

## LEGISLATIVE DRAFT

### Chapter 5.48 TAXICABS—VEHICLES FOR HIRE

#### **5.48.010 Definitions**

For the purpose of this chapter, the words and phrases herein defined shall be construed in accordance with the following definitions:

**“City”** means the City of Huntington Beach.

**“City authorization”** means City authorization to operate a taxicab business in the City.

**“Driver”** means a person who drives a taxicab and who has a valid OCTAP City-issued driver permit.

**“Driver’s permit”** means a valid permit issued by OCTAP the City authorizing a person to drive or control the movements of a taxicab.

**“Exclusive ride”** means one or more passengers hiring a driver for a ride to a specified destination. As part of an exclusive ride, the passenger may direct the driver to pick up additional passengers en-route to a destination and incur the additional metered time and/or distance that would be required.

~~**“OCTAP”** means the Orange County Taxi Administration Program administered by the Orange County Transportation Authority of which the City is a member.~~

**“OCTAP City regulations”** means the current Administrative regulations established by the City Manager or designee of OCTAP.

**“Operate a taxicab”** means to drive a taxicab and either solicit or pick up passengers for hire in the City.

**“Owner”** means the registered owner or lessor of a taxicab.

**“Person”** includes natural person, firm, association, organization, partnership, business, trust, corporation, or public entity.

**“Prearranged trip”** means a trip using an online enabled application, dispatch, or Internet website. A taxicab company may provide prearranged trips anywhere within the County in which it has obtained a taxicab company permit.

**“Substantially located”** means the primary business address of the taxicab company or driver is located, and the City within Orange County which accounts for the largest share of that company or driver’s total number of trips within Orange County over the past year and determined every five years year thereafter, ~~as further defined at~~ Government Code Section 53075.5(k)(2).

**“Taxicab”** means a vehicle operated within the jurisdiction of the City, capable of carrying not more than eight persons, excluding the driver, and used to carry passengers for hire. The term shall exclude a vehicle operating as a Charter Party Carrier licensed as such by any State agency, including the Public Utilities Commission, or any other vehicle having a Certificate of Public Convenience and Necessity issued by any State agency, including the Public Utilities Commission.

**“Taxicab company”** means a passenger-for-hire business either based in the City or elsewhere whose business activity includes picking up any passengers in the City by on-demand requests, a radio dispatched service, or referral which results in charging the passenger by metered time and/or distance to a destination identified by the hiring passenger for an exclusive ride. Such taxi services are a business that is required to be permitted under this chapter. Taxi services which have picked up passengers outside of the City and delivered the passengers to a location within the City are excluded from the permitting requirements under this chapter.

**“Taxicab company permit”** means a valid permit issued by OCTAP ~~the City~~ authorizing a company to operate a taxicab business ~~within those cities and jurisdictions participating in~~ OCTAP.

**“Taxicab vehicle permit”** means a valid permit issued by OCTAP ~~the City~~ authorizing a particular vehicle to be operated as a taxicab.

#### **5.48.015 Administrative Regulations**

The City Manager or designee shall establish administrative regulations that have the same force and effect as this section which shall be published on the City’s website and also available for the public in the Clerk, Police, Finance and City Manager’s Offices.

#### **5.48.020 OCTAP City Authorization Required**

A. No person shall only operate a taxicab in the City without ~~an OCTAP~~ a City issued taxicab company permit.

B. Only an owner authorized by OCTAP ~~the City~~ may operate its taxicab(s) in the City.

#### **5.48.030 Driver Permit Required**

No person shall operate a taxicab in the City without ~~an OCTAP~~ a City issued driver’s permit.

No owner shall permit a person to operate the owner’s taxicab unless the person possesses ~~an~~ OCTAP a City issued driver’s permit.

#### **5.48.040 Taxicab Vehicle Permit Required**

No person shall operate a taxicab unless his or her vehicle displays ~~an OCTAP~~ a City issued taxicab vehicle permit. No owner shall permit his or her taxicab to be operated in the City unless the taxicab displays a taxicab vehicle permit.

- A. At all times while providing taxi service, the taxicab vehicle permit must be displayed in the passenger-side corner of the rear window of the taxicab for which the taxicab vehicle permit is issued.

#### **5.48.050 Taxicab Business Permit Required**

No person shall operate a taxicab company in the City without ~~an OCTAP~~ a City issued taxicab company permit.

#### **5.48.060 Application for Permits**

Applications for a driver permit, taxicab vehicle permit or taxicab company permit shall be made to OCTAP ~~the City of Huntington Beach~~, upon a form provided by OCTAP ~~the City~~ and shall be accompanied by all information required, including proof of insurance, and shall indemnify and hold harmless the City for any damages resulting from taxicab operations and an application fee

sufficient to cover the administrative costs of processing said application as established by OCTAP the City.

- A. All Applicants must submit to, and participate in, a background check by the City. No taxicab driver permits will be issued if the background check reveals any of the following:
1. One or more DUI convictions within the last ten years; or
  2. One or more convictions of crimes related to the manufacture, use, sale, possession, or transportation of controlled substances; or
  3. One or more convictions of Reckless Driving; or
  4. The Applicant has been convicted of any felony, or conspiracy to commit, or attempt to commit, the same, as defined by Federal or State law; or
  5. The Applicant has been convicted of any misdemeanor, or conspiracy to commit, or attempt to commit, the same, which is sexual in nature, as defined by State and/or local law; or
  6. The Applicant has been convicted of any crime of moral turpitude, or conspiracy to commit, or attempt to commit, the same, as defined by State and/or local law.

#### **5.48.070 Equipment**

A taxicab operated under the authority of this chapter shall be equipped according to the OCTAP City regulations.

#### **5.48.110 Operational Requirements**

- A. A driver shall only carry a passenger to his or her destination by the most direct and accessible route.
- B. A taxicab shall have all permits issued by OCTAP the City conspicuously displayed according to the standards established by OCTAP the City.
- C. A taxicab shall have the following information continuously posted in a prominent location in the taxicab passenger's compartment according to the standards established by OCTAP the City:
1. A schedule of rates and charges for the hire of said taxicab;
  2. The driver's name and address;
  3. The owner's name, address and telephone number;
  4. The taxicab identification number;
  5. The driver's permit issued pursuant to this chapter;
  6. The taxicab vehicle permit issued pursuant to this chapter; and
  7. Any other information required by the City.
- D. A driver shall give a receipt for the amount charged upon the request of the person paying the fare.
- E. A taxicab shall only be operated if the passenger compartment is kept in a clean and sanitary condition.
- F. A driver shall not leave his or her taxicab to solicit passengers.
- G. The name or trade name of the owner and the number by which the taxicab is designated shall be printed, stamped or stenciled conspicuously on the outside of each taxicab according to the standards established by OCTAP the City and adopted by separate resolution of the City Council.

#### **5.48.120 Rates and Charges**

No driver shall charge fares and charges higher than those established by OCTAP the City.

#### **5.48.150 Revocation of Permits**

The City may revoke any permit granted pursuant to this chapter on the grounds that the permit holder has failed to comply with the permit conditions or other requirements of this chapter.

- A. In the event that the permit of any person is revoked by the City, such person shall not be granted a permit to operate a taxicab business for a period of one (1) year after such revocation.