

File No. 160696

Committee Item No. _____

Board Item No. 35

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____
Board of Supervisors Meeting

Date: _____
Date: June 28, 2016

Cmte Board

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OTHER

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|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>CA State Assembly Bill 650 - As amended June 23, 2016</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>CA State Assembly Bill 650 - As amended May 27, 2016</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Comment Letters</u> |
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Prepared by: John Carroll
Prepared by: _____

Date: June 24, 2016
Date: _____

1 [Urging California State Legislators to Amend or Oppose California State Assembly Bill 650
2 (Low) in Recognition of Negative Impact on Local Transportation Services and Consumer
3 Safety Protection]

4 **Resolution urging California state legislators to amend or oppose California State**
5 **Assembly Bill 650 (Low) in recognition of negative impacts on local transportation**
6 **services and consumer safety protection.**

7
8 WHEREAS, California Government Code, Section 53075.5. (a) provides every city or
9 county shall protect the public health, safety, and welfare by adopting an ordinance or
10 resolution in regard to taxicab transportation service which is operated within the jurisdiction of
11 the city or county; and

12 WHEREAS, Pursuant to the Charter of the City and County of San Francisco, the San
13 Francisco Municipal Transportation Agency (SFMTA) regulates taxicab transportation
14 services in the City; and

15 WHEREAS, The purpose of taxi regulation by the SFMTA is to improve taxi service to
16 the public and to protect the public health and safety while providing such service; and

17 WHEREAS, Assembly Member Evan Low has introduced Assembly Bill 650 (AB 650),
18 which would repeal California Government Code, Section 53075.5 and take away taxi
19 regulation authority from cities and counties and transfer the authority to the California Public
20 Utilities Commission (CPUC), with the exception of taxicab transportation originating in the
21 City and County of San Francisco or San Francisco International Airport; and

22 WHEREAS, AB 650 would exempt the City and County of San Francisco and San
23 Francisco International Airport, and remove fair and consistent safety and security
24 requirements, including standardized drug and alcohol testing requirements that should also
25 be imposed on transportation services in other cities and counties; and

1 WHEREAS, AB 650 would eliminate the ability of cities or counties to regulate taxis
2 according to their perception of the public's needs, priorities and interests; and

3 WHEREAS, AB 650 also amends California Vehicle Code, Section 21100 to eliminate
4 explicit language granting local entities the authority to regulate motor vehicles for hire, and
5 would also impact their authority to regulate local shuttles; and

6 WHEREAS, The CPUC would inherit taxi regulation everywhere but San Francisco,
7 has shown itself to be ineffective in regulating charter-party carriers (CPCs), including
8 Transportation Network Companies (TNCs), and lacks the capacity to perform adequate
9 enforcement against violations of the laws and rules governing CPCs; and

10 WHEREAS, The CPUC, in its regulation of TNCs, has ignored matters of extreme
11 importance to the City and County of San Francisco, and other cities and counties around the
12 State, particularly the provision of transportation service to the people with disabilities; and

13 WHEREAS, AB 650 would remove any limits on the number of taxis which allow
14 unlimited numbers of vehicles to act commercially with no clean air requirement, and ignore
15 environmental and local congestion management goals; and

16 WHEREAS, AB 650 would result in the de facto deregulation of the taxi industry, which,
17 could negatively impact the quality of taxi service and consumer safety; and

18 WHEREAS, Further amendments to the bill, or amendments to the Taxi Transportation
19 Services Act in future years could eliminate San Francisco's special status and bring it in line
20 with the rest of the state, to the detriment of the public and the City and County of San
21 Francisco; and

22 WHEREAS, In certain parts of the state, taxi companies and drivers that operate in
23 more than one city are forced to obtain multiple permits and pay multiple fees to provide
24 service across municipal boundaries; and
25

1 WHEREAS, The need for multiple permits can be greatly reduced if not eliminated by
2 providing that counties, rather than cities, shall have the authority to regulate taxi
3 transportation service; and

4 WHEREAS, Local regulation of taxicab transportation services serves vital interests of
5 the public and of the City and County of San Francisco by, among other regulations, requiring
6 minimum liability insurance coverage of \$1,000,000 providing service to the disabled
7 community through the Paratransit Program, limiting taxi charges by setting maximum rates of
8 fare, and restricting greenhouse gas emissions by taxicab color schemes; now, therefore, be it

9 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
10 respectfully urges the California Legislature to amend or oppose AB 650; and, it is

11 FURTHER RESOLVED, That the Board of Supervisors hereby directs the Clerk of the
12 Board to transmit this resolution to the respective offices of the San Francisco Legislative
13 Delegation and City Lobbyists upon final passage.

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

Introduced by Assembly Member Low

February 24, 2015

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 Article 8. Vehicle Inspection

19
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.

9
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.

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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

Introduced by Assembly Member Low

February 24, 2015

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 regulation of taxicab transportation services by the commission as a matter of statewide ~~concern~~ *concern, 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 taxicab drivers.* The bill would provide for issuance of permits by the commission *in all other areas of the state* to taxicab carriers authorizing carriers to operate in one or more of ~~7~~ *6* designated regions in the state. The bill would require drivers of taxicabs *in those areas* to obtain a ~~taxi~~ *taxicab* driver permit from the commission, and would specify the requirements that an applicant must meet. The bill would enact various provisions relating to insurance, vehicle inspections, monitoring of taxicab drivers, and other matters. 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 without the required permit, and would provide for the commission to investigate and take action against unlicensed activity. 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:

- 23 (1) Section 798.61 or 798.88 of the Civil Code.
- 24 (2) Section 1719 of the Civil Code.
- 25 (3) Section 3342.5 of the Civil Code.
- 26 (4) Section 86.
- 27 (5) Section 86.1.
- 28 (6) Section 1710.20.
- 29 (7) Section 7581 of the Food and Agricultural Code.

- 1 (8) Section 12647 of the Food and Agricultural Code.
- 2 (9) Section 27601 of the Food and Agricultural Code.
- 3 (10) Section 31503 of the Food and Agricultural Code.
- 4 (11) Section 31621 of the Food and Agricultural Code.
- 5 (12) Section 52514 of the Food and Agricultural Code.
- 6 (13) Section 53564 of the Food and Agricultural Code.
- 7 (14) Section 53069.4 of the Government Code.
- 8 (15) Section 5411.5 of the Public Utilities Code.
- 9 (16) Section 5460.12 of the Public Utilities Code.
- 10 (17) Section 9872.1 of the Vehicle Code.
- 11 (18) Section 10751 of the Vehicle Code.
- 12 (19) Section 14607.6 of the Vehicle Code.
- 13 (20) Section 40230 of the Vehicle Code.
- 14 (21) Section 40256 of the Vehicle Code.
- 15 SEC. 2. Section 53075.5 of the Government Code is repealed.
- 16 SEC. 3. Section 53075.6 of the Government Code is repealed.
- 17 SEC. 4. Section 53075.61 of the Government Code is repealed.
- 18 SEC. 5. Section 53075.7 of the Government Code is repealed.
- 19 SEC. 6. Section 53075.8 of the Government Code is repealed.
- 20 SEC. 7. Section 53075.9 of the Government Code is repealed.
- 21 ~~SEC. 8. Section 830.7 of the Penal Code is amended to read:~~
- 22 ~~830.7. The following persons are not peace officers but may~~
- 23 ~~exercise the powers of arrest of a peace officer as specified in~~
- 24 ~~Section 836 during the course and within the scope of their~~
- 25 ~~employment, if they successfully complete a course in the exercise~~
- 26 ~~of those powers pursuant to Section 832:~~
- 27 ~~(a) Persons designated by a cemetery authority pursuant to~~
- 28 ~~Section 8325 of the Health and Safety Code.~~
- 29 ~~(b) Persons regularly employed as security officers for~~
- 30 ~~independent institutions of higher education, recognized under~~
- 31 ~~subdivision (b) of Section 66010 of the Education Code, if the~~
- 32 ~~institution has concluded a memorandum of understanding,~~
- 33 ~~permitting the exercise of that authority, with the sheriff or the~~
- 34 ~~chief of police within whose jurisdiction the institution lies.~~
- 35 ~~(c) Persons regularly employed as security officers for health~~
- 36 ~~facilities, as defined in Section 1250 of the Health and Safety Code,~~
- 37 ~~that are owned and operated by cities, counties, and cities and~~
- 38 ~~counties, if the facility has concluded a memorandum of~~
- 39 ~~understanding, permitting the exercise of that authority, with the~~

1 ~~sheriff or the chief of police within whose jurisdiction the facility~~
2 ~~lies.~~

3 ~~(d) Employees or classes of employees of the California~~
4 ~~Department of Forestry and Fire Protection designated by the~~
5 ~~Director of Forestry and Fire Protection, provided that the primary~~
6 ~~duty of the employee shall be the enforcement of the law as that~~
7 ~~duty is set forth in Section 4156 of the Public Resources Code.~~

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

18 ~~(f) Nonpeace officers regularly employed as county parole~~
19 ~~officers pursuant to Section 3089.~~

20 ~~(g) Persons appointed by the Executive Director of the California~~
21 ~~Science Center pursuant to Section 4108 of the Food and~~
22 ~~Agricultural Code.~~

23 ~~(h) Persons regularly employed by any department of the City~~
24 ~~of Los Angeles who are designated as security officers and~~
25 ~~authorized by local ordinance to enforce laws related to the~~
26 ~~preservation of peace in or about the properties owned, controlled,~~
27 ~~operated, or administered by any department of the City of Los~~
28 ~~Angeles and authorized by a memorandum of understanding with~~
29 ~~the Chief of Police of the City of Los Angeles permitting the~~
30 ~~exercise of that authority. Security officers authorized pursuant to~~
31 ~~this subdivision shall not be deemed peace officers for purposes~~
32 ~~of Sections 241 and 243.~~

33 ~~(i) Illegal dumping enforcement officers or code enforcement~~
34 ~~officers, to the extent necessary to enforce laws related to illegal~~
35 ~~waste dumping or littering, and authorized by a memorandum of~~
36 ~~understanding with, as applicable, the sheriff or chief of police~~
37 ~~within whose jurisdiction the person is employed, permitting the~~
38 ~~exercise of that authority. An "illegal dumping enforcement officer~~
39 ~~or code enforcement officer" is defined, for purposes of this~~
40 ~~section, as a person employed full time, part time, or as a volunteer~~

1 after completing training prescribed by law, by a city, county, or
2 city and county, whose duties include illegal dumping enforcement
3 and who is designated by local ordinance as a public officer. An
4 illegal dumping enforcement officer or code enforcement officer
5 may also be a person who is not regularly employed by a city,
6 county, or city and county, but who has met all training
7 requirements and is directly supervised by a regularly employed
8 illegal dumping enforcement officer or code enforcement officer
9 conducting illegal dumping enforcement. This person shall not
10 have the power of arrest or access to summary criminal history
11 information pursuant to this section. No person may be appointed
12 as an illegal dumping enforcement officer or code enforcement
13 officer if that person is disqualified pursuant to the criteria set forth
14 in Section 1029 of the Government Code. Persons regularly
15 employed by a city, county, or city and county designated pursuant
16 to this subdivision may be furnished state summary criminal history
17 information upon a showing of compelling need pursuant to
18 subdivision (e) of Section 11105.

19 *SEC. 8. Section 830.7 of the Penal Code is amended to read:*

20 830.7. The following persons are not peace officers but may
21 exercise the powers of arrest of a peace officer as specified in
22 Section 836 during the course and within the scope of their
23 employment, if they successfully complete a course in the exercise
24 of those powers pursuant to Section 832:

25 (a) Persons designated by a cemetery authority pursuant to
26 Section 8325 of the Health and Safety Code.

27 (b) Persons regularly employed as security officers for
28 independent institutions of higher education, recognized under
29 subdivision (b) of Section 66010 of the Education Code, if the
30 institution has concluded a memorandum of understanding,
31 permitting the exercise of that authority, with the sheriff or the
32 chief of police within whose jurisdiction the institution lies.

33 (c) Persons regularly employed as security officers for health
34 facilities, as defined in Section 1250 of the Health and Safety Code,
35 that are owned and operated by cities, counties, and cities and
36 counties, if the facility has concluded a memorandum of
37 understanding, permitting the exercise of that authority, with the
38 sheriff or the chief of police within whose jurisdiction the facility
39 lies.

1 (d) Employees or classes of employees of the California
2 Department of Forestry and Fire Protection designated by the
3 Director of Forestry and Fire Protection, provided that the primary
4 duty of the employee shall be the enforcement of the law as that
5 duty is set forth in Section 4156 of the Public Resources Code.

6 (e) Persons regularly employed as inspectors, supervisors, or
7 security officers for transit districts, as defined in Section 99213
8 of the Public Utilities Code, if the district has concluded a
9 memorandum of understanding permitting the exercise of that
10 authority, with, as applicable, the sheriff, the chief of police, or
11 the Department of the California Highway Patrol within whose
12 jurisdiction the district lies. For the purposes of this subdivision,
13 the exercise of peace officer authority may include the authority
14 to remove a vehicle from a railroad right-of-way as set forth in
15 Section 22656 of the Vehicle Code.

16 (f) Nonpeace officers regularly employed as county parole
17 officers pursuant to Section 3089.

18 (g) Persons appointed by the Executive Director of the California
19 Science Center pursuant to Section 4108 of the Food and
20 Agricultural Code.

21 (h) Persons regularly employed as investigators by the
22 Department of Transportation for the City of Los Angeles and
23 designated by local ordinance as public officers, to the extent
24 necessary to enforce laws related to public transportation, and
25 authorized by a memorandum of understanding with the chief of
26 police, permitting the exercise of that authority. For the purposes
27 of this subdivision, "investigator" means an employee defined in
28 ~~Section 53075.61 of the Government Code~~ authorized by local
29 ordinance to enforce laws related to public transportation.
30 Transportation investigators authorized by this section shall not
31 be deemed "peace officers" for purposes of Sections 241 and 243.

32 (i) Persons regularly employed by any department of the City
33 of Los Angeles who are designated as security officers and
34 authorized by local ordinance to enforce laws related to the
35 preservation of peace in or about the properties owned, controlled,
36 operated, or administered by any department of the City of Los
37 Angeles and authorized by a memorandum of understanding with
38 the Chief of Police of the City of Los Angeles permitting the
39 exercise of that authority. Security officers authorized pursuant to

1 this subdivision shall not be deemed peace officers for purposes
2 of Sections 241 and 243.

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

29 SEC. 9. Section 5353 of the Public Utilities Code is amended
30 to read:

31 5353. This chapter does not apply to any of the following:

32 (a) Transportation service rendered wholly within the corporate
33 limits of a single city or city and county and licensed or regulated
34 by ordinance.

35 (b) Transportation of school pupils conducted by or under
36 contract with the governing board of any school district entered
37 into pursuant to the Education Code.

38 (c) Common carrier transportation services between fixed
39 termini or over a regular route that are subject to authorization

1 pursuant to Article 2 (commencing with Section 1031) of Chapter
2 5 of Part 1 of Division 1.

3 (d) Transportation services occasionally afforded for farm
4 employees moving to and from farms on which employed when
5 the transportation is performed by the employer in an owned or
6 leased vehicle, or by a nonprofit agricultural cooperative
7 association organized and acting within the scope of its powers
8 under Chapter 1 (commencing with Section 54001) of Division
9 20 of the Food and Agricultural Code, and without any requirement
10 for the payment of compensation therefor by the employees.

11 (e) Transportation service rendered by a publicly owned transit
12 system.

13 (f) Passenger vehicles carrying passengers on a noncommercial
14 enterprise basis.

15 (g) Taxicab transportation services subject to regulation pursuant
16 to Chapter 8.5 (commencing with Section ~~5451~~: 5451) or exempt
17 from regulation under that chapter pursuant to Section 5451.3.

18 (h) Transportation of persons between home and work locations
19 or of persons having a common work-related trip purpose in a
20 vehicle having a seating capacity of 15 passengers or less, including
21 the driver, which are used for the purpose of ridesharing, as defined
22 in Section 522 of the Vehicle Code, when the ridesharing is
23 incidental to another purpose of the driver. This exemption also
24 applies to a vehicle having a seating capacity of more than 15
25 passengers if the driver files with the commission evidence of
26 liability insurance protection in the same amount and in the same
27 manner as required for a passenger stage corporation, and the
28 vehicle undergoes and passes an annual safety inspection by the
29 Department of the California Highway Patrol. The insurance filing
30 shall be accompanied by a one-time filing fee of seventy-five
31 dollars (\$75). This exemption does not apply if the primary purpose
32 for the transportation of those persons is to make a profit. "Profit,"
33 as used in this subdivision, does not include the recovery of the
34 actual costs incurred in owning and operating a vanpool vehicle,
35 as defined in Section 668 of the Vehicle Code.

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

1 (j) Transportation services rendered solely within the Lake
2 Tahoe Basin, comprising that area included within the Tahoe
3 Regional Planning Compact as set forth in Section 66801 of the
4 Government Code, when the operator of the services has obtained
5 any permit required from the Tahoe Basin Transportation Authority
6 or the City of South Lake Tahoe, or both.

7 (k) Subject to Section 34507.6 of the Vehicle Code,
8 transportation service provided by the operator of an automobile
9 rental business in vehicles owned or leased by that operator,
10 without charge other than as may be included in the automobile
11 rental charges, to carry its customers to or from its office or facility
12 where rental vehicles are furnished or returned after the rental
13 period.

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

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

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

32 (B) Does not provide any preflight ground transportation
33 services in their vehicles.

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

36 (D) Files with the commission an exemption declaration and
37 proof of vehicle insurance, as prescribed by the commission,
38 certifying that the operator qualifies for the exemption and will
39 maintain minimum insurance on each vehicle of one hundred
40 thousand dollars (\$100,000) for injury or death of one person, three

1 hundred thousand dollars (\$300,000) for injury or death of two or
2 more persons and one hundred thousand dollars (\$100,000) for
3 damage to property.

4 (2) Nothing in this subdivision authorizes the operator of a
5 commercial balloon operation to provide any round trip sightseeing
6 service without a permit, as required by subdivision (c) of Section
7 5384.

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

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

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

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

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

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

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

30 (ii) A minimum of one million dollars (\$1,000,000) general
31 liability insurance coverage for vehicles designed to carry up to
32 15 passengers. For organized camps, as defined in Section 18897
33 of the Health and Safety Code, an additional five hundred thousand
34 dollars (\$500,000) general umbrella policy that covers vehicles.

35 (iii) A minimum of one million five hundred thousand dollars
36 (\$1,500,000) general liability insurance coverage for vehicles
37 designed to carry more than 15 passengers, and an additional three
38 million five hundred thousand dollars (\$3,500,000) general
39 umbrella liability insurance policy that covers vehicles.

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

3 5411.5. (a) Whenever a peace officer, as defined in Chapter
4 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal
5 Code, arrests a person for operation of a charter-party carrier of
6 passengers without a valid certificate or permit, the peace officer
7 may impound and retain possession of the vehicle.

8 (b) Whenever a peace officer, as defined in Chapter 4.5
9 (commencing with Section 830) of Title 3 of Part 2 of the Penal
10 Code, arrests a person for operating a charter-party carrier of
11 passengers as a taxicab in violation of Chapter 8.5 (commencing
12 with Section ~~5451~~ 5451) *or in violation of a local ordinance of*
13 *the City and County of San Francisco or its airport authority*, the
14 peace officer may impound and retain possession of the vehicle.

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

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

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

36 (f) No peace officer, however, may impound any vehicle owned
37 or operated by a nonprofit organization exempt from taxation
38 pursuant to Section 501(c)(3) of the Internal Revenue Code which
39 serves youth or senior citizens and provides transportation
40 incidental to its programs or services or a rented motor vehicle

1 that is being operated by a hired driver of a charter-party carrier
2 of passengers that is providing hired driver service.

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

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

14 (b) When a person is convicted of the offense of operating a
15 charter-party carrier of passengers without a valid certificate or
16 permit, in addition to any other penalties provided by law, if the
17 court determines the operator has the ability to pay, the court shall
18 impose a mandatory fine not exceeding ten thousand dollars
19 (\$10,000) for a first conviction or twenty-five thousand dollars
20 (\$25,000) for a subsequent conviction.

21 (c) As used in this section, "taxicab" shall have the meaning as
22 defined in subdivision (d) of Section 5451.4. "Taxicab" shall not
23 include a charter-party carrier of passengers within the meaning
24 of this chapter.

25 SEC. 12. Section 5413.5 of the Public Utilities Code is
26 amended to read:

27 5413.5. (a) Whenever the commission, after hearing, finds
28 that any person or corporation is operating as a charter-party carrier
29 of passengers, including a charter-party carrier operating a
30 limousine, without a valid certificate or permit, or fails to include
31 in any written or oral advertisement the number of the certificate
32 or permit required by Section 5386, the commission may impose
33 a fine of not more than seven thousand five hundred dollars
34 (\$7,500) for each violation. The commission may assess the person
35 or corporation an amount sufficient to cover the reasonable expense
36 of investigation incurred by the commission. The commission may
37 assess interest on any fine or assessment imposed, to commence
38 on the day the payment of the fine or assessment becomes
39 delinquent. All fines, assessments, and interest collected shall be
40 deposited at least once each month in the General Fund.

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

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

17
18 CHAPTER 8.5. TAXICAB TRANSPORTATION SERVICES ACT

19
20 Article 1. General Provisions and Definitions

21
22 5451. This chapter shall be known, and may be cited, as the
23 Taxicab Transportation Services Act.

24 5451.2. Notwithstanding any other provision of law, *and except*
25 *as otherwise provided in Section 5451.3*, this chapter shall apply
26 to taxicab transportation services provided throughout the state.
27 The commission shall regulate taxicab transportation services and
28 enforce the requirements of this chapter, and may adopt regulations
29 to further the objectives of this chapter. The Legislature finds and
30 declares that uniform regulation of taxicab transportation services
31 throughout the state constitutes a matter of statewide concern.

32 5451.3. *This chapter shall not apply to taxicab transportation*
33 *services originating in the jurisdiction of the City and County of*
34 *San Francisco or at the San Francisco International Airport,*
35 *including taxicab carriers and taxicab drivers associated with*
36 *those services. Those taxicab transportation services shall remain*
37 *under the regulation of the City and County of San Francisco or*
38 *its airport authority, as the case may be.*

39 5451.4. For the purposes of this chapter, the following terms
40 have the following meanings:

- 1 (a) "Entity" includes a corporation, company, association, joint
2 stock association, firm, partnership, individual, or any other form
3 of business organization.
- 4 (b) "Public highway" includes every public street, road, or
5 highway in this state.
- 6 (c) "Motor vehicle" means a vehicle used on public highways
7 that is self-propelled.
- 8 (d) "Taxicab" means a passenger motor vehicle designed for
9 carrying not more than eight passengers, excluding the driver, and
10 used to carry passengers for hire as part of taxicab transportation
11 services.
- 12 (e) "Taxicab carrier" means an entity that is a permitted provider
13 of taxicab transportation services to passengers under this chapter.
- 14 (f) "Taxicab driver" means an individual who is a permitted
15 driver of a taxicab under this chapter.
- 16 (g) "Taxicab transportation services" means the provision of
17 transportation services for compensation using motor vehicles
18 designed for carrying not more than eight passengers, excluding
19 the driver, but excludes transportation services provided by a
20 charter-party carrier of passengers regulated by Chapter 8
21 (commencing with Section 5351).
- 22 (h) With respect to a motor vehicle used in taxicab transportation
23 services by a taxicab carrier, "owner" means the entity that is
24 registered with the Department of Motor Vehicles as the owner of
25 the motor vehicle, or that has a legal right to possession of the
26 motor vehicle pursuant to a lease or rental agreement.
- 27 (i) "Region" means one of the regions identified pursuant to
28 Section 5451.6.
- 29 5451.6. The commission shall issue permits pursuant to this
30 chapter authorizing taxicab carriers to operate in one or more of
31 the following regions:
- 32 (a) Region 1 shall include the Counties of Del Norte, Siskiyou,
33 Modoc, Humboldt, Trinity, Shasta, Lassen, Mendocino, Tehama,
34 Plumas, Glenn, Butte, Lake, Colusa, Yuba, Sierra, Nevada, Yolo,
35 Sutter, Placer, Sacramento, and El Dorado.
- 36 (b) Region 2 shall include the Counties of Sonoma, Napa, Marin,
37 Solano, Contra Costa, San Mateo, Alameda, and Santa Clara.
38 *Region 2 shall exclude taxicab transportation services originating*
39 *at the San Francisco International Airport in the County of San*
40 *Mateo.*

1 ~~(e) Region 3 shall include the City and County of San Francisco.~~

2 ~~(d)~~

3 (c) Region 4 shall include the Counties of San Joaquin,
4 Amador, Alpine, Stanislaus, Calaveras, Tuolumne, Mono, Merced,
5 Mariposa, San Benito, Madera, Fresno, Inyo, Kings, Tulare, and
6 Kern.

7 ~~(e)~~

8 (d) Region 5 shall include the Counties of Santa Cruz,
9 Monterey, San Luis Obispo, Santa Barbara, and Ventura.

10 ~~(f)~~

11 (e) Region 6 shall include the Counties of Los Angeles, San
12 Bernardino, Orange, and Riverside.

13 ~~(g)~~

14 (f) Region 7 shall include the Counties of San Diego and
15 Imperial.

16 5451.7. *A taxicab carrier regulated by the City and County of*
17 *San Francisco or its airport authority and not subject to regulation*
18 *by the commission shall not be authorized to apply for a permit*
19 *to operate taxicab transportation services originating within any*
20 *of the regions regulated by the commission pursuant to Section*
21 *5451.6.*

22

23 Article 2. Authorization to Operate as a Taxicab Carrier

24

25 5452. An entity shall not engage in taxicab transportation
26 services *subject to regulation under this chapter* without first
27 having obtained a taxicab carrier permit issued by the commission
28 pursuant to this chapter.

29 5452.2. The commission shall issue permits to entities to
30 operate taxicab transportation services as a taxicab carrier if
31 otherwise qualified under this chapter. Each permit shall specify
32 the region of the state in which the taxicab carrier is authorized to
33 operate. Nothing in this chapter shall preclude a taxicab carrier
34 from holding permits to operate in multiple regions.

35 5452.4. A taxicab carrier holding a permit for a region shall
36 not be restricted as to point of origin or destination within that
37 region.

38 5452.6. A taxicab carrier shall include the number of its permit
39 in every written, oral, or electronic advertisement of the services
40 it offers and shall comply with the signing requirements of Section

1 27908 of the Vehicle Code. For the purposes of this section,
2 “advertisement” includes, but is not limited to, the issuance of any
3 card, sign, or device to any person, the causing, permitting, or
4 allowing of the placement of any sign or marking on or in any
5 building or structure, or in any media form, including newspaper,
6 magazine, radiowave, satellite signal, or any electronic
7 transmission, or in any directory soliciting taxicab transportation
8 services subject to this chapter.

9 5452.8. (a) Applications for taxicab carrier permits shall be
10 in writing and verified under oath, and shall be in the form and
11 contain the information required by the commission.

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

14 (1) Permits (new): _____ dollars (\$_____).

15 (2) Permits (renewal): _____ dollars (\$_____).

16 5452.10. (a) (1) Before a permit is issued or renewed, the
17 commission shall require the applicant to establish reasonable
18 fitness and financial responsibility to initiate and conduct or
19 continue to conduct the proposed or existing taxicab transportation
20 services. The commission shall not issue or renew a permit
21 pursuant to this chapter unless the applicant meets all of the
22 following requirements:

23 (A) It is financially and organizationally capable of conducting
24 an operation that complies with the rules and regulations of the
25 Department of the California Highway Patrol relating to the safe
26 operation of vehicles on the public highways.

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

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

33 (D) It participates in the pull notice program pursuant to Section
34 1808.1 of the Vehicle Code to regularly check the driving records
35 of all taxicab drivers, whether employees or contractors.

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

38 (F) It will maintain its motor vehicles used in taxicab
39 transportation services in a safe operating condition and in
40 compliance with the Vehicle Code and with regulations contained

1 in Title 13 of the California Code of Regulations relative to motor
2 vehicle safety.

3 (G) It has provided to the commission an address of an office
4 or terminal where documents supporting the factual matters
5 specified in the showing required by this subdivision may be
6 inspected by the commission or the Department of the California
7 Highway Patrol.

8 (H) It provides for a mandatory controlled substance and alcohol
9 testing certification program pursuant to Section 5457.22.

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

14 (b) In addition to the requirements in subdivision (a), taxicab
15 carriers shall meet all other state and, where applicable, federal
16 regulations as prescribed.

17 5452.12. (a) Every taxicab carrier shall furnish to the
18 commission a list, prepared under oath, of all motor vehicles used
19 by the carrier in taxicab transportation services during the period
20 since the last inspection. The commission shall furnish a copy of
21 the list to the taxicab carrier's insurer, if the taxicab carrier's
22 accident liability protection is provided by a policy of insurance.

23 (b) If the taxicab carrier's insurer informs the commission that
24 the carrier has failed to obtain insurance coverage for any vehicle
25 reported on the list, the commission may, in addition to any other
26 penalty provided in this chapter, for a first occurrence, suspend
27 the carrier's permit or impose a fine, or both, and, for a second or
28 subsequent occurrence, suspend or revoke the permit or impose a
29 fine, or both.

30 5452.14. The commission may, with or without hearing, issue
31 a permit under this chapter. If the commission finds that the
32 applicant possesses satisfactory fitness and financial responsibility
33 to initiate and conduct the proposed taxicab transportation services,
34 and will faithfully comply with the rules and regulations adopted
35 by the commission with respect thereto, it shall issue the permit.

36 5452.16. A permit, or renewal thereof, is effective for three
37 years, unless suspended or revoked by the commission.

38 5452.18. No permit issued pursuant to this chapter, or rights
39 to conduct any of the services authorized by the permit, shall be
40 sold, leased, or assigned, or otherwise transferred or encumbered,

1 unless authorized by the commission. A filing fee of _____ dollars
2 (\$ _____) shall accompany all applications for that authorization.

3
4 Article 3. Enforcement
5

6 5453. Upon receipt of a complaint containing sufficient
7 information to warrant conducting an investigation, the commission
8 shall investigate any entity that advertises or holds itself out as
9 providing services that may be reasonably considered to be taxicab
10 transportation services but that does not have a permit required by
11 this chapter. The commission, in a rulemaking or other appropriate
12 procedure, shall adopt criteria that establish the type of information,
13 if contained in a complaint, that is sufficient to warrant an
14 investigation. Pursuant to this investigation, the commission shall
15 do all of the following:

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

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

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

24 5453.2. The commission shall not issue, renew, or authorize
25 the transfer of a taxicab carrier permit under this chapter to any
26 entity against whom a final judgment has been entered and whose
27 name has been transmitted to the commission pursuant to Section
28 3716.4 of the Labor Code, unless that judgment has been satisfied
29 or has been discharged in accordance with the bankruptcy laws of
30 the United States.

31 5453.4. (a) The commission may cancel, suspend, or revoke
32 a taxicab carrier permit issued pursuant to this chapter upon any
33 of the following grounds:

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

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

39 (3) The conviction of a taxicab carrier of any misdemeanor
40 under this chapter while holding a taxicab carrier permit issued by

1 the commission or the conviction of the carrier or its officers of a
2 felony while holding a permit issued by the commission, limited
3 to robbery, burglary, larceny, fraud, or intentional dishonesty for
4 personal gain.

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

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

9 (6) On request of the taxicab carrier.

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

16 (8) Consistent failure of the taxicab carrier to maintain its
17 vehicles in a safe operating condition pursuant to Article 8
18 (commencing with Section 5458) and in compliance with the
19 Vehicle Code and with regulations contained in Title 13 of the
20 California Code of Regulations relative to motor vehicle safety,
21 as shown by the records of the commission, the Department of
22 Motor Vehicles, the Department of the California Highway Patrol,
23 or the carrier.

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

29 (b) The commission may levy a civil penalty of up to seven
30 thousand five hundred dollars (\$7,500) upon a taxicab carrier for
31 any of the violations specified in subdivision (a), as an alternative
32 to canceling, revoking, or suspending the carrier's permit. The
33 commission may also levy interest upon the civil penalty, which
34 shall be calculated as of the date on which the civil penalty is
35 unpaid and delinquent. The commission shall deposit at least
36 monthly all civil penalties and interest collected pursuant to this
37 section into the General Fund.

38 5453.6. (a) A taxicab carrier shall have and shall make
39 available for inspection by the commission, upon request, one of
40 the following:

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

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

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

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

13 (c) If, after filing the statement described in paragraph (3) of
14 subdivision (a), the carrier becomes subject to the workers'
15 compensation laws of this state, the carrier shall promptly notify
16 the commission that the carrier is withdrawing its statement under
17 paragraph (3) of subdivision (a), and shall simultaneously file the
18 certificate described in either paragraph (1) or (2) of subdivision
19 (a).

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
28 Article 4. Trade Dress

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

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

1 services in awarding trade name and trade dress in each region.
2 The commission may assign the same or similar trade name and
3 trade dress in different regions of the state in a manner that
4 minimizes public confusion to consumers of taxicab transportation
5 services.

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

9 5454.6. The commission shall award initial trade name and
10 trade dress in each region as soon as practicable on or after January
11 1, 2017. In doing so, the commission shall consider all of the
12 following:

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

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

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

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

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

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

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

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

37 5454.10. The commission may adopt an alternate process for
38 awarding trade name and trade dress within each region subsequent
39 to the initial award outlined in Section 5454.2, provided that the

1 alternate process shall seek to minimize public confusion to
2 consumers of taxicab transportation services in each region.

3
4 Article 5. Insurance

5
6 5455. The commission, in granting a permit to a taxicab carrier
7 pursuant to this chapter, shall require the taxicab carrier to procure,
8 and to continue in effect during the life of the permit, protection
9 against liability imposed by law upon the taxicab carrier for the
10 payment of damages for personal bodily injuries, including death
11 resulting therefrom, protection against a total liability of the taxicab
12 carrier on account of bodily injuries to, or death of, more than one
13 person as a result of any one accident, and protection against
14 damage or destruction of property. The maximum requirements
15 for these assurances of protection against liability shall be no more
16 than ~~fifty one~~ *hundred* thousand dollars ~~(\$50,000)~~ *(\$100,000)* for
17 death and personal injury per person, ~~one~~ *three* hundred thousand
18 dollars ~~(\$100,000)~~ *(\$300,000)* for death and personal injury per
19 incident, and ~~thirty~~ *fifty* thousand dollars ~~(\$30,000)~~ *(\$50,000)* for
20 property damage.

21 5455.2. The protection required under Section 5455 shall be
22 evidenced by the deposit of any of the following with the
23 commission covering each motor vehicle used or to be used under
24 the permit applied for:

25 (a) A policy of insurance, issued by a company licensed to write
26 insurance in this state, or by nonadmitted insurers subject to Section
27 1763 of the Insurance Code, if the policies meet the rules
28 promulgated therefor by the commission.

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

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

33 5455.4. No entity holding a valid taxicab carrier permit issued
34 by the commission pursuant to this chapter shall be required by a
35 city, county, city and county, or any other local agency to provide
36 insurance in a manner different from that required by this article.

37 5455.6. The insurance requirements specified in this article
38 shall only be applicable to motor vehicles while providing taxicab
39 transportation services. When not providing those services, the
40 insurance requirements for those vehicles shall be the minimum

1 amounts otherwise applicable to motor vehicles not providing
2 taxicab transportation services.

3 5455.8. With the consent of the commission, a copy of an
4 insurance policy, certified by the company issuing it to be a true
5 copy of the original policy, or a photocopy thereof, or an electronic
6 copy thereof, or an abstract of the provisions of the policy, or a
7 certificate of insurance issued by the company issuing the policy,
8 may be filed with the commission in lieu of the original or a
9 duplicate or counterpart of the policy.

10
11 Article 6. Pricing and GPS Metering

12
13 5456. The commission shall not regulate either of the following
14 with respect to provision of taxicab transportation services:

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

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

21 5456.2. The commission may adopt rules requiring taxicab
22 carriers to disclose fares, fees, and other pricing structures for
23 taxicab transportation services. Any rules shall allow a taxicab
24 carrier to disclose fares, fees, or other pricing structures on its
25 Internet Web site or cellular telephone application.

26
27 Article 7. Taxicab Drivers

28
29 5457. An individual shall not be a driver providing taxicab
30 transportation service *regulated by this chapter* without first
31 obtaining a taxicab driver permit from the commission pursuant
32 to this article.

33 5457.2. A taxicab driver permit issued pursuant to this article
34 shall be valid in any region in this state.

35 5457.4. The commission shall issue a taxicab driver permit to
36 an applicant if the applicant meets all of the following
37 requirements:

38 (a) The applicant submits to the commission a written
39 application for a taxicab driver permit.

1 (b) The applicant pays a taxicab driver permit fee as determined
2 by the commission.

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

4 (d) The applicant possesses a current class C California driver's
5 license.

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

10 (f) The applicant passes a written exam as prescribed by the
11 commission.

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

14 5457.6. An applicant may be required to submit a medical
15 report and obtain a valid medical certificate if the application, or
16 observation by the commission, indicates a physical or mental
17 affliction. In that situation, the applicant may be granted a
18 temporary taxicab driver permit for 30 days pending receipt of a
19 valid medical certificate. Upon submittal of the valid medical
20 certificate and its acceptance by the commission, a regular taxicab
21 driver permit shall be issued to the applicant.

22 5457.8. An applicant shall be denied a taxicab driver permit if
23 any portion of the application is found to be falsified. If the
24 falsification is deemed to be willful and intentional, the applicant
25 shall not be allowed to reapply for a taxicab driver permit for a
26 one-year period from the time the falsification is first discovered.
27 Should a repeat offense of falsification occur, the applicant shall
28 not be allowed to reapply for a taxicab driver permit for a
29 seven-year period from the time the additional falsification is
30 discovered.

31 5457.10. An applicant who has willfully and intentionally
32 attempted to cheat in the taxicab driver permit exam process shall
33 be immediately disqualified from the exam. First-time offenders
34 shall be ineligible to retake the exam for a 180-day period. Repeat
35 offenders shall be ineligible to retake the exam for a seven-year
36 period. Test misconduct shall include, but not be limited to, using
37 notes or other materials that have been prohibited, looking at other
38 applicant test papers, talking to other applicants during the exam,
39 failing to stop as requested at the end of the exam period, or in any
40 way coercing others for exam information.

1 5457.12. While providing taxicab transportation services, a
2 taxicab driver shall have in his or her immediate possession, and
3 shall present, upon request, to a law enforcement officer, a
4 representative of the commission, or a customer, both of the
5 following:

6 (a) A valid California driver's license.

7 (b) A valid taxicab driver permit issued by the commission.

8 5457.14. A holder of a taxicab driver permit shall not drive a
9 taxicab while his or her driver's license is expired, suspended, or
10 revoked.

11 5457.16. A taxicab driver shall properly display his or her valid
12 taxicab driver permit in the taxicab in a manner as prescribed by
13 the commission.

14 5457.18. A taxicab driver shall not do any of the following:

15 (a) Knowingly allow another individual to use his or her taxicab
16 driver permit.

17 (b) Duplicate a taxicab driver permit.

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

19 (d) Apply for, or possess, more than one taxicab driver permit
20 issued by the commission.

21 5457.20. A holder of a taxicab driver permit that becomes
22 invalid shall destroy the permit.

23 5457.22. (a) A taxicab carrier shall do all of the following:

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

27 (2) Provide for a mandatory controlled substance and alcohol
28 testing certification program for taxicab ~~drivers~~ *drivers* employed
29 or contracted by the carrier, as required by the commission. The
30 program shall not be more strict than the program adopted by the
31 commission pursuant to Section 1032.1 for transportation network
32 company drivers.

33 (b) Taxicab drivers hired or contracted by a taxicab carrier on
34 or after January 1, 2017, shall be subject to mandatory drug and
35 alcohol testing prior to employment or contracting. Drivers hired
36 or contracted by a taxicab carrier before January 1, 2017, shall
37 complete a drug and alcohol test before January 1, 2018.

38 5457.24. (a) A taxicab carrier *regulated pursuant to this*
39 *chapter* shall not employ, or contract with, any of the following
40 persons as a taxicab driver:

1 (1) A person convicted, during the preceding seven years, of
 2 any offense relating to the use, sale, possession, or transportation
 3 of narcotics, controlled substances, or addictive or dangerous drugs,
 4 or of any act involving force, violence, ~~threat~~ *threat*, or intimidation
 5 against persons; or of any sexual offense, or of any act involving
 6 moral turpitude, including fraud or intentional dishonesty for
 7 personal gain, or of any felony offense, or of any offense involving
 8 the possession of a firearm or dangerous weapon, or of any offense
 9 involving the solicitation or agreement to engage in or engagement
 10 in any act of prostitution, or of any act of resisting, delaying, or
 11 obstructing a peace officer, public officer, or emergency medical
 12 technician, or of theft in either degree. For the purposes of this
 13 paragraph, a subsequent change of plea or vacation of verdict and
 14 dismissal of charges pursuant to Section 1203.4 of the Penal Code
 15 does not release the applicant from the penalties and disabilities
 16 resulting from the offense of which he or she has been convicted.

17 (2) A person required to register as a sex offender under Section
 18 290 of the Penal Code or a person convicted of a felony involving
 19 any type of sexual offense; the manufacture, possession for sale,
 20 transportation, or distribution of narcotics, controlled substances,
 21 or addictive or dangerous drugs; force, violence, threat, or
 22 intimidation against persons; kidnaping; forgery, fraud, larceny,
 23 extortion, burglary, robbery, or theft; credit card fraud; possession
 24 of a firearm or dangerous weapon; resisting or obstructing a peace
 25 officer, public officer, or emergency medical technician; or use of
 26 a vehicle for hire in the commission of a felony.

27 (3) A person convicted of any violation of Section 20001, 20003,
 28 20004, 23104, or 23153 of the Vehicle Code.

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

32
 33 Article 8. Vehicle Inspection

34
 35 5458. Upon initial placement into service and annually
 36 thereafter, a taxicab carrier shall inspect each of its motor vehicles
 37 used for taxicab transportation services, or have each vehicle
 38 inspected at a facility licensed by the Bureau of Automotive Repair,
 39 and shall maintain complete documentation of each inspection.
 40 The inspection shall cover all of the following components, and

- 1 each component shall, at a minimum, be in satisfactory condition
2 before a vehicle may be used in providing taxicab transportation
3 services:
- 4 (a) Foot brakes.
 - 5 (b) Emergency brakes.
 - 6 (c) Steering mechanism.
 - 7 (d) Windshield.
 - 8 (e) Rear window and other glass.
 - 9 (f) Windshield wipers.
 - 10 (g) Headlights.
 - 11 (h) Tail lights.
 - 12 (i) Turn indicator lights.
 - 13 (j) Stop lights.
 - 14 (k) Front seat adjustment mechanism.
 - 15 (l) Doors, including opening, closing, and locking.
 - 16 (m) Horn.
 - 17 (n) Speedometer.
 - 18 (o) Bumpers.
 - 19 (p) Muffler and exhaust system.
 - 20 (q) Tires.
 - 21 (r) Interior and exterior ~~rear view~~ *rear-view* mirrors.
 - 22 (s) Safety belts for the driver and passengers.

23
24 Article 9. Local Agencies and Airports

- 25
26 5459. (a) Except as otherwise specifically provided in this
27 ~~article~~, *article and in Section 5451.3*, and notwithstanding any
28 other provision of law, this chapter constitutes the exclusive
29 regulation of taxicab carriers, taxicab drivers, and taxicab
30 transportation services in this state and preempts all other
31 regulation. In that regard, a local agency may not require a license,
32 or impose a tax or fee, for the conduct of taxicab transportation
33 services subject to regulation under this chapter.
- 34 (b) Nothing in this chapter shall be construed to prevent a local
35 agency from designating taxicab stands on public highways under
36 its jurisdiction pursuant to Section 21112 of the Vehicle Code for
37 use by taxicabs, or from designating other locations for taxicabs
38 to stop pursuant to Section 22500 of the Vehicle Code.
- 39 (c) Nothing in this chapter shall be construed to prevent the
40 governing body of an airport from adopting and enforcing

1 reasonable and nondiscriminatory local airport rules, regulations,
2 and ordinances pertaining to access, use of highways, parking,
3 traffic control, passenger transfers and occupancy, passenger
4 solicitation practices, and the use of buildings and facilities, that
5 are applicable to taxicab carriers operating on airport property. In
6 that regard, the governing body of an airport may require a taxicab
7 carrier to obtain an airport permit in order to operate taxicab
8 transportation services to or from the airport. However, the
9 governing body of an airport may not impose a fee on taxicab
10 carriers that is based on the gross receipts of the carrier, and may
11 not impose vehicle safety, vehicle licensing, or insurance
12 requirements on taxicab carriers that are more burdensome than
13 those imposed by this chapter or by commission regulation
14 pursuant to this chapter.

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

19

20

Article 10. Violations

21

22 5460. Every taxicab carrier and every officer, director, agent,
23 employee, or contractor of any taxicab carrier who violates or fails
24 to comply with, or who procures, aids, or abets any violation of,
25 any provision of this chapter, or who fails to obey, observe, or
26 comply with any order, decision, rule, regulation, direction,
27 demand, or requirement of the commission, or with any permit
28 issued under this chapter, or who procures, aids, or abets any
29 taxicab carrier in its failure to comply with the order, decision,
30 rule, regulation, direction, demand, requirement, or permit, is guilty
31 of a misdemeanor and is punishable by a fine of not less than one
32 thousand dollars (\$1,000) and not more than five thousand dollars
33 (\$5,000) or by imprisonment in a county jail for not more than
34 three months, or by both that fine and imprisonment.

35 5460.2. Every person other than a taxicab carrier who
36 knowingly and willfully, either individually, or acting as an officer,
37 agent, or employee of a person other than a taxicab carrier, who
38 violates any provision of this chapter, or who fails to obey, observe,
39 or comply with any order, decision, rule, regulation, direction,
40 demand, or requirement of the commission, or who procures, aids,

1 or abets any taxicab carrier in its violation of this chapter, or in its
2 failure to obey, observe, or comply with any order, decision, rule,
3 regulation, direction, demand, or requirement, is guilty of a
4 misdemeanor and is punishable by a fine of not less than one
5 thousand dollars (\$1,000) and not more than five thousand dollars
6 (\$5,000) or by imprisonment in a county jail for not more than
7 three months, or by both that fine and imprisonment.

8 5460.4. 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 by
11 any taxicab carrier of, any provision of this chapter, or who fails
12 to obey, observe, or comply with any order, decision, rule,
13 regulation, direction, demand, or requirement of the commission,
14 or with any permit issued under this chapter, or who procures,
15 aids, or abets any taxicab carrier in its failure to comply with the
16 order, decision, rule, regulation, direction, demand, requirement,
17 or permit, is subject to a civil penalty of not more than two
18 thousand dollars (\$2,000) for each offense.

19 5460.6. Every person other than a taxicab carrier who
20 knowingly and willfully, either individually, or acting as an officer,
21 agent, or employee of a person other than a taxicab carrier, who
22 violates any provision of this chapter, or who fails to obey, observe,
23 or comply with any order, decision, rule, regulation, direction,
24 demand, or requirement of the commission, or who procures, aids,
25 or abets any taxicab carrier in its violation of this chapter, or in its
26 failure to obey, observe, or comply with any order, decision, rule,
27 regulation, direction, demand, or requirement, is subject to a civil
28 penalty of not more than two thousand dollars (\$2,000) for each
29 offense.

30 5460.8. Every person who drives a taxicab in conjunction with
31 providing taxicab transportation services subject to regulation
32 under this chapter and who does not possess a valid taxicab driver
33 permit is guilty of a misdemeanor and is punishable by a fine of
34 not less than ____ dollars (\$____) and not more than ____ dollars
35 (\$____) or by imprisonment in a county jail for not more than ____
36 months, or by both that fine and imprisonment.

37 5460.10. Every violation of this chapter or of any order,
38 decision, rule, regulation, direction, demand, or requirement of
39 the commission by any person is a separate and distinct offense

1 and, in case of a continuing violation, each day's continuance
2 thereof is a separate and distinct offense.

3 5460.12. (a) Whenever a peace officer, as defined in Chapter
4 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal
5 Code, arrests a person for the operation of a taxicab without a valid
6 permit, the peace officer may impound and retain possession of
7 the vehicle.

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

11 (c) The vehicle shall immediately be returned to the owner if
12 the violation is not prosecuted or is dismissed, the owner is found
13 not guilty of the offense, or it is determined that the vehicle was
14 used in violation of Section 5460.8 without the knowledge and
15 consent of the owner. The vehicle shall be returned to the owner
16 upon payment of any fine ordered by the court. If the vehicle is
17 seized due to a violation of a person other than the owner of the
18 vehicle, the vehicle shall be returned to the owner after all
19 impoundment fees are paid. After the expiration of six weeks from
20 the final disposition of the criminal case, unless the owner is in
21 the process of making payments to the court, the impounding
22 authority may deal with the vehicle as lost or abandoned property
23 under Section 1411 of the Penal Code.

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

29 5460.14. When a person is convicted of the offense of operating
30 a taxicab without a valid permit, in addition to any other penalties
31 provided by law, if the court determines the person has the ability
32 to pay, the court shall impose a mandatory fine not exceeding two
33 thousand five hundred dollars (\$2,500) for a first conviction or
34 five thousand dollars (\$5,000) for a subsequent conviction.

35 5460.16. Whenever the commission, after hearing, finds that
36 any entity is operating as a taxicab carrier without a valid permit
37 in violation of this chapter, the commission may impose a fine of
38 not more than five thousand dollars (\$5,000) for each violation.
39 The commission may assess the entity an amount sufficient to
40 cover the reasonable expense of investigation incurred by the

1 commission. The commission may assess interest on any fine or
2 assessment imposed, to commence on the day the payment of the
3 fine or assessment becomes delinquent. All fines, assessments,
4 and interest collected shall be deposited at least once each month
5 in the General Fund.

6 SEC. 14. Section 120269 of the Public Utilities Code is
7 amended to read:

8 120269. (a) If the board licenses or regulates any transportation
9 service, pursuant to Section 120266, or any passenger jitney
10 service, pursuant to Section 120267, and the licensed or regulated
11 service employs, or contracts with, any driver who (1) is not
12 required to be tested for controlled substances and alcohol pursuant
13 to Part 382 (commencing with Section 382.101) of Title 49 of the
14 Code of Federal Regulations, Section 1032.1 or 5457.22 of this
15 code, or Section 34520 of the Vehicle Code, and (2) is not
16 exempted under Section 34520 of the Vehicle Code, the board
17 shall adopt, by ordinance or resolution, a mandatory controlled
18 substance and alcohol testing certification program for those
19 drivers.

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

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

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

30 1808.1. (a) The prospective employer of a driver who drives
31 a vehicle specified in subdivision (k) shall obtain a report showing
32 the driver's current public record as recorded by the department.
33 For purposes of this subdivision, a report is current if it was issued
34 less than 30 days prior to the date the employer employs the driver.
35 The report shall be reviewed, signed, and dated by the employer
36 and maintained at the employer's place of business until receipt
37 of the pull-notice system report pursuant to subdivisions (b) and
38 (c). These reports shall be presented upon request to an authorized
39 representative of the Department of the California Highway Patrol
40 during regular business hours.

1 (b) The employer of a driver who drives a vehicle specified in
2 subdivision (k) shall participate in a pull-notice system, which is
3 a process for the purpose of providing the employer with a report
4 showing the driver's current public record as recorded by the
5 department, and any subsequent convictions, failures to appear,
6 accidents, driver's license suspensions, driver's license revocations,
7 or any other actions taken against the driving privilege or
8 certificate, added to the driver's record while the employer's
9 notification request remains valid and uncanceled. As used in this
10 section, participation in the pull-notice system means obtaining a
11 requester code and enrolling all employed drivers who drive a
12 vehicle specified in subdivision (k) under that requester code.

13 (c) The employer of a driver of a vehicle specified in subdivision
14 (k) shall, additionally, obtain a periodic report from the department
15 at least every 12 months. The employer shall verify that each
16 employee's driver's license has not been suspended or revoked,
17 the employee's traffic violation point count, and whether the
18 employee has been convicted of a violation of Section 23152 or
19 23153. The report shall be signed and dated by the employer and
20 maintained at the employer's principal place of business. The
21 report shall be presented upon demand to an authorized
22 representative of the Department of the California Highway Patrol
23 during regular business hours.

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

27 (e) For the purposes of the pull-notice system and periodic report
28 process required by subdivisions (b) and (c), an owner, other than
29 an owner-operator as defined in Section 34624, and an employer
30 who drives a vehicle described in subdivision (k) shall be enrolled
31 as if he or she were an employee. A family member and a volunteer
32 driver who drives a vehicle described in subdivision (k) shall also
33 be enrolled as if he or she were an employee.

34 (f) An employer who, after receiving a driving record pursuant
35 to this section, employs or continues to employ as a driver a person
36 against whom a disqualifying action has been taken regarding his
37 or her driving privilege or required driver's certificate, is guilty of
38 a public offense, and upon conviction thereof, shall be punished
39 by confinement in a county jail for not more than six months, by

1 a fine of not more than one thousand dollars (\$1,000), or by both
2 that confinement and fine.

3 (g) As part of its inspection of bus maintenance facilities and
4 terminals required at least once every 13 months pursuant to
5 subdivision (c) of Section 34501, the Department of the California
6 Highway Patrol shall determine whether each transit operator, as
7 defined in Section 99210 of the Public Utilities Code, is then in
8 compliance with this section and Section 12804.6, and shall certify
9 each operator found to be in compliance. Funds shall not be
10 allocated pursuant to Chapter 4 (commencing with Section 99200)
11 of Part 11 of Division 10 of the Public Utilities Code to a transit
12 operator that the Department of the California Highway Patrol has
13 not certified pursuant to this section.

14 (h) (1) A request to participate in the pull-notice system
15 established by this section shall be accompanied by a fee
16 determined by the department to be sufficient to defray the entire
17 actual cost to the department for the notification service. For the
18 receipt of subsequent reports, the employer shall also be charged
19 a fee established by the department pursuant to Section 1811. An
20 employer who qualifies pursuant to Section 1812 shall be exempt
21 from any fee required pursuant to this section. Failure to pay the
22 fee shall result in automatic cancellation of the employer's
23 participation in the notification services.

24 (2) A regularly organized fire department, having official
25 recognition of the city, county, city and county, or district in which
26 the department is located, shall participate in the pull-notice
27 program and shall not be subject to the fee established pursuant
28 to this subdivision.

29 (3) The Board of Pilot Commissioners for Monterey Bay and
30 the Bays of San Francisco, San Pablo, and Suisun, and its port
31 agent shall participate in the pull-notice system established by this
32 section, subject to Section 1178.5 of the Harbors and Navigation
33 Code, and shall not be subject to the fees established pursuant to
34 this subdivision.

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

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

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

14 (k) This section applies to a vehicle for the operation of which
15 the driver is required to have a class A or class B driver's license,
16 a class C license with any endorsement issued pursuant to Section
17 15278, a class C license issued pursuant to Section 12814.7, or a
18 certificate issued pursuant to Section 12517, 12519, 12520, 12523,
19 12523.5, or 12527, a passenger vehicle having a seating capacity
20 of not more than 10 persons, including the driver, operated for
21 compensation by a charter-party carrier of passengers or passenger
22 stage corporation pursuant to a certificate of public convenience
23 and necessity or a permit issued by the Public Utilities
24 Commission, or a taxicab as defined in subdivision ~~(d)~~ (b) of
25 Section ~~545.14 of the Public Utilities Code.~~ 27908.

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

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

34 SEC. 16. Section 12523.6 of the Vehicle Code is amended to
35 read:

36 12523.6. (a) (1) On and after March 1, 1998, no person who
37 is employed primarily as a driver of a motor vehicle that is used
38 for the transportation of persons with developmental disabilities,
39 as defined in subdivision (a) of Section 4512 of the Welfare and
40 Institutions Code, shall operate that motor vehicle unless that

1 person has in his or her possession a valid driver's license of the
2 appropriate class and a valid special driver certificate issued by
3 the department.

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

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

11 (1) In order to determine the applicant's suitability as the driver
12 of a vehicle used for the transportation of persons with
13 developmental disabilities, the Department of the California
14 Highway Patrol shall require the applicant to furnish to that
15 department, on a form provided or approved by that department
16 for submission to the Department of Justice, a full set of
17 fingerprints sufficient to enable a criminal background
18 investigation.

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

23 (3) If an applicant is unable to furnish the evidence required
24 under paragraph (2), the Department of the California Highway
25 Patrol shall require the applicant to furnish an additional full set
26 of fingerprints. That department shall submit those fingerprint
27 cards to the Department of Justice. The Department of Justice
28 shall, in turn, submit the additional full set of fingerprints required
29 under this paragraph to the Federal Bureau of Investigation for a
30 national criminal history record check.

31 (4) Applicant fingerprint forms shall be processed and returned
32 to the area office of the Department of the California Highway
33 Patrol from which they originated not later than 15 working days
34 from the date on which the fingerprint forms were received by the
35 Department of Justice, unless circumstances, other than the
36 administrative duties of the Department of Justice, warrant further
37 investigation. Upon implementation of an electronic fingerprinting
38 system with terminals located statewide and managed by the
39 Department of Justice, the Department of Justice shall ascertain

1 the information required pursuant to this subdivision within three
2 working days.

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

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

11 (d) On or after March 1, 1998, no person who operates a
12 business or a nonprofit organization or agency shall employ a
13 person who is employed primarily as a driver of a motor vehicle
14 for hire that is used for the transportation of persons with
15 developmental disabilities unless the employed person operates
16 the motor vehicle in compliance with subdivision (a).

17 (e) Nothing in this section precludes an employer of persons
18 who are occasionally used as drivers of motor vehicles for the
19 transportation of persons with developmental disabilities from
20 requiring those persons, as a condition of employment, to obtain
21 a special driver certificate pursuant to this section or precludes any
22 volunteer driver from applying for a special driver certificate.

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

29 (g) This section does not apply to any person who has
30 successfully completed a background investigation prescribed by
31 law, including, but not limited to, health care transport vehicle
32 operators, or to the operator of a taxicab regulated pursuant to
33 Chapter 8.5 (commencing with Section 5451) of Division 2 of the
34 Public Utilities Code. This section does not apply to a person who
35 holds a valid certificate, other than a farm labor vehicle driver
36 certificate, issued under Section 12517.4 or 12527. This section
37 does not apply to a driver who provides transportation on a
38 noncommercial basis to persons with developmental disabilities.

39 SEC. 17. Section 16500 of the Vehicle Code is amended to
40 read:

1 16500. Every owner of a vehicle used in the transportation of
2 passengers for hire, when the operation of the vehicle is not subject
3 to regulation by the Public Utilities Commission, shall maintain,
4 whenever he or she may be engaged in conducting those operations,
5 proof of financial responsibility resulting from the ownership or
6 operation of the vehicle and arising by reason of personal injury
7 to, or death of, any one person, of at least fifteen thousand dollars
8 (\$15,000), and, subject to the limit of fifteen thousand dollars
9 (\$15,000) for each person injured or killed, of at least thirty
10 thousand dollars (\$30,000) for the injury to, or the death of, two
11 or more persons in any one accident, and for damages to property
12 of at least five thousand dollars (\$5,000) resulting from any one
13 accident. Proof of financial responsibility may be maintained by
14 either:

15 (a) Being insured under a motor vehicle liability policy against
16 that liability.

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

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

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

23 The department shall return the deposit to the person entitled
24 thereto when he or she is no longer required to maintain proof of
25 financial responsibility as required by this section or upon his or
26 her death.

27 *A taxicab carrier regulated by the City and County of San*
28 *Francisco or its airport authority shall comply with the insurance*
29 *requirements of Section 5455 of the Public Utilities Code.*

30 SEC. 18. Section 21100 of the Vehicle Code is amended to
31 read:

32 21100. Local authorities may adopt rules and regulations by
33 ordinance or resolution regarding all of the following matters:

34 (a) Regulating or prohibiting processions or assemblages on the
35 highways.

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

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

39 (d) (1) Regulating traffic by means of a person given temporary
40 or permanent appointment for that duty by the local authority when

1 official traffic control devices are disabled or otherwise inoperable,
2 at the scenes of accidents or disasters, or at locations as may require
3 traffic direction for orderly traffic flow.

4 (2) A person shall not be appointed pursuant to this subdivision
5 unless and until the local authority has submitted to the
6 commissioner or to the chief law enforcement officer exercising
7 jurisdiction in the enforcement of traffic laws within the area in
8 which the person is to perform the duty, for review, a proposed
9 program of instruction for the training of a person for that duty,
10 and unless and until the commissioner or other chief law
11 enforcement officer approves the proposed program. The
12 commissioner or other chief law enforcement officer shall approve
13 a proposed program if he or she reasonably determines that the
14 program will provide sufficient training for persons assigned to
15 perform the duty described in this subdivision.

16 (e) Regulating traffic at the site of road or street construction
17 or maintenance by persons authorized for that duty by the local
18 authority.

19 (f) (1) Licensing and regulating the operation of tow truck
20 service or tow truck drivers whose principal place of business or
21 employment is within the jurisdiction of the local authority,
22 excepting the operation and operators of any auto dismantlers' tow
23 vehicle licensed under Section 11505 or any tow truck operated
24 by a repossessing agency licensed under Chapter 11 (commencing
25 with Section 7500) of Division 3 of the Business and Professions
26 Code and its registered employees.

27 (2) The Legislature finds that the safety and welfare of the
28 general public is promoted by permitting local authorities to
29 regulate tow truck service companies and operators by requiring
30 licensure, insurance, and proper training in the safe operation of
31 towing equipment, thereby ensuring against towing mistakes that
32 may lead to violent confrontation, stranding motorists in dangerous
33 situations, impeding the expedited vehicle recovery, and wasting
34 state and local law enforcement's limited resources.

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

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

- 1 (h) Providing for the appointment of nonstudent school crossing
2 guards for the protection of persons who are crossing a street or
3 highway in the vicinity of a school or while returning thereafter
4 to a place of safety.
- 5 (i) Regulating the methods of deposit of garbage and refuse in
6 streets and highways for collection by the local authority or by
7 any person authorized by the local authority.
- 8 (j) (1) Regulating cruising.
9 (2) The ordinance or resolution adopted pursuant to this
10 subdivision shall regulate cruising, which is the repetitive driving
11 of a motor vehicle past a traffic control point in traffic that is
12 congested at or near the traffic control point, as determined by the
13 ranking peace officer on duty within the affected area, within a
14 specified time period and after the vehicle operator has been given
15 an adequate written notice that further driving past the control
16 point will be a violation of the ordinance or resolution.
- 17 (3) A person is not in violation of an ordinance or resolution
18 adopted pursuant to this subdivision unless both of the following
19 apply:
- 20 (A) That person has been given the written notice on a previous
21 driving trip past the control point and then again passes the control
22 point in that same time interval.
- 23 (B) The beginning and end of the portion of the street subject
24 to cruising controls are clearly identified by signs that briefly and
25 clearly state the appropriate provisions of this subdivision and the
26 local ordinance or resolution on cruising.
- 27 (k) Regulating or authorizing the removal by peace officers of
28 vehicles unlawfully parked in a fire lane, as described in Section
29 22500.1, on private property. A removal pursuant to this
30 subdivision shall be consistent, to the extent possible, with the
31 procedures for removal and storage set forth in Chapter 10
32 (commencing with Section 22650).
- 33 (l) Regulating mobile billboard advertising displays, as defined
34 in Section 395.5, including the establishment of penalties, which
35 may include, but are not limited to, removal of the mobile billboard
36 advertising display, civil penalties, and misdemeanor criminal
37 penalties, for a violation of the ordinance or resolution. The
38 ordinance or resolution may establish a minimum distance that a
39 mobile billboard advertising display shall be moved after a
40 specified time period.

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

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

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

8 (3) A valid California identification card and proof of successful
9 completion of the written portion of the California driver's license
10 examination administered by the department. The department shall
11 administer, without charging a fee, the original driver's license
12 written examination on traffic laws and signs to a person who
13 states that he or she is, or intends to become, a pedicab operator,
14 and who holds a valid California identification card or has
15 successfully completed an application for a California identification
16 card. If the person achieves a passing score on the examination,
17 the department shall issue a certificate of successful completion
18 of the examination, bearing the person's name and identification
19 card number. The certificate shall not serve in lieu of successful
20 completion of the required examination administered as part of
21 any subsequent application for a driver's license. The department
22 is not required to enter the results of the examination into the
23 computerized record of the person's identification card or otherwise
24 retain a record of the examination or results.

25 (n) (1) This section does not authorize a local authority to enact
26 or enforce an ordinance or resolution that establishes a violation
27 if a violation for the same or similar conduct is provided in this
28 code, nor does it authorize a local authority to enact or enforce an
29 ordinance or resolution that assesses a fine, penalty, assessment,
30 or fee for a violation if a fine, penalty, assessment, or fee for a
31 violation involving the same or similar conduct is provided in this
32 code.

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

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

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

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

5 (B) If the license plate frame is installed in compliance with
6 Section 5201, paper advertisements issued by a dealer contained
7 within that license plate frame or any advertisements on that license
8 plate frame.

9 (3) As used in paragraph (2), “permanently affixed” means any
10 of the following:

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

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

13 (C) Placed in a location on the body of a motor vehicle that was
14 specifically designed by a vehicle manufacturer as defined in
15 Section 672 and licensed pursuant to Section 11701, in compliance
16 with both state and federal law or guidelines, for the express
17 purpose of containing an advertising sign.

18 SEC. 19. Section 21100.4 of the Vehicle Code is amended to
19 read:

20 21100.4. (a) (1) A magistrate presented with the affidavit of
21 a peace officer establishing reasonable cause to believe that a
22 vehicle, described by vehicle type and license number, is being
23 operated as a taxicab or other passenger vehicle for hire in violation
24 of Chapter 8.5 (commencing with Section 5451) of Division 2 of
25 the Public Utilities Code *or in violation of an ordinance of the*
26 *City and County of San Francisco or its airport authority* shall
27 issue a warrant or order authorizing the peace officer to
28 immediately seize and cause the removal of the vehicle.

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

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

33 (4) The impounding agency, within two working days of
34 impoundment, shall send a notice by certified mail, return receipt
35 requested, to the legal owner of the vehicle, at an address obtained
36 from the department, informing the owner that the vehicle has
37 been impounded and providing the owner with a copy of the
38 warrant or court order. Failure to notify the legal owner within
39 two working days shall prohibit the impounding agency from
40 charging for more than 15 days' impoundment when a legal owner

1 redeems the impounded vehicle. The law enforcement agency shall
2 be open to issue a release to the registered owner or legal owner,
3 or the agent of either, whenever the agency is open to serve the
4 public for regular, nonemergency business.

5 (b) (1) An impounding agency shall release a vehicle to the
6 registered owner or his or her agent prior to the end of the
7 impoundment period and without the permission of the magistrate
8 authorizing the vehicle's seizure under any of the following
9 circumstances:

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

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

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

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

21 (c) (1) Whenever a vehicle is impounded under this section,
22 the magistrate ordering the storage shall provide the vehicle's
23 registered and legal owners of record, or their agents, with the
24 opportunity for a poststorage hearing to determine the validity of
25 the storage.

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

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

33 (B) The location of the place of storage and a description of the
34 vehicle, which shall include, if available, the name or make, the
35 manufacturer, the license plate number, and the mileage of the
36 vehicle.

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

39 (D) A statement that, in order to receive their poststorage
40 hearing, the owners, or their agents, are required to request the

1 hearing from the magistrate issuing the warrant or court order in
2 person, in writing, or by telephone, within 10 days of the date of
3 the notice.

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

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

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

12 (6) The agency employing the peace officer who caused the
13 magistrate to issue the warrant or court order shall be responsible
14 for the costs incurred for towing and storage if it is determined in
15 the poststorage hearing that reasonable grounds for the storage are
16 not established.

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

20 (e) A vehicle removed and seized under subdivision (a) shall
21 be released to the legal owner of the vehicle or the legal owner's
22 agent prior to the end of the impoundment period and without the
23 permission of the magistrate authorizing the seizure of the vehicle
24 if all of the following conditions are met:

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

29 (2) (A) The legal owner or the legal owner's agent pays all
30 towing and storage fees related to the seizure of the vehicle. A lien
31 sale processing fee shall not be charged to the legal owner who
32 redeems the vehicle prior to the 15th day of impoundment. Neither
33 the impounding authority nor any person having possession of the
34 vehicle shall collect from the legal owner of the type specified in
35 paragraph (1), or the legal owner's agent, any administrative
36 charges imposed pursuant to Section 22850.5 unless the legal
37 owner voluntarily requested a poststorage hearing.

38 (B) A person operating or in charge of a storage facility where
39 vehicles are stored pursuant to this section shall accept a valid
40 bank credit card or cash for payment of towing, storage, and related

1 fees by a legal or registered owner or the owner's agent claiming
2 the vehicle. A credit card shall be in the name of the person
3 presenting the card. "Credit card" means "credit card" as defined
4 in subdivision (a) of Section 1747.02 of the Civil Code, except,
5 for the purposes of this section, credit card does not include a credit
6 card issued by a retail seller.

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

12 (D) A person operating or in charge of a storage facility
13 described in subparagraph (B) shall have sufficient funds on the
14 premises of the primary storage facility during normal business
15 hours to accommodate, and make change in, a reasonable monetary
16 transaction.

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

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

35 (B) The legal owner or the legal owner's agent presents to the
36 person in possession of the vehicle, or any person acting on behalf
37 of the person in possession, a copy of the assignment, as defined
38 in subdivision (b) of Section 7500.1 of the Business and
39 Professions Code; a release from the one responsible governmental
40 agency, only if required by the agency; a government-issued

1 photographic identification card; and any one of the following as
2 determined by the legal owner or the legal owner's agent: a
3 certificate of repossession for the vehicle, a security agreement
4 for the vehicle, or title, whether paper or electronic, showing proof
5 of legal ownership for the vehicle. The person in possession of the
6 vehicle, or any person acting on behalf of the person in possession,
7 shall not require the presentation of any other documents.

8 (C) All presented documents may be originals, photocopies, or
9 facsimile copies, or may be transmitted electronically. The law
10 enforcement agency, impounding agency, or any person in
11 possession of the vehicle, or anyone acting on behalf of them, shall
12 not require any documents to be notarized. The law enforcement
13 agency, impounding agency, or any person acting on behalf of
14 those agencies, may require the agent of the legal owner to produce
15 a photocopy or facsimile copy of its repossession agency license
16 or registration issued pursuant to Chapter 11 (commencing with
17 Section 7500) of Division 3 of the Business and Professions Code,
18 or to demonstrate, to the satisfaction of the law enforcement
19 agency, impounding agency, or any person in possession of the
20 vehicle, or anyone acting on behalf of them, that the agent is
21 exempt from licensure pursuant to Section 7500.2 or 7500.3 of the
22 Business and Professions Code.

23 (D) An administrative cost authorized under subdivision (a) of
24 Section 22850.5 shall not be charged to the legal owner of the type
25 specified in paragraph (1) who redeems the vehicle unless the legal
26 owner voluntarily requests a poststorage hearing. A city, county,
27 city and county, or state agency shall not require a legal owner or
28 a legal owner's agent to request a poststorage hearing as a
29 requirement for release of the vehicle to the legal owner or the
30 legal owner's agent. The law enforcement agency, impounding
31 agency, or any other governmental agency, or any person acting
32 on behalf of those agencies, shall not require any documents other
33 than those specified in this paragraph. The law enforcement agency,
34 impounding agency, or other governmental agency, or any person
35 acting on behalf of those agencies, may not require any documents
36 to be notarized. The legal owner or the legal owner's agent shall
37 be given a copy of any documents he or she is required to sign,
38 except for a vehicle evidentiary hold logbook. The law enforcement
39 agency, impounding agency, or any person acting on behalf of
40 those agencies, or any person in possession of the vehicle, may

1 photocopy and retain the copies of any documents presented by
2 the legal owner or legal owner's agent.

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

8 (f) (1) A legal owner or the legal owner's agent that obtains
9 release of the vehicle pursuant to subdivision (e) shall not release
10 the vehicle to the registered owner of the vehicle or the person
11 who was listed as the registered owner when the vehicle was
12 impounded or any agents of the registered owner until the
13 termination of the impoundment period.

14 (2) The legal owner or the legal owner's agent shall not
15 relinquish the vehicle to the registered owner or the person who
16 was listed as the registered owner when the vehicle was impounded
17 until the registered owner or that owner's agent presents his or her
18 valid driver's license or valid temporary driver's license, and an
19 operator's permit that is in compliance with the requirements of
20 Chapter 8.5 (commencing with Section 5451) of Division 2 of the
21 ~~Public Utilities Code~~; *Code or an ordinance of the City and County*
22 *of San Francisco or its airport authority*, to the legal owner or the
23 legal owner's agent. The legal owner or the legal owner's agent
24 or the person in possession of the vehicle shall make every
25 reasonable effort to ensure that the license and permit presented
26 are valid and possession of the vehicle will not be given to the
27 driver who was involved in the original impoundment proceeding
28 until the expiration of the impoundment period.

29 (3) Prior to relinquishing the vehicle, the legal owner may
30 require the registered owner to pay all towing and storage charges
31 related to the impoundment and the administrative charges
32 authorized under Section 22850.5 that were incurred by the legal
33 owner in connection with obtaining the custody of the vehicle.

34 (4) Any legal owner who knowingly releases or causes the
35 release of a vehicle to a registered owner or the person in
36 possession of the vehicle at the time of the impoundment or any
37 agent of the registered owner in violation of this subdivision shall
38 be guilty of a misdemeanor and subject to a civil penalty in the
39 amount of two thousand dollars (\$2,000).

1 (5) The legal owner, registered owner, or person in possession
2 of the vehicle shall not change or attempt to change the name of
3 the legal owner or the registered owner on the records of the
4 department until the vehicle is released from the impoundment.

5 (g) Notwithstanding any other provision of this section, the
6 registered owner and not the legal owner shall remain responsible
7 for any towing and storage charges related to the impoundment
8 and the administrative charges authorized under Section 22850.5
9 and any parking fines, penalties, and administrative fees incurred
10 by the registered owner.

11 (h) The law enforcement agency and the impounding agency,
12 including any storage facility acting on behalf of the law
13 enforcement agency or impounding agency, shall comply with this
14 section and shall not be liable to the registered owner for the
15 improper release of the vehicle to the legal owner or the legal
16 owner's agent if the release complies with this section. The legal
17 owner shall indemnify and hold harmless a storage facility from
18 any claims arising out of the release of the vehicle to the legal
19 owner or the legal owner's agent and from any damage to the
20 vehicle after its release, including the reasonable costs associated
21 with defending any such claims. A law enforcement agency shall
22 not refuse to issue a release to a legal owner or the agent of a legal
23 owner on the grounds that it previously issued a release.

24 SEC. 20. Section 27908 of the Vehicle Code is amended to
25 read:

26 27908. (a) In every taxicab operated in this state there shall
27 be a sign of heavy material, not smaller than 6 inches by 4 inches,
28 or such other size as the ~~Public Utilities Commission~~ *Commission,*
29 *or other regulating agency pursuant to Section 5451.3 of the Public*
30 *Utilities Code*, provides for other notices or signs required to be
31 in every taxicab, securely attached and clearly displayed in view
32 of the passenger at all times, providing in letters as large as the
33 size of the sign will reasonably allow, all of the following
34 information:

35 (1) The name, address, and telephone number of the applicable
36 unit of the ~~Public Utilities Commission~~ *or other regulating agency*
37 that regulates the operation of the taxicab.

38 (2) The name, address, and telephone number of the taxicab
39 carrier that has been issued a permit to provide taxicab

1 transportation services by the Public Utilities ~~Commission~~
2 *Commission or other regulating agency.*

3 (b) As used in this section, "taxicab" means a passenger motor
4 vehicle designed for carrying not more than eight persons,
5 excluding the driver, and used to carry passengers for hire as part
6 of taxicab transportation services regulated pursuant to Chapter
7 8.5 (commencing with Section 5451) of Division 2 of the Public
8 Utilities ~~Code~~. *Code or by another regulating agency pursuant to*
9 *Section 5451.3 of the Public Utilities Code.* "Taxicab" shall not
10 include a charter-party carrier of passengers within the meaning
11 of the Passenger Charter-party Carriers' Act (Chapter 8
12 (commencing with Section 5351) of Division 2 of the Public
13 Utilities ~~Code~~) *Code*.

14 SEC. 21. No reimbursement is required by this act pursuant
15 to Section 6 of Article XIII B of the California Constitution for
16 certain costs that may be incurred by a local agency or school
17 district because, in that regard, this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the penalty
19 for a crime or infraction, within the meaning of Section 17556 of
20 the Government Code, or changes the definition of a crime within
21 the meaning of Section 6 of Article XIII B of the California
22 Constitution.

23 However, if the Commission on State Mandates determines that
24 this act contains other costs mandated by the state, reimbursement
25 to local agencies and school districts for those costs shall be made
26 pursuant to Part 7 (commencing with Section 17500) of Division
27 4 of Title 2 of the Government Code.

O

Carroll, John (BOS)

From: Board of Supervisors, (BOS)
Sent: Thursday, June 23, 2016 1:46 PM
To: BOS Legislation, (BOS)
Subject: File 160696 FW: AB 650: SFMTA and SFO Concerns

Categories: 160696

From: Tara Zimmerman [mailto:tara984@icloud.com]
Sent: Thursday, June 23, 2016 12:10 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Campos, David (BOS) <david.campos@sfgov.org>; Mar, Eric (BOS) <eric.mar@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Avalos, John (BOS) <john.avalos@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>; Breed, London (BOS) <london.breed@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Farrell, Mark (BOS) <mark.farrell@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Wiener, Scott <scott.wiener@sfgov.org>
Subject: Fwd: AB 650: SFMTA and SFO Concerns

When you vote on Supervisor Peskin's resolution [160696] next Tuesday to amend or oppose AB 650, please keep the following very cogent concerns of both SFMTA and SFO in mind. I've attached their issues in the forwarded portion below.

Of special importance are the possible unintended consequences of AB 650, including San Francisco being stripped of the right to regulate tour bus companies, shuttle buses, jitneys, etc. You can read more about these ramifications in the technical concerns section.

Please PASS Supervisor Peskin's resolution.

Respectfully,
Tara Housman
SFMTA Taxi Task Force member

Sent from my iPad

Begin forwarded message:

From: SFTaxi <SFTaxi@sfmta.com>
Date: June 13, 2016 at 10:16:45 AM PDT
To: Undisclosed recipients: ;
Subject: FW: AB 650: SFMTA and SFO Concerns

Dear Taxi Task Force Members,

Per your request at the last TTF meeting, I am forwarding the SFMTA's and SFO's concerns with AB 650:

The San Francisco Municipal Transportation Agency (SFMTA) and San Francisco International Airport (SFO) are in alignment with the stated goal AB 650 - leveling the playing field between taxis and other for hire services. We also agree that focusing on jurisdictional issues is important but we are very concerned that the stated goal will not be achieved with the legislation in its current form. We would like to raise fundamental concerns with the potential policy

implications of the bill, which we see as having a serious negative impact on local transportation services. If the bill does move forward, we would like to request specific technical changes to avoid what we perceive as potential unintended consequences.

Fundamental Concerns:

Leveling the Playing Field: A level playing field means that similar services should have similar rules. Given that taxis, TCPs (limos) and TNCs would be regulated by the same entity (with the exception of SF) and provide very similar services, the safety and security requirements should be consistent. For example, fingerprint background checks would be required of taxi drivers under AB 650, but it's not required of TNC and TCP drivers. The drug and alcohol testing provisions in AB 650 are confusing. It appears that taxi drivers would be required to be drug and alcohol tested, but not TNC drivers. Presently, taxi drivers and TCP drivers are subject to drug and alcohol testing. Also, if there's a level playing field, the concept of regions for taxis but not for TNCs and TCPs is not consistent with this goal. CPUC typically does not regulate similar types of transportation services by region, so this operational environment may pose challenges for the CPUC.

CPUC's Capacity for Taxi Regulation is Questionable: Based on comments made by CPUC President Picker, it is uncertain whether the CPUC has the bandwidth to regulate TNCs, let alone another, large and complex industry. President Picker has indicated that the CPUC doesn't have the resources to oversee TNCs, so it seems unlikely that shifting taxis to an already challenged agency will level the playing field. (<http://www2.kqed.org/news/2016/03/17/cpuc-regulators-still-hashing-out-more-rules-for-uber-and-lyft>). The resource constraints at the CPUC pose serious consumer protection concerns, particularly in light of the already minimal enforcement capacity.

Disability Access: The bill is silent on disability access. The bill should address the needs of people with disabilities to access on demand transportation services by including a requirement related to disability access, with follow up enforcement and/or a requirement to pay a per trip surcharge on all trips provided in non-wheelchair accessible vehicles, to be deposited into an accessible transportation fund.

Environmental and Congestion Concerns: There are currently no limits on the number of TNC and TCP vehicles and AB 650 will remove any limits on the number of taxis. Allowing unlimited numbers of vehicles to act commercially, with no clean air requirements is a concern, particularly in light of environmental and Vision Zero goals as well as local congestion management strategies.

Data Sharing Requirements: AB 650 should include a data sharing requirement for TNC, TCP and taxi services. This would help immeasurably in understanding the nature and impacts of these services and help policymakers to make smart and informed planning decisions.

Trade Dress: The change in trade dress regionally could be a major challenge. For example, in areas with many small jurisdictions such as Los Angeles, there could be multiple companies with some form of the same name (e.g. Yellow Taxi), and which company is allowed to maintain its name and which are required to change could very contentious and the outcome could be confusing to the public.

Schedule: Given the complexity and scope of changes that the bill would require, the timeline does not appear to be realistic. We recommend delaying the implementation of this regulatory transfer to at least 2018.

State Regulation with Local Control: There are some overarching requirements that make sense to regulate by the state and should be the same for taxis, TNCs and TCPs including:

insurance, disability access, training, vehicle inspections, and background checks. However, we would like to stress that the impact of these services is local; therefore, we recommend local control over certain aspects such as the number of allowable vehicles so that we can continue to manage traffic congestion. Enforcement authority should be granted to local jurisdictions to ensure consumer safety, which is our top priority. Local enforcement of state requirements would also be a model that SFMTA would support further exploring.

Technical Concerns:

AB 650 may create several (unintended) barriers to San Francisco's regulation of taxicabs, even with the exemption, as well as to the ability of local jurisdictions to regulate other motor vehicles for hire.

The bill would repeal Gov't Code Section 53075.5, which gives local entities the authority to regulate taxicabs. It adds a new chapter 8.5 to Division 2 of the Public Utilities Code that would give the CPUC the authority to regulate taxicabs (Proposed PU Code Section 5451.2), but it exempts S.F. from the provisions of the new chapter (Proposed PU Code Section 5451.3). It's clear that the bill intends the exemption for San Francisco to suffice to allow SF to continue to regulate taxicabs, but the proposed amendments may arguably leave San Francisco's authority in question as described below.

The bill also amends Vehicle Code Section 21100 to eliminate language granting local entities the authority to issue regulations or ordinances "licensing and regulating the operation of vehicles for hire and drivers of passenger vehicles for hire." (P. 38 of the draft bill shows the Vehicle Code Section absent this language. See p. 46 of the previous version that contains the relevant language in "strike-out."). Vehicle Code preemption is quite broad. Section 21 of the Vehicle Code provides:

- (a) Except as otherwise expressly provided, the provisions of this code are applicable and uniform throughout the state and in all counties and municipalities therein, and a local authority shall not enact or enforce any ordinance or resolution on the matters covered by this code, including ordinances or resolutions that establish regulations or procedures for, or assess a fine, penalty, assessment, or fee for a violation of, matters covered by this code, unless expressly authorized by this code.

Therefore, since the bill arguably eliminates the express authorization for local entities to regulate motor vehicles for hire, there may be an argument that local entities would be precluded (by the Vehicle Code not the Public Utilities Code) from regulating all such vehicles, including taxicabs and other vehicles for hire that are not subject to regulation by the CPUC such as shuttles like Chariot, jitneys, local tour bus operations, and others.

If this bill is adopted, these for-hire transportation companies and vehicles could escape both state and local regulation because they are not subject to CPUC regulation and local entities would be preempted from regulating them by the Vehicle Code.

We propose that this problem be solved and serve the bill's apparent intent by reinserting the original language into Section 21100.

2. Vehicle Code Section 16500 requires owners of for-hire vehicles that are not regulated by the CPUC to carry insurance with limits of at least \$15,000 and \$30,000. The draft bill would amend that section to require taxicab carriers regulated by SF to comply with the insurance requirements of Section 5455 of the PU Code. We have never read Section 16500 to preempt the City's ability to impose higher insurance requirements on taxicabs. But on its face, the

language of the amendment to this Section seems to prescribe the insurance requirement for SF taxis and to therefore preempt the City from imposing higher requirements.

Assuming that this is not the bill's intent, I would suggest that Assembly Member Low refrain from repealing Gov't Code Section 53075.5 and add language to that section stating that "the City and County of San Francisco shall require taxicabs to provide protection against liability imposed by law for the payment of damages for personal bodily injuries, including death, and property damage, in amounts that, at a minimum, are equal to those specified in Section 5455 of the Public Utilities Code." Or, you could revise the proposed amendment to Section 16500 to include this language rather than the language currently in the bill.

3. The legislation's definition of taxicab transportation carrier is circular. Essentially, if you provide for-hire transportation through small vehicles you are a taxicab transportation carrier unless you are a charter-party carrier, and you are a charter-party carrier if you provide taxicab transportation services. (See Section 5451.4(g) and Section 5353(g)) The bill could, instead, define the term "taxicab transportation services" as "provision of transportation services for compensation, with prearrangement and without prearrangement, using motor vehicles designed for carrying not more than eight passengers, excluding the driver."

Thank you for your consideration and we're happy to answer any questions that you may have regarding our concerns.

Kate Toran
Director, Taxis and Accessible Services Division
1 South Van Ness, 7th Floor
San Francisco, CA 94103

415.701.5235


Carroll, John (BOS)

From: Somera, Alisa (BOS)
Sent: Monday, June 20, 2016 11:07 AM
To: BOS Legislation, (BOS)
Subject: FW: Please Oppose AB 650 - Taxicab Transportation Services Act
Attachments: TNC's-ChabnerCommentsCPUC11-4-2014.pdf; TNCsCPUCChabnerFollowUp3-25-2016.pdf
Categories: 160696

For File No. 160696

Alisa Somera

Legislative Deputy Director
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
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**From:** Howard Chabner [mailto:[hlchabner@comcast.net](mailto:hlchabner@comcast.net)]  
**Sent:** Sunday, June 19, 2016 10:41 PM  
**To:** Chung Hagen, Sheila (BOS) <[sheila.chung.hagen@sfgov.org](mailto:sheila.chung.hagen@sfgov.org)>; Somera, Alisa (BOS) <[alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org)>; Wiener, Scott <[scott.wiener@sfgov.org](mailto:scott.wiener@sfgov.org)>  
**Subject:** FW: Please Oppose AB 650 - Taxicab Transportation Services Act

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**From:** Howard Chabner [mailto:[hlchabner@comcast.net](mailto:hlchabner@comcast.net)]  
**Sent:** Sunday, June 19, 2016 10:36 PM  
**To:** 'london breed'; 'eric l mar'; 'scott weiner'; 'malia cohen'; 'john avalos'; 'david campos'; 'mark farrell'; 'jane kim'; 'katy tang'; 'norman yee'; 'angela calvillo'; 'conor johnston'; 'Vallie Brown'; 'board of supervisors'; 'aaron.peskin@sfgov.org'; 'april.veneracion@sfgov.org'; 'iris wong'; 'margaux kelly'; 'jess montejano'; 'Adam Taylor'  
**Cc:** 'Howard Chabner '  
**Subject:** Please Oppose AB 650 - Taxicab Transportation Services Act

Dear President Breed and Supervisors:

**Please vote in favor of Supervisor Peskin's resolution opposing state legislation AB 650, the Taxicab Transportation Services Act.** AB 650 purports to level the playing field between the taxi industry and the Transportation Network Companies (TNCs), but it does this by moving the taxi industry closer to the minimal level of regulation that exists for TNCs. (As has been pointed out, however, it would still not treat taxis and TNCs equally. For example, fingerprint background checks would be required of taxi drivers under AB 650, but not required of TNC drivers. The drug and alcohol testing provisions in AB 650 are confusing. It appears that taxi drivers would be required to be drug and alcohol tested, but not TNC drivers. There may also be differences in insurance requirements, in practical effect if not in theory.)

I watched the video of the June 13, 2016 hearing at the California State Senate Energy, Utilities and Communications Committee. Several of the Senators who spoke in favor of the bill admitted that there is no effective regulation of TNCs in California, stated that the Senate and Assembly are unlikely to enact effective regulations nor is the CPUC, and argued that the only alternative is to greatly reduce taxi regulations. In my view, 650 is an admission of defeat and an acknowledgment of our elected representatives' unwillingness to stop the Wild West environment created by the TNCs.

I substantially agree with: the written submission dated June 8, 2016 by the California Regional Council of the Taxi Workers Alliance that was submitted to the aforementioned Committee; the in-person testimony of Mark Gruberg, Barry Korengold, Tom Diesso, Mary McGuire, Ann McVeigh, and Marcelo Fonseca at that committee on June 13; the written submission of Carl Macmurdo; and the concerns expressed by the San Francisco MTA and SFO airport. The CPUC lacks the expertise, personnel and other resources, and the will to fulfill its current obligations regarding TNCs, and would not be able to effectively regulate taxis either. The proposed bill fails to deal adequately with insurance requirements, background checks, safety, vehicle inspection, drug and alcohol testing, environmental and congestion impacts, pricing/fares, and preemption (deliberate and/or inadvertent) of local regulation not only over taxis but over TNCs, jitneys, tour buses and other transportation modes.

Instead of the race to the bottom embodied by AB 650, the Senate and Assembly should have the courage to level the playing field between the taxi industry and the TNC industry by raising standards on the TNCs. That doesn't mean that every existing taxi regulation should be applicable to the TNC industry – some existing regulations may be outdated. It means that our elected state representatives should come up with a reasonable set of regulations that protect consumers, the environment, drivers, third parties, localities and all stakeholders, and should make them applicable to everyone who provides on-demand point-to-point transportation (e.g. the taxi industry and the TNC industry). Enforcement, penalties, and jurisdiction should also be the same for taxis and TNCs. Doing this would require that our elected officials have the courage to take on the TNC industry.

**Besides the above concerns, AB 650 should be rejected because it utterly fails to require that taxis or TNCs provide transportation to people with mobility disabilities.** I've used an electric wheelchair since 1990 and have extensive personal experience with the transportation barriers faced by wheelchair users. Attached are written comments I made to the CPUC for its hearing on November 4, 2014 about the TNC industry. Unfortunately the situation described in those comments remains in existence today; if anything, it's only gotten worse – because of unfair competition from the TNCs, the taxi industry has been unable to maintain an adequate level of wheelchair accessible rampvan service, and the TNCs provide none and acknowledge no responsibility to provide any. Also attached is a memo I wrote on March 25, 2016 about the fact that

the TNCs provide no wheelchair accessible transportation. The memo was a follow-up to a March 22, 2016 conference call I participated in with CPUC Commissioner Liane Randolph, CPUC staff and various disability rights advocates.

The major points of the memo are:

**Paratransit is neither a paradigm for wheelchair accessible TNC service nor a substitute for it.**

**Providing transportation in an inaccessible vehicle does not constitute wheelchair accessible service.**

**An adequate, nondiscriminatory level of wheelchair accessible service will require that the TNCs own and operate wheelchair accessible vehicles.**

The TNC business model in which drivers own or lease the vehicles and bear all of the financial risk (called "peer-to-peer" by the TNCs) has not resulted, and will not result, in wheelchair accessible service. Rather, it has resulted in discrimination against people who use wheelchairs. If the business model results in discrimination, it must be changed. The TNCs should be required to own and operate wheelchair accessible vehicles sufficient to provide transportation equivalent to that enjoyed by their able-bodied customers.

Some have suggested that the TNCs be required to collect a surcharge on every ride and use the money to subsidize wheelchair accessible taxis or some other accessible transportation system operated by a third party. This is unlikely to work in the long run. The TNCs maintain that they have no obligation to provide wheelchair accessible transportation. In effect, they maintain that they have the right to discriminate against wheelchair users. (Their position is similar to that of private clubs that rented hotel rooms to nonmembers and claimed that the civil rights laws didn't apply to them because they are private clubs. The clubs were wrong, and so are the TNCs.) Letting them outsource their obligation to provide accessible transportation would be an acceptance of this position. It would also set a bad precedent for the "sharing economy" in general. Letting the TNCs offload their civil rights obligations would be likely to foster a separate, unequal and inferior system of transportation for wheelchair users. If the TNCs' obligations were limited to collecting and remitting money to a third-party, they would have no involvement, and no incentive ever to become involved, in running the system - call it taxis or something else - of wheelchair accessible on-demand transportation. The segment of the on-demand transportation industry that is the largest, fastest growing, best financed, most sophisticated in advertising, marketing and lobbying, and most technologically savvy would not be involved in the system that provides wheelchair accessible transportation. That is a recipe for an underfunded, poorly functioning, second-class system.

**The fact that AB 650 imposes no obligations on the TNC industry or the taxi industry to provide wheelchair accessible transportation is reason enough to reject this bill. And as detailed in the testimony referred to above, there are plenty of other reasons.**

**Therefore, please vote in favor of Supervisor Peskin's resolution opposing AB 650.**

Thank you for considering this email.

Sincerely

Howard Chabner



Dear President Peevey and Commissioners:

These comments are submitted to the California Public Utilities Commission en banc meeting of November 4, 2014 about Transportation Network Companies (TNCs). I've lived in San Francisco since 1982 and have used an electric wheelchair since 1990. **I urge you not to allow the TNCs to continue to discriminate against wheelchair users, and, instead, to require them to directly provide wheelchair accessible service.**

Uber and Lyft have admitted that they have no wheelchair accessible vehicles in their networks (at least in San Francisco) and have no plans to obtain or provide any. I attended the July 18, 2014, meeting of the San Francisco Mayor's Disability Council (MDC), at which a representative of Uber admitted this, and the September 19, 2014, MDC meeting, at which a representative of Lyft made the same admission. The Lyft representative described her company's efforts to recruit drivers of wheelchair accessible vehicles. These efforts revealed a naïveté and lack of knowledge about wheelchair access and about the lives and logistical difficulties of people who use wheelchairs. Both companies' representatives maintained the fiction that they merely provide information technology to facilitate a "peer" matching service but don't provide transportation. This despite the fact that the TNCs process payments, many drivers drive for them full-time, and some of the TNCs recruit drivers by offering a guaranteed minimum income for an initial period and offering to finance the purchase of vehicles.

Before the advent and dominance of the TNCs, the system of wheelchair accessible taxis in San Francisco wasn't ideal, but it functioned. In the past couple of years, however, I have essentially stopped trying to get accessible taxis except to and from the airport. For many years, even for rides to the airport, I've called a superb rampvan driver with whom I'm friends. If he was unavailable, I had a list of other rampvan drivers, and called them. (I'd found it more reliable and convenient to call rampvan drivers directly than to call the taxi companies.) But in the past couple of years, if my friend is unavailable, he has been unable to refer me to anyone else. Most of the drivers on his and my lists no longer drive taxis, and those few who do, no longer drive rampvans.

My most recent trip to SFO was in May of this year. My friend the rampvan driver was out of town, and he was literally unable to find anyone else to provide an accessible taxi ride to the airport. Fortunately I got a ride from a family member who was able to rearrange her schedule. Upon landing at SFO in early June, I was able to find a rampvan easily for a ride home.

SFO signed agreements in October 2014 with Uber, Sidecar and Lyft, allowing them to operate at the airport. This may well be the death knell for accessible taxis at SFO. Did SFO, as a condition of permitting them to operate at the airport, require the TNCs to provide wheelchair accessible transportation? If it didn't, it not only undermined the system of accessible taxis, missed an opportunity to create a more accessible transportation system, and squandered the negotiating leverage it had, but it sent the TNCs - and the disability community - a clear message that it's okay for the TNCs to discriminate against consumers in wheelchairs.

At one of the MDC meetings mentioned above, a representative of Luxor Cab mentioned that a few years ago Luxor had 40 rampvans in its fleet, now (at the date of the meeting) only 20 in the fleet, and only 10 are in service at any time. According to an article in the San Francisco Chronicle, the number of pickups in rampvans dropped from 1,378 in March 2013 to just 768 in July 2014. (The article doesn't say whether all of those passengers were wheelchair users or the number includes able-bodied passengers.) ("Ride Services Decimate SF Taxi Industry's Business," San Francisco Chronicle, September 16, 2014.) SFMTA is providing financial incentives for taxi drivers to drive rampvans and pick up passengers in wheelchairs, but they are not working. In November 2012 a friend who uses a scooter was visiting. He was staying at the Marriott downtown and was going to meet me at the Asian Art Museum. In the middle of the day on a clear, sunny weekday, not during rush hour, he had to wait literally one hour to get a rampvan from his hotel, even though the hotel called several taxi companies multiple times.

There is a downward spiral. As fewer ramp taxis are in service, wait times increase and reliability decreases, consumers in wheelchairs like me give up trying to use them, which makes business worse and increases the per-trip and per-mile costs of operating accessible taxis. More drivers stop driving ramp taxis.

Buses and paratransit are not the equivalent of taxis. For decades only taxis, and now also TNCs, provide on-demand, door-to-door, non-shared transportation. As TNCs come to supplant the taxi system, they, too, should be required to provide equivalent transportation to people who use wheelchairs, as the taxi industry has been required to do in San Francisco for decades.

Some have suggested that the TNCs be required to collect a surcharge on every ride, with the money being used to subsidize wheelchair accessible taxis. Seattle is reported to be considering this. This is wrong and unlikely to work in the long run. The TNCs maintain that they have no obligation - moral, legal or otherwise - to provide wheelchair accessible transportation. In effect, they maintain that they have the right to discriminate against wheelchair users. (Their position is similar to that of private clubs that rented hotel rooms to nonmembers and claimed that the civil rights laws didn't apply to them because they are private clubs. The clubs were wrong, and so are the TNCs.) Letting them off with a surcharge would be an acceptance of this position. It would also set a bad precedent for the so-called "sharing economy" in general.

Letting the TNCs merely collect a surcharge would foster a separate, unequal and inferior system of on-demand transportation for wheelchair users. The financial incentives San Francisco MTA is currently providing for rampvan taxis aren't working. What reason is there to believe that funding additional incentives by means of a small surcharge on TNC rides would work? And if the TNCs' obligations were limited to collecting and remitting a surcharge, they would have no involvement, and no incentive ever to become involved, in running the system - call it taxis or something else - of wheelchair accessible on-demand transportation. The segment of the on-demand transportation industry that is the largest, fastest growing, best financed, most sophisticated in advertising, marketing and lobbying, and most technologically savvy would not be involved in the system that provides wheelchair accessible transportation. That is a recipe for an underfunded, poorly functioning, second-class system.

Even if it did work for a while, how long would such a system survive? Nobody can predict what will happen to the taxi industry in a few years, and whether it will even continue to exist. If the TNCs' business strategy succeeds, there will be no taxis. But having initially allowed the TNCs to avoid providing wheelchair accessible transportation, state and local regulators will hardly be in a position to change course and try to impose such a requirement some years later. It will be too late.

The only fair and viable solution is to have strong state and local regulation requiring the TNCs to provide wheelchair accessible transportation at the same level of service as the regular transportation they provide. This would mean declaring that the Emperor has no clothes - that the TNCs are actually in the business of providing transportation. But regulators are already doing this in imposing insurance requirements, driver background checks and other consumer protections. The TNCs are accepting some regulations while still publicly maintaining the fiction that they don't provide transportation. Except in the aggressive, sophisticated and high-priced public relations campaigns of the TNCs, this fiction is receding in the face of reality. Just as San Francisco has required the taxi industry to provide wheelchair accessible transportation, among other regulatory requirements, the CPUC and SFMTA should do so with respect to TNCs.

It is relevant to note that, as they have done with TNCs, San Francisco government has taken a hands-off approach to accessibility of limousine/private car services and sightseeing buses, declining to assert regulatory jurisdiction or even to use San Francisco's considerable financial, logistical and practical leverage to require access.

This summer I tried to arrange, with a limousine/private car service, an accessible short ride within San Francisco that would have been less than \$10 in a taxi or TNC, for an acquaintance from out of town, a Grammy award-winning pianist who uses a wheelchair. I called Bauer and Gateway, the two largest providers in San Francisco. The smallest accessible vehicle Bauer could provide was a 24-seater, at a cost of \$616 for four hours (there is a four-hour minimum). Gateway could only provide a "minibus" at \$131 per hour with a three-hour minimum. Neither the Bauer nor the Gateway employees were knowledgeable about access; they noted my request and said they would call me a day or two later. Neither called, so I had to chase them. Besides the outrageous prices, it was obvious that neither company was interested in providing accessible transportation. Ultimately I didn't book with either one.

A significant percentage of the hop-on hop-off and other sightseeing buses operating in San Francisco are not wheelchair accessible. I see inaccessible ones often, including when I roll past a large dedicated parking space on Fell near Pierce streets that San Francisco government has provided the tour bus operators. Some bus drivers have confirmed to me that their vehicles aren't accessible.

When I inquired about these discriminatory situations, San Francisco City employees told me they believe that the CPUC, and not the City and County of San Francisco, has jurisdiction over limousine/private car services and sightseeing buses.

**Please do not bestow the blessing of the California Public Utilities Commission on yet another transportation system that is inaccessible to consumers who use wheelchairs, especially one that is rapidly becoming dominant and ubiquitous, and that may make taxis obsolete. Require the TNCs to directly provide wheelchair accessible transportation at a level equivalent to that enjoyed by their other customers.**

Thank you for considering these comments.

Sincerely

Howard L. Chabner

## TNCs AND WHEELCHAIR ACCESS

By Howard Chabner  
March 25, 2016

This memo is a follow-up to the meeting/conference call on Tuesday, March 22, 2016, with CPUC Commissioner Liane Randolph, CPUC staff and various disability rights advocates. The discussion was about providing access to TNC transportation services for customers with various types of disabilities. This memo focuses on wheelchair access. I've used a power wheelchair since 1990. My wife and I have owned three lowered floor wheelchair accessible minivans since 1990, including our current one.

**Paratransit is neither a paradigm for wheelchair accessible TNC service nor a substitute for it.**

Paratransit is a program run by local public transportation agencies for people with disabilities who are unable to use public transportation independently (or where public transportation is not accessible); for them it is a substitute for public transportation. Paratransit fares are heavily subsidized by the local government, which makes sense because public transportation has (relatively) low fares.

In great contrast to TNC transportation, paratransit is not true on-demand transportation. It requires a reservation, usually at least the day before the ride. Pick up and drop off are provided within a time window that varies depending upon the agency that runs the program. The ride is often shared with other customers going to different destinations. Depending on the localities, there can be barriers and problems in getting a ride that crosses jurisdictions. In order to be eligible for paratransit, a person must fill out an application and demonstrate that they are unable to use public transportation independently (or that public transportation isn't accessible). If their application is approved, their eligibility is for a specified time period. Visitors can be served, but they also must demonstrate eligibility and sign up in advance.

In short, not only is paratransit service different from TNC transportation, but in many ways it is the complete opposite. Therefore, referring a customer who uses a wheelchair to paratransit does not fulfill a TNC's obligation to provide accessible services. Moreover, doing so would put a strain on the paratransit system, and would be using public funds to, in effect, subsidize the TNC.

**Providing transportation in an inaccessible vehicle does not constitute wheelchair accessible service.**

This should be self-evident, and has been among the disability community, taxi industry, regulators and many others for decades, but sometimes TNCs have mischaracterized transportation in an inaccessible vehicle as constituting wheelchair accessible service. Depending on the particular vehicle, some people who use manual wheelchairs are able to transfer to an ordinary, non-accessible vehicle and stow their wheelchair in the trunk or back

seat. TNCs must serve these wheelchair users with the same level of service as able-bodied customers, and provide accommodations such as assistance stowing the wheelchair, but this doesn't constitute wheelchair accessible service.<sup>1</sup> To say that it does would be like saying that a public accommodation located on the second floor of a building without an elevator is accessible because people with mobility limitations who are able to climb stairs can get there.

Only transportation in a wheelchair accessible vehicle (WAV) should be considered wheelchair accessible transportation. The CPUC should define what an accessible vehicle is. As stated by Peter Mendoza, it should be a vehicle that can accommodate a power wheelchair, with a ramp or lift, a conversion by a recognized mobility vehicle conversion company, at least four tie-downs and a lap/shoulder belt long enough to accommodate a power wheelchair. The rampvans used in the San Francisco taxi fleet are an example. 49 CFR Section 38.23 provides specifications for ramps, lifts and securement devices. Also, minimum doorway and interior height, doorway width and interior open space should be specified in any regulations the CPUC adopts.

**The CPUC should require TNCs to provide data about requests for accessible transportation, but those requests understate the demand.** The TNCs should be required to continue providing this information. However, the number of requests almost certainly understates the demand because many potential customers who use wheelchairs have stopped requesting WAV service because the TNCs have not provided it. This is a classic example of dissuasion, a barrier all too common in disability access. For example, I use a power wheelchair but have not requested accessible service because I know from other wheelchair users, from media coverage and from the TNCs themselves that accessible service is virtually nonexistent. The TNCs may argue that demand for WAV service is low, based on a relatively low number of requests; it's important to keep in mind that the number of requests doesn't reflect the true level of demand.

**An adequate, nondiscriminatory level of wheelchair accessible service will require that the TNCs own WAVs.**

The goal, the imperative, is to provide customers in wheelchairs with transportation in WAVs equivalent to that provided to able-bodied customers - in response time, geographical availability, fares and other characteristics. In order to provide adequate response time and geographical availability, there needs to be a substantial number of WAVs. On the conference call it was mentioned that Houston specifies a required response time, rather than an absolute number of WAVs or a percentage of the fleet.

Certainly the ultimate goal is response time; having WAVs is a means to that end. But given the TNCs' lack of transparency and outright disobedience to the CPUC's order for information, and also due to the complexity of the data and the difficulty of customers proving waiting time (the TNCs will have and control all of the data), the CPUC should require both a maximum response time and, for each geographical area, a minimum number of WAVs or a percentage based on the average number of vehicles being driven for the particular TNC in that

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<sup>1</sup> All TNC drivers should be trained in providing assistance to customers with all types of disabilities, including customers who use wheelchairs.

area over a specified time period. Disability Rights Advocates, on behalf of various organizations and individuals, achieved a settlement with New York City requiring that WAVs comprise 50% of the NYC taxi fleet by a date certain. Both sides recognized that, in order to provide equivalent, responsive accessible service, a significant percentage of a fleet must be wheelchair accessible.

There are three categories of potential WAV drivers: wheelchair users; able-bodied spouses, partners, friends or family members of people who use wheelchairs; and people who don't fall into either of those categories. Under the TNCs' current business model in which the drivers, not the TNCs, own the vehicles, it is highly unlikely that there will be enough owner/drivers of WAVs to provide adequate response time and geographical availability. This is likely to be true even if large incentives were provided to drive WAVs, and even if the TNCs' sophisticated software were used to optimize response times.

Many wheelchair users don't drive. Most wheelchair users who do drive and own a WAV are unlikely to be able to drive their own vehicle for a TNC for customers in wheelchairs. It's difficult or impossible to fit two wheelchairs, especially power wheelchairs, in most accessible minivans, which are now more popular than accessible full-sized vans. Even if two wheelchairs could fit in a particular vehicle, it would be difficult if not impossible for the driver who uses a wheelchair to operate the tie-downs and shoulder harness in order to secure the customer's wheelchair. And even for someone with enough strength and manual dexterity, there wouldn't be enough space in most WAVs to maneuver. Also, safety would require eight tie-downs and two adapted shoulder belts - that's a lot of devices and straps in a small space. In San Francisco, I'm unaware of any taxi driver who uses a wheelchair, although I know one who uses a scooter but can walk short distances.

The second category of potential drivers of WAVs includes able-bodied spouses, partners or close friends/family members of someone who uses a wheelchair and owns an accessible vehicle. But often that person has their hands full living their own life and helping their loved one. Not many would be likely to have the time or want to drive for a TNC. Per Peter Mendoza, his wife Jennifer is the only driver of a WAV for a TNC in San Francisco.

The third category is drivers who choose to drive a WAV for altruistic reasons or financial incentives or both. Under the TNC business model of owner/drivers, the number of individuals in this category is likely to be extremely small. Most people who don't have a spouse, partner, close friend or family member who uses a wheelchair are unlikely to purchase a WAV.

The purchase price, maintenance cost, operating cost and wear and tear of WAVs are significantly higher than for a comparable ordinary vehicle.<sup>2</sup> This is true whether the vehicle is

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<sup>2</sup> The conversion cost of a new WAV minivan can be as much as 80% of the cost of the basic vehicle, or 45% of the total cost. For commercial WAV minivans, which often have fewer features and amenities than those owned by individuals for personal use, the percentages may be lower but are still significant. (For example, individuals often purchase WAVs for their own use with a kneeling feature and a sunroof, which commercial WAVs typically don't have. The cost of these extra features is yet another hurdle to the economic feasibility of driving one's personal WAV for a TNC.) If the TNC model is based solely on owner/drivers operating their own vehicles, of which each

used to transport mostly wheelchair users or mostly able-bodied passengers (although the wear and tear is greater when transporting people who use wheelchairs). Gas mileage is mediocre at best. All of this makes the economics difficult, whether the owner/driver is closely connected with a wheelchair user or is someone who's committed to serving customers in wheelchairs even though he or she doesn't have a particular connection with one. This also makes it unlikely that the spouse, partner or close friend/family member would choose to drive for a TNC without a huge subsidy, both because of the extra cost and wear and tear associated with their WAV, and because the wheelchair user in their life is very dependent on the WAV and might well be reluctant to increase the frequency and cost of maintenance required and to incur the increased likelihood and time of the vehicle being out of service.<sup>3</sup>

The TNC business model in which drivers own the vehicles and bear all of the financial risk (called "peer-to-peer" by the TNCs) has not resulted, and will not result, in wheelchair accessible service. Rather, it has resulted in discrimination against people who use wheelchairs. If the business model results in discrimination, it must be changed. The TNCs should be required to own and operate WAVs sufficient to provide transportation equivalent to that enjoyed by their able-bodied customers.

Reports have suggested that Uber alone is valued at over \$50 billion based on its most recent financing, making it one of the world's most valuable private companies. It's also been widely reported that Uber is investing in driverless vehicles. It is not asking too much for the CPUC to require TNCs to own and operate WAVs. The cost could be built into the price of every ride, whether explicitly designated a surcharge or just built into the pricing structure.

Some have suggested that the TNCs be required to collect a surcharge on every ride and use the money to subsidize wheelchair accessible taxis or some other accessible transportation system operated by a third party. This is unlikely to work in the long run. The TNCs maintain that they have no obligation to provide wheelchair accessible transportation. In effect, they maintain that they have the right to discriminate against wheelchair users. (Their position is similar to that of private clubs that rented hotel rooms to nonmembers and claimed that the civil rights laws didn't apply to them because they are private clubs. The clubs were wrong, and so are the TNCs.) Letting them outsource their obligation to provide accessible transportation would be an acceptance of this position. It would also set a bad precedent for the "sharing economy" in general.

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purchases only one, the per-vehicle acquisition cost is probably higher than for a fleet of similar commercial accessible vehicles, such as a fleet of rampvan taxis.

<sup>3</sup> WAVs have two sets of systems that must be maintained and repaired - the regular systems, like any automobile, which are serviced by regular auto mechanics, and the adapted components (ramp or lift, special suspension, kneeling mechanism and related controls), which are maintained and repaired by specialized WAV dealers, not regular auto mechanics. There are a limited number of specialized dealers (there are none in San Francisco that I'm aware of), they typically are not open on Saturdays, and they don't stock as many parts, or have them available as quickly, as regular auto mechanics do. Loaner vehicles are rarely available when one's WAV - either the adapted components or the regular systems - is being serviced. So it's significantly more difficult, time-consuming, inconvenient and expensive to maintain and repair a WAV than a regular automobile.



Letting the TNCs offload their civil rights obligations would be likely to foster a separate, unequal and inferior system of transportation for wheelchair users. If the TNCs' obligations were limited to collecting and remitting money to a third-party, they would have no involvement, and no incentive ever to become involved, in running the system - call it taxis or something else - of wheelchair accessible on-demand transportation. The segment of the on-demand transportation industry that is the largest, fastest growing, best financed, most sophisticated in advertising, marketing and lobbying, and most technologically savvy would not be involved in the system that provides wheelchair accessible transportation. That is a recipe for an underfunded, poorly functioning, second-class system.<sup>4</sup>

Even if it did work for a while, how long would such a system survive? Nobody can predict what will happen to the taxi industry in a few years, and whether it will even continue to exist. If the TNCs' business strategy succeeds, there will be no taxis. But having initially allowed the TNCs to avoid directly providing wheelchair accessible transportation, regulators will hardly be in a position to change course and try to impose such a requirement some years later. It will be too late. And what industry would remain with the equipment and expertise to provide accessible on-demand transportation?

The CPUC should permit the different TNC companies to work together to create a combined WAV fleet, with perhaps a common ordering mechanism so that a customer has the option of requesting a WAV from a particular TNC or from whichever company's WAV could arrive the soonest.

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<sup>4</sup> The system of assistance personnel at airports is relevant. Many years ago airline employees directly provided assistance to disabled people at airports, but over the years at US airports the airlines have contracted this to third-party providers in order to save money. I know from years of personal experience that the quality of the assistance was better when it was provided directly by the airlines. Businesses tend to serve their customers better when they do it directly rather than through third parties.

Print Form

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor  inquires"
- 5. City Attorney request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

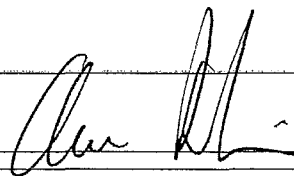
- Small Business Commission     Youth Commission     Ethics Commission
- Planning Commission     Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.**

Sponsor(s):

Subject:

The text is listed below or attached:

Signature of Sponsoring Supervisor: 

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