

AMENDED IN SENATE AUGUST 19, 2015

AMENDED IN SENATE JULY 8, 2015

AMENDED IN SENATE APRIL 29, 2015

SENATE BILL

No. 372

Introduced by Senator Galgiani

February 24, 2015

An act to add *Section 53075.51 to the Government Code*, and to add Section 5445 to the Public Utilities Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 372, as amended, Galgiani. Transportation network ~~companies~~: *companies and taxicabs*: sex offenders.

(1) *Existing law requires every city or county to adopt an ordinance or resolution regarding taxicab transportation service, including, but not limited to, provisions for a policy for the entry into the business of providing taxicab transportation service and for the employment, or an offer of employment, as a taxicab driver in the local jurisdiction, including compliance with specified requirements.*

This bill would prohibit a taxicab transportation service operator from hiring or retaining a driver who is required by law to register as a sex offender.

(1)

(2) The Passenger Charter-party Carriers' Act defines a transportation network company as an organization, whether a corporation, partnership, sole proprietor, or other form, operating in California that provides prearranged transportation services for compensation using an online-enabled platform to connect passengers with drivers using their

personal vehicles. A transportation network company is subject to regulation by the Public Utilities Commission, is required to have a specified certificate or permit, as appropriate, from the commission, and is subject to various other requirements. A violation of the act is generally a misdemeanor.

This bill would prohibit a transportation network company from ~~hiring~~ hiring, contracting with, employing, or ~~retaining~~ continuing to employ a driver who is required by law to register as a sex offender.

Because a violation of this provision would be a crime, this bill would impose a state-mandated local program.

(2)

(3) 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.

(3)

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. 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 53075.51 is added to the Government
2 Code, to read:
3 53075.51. A taxicab transportation service operator shall not
4 employ or retain, or continue to employ or retain, a driver if he
5 or she is required to register as a sex offender. For purposes of
6 this section, "registered sex offender" includes any individual who
7 appears on the Dru Sjodin National Sex Offender Public Web site
8 or the public sex offender registry on the Megan's Law Home Page
9 maintained by the Department of Justice pursuant to Section 290
10 of the Penal Code.

11 ~~SECTION 1.~~

12 SEC. 2. Section 5445 is added to the Public Utilities Code, to
13 read:

14 5445. A transportation network company shall not ~~employ or~~
15 ~~retain~~, contract with, employ, or continue to employ ~~or retain~~, a
16 participating driver if he or she is required by any law to register

1 as a sex offender. *For purposes of this section, “registered sex*
2 *offender” includes any individual who appears on the Dru Sjodin*
3 *National Sex Offender Public Web site or the public sex offender*
4 *registry on the Megan’s Law Home Page maintained by the*
5 *Department of Justice pursuant to Section 290 of the Penal Code.*

6 ~~SEC. 2.~~

7 SEC. 3. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.

16 ~~SEC. 3.~~

17 SEC. 4. This act is an urgency statute necessary for the
18 immediate preservation of the public peace, health, or safety within
19 the meaning of Article IV of the Constitution and shall go into
20 immediate effect. The facts constituting the necessity are:

21 In order to ensure the protection and safety of the members of
22 the public who use the services of transportation network
23 ~~companies~~, *companies and taxicabs*, it is necessary that this act
24 take effect immediately.