annual gross receipts derived from the operation of the permit holder's taxicab service during the same period as authorized by the permit if within 30 days after the permit expires the holder submits to the director an accounting, using established and accepted accounting principles, that indicates the amount of the excess.~~

~~SEC. 45-2.12. NUMBER OF TAXICABS AUTHORIZED.~~

~~(a) The director shall annually make studies and surveys concerning the public convenience and necessity and may, from time to time, prescribe the number of taxicabs authorized for, and operated by, a holder in order to adequately provide taxicab service in the city.~~

(b) ~~In determining the total number of taxicabs required by the public convenience and necessity, the director shall use the following formula:~~

Maximum number of taxicabs allowed to be	=	27 taxicabs	x	Every 1,000,000 airport passengers per calendar year (based on combined passenger authorized information provided by Love Field Airport and the Dallas Fort Worth International Airport)
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(c) ~~Whenever the number of taxicabs authorized to operate in the city exceeds the number of taxicabs determined under Subsection (b) to be required by the public convenience and necessity, the director shall establish rules and regulations to provide, in a fair and uniform manner, for the reduction of authorized taxicabs to the number required for the public convenience and necessity. Each holder and driver shall reduce the number of taxicabs operated by it in accordance with such rules and regulations.~~

(d) ~~Whenever the number of taxicabs authorized to operate in the city is less than the number of taxicabs determined under Subsection (b) to be required by the public convenience and necessity, the director shall authorize, in a fair and uniform manner, additional taxicabs to be operated by holders and drivers.~~

SEC. 45-2.13. SPECIAL PROVISIONS OF OPERATING AUTHORITY.

~~This chapter governs the operation of taxicabs and taxicab service under each form of operating authority. This chapter, however, is not a limitation on the power of the city council to incorporate in a grant of operating authority special provisions relating to the operation of the taxicab service under the grant. To the extent that a special provision conflicts with this chapter, the special provision controls.~~

ARTICLE III.

TAXICAB DRIVER'S LICENSE.

SEC. 45-3.1. TAXICAB DRIVER'S LICENSE REQUIRED.

(a) ~~A person may not operate a taxicab inside the city without a valid taxicab driver's license issued to the person under this article, except when authorized in a reciprocal agreement.~~

(b) ~~A holder or taxicab owner may not employ or contract with a driver or otherwise allow a person to drive for hire a taxicab owned, controlled, or operated by the holder or taxicab~~

owner unless the person has a valid taxicab driver's license issued under this article, except when authorized in a reciprocal agreement.

SEC. 45-3.2. QUALIFICATION FOR TAXICAB DRIVER'S LICENSE.

- (a) To qualify for a taxicab driver's license, an applicant must:
- (1) be at least 19 years of age;
 - (2) be currently authorized to work full time in the United States;
 - (3) hold a valid driver's license issued by the State of Texas;
 - (4) be able to communicate in the English language;
 - (5) not be afflicted with a physical or mental disease or disability that is likely to prevent the applicant from exercising ordinary and reasonable control over a motor vehicle or that is likely to otherwise endanger the public health or safety;
 - (6) not have been convicted of more than four moving traffic violations arising out of separate transactions, or involved in more than two automobile accidents in which it could be reasonably determined that the applicant was at fault, within any 12-month period during the preceding 36 months;
 - (7) not have been convicted of a crime:
 - (A) involving:
 - (i) criminal homicide as described in Chapter 19 of the Texas Penal Code;
 - (ii) kidnapping as described in Chapter 20 of the Texas Penal Code;
 - (iii) a sexual offense as described in Chapter 21 of the Texas Penal Code;
 - (iv) an assaultive offense as described in Chapter 22 of the Texas Penal Code;
 - (v) robbery as described in Chapter 29 of the Texas Penal Code;
 - (vi) burglary as described in Chapter 30 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;

~~(vii) theft as described in Chapter 31 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~

~~(viii) fraud as described in Chapter 32 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~

~~(ix) tampering with a governmental record as described in Chapter 37 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in a passenger transportation service;~~

~~(x) public indecency (prostitution or obscenity) as described in Chapter 43 of the Texas Penal Code;~~

~~(xi) the transfer, carrying, or possession of a weapon in violation of Chapter 46 of the Texas Penal Code, but only if the violation is punishable as a felony;~~

~~(xii) a violation of the Dangerous Drugs Act (Article 4476-14, Vernon's Texas Civil Statutes) that is punishable as a felony;~~

~~(xiii) a violation of the Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes) that is punishable as a felony; or~~

~~(xiv) criminal attempt to commit any of the offenses listed in Subdivision (7)(A)(i) through (xiii) of this subsection;~~

~~(B) for which:~~

~~(i) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the applicant was convicted of a misdemeanor offense;~~

~~(ii) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the applicant was convicted of a felony offense; or~~

~~(iii) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any 24-month period, the applicant has two or more convictions of any misdemeanor offense or combination of misdemeanor offenses;~~

~~(8) not have been convicted of, or discharged by probation or deferred adjudication for, driving while intoxicated;~~

- (A) ~~within the preceding 12 months; or~~
- (B) ~~more than one time within the preceding five years;~~
- (9) ~~not be addicted to the use of alcohol or narcotics;~~
- (10) ~~be subject to no outstanding warrants of arrest;~~
- (11) ~~be sanitary and well groomed in dress and person in compliance with Section 45-4.5(a) of this chapter;~~
- (12) ~~have a valid contract with or be currently employed by a holder; and~~
- (13) ~~have successfully completed within the preceding 12 months a defensive driving course approved by the National Safety Council and be able to present proof of completion.~~

~~(b) An applicant who has been convicted of an offense listed in Subsection (a)(7) or (8), for which the required time period has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, may qualify for a taxicab driver's license only if the director determines that the applicant is presently fit to engage in the occupation of a taxicab driver. In determining present fitness under this section, the director shall consider the following:~~

- (1) ~~the extent and nature of the applicant's past criminal activity;~~
- (2) ~~the age of the applicant at the time of the commission of the crime;~~
- (3) ~~the amount of time that has elapsed since the applicant's last criminal activity;~~
- (4) ~~the conduct and work activity of the applicant prior to and following the criminal activity;~~
- (5) ~~evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and~~
- (6) ~~other evidence of the applicant's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.~~

~~(c) It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness under Subsection (b) of this section and under Section 45-3.8(a) of this article.~~

~~(d) As additional qualifications for a taxicab driver's license, the director shall require each new applicant to:~~

~~(1) pass an examination given or approved by the department that tests the applicant's knowledge of:~~

- ~~(A) traffic laws,~~
- ~~(B) a driver's duties under this chapter,~~
- ~~(C) department regulations, and~~
- ~~(D) the geography of the city; and~~

~~(2) successfully complete a training course approved by the director that provides at least two hours of classroom instruction in each of the following areas:~~

- ~~(A) taxicab rules and regulations;~~
- ~~(B) geography of the city and surrounding areas and use of a map; and~~
- ~~(C) public relations and communication skills.~~

~~(e) When the director has reason to believe that a taxicab driver is in need of training in any area described in Subsection (d)(2), the director may require the driver to successfully complete a training course approved by the director. The decision of the director to require a training course under this subsection may be appealed in accordance with Section 45-8.5 of this article.~~

~~(f) A taxicab driver must successfully complete a refresher training course complying with Subsection (d)(2) before each renewal of a taxicab driver's license.~~

~~(g) Whenever a new applicant or a taxicab driver attends a training course under Subsection (d)(2), (e), or (f), the holder employing or contracting with the applicant or the driver shall pay to the city \$25 for the training course.~~

~~SEC. 45-3.3. APPLICATION; FEE.~~

~~To obtain a taxicab driver's license or renewal of a taxicab driver's license, a person must file with the department a nonrefundable application fee of \$50 and a completed written application on a form provided for the purpose. The director shall require each application to state such information as he considers necessary to determine whether an applicant is qualified.~~

~~SEC. 45-3.4. INVESTIGATION OF APPLICATION.~~

(a) ~~For the purpose of determining qualification under Section 45-3.2(a)(5), the director may require an applicant to submit to a physical examination at applicant's expense conducted by a licensed physician and to furnish to the director a statement from the physician which certifies that the physician has examined the applicant and that in the physician's professional opinion the applicant is qualified under Section 45-3.2(a)(5).~~

(b) ~~Upon request of the director, the police department shall investigate each applicant and furnish the director a report concerning applicant's qualification under Section 45-3.2(a)(7). The municipal court shall furnish the director a copy of the applicant's motor vehicle driving record and a list of any warrants of arrest for the applicant which might be outstanding.~~

(c) ~~The director may conduct such other investigation as he considers necessary to determine whether an applicant for a taxicab driver's license is qualified.~~

~~SEC. 45-3.5. ISSUANCE AND DENIAL.~~

(a) ~~If the director determines that an applicant is qualified, the director shall issue a license to the applicant.~~

(b) ~~The director shall delay until final adjudication the approval of the application of any applicant who is under indictment for or has charges pending for:~~

(1) ~~a felony offense involving a crime described in Section 45-3.2(a)(7)(A)(i), (ii), (iii), (iv), or (v) or criminal attempt to commit any of those offenses; or~~

(2) ~~any offense involving driving while intoxicated.~~

(c) ~~The director may deny the application for a taxicab driver's license if the applicant:~~

(1) ~~is not qualified under Section 45-3.2;~~

(2) ~~refuses to submit to or does not pass a medical or written examination authorized under Section 45-3.4;~~

(3) ~~makes a false statement of a material fact in his application for a taxicab driver's license.~~

(d) ~~If the director determines that a license should be denied the applicant, the director shall notify the applicant in writing that his application is denied and include in the notice the reason for denial and a statement informing the applicant of his right of appeal.~~

~~SEC. 45-3.6. EXPIRATION OF TAXICAB DRIVER'S LICENSE; VOIDANCE UPON SUSPENSION OR REVOCATION OF STATE DRIVER'S LICENSE.~~

~~(a) Except in the case of probationary and provisional licenses, a taxicab driver's license expires two years from the date of issuance.~~

~~(b) If a licensee's state driver's license is suspended or revoked by the state, his taxicab driver's license automatically becomes void. A licensee shall notify the director and the holder for whom he drives within three days of a suspension or revocation of his driver's license by the state and shall immediately surrender his taxicab driver's license to the director.~~

SEC. 45-3.7. PROVISIONAL LICENSE.

~~(a) The director may issue a provisional taxicab driver's license if he determines:~~

~~(1) that the number of taxicab drivers is inadequate to meet the city's need for taxicab service, in which case he may issue the number necessary to meet the need; or~~

~~(2) that it is necessary pending completion of investigation of an applicant for a taxicab driver's license.~~

~~(b) A provisional taxicab driver's license expires on the date shown on the license, not to exceed 45 days from the date of issuance, or upon the applicant's being denied a taxicab driver's license, whichever occurs first.~~

~~(c) The director shall not issue a provisional license to a person who has been previously denied a taxicab driver's license.~~

~~(d) The director may issue a provisional license to a person holding a state driver's license.~~

SEC. 45-3.8. PROBATIONARY LICENSE.

~~(a) The director may issue a probationary taxicab driver's license to an applicant who is not qualified for a taxicab driver's license under Section 45-3.2 if the applicant:~~

~~(1) could qualify under Section 45-3.2 for a taxicab driver's license within one year from the date of application;~~

~~(2) holds a valid state driver's license or occupational driver's license; and~~

~~(3) is determined by the director, using the criteria listed in Section 45-3.2(b) of this article, to be presently fit to engage in the occupation of a taxicab driver.~~

~~(b) A probationary taxicab driver's license may be issued for a period not to exceed one year.~~

~~(c) The director may prescribe appropriate terms and conditions for a probationary taxicab driver's license as he determines are necessary.~~

SEC. 45-3.9. DUPLICATE LICENSE.

~~If a taxicab driver's license is lost or destroyed, the director shall issue the licensee a duplicate license upon payment to the city of a duplicate license fee of \$18.~~

SEC. 45-3.10. DISPLAY OF LICENSE.

~~A taxicab driver shall, at all times while on duty or operating a taxicab, conspicuously display a taxicab driver's license on the clothing of the driver's upper body. A taxicab driver shall allow the director or a peace officer to examine the driver's taxicab driver's license upon request.~~

SEC. 45-3.11. SUSPENSION BY DESIGNATED REPRESENTATIVE.

~~(a) If a representative designated by the director to enforce this chapter determines that a licensee has failed to comply with this chapter (except Section 45-3.2) or a regulation established under this chapter, the representative may suspend the taxicab driver's license for a period of time not to exceed three days by personally serving the licensee with a written notice of the suspension. The written notice must include the reason for suspension, the date the suspension begins, the duration of the suspension, and a statement informing the licensee of his right of appeal.~~

~~(b) A suspension under this section may be appealed to the director or his assistant if the licensee requests an appeal at the time the representative serves notice of suspension. When appeal is requested, the suspension may not take effect until a hearing is provided by the director or his assistant.~~

~~(c) The director may order an expedited hearing under this section, to be held as soon as possible after the licensee requests an appeal. The director may affirm, reverse, or modify the order of the representative. The decision of the director is final.~~

SEC. 45-3.12. SUSPENSION AND REVOCATION.

~~(a) If the director determines that a licensee has failed to comply with this chapter (except Section 45-3.2) or a rule or regulation established under this chapter, the director may suspend the taxicab driver's license for a definite period of time not to exceed 60 days.~~

~~(b) If at any time the director determines that a licensee is not qualified under Section 45-3.2, or is under indictment or has charges pending for any offense involving driving while intoxicated or a felony offense involving a crime described in Section 45-3.2(a)(7)(A)(i), (ii), (iii), (iv), or (v) or criminal attempt to commit any of those offenses, the director shall suspend the taxicab driver's license until such time as the director determines that the licensee is qualified or that the charges against the licensee have been finally adjudicated.~~

~~(c) A licensee whose taxicab driver's license is suspended shall not operate a taxicab or any other city regulated vehicle for hire inside the city during the period of suspension.~~

~~(d) The director shall notify the licensee and the holder in writing of a suspension under this section and include in the notice the reason for the suspension, the date the director orders the suspension to begin, the duration of suspension or if it is under Subsection (b), and a statement informing the licensee of a right of appeal. The period of suspension begins on the date specified by the director or, in the case of an appeal, on the date ordered by the permit and license appeal board.~~

~~(e) The director may revoke a taxicab driver's license if the director determines that the licensee:~~

~~(1) operated a taxicab or another city regulated vehicle for hire inside the city during a period in which the taxicab driver's license was suspended;~~

~~(2) made a false statement of a material fact in an application for a taxicab driver's license;~~

~~(3) engaged in conduct that constitutes a ground for suspension under Subsection (a), and received either a suspension in excess of three days or a conviction for violation of this chapter, two times within the 12-month period preceding the occurrence of the conduct or three times within the 24-month period preceding the occurrence of the conduct;~~

~~(4) engaged in conduct that could reasonably be determined to be detrimental to the public safety;~~

~~(5) failed to comply with a condition of a probationary permit; or~~

~~(6) was convicted of any felony offense while holding a taxicab driver's license.~~

~~(f) A person whose taxicab driver's license is revoked shall not:~~

~~(1) apply for another taxicab driver's license before the expiration of two years from the date the director revokes the license or, in the case of an appeal, the date the permit and license appeal board affirms the revocation; or~~

~~(2) operate a taxicab or any other city regulated vehicle for hire inside the city.~~

~~(g) The director shall notify the licensee in writing of a revocation and include in the notice the reason for the revocation, the date the director orders the revocation, and a statement informing the licensee of the right of appeal.~~

~~(h) After receipt of notice of suspension, revocation, or denial of license renewal, the licensee shall, on the date specified in the notice, surrender the taxicab driver's license to the director and discontinue driving a taxicab inside the city.~~

~~(i) Notwithstanding Subsections (c) and (h), if the licensee appeals the suspension or revocation under this section, the licensee may continue to drive a taxicab pending the appeal unless:~~

~~(1) the taxicab driver's license of the licensee is suspended pursuant to Subsection (b) or revoked pursuant to Subsection (e)(6) of this section; or~~

~~(2) the director determines that continued operation by the licensee would impose an immediate threat to public safety.~~

~~SEC. 45-3.13. APPEAL FOR TAXICAB DRIVER'S LICENSE.~~

~~A person may appeal a denial of a taxicab driver's license application, suspension of a taxicab driver's license under Section 45-3.12, or revocation of a taxicab driver's license to the permit and license appeal board in accordance with Section 2-96 of this code.~~

~~SEC. 45-3.14. FALSIFYING OF A LICENSE.~~

~~A person commits an offense if he:~~

~~(1) forges, alters, or counterfeits a taxicab driver's license, badge, sticker, or emblem required by law; or~~

~~(2) possesses a forged, altered, or counterfeited taxicab driver's license, badge, sticker, or emblem required by law.~~

~~SEC. 45-3.15. CURRENT MAILING ADDRESS OF LICENSEE.~~

~~An individual issued a taxicab driver's license shall maintain a current mailing address on file with the director. The licensee shall notify the director of any change in this mailing address within five business days of the change.~~

~~ARTICLE IV.~~

~~MISCELLANEOUS HOLDER AND DRIVER REGULATIONS.~~

~~SEC. 45-4.1. HOLDER'S AND DRIVER'S DUTY TO COMPLY.~~

~~(a) Holder. In the operation of a taxicab service a holder shall comply with the terms and conditions of the holder's operating authority and, except to the extent expressly provided otherwise by the operating authority, shall comply with this chapter, rules and regulations established under this chapter, and other law applicable to the operation of a taxicab service.~~

~~(b) Driver. While on duty, a driver shall comply with this chapter, rules and regulations established under this chapter, other law applicable to the operation of a motor vehicle in this state, and orders issued by the holder employing or contracting with the driver in connection with the holder's discharging of its duty under its operating authority and this chapter.~~

SEC. 45-4.2. HOLDER'S DUTY TO ENFORCE COMPLIANCE BY DRIVERS.

~~(a) A holder shall establish policy and take action to discourage, prevent, or correct violations of this chapter by drivers who are employed by or contracting with the holder.~~

~~(b) A holder shall not permit a driver who is employed by or contracting with the holder to drive a taxicab if the holder knows or has reasonable cause to suspect that the driver has failed to comply with this chapter, the rules and regulations established by the director or other applicable law.~~

SEC. 45-4.3. DRIVER AS INDEPENDENT CONTRACTOR.

~~(a) A holder may contract with a driver on an independent contractor basis, but only if the contract:~~

~~(1) provides that the holder shall indemnify the city and hold the city harmless for a claim or cause of action against the city arising from conduct of the driver;~~

~~(2) provides that the driver is insured under the holder's fleet insurance policy;~~
and

~~(3) imposes a condition that the driver must comply with this chapter and provides that failure to comply may be considered by the holder as a material breach of the contract.~~

~~(b) The form of the contract between a holder and driver must be approved by the director. The director may disapprove a contract form if he determines that the contract is inconsistent with this chapter, rules and regulations established under this chapter, or other applicable law. A holder may not use a contract that has been disapproved by the director.~~

SEC. 45-4.4. INSURANCE.

~~(a) A holder shall procure and keep in full force and effect automobile liability insurance written by an insurance company that:~~

~~(1) is approved, licensed, or authorized by the State of Texas;~~

~~(2) is acceptable to the city; and~~

~~(3) does not violate the ownership/ operational control prohibition described in Subsection (i) of this section.~~

~~(b) The insurance must be issued in the standard form approved by the Texas Department of Insurance, and all provisions of the policy must be acceptable to the city. 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 taxicab service by the holder.~~

~~(c) The automobile liability insurance 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, for each motor vehicle used by the holder. Aggregate limits of liability are prohibited.~~

~~(d) If a vehicle is removed from service, the holder shall maintain the insurance coverage required by this section for the vehicle until the director receives satisfactory proof that all evidence of operation as a taxicab has been removed from the vehicle.~~

~~(e) Insurance required under this section must include:~~

~~(1) a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 30 days before canceling or making a material change to the insurance policy;~~

~~(2) a provision to cover all vehicles, whether owned or not owned by the holder, operated under the holder's operating authority; and~~

~~(3) a provision requiring the insurance company to pay every claim on a first-dollar basis.~~

~~(f) Insurance required by this section may be obtained from an assigned risk pool if all of the policies and coverages are managed by one agent, and one certificate of insurance is issued to the city.~~

~~(g) Operating authority will not be granted or renewed unless the applicant or holder furnishes the director with such proof of insurance as the director considers necessary to determine whether the applicant or holder is adequately insured under this section.~~

~~(h) If the insurance of a holder lapses or is canceled and new insurance is not obtained, the director shall suspend the operating authority until the holder provides evidence that insurance coverage required by this section has been obtained. A person shall not operate a passenger transportation service while operating authority is suspended under this section whether or not the action is appealed. A \$100 fee must be paid before operating authority suspended under this section will be reinstated.~~

~~(i) No person with any direct or indirect ownership interest in the holder's taxicab service may have any operational control, direct or indirect, in any insurance company that provides insurance required by this section to the taxicab service. For purposes of this subsection, "operational control" means holding any management position with the insurance company (including, but not limited to, the chief executive officer, the president, any vice-president, or any person in a decision making position with respect to insurance claims) or having the right to control the actions or decisions of any person in such a management position in the insurance company.~~

SEC. 45-4.5. APPAREL TO BE WORN BY DRIVERS.

~~(a) Each holder shall have company dress standards for drivers employed by or contracting with the holder. These standards must be kept on file with the director and must include the following:~~

~~(1) A driver may not wear:~~

~~(A) cut-offs or shorts;~~

~~(B) apparel with offensive or suggestive language;~~

~~(C) tank tops or halter tops; or~~

~~(D) outer apparel made of fishnet or undergarment material.~~

~~(2) Shoes must be worn at all times in the manner for which they were designed. A driver may not wear shoes or sandals without socks or hosiery and may not wear beach or shower thongs.~~

~~(3) A driver and the driver's clothing must conform to basic standards of hygiene and be neat, clean, and sanitary at all times.~~

~~(4) A driver's hair must be clean and neatly groomed. Facial hair must be neatly trimmed.~~

~~(b) A holder shall specify and require an item of apparel or an item placed on the apparel to be worn by drivers employed by or contracting with the holder, which item must be of such distinctive and uniform design as to readily identify the holder's taxicab service and must bear the name of the holder's taxicab service. The item specified by each holder must be approved by the director to insure that drivers of one holder may be easily distinguished from drivers of another and to insure the neat appearance of drivers.~~

~~(c) While on duty, a driver shall wear the item specified by the holder who employs or contracts with the driver and shall comply with such other identification regulations prescribed by the holder's operating authority.~~

SEC. 45-4.6. DRIVER'S DAILY MANIFEST.

(a) ~~Each holder shall provide its drivers with forms, approved by the director, for maintaining a daily manifest. The form must include appropriate spaces for recording:~~

~~(1) taxicab number, driver's name, date, hours of operation, meter number, total miles, paid miles, units, trips, and extras;~~

~~(2) time, place, origin, and destination of each trip;~~

~~(3) number of passengers and amount of fare and other charges; and~~

~~(4) other information required by the director to aid in the discharge of his duties.~~

~~(b) Each driver shall complete a manifest on a separate form for each tour of duty. The driver shall provide the information required by the form and shall record the information with regard to trips at the end of each trip. The driver shall return completed manifest forms to the holder once a week unless the director requires that the manifest forms be turned in more frequently.~~

SEC. 45-4.7. HOLDER'S RECORDS AND REPORTS.

~~(a) Each holder shall maintain at a single location business records of its taxicab service. The method used in maintaining the records must be approved by the director, and the director may require maintenance of certain records which he determines are necessary for monitoring the activities, operations, service, and safety record of a holder. A holder shall make its records available for inspection by the director at reasonable times upon request.~~

~~(b) Each holder shall submit to the director such annual and monthly reports concerning its taxicab service as the director determines necessary to evaluate the holder's operations. A franchise holder shall submit a monthly report of gross receipts in a form approved by the director.~~

SEC. 45-4.8. MONTHLY SUMMARY OF METER READINGS.

~~(a) A holder, owner, or driver shall obtain forms from the director for maintaining a monthly summary of meter readings for each taxicab operating under a holder's authority. The form must include appropriate spaces for recording:~~

~~(1) taxicab number;~~

~~(2) driver's name;~~

~~(3) date;~~

- (4) meter number;
- (5) total miles;
- (6) paid miles;
- (7) units;
- (8) trips;
- (9) extras; and
- (10) other information required by the director.

(b) ~~A holder, owner or driver of a taxicab shall provide all information required by the form. A separate form must be completed for each taxicab. A holder, owner, or driver shall return completed forms to the director once a month, or as otherwise required by the director.~~

ARTICLE V.

SERVICE REGULATIONS.

SEC. 45-5.1. CITY-WIDE TAXICAB SERVICE REQUIRED.

(a) ~~Except as otherwise provided by the holder's operating authority, a holder shall:~~

(1) ~~provide taxicab service to the general public to and from any point inside the city that is accessible by public street, except that this provision does not require a holder to subject a taxicab to mob violence or destruction;~~

(2) ~~answer each call received for service inside the city as soon as practicable, and if the service cannot be rendered within a reasonable time, the holder shall inform the caller of the reason for the delay and the approximate time required to answer the call; and~~

(3) ~~maintain a single station for the purpose of receiving calls and dispatching taxicabs that is operational 24 hours each day.~~

(b) ~~The station required by Subsection (a)(3) of this section may be located outside the city of Dallas but must be located within Collin, Dallas, Denton, or Tarrant County, except that any station that is operated from the permanent and established place of business required under Section 45-2.4(a)(9) of this chapter must be located within the city of Dallas.~~

SEC. 45-5.2. REPRESENTATION OF AVAILABILITY OF TAXICAB.

~~A driver may not represent that his taxicab is engaged when it is in fact vacant or vacant when it is in fact engaged.~~

SEC. 45-5.3. REFUSAL TO CONVEY PASSENGERS.

~~(a) While operating a taxicab a driver shall not refuse to convey a person who requests service unless:~~

- ~~(1) the person is disorderly;~~
- ~~(2) the driver is engaged in answering a previous request for service;~~
- ~~(3) the driver has reason to believe that the person is engaged in unlawful conduct; or~~
- ~~(4) the driver is in fear of his personal safety.~~

~~(b) While operating a taxicab, a driver shall not refuse service requested by a radio dispatch when the location for pick up is within a reasonable distance from the location of the taxicab.~~

SEC. 45-5.4. PASSENGER LIMITATIONS.

~~(a) While operating a taxicab a driver on duty may carry only a person who is a paying passenger, unless the passenger is an employee of the taxicab service that employs or contracts with the driver, a governmental inspector acting in an official capacity, or unless it is authorized by the holder's operating authority.~~

~~(b) A driver may not carry at the same time more passengers than the designed seating capacity of the taxicab.~~

~~(c) The director may establish rules governing passenger limitations, as illustrated by, but not limited to, cab sharing, cab pooling, and numbers of passengers with different destinations.~~

SEC. 45-5.5. CARRY PASSENGERS BY DIRECT ROUTE.

~~A driver shall carry a passenger to his destination by the most direct and expeditious route available unless otherwise directed by the passenger.~~

SEC. 45-5.6. SOLICITATION OF PASSENGERS.

~~A driver may not solicit passengers:~~

- ~~(1) from a location other than the driver's compartment or the immediate vicinity of the driver's taxicab;~~
- ~~(2) in a way that annoys or obstructs the movement of a person;~~

~~(3) by paying an employee of another business to solicit passengers for or give preferential treatment in directing passengers to the driver's taxicab; or~~

~~(4) without using a taxicab stand at a location where a taxicab stand exists.~~

SEC. 45-5.7. REGULATIONS FOR USE OF TAXICAB STANDS.

~~(a) While using a taxicab stand, a driver shall not:~~

~~(1) go beyond 25 feet of his taxicab except to assist a passenger as reasonably necessary after being engaged;~~

~~(2) interfere with the orderly progression of taxicabs from the rear to the front of the taxicab stand;~~

~~(3) perform or allow to be performed repairs or maintenance on a taxicab while parked on the taxicab stand;~~

~~(4) assign or sell his position in a taxicab stand to another; or~~

~~(5) interfere with a taxicab entering a taxicab stand on which there is a vacant space.~~

~~(b) A person shall not park a taxicab on a taxicab stand unless the taxicab is for hire.~~

~~(c) A taxicab left unattended in a taxicab stand is illegally parked and may be removed from the taxicab stand and impounded as provided in Chapter 28 of this code.~~

SEC. 45-5.8. CONDUCT OF DRIVERS.

~~A driver shall:~~

~~(1) act in a reasonable, prudent, and courteous manner;~~

~~(2) maintain a sanitary and well-groomed appearance in compliance with Section 45-4.5(a) of this chapter;~~

~~(3) not respond to a radio dispatch call assigned to another driver;~~

~~(4) not consume an alcoholic beverage, drug, or other substance that could adversely affect the driver's ability to drive a motor vehicle;~~

~~(5) not monitor the radio frequency of a taxicab company other than the driver's own nor respond to a call for service dispatched to another taxicab;~~

(6) ~~not possess a radio capable of receiving the frequency of a taxicab company, other than the driver's own;~~

(7) ~~not interfere with the director in the performance of the director's duties; and~~

(8) ~~comply with lawful orders of the director issued in the performance of his duties.~~

~~SEC. 45-5.9. RETURN OF PASSENGER'S PROPERTY.~~

(a) ~~Upon finding property in a taxicab left by a passenger, the driver shall immediately return the property to the owner. However, if the driver is unable to locate the owner or if the driver does not know the identity or whereabouts of the owner, the driver shall, within a reasonable time, deliver the property to the holder who employs or contracts with the driver.~~

(b) ~~Upon return of property to the owner or delivery of property to the holder, the driver shall prepare a written report stating the description of the property, the identity of the owner if known, the date the property was left in the taxicab, the circumstances relating to the loss, and the taxicab number. The holder shall keep the report on file for at least one year and shall hold the property for not less than three months.~~

~~SEC. 45-5.10. ESTABLISHMENT OF TAXICAB STANDS.~~

(a) ~~Subject to the approval of the director, the traffic engineer may establish taxicab stands of such character, number, and location as he determines are required by the public convenience and necessity.~~

(b) ~~A holder desiring the establishment of a taxicab stand must file a written request with the director and the traffic engineer.~~

~~SEC. 45-5.11. SERVICE REGULATIONS FOR BUSINESS ESTABLISHMENTS REQUESTING TAXICABS FOR CUSTOMERS.~~

~~An employee of a business establishment, other than a taxicab service, who acts as an agent in obtaining taxicab service for prospective taxicab passengers shall not:~~

(1) ~~solicit nor accept payment from a driver in return for giving preferential treatment in directing passengers to a driver's taxicab; or~~

(2) ~~interfere with the orderly progression of taxicabs from the rear to the front of a taxicab stand.~~

~~SEC. 45-5.12. GROUND TRANSPORTATION SERVICE AT DALLAS LOVE FIELD AIRPORT.~~

~~In addition to complying with this chapter, a holder performing ground transportation service at Dallas Love Field airport shall comply with all requirements of Chapter 5, Article II of this code that are applicable to taxicabs, including, but not limited to:~~

~~(1) only operating taxicabs at the airport that have valid automatic vehicle identification (AVI) tags as defined in Chapter 5, Article II;~~

~~(2) paying all fees applicable to taxicabs operating at the airport as required in Chapter 5, Article II; and~~

~~(3) complying with lawful orders of the director of aviation or the director's designee while performing ground transportation service at the airport.~~

~~ARTICLE VI.~~

~~FARES.~~

~~SEC. 45-6.1. RATES OF FARE.~~

~~(a) A holder or a driver shall not charge any fare for providing taxicab service in the city that exceeds the maximum taxicab rates of fare authorized by the following schedule:~~

~~(1) General fares:~~

~~Initial meter drop \$2.25~~

~~Each 1/9 mile \$0.20~~

~~Traffic delay time/waiting
time, per 1 1/2 minutes \$0.45~~

~~Each extra passenger (up to
manufacturer's rated
seating capacity) \$2.00~~

~~(2) Love Field Airport fares:~~

~~Each passenger carrying trip
departing from the airport
(in addition to the general fare) \$0.50~~

~~Minimum charge for each trip
departing from the airport \$8.00~~

~~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 \$18.00

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 \$15.00

(3) Dallas Fort Worth International Airport fares:

Minimum charge for each terminal
transfer \$7.00

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

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

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 \$40.00

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 \$32.00

(4) Gasoline surcharge.

(A) ~~A gasoline surcharge approved by the director may be added to a taxicab 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 taxicab 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

(b) ~~Each holder and driver shall charge the rates of fare prescribed in Subsection (a) 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 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 taxicab whether or not going to the same destination. Children in arms are not considered passengers for purposes of counting the number of extra passengers in a taxicab.~~

~~(4) "Traffic delay time" is that time, as set and determined by the taximeter, during which the taxicab 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 taxicab to wait and be held exclusively for the use of that passenger or party.~~

~~(6) Passengers in the same taxicab 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 (a) for each extra passenger.~~

~~(7) When passengers in the same taxicab have different destinations, the fare must be collected and the meter must be reset at each destination point, except when the taxicab 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.~~

~~(c) The director shall periodically review the taxicab rates of fare and, after receiving input from taxicab holders and drivers, 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.~~

~~(d) Nothing in this section prohibits a taxicab from being operated for a discounted rate or charge if:~~

(1) ~~the discounted rate or charge is not greater than the amount that would be charged for the same service if calculated using the maximum rates of fare allowed under Subsection (a) and applying the requirements of Subsection (b); and~~

(2) ~~the discounted rate or charge is mutually agreed upon between the taxicab driver and the party responsible for payment of the fare before taxicab service begins.~~

SEC. 45-6.2. DISPLAY OF RATE CARD.

(a) ~~A holder shall provide the driver for each taxicab operating under its authority a printed card or sticker containing the maximum rates of fare authorized by Section 45-6.1 of this article. The form and content of the card or sticker are subject to regulation by the director.~~

(b) ~~While operating a taxicab for hire, a driver shall, in a manner approved by the director, prominently display two rate cards or stickers inside the taxicab and two rate cards or stickers outside the taxicab so that they can be easily read by passengers.~~

SEC. 45-6.3. COMPUTATION OF FARES.

(a) ~~A holder shall equip each taxicab with a taximeter programmed to calculate fares using the maximum rates of fare established in Section 45-6.1(a)(1) of this article. A driver shall charge only a fee as computed by the taximeter, unless a flat rate charge is authorized under Section 45-6.1(a)(2) or (3) of this article or a discounted fare is authorized under Section 45-6.1(d) of this article. A holder may also authorize a driver to make a flat rate charge for a trip to a destination that is not regulated by this chapter, if the taximeter is kept in operation while the taxicab has a passenger within the scope of the area regulated by this chapter.~~

(b) ~~A driver shall keep the taximeter in operation while the taxicab is engaged regardless of whether a flat rate charge or a discounted fare is to be paid.~~

SEC. 45-6.4. DESIGN AND TESTING OF TAXIMETERS; FEES.

(a) ~~A taximeter must accurately register in legible figures total miles, paid miles, number of fare units, number of trips, extras, and total fare for a trip. Figures denoting the fare must be illuminated when the meter is activated.~~

(b) ~~A taximeter must be mounted in a conspicuous location in the taxicab in a manner approved by the director. A taximeter must be equipped to indicate whether the taxicab is engaged or vacant and with a tamper proof system connecting the taximeter to an amber light atop the taxicab that, when lighted, is visible from all directions. The system must be designed so that, during the time the taximeter is registering a fare, the amber light is automatically illuminated.~~

(c) ~~If the taximeter employs a flag, the flag must project at least four inches above the dashboard when in the non-earning position.~~

~~(d) The taximeter or its drive system must be sealed at all points at which components, if manipulated, could affect the function or accuracy of the taximeter.~~

~~(e) The design of a taximeter is subject to approval by the director to ensure that it complies with this section.~~

~~(f) A holder shall cause each taximeter in taxicabs operating under its authority to be maintained in good operating condition and to be tested and sealed at least once each year by the director in accordance with state and city weights and measures laws. The director may establish a schedule of regular testing days and times for purposes of this section.~~

~~(g) The owner of a taxicab is responsible for presenting the taxicab to the director for taximeter testing according to the schedule established by the director. The director may order the owner or the holder to make the taxicab available for taximeter testing at any time.~~

~~(h) The director shall charge the following taximeter testing fees:~~

~~(1) \$100 per taximeter when a taximeter is tested on a day other than a scheduled taximeter testing day;~~

~~(2) \$35 per taximeter when a taximeter is tested on a scheduled taximeter testing day and the taxicab is operating under the authority of a non holder; and~~

~~(3) no charge when a taximeter is tested on a scheduled taximeter testing day and the taxicab is operating under the authority of a holder.~~

~~(i) The owner of the taxicab is responsible for paying the taximeter testing fee.~~

~~(j) A person commits an offense if he operates a taxicab that is:~~

~~(1) not equipped with a taximeter; or~~

~~(2) equipped with a taximeter that:~~

~~(A) does not have a current decal and lead seal authorized by the director;~~

~~(B) has been tampered with or altered; or~~

~~(C) incorrectly registers or computes taxicab fares because of alterations to the taxicab odometer, including, but not limited to, changes in the gears, tires, or wheels of the taxicab.~~

~~(k) The following persons are responsible and subject to the penalty for a violation of Subsection (j):~~

- (1) The driver of the taxicab.
- (2) The owner of the taxicab.
- (3) The holder under whose authority the taxicab is being operated.

(1) Proof of taxicab ownership for purposes of this section may be made by a copy of the registration of the vehicle with the State of Texas showing the name of the person to whom the state license plates for the vehicle were issued. The person in whose name the vehicle is registered is prima facie the owner of the vehicle. If the vehicle is not currently registered, the person in whose name the vehicle was last registered is prima facie the owner of the vehicle.

SEC. 45-6.5. FARE COLLECTION PROCEDURES.

(a) Before changing the taximeter to indicate that the taxicab is vacant, a driver shall call the attention of the passenger to the amount of fare registered on the taximeter.

(b) Upon request by a person paying a fare, a driver shall give the person a legible receipt showing:

- (1) the name of the holder under whose authority the taxicab is operated;
- (2) the taxicab number;
- (3) an itemized list of charges;
- (4) the total amount of fare paid;
- (5) the date of payment; and
- (6) the driver's signature.

(c) A holder shall provide each driver operating a taxicab under its authority with printed receipt forms adequate for providing the information required in Subsection (b).

(d) Collection of fare by credit card.

(1) Every holder and driver shall accept payment of a taxicab fare by the use of any major credit card as designated in rules and regulations established by the director.

(2) A driver shall either:

(A) use a secure credit card processing method that encrypts any information transmitted to authenticate a credit card payment transaction for approval; or

~~(B) prominently display two cards or stickers, complying with Paragraph (3) of this subsection, inside the taxicab so that they can be easily read by passengers.~~

~~(3) In the event that a secure credit card processing method is not used when collecting a taxicab fare, a holder shall provide each driver operating a taxicab under its authority with printed cards or stickers displaying a warning that the method used to authenticate a credit card transaction for approval is not secure and personal information is subject to being intercepted by unauthorized personnel. The director shall prescribe the form and content of the cards and stickers, and the manner and location in which they must be displayed.~~

~~ARTICLE VII.~~

~~VEHICLES AND EQUIPMENT.~~

~~SEC. 45-7.1. FALSE REPRESENTATION AS TAXICAB.~~

~~(a) A person may not represent that a vehicle is a taxicab if the vehicle is not in fact a taxicab authorized by operating authority granted under this chapter.~~

~~(b) A person may not drive a vehicle in the city that is not a taxicab if the vehicle is marked, painted, or equipped in a way that is likely to result in mistaking the vehicle for a taxicab.~~

~~SEC. 45-7.2. VEHICLE REQUIREMENTS AND INSPECTIONS.~~

~~(a) The director may by rule or regulation establish requirements for size, age, vehicle emissions, condition, and accessories of taxicabs used by a taxicab holder, owner, or driver.~~

~~(b) The director shall inspect each taxicab, for compliance with this chapter and rules and regulations of the director, before it is placed in service, twice a year for regular inspections, and once during the year for a random inspection.~~

~~(c) A holder, owner, or driver shall make a taxicab available for inspection when ordered by the director. If, upon inspection, the director determines that a taxicab is not in compliance with this chapter or rules or regulations of the director, the director shall order the taxicab to be brought into compliance within a reasonable period of time and require it to be reinspected. The owner shall pay to the director \$40 for each reinspection of a taxicab that is required before it is brought into compliance.~~

~~(d) If a holder, owner, or driver fails to make a taxicab available for inspection or if the director determines that a taxicab is not in compliance with this chapter or rules or regulations of the director, the director may order the taxicab removed from service until it is made available for inspection and brought into compliance.~~

~~(e) If the director determines that inspection of the mechanical condition or safety equipment of a taxicab by an expert mechanic or technician is necessary, the holder, owner, or driver shall pay the cost of the inspection.~~

~~(f) When a taxicab is removed from service and placed back in service within 15 days by the same owner, the owner shall pay to the director \$100 for reinspection.~~

~~(g) Before any taxicab will be approved for service, the director shall be provided with a copy of the registration for the vehicle with the State of Texas, or a bill of sale if the vehicle is new and has not yet been registered, showing the name of the individual or holder owning the vehicle. The owner shown on the registration or bill of sale provided to the director shall notify the director of any change in ownership of the taxicab within 10 business days.~~

~~(h) Whenever the director inspects a taxicab for compliance with the Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board, as amended, the taxicab owner shall pay to the director \$20 for the inspection.~~

SEC. 45-7.2.1. TAXICAB AGE LIMITS.

~~(a) A holder, owner, or driver commits an offense if he operates any vehicle as a taxicab in the city that is older than:~~

~~(1) 60 months of age for a vehicle that is not an alternative fuel vehicle; or~~

~~(2) 84 months of age for an alternative fuel vehicle, if the vehicle was:~~

~~(A) purchased new as an alternative fuel vehicle; or~~

~~(B) converted to an alternative fuel vehicle within 30 days after the vehicle was purchased new.~~

~~(b) For purposes of this section, vehicle age, for a vehicle purchased used, will be calculated from January 1 of the model year of the vehicle. If the vehicle is purchased new, age will be calculated from the date of purchase and the holder, owner, or driver shall present to the director:~~

~~(1) a certified copy of the vehicle's title stating the date of purchase and an odometer reading of no more than 1,000 miles at the time of purchase; and~~

~~(2) a manufacturer's certificate, as described in Section 501.025 of the Texas Transportation Code, as amended, certifying that the vehicle has not been previously titled and has not been previously subject to retail sale.~~

~~(c) The city council, by ordinance or resolution, may waive or modify the taxicab age limits set forth in this section after a review of the specific circumstances.~~

SEC. 45-7.3. REQUIRED EQUIPMENT.

(a) ~~Unless otherwise specified in the operating authority under which a taxicab is operated or by rule or regulation of the director, and in addition to other equipment required by this chapter, a holder, owner, or driver shall provide and maintain in good operating condition the following equipment for each taxicab:~~

- ~~(1) seat belts for each passenger, the number of which is determined by the designed seating capacity of the taxicab;~~
- ~~(2) heater and air conditioner;~~
- ~~(3) chemical type fire extinguisher, of at least one quart capacity, conveniently located in the same compartment of the taxicab as the driver so that it is readily accessible for immediate use;~~
- ~~(4) equipment to indicate when a taxicab is operating for hire and when it is not for hire;~~
- ~~(5) top light;~~
- ~~(6) two-way radio on the holder's dispatch frequency;~~
- ~~(7) map of the city;~~
- ~~(8) decal complying with Section 45-7.6 of this article;~~
- ~~(9) taxicab display receptacle;~~
- ~~(10) rates of fare cards or stickers;~~
- ~~(11) taximeter;~~
- ~~(12) credit card processing device; and~~
- ~~(13) warning cards complying with Section 45-6.5(d), if credit card transactions are not secure.~~

~~(b) No equipment listed in Subsection (a)(4), (5), (6), (9), (10), (11), and (13) may be placed on a vehicle to be operated as a taxicab unless the equipment is owned by the holder.~~

~~(c) A taxicab in operation on the date this ordinance is adopted that is not equipped with safety belts or the required number of safety belts, is not required to comply with Subsection (a)(1).~~

SEC. 45-7.4. VEHICLE COLOR SCHEME AND DISTINCTIVE MARKINGS.

~~(a) A holder shall develop the design of a color scheme and distinctive markings for taxicabs operating under its authority, and shall submit the design to the director for approval to insure that the design is readily distinguishable from the design used by other holders.~~

~~(b) After a design is approved by the director, the holder shall submit to the director a color photograph of a completely equipped taxicab using the approved design.~~

~~(c) The holder shall use only the approved design, as depicted in the submitted photograph, for taxicabs operated under its authority unless written approval of a change is obtained from the director.~~

SEC. 45-7.5. REQUIRED VEHICLE IDENTIFICATION.

~~A holder shall cause each taxicab operating under its authority to be provided with the following uniform vehicle identification:~~

~~(1) the name of the holder's company printed in letters not less than three inches high with one half inch stroke; and~~

~~(2) the taxicab number assigned to each vehicle by the director in numbers and letters not less than three inches high with one half inch stroke and so that it is clearly visible from the front, rear, and both sides of the taxicab.~~

SEC. 45-7.5.1. TAXICAB DISPLAY RECEPTACLE.

~~(a) Every taxicab must have a display receptacle approved by the director securely affixed to a conspicuous place on the dashboard. A display receptacle shall be at least 6 1/4 inches by 10 inches in area, constructed of a rigid material, and designed to accommodate the following information in accordance with the required dimensions:~~

~~(1) At least a two inch by two inch colored passport quality photograph of the driver, with the driver's name as it appears on the driver's Texas driver's license and the taxicab driver's license number placed under the photograph in block letters and numbers not less than three sixteenths inch high with at least a one sixteenths inch stroke, must be laminated as a single unit not less than 2 1/4 inches by 3 1/2 inches.~~

~~(2) The company name in block letters not less than one half inch high with at least a one eighth inch stroke, with the taxicab number placed under it in block numbers and letters not less than three fourths inch high with at least a three sixteenths inch stroke, must be laminated as a single unit not less than three inches by 2 1/2 inches.~~

~~(3) Taxi rates in block numbers at least nine sixteenths inch high with at least a three sixteenths inch stroke and in block letters at least one eighth inch high with at least a 1/32 inch stroke must be laminated as a single unit not less than 6 1/2 by six inches.~~

~~(b) A holder, owner, or driver of a taxicab commits an offense if he operates or allows operation of a taxicab that is equipped with:~~

- ~~(1) no required display receptacle;~~
- ~~(2) a display receptacle that does not contain required information; or~~
- ~~(3) a display receptacle that contains insufficient or incorrect information.~~

~~SEC. 45-7.6. TAXICAB DECALS.~~

~~(a) The holder, owner, or driver of a taxicab shall obtain a decal, indicating the taxicab's authority to operate, from the director each month, or other period to be determined by the director. A decal must be attached to the lower right corner of the front windshield of the taxicab in a manner approved by the director.~~

~~(b) A person commits an offense if he:~~

- ~~(1) operates a taxicab with an expired decal or with no decal affixed to it;~~
- ~~(2) attaches a decal to a vehicle not authorized to operate as a taxicab;~~
- ~~(3) forges, alters, or counterfeits a taxicab decal required by this section;~~
- ~~(4) possesses a forged, altered, or counterfeited taxicab decal required by this section; or~~
- ~~(5) displays more than one taxicab decal issued by the city on a vehicle at the same time.~~

~~(c) A taxicab decal assigned to one person is not transferable to another without consent of the director.~~

~~SEC. 45-7.7. NOT FOR HIRE STATUS OF TAXICABS.~~

~~(a) Each taxicab is presumed to be on duty and ready to serve the general public for hire. If a driver is not for hire and does not intend to provide taxicab service, the driver shall comply with the following requirements.~~

- ~~(1) The driver shall place a sign, to be provided by the holder, in the taxicab indicating the words "NOT FOR HIRE" printed in letters not less than three inches in height with a stroke of not less than 3/8 inch. The letters shall be on a backing of sufficient thickness to not easily bend.~~

(2) ~~When a driver is not for hire, the driver shall display the sign in an upright position in the front window on the right side of the taxicab so as to be easily seen and read from outside of the taxicab.~~

(b) ~~Any time that a taxicab is not for hire within the Central Business District (that area bounded by Woodall Rogers Freeway on the North, Central Expressway on the East, R. L. Thornton Freeway on the South, and Stemmons Freeway on the West), the driver shall notify the holder's radio dispatcher of his not for hire status.~~

(c) ~~A driver who is not for hire shall not park or stand a taxicab on a taxicab stand or on a public street or public property within 500 feet of a taxicab stand unless it is parked at a metered parking space.~~

~~SEC. 45-7.8. REMOVAL OF EQUIPMENT.~~

(a) ~~Whenever a vehicle is removed from service or is no longer authorized to operate as a taxicab, the holder, owner, or driver shall remove from the vehicle all taxicab signs, markings, and equipment that would distinguish the vehicle as a taxicab, including, but not limited to, radios, toplights, meters, and decals.~~

(b) ~~A holder, owner, or driver of a taxicab shall not sell or transfer to a driver any radio, toplight, meter, or other equipment that would distinguish a vehicle as a taxicab.~~

~~ARTICLE VIII.~~

~~ENFORCEMENT.~~

~~SEC. 45-8.1. AUTHORITY TO INSPECT.~~

~~The director may inspect a taxicab service operating under this chapter to determine whether the service complies with this chapter, rules and regulations established under this chapter, or other applicable law.~~

~~SEC. 45-8.1.1. REMOVAL OF EVIDENCE OF AUTHORIZATION.~~

~~Whenever a holder's operating authority or a taxicab driver's license is suspended, revoked, or denied or whenever a vehicle fails to pass inspection as a taxicab, the director may remove or require the surrender of all evidence of authorization as a holder, taxicab driver, or taxicab, including, but not limited to, removal or surrender of operating authority, licenses, decals, signs, insignia, radios, toplights, and meters.~~

~~SEC. 45-8.2. ENFORCEMENT BY POLICE DEPARTMENT.~~

~~Officers of the police department shall assist in the enforcement of this chapter. A police officer upon observing a violation of this chapter or the rules or regulations established by the~~

~~director, shall take necessary enforcement action to ensure effective regulations of taxicab service.~~

SEC. 45-8.3. CORRECTION ORDER.

~~(a) If the director determines that a holder violates this code, terms of its operating authority, a rule or regulation established by the director, or other law, the director may notify the holder in writing of the violation and by written order direct the holder to correct the violation within a reasonable period of time. In setting the time for correction the director shall consider the degree of danger to the public health or safety and the nature of the violation. If the violation involves equipment that is unsafe or functioning improperly, the director shall order the holder to immediately cease use of the equipment.~~

~~(b) If the director determines that a violation constitutes an imminent and serious threat to the public health or safety, the director shall order the holder to correct the violation immediately, and, if the holder fails to comply, the director shall promptly take or cause to be taken such action as the director considers necessary to enforce the order immediately.~~

~~(c) The director shall include in a notice issued under this section an identification of the violation, the date of issuance of the notice and the time period within which the violation must be corrected, a warning that failure to comply with the order may result in suspension or revocation of operating authority or imposition of a fine or both, and a statement indicating that the order may be appealed to the city manager.~~

SEC. 45-8.4. SERVICE OF NOTICE.

~~(a) A holder shall designate and maintain a representative to receive service of notice required under this chapter to be given a holder and to serve notice required under this chapter to be given a driver employed by a holder.~~

~~(b) Notice required under this chapter to be given:~~

~~(1) a holder must be personally served by the director on the holder or the holder's designated representative; or~~

~~(2) a driver licensed by the city under Article III, must be personally served or sent by certified United States Mail, five day return receipt requested, to the address, last known to the director, of the person to be notified, or to the designated representative for drivers.~~

~~(c) Notice required under this chapter to be given a person other than a driver licensed under Article III or a holder may be served in the manner prescribed by Subsection (b)(2).~~

~~(d) Service executed in accordance with this section constitutes notice to the person to whom the notice is addressed. The date of service for notice that is mailed is the date received.~~

(e) ~~This section does not apply to notice served under Section 45-1.3(b) or Section 45-3.11(a).~~

SEC. 45-8.5. APPEAL OF CORRECTION ORDER.

(a) ~~A holder may appeal a correction order issued under Section 45-8.3, and a driver may appeal a requirement to take a training course under Section 45-3.2(e), if an appeal is requested in writing not more than 10 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 hearing 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.~~

(e) ~~The hearing officer may affirm, modify, or reverse all or a part of the order of the director. The decision of the hearing officer is final.~~

SEC. 45-8.6. CRIMINAL OFFENSES.

(a) ~~A person commits an offense if he violates or attempts to violate a provision of this chapter, or a rule or regulation established by the director under this chapter, that is applicable to the person. A culpable mental state is not required for the commission of an offense under this chapter unless the provision defining the conduct expressly requires a culpable mental state. A separate offense is committed each day in which an offense occurs. An offense committed under this chapter is punishable by a fine of not more than \$500.~~

(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 6. That the Dallas City Code is amended by adding a new Chapter 47A, “Transportation for Hire,” to read as follows:

“CHAPTER 47A

TRANSPORTATION FOR HIRE

ARTICLE I.

GENERAL PROVISIONS.

SEC. 47A-1.1. STATEMENT OF POLICY.

It is the policy of the city of Dallas to promote safety and quality in transportation-for-hire services in the city. The purpose of these regulations is to:

- (1) protect the public health and safety;
- (2) promote the public convenience and necessity;
- (3) ensure that transportation-for-hire is a viable component of the public transportation system;
- (4) ensure public safety and consumer protection by regulating transportation-for-hire operating authorities, drivers, and vehicles;
- (5) allow different modes of transportation-for-hire to compete directly with each other; and
- (6) allow consumers to select the type of transportation-for-hire they prefer to use.

SEC. 47A-1.2. GENERAL AUTHORITY AND DUTY OF DIRECTOR.

The director shall implement and enforce this chapter and may by written order establish such rules or regulations, not inconsistent with this chapter or state or federal law, as he determines are necessary to discharge his duty under, or to effect the policy of this chapter.

SEC. 47A-1.3. 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 operating authority 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 the holders of permits issued under this section 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 the city hall for a period of not fewer than 10 days. The order becomes effective immediately upon expiration of the posting period.

SEC. 47A-1.4. EXCLUSIONS.

This chapter does not apply to:

- (1) Dallas Area Rapid Transit ("DART") vehicles;

- (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) 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.

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 device with two or more wheels designed to carry passengers while being propelled by human power.

(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.

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

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

(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.

SEC. 47A-1.6. PERMIT FEES.

(a) The fee for an operating authority permit is \$430 per year for transportation-for-hire service provided by non-motorized passenger transport vehicles, and \$1,000 per year for transportation-for-hire service provided by all other transport vehicles.

(b) The fee for a transportation-for-hire vehicle permit is \$40 per vehicle per year for non-motorized passenger transport vehicles, and \$25 per vehicle per year for all other transportation-for-hire vehicles.

(c) The fee for a driver permit is \$65 per two years.

(d) The fee to reinstate a suspended operating authority permit or driver permit is \$25.

ARTICLE II.**REGULATIONS APPLICABLE TO ALL TRANSPORTATION-FOR-HIRE SERVICES.****DIVISION 1.****OPERATING AUTHORITY PERMIT.****SEC. 47A-2.1.1. OPERATING AUTHORITY PERMIT REQUIRED.**

(a) A person may not operate a transportation-for-hire service inside the city without operating authority granted under this chapter.

(b) A person may not transport a passenger for hire inside the city unless the person driving the transportation-for-hire vehicle or another who employs or contracts with the driver has been granted operating authority under this chapter.

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

To obtain an operating authority permit, a person shall make application in the manner prescribed by this section. The applicant must be the person who will own, control, or operate the proposed transportation-for-hire company. An applicant shall file with the director a verified application statement, to be accompanied by a nonrefundable application fee of \$410, 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% 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 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.

SEC. 47A-2.1.3. CHANGES TO INFORMATION IN OPERATING AUTHORITY APPLICATION.

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.

SEC. 47A-2.1.4. EXPIRATION OF OPERATING AUTHORITY PERMIT.

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

SEC. 47A-2.1.5. SUSPENSION OR REVOCATION OF OPERATING AUTHORITY.

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

(1) The director may suspend an operating authority permit if the director determines that the operating authority permit holder failed to comply with a correction order issued to the holder by the director within the time specified in the order.

(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 a temporary or annual operating authority permit:

(1) The director shall revoke operating authority if the director determines that the operating authority permit holder has:

(A) made a false statement as to a material matter in the application concerning the operating authority; or

(B) failed to maintain the insurance required by this chapter.

(2) After revocation of an operating authority permit, an operating authority permit holder 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.

SEC. 47A-2.1.6. ZERO-TOLERANCE DRUG POLICY.

(a) An operating authority shall employ, maintain, and enforce as to its drivers a zero-tolerance policy prohibiting the use of intoxicating substances.

(b) An operating authority shall include on its publicly remotely accessible data site notice of the operating authority's zero-tolerance policy for intoxicating substances and information on how passengers may report a possible violation of the policy to the operating authority and to the City.

SEC. 47A-2.1.7. PUBLICLY REMOTELY ACCESSIBLE DATA SITE.

Each operating authority shall maintain a publicly remotely accessible data site that contains, at a minimum:

- (1) the operating authority's rate information;
- (2) the operating authority's zero-tolerance policy for intoxicating substances;
- (3) the operating authority's contact information;
- (4) a statement that wheelchair accessible vehicles are available upon request;

and

- (5) information on how to report complaints to the city.

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

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.

SEC. 47A-2.1.9. NONTRANSFERABILITY.

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

DIVISION 2.

DRIVER PERMIT.

SEC. 47A-2.2.1. DRIVER PERMIT REQUIRED.

(a) A person may not drive a transportation-for-hire vehicle 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 that operating authority.

SEC. 47A-2.2.2. QUALIFICATIONS FOR DRIVER PERMIT.

(a) To qualify for a driver permit, an applicant must:

(1) hold a driver's license that meets the requirements of Chapter 521, Texas Transportation Code;

(2) not be afflicted with a physical or mental disease or disability that is likely to prevent the applicant from exercising ordinary and reasonable control over a motor vehicle or that is likely to otherwise endanger the public health or safety;

(3) not have been convicted of more than three moving traffic violations arising out of separate incidents, or involved in more than one automobile accident in which it could be reasonably determined that the applicant was more than fifty percent at fault, within any 12-month period during the preceding 24 months;

(4) not have been convicted of a crime:

(A) involving:

- Penal Code;
- (i) criminal homicide as described in Chapter 19 of the Texas Penal Code;
- (ii) kidnapping as described in Chapter 20 of the Texas Penal Code;
- (iii) a sexual offense as described in Chapter 21 of the Texas Penal Code;
- (iv) an assaultive offense as described in Chapter 22 of the Texas Penal Code;
- (v) robbery as described in Chapter 29 of the Texas Penal Code;
- (vi) any offense under the Texas Penal Code committed against a person with whom the applicant came in contact while engaged in transportation-for-hire service;
- (vii) the transfer, carrying, or possession of a weapon in violation of Chapter 46 of the Texas Penal Code, but only if the violation is punishable as a felony;
- (viii) a violation of the Dangerous Drugs Act (Chapter 483 of the Texas Health and Safety Code) that is punishable as a felony;
- (ix) a violation of the Controlled Substances Act (Chapter 481 of the Texas Health and Safety Code) that is punishable as a felony; or
- (x) criminal attempt to commit any of the offenses listed in Subdivision (7)(A)(i) through (viii) of this subsection;

(B) for which:

- (i) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the applicant was convicted of a misdemeanor offense;
- (ii) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the applicant was convicted of a felony offense; or
- (iii) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any 24-month period, the applicant has two or more convictions of any misdemeanor offense or combination of misdemeanor offenses;

(5) not have been convicted of, or discharged by probation or deferred adjudication for, driving while intoxicated:

- (A) within the preceding 12 months; or
 - (B) more than one time within the preceding five years; and
- (6) not be subject to an outstanding warrant of arrest in the State of Texas.

(b) If an applicant is denied a driver permit on the basis that they have been convicted of an offense listed in Subsection (a)(4) or (5), for which the required time period has not elapsed since the date of conviction or the date of release from confinement imposed for the conviction, the Applicant may appeal the denial to the Permit and License Appeal Board in the manner set out in Dallas City Code 2-96. The Permit and License Appeal Board may determine that the driver is presently fit to engage in the occupation of a transportation-for-hire driver by considering consider the following:

- (1) the extent and nature of the applicant's past criminal activity;
- (2) the age of the applicant at the time of the commission of the crime;
- (3) the amount of time that has elapsed since the applicant's last criminal activity;
- (4) the conduct and work activity of the applicant prior to and following the criminal activity;
- (5) evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and

(6) other evidence of the applicant's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.

SEC. 47A-2.2.3. APPLICATION FOR DRIVER PERMIT.

To obtain a driver permit or renewal of a driver permit, the applicant must complete a written application on a form provided for the purpose. The application must include the applicant's contact information, including the applicant's mailing address and telephone number, and a method for privately contacting the applicant electronically (such as an email address).

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

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:

(a) 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 (5) years, or the applicant's Identity History Summary Check from the Federal Bureau of Investigation; and

(b) 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 (3) years.

SEC. 47A-2.2.5. APPROVAL OR DENIAL OF DRIVER PERMIT.

(a) Applicants who are not seeking renewal of an existing driver permit must complete a training class approved by the director on city regulations, familiarity with the city, and customer service before the applicant may receive a driver permit.

(b) The director shall issue a driver permit to the applicant if:

(1) the director determines that the applicant is qualified to receive a permit under Section 47A-2.2.2; and

(2) the applicant has completed the training class required by Subsection (a) of this section.

(c) The director shall deny the application for a driver permit if the applicant:

(1) is not qualified under Section 47A-2.2.2, or

(2) makes a false statement of a material fact in his application for a driver permit.

(d) If the director determines that a driver permit should be denied, the director shall notify the applicant in writing that his application is denied and include in the notice the reason for denial and a statement informing the applicant of his right of appeal.

SEC. 47A-2.2.6. CHANGES TO INFORMATION IN DRIVER PERMIT APPLICATION.

Any changes in the driver's contact information must be reported to the director prior to or contemporaneously with those changes.

SEC. 47A-2.2.7. DURATION OF DRIVER PERMIT.

(a) A driver permit expires two years from the date it is issued.

(b) If a driver's state driver's license is suspended or revoked by the state, his transportation-for-hire driver permit automatically becomes void. A driver shall immediately notify the director and each operating authority for which he drives of a suspension or revocation of his driver's license by the state and shall immediately surrender his driver permit to the director.

SEC. 47A-2.2.8. DUPLICATE DRIVER PERMIT.

If a driver permit is lost or destroyed, the director shall issue the driver a duplicate driver permit upon payment to the city of a fee of \$10.

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.

SEC. 47A-2.2.10. SUSPENSION OR REVOCATION OF DRIVER PERMIT.

(a) Suspension.

(1) If the director determines that a driver has failed to comply with this chapter or a rule or regulation established under this chapter, the director may suspend the driver permit for a definite period of time not to exceed 60 days.

(2) If at any time the director determines that a driver is not qualified under Section 47A-2.2.2, or is under indictment or has charges pending for any offense involving driving while intoxicated or a felony offense involving a crime described in Section 47A-2.2.2 or criminal attempt to commit any of those offenses, the director shall suspend the driver permit until such time as the director determines that the driver is qualified or that the charges against the driver have been finally adjudicated.

(3) A driver whose driver permit is suspended shall not drive a transportation-for-hire vehicle inside the city during the period of suspension.

(4) The director shall notify in writing the driver and all operating authorities of a suspension under this section and include in the notice the reason for the suspension, the date the director orders the suspension to begin, the duration of suspension, and a statement informing the driver of a right of appeal. The period of suspension begins on the date specified by the director or, in the case of an appeal, on the date ordered by the permit and license appeal board.

(5) A driver whose driver permit has been suspended may not resume providing transportation-for-hire driver services after the suspension period has ended until the

driver repeats the training class required by Section 47A-2.2.5(a) of this chapter. A driver may attend the training class at any available time during or after the suspension period.

(b) Revocation.

(1) The director shall revoke a driver permit if the director determines that the driver:

(A) drove a transportation-for-hire vehicle for hire inside the city during a period in which the driver's permit was suspended;

(B) made a false statement of a material fact in the application for a driver permit;

(C) engaged in conduct that constitutes a ground for suspension under Subsection (a), and received either a suspension in excess of three days or a conviction for violation of this chapter, two times within the 12-month period preceding the occurrence of the conduct or three times within the 24-month period preceding the occurrence of the conduct;

(D) engaged in conduct that could reasonably be determined to be detrimental to the public safety; or

(E) was convicted of any felony offense involving a crime described in Section 47A-2.2.2 while holding a driver permit.

(2) A person whose driver permit is revoked shall not:

(A) apply for another driver permit before the expiration of two years from the date the director revokes the permit or, in the case of an appeal, the date the permit and license appeal board affirms the revocation; or

(B) drive a transportation-for-hire vehicle inside the city.

(3) The director shall notify the driver in writing of a revocation and include in the notice the reason for the revocation, the date the director orders the revocation, and a statement informing the driver of the right of appeal.

(4) After receipt of notice of revocation, the driver shall, on the date specified in the notice, surrender the driver permit to the director and discontinue driving a transportation-for-hire vehicle inside the city.

(5) If the driver appeals the revocation under this section, the driver may continue to drive a transportation-for-hire vehicle pending the appeal unless:

(A) the driver permit is revoked pursuant to Subsection (b)(1)(E) of this section; or

(B) the director determines that continued operation of a transportation-for-hire vehicle by the driver would impose an immediate threat to public safety.

SEC. 47A-2.2.11. NONTRANSFERABILITY.

A driver permit issued to one person is not transferable to another.

SEC. 47A-2.2.12. DRIVER REGULATIONS.

While driving a transportation-for-hire vehicle, a driver shall comply with this chapter, rules and regulations established under this chapter, and all other laws applicable to the operation of a motor vehicle in this state. A driver providing transportation-for-hire services at Dallas Love Field Airport or Dallas-Fort Worth International Airport shall also comply with all of the rules and regulations of those airports.

DIVISION 3.

VEHICLE PERMIT.

SEC. 47A-2.3.1. VEHICLE PERMIT REQUIRED.

No vehicle may be used to provide transportation-for-hire services without a valid permit for that vehicle issued under this article.

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

To obtain a vehicle permit or renewal of a vehicle permit, a person must provide the director or an approved company with the following information and documents:

- (1) current state issued registration and safety inspection;
- (2) proof that, within the preceding thirty (30) days, the vehicle has been inspected and certified as meeting the requirements in Section 47A-2.3.3.

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 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) 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) paint in good condition, free of scratches or other obvious unrepaired damage, visible fading, runs, peeling, overspray, mismatched colors, or excessive "orange peel";
- (3) all recall work recommended by the vehicle's manufacturer has been performed;
- (4) all exterior lights function and are aimed as designed by the manufacturer;
- (5) all doors open and close smoothly using interior and exterior door handles;
- (6) 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).

SEC. 47A-2.3.4. DISPLAY OF VEHICLE PERMIT.

(a) A person commits an offense if he:

- (1) operates a transportation-for-hire vehicle with an expired vehicle permit or with no vehicle permit affixed to the vehicle;

(2) attaches a vehicle permit to a transportation-for-hire vehicle not authorized to operate as a transportation-for-hire vehicle;

(3) forges, alters, or counterfeits a transportation-for-hire vehicle permit required by this section; or

(4) possesses a forged, altered, or counterfeited transportation-for-hire vehicle permit required by this section.

(b) A transportation-for-hire vehicle permit assigned to one vehicle is not transferable to another.

SEC. 47A-2.3.5. EXPIRATION OF VEHICLE PERMIT.

The vehicle permit expires one year from the date it is issued.

DIVISION 4.

SERVICE RULES.

SEC. 47A-2.4.1. NO SOLICITATION.

A driver may not solicit passengers if the solicitation is:

(1) from a location other than the driver's compartment or the immediate vicinity of the driver's transportation-for-hire vehicle; or

(2) in a way that annoys or obstructs the movement of a person.

SEC. 47A-2.4.2. NON-DISCRIMINATION.

An operating authority or driver shall not refuse service to a passenger based on the passenger's race; color; age; religion; sex; marital status; sexual orientation, as that term is defined in Chapter 34 of this code; gender identity and expression, as that term is defined in Chapter 34 of this code; national origin; disability; political opinions; or affiliations.

SEC. 47A-2.4.3. CITY-WIDE SERVICE.

(a) An operating authority may not exclude from service any portion of the city.

(b) An operating authority may not refuse to convey a ride request to an available driver based on point of origin, destination, or length of trip.

(c) While operating a transportation-for-hire vehicle, a driver shall not refuse a person who requests service unless:

- (1) the person is disorderly;
- (2) the driver is engaged in answering a previous request for service;
- (3) the driver has reason to believe that the person is engaged in unlawful conduct; or
- (4) the driver, based on observation of a specific passenger, reasonably fears for the driver's own safety.

(d) This section does not apply to transportation-for-hire service provided by non-motorized passenger transport vehicles.

SEC. 47A-2.4.4. WHEELCHAIR ACCESSIBILITY.

(a) When a wheelchair accessible vehicle is requested, the operating authority must provide a wheelchair accessible vehicle, or cause one to be provided, without unreasonable delay.

(b) Operating authorities and drivers are prohibited from charging a higher fare rate for wheelchair accessible transportation-for-hire vehicles.

SEC. 47A-2.4.5. DIRECT AND EXPEDITIOUS ROUTE.

(a) A driver must take the most direct and expeditious route available, unless otherwise directed by the passenger.

(b) This section does not apply to transportation-for-hire service provided by non-motorized passenger transport vehicles.

SEC. 47A-2.4.6. PAYMENT BY CREDIT CARD.

(a) An operating authority or driver, whichever accepts payment for a fare, must allow fares to be paid by credit card.

(b) When accepting a credit card payment, an operating authority or driver must use a secure credit card processing method that encrypts information transmitted to authenticate a credit card payment transaction for approval.

SEC. 47A-2.4.7. 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.

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.

Initial meter drop \$2.25

Each 1/9 mile \$0.20

Traffic delay time/waiting time, per 1-1/2 minutes \$0.45

Each extra passenger (up to manufacturer's rated seating capacity) \$2.00

(2) Love Field Airport fares.

Each passenger-carrying trip departing from the airport (in addition to the general fare) \$0.50

Minimum charge for each trip departing from the airport \$8.00

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 \$18.00

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 \$15.00

(3) Dallas-Fort Worth International Airport fares.

Minimum charge for each terminal transfer \$7.00

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

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

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 \$40.00

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 \$32.00

(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 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.

(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.

SEC. 47A-2.4.9. ADDITIONAL REQUIREMENTS FOR HAILABLE VEHICLES.

(a) All hailable vehicles must:

(1) have a roof mounted top light that illuminates when the vehicle is in service but not available to be hailed; and

(2) display the following information on at least one door on each side of the vehicle:

(A) the name of the operating authority under which the vehicle is currently operating,

(B) the vehicle permit number, and

(C) the fare rate.

(b) The size and format of the information required by this section must be approved by the director.

(c) If a hailable vehicle is neither engaged in service nor available to be hailed, the driver must place a sign in the front window on the right side of the vehicle with the words "NOT FOR HIRE" printed in letters not less than 3" in height with a stroke of not less than 3/8".

SEC. 47A-2.4.10. GOUGING PROHIBITED.

Drivers and operating authorities may not knowingly or intentionally quote, charge, or attempt to charge a fare higher than the fare calculated based on the operating authority's published rates or the rates allowed by this chapter for hailable vehicles, whichever is applicable.

SEC. 47A-2.4.11. 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.

SEC. 47A-2.4.12. SOLICITATION OF PASSENGERS BY BUSINESS ESTABLISHMENTS.

(a) An employee of a business establishment, other than an operating authority, who acts as an agent in obtaining transportation-for-hire service for prospective passengers shall not:

(1) solicit nor accept payment from a driver in return for giving preferential treatment in directing passengers to a driver; or

(2) interfere with the orderly progression of transportation-for-hire vehicles from the rear to the front of a queue.

(b) Business establishments or their agents may not require guests to use a specific transportation-for-hire operating authority, driver, or vehicle.

(c) Drivers may not pay an employee of a business establishment to solicit passengers or to give preferential treatment in directing passengers to that driver.

SEC. 47A-2.4.13. DRIVER AVAILABILITY LOG.

(a) An operating authority that employs contingent primary liability coverage to meet the insurance requirements of Section 47A-2.5.2 shall maintain a real time record that demonstrates each date and time that a driver providing transportation-for-hire services under that operating authority has, in the manner prescribed by the operating authority, signaled to the operating authority that the driver:

- (1) is available to accept a ride request;
- (2) has accepted a ride request; and
- (3) has completed a requested ride.

(b) The operating authority shall retain the record required by Subsection (a) for a minimum of ninety (90) days after the record is made, and shall make the records available for inspection by the director upon reasonable notice.

DIVISION 5.

INSURANCE.

SEC. 47A-2.5.1. INSURANCE POLICY REQUIREMENTS AND PROHIBITIONS.

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

(1) is 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;

(2) is acceptable to the city; and

(3) does not violate the ownership or operational control prohibitions 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 transportation-for-hire vehicle when driven by any authorized driver.

(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 canceling (for a reason other than non-payment) or making a 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 canceling 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 materially changed; and

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

(d) A driver must keep proof of any and all liability insurance policies applicable to the driver or vehicle in the vehicle while the driver is providing transportation-for-hire services.

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

(f) The operating authority may not be self-insured.

(g) Any insurance policy required by this article must be on file with the city within forty-five (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. 47A-2.5.2. MINIMUM INSURANCE LIMITS.

(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 1-8 passengers	\$500,000
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For vehicles with a manufacturer's rated seating capacity of 9 or more passengers	\$1,000,000.
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(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.

ARTICLE III.

REGULATIONS SPECIFIC TO NON-MOTORIZED PASSENGER TRANSPORT VEHICLES.

SEC. 47A-3.1. ROUTE.

Transportation-for-hire service offered by non-motorized passenger transport vehicles may only be offered in accordance with a preapproved route, with fixed pickup and destination points, that must be current and kept on file with the director.

SEC. 47A-3.2. REQUIREMENTS FOR HORSES IN SERVICE.

(a) Before any horse may be used in a non-motorized passenger transport service, the operating authority permit holder must furnish the director with:

(1) a state certificate of veterinarian inspection identifying the horse by description or photograph and showing that the horse has been examined at least once within the preceding six months by a veterinarian licensed by the State of Texas who specializes in equine medicine;

(2) proof that the horse has had tetanus, rabies, and Eastern-Western encephalitis vaccinations; and

(3) photographs showing identifying markings of the horse.

(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 "eazy" type boot may be used to finish the scheduled work day;

(2) not have any open wound, oozing sore, cut below skin level, or bleeding wound;

(3) not have evidence of lameness, such as but not limited to head bobbing or irregular rhythm;

(4) be offered not less than five gallons of drinking water at least every two hours;

(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 hours rest;

(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.

(c) The director, or a designated representative of the city department of code compliance, may require the operating authority or driver of a horse-drawn carriage to remove

from service any horse that appears to be ill, overtired, undernourished, overloaded, injured, or lame or whose health or life, in the opinion of a veterinarian or qualified equine animal services officer, is in imminent danger. To reinstate a horse removed from service, the horse must be re-examined and a new state certificate of veterinarian inspection issued for the horse by a veterinarian licensed by the State of Texas and specializing in equine medicine, which certificate must be submitted to the director.

(d) A person commits an offense if he harasses or startles, or attempts to harass or startle, any horse while the horse is pulling a carriage or at rest or otherwise treats a horse inhumanely while it is working in a non-motorized passenger transport service.

(e) An operating authority and driver shall use a trailer to transport a horse to a job location in the city that is more than three miles from the location where the horse is stabled.

(f) For purposes of this section, a horse is considered to be working any time it is on a public street or sidewalk, or other public right-of-way, during any hour of operation of the non-motorized passenger transport service that is authorized by and on file with the director.

SEC. 47A-3.3. REQUIRED EQUIPMENT.

(a) An operating authority shall maintain for all non-motorized passenger transport vehicles operating under its permit, and a driver shall maintain for the non-motorized passenger transport vehicle he is driving for hire, the following equipment in good condition:

- (1) head-lights;
- (2) tail-lights;
- (3) flashing lights;
- (4) a braking system approved by the director;
- (5) rubber on all wheels;
- (6) a "slow moving vehicle" sign attached to the rear of the vehicle;
- (7) evidence of insurance required by Division 5 of Article II of this chapter;
- (8) the company name and a unit number conspicuously located on the rear of the vehicle in letters not less than two inches high;
- (9) a vehicle permit or temporary permit placed in a manner and location approved by the director;
- (10) any other equipment required to comply with all applicable federal and state laws; and

(11) any other special equipment that the director determines to be necessary for the service to be operated.

(b) An operating authority and driver shall, at all times, keep each non-motorized passenger transport vehicle clean and free of refuse and in safe operating condition.

(c) A non-motorized passenger transport vehicle must not have any cracks, broken or missing parts, or other visible damage. All wheels must be firmly attached to the hub of a vehicle and all springs, axles, and supporting structures of each vehicle must be intact.

SEC. 47A-3.4. APPLICATION FOR OPERATING AUTHORITY.

In addition to the information required by Section 47A-2.1.2 of this chapter, to obtain an operating authority permit for transportation-for-hire service offered by non-motorized passenger transport vehicles, the verified application statement filed with the director must include:

(1) the number of horses the applicant proposes to use in the operation of the service with a description or photograph and a state certificate of veterinarian inspection for each horse; and

(2) the proposed routes to be offered.

ARTICLE IV.

ENFORCEMENT.

SEC. 47A-4.1. RESPONSIBILITY FOR ENFORCEMENT.

(a) The director may, with or without notice, inspect any transportation-for-hire vehicle operating under this chapter to determine whether the vehicle complies with this chapter, rules and regulations established under this chapter, or other applicable law.

(b) The director shall enforce this chapter with the assistance of the police department. A police officer upon observing a violation of this chapter or the rules or regulations established by the director, shall take necessary enforcement action to ensure effective regulations of transportation-for-hire service.

SEC. 47A-4.2. REMOVAL OF EVIDENCE OF AUTHORIZATION.

Whenever an operating authority permit, driver permit, or vehicle permit is suspended, revoked, or renewal denied, the director may remove or require the surrender of all evidence of authorization as an operating authority, driver, or transportation-for-hire vehicle, including, but not limited to, removal or surrender of operating authority, permits, decals, and signage.

SEC. 47A-4.3. TOWING AND IMPOUNDING.

A vehicle shall be towed and impounded if determined by the director or any peace officer to be operating as a transportation-for-hire vehicle without:

- (1) the operating authority required by this chapter,
- (2) a driver permit required by this chapter,
- (3) a vehicle permit required by this chapter, or
- (4) the insurance required by this chapter.

SEC. 47A-4.4. CORRECTION ORDER.

(a) If the director determines that an operating authority or driver is violating or has violated this chapter, terms of its permit, a rule or regulation established by the director, or other law, the director may notify the operating authority or driver in writing of the violation and by written order direct the operating authority or driver to correct the violation within a reasonable period of time. In setting the time for correction the director shall consider the degree of danger to the public health or safety and the nature of the violation. If the violation involves equipment that is unsafe or functioning improperly, the director shall order the operating authority or driver to immediately cease use of the equipment.

(b) If the director determines that a violation constitutes an imminent and serious threat to the public health or safety, the director shall order the operating authority or driver to correct the violation immediately, and, if the operating authority or driver fails to comply, the director shall promptly take or cause to be taken such action as the director considers necessary to enforce the order immediately.

(c) The director shall include in a notice issued under this subsection an identification of the violation, the date of issuance of the notice and the time period within which the violation must be corrected, a warning that failure to comply with the order may result in suspension or revocation of the permit or imposition of a fine or both, and a statement indicating that the order may be appealed.

SEC. 47A-4.5. SERVICE OF NOTICE.

(a) An operating authority shall designate and maintain a representative to receive service of notice required under this chapter to be given an operating authority and to serve notice required under this chapter.

(b) Notice required under this chapter to be given to:

(1) an operating authority must be personally served by the director on the operating authority or the operating authority's designated representative; or

(2) a driver must be personally served or sent by certified United States Mail, return receipt requested, to the address, last known to the director, of the person to be notified, or to the designated representative for drivers.

(c) Notice required under this chapter to be given to a person other than an operating authority or driver may be served in the manner prescribed by Subsection (b)(2).

(d) Service executed in accordance with this subsection constitutes notice to the person to whom the notice is addressed. The date of service for notice that is mailed is three days after the date of mailing.

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

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.

SEC. 47A-4.7. CRIMINAL OFFENSES.

(a) A person commits an offense if he violates or attempts to violate a provision of this chapter, or a rule or regulation established by the director under this chapter, that is applicable to the person. A culpable mental state is not required for the commission of an offense under this chapter 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 7. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 8. That Chapter 5 of the Dallas City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance. Any proceeding, civil or criminal, based upon events that occurred prior to the effective date of this ordinance are saved, and the former law (including Chapters 10, 10A, 10B, and 45 of the Dallas City Code, which are repealed by this ordinance) is continued in effect for that purpose.

SECTION 9. That an operating authority permit, driver’s license, or vehicle decal, issued under Chapter 10, 10A, 10B, or 45 of the Dallas City Code before the effective date of

this ordinance shall remain valid until the expiration date of the permit or decal, and the former law (including Chapters 10, 10A, 10B, and 45 of the Dallas City Code, which are repealed by this ordinance) is continued in effect for that purpose.

SECTION 10. 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.

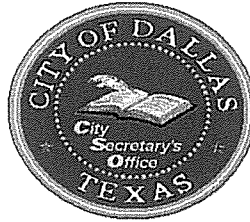
SECTION 11. That this ordinance shall take effect on April 30, 2015, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By *Aleen Youens*
Assistant City Attorney

Passed DEC 10 2014



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 DEC 10 2014

ORDINANCE NUMBER 29596

DATE PUBLISHED DEC 13 2014

ATTESTED BY:

A handwritten signature in cursive script, appearing to read "Rose C. Liss".