

## LEGISLATIVE DRAFT

### HBMC Section 5048

#### **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** ~~Authorization~~” means City authorization to operate a Ttaxicab business in the City.

“**Driver**” means a person who drives a Taxicab and who has a valid OCTAP-issued Driver Permit. Controls the movements of a taxieab

“**Driver’s P**~~ermit~~” means a valid permit issued by OCTAP authorizing a person to drive or control the movements of a Ttaxicab.

“**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 Regulations**” means the current Regulations of OCTAP.

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

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

“**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 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 Sstate 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 business permit” means a valid permit issued by OCTAP authorizing a person to operate a taxicab business.~~

“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 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 authorizing a particular vehicle to be operated as a Taxicab.

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

A. ~~No A Person shall only operate a Taxicab in the City without an OCTAP issued Taxicab Company Permit. if of that taxicab is authorized by the City to operate a taxicab business in the City.~~

B. ~~Only aAn Owner authorized by OCTAP may operate shall only its allow a Taxicab owned by the owner to be operated if the owner is authorized by the City to operate a taxicab business in the City.~~

C. ~~The procedures for City authorization to operate a taxicab business in the City shall be established by separate resolution or ordinance of the City Council.~~

#### **5.48.030 Driver's Permit Required**

A ~~No Person shall only operate a Taxicab in the City without an OCTAP issued if that person possesses a Driver's Permit. and if the City authorization has been obtained. An No Owner shall only allow permit a Person driver to operate a the Owner's Taxicab unless the owned by the owner if that Person driver possesses an OCTAP issued Driver's Permit. and if the City authorization has been obtained.~~

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

A ~~No Person shall only operate a Taxicab if unless his or her that vehicle displays an OCTAP issued a Taxicab Vehicle Permit. and if City authorization has been obtained. An No Owner shall permit his or her only allow a Taxicab owned by the owner to be operated in the City unless the Taxicab if that vehicle displays a Taxicab Vehicle Permit and if City authorization has been obtained.~~

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

~~A No Pperson shall only operate a Ttaxicab Company business in the City without an if OCTAP issued that person possesses a Ttaxicab Company business Ppermit and if City authorization has been obtained.~~

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

Applications for a Ddriver Ppermit, Ttaxicab Vvehicle Ppermit or Ttaxicab Company business Ppermit shall be made to OCTAP, upon a form provided by OCTAP and shall be accompanied by an application fee sufficient to cover the administrative costs of processing said application as established by ~~OCTAP the Orange County Transportation Authority.~~

#### **5.48.070 Testing for Controlled Substances and Alcohol**

~~A driver shall test negative for controlled substances and alcohol as required by applicable state statutes.~~

#### **5.48.080 Insurance Required**

~~A driver operating a taxicab in the City shall carry with him or her at all times proof of insurance covering that vehicle, with such policy limits and coverage as established by OCTAP and adopted by separate resolution of City Council. Said proof of insurance must clearly identify the vehicle covered.~~

#### **5.48.090 Nontransferability**

~~No permit issued under this chapter shall be assigned to, or used by, any person or vehicle other than the person or vehicle named in such permit.~~

#### **5.48.07100 Equipment**

A Ttaxicab operated under the authority of this Chapter shall be equipped according to the standards established by OCTAP Regulations and adopted by separate resolution of City Council.

#### **5.48.080 Data Collection to Determine Substantially Located.**

Pursuant to Government Code Section 53075.52 beginning January 1, 2019, all Taxicab Companies and Drivers shall collect data to determine which jurisdiction each Company and Driver are Substantially Located. Beginning January 1, 2019, data for prearranged and non-prearranged trips collected in the previous twelve (12) months shall be provided upon the date of renewal to the City of any Taxicab Company.

#### **5.48.090 Notice of Substantially Located in City.**

Any Taxicab Company or Driver who changes from being Substantially Located in another jurisdiction to be Substantially Located in the City shall provide the City with six months' notice prior to making that change.

#### **5.48.1010 Mechanical Condition**

A Taxicab operated under the authority of this Chapter shall be maintained according to the standards established by OCTAP Regulations and adopted by separate resolution of the City Council.

#### **5.48.1120 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 conspicuously displayed according to the standards established by OCTAP and adopted by separate resolution of City Council.
- 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 and adopted by separate resolution of City Council:
  - 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 and adopted by separate resolution of the City Council.

#### **5.48.1230 Rates and Charges**

No Driver shall charge fares rates and charges higher ~~other~~ than those established by OCTAP and adopted by separate resolution of City Counsel.

#### **5.48.130 Separate From Business Licensing**

The requirements of this Chapter are separate and independent from the business licensing and any other provisions under this Code.

#### **5.48.1450 Penalty**

A. The City intends to secure compliance with the provisions of this Chapter by any of the following alternate, separate and distinct methods. Each method set forth herein is intended to be mutually exclusive and does not prevent concurrent or consecutive methods being used to achieve compliance against continuing violations. Each day a violation exists constitutes a separate offense.

B. Notwithstanding any other provision of this Chapter, each violation of the provisions of this Chapter may be enforced alternatively as follows:

1. **Infraction.** Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter may be prosecuted for an infraction. Written citations for infractions may be issued by police officers. Any person convicted of an infraction under the provisions of this Chapter shall be punished either by fines as specified in the currently adopted Uniform Infraction Bail Schedule used by the Orange County Municipal Courts, or, where no fine is specified therein, by:

- a. A fine not exceeding \$100.00 for a first violation;
- b. A fine not exceeding \$200.00 for a second violation within one year;
- c. A fine not exceeding \$500.00 for each additional violation within one year.

2. **Misdemeanor.** Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter may be prosecuted for a misdemeanor. Any person convicted of a misdemeanor under the provisions of this Chapter shall be punished by a fine not exceeding \$1,000.00 or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment.

3. **Civil Action.** The City Attorney by and at the request of the City Council, may institute an action in any court of competent jurisdiction to restrain, enjoin or abate the condition(s) found to be in violation of the provisions of this Chapter, as provided by law.

4. **Administrative Hearing.**

- a. Upon a finding by the City official vested with the authority to enforce the various provisions of this Chapter that a violation exists, he or she may notify the person(s) deemed responsible for said violation(s) that a public hearing shall be held before the City Council to hear and determine the existence of said

violation(s) and the anticipated compliance necessary, i.e. abatement or other action required.

b. Said notification shall be in writing setting forth the alleged violation(s) and the anticipated action sought, and shall be given not later than 10 days prior to the scheduled date of the hearing.

c. The City Council may preside over the hearing or, in the alternative, appoint a hearing officer to conduct the hearing, receive relevant evidence and to submit to the City Council findings and recommendations to be considered by the City Council.

d. The City Council shall render its decision within 45 days from the date of the hearing or, in the event that a hearing officer has been appointed, within 45 days from the date on which the City Council receives the findings and recommendations of the hearing officer. The decision of the City Council shall be final and enforceable as provided by law.