

AMENDED IN SENATE AUGUST 15, 2016  
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**

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**Introduced by Assembly Member Low**

February 24, 2015

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An act to ~~amend~~ *amend, repeal, and add* Section 85 of the Code of Civil Procedure, to *amend and* repeal Sections ~~53075.5, 53075.6, 53075.61, 53075.7, 53075.8, and 53075.9~~ *of of, and to amend, repeal, and add Section 53075.5 of*, the Government Code, to amend Section 830.7 of the Penal Code, to amend *Section 5353 of, to amend, repeal, and add Sections 5353, 5411.5, 5412.2, 5413.5, and 120269 of, and to add Section 23 to, and to add* Chapter 8.5 (commencing with Section 5451) to Division 2 of, the Public Utilities Code, and to ~~amend~~ *amend, repeal, and add* 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~~ *provide, effective July 1, 2017*, 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~~, *Airport* which would continue to be locally ~~regulated~~, *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 require the commission to require the disclosure of 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~~ *The bill would specify certain fees to be imposed by the commission on taxicab carriers.*

*The bill would repeal provisions providing for city and county regulation of taxicab ~~services~~, *services* but would authorize cities and counties, at their option, to elect to issue curbside operation permits to taxicab carriers under commission jurisdiction as of July 1, 2017, granting exclusive authority to provide certain types of taxicab transportation services within their respective jurisdictions, including responding to street hails, sitting at taxi stands, and picking up at airports. The bill would authorize cities and counties issuing curbside operation permits to limit the number of taxicabs that may operate under that authority, would limit the local regulatory fees that those cities and counties may charge to \$50 per taxicab, and would prohibit*

*the imposition of taxicab carrier standards beyond those required by the commission. The bill would also 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, June 30, 2017, 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.*

*The bill would also authorize the Public Utilities Commission to collect trip data for the purposes of transportation and environmental planning from any entity regulated by the commission that provides any form of for-hire passenger transportation, as specified.*

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~~

1 shall not be treated as a limited civil case unless all of the following  
2 conditions are satisfied:

3 (a) ~~The amount in controversy does not exceed twenty-five~~  
4 ~~thousand dollars (\$25,000). As used in this section, “amount in~~  
5 ~~controversy” means the amount of the demand, or the recovery~~  
6 ~~sought, or the value of the property, or the amount of the lien, that~~  
7 ~~is in controversy in the action, exclusive of attorneys’ fees, interest,~~  
8 ~~and costs.~~

9 (b) ~~The relief sought is a type that may be granted in a limited~~  
10 ~~civil case.~~

11 (c) ~~The relief sought, whether in the complaint, a~~  
12 ~~cross-complaint, or otherwise, is exclusively of a type described~~  
13 ~~in one or more statutes that classify an action or special proceeding~~  
14 ~~as a limited civil case or that provide that an action or special~~  
15 ~~proceeding is within the original jurisdiction of the municipal~~  
16 ~~court, including, but not limited to, the following provisions:~~

- 17 (1) ~~Section 798.61 or 798.88 of the Civil Code.~~
- 18 (2) ~~Section 1719 of the Civil Code.~~
- 19 (3) ~~Section 3342.5 of the Civil Code.~~
- 20 (4) ~~Section 86.~~
- 21 (5) ~~Section 86.1.~~
- 22 (6) ~~Section 1710.20.~~
- 23 (7) ~~Section 7581 of the Food and Agricultural Code.~~
- 24 (8) ~~Section 12647 of the Food and Agricultural Code.~~
- 25 (9) ~~Section 27601 of the Food and Agricultural Code.~~
- 26 (10) ~~Section 31503 of the Food and Agricultural Code.~~
- 27 (11) ~~Section 31621 of the Food and Agricultural Code.~~
- 28 (12) ~~Section 52514 of the Food and Agricultural Code.~~
- 29 (13) ~~Section 53564 of the Food and Agricultural Code.~~
- 30 (14) ~~Section 53069.4 of the Government Code.~~
- 31 (15) ~~Section 5411.5 of the Public Utilities Code.~~
- 32 (16) ~~Section 5460.12 of the Public Utilities Code.~~
- 33 (17) ~~Section 9872.1 of the Vehicle Code.~~
- 34 (18) ~~Section 10751 of the Vehicle Code.~~
- 35 (19) ~~Section 14607.6 of the Vehicle Code.~~
- 36 (20) ~~Section 40230 of the Vehicle Code.~~
- 37 (21) ~~Section 40256 of the Vehicle Code.~~

38 ~~SEC. 2. Section 53075.5 of the Government Code is repealed.~~

39 ~~SEC. 3. Section 53075.6 of the Government Code is repealed.~~

40 ~~SEC. 4. Section 53075.61 of the Government Code is repealed.~~

1 ~~SEC. 5.— Section 53075.7 of the Government Code is repealed.~~

2 ~~SEC. 6.— Section 53075.8 of the Government Code is repealed.~~

3 ~~SEC. 7.— Section 53075.9 of the Government Code is repealed.~~

4 *SECTION 1. Section 85 of the Code of Civil Procedure is*  
5 *amended to read:*

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

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

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

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

26 (1) Section 798.61 or 798.88 of the Civil Code.

27 (2) Section 1719 of the Civil Code.

28 (3) Section 3342.5 of the Civil Code.

29 (4) Section 86.

30 (5) Section 86.1.

31 (6) Section 1710.20.

32 (7) Section 7581 of the Food and Agricultural Code.

33 (8) Section 12647 of the Food and Agricultural Code.

34 (9) Section 27601 of the Food and Agricultural Code.

35 (10) Section 31503 of the Food and Agricultural Code.

36 (11) Section 31621 of the Food and Agricultural Code.

37 (12) Section 52514 of the Food and Agricultural Code.

38 (13) Section 53564 of the Food and Agricultural Code.

39 (14) Section 53069.4 of the Government Code.

40 (15) Section 53075.6 of the Government Code.

- 1 (16) Section 53075.61 of the Government Code.
- 2 (17) Section 5411.5 of the Public Utilities Code.
- 3 (18) Section 9872.1 of the Vehicle Code.
- 4 (19) Section 10751 of the Vehicle Code.
- 5 (20) Section 14607.6 of the Vehicle Code.
- 6 (21) Section 40230 of the Vehicle Code.
- 7 (22) Section 40256 of the Vehicle Code.

8 *(d) This section shall become inoperative on July 1, 2017, and,*  
 9 *as of January 1, 2018, is repealed, unless a later enacted statute,*  
 10 *that becomes operative on or before January 1, 2018, deletes or*  
 11 *extends the dates on which it becomes inoperative and is repealed.*

12 *SEC. 2. Section 85 is added to the Code of Civil Procedure, to*  
 13 *read:*

14 *85. An action or special proceeding shall be treated as a limited*  
 15 *civil case if all of the following conditions are satisfied, and,*  
 16 *notwithstanding any statute that classifies an action or special*  
 17 *proceeding as a limited civil case, an action or special proceeding*  
 18 *shall not be treated as a limited civil case unless all of the following*  
 19 *conditions are satisfied:*

20 *(a) The amount in controversy does not exceed twenty-five*  
 21 *thousand dollars (\$25,000). As used in this section, "amount in*  
 22 *controversy" means the amount of the demand, or the recovery*  
 23 *sought, or the value of the property, or the amount of the lien, that*  
 24 *is in controversy in the action, exclusive of attorneys' fees, interest,*  
 25 *and costs.*

26 *(b) The relief sought is a type that may be granted in a limited*  
 27 *civil case.*

28 *(c) The relief sought, whether in the complaint, a*  
 29 *cross-complaint, or otherwise, is exclusively of a type described*  
 30 *in one or more statutes that classify an action or special proceeding*  
 31 *as a limited civil case or that provide that an action or special*  
 32 *proceeding is within the original jurisdiction of the municipal*  
 33 *court, including, but not limited to, the following provisions:*

- 34 *(1) Section 798.61 or 798.88 of the Civil Code.*
- 35 *(2) Section 1719 of the Civil Code.*
- 36 *(3) Section 3342.5 of the Civil Code.*
- 37 *(4) Section 86.*
- 38 *(5) Section 86.1.*
- 39 *(6) Section 1710.20.*
- 40 *(7) Section 7581 of the Food and Agricultural Code.*

- 1 (8) *Section 12647 of the Food and Agricultural Code.*
- 2 (9) *Section 27601 of the Food and Agricultural Code.*
- 3 (10) *Section 31503 of the Food and Agricultural Code.*
- 4 (11) *Section 31621 of the Food and Agricultural Code.*
- 5 (12) *Section 52514 of the Food and Agricultural Code.*
- 6 (13) *Section 53564 of the Food and Agricultural Code.*
- 7 (14) *Section 53069.4 of the Government Code.*
- 8 (15) *Section 5411.5 of the Public Utilities Code.*
- 9 (16) *Section 5460.12 of the Public Utilities Code.*
- 10 (17) *Section 9872.1 of the Vehicle Code.*
- 11 (18) *Section 10751 of the Vehicle Code.*
- 12 (19) *Section 14607.6 of the Vehicle Code.*
- 13 (20) *Section 40230 of the Vehicle Code.*
- 14 (21) *Section 40256 of the Vehicle Code.*
- 15 (d) *This section shall become operative on July 1, 2017.*
- 16 SEC. 3. *Section 53075.5 of the Government Code is amended*
- 17 *to read:*
- 18 53075.5. (a) Notwithstanding Chapter 8 (commencing with
- 19 Section 5351) of Division 2 of the Public Utilities Code, every
- 20 city or county shall protect the public health, safety, and welfare
- 21 by adopting an ordinance or resolution in regard to taxicab
- 22 transportation service rendered in vehicles designed for carrying
- 23 not more than eight persons, excluding the driver, which is operated
- 24 within the jurisdiction of the city or county.
- 25 (b) Each city or county shall provide for, but is not limited to
- 26 providing for, the following:
- 27 (1) A policy for entry into the business of providing taxicab
- 28 transportation service. The policy shall include, but need not be
- 29 limited to, all of the following provisions:
- 30 (A) Employment, or an offer of employment, as a taxicab driver
- 31 in the jurisdiction, including compliance with all of the
- 32 requirements of the program adopted pursuant to paragraph (3),
- 33 shall be a condition of issuance of a driver's permit.
- 34 (B) The driver's permit shall become void upon termination of
- 35 employment.
- 36 (C) The driver's permit shall state the name of the employer.
- 37 (D) The employer shall notify the city or county upon
- 38 termination of employment.
- 39 (E) The driver shall return the permit to the city or county upon
- 40 termination of employment.

1 (2) The establishment or registration of rates for the provision  
2 of taxicab transportation service.

3 (3) (A) A mandatory controlled substance and alcohol testing  
4 certification program. The program shall include, but need not be  
5 limited to, all of the following requirements:

6 (i) Drivers shall test negative for each of the controlled  
7 substances specified in Part 40 (commencing with Section 40.1)  
8 of Title 49 of the Code of Federal Regulations, before employment.  
9 Drivers shall test negative for these controlled substances and for  
10 alcohol as a condition of permit renewal or, if no periodic permit  
11 renewals are required, at such other times as the city or county  
12 shall designate. As used in this section, a negative test for alcohol  
13 means an alcohol screening test showing a breath alcohol  
14 concentration of less than 0.02 percent.

15 (ii) Procedures shall be substantially as in Part 40 (commencing  
16 with Section 40.1) of Title 49 of the Code of Federal Regulations,  
17 except that the driver shall show a valid California driver's license  
18 at the time and place of testing, and except as provided otherwise  
19 in this section. Requirements for rehabilitation and for  
20 return-to-duty and followup testing and other requirements, except  
21 as provided otherwise in this section, shall be substantially as in  
22 Part 382 (commencing with Section 382.101) of Title 49 of the  
23 Code of Federal Regulations.

24 (iii) A test in one jurisdiction shall be accepted as meeting the  
25 same requirement in any other jurisdiction. Any negative test result  
26 shall be accepted for one year as meeting a requirement for periodic  
27 permit renewal testing or any other periodic testing in that  
28 jurisdiction or any other jurisdiction, if the driver has not tested  
29 positive subsequent to a negative result. However, an earlier  
30 negative result shall not be accepted as meeting the  
31 pre-employment testing requirement for any subsequent  
32 employment, or any testing requirements under the program other  
33 than periodic testing.

34 (iv) In the case of a self-employed independent driver, the test  
35 results shall be reported directly to the city or county, which shall  
36 notify the taxicab leasing company of record, if any, of positive  
37 results. In all other cases, the results shall be reported directly to  
38 the employing transportation operator, who may be required to  
39 notify the city or county of positive results.

1 (v) All test results are confidential and shall not be released  
2 without the consent of the driver, except as authorized or required  
3 by law.

4 (vi) Self-employed independent drivers shall be responsible for  
5 compliance with, and shall pay all costs of, this program with  
6 regard to themselves. Employing transportation operators shall be  
7 responsible for compliance with, and shall pay all costs of, this  
8 program with respect to their employees and potential employees,  
9 except that an operator may require employees who test positive  
10 to pay the costs of rehabilitation and of return-to-duty and followup  
11 testing.

12 (vii) Upon the request of a driver applying for a permit, the city  
13 or county shall give the driver a list of the consortia certified  
14 pursuant to Part 382 (commencing with Section 382.101) of Title  
15 49 of the Code of Federal Regulations that the city or county knows  
16 offer tests in or near the jurisdiction.

17 (B) No evidence derived from a positive test result pursuant to  
18 the program shall be admissible in a criminal prosecution  
19 concerning unlawful possession, sale or distribution of controlled  
20 substances.

21 (c) Each city or county may levy service charges, fees, or  
22 assessments in an amount sufficient to pay for the costs of carrying  
23 out an ordinance or resolution adopted in regard to taxicab  
24 transportation services pursuant to this section.

25 (d) Nothing in this section prohibits a city or county from  
26 adopting additional requirements for a taxicab to operate in its  
27 jurisdiction.

28 (e) For purposes of this section, “employment” includes  
29 self-employment as an independent driver.

30 (f) *This section shall become inoperative on July 1, 2017, and,  
31 as of January 1, 2018, is repealed, unless a later enacted statute,  
32 that becomes operative on or before January 1, 2018, deletes or  
33 extends the dates on which it becomes inoperative and is repealed.*

34 *SEC. 4. Section 53075.5 is added to the Government Code, to  
35 read:*

36 *53075.5. (a) The Public Utilities Commission, pursuant to  
37 Chapter 8.5 (commencing with Section 5451) of Division 2 of the  
38 Public Utilities Code, shall issue permits to entities to operate  
39 taxicab transportation services as taxicab carriers. The statewide  
40 taxicab carrier permit issued by the commission pursuant to*

1 Section 5452.2 of the Public Utilities Code authorizes a taxicab  
2 carrier to operate anywhere in the state, except as otherwise  
3 provided by Section 5451.3 of the Public Utilities Code with respect  
4 to taxicab transportation services originating in the jurisdiction  
5 of the City and County of San Francisco or at the San Francisco  
6 International Airport. The statewide permit authorizes the taxicab  
7 carrier to carry any dispatched fare, whether the order comes in  
8 through telephone dispatch, an Internet Web site, an online-enabled  
9 mobile application, or other online-enabled means.

10 (b) (1) Notwithstanding subdivision (a) or Chapter 8.5  
11 (commencing with Section 5451) of Division 2 of the Public  
12 Utilities Code, a city or county, other than the City and County of  
13 San Francisco, that regulates taxicab transportation services  
14 within its jurisdiction as of June 30, 2017, may grant exclusive  
15 authority to a taxicab carrier under commission jurisdiction on  
16 and after July 1, 2017, to provide certain types of taxicab  
17 transportation services, as specified in paragraph (2), within the  
18 jurisdiction of the city or county through the issuance of a curbside  
19 operation permit. The city or county may impose a cap on the total  
20 number of taxicabs that may be operated by taxicab carriers  
21 pursuant to curbside operation permits. However, a city or county  
22 shall not in any way limit or prohibit a taxicab carrier with a  
23 statewide taxicab carrier permit, that has not been issued a  
24 curbside operation permit, from carrying any dispatched fare,  
25 whether the order comes in through telephone dispatch, an Internet  
26 Web site, an online-enabled mobile application, or other  
27 online-enabled means.

28 (2) A taxicab carrier that is issued a curbside operation permit  
29 by a city or county pursuant to paragraph (1) may do all of the  
30 following within the jurisdiction of the city or county:

31 (A) Respond to street hails.

32 (B) Sit at taxicab stands.

33 (C) Pick up passengers at airports.

34 (c) A taxicab carrier with a statewide taxicab carrier permit,  
35 that has not been issued a curbside operation permit by a local  
36 agency pursuant to paragraph (1) of subdivision (b), is prohibited  
37 from providing the types of taxicab transportation services  
38 described in paragraph (2) of subdivision (b) within the jurisdiction  
39 of a city or county that issues curbside operation permits, but may

1 *provide those specified taxicab transportation services at all other*  
2 *locations covered by the statewide permit.*

3 *(d) A city or county that issues curbside operation permits*  
4 *pursuant to subdivision (b) shall provide a window sticker for each*  
5 *taxicab covered by the permit, which shall be affixed to each*  
6 *covered taxicab. The city or county may charge a fee to cover its*  
7 *regulatory costs related to issuance of the permit, not to exceed*  
8 *fifty dollars (\$50) annually per taxicab covered by the permit.*

9 *(e) A city or county that issues curbside operation permits*  
10 *pursuant to subdivision (b) may not impose standards on taxicab*  
11 *carriers beyond the standards required under Chapter 8.5*  
12 *(commencing with Section 5451) of Division 2 of the Public*  
13 *Utilities Code.*

14 *(f) This section shall become operative on July 1, 2017.*

15 *SEC. 5. Section 53075.6 of the Government Code is amended*  
16 *to read:*

17 53075.6. Whenever a peace officer or public officer or  
18 employee, when authorized by ordinance and as defined in Section  
19 836.5 of the Penal Code, arrests any person for operating as a  
20 taxicab without a valid taxicab certificate, license, or permit  
21 required by any ordinance, and the offense occurred at a public  
22 airport, within 100 feet of a public airport, or within two miles of  
23 the international border between the United States and Mexico,  
24 the officer or employee may impound and retain possession of any  
25 vehicle used in a violation of the ordinance.

26 If the vehicle is seized from a person who is not the owner of  
27 the vehicle, the impounding authority shall immediately give notice  
28 to the owner by first-class mail.

29 The vehicle shall immediately be returned to the owner without  
30 cost to the owner if the infraction or violation is not prosecuted or  
31 is dismissed, the owner is found not guilty of the offense, or it is  
32 determined that the vehicle was used in violation of the ordinance  
33 without the knowledge and consent of the owner. Otherwise, the  
34 vehicle shall be returned to the owner upon payment of any fine  
35 ordered by the court. After the expiration of six weeks from the  
36 final disposition of the criminal case, the impounding authority  
37 may deal with the vehicle as lost or abandoned property under  
38 Section 1411 of the Penal Code.

39 At any time, a person may make a motion in superior court for  
40 the immediate return of a vehicle on the ground that there was no

1 probable cause to seize it or that there is some other good cause,  
2 as determined by the court, for the return of the vehicle. A  
3 proceeding under this paragraph is a limited civil case.

4 No officer or employee, however, shall impound any vehicle  
5 owned or operated by a nonprofit organization exempt from  
6 taxation pursuant to Section 501(c)(3) of the Internal Revenue  
7 Code which serves youth or senior citizens and provides  
8 transportation incidental to its programs or services.

9 *This section shall become inoperative on July 1, 2017, and, as*  
10 *of January 1, 2018, is repealed, unless a later enacted statute, that*  
11 *becomes operative on or before January 1, 2018, deletes or extends*  
12 *the dates on which it becomes inoperative and is repealed.*

13 *SEC. 6. Section 53075.61 of the Government Code is amended*  
14 *to read:*

15 53075.61. A transportation inspector, authorized by a local  
16 government to cite any person for operating as a taxicab without  
17 a valid taxicab certificate, license, or permit required by any  
18 ordinance, may impound and retain possession of any vehicle used  
19 in a violation of the ordinance.

20 If the vehicle is seized from a person who is not the owner of  
21 the vehicle, the impounding authority shall immediately give notice  
22 to the owner by first-class mail.

23 The vehicle shall immediately be returned to the owner without  
24 cost to the owner if the infraction or violation is not prosecuted or  
25 is dismissed, the owner is found not guilty of the offense, or it is  
26 determined that the vehicle was used in violation of the ordinance  
27 without the knowledge and consent of the owner. Otherwise, the  
28 vehicle shall be returned to the owner upon payment of any fine  
29 ordered by the court. After the expiration of six weeks from the  
30 final disposition of the criminal case, the impounding authority  
31 may deal with the vehicle as lost or abandoned property under  
32 Section 1411 of the Penal Code.

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

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

1 Code which serves youth or senior citizens and provides  
2 transportation incidental to its programs or services.

3 *This section shall become inoperative on July 1, 2017, and, as*  
4 *of January 1, 2018, is repealed, unless a later enacted statute, that*  
5 *becomes operative on or before January 1, 2018, deletes or extends*  
6 *the dates on which it becomes inoperative and is repealed.*

7 *SEC. 7. Section 53075.7 of the Government Code is amended*  
8 *to read:*

9 53075.7. (a) Upon receipt of a complaint containing sufficient  
10 information to warrant conducting an investigation, the local  
11 agency shall investigate any business that advertises or operates  
12 taxicab transportation service for hire. The local agency shall, by  
13 ordinance, resolution, or other appropriate procedure, adopt criteria  
14 that establishes the type of information, if contained in a complaint,  
15 that is sufficient to warrant an investigation. Pursuant to this  
16 investigation, the local agency shall do all of the following:

17 (1) Determine which businesses, if any, are required to have in  
18 effect a valid taxicab certificate, license, or permit as required by  
19 ordinance, but do not have that valid authority to operate.

20 (2) Inform any business not having valid authority to operate  
21 that it is in violation of law.

22 (3) Within 60 days of informing the business pursuant to  
23 paragraph (2), institute civil or criminal proceedings, or both,  
24 pursuant to the governing municipal code or other authority of  
25 jurisdiction.

26 (b) For purposes of this section:

27 (1) "Advertises" means any action described in subdivision (b)  
28 of Section 53075.9.

29 (2) "Local agency" means the local entity responsible for the  
30 regulation, including, but not limited to, the certification, licensing,  
31 or permitting of, and enforcement of rules, regulations, or  
32 ordinances governing, taxicabs within the local jurisdiction.

33 *(c) This section shall become inoperative on July 1, 2017, and,*  
34 *as of January 1, 2018, is repealed, unless a later enacted statute,*  
35 *that becomes operative on or before January 1, 2018, deletes or*  
36 *extends the dates on which it becomes inoperative and is repealed.*

37 *SEC. 8. Section 53075.8 of the Government Code is amended*  
38 *to read:*

39 53075.8. (a) The Legislature finds and declares that advertising  
40 and use of telephone service is essential for a taxicab transportation

1 service to obtain business and conduct intrastate passenger  
2 transportation services. Unlawful advertisements by taxicabs  
3 operating without a valid taxicab certificate, license, or permit  
4 required by any ordinance has resulted in properly certificated,  
5 licensed, and permitted taxicab operators competing with these  
6 taxicabs operating without a proper taxicab certificate, license, or  
7 permit using unfair business practices. Taxicabs operating without  
8 a proper taxicab certificate, license, or permit have also exposed  
9 passengers to unscrupulous persons who portray themselves as  
10 lawful operators. Many of these taxicabs operating without a proper  
11 taxicab certificate, license, or permit have been found to have also  
12 been operating without insurance, or in an unsafe manner, thereby  
13 placing their passengers at risk.

14 (b) (1) The Legislature further finds and declares that the  
15 termination of telephone service utilized by taxicabs operating  
16 without proper authority is essential to ensure the public safety  
17 and welfare. Therefore, local agencies should take enforcement  
18 action, as specified in this section, to disconnect telephone service  
19 of unauthorized taxicab operators who unlawfully advertise  
20 passenger transportation services in yellow page directories and  
21 other publications. The enforcement actions provided for by this  
22 section are consistent with the decision of the California Supreme  
23 Court in *Goldin v. Public Utilities Commission* (1979) 23 Cal. 3d  
24 638.

25 (2) For purposes of this section, a telephone corporation or  
26 telegraph corporation, or a corporation that holds a controlling  
27 interest in the telephone or telegraph corporation, or any business  
28 that is a subsidiary or affiliate of the telephone or telegraph  
29 corporation, that has the name and address of the subscriber to a  
30 telephone number being used by a unauthorized taxicab operator  
31 shall provide the local agency, or an authorized officer or employee  
32 of the local agency, upon demand, and the order of a magistrate,  
33 access to this information. A magistrate may only issue an order  
34 for the purposes of this subdivision, if the magistrate has made the  
35 findings required by paragraph (2) of subdivision (f).

36 (c) (1) In addition to any other remedies that may be available  
37 by law, if a local agency determines that a taxicab transportation  
38 service has operated within the local agency's jurisdiction in  
39 violation of the local agency's ordinance adopted under Section  
40 53075.5, the local agency may notify the taxicab operator that the

1 local agency intends to seek termination of the operator's telephone  
2 service. The notice shall be sent by certified mail to the operator  
3 at the operator's last known mailing address. If the local agency  
4 is unable to determine the operator's mailing address, the local  
5 agency shall post the notice for at least 10 calendar days.

6 (2) The notice shall contain sufficient information to identify  
7 the taxicab transportation service, to inform the taxicab operator  
8 of the alleged violations of the local agency's ordinance, and the  
9 procedures for protesting the allegations contained in the notice.

10 (d) The taxicab operator, within 10 calendar days of the date of  
11 the notice, may contest the allegations contained in the notice by  
12 filing a written protest with the local agency. The local agency  
13 shall schedule a hearing on the protest within 21 calendar days of  
14 receiving the protest.

15 (e) The governing body of the local agency, or any person or  
16 persons as may be designated by the governing body, shall hear  
17 the protest. The local agency shall have both the burden of  
18 providing that the use made, or to be made, of the telephone service  
19 is to hold out to the public to perform, or to assist in performing,  
20 services as a taxicab transportation service, and that the telephone  
21 service is being, or is to be, used as an instrumentality, directly or  
22 indirectly, to violate, or assist in violating, the local agency's  
23 applicable ordinance. The taxicab operator, or his or her designated  
24 representative, shall be allowed to present evidence to answer or  
25 refute any allegations presented to the hearing body by the local  
26 agency. The hearing body may continue the hearing from time to  
27 time. Within 10 calendar days of the close of the hearing, the  
28 hearing body shall issue a written decision to uphold or reject, in  
29 whole or in part, the allegations contained in the notice. If the  
30 hearing body upholds the allegations in whole or in part, the written  
31 decision shall state either that the allegations are sufficient to justify  
32 seeking termination of the taxicab operator's telephone service,  
33 or that the allegations are not sufficient.

34 (f) (1) If the local agency does not receive a timely protest, or,  
35 after a protest hearing held pursuant to subdivision (d), the hearing  
36 body has determined that the allegations are sufficient to justify  
37 seeking termination of the telephone operator's telephone service,  
38 the local agency may seek termination of the taxicab operator's  
39 telephone service as provided in this section.

1 (2) A telephone or telegraph corporation shall refuse telephone  
2 service to a new subscriber and shall disconnect telephone service  
3 of an existing subscriber only after it is shown that other available  
4 enforcement remedies of the local agency have failed to terminate  
5 unlawful activities detrimental to the public welfare and safety,  
6 and upon receipt from any authorized officer or employee of the  
7 local agency of a writing, signed by a magistrate, as defined by  
8 Sections 807 and 808 of the Penal Code, finding that probable  
9 cause exists to believe that the subscriber is advertising or holding  
10 out to the public to perform taxicab transportation services in  
11 violation of the local agency's applicable ordinance, or that the  
12 telephone service otherwise is being used or is to be used as an  
13 instrumentality, directly or indirectly, to violate or assist in  
14 violation of the laws requiring a taxicab operator to have valid  
15 operating authority. Included in the writing of the magistrate shall  
16 be a finding that there is probable cause to believe that the subject  
17 telephone facilities have been, or are to be, used in the commission  
18 or facilitation of holding out to the public to perform taxicab  
19 transportation services in violation of the local agency's applicable  
20 ordinance.

21 (g) The telephone or telegraph corporation, immediately upon  
22 refusal or disconnection of service in accordance with paragraph  
23 (2) of subdivision (f), shall notify the subscriber in writing that the  
24 refusal or disconnection of telephone service has been made  
25 pursuant to a request of a local agency and the writing of a  
26 magistrate, and shall include a copy of this section, a copy of the  
27 writing of the magistrate, and a statement that the customer of the  
28 subscriber may request information from the local agency  
29 concerning any provision of this section and the manner in which  
30 a complaint may be filed.

31 (h) The provisions of this section are an implied term of every  
32 contract for telephone service and a part of any application for  
33 telephone service. Applicants for, and subscribers and customers  
34 of, telephone service, have, as a matter of law, consented to the  
35 provisions of this section as a consideration for the furnishing of  
36 the telephone service.

37 (i) As used in this section, the terms "person," "customer," and  
38 "subscriber" include the subscriber to telephone service, any person  
39 using the telephone service of a subscriber, an applicant for

1 telephone service, a corporation, a limited liability company, a  
2 partnership, an association, and includes their lessees and assigns.

3 (j) As used in this section, the following terms have the  
4 following meanings:

5 (1) “Authorized officer or employee of the local agency”  
6 includes any employee of the local agency designated by the local  
7 agency’s governing body.

8 (2) “Local agency” has the same meaning as specified in  
9 subdivision (b) of Section 53075.7.

10 (3) “Telegraph corporation” has the same meaning as specified  
11 in Section 236 of the Public Utilities Code.

12 (4) “Telephone corporation” has the same meaning as specified  
13 in Section 234 of the Public Utilities Code.

14 (k) *This section shall become inoperative on July 1, 2017, and,*  
15 *as of January 1, 2018, is repealed, unless a later enacted statute,*  
16 *that becomes operative on or before January 1, 2018, deletes or*  
17 *extends the dates on which it becomes inoperative and is repealed.*

18 *SEC. 9. Section 53075.9 of the Government Code is amended*  
19 *to read:*

20 53075.9. (a) Every taxicab transportation service shall include  
21 the number of its certificate, license, or permit in every written or  
22 oral advertisement of the services it offers.

23 (b) For purposes of this subdivision, “advertisement” includes,  
24 but is not limited to, the issuance of any card, sign, or device to  
25 any person, the causing, permitting, or allowing the placement of  
26 any sign or marking on or in any building or structure, or in any  
27 media form, including newspaper, magazine, radiowave, satellite  
28 signal, or any electronic transmission, or in any directory soliciting  
29 taxicab transportation services subject to this chapter.

30 (c) Whenever the local agency, after a hearing, finds that any  
31 person or corporation is operating as a taxicab transportation  
32 service without a valid certificate, license, or permit or fails to  
33 include in any written or oral advertisement the number required  
34 by subdivision (a), the local agency may impose a fine of not more  
35 than five thousand dollars (\$5,000) for each violation. The local  
36 agency may assess the person or corporation an amount sufficient  
37 to cover the reasonable expense of investigation incurred by the  
38 local agency. The local agency may assess interest on any fine or  
39 assessment imposed, to commence on the day the payment of the  
40 fine or assessment becomes delinquent. All fines, assessments,

1 and interest collected shall be deposited at least once each month  
 2 in a fund established for the purpose of enforcing this section.

3 (d) For purposes of this section, “local agency” has the same  
 4 meaning as specified in subdivision (b) of Section 53075.7.

5 (e) *This section shall become inoperative on July 1, 2017, and,*  
 6 *as of January 1, 2018, is repealed, unless a later enacted statute,*  
 7 *that becomes operative on or before January 1, 2018, deletes or*  
 8 *extends the dates on which it becomes inoperative and is repealed.*

9 ~~SEC. 8.~~

10 *SEC. 10.* Section 830.7 of the Penal Code is amended to read:

11 830.7. The following persons are not peace officers but may  
 12 exercise the powers of arrest of a peace officer as specified in  
 13 Section 836 during the course and within the scope of their  
 14 employment, if they successfully complete a course in the exercise  
 15 of those powers pursuant to Section 832:

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

18 (b) Persons regularly employed as security officers for  
 19 independent institutions of higher education, recognized under  
 20 subdivision (b) of Section 66010 of the Education Code, if the  
 21 institution has concluded a memorandum of understanding,  
 22 permitting the exercise of that authority, with the sheriff or the  
 23 chief of police within whose jurisdiction the institution lies.

24 (c) Persons regularly employed as security officers for health  
 25 facilities, as defined in Section 1250 of the Health and Safety Code,  
 26 that are owned and operated by cities, counties, and cities and  
 27 counties, if the facility has concluded a memorandum of  
 28 understanding, permitting the exercise of that authority, with the  
 29 sheriff or the chief of police within whose jurisdiction the facility  
 30 lies.

31 (d) Employees or classes of employees of the California  
 32 Department of Forestry and Fire Protection designated by the  
 33 Director of Forestry and Fire Protection, provided that the primary  
 34 duty of the employee shall be the enforcement of the law as that  
 35 duty is set forth in Section 4156 of the Public Resources Code.

36 (e) Persons regularly employed as inspectors, supervisors, or  
 37 security officers for transit districts, as defined in Section 99213  
 38 of the Public Utilities Code, if the district has concluded a  
 39 memorandum of understanding permitting the exercise of that  
 40 authority, with, as applicable, the sheriff, the chief of police, or

1 the Department of the California Highway Patrol within whose  
2 jurisdiction the district lies. For the purposes of this subdivision,  
3 the exercise of peace officer authority may include the authority  
4 to remove a vehicle from a railroad right-of-way as set forth in  
5 Section 22656 of the Vehicle Code.

6 (f) Nonpeace officers regularly employed as county parole  
7 officers pursuant to Section 3089.

8 (g) Persons appointed by the Executive Director of the California  
9 Science Center pursuant to Section 4108 of the Food and  
10 Agricultural Code.

11 (h) Persons regularly employed as investigators by the  
12 Department of Transportation for the City of Los Angeles and  
13 designated by local ordinance as public officers, to the extent  
14 necessary to enforce laws related to public transportation, and  
15 authorized by a memorandum of understanding with the chief of  
16 police, permitting the exercise of that authority. For the purposes  
17 of this subdivision, “investigator” means an employee authorized  
18 by local ordinance to enforce laws related to public transportation.  
19 Transportation investigators authorized by this section shall not  
20 be deemed “peace officers” for purposes of Sections 241 and 243.

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

31 (j) Illegal dumping enforcement officers or code enforcement  
32 officers, to the extent necessary to enforce laws related to illegal  
33 waste dumping or littering, and authorized by a memorandum of  
34 understanding with, as applicable, the sheriff or chief of police  
35 within whose jurisdiction the person is employed, permitting the  
36 exercise of that authority. An “illegal dumping enforcement officer  
37 or code enforcement officer” is defined, for purposes of this  
38 section, as a person employed full time, part time, or as a volunteer  
39 after completing training prescribed by law, by a city, county, or  
40 city and county, whose duties include illegal dumping enforcement

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

17 ~~SEC. 9. Section 5353 of the Public Utilities Code is amended~~  
18 ~~to read:~~

19 ~~5353. This chapter does not apply to any of the following:~~

20 ~~(a) Transportation service rendered wholly within the corporate~~  
21 ~~limits of a single city or city and county and licensed or regulated~~  
22 ~~by ordinance.~~

23 ~~(b) Transportation of school pupils conducted by or under~~  
24 ~~contract with the governing board of any school district entered~~  
25 ~~into pursuant to the Education Code.~~

26 ~~(c) Common carrier transportation services between fixed~~  
27 ~~termini or over a regular route that are subject to authorization~~  
28 ~~pursuant to Article 2 (commencing with Section 1031) of Chapter~~  
29 ~~5 of Part 1 of Division 1.~~

30 ~~(d) Transportation services occasionally afforded for farm~~  
31 ~~employees moving to and from farms on which employed when~~  
32 ~~the transportation is performed by the employer in an owned or~~  
33 ~~leased vehicle, or by a nonprofit agricultural cooperative~~  
34 ~~association organized and acting within the scope of its powers~~  
35 ~~under Chapter 1 (commencing with Section 54001) of Division~~  
36 ~~20 of the Food and Agricultural Code, and without any requirement~~  
37 ~~for the payment of compensation therefor by the employees.~~

38 ~~(e) Transportation service rendered by a publicly owned transit~~  
39 ~~system.~~

1 ~~(f) Passenger vehicles carrying passengers on a noncommercial~~  
2 ~~enterprise basis.~~

3 ~~(g) Taxicab transportation services subject to regulation pursuant~~  
4 ~~to Chapter 8.5 (commencing with Section 5451) or exempt from~~  
5 ~~regulation under that chapter pursuant to Section 5451.3.~~

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

24 ~~(i) Vehicles used exclusively to provide medical transportation,~~  
25 ~~including vehicles employed to transport developmentally disabled~~  
26 ~~persons for regional centers established pursuant to Chapter 5~~  
27 ~~(commencing with Section 4620) of Division 4.5 of the Welfare~~  
28 ~~and Institutions Code.~~

29 ~~(j) Transportation services rendered solely within the Lake~~  
30 ~~Tahoe Basin, comprising that area included within the Tahoe~~  
31 ~~Regional Planning Compact as set forth in Section 66801 of the~~  
32 ~~Government Code, when the operator of the services has obtained~~  
33 ~~any permit required from the Tahoe Basin Transportation Authority~~  
34 ~~or the City of South Lake Tahoe, or both.~~

35 ~~(k) Subject to Section 34507.6 of the Vehicle Code,~~  
36 ~~transportation service provided by the operator of an automobile~~  
37 ~~rental business in vehicles owned or leased by that operator,~~  
38 ~~without charge other than as may be included in the automobile~~  
39 ~~rental charges, to carry its customers to or from its office or facility~~

1 where rental vehicles are furnished or returned after the rental  
2 period.

3 (l) Subject to Section 34507.6 of the Vehicle Code,  
4 transportation service provided by the operator of a hotel, motel,  
5 or other place of temporary lodging in vehicles owned or leased  
6 by that operator, without charge other than as may be included in  
7 the charges for lodging, between the lodging facility and an air,  
8 rail, water, or bus passenger terminal or between the lodging  
9 facility and any place of entertainment or commercial attraction,  
10 including, but not limited to, facilities providing snow skiing.  
11 Nothing in this subdivision authorizes the operator of a hotel,  
12 motel, or other place of temporary lodging to provide any round  
13 trip sightseeing service without a permit, as required by subdivision  
14 (e) of Section 5384.

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

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

21 (B) Does not provide any preflight ground transportation  
22 services in their vehicles.

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

25 (D) Files with the commission an exemption declaration and  
26 proof of vehicle insurance, as prescribed by the commission,  
27 certifying that the operator qualifies for the exemption and will  
28 maintain minimum insurance on each vehicle of one hundred  
29 thousand dollars (\$100,000) for injury or death of one person, three  
30 hundred thousand dollars (\$300,000) for injury or death of two or  
31 more persons and one hundred thousand dollars (\$100,000) for  
32 damage to property.

33 (2) Nothing in this subdivision authorizes the operator of a  
34 commercial balloon operation to provide any round trip sightseeing  
35 service without a permit, as required by subdivision (e) of Section  
36 5384.

37 (n) (1) Transportation services incidental to operation of a youth  
38 camp that are provided by either a nonprofit organization that  
39 qualifies for tax exemption under Section 501(c)(3) of the Internal  
40 Revenue Code or an organization that operates an organized camp,

1 as defined in Section 18897 of the Health and Safety Code, serving  
2 youth 18 years of age or younger.

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

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

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

9 (C) Ensure compliance with the annual bus terminal inspection  
10 required by subdivision (e) of Section 34501 of the Vehicle Code.

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

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

19 (ii) A minimum of one million dollars (\$1,000,000) general  
20 liability insurance coverage for vehicles designed to carry up to  
21 15 passengers. For organized camps, as defined in Section 18897  
22 of the Health and Safety Code, an additional five hundred thousand  
23 dollars (\$500,000) general umbrella policy that covers vehicles.

24 (iii) A minimum of one million five hundred thousand dollars  
25 (\$1,500,000) general liability insurance coverage for vehicles  
26 designed to carry more than 15 passengers, and an additional three  
27 million five hundred thousand dollars (\$3,500,000) general  
28 umbrella liability insurance policy that covers vehicles.

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

31 5411.5. (a) Whenever a peace officer, as defined in Chapter  
32 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal  
33 Code, arrests a person for operation of a charter-party carrier of  
34 passengers without a valid certificate or permit, the peace officer  
35 may impound and retain possession of the vehicle.

36 (b) Whenever a peace officer, as defined in Chapter 4.5  
37 (commencing with Section 830) of Title 3 of Part 2 of the Penal  
38 Code, arrests a person for operating a charter-party carrier of  
39 passengers as a taxicab in violation of Chapter 8.5 (commencing  
40 with Section 5451) or in violation of a local ordinance of the City

1 and County of San Francisco or its airport authority, the peace  
2 officer may impound and retain possession of the vehicle.

3 (e) If the vehicle is seized from a person who is not the owner  
4 of the vehicle, the impounding authority shall immediately give  
5 notice to the owner by first-class mail.

6 (d) The vehicle shall immediately be returned to the owner if  
7 the infraction or violation is not prosecuted or is dismissed, the  
8 owner is found not guilty of the offense, or it is determined that  
9 the vehicle was used in violation of Section 5411 without the  
10 knowledge and consent of the owner. The vehicle shall be returned  
11 to the owner upon payment of any fine ordered by the court. If the  
12 vehicle is seized due to a violation of a person other than the owner  
13 of the vehicle, the vehicle shall be returned to the owner after all  
14 impoundment fees are paid. After the expiration of six weeks from  
15 the final disposition of the criminal case, unless the owner is in  
16 the process of making payments to the court, the impounding  
17 authority may deal with the vehicle as lost or abandoned property  
18 under Section 1411 of the Penal Code.

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

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

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

33 5412.2. (a) When a person is convicted of the offense of  
34 operating a taxicab without a valid permit required pursuant to  
35 Chapter 8.5 (commencing with Section 5451) or pursuant to a local  
36 ordinance of the City and County of San Francisco or its airport  
37 authority, in addition to any other penalties provided by law, if the  
38 court determines the operator has the ability to pay, the court shall  
39 impose a mandatory fine not exceeding two thousand five hundred

1 dollars (\$2,500) for a first conviction or five thousand dollars  
2 (\$5,000) for a subsequent conviction.

3 (b) ~~When a person is convicted of the offense of operating a~~  
4 ~~charter-party carrier of passengers without a valid certificate or~~  
5 ~~permit, in addition to any other penalties provided by law, if the~~  
6 ~~court determines the operator has the ability to pay, the court shall~~  
7 ~~impose a mandatory fine not exceeding ten thousand dollars~~  
8 ~~(\$10,000) for a first conviction or twenty-five thousand dollars~~  
9 ~~(\$25,000) for a subsequent conviction.~~

10 (c) ~~As used in this section, “taxicab” shall have the meaning as~~  
11 ~~defined in subdivision (d) of Section 5451.4. “Taxicab” shall not~~  
12 ~~include a charter-party carrier of passengers within the meaning~~  
13 ~~of this chapter.~~

14 ~~SEC. 12. Section 5413.5 of the Public Utilities Code is~~  
15 ~~amended to read:~~

16 ~~5413.5. (a) Whenever the commission, after hearing, finds~~  
17 ~~that any person or corporation is operating as a charter-party carrier~~  
18 ~~of passengers, including a charter-party carrier operating a~~  
19 ~~limousine, without a valid certificate or permit, or fails to include~~  
20 ~~in any written or oral advertisement the number of the certificate~~  
21 ~~or permit required by Section 5386, the commission may impose~~  
22 ~~a fine of not more than seven thousand five hundred dollars~~  
23 ~~(\$7,500) for each violation. The commission may assess the person~~  
24 ~~or corporation an amount sufficient to cover the reasonable expense~~  
25 ~~of investigation incurred by the commission. The commission may~~  
26 ~~assess interest on any fine or assessment imposed, to commence~~  
27 ~~on the day the payment of the fine or assessment becomes~~  
28 ~~delinquent. All fines, assessments, and interest collected shall be~~  
29 ~~deposited at least once each month in the General Fund.~~

30 ~~(b) Whenever the commission, after hearing, finds that any~~  
31 ~~person or corporation is operating a charter-party carrier of~~  
32 ~~passengers as a taxicab without a valid permit in violation of~~  
33 ~~Chapter 8.5 (commencing with Section 5451) or a local ordinance~~  
34 ~~of the City and County of San Francisco or its airport authority,~~  
35 ~~the commission may impose a fine of not more than five thousand~~  
36 ~~dollars (\$5,000) for each violation. The commission may assess~~  
37 ~~the person or corporation an amount sufficient to cover the~~  
38 ~~reasonable expense of investigation incurred by the commission.~~  
39 ~~The commission may assess interest on any fine or assessment~~  
40 ~~imposed, to commence on the day the payment of the fine or~~

1 ~~assessment becomes delinquent. All fines, assessments, and interest~~  
2 ~~collected shall be deposited at least once each month in the General~~  
3 ~~Fund.~~

4 *SEC. 11. Section 23 is added to the Public Utilities Code, to*  
5 *read:*

6 *23. (a) The commission may collect trip data for the purposes*  
7 *of transportation and environmental planning from any entity*  
8 *regulated by the commission that provides any form of for-hire*  
9 *passenger transportation.*

10 *(b) The commission shall commence a proceeding to determine*  
11 *how data collected from providers of for-hire passenger*  
12 *transportation may best be shared with transportation planning*  
13 *agencies and other local agencies for the purposes of*  
14 *transportation and environmental planning.*

15 *(c) Trade secrets, as defined in subdivision (d) of Section 3426.1*  
16 *of the Civil Code, that are contained in the information provided*  
17 *to the commission pursuant to this section shall be treated as*  
18 *confidential. The data contained in the information may only be*  
19 *disclosed by the commission upon the authorization of the entity*  
20 *providing the information to the commission, except that the*  
21 *commission may disclose data in aggregate form in a manner that*  
22 *does not violate the confidentiality of any trade secrets.*

23 *SEC. 12. Section 5353 of the Public Utilities Code is amended*  
24 *to read:*

25 *5353. This chapter does not apply to any of the following:*

26 *(a) Transportation service rendered wholly within the corporate*  
27 *limits of a single city or city and county and licensed or regulated*  
28 *by ordinance.*

29 *(b) Transportation of school pupils conducted by or under*  
30 *contract with the governing board of any school district entered*  
31 *into pursuant to the Education Code.*

32 *(c) Common carrier transportation services between fixed*  
33 *termini or over a regular route that are subject to authorization*  
34 *pursuant to Article 2 (commencing with Section 1031) of Chapter*  
35 *5 of Part 1 of Division 1.*

36 *(d) Transportation services occasionally afforded for farm*  
37 *employees moving to and from farms on which employed when*  
38 *the transportation is performed by the employer in an owned or*  
39 *leased vehicle, or by a nonprofit agricultural cooperative*  
40 *association organized and acting within the scope of its powers*

1 under Chapter 1 (commencing with Section 54001) of Division  
2 20 of the Food and Agricultural Code, and without any requirement  
3 for the payment of compensation therefor by the employees.

4 (e) Transportation service rendered by a publicly owned transit  
5 system.

6 (f) Passenger vehicles carrying passengers on a noncommercial  
7 enterprise basis.

8 (g) Taxicab transportation service licensed and regulated by a  
9 city or county, by ordinance or resolution, rendered in vehicles  
10 designed for carrying not more than eight persons excluding the  
11 ~~driver.~~ *driver or, on and after July 1, 2017, taxicab transportation*  
12 *services subject to regulation pursuant to Chapter 8.5 (commencing*  
13 *with Section 5451) or exempt from regulation under that chapter*  
14 *pursuant to Section 5451.3.*

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

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

38 (j) Transportation services rendered solely within the Lake  
39 Tahoe Basin, comprising that area included within the Tahoe  
40 Regional Planning Compact as set forth in Section 66801 of the

1 Government Code, when the operator of the services has obtained  
 2 any permit required from the Tahoe Basin Transportation Authority  
 3 or the City of South Lake Tahoe, or both.

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

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

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

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

29 (B) Does not provide any preflight ground transportation  
 30 services in their vehicles.

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

33 (D) Files with the commission an exemption declaration and  
 34 proof of vehicle insurance, as prescribed by the commission,  
 35 certifying that the operator qualifies for the exemption and will  
 36 maintain minimum insurance on each vehicle of one hundred  
 37 thousand dollars (\$100,000) for injury or death of one person, three  
 38 hundred thousand dollars (\$300,000) for injury or death of two or  
 39 more persons and one hundred thousand dollars (\$100,000) for  
 40 damage to property.

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

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

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

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

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

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

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

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

27 (ii) A minimum of one million dollars (\$1,000,000) general  
28 liability insurance coverage for vehicles designed to carry up to  
29 15 passengers. For organized camps, as defined in Section 18897  
30 of the Health and Safety Code, an additional five hundred thousand  
31 dollars (\$500,000) general umbrella policy that covers vehicles.

32 (iii) A minimum of one million five hundred thousand dollars  
33 (\$1,500,000) general liability insurance coverage for vehicles  
34 designed to carry more than 15 passengers, and an additional three  
35 million five hundred thousand dollars (\$3,500,000) general  
36 umbrella liability insurance policy that covers vehicles.

37 *SEC. 13. Section 5411.5 of the Public Utilities Code is amended*  
38 *to read:*

39 5411.5. (a) Whenever a peace officer, as defined in Chapter  
40 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal

1 Code, arrests a person for operation of a charter-party carrier of  
2 passengers without a valid certificate or permit, the peace officer  
3 may impound and retain possession of the vehicle.

4 (b) Whenever a peace officer, as defined in Chapter 4.5  
5 (commencing with Section 830) of Title 3 of Part 2 of the Penal  
6 Code, arrests a person for operating a charter-party carrier of  
7 passengers as a taxicab in violation of an ordinance or resolution  
8 of a city, county, or city and county, the peace officer may impound  
9 and retain possession of the vehicle.

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

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

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

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

38 (g) *This section shall become inoperative on July 1, 2017, and,*  
39 *as of January 1, 2018, is repealed, unless a later enacted statute,*

1 *that becomes operative on or before January 1, 2018, deletes or*  
2 *extends the dates on which it becomes inoperative and is repealed.*

3 *SEC. 14. Section 5411.5 is added to the Public Utilities Code,*  
4 *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 *(g) This section shall become operative on July 1, 2017.*

6 *SEC. 15. Section 5412.2 of the Public Utilities Code is amended*  
 7 *to read:*

8 5412.2. (a) When a person is convicted of the offense of  
 9 operating a taxicab without a valid certificate or permit, in addition  
 10 to any other penalties provided by law, if the court determines the  
 11 operator has the ability to pay, the court shall impose a mandatory  
 12 fine not exceeding two thousand five hundred dollars (\$2,500) for  
 13 a first conviction or five thousand dollars (\$5,000) for a subsequent  
 14 conviction.

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

22 (c) As used in this section, “taxicab” means a passenger vehicle  
 23 designed for carrying not more than eight persons, excluding the  
 24 driver, and used to carry passengers for hire. “Taxicab” shall not  
 25 include a charter-party carrier of passengers within the meaning  
 26 of this chapter.

27 *(d) This section shall become inoperative on July 1, 2017, and,*  
 28 *as of January 1, 2018, is repealed, unless a later enacted statute,*  
 29 *that becomes operative on or before January 1, 2018, deletes or*  
 30 *extends the dates on which it becomes inoperative and is repealed.*

31 *SEC. 16. Section 5412.2 is added to the Public Utilities Code,*  
 32 *to read:*

33 5412.2. (a) When a person is convicted of the offense of  
 34 operating a taxicab without a valid permit required pursuant to  
 35 Chapter 8.5 (commencing with Section 5451) or pursuant to a  
 36 local ordinance of the City and County of San Francisco or its  
 37 airport authority, in addition to any other penalties provided by  
 38 law, if the court determines the operator has the ability to pay, the  
 39 court shall impose a mandatory fine not exceeding two thousand

1 *five hundred dollars (\$2,500) for a first conviction or five thousand*  
2 *dollars (\$5,000) for a subsequent conviction.*

3 *(b) When a person is convicted of the offense of operating a*  
4 *charter-party carrier of passengers without a valid certificate or*  
5 *permit, in addition to any other penalties provided by law, if the*  
6 *court determines the operator has the ability to pay, the court shall*  
7 *impose a mandatory fine not exceeding ten thousand dollars*  
8 *(\$10,000) for a first conviction or twenty-five thousand dollars*  
9 *(\$25,000) for a subsequent conviction.*

10 *(c) As used in this section, “taxicab” shall have the meaning*  
11 *as defined in subdivision (d) of Section 5451.4. “Taxicab” shall*  
12 *not include a charter-party carrier of passengers within the*  
13 *meaning of this chapter.*

14 *(d) This section shall become operative on July 1, 2017.*

15 *SEC. 17. Section 5413.5 of the Public Utilities Code is amended*  
16 *to read:*

17 5413.5. (a) Whenever the commission, after hearing, finds  
18 that any person or corporation is operating as a charter-party carrier  
19 of passengers, including a charter-party carrier operating a  
20 limousine, without a valid certificate or permit, or fails to include  
21 in any written or oral advertisement the number of the certificate  
22 or permit required by Section 5386, the commission may impose  
23 a fine of not more than seven thousand five hundred dollars  
24 (\$7,500) for each violation. The commission may assess the person  
25 or corporation an amount sufficient to cover the reasonable expense  
26 of investigation incurred by the commission. The commission may  
27 assess interest on any fine or assessment imposed, to commence  
28 on the day the payment of the fine or assessment becomes  
29 delinquent. All fines, assessments, and interest collected shall be  
30 deposited at least once each month in the General Fund.

31 (b) Whenever the commission, after hearing, finds that any  
32 person or corporation is operating a charter-party carrier of  
33 passengers as a taxicab without a valid certificate or permit in  
34 violation of an ordinance or resolution of a city, county, or city  
35 and county, the commission may impose a fine of not more than  
36 five thousand dollars (\$5,000) for each violation. The commission  
37 may assess the person or corporation an amount sufficient to cover  
38 the reasonable expense of investigation incurred by the  
39 commission. The commission may assess interest on any fine or  
40 assessment imposed, to commence on the day the payment of the

1 fine or assessment becomes delinquent. All fines, assessments,  
2 and interest collected shall be deposited at least once each month  
3 in the General Fund.

4 *(c) This section shall become inoperative on July 1, 2017, and,*  
5 *as of January 1, 2018, is repealed, unless a later enacted statute,*  
6 *that becomes operative on or before January 1, 2018, deletes or*  
7 *extends the dates on which it becomes inoperative and is repealed.*

8 *SEC. 18. Section 5413.5 is added to the Public Utilities Code,*  
9 *to read:*

10 *5413.5. (a) Whenever the commission, after hearing, finds*  
11 *that any person or corporation is operating as a charter-party*  
12 *carrier of passengers, including a charter-party carrier operating*  
13 *a limousine, without a valid certificate or permit, or fails to include*  
14 *in any written or oral advertisement the number of the certificate*  
15 *or permit required by Section 5386, the commission may impose*  
16 *a fine of not more than seven thousand five hundred dollars*  
17 *(\$7,500) for each violation. The commission may assess the person*  
18 *or corporation an amount sufficient to cover the reasonable*  
19 *expense of investigation incurred by the commission. The*  
20 *commission may assess interest on any fine or assessment imposed,*  
21 *to commence on the day the payment of the fine or assessment*  
22 *becomes delinquent. All fines, assessments, and interest collected*  
23 *shall be deposited at least once each month in the General Fund.*

24 *(b) Whenever the commission, after hearing, finds that any*  
25 *person or corporation is operating a charter-party carrier of*  
26 *passengers as a taxicab without a valid permit in violation of*  
27 *Chapter 8.5 (commencing with Section 5451) or a local ordinance*  
28 *of the City and County of San Francisco or its airport authority,*  
29 *the commission may impose a fine of not more than five thousand*  
30 *dollars (\$5,000) for each violation. The commission may assess*  
31 *the person or corporation an amount sufficient to cover the*  
32 *reasonable expense of investigation incurred by the commission.*  
33 *The commission may assess interest on any fine or assessment*  
34 *imposed, to commence on the day the payment of the fine or*  
35 *assessment becomes delinquent. All fines, assessments, and interest*  
36 *collected shall be deposited at least once each month in the*  
37 *General Fund.*

38 *(c) This section shall become operative on July 1, 2017.*

1 ~~SEC. 13.~~

2 *SEC. 19.* Chapter 8.5 (commencing with Section 5451) is added  
3 to Division 2 of the Public Utilities Code, to read:

4  
5 CHAPTER 8.5. TAXICAB TRANSPORTATION SERVICES ACT

6  
7 Article 1. General Provisions and Definitions

8  
9 5451. This chapter shall be known, and may be cited, as the  
10 Taxicab Transportation Services Act.

11 5451.1. The commission may delegate to its executive director  
12 or designee of the executive director the authority to issue, renew,  
13 or authorize the transfer of taxicab carrier permits under this  
14 chapter and to otherwise implement this chapter.

15 5451.2. Notwithstanding any other provision of law, and except  
16 as otherwise provided in Section 5451.3, this chapter shall apply  
17 to taxicab transportation services provided throughout the state.  
18 The commission shall regulate taxicab transportation services and  
19 enforce the requirements of this chapter, and may adopt regulations  
20 to further the objectives of this chapter.

21 5451.3. This chapter shall not apply to taxicab transportation  
22 services originating in the jurisdiction of the City and County of  
23 San Francisco or at the San Francisco International Airport,  
24 including taxicab carriers associated with those services. Those  
25 taxicab transportation services shall remain under the regulation  
26 of the City and County of San Francisco or its airport authority,  
27 as the case may be.

28 5451.4. For the purposes of this chapter, the following terms  
29 have the following meanings:

30 (a) "Entity" includes a corporation, company, association, joint  
31 stock association, firm, partnership, individual, or any other form  
32 of business organization.

33 (b) "Public highway" includes every public street, road, or  
34 highway in this state.

35 (c) "Motor vehicle" means a vehicle used on public highways  
36 that is self-propelled.

37 (d) "Taxicab" means a passenger motor vehicle designed for  
38 carrying not more than eight passengers, excluding the driver, and  
39 used to carry passengers for hire as part of taxicab transportation  
40 services.

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

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

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

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

17 5451.6. The commission shall issue permits pursuant to this  
18 chapter authorizing taxicab carriers to operate.

19 5451.7. *This chapter shall become operative on July 1, 2017.*

20

## 21 Article 2. Authorization to Operate as a Taxicab Carrier

22

23 5452. An entity shall not engage in taxicab transportation  
24 services subject to regulation under this chapter without first having  
25 obtained a taxicab carrier permit issued by the commission pursuant  
26 to this chapter.

27 5452.2. The commission shall issue permits to entities to  
28 operate taxicab transportation services as a taxicab carrier if  
29 otherwise qualified under this chapter.

30 5452.6. A taxicab carrier shall include the number of its permit  
31 in every written, oral, or electronic advertisement of the services  
32 it offers and shall comply with the signing requirements of Section  
33 27908 of the Vehicle Code. For the purposes of this section,  
34 “advertisement” includes, but is not limited to, the issuance of any  
35 card, sign, or device to any person, the causing, permitting, or  
36 allowing of the placement of any sign or marking on or in any  
37 building or structure, or in any media form, including newspaper,  
38 magazine, radiowave, satellite signal, or any electronic  
39 transmission, or in any directory soliciting taxicab transportation  
40 services subject to this chapter.

1 5452.8. (a) Applications for taxicab carrier permits shall be  
2 in writing and verified under oath, and shall be in the form and  
3 contain the information required by the commission.

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

6 (1) Permits (new): ~~\_\_\_\_\_~~ *One thousand five hundred* dollars  
7 ~~(\$\_\_\_\_\_)~~. (*\$1,500*).

8 (2) Permits (renewal): ~~\_\_\_\_\_~~ *One hundred* dollars ~~(\$\_\_\_\_\_)~~.  
9 (*\$100*).

10 5452.10. (a) (1) Before a permit is issued or renewed, the  
11 commission shall require the applicant to establish reasonable  
12 fitness and financial responsibility to initiate and conduct or  
13 continue to conduct the proposed or existing taxicab transportation  
14 services. The commission shall not issue or renew a permit  
15 pursuant to this chapter unless the applicant meets all of the  
16 following requirements:

17 (A) It is financially and organizationally capable of conducting  
18 an operation that complies with the rules and regulations of the  
19 Department of the California Highway Patrol relating to the safe  
20 operation of vehicles on the public highways.

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

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

27 (D) It participates in the pull notice program pursuant to Section  
28 1808.1 of the Vehicle Code to regularly check the driving records  
29 of all taxicab drivers, whether employees or contractors.

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

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

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

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

3 *(H) It equips each motor vehicle used in taxicab transportation*  
4 *services to accept credit cards for payment of taxicab fares.*

5 ~~(H)~~

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

11 ~~(I)~~

12 *(J) It provides for a mandatory controlled substance and alcohol*  
13 *testing certification program pursuant to Section 5457.4.*

14 (2) With respect to subparagraphs (B) and (G) of paragraph (1),  
15 the commission may base a finding on a certification by the  
16 commission that an applicant has filed, with the commission, a  
17 sworn declaration of ability to comply and intent to comply.

18 (b) The commission, as a precondition to the issuance of a permit  
19 under this article, may require the procurement of a performance  
20 bond by the applicant sufficient to facilitate the collection of fines,  
21 penalties, and restitution related to enforcement actions that may  
22 be taken against the applicant.

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

26 5452.11. No taxicab carrier shall prejudice, disadvantage, or  
27 require different rates or provide different service to a person  
28 because of race, national origin, religion, color, ancestry, physical  
29 handicap, medical condition, occupation, marital status or change  
30 in marital status, sex, or any characteristic listed or defined in  
31 Section 11135 of the Government Code.

32 5452.12. (a) Every taxicab carrier shall furnish to the  
33 commission a list, prepared under oath, of all motor vehicles used  
34 by the carrier in taxicab transportation services during the period  
35 since the last inspection. The commission shall furnish a copy of  
36 the list to the taxicab carrier's insurer.

37 (b) If the taxicab carrier's insurer informs the commission that  
38 the carrier has failed to obtain insurance coverage for any vehicle  
39 reported on the list, the commission may, in addition to any other  
40 penalty provided in this chapter, for a first occurrence, suspend

1 the carrier's permit or impose a fine, or both, and, for a second or  
2 subsequent occurrence, suspend or revoke the permit or impose a  
3 fine, or both.

4 5452.14. The commission may, with or without hearing, issue  
5 a permit under this chapter. If the commission finds that the  
6 applicant possesses satisfactory fitness and financial responsibility  
7 to initiate and conduct the proposed taxicab transportation services,  
8 and will faithfully comply with the rules and regulations adopted  
9 by the commission with respect thereto, it shall issue the permit.

10 5452.16. A permit, or renewal thereof, is effective for three  
11 years, unless suspended or revoked by the commission.

12 5452.18. No permit issued pursuant to this chapter, or rights  
13 to conduct any of the services authorized by the permit, shall be  
14 sold, leased, or assigned, or otherwise transferred or encumbered,  
15 unless authorized by the commission. A filing fee of ~~\_\_\_\_\_~~ *one*  
16 *thousand five hundred* dollars (~~\$\_\_\_\_\_~~) (*\$1,500*) shall accompany  
17 all applications for that authorization.

18

19

### Article 3. Enforcement

20

21 5453. Upon receipt of a complaint containing sufficient  
22 information to warrant conducting an investigation, the commission  
23 shall investigate any entity that advertises or holds itself out as  
24 providing services that may be reasonably considered to be taxicab  
25 transportation services but that does not have a permit required by  
26 this chapter. The commission, in a rulemaking or other appropriate  
27 procedure, shall adopt criteria that establish the type of information,  
28 if contained in a complaint, that is sufficient to warrant an  
29 investigation. Pursuant to this investigation, the commission shall  
30 do all of the following:

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

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

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

39 5453.2. The commission shall not issue, renew, or authorize  
40 the transfer of a taxicab carrier permit under this chapter to any

1 entity against whom a final judgment has been entered and whose  
2 name has been transmitted to the commission pursuant to Section  
3 3716.4 of the Labor Code, unless that judgment has been satisfied  
4 or has been discharged in accordance with the bankruptcy laws of  
5 the United States.

6 5453.4. (a) The commission may cancel, suspend, or revoke  
7 a taxicab carrier permit issued pursuant to this chapter upon any  
8 of the following grounds:

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

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

14 (3) The conviction of a taxicab carrier of any misdemeanor  
15 under this chapter while holding a taxicab carrier permit issued by  
16 the commission or the conviction of the carrier or its officers of a  
17 felony while holding a permit issued by the commission, limited  
18 to robbery, burglary, larceny, fraud, or intentional dishonesty for  
19 personal gain.

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

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

24 (6) On request of the taxicab carrier.

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

31 (8) Consistent failure of the taxicab carrier to maintain its  
32 vehicles in a safe operating condition pursuant to Article 8  
33 (commencing with Section 5458) and in compliance with the  
34 Vehicle Code and with regulations contained in Title 13 of the  
35 California Code of Regulations relative to motor vehicle safety,  
36 as shown by the records of the commission, the Department of  
37 Motor Vehicles, the Department of the California Highway Patrol,  
38 or the carrier.

39 (9) Failure of a taxicab carrier, or of any of its employees, to  
40 follow any order, decision, rule, regulation, direction, demand,

1 ordinance, or other requirement established by the governing body  
2 of an airport, including solicitation practices, providing the  
3 requirements are consistent with subdivision (b) of Section 5459.

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

13 5453.6. (a) A taxicab carrier shall have and shall make  
14 available for inspection by the commission, upon request, one of  
15 the following:

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

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

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

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

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

35 5453.7. (a) The commission may at any time have access to  
36 the land, buildings, or equipment of a taxicab carrier in connection  
37 with the operation of the carrier's business and may inspect the  
38 accounts, books, papers, and documents of the carrier. Any  
39 inspection by the commission may include reproduction of  
40 documents either at the premises of the carrier or the offices of the

1 commission, at the option of the carrier. The commission shall  
 2 reimburse the carrier for any reproduction expenses incurred by  
 3 the carrier at the direction of the commission.

4 (b) Subdivision (a) also applies to access to property and  
 5 inspections of accounts, books, papers, and documents of any  
 6 entity that is a subsidiary or affiliate of, or that holds a controlling  
 7 interest in, a taxicab carrier with respect to any transaction between  
 8 the carrier and the other entity.

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

14 5453.8. The commission may, on a complaint alleging that an  
 15 entity is operating taxicab transportation services without a valid  
 16 taxicab carrier permit in violation of this chapter, or on its own  
 17 motion without a complaint, with or without notice of a hearing,  
 18 order the entity so operating to cease and desist from that operation  
 19 until the commission makes and files its decision in the matter or  
 20 until further order of the commission.

21 5453.10. (a) The Legislature finds and declares that advertising  
 22 and use of telephone service is essential for a an entity providing  
 23 taxicab transportation services to obtain business. Unlawful  
 24 advertisements by unlicensed taxicabs have resulted in  
 25 properly-permitted taxicab carriers competing with unlicensed  
 26 taxicabs using unfair business practices. Unlicensed taxicabs have  
 27 also exposed residents of the state to unscrupulous persons who  
 28 portray themselves as properly licensed, qualified, and insured  
 29 taxicabs. Many of these unlicensed taxicabs have been found to  
 30 have operated their vehicles without insurance, or in an unsafe  
 31 manner, placing residents of the state at risk.

32 (b) (1) The Legislature further finds and declares that the  
 33 termination of telephone service utilized by unlicensed taxicabs  
 34 is essential to ensure the public safety and welfare. Therefore, the  
 35 commission should take enforcement action as specified in this  
 36 section to disconnect telephone service of entities operating  
 37 unlicensed taxicab transportation services who unlawfully advertise  
 38 passenger transportation services in yellow page directories and  
 39 other publications. The enforcement actions provided for by this  
 40 section are consistent with the decision of the California Supreme

1 Court in *Goldin v. Public Utilities Commission* (1979) 23 Cal. 3d  
2 638.

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

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

35 (d) Any person aggrieved by any action taken pursuant to this  
36 section shall have the right to file a complaint with the commission  
37 and may include in the complaint a request for interim relief. The  
38 commission shall schedule a public hearing on the complaint to  
39 be held within 21 calendar days of the filing and assignment of a  
40 docket number to the complaint. The remedy provided by this

1 section shall be exclusive. No other action at law or in equity shall  
2 accrue against any telephone or telegraph corporation because of,  
3 or as a result of, any matter or thing done or threatened to be done  
4 pursuant to this section.

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

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

30 (g) The provisions of this section are an implied term of every  
31 contract for telephone service. The provisions of this section are  
32 a part of any application for telephone service. Applicants for, and  
33 subscribers and customers of, telephone service have, as a matter  
34 of law, consented to the provisions of this section as a consideration  
35 for the furnishing of the telephone service.

36 (h) As used in this section, the terms “person,” “customer,” and  
37 “subscriber” include a subscriber to telephone service, any person  
38 using the telephone service of a subscriber, an applicant for  
39 telephone service, a corporation, as defined in Section 204, a

1 “person” as defined in Section 205, a limited liability company, a  
2 partnership, an association, and includes their lessees and assigns.

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

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

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

10 5453.12. In order to facilitate enforcement by peace officers  
11 of taxicab laws pursuant to this chapter and associated regulations  
12 adopted by the commission, both of the following shall apply:

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

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

17

18

#### Article 4. Trade Dress

19

20 5454. A taxicab carrier subject to regulation under this chapter  
21 shall not operate a motor vehicle on a public highway unless there  
22 is displayed on the vehicle a distinctive identifying symbol in the  
23 form prescribed by the commission. The identifying symbol shall  
24 not be displayed on any vehicle until a permit under this chapter  
25 has been issued to the carrier.

26 5454.2. The commission shall assign both trade name and trade  
27 dress for taxicab transportation services. In doing so, the  
28 commission shall take into account taxicab carriers operating on  
29 ~~December 31, 2016, June 30, 2017,~~ and shall minimize public  
30 confusion to consumers of taxicab transportation services in  
31 awarding trade name and trade dress.

32 5454.4. A taxicab carrier shall remove all markings required  
33 by the commission from a motor vehicle when the motor vehicle  
34 is permanently withdrawn from service as a taxicab.

35 5454.6. The commission shall award initial trade name and  
36 trade dress as soon as practicable on or after ~~January~~ July 1, 2017.  
37 In doing so, the commission shall consider all of the following:

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

- 1 (b) The geographic service boundaries of the provision of
- 2 taxicab services before ~~January~~ *July* 1, 2017.
- 3 (c) The cost to taxicab carriers of changing trade name or trade
- 4 dress in accordance with the commission’s order.
- 5 5454.8. Any city or county, or any subdivision thereof, that
- 6 regulates or oversees the licensure of taxicab transportation services
- 7 within its jurisdiction on ~~December 31, 2016,~~ *June 30, 2017,* shall
- 8 forward to the commission licensure information for each taxicab
- 9 transportation service licensee within its jurisdiction. This section
- 10 shall not apply to the taxicab transportation services exempted
- 11 from this chapter pursuant to Section 5451.3. The information
- 12 shall include, but need not be limited to, the following:
- 13 (a) The name of the licensee, including the approved “doing
- 14 business as” name granted to a licensee.
- 15 (b) Information related to trade dress or exterior markings
- 16 granted to each licensee within the jurisdiction.
- 17 (c) The geographical boundaries, if any, granted to a licensee
- 18 in the provision of taxicab transportation services.
- 19 (d) Any other information the commission may require to carry
- 20 out the purposes of this chapter.

21  
22 Article 5. Insurance

23  
24 5455. The commission, in granting a permit to a taxicab carrier

25 pursuant to this chapter, shall require the taxicab carrier to procure,

26 and to continue in effect during the life of the permit, insurance

27 against liability imposed by law upon the taxicab carrier for the

28 payment of damages for personal bodily injuries, including death

29 resulting therefrom, insurance against a total liability of the taxicab

30 carrier on account of bodily injuries to, or death of, more than one

31 person as a result of any one accident, and insurance against

32 damage or destruction of property. The insurance requirements

33 shall be satisfied through commercial liability insurance coverage

34 applicable 24 hours per day and seven days per week that is no

35 less than one hundred thousand dollars (\$100,000) for death and

36 personal injury per person, three hundred thousand dollars

37 (\$300,000) for death and personal injury per incident, and fifty

38 thousand dollars (\$50,000) for property damage. The commission

39 may require higher amounts of insurance coverage.

1 5455.2. The insurance coverage required under Section 5455  
2 shall cover each motor vehicle used or to be used under a taxicab  
3 carrier's permit. The policy of insurance shall be issued by a  
4 company licensed to write insurance in this state, or by nonadmitted  
5 insurers subject to Section 1763 of the Insurance Code, if the  
6 policies meet the rules promulgated therefor by the commission.

7 5455.4. No entity holding a valid taxicab carrier permit issued  
8 by the commission pursuant to this chapter shall be required by a  
9 city, county, city and county, or any other local agency to provide  
10 insurance in a manner different from that required by this article.

11 5455.8. The insurance policy shall be filed with the  
12 commission. With the consent of the commission, a copy of an  
13 insurance policy, certified by the company issuing it to be a true  
14 copy of the original policy, or a photocopy thereof, or an electronic  
15 copy thereof, or an abstract of the provisions of the policy, or a  
16 certificate of insurance issued by the company issuing the policy,  
17 may be filed with the commission in lieu of the original or a  
18 duplicate or counterpart of the policy.

19  
20 Article 6. Pricing and GPS Metering  
21

22 5456. The commission shall not regulate the type of device  
23 used by taxicab carriers to calculate fares, including the use of  
24 global positioning system metering as a form of calculating fares.

25 5456.2. The commission shall adopt rules requiring taxicab  
26 carriers to disclose fares, fees, or rates to the customer before the  
27 customer accepts the ride so that the customer can make a  
28 knowledgeable decision. Any rules shall allow a taxicab carrier to  
29 disclose fares, fees, or rates on its Internet Web site or cellular  
30 telephone application.

31  
32 Article 7. Taxicab Drivers  
33

34 5457. While providing taxicab transportation services, a taxicab  
35 driver shall have in his or her immediate possession, and shall  
36 present, upon request, to a law enforcement officer, a representative  
37 of the commission, or a customer, all of the following:

38 (a) Evidence of, *at a minimum*, a valid Class C California  
39 driver's license.

40 (b) A valid permit issued by the commission to a taxicab carrier.

1 (c) Evidence of the taxicab carrier's liability insurance in  
2 compliance with Article 5 (commencing with Section 5455).  
3 5457.2. A taxicab driver shall not drive a taxicab while his or  
4 her driver's license is expired, suspended, or revoked.  
5 5457.4. (a) A taxicab carrier shall do all of the following:  
6 (1) Participate in a pull-notice system pursuant to Section 1808.1  
7 of the Vehicle Code to regularly check the driving records of all  
8 taxicab drivers employed or contracted by the carrier.  
9 (2) Provide for a mandatory controlled substance and alcohol  
10 testing certification program for taxicab drivers employed or  
11 contracted by the carrier, as required by the commission. The  
12 program shall not be more strict than the program adopted by the  
13 commission pursuant to Section 1032.1 for transportation network  
14 company drivers.  
15 (3) Ensure that a taxicab driver employed or contracted by the  
16 carrier meets all of the following requirements:  
17 (A) Is a minimum of 18 years of age.  
18 (B) Possesses a valid Class C California driver's license.  
19 (C) Is not afflicted with either a physical or mental incapacity  
20 that would preclude the individual from safely operating a taxicab  
21 and performing the duties normally associated with the profession.  
22 (D) Passes a background check through the Department of  
23 Justice's live scan system. *The Department of Justice, with respect*  
24 *to each background check for a potential taxicab driver submitted*  
25 *by a taxicab carrier, shall provide the results of the background*  
26 *check to the commission, and the commission shall notify the*  
27 *taxicab carrier as to whether the person is eligible to be employed*  
28 *or contracted as a taxicab driver.*  
29 (4) Provide each taxicab driver employed or contracted by the  
30 taxicab carrier with documentation necessary for the driver to  
31 comply with subdivisions (b) and (c) of Section 5457.  
32 (b) A taxicab carrier may require a taxicab driver to submit a  
33 medical report and obtain a valid medical certificate if the carrier  
34 believes that the driver has a physical or mental affliction.  
35 (c) Taxicab drivers hired or contracted by a taxicab carrier on  
36 or after ~~January~~ *July 1, 2017*, shall be subject to mandatory drug  
37 and alcohol testing prior to employment or contracting. Drivers  
38 hired or contracted by a taxicab carrier before ~~January~~ *July 1, 2017*,  
39 shall complete a drug and alcohol test before ~~January~~ *July 1, 2018*.

1 5457.6. (a) A taxicab carrier regulated pursuant to this chapter  
2 shall not employ, or contract with, any of the following persons  
3 as a taxicab driver:

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

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

30 (3) A person convicted of any violation of Section 20001, 20003,  
31 20004, 23104, or 23153 of the Vehicle Code.

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

35  
36 Article 8. Vehicle Inspection  
37

38 5458. Upon initial placement into service and annually  
39 thereafter, a taxicab carrier shall have each vehicle inspected at a  
40 facility licensed by the Bureau of Automotive Repair, and shall

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

24  
 25 Article 9. Local Agencies and Airports

26  
 27 5459. (a) Except as otherwise specifically provided in this  
 28 ~~article and article~~, in Section 5451.3, *and in Section 53075.5 of*  
 29 *the Government Code*, and notwithstanding any other provision  
 30 of law, this chapter constitutes the exclusive regulation of taxicab  
 31 carriers and taxicab transportation services in this state. In that  
 32 regard, a local agency may not *otherwise* require a license, or  
 33 *otherwise* impose a tax or fee, for the conduct of taxicab  
 34 transportation services subject to regulation under this chapter.

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

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

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

15  
16 Article 10. Violations  
17

18 5460. Every taxicab carrier and every officer, director, agent,  
19 employee, or contractor of any taxicab carrier who violates or fails  
20 to comply with, or who procures, aids, or abets any violation of,  
21 any provision of this chapter, or who fails to obey, observe, or  
22 comply with any order, decision, rule, regulation, direction,  
23 demand, or requirement of the commission, or with any permit  
24 issued under this chapter, or who procures, aids, or abets any  
25 taxicab carrier in its failure to comply with the order, decision,  
26 rule, regulation, direction, demand, requirement, or permit, is guilty  
27 of a misdemeanor and is punishable by a fine of not less than one  
28 thousand dollars (\$1,000) and not more than five thousand dollars  
29 (\$5,000) or by imprisonment in a county jail for not more than  
30 three months, or by both that fine and imprisonment.

31 5460.2. Every person other than a taxicab carrier who  
32 knowingly and willfully, either individually, or acting as an officer,  
33 agent, or employee of a person other than a taxicab carrier, who  
34 violates any provision of this chapter, or who fails to obey, observe,  
35 or comply with any order, decision, rule, regulation, direction,  
36 demand, or requirement of the commission, or who procures, aids,  
37 or abets any taxicab carrier in its violation of this chapter, or in its  
38 failure to obey, observe, or comply with any order, decision, rule,  
39 regulation, direction, demand, or requirement, is guilty of a  
40 misdemeanor and is punishable by a fine of not less than one

1 thousand dollars (\$1,000) and not more than five thousand dollars  
 2 (\$5,000) or by imprisonment in a county jail for not more than  
 3 three months, or by both that fine and imprisonment.

4 5460.4. Every taxicab carrier and every officer, director, agent,  
 5 employee, or contractor of any taxicab carrier who violates or fails  
 6 to comply with, or who procures, aids, or abets any violation by  
 7 any taxicab carrier of, any provision of this chapter, or who fails  
 8 to obey, observe, or comply with any order, decision, rule,  
 9 regulation, direction, demand, or requirement of the commission,  
 10 or with any permit issued under this chapter, or who procures,  
 11 aids, or abets any taxicab carrier in its failure to comply with the  
 12 order, decision, rule, regulation, direction, demand, requirement,  
 13 or permit, is subject to a civil penalty of not more than two  
 14 thousand dollars (\$2,000) for each offense.

15 5460.6. Every person other than a taxicab carrier who  
 16 knowingly and willfully, either individually, or acting as an officer,  
 17 agent, or employee of a person other than a taxicab carrier, who  
 18 violates any provision of this chapter, or who fails to obey, observe,  
 19 or comply with any order, decision, rule, regulation, direction,  
 20 demand, or requirement of the commission, or who procures, aids,  
 21 or abets any taxicab carrier in its violation of this chapter, or in its  
 22 failure to obey, observe, or comply with any order, decision, rule,  
 23 regulation, direction, demand, or requirement, is subject to a civil  
 24 penalty of not more than two thousand dollars (\$2,000) for each  
 25 offense.

26 5460.8. Every person who drives a taxicab in conjunction with  
 27 providing taxicab transportation services subject to regulation  
 28 under this chapter and who is in violation of Section 5457 or 5457.2  
 29 is guilty of a misdemeanor and is punishable by a fine of not less  
 30 than ~~\_\_\_\_\_ one thousand dollars (\$\_\_\_\_\_)~~ (\$1,000) and not more  
 31 than ~~\_\_\_\_\_ five thousand dollars (\$\_\_\_\_\_)~~ (\$5,000) or by  
 32 imprisonment in a county jail for not more than ~~\_\_\_\_\_ six~~ months,  
 33 or by both that fine and imprisonment.

34 5460.10. Every violation of this chapter or of any order,  
 35 decision, rule, regulation, direction, demand, or requirement of  
 36 the commission by any person is a separate and distinct offense  
 37 and, in case of a continuing violation, each day's continuance  
 38 thereof is a separate and distinct offense.

39 5460.12. (a) Whenever a peace officer, as defined in Chapter  
 40 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal

1 Code, arrests a person for the operation of a taxicab without a valid  
2 taxicab carrier permit, the peace officer may impound and retain  
3 possession of the vehicle.

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

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

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

25 5460.14. When a person is convicted of the offense of operating  
26 a taxicab without a valid taxicab carrier permit, in addition to any  
27 other penalties provided by law, if the court determines the person  
28 has the ability to pay, the court shall impose a mandatory fine not  
29 exceeding two thousand five hundred dollars (\$2,500) for a first  
30 conviction or five thousand dollars (\$5,000) for a subsequent  
31 conviction.

32 5460.16. Whenever the commission, after hearing, finds that  
33 any entity is operating as a taxicab carrier without a valid permit  
34 in violation of this chapter, the commission may impose a fine of  
35 not more than five thousand dollars (\$5,000) for each violation.  
36 The commission may assess the entity an amount sufficient to  
37 cover the reasonable expense of investigation incurred by the  
38 commission. The commission may assess interest on any fine or  
39 assessment imposed, to commence on the day the payment of the  
40 fine or assessment becomes delinquent. All fines, assessments,

1 and interest collected shall be deposited at least once each month  
 2 in the General Fund.

3 ~~SEC. 14. Section 120269 of the Public Utilities Code is~~  
 4 ~~amended to read:~~

5 ~~120269. (a) If the board licenses or regulates any transportation~~  
 6 ~~service, pursuant to Section 120266, or any passenger jitney~~  
 7 ~~service, pursuant to Section 120267, and the licensed or regulated~~  
 8 ~~service employs, or contracts with, any driver who (1) is not~~  
 9 ~~required to be tested for controlled substances and alcohol pursuant~~  
 10 ~~to Part 382 (commencing with Section 382.101) of Title 49 of the~~  
 11 ~~Code of Federal Regulations, Section 1032.1 or 5457.22 of this~~  
 12 ~~code, or Section 34520 of the Vehicle Code, and (2) is not~~  
 13 ~~exempted under Section 34520 of the Vehicle Code, the board~~  
 14 ~~shall adopt, by ordinance or resolution, a mandatory controlled~~  
 15 ~~substance and alcohol testing certification program for those~~  
 16 ~~drivers.~~

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

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

25 ~~SEC. 15. Section 1808.1 of the Vehicle Code is amended to~~  
 26 ~~read:~~

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

38 ~~(b) The employer of a driver who drives a vehicle specified in~~  
 39 ~~subdivision (k) shall participate in a pull-notice system, which is~~  
 40 ~~a process for the purpose of providing the employer with a report~~

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

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

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

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

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

39 (g) As part of its inspection of bus maintenance facilities and  
40 terminals required at least once every 13 months pursuant to

1 subdivision (c) of Section 34501, the Department of the California  
2 Highway Patrol shall determine whether each transit operator, as  
3 defined in Section 99210 of the Public Utilities Code, is then in  
4 compliance with this section and Section 12804.6, and shall certify  
5 each operator found to be in compliance. Funds shall not be  
6 allocated pursuant to Chapter 4 (commencing with Section 99200)  
7 of Part 11 of Division 10 of the Public Utilities Code to a transit  
8 operator that the Department of the California Highway Patrol has  
9 not certified pursuant to this section.

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

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

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

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

36 (j) (1) The employer of a driver who is employed as a casual  
37 driver is not required to enter that driver's name in the pull-notice  
38 system, as otherwise required by subdivision (a). However, the  
39 employer of a casual driver shall be in possession of a report of  
40 the driver's current public record as recorded by the department,

1 prior to allowing a casual driver to drive a vehicle specified in  
2 subdivision (k). A report is current if it was issued less than six  
3 months prior to the date the employer employs the driver.

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

9 (k) This section applies to a vehicle for the operation of which  
10 the driver is required to have a class A or class B driver's license,  
11 a class C license with any endorsement issued pursuant to Section  
12 15278, a class C license issued pursuant to Section 12814.7, or a  
13 certificate issued pursuant to Section 12517, 12519, 12520, 12523,  
14 12523.5, or 12527, a passenger vehicle having a seating capacity  
15 of not more than 10 persons, including the driver, operated for  
16 compensation by a charter-party carrier of passengers or passenger  
17 stage corporation pursuant to a certificate of public convenience  
18 and necessity or a permit issued by the Public Utilities  
19 Commission, or a taxicab as defined in subdivision (b) of Section  
20 27908.

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

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

29 SEC. 16. Section 12523.6 of the Vehicle Code is amended to  
30 read:

31 12523.6. (a) (1) On and after March 1, 1998, no person who  
32 is employed primarily as a driver of a motor vehicle that is used  
33 for the transportation of persons with developmental disabilities,  
34 as defined in subdivision (a) of Section 4512 of the Welfare and  
35 Institutions Code, shall operate that motor vehicle unless that  
36 person has in his or her possession a valid driver's license of the  
37 appropriate class and a valid special driver certificate issued by  
38 the department.

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

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

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

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

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

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

39     ~~(5) The applicant shall pay, in addition to the fees authorized~~  
40 ~~in Section 2427, a fee of twenty-five dollars (\$25) for an original~~

1 ~~certificate and twelve dollars (\$12) for the renewal of that~~  
2 ~~certificate to the Department of the California Highway Patrol.~~

3 ~~(e) A certificate issued under this section shall not be deemed~~  
4 ~~a certification to operate a particular vehicle that otherwise requires~~  
5 ~~a driver's license or endorsement for a particular class under this~~  
6 ~~code.~~

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

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

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

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

35 ~~SEC. 17. Section 21100 of the Vehicle Code is amended to~~  
36 ~~read:~~

37 ~~21100. Local authorities may adopt rules and regulations by~~  
38 ~~ordinance or resolution regarding all of the following matters:~~

39 ~~(a) Regulating or prohibiting processions or assemblages on the~~  
40 ~~highways.~~

- 1 ~~(b) Regulating traffic by means of traffic officers.~~
- 2 ~~(c) Regulating traffic by means of official traffic control devices~~
- 3 ~~meeting the requirements of Section 21400.~~
- 4 ~~(d) (1) Regulating traffic by means of a person given temporary~~
- 5 ~~or permanent appointment for that duty by the local authority when~~
- 6 ~~official traffic control devices are disabled or otherwise inoperable,~~
- 7 ~~at the scenes of accidents or disasters, or at locations as may require~~
- 8 ~~traffic direction for orderly traffic flow.~~
- 9 ~~(2) A person shall not be appointed pursuant to this subdivision~~
- 10 ~~unless and until the local authority has submitted to the~~
- 11 ~~commissioner or to the chief law enforcement officer exercising~~
- 12 ~~jurisdiction in the enforcement of traffic laws within the area in~~
- 13 ~~which the person is to perform the duty, for review, a proposed~~
- 14 ~~program of instruction for the training of a person for that duty,~~
- 15 ~~and unless and until the commissioner or other chief law~~
- 16 ~~enforcement officer approves the proposed program. The~~
- 17 ~~commissioner or other chief law enforcement officer shall approve~~
- 18 ~~a proposed program if he or she reasonably determines that the~~
- 19 ~~program will provide sufficient training for persons assigned to~~
- 20 ~~perform the duty described in this subdivision.~~
- 21 ~~(e) Regulating traffic at the site of road or street construction~~
- 22 ~~or maintenance by persons authorized for that duty by the local~~
- 23 ~~authority.~~
- 24 ~~(f) (1) Licensing and regulating the operation of tow truck~~
- 25 ~~service or tow truck drivers whose principal place of business or~~
- 26 ~~employment is within the jurisdiction of the local authority,~~
- 27 ~~excepting the operation and operators of any auto dismantlers' tow~~
- 28 ~~vehicle licensed under Section 11505 or any tow truck operated~~
- 29 ~~by a repossessing agency licensed under Chapter 11 (commencing~~
- 30 ~~with Section 7500) of Division 3 of the Business and Professions~~
- 31 ~~Code and its registered employees.~~
- 32 ~~(2) The Legislature finds that the safety and welfare of the~~
- 33 ~~general public is promoted by permitting local authorities to~~
- 34 ~~regulate tow truck service companies and operators by requiring~~
- 35 ~~licensure, insurance, and proper training in the safe operation of~~
- 36 ~~towing equipment, thereby ensuring against towing mistakes that~~
- 37 ~~may lead to violent confrontation, stranding motorists in dangerous~~
- 38 ~~situations, impeding the expedited vehicle recovery, and wasting~~
- 39 ~~state and local law enforcement's limited resources.~~

- 1     ~~(3) This subdivision does not limit the authority of a city or city~~  
2 ~~and county pursuant to Section 12111.~~
- 3     ~~(g) Operation of bicycles, and, as specified in Section 21114.5,~~  
4 ~~electric carts by physically disabled persons, or persons 50 years~~  
5 ~~of age or older, on public sidewalks.~~
- 6     ~~(h) Providing for the appointment of nonstudent school crossing~~  
7 ~~guards for the protection of persons who are crossing a street or~~  
8 ~~highway in the vicinity of a school or while returning thereafter~~  
9 ~~to a place of safety.~~
- 10    ~~(i) Regulating the methods of deposit of garbage and refuse in~~  
11 ~~streets and highways for collection by the local authority or by~~  
12 ~~any person authorized by the local authority.~~
- 13    ~~(j) (1) Regulating cruising.~~
- 14    ~~(2) The ordinance or resolution adopted pursuant to this~~  
15 ~~subdivision shall regulate cruising, which is the repetitive driving~~  
16 ~~of a motor vehicle past a traffic control point in traffic that is~~  
17 ~~congested at or near the traffic control point, as determined by the~~  
18 ~~ranking peace officer on duty within the affected area, within a~~  
19 ~~specified time period and after the vehicle operator has been given~~  
20 ~~an adequate written notice that further driving past the control~~  
21 ~~point will be a violation of the ordinance or resolution.~~
- 22    ~~(3) A person is not in violation of an ordinance or resolution~~  
23 ~~adopted pursuant to this subdivision unless both of the following~~  
24 ~~apply:~~
- 25    ~~(A) That person has been given the written notice on a previous~~  
26 ~~driving trip past the control point and then again passes the control~~  
27 ~~point in that same time interval.~~
- 28    ~~(B) The beginning and end of the portion of the street subject~~  
29 ~~to cruising controls are clearly identified by signs that briefly and~~  
30 ~~clearly state the appropriate provisions of this subdivision and the~~  
31 ~~local ordinance or resolution on cruising.~~
- 32    ~~(k) Regulating or authorizing the removal by peace officers of~~  
33 ~~vehicles unlawfully parked in a fire lane, as described in Section~~  
34 ~~22500.1, on private property. A removal pursuant to this~~  
35 ~~subdivision shall be consistent, to the extent possible, with the~~  
36 ~~procedures for removal and storage set forth in Chapter 10~~  
37 ~~(commencing with Section 22650).~~
- 38    ~~(l) Regulating mobile billboard advertising displays, as defined~~  
39 ~~in Section 395.5, including the establishment of penalties, which~~  
40 ~~may include, but are not limited to, removal of the mobile billboard~~

1 advertising display, civil penalties, and misdemeanor criminal  
2 penalties, for a violation of the ordinance or resolution. The  
3 ordinance or resolution may establish a minimum distance that a  
4 mobile billboard advertising display shall be moved after a  
5 specified time period.

6 (m) ~~Licensing and regulating the operation of pedicabs for hire,~~  
7 ~~as defined in Section 467.5, and operators of pedicabs for hire,~~  
8 ~~including requiring one or more of the following documents:~~

9 (1) ~~A valid California driver's license.~~

10 (2) ~~Proof of successful completion of a bicycle safety training~~  
11 ~~course certified by the League of American Bicyclists or an~~  
12 ~~equivalent organization as determined by the local authority.~~

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

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

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

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

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

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

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

14 ~~(3) As used in paragraph (2), “permanently affixed” means any~~  
15 ~~of the following:~~

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

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

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

23 ~~SEC. 18. Section 21100.4 of the Vehicle Code is amended to~~  
24 ~~read:~~

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

34 ~~(2) The warrant or court order may be entered into a~~  
35 ~~computerized database.~~

36 ~~(3) A vehicle so impounded may be impounded for a period not~~  
37 ~~to exceed 30 days.~~

38 ~~(4) The impounding agency, within two working days of~~  
39 ~~impoundment, shall send a notice by certified mail, return receipt~~  
40 ~~requested, to the legal owner of the vehicle, at an address obtained~~

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

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

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

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

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

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

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

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

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

38 (B) The location of the place of storage and a description of the  
39 vehicle, which shall include, if available, the name or make, the

1 manufacturer, the license plate number, and the mileage of the  
2 vehicle.

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

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

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

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

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

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

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

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

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

35 (2) (A) The legal owner or the legal owner's agent pays all  
36 towing and storage fees related to the seizure of the vehicle. A lien  
37 sale processing fee shall not be charged to the legal owner who  
38 redeems the vehicle prior to the 15th day of impoundment. Neither  
39 the impounding authority nor any person having possession of the  
40 vehicle shall collect from the legal owner of the type specified in

1 paragraph (1), or the legal owner's agent, any administrative  
2 charges imposed pursuant to Section 22850.5 unless the legal  
3 owner voluntarily requested a poststorage hearing.

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

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

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

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

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

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

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

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

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

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

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

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

35 (3) Prior to relinquishing the vehicle, the legal owner may  
36 require the registered owner to pay all towing and storage charges  
37 related to the impoundment and the administrative charges  
38 authorized under Section 22850.5 that were incurred by the legal  
39 owner in connection with obtaining the custody of the vehicle.

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

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

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

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

30 ~~SEC. 19. Section 27908 of the Vehicle Code is amended to~~  
31 ~~read:~~

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

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

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

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

18 *SEC. 20. Section 120269 of the Public Utilities Code is*  
19 *amended to read:*

20 120269. (a) If the board licenses or regulates any transportation  
21 service, pursuant to Section 120266, or any passenger jitney  
22 service, pursuant to Section 120267, and the licensed or regulated  
23 service employs, or contracts with, any driver who (1) is not  
24 required to be tested for controlled substances and alcohol pursuant  
25 to Part 382 (commencing with Section 382.101) of Title 49 of the  
26 Code of Federal Regulations, paragraph (3) of subdivision (b) of  
27 Section 53075.5 of the Government Code, Section 1032.1 of this  
28 code, or Section 34520 of the Vehicle Code, and (2) is not  
29 exempted under Section 34520 of the Vehicle Code, the board  
30 shall adopt, by ordinance or resolution, a mandatory controlled  
31 substance and alcohol testing certification program for those  
32 drivers.

33 (b) The program adopted pursuant to subdivision (a) shall meet  
34 substantially the requirements set forth in paragraph (3) of  
35 subdivision (b) of Section 53075.5 of the Government Code.

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

1 (d) This section shall become inoperative on July 1, 2017, and,  
2 as of January 1, 2018, is repealed, unless a later enacted statute,  
3 that becomes operative on or before January 1, 2018, deletes or  
4 extends the dates on which it becomes inoperative and is repealed.

5 SEC. 21. Section 120269 is added to the Public Utilities Code,  
6 to read:

7 120269. (a) If the board licenses or regulates any  
8 transportation service, pursuant to Section 120266, or any  
9 passenger jitney service, pursuant to Section 120267, and the  
10 licensed or regulated service employs, or contracts with, any driver  
11 who (1) is not required to be tested for controlled substances and  
12 alcohol pursuant to Part 382 (commencing with Section 382.101)  
13 of Title 49 of the Code of Federal Regulations, Section 1032.1 or  
14 5457.4 of this code, or Section 34520 of the Vehicle Code and (2)  
15 is not exempted under Section 34520 of the Vehicle Code, the  
16 board shall adopt, by ordinance or resolution, a mandatory  
17 controlled substance and alcohol testing certification program for  
18 those 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 June 30, 2017.

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 (d) This section shall become operative on July 1, 2017.

28 SEC. 22. Section 1808.1 of the Vehicle Code is amended to  
29 read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (k) This section applies to a vehicle for the operation of which  
15 the driver is required to have a class A or class B driver's license,  
16 a class C license with any endorsement issued pursuant to Section  
17 15278, a class C license issued pursuant to Section 12814.7, or a  
18 certificate issued pursuant to Section 12517, 12519, 12520, 12523,  
19 12523.5, or 12527, or 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.

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

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

33 (n) Reports issued pursuant to this section, but only those for a  
34 driver of a taxicab engaged in transportation services as described  
35 in subdivision (a) of Section 53075.5 of the Government Code,  
36 shall be presented upon request, during regular business hours, to  
37 an authorized representative of the administrative agency  
38 responsible for issuing permits to taxicab transportation services  
39 pursuant to Section 53075.5 of the Government Code.

1     (o) *This section shall become inoperative on July 1, 2017, and,*  
2 *as of January 1, 2018, is repealed, unless a later enacted statute,*  
3 *that becomes operative on or before January 1, 2018, deletes or*  
4 *extends the dates on which it becomes inoperative and is repealed.*

5     SEC. 23. *Section 1808.1 is added to the Vehicle Code, to read:*

6     1808.1. (a) *The prospective employer of a driver who drives*  
7 *a vehicle specified in subdivision (k) shall obtain a report showing*  
8 *the driver's current public record as recorded by the department.*  
9 *For purposes of this subdivision, a report is current if it was issued*  
10 *less than 30 days prior to the date the employer employs the driver.*  
11 *The report shall be reviewed, signed, and dated by the employer*  
12 *and maintained at the employer's place of business until receipt*  
13 *of the pull-notice system report pursuant to subdivisions (b) and*  
14 *(c). These reports shall be presented upon request to an authorized*  
15 *representative of the Department of the California Highway Patrol*  
16 *during regular business hours.*

17     (b) *The employer of a driver who drives a vehicle specified in*  
18 *subdivision (k) shall participate in a pull-notice system, which is*  
19 *a process for the purpose of providing the employer with a report*  
20 *showing the driver's current public record as recorded by the*  
21 *department, and any subsequent convictions, failures to appear,*  
22 *accidents, driver's license suspensions, driver's license*  
23 *revocations, or any other actions taken against the driving privilege*  
24 *or certificate, added to the driver's record while the employer's*  
25 *notification request remains valid and uncanceled. As used in this*  
26 *section, participation in the pull-notice system means obtaining a*  
27 *requester code and enrolling all employed drivers who drive a*  
28 *vehicle specified in subdivision (k) under that requester code.*

29     (c) *The employer of a driver of a vehicle specified in subdivision*  
30 *(k) shall, additionally, obtain a periodic report from the department*  
31 *at least every 12 months. The employer shall verify that each*  
32 *employee's driver's license has not been suspended or revoked,*  
33 *the employee's traffic violation point count, and whether the*  
34 *employee has been convicted of a violation of Section 23152 or*  
35 *23153. The report shall be signed and dated by the employer and*  
36 *maintained at the employer's principal place of business. The*  
37 *report shall be presented upon demand to an authorized*  
38 *representative of the Department of the California Highway Patrol*  
39 *during regular business hours.*

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

4 (e) For the purposes of the pull-notice system and periodic  
5 report process required by subdivisions (b) and (c), an owner,  
6 other than an owner-operator as defined in Section 34624, and  
7 an employer who drives a vehicle described in subdivision (k) shall  
8 be enrolled as if he or she were an employee. A family member  
9 and a volunteer driver who drives a vehicle described in  
10 subdivision (k) shall also be enrolled as if he or she were an  
11 employee.

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

20 (g) As part of its inspection of bus maintenance facilities and  
21 terminals required at least once every 13 months pursuant to  
22 subdivision (c) of Section 34501, the Department of the California  
23 Highway Patrol shall determine whether each transit operator,  
24 as defined in Section 99210 of the Public Utilities Code, is then  
25 in compliance with this section and Section 12804.6, and shall  
26 certify each operator found to be in compliance. Funds shall not  
27 be allocated pursuant to Chapter 4 (commencing with Section  
28 99200) of Part 11 of Division 10 of the Public Utilities Code to a  
29 transit operator that the Department of the California Highway  
30 Patrol has not certified pursuant to this section.

31 (h) (1) A request to participate in the pull-notice system  
32 established by this section shall be accompanied by a fee  
33 determined by the department to be sufficient to defray the entire  
34 actual cost to the department for the notification service. For the  
35 receipt of subsequent reports, the employer shall also be charged  
36 a fee established by the department pursuant to Section 1811. An  
37 employer who qualifies pursuant to Section 1812 shall be exempt  
38 from any fee required pursuant to this section. Failure to pay the  
39 fee shall result in automatic cancellation of the employer's  
40 participation in the notification services.

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

6 (3) The Board of Pilot Commissioners for Monterey Bay and  
7 the Bays of San Francisco, San Pablo, and Suisun, and its port  
8 agent shall participate in the pull-notice system established by this  
9 section, subject to Section 1178.5 of the Harbors and Navigation  
10 Code, and shall not be subject to the fees established pursuant to  
11 this subdivision.

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

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

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

30 (k) This section applies to a vehicle for the operation of which  
31 the driver is required to have a class A or class B driver's license,  
32 a class C driver's license with any endorsement issued pursuant  
33 to Section 15278, a class C driver's license issued pursuant to  
34 Section 12814.7, a certificate issued pursuant to Section 12517,  
35 12519, 12520, 12523, 12523.5, or 12527, a passenger vehicle  
36 having a seating capacity of not more than 10 persons, including  
37 the driver, operated for compensation by a charter-party carrier  
38 of passengers or passenger stage corporation pursuant to a  
39 certificate of public convenience and necessity or a permit issued

1 *by the Public Utilities Commission, or a taxicab as defined in*  
2 *subdivision (b) of Section 27908.*

3 *(l) This section shall not be construed to change the definition*  
4 *of “employer,” “employee,” or “independent contractor” for any*  
5 *purpose.*

6 *(m) A motor carrier who contracts with a person to drive a*  
7 *vehicle described in subdivision (k) that is owned by, or leased to,*  
8 *that motor carrier, shall be subject to subdivisions (a), (b), (c),*  
9 *(d), (f), (j), (k), and (l) and the employer obligations in those*  
10 *subdivisions.*

11 *(n) This section shall become operative on July 1, 2017.*

12 *SEC. 24. Section 12523.6 of the Vehicle Code is amended to*  
13 *read:*

14 12523.6. (a) (1) On and after March 1, 1998, no person who  
15 is employed primarily as a driver of a motor vehicle that is used  
16 for the transportation of persons with developmental disabilities,  
17 as defined in subdivision (a) of Section 4512 of the Welfare and  
18 Institutions Code, shall operate that motor vehicle unless that  
19 person has in his or her possession a valid driver’s license of the  
20 appropriate class and a valid special driver certificate issued by  
21 the department.

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

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

29 (1) In order to determine the applicant’s suitability as the driver  
30 of a vehicle used for the transportation of persons with  
31 developmental disabilities, the Department of the California  
32 Highway Patrol shall require the applicant to furnish to that  
33 department, on a form provided or approved by that department  
34 for submission to the Department of Justice, a full set of  
35 fingerprints sufficient to enable a criminal background  
36 investigation.

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

1 (3) If an applicant is unable to furnish the evidence required  
2 under paragraph (2), the Department of the California Highway  
3 Patrol shall require the applicant to furnish an additional full set  
4 of fingerprints. That department shall submit those fingerprint  
5 cards to the Department of Justice. The Department of Justice  
6 shall, in turn, submit the additional full set of fingerprints required  
7 under this paragraph to the Federal Bureau of Investigation for a  
8 national criminal history record check.

9 (4) Applicant fingerprint forms shall be processed and returned  
10 to the area office of the Department of the California Highway  
11 Patrol from which they originated not later than 15 working days  
12 from the date on which the fingerprint forms were received by the  
13 Department of Justice, unless circumstances, other than the  
14 administrative duties of the Department of Justice, warrant further  
15 investigation. Upon implementation of an electronic fingerprinting  
16 system with terminals located statewide and managed by the  
17 Department of Justice, the Department of Justice shall ascertain  
18 the information required pursuant to this subdivision within three  
19 working days.

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

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

28 (d) On or after March 1, 1998, no person who operates a  
29 business or a nonprofit organization or agency shall employ a  
30 person who is employed primarily as a driver of a motor vehicle  
31 for hire that is used for the transportation of persons with  
32 developmental disabilities unless the employed person operates  
33 the motor vehicle in compliance with subdivision (a).

34 (e) Nothing in this section precludes an employer of persons  
35 who are occasionally used as drivers of motor vehicles for the  
36 transportation of persons with developmental disabilities from  
37 requiring those persons, as a condition of employment, to obtain  
38 a special driver certificate pursuant to this section or precludes any  
39 volunteer driver from applying for a special driver certificate.

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

7 (g) This section does not apply to any person who has  
8 successfully completed a background investigation prescribed by  
9 law, including, but not limited to, health care transport vehicle  
10 operators, or to the operator of a taxicab regulated pursuant to  
11 Section 21100. This section does not apply to a person who holds  
12 a valid certificate, other than a farm labor vehicle driver certificate,  
13 issued under Section 12517.4 or 12527. This section does not apply  
14 to a driver who provides transportation on a noncommercial basis  
15 to persons with developmental disabilities.

16 (h) *This section shall become inoperative on July 1, 2017, and,*  
17 *as of January 1, 2018, is repealed, unless a later enacted statute,*  
18 *that becomes operative on or before January 1, 2018, deletes or*  
19 *extends the dates on which it becomes inoperative and is repealed.*

20 *SEC. 25. Section 12523.6 is added to the Vehicle Code, to*  
21 *read:*

22 *12523.6. (a) (1) On and after March 1, 1998, no person who*  
23 *is employed primarily as a driver of a motor vehicle that is used*  
24 *for the transportation of persons with developmental disabilities,*  
25 *as defined in subdivision (a) of Section 4512 of the Welfare and*  
26 *Institutions Code, shall operate that motor vehicle unless that*  
27 *person has in his or her possession a valid driver's license of the*  
28 *appropriate class and a valid special driver certificate issued by*  
29 *the department.*

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

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

37 *(1) In order to determine the applicant's suitability as the driver*  
38 *of a vehicle used for the transportation of persons with*  
39 *developmental disabilities, the Department of the California*  
40 *Highway Patrol shall require the applicant to furnish to that*

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

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

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

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

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

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

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

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

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

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

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

25 *(h) This section shall become operative on July 1, 2017.*

26 *SEC. 26. Section 21100 of the Vehicle Code is amended to*  
27 *read:*

28 21100. Local authorities may adopt rules and regulations by  
29 ordinance or resolution regarding all of the following matters:

30 (a) Regulating or prohibiting processions or assemblages on the  
31 highways.

32 (b) Licensing and regulating the operation of vehicles for hire  
33 and drivers of passenger vehicles for hire.

34 (c) Regulating traffic by means of traffic officers.

35 (d) Regulating traffic by means of official traffic control devices  
36 meeting the requirements of Section 21400.

37 (e) (1) Regulating traffic by means of a person given temporary  
38 or permanent appointment for that duty by the local authority when  
39 official traffic control devices are disabled or otherwise inoperable,

1 at the scenes of accidents or disasters, or at locations as may require  
2 traffic direction for orderly traffic flow.

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

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

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

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

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

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

39 (i) Providing for the appointment of nonstudent school crossing  
40 guards for the protection of persons who are crossing a street or

1 highway in the vicinity of a school or while returning thereafter  
2 to a place of safety.

3 (j) Regulating the methods of deposit of garbage and refuse in  
4 streets and highways for collection by the local authority or by  
5 any person authorized by the local authority.

6 (k) (1) Regulating cruising.

7 (2) The ordinance or resolution adopted pursuant to this  
8 subdivision shall regulate cruising, which is the repetitive driving  
9 of a motor vehicle past a traffic control point in traffic that is  
10 congested at or near the traffic control point, as determined by the  
11 ranking peace officer on duty within the affected area, within a  
12 specified time period and after the vehicle operator has been given  
13 an adequate written notice that further driving past the control  
14 point will be a violation of the ordinance or resolution.

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

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

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

25 (l) Regulating or authorizing the removal by peace officers of  
26 vehicles unlawfully parked in a fire lane, as described in Section  
27 22500.1, on private property. A removal pursuant to this  
28 subdivision shall be consistent, to the extent possible, with the  
29 procedures for removal and storage set forth in Chapter 10  
30 (commencing with Section 22650).

31 (m) Regulating mobile billboard advertising displays, as defined  
32 in Section 395.5, including the establishment of penalties, which  
33 may include, but are not limited to, removal of the mobile billboard  
34 advertising display, civil penalties, and misdemeanor criminal  
35 penalties, for a violation of the ordinance or resolution. The  
36 ordinance or resolution may establish a minimum distance that a  
37 mobile billboard advertising display shall be moved after a  
38 specified time period.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 *(q) This section shall become inoperative on July 1, 2017, and,  
19 as of January 1, 2018, is repealed, unless a later enacted statute,  
20 that becomes operative on or before January 1, 2018, deletes or  
21 extends the dates on which it becomes inoperative and is repealed.*

22 *SEC. 27. Section 21100 is added to the Vehicle Code, to read:*

23 *21100. Local authorities may adopt rules and regulations by  
24 ordinance or resolution regarding all of the following matters:*

25 *(a) Regulating or prohibiting processions or assemblages on  
26 the highways.*

27 *(b) Regulating the operation of taxicabs through the issuance  
28 of a curbside operations permit, pursuant to Section 53075.5 of  
29 the Government Code, in a manner consistent with Chapter 8.5  
30 (commencing with Section 5451) of Division 2 of the Public  
31 Utilities Code, or licensing and regulating the operation of taxicabs  
32 originating in the City and County of San Francisco or at the San  
33 Francisco International Airport, as provided in Section 5451.3 of  
34 the Public Utilities Code.*

35 *(c) Regulating traffic by means of traffic officers.*

36 *(d) Regulating traffic by means of official traffic control devices  
37 meeting the requirements of Section 21400.*

38 *(e) (1) Regulating traffic by means of a person given temporary  
39 or permanent appointment for that duty by the local authority when  
40 official traffic control devices are disabled or otherwise inoperable,*

1 *at the scenes of accidents or disasters, or at locations as may*  
2 *require traffic direction for orderly traffic flow.*

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

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

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

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

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

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

39 *(i) Providing for the appointment of nonstudent school crossing*  
40 *guards for the protection of persons who are crossing a street or*

1 highway in the vicinity of a school or while returning thereafter  
2 to a place of safety.

3 (j) Regulating the methods of deposit of garbage and refuse in  
4 streets and highways for collection by the local authority or by  
5 any person authorized by the local authority.

6 (k) (1) Regulating cruising.

7 (2) The ordinance or resolution adopted pursuant to this  
8 subdivision shall regulate cruising, which is the repetitive driving  
9 of a motor vehicle past a traffic control point in traffic that is  
10 congested at or near the traffic control point, as determined by  
11 the ranking peace officer on duty within the affected area, within  
12 a specified time period and after the vehicle operator has been  
13 given an adequate written notice that further driving past the  
14 control point will be a violation of the ordinance or resolution.

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

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

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

25 (l) Regulating or authorizing the removal by peace officers of  
26 vehicles unlawfully parked in a fire lane, as described in Section  
27 22500.1, on private property. A removal pursuant to this  
28 subdivision shall be consistent, to the extent possible, with the  
29 procedures for removal and storage set forth in Chapter 10  
30 (commencing with Section 22650).

31 (m) Regulating mobile billboard advertising displays, as defined  
32 in Section 395.5, including the establishment of penalties, which  
33 may include, but are not limited to, removal of the mobile billboard  
34 advertising display, civil penalties, and misdemeanor criminal  
35 penalties, for a violation of the ordinance or resolution. The  
36 ordinance or resolution may establish a minimum distance that a  
37 mobile billboard advertising display shall be moved after a  
38 specified time period.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (q) This section shall become operative on July 1, 2017.

19 SEC. 28. Section 21100.4 of the Vehicle Code is amended to  
 20 read:

21 21100.4. (a) (1) A magistrate presented with the affidavit of  
 22 a peace officer or a designated local transportation officer  
 23 establishing reasonable cause to believe that a vehicle, described  
 24 by vehicle type and license number, is being operated as a taxicab  
 25 or other passenger vehicle for hire in violation of licensing  
 26 requirements adopted by a local authority under subdivision (b)  
 27 of Section 21100 shall issue a warrant or order authorizing the  
 28 peace officer or designated local transportation officer to  
 29 immediately seize and cause the removal of the vehicle. As used  
 30 in this section, “designated local transportation officer” means any  
 31 local public officer employed by a local authority to investigate  
 32 and enforce local taxicab and vehicle for hire laws and regulations.

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

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

37 (4) The impounding agency, within two working days of  
 38 impoundment, shall send a notice by certified mail, return receipt  
 39 requested, to the legal owner of the vehicle, at an address obtained  
 40 from the department, informing the owner that the vehicle has

1 been impounded and providing the owner with a copy of the  
2 warrant or court order. Failure to notify the legal owner within  
3 two working days shall prohibit the impounding agency from  
4 charging for more than 15 days' impoundment when a legal owner  
5 redeems the impounded vehicle. The law enforcement agency shall  
6 be open to issue a release to the registered owner or legal owner,  
7 or the agent of either, whenever the agency is open to serve the  
8 public for regular, nonemergency business.

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

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

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

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

18 (2) A vehicle may not be released under this subdivision, except  
19 upon presentation of the registered owner's or agent's currently  
20 valid license to operate the vehicle under the licensing requirements  
21 adopted by the local authority under subdivision (b) of Section  
22 21100, and proof of current vehicle registration, or upon order of  
23 the court.

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

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

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

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

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

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

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

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

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

16 (6) The agency employing the peace officer or designated local  
17 transportation officer who caused the magistrate to issue the  
18 warrant or court order shall be responsible for the costs incurred  
19 for towing and storage if it is determined in the poststorage hearing  
20 that reasonable grounds for the storage are not established.

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

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

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

33 (2) (A) The legal owner or the legal owner's agent pays all  
34 towing and storage fees related to the seizure of the vehicle. A lien  
35 sale processing fee shall not be charged to the legal owner who  
36 redeems the vehicle prior to the 15th day of impoundment. Neither  
37 the impounding authority nor any person having possession of the  
38 vehicle shall collect from the legal owner of the type specified in  
39 paragraph (1), or the legal owner's agent, any administrative

1 charges imposed pursuant to Section 22850.5 unless the legal  
2 owner voluntarily requested a poststorage hearing.

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

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

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

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

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

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

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

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

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

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

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

20 (2) The legal owner or the legal owner's agent shall not  
21 relinquish the vehicle to the registered owner or the person who  
22 was listed as the registered owner when the vehicle was impounded  
23 until the registered owner or that owner's agent presents his or her  
24 valid driver's license or valid temporary driver's license, and an  
25 operator's license that is in compliance with the licensing  
26 requirements adopted by the local authority under subdivision (b)  
27 of Section 21100, to the legal owner or the legal owner's agent.  
28 The legal owner or the legal owner's agent or the person in  
29 possession of the vehicle shall make every reasonable effort to  
30 ensure that the licenses presented are valid and possession of the  
31 vehicle will not be given to the driver who was involved in the  
32 original impoundment proceeding until the expiration of the  
33 impoundment period.

34 (3) Prior to relinquishing the vehicle, the legal owner may  
35 require the registered owner to pay all towing and storage charges  
36 related to the impoundment and the administrative charges  
37 authorized under Section 22850.5 that were incurred by the legal  
38 owner in connection with obtaining the custody of the vehicle.

39 (4) Any legal owner who knowingly releases or causes the  
40 release of a vehicle to a registered owner or the person in

1 possession of the vehicle at the time of the impoundment or any  
2 agent of the registered owner in violation of this subdivision shall  
3 be guilty of a misdemeanor and subject to a civil penalty in the  
4 amount of two thousand dollars (\$2,000).

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

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

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

28 (i) *This section shall become inoperative on July 1, 2017, and,*  
29 *as of January 1, 2018, is repealed, unless a later enacted statute,*  
30 *that becomes operative on or before January 1, 2018, deletes or*  
31 *extends the dates on which it becomes inoperative and is repealed.*

32 *SEC. 29. Section 21100.4 is added to the Vehicle Code, to*  
33 *read:*

34 *21100.4. (a) (1) A magistrate presented with the affidavit of*  
35 *a peace officer establishing reasonable cause to believe that a*  
36 *vehicle, described by vehicle type and license number, is being*  
37 *operated as a taxicab or other passenger vehicle for hire in*  
38 *violation of Chapter 8.5 (commencing with Section 5451) of*  
39 *Division 2 of the Public Utilities Code or in violation of a local*  
40 *ordinance adopted by a local authority under subdivision (b) of*

1 Section 21100 shall issue a warrant or order authorizing the peace  
2 officer to immediately seize and cause the removal of the vehicle.

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

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

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

19 (b) (1) An impounding agency shall release a vehicle to the  
20 registered owner or his or her agent prior to the end of the  
21 impoundment period and without the permission of the magistrate  
22 authorizing the vehicle's seizure under any of the following  
23 circumstances:

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

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

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

28 (2) A vehicle may not be released under this subdivision, except  
29 upon presentation of the registered owner's or agent's currently  
30 valid permit to operate the vehicle under the requirements of  
31 Chapter 8.5 (commencing with Section 5451) of Division 2 of the  
32 Public Utilities Code or an ordinance of the City and County of  
33 San Francisco or its airport authority, and, as applicable,  
34 presentation of a curbside operation permit issued by a local  
35 agency pursuant to Section 53075 of the Government Code, and  
36 proof of current vehicle registration, or upon order of the court.

37 (c) (1) Whenever a vehicle is impounded under this section,  
38 the magistrate ordering the storage shall provide the vehicle's  
39 registered and legal owners of record, or their agents, with the

1 opportunity for a poststorage hearing to determine the validity of  
2 the storage.

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

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

10 (B) The location of the place of storage and a description of the  
11 vehicle, which shall include, if available, the name or make, the  
12 manufacturer, the license plate number, and the mileage of the  
13 vehicle.

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

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

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

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

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

29 (6) The agency employing the peace officer or designated local  
30 transportation officer who caused the magistrate to issue the  
31 warrant or court order shall be responsible for the costs incurred  
32 for towing and storage if it is determined in the poststorage hearing  
33 that reasonable grounds for the storage are not established.

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

37 (e) A vehicle removed and seized under subdivision (a) shall be  
38 released to the legal owner of the vehicle or the legal owner's  
39 agent prior to the end of the impoundment period and without the

1 *permission of the magistrate authorizing the seizure of the vehicle*  
2 *if all of the following conditions are met:*

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

7 *(2) (A) The legal owner or the legal owner's agent pays all*  
8 *towing and storage fees related to the seizure of the vehicle. A lien*  
9 *sale processing fee shall not be charged to the legal owner who*  
10 *redeems the vehicle prior to the 15th day of impoundment. Neither*  
11 *the impounding authority nor any person having possession of the*  
12 *vehicle shall collect from the legal owner of the type specified in*  
13 *paragraph (1), or the legal owner's agent, any administrative*  
14 *charges imposed pursuant to Section 22850.5 unless the legal*  
15 *owner voluntarily requested a poststorage hearing.*

16 *(B) A person operating or in charge of a storage facility where*  
17 *vehicles are stored pursuant to this section shall accept a valid*  
18 *bank credit card or cash for payment of towing, storage, and*  
19 *related fees by a legal or registered owner or the owner's agent*  
20 *claiming the vehicle. A credit card shall be in the name of the*  
21 *person presenting the card. "Credit card" means "credit card"*  
22 *as defined in subdivision (a) of Section 1747.02 of the Civil Code,*  
23 *except, for the purposes of this section, credit card does not include*  
24 *a credit card issued by a retail seller.*

25 *(C) A person operating or in charge of a storage facility*  
26 *described in subparagraph (B) who violates subparagraph (B)*  
27 *shall be civilly liable to the owner of the vehicle or to the person*  
28 *who tendered the fees for four times the amount of the towing,*  
29 *storage, and related fees, but not to exceed five hundred dollars*  
30 *(\$500).*

31 *(D) A person operating or in charge of a storage facility*  
32 *described in subparagraph (B) shall have sufficient funds on the*  
33 *premises of the primary storage facility during normal business*  
34 *hours to accommodate, and make change in, a reasonable*  
35 *monetary transaction.*

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

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

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

28 (C) *All presented documents may be originals, photocopies, or*  
29 *facsimile copies, or may be transmitted electronically. The law*  
30 *enforcement agency, impounding agency, or any person in*  
31 *possession of the vehicle, or anyone acting on behalf of them, shall*  
32 *not require any documents to be notarized. The law enforcement*  
33 *agency, impounding agency, or any person acting on behalf of*  
34 *those agencies, may require the agent of the legal owner to produce*  
35 *a photocopy or facsimile copy of its repossession agency license*  
36 *or registration issued pursuant to Chapter 11 (commencing with*  
37 *Section 7500) of Division 3 of the Business and Professions Code,*  
38 *or to demonstrate, to the satisfaction of the law enforcement*  
39 *agency, impounding agency, or any person in possession of the*  
40 *vehicle, or anyone acting on behalf of them, that the agent is*

1 *exempt from licensure pursuant to Section 7500.2 or 7500.3 of the*  
2 *Business and Professions Code.*

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

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

28 *(f) (1) A legal owner or the legal owner's agent that obtains*  
29 *release of the vehicle pursuant to subdivision (e) shall not release*  
30 *the vehicle to the registered owner of the vehicle or the person*  
31 *who was listed as the registered owner when the vehicle was*  
32 *impounded or any agents of the registered owner until the*  
33 *termination of the impoundment period.*

34 *(2) The legal owner or the legal owner's agent shall not*  
35 *relinquish the vehicle to the registered owner or the person who*  
36 *was listed as the registered owner when the vehicle was impounded*  
37 *until the registered owner or that owner's agent presents his or*  
38 *her valid driver's license or valid temporary driver's license, and*  
39 *an operator's permit that is in compliance with the requirements*  
40 *of Chapter 8.5 (commencing with Section 5451) of Division 2 of*

1 *the Public Utilities Code or an ordinance of the City and County*  
2 *of San Francisco or its airport authority, to the legal owner or the*  
3 *legal owner's agent. The legal owner or the legal owner's agent*  
4 *or the person in possession of the vehicle shall make every*  
5 *reasonable effort to ensure that the license and permit presented*  
6 *are valid and possession of the vehicle will not be given to the*  
7 *driver who was involved in the original impoundment proceeding*  
8 *until the expiration of the impoundment period.*

9 (3) *Prior to relinquishing the vehicle, the legal owner may*  
10 *require the registered owner to pay all towing and storage charges*  
11 *related to the impoundment and the administrative charges*  
12 *authorized under Section 22850.5 that were incurred by the legal*  
13 *owner in connection with obtaining the custody of the vehicle.*

14 (4) *Any legal owner who knowingly releases or causes the*  
15 *release of a vehicle to a registered owner or the person in*  
16 *possession of the vehicle at the time of the impoundment or any*  
17 *agent of the registered owner in violation of this subdivision shall*  
18 *be guilty of a misdemeanor and subject to a civil penalty in the*  
19 *amount of two thousand dollars (\$2,000).*

20 (5) *The legal owner, registered owner, or person in possession*  
21 *of the vehicle shall not change or attempt to change the name of*  
22 *the legal owner or the registered owner on the records of the*  
23 *department until the vehicle is released from the impoundment.*

24 (g) *Notwithstanding any other provision of this section, the*  
25 *registered owner and not the legal owner shall remain responsible*  
26 *for any towing and storage charges related to the impoundment*  
27 *and the administrative charges authorized under Section 22850.5*  
28 *and any parking fines, penalties, and administrative fees incurred*  
29 *by the registered owner.*

30 (h) *The law enforcement agency and the impounding agency,*  
31 *including any storage facility acting on behalf of the law*  
32 *enforcement agency or impounding agency, shall comply with this*  
33 *section and shall not be liable to the registered owner for the*  
34 *improper release of the vehicle to the legal owner or the legal*  
35 *owner's agent if the release complies with this section. The legal*  
36 *owner shall indemnify and hold harmless a storage facility from*  
37 *any claims arising out of the release of the vehicle to the legal*  
38 *owner or the legal owner's agent and from any damage to the*  
39 *vehicle after its release, including the reasonable costs associated*  
40 *with defending any such claims. A law enforcement agency shall*

1 *not refuse to issue a release to a legal owner or the agent of a*  
2 *legal owner on the grounds that it previously issued a release.*

3 *(i) This section shall become operative on July 1, 2017.*

4 *SEC. 30. Section 27908 of the Vehicle Code is amended to*  
5 *read:*

6 27908. (a) In every taxicab operated in this state there shall  
7 be a sign of heavy material, not smaller than 6 inches by 4 inches,  
8 or such other size as the agency regulating the operation of the  
9 taxicab provides for other notices or signs required to be in every  
10 taxicab, securely attached and clearly displayed in view of the  
11 passenger at all times, providing in letters as large as the size of  
12 the sign will reasonably allow, all of the following information:

13 (1) The name, address, and telephone number of the agency  
14 regulating the operation of the taxicab.

15 (2) The name, address, and telephone number of the firm  
16 licensed or controlled by the agency regulating the operation of  
17 the taxicab.

18 (b) In the event more than one local regulatory agency has  
19 jurisdiction over the operation of the taxicab, the notice required  
20 by paragraph (1) of subdivision (a) shall provide the name, address,  
21 and telephone number of the agency having jurisdiction in the area  
22 where the taxicab operator conducts its greatest volume of business;  
23 or, if this cannot readily be ascertained, the agency having  
24 jurisdiction in the area where the taxicab operator maintains its  
25 offices or primary place of business, provided that the operator  
26 conducts a substantial volume of business in such area; or, if neither  
27 of the foregoing provisions apply, any agency having jurisdiction  
28 of an area where the taxicab operator conducts a substantial volume  
29 of business.

30 (c) As used in this section, "taxicab" means a passenger vehicle  
31 designed for carrying not more than eight persons, excluding the  
32 driver, and used to carry passengers for hire. "Taxicab" shall not  
33 include a charter-party carrier of passengers within the meaning  
34 of the Passenger Charter-party Carriers' Act, Chapter 8  
35 (commencing with Section 5351) of Division 2 of the Public  
36 Utilities Code.

37 *(d) This section shall become inoperative on July 1, 2017, and,*  
38 *as of January 1, 2018, is repealed, unless a later enacted statute,*  
39 *that becomes operative on or before January 1, 2018, deletes or*  
40 *extends the dates on which it becomes inoperative and is repealed.*

1     *SEC. 31. Section 27908 is added to the Vehicle Code, to read:*  
 2     27908. (a) *In every taxicab operated in this state there shall*  
 3 *be a sign of heavy material, not smaller than six inches by four*  
 4 *inches, or such other size as the Public Utilities Commission, or*  
 5 *other regulating agency pursuant to Section 5451.3 of the Public*  
 6 *Utilities Code, provides for other notices or signs required to be*  
 7 *in every taxicab, securely attached and clearly displayed in view*  
 8 *of the passenger at all times, providing in letters as large as the*  
 9 *size of the sign will reasonably allow, all of the following*  
 10 *information:*

11     (1) *The name, address, and telephone number of the applicable*  
 12 *unit of the Public Utilities Commission or other regulating agency*  
 13 *that regulates the operation of the taxicab.*

14     (2) *The name, address, and telephone number of the taxicab*  
 15 *carrier that has been issued a permit to provide taxicab*  
 16 *transportation services by the Public Utilities Commission or other*  
 17 *regulating agency.*

18     (b) *As used in this section, "taxicab" means a passenger motor*  
 19 *vehicle designed for carrying not more than eight persons,*  
 20 *excluding the driver, and used to carry passengers for hire as part*  
 21 *of taxicab transportation services regulated pursuant to Chapter*  
 22 *8.5 (commencing with Section 5451) of Division 2 of the Public*  
 23 *Utilities Code or by another regulating agency pursuant to Section*  
 24 *5451.3 of the Public Utilities Code. "Taxicab" shall not include*  
 25 *a charter-party carrier of passengers within the meaning of the*  
 26 *Passenger Charter-party Carriers' Act (Chapter 8 (commencing*  
 27 *with Section 5351) of Division 2 of the Public Utilities Code).*

28     (c) *This section shall become operative on July 1, 2017.*

29     ~~SEC. 20.~~

30     *SEC. 32. No reimbursement is required by this act pursuant to*  
 31 *Section 6 of Article XIII B of the California Constitution for certain*  
 32 *costs that may be incurred by a local agency or school district*  
 33 *because, in that regard, this act creates a new crime or infraction,*  
 34 *eliminates a crime or infraction, or changes the penalty for a crime*  
 35 *or infraction, within the meaning of Section 17556 of the*  
 36 *Government Code, or changes the definition of a crime within the*  
 37 *meaning of Section 6 of Article XIII B of the California*  
 38 *Constitution.*

39     *However, if the Commission on State Mandates determines that*  
 40 *this act contains other costs mandated by the state, reimbursement*

1 to local agencies and school districts for those costs shall be made  
2 pursuant to Part 7 (commencing with Section 17500) of Division  
3 4 of Title 2 of the Government Code.

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