

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2790

Introduced by Assembly Member Nazarian

February 19, 2016

~~An act relating to local government.~~ *An act to amend Sections 101 and 205 of, and to add Chapter 3.7 (commencing with Section 5700) to Division 3 of, the Business and Professions Code, relating to professions and vocations.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2790, as amended, Nazarian. ~~Local government: taxicabs.~~ *Taxicab drivers: Taxicab Commission: state licensure requirement.*

Existing law requires every city or county to adopt an ordinance or resolution in regard to taxicab transportation service that includes a policy for entry into the business of providing taxicab transportation service, the establishment or registration of rates for the provision of taxicab transportation service, and a mandatory controlled substance and alcohol testing certification program, as specified.

~~This bill would state the intent of the Legislature to enact legislation pertaining to the regulation of taxicabs.~~

Existing law provides for the licensure and regulation of various professions and vocations by boards and commissions within the Department of Consumer Affairs.

This bill would enact the Taxicab Driver Act and create the Taxicab Commission within the Department of Consumer Affairs to license and regulate the profession of taxicab driving. The bill would require the commission to be composed of 9 members, including 5 public members and 4 licensee members, who are subject to specified terms. The bill

would require the Governor to appoint 3 of the public members and the 4 licensee members. The bill would require the Senate Committee on Rules and the Speaker of the Assembly to each appoint one public member. The bill would require the initial licensee member appointments to obtain a license by an unspecified date, as provided. The bill would authorize the commission to appoint an executive officer exempt from civil service.

This bill would make it unlawful to drive a taxicab in this state unless the driver has been issued a professional license by the commission. The bill would require the commission to issue a license if the applicant meets certain requirements, including, but not limited to, paying an unspecified application fee and participating in a specified pull-notice system. The bill would also require the payment of unspecified license and renewal fees, make these licenses subject to expiration in 3 years, and require those fees to be deposited into the Taxicab Fund, which would be created by this bill. The bill would make it a crime to violate the act. The bill would make other conforming changes.

By creating a new crime, the bill would impose a state-mandated local program.

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 no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. Section 101 of the Business and Professions Code
- 2 is amended to read:
- 3 101. The department is comprised of the following:
- 4 (a) The Dental Board of California.
- 5 (b) The Medical Board of California.
- 6 (c) The State Board of Optometry.
- 7 (d) The California State Board of Pharmacy.
- 8 (e) The Veterinary Medical Board.
- 9 (f) The California Board of Accountancy.
- 10 (g) The California Architects Board.

- 1 (h) The Bureau of Barbering and Cosmetology.
- 2 (i) The Board for Professional Engineers and Land Surveyors.
- 3 (j) The Contractors' State License Board.
- 4 (k) The Bureau for Private Postsecondary Education.
- 5 (l) The Bureau of Electronic and Appliance Repair, Home
- 6 Furnishings, and Thermal Insulation.
- 7 (m) The Board of Registered Nursing.
- 8 (n) The Board of Behavioral Sciences.
- 9 (o) The State Athletic Commission.
- 10 (p) The Cemetery and Funeral Bureau.
- 11 (q) The State Board of Guide Dogs for the Blind.
- 12 (r) The Bureau of Security and Investigative Services.
- 13 (s) The Court Reporters Board of California.
- 14 (t) The Board of Vocational Nursing and Psychiatric
- 15 Technicians.
- 16 (u) The Landscape Architects Technical Committee.
- 17 (v) The Division of Investigation.
- 18 (w) The Bureau of Automotive Repair.
- 19 (x) The Respiratory Care Board of California.
- 20 (y) The Acupuncture Board.
- 21 (z) The Board of Psychology.
- 22 (aa) The California Board of Podiatric Medicine.
- 23 (ab) The Physical Therapy Board of California.
- 24 (ac) The Arbitration Review Program.
- 25 (ad) The Physician Assistant Committee.
- 26 (ae) The Speech-Language Pathology and Audiology Board.
- 27 (af) The California Board of Occupational Therapy.
- 28 (ag) The Osteopathic Medical Board of California.
- 29 (ah) The Naturopathic Medicine Committee.
- 30 (ai) The Dental Hygiene Committee of California.
- 31 (aj) The Professional Fiduciaries Bureau.
- 32 (ak) The State Board of Chiropractic Examiners.
- 33 (al) The Bureau of Real Estate.
- 34 (am) The Bureau of Real Estate Appraisers.
- 35 (an) The Structural Pest Control Board.
- 36 (ao) The Bureau of Medical Marijuana Regulation.
- 37 (ap) *The Taxicab Commission.*
- 38 ~~(aq)~~
- 39 (aq) Any other boards, offices, or officers subject to its
- 40 jurisdiction by law.

1 *SEC. 2. Section 205 of the Business and Professions Code, as*
 2 *added by Chapter 510 of the Statutes of 2015, is amended to read:*
 3 205. (a) There is in the State Treasury the Professions and
 4 Vocations Fund. The fund shall consist of the following special
 5 funds:
 6 (1) Accountancy Fund.
 7 (2) California Architects Board Fund.
 8 (3) Athletic Commission Fund.
 9 (4) Barbering and Cosmetology Contingent Fund.
 10 (5) Cemetery and Funeral Fund.
 11 (6) Contractors' License Fund.
 12 (7) State Dentistry Fund.
 13 (8) Guide Dogs for the Blind Fund.
 14 (9) Home Furnishings and Thermal Insulation Fund.
 15 (10) California Architects Board-Landscape Architects Fund.
 16 (11) Contingent Fund of the Medical Board of California.
 17 (12) Optometry Fund.
 18 (13) Pharmacy Board Contingent Fund.
 19 (14) Physical Therapy Fund.
 20 (15) Private Investigator Fund.
 21 (16) Professional Engineer's, Land Surveyor's, and Geologist's
 22 Fund.
 23 (17) Consumer Affairs Fund.
 24 (18) Behavioral Sciences Fund.
 25 (19) Licensed Midwifery Fund.
 26 (20) Court Reporters' Fund.
 27 (21) Veterinary Medical Board Contingent Fund.
 28 (22) Vocational Nursing and Psychiatric Technicians Fund.
 29 (23) Electronic and Appliance Repair Fund.
 30 (24) Dispensing Opticians Fund.
 31 (25) Acupuncture Fund.
 32 (26) Physician Assistant Fund.
 33 (27) Board of Podiatric Medicine Fund.
 34 (28) Psychology Fund.
 35 (29) Respiratory Care Fund.
 36 (30) Speech-Language Pathology and Audiology and Hearing
 37 Aid Dispensers Fund.
 38 (31) Board of Registered Nursing Fund.
 39 (32) Animal Health Technician Examining Committee Fund.
 40 (33) State Dental Hygiene Fund.

- 1 (34) State Dental Assistant Fund.
- 2 (35) Structural Pest Control Fund.
- 3 (36) Structural Pest Control Eradication and Enforcement Fund.
- 4 (37) Structural Pest Control Research Fund.
- 5 (38) *Taxicab Fund*.

6 (b) For accounting and recordkeeping purposes, the Professions
 7 and Vocations Fund shall be deemed to be a single special fund,
 8 and each of the several special funds therein shall constitute and
 9 be deemed to be a separate account in the Professions and
 10 Vocations Fund. Each account or fund shall be available for
 11 expenditure only for the purposes as are now or may hereafter be
 12 provided by law.

13 (c) This section shall become operative on July 1, 2016.
 14 *SEC. 3. Chapter 3.7 (commencing with Section 5700) is added*
 15 *to Division 3 of the Business and Professions Code, to read:*

16
 17 *CHAPTER 3.7. TAXICAB DRIVERS*

18
 19 *5700. This chapter may be cited as the Taxicab Driver Act.*

20 *5702. For the purposes of this chapter, the following definitions*
 21 *shall apply:*

- 22 (a) *“Commission” means the Taxicab Commission.*
- 23 (b) *“Department” means the Department of Consumer Affairs.*
- 24 (c) *“Taxicab” means a passenger vehicle designed for carrying*
 25 *not more than eight persons, excluding the driver, and used to*
 26 *carry passengers for hire. “Taxicab” shall not include a*
 27 *charter-party carrier of passengers within the meaning of Chapter*
 28 *8 (commencing with Section 5351) of Division 2 of the Public*
 29 *Utilities Code.*

30 *5704. (a) The Taxicab Commission is hereby created within*
 31 *the department. The commission shall enforce and administer this*
 32 *chapter. The commission shall be responsible for the licensure*
 33 *and regulation of the profession of taxicab driving. Regulation of*
 34 *the business of providing taxicab transportation services shall*
 35 *remain under the jurisdiction of cities, counties, and cities and*
 36 *counties pursuant to Section 53075.5 of the Government Code.*

37 (b) *This section shall remain in effect only until January 1, 2022,*
 38 *and as of that date is repealed, unless a later enacted statute, that*
 39 *is enacted before January 1, 2022, deletes or extends that date.*
 40 *Notwithstanding any other provision of law, the repeal of this*

1 *section renders the commission subject to review by the*
2 *appropriate policy committees of the Legislature.*

3 *5706. Protection of the public shall be the highest priority for*
4 *the commission in exercising its licensing, regulatory, and*
5 *disciplinary functions. Whenever the protection of the public is*
6 *inconsistent with other interests sought to be promoted, the*
7 *protection of the public shall be paramount.*

8 *5708. (a) (1) The commission shall be composed of nine*
9 *members. Five members shall be public members, and four*
10 *members shall be taxicab driver licensees. The Governor shall*
11 *appoint three of the public members and the four licensee members.*
12 *The Senate Committee on Rules and the Speaker of the Assembly*
13 *shall each appoint one public member.*

14 *(2) An initial licensee member appointment may be a person*
15 *who is applying for a license pursuant to this chapter, but who*
16 *currently maintains a permit in good standing as a taxicab driver*
17 *in at least one city, county, or city and county in this state and who*
18 *meets the other requirements of Section 53075.5 of the Government*
19 *Code. An initial licensee member shall have obtained his or her*
20 *license by ____.*

21 *(b) Members of the commission shall be appointed for a term*
22 *of four years, except that of the initial members appointed by the*
23 *Governor, two of the public members and two of the licensee*
24 *members shall be appointed for an initial term of two years. No*
25 *commission member may serve longer than two consecutive terms.*

26 *5710. (a) The commission may appoint an executive officer*
27 *who is exempt from civil service. The executive officer shall*
28 *exercise the powers and perform the duties delegated by the*
29 *commission and vested in him or her by this chapter. The*
30 *appointment of the executive officer is subject to the approval of*
31 *the director.*

32 *(b) This section shall remain in effect only until January 1, 2022,*
33 *and as of that date is repealed, unless a later enacted statute, that*
34 *is enacted before January 1, 2022, deletes or extends that date.*

35 *5712. The commission may also employ examiners, inspectors,*
36 *and other personnel necessary to carry out the provisions of this*
37 *chapter.*

38 *5714. It shall be unlawful to drive a taxicab in this state unless*
39 *the driver has been issued a license by the commission.*

1 5716. The commission shall issue a license to a person who
2 meets all of the following requirements:

3 (a) Has a valid California driver's license.

4 (b) Participates in a pull-notice system as described in Section
5 1808.1 of the Vehicle Code. Drivers with convictions for reckless
6 driving, driving under the influence, hit-and-run, or driving with
7 a suspended or revoked license shall not be eligible for licensure
8 as a taxicab driver. An applicant may have a maximum of two
9 points on his or her driving record.

10 (c) Participates in a mandatory controlled substance and alcohol
11 testing certification program as adopted by the commission
12 consistent with subparagraph (A) of paragraph (3) of subdivision
13 (b) of Section 53075.5 of the Government Code.

14 5718. A person may apply for a license on a form developed
15 by the commission. The nonrefundable application fee shall be
16 _____ dollars (\$0.00) and the amount described in paragraph (4)
17 of subdivision (d) of Section 5716.

18 5720. (a) A person issued an initial license pursuant to Section
19 5716 shall pay a license fee to the commission in the amount of
20 _____ dollars (\$0.00).

21 (b) A license shall expire in three years. A license may be
22 renewed prior to expiration if the licensee completes a form
23 developed by the board, which demonstrates continued compliance
24 with the requirements of Section 5716, and pays a renewal fee in
25 the amount of _____ dollars (\$0.00).

26 5722. All fees collected pursuant to this chapter shall be
27 deposited in the Taxicab Fund and shall be subject to appropriation
28 by the Legislature.

29 5724. Any person who violates any of the provisions of this
30 chapter shall be guilty of a misdemeanor, punishable by a fine not
31 exceeding one thousand dollars (\$1,000) or imprisonment in a
32 county jail not exceeding six months, or by both.

33 5726. Nothing in this chapter shall be construed to prohibit a
34 city, county, or city and county from imposing more stringent
35 requirements on taxicab transportation services to the extent not
36 consistent with this chapter.

37 SEC. 4. No reimbursement is required by this act pursuant to
38 Section 6 of Article XIII B of the California Constitution because
39 the only costs that may be incurred by a local agency or school
40 district will be incurred because this act creates a new crime or

1 *infraction, eliminates a crime or infraction, or changes the penalty*
2 *for a crime or infraction, within the meaning of Section 17556 of*
3 *the Government Code, or changes the definition of a crime within*
4 *the meaning of Section 6 of Article XIII B of the California*
5 *Constitution.*

6 ~~SECTION 1. It is the intent of the Legislature to enact~~
7 ~~legislation pertaining to the regulation of taxicabs.~~

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