

AMENDED IN SENATE JUNE 23, 2016

AMENDED IN SENATE MAY 27, 2016

AMENDED IN SENATE APRIL 14, 2016

AMENDED IN SENATE SEPTEMBER 4, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 650**

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**Introduced by Assembly Member Low**

February 24, 2015

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An act to amend Section 85 of the Code of Civil Procedure, to repeal Sections 53075.5, 53075.6, 53075.61, 53075.7, 53075.8, and 53075.9 of the Government Code, to amend Section 830.7 of the Penal Code, to amend Sections 5353, 5411.5, 5412.2, 5413.5, and 120269 of, and to add Chapter 8.5 (commencing with Section 5451) to Division 2 of, the Public Utilities Code, and to amend Sections 1808.1, 12523.6, ~~16500~~, 21100, 21100.4, and 27908 of the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 650, as amended, Low. Public Utilities Commission: regulation of taxicabs.

Existing law provides for regulation of various types of passenger carriers by the Public Utilities Commission, including passenger stage corporations and charter-party carriers of passengers. Existing law, among other transportation services, provides for regulation of limousines and transportation network companies by the commission as charter-party carriers of passengers. Existing law requires every city

and county to adopt an ordinance to regulate taxicab service within its jurisdiction, and exempts taxicab service from commission regulation.

This bill would enact the Taxicab Transportation Services Act and provide for the *statewide* regulation of taxicab transportation services by the ~~commission as a matter of statewide concern, commission~~, except taxicab transportation services originating in the City and County of San Francisco and at the San Francisco International Airport, which would continue to be locally regulated, but would be subject to ~~certain requirements, including insurance and monitoring of a requirement for taxicab carriers to monitor the driving records of~~ taxicab drivers. The bill would provide for issuance of permits by the commission ~~in all other areas of elsewhere in the state to taxicab carriers authorizing carriers to operate in one or more of 6 designated regions in the state. operate.~~ The bill would ~~require drivers of taxicabs in those areas to obtain a taxicab driver permit from the commission, and would specify the requirements that an applicant taxicab drivers in commission jurisdiction must meet.~~ The bill would enact various provisions relating to insurance, vehicle inspections, monitoring of taxicab drivers, and other ~~matters. matters relating to taxicab carriers in commission jurisdiction.~~ The bill would ~~exempt fares or fees charged by taxicab carriers from commission regulation, but would authorize the commission to require the disclosure of fares and fees, as specified.~~ The bill would prohibit entities from providing taxicab transportation services *in commission jurisdiction* without the required permit, and would provide for the commission to investigate and take action against unlicensed activity. *The bill would require the commission to adopt a general order pertaining to taxicab carriers, and would authorize peace officers to enforce the provisions of the bill and the general order.* The bill would repeal provisions providing for city and county regulation of taxicab services, but would authorize airports to continue to regulate the provision of taxicab transportation services to and from airports. The bill would require cities and counties that license taxicab services as of December 31, 2016, excluding the City and County of San Francisco, to forward to the commission licensure information for each licensee, as specified, and would thereby impose a state-mandated local program. The bill also would make conforming changes to other related provisions.

A violation of the Taxicab Transportation Services Act would be a crime and in certain cases would also be subject to a civil penalty. The bill would also require applications for taxicab carrier permits to be

verified under oath, and would require certain statements by taxicab carriers relative to workers' compensation to be submitted to the commission under penalty of perjury. The bill would thereby impose a state-mandated local program by creating new crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 85 of the Code of Civil Procedure is  
2 amended to read:

3 85. An action or special proceeding shall be treated as a limited  
4 civil case if all of the following conditions are satisfied, and,  
5 notwithstanding any statute that classifies an action or special  
6 proceeding as a limited civil case, an action or special proceeding  
7 shall not be treated as a limited civil case unless all of the following  
8 conditions are satisfied:

9 (a) The amount in controversy does not exceed twenty-five  
10 thousand dollars (\$25,000). As used in this section, "amount in  
11 controversy" means the amount of the demand, or the recovery  
12 sought, or the value of the property, or the amount of the lien, that  
13 is in controversy in the action, exclusive of attorneys' fees, interest,  
14 and costs.

15 (b) The relief sought is a type that may be granted in a limited  
16 civil case.

17 (c) The relief sought, whether in the complaint, a  
18 cross-complaint, or otherwise, is exclusively of a type described  
19 in one or more statutes that classify an action or special proceeding  
20 as a limited civil case or that provide that an action or special  
21 proceeding is within the original jurisdiction of the municipal  
22 court, including, but not limited to, the following provisions:

- 1 (1) Section 798.61 or 798.88 of the Civil Code.
- 2 (2) Section 1719 of the Civil Code.
- 3 (3) Section 3342.5 of the Civil Code.
- 4 (4) Section 86.
- 5 (5) Section 86.1.
- 6 (6) Section 1710.20.
- 7 (7) Section 7581 of the Food and Agricultural Code.
- 8 (8) Section 12647 of the Food and Agricultural Code.
- 9 (9) Section 27601 of the Food and Agricultural Code.
- 10 (10) Section 31503 of the Food and Agricultural Code.
- 11 (11) Section 31621 of the Food and Agricultural Code.
- 12 (12) Section 52514 of the Food and Agricultural Code.
- 13 (13) Section 53564 of the Food and Agricultural Code.
- 14 (14) Section 53069.4 of the Government Code.
- 15 (15) Section 5411.5 of the Public Utilities Code.
- 16 (16) Section 5460.12 of the Public Utilities Code.
- 17 (17) Section 9872.1 of the Vehicle Code.
- 18 (18) Section 10751 of the Vehicle Code.
- 19 (19) Section 14607.6 of the Vehicle Code.
- 20 (20) Section 40230 of the Vehicle Code.
- 21 (21) Section 40256 of the Vehicle Code.
- 22 SEC. 2. Section 53075.5 of the Government Code is repealed.
- 23 SEC. 3. Section 53075.6 of the Government Code is repealed.
- 24 SEC. 4. Section 53075.61 of the Government Code is repealed.
- 25 SEC. 5. Section 53075.7 of the Government Code is repealed.
- 26 SEC. 6. Section 53075.8 of the Government Code is repealed.
- 27 SEC. 7. Section 53075.9 of the Government Code is repealed.
- 28 SEC. 8. Section 830.7 of the Penal Code is amended to read:
- 29 830.7. The following persons are not peace officers but may
- 30 exercise the powers of arrest of a peace officer as specified in
- 31 Section 836 during the course and within the scope of their
- 32 employment, if they successfully complete a course in the exercise
- 33 of those powers pursuant to Section 832:
- 34 (a) Persons designated by a cemetery authority pursuant to
- 35 Section 8325 of the Health and Safety Code.
- 36 (b) Persons regularly employed as security officers for
- 37 independent institutions of higher education, recognized under
- 38 subdivision (b) of Section 66010 of the Education Code, if the
- 39 institution has concluded a memorandum of understanding,

1 permitting the exercise of that authority, with the sheriff or the  
2 chief of police within whose jurisdiction the institution lies.

3 (c) Persons regularly employed as security officers for health  
4 facilities, as defined in Section 1250 of the Health and Safety Code,  
5 that are owned and operated by cities, counties, and cities and  
6 counties, if the facility has concluded a memorandum of  
7 understanding, permitting the exercise of that authority, with the  
8 sheriff or the chief of police within whose jurisdiction the facility  
9 lies.

10 (d) Employees or classes of employees of the California  
11 Department of Forestry and Fire Protection designated by the  
12 Director of Forestry and Fire Protection, provided that the primary  
13 duty of the employee shall be the enforcement of the law as that  
14 duty is set forth in Section 4156 of the Public Resources Code.

15 (e) Persons regularly employed as inspectors, supervisors, or  
16 security officers for transit districts, as defined in Section 99213  
17 of the Public Utilities Code, if the district has concluded a  
18 memorandum of understanding permitting the exercise of that  
19 authority, with, as applicable, the sheriff, the chief of police, or  
20 the Department of the California Highway Patrol within whose  
21 jurisdiction the district lies. For the purposes of this subdivision,  
22 the exercise of peace officer authority may include the authority  
23 to remove a vehicle from a railroad right-of-way as set forth in  
24 Section 22656 of the Vehicle Code.

25 (f) Nonpeace officers regularly employed as county parole  
26 officers pursuant to Section 3089.

27 (g) Persons appointed by the Executive Director of the California  
28 Science Center pursuant to Section 4108 of the Food and  
29 Agricultural Code.

30 (h) Persons regularly employed as investigators by the  
31 Department of Transportation for the City of Los Angeles and  
32 designated by local ordinance as public officers, to the extent  
33 necessary to enforce laws related to public transportation, and  
34 authorized by a memorandum of understanding with the chief of  
35 police, permitting the exercise of that authority. For the purposes  
36 of this subdivision, “investigator” means an employee authorized  
37 by local ordinance to enforce laws related to public transportation.  
38 Transportation investigators authorized by this section shall not  
39 be deemed “peace officers” for purposes of Sections 241 and 243.

1 (i) Persons regularly employed by any department of the City  
2 of Los Angeles who are designated as security officers and  
3 authorized by local ordinance to enforce laws related to the  
4 preservation of peace in or about the properties owned, controlled,  
5 operated, or administered by any department of the City of Los  
6 Angeles and authorized by a memorandum of understanding with  
7 the Chief of Police of the City of Los Angeles permitting the  
8 exercise of that authority. Security officers authorized pursuant to  
9 this subdivision shall not be deemed peace officers for purposes  
10 of Sections 241 and 243.

11 (j) Illegal dumping enforcement officers or code enforcement  
12 officers, to the extent necessary to enforce laws related to illegal  
13 waste dumping or littering, and authorized by a memorandum of  
14 understanding with, as applicable, the sheriff or chief of police  
15 within whose jurisdiction the person is employed, permitting the  
16 exercise of that authority. An “illegal dumping enforcement officer  
17 or code enforcement officer” is defined, for purposes of this  
18 section, as a person employed full time, part time, or as a volunteer  
19 after completing training prescribed by law, by a city, county, or  
20 city and county, whose duties include illegal dumping enforcement  
21 and who is designated by local ordinance as a public officer. An  
22 illegal dumping enforcement officer or code enforcement officer  
23 may also be a person who is not regularly employed by a city,  
24 county, or city and county, but who has met all training  
25 requirements and is directly supervised by a regularly employed  
26 illegal dumping enforcement officer or code enforcement officer  
27 conducting illegal dumping enforcement. This person shall not  
28 have the power of arrest or access to summary criminal history  
29 information pursuant to this section. No person may be appointed  
30 as an illegal dumping enforcement officer or code enforcement  
31 officer if that person is disqualified pursuant to the criteria set forth  
32 in Section 1029 of the Government Code. Persons regularly  
33 employed by a city, county, or city and county designated pursuant  
34 to this subdivision may be furnished state summary criminal history  
35 information upon a showing of compelling need pursuant to  
36 subdivision (c) of Section 11105.

37 SEC. 9. Section 5353 of the Public Utilities Code is amended  
38 to read:

39 5353. This chapter does not apply to any of the following:

- 1 (a) Transportation service rendered wholly within the corporate  
2 limits of a single city or city and county and licensed or regulated  
3 by ordinance.
- 4 (b) Transportation of school pupils conducted by or under  
5 contract with the governing board of any school district entered  
6 into pursuant to the Education Code.
- 7 (c) Common carrier transportation services between fixed  
8 termini or over a regular route that are subject to authorization  
9 pursuant to Article 2 (commencing with Section 1031) of Chapter  
10 5 of Part 1 of Division 1.
- 11 (d) Transportation services occasionally afforded for farm  
12 employees moving to and from farms on which employed when  
13 the transportation is performed by the employer in an owned or  
14 leased vehicle, or by a nonprofit agricultural cooperative  
15 association organized and acting within the scope of its powers  
16 under Chapter 1 (commencing with Section 54001) of Division  
17 20 of the Food and Agricultural Code, and without any requirement  
18 for the payment of compensation therefor by the employees.
- 19 (e) Transportation service rendered by a publicly owned transit  
20 system.
- 21 (f) Passenger vehicles carrying passengers on a noncommercial  
22 enterprise basis.
- 23 (g) Taxicab transportation services subject to regulation pursuant  
24 to Chapter 8.5 (commencing with Section 5451) or exempt from  
25 regulation under that chapter pursuant to Section 5451.3.
- 26 (h) Transportation of persons between home and work locations  
27 or of persons having a common work-related trip purpose in a  
28 vehicle having a seating capacity of 15 passengers or less, including  
29 the driver, which are used for the purpose of ridesharing, as defined  
30 in Section 522 of the Vehicle Code, when the ridesharing is  
31 incidental to another purpose of the driver. This exemption also  
32 applies to a vehicle having a seating capacity of more than 15  
33 passengers if the driver files with the commission evidence of  
34 liability insurance protection in the same amount and in the same  
35 manner as required for a passenger stage corporation, and the  
36 vehicle undergoes and passes an annual safety inspection by the  
37 Department of the California Highway Patrol. The insurance filing  
38 shall be accompanied by a one-time filing fee of seventy-five  
39 dollars (\$75). This exemption does not apply if the primary purpose  
40 for the transportation of those persons is to make a profit. "Profit,"

1 as used in this subdivision, does not include the recovery of the  
 2 actual costs incurred in owning and operating a vanpool vehicle,  
 3 as defined in Section 668 of the Vehicle Code.

4 (i) Vehicles used exclusively to provide medical transportation,  
 5 including vehicles employed to transport developmentally disabled  
 6 persons for regional centers established pursuant to Chapter 5  
 7 (commencing with Section 4620) of Division 4.5 of the Welfare  
 8 and Institutions Code.

9 (j) Transportation services rendered solely within the Lake  
 10 Tahoe Basin, comprising that area included within the Tahoe  
 11 Regional Planning Compact as set forth in Section 66801 of the  
 12 Government Code, when the operator of the services has obtained  
 13 any permit required from the Tahoe Basin Transportation Authority  
 14 or the City of South Lake Tahoe, or both.

15 (k) Subject to Section 34507.6 of the Vehicle Code,  
 16 transportation service provided by the operator of an automobile  
 17 rental business in vehicles owned or leased by that operator,  
 18 without charge other than as may be included in the automobile  
 19 rental charges, to carry its customers to or from its office or facility  
 20 where rental vehicles are furnished or returned after the rental  
 21 period.

22 (l) Subject to Section 34507.6 of the Vehicle Code,  
 23 transportation service provided by the operator of a hotel, motel,  
 24 or other place of temporary lodging in vehicles owned or leased  
 25 by that operator, without charge other than as may be included in  
 26 the charges for lodging, between the lodging facility and an air,  
 27 rail, water, or bus passenger terminal or between the lodging  
 28 facility and any place of entertainment or commercial attraction,  
 29 including, but not limited to, facilities providing snow skiing.  
 30 Nothing in this subdivision authorizes the operator of a hotel,  
 31 motel, or other place of temporary lodging to provide any round  
 32 trip sightseeing service without a permit, as required by subdivision  
 33 (c) of Section 5384.

34 (m) (1) Transportation of hot air balloon ride passengers in a  
 35 balloon chase vehicle from the balloon landing site back to the  
 36 original takeoff site, provided that the balloon ride was conducted  
 37 by a balloonist who meets all of the following conditions:

38 (A) Does not fly more than a total of 30 passenger rides for  
 39 compensation annually.



1 (B) Does not provide any preflight ground transportation  
2 services in their vehicles.

3 (C) In providing return transportation to the launch site from  
4 landing does not drive more than 300 miles annually.

5 (D) Files with the commission an exemption declaration and  
6 proof of vehicle insurance, as prescribed by the commission,  
7 certifying that the operator qualifies for the exemption and will  
8 maintain minimum insurance on each vehicle of one hundred  
9 thousand dollars (\$100,000) for injury or death of one person, three  
10 hundred thousand dollars (\$300,000) for injury or death of two or  
11 more persons and one hundred thousand dollars (\$100,000) for  
12 damage to property.

13 (2) Nothing in this subdivision authorizes the operator of a  
14 commercial balloon operation to provide any round trip sightseeing  
15 service without a permit, as required by subdivision (c) of Section  
16 5384.

17 (n) (1) Transportation services incidental to operation of a youth  
18 camp that are provided by either a nonprofit organization that  
19 qualifies for tax exemption under Section 501(c)(3) of the Internal  
20 Revenue Code or an organization that operates an organized camp,  
21 as defined in Section 18897 of the Health and Safety Code, serving  
22 youth 18 years of age or younger.

23 (2) Any transportation service described in paragraph (1) shall  
24 comply with all of the following requirements:

25 (A) Register as a private carrier with the commission pursuant  
26 to Section 4005.

27 (B) Participate in a pull notice system for employers of drivers  
28 as prescribed in Section 1808.1 of the Vehicle Code.

29 (C) Ensure compliance with the annual bus terminal inspection  
30 required by subdivision (c) of Section 34501 of the Vehicle Code.

31 (D) Obtain the following minimum amounts of general liability  
32 insurance coverage for vehicles that are used to transport youth:

33 (i) A minimum of five hundred thousand dollars (\$500,000)  
34 general liability insurance coverage for passenger vehicles designed  
35 to carry up to eight passengers. For organized camps, as defined  
36 in Section 18897 of the Health and Safety Code, an additional two  
37 hundred fifty thousand dollars (\$250,000) general umbrella policy  
38 that covers vehicles.

39 (ii) A minimum of one million dollars (\$1,000,000) general  
40 liability insurance coverage for vehicles designed to carry up to

1 15 passengers. For organized camps, as defined in Section 18897  
2 of the Health and Safety Code, an additional five hundred thousand  
3 dollars (\$500,000) general umbrella policy that covers vehicles.

4 (iii) A minimum of one million five hundred thousand dollars  
5 (\$1,500,000) general liability insurance coverage for vehicles  
6 designed to carry more than 15 passengers, and an additional three  
7 million five hundred thousand dollars (\$3,500,000) general  
8 umbrella liability insurance policy that covers vehicles.

9 SEC. 10. Section 5411.5 of the Public Utilities Code is  
10 amended to read:

11 5411.5. (a) Whenever a peace officer, as defined in Chapter  
12 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal  
13 Code, arrests a person for operation of a charter-party carrier of  
14 passengers without a valid certificate or permit, the peace officer  
15 may impound and retain possession of the vehicle.

16 (b) Whenever a peace officer, as defined in Chapter 4.5  
17 (commencing with Section 830) of Title 3 of Part 2 of the Penal  
18 Code, arrests a person for operating a charter-party carrier of  
19 passengers as a taxicab in violation of Chapter 8.5 (commencing  
20 with Section 5451) or in violation of a local ordinance of the City  
21 and County of San Francisco or its airport authority, the peace  
22 officer may impound and retain possession of the vehicle.

23 (c) If the vehicle is seized from a person who is not the owner  
24 of the vehicle, the impounding authority shall immediately give  
25 notice to the owner by first-class mail.

26 (d) The vehicle shall immediately be returned to the owner if  
27 the infraction or violation is not prosecuted or is dismissed, the  
28 owner is found not guilty of the offense, or it is determined that  
29 the vehicle was used in violation of Section 5411 without the  
30 knowledge and consent of the owner. The vehicle shall be returned  
31 to the owner upon payment of any fine ordered by the court. If the  
32 vehicle is seized due to a violation of a person other than the owner  
33 of the vehicle, the vehicle shall be returned to the owner after all  
34 impoundment fees are paid. After the expiration of six weeks from  
35 the final disposition of the criminal case, unless the owner is in  
36 the process of making payments to the court, the impounding  
37 authority may deal with the vehicle as lost or abandoned property  
38 under Section 1411 of the Penal Code.

39 (e) At any time, a person may make a motion in superior court  
40 for the immediate return of the vehicle on the ground that there

1 was no probable cause to seize it or that there is some other good  
2 cause, as determined by the court, for the return of the vehicle. A  
3 proceeding under this section is a limited civil case.

4 (f) No peace officer, however, may impound any vehicle owned  
5 or operated by a nonprofit organization exempt from taxation  
6 pursuant to Section 501(c)(3) of the Internal Revenue Code which  
7 serves youth or senior citizens and provides transportation  
8 incidental to its programs or services or a rented motor vehicle  
9 that is being operated by a hired driver of a charter-party carrier  
10 of passengers that is providing hired driver service.

11 SEC. 11. Section 5412.2 of the Public Utilities Code is  
12 amended to read:

13 5412.2. (a) When a person is convicted of the offense of  
14 operating a taxicab without a valid permit required pursuant to  
15 Chapter 8.5 (commencing with Section 5451) or pursuant to a local  
16 ordinance of the City and County of San Francisco or its airport  
17 authority, in addition to any other penalties provided by law, if the  
18 court determines the operator has the ability to pay, the court shall  
19 impose a mandatory fine not exceeding two thousand five hundred  
20 dollars (\$2,500) for a first conviction or five thousand dollars  
21 (\$5,000) for a subsequent conviction.

22 (b) When a person is convicted of the offense of operating a  
23 charter-party carrier of passengers without a valid certificate or  
24 permit, in addition to any other penalties provided by law, if the  
25 court determines the operator has the ability to pay, the court shall  
26 impose a mandatory fine not exceeding ten thousand dollars  
27 (\$10,000) for a first conviction or twenty-five thousand dollars  
28 (\$25,000) for a subsequent conviction.

29 (c) As used in this section, “taxicab” shall have the meaning as  
30 defined in subdivision (d) of Section 5451.4. “Taxicab” shall not  
31 include a charter-party carrier of passengers within the meaning  
32 of this chapter.

33 SEC. 12. Section 5413.5 of the Public Utilities Code is  
34 amended to read:

35 5413.5. (a) Whenever the commission, after hearing, finds  
36 that any person or corporation is operating as a charter-party carrier  
37 of passengers, including a charter-party carrier operating a  
38 limousine, without a valid certificate or permit, or fails to include  
39 in any written or oral advertisement the number of the certificate  
40 or permit required by Section 5386, the commission may impose

1 a fine of not more than seven thousand five hundred dollars  
 2 (\$7,500) for each violation. The commission may assess the person  
 3 or corporation an amount sufficient to cover the reasonable expense  
 4 of investigation incurred by the commission. The commission may  
 5 assess interest on any fine or assessment imposed, to commence  
 6 on the day the payment of the fine or assessment becomes  
 7 delinquent. All fines, assessments, and interest collected shall be  
 8 deposited at least once each month in the General Fund.

9 (b) Whenever the commission, after hearing, finds that any  
 10 person or corporation is operating a charter-party carrier of  
 11 passengers as a taxicab without a valid permit in violation of  
 12 Chapter 8.5 (commencing with Section 5451) or a local ordinance  
 13 of the City and County of San Francisco or its airport authority,  
 14 the commission may impose a fine of not more than five thousand  
 15 dollars (\$5,000) for each violation. The commission may assess  
 16 the person or corporation an amount sufficient to cover the  
 17 reasonable expense of investigation incurred by the commission.  
 18 The commission may assess interest on any fine or assessment  
 19 imposed, to commence on the day the payment of the fine or  
 20 assessment becomes delinquent. All fines, assessments, and interest  
 21 collected shall be deposited at least once each month in the General  
 22 Fund.

23 SEC. 13. Chapter 8.5 (commencing with Section 5451) is added  
 24 to Division 2 of the Public Utilities Code, to read:

25

26 CHAPTER 8.5. TAXICAB TRANSPORTATION SERVICES ACT

27

28 Article 1. General Provisions and Definitions

29

30 5451. This chapter shall be known, and may be cited, as the  
 31 Taxicab Transportation Services Act.

32 *5451.1. The commission may delegate to its executive director  
 33 or designee of the executive director the authority to issue, renew,  
 34 or authorize the transfer of taxicab carrier permits under this  
 35 chapter and to otherwise implement this chapter.*

36 5451.2. Notwithstanding any other provision of law, and except  
 37 as otherwise provided in Section 5451.3, this chapter shall apply  
 38 to taxicab transportation services provided throughout the state.  
 39 The commission shall regulate taxicab transportation services and  
 40 enforce the requirements of this chapter, and may adopt regulations

1 to further the objectives of this chapter. ~~The Legislature finds and~~  
2 ~~declares that regulation of taxicab transportation services~~  
3 ~~throughout the state constitutes a matter of statewide concern.~~

4 5451.3. This chapter shall not apply to taxicab transportation  
5 services originating in the jurisdiction of the City and County of  
6 San Francisco or at the San Francisco International Airport,  
7 including taxicab carriers ~~and taxicab drivers~~ associated with those  
8 services. Those taxicab transportation services shall remain under  
9 the regulation of the City and County of San Francisco or its airport  
10 authority, as the case may be.

11 5451.4. For the purposes of this chapter, the following terms  
12 have the following meanings:

13 (a) “Entity” includes a corporation, company, association, joint  
14 stock association, firm, partnership, individual, or any other form  
15 of business organization.

16 (b) “Public highway” includes every public street, road, or  
17 highway in this state.

18 (c) “Motor vehicle” means a vehicle used on public highways  
19 that is self-propelled.

20 (d) “Taxicab” means a passenger motor vehicle designed for  
21 carrying not more than eight passengers, excluding the driver, and  
22 used to carry passengers for hire as part of taxicab transportation  
23 services.

24 (e) “Taxicab carrier” means an entity that is a permitted provider  
25 of taxicab transportation services to passengers under this chapter.

26 (f) “Taxicab driver” means an individual who is a ~~permitted~~  
27 *licensed* driver of a taxicab under this chapter.

28 (g) “Taxicab transportation services” means the provision of  
29 transportation services for compensation using motor vehicles  
30 designed for carrying not more than eight passengers, excluding  
31 the driver, *and that are permitted to serve passengers via street*  
32 *hail, including curbside pickups*, but excludes transportation  
33 services provided by a charter-party carrier of passengers regulated  
34 by Chapter 8 (commencing with Section 5351).

35 (h) With respect to a motor vehicle used in taxicab transportation  
36 services by a taxicab carrier, “owner” means the entity that is  
37 registered with the Department of Motor Vehicles as the owner of  
38 the motor vehicle, or that has a legal right to possession of the  
39 motor vehicle pursuant to a lease or rental agreement.

1 (i) ~~“Region” means one of the regions identified pursuant to~~  
2 ~~Section 5451.6.~~  
3 5451.6. The commission shall issue permits pursuant to this  
4 chapter authorizing taxicab carriers to ~~operate in one or more of~~  
5 ~~the following regions: operate.~~  
6 (a) ~~Region 1 shall include the Counties of Del Norte, Siskiyou,~~  
7 ~~Modoc, Humboldt, Trinity, Shasta, Lassen, Mendocino, Tehama,~~  
8 ~~Plumas, Glenn, Butte, Lake, Colusa, Yuba, Sierra, Nevada, Yolo,~~  
9 ~~Sutter, Placer, Sacramento, and El Dorado.~~  
10 (b) ~~Region 2 shall include the Counties of Sonoma, Napa, Marin,~~  
11 ~~Solano, Contra Costa, San Mateo, Alameda, and Santa Clara.~~  
12 ~~Region 2 shall exclude taxicab transportation services originating~~  
13 ~~at the San Francisco International Airport in the County of San~~  
14 ~~Mateo.~~  
15 (c) ~~Region 3 shall include the Counties of San Joaquin, Amador,~~  
16 ~~Alpine, Stanislaus, Calaveras, Tuolumne, Mono, Merced,~~  
17 ~~Mariposa, San Benito, Madera, Fresno, Inyo, Kings, Tulare, and~~  
18 ~~Kern.~~  
19 (d) ~~Region 4 shall include the Counties of Santa Cruz, Monterey,~~  
20 ~~San Luis Obispo, Santa Barbara, and Ventura.~~  
21 (e) ~~Region 5 shall include the Counties of Los Angeles, San~~  
22 ~~Bernardino, Orange, and Riverside.~~  
23 (f) ~~Region 6 shall include the Counties of San Diego and~~  
24 ~~Imperial.~~  
25 5451.7. ~~A taxicab carrier regulated by the City and County of~~  
26 ~~San Francisco or its airport authority and not subject to regulation~~  
27 ~~by the commission shall not be authorized to apply for a permit to~~  
28 ~~operate taxicab transportation services originating within any of~~  
29 ~~the regions regulated by the commission pursuant to Section~~  
30 ~~5451.6.~~

31  
32 Article 2. Authorization to Operate as a Taxicab Carrier

33  
34 5452. An entity shall not engage in taxicab transportation  
35 services subject to regulation under this chapter without first having  
36 obtained a taxicab carrier permit issued by the commission pursuant  
37 to this chapter.  
38 5452.2. The commission shall issue permits to entities to  
39 operate taxicab transportation services as a taxicab carrier if  
40 otherwise qualified under this chapter. ~~Each permit shall specify~~

1 the region of the state in which the taxicab carrier is authorized to  
2 operate. Nothing in this chapter shall preclude a taxicab carrier  
3 from holding permits to operate in multiple regions.

4 ~~5452.4. A taxicab carrier holding a permit for a region shall~~  
5 ~~not be restricted as to point of origin or destination within that~~  
6 ~~region.~~

7 5452.6. A taxicab carrier shall include the number of its permit  
8 in every written, oral, or electronic advertisement of the services  
9 it offers and shall comply with the signing requirements of Section  
10 27908 of the Vehicle Code. For the purposes of this section,  
11 “advertisement” includes, but is not limited to, the issuance of any  
12 card, sign, or device to any person, the causing, permitting, or  
13 allowing of the placement of any sign or marking on or in any  
14 building or structure, or in any media form, including newspaper,  
15 magazine, radiowave, satellite signal, or any electronic  
16 transmission, or in any directory soliciting taxicab transportation  
17 services subject to this chapter.

18 5452.8. (a) Applications for taxicab carrier permits shall be  
19 in writing and verified under oath, and shall be in the form and  
20 contain the information required by the commission.

21 (b) An application for a taxicab carrier permit shall be  
22 accompanied by a filing fee as follows:

23 (1) Permits (new): \_\_\_\_ dollars (\$\_\_\_\_).

24 (2) Permits (renewal): \_\_\_\_ dollars (\$\_\_\_\_).

25 5452.10. (a) (1) Before a permit is issued or renewed, the  
26 commission shall require the applicant to establish reasonable  
27 fitness and financial responsibility to initiate and conduct or  
28 continue to conduct the proposed or existing taxicab transportation  
29 services. The commission shall not issue or renew a permit  
30 pursuant to this chapter unless the applicant meets all of the  
31 following requirements:

32 (A) It is financially and organizationally capable of conducting  
33 an operation that complies with the rules and regulations of the  
34 Department of the California Highway Patrol relating to the safe  
35 operation of vehicles on the public highways.

36 (B) It is committed to observing the hours of service regulations  
37 of state and, where applicable, federal law for all taxicab drivers,  
38 whether employees or contractors.

1 (C) It has an inspection program in effect for its motor vehicles  
 2 used to provide taxicab transportation services that conforms to  
 3 Article 8 (commencing with Section 5458).

4 (D) It participates in the pull notice program pursuant to Section  
 5 1808.1 of the Vehicle Code to regularly check the driving records  
 6 of all taxicab drivers, whether employees or contractors.

7 (E) It has a safety education and training program in effect for  
 8 all taxicab drivers, whether employees or contractors.

9 (F) It will maintain its motor vehicles used in taxicab  
 10 transportation services in a safe operating condition and in  
 11 compliance with the Vehicle Code and with regulations contained  
 12 in Title 13 of the California Code of Regulations relative to motor  
 13 vehicle safety.

14 (G) It has provided to the commission an address of an office  
 15 or terminal where documents supporting the factual matters  
 16 specified in the showing required by this subdivision may be  
 17 inspected by the commission or the Department of the California  
 18 Highway Patrol.

19 (H) It provides for a mandatory controlled substance and alcohol  
 20 testing certification program pursuant to Section ~~5457.22~~. 5457.4.

21 (2) With respect to subparagraphs (B) and (F) of paragraph (1),  
 22 the commission may base a finding on a certification by the  
 23 commission that an applicant has filed, with the commission, a  
 24 sworn declaration of ability to comply and intent to comply.

25 *(b) The commission, as a precondition to the issuance of a*  
 26 *permit under this article, may require the procurement of a*  
 27 *performance bond by the applicant sufficient to facilitate the*  
 28 *collection of fines, penalties, and restitution related to enforcement*  
 29 *actions that may be taken against the applicant.*

30 ~~(b)~~

31 (c) In addition to the requirements in subdivision (a), taxicab  
 32 carriers shall meet all other state and, where applicable, federal  
 33 regulations as prescribed.

34 5452.12. (a) Every taxicab carrier shall furnish to the  
 35 commission a list, prepared under oath, of all motor vehicles used  
 36 by the carrier in taxicab transportation services during the period  
 37 since the last inspection. The commission shall furnish a copy of  
 38 the list to the taxicab carrier's insurer, if the taxicab carrier's  
 39 accident liability protection is provided by a policy of insurance.  
 40 insurer.



1 (b) If the taxicab carrier’s insurer informs the commission that  
2 the carrier has failed to obtain insurance coverage for any vehicle  
3 reported on the list, the commission may, in addition to any other  
4 penalty provided in this chapter, for a first occurrence, suspend  
5 the carrier’s permit or impose a fine, or both, and, for a second or  
6 subsequent occurrence, suspend or revoke the permit or impose a  
7 fine, or both.

8 5452.14. The commission may, with or without hearing, issue  
9 a permit under this chapter. If the commission finds that the  
10 applicant possesses satisfactory fitness and financial responsibility  
11 to initiate and conduct the proposed taxicab transportation services,  
12 and will faithfully comply with the rules and regulations adopted  
13 by the commission with respect thereto, it shall issue the permit.

14 5452.16. A permit, or renewal thereof, is effective for three  
15 years, unless suspended or revoked by the commission.

16 5452.18. No permit issued pursuant to this chapter, or rights  
17 to conduct any of the services authorized by the permit, shall be  
18 sold, leased, or assigned, or otherwise transferred or encumbered,  
19 unless authorized by the commission. A filing fee of \_\_\_\_ dollars  
20 (\$\_\_\_\_) shall accompany all applications for that authorization.

21  
22 Article 3. Enforcement  
23

24 5453. Upon receipt of a complaint containing sufficient  
25 information to warrant conducting an investigation, the commission  
26 shall investigate any entity that advertises or holds itself out as  
27 providing services that may be reasonably considered to be taxicab  
28 transportation services but that does not have a permit required by  
29 this chapter. The commission, in a rulemaking or other appropriate  
30 procedure, shall adopt criteria that establish the type of information,  
31 if contained in a complaint, that is sufficient to warrant an  
32 investigation. Pursuant to this investigation, the commission shall  
33 do all of the following:

34 (a) Determine which entities, if any, are required to obtain a  
35 taxicab carrier permit pursuant to Article 2 (commencing with  
36 Section 5452) but that do not have the required permit.

37 (b) Inform any entity identified in subdivision (a) that the failure  
38 to obtain a permit is in violation of the law.

1 (c) Within 60 days of informing the entity pursuant to  
2 subdivision (b), institute civil or criminal proceedings, or both, if  
3 the entity continues to be in noncompliance with this chapter.

4 5453.2. The commission shall not issue, renew, or authorize  
5 the transfer of a taxicab carrier permit under this chapter to any  
6 entity against whom a final judgment has been entered and whose  
7 name has been transmitted to the commission pursuant to Section  
8 3716.4 of the Labor Code, unless that judgment has been satisfied  
9 or has been discharged in accordance with the bankruptcy laws of  
10 the United States.

11 5453.4. (a) The commission may cancel, suspend, or revoke  
12 a taxicab carrier permit issued pursuant to this chapter upon any  
13 of the following grounds:

14 (1) The violation by the permitholder of any of the provisions  
15 of this chapter, or of the terms of a permit issued under this chapter.

16 (2) The violation by the permitholder of any order, decision,  
17 rule, regulation, direction, demand, or requirement of the  
18 commission pursuant to this chapter.

19 (3) The conviction of a taxicab carrier of any misdemeanor  
20 under this chapter while holding a taxicab carrier permit issued by  
21 the commission or the conviction of the carrier or its officers of a  
22 felony while holding a permit issued by the commission, limited  
23 to robbery, burglary, larceny, fraud, or intentional dishonesty for  
24 personal gain.

25 (4) The rendition of a judgment against the taxicab carrier for  
26 any penalty imposed under this chapter.

27 (5) The failure of a taxicab carrier to pay any fee imposed on  
28 the carrier within the time required by the commission.

29 (6) On request of the taxicab carrier.

30 (7) The failure of a taxicab carrier to operate and perform  
31 reasonable service. That failure may include repeated violations  
32 of the Vehicle Code or of regulations contained in Title 13 of the  
33 California Code of Regulations relative to motor vehicle safety by  
34 employees of the taxicab carrier that support an inference of unsafe  
35 operation or willful neglect of the public safety by the carrier.

36 (8) Consistent failure of the taxicab carrier to maintain its  
37 vehicles in a safe operating condition pursuant to Article 8  
38 (commencing with Section 5458) and in compliance with the  
39 Vehicle Code and with regulations contained in Title 13 of the  
40 California Code of Regulations relative to motor vehicle safety,

1 as shown by the records of the commission, the Department of  
2 Motor Vehicles, the Department of the California Highway Patrol,  
3 or the carrier.

4 (9) Failure of a taxicab carrier, or of any of its employees, to  
5 follow any order, decision, rule, regulation, direction, demand,  
6 ordinance, or other requirement established by the governing body  
7 of an airport, including solicitation practices, providing the  
8 requirements are consistent with subdivision (b) of Section 5459.

9 (b) The commission may levy a civil penalty of up to seven  
10 thousand five hundred dollars (\$7,500) upon a taxicab carrier for  
11 any of the violations specified in subdivision (a), as an alternative  
12 to canceling, revoking, or suspending the carrier's permit. The  
13 commission may also levy interest upon the civil penalty, which  
14 shall be calculated as of the date on which the civil penalty is  
15 unpaid and delinquent. The commission shall deposit at least  
16 monthly all civil penalties and interest collected pursuant to this  
17 section into the General Fund.

18 5453.6. (a) A taxicab carrier shall have and shall make  
19 available for inspection by the commission, upon request, one of  
20 the following:

21 (1) A certificate of workers' compensation coverage for its  
22 employees issued by an admitted insurer.

23 (2) A certification of consent to self-insure issued by the Director  
24 of Industrial Relations.

25 (3) A statement under penalty of perjury, stating that, in its  
26 operations as a taxicab carrier, it does not employ any person in  
27 any manner so as to become subject to the workers' compensation  
28 laws of this state.

29 (b) The workers' compensation coverage certified to under  
30 paragraph (1) of subdivision (a) shall be in the form of a policy  
31 that remains effective until canceled. Cancellation of the policy  
32 shall require 30 days' advance notice.

33 (c) If, after filing the statement described in paragraph (3) of  
34 subdivision (a), the carrier becomes subject to the workers'  
35 compensation laws of this state, the carrier shall promptly notify  
36 the commission that the carrier is withdrawing its statement under  
37 paragraph (3) of subdivision (a), and shall simultaneously file the  
38 certificate described in either paragraph (1) or (2) of subdivision  
39 (a).

1     5453.7. (a) *The commission may at any time have access to*  
2 *the land, buildings, or equipment of a taxicab carrier in connection*  
3 *with the operation of the carrier's business and may inspect the*  
4 *accounts, books, papers, and documents of the carrier. Any*  
5 *inspection by the commission may include reproduction of*  
6 *documents either at the premises of the carrier or the offices of*  
7 *the commission, at the option of the carrier. The commission shall*  
8 *reimburse the carrier for any reproduction expenses incurred by*  
9 *the carrier at the direction of the commission.*

10    (b) *Subdivision (a) also applies to access to property and*  
11 *inspections of accounts, books, papers, and documents of any entity*  
12 *that is a subsidiary or affiliate of, or that holds a controlling*  
13 *interest in, a taxicab carrier with respect to any transaction*  
14 *between the carrier and the other entity.*

15    (c) *Subdivisions (a) and (b) also apply to any entity engaged in*  
16 *the transportation of persons by motor vehicle for compensation*  
17 *upon a determination by the commission that the entity is*  
18 *advertising or holding itself out as providing services that may*  
19 *reasonably be considered to be taxicab transportation services.*

20    5453.8. *The commission may, on a complaint alleging that an*  
21 *entity is operating taxicab transportation services without a valid*  
22 *taxicab carrier permit in violation of this chapter, or on its own*  
23 *motion without a complaint, with or without notice of a hearing,*  
24 *order the entity so operating to cease and desist from that operation*  
25 *until the commission makes and files its decision in the matter or*  
26 *until further order of the commission.*

27    5453.10. (a) *The Legislature finds and declares that*  
28 *advertising and use of telephone service is essential for a an entity*  
29 *providing taxicab transportation services to obtain business.*  
30 *Unlawful advertisements by unlicensed taxicabs have resulted in*  
31 *properly-permitted taxicab carriers competing with unlicensed*  
32 *taxicabs using unfair business practices. Unlicensed taxicabs have*  
33 *also exposed residents of the state to unscrupulous persons who*  
34 *portray themselves as properly licensed, qualified, and insured*  
35 *taxicabs. Many of these unlicensed taxicabs have been found to*  
36 *have operated their vehicles without insurance, or in an unsafe*  
37 *manner, placing residents of the state at risk.*

38    (b) (1) *The Legislature further finds and declares that the*  
39 *termination of telephone service utilized by unlicensed taxicabs is*  
40 *essential to ensure the public safety and welfare. Therefore, the*

1 *commission should take enforcement action as specified in this*  
2 *section to disconnect telephone service of entities operating*  
3 *unlicensed taxicab transportation services who unlawfully advertise*  
4 *passenger transportation services in yellow page directories and*  
5 *other publications. The enforcement actions provided for by this*  
6 *section are consistent with the decision of the California Supreme*  
7 *Court in Goldin v. Public Utilities Commission (1979) 23 Cal. 3d*  
8 *638.*

9 (2) *For purposes of this section, a telephone corporation or*  
10 *telegraph corporation, or a corporation that holds a controlling*  
11 *interest in the telephone or telegraph corporation, or any business*  
12 *that is a subsidiary or affiliate of the telephone or telegraph*  
13 *corporation, that has the name and address of the subscriber to a*  
14 *telephone number being used by an unlicensed operator of taxicab*  
15 *transportation services shall provide the commission, upon the*  
16 *order of a magistrate and the demand of the commission, access*  
17 *to this information. A magistrate may only issue an order for the*  
18 *purposes of this subdivision if the magistrate has made the findings*  
19 *required by subdivision (c).*

20 (c) *A telephone or telegraph corporation shall refuse telephone*  
21 *service to a new subscriber and shall disconnect telephone service*  
22 *of an existing subscriber under this section only after it is shown*  
23 *that other available enforcement remedies of the commission have*  
24 *failed to terminate unlawful activities detrimental to the public*  
25 *welfare and safety, and upon receipt from the commission of a*  
26 *writing, signed by a magistrate, as defined by Sections 807 and*  
27 *808 of the Penal Code, finding that probable cause exists to believe*  
28 *that the subscriber is advertising, or holding itself out to the public*  
29 *to perform, taxicab transportation services without a permit of the*  
30 *commission, or that the telephone service otherwise is being used*  
31 *or is to be used as an instrumentality, directly or indirectly, to*  
32 *violate or assist in violation of the laws requiring a taxicab carrier*  
33 *to have a permit from the commission. Included in the writing of*  
34 *the magistrate shall be a finding that there is probable cause to*  
35 *believe that the applicable telephone facilities have been, or are*  
36 *to be, used in the commission or facilitation of holding out to the*  
37 *public to perform or in performing taxicab transportation services*  
38 *in violation of this chapter and that, in the absence of immediate*  
39 *and summary action, a danger to the public welfare and safety*  
40 *will result.*

1     (d) Any person aggrieved by any action taken pursuant to this  
2 section shall have the right to file a complaint with the commission  
3 and may include in the complaint a request for interim relief. The  
4 commission shall schedule a public hearing on the complaint to  
5 be held within 21 calendar days of the filing and assignment of a  
6 docket number to the complaint. The remedy provided by this  
7 section shall be exclusive. No other action at law or in equity shall  
8 accrue against any telephone or telegraph corporation because  
9 of, or as a result of, any matter or thing done or threatened to be  
10 done pursuant to this section.

11     (e) At any hearing held on a complaint filed with the commission  
12 pursuant to subdivision (d), the commission staff shall have the  
13 right to participate, including the right to present evidence and  
14 argument and to present and cross-examine witnesses. The  
15 commission staff shall have both the burden of proving that the  
16 use made or to be made of the telephone service is to hold out to  
17 the public to perform, or to assist in performing, taxicab  
18 transportation services, or that the telephone service is being or  
19 is to be used as an instrumentality, directly or indirectly, to violate  
20 or to assist in violation of the permitting requirements applicable  
21 to taxicab carriers and that the character of the acts are such that,  
22 absent immediate and summary action, a danger to public welfare  
23 or safety will result, and the burden of persuading the commission  
24 that the telephone services should be refused or should not be  
25 restored.

26     (f) The telephone or telegraph corporation, immediately upon  
27 refusal or disconnection of service in accordance with subdivision  
28 (c), shall notify the subscriber in writing that the refusal or  
29 disconnection of telephone service has been made pursuant to a  
30 request of the commission and the writing of a magistrate, and  
31 shall include with the notice a copy of this section, a copy of the  
32 writing of the magistrate, and a statement that the customer or  
33 subscriber may request information from the commission at its  
34 San Francisco or Los Angeles office concerning any provision of  
35 this section and the manner in which a complaint may be filed.

36     (g) The provisions of this section are an implied term of every  
37 contract for telephone service. The provisions of this section are  
38 a part of any application for telephone service. Applicants for,  
39 and subscribers and customers of, telephone service have, as a

1 matter of law, consented to the provisions of this section as a  
2 consideration for the furnishing of the telephone service.

3 (h) As used in this section, the terms “person,” “customer,”  
4 and “subscriber” include a subscriber to telephone service, any  
5 person using the telephone service of a subscriber, an applicant  
6 for telephone service, a corporation, as defined in Section 204, a  
7 “person” as defined in Section 205, a limited liability company,  
8 a partnership, an association, and includes their lessees and  
9 assigns.

10 (i) (1) As used in this section, “telephone corporation” is  
11 defined as provided in Section 234.

12 (2) As used in this section, “telegraph corporation” is defined  
13 as provided in Section 236.

14 (j) As used in this section, “commission” includes the employees  
15 of the commission as provided in Section 5451.1, unless the context  
16 otherwise requires.

17 5453.12. In order to facilitate enforcement by peace officers  
18 of taxicab laws pursuant to this chapter and associated regulations  
19 adopted by the commission, both of the following shall apply:

20 (a) The commission shall adopt a general order containing its  
21 rules pertaining to taxicab carriers.

22 (b) Peace officers may enforce this chapter and the  
23 commission’s rules in the general order pertaining to taxicab  
24 carriers.

25

#### 26 Article 4. Trade Dress

27

28 5454. A taxicab carrier subject to regulation under this chapter  
29 shall not operate a motor vehicle on a public highway unless there  
30 is displayed on the vehicle a distinctive identifying symbol in the  
31 form prescribed by the commission. The identifying symbol shall  
32 not be displayed on any vehicle until a permit under this chapter  
33 has been issued to the carrier.

34 5454.2. The commission shall assign both trade name and trade  
35 dress ~~within each region~~ for taxicab transportation services. In  
36 doing so, the commission shall take into account taxicab carriers  
37 operating ~~within each region~~ on December 31, 2016, and shall  
38 minimize public confusion to consumers of taxicab transportation  
39 services in awarding trade name and trade ~~dress in each region~~.  
40 ~~The commission may assign the same or similar trade name and~~

1 ~~trade dress in different regions of the state in a manner that~~  
2 ~~minimizes public confusion to consumers of taxicab transportation~~  
3 ~~services: dress.~~

4 5454.4. A taxicab carrier shall remove all markings required  
5 by the commission from a motor vehicle when the motor vehicle  
6 is permanently withdrawn from service as a taxicab.

7 5454.6. The commission shall award initial trade name and  
8 trade dress ~~in each region~~ as soon as practicable on or after January  
9 1, 2017. In doing so, the commission shall consider all of the  
10 following:

11 (a) Historic trade name and trade dress granted to licensees by  
12 cities, counties, cities and counties, or any subdivision thereof as  
13 submitted to the commission pursuant to Section 5454.8.

14 (b) The geographic service boundaries of the provision of  
15 taxicab services before January 1, 2017.

16 (c) The cost to taxicab carriers of changing trade name or trade  
17 dress in accordance with the commission's order.

18 5454.8. Any city or county, or any subdivision thereof, that  
19 regulates or oversees the licensure of taxicab transportation services  
20 within its jurisdiction on December 31, 2016, shall forward to the  
21 commission licensure information for each taxicab transportation  
22 service licensee within its jurisdiction. This section shall not apply  
23 to the taxicab transportation services exempted from this chapter  
24 pursuant to Section 5451.3. The information shall include, but  
25 need not be limited to, the following:

26 (a) The name of the licensee, including the approved "doing  
27 business as" name granted to a licensee.

28 (b) Information related to trade dress or exterior markings  
29 granted to each licensee within the jurisdiction.

30 (c) The geographical boundaries, if any, granted to a licensee  
31 in the provision of taxicab transportation services.

32 (d) Any other information the commission may require to carry  
33 out the purposes of this chapter.

34 ~~5454.10. The commission may adopt an alternate process for~~  
35 ~~awarding trade name and trade dress within each region subsequent~~  
36 ~~to the initial award outlined in Section 5454.2, provided that the~~  
37 ~~alternate process shall seek to minimize public confusion to~~  
38 ~~consumers of taxicab transportation services in each region.~~



Article 5. Insurance

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5455. The commission, in granting a permit to a taxicab carrier pursuant to this chapter, shall require the taxicab carrier to procure, and to continue in effect during the life of the permit, ~~protection~~ *insurance* against liability imposed by law upon the taxicab carrier for the payment of damages for personal bodily injuries, including death resulting therefrom, ~~protection~~ *insurance* against a total liability of the taxicab carrier on account of bodily injuries to, or death of, more than one person as a result of any one accident, and ~~protection~~ *insurance* against damage or destruction of property. ~~The maximum insurance requirements for these assurances of protection against liability shall be satisfied through commercial liability insurance coverage applicable 24 hours per day and seven days per week that is no more less than one hundred thousand dollars (\$100,000) for death and personal injury per person, three hundred thousand dollars (\$300,000) for death and personal injury per incident, and fifty thousand dollars (\$50,000) for property damage. The commission may require higher amounts of insurance coverage.~~

5455.2. ~~The protection insurance coverage required under Section 5455 shall be evidenced by the deposit of any of the following with the commission covering cover each motor vehicle used or to be used under the permit applied for:~~

~~(a) A a taxicab carrier's permit. The policy of insurance, insurance shall be issued by a company licensed to write insurance in this state, or by nonadmitted insurers subject to Section 1763 of the Insurance Code, if the policies meet the rules promulgated therefor by the commission.~~

~~(b) A bond of a surety company licensed to write surety bonds in this state.~~

~~(c) Evidence of the qualification of the taxicab carrier as a self-insurer as may be authorized by the commission.~~

5455.4. No entity holding a valid taxicab carrier permit issued by the commission pursuant to this chapter shall be required by a city, county, city and county, or any other local agency to provide insurance in a manner different from that required by this article.

~~5455.6. The insurance requirements specified in this article shall only be applicable to motor vehicles while providing taxicab transportation services. When not providing those services, the~~

1 ~~insurance requirements for those vehicles shall be the minimum~~  
 2 ~~amounts otherwise applicable to motor vehicles not providing~~  
 3 ~~taxicab transportation services.~~

4 5455.8. *The insurance policy shall be filed with the commission.*  
 5 With the consent of the commission, a copy of an insurance policy,  
 6 certified by the company issuing it to be a true copy of the original  
 7 policy, or a photocopy thereof, or an electronic copy thereof, or  
 8 an abstract of the provisions of the policy, or a certificate of  
 9 insurance issued by the company issuing the policy, may be filed  
 10 with the commission in lieu of the original or a duplicate or  
 11 counterpart of the policy.

12  
 13 Article 6. Pricing and GPS Metering

14  
 15 5456. The commission shall not regulate either of the following  
 16 with respect to provision of taxicab transportation services:

17 (a) ~~Fares or fees charged by taxicab carriers, including, but not~~  
 18 ~~limited to, meter rates, gate fees, or any other charge to the~~  
 19 ~~consumer related to the hiring of a taxicab.~~

20 (b) ~~The regulate the type of device used by taxicab carriers to~~  
 21 ~~calculate fares, including the use of global positioning system~~  
 22 ~~metering as a form of calculating fares.~~

23 5456.2. The commission may adopt rules requiring taxicab  
 24 carriers to disclose fares, fees, and other pricing structures for  
 25 taxicab transportation services. Any rules shall allow a taxicab  
 26 carrier to disclose fares, fees, or other pricing structures on its  
 27 Internet Web site or cellular telephone application.

28  
 29 Article 7. Taxicab Drivers

30  
 31 5457. ~~An individual shall not be a driver providing taxicab~~  
 32 ~~transportation service regulated by this chapter without first~~  
 33 ~~obtaining a taxicab driver permit from the commission pursuant~~  
 34 ~~to this article.~~

35 5457.2. ~~A taxicab driver permit issued pursuant to this article~~  
 36 ~~shall be valid in any region in this state.~~

37 5457.4. ~~The commission shall issue a taxicab driver permit to~~  
 38 ~~an applicant if the applicant meets all of the following~~  
 39 ~~requirements:~~

1 ~~(a) The applicant submits to the commission a written~~  
2 ~~application for a taxicab driver permit.~~

3 ~~(b) The applicant pays a taxicab driver permit fee as determined~~  
4 ~~by the commission.~~

5 ~~(c) The applicant is a minimum of 18 years of age.~~

6 ~~(d) The applicant possesses a current class C California driver's~~  
7 ~~license.~~

8 ~~(e) The applicant is not afflicted with either a physical or mental~~  
9 ~~incapacity that would preclude the individual from safely operating~~  
10 ~~a taxicab and performing the duties normally associated with the~~  
11 ~~profession.~~

12 ~~(f) The applicant passes a written exam as prescribed by the~~  
13 ~~commission.~~

14 ~~(g) The applicant passes a background check through the~~  
15 ~~Department of Justice's live scan system.~~

16 ~~5457.6. An applicant may be required to submit a medical~~  
17 ~~report and obtain a valid medical certificate if the application, or~~  
18 ~~observation by the commission, indicates a physical or mental~~  
19 ~~affliction. In that situation, the applicant may be granted a~~  
20 ~~temporary taxicab driver permit for 30 days pending receipt of a~~  
21 ~~valid medical certificate. Upon submittal of the valid medical~~  
22 ~~certificate and its acceptance by the commission, a regular taxicab~~  
23 ~~driver permit shall be issued to the applicant.~~

24 ~~5457.8. An applicant shall be denied a taxicab driver permit if~~  
25 ~~any portion of the application is found to be falsified. If the~~  
26 ~~falsification is deemed to be willful and intentional, the applicant~~  
27 ~~shall not be allowed to reapply for a taxicab driver permit for a~~  
28 ~~one-year period from the time the falsification is first discovered.~~  
29 ~~Should a repeat offense of falsification occur, the applicant shall~~  
30 ~~not be allowed to reapply for a taxicab driver permit for a~~  
31 ~~seven-year period from the time the additional falsification is~~  
32 ~~discovered.~~

33 ~~5457.10. An applicant who has willfully and intentionally~~  
34 ~~attempted to cheat in the taxicab driver permit exam process shall~~  
35 ~~be immediately disqualified from the exam. First-time offenders~~  
36 ~~shall be ineligible to retake the exam for a 180-day period. Repeat~~  
37 ~~offenders shall be ineligible to retake the exam for a seven-year~~  
38 ~~period. Test misconduct shall include, but not be limited to, using~~  
39 ~~notes or other materials that have been prohibited, looking at other~~  
40 ~~applicant test papers, talking to other applicants during the exam,~~

1 failing to stop as requested at the end of the exam period, or in any  
2 way coercing others for exam information.

3 ~~5457.12.~~

4 ~~5457.~~ While providing taxicab transportation services, a taxicab  
5 driver shall have in his or her immediate possession, and shall  
6 present, upon request, to a law enforcement officer, a representative  
7 of the commission, or a customer, ~~both~~ all of the following:

8 (a) ~~A~~ Evidence of a valid Class C California driver's license.

9 (b) A valid ~~taxicab driver~~ permit issued by the ~~commission~~.  
10 *commission to a taxicab carrier.*

11 (c) *Evidence of the taxicab carrier's liability insurance in*  
12 *compliance with Article 5 (commencing with Section 5455).*

13 ~~5457.14.~~

14 ~~5457.2.~~ A holder of a taxicab driver permit shall not drive a  
15 taxicab while his or her driver's license is expired, suspended, or  
16 revoked.

17 ~~5457.16.~~ A taxicab driver shall properly display his or her valid  
18 taxicab driver permit in the taxicab in a manner as prescribed by  
19 the commission.

20 ~~5457.18.~~ A taxicab driver shall not do any of the following:

21 (a) ~~Knowingly allow another individual to use his or her taxicab~~  
22 ~~driver permit.~~

23 (b) ~~Duplicate a taxicab driver permit.~~

24 (c) ~~Use another person's taxicab driver permit.~~

25 (d) ~~Apply for, or possess, more than one taxicab driver permit~~  
26 ~~issued by the commission.~~

27 ~~5457.20.~~ A holder of a taxicab driver permit that becomes  
28 invalid shall destroy the permit.

29 ~~5457.22.~~

30 ~~5457.4.~~ (a) A taxicab carrier shall do all of the following:

31 (1) Participate in a pull-notice system pursuant to Section 1808.1  
32 of the Vehicle Code to regularly check the driving records of all  
33 taxicab drivers employed or contracted by the carrier.

34 (2) Provide for a mandatory controlled substance and alcohol  
35 testing certification program for taxicab drivers employed or  
36 contracted by the carrier, as required by the commission. The  
37 program shall not be more strict than the program adopted by the  
38 commission pursuant to Section 1032.1 for transportation network  
39 company drivers.

1 (3) *Ensure that a taxicab driver employed or contracted by the*  
2 *carrier meets all of the following requirements:*

3 (A) *Is a minimum of 18 years of age.*

4 (B) *Possesses a valid Class C California driver's license.*

5 (C) *Is not afflicted with either a physical or mental incapacity*  
6 *that would preclude the individual from safely operating a taxicab*  
7 *and performing the duties normally associated with the profession.*

8 (D) *Passes a background check through the Department of*  
9 *Justice's live scan system.*

10 (4) *Provide each taxicab driver employed or contracted by the*  
11 *taxicab carrier with documentation necessary for the driver to*  
12 *comply with subdivisions (b) and (c) of Section 5457.*

13 (b) *A taxicab carrier may require a taxicab driver to submit a*  
14 *medical report and obtain a valid medical certificate if the carrier*  
15 *believes that the driver has a physical or mental affliction.*

16 (b)

17 (c) *Taxicab drivers hired or contracted by a taxicab carrier on*  
18 *or after January 1, 2017, shall be subject to mandatory drug and*  
19 *alcohol testing prior to employment or contracting. Drivers hired*  
20 *or contracted by a taxicab carrier before January 1, 2017, shall*  
21 *complete a drug and alcohol test before January 1, 2018.*

22 ~~5457.24.~~

23 5457.6. (a) *A taxicab carrier regulated pursuant to this chapter*  
24 *shall not employ, or contract with, any of the following persons*  
25 *as a taxicab driver:*

26 (1) *A person convicted, during the preceding seven years, of*  
27 *any offense relating to the use, sale, possession, or transportation*  
28 *of narcotics, controlled substances, or addictive or dangerous drugs,*  
29 *or of any act involving force, violence, threat, or intimidation*  
30 *against persons, or of any sexual offense, or of any act involving*  
31 *moral turpitude, including fraud or intentional dishonesty for*  
32 *personal gain, or of any felony offense, or of any offense involving*  
33 *the possession of a firearm or dangerous weapon, or of any offense*  
34 *involving the solicitation or agreement to engage in or engagement*  
35 *in any act of prostitution, or of any act of resisting, delaying, or*  
36 *obstructing a peace officer, public officer, or emergency medical*  
37 *technician, or of theft in either degree. For the purposes of this*  
38 *paragraph, a subsequent change of plea or vacation of verdict and*  
39 *dismissal of charges pursuant to Section 1203.4 of the Penal Code*

1 does not release the applicant from the penalties and disabilities  
2 resulting from the offense of which he or she has been convicted.

3 (2) A person required to register as a sex offender under Section  
4 290 of the Penal Code or a person convicted of a felony involving  
5 any type of sexual offense; the manufacture, possession for sale,  
6 transportation, or distribution of narcotics, controlled substances,  
7 or addictive or dangerous drugs; force, violence, threat, or  
8 intimidation against persons; kidnaping; forgery, fraud, larceny,  
9 extortion, burglary, robbery, or theft; credit card fraud; possession  
10 of a firearm or dangerous weapon; resisting or obstructing a peace  
11 officer, public officer, or emergency medical technician; or use of  
12 a vehicle for hire in the commission of a felony.

13 (3) A person convicted of any violation of Section 20001, 20003,  
14 20004, 23104, or 23153 of the Vehicle Code.

15 (b) For purposes of subdivision (a), out-of-state convictions for  
16 equivalent violations shall be given the same effect as in-state  
17 convictions.

18

19 Article 8. Vehicle Inspection

20

21 5458. Upon initial placement into service and annually  
22 thereafter, a taxicab carrier shall ~~inspect each of its motor vehicles~~  
23 ~~used for taxicab transportation services, or~~ have each vehicle  
24 inspected at a facility licensed by the Bureau of Automotive Repair,  
25 and shall maintain complete documentation of each inspection.  
26 The inspection shall cover all of the following components, and  
27 each component shall, at a minimum, be in satisfactory condition  
28 before a vehicle may be used in providing taxicab transportation  
29 services:

- 30 (a) Foot brakes.
- 31 (b) Emergency brakes.
- 32 (c) Steering mechanism.
- 33 (d) Windshield.
- 34 (e) Rear window and other glass.
- 35 (f) Windshield wipers.
- 36 (g) Headlights.
- 37 (h) Tail lights.
- 38 (i) Turn indicator lights.
- 39 (j) Stop lights.
- 40 (k) Front seat adjustment mechanism.

- 1 (l) Doors, including opening, closing, and locking.
- 2 (m) Horn.
- 3 (n) Speedometer.
- 4 (o) Bumpers.
- 5 (p) Muffler and exhaust system.
- 6 (q) Tires.
- 7 (r) Interior and exterior rear-view mirrors.
- 8 (s) Safety belts for the driver and passengers.

10 Article 9. Local Agencies and Airports

11  
 12 5459. (a) Except as otherwise specifically provided in this  
 13 article and in Section 5451.3, and notwithstanding any other  
 14 provision of law, this chapter constitutes the exclusive regulation  
 15 of ~~taxicab carriers, taxicab drivers, carriers and taxicab~~  
 16 ~~transportation services in this state and preempts all other~~  
 17 ~~regulation.~~ *state*. In that regard, a local agency may not require a  
 18 license, or impose a tax or fee, for the conduct of taxicab  
 19 transportation services subject to regulation under this chapter.

20 (b) Nothing in this chapter shall be construed to prevent a local  
 21 agency from designating taxicab stands on public highways under  
 22 its jurisdiction pursuant to Section 21112 of the Vehicle Code for  
 23 use by taxicabs, or from designating other locations for taxicabs  
 24 to stop pursuant to Section 22500 of the Vehicle Code.

25 (c) Nothing in this chapter shall be construed to prevent the  
 26 governing body of an airport from adopting and enforcing  
 27 reasonable and nondiscriminatory local airport rules, regulations,  
 28 and ordinances pertaining to access, use of highways, parking,  
 29 traffic control, passenger transfers and occupancy, passenger  
 30 solicitation practices, and the use of buildings and facilities, that  
 31 are applicable to taxicab carriers operating on airport property. In  
 32 that regard, the governing body of an airport may require a taxicab  
 33 carrier to obtain an airport permit in order to operate taxicab  
 34 transportation services to or from the airport. ~~However, the~~  
 35 ~~governing body of an airport may not impose a fee on taxicab~~  
 36 ~~carriers that is based on the gross receipts of the carrier, and may~~  
 37 ~~not impose vehicle safety, vehicle licensing, or insurance~~  
 38 ~~requirements on taxicab carriers that are more burdensome than~~  
 39 ~~those imposed by this chapter or by commission regulation~~  
 40 ~~pursuant to this chapter.~~

1 (d) Nothing in this chapter shall be construed to prohibit any  
 2 agreement entered into between a taxicab carrier and the governing  
 3 board of an airport pursuant to Article 4.5 (commencing with  
 4 Section 21690.5) of Chapter 4 of Part 1 of Division 9.

5

6

Article 10. Violations

7

8 5460. Every taxicab carrier and every officer, director, agent,  
 9 employee, or contractor of any taxicab carrier who violates or fails  
 10 to comply with, or who procures, aids, or abets any violation of,  
 11 any provision of this chapter, or who fails to obey, observe, or  
 12 comply with any order, decision, rule, regulation, direction,  
 13 demand, or requirement of the commission, or with any permit  
 14 issued under this chapter, or who procures, aids, or abets any  
 15 taxicab carrier in its failure to comply with the order, decision,  
 16 rule, regulation, direction, demand, requirement, or permit, is guilty  
 17 of a misdemeanor and is punishable by a fine of not less than one  
 18 thousand dollars (\$1,000) and not more than five thousand dollars  
 19 (\$5,000) or by imprisonment in a county jail for not more than  
 20 three months, or by both that fine and imprisonment.

21 5460.2. Every person other than a taxicab carrier who  
 22 knowingly and willfully, either individually, or acting as an officer,  
 23 agent, or employee of a person other than a taxicab carrier, who  
 24 violates any provision of this chapter, or who fails to obey, observe,  
 25 or comply with any order, decision, rule, regulation, direction,  
 26 demand, or requirement of the commission, or who procures, aids,  
 27 or abets any taxicab carrier in its violation of this chapter, or in its  
 28 failure to obey, observe, or comply with any order, decision, rule,  
 29 regulation, direction, demand, or requirement, is guilty of a  
 30 misdemeanor and is punishable by a fine of not less than one  
 31 thousand dollars (\$1,000) and not more than five thousand dollars  
 32 (\$5,000) or by imprisonment in a county jail for not more than  
 33 three months, or by both that fine and imprisonment.

34 5460.4. Every taxicab carrier and every officer, director, agent,  
 35 employee, or contractor of any taxicab carrier who violates or fails  
 36 to comply with, or who procures, aids, or abets any violation by  
 37 any taxicab carrier of, any provision of this chapter, or who fails  
 38 to obey, observe, or comply with any order, decision, rule,  
 39 regulation, direction, demand, or requirement of the commission,  
 40 or with any permit issued under this chapter, or who procures,



1 aids, or abets any taxicab carrier in its failure to comply with the  
2 order, decision, rule, regulation, direction, demand, requirement,  
3 or permit, is subject to a civil penalty of not more than two  
4 thousand dollars (\$2,000) for each offense.

5 5460.6. Every person other than a taxicab carrier who  
6 knowingly and willfully, either individually, or acting as an officer,  
7 agent, or employee of a person other than a taxicab carrier, who  
8 violates any provision of this chapter, or who fails to obey, observe,  
9 or comply with any order, decision, rule, regulation, direction,  
10 demand, or requirement of the commission, or who procures, aids,  
11 or abets any taxicab carrier in its violation of this chapter, or in its  
12 failure to obey, observe, or comply with any order, decision, rule,  
13 regulation, direction, demand, or requirement, is subject to a civil  
14 penalty of not more than two thousand dollars (\$2,000) for each  
15 offense.

16 5460.8. Every person who drives a taxicab in conjunction with  
17 providing taxicab transportation services subject to regulation  
18 under this chapter and who ~~does not possess a valid taxicab driver~~  
19 ~~permit~~ *is in violation of Section 5457 or 5457.2* is guilty of a  
20 misdemeanor and is punishable by a fine of not less than \_\_\_\_  
21 dollars (\$\_\_\_\_) and not more than \_\_\_\_ dollars (\$\_\_\_\_) or by  
22 imprisonment in a county jail for not more than \_\_\_\_ months, or  
23 by both that fine and imprisonment.

24 5460.10. Every violation of this chapter or of any order,  
25 decision, rule, regulation, direction, demand, or requirement of  
26 the commission by any person is a separate and distinct offense  
27 and, in case of a continuing violation, each day's continuance  
28 thereof is a separate and distinct offense.

29 5460.12. (a) Whenever a peace officer, as defined in Chapter  
30 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal  
31 Code, arrests a person for the operation of a taxicab without a valid  
32 *taxicab carrier* permit, the peace officer may impound and retain  
33 possession of the vehicle.

34 (b) If the vehicle is seized from a person who is not the owner  
35 of the vehicle, the impounding authority shall immediately give  
36 notice to the owner by first-class mail.

37 (c) The vehicle shall immediately be returned to the owner if  
38 the violation is not prosecuted or is dismissed, the owner is found  
39 not guilty of the offense, or it is determined that the vehicle was  
40 used in violation of Section 5460.8 without the knowledge and

1 consent of the owner. The vehicle shall be returned to the owner  
2 upon payment of any fine ordered by the court. If the vehicle is  
3 seized due to a violation of a person other than the owner of the  
4 vehicle, the vehicle shall be returned to the owner after all  
5 impoundment fees are paid. After the expiration of six weeks from  
6 the final disposition of the criminal case, unless the owner is in  
7 the process of making payments to the court, the impounding  
8 authority may deal with the vehicle as lost or abandoned property  
9 under Section 1411 of the Penal Code.

10 (d) At any time, a person may make a motion in superior court  
11 for the immediate return of the vehicle on the ground that there  
12 was no probable cause to seize it or that there is some other good  
13 cause, as determined by the court, for the return of the vehicle. A  
14 proceeding under this section is a limited civil case.

15 5460.14. When a person is convicted of the offense of operating  
16 a taxicab without a valid *taxicab carrier* permit, in addition to any  
17 other penalties provided by law, if the court determines the person  
18 has the ability to pay, the court shall impose a mandatory fine not  
19 exceeding two thousand five hundred dollars (\$2,500) for a first  
20 conviction or five thousand dollars (\$5,000) for a subsequent  
21 conviction.

22 5460.16. Whenever the commission, after hearing, finds that  
23 any entity is operating as a taxicab carrier without a valid permit  
24 in violation of this chapter, the commission may impose a fine of  
25 not more than five thousand dollars (\$5,000) for each violation.  
26 The commission may assess the entity an amount sufficient to  
27 cover the reasonable expense of investigation incurred by the  
28 commission. The commission may assess interest on any fine or  
29 assessment imposed, to commence on the day the payment of the  
30 fine or assessment becomes delinquent. All fines, assessments,  
31 and interest collected shall be deposited at least once each month  
32 in the General Fund.

33 SEC. 14. Section 120269 of the Public Utilities Code is  
34 amended to read:

35 120269. (a) If the board licenses or regulates any transportation  
36 service, pursuant to Section 120266, or any passenger jitney  
37 service, pursuant to Section 120267, and the licensed or regulated  
38 service employs, or contracts with, any driver who (1) is not  
39 required to be tested for controlled substances and alcohol pursuant  
40 to Part 382 (commencing with Section 382.101) of Title 49 of the

1 Code of Federal Regulations, Section 1032.1 or 5457.22 of this  
2 code, or Section 34520 of the Vehicle Code, and (2) is not  
3 exempted under Section 34520 of the Vehicle Code, the board  
4 shall adopt, by ordinance or resolution, a mandatory controlled  
5 substance and alcohol testing certification program for those  
6 drivers.

7 (b) The program adopted pursuant to subdivision (a) shall meet  
8 substantially the requirements set forth in paragraph (3) of  
9 subdivision (b) of Section 53075.5 of the Government Code, as  
10 that paragraph read on December 31, 2016.

11 (c) Evidence derived from a positive test result collected  
12 pursuant to the program adopted under subdivision (a) shall not  
13 be admissible in a criminal prosecution concerning unlawful  
14 possession, sale, or distribution of controlled substances.

15 SEC. 15. Section 1808.1 of the Vehicle Code is amended to  
16 read:

17 1808.1. (a) The prospective employer of a driver who drives  
18 a vehicle specified in subdivision (k) shall obtain a report showing  
19 the driver's current public record as recorded by the department.  
20 For purposes of this subdivision, a report is current if it was issued  
21 less than 30 days prior to the date the employer employs the driver.  
22 The report shall be reviewed, signed, and dated by the employer  
23 and maintained at the employer's place of business until receipt  
24 of the pull-notice system report pursuant to subdivisions (b) and  
25 (c). These reports shall be presented upon request to an authorized  
26 representative of the Department of the California Highway Patrol  
27 during regular business hours.

28 (b) The employer of a driver who drives a vehicle specified in  
29 subdivision (k) shall participate in a pull-notice system, which is  
30 a process for the purpose of providing the employer with a report  
31 showing the driver's current public record as recorded by the  
32 department, and any subsequent convictions, failures to appear,  
33 accidents, driver's license suspensions, driver's license revocations,  
34 or any other actions taken against the driving privilege or  
35 certificate, added to the driver's record while the employer's  
36 notification request remains valid and uncanceled. As used in this  
37 section, participation in the pull-notice system means obtaining a  
38 requester code and enrolling all employed drivers who drive a  
39 vehicle specified in subdivision (k) under that requester code.

1 (c) The employer of a driver of a vehicle specified in subdivision  
2 (k) shall, additionally, obtain a periodic report from the department  
3 at least every 12 months. The employer shall verify that each  
4 employee's driver's license has not been suspended or revoked,  
5 the employee's traffic violation point count, and whether the  
6 employee has been convicted of a violation of Section 23152 or  
7 23153. The report shall be signed and dated by the employer and  
8 maintained at the employer's principal place of business. The  
9 report shall be presented upon demand to an authorized  
10 representative of the Department of the California Highway Patrol  
11 during regular business hours.

12 (d) Upon the termination of a driver's employment, the employer  
13 shall notify the department to discontinue the driver's enrollment  
14 in the pull-notice system.

15 (e) For the purposes of the pull-notice system and periodic report  
16 process required by subdivisions (b) and (c), an owner, other than  
17 an owner-operator as defined in Section 34624, and an employer  
18 who drives a vehicle described in subdivision (k) shall be enrolled  
19 as if he or she were an employee. A family member and a volunteer  
20 driver who drives a vehicle described in subdivision (k) shall also  
21 be enrolled as if he or she were an employee.

22 (f) An employer who, after receiving a driving record pursuant  
23 to this section, employs or continues to employ as a driver a person  
24 against whom a disqualifying action has been taken regarding his  
25 or her driving privilege or required driver's certificate, is guilty of  
26 a public offense, and upon conviction thereof, shall be punished  
27 by confinement in a county jail for not more than six months, by  
28 a fine of not more than one thousand dollars (\$1,000), or by both  
29 that confinement and fine.

30 (g) As part of its inspection of bus maintenance facilities and  
31 terminals required at least once every 13 months pursuant to  
32 subdivision (c) of Section 34501, the Department of the California  
33 Highway Patrol shall determine whether each transit operator, as  
34 defined in Section 99210 of the Public Utilities Code, is then in  
35 compliance with this section and Section 12804.6, and shall certify  
36 each operator found to be in compliance. Funds shall not be  
37 allocated pursuant to Chapter 4 (commencing with Section 99200)  
38 of Part 11 of Division 10 of the Public Utilities Code to a transit  
39 operator that the Department of the California Highway Patrol has  
40 not certified pursuant to this section.

1 (h) (1) A request to participate in the pull-notice system  
2 established by this section shall be accompanied by a fee  
3 determined by the department to be sufficient to defray the entire  
4 actual cost to the department for the notification service. For the  
5 receipt of subsequent reports, the employer shall also be charged  
6 a fee established by the department pursuant to Section 1811. An  
7 employer who qualifies pursuant to Section 1812 shall be exempt  
8 from any fee required pursuant to this section. Failure to pay the  
9 fee shall result in automatic cancellation of the employer's  
10 participation in the notification services.

11 (2) A regularly organized fire department, having official  
12 recognition of the city, county, city and county, or district in which  
13 the department is located, shall participate in the pull-notice  
14 program and shall not be subject to the fee established pursuant  
15 to this subdivision.

16 (3) The Board of Pilot Commissioners for Monterey Bay and  
17 the Bays of San Francisco, San Pablo, and Suisun, and its port  
18 agent shall participate in the pull-notice system established by this  
19 section, subject to Section 1178.5 of the Harbors and Navigation  
20 Code, and shall not be subject to the fees established pursuant to  
21 this subdivision.

22 (i) The department, as soon as feasible, may establish an  
23 automatic procedure to provide the periodic reports to an employer  
24 by mail or via an electronic delivery method, as required by  
25 subdivision (c), on a regular basis without the need for individual  
26 requests.

27 (j) (1) The employer of a driver who is employed as a casual  
28 driver is not required to enter that driver's name in the pull-notice  
29 system, as otherwise required by subdivision (a). However, the  
30 employer of a casual driver shall be in possession of a report of  
31 the driver's current public record as recorded by the department,  
32 prior to allowing a casual driver to drive a vehicle specified in  
33 subdivision (k). A report is current if it was issued less than six  
34 months prior to the date the employer employs the driver.

35 (2) For the purposes of this subdivision, a driver is employed  
36 as a casual driver when the employer has employed the driver less  
37 than 30 days during the preceding six months. "Casual driver"  
38 does not include a driver who operates a vehicle that requires a  
39 passenger transportation endorsement.

1 (k) This section applies to a vehicle for the operation of which  
2 the driver is required to have a class A or class B driver's license,  
3 a class C license with any endorsement issued pursuant to Section  
4 15278, a class C license issued pursuant to Section 12814.7, or a  
5 certificate issued pursuant to Section 12517, 12519, 12520, 12523,  
6 12523.5, or 12527, a passenger vehicle having a seating capacity  
7 of not more than 10 persons, including the driver, operated for  
8 compensation by a charter-party carrier of passengers or passenger  
9 stage corporation pursuant to a certificate of public convenience  
10 and necessity or a permit issued by the Public Utilities  
11 Commission, or a taxicab as defined in subdivision (b) of Section  
12 27908.

13 (l) This section shall not be construed to change the definition  
14 of "employer," "employee," or "independent contractor" for any  
15 purpose.

16 (m) A motor carrier who contracts with a person to drive a  
17 vehicle described in subdivision (k) that is owned by, or leased to,  
18 that motor carrier, shall be subject to subdivisions (a), (b), (c), (d),  
19 (f), (j), (k), and (l) and the employer obligations in those  
20 subdivisions.

21 SEC. 16. Section 12523.6 of the Vehicle Code is amended to  
22 read:

23 12523.6. (a) (1) On and after March 1, 1998, no person who  
24 is employed primarily as a driver of a motor vehicle that is used  
25 for the transportation of persons with developmental disabilities,  
26 as defined in subdivision (a) of Section 4512 of the Welfare and  
27 Institutions Code, shall operate that motor vehicle unless that  
28 person has in his or her possession a valid driver's license of the  
29 appropriate class and a valid special driver certificate issued by  
30 the department.

31 (2) This subdivision only applies to a person who is employed  
32 by a business, a nonprofit organization, or a state or local public  
33 agency.

34 (b) The special driver certificate shall be issued only to an  
35 applicant who has cleared a criminal history background check by  
36 the Department of Justice and, if applicable, by the Federal Bureau  
37 of Investigation.

38 (1) In order to determine the applicant's suitability as the driver  
39 of a vehicle used for the transportation of persons with  
40 developmental disabilities, the Department of the California

1 Highway Patrol shall require the applicant to furnish to that  
2 department, on a form provided or approved by that department  
3 for submission to the Department of Justice, a full set of  
4 fingerprints sufficient to enable a criminal background  
5 investigation.

6 (2) Except as provided in paragraph (3), an applicant shall  
7 furnish to the Department of the California Highway Patrol  
8 evidence of having resided in this state for seven consecutive years  
9 immediately prior to the date of application for the certificate.

10 (3) If an applicant is unable to furnish the evidence required  
11 under paragraph (2), the Department of the California Highway  
12 Patrol shall require the applicant to furnish an additional full set  
13 of fingerprints. That department shall submit those fingerprint  
14 cards to the Department of Justice. The Department of Justice  
15 shall, in turn, submit the additional full set of fingerprints required  
16 under this paragraph to the Federal Bureau of Investigation for a  
17 national criminal history record check.

18 (4) Applicant fingerprint forms shall be processed and returned  
19 to the area office of the Department of the California Highway  
20 Patrol from which they originated not later than 15 working days  
21 from the date on which the fingerprint forms were received by the  
22 Department of Justice, unless circumstances, other than the  
23 administrative duties of the Department of Justice, warrant further  
24 investigation. Upon implementation of an electronic fingerprinting  
25 system with terminals located statewide and managed by the  
26 Department of Justice, the Department of Justice shall ascertain  
27 the information required pursuant to this subdivision within three  
28 working days.

29 (5) The applicant shall pay, in addition to the fees authorized  
30 in Section 2427, a fee of twenty-five dollars (\$25) for an original  
31 certificate and twelve dollars (\$12) for the renewal of that  
32 certificate to the Department of the California Highway Patrol.

33 (c) A certificate issued under this section shall not be deemed  
34 a certification to operate a particular vehicle that otherwise requires  
35 a driver's license or endorsement for a particular class under this  
36 code.

37 (d) On or after March 1, 1998, no person who operates a  
38 business or a nonprofit organization or agency shall employ a  
39 person who is employed primarily as a driver of a motor vehicle  
40 for hire that is used for the transportation of persons with

1 developmental disabilities unless the employed person operates  
2 the motor vehicle in compliance with subdivision (a).

3 (e) Nothing in this section precludes an employer of persons  
4 who are occasionally used as drivers of motor vehicles for the  
5 transportation of persons with developmental disabilities from  
6 requiring those persons, as a condition of employment, to obtain  
7 a special driver certificate pursuant to this section or precludes any  
8 volunteer driver from applying for a special driver certificate.

9 (f) As used in this section, a person is employed primarily as a  
10 driver if that person performs at least 50 percent of his or her time  
11 worked including, but not limited to, time spent assisting persons  
12 onto and out of the vehicle, or at least 20 hours a week, whichever  
13 is less, as a compensated driver of a motor vehicle for hire for the  
14 transportation of persons with developmental disabilities.

15 (g) This section does not apply to any person who has  
16 successfully completed a background investigation prescribed by  
17 law, including, but not limited to, health care transport vehicle  
18 operators, or to the operator of a taxicab regulated pursuant to  
19 Chapter 8.5 (commencing with Section 5451) of Division 2 of the  
20 Public Utilities Code. This section does not apply to a person who  
21 holds a valid certificate, other than a farm labor vehicle driver  
22 certificate, issued under Section 12517.4 or 12527. This section  
23 does not apply to a driver who provides transportation on a  
24 noncommercial basis to persons with developmental disabilities.

25 ~~SEC. 17. Section 16500 of the Vehicle Code is amended to~~  
26 ~~read:~~

27 ~~16500. Every owner of a vehicle used in the transportation of~~  
28 ~~passengers for hire, when the operation of the vehicle is not subject~~  
29 ~~to regulation by the Public Utilities Commission, shall maintain,~~  
30 ~~whenever he or she may be engaged in conducting those operations,~~  
31 ~~proof of financial responsibility resulting from the ownership or~~  
32 ~~operation of the vehicle and arising by reason of personal injury~~  
33 ~~to, or death of, any one person, of at least fifteen thousand dollars~~  
34 ~~(\$15,000), and, subject to the limit of fifteen thousand dollars~~  
35 ~~(\$15,000) for each person injured or killed, of at least thirty~~  
36 ~~thousand dollars (\$30,000) for the injury to, or the death of, two~~  
37 ~~or more persons in any one accident, and for damages to property~~  
38 ~~of at least five thousand dollars (\$5,000) resulting from any one~~  
39 ~~accident. Proof of financial responsibility may be maintained by~~  
40 ~~either:~~



1 ~~(a) Being insured under a motor vehicle liability policy against~~  
2 ~~that liability.~~

3 ~~(b) Obtaining a bond of the same kind, and containing the same~~  
4 ~~provisions, as those bonds specified in Section 16434.~~

5 ~~(c) By depositing with the department thirty-five thousand~~  
6 ~~dollars (\$35,000), which amount shall be deposited in a special~~  
7 ~~deposit account with the Controller for the purpose of this section.~~

8 ~~(d) Qualifying as a self-insurer under Section 16053.~~

9 ~~The department shall return the deposit to the person entitled~~  
10 ~~thereto when he or she is no longer required to maintain proof of~~  
11 ~~financial responsibility as required by this section or upon his or~~  
12 ~~her death.~~

13 ~~A taxicab carrier regulated by the City and County of San~~  
14 ~~Francisco or its airport authority shall comply with the insurance~~  
15 ~~requirements of Section 5455 of the Public Utilities Code.~~

16 ~~SEC. 18.~~

17 *SEC. 17.* Section 21100 of the Vehicle Code is amended to  
18 read:

19 21100. Local authorities may adopt rules and regulations by  
20 ordinance or resolution regarding all of the following matters:

21 (a) Regulating or prohibiting processions or assemblages on the  
22 highways.

23 (b) Regulating traffic by means of traffic officers.

24 (c) Regulating traffic by means of official traffic control devices  
25 meeting the requirements of Section 21400.

26 (d) (1) Regulating traffic by means of a person given temporary  
27 or permanent appointment for that duty by the local authority when  
28 official traffic control devices are disabled or otherwise inoperable,  
29 at the scenes of accidents or disasters, or at locations as may require  
30 traffic direction for orderly traffic flow.

31 (2) A person shall not be appointed pursuant to this subdivision  
32 unless and until the local authority has submitted to the  
33 commissioner or to the chief law enforcement officer exercising  
34 jurisdiction in the enforcement of traffic laws within the area in  
35 which the person is to perform the duty, for review, a proposed  
36 program of instruction for the training of a person for that duty,  
37 and unless and until the commissioner or other chief law  
38 enforcement officer approves the proposed program. The  
39 commissioner or other chief law enforcement officer shall approve  
40 a proposed program if he or she reasonably determines that the

1 program will provide sufficient training for persons assigned to  
2 perform the duty described in this subdivision.

3 (e) Regulating traffic at the site of road or street construction  
4 or maintenance by persons authorized for that duty by the local  
5 authority.

6 (f) (1) Licensing and regulating the operation of tow truck  
7 service or tow truck drivers whose principal place of business or  
8 employment is within the jurisdiction of the local authority,  
9 excepting the operation and operators of any auto dismantlers' tow  
10 vehicle licensed under Section 11505 or any tow truck operated  
11 by a repossessing agency licensed under Chapter 11 (commencing  
12 with Section 7500) of Division 3 of the Business and Professions  
13 Code and its registered employees.

14 (2) The Legislature finds that the safety and welfare of the  
15 general public is promoted by permitting local authorities to  
16 regulate tow truck service companies and operators by requiring  
17 licensure, insurance, and proper training in the safe operation of  
18 towing equipment, thereby ensuring against towing mistakes that  
19 may lead to violent confrontation, stranding motorists in dangerous  
20 situations, impeding the expedited vehicle recovery, and wasting  
21 state and local law enforcement's limited resources.

22 (3) This subdivision does not limit the authority of a city or city  
23 and county pursuant to Section 12111.

24 (g) Operation of bicycles, and, as specified in Section 21114.5,  
25 electric carts by physically disabled persons, or persons 50 years  
26 of age or older, on public sidewalks.

27 (h) Providing for the appointment of nonstudent school crossing  
28 guards for the protection of persons who are crossing a street or  
29 highway in the vicinity of a school or while returning thereafter  
30 to a place of safety.

31 (i) Regulating the methods of deposit of garbage and refuse in  
32 streets and highways for collection by the local authority or by  
33 any person authorized by the local authority.

34 (j) (1) Regulating cruising.

35 (2) The ordinance or resolution adopted pursuant to this  
36 subdivision shall regulate cruising, which is the repetitive driving  
37 of a motor vehicle past a traffic control point in traffic that is  
38 congested at or near the traffic control point, as determined by the  
39 ranking peace officer on duty within the affected area, within a  
40 specified time period and after the vehicle operator has been given

1 an adequate written notice that further driving past the control  
2 point will be a violation of the ordinance or resolution.

3 (3) A person is not in violation of an ordinance or resolution  
4 adopted pursuant to this subdivision unless both of the following  
5 apply:

6 (A) That person has been given the written notice on a previous  
7 driving trip past the control point and then again passes the control  
8 point in that same time interval.

9 (B) The beginning and end of the portion of the street subject  
10 to cruising controls are clearly identified by signs that briefly and  
11 clearly state the appropriate provisions of this subdivision and the  
12 local ordinance or resolution on cruising.

13 (k) Regulating or authorizing the removal by peace officers of  
14 vehicles unlawfully parked in a fire lane, as described in Section  
15 22500.1, on private property. A removal pursuant to this  
16 subdivision shall be consistent, to the extent possible, with the  
17 procedures for removal and storage set forth in Chapter 10  
18 (commencing with Section 22650).

19 (l) Regulating mobile billboard advertising displays, as defined  
20 in Section 395.5, including the establishment of penalties, which  
21 may include, but are not limited to, removal of the mobile billboard  
22 advertising display, civil penalties, and misdemeanor criminal  
23 penalties, for a violation of the ordinance or resolution. The  
24 ordinance or resolution may establish a minimum distance that a  
25 mobile billboard advertising display shall be moved after a  
26 specified time period.

27 (m) Licensing and regulating the operation of pedicabs for hire,  
28 as defined in Section 467.5, and operators of pedicabs for hire,  
29 including requiring one or more of the following documents:

30 (1) A valid California driver's license.

31 (2) Proof of successful completion of a bicycle safety training  
32 course certified by the League of American Bicyclists or an  
33 equivalent organization as determined by the local authority.

34 (3) A valid California identification card and proof of successful  
35 completion of the written portion of the California driver's license  
36 examination administered by the department. The department shall  
37 administer, without charging a fee, the original driver's license  
38 written examination on traffic laws and signs to a person who  
39 states that he or she is, or intends to become, a pedicab operator,  
40 and who holds a valid California identification card or has

1 successfully completed an application for a California identification  
2 card. If the person achieves a passing score on the examination,  
3 the department shall issue a certificate of successful completion  
4 of the examination, bearing the person's name and identification  
5 card number. The certificate shall not serve in lieu of successful  
6 completion of the required examination administered as part of  
7 any subsequent application for a driver's license. The department  
8 is not required to enter the results of the examination into the  
9 computerized record of the person's identification card or otherwise  
10 retain a record of the examination or results.

11 (n) (1) This section does not authorize a local authority to enact  
12 or enforce an ordinance or resolution that establishes a violation  
13 if a violation for the same or similar conduct is provided in this  
14 code, nor does it authorize a local authority to enact or enforce an  
15 ordinance or resolution that assesses a fine, penalty, assessment,  
16 or fee for a violation if a fine, penalty, assessment, or fee for a  
17 violation involving the same or similar conduct is provided in this  
18 code.

19 (2) This section does not preclude a local authority from enacting  
20 parking ordinances pursuant to existing authority in Chapter 9  
21 (commencing with Section 22500) of Division 11.

22 (o) (1) Regulating advertising signs on motor vehicles parked  
23 or left standing upon a public street. The ordinance or resolution  
24 may establish a minimum distance that the advertising sign shall  
25 be moved after a specified time period.

26 (2) Paragraph (1) does not apply to any of the following:

27 (A) Advertising signs that are permanently affixed to the body  
28 of, an integral part of, or a fixture of a motor vehicle for permanent  
29 decoration, identification, or display and that do not extend beyond  
30 the overall length, width, or height of the vehicle.

31 (B) If the license plate frame is installed in compliance with  
32 Section 5201, paper advertisements issued by a dealer contained  
33 within that license plate frame or any advertisements on that license  
34 plate frame.

35 (3) As used in paragraph (2), "permanently affixed" means any  
36 of the following:

37 (A) Painted directly on the body of a motor vehicle.

38 (B) Applied as a decal on the body of a motor vehicle.

39 (C) Placed in a location on the body of a motor vehicle that was  
40 specifically designed by a vehicle manufacturer as defined in

1 Section 672 and licensed pursuant to Section 11701, in compliance  
2 with both state and federal law or guidelines, for the express  
3 purpose of containing an advertising sign.

4 ~~SEC. 19.~~

5 *SEC. 18.* Section 21100.4 of the Vehicle Code is amended to  
6 read:

7 21100.4. (a) (1) A magistrate presented with the affidavit of  
8 a peace officer establishing reasonable cause to believe that a  
9 vehicle, described by vehicle type and license number, is being  
10 operated as a taxicab or other passenger vehicle for hire in violation  
11 of Chapter 8.5 (commencing with Section 5451) of Division 2 of  
12 the Public Utilities Code or in violation of an ordinance of the City  
13 and County of San Francisco or its airport authority shall issue a  
14 warrant or order authorizing the peace officer to immediately seize  
15 and cause the removal of the vehicle.

16 (2) The warrant or court order may be entered into a  
17 computerized database.

18 (3) A vehicle so impounded may be impounded for a period not  
19 to exceed 30 days.

20 (4) The impounding agency, within two working days of  
21 impoundment, shall send a notice by certified mail, return receipt  
22 requested, to the legal owner of the vehicle, at an address obtained  
23 from the department, informing the owner that the vehicle has  
24 been impounded and providing the owner with a copy of the  
25 warrant or court order. Failure to notify the legal owner within  
26 two working days shall prohibit the impounding agency from  
27 charging for more than 15 days' impoundment when a legal owner  
28 redeems the impounded vehicle. The law enforcement agency shall  
29 be open to issue a release to the registered owner or legal owner,  
30 or the agent of either, whenever the agency is open to serve the  
31 public for regular, nonemergency business.

32 (b) (1) An impounding agency shall release a vehicle to the  
33 registered owner or his or her agent prior to the end of the  
34 impoundment period and without the permission of the magistrate  
35 authorizing the vehicle's seizure under any of the following  
36 circumstances:

37 (A) When the vehicle is a stolen vehicle.

38 (B) When the vehicle was seized under this section for an  
39 offense that does not authorize the seizure of the vehicle.

40 (C) When the vehicle is a rental car.

1 (2) A vehicle may not be released under this subdivision, except  
2 upon presentation of the registered owner's or agent's currently  
3 valid permit to operate the vehicle under the requirements of  
4 Chapter 8.5 (commencing with Section 5451) of Division 2 of the  
5 Public Utilities Code or an ordinance of the City and County of  
6 San Francisco or its airport authority, and proof of current vehicle  
7 registration, or upon order of the court.

8 (c) (1) Whenever a vehicle is impounded under this section,  
9 the magistrate ordering the storage shall provide the vehicle's  
10 registered and legal owners of record, or their agents, with the  
11 opportunity for a poststorage hearing to determine the validity of  
12 the storage.

13 (2) A notice of the storage shall be mailed or personally  
14 delivered to the registered and legal owners within 48 hours after  
15 issuance of the warrant or court order, excluding weekends and  
16 holidays, by the person or agency executing the warrant or court  
17 order, and shall include all of the following information:

18 (A) The name, address, and telephone number of the agency  
19 providing the notice.

20 (B) The location of the place of storage and a description of the  
21 vehicle, which shall include, if available, the name or make, the  
22 manufacturer, the license plate number, and the mileage of the  
23 vehicle.

24 (C) A copy of the warrant or court order and the peace officer's  
25 affidavit, as described in subdivision (a).

26 (D) A statement that, in order to receive their poststorage  
27 hearing, the owners, or their agents, are required to request the  
28 hearing from the magistrate issuing the warrant or court order in  
29 person, in writing, or by telephone, within 10 days of the date of  
30 the notice.

31 (3) The poststorage hearing shall be conducted within two court  
32 days after receipt of the request for the hearing.

33 (4) At the hearing, the magistrate may order the vehicle released  
34 if he or she finds any of the circumstances described in subdivision  
35 (b) or (e) that allow release of a vehicle by the impounding agency.

36 (5) Failure of either the registered or legal owner, or his or her  
37 agent, to request, or to attend, a scheduled hearing satisfies the  
38 poststorage hearing requirement.

39 (6) The agency employing the peace officer who caused the  
40 magistrate to issue the warrant or court order shall be responsible

1 for the costs incurred for towing and storage if it is determined in  
2 the poststorage hearing that reasonable grounds for the storage are  
3 not established.

4 (d) The registered owner or his or her agent is responsible for  
5 all towing and storage charges related to the impoundment, and  
6 any administrative charges authorized under Section 22850.5.

7 (e) A vehicle removed and seized under subdivision (a) shall  
8 be released to the legal owner of the vehicle or the legal owner's  
9 agent prior to the end of the impoundment period and without the  
10 permission of the magistrate authorizing the seizure of the vehicle  
11 if all of the following conditions are met:

12 (1) The legal owner is a motor vehicle dealer, bank, credit union,  
13 acceptance corporation, or other licensed financial institution  
14 legally operating in this state or is another person, not the registered  
15 owner, holding a security interest in the vehicle.

16 (2) (A) The legal owner or the legal owner's agent pays all  
17 towing and storage fees related to the seizure of the vehicle. A lien  
18 sale processing fee shall not be charged to the legal owner who  
19 redeems the vehicle prior to the 15th day of impoundment. Neither  
20 the impounding authority nor any person having possession of the  
21 vehicle shall collect from the legal owner of the type specified in  
22 paragraph (1), or the legal owner's agent, any administrative  
23 charges imposed pursuant to Section 22850.5 unless the legal  
24 owner voluntarily requested a poststorage hearing.

25 (B) A person operating or in charge of a storage facility where  
26 vehicles are stored pursuant to this section shall accept a valid  
27 bank credit card or cash for payment of towing, storage, and related  
28 fees by a legal or registered owner or the owner's agent claiming  
29 the vehicle. A credit card shall be in the name of the person  
30 presenting the card. "Credit card" means "credit card" as defined  
31 in subdivision (a) of Section 1747.02 of the Civil Code, except,  
32 for the purposes of this section, credit card does not include a credit  
33 card issued by a retail seller.

34 (C) A person operating or in charge of a storage facility  
35 described in subparagraph (B) who violates subparagraph (B) shall  
36 be civilly liable to the owner of the vehicle or to the person who  
37 tendered the fees for four times the amount of the towing, storage,  
38 and related fees, but not to exceed five hundred dollars (\$500).

39 (D) A person operating or in charge of a storage facility  
40 described in subparagraph (B) shall have sufficient funds on the

1 premises of the primary storage facility during normal business  
2 hours to accommodate, and make change in, a reasonable monetary  
3 transaction.

4 (E) Credit charges for towing and storage services shall comply  
5 with Section 1748.1 of the Civil Code. Law enforcement agencies  
6 may include the costs of providing for payment by credit when  
7 making agreements with towing companies on rates.

8 (3) (A) The legal owner or the legal owner's agent presents to  
9 the law enforcement agency or impounding agency, or any person  
10 acting on behalf of those agencies, a copy of the assignment, as  
11 defined in subdivision (b) of Section 7500.1 of the Business and  
12 Professions Code; a release from the one responsible governmental  
13 agency, only if required by the agency; a government-issued  
14 photographic identification card; and any one of the following as  
15 determined by the legal owner or the legal owner's agent: a  
16 certificate of repossession for the vehicle, a security agreement  
17 for the vehicle, or title, whether paper or electronic, showing proof  
18 of legal ownership for the vehicle. The law enforcement agency,  
19 impounding agency, or any other governmental agency, or any  
20 person acting on behalf of those agencies, shall not require the  
21 presentation of any other documents.

22 (B) The legal owner or the legal owner's agent presents to the  
23 person in possession of the vehicle, or any person acting on behalf  
24 of the person in possession, a copy of the assignment, as defined  
25 in subdivision (b) of Section 7500.1 of the Business and  
26 Professions Code; a release from the one responsible governmental  
27 agency, only if required by the agency; a government-issued  
28 photographic identification card; and any one of the following as  
29 determined by the legal owner or the legal owner's agent: a  
30 certificate of repossession for the vehicle, a security agreement  
31 for the vehicle, or title, whether paper or electronic, showing proof  
32 of legal ownership for the vehicle. The person in possession of the  
33 vehicle, or any person acting on behalf of the person in possession,  
34 shall not require the presentation of any other documents.

35 (C) All presented documents may be originals, photocopies, or  
36 facsimile copies, or may be transmitted electronically. The law  
37 enforcement agency, impounding agency, or any person in  
38 possession of the vehicle, or anyone acting on behalf of them, shall  
39 not require any documents to be notarized. The law enforcement  
40 agency, impounding agency, or any person acting on behalf of



1 those agencies, may require the agent of the legal owner to produce  
2 a photocopy or facsimile copy of its repossession agency license  
3 or registration issued pursuant to Chapter 11 (commencing with  
4 Section 7500) of Division 3 of the Business and Professions Code,  
5 or to demonstrate, to the satisfaction of the law enforcement  
6 agency, impounding agency, or any person in possession of the  
7 vehicle, or anyone acting on behalf of them, that the agent is  
8 exempt from licensure pursuant to Section 7500.2 or 7500.3 of the  
9 Business and Professions Code.

10 (D) An administrative cost authorized under subdivision (a) of  
11 Section 22850.5 shall not be charged to the legal owner of the type  
12 specified in paragraph (1) who redeems the vehicle unless the legal  
13 owner voluntarily requests a poststorage hearing. A city, county,  
14 city and county, or state agency shall not require a legal owner or  
15 a legal owner's agent to request a poststorage hearing as a  
16 requirement for release of the vehicle to the legal owner or the  
17 legal owner's agent. The law enforcement agency, impounding  
18 agency, or any other governmental agency, or any person acting  
19 on behalf of those agencies, shall not require any documents other  
20 than those specified in this paragraph. The law enforcement agency,  
21 impounding agency, or other governmental agency, or any person  
22 acting on behalf of those agencies, may not require any documents  
23 to be notarized. The legal owner or the legal owner's agent shall  
24 be given a copy of any documents he or she is required to sign,  
25 except for a vehicle evidentiary hold logbook. The law enforcement  
26 agency, impounding agency, or any person acting on behalf of  
27 those agencies, or any person in possession of the vehicle, may  
28 photocopy and retain the copies of any documents presented by  
29 the legal owner or legal owner's agent.

30 (4) A failure by a storage facility to comply with any applicable  
31 conditions set forth in this subdivision shall not affect the right of  
32 the legal owner or the legal owner's agent to retrieve the vehicle,  
33 provided all conditions required of the legal owner or legal owner's  
34 agent under this subdivision are satisfied.

35 (f) (1) A legal owner or the legal owner's agent that obtains  
36 release of the vehicle pursuant to subdivision (e) shall not release  
37 the vehicle to the registered owner of the vehicle or the person  
38 who was listed as the registered owner when the vehicle was  
39 impounded or any agents of the registered owner until the  
40 termination of the impoundment period.

1 (2) The legal owner or the legal owner's agent shall not  
2 relinquish the vehicle to the registered owner or the person who  
3 was listed as the registered owner when the vehicle was impounded  
4 until the registered owner or that owner's agent presents his or her  
5 valid driver's license or valid temporary driver's license, and an  
6 operator's permit that is in compliance with the requirements of  
7 Chapter 8.5 (commencing with Section 5451) of Division 2 of the  
8 Public Utilities Code or an ordinance of the City and County of  
9 San Francisco or its airport authority, to the legal owner or the  
10 legal owner's agent. The legal owner or the legal owner's agent  
11 or the person in possession of the vehicle shall make every  
12 reasonable effort to ensure that the license and permit presented  
13 are valid and possession of the vehicle will not be given to the  
14 driver who was involved in the original impoundment proceeding  
15 until the expiration of the impoundment period.

16 (3) Prior to relinquishing the vehicle, the legal owner may  
17 require the registered owner to pay all towing and storage charges  
18 related to the impoundment and the administrative charges  
19 authorized under Section 22850.5 that were incurred by the legal  
20 owner in connection with obtaining the custody of the vehicle.

21 (4) Any legal owner who knowingly releases or causes the  
22 release of a vehicle to a registered owner or the person in  
23 possession of the vehicle at the time of the impoundment or any  
24 agent of the registered owner in violation of this subdivision shall  
25 be guilty of a misdemeanor and subject to a civil penalty in the  
26 amount of two thousand dollars (\$2,000).

27 (5) The legal owner, registered owner, or person in possession  
28 of the vehicle shall not change or attempt to change the name of  
29 the legal owner or the registered owner on the records of the  
30 department until the vehicle is released from the impoundment.

31 (g) Notwithstanding any other provision of this section, the  
32 registered owner and not the legal owner shall remain responsible  
33 for any towing and storage charges related to the impoundment  
34 and the administrative charges authorized under Section 22850.5  
35 and any parking fines, penalties, and administrative fees incurred  
36 by the registered owner.

37 (h) The law enforcement agency and the impounding agency,  
38 including any storage facility acting on behalf of the law  
39 enforcement agency or impounding agency, shall comply with this  
40 section and shall not be liable to the registered owner for the

1 improper release of the vehicle to the legal owner or the legal  
2 owner’s agent if the release complies with this section. The legal  
3 owner shall indemnify and hold harmless a storage facility from  
4 any claims arising out of the release of the vehicle to the legal  
5 owner or the legal owner’s agent and from any damage to the  
6 vehicle after its release, including the reasonable costs associated  
7 with defending any such claims. A law enforcement agency shall  
8 not refuse to issue a release to a legal owner or the agent of a legal  
9 owner on the grounds that it previously issued a release.

10 ~~SEC. 20.~~

11 *SEC. 19.* Section 27908 of the Vehicle Code is amended to  
12 read:

13 27908. (a) In every taxicab operated in this state there shall  
14 be a sign of heavy material, not smaller than 6 inches by 4 inches,  
15 or such other size as the Public Utilities Commission, or other  
16 regulating agency pursuant to Section 5451.3 of the Public Utilities  
17 Code, provides for other notices or signs required to be in every  
18 taxicab, securely attached and clearly displayed in view of the  
19 passenger at all times, providing in letters as large as the size of  
20 the sign will reasonably allow, all of the following information:

21 (1) The name, address, and telephone number of the applicable  
22 unit of the Public Utilities Commission or other regulating agency  
23 that regulates the operation of the taxicab.

24 (2) The name, address, and telephone number of the taxicab  
25 carrier that has been issued a permit to provide taxicab  
26 transportation services by the Public Utilities Commission or other  
27 regulating agency.

28 (b) As used in this section, “taxicab” means a passenger motor  
29 vehicle designed for carrying not more than eight persons,  
30 excluding the driver, and used to carry passengers for hire as part  
31 of taxicab transportation services regulated pursuant to Chapter  
32 8.5 (commencing with Section 5451) of Division 2 of the Public  
33 Utilities Code or by another regulating agency pursuant to Section  
34 5451.3 of the Public Utilities Code. “Taxicab” shall not include a  
35 charter-party carrier of passengers within the meaning of the  
36 Passenger Charter-party Carriers’ Act (Chapter 8 (commencing  
37 with Section 5351) of Division 2 of the Public Utilities Code).

38 ~~SEC. 21.~~

39 *SEC. 20.* No reimbursement is required by this act pursuant to  
40 Section 6 of Article XIII B of the California Constitution for certain

1 costs that may be incurred by a local agency or school district  
2 because, in that regard, this act creates a new crime or infraction,  
3 eliminates a crime or infraction, or changes the penalty for a crime  
4 or infraction, within the meaning of Section 17556 of the  
5 Government Code, or changes the definition of a crime within the  
6 meaning of Section 6 of Article XIII B of the California  
7 Constitution.

8 However, if the Commission on State Mandates determines that  
9 this act contains other costs mandated by the state, reimbursement  
10 to local agencies and school districts for those costs shall be made  
11 pursuant to Part 7 (commencing with Section 17500) of Division  
12 4 of Title 2 of the Government Code.

O