

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~~ 3 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~~ 4 shall include the Counties of Santa Cruz,
9 Monterey, San Luis Obispo, Santa Barbara, and Ventura.

10 ~~(f)~~

11 (e) Region~~6~~ 5 shall include the Counties of Los Angeles, San
12 Bernardino, Orange, and Riverside.

13 ~~(g)~~

14 (f) Region~~7~~ 6 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 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 ~~forty~~ *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.

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Article 10. Violations

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~~ *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~~ *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.

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