

ORDINANCE NO. 22308-06-2016

AN ORDINANCE REPEALING AND RESTATING CHAPTER 34 "VEHICLES FOR HIRE," ARTICLE VI "GROUND TRANSPORTATION FOR HIRE," OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (2015), AS AMENDED; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL PRIOR ORDINANCES AND REPEAL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Fort Worth ("City Council") seeks to protect the public safety, preserve the quality of life, and promote efficiency within the City; and

WHEREAS, Section 215.004 of the Texas Local Government Code provides that to protect the public health, safety, and welfare, a municipality by ordinance shall license, control, and otherwise regulate each private passenger vehicle, regardless of how it is propelled, that provides passenger taxicab transportation services for compensation and is designed for carrying no more than eight passengers; and

WHEREAS, Section 215.004 of the Texas Local Government Code provides that an ordinance of a municipality regulating passenger taxicab transportation services may include the regulation of entry into the business of providing passenger taxicab transportation services, including controls, limits, or other restrictions on the total number of persons providing the services; regulation of the rates charged for the provision of the services; establishment of safety and insurance requirements; and any other requirements adopted to ensure safe and reliable passenger transportation service; and

WHEREAS, Section 215.073 of the Texas Local Government Code provides that a home-rule municipality may license, fix the charges or fares made by, or otherwise regulate any person who owns, operates, or controls any type of vehicle used on the public streets or alleys of the municipality for carrying passengers or freight for compensation; and

WHEREAS, Section 311.001 of the Texas Transportation Code provides that a home-rule city has exclusive control over the public highways, streets, and alleys of the city; and

WHEREAS, the City Council has determined that due to advances in technology and customer awareness, the need for substantial local regulation of vehicle for hire services is no longer necessary and free enterprise and market forces will provide incentives for businesses to provide quality services; and

WHEREAS, the City Council finds this Ordinance to be reasonable and necessary;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, THAT:

SECTION 1.

Chapter 34 “Vehicles for Hire,” Article VI “Ground Transportation for Hire,” of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby repealed and restated in its entirety to read as follows:

§ 34-200 SCOPE OF ARTICLE.

- (a) This Article governs the operation of all Vehicle for Hire Services in the corporate limits of the City.
- (b) This Article does not apply to a Vehicle for Hire Service or to a Person operating a Vehicle for Hire Service that is:
 - (1) Transporting a person from a point outside the corporate limits of the City to a destination inside the corporate limits of the City if the Vehicle for Hire leaves the corporate limits of the City without receiving a new passenger inside the corporate limits of the City and the Vehicle for Hire Service is licensed by another governmental entity;
 - (2) Operated under state or federal authority unless subject to the City’s regulatory authority; or
 - (3) Operated by a funeral home in the performance of funeral services.
- (c) Nothing in this Article shall excuse a Vehicle for Hire Service from complying with the rules, regulations and fees required by the Dallas-Fort Worth International Airport Board. A Vehicle for Hire Service’s compliance with the rules, regulations and fees required by the Dallas-Fort Worth International Airport Board shall not excuse the Vehicle for Hire Service from complying with this Article.

§ 34-201 DEFINITIONS.

The following terms, when used in this Article, shall have the meanings respectively ascribed to them by this Section:

CENTRAL BUSINESS DISTRICT. The area of Fort Worth bounded on the east by I-35W; on the south by a line one-half block south of Vickery Boulevard and extending west to the centerline of I-30; on the west by a line extending north and south with the east property line of the City of Fort Worth Water Treatment Plant to West Tenth Street and along West Tenth Street to the Clear Fork of the Trinity River and along the Clear Fork to the Trinity River; on the north by the center of the Trinity River to the extension of Jones Street and thereafter by Bluff Street, as set forth in Appendix A, to the City Code, Zoning Regulations.

CITY. The City of Fort Worth.

CITY COUNCIL. The governing body of the City of Fort Worth.

COMPLIANCE CERTIFICATION. A sworn and notarized certification signed by an applicant for an Operating License or a Licensee.

DIRECTOR. The Director of the City's Transportation and Public Works Department.

DRIVER. Any individual who drives or operates a Vehicle for Hire in the corporate limits of the City to provide Vehicle for Hire Services.

GROUND TRANSPORTATION COORDINATOR or COORDINATOR. An employee of the ground transportation office designated by the Director to administer and enforce the ground transportation program.

GROUP CYCLE. A non-motorized vehicle with the carrying capacity of sixteen passengers operating on a pre-arranged and predetermined schedule with fixed pickup and destination points.

HAILABLE SERVICE. A Motorized Vehicle for Hire Service that can be immediately summoned by a passenger communicating in person with the Driver of the Vehicle.

HORSE-DRAWN CARRIAGE. A chauffeured non-motorized vehicle drawn by a horse and used to transport persons for hire that typically operates in designated areas or on approved routes.

LICENSEE. A person, association or corporation that is licensed to operate a Vehicle for Hire Service under this Article.

MOTORIZED VEHICLE FOR HIRE. Every Vehicle for Hire that is self-propelled.

NON-MOTORIZED VEHICLE FOR HIRE. Every Vehicle for Hire that is propelled by a human or an animal, including but not limited to Group Cycles, Horse-Drawn Carriages, and Pedicabs.

OPERATING LICENSE. A license issued by the City authorizing a Vehicle for Hire Service to operate within the corporate limits of the City.

PEDICAB. A non-motorized vehicle with three or more wheels propelled by human power or human-assisted power with seating for one or more passengers.

PERSON. An individual, corporation, government or governmental subdivision, agency, trust, partnership, or two or more persons having joint or common economic interest.

STREET. Any street, alley, lane, right-of-way or highway within the corporate limits of the City.

SUBSTANTIALLY SIMILAR OWNERSHIP. Any business entity that is owned or controlled by fifty-one percent or more of the same Persons who own or control another business entity.

TAXIMETER. A device that mechanically or electronically computes and registers in dollars and cents for viewing by the passenger, the fare based upon the distance traveled, the time the Vehicle for Hire is engaged, or any other basis for charges which are specified in the rates of fares set by the City Council for Hailable Vehicle for Hire Services.

VEHICLE. A device that can be used to transport or draw persons or property on a public Street within the corporate limits of the City.

VEHICLE FOR HIRE. Every motorized or non-motorized Vehicle that is chauffeured that transports passengers over City Streets for a fare or compensation. The term Vehicle for Hire shall not include:

- (1) Vehicles operated by a transportation authority or transit authority in accordance with state or federal law;
- (2) Vehicles involved in an organized car pool not available to the general public;
- (3) A Vehicle being operated pursuant to a franchise, grant of privilege or permit issued by the City under its authority outside of this Article; or pursuant to permission duly granted by proper authority of the City under its authority outside of this Article for a Vehicle to operate over a regular route upon a set schedule; a Vehicle being operated as a chartered bus not available to the general public and under a contract to carry twelve or more passengers; or any Vehicle that is not available to the general public;
- (4) Vehicles being used as ambulances; or
- (5) Vehicles rented or leased for self-operation by the person who drives the Vehicle, unless such a Vehicle is transporting persons for compensation.

VEHICLE FOR HIRE SERVICE. The business of offering transportation to customers in one or more Vehicles for Hire in exchange for a fee or compensation.

§ 34-202 OPERATING LICENSES.

- (a) It shall be unlawful for a Person to drive or operate a Vehicle for Hire in the corporate limits of the City unless the Driver and Vehicle for Hire are operating under a valid Operating License.
- (b) It shall be unlawful for a Person to employ, permit or allow another to drive, operate or cause to be operated any Vehicle for Hire in the corporate limits of the City unless that Person is a Licensee in possession of a valid Operating License.

- (c) Any Person desiring to operate a Vehicle for Hire Service in the corporate limits of the City shall submit an application for an Operating License on a form provided by the Ground Transportation Coordinator. The applicant must be the Person who will own, control, or operate the proposed Vehicle for Hire Service or who will own, control, or operate the digital network or application through which Drivers provide the proposed Vehicle for Hire Service. No application shall be considered for approval unless it meets all the requirements of this Article. Each application must contain the following:
 - (1) The name and address of the applicant, if a natural person, or, if a corporation, its name, date and place of incorporation, address of its principal place of business and the names of all its officers and directors together with their respective business addresses, as well as a copy of the articles of incorporation, the trade name, if any, under which the applicant proposes to operate and the address of the place or places of business from which the applicant proposes to operate;
 - (2) A nonrefundable Operating License fee must be submitted with the application; and
 - (3) The Compliance Certification required by this Article.
- (d) Upon receipt of a completed application for an Operating License in compliance with this Article and payment of the required fee, the Ground Transportation Coordinator shall issue an Operating License to the applicant, unless the applicant is prohibited by this Article from receiving an Operating License.
- (e) Except as provided in Section 34-213, an Operating License shall commence on the date of issuance and shall expire two (2) years from the date of issuance. A Licensee shall apply for a new Operating License at least thirty (30) days prior to the expiration date of the Operating License.

§ 34-203 COMPLIANCE CERTIFICATION.

- (a) A Compliance Certification shall be submitted to the Ground Transportation Coordinator with each application for an Operating License and one (1) year after the issuance of each Operating License.
- (b) A Compliance Certification shall contain the following language:
 - (1) I certify that within the past sixty (60) days, the undersigned has conducted a national criminal background and driver's license check on each Driver who will operate a Vehicle for Hire under the Operating License.
 - (2) I certify that the undersigned will conduct a national criminal background and driver's license check before allowing any new Driver to operate a Vehicle for Hire under the Operating License who has become associated with the undersigned since the last Compliance Certification.

- (3) I certify that the undersigned shall not allow any Person to operate a Vehicle for Hire under the Operating License if the Person does not meet the qualifications in Chapter 34, Article VI of the City Code.
 - (4) I certify that within the past sixty (60) days the undersigned has verified that all Vehicles that will operate as a Vehicle for Hire under the Operating License are covered by an insurance policy that meets the requirements of Chapter 34, Article VI of the City Code and comply with the Vehicle inspection and emission testing requirements of the state of Texas.
 - (5) I certify that before allowing any new Vehicle to operate as a Vehicle for Hire under the Operating License that has become associated with the undersigned since the last Compliance Certification, the undersigned shall verify that the Vehicle is covered by an insurance policy that meets the requirements of Chapter 34, Article VI of the City Code and complies with the Vehicle inspection and emission testing requirements of the state of Texas.
 - (6) I certify that the undersigned shall not allow any Vehicle to operate as a Vehicle for Hire under the Operating License if the Vehicle is not covered by an insurance policy that meets the requirements of Chapter 34, Article VI of the City Code, or the Vehicle does not comply with the Vehicle inspection and emission testing requirements of the state of Texas.
 - (7) I hereby certify that the undersigned shall comply with all requirements of Chapter 34, Article VI of the City Code and federal, state and municipal laws in providing Vehicle for Hire Services in the corporate limits of the City.
- (c) A Licensee commits an offense and the Operating License is subject to revocation in accordance with the provisions of this Article if the Licensee knowingly fails to submit a Compliance Certification to the Ground Transportation Coordinator one (1) year after the issuance of an Operating License.

§ 34-204 REVOCATION OF OPERATING LICENSE.

- (a) Prior to revocation of an Operating License, the Director shall send the Licensee written notice of any violation by certified mail, return receipt requested. A Licensee shall have thirty (30) days from receipt of a written notice of a violation to provide written proof to the Director that the Licensee did not violate this Article as set forth in subsection (b). Failure of the Licensee to submit a written response to the Director as required by this subsection shall result in revocation of the Operating License.
- (b) The Director shall have the authority to revoke a Licensee's Operating License if a Licensee:
 - (1) Fails to submit a Compliance Certification as required by this Article;

- (2) Fails to perform a national background check and driver's license check as required by this Article;
 - (3) Fails to verify that a Vehicle is covered by an insurance policy and meets the state requirements for Vehicle inspection and emission testing as required by this Article; or
 - (4) Knowingly allows a Driver or Vehicle to operate in violation of this Article.
- (c) An Operating License that is revoked shall be of no force and effect from and after the date of revocation.
 - (d) A Licensee whose Operating License is revoked in accordance with this Article will not be granted an Operating License before the expiration of twenty-four (24) months from the date of revocation.
 - (e) A business entity that has Substantially Similar Ownership to a Licensee whose Operating License has been revoked in accordance with this Article, will not be granted an Operating License before the expiration of twenty-four (24) months from the date of revocation.

§ 34-205 FEES.

- (a) The City Council shall adopt a schedule of fees applicable to this Article which shall be on file in City Secretary's office.
- (b) Each Licensee shall pay the Operating License fee as approved by City Council before the issuance of an Operating License. Fees may be pro-rated for any partial period for which an Operating License is issued. The Ground Transportation Coordinator shall provide each Licensee with written notice of the due date for any pro-rated fees. A Licensee shall pay the pro-rated fees by the due date.

§ 34-206 COMPLIANCE WITH FEDERAL, STATE AND MUNICIPAL LAW.

Licensees and Drivers shall comply with all federal, state and municipal laws while providing Vehicle for Hire Services.

§ 34-207 INSURANCE REQUIREMENTS.

- (a) Vehicles for Hire that are subject to Chapter 1954 of the Texas Insurance Code must comply with the requirements of that Chapter at all times.
- (b) Vehicles for Hire that are not subject to Chapter 1954 of the Texas Insurance Code must provide and maintain at all times insurance coverage that meets the minimum requirements of Chapter 1954 of the Texas Insurance Code, or the requirements set forth in subsection (c).

(c) A Vehicle for Hire that is not subject to Chapter 1954 of the Texas Insurance Code or elects to not maintain the insurance coverage meeting the requirements of Chapter 1954 of the Texas Insurance Code, shall have in force, twenty-four (24) hours, seven (7) days a week the amount and character of insurance coverage for Vehicles for Hire as required by this subsection.

(1) The minimum insurance required under this subsection must:

- i. Be obtained from a carrier that is admitted and licensed to transact insurance in the state of Texas or an eligible surplus lines insurer authorized under the laws of the state of Texas;
- ii. Be written on an occurrence basis;
- iii. Cover the Vehicle for Hire and any Driver of the Vehicle for Hire;
- iv. Name the City of Fort Worth as an additional primary insured;
- v. Provide minimum coverage in an amount no less than \$500,000 combined single limit liability (CSL) per occurrence;
- vi. Provide that all claims will be paid on a first dollar basis by the insurance provider;
- vii. Not be obtained from an assigned risk pool; and
- viii. Not contain policy exclusions that would change or limit coverage for passengers entering or exiting the Vehicle.

(2) All liability insurance coverage must include a rider that provides that at all levels of coverage there must be notification to the City in writing not less than thirty (30) days before canceling or making a material change in the policy.

(3) A Driver or Licensee of a Vehicle for Hire shall not have operational control in any insurance company providing coverage to a Vehicle for Hire utilized by the Driver or Licensee.

§ 34-208 DRIVER QUALIFICATIONS.

(a) To qualify as a Driver, a Person must:

(1) Hold a valid driver's license or operator's license issued by any state of the United States, Washington D.C., or any territory of the United States;

- (2) Not be under indictment, have charges pending, have been convicted, or have been placed on probation or deferred adjudication for the following offenses:
- i. Criminal homicide as described in Texas Penal Code Chapter 19;
 - ii. Aggravated kidnapping as described in Texas Penal Code Section 20.04;
 - iii. An offense involving trafficking of persons as described in Texas Penal Code Chapter 20A;
 - iv. Continuous sexual abuse of a young child or children as described in Texas Penal Code Section 21.02;
 - v. Indecency with a child as described in Texas Penal Code Section 21.11;
 - vi. Improper relationship between educator and student as described in Texas Penal Code Section 21.12;
 - vii. Sexual assault as described in Texas Penal Code Section 22.011;
 - viii. Aggravated sexual assault as described in Texas Penal Code Section 22.021;
 - ix. Sale or purchase of a child as described in Texas Penal Code Section 25.08;
 - x. Aggravated robbery as described in Texas Penal Code Section 29.03;
 - xi. Sexual performance by a child as described in Texas Penal Code Section 43.25;
 - xii. Employment harmful to children as described in Texas Penal Code Section 43.251;
 - xiii. Possession or promotion of child pornography as described in Texas Penal Code Section 43.26;
 - xiv. Electronic transmission of certain visual material depicting a minor as described in Texas Penal Code Section 43.261;
 - xv. Intoxication manslaughter as described in Tex. Penal Code Section 49.08;

- xvi. Criminal attempt, solicitation, or conspiracy to commit any offense described in subsections (a)(2)(i) – (a)(2)(xv); and
 - xvii. An offense under the laws of another state, federal law or another country in which the elements of the offense under the laws of that state, federal law or country are substantially similar to the elements of an offense listed in subsections (a)(2)(i) – (a)(2)(xvi);
- (3) Except as provided by subsection (2), not be under indictment, have charges pending or within the previous seven (7) years have been convicted of, released or discharged from probation, parole or deferred adjudication for any felony offense as defined by the laws of this state, another state, federal law or the law of another country;
 - (4) Except for an offense that is punishable by a fine only, not be under indictment, have charges pending or within the previous three (3) years have been convicted of, released or discharged from probation, parole or deferred adjudication for any misdemeanor offense as defined by the laws of this state, another state, federal law or the laws of another country;
 - (5) Within the previous three (3) years, not have been convicted of or placed on deferred adjudication or deferred disposition for an offense involving the operation of a motor vehicle at a speed exceeding one hundred (100) miles per hour;
 - (6) In any ten (10) year period, not have been convicted of or placed on probation or deferred adjudication for three (3) or more offenses in which the elements of the offense involve the operation of a motor vehicle, boat, or aircraft while intoxicated or under the influence of drugs or alcohol;
 - (7) Not be required to register as a sexual offender under the laws of this state, another state, federal law or the laws of another country; and
 - (8) Not have been convicted of, or placed on deferred adjudication or deferred disposition within the previous three (3) years for more than three (3) moving traffic violations arising out of separate transactions within any twelve (12) month period.
- (b) A Driver shall not operate a Vehicle for Hire for the purpose of providing Vehicle for Hire Services if the Driver does not meet the Driver qualifications in this Section.
 - (c) A Licensee shall not intentionally, knowingly or recklessly allow a Person to operate a Vehicle for Hire to provide Vehicle for Hire Services if the Person does not meet the Driver qualifications in this Section.

§ 34-209 INSPECTION OF RECORDS.

- (a) The City may make a written request to a Licensee to inspect the Licensee's records relating to a Driver or the Licensee if the City receives a complaint or information that a Driver or Licensee does not meet the requirements of this Article.
- (b) A Licensee shall make the requested records available for inspection by the City at a location within the corporate limits of the City, within ten (10) calendar days of the Licensee receiving a written request from the City.

§ 34-210 REQUIREMENTS FOR HAILABLE SERVICE.

No Person shall provide Hailable Service unless:

- (a) A Taximeter is installed in the Vehicle that accurately calculates the rate of fare; and
- (b) The name of the Licensee and rate information is permanently displayed on the outside of the rear door or front door, in letters not less than two and one-half inches in height and not less than five-sixteenths inch wide.

§ 34-211 RATES AND FARES FOR HAILABLE SERVICE.

- (a) All Persons providing Hailable Service shall comply with this Section.
- (b) No Person providing Hailable Service shall charge a fare that exceeds the following maximum rates:
 - (1) General Fare:
 - i. Initial meter drop \$2.25
 - ii. Each 1/9 mile \$0.20
 - iii. Traffic delay per 1- 1/2 minutes \$0.45
 - iv. Each extra passenger (up to manufacturer's rated seating capacity) \$2.00
 - (2) Gasoline surcharge:
 - i. A gasoline surcharge may be added to the 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.

- ii. 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 as shown by the following chart:

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) A flat rate of \$40.00 may be charged for a trip originating in the Central Business District and terminating at the Dallas-Fort Worth International Airport, provided that such flat rate is not in excess of the maximum meter rate.
- (d) No Person shall demand an additional charge for luggage, bags or parcels being carried by a passenger or passengers.
- (e) Nothing in this Section shall prohibit a Vehicle providing Hailable Service from charging a rate or fare that is less than the maximum amounts allowed by this Section.

§ 34-212 RULES AND REGULATIONS FOR NON-MOTORIZED VEHICLES FOR HIRE.

- (a) The Director shall have the authority to establish rules governing the location, routes and operating hours of Non-Motorized Vehicles for Hire.
- (b) Before adopting, amending or abolishing a rule, the Director shall hold a public hearing on the proposal.
- (c) The Director shall fix the time and place of the hearing, and shall provide notice of the hearing in accordance with the Open Meetings Act, (Chapter 551, Texas Government Code, as amended). In addition, the Director shall notify each Licensee of the hearing using the Licensee’s last known address on file with the Ground Transportation Coordinator. The Licensee’s failure to receive notice of the hearing shall not invalidate any rule established by the Director. A copy of each rule shall be on file in the City Secretary’s office.

- (d) After the public hearing, the Director shall notify each Licensee of the Director's action and shall post an order, adopting, amending or abolishing a rule on the official bulletin board at City Hall and on the City's website for a period of not fewer than ten (10) calendar days. The order becomes effective immediately upon expiration of the ten (10) calendar day posting period.
- (e) It shall be unlawful for a Person to violate a ruled adopted by the Director in accordance with this Section.

§ 34-213 TRANSITIONAL PROVISIONS.

- (a) Except as otherwise provided by this Article, a valid Operating License that was issued prior to the effective date of this Ordinance shall continue to be valid until the Operating License expires.
- (b) Except as otherwise provided by this Article, a Licensee who holds a valid Operating License that was issued prior to the effective date of this Ordinance shall not be limited to the number of Vehicles for Hire specified in the Operating License. The Licensee may operate an unlimited number of Vehicles for Hire under the Operating License as long as the Licensee complies with the remaining provisions of this Article for each Vehicle for Hire operated under the Operating License.

§ 34-214 ENFORCEMENT.

The Director, the Director's designee, and the Ground Transportation Coordinator are primarily responsible for the enforcement of this Article and are authorized to issue warning and citations to any Person violating this Article. The Fort Worth Police Department, the Fort Worth City Marshal's Office, or any other peace officer shall also have the authority to enforce this Article and are authorized to issue warnings and citations to any Person violating this Article.

§ 34-215 CRIMINAL PENALTIES.

- (a) A violation of any provision of this Article is a Class C misdemeanor punishable by a fine not to exceed \$500.00. Each separate occurrence of a violation or each day that a violation continues shall constitute a separate offense.
- (b) If an offense defined under this Article does not include a culpable mental state, then a culpable mental state is not an element of the offense and the offense shall be one of strict liability.
- (c) The issuance of a citation shall not limit the Director's authority to revoke an Operating License or the City's ability to pursue civil remedies as provided by state law.

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances of the Code of the City

of Fort Worth, Texas, (2015), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of the Code of the City of Fort Worth, or any other ordinances of the City, that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance, but may be prosecuted until final disposition by the courts.

SECTION 5.

The City Secretary of the City of Fort Worth, Texas is hereby directed to publish the caption, penalty provisions and effective date of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Texas Local Government Code, Section 52.013.

SECTION 6.

This ordinance shall take effect on October 1, 2016, and it is so ordained.

APPROVED AS TO FORM AND LEGALITY:

ATTEST:



Richard A. McCracken
Assistant City Attorney



Mary J. Kayser,
City Secretary

ADOPTED: June 28, 2016

EFFECTIVE: October 1, 2016

PUBLISHED: July 1, 2016

City of Fort Worth, Texas
Mayor and Council Communication

COUNCIL ACTION: Approved on 6/28/2016 - Ordinance No. 22308-06-2016 & Resolution No. 4651-06-2016

DATE: Tuesday, June 28, 2016

REFERENCE NO.: G-18778

LOG NAME: 20REPEALING AND RESTATING CHAPTER 34 VEHICLES FOR HIRE

SUBJECT:

Adopt Ordinance Repealing and Restating Chapter 34, "Vehicles for Hire," Article VI, "Ground Transportation for Hire" of the Code of the City of Fort Worth, Texas (2015), and Adopt Resolution Establishing a Schedule of Fees (ALL COUNCIL DISTRICTS)

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt the attached Ordinance repealing and restating Chapter 34, "Vehicles for Hire," Article VI, "Ground Transportation for Hire" of the City Code of Fort Worth, Texas (2015), as amended, in its entirety; and
 2. Adopt the attached Resolution establishing a schedule of fees applicable to Chapter 34, Article VI of the City Code.
-

DISCUSSION:

The attached Ordinance repeals and restates Chapter 34, "Vehicles for Hire", Article VI, "Ground Transportation for Hire" of the City Code in its entirety. The new Ordinance structures the program so that free-enterprise and market forces provide the checks and balances for determining quality of service levels based on competition between the various vendors and business models. The major components of the Ordinance include the following:

Operating License fees will be \$500.00 and Operating Licenses will be valid for a two year period. Operating Licenses will be administratively approved by Staff and will not require submission to the City Council.

Before being granted an Operating License, and on an annual basis, companies will be required to submit a compliance certification to the City stating that:

1. The company has performed national background and driver's license checks on drivers operating under the Operating License;
2. The company has verified that vehicles operating under the Operating License are covered by an insurance policy meeting the requirements of the Ordinance and comply with state law for vehicle inspection and emission testing; and
3. The company will comply with all requirements of the Ordinance and federal, state and municipal laws in providing vehicle for hire services.

The Director of Transportation and Public Works shall have the authority to revoke an Operating License if a company:

1. fails to submit an annual compliance certification;
2. fails to perform a national background and driver's license check or fails to verify an insurance policy or vehicle inspection and emission testing compliance; or
3. knowingly allows a driver or vehicle to operate in violation of the Ordinance.

If a company has performed the necessary annual compliance checks, but is later notified by the City that a driver or vehicle is not in compliance with the Ordinance, the company will have thirty days to submit proof to the Director of Transportation and Public Works that the company has corrected the deficiency or terminated the driver or vehicle from operating under the Operating License. The Operating License may be revoked if the company fails to submit proof to the Director within thirty days. Revocation of an Operating License will be effective for a two year period.

Drivers will be required to have a valid driver's license and meet the background check requirements contained in the Ordinance. Transportation Network Companies (TNCs) will be required to have the insurance required by state law. All other companies must have a tiered insurance policy meeting the insurance requirements for TNCs, or a commercial policy with \$500,000.00 combined single limit liability that meets the requirements of the Ordinance. Vehicles that are hailed by a customer communicating in person with the driver will be required to have the company name and rate information permanently displayed on the outside of the vehicle, have a taximeter installed, and not exceed the rates and fares authorized in the Ordinance. The Director of Transportation and Public Works shall have the authority to establish rules governing the location, routes and operating hours of non-motorized vehicles for hire after conducting a public hearing.

The proposed vehicle for hire regulations are structured such that customers and companies drive the quality of service being provided. The market place along with technology has matured such that minimal local regulatory engagement is necessary.

The City Council adopted the current schedule of fees for vehicles for hire on February 20, 2007 (M&C G-15536 Corrected). Adopting the attached Resolution will establish a new schedule of fees applicable to vehicles for hire.

Staff is requesting that the City Council approve the recommended changes to the Vehicle for Hire Ordinance. The changes would become effective on October 1, 2016.

This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Finance Director certifies that this action will have no material effect on City funds.

FUND IDENTIFIERS (FIDs):

TO

Fund	Department ID	Account	Project ID	Program	Activity	Budget Year	Reference # (Chartfield 2)	Amount
------	---------------	---------	------------	---------	----------	-------------	----------------------------	--------

CERTIFICATIONS:

Submitted for City Manager's Office by:

Jay Chapa (5804)

Originating Department Head:

Douglas Wiersig (7801)

Additional Information Contact:

David Jodray (2891)

Alonzo Linan (7861)
