

TAXICAB REGULATIONS

1. APPLICATION

- 1.1. These Regulations apply to all Taxicab Businesses that are Substantially Located in the City, and its affiliated Drivers and Taxicabs.
- 1.2. These Regulations are supplemental to Chapter 5.17 of the Municipal Code.

2. DEFINITIONS

- 2.1. "ASE" means the National Institute for Automotive Service Excellence.
- 2.2. "Advertisement" means the issuance of any card, sign, or device to any person, the causing, permitting, or allowing the placement of any sign or marking on or in any building or structure, or in any media form, including newspaper, magazine, radiowave, satellite signal, or any electronic transmission, or in any directory soliciting Taxicab services subject to these Regulations.
- 2.3. "BAR" means the Bureau of Automotive Repair.
- 2.4. "City" means the City of Newport Beach.
- 2.5. "DOJ" means the Department of Justice of the United States of America.
- 2.6. "Driver" means a person who drives or controls the movements of a taxicab.
- 2.7. "DMV" shall mean the California Department of Motor Vehicles.
- 2.8. "DOT" shall mean the U.S. Department of Transportation.
- 2.9. "Municipal Code" means the City of Newport Beach Municipal Code.
- 2.10. "Owner" means a person who is registered with the DMV as the owner of a vehicle used as a taxicab, or who has a legal right to possession or control of such vehicle pursuant to a lease or other agreement. The act of any driver of a vehicle used as a taxicab shall be deemed an act of the owner.
- 2.11. "Permittee" means a Person that holds a valid Taxicab Business Permit, and includes its officers, management, employees, drivers, volunteers, agents, leaseholders, and owner-operators, jointly and severally.
- 2.12. "Person" means any natural person, firm, association, organization, partnership, business, trust, corporation or public entity.
- 2.13. "Prearranged Trip" means a trip using an online enabled application, dispatch, or Internet website.

- 2.14. "Regulations" means these regulations.
- 2.15. "Regulatory Authority" means the County of Orange and any city within Orange County where a taxicab business is substantially located.
- 2.16. "Substantially Located" means either of the following: the city or county where a Taxicab Business is primary located; or, the city or county where the total number of prearranged and non-prearranged trips that originate account for the largest share of the Taxicab Business's total number of trips over the previous calendar year as determined annually.
- 2.17. "Taxicab" means a vehicle 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 California Public Utilities Commission, a rideshare as defined in Vehicle Code §522, or any other vehicle operating under the authority of any state agency, including the California Public Utilities Commission.
- 2.18. "Taxicab Business" means any enterprise, whether carried on for profit or otherwise, that operates Taxicabs.
- 2.19. "Taxicab Business Permit" means a valid permit issued by the City authorizing a Person to operate a Taxicab Business.
- 2.20. "Taxicab Driver's Permit" means a valid permit issued by the City authorizing a person to drive or control the movements of a Taxicab.
- 2.21. "Taxicab Vehicle Permit" means a valid permit issued by the City authorizing a particular vehicle to be operated as a Taxicab.
- 2.22. "Taximeter" means a fully operational device with current and intact seals or technology approved by the Division of Measurement Standards to calculate fares, including the use of Global Positioning System metering, that complies with Business and Professions Code §12500.5 and with all regulations established pursuant to Business and Professions Code §12107.

3. GENERAL RULES AND REQUIREMENTS

- 3.1. **Permittee**. A Permittee shall:
- 3.1.1. Be responsible for all Taxicabs under its possession, custody control, or driven on Permittee's behalf or for its benefit;
- 3.1.2. Be responsible for the acts or omissions of all Drivers while they operate a Taxicab on Permittee's behalf, under its authority, or for its benefit;
- 3.1.3. Ensure all Taxicabs are driven only by Persons with a Taxicab Driver's Permit;
- 3.1.4. Notify the City within two (2) calendar days of an affiliated Driver who becomes unqualified or unauthorized to drive a Taxicab, or upon termination of employment or affiliation with a Driver;

- 3.1.5. Maintain all programs and requirements for receiving a Taxicab Business Permit;
 - 3.1.6. Verify the continuous enrollment of affiliated Drivers in Permittee's drug and alcohol testing program and DMV Pull Notice program;
 - 3.1.7. Cooperate fully with City staff and law enforcement;
 - 3.1.8. Notify the City within two (2) calendar days when vehicles are removed from service and surrender Taxicab Vehicle Permits in accordance with these Regulations;
 - 3.1.9. Maintain reasonable financial responsibility to conduct Taxicab transportation services in accordance with these regulations;
 - 3.1.10. Maintain a safety education and training program in effect for all Drivers, whether employees or contractors;
 - 3.1.11. Maintain a disabled access education and training program to instruct Drivers on compliance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and amendments thereto, and state disability rights laws, including making clear that it is illegal to decline to serve a person with a disability or who has a service animal;
 - 3.1.12. Disclose fares, fees, and rates to the customer on its internet website, mobile telephone application, or telephone orders and upon request;
 - 3.1.13. Maintain and keep records, logs, or receipts of vehicle maintenance for all Taxicabs issued a Taxicab Vehicle Permit, showing that the Taxicab is maintained in accordance with the service standards recommended by the vehicle manufacturer, and making such records available to the City upon request;
 - 3.1.14. Collect data that demonstrates the total number of prearranged and nonprearranged trips that originate within a particular local jurisdiction for the purpose of determining where that taxicab company is substantially located, and provide that data promptly and in a format acceptable to the City upon request during regular business hours; and
 - 3.1.15. Ensure compliance of its Taxicab Business with all applicable federal, state, and local laws, rules and regulations.
- 3.2. **Drivers.** A Driver shall:
- 3.2.1. Be responsible for the operation of a Taxicab under its possession, custody, or control;
 - 3.2.2. Possess and display at all times while a Taxicab is in operation a valid Taxicab Driver's Permit issued to that Driver which identifies the Permittee;

- 3.2.3. Display its Taxicab Driver's Permit on the passenger side area of the dashboard of the Taxicab in a manner that is easily viewable from inside or outside of the Taxicab, except that the Driver's DMV driver's license number may be covered by a removable label, if desired;
- 3.2.4. Affix its Taxicab Driver's Permit to the Taxicab in a way that makes it easily removable by the Driver to provide to law enforcement or code enforcement upon request;
- 3.2.5. Maintain its Taxicab Driver's Permit free from alterations, defacement or damage, excepting normal wear and tear that does not render it illegible;
- 3.2.6. Not display another Person's driver's permit, whether issued by the City or other Regulatory Authority, nor allow another Person to use their Taxicab Driver's Permit;
- 3.2.7. Not operate a Taxicab without a valid Taxicab Vehicle Permit issued for that Taxicab;
- 3.2.8. Not operate a Taxicab that does not meet all requirements of these Regulations;
- 3.2.9. Not carry more passengers in the Taxicab than authorized by the manufacturer's recommendations;
- 3.2.10. Ensure operational seat belts are available for all passengers;
- 3.2.11. Not leave the Taxicab to solicit passengers;
- 3.2.12. Maintain the passenger compartment in a clean and sanitary condition;
- 3.2.13. Not charge fares higher than those disclosed to the customer, and not in contravention of these Regulations or in an amount that exceeds the maximum established by the City;
- 3.2.14. Only carry a passenger to the destination by the most direct and accessible route;
- 3.2.15. Provide a receipt for the amount charged upon request of the person paying the fare, which contains the Driver's name and Taxicab Driver's Permit number, telephone number, Permittee's name, charge amount, date, and time of transaction;
- 3.2.16. Comply with the minimum requirements for the mandatory exchange of information established in Vehicle Code §16025 in the event of an automobile accident;
- 3.2.17. Continuously operate the Taximeter at any time that the Driver is carrying a customer;

- 3.2.18. Cooperate with the Permittee, code enforcement, and law enforcement to ensure compliance with law, including random testing of Drivers and Taxicab inspections; and
 - 3.2.19. Operate the Taxicab in accordance with all applicable law, including these Regulations, and with due regard for the safety, comfort, and convenience of passengers and the general public.
- 3.3. **Taxicabs**. An Owner, Driver, and Permittee shall be jointly and severally responsible to ensure that a Taxicab:
- 3.3.1. Displays its Taxicab Vehicle Permit as required by these Regulations at all times while the Taxicab is being operated;
 - 3.3.2. Meets the requirements of the a Vehicle Code, including, but not limited to, Vehicle Code §24000, *et seq*;
 - 3.3.3. Equals or exceed the standards set forth in these Regulations at all times;
 - 3.3.4. Carries at all times evidence of financial responsibility pursuant to Vehicle Code §§16020 through 16028;
 - 3.3.5. Carries at all times valid and current vehicle registration pursuant to Vehicle Code §4462, showing that the Taxicab is registered as a commercial vehicle pursuant to Vehicle Code §260;
 - 3.3.6. Displays the Permittee's name and logo, if any, in an area visible from the interior and exterior of the Taxicab at all times while in service and when soliciting passengers on behalf of Permittee;
 - 3.3.7. Displays the Permittee's name and logo, and the number by which the taxicab is designated, conspicuously on the outside of each taxicab by print, stamp, or stencil;
 - 3.3.8. Be equipped to seat no more than eight (8) passengers, excluding the Driver; and
 - 3.3.9. For on-demand (flagged) trips, possess a fully operational Taximeter.

4. **FARES**

- 4.1. **Maximum Fare**. A Permittee may set fares or charge a flat rate for Prearranged Trips. The metered rates for on-demand (flagged) trips shall not exceed those rates established by resolution of the City Council.
- 4.2. **Calculating Fares**. A Permittee may use any type of device or technology approved by the Division of Measurement Standards to calculate fares, including the use of Global Positioning System metering, provided that the device or technology complies with Business and Professions Code §12500.5, and with all regulations established pursuant to Business and Professions Code §12107.

- 4.3. **Disclosure of Fares.** A Permittee shall disclose fares, fees, or rates to the customer. A Permittee may satisfy this requirement by disclosing fares, fees, or rates on its Internet Web site, mobile telephone application, or telephone orders upon request by the customer.
- 4.4. **Notification of Rate.** A Permittee shall ensure the applicable rate is disclosed to a passenger prior to the passenger accepting a ride for walkup rides and street hails. The rate may be provided on the exterior of the Taxicab, within an application of a mobile telephone, device, or other Internet-connected device, or be clearly visible in either print or electronic form inside the Taxicab.

5. FEES

- 5.1. **Fees.** The City shall recover its costs incurred in the administration of these Regulations by the adoption of a schedule of fees included in the City's Schedule of Rents, Fines, and Fees.
- 5.2. **Refund Policy.** There shall be no refund of any portion of the fees described in these Regulations.

6. TAXICAB BUSINESS PERMITS

- 6.1. **Permit Required.** No Person shall operate a Taxicab Business that is Substantially Located in the City without having first obtained a Taxicab Business Permit.
- 6.2. **Term.** A Taxicab Business Permit shall expire two (2) years from its effective date, unless renewed or revoked.
- 6.3. **Issuance.** A Taxicab Business Permit shall be issued by the City if all of the following requirements have been satisfied, and none of the grounds for denial apply.
- 6.3.1. Submission of a complete application package.
- 6.3.2. Submission of a copy of a drug and alcohol policy that complies with 49 CFR Part 40 (Section 40.1 *et seq.*) and Part 382 (Section 382.101 *et seq.*) and Government Code §53075.5 for all Drivers and meeting the following requirements:
- 6.3.2.1. A contract with a drug and alcohol program administrator and authorized lab certified by the DOT;
- 6.3.2.2. Procedures in substantial compliance with Part 40 of Title 49 of the Code of Federal Regulations, for preemployment or pre-licensing and licensing renewal;
- 6.3.2.3. Procedures in substantial compliance with Part 382 of Title 49 of the Code of Federal Regulations for rehabilitation, return-to-duty and follow up testing;

- 6.3.2.4. Procedures and components for random testing following DOT guidelines, annual minimum random testing rates, and additional tests as required following accidents, rehabilitation, return-to-service, and other circumstances providing reasonable suspicion to test;
 - 6.3.2.5. When requested, random testing reports to be made available to the City by the program administrator;
 - 6.3.2.6. The applicant's and program administrator's records shall be made available to the City upon request within two (2) calendar days;
 - 6.3.2.7. The test results must be provided to the City by the testing facility; and
 - 6.3.2.8. Drivers must show a valid California driver license at the time and place of testing.
- 6.3.3. Submission of proof of insurance in the type and amounts, including endorsements and waivers, as may be required by the City's Risk Management Department or established by resolution of the City Council, but in no event less than the minimum coverage required by Government Code §16500, as may be amended.
- 6.3.4. Submission of a DMV Pull Notice Program Requester Code Number issued to applicant, as defined in Vehicle Code §1808.1, continuous enrollment in the Pull Notice program, and the following:
- 6.3.4.1. All Drivers must be enrolled in the program within seven (7) calendar days from inception of the program or date of affiliation;
 - 6.3.4.2. Notify the City upon receipt of a DMV Pull Notice for any Driver that indicates an action that disqualifies the Driver for a Taxicab Driver's Permit;
 - 6.3.4.3. Require the Driver to immediately cease operation and surrender their Taxicab Driver's Permit, and return the Taxicab Driver's Permit to the City within two (2) calendar days of a DMV Pull Notice receipt; and
 - 6.3.4.4. DMV Pull Notice records shall be made available to the City within two (2) calendar days of request.
- 6.3.5. Submission of proof of current DMV registration for each Taxicab listed in the Taxicab Business Permit application, which complies with the registration requirements set forth in these Regulations.
- 6.3.6. Submission of proof of completion of a DOJ background check with Live Scan fingerprinting at an approved DOJ fingerprinting agency for each owner, partner, or principal of the applicant, the results of which shall not contravene the requirements of these Regulations.

- 6.3.7. Submission of proof of enrollment in the DOJ subsequent arrest notification program.
 - 6.3.8. Submission of a list of all Drivers authorized to operate Permittee's Taxicabs.
 - 6.3.9. Payment of all applicable fees.
 - 6.3.10. Identify the principal place of business from which Taxicab Business is, or will be, conducted.
 - 6.3.11. There are no grounds for denial of a Taxicab Business Permit as outlined in these Regulations.
- 6.4. **Denial.** A Taxicab Business Permit application shall be denied on any of the grounds set forth in this section, or for lack of compliance with the conditions for issuance set forth in these Regulations.
- 6.4.1. The applicant is less than 18 years of age.
 - 6.4.2. The applicant falsifies material information on its application.
 - 6.4.3. The applicant does not meet the additional eligibility standards in Section 9 of these Regulations.
 - 6.4.4. The applicant fails to fully satisfy any court judgment entered against it arising from liability for operating a Taxicab Business, including, but not limited to, judgments related to collisions or operating without the requisite insurance, within ten (10) years from the date that the judgment was originally entered pursuant to Code of Civil Procedure §683.020 and §683.030, or if the judgment has been renewed, within ten (10) years from the date that the application for renewal of judgment is filed pursuant to Code of Civil Procedure §683.120.
- 6.5. **Suspension or Revocation.**
- 6.5.1. A Taxicab Business Permit may be suspended or revoked for any of the following reasons:
 - 6.5.1.1. Providing late, false, or inaccurate information in the application;
 - 6.5.1.2. Allowing operation of a Taxicab by a Person not possessing a valid Taxicab Driver's Permit;
 - 6.5.1.3. Charging fares at a rate higher than the maximum authorized;
 - 6.5.1.4. Failure to cooperate in good faith with law enforcement officers, code enforcement officers, or City staff;
 - 6.5.1.5. Failure to maintain insurance as required by these Regulations;

- 6.5.1.6. Failure to comply with the drug and alcohol policy required by these Regulations;
 - 6.5.1.7. Failing to fully satisfy any court judgment entered against the Permittee arising from liability for operating Taxicabs, including, but not limited to, judgments related to collisions or operating without the requisite insurance, within ten (10) years from the date that the judgment was originally entered pursuant to Code of Civil Procedure §683.020 and §683.030 or, if the judgment has been renewed, within ten (10) years from the date that the application for renewal of judgment is filed pursuant to Code of Civil Procedure §683.120;
 - 6.5.1.8. Circumstances providing grounds for denial of a Taxicab Business Permit as outlined in these Regulations;
 - 6.5.1.9. Violating Government Code §53075.9 pertaining to advertising; and
 - 6.5.1.10. Failure to comply with these Regulations.
- 6.5.2. The period of suspension shall be up to six (6) months from the date all operation of Taxicab Business Substantially Located in the City have ceased in compliance with the suspension. If the suspended Taxicab Business Permit is allowed to expire during the term of any suspension without being renewed in accordance with these Regulations, a Person shall be ineligible to apply for a new Taxicab Business Permit until the period of suspension has elapsed.
- 6.5.3. A Person whose Taxicab Business Permit is revoked shall be ineligible to apply for a Taxicab Business Permit for two (2) years from the date all operations of a Taxicab Business Substantially Located in the City have ceased in compliance with the revocation.
- 6.5.4. It shall be the duty of the Taxicab Business to notify the City when operations have ceased in compliance with a suspension or revocation, or after the period of suspension or revocation has elapsed, provide adequate proof to the satisfaction of the City of the date that operations ceased in compliance with the suspension or revocation.

7. TAXICAB DRIVER'S PERMITS

- 7.1. **Permit Required.** No person shall operate a Taxicab on behalf of a Taxicab Business that is Substantially Located in the City unless that person is operating on behalf of a Permittee and possesses a Taxicab Driver's Permit.
- 7.2. **Term.** A Taxicab Driver's Permit shall expire two (2) years from its effective date, unless renewed or revoked.
- 7.3. **Restrictions.** A Taxicab Driver's Permit is only valid for the Driver to operate a Taxicab for the Permittee indicated on the Taxicab Driver's Permit. Reproduction of a Taxicab Driver's Permit is strictly prohibited, except that a Permittee may copy a Taxicab Driver's Permit for recordkeeping purposes. A Taxicab Driver's Permit shall list the name of the Permittee.

- 7.4. **Issuance.** A Taxicab Driver's Permit shall be issued if all of the following requirements have been satisfied, and none of the grounds for denial apply:
- 7.4.1. Submission of a complete application, including signature of the Permittee the Driver is employed, has an offer of employment, or on whose behalf the Driver intends to operate a Taxicab;
 - 7.4.2. Submission of proof of a valid California driver license (Class C);
 - 7.4.3. Submission of a DMV K4 driver record report, or other equivalent DMV issued driver record report, which is no older than thirty (30) days prior to submission of the application for a Taxicab Driver's Permit, showing that the Driver is in compliance with these Regulations;
 - 7.4.4. A negative drug and alcohol screening test administered by a Permittee's program administrator within the previous thirty (30) days in compliance with Government Code §53075.5(b)(3);
 - 7.4.5. Proof of enrollment in a Permittee's current and active random drug and alcohol program;
 - 7.4.6. Submission of proof of completion of a DOJ background check with Live Scan fingerprinting at an approved DOJ finger printing agency, the results of which shall not contravene the requirements of these Regulations;
 - 7.4.7. Submission of proof of enrollment in the DOJ subsequent arrest notification program;
 - 7.4.8. Payment of all applicable fees; and
 - 7.4.9. There are no grounds for denial of a Taxicab Driver's Permit as set forth in these Regulations.
- 7.5. **Denial.** A Taxicab Driver's Permit application shall be denied on any of the grounds set forth in this section, or for lack of compliance with the conditions for issuance set forth in these Regulations:
- 7.5.1. The applicant is less than 18 years of age;
 - 7.5.2. The applicant does not possess a valid Class C California driver license;
 - 7.5.3. The applicant fails to enroll in the required random drug and alcohol program;
 - 7.5.4. The applicant failed a drug and/or alcohol test required by these Regulations within the prior twelve (12) months;
 - 7.5.5. The applicant falsifies, or fails to disclose, material information on the application for a Taxicab Driver's Permit;

- 7.5.6. The applicant does not meet the additional eligibility standards in Section 9 of these Regulations; and
- 7.5.7. A DMV K4 report shows convictions in contravention of these Regulations, or shows a pattern of reckless or dangerous driving that poses an unreasonable risk to the health and safety of the public.

7.6. Suspension or Revocation.

- 7.6.1. A Taxicab Driver's Permit may be suspended or revoked for any of the reasons set forth below:
 - 7.6.1.1. Revocation or suspension of a California driver license;
 - 7.6.1.2. Notification received by the City that the Driver is no longer an authorized driver for its designated Permittee;
 - 7.6.1.3. Testing positive on a drug and alcohol screening, or failure to submit to a random drug and alcohol testing program;
 - 7.6.1.4. Not enrolled or active in the required random drug and alcohol program;
 - 7.6.1.5. Failure to cooperate with law enforcement officers, code enforcement officers, or City staff;
 - 7.6.1.6. Circumstances providing grounds for denial of a Taxicab Driver's Permit as set forth in these Regulations; and
 - 7.6.1.7. Failure to comply with the applicable provisions of these Regulations.
- 7.6.2. The period of suspension shall be up to six (6) months from the date the Person has ceased all operations as a Driver for any Permittee in compliance with the suspension. If the suspended Taxicab Driver's Permit is allowed to expire during the term of any suspension without being renewed in accordance with these Regulations, a Person shall be ineligible to apply for a new Taxicab Driver's Permit until the period of suspension has elapsed.
- 7.6.3. A Person whose Taxicab Driver's Permit is revoked shall be ineligible to apply for a Taxicab Driver's Permit for two (2) years from the date the Person has ceased all operations as a Driver for any Permittee in compliance with the revocation.
- 7.6.4. It shall be the duty of the Driver or a Permittee to notify the City when the Driver has ceased operation of any Taxicab for a Permittee that is Substantially Located in the City in compliance with a suspension or revocation, or after the period of suspension or revocation has elapsed, provide adequate proof to the satisfaction of the City of the date that the Driver ceased operation of any Taxicab for a Permittee that is Substantially Located in the City in compliance with the suspension or revocation.

7.7. **Transfer.**

- 7.7.1. A Driver may request a transfer of its Taxicab Driver's Permit to a different Permittee if the following requirements have been met:
- 7.7.1.1. Submission of the required forms to transfer a Taxicab Driver's Permit which have been signed by an authorized representative of the prospective Permittee;
 - 7.7.1.2. Payment of a Taxicab Driver's Permit transfer fee, if any;
 - 7.7.1.3. Proof of possession of a valid Class C California driver license;
 - 7.7.1.4. Possession of a valid Taxicab Driver's Permit to be transferred; and
 - 7.7.1.5. Proof of verification of enrollment in the prospective Permittee's current and active random drug and alcohol program.
- 7.7.2. A Driver shall not operate a Taxicab on behalf of a different Permittee until the Taxicab Driver's Permit is transferred to the intended Permittee, the new Taxicab Driver's Permit is in possession of the Driver, and the new Taxicab Driver's Permit is displayed as required by these Regulations.
- 7.7.3. Transfer of a Taxicab Driver's Permit shall not extend the term of the permit.

8. **TAXICAB VEHICLE PERMITS**

- 8.1. **Permit Required.** No person shall operate a Taxicab on behalf of a Taxicab Business that is Substantially Located in the City without a Taxicab Vehicle Permit.
- 8.2. **Term.** A Taxicab Vehicle Permit shall expire one (1) year from its effective date, unless renewed or revoked.
- 8.3. **Display.** A Taxicab Vehicle Permit must be displayed in the left-hand corner of the rear window of the Taxicab for which the Taxicab Vehicle Permit is issued.
- 8.4. **Non-Transferrable.** A Taxicab Vehicle Permit is nontransferable, and shall be issued only for one vehicle.
- 8.5. **Issuance.** A Taxicab Vehicle Permit shall be issued for a vehicle if the following criteria are met, and none of the grounds for suspension or revocation apply:
- 8.5.1. The applicant for the Taxicab Vehicle Permit is a Permittee;
 - 8.5.2. Submission of proof that the vehicle passed inspection at an ASE-certified or BAR-registered facility, no older than thirty (30) days prior to the application, signed by the inspecting facility, and showing that the vehicle has met all inspection standards;

8.5.3. Submission of proof of financial responsibility pursuant to Vehicle Code §§16020 through 16028 that covers the vehicle; and

8.5.4. The vehicle is not designed or equipped to seat more than eight (8) passengers.

8.6. **Suspension or Revocation.**

8.6.1. A Taxicab Vehicle Permit may be suspended or revoked for any of the following reasons:

8.6.1.1. The Vehicle is determined by a law enforcement officer, code enforcement officer, or qualified City staff not to be in a safe operating condition, or in compliance with the Vehicle Code;

8.6.1.2. The Vehicle is subject to impound or removal by law enforcement pursuant to state law;

8.6.1.3. Failure to cooperate with law enforcement officers, code enforcement officers, or City staff in the inspection of the Vehicle;

8.6.1.4. Failure to provide proof upon request by law enforcement, code enforcement, or City staff of financial responsibility pursuant to Vehicle Code §§16020 through 16028 that covers the vehicle; and

8.6.1.5. Failure to comply with the applicable provisions of these Regulations.

8.6.2. The period of suspension shall be until satisfactory proof is presented to the City that the Taxicab successfully passed a new inspection as required by these Regulations, and that none of the reasons for suspension exist.

8.6.3. In the event a Taxicab cannot successfully pass inspection or cure any of the reasons for suspension, then the Taxicab Vehicle Permit shall be permanently revoked.

9. ADDITIONAL ELIGIBILITY STANDARDS

9.1. A Person shall not be eligible for a Taxicab Business Permit or a Taxicab Driver's Permit if the Person is convicted, pleads guilty, or nolo contendere in any state to any of the offenses listed in this section or their equivalent.

9.1.1. **Penal Code.** Penal Code violations including homicide, mayhem, kidnapping, hostages, robbery, attempted murder, assault with intent to commit a felony, false imprisonment, human trafficking, assault and battery (Pen. Code §§187-248); rape, abduction, carnal abuse of children, pandering, pimping, and seduction (Pen. Code §§261-269); child abduction (Pen. Code §§277-280); forgery or counterfeiting (Pen. Code §§470-483.5); false personation or cheats (Pen. Code §§528-539); or is required to register as a sex offender (Pen. Code §§290-294).

- 9.1.2. **Vehicle Code Violations.** Vehicle Code violations including disregard for safety of persons or property (Veh. Code §§2800.2); flight from peace officer causing death or bodily injury (Veh. Code §2800.3); and violation of the duty to stop at scene of accident resulting in death or injury (Veh. Code §20001).
- 9.1.3. **Felony Conviction for Controlled Substances.** Any felony based on the manufacture, use, sale, possession, or transportation of controlled substances, including marijuana (Health & Saf. Code §§11000-11651).
- 9.1.4. **Felony Conviction for Weapon Offenses.** Any felony based on the manufacture, use, sale, possession, or transportation of weapons, firearms or ammunition.
- 9.1.5. **Other Felony Convictions in the Past Eight Years.** Any felony conviction within the past eight (8) years other than those felonies expressly identified in this Section 9.
- 9.1.6. **Other Vehicle Code Violations in the Past Five Years:** Vehicle Code violations within the past five (5) years including reckless driving (Veh. Code §23103); driving under the influence of intoxicating liquors or drugs (Veh. Code §23152-23229.1); flight from peace officer (Veh. Code §2800.1); violation of duty to stop at the scene of an accident not resulting in death or injury (Veh. Code §20001); violation of duty to stop at the scene of an accident where property is damaged (Veh. Code §20002); and violation of duty to give personal information when involved in an accident resulting in injury or death (Veh. Code §20003).
- 9.1.7. **Misdemeanor Conviction Relevant to Fitness for a Taxicab Driver's Permit or Taxicab Business Permit in the Past Five Years.** Any misdemeanor conviction in the past five (5) years substantially related to the fitness, qualifications, functions or responsibilities of a Taxicab Driver or Permittee.

10. ADVERTISING

- 10.1. **Permittee.** A Permittee shall ensure that its Taxicab Business Permit number is conspicuously visible in all Advertisements, as required by Government Code §53075.9. The Taxicab Business Permit number shall be displayed as "Newport Beach Taxicab Business Permit #XXX" or similar designation as may be issued by the City. Advertisements must use the Permittee's name as it is listed on its Taxicab Business Permit.
- 10.2. **Driver.** Every Driver shall comply with Government Code §53075.9 and include, in every Advertisement for Taxicab services, the name of the Permittee, the Permittee's Taxicab Business Permit number, and the Taxicab Driver's Permit number.

11. PERMITS GENERALLY

- 11.1. **Renewal of Permit.**
- 11.1.1. An application for renewal of a permit subject to these Regulations shall be submitted to the City at least thirty (30) days prior to the expiration of the permit. Acceptance of late applications for renewal shall be at the City's discretion.

- 11.1.2. A permit that is more than thirty (30) days expired shall be ineligible for renewal.
- 11.1.3. A permit that is renewed shall continue for an additional period equal to the term of the original permit, commencing upon the expiration of the immediately preceding term.
- 11.1.4. A permit may be renewed if the following conditions are met:
 - 11.1.4.1. Submission of the required forms for renewal of the permit;
 - 11.1.4.2. Payment of fees applicable for renewal, if any;
 - 11.1.4.3. The Person or Vehicle that is the subject of the permit is eligible for issuance of the permit pursuant to these Regulations;
 - 11.1.4.4. Renewal of a Taxicab Business Permit requires the applicant to provide documentation of trip data in the format required by the City reflecting the total number of prearranged and nonprearranged trips, when each trip took place, and where each trip originated;
 - 11.1.4.5. Renewal of a Taxicab Driver's Permit requires proof that the Person has passed a drug and alcohol screening within the prior twelve (12) months, unless the Person has failed a test more recently than the prior twelve (12) months, in which case proof of passing a drug and alcohol screening within the prior seven (7) days; and
 - 11.1.4.6. Renewal of a Taxicab Vehicle Permit shall require proof, no older than thirty (30) days prior to the application, that the vehicle has passed inspection at an ASE-certified or BAR-registered facility.
- 11.1.5. A Person may apply for renewal of their permit during the period that it is suspended. A renewed permit shall not be reinstated or returned to the Person until the conditions for reinstatement of a suspended permit set forth in these Regulations has been satisfied.
- 11.1.6. The term of a suspended or surrendered permit shall not be extended by the period of suspension or surrender.
- 11.2. **Replacement of Permit.** A replacement for a lost or damaged permit issued pursuant to these Regulations may be obtained from the City upon payment of any applicable fees established by resolution of the City Council. Issuance of a replacement permit shall not extend the term of the permit.
- 11.3. **Surrender of Permit.** The following permits shall be immediately invalid and shall be surrendered to the City within two (2) calendar days if any of the following occurs:
 - 11.3.1. A Taxicab Business Permit, Taxicab Driver's Permit, or Taxicab Vehicle Permit expires, is suspended, or revoked;

- 11.3.2. A Taxicab Business Permit, and all affiliated Taxicab Driver's Permits and Taxicab Vehicle Permits if a Permittee sells, dissolves, or terminates its Taxicab Business;
 - 11.3.3. A Taxicab Driver's Permit if the Driver's employment or affiliation with a Permittee terminates and is not transferred pursuant to these Regulations;
 - 11.3.4. A Taxicab Driver's Permit if the Driver becomes ineligible for issuance of a Taxicab Driver's Permit under these Regulations;
 - 11.3.5. A Taxicab Vehicle Permit if the corresponding Taxicab is permanently removed from service; and
 - 11.3.6. A Taxicab Vehicle Permit if the corresponding Taxicab has been removed from the Permittee's approved insurance policy.
- 11.4. **Reinstatement of a Suspended or Surrendered Permit.**
- 11.4.1. A Person whose permit was suspended or surrendered may request return and reinstatement of the permit for the remaining balance of the unexpired term, provided that the following conditions have been satisfied:
 - 11.4.1.1. All applicable fines and fees have been paid;
 - 11.4.1.2. All terms and conditions of any administrative or judicial decision have been fulfilled;
 - 11.4.1.3. Any period of suspension has passed;
 - 11.4.1.4. The Person or Vehicle that is the subject of the permit is eligible to be issued the permit pursuant to these Regulations; and
 - 11.4.1.5. The permit remains otherwise valid, has not expired, been revoked, and is not suspended.
 - 11.4.2. The term of a suspended or surrendered permit shall not be extended by the period of suspension or surrender.

12. REPORTING VIOLATIONS

- 12.1. **Investigation.** The City may investigate for violations of these Regulations and take any appropriate actions necessary to ensure compliance, including but not limited to, administrative actions, citations, fines, and other remedies for enforcement.
- 12.2. **Reporting Violations.** Reports alleging illegal Taxicab operation or violation of these Regulations shall require all of the following information be provided in order to warrant investigation by the City:
 - 12.2.1. Date, time and location;

- 12.2.2. Description of activity; and
 - 12.2.3. Vehicle's license plate number, color, make and model, and any distinctive characteristics.
- 12.3. **Advertising Violations.** Reports alleging a violations pertaining to Advertising must provide a copy or sample of the Advertisement (such as the sign, business card, advertising display, webpage, electronic recording or phone directory) evidencing non-compliance with these Regulations or state law.

13. ENFORCEMENT

- 13.1. **Citations.** Compliance with the provisions of these Regulations may be secured under the provisions of Chapter 1.05 of the City of Municipal Code, and the schedule of fines set forth therein.
- 13.2. **Cumulative.** In lieu of, or in addition to, the remedies set forth herein and in Chapter 1.05 of the Municipal Code, the City may suspend or revoke any permit based on the grounds set forth in these Regulations.
- 13.3. **Not Exclusive.** The foregoing remedies shall not be exclusive, but shall be in addition to any other remedy available to the City at law or in equity.

14. ADMINISTRATIVE APPEALS

- 14.1. **Appeal of Administrative Citation.** Appeals of administrative citations issued to enforce the provisions of these Regulations shall follow the procedures and time limits set forth in Municipal Code Chapter 1.05, including Section 1.05.030 Service Procedures, Section 1.05.040 Contents of Administrative Citation, Section 1.05.060 Appeal of Administrative Citation, Section 1.05.070 Hearing Officer, Section 1.05.080 Hearing Procedure, Section 1.05.090 Hearing Officer's Decision, Section 1.05.100 Failure to Pay Fines, Penalties, Costs or Fees, and Section 1.05.110 Right to Judicial Review of Hearing Officer's Decision on Administrative Citation.
- 14.2. **Appeal of Administrative Decision or Action.** Appeals of denials of issuance or renewal of a permit, or for administrative action to suspend or revoke a permit, shall follow the procedures and time limits set forth in Municipal Code Chapter 1.05, including Section 1.05.030 Service Procedures, Section 1.05.060 Appeal of Administrative Citation, Section 1.05.070 Hearing Officer, Section 1.05.080 Hearing Procedure, Section 1.05.090 Hearing Officer's Decision, Section 1.05.100 Failure to Pay Fines, Penalties, Costs or Fees, and Section 1.05.110 Right to Judicial Review of Hearing Officer's Decision on Administrative Citation.
- 14.3. **Stay.** If an appeal is properly submitted to the City in accordance with City Municipal Code Chapter 1.05.060, the citation, decision, or action shall be stayed pending the final determination of the appeal, unless the City notifies the appellant in writing that the action is not stayed during the appeal because the continued operation of the affected Taxicab, Driver, or Taxicab Business, as applicable, would pose a risk to the health or safety of the public.

15. CONFLICTS

- 15.1. **Severability**. If any term or portion of these Regulations is held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions of these Regulations shall continue in full force and effect.
- 15.2. **California Law**. All references to statutes contained in these Regulations refer to the statutes of the State of California except as otherwise indicated.

16. ADMINISTRATIVE POLICIES AND PROCEDURES

- 16.1. The City Manager may adopt administrative policies and procedures to supplement and carry out these Regulations.

History

Adopted F-12 – 11-14-2023