

Introduced by Senator HuesoFebruary 19, 2016

An act to amend Section 5386.5 of the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1399, as introduced, Hueso. Charter-party carriers of passengers: advertisement as taxicabs.

The Passenger Charter-party Carriers Act requires a charter-party carrier of passengers, as defined, to obtain a certificate of public convenience and necessity or a permit issued by the Public Utilities Commission, and to operate within the state on a prearranged basis. The act prohibits a charter-party carrier of passengers from advertising or otherwise representing their services to the public, as a taxicab or taxi service, and defines "advertise" to include, among other things, any business card, stationery, or printed or published paid advertisement in any media form. A violation of the act is a crime.

This bill would specifically include the use of any Internet Web site or any online-enabled application or platform within this prohibition.

To the extent the bill would expand the taxi advertisement prohibition, the bill would impose a state-mandated local program by expanding the application of an existing crime.

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: yes.
State-mandated local program: yes.

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

1 SECTION 1. Section 5386.5 of the Public Utilities Code is
 2 amended to read:
 3 5386.5. ~~No~~A charter-party carrier of passengers shall *not*
 4 advertise its services, or in any manner represent its services, as
 5 being a taxicab or taxi service. For the purposes of this section,
 6 “advertise” includes *the use of* any business card, stationery,
 7 brochure, flyer, circular, newsletter, fax form, printed or published
 8 paid advertisement in any media form, ~~or telephone book listing.~~
 9 *listing, Internet Web site, or online-enabled application (App) or*
 10 *platform.*
 11 SEC. 2. No reimbursement is required by this act pursuant to
 12 Section 6 of Article XIII B of the California Constitution because
 13 the only costs that may be incurred by a local agency or school
 14 district will be incurred because this act creates a new crime or
 15 infraction, eliminates a crime or infraction, or changes the penalty
 16 for a crime or infraction, within the meaning of Section 17556 of
 17 the Government Code, or changes the definition of a crime within
 18 the meaning of Section 6 of Article XIII B of the California
 19 Constitution.