

**PROPOSED**

ORDINANCE NO. 2015-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO MOTOR CARRIERS, AMENDING VARIOUS SECTIONS OF CHAPTER 22½ OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); REQUIRING CHAUFFEUR'S REGISTRATION APPLICANTS TO SUBMIT FINGERPRINTS AND TO UNDERGO STATE AND NATIONAL LEVEL CRIMINAL HISTORY RECORD CHECKS; REQUIRING THAT FOR-HIRE MOTOR VEHICLES BE INSPECTED BY A CERTIFIED LICENSED MECHANIC; PROVIDING STANDARDS FOR INSPECTIONS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, Chapter 22½ of the Broward County Code of Ordinances regulates for-hire ground transportation services in Broward County; and

WHEREAS, Broward County licenses and regulates all motor carriers that operate on the streets of Broward County; and

WHEREAS, the Board of County Commissioners of Broward County finds and declares that the public welfare and safety of the existing and future residents requires the regulation and control of for-hire chauffeurs in order to prevent unsuitable persons from providing motor carrier services upon the streets of Broward County;

WHEREAS, pursuant to Section 125.5801, Florida Statutes, Florida counties are authorized to conduct fingerprint based national criminal history background checks through the Florida Department of Law Enforcement and the Federal Bureau of Investigation for vehicle for-hire chauffeurs; and

1 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
2 BROWARD COUNTY, FLORIDA:

3  
4 Section 1. Section 22½-8, "Chauffeur's registration," of the Broward County  
5 Code of Ordinances is hereby amended to read as follows:

6 **Sec. 22½-8. Chauffeur's registration.**

7 ...  
8 (e) Each chauffeur's registration applicant must meet the following minimum  
9 requirements:

10 (1) Hold ~~either~~ a current driver license issued by the State of Florida; and

11 (2) Speak, read, and write the English language; and

12 (3) Satisfactorily pass all Division-required examinations; and

13 (4) Possess the mental and emotional stability, as well as the physical ability,  
14 to safely carry out the duties inherent in operating a motor vehicle for hire.

15 (f) The Division shall obtain each applicant's photograph, driving record, state  
16 and national criminal history, and other information that the Division requires to properly  
17 identify the applicant and the applicant's character, reputation, qualifications, past  
18 employment, and conduct. Each applicant for an initial registration or a renewal shall be  
19 fingerprinted. The fingerprints shall be submitted to the Florida Department of Law  
20 Enforcement for a state criminal background history record check and to the Federal  
21 Bureau of Investigation for a national criminal history record check. Prior to submitting a  
22 request for a criminal history record check pursuant to this Section, the Division shall  
23 notify each applicant to be fingerprinted that his or her fingerprints will be sent to the  
24 Florida Department of Law Enforcement for a state criminal history record check and to

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in  
underscoring type are additions.

1 the Federal Bureau of Investigation for a national criminal history record check. The  
2 notification shall also state that the applicant has a right to:

- 3 (1) Obtain a copy of his or her criminal history records;  
4 (2) Challenge the completeness and accuracy of the criminal history records  
5 pursuant to state and federal law; and  
6 (3) Request a correction, change, or update to the criminal history records  
7 pursuant to state and federal law.

8 The Division, during its investigation, may consider the following when it makes a  
9 determination to deny or refuse to renew the chauffeur's registration of any applicant:

10 ...

11 Section 2. Section 22½-9B, "Operations--Minimum vehicle standards," of the  
12 Broward County Code of Ordinances is hereby amended to read as follows:

13 **Sec. 22½-9B. Operations--Minimum vehicle standards.**

14 ...

15 (e) The minimum standards for safety and maintenance of motor vehicles in  
16 Broward County, including municipalities regulating the industry pursuant to Section  
17 22½-12 of this Chapter, shall be as follows:

- 18 (1) ~~Rearview mirror and side mirrors on driver's and passenger's side.~~ The  
19 windshield and all side and rear windows shall provide clear visibility and  
20 operate according to the manufacturer's specifications. The windshield  
21 and all windows shall possess no breakage, cracks, or pits that impair  
22 visibility or hinder the safety of passengers. All window cranks and power  
23 window switches shall be complete, intact, and functioning. Windows on  
24 vehicles for hire shall not be covered by, or treated with a material which

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in  
underscored type are additions.

1 would cause the vehicle to be in violation of Sections 316.2951 -  
2 316.2956, Florida Statutes (pertaining to motor vehicle windows).

3 (2) ~~Speedometer properly installed, in good working order, and~~ Vehicles must  
4 be equipped with a functioning speedometer and odometer, which shall be  
5 exposed to the view of both the driver and the passenger(s).

6 (3) ~~Interior clean, sanitary, free from torn or damaged upholstery or floor~~  
7 ~~coverings and from damaged or broken seats.~~ All standard  
8 manufacturer's interior equipment shall be complete, intact, and  
9 functioning, including, but not limited to, interior lights, dashboard, trim,  
10 gear shifts, and head rests. Vehicle interiors must not contain loose  
11 objects and must be clean, sanitary, and free of broken seats or protruding  
12 sharp edges, or torn or damaged upholstery, headliner, or floor coverings.  
13 The vehicle's interior must be free of offensive odors. The floorboard shall  
14 be free of rust and holes. Trunks and luggage compartments must be  
15 kept clean and free of debris.

16 (4) ~~Door hinges and latches in good mechanical working order and all doors~~  
17 ~~operate easily and close securely.~~ All doors must have operating handles  
18 that allow opening from both the inside and outside, and door hinges and  
19 latches must function properly. Door locks must be operable by  
20 passengers at all times. Door seals and gaskets must be intact and  
21 operating and prevent water, odor, and fumes from entering the vehicle  
22 from outside. All door panels must be intact to prevent accidental injuries  
23 from door and window mechanisms.  
24

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

- 1 (5) The vehicle shall be structurally sound and operates with a minimum of  
2 noise, vibration, and visible exhaust fumes.
- 3 (6) ~~The body, fenders, doors, trim and grill free from cracks, breaks and~~  
4 ~~dents, and painted.~~ The vehicle's body, fenders, doors, trim, grill, and  
5 paint must be free from cracks, breaks, rust, and body damage that  
6 detract from the overall appearance of the vehicle or could result in harm  
7 or injury to the passenger or his or her personal belongings.
- 8 (7) The driver's vision is shall be unobstructed on all four (4) sides of the  
9 vehicle.
- 10 (8) Permit and registration prominently shall be displayed as required by the  
11 Division.
- 12 (9) All The vehicles shall be equipped with a fully functioning air conditioning  
13 and heating system that controls the temperature of the inside of the  
14 vehicle between 68 and 78 degrees Fahrenheit. The vehicle shall be  
15 equipped with a fully functioning windshield defrost or defogging system.
- 16 (10) All The vehicles shall be equipped with seat belts as required by state law.  
17 Seat belts shall be in operating condition, easily accessible, clean, and  
18 free of grease and other objectionable substances.
- 19 (11) The vehicle shall be equipped with a light capable of illuminating the  
20 interior of the vehicle, controlled by the operation of the doors, or manually  
21 controlled by the driver.
- 22 (12) The vehicle must be equipped with safe tires of the same size. No recaps  
23 shall be used. Maximum allowable tread wear shall be where tread is  
24 level with the wear bar, or two-thirty-seconds (2/32) inch when measured

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 at three (3) random places in the tire tread. The tires shall be inflated to  
2 the manufacturer's specifications and free of cuts, cracks, bulges, or  
3 exposed belts.

4 (13) Windshield wipers must be operational according to the manufacturer's  
5 specifications. Wiper blades shall be in such a condition as to make firm  
6 contact with the windshield when operational, and shall not be torn or  
7 worn.

8 (14) Reflectors and lenses shall not be cracked or missing and must be the  
9 correct color and properly positioned.

10 (15) Low and high beam headlights, turn signals, and brake, tail, and reverse  
11 lights shall be operable as required by state law. Each vehicle shall have  
12 a white light on the vehicle to illuminate the rear license plate so that it is  
13 clearly visible.

14 (16) Steering mechanisms shall not be worn or jammed, nor shall there be  
15 more than two (2) inches play to the left or right of center, measured at the  
16 steering wheel rim with the front wheels in a straight-ahead position.  
17 Power steering units shall not have visible signs of fluid leakage.

18 (17) The vehicle suspension shall function as designed by the manufacturer.

19 (18) The vehicle shall be equipped with an operating horn with the actuating  
20 button mounted in the location designated by the vehicle manufacturer  
21 and operated in the manner designed and assembled by the vehicle  
22 manufacturer.

23 (19) The vehicle shall contain an operating parking brake and a primary brake  
24 system that acts on all four (4) vehicle wheels. There shall be no visible

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscoring type are additions.

1 leaks in the brake line, hoses, wheel cylinders or any part of the brake  
2 system, and no frayed cables. Brake linings or disc pads, when measured  
3 at the thinnest point, shall not be less than one-sixteenth (1/16th) of an  
4 inch and firmly attached to the brake shoe or disc. Disc brake rotors and  
5 brake drums shall be of a size and type appropriate for the vehicle, with no  
6 cracks or other damage that change or impair the functional surface. All  
7 primary brake systems shall demonstrate a reasonable total braking force  
8 when conducting a rolling stop.

9 (20) There shall be no leakage of exhaust gas from the exhaust manifold,  
10 muffler, or any other point in the exhaust system as determined through a  
11 visual and audible inspection. The tail pipe shall discharge exhaust from  
12 the rear of the vehicle according to the manufacturer's specifications.

13 (21) Belts shall show no signs of excessive wear and be free of cracks and  
14 frays. Hoses shall be firm and in good condition, free of leaks and cracks.

15 (22) All fluid levels shall be maintained according to the manufacturer's  
16 specifications.

17 (23) Vehicles are required to have manufacturer-specified spare tires and tire  
18 changing equipment, unless all wheels are equipped with a "run flat tire"  
19 system.

20 (24) Vehicles must receive routine maintenance according to the  
21 manufacturer's recommendations pertaining to service intervals. A record  
22 of such routine maintenance must be maintained and shall be made  
23 available to the Division upon request within one (1) business day.  
24

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in  
underscored type are additions.

1        (25) Each vehicle or driver shall have a means of communicating to a central  
2                    dispatch or to emergency agencies with a two-way radio or cellular mobile  
3                    telephone.

4        ...  
5        (j) ~~The Director shall annually inspect, for compliance with this Chapter, all~~  
6 ~~vehicles for hire that are not more than six (6) model years old at the time of inspection~~  
7 ~~and semiannually inspect all others and may reinspect any vehicle at any other time~~  
8 ~~prior to the next annual or semi-annual inspection.~~ All vehicles for hire shall be  
9 inspected to ensure compliance with the requirements of this Chapter by a Division-  
10 approved American Advanced Technicians Institute ("AATI") or National Institute for  
11 Automotive Service Excellence ("ASE") certified master mechanic or automobile  
12 technician at a Division-approved licensed auto repair shop. Vehicles shall be  
13 inspected in accordance with the following schedule, provided, however, that the  
14 Division may inspect a vehicle for hire for compliance with the provisions of this Chapter  
15 at any time:

16            (1) Vehicles for hire that are not more than six (6) model years old shall be  
17                    inspected annually.

18            (2) Vehicles for hire that are six (6) model years old or older shall be  
19                    inspected semiannually.

20 The results of each inspection shall be recorded by the mechanic or automobile  
21 technician on an inspection form prescribed by the Division, which completed form shall  
22 be provided to the Division within ten (10) business days after the inspection. The  
23 inspection form shall indicate whether the vehicle has met all of the safety and  
24 maintenance requirements of Section 22½-9C. The technician completing the form and

Coding:        Words in ~~struck-through~~ type are deletions from existing text. Words in  
                  underscored type are additions.



1 inspection must provide his or her ASE or AATI certification number, the expiration date  
2 of his or her certification, the name and license number of the auto repair facility where  
3 the inspection was performed, and his or her signature as verification that all information  
4 provided is true and correct. This information must be recorded on the inspection form  
5 for each vehicle inspected. Any vehicle failing to pass the inspection or timely report the  
6 results of an inspection by providing a completed inspection form to the Division may  
7 have its operating permit suspended in accordance with Section 22½-13 of this  
8 Chapter. It shall be a violation of this Chapter to fail to use a Division-approved certified  
9 technician to inspect vehicles or to submit false inspection forms to the Division. The  
10 Division may verify information and inspection forms submitted by the business. A  
11 business that fails or does not follow the requirements of this section is subject to  
12 denial, revocation, or suspension of its business permit and decals and denial,  
13 revocation, or suspensions of renewal of same.

14 ...

15 Section 3. SEVERABILITY.

16 If any portion of this Ordinance is determined by any Court to be invalid, the  
17 invalid portion shall be stricken, and such striking shall not affect the validity of the  
18 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion  
19 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),  
20 or circumstance(s), such determination shall not affect the applicability hereof to any  
21 other individual, group, entity, property, or circumstance.

22 Section 4. INCLUSION IN CODE.

23 It is the intention of the Board of County Commissioners that the provisions of  
24 this Ordinance shall become and be made a part of the Broward County Code; and that

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in  
underscored type are additions.

1 the sections of this Ordinance may be renumbered or relettered and the word  
2 "ordinance" may be changed to "section," "article," or such other appropriate word or  
3 phrase in order to accomplish such intentions.

4 Section 5. EFFECTIVE DATE.

5 This Ordinance shall become effective as provided by law.

6  
7 ENACTED

8 FILED WITH THE DEPARTMENT OF STATE

9 EFFECTIVE

10 Approved as to form and legal sufficiency:  
11 Joni Armstrong Coffey, County Attorney

12  
13 By /s/ Annika E. Ashton 04/10/15  
14 Annika E. Ashton (date)  
Assistant County Attorney

**PROPOSED**

15  
16  
17  
18  
19  
20  
21  
22  
23 AEA/hb  
04/10/15  
24 MotorCarrier-Background Check-Vehicle Inspection.doc  
#15-408.00

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.