

AMENDED IN SENATE AUGUST 2, 2016

AMENDED IN SENATE JUNE 23, 2016

AMENDED IN SENATE MAY 27, 2016

AMENDED IN SENATE APRIL 14, 2016

AMENDED IN SENATE SEPTEMBER 4, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 650

Introduced by Assembly Member Low

February 24, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

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

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

as charter-party carriers of passengers. Existing law requires every city and county to adopt an ordinance to regulate taxicab service within its jurisdiction, and exempts taxicab service from commission regulation.

This bill would enact the Taxicab Transportation Services Act and provide for the statewide regulation of taxicab transportation services by the commission, 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 a requirement for taxicab carriers to monitor the driving records of taxicab drivers. The bill would provide for issuance of permits by the commission elsewhere in the state to taxicab carriers authorizing carriers to operate. The bill would specify the requirements that taxicab drivers in commission jurisdiction must meet. The bill would enact various provisions relating to insurance, vehicle inspections, monitoring of taxicab drivers, and other matters relating to taxicab carriers in commission jurisdiction. The bill would ~~authorize~~ *require* the commission to require the disclosure of ~~fares and fees, fares, fees and rates~~, as specified. The bill would prohibit entities from providing taxicab transportation services in commission jurisdiction without the required permit, and would provide for the commission to investigate and take action against unlicensed activity. The bill would require the commission to adopt a general order pertaining to taxicab carriers, and would authorize peace officers to enforce the provisions of the bill and the general order. The bill would repeal provisions providing for city and county regulation of taxicab services, but would authorize airports to continue to regulate the provision of taxicab transportation services to and from airports. The bill would require cities and counties that license taxicab services as of December 31, 2016, excluding the City and County of San Francisco, to forward to the commission licensure information for each licensee, as specified, and would thereby impose a state-mandated local program. The bill also would make conforming changes to other related provisions.

A violation of the Taxicab Transportation Services Act would be a crime and in certain cases would also be subject to a civil penalty. The bill would also require applications for taxicab carrier permits to be verified under oath, and would require certain statements by taxicab carriers relative to workers' compensation to be submitted to the commission under penalty of perjury. The bill would thereby impose a state-mandated local program by creating new crimes.

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

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

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

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

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

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

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

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

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

- 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.

- 1 (5) Section 86.1.
- 2 (6) Section 1710.20.
- 3 (7) Section 7581 of the Food and Agricultural Code.
- 4 (8) Section 12647 of the Food and Agricultural Code.
- 5 (9) Section 27601 of the Food and Agricultural Code.
- 6 (10) Section 31503 of the Food and Agricultural Code.
- 7 (11) Section 31621 of the Food and Agricultural Code.
- 8 (12) Section 52514 of the Food and Agricultural Code.
- 9 (13) Section 53564 of the Food and Agricultural Code.
- 10 (14) Section 53069.4 of the Government Code.
- 11 (15) Section 5411.5 of the Public Utilities Code.
- 12 (16) Section 5460.12 of the Public Utilities Code.
- 13 (17) Section 9872.1 of the Vehicle Code.
- 14 (18) Section 10751 of the Vehicle Code.
- 15 (19) Section 14607.6 of the Vehicle Code.
- 16 (20) Section 40230 of the Vehicle Code.
- 17 (21) Section 40256 of the Vehicle Code.
- 18 SEC. 2. Section 53075.5 of the Government Code is repealed.
- 19 SEC. 3. Section 53075.6 of the Government Code is repealed.
- 20 SEC. 4. Section 53075.61 of the Government Code is repealed.
- 21 SEC. 5. Section 53075.7 of the Government Code is repealed.
- 22 SEC. 6. Section 53075.8 of the Government Code is repealed.
- 23 SEC. 7. Section 53075.9 of the Government Code is repealed.
- 24 SEC. 8. Section 830.7 of the Penal Code is amended to read:
- 25 830.7. The following persons are not peace officers but may
- 26 exercise the powers of arrest of a peace officer as specified in
- 27 Section 836 during the course and within the scope of their
- 28 employment, if they successfully complete a course in the exercise
- 29 of those powers pursuant to Section 832:
- 30 (a) Persons designated by a cemetery authority pursuant to
- 31 Section 8325 of the Health and Safety Code.
- 32 (b) Persons regularly employed as security officers for
- 33 independent institutions of higher education, recognized under
- 34 subdivision (b) of Section 66010 of the Education Code, if the
- 35 institution has concluded a memorandum of understanding,
- 36 permitting the exercise of that authority, with the sheriff or the
- 37 chief of police within whose jurisdiction the institution lies.
- 38 (c) Persons regularly employed as security officers for health
- 39 facilities, as defined in Section 1250 of the Health and Safety Code,
- 40 that are owned and operated by cities, counties, and cities and

1 counties, if the facility has concluded a memorandum of
2 understanding, permitting the exercise of that authority, with the
3 sheriff or the chief of police within whose jurisdiction the facility
4 lies.

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

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

20 (f) Nonpeace officers regularly employed as county parole
21 officers pursuant to Section 3089.

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

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

35 (i) Persons regularly employed by any department of the City
36 of Los Angeles who are designated as security officers and
37 authorized by local ordinance to enforce laws related to the
38 preservation of peace in or about the properties owned, controlled,
39 operated, or administered by any department of the City of Los
40 Angeles and authorized by a memorandum of understanding with

1 the Chief of Police of the City of Los Angeles permitting the
2 exercise of that authority. Security officers authorized pursuant to
3 this subdivision shall not be deemed peace officers for purposes
4 of Sections 241 and 243.

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

31 SEC. 9. Section 5353 of the Public Utilities Code is amended
32 to read:

33 5353. This chapter does not apply to any of the following:

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

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

1 (c) Common carrier transportation services between fixed
2 termini or over a regular route that are subject to authorization
3 pursuant to Article 2 (commencing with Section 1031) of Chapter
4 5 of Part 1 of Division 1.

5 (d) Transportation services occasionally afforded for farm
6 employees moving to and from farms on which employed when
7 the transportation is performed by the employer in an owned or
8 leased vehicle, or by a nonprofit agricultural cooperative
9 association organized and acting within the scope of its powers
10 under Chapter 1 (commencing with Section 54001) of Division
11 20 of the Food and Agricultural Code, and without any requirement
12 for the payment of compensation therefor by the employees.

13 (e) Transportation service rendered by a publicly owned transit
14 system.

15 (f) Passenger vehicles carrying passengers on a noncommercial
16 enterprise basis.

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

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

38 (i) Vehicles used exclusively to provide medical transportation,
39 including vehicles employed to transport developmentally disabled
40 persons for regional centers established pursuant to Chapter 5

1 (commencing with Section 4620) of Division 4.5 of the Welfare
2 and Institutions Code.

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

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

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

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

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

34 (B) Does not provide any preflight ground transportation
35 services in their vehicles.

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

38 (D) Files with the commission an exemption declaration and
39 proof of vehicle insurance, as prescribed by the commission,
40 certifying that the operator qualifies for the exemption and will

1 maintain minimum insurance on each vehicle of one hundred
2 thousand dollars (\$100,000) for injury or death of one person, three
3 hundred thousand dollars (\$300,000) for injury or death of two or
4 more persons and one hundred thousand dollars (\$100,000) for
5 damage to property.

6 (2) Nothing in this subdivision authorizes the operator of a
7 commercial balloon operation to provide any round trip sightseeing
8 service without a permit, as required by subdivision (c) of Section
9 5384.

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

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

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

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

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

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

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

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

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

1 million five hundred thousand dollars (\$3,500,000) general
2 umbrella liability insurance policy that covers vehicles.

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

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

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

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

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

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

38 (f) No peace officer, however, may impound any vehicle owned
39 or operated by a nonprofit organization exempt from taxation
40 pursuant to Section 501(c)(3) of the Internal Revenue Code which

1 serves youth or senior citizens and provides transportation
2 incidental to its programs or services or a rented motor vehicle
3 that is being operated by a hired driver of a charter-party carrier
4 of passengers that is providing hired driver service.

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

7 5412.2. (a) When a person is convicted of the offense of
8 operating a taxicab without a valid permit required pursuant to
9 Chapter 8.5 (commencing with Section 5451) or pursuant to a local
10 ordinance of the City and County of San Francisco or its airport
11 authority, in addition to any other penalties provided by law, if the
12 court determines the operator has the ability to pay, the court shall
13 impose a mandatory fine not exceeding two thousand five hundred
14 dollars (\$2,500) for a first conviction or five thousand dollars
15 (\$5,000) for a subsequent conviction.

16 (b) When a person is convicted of the offense of operating a
17 charter-party carrier of passengers without a valid certificate or
18 permit, in addition to any other penalties provided by law, if the
19 court determines the operator has the ability to pay, the court shall
20 impose a mandatory fine not exceeding ten thousand dollars
21 (\$10,000) for a first conviction or twenty-five thousand dollars
22 (\$25,000) for a subsequent conviction.

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

27 SEC. 12. Section 5413.5 of the Public Utilities Code is
28 amended to read:

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

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

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

19
 20 CHAPTER 8.5. TAXICAB TRANSPORTATION SERVICES ACT

21
 22 Article 1. General Provisions and Definitions

23
 24 5451. This chapter shall be known, and may be cited, as the
 25 Taxicab Transportation Services Act.

26 5451.1. The commission may delegate to its executive director
 27 or designee of the executive director the authority to issue, renew,
 28 or authorize the transfer of taxicab carrier permits under this
 29 chapter and to otherwise implement this chapter.

30 5451.2. Notwithstanding any other provision of law, and except
 31 as otherwise provided in Section 5451.3, this chapter shall apply
 32 to taxicab transportation services provided throughout the state.
 33 The commission shall regulate taxicab transportation services and
 34 enforce the requirements of this chapter, and may adopt regulations
 35 to further the objectives of this chapter.

36 5451.3. This chapter shall not apply to taxicab transportation
 37 services originating in the jurisdiction of the City and County of
 38 San Francisco or at the San Francisco International Airport,
 39 including taxicab carriers associated with those services. Those
 40 taxicab transportation services shall remain under the regulation

1 of the City and County of San Francisco or its airport authority,
2 as the case may be.

3 5451.4. For the purposes of this chapter, the following terms
4 have the following meanings:

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

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

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

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

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

18 (f) “Taxicab driver” means an individual who is a licensed driver
19 of a taxicab under this chapter.

20 (g) “Taxicab transportation services” means the provision of
21 transportation services for compensation using motor vehicles
22 designed for carrying not more than eight passengers, excluding
23 the driver, and that are permitted to serve passengers via street
24 hail, including curbside pickups, but excludes transportation
25 services provided by a charter-party carrier of passengers regulated
26 by Chapter 8 (commencing with Section 5351).

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

32 5451.6. The commission shall issue permits pursuant to this
33 chapter authorizing taxicab carriers to operate.

34

35 Article 2. Authorization to Operate as a Taxicab Carrier

36

37 5452. An entity shall not engage in taxicab transportation
38 services subject to regulation under this chapter without first having
39 obtained a taxicab carrier permit issued by the commission pursuant
40 to this chapter.

1 5452.2. The commission shall issue permits to entities to
2 operate taxicab transportation services as a taxicab carrier if
3 otherwise qualified under this chapter.

4 5452.6. A taxicab carrier shall include the number of its permit
5 in every written, oral, or electronic advertisement of the services
6 it offers and shall comply with the signing requirements of Section
7 27908 of the Vehicle Code. For the purposes of this section,
8 “advertisement” includes, but is not limited to, the issuance of any
9 card, sign, or device to any person, the causing, permitting, or
10 allowing of the placement of any sign or marking on or in any
11 building or structure, or in any media form, including newspaper,
12 magazine, radiowave, satellite signal, or any electronic
13 transmission, or in any directory soliciting taxicab transportation
14 services subject to this chapter.

15 5452.8. (a) Applications for taxicab carrier permits shall be
16 in writing and verified under oath, and shall be in the form and
17 contain the information required by the commission.

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

20 (1) Permits (new): ____ dollars (\$____).

21 (2) Permits (renewal): ____ dollars (\$____).

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

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

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

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

1 (D) It participates in the pull notice program pursuant to Section
2 1808.1 of the Vehicle Code to regularly check the driving records
3 of all taxicab drivers, whether employees or contractors.

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

6 (F) *It has a disabled access education and training program to*
7 *instruct its taxicab drivers on compliance with the Americans with*
8 *Disabilities Act of 1990 and California's disability rights laws,*
9 *including making clear that it is illegal to decline to serve a person*
10 *with a disability or who has a service animal.*

11 ~~(F)~~

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

17 ~~(G)~~

18 (H) It has provided to the commission an address of an office
19 or terminal where documents supporting the factual matters
20 specified in the showing required by this subdivision may be
21 inspected by the commission or the Department of the California
22 Highway Patrol.

23 ~~(H)~~

24 (I) It provides for a mandatory controlled substance and alcohol
25 testing certification program pursuant to Section 5457.4.

26 (2) With respect to subparagraphs (B) and ~~(F)~~ (G) of paragraph
27 (1), the commission may base a finding on a certification by the
28 commission that an applicant has filed, with the commission, a
29 sworn declaration of ability to comply and intent to comply.

30 (b) The commission, as a precondition to the issuance of a permit
31 under this article, may require the procurement of a performance
32 bond by the applicant sufficient to facilitate the collection of fines,
33 penalties, and restitution related to enforcement actions that may
34 be taken against the applicant.

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

38 *5452.11. No taxicab carrier shall prejudice, disadvantage, or*
39 *require different rates or provide different service to a person*
40 *because of race, national origin, religion, color, ancestry, physical*

1 *handicap, medical condition, occupation, marital status or change*
 2 *in marital status, sex, or any characteristic listed or defined in*
 3 *Section 11135 of the Government Code.*

4 5452.12. (a) Every taxicab carrier shall furnish to the
 5 commission a list, prepared under oath, of all motor vehicles used
 6 by the carrier in taxicab transportation services during the period
 7 since the last inspection. The commission shall furnish a copy of
 8 the list to the taxicab carrier’s insurer.

9 (b) If the taxicab carrier’s insurer informs the commission that
 10 the carrier has failed to obtain insurance coverage for any vehicle
 11 reported on the list, the commission may, in addition to any other
 12 penalty provided in this chapter, for a first occurrence, suspend
 13 the carrier’s permit or impose a fine, or both, and, for a second or
 14 subsequent occurrence, suspend or revoke the permit or impose a
 15 fine, or both.

16 5452.14. The commission may, with or without hearing, issue
 17 a permit under this chapter. If the commission finds that the
 18 applicant possesses satisfactory fitness and financial responsibility
 19 to initiate and conduct the proposed taxicab transportation services,
 20 and will faithfully comply with the rules and regulations adopted
 21 by the commission with respect thereto, it shall issue the permit.

22 5452.16. A permit, or renewal thereof, is effective for three
 23 years, unless suspended or revoked by the commission.

24 5452.18. No permit issued pursuant to this chapter, or rights
 25 to conduct any of the services authorized by the permit, shall be
 26 sold, leased, or assigned, or otherwise transferred or encumbered,
 27 unless authorized by the commission. A filing fee of ____ dollars
 28 (\$____) shall accompany all applications for that authorization.

29
 30 Article 3. Enforcement

31
 32 5453. Upon receipt of a complaint containing sufficient
 33 information to warrant conducting an investigation, the commission
 34 shall investigate any entity that advertises or holds itself out as
 35 providing services that may be reasonably considered to be taxicab
 36 transportation services but that does not have a permit required by
 37 this chapter. The commission, in a rulemaking or other appropriate
 38 procedure, shall adopt criteria that establish the type of information,
 39 if contained in a complaint, that is sufficient to warrant an

1 investigation. Pursuant to this investigation, the commission shall
2 do all of the following:

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

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

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

11 5453.2. The commission shall not issue, renew, or authorize
12 the transfer of a taxicab carrier permit under this chapter to any
13 entity against whom a final judgment has been entered and whose
14 name has been transmitted to the commission pursuant to Section
15 3716.4 of the Labor Code, unless that judgment has been satisfied
16 or has been discharged in accordance with the bankruptcy laws of
17 the United States.

18 5453.4. (a) The commission may cancel, suspend, or revoke
19 a taxicab carrier permit issued pursuant to this chapter upon any
20 of the following grounds:

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

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

26 (3) The conviction of a taxicab carrier of any misdemeanor
27 under this chapter while holding a taxicab carrier permit issued by
28 the commission or the conviction of the carrier or its officers of a
29 felony while holding a permit issued by the commission, limited
30 to robbery, burglary, larceny, fraud, or intentional dishonesty for
31 personal gain.

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

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

36 (6) On request of the taxicab carrier.

37 (7) The failure of a taxicab carrier to operate and perform
38 reasonable service. That failure may include repeated violations
39 of the Vehicle Code or of regulations contained in Title 13 of the
40 California Code of Regulations relative to motor vehicle safety by

1 employees of the taxicab carrier that support an inference of unsafe
2 operation or willful neglect of the public safety by the carrier.

3 (8) Consistent failure of the taxicab carrier to maintain its
4 vehicles in a safe operating condition pursuant to Article 8
5 (commencing with Section 5458) and in compliance with the
6 Vehicle Code and with regulations contained in Title 13 of the
7 California Code of Regulations relative to motor vehicle safety,
8 as shown by the records of the commission, the Department of
9 Motor Vehicles, the Department of the California Highway Patrol,
10 or the carrier.

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

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

25 5453.6. (a) A taxicab carrier shall have and shall make
26 available for inspection by the commission, upon request, one of
27 the following:

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

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

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

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

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

8 5453.7. (a) The commission may at any time have access to
9 the land, buildings, or equipment of a taxicab carrier in connection
10 with the operation of the carrier's business and may inspect the
11 accounts, books, papers, and documents of the carrier. Any
12 inspection by the commission may include reproduction of
13 documents either at the premises of the carrier or the offices of the
14 commission, at the option of the carrier. The commission shall
15 reimburse the carrier for any reproduction expenses incurred by
16 the carrier at the direction of the commission.

17 (b) Subdivision (a) also applies to access to property and
18 inspections of accounts, books, papers, and documents of any
19 entity that is a subsidiary or affiliate of, or that holds a controlling
20 interest in, a taxicab carrier with respect to any transaction between
21 the carrier and the other entity.

22 (c) Subdivisions (a) and (b) also apply to any entity engaged in
23 the transportation of persons by motor vehicle for compensation
24 upon a determination by the commission that the entity is
25 advertising or holding itself out as providing services that may
26 reasonably be considered to be taxicab transportation services.

27 5453.8. The commission may, on a complaint alleging that an
28 entity is operating taxicab transportation services without a valid
29 taxicab carrier permit in violation of this chapter, or on its own
30 motion without a complaint, with or without notice of a hearing,
31 order the entity so operating to cease and desist from that operation
32 until the commission makes and files its decision in the matter or
33 until further order of the commission.

34 5453.10. (a) The Legislature finds and declares that advertising
35 and use of telephone service is essential for a an entity providing
36 taxicab transportation services to obtain business. Unlawful
37 advertisements by unlicensed taxicabs have resulted in
38 properly-permitted taxicab carriers competing with unlicensed
39 taxicabs using unfair business practices. Unlicensed taxicabs have
40 also exposed residents of the state to unscrupulous persons who

1 portray themselves as properly licensed, qualified, and insured
2 taxicabs. Many of these unlicensed taxicabs have been found to
3 have operated their vehicles without insurance, or in an unsafe
4 manner, placing residents of the state at risk.

5 (b) (1) The Legislature further finds and declares that the
6 termination of telephone service utilized by unlicensed taxicabs
7 is essential to ensure the public safety and welfare. Therefore, the
8 commission should take enforcement action as specified in this
9 section to disconnect telephone service of entities operating
10 unlicensed taxicab transportation services who unlawfully advertise
11 passenger transportation services in yellow page directories and
12 other publications. The enforcement actions provided for by this
13 section are consistent with the decision of the California Supreme
14 Court in *Goldin v. Public Utilities Commission* (1979) 23 Cal. 3d
15 638.

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

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

1 the magistrate shall be a finding that there is probable cause to
2 believe that the applicable telephone facilities have been, or are
3 to be, used in the commission or facilitation of holding out to the
4 public to perform or in performing taxicab transportation services
5 in violation of this chapter and that, in the absence of immediate
6 and summary action, a danger to the public welfare and safety will
7 result.

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

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

33 (f) The telephone or telegraph corporation, immediately upon
34 refusal or disconnection of service in accordance with subdivision
35 (c), shall notify the subscriber in writing that the refusal or
36 disconnection of telephone service has been made pursuant to a
37 request of the commission and the writing of a magistrate, and
38 shall include with the notice a copy of this section, a copy of the
39 writing of the magistrate, and a statement that the customer or
40 subscriber may request information from the commission at its

1 San Francisco or Los Angeles office concerning any provision of
2 this section and the manner in which a complaint may be filed.

3 (g) The provisions of this section are an implied term of every
4 contract for telephone service. The provisions of this section are
5 a part of any application for telephone service. Applicants for, and
6 subscribers and customers of, telephone service have, as a matter
7 of law, consented to the provisions of this section as a consideration
8 for the furnishing of the telephone service.

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

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

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

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

22 5453.12. In order to facilitate enforcement by peace officers
23 of taxicab laws pursuant to this chapter and associated regulations
24 adopted by the commission, both of the following shall apply:

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

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

29
30
31

Article 4. Trade Dress

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

38 5454.2. The commission shall assign both trade name and trade
39 dress for taxicab transportation services. In doing so, the
40 commission shall take into account taxicab carriers operating on

1 December 31, 2016, and shall minimize public confusion to
2 consumers of taxicab transportation services in awarding trade
3 name and trade dress.

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

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

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

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

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

17 5454.8. Any city or county, or any subdivision thereof, that
18 regulates or oversees the licensure of taxicab transportation services
19 within its jurisdiction on December 31, 2016, shall forward to the
20 commission licensure information for each taxicab transportation
21 service licensee within its jurisdiction. This section shall not apply
22 to the taxicab transportation services exempted from this chapter
23 pursuant to Section 5451.3. The information shall include, but
24 need not be limited to, the following:

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

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

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

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

33

34

Article 5. Insurance

35

36 5455. The commission, in granting a permit to a taxicab carrier
37 pursuant to this chapter, shall require the taxicab carrier to procure,
38 and to continue in effect during the life of the permit, insurance
39 against liability imposed by law upon the taxicab carrier for the
40 payment of damages for personal bodily injuries, including death

1 resulting therefrom, insurance against a total liability of the taxicab
 2 carrier on account of bodily injuries to, or death of, more than one
 3 person as a result of any one accident, and insurance against
 4 damage or destruction of property. The insurance requirements
 5 shall be satisfied through commercial liability insurance coverage
 6 applicable 24 hours per day and seven days per week that is no
 7 less than one hundred thousand dollars (\$100,000) for death and
 8 personal injury per person, three hundred thousand dollars
 9 (\$300,000) for death and personal injury per incident, and fifty
 10 thousand dollars (\$50,000) for property damage. The commission
 11 may require higher amounts of insurance coverage.

12 5455.2. The insurance coverage required under Section 5455
 13 shall cover each motor vehicle used or to be used under a taxicab
 14 carrier’s permit. The policy of insurance shall be issued by a
 15 company licensed to write insurance in this state, or by nonadmitted
 16 insurers subject to Section 1763 of the Insurance Code, if the
 17 policies meet the rules promulgated therefor by the commission.

18 5455.4. No entity holding a valid taxicab carrier permit issued
 19 by the commission pursuant to this chapter shall be required by a
 20 city, county, city and county, or any other local agency to provide
 21 insurance in a manner different from that required by this article.

22 5455.8. The insurance policy shall be filed with the
 23 commission. With the consent of the commission, a copy of an
 24 insurance policy, certified by the company issuing it to be a true
 25 copy of the original policy, or a photocopy thereof, or an electronic
 26 copy thereof, or an abstract of the provisions of the policy, or a
 27 certificate of insurance issued by the company issuing the policy,
 28 may be filed with the commission in lieu of the original or a
 29 duplicate or counterpart of the policy.

30

31 Article 6. Pricing and GPS Metering

32

33 5456. The commission shall not regulate the type of device
 34 used by taxicab carriers to calculate fares, including the use of
 35 global positioning system metering as a form of calculating fares.

36 5456.2. The commission ~~may~~ shall adopt rules requiring taxicab
 37 carriers to disclose fares, fees, ~~and other pricing structures for~~
 38 ~~taxicab transportation services.~~ *or rates to the customer before the*
 39 *customer accepts the ride so that the customer can make a*
 40 *knowledgeable decision.* Any rules shall allow a taxicab carrier to

1 disclose fares, fees, or ~~other pricing structures~~ *rates* on its Internet
2 Web site or cellular telephone application.

3
4 Article 7. Taxicab Drivers
5

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

- 10 (a) Evidence of a valid Class C California driver's license.
11 (b) A valid permit issued by the commission to a taxicab carrier.
12 (c) Evidence of the taxicab carrier's liability insurance in
13 compliance with Article 5 (commencing with Section 5455).

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

16 5457.4. (a) A taxicab carrier shall do all of the following:

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

20 (2) Provide for a mandatory controlled substance and alcohol
21 testing certification program for taxicab drivers employed or
22 contracted by the carrier, as required by the commission. The
23 program shall not be more strict than the program adopted by the
24 commission pursuant to Section 1032.1 for transportation network
25 company drivers.

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

- 28 (A) Is a minimum of 18 years of age.
29 (B) Possesses a valid Class C California driver's license.
30 (C) Is not afflicted with either a physical or mental incapacity
31 that would preclude the individual from safely operating a taxicab
32 and performing the duties normally associated with the profession.
33 (D) Passes a background check through the Department of
34 Justice's live scan system.

35 (4) Provide each taxicab driver employed or contracted by the
36 taxicab carrier with documentation necessary for the driver to
37 comply with subdivisions (b) and (c) of Section 5457.

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

1 (c) Taxicab drivers hired or contracted by a taxicab carrier on
2 or after January 1, 2017, shall be subject to mandatory drug and
3 alcohol testing prior to employment or contracting. Drivers hired
4 or contracted by a taxicab carrier before January 1, 2017, shall
5 complete a drug and alcohol test before January 1, 2018.

6 5457.6. (a) A taxicab carrier regulated pursuant to this chapter
7 shall not employ, or contract with, any of the following persons
8 as a taxicab driver:

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

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

35 (3) A person convicted of any violation of Section 20001, 20003,
36 20004, 23104, or 23153 of the Vehicle Code.

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

1 Article 8. Vehicle Inspection

2
3 5458. Upon initial placement into service and annually
4 thereafter, a taxicab carrier shall have each vehicle inspected at a
5 facility licensed by the Bureau of Automotive Repair, and shall
6 maintain complete documentation of each inspection. The
7 inspection shall cover all of the following components, and each
8 component shall, at a minimum, be in satisfactory condition before
9 a vehicle may be used in providing taxicab transportation services:

- 10 (a) Foot brakes.
11 (b) Emergency brakes.
12 (c) Steering mechanism.
13 (d) Windshield.
14 (e) Rear window and other glass.
15 (f) Windshield wipers.
16 (g) Headlights.
17 (h) Tail lights.
18 (i) Turn indicator lights.
19 (j) Stop lights.
20 (k) Front seat adjustment mechanism.
21 (l) Doors, including opening, closing, and locking.
22 (m) Horn.
23 (n) Speedometer.
24 (o) Bumpers.
25 (p) Muffler and exhaust system.
26 (q) Tires.
27 (r) Interior and exterior rear-view mirrors.
28 (s) Safety belts for the driver and passengers.

29
30 Article 9. Local Agencies and Airports

31
32 5459. (a) Except as otherwise specifically provided in this
33 article and in Section 5451.3, and notwithstanding any other
34 provision of law, this chapter constitutes the exclusive regulation
35 of taxicab carriers and taxicab transportation services in this state.
36 In that regard, a local agency may not require a license, or impose
37 a tax or fee, for the conduct of taxicab transportation services
38 subject to regulation under this chapter.

39 (b) Nothing in this chapter shall be construed to prevent a local
40 agency from designating taxicab stands on public highways under

1 its jurisdiction pursuant to Section 21112 of the Vehicle Code for
2 use by taxicabs, or from designating other locations for taxicabs
3 to stop pursuant to Section 22500 of the Vehicle Code.

4 (c) Nothing in this chapter shall be construed to prevent the
5 governing body of an airport from adopting and enforcing
6 reasonable and nondiscriminatory local airport rules, regulations,
7 and ordinances pertaining to access, use of highways, parking,
8 traffic control, passenger transfers and occupancy, passenger
9 solicitation practices, and the use of buildings and facilities, that
10 are applicable to taxicab carriers operating on airport property. In
11 that regard, the governing body of an airport may require a taxicab
12 carrier to obtain an airport permit in order to operate taxicab
13 transportation services to or from the airport.

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

18

19

Article 10. Violations

20

21 5460. Every taxicab carrier and every officer, director, agent,
22 employee, or contractor of any taxicab carrier who violates or fails
23 to comply with, or who procures, aids, or abets any violation of,
24 any provision of this chapter, or who fails to obey, observe, or
25 comply with any order, decision, rule, regulation, direction,
26 demand, or requirement of the commission, or with any permit
27 issued under this chapter, or who procures, aids, or abets any
28 taxicab carrier in its failure to comply with the order, decision,
29 rule, regulation, direction, demand, requirement, or permit, is guilty
30 of a misdemeanor and is punishable by a fine of not less than one
31 thousand dollars (\$1,000) and not more than five thousand dollars
32 (\$5,000) or by imprisonment in a county jail for not more than
33 three months, or by both that fine and imprisonment.

34 5460.2. Every person other than a taxicab carrier who
35 knowingly and willfully, either individually, or acting as an officer,
36 agent, or employee of a person other than a taxicab carrier, who
37 violates any provision of this chapter, or who fails to obey, observe,
38 or comply with any order, decision, rule, regulation, direction,
39 demand, or requirement of the commission, or who procures, aids,
40 or abets any taxicab carrier in its violation of this chapter, or in its

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

7 5460.4. Every taxicab carrier and every officer, director, agent,
8 employee, or contractor of any taxicab carrier who violates or fails
9 to comply with, or who procures, aids, or abets any violation by
10 any taxicab carrier of, any provision of this chapter, or who fails
11 to obey, observe, or comply with any order, decision, rule,
12 regulation, direction, demand, or requirement of the commission,
13 or with any permit issued under this chapter, or who procures,
14 aids, or abets any taxicab carrier in its failure to comply with the
15 order, decision, rule, regulation, direction, demand, requirement,
16 or permit, is subject to a civil penalty of not more than two
17 thousand dollars (\$2,000) for each offense.

18 5460.6. Every person other than a taxicab carrier who
19 knowingly and willfully, either individually, or acting as an officer,
20 agent, or employee of a person other than a taxicab carrier, who
21 violates any provision of this chapter, or who fails to obey, observe,
22 or comply with any order, decision, rule, regulation, direction,
23 demand, or requirement of the commission, or who procures, aids,
24 or abets any taxicab carrier in its violation of this chapter, or in its
25 failure to obey, observe, or comply with any order, decision, rule,
26 regulation, direction, demand, or requirement, is subject to a civil
27 penalty of not more than two thousand dollars (\$2,000) for each
28 offense.

29 5460.8. Every person who drives a taxicab in conjunction with
30 providing taxicab transportation services subject to regulation
31 under this chapter and who is in violation of Section 5457 or 5457.2
32 is guilty of a misdemeanor and is punishable by a fine of not less
33 than ____ dollars (\$____) and not more than ____ dollars (\$____)
34 or by imprisonment in a county jail for not more than ____ months,
35 or by both that fine and imprisonment.

36 5460.10. Every violation of this chapter or of any order,
37 decision, rule, regulation, direction, demand, or requirement of
38 the commission by any person is a separate and distinct offense
39 and, in case of a continuing violation, each day's continuance
40 thereof is a separate and distinct offense.

1 5460.12. (a) Whenever a peace officer, as defined in Chapter
2 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal
3 Code, arrests a person for the operation of a taxicab without a valid
4 taxicab carrier permit, the peace officer may impound and retain
5 possession of the vehicle.

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

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

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

27 5460.14. When a person is convicted of the offense of operating
28 a taxicab without a valid taxicab carrier permit, in addition to any
29 other penalties provided by law, if the court determines the person
30 has the ability to pay, the court shall impose a mandatory fine not
31 exceeding two thousand five hundred dollars (\$2,500) for a first
32 conviction or five thousand dollars (\$5,000) for a subsequent
33 conviction.

34 5460.16. Whenever the commission, after hearing, finds that
35 any entity is operating as a taxicab carrier without a valid permit
36 in violation of this chapter, the commission may impose a fine of
37 not more than five thousand dollars (\$5,000) for each violation.
38 The commission may assess the entity an amount sufficient to
39 cover the reasonable expense of investigation incurred by the
40 commission. The commission may assess interest on any fine or

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

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

7 120269. (a) If the board licenses or regulates any transportation
8 service, pursuant to Section 120266, or any passenger jitney
9 service, pursuant to Section 120267, and the licensed or regulated
10 service employs, or contracts with, any driver who (1) is not
11 required to be tested for controlled substances and alcohol pursuant
12 to Part 382 (commencing with Section 382.101) of Title 49 of the
13 Code of Federal Regulations, Section 1032.1 or 5457.22 of this
14 code, or Section 34520 of the Vehicle Code, and (2) is not
15 exempted under Section 34520 of the Vehicle Code, the board
16 shall adopt, by ordinance or resolution, a mandatory controlled
17 substance and alcohol testing certification program for those
18 drivers.

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

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

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

29 1808.1. (a) The prospective employer of a driver who drives
30 a vehicle specified in subdivision (k) shall obtain a report showing
31 the driver's current public record as recorded by the department.
32 For purposes of this subdivision, a report is current if it was issued
33 less than 30 days prior to the date the employer employs the driver.
34 The report shall be reviewed, signed, and dated by the employer
35 and maintained at the employer's place of business until receipt
36 of the pull-notice system report pursuant to subdivisions (b) and
37 (c). These reports shall be presented upon request to an authorized
38 representative of the Department of the California Highway Patrol
39 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 (b) of Section
25 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 21100 of the Vehicle Code is amended to
 40 read:

1 21100. Local authorities may adopt rules and regulations by
2 ordinance or resolution regarding all of the following matters:

3 (a) Regulating or prohibiting processions or assemblages on the
4 highways.

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

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

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

13 (2) A person shall not be appointed pursuant to this subdivision
14 unless and until the local authority has submitted to the
15 commissioner or to the chief law enforcement officer exercising
16 jurisdiction in the enforcement of traffic laws within the area in
17 which the person is to perform the duty, for review, a proposed
18 program of instruction for the training of a person for that duty,
19 and unless and until the commissioner or other chief law
20 enforcement officer approves the proposed program. The
21 commissioner or other chief law enforcement officer shall approve
22 a proposed program if he or she reasonably determines that the
23 program will provide sufficient training for persons assigned to
24 perform the duty described in this subdivision.

25 (e) Regulating traffic at the site of road or street construction
26 or maintenance by persons authorized for that duty by the local
27 authority.

28 (f) (1) Licensing and regulating the operation of tow truck
29 service or tow truck drivers whose principal place of business or
30 employment is within the jurisdiction of the local authority,
31 excepting the operation and operators of any auto dismantlers' tow
32 vehicle licensed under Section 11505 or any tow truck operated
33 by a repossessing agency licensed under Chapter 11 (commencing
34 with Section 7500) of Division 3 of the Business and Professions
35 Code and its registered employees.

36 (2) The Legislature finds that the safety and welfare of the
37 general public is promoted by permitting local authorities to
38 regulate tow truck service companies and operators by requiring
39 licensure, insurance, and proper training in the safe operation of
40 towing equipment, thereby ensuring against towing mistakes that

1 may lead to violent confrontation, stranding motorists in dangerous
2 situations, impeding the expedited vehicle recovery, and wasting
3 state and local law enforcement’s limited resources.

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

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

9 (h) Providing for the appointment of nonstudent school crossing
10 guards for the protection of persons who are crossing a street or
11 highway in the vicinity of a school or while returning thereafter
12 to a place of safety.

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

16 (j) (1) Regulating cruising.

17 (2) The ordinance or resolution adopted pursuant to this
18 subdivision shall regulate cruising, which is the repetitive driving
19 of a motor vehicle past a traffic control point in traffic that is
20 congested at or near the traffic control point, as determined by the
21 ranking peace officer on duty within the affected area, within a
22 specified time period and after the vehicle operator has been given
23 an adequate written notice that further driving past the control
24 point will be a violation of the ordinance or resolution.

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

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

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

35 (k) Regulating or authorizing the removal by peace officers of
36 vehicles unlawfully parked in a fire lane, as described in Section
37 22500.1, on private property. A removal pursuant to this
38 subdivision shall be consistent, to the extent possible, with the
39 procedures for removal and storage set forth in Chapter 10
40 (commencing with Section 22650).

1 (l) Regulating mobile billboard advertising displays, as defined
2 in Section 395.5, including the establishment of penalties, which
3 may include, but are not limited to, removal of the mobile billboard
4 advertising display, civil penalties, and misdemeanor criminal
5 penalties, for a violation of the ordinance or resolution. The
6 ordinance or resolution may establish a minimum distance that a
7 mobile billboard advertising display shall be moved after a
8 specified time period.

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

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

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

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

33 (n) (1) This section does not authorize a local authority to enact
34 or enforce an ordinance or resolution that establishes a violation
35 if a violation for the same or similar conduct is provided in this
36 code, nor does it authorize a local authority to enact or enforce an
37 ordinance or resolution that assesses a fine, penalty, assessment,
38 or fee for a violation if a fine, penalty, assessment, or fee for a
39 violation involving the same or similar conduct is provided in this
40 code.

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

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

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

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

13 (B) If the license plate frame is installed in compliance with
14 Section 5201, paper advertisements issued by a dealer contained
15 within that license plate frame or any advertisements on that license
16 plate frame.

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

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

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

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

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

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

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

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

1 (4) The impounding agency, within two working days of
2 impoundment, shall send a notice by certified mail, return receipt
3 requested, to the legal owner of the vehicle, at an address obtained
4 from the department, informing the owner that the vehicle has
5 been impounded and providing the owner with a copy of the
6 warrant or court order. Failure to notify the legal owner within
7 two working days shall prohibit the impounding agency from
8 charging for more than 15 days' impoundment when a legal owner
9 redeems the impounded vehicle. The law enforcement agency shall
10 be open to issue a release to the registered owner or legal owner,
11 or the agent of either, whenever the agency is open to serve the
12 public for regular, nonemergency business.

13 (b) (1) An impounding agency shall release a vehicle to the
14 registered owner or his or her agent prior to the end of the
15 impoundment period and without the permission of the magistrate
16 authorizing the vehicle's seizure under any of the following
17 circumstances:

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

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

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

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

29 (c) (1) Whenever a vehicle is impounded under this section,
30 the magistrate ordering the storage shall provide the vehicle's
31 registered and legal owners of record, or their agents, with the
32 opportunity for a poststorage hearing to determine the validity of
33 the storage.

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

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

1 (B) The location of the place of storage and a description of the
2 vehicle, which shall include, if available, the name or make, the
3 manufacturer, the license plate number, and the mileage of the
4 vehicle.

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

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

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

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

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

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

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

28 (e) A vehicle removed and seized under subdivision (a) shall
29 be released to the legal owner of the vehicle or the legal owner's
30 agent prior to the end of the impoundment period and without the
31 permission of the magistrate authorizing the seizure of the vehicle
32 if all of the following conditions are met:

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

37 (2) (A) The legal owner or the legal owner's agent pays all
38 towing and storage fees related to the seizure of the vehicle. A lien
39 sale processing fee shall not be charged to the legal owner who
40 redeems the vehicle prior to the 15th day of impoundment. Neither

1 the impounding authority nor any person having possession of the
2 vehicle shall collect from the legal owner of the type specified in
3 paragraph (1), or the legal owner's agent, any administrative
4 charges imposed pursuant to Section 22850.5 unless the legal
5 owner voluntarily requested a poststorage hearing.

6 (B) A person operating or in charge of a storage facility where
7 vehicles are stored pursuant to this section shall accept a valid
8 bank credit card or cash for payment of towing, storage, and related
9 fees by a legal or registered owner or the owner's agent claiming
10 the vehicle. A credit card shall be in the name of the person
11 presenting the card. "Credit card" means "credit card" as defined
12 in subdivision (a) of Section 1747.02 of the Civil Code, except,
13 for the purposes of this section, credit card does not include a credit
14 card issued by a retail seller.

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

20 (D) A person operating or in charge of a storage facility
21 described in subparagraph (B) shall have sufficient funds on the
22 premises of the primary storage facility during normal business
23 hours to accommodate, and make change in, a reasonable monetary
24 transaction.

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

29 (3) (A) The legal owner or the legal owner's agent presents to
30 the law enforcement agency or impounding agency, or any person
31 acting on behalf of those agencies, a copy of the assignment, as
32 defined in subdivision (b) of Section 7500.1 of the Business and
33 Professions Code; a release from the one responsible governmental
34 agency, only if required by the agency; a government-issued
35 photographic identification card; and any one of the following as
36 determined by the legal owner or the legal owner's agent: a
37 certificate of repossession for the vehicle, a security agreement
38 for the vehicle, or title, whether paper or electronic, showing proof
39 of legal ownership for the vehicle. The law enforcement agency,
40 impounding agency, or any other governmental agency, or any

1 person acting on behalf of those agencies, shall not require the
2 presentation of any other documents.

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

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

31 (D) An administrative cost authorized under subdivision (a) of
32 Section 22850.5 shall not be charged to the legal owner of the type
33 specified in paragraph (1) who redeems the vehicle unless the legal
34 owner voluntarily requests a poststorage hearing. A city, county,
35 city and county, or state agency shall not require a legal owner or
36 a legal owner’s agent to request a poststorage hearing as a
37 requirement for release of the vehicle to the legal owner or the
38 legal owner’s agent. The law enforcement agency, impounding
39 agency, or any other governmental agency, or any person acting
40 on behalf of those agencies, shall not require any documents other

1 than those specified in this paragraph. The law enforcement agency,
2 impounding agency, or other governmental agency, or any person
3 acting on behalf of those agencies, may not require any documents
4 to be notarized. The legal owner or the legal owner's agent shall
5 be given a copy of any documents he or she is required to sign,
6 except for a vehicle evidentiary hold logbook. The law enforcement
7 agency, impounding agency, or any person acting on behalf of
8 those agencies, or any person in possession of the vehicle, may
9 photocopy and retain the copies of any documents presented by
10 the legal owner or legal owner's agent.

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

16 (f) (1) A legal owner or the legal owner's agent that obtains
17 release of the vehicle pursuant to subdivision (e) shall not release
18 the vehicle to the registered owner of the vehicle or the person
19 who was listed as the registered owner when the vehicle was
20 impounded or any agents of the registered owner until the
21 termination of the impoundment period.

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

37 (3) Prior to relinquishing the vehicle, the legal owner may
38 require the registered owner to pay all towing and storage charges
39 related to the impoundment and the administrative charges

1 authorized under Section 22850.5 that were incurred by the legal
2 owner in connection with obtaining the custody of the vehicle.

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

9 (5) The legal owner, registered owner, or person in possession
10 of the vehicle shall not change or attempt to change the name of
11 the legal owner or the registered owner on the records of the
12 department until the vehicle is released from the impoundment.

13 (g) Notwithstanding any other provision of this section, the
14 registered owner and not the legal owner shall remain responsible
15 for any towing and storage charges related to the impoundment
16 and the administrative charges authorized under Section 22850.5
17 and any parking fines, penalties, and administrative fees incurred
18 by the registered owner.

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

32 SEC. 19. Section 27908 of the Vehicle Code is amended to
33 read:

34 27908. (a) In every taxicab operated in this state there shall
35 be a sign of heavy material, not smaller than 6 inches by 4 inches,
36 or such other size as the Public Utilities Commission, or other
37 regulating agency pursuant to Section 5451.3 of the Public Utilities
38 Code, provides for other notices or signs required to be in every
39 taxicab, securely attached and clearly displayed in view of the

1 passenger at all times, providing in letters as large as the size of
2 the sign will reasonably allow, all of the following information:

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

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

10 (b) As used in this section, “taxicab” means a passenger motor
11 vehicle designed for carrying not more than eight persons,
12 excluding the driver, and used to carry passengers for hire as part
13 of taxicab transportation services regulated pursuant to Chapter
14 8.5 (commencing with Section 5451) of Division 2 of the Public
15 Utilities Code or by another regulating agency pursuant to Section
16 5451.3 of the Public Utilities Code. “Taxicab” shall not include a
17 charter-party carrier of passengers within the meaning of the
18 Passenger Charter-party Carriers’ Act (Chapter 8 (commencing
19 with Section 5351) of Division 2 of the Public Utilities Code).

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

29 However, if the Commission on State Mandates determines that
30 this act contains other costs mandated by the state, reimbursement
31 to local agencies and school districts for those costs shall be made
32 pursuant to Part 7 (commencing with Section 17500) of Division
33 4 of Title 2 of the Government Code.

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