

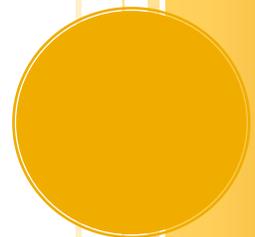


OVERVIEW:

Taxicab Administration Changes

Overview of recent changes to Government Code Sections 53075.5 – 53075.9, relating to local government taxi administration.

9/18/2018



I. Taxicab Regulating Entities

II. Taxicab Company Permits

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IV. Definitions

I. Taxicab Regulating Entities

1. A city or county that has a taxicab company substantially located within its jurisdiction must provide regulations for taxicab service.
 - a. A taxicab company is substantially located in a city or county if that taxicab company's business address is located in that city or county's jurisdiction or if most of the taxicab company's rides originate within that city or county's jurisdiction.
 - b. A city or county is authorized to require a taxicab company to obtain a permit only if the taxicab company is substantially located within its jurisdiction.
2. Cities or Counties that have taxicab companies substantially located within their jurisdiction may:
 - a. Elect to enter into an agreement with another city or county to regulate taxicab companies substantially located within their jurisdiction.
 - b. Enter into an agreement with a transit agency to regulate taxicab companies substantially located within their jurisdiction.
 - c. Elect to form a Joint Powers Authority with other cities or counties to regulate taxicab companies substantially located within their jurisdiction. For purposes of this option, a taxicab company is substantially located within the jurisdictional boundaries of the joint powers authority if it is substantially located within one of the parties to the joint powers agreement.
 - i. A city or county that forms a joint powers authority, or enters into an agreement with a transit agency, or enters into an agreement with another city or county to regulate or administer taxicab companies shall not require permits or require business licenses except as consistent with the terms of that agreement.
3. An airport operator shall have separate and ultimate authority to regulate taxicab access to the airport and set access fees for taxicabs at the airport.
4. Nothing in these regulations shall affect the authority of a jurisdiction to regulate taxicab access to an airport it owns or operates and to set access fees or requirements.
5. These regulations shall become operative on January 1, 2019.
6. As of January 1, 2019 any city or county, regardless of whether a taxicab company is substantially located within its jurisdiction, may adopt, by ordinance, specific regulations for taxicab companies and taxicab drivers that do not relate to permitting or business licensing. These may include, but not be limited to, all of the following:
 - a. Limits on the number of taxicab companies that may use taxicab stand areas or pickup street hails within that city or county's jurisdictional boundaries. If a city or county chooses to limit the number of taxicabs that use the stand areas or pick up street hails, the city or county shall identify those vehicles with a

window sticker and shall not establish additional requirements or costs to the taxicabs beyond that authorized by the state Government Code.

- b. Require taxicab companies to provide services in a manner that provides equal accessibility for all populations within the jurisdictional boundaries of the city or county.
- c. Other public health, safety, or welfare ordinances relating to taxicabs.
- d. Compliance with regulations adopted shall not be a condition for issuance of a permit.
- e. A city or county may administratively impose civil liability for violation of regulations. The minimum fine for violation of taxicab ordinances shall be one hundred dollars (\$100) and shall not exceed one thousand dollars (\$1,000). Civil liability imposed pursuant to this section shall be paid to the city or county where the violation occurred and expended solely for the purposes of taxicab regulation.

II. Taxicab Company Permits

1. A taxicab company permitted by a city or county may provide prearranged trips anywhere within that county.
2. A city or county may accept a taxicab company permit issued by another city or county as valid, and may issue to that taxicab company an inspection sticker that authorizes that taxicab company to operate within the county.
3. A city or county shall not require a taxicab company to obtain a business license, service permit, car inspection certification, or to comply with any requirement unless the taxicab company is substantially located within the jurisdiction of that city or county.
4. Permitted taxicab vehicles must be inspected annually by a facility registered with the Bureau of Automotive Repair or a facility certified by the National Institute for Automotive Service Excellence.
5. If a taxicab company changes the city or county in which it is substantially located the taxicab company must inform the new city or county six months prior to making the change.
6. A taxicab company may set rates and fares and may use flat rate pricing. A city or county may set a maximum.
7. A taxicab company may use GPS or any device authorized by the state to calculate fares.
8. A permitted taxicab company shall not prejudice, disadvantage, or require different rates or provide different service to a person because of race, national origin, religion, color, ancestry, physical disability, medical condition, occupation, marital status or change in marital status, sex, or any characteristic listed or defined in Section 11135 of the Government Code.
9. A permitted taxicab company shall do all of the following:
 - a. Maintain reasonable financial responsibility to conduct taxicab transportation services.
 - b. Participate in the pull-notice program pursuant to Section 1808.1 of the Vehicle Code to regularly check the driving records of all taxicab drivers, whether employees or contractors.

- c. Maintain a safety education and training program in effect for all taxicab drivers, whether employees or contractors.
 - d. Maintain a disabled access education and training program to instruct its taxicab drivers on compliance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and amendments thereto, and state disability rights laws, including making clear that it is illegal to decline to serve a person with a disability or who has a service animal.
 - e. Maintain its motor vehicles used in taxicab transportation services in a safe operating condition, and in compliance with the vehicle Code, subject to annual inspection by the city or county in which it is substantially located, at a facility that is certified by the National Institute for Automotive Service Excellence or a facility registered with the Bureau of Automotive Repair.
 - f. Provide the city or county that has issued a permit under this article an address of an office or terminal where the required documents may be inspected by the permitting city or county.
 - g. Provide for a taxicab driver fingerprint-based criminal history check and a drug and alcohol testing program for drivers that are direct employees.
 - h. Comply with all provisions of an ordinance.
 - i. Provide documentation and trip data in a format determined by its regulating entity substantiating that the total number of prearranged and non-prearranged trips that originate within that city's or county's jurisdiction account for the largest share of the taxicab company's total number of trips. By January 1, 2019, the taxicab company shall provide this data for the previous calendar year, and annually thereafter, to establish the city or county in which it is substantially located.
10. It shall be unlawful to operate a taxicab without a valid permit to operate issued by each city or county in which the taxicab company is substantially located.
- a. The minimum fine for operating without a permit from the city or county in which a taxicab company is substantially located shall be five thousand dollars (\$5,000) and may be imposed administratively by the permitting city or county.
11. Beginning January 1, 2018, taxicab companies shall collect data that demonstrates the total number of prearranged and non-prearranged trips that originate within a particular local jurisdiction for the purpose of determining where that taxicab company is substantially located, and shall provide that data to the city or county in which it is substantially located. Beginning January 1, 2019, the trip data collected in the previous 12 months shall be provided upon date of renewal to the city or county in which the taxicab company is substantially located. If a taxicab company changes from being substantially located in one city or county to another, the taxicab company shall notify the new city or county six months before making that change.

III. Taxicab Driver Permits

A city or county may accept a taxicab company or driver permit issued by another city or county as valid, and may issue to that taxicab company an inspection sticker or photo permit that authorizes that taxicab company or driver to operate within the county.

A city or county shall not require a taxicab driver to obtain a business license, or driver permit, or to comply with any requirement under these regulations, unless the driver is substantially located within the jurisdiction of that city or county.

The following are conditions of the issuance of the taxicab driver's permit:

1. A taxicab driver permitted by a city or county may provide prearranged trips anywhere within that county.
2. A city or county may accept a taxicab driver permit issued by another city or county as valid, and may issue to that taxicab driver a photo permit that authorizes that taxicab driver to operate.
3. The driver must obtain an offer of employment prior to applying for a taxicab driver permit.
4. A taxicab driver shall display a photo permit issued by the city or county in a place visible to a passenger.
5. Employment or an offer of employment, as a taxicab driver in the jurisdiction.
6. The driver's permit shall state the name of the employer.
7. The employer shall notify the city or county upon termination of employment.
8. The driver shall return the permit to the city or county upon termination of employment.
9. All drivers must participate in a mandatory controlled substance and alcohol testing certification program. The program shall include, but need not be limited to, all of the following requirements:
 - a. Drivers shall test negative for each of the controlled substances specified in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, before employment. Drivers shall test negative for these controlled substances and for alcohol as a condition of permit renewal or, if no periodic permit renewals are required, at such other times as the city or county shall designate. As used in this section, a negative test for alcohol means an alcohol-screening test showing a breath alcohol concentration of less than 0.02 percent.
 - b. Procedures shall be substantially as in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, except that the driver shall show a valid California driver's license at the time and place of testing, and except as provided otherwise in this section. Requirements for rehabilitation and for return-to-duty and follow up testing and other requirements, except as provided otherwise in this section, shall be substantially as in Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations.
 - c. A test in one jurisdiction shall be accepted as meeting the same requirement in any other jurisdiction. Any negative test result shall be accepted for one year as meeting a requirement for periodic permit renewal testing or any other periodic testing in that jurisdiction or any other jurisdiction, if the driver has not tested positive subsequent to a negative result. However, an earlier negative result shall not be accepted as meeting the pre-employment testing requirement for any subsequent employment, or any testing requirements under the program other than periodic testing.
 - d. In the case of a self-employed independent driver, the test results shall be reported directly to the city or county, which shall notify the taxicab leasing

- company of record, if any, of positive results. In all other cases, the results shall be reported directly to the employing transportation operator, who may be required to notify the city or county of positive results.
- e. All test results are confidential and shall not be released without the consent of the driver, except as authorized or required by law.
 - f. Self-employed independent drivers shall be responsible for compliance with, and shall pay all costs of, this program with regard to themselves. Employing transportation operators shall be responsible for compliance with, and shall pay all costs of, this program with respect to their employees and potential employees, except that an operator may require employees who test positive to pay the costs of rehabilitation and of return-to-duty and follow up testing.
 - g. Upon the request of a driver applying for a permit, the city or county shall give the driver a list of the consortia certified pursuant to Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations that the city or county knows offer tests in or near the jurisdiction.
10. No evidence derived from a positive test result pursuant to the program shall be admissible in a criminal prosecution concerning unlawful possession, sale, or distribution of controlled substances.
 11. The driver's permit shall become void upon termination of employment.

IV. Definitions

1. Taxicab vehicles: vehicles designed for carrying no more than eight persons excluding the driver, which are operated in the city or county in order to provide taxicab transportation services.
2. City or county: this includes a charter city or charter county, but does not include the City and County of San Francisco.
3. Employment: includes self-employment as an independent driver.
4. Prearranged trip: a trip using an online enabled application, phone dispatch, or Internet Web site.
5. Substantially located: In reference to a city or county that the taxicab company meets either of the following:
 - a. Has its primary business address within that city's or county's jurisdiction.
 - b. The total number of prearranged and non-prearranged trips that originate within that city's or county's jurisdiction account for the largest share of the taxicab company's total number of trips over the previous calendar year, as determined annually.
 - c. A taxicab company that initiates taxi operations after January 1, 2019, in reference to a city or county in which that company had not operated before January 1, 2019, the following:
 1. In the first year of its operation, the jurisdiction where that taxicab company has its primary business address.
 2. After the first year of operation, it meets either of the following: the test described in a. or b.
 - d. A taxicab company may be substantially located in more than one jurisdiction.