

ORDINANCE NO. 22489-11-2016

AN ORDINANCE AMENDING CHAPTER 34 "VEHICLES FOR HIRE," ARTICLE VI "GROUND TRANSPORTATION FOR HIRE," OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (2015), AS AMENDED, BY AMENDING SECTION 34-203, "COMPLIANCE CERTIFICATION" TO REQUIRE AN APPLICANT FOR OR HOLDER OF A VEHICLE FOR HIRE OPERATING LICENSE TO CERTIFY THAT A NATIONAL CRIMINAL BACKGROUND CHECK AND DRIVER'S LICENSE CHECK HAS BEEN PERFORMED ON ALL DRIVERS WITHIN THE PAST TWELVE MONTHS; PROVIDING THAT NATIONAL CRIMINAL BACKGROUND CHECKS AND DRIVER'S LICENSE CHECKS SHALL VERIFY THAT DRIVERS MEET THE CITY'S DRIVER QUALIFICATIONS; 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 A PENALTY 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; 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 municipality has exclusive control over the public highways, streets, and alleys of the municipality; 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,” Section 34-203 of the Code of the City of Fort Worth is hereby amended to be and read as follows:

§ 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 twelve (12) months, 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 to verify that the Driver meets the qualifications in Chapter 34, Article VI, of the City Code.
 - (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 to verify that the Driver meets the qualifications in Chapter 34, Article VI, of the City Code.
 - (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.

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.

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. 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. 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 6.

The City Secretary of the City of Fort Worth, Texas is hereby directed to publish the caption, penalty clause 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 7.

All other provisions of Chapter 34, Article VI, of the Code of the City of Fort Worth, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8.

This ordinance shall take effect and be in full force and effect from and after the date of its passage and publication as required by the Charter of the City of Fort Worth, and it is so ordained.

APPROVED AS TO FORM AND LEGALITY:

ATTEST:



Richard A. McCracken
Assistant City Attorney



Mary J. Kayser, City Secretary

ADOPTED: November 1, 2016

EFFECTIVE: November 4, 2016

City of Fort Worth, Texas
Mayor and Council Communication

COUNCIL ACTION: Approved on 11/1/2016 - Ordinance No. 22489-11-2016

DATE: Tuesday, November 1, 2016

REFERENCE NO.: **G-18870

LOG NAME: 20CITY CODE AMENDING CHAPTER 34 VEHICLES FOR HIRE

SUBJECT:

Adopt Ordinance Amending Chapter 34 "Vehicles for Hire," Article VI, "Ground Transportation for Hire," of the City Code of the City of Fort Worth, Texas by Amending Section 34-203 "Compliance Certification" to Require an Applicant for or Holder of a Vehicle for Hire Operating License to Certify that a National Criminal Background and Driver's License Check Has Been Performed on All Drivers Within the Past Twelve Months and to Require that National Criminal Background Checks and Driver's License Checks Verify that Drivers Meet the City's Driver Qualifications (ALL COUNCIL DISTRICTS)

RECOMMENDATION:

It is recommended that the City Council adopt the attached ordinance amending Chapter 34, "Vehicles for Hire," Article VI, "Ground Transportation for Hire," of the City Code of the City of Fort Worth, Texas by Amending Section 34-203 "Compliance Certification" to require an applicant for or holder of a Vehicle for Hire Operating License to certify that a national criminal background and driver's license check has been performed on all drivers within the past 12 months and to require that national criminal background checks and driver's license checks verify that drivers meet the City's driver qualifications.

DISCUSSION:

On June 28, 2016, the City Council adopted a new Vehicle for Hire ordinance. The ordinance requires each company providing vehicle for hire services to make a written certification to the City that the company has conducted a national criminal background and driver's license check on each driver who will operate a Vehicle for Hire under the company's operating license. The ordinance further requires each company to certify that their drivers meet the driver qualifications contained in the ordinance. The ordinance requires that the background check and driver's license check be performed on each driver within 60 days of the company applying for an operating license and on an annual basis thereafter.

Requests have been made to eliminate the requirement that the background checks and driver's license checks be conducted within 60 days of a company applying for an operating license. Removing this requirement would eliminate the need for companies to perform all background checks within a 60-day time period. It would also eliminate the requirement that a company perform a second check on any driver whose background check was conducted more than 60 days before the company applies for its operating license.

City staff is recommending a revision to the ordinance to allow the national criminal background and driver's license checks to be performed every 12 months. A company applying for its first operating license may still be required to perform a second background check on its drivers to ensure the drivers meet the City's driver qualifications. Companies will continue to be required to perform a national criminal background and driver's license check on any new drivers that the companies hire after obtaining their operating license.

The proposed amendment contains additional revisions to Section 34-203 to clarify that all background

checks and driver's license checks must verify compliance with the City's driver qualifications.

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

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that upon approval of the above recommendation, the Transportation and Public Works Department is responsible for the collection and deposit funds to the City.

FUND IDENTIFIERS (FIDs):

TO

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

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

Submitted for City Manager's Office by:

Jay Chapa (5804)

Originating Department Head:

Douglas Wiersig (7801)

Additional Information Contact:

Gerald Taylor (6987)
