

AMENDED IN SENATE AUGUST 19, 2016
AMENDED IN SENATE AUGUST 15, 2016
AMENDED IN SENATE AUGUST 2, 2016
AMENDED IN SENATE JUNE 23, 2016
AMENDED IN SENATE MAY 27, 2016
AMENDED IN SENATE APRIL 14, 2016
AMENDED IN SENATE SEPTEMBER 4, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 650

Introduced by Assembly Member Low
(Coauthor: Assembly Member Santiago)

February 24, 2015

An act to amend, repeal, and add Section 85 of the Code of Civil Procedure, to amend and repeal Sections 53075.6, 53075.61, 53075.7, 53075.8, and 53075.9 of, and to amend, repeal, and add Section 53075.5 of, the Government Code, to amend Section 830.7 of the Penal Code, to amend Section 5353 of, to amend, repeal, and add Sections 5411.5, 5412.2, 5413.5, and 120269 of, ~~to add Section 23 to,~~ and to add Chapter 8.5 (commencing with Section 5451) to Division 2 of, the Public Utilities Code, and to amend, repeal, and add Sections 1808.1, 12523.6, 21100, 21100.4, and 27908 of the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 650, as amended, Low. Public Utilities Commission: regulation of taxicabs.

Existing law provides for regulation of various types of passenger carriers by the Public Utilities Commission, including passenger stage corporations and charter-party carriers of passengers. Existing law, among other transportation services, provides for regulation of limousines and transportation network companies by the commission as charter-party carriers of passengers. Existing law requires every city and county to adopt an ordinance to regulate taxicab service within its jurisdiction, and exempts taxicab service from commission regulation.

This bill would enact the Taxicab Transportation Services Act and provide, effective ~~July 1, 2017~~, *January 1, 2018*, for the statewide regulation of taxicab transportation services by the commission, except taxicab transportation services originating in the City and County of ~~San Francisco and at the San Francisco International Airport~~ *Francisco*, which would continue to be locally regulated but would be subject to a requirement for taxicab carriers to monitor the driving records of taxicab drivers. The bill would provide for issuance of permits by the commission elsewhere in the state to taxicab carriers authorizing carriers to operate. The bill would specify the requirements that taxicab drivers in commission jurisdiction must meet. The bill would enact various provisions relating to insurance, vehicle inspections, monitoring of taxicab drivers, and other matters relating to taxicab carriers in commission jurisdiction. The bill would require the commission to require the disclosure of fares, fees and rates, as specified. The bill would prohibit entities from providing taxicab transportation services in commission jurisdiction without the required permit, and would provide for the commission to investigate and take action against unlicensed activity. The bill would require the commission to adopt a general order pertaining to taxicab carriers, and would authorize peace officers to enforce the provisions of the bill and the general order. The bill would specify certain fees to be imposed by the commission on taxicab carriers.

The bill would repeal provisions providing for city and county regulation of taxicab services *on January 1, 2018*, but would authorize cities and counties, at their option, to elect to issue curbside operation permits to taxicab carriers under commission jurisdiction as of ~~July 1, 2017~~, *that date*, granting exclusive authority to provide certain types

of taxicab transportation services within their respective jurisdictions, including responding to street hails, sitting at taxi stands, and picking up at airports. The bill would authorize cities and counties issuing curbside operation permits to limit the number of taxicabs that may operate under that authority, would limit the local regulatory fees that those cities and counties may charge to \$50 per taxicab, and would prohibit the imposition of taxicab carrier *and taxicab driver fees, requirements, and standards* beyond those required by the commission. The bill would also authorize airports to continue to regulate the provision of taxicab transportation services to and from airports. The bill would require cities and counties that license taxicab services as of ~~June 30, 2017~~, *December 31, 2017*, excluding the City and County of San Francisco, to forward to the commission licensure information for each licensee, as specified, and would thereby impose a state-mandated local program. The bill also would make conforming changes to other related provisions.

~~The bill would also authorize the Public Utilities Commission to collect trip data for the purposes of transportation and environmental planning from any entity regulated by the commission that provides any form of for-hire passenger transportation, as specified.~~

A violation of the Taxicab Transportation Services Act would be a crime and in certain cases would also be subject to a civil penalty. The bill would also require applications for taxicab carrier permits to be verified under oath, and would require certain statements by taxicab carriers relative to workers' compensation to be submitted to the commission under penalty of perjury. The bill would thereby impose a state-mandated local program by creating new crimes.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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. It is the intent of the Legislature that all of the*
2 *following shall apply:*

3 *(a) When the state reorganizes the regulation of for-hire*
4 *passenger transportation services, taxi transportation services*
5 *should be included within that reorganization.*

6 *(b) The state agency that is selected to regulate other models*
7 *of for-hire passenger transportation services should also regulate*
8 *taxicab transportation services.*

9 *(c) The jurisdiction of the state agency referenced in subdivision*
10 *(b) should extend to all aspects of regulation of taxicab*
11 *transportation services, including permitting of taxicab carriers,*
12 *regulation of taxicab drivers, vehicle inspections, insurance, trade*
13 *dress, naming rights, and enforcement.*

14 ~~SECTION 1.~~

15 *SEC. 2. Section 85 of the Code of Civil Procedure is amended*
16 *to read:*

17 85. An action or special proceeding shall be treated as a limited
18 civil case if all of the following conditions are satisfied, and,
19 notwithstanding any statute that classifies an action or special
20 proceeding as a limited civil case, an action or special proceeding
21 shall not be treated as a limited civil case unless all of the following
22 conditions are satisfied:

23 (a) The amount in controversy does not exceed twenty-five
24 thousand dollars (\$25,000). As used in this section, “amount in
25 controversy” means the amount of the demand, or the recovery
26 sought, or the value of the property, or the amount of the lien, that
27 is in controversy in the action, exclusive of attorneys’ fees, interest,
28 and costs.

29 (b) The relief sought is a type that may be granted in a limited
30 civil case.

31 (c) The relief sought, whether in the complaint, a
32 cross-complaint, or otherwise, is exclusively of a type described
33 in one or more statutes that classify an action or special proceeding
34 as a limited civil case or that provide that an action or special
35 proceeding is within the original jurisdiction of the municipal
36 court, including, but not limited to, the following provisions:

37 (1) Section 798.61 or 798.88 of the Civil Code.

38 (2) Section 1719 of the Civil Code.

- 1 (3) Section 3342.5 of the Civil Code.
- 2 (4) Section 86.
- 3 (5) Section 86.1.
- 4 (6) Section 1710.20.
- 5 (7) Section 7581 of the Food and Agricultural Code.
- 6 (8) Section 12647 of the Food and Agricultural Code.
- 7 (9) Section 27601 of the Food and Agricultural Code.
- 8 (10) Section 31503 of the Food and Agricultural Code.
- 9 (11) Section 31621 of the Food and Agricultural Code.
- 10 (12) Section 52514 of the Food and Agricultural Code.
- 11 (13) Section 53564 of the Food and Agricultural Code.
- 12 (14) Section 53069.4 of the Government Code.
- 13 (15) Section 53075.6 of the Government Code.
- 14 (16) Section 53075.61 of the Government Code.
- 15 (17) Section 5411.5 of the Public Utilities Code.
- 16 (18) Section 9872.1 of the Vehicle Code.
- 17 (19) Section 10751 of the Vehicle Code.
- 18 (20) Section 14607.6 of the Vehicle Code.
- 19 (21) Section 40230 of the Vehicle Code.
- 20 (22) Section 40256 of the Vehicle Code.

21 ~~(d) This section shall become inoperative on July 1, 2017, and,~~
22 ~~as of January 1, 2018, is repealed, unless a later enacted statute,~~
23 ~~that becomes operative on or before January 1, 2018, deletes or~~
24 ~~extends the dates on which it becomes inoperative and is repealed.~~

25 *(d) This section shall remain in effect only until January 1, 2018,*
26 *and as of that date is repealed, unless a later enacted statute, that*
27 *is enacted before January 1, 2018, deletes or extends that date.*

28 ~~SEC. 2.~~

29 SEC. 3. Section 85 is added to the Code of Civil Procedure, to
30 read:

31 85. An action or special proceeding shall be treated as a limited
32 civil case if all of the following conditions are satisfied, and,
33 notwithstanding any statute that classifies an action or special
34 proceeding as a limited civil case, an action or special proceeding
35 shall not be treated as a limited civil case unless all of the following
36 conditions are satisfied:

37 (a) The amount in controversy does not exceed twenty-five
38 thousand dollars (\$25,000). As used in this section, “amount in
39 controversy” means the amount of the demand, or the recovery
40 sought, or the value of the property, or the amount of the lien, that

1 is in controversy in the action, exclusive of attorneys' fees, interest,
2 and costs.

3 (b) The relief sought is a type that may be granted in a limited
4 civil case.

5 (c) The relief sought, whether in the complaint, a
6 cross-complaint, or otherwise, is exclusively of a type described
7 in one or more statutes that classify an action or special proceeding
8 as a limited civil case or that provide that an action or special
9 proceeding is within the original jurisdiction of the municipal
10 court, including, but not limited to, the following provisions:

11 (1) Section 798.61 or 798.88 of the Civil Code.

12 (2) Section 1719 of the Civil Code.

13 (3) Section 3342.5 of the Civil Code.

14 (4) Section 86.

15 (5) Section 86.1.

16 (6) Section 1710.20.

17 (7) Section 7581 of the Food and Agricultural Code.

18 (8) Section 12647 of the Food and Agricultural Code.

19 (9) Section 27601 of the Food and Agricultural Code.

20 (10) Section 31503 of the Food and Agricultural Code.

21 (11) Section 31621 of the Food and Agricultural Code.

22 (12) Section 52514 of the Food and Agricultural Code.

23 (13) Section 53564 of the Food and Agricultural Code.

24 (14) Section 53069.4 of the Government Code.

25 (15) Section 5411.5 of the Public Utilities Code.

26 (16) Section 5460.12 of the Public Utilities Code.

27 (17) Section 9872.1 of the Vehicle Code.

28 (18) Section 10751 of the Vehicle Code.

29 (19) Section 14607.6 of the Vehicle Code.

30 (20) Section 40230 of the Vehicle Code.

31 (21) Section 40256 of the Vehicle Code.

32 (d) This section shall become operative on ~~July 1, 2017~~. *January*
33 *1, 2018*.

34 ~~SEC. 3.~~

35 *SEC. 4.* Section 53075.5 of the Government Code is amended
36 to read:

37 53075.5. (a) Notwithstanding Chapter 8 (commencing with
38 Section 5351) of Division 2 of the Public Utilities Code, every
39 city or county shall protect the public health, safety, and welfare
40 by adopting an ordinance or resolution in regard to taxicab

1 transportation service rendered in vehicles designed for carrying
2 not more than eight persons, excluding the driver, which is operated
3 within the jurisdiction of the city or county.

4 (b) Each city or county shall provide for, but is not limited to
5 providing for, the following:

6 (1) A policy for entry into the business of providing taxicab
7 transportation service. The policy shall include, but need not be
8 limited to, all of the following provisions:

9 (A) Employment, or an offer of employment, as a taxicab driver
10 in the jurisdiction, including compliance with all of the
11 requirements of the program adopted pursuant to paragraph (3),
12 shall be a condition of issuance of a driver's permit.

13 (B) The driver's permit shall become void upon termination of
14 employment.

15 (C) The driver's permit shall state the name of the employer.

16 (D) The employer shall notify the city or county upon
17 termination of employment.

18 (E) The driver shall return the permit to the city or county upon
19 termination of employment.

20 (2) The establishment or registration of rates for the provision
21 of taxicab transportation service.

22 (3) (A) A mandatory controlled substance and alcohol testing
23 certification program. The program shall include, but need not be
24 limited to, all of the following requirements:

25 (i) Drivers shall test negative for each of the controlled
26 substances specified in Part 40 (commencing with Section 40.1)
27 of Title 49 of the Code of Federal Regulations, before employment.
28 Drivers shall test negative for these controlled substances and for
29 alcohol as a condition of permit renewal or, if no periodic permit
30 renewals are required, at such other times as the city or county
31 shall designate. As used in this section, a negative test for alcohol
32 means an alcohol screening test showing a breath alcohol
33 concentration of less than 0.02 percent.

34 (ii) Procedures shall be substantially as in Part 40 (commencing
35 with Section 40.1) of Title 49 of the Code of Federal Regulations,
36 except that the driver shall show a valid California driver's license
37 at the time and place of testing, and except as provided otherwise
38 in this section. Requirements for rehabilitation and for
39 return-to-duty and followup testing and other requirements, except
40 as provided otherwise in this section, shall be substantially as in

1 Part 382 (commencing with Section 382.101) of Title 49 of the
2 Code of Federal Regulations.

3 (iii) A test in one jurisdiction shall be accepted as meeting the
4 same requirement in any other jurisdiction. Any negative test result
5 shall be accepted for one year as meeting a requirement for periodic
6 permit renewal testing or any other periodic testing in that
7 jurisdiction or any other jurisdiction, if the driver has not tested
8 positive subsequent to a negative result. However, an earlier
9 negative result shall not be accepted as meeting the
10 pre-employment testing requirement for any subsequent
11 employment, or any testing requirements under the program other
12 than periodic testing.

13 (iv) In the case of a self-employed independent driver, the test
14 results shall be reported directly to the city or county, which shall
15 notify the taxicab leasing company of record, if any, of positive
16 results. In all other cases, the results shall be reported directly to
17 the employing transportation operator, who may be required to
18 notify the city or county of positive results.

19 (v) All test results are confidential and shall not be released
20 without the consent of the driver, except as authorized or required
21 by law.

22 (vi) Self-employed independent drivers shall be responsible for
23 compliance with, and shall pay all costs of, this program with
24 regard to themselves. Employing transportation operators shall be
25 responsible for compliance with, and shall pay all costs of, this
26 program with respect to their employees and potential employees,
27 except that an operator may require employees who test positive
28 to pay the costs of rehabilitation and of return-to-duty and followup
29 testing.

30 (vii) Upon the request of a driver applying for a permit, the city
31 or county shall give the driver a list of the consortia certified
32 pursuant to Part 382 (commencing with Section 382.101) of Title
33 49 of the Code of Federal Regulations that the city or county knows
34 offer tests in or near the jurisdiction.

35 (B) No evidence derived from a positive test result pursuant to
36 the program shall be admissible in a criminal prosecution
37 concerning unlawful possession, sale or distribution of controlled
38 substances.

39 (c) Each city or county may levy service charges, fees, or
40 assessments in an amount sufficient to pay for the costs of carrying

1 out an ordinance or resolution adopted in regard to taxicab
2 transportation services pursuant to this section.

3 (d) Nothing in this section prohibits a city or county from
4 adopting additional requirements for a taxicab to operate in its
5 jurisdiction.

6 (e) For purposes of this section, “employment” includes
7 self-employment as an independent driver.

8 ~~(f) This section shall become inoperative on July 1, 2017, and,~~
9 ~~as of January 1, 2018, is repealed, unless a later enacted statute,~~
10 ~~that becomes operative on or before January 1, 2018, deletes or~~
11 ~~extends the dates on which it becomes inoperative and is repealed.~~

12 *(f) This section shall remain in effect only until January 1, 2018,*
13 *and as of that date is repealed, unless a later enacted statute, that*
14 *is enacted before January 1, 2018, deletes or extends that date.*

15 ~~SEC. 4.~~

16 *SEC. 5.* Section 53075.5 is added to the Government Code, to
17 read:

18 53075.5. (a) The Public Utilities Commission, pursuant to
19 Chapter 8.5 (commencing with Section 5451) of Division 2 of the
20 Public Utilities Code, shall issue permits to entities to operate
21 taxicab transportation services as taxicab carriers. The statewide
22 taxicab carrier permit issued by the commission pursuant to Section
23 5452.2 of the Public Utilities Code authorizes a taxicab carrier to
24 operate anywhere in the state, except as otherwise provided by
25 Section 5451.3 of the Public Utilities Code with respect to taxicab
26 transportation services originating in the jurisdiction of the City
27 and County of San Francisco ~~or at the San Francisco International~~
28 ~~Airport.~~ *Francisco.* The statewide permit authorizes the taxicab
29 carrier to carry any dispatched fare, whether the order comes in
30 through telephone dispatch, an Internet Web site, an online-enabled
31 mobile application, or other online-enabled means.

32 (b) (1) Notwithstanding subdivision (a) or Chapter 8.5
33 (commencing with Section 5451) of Division 2 of the Public
34 Utilities Code, a city or county, other than the City and County of
35 San Francisco, that regulates taxicab transportation services within
36 its jurisdiction as of ~~June 30, 2017,~~ *December 31, 2017,* may grant
37 exclusive authority to a taxicab carrier under commission
38 jurisdiction on and after ~~July 1, 2017,~~ *January 1, 2018,* to provide
39 certain types of taxicab transportation services, as specified in
40 paragraph (2), within the jurisdiction of the city or county through

1 the issuance of a curbside operation permit. The city or county
2 may impose a cap on the total number of taxicabs that may be
3 operated by taxicab carriers pursuant to curbside operation permits.
4 However, a city or county shall not in any way limit or prohibit a
5 taxicab carrier with a statewide taxicab carrier permit, that has not
6 been issued a curbside operation permit, from carrying any
7 dispatched fare, whether the order comes in through telephone
8 dispatch, an Internet Web site, an online-enabled mobile
9 application, or other online-enabled means.

10 (2) A taxicab carrier that is issued a curbside operation permit
11 by a city or county pursuant to paragraph (1) may do all of the
12 following within the jurisdiction of the city or county:

13 (A) Respond to street hails.

14 (B) Sit at taxicab stands.

15 (C) Pick up passengers at airports.

16 (c) A taxicab carrier with a statewide taxicab carrier permit,
17 that has not been issued a curbside operation permit by a local
18 agency pursuant to paragraph (1) of subdivision (b), is prohibited
19 from providing the types of taxicab transportation services
20 described in paragraph (2) of subdivision (b) within the jurisdiction
21 of a city or county that issues curbside operation permits, but may
22 provide those specified taxicab transportation services at all other
23 locations covered by the statewide permit.

24 (d) A city or county that issues curbside operation permits
25 pursuant to subdivision (b) shall provide a window sticker for each
26 taxicab covered by the permit, which shall be affixed to each
27 covered taxicab. The city or county may charge a fee to cover its
28 regulatory costs related to issuance of the permit, not to exceed
29 fifty dollars (\$50) annually per taxicab covered by the permit.

30 (e) ~~A-Except as otherwise specifically authorized pursuant to~~
31 ~~this section, a~~ city or county that issues curbside operation permits
32 pursuant to subdivision (b) may not impose *fees, requirements, or*
33 *standards on taxicab carriers or taxicab drivers* beyond ~~the~~
34 ~~standards~~ *those* required under Chapter 8.5 (commencing with
35 Section 5451) of Division 2 of the Public Utilities Code.

36 (f) This section shall become operative on ~~July 1, 2017.~~ *January*
37 *1, 2018.*

38 ~~SEC. 5.~~

39 *SEC. 6.* Section 53075.6 of the Government Code is amended
40 to read:

1 53075.6. Whenever a peace officer or public officer or
2 employee, when authorized by ordinance and as defined in Section
3 836.5 of the Penal Code, arrests any person for operating as a
4 taxicab without a valid taxicab certificate, license, or permit
5 required by any ordinance, and the offense occurred at a public
6 airport, within 100 feet of a public airport, or within two miles of
7 the international border between the United States and Mexico,
8 the officer or employee may impound and retain possession of any
9 vehicle used in a violation of the ordinance.

10 If the vehicle is seized from a person who is not the owner of
11 the vehicle, the impounding authority shall immediately give notice
12 to the owner by first-class mail.

13 The vehicle shall immediately be returned to the owner without
14 cost to the owner if the infraction or violation is not prosecuted or
15 is dismissed, the owner is found not guilty of the offense, or it is
16 determined that the vehicle was used in violation of the ordinance
17 without the knowledge and consent of the owner. Otherwise, the
18 vehicle shall be returned to the owner upon payment of any fine
19 ordered by the court. After the expiration of six weeks from the
20 final disposition of the criminal case, the impounding authority
21 may deal with the vehicle as lost or abandoned property under
22 Section 1411 of the Penal Code.

23 At any time, a person may make a motion in superior court for
24 the immediate return of a vehicle on the ground that there was no
25 probable cause to seize it or that there is some other good cause,
26 as determined by the court, for the return of the vehicle. A
27 proceeding under this paragraph is a limited civil case.

28 No officer or employee, however, shall impound any vehicle
29 owned or operated by a nonprofit organization exempt from
30 taxation pursuant to Section 501(c)(3) of the Internal Revenue
31 Code which serves youth or senior citizens and provides
32 transportation incidental to its programs or services.

33 ~~This section shall become inoperative on July 1, 2017, and, as~~
34 ~~of January 1, 2018, is repealed, unless a later enacted statute, that~~
35 ~~becomes operative on or before January 1, 2018, deletes or extends~~
36 ~~the dates on which it becomes inoperative and is repealed.~~

37 *This section shall remain in effect only until January 1, 2018,*
38 *and as of that date is repealed, unless a later enacted statute, that*
39 *is enacted before January 1, 2018, deletes or extends that date.*

1 ~~SEC. 6.~~

2 SEC. 7. Section 53075.61 of the Government Code is amended
3 to read:

4 53075.61. A transportation inspector, authorized by a local
5 government to cite any person for operating as a taxicab without
6 a valid taxicab certificate, license, or permit required by any
7 ordinance, may impound and retain possession of any vehicle used
8 in a violation of the ordinance.

9 If the vehicle is seized from a person who is not the owner of
10 the vehicle, the impounding authority shall immediately give notice
11 to the owner by first-class mail.

12 The vehicle shall immediately be returned to the owner without
13 cost to the owner if the infraction or violation is not prosecuted or
14 is dismissed, the owner is found not guilty of the offense, or it is
15 determined that the vehicle was used in violation of the ordinance
16 without the knowledge and consent of the owner. Otherwise, the
17 vehicle shall be returned to the owner upon payment of any fine
18 ordered by the court. After the expiration of six weeks from the
19 final disposition of the criminal case, the impounding authority
20 may deal with the vehicle as lost or abandoned property under
21 Section 1411 of the Penal Code.

22 At any time, a person may make a motion in superior court for
23 the immediate return of a vehicle on the ground that there was no
24 probable cause to seize it or that there is some other good cause,
25 as determined by the court, for the return of the vehicle. A
26 proceeding under this paragraph is a limited civil case.

27 No officer or employee, however, shall impound any vehicle
28 owned or operated by a nonprofit organization exempt from
29 taxation pursuant to Section 501(c)(3) of the Internal Revenue
30 Code which serves youth or senior citizens and provides
31 transportation incidental to its programs or services.

32 ~~This section shall become inoperative on July 1, 2017, and, as~~
33 ~~of January 1, 2018, is repealed, unless a later enacted statute, that~~
34 ~~becomes operative on or before January 1, 2018, deletes or extends~~
35 ~~the dates on which it becomes inoperative and is repealed.~~

36 *This section shall remain in effect only until January 1, 2018,*
37 *and as of that date is repealed, unless a later enacted statute, that*
38 *is enacted before January 1, 2018, deletes or extends that date.*

1 ~~SEC. 7.~~

2 *SEC. 8.* Section 53075.7 of the Government Code is amended
3 to read:

4 53075.7. (a) Upon receipt of a complaint containing sufficient
5 information to warrant conducting an investigation, the local
6 agency shall investigate any business that advertises or operates
7 taxicab transportation service for hire. The local agency shall, by
8 ordinance, resolution, or other appropriate procedure, adopt criteria
9 that establishes the type of information, if contained in a complaint,
10 that is sufficient to warrant an investigation. Pursuant to this
11 investigation, the local agency shall do all of the following:

12 (1) Determine which businesses, if any, are required to have in
13 effect a valid taxicab certificate, license, or permit as required by
14 ordinance, but do not have that valid authority to operate.

15 (2) Inform any business not having valid authority to operate
16 that it is in violation of law.

17 (3) Within 60 days of informing the business pursuant to
18 paragraph (2), institute civil or criminal proceedings, or both,
19 pursuant to the governing municipal code or other authority of
20 jurisdiction.

21 (b) For purposes of this section:

22 (1) "Advertises" means any action described in subdivision (b)
23 of Section 53075.9.

24 (2) "Local agency" means the local entity responsible for the
25 regulation, including, but not limited to, the certification, licensing,
26 or permitting of, and enforcement of rules, regulations, or
27 ordinances governing, taxicabs within the local jurisdiction.

28 ~~(e) This section shall become inoperative on July 1, 2017, and,~~
29 ~~as of January 1, 2018, is repealed, unless a later enacted statute,~~
30 ~~that becomes operative on or before January 1, 2018, deletes or~~
31 ~~extends the dates on which it becomes inoperative and is repealed.~~

32 *(c) This section shall remain in effect only until January 1, 2018,*
33 *and as of that date is repealed, unless a later enacted statute, that*
34 *is enacted before January 1, 2018, deletes or extends that date.*

35 ~~SEC. 8.~~

36 *SEC. 9.* Section 53075.8 of the Government Code is amended
37 to read:

38 53075.8. (a) The Legislature finds and declares that advertising
39 and use of telephone service is essential for a taxicab transportation
40 service to obtain business and conduct intrastate passenger

1 transportation services. Unlawful advertisements by taxicabs
2 operating without a valid taxicab certificate, license, or permit
3 required by any ordinance has resulted in properly certificated,
4 licensed, and permitted taxicab operators competing with these
5 taxicabs operating without a proper taxicab certificate, license, or
6 permit using unfair business practices. Taxicabs operating without
7 a proper taxicab certificate, license, or permit have also exposed
8 passengers to unscrupulous persons who portray themselves as
9 lawful operators. Many of these taxicabs operating without a proper
10 taxicab certificate, license, or permit have been found to have also
11 been operating without insurance, or in an unsafe manner, thereby
12 placing their passengers at risk.

13 (b) (1) The Legislature further finds and declares that the
14 termination of telephone service utilized by taxicabs operating
15 without proper authority is essential to ensure the public safety
16 and welfare. Therefore, local agencies should take enforcement
17 action, as specified in this section, to disconnect telephone service
18 of unauthorized taxicab operators who unlawfully advertise
19 passenger transportation services in yellow page directories and
20 other publications. The enforcement actions provided for by this
21 section are consistent with the decision of the California Supreme
22 Court in *Goldin v. Public Utilities Commission* (1979) 23 Cal. 3d
23 638.

24 (2) For purposes of this section, a telephone corporation or
25 telegraph corporation, or a corporation that holds a controlling
26 interest in the telephone or telegraph corporation, or any business
27 that is a subsidiary or affiliate of the telephone or telegraph
28 corporation, that has the name and address of the subscriber to a
29 telephone number being used by a unauthorized taxicab operator
30 shall provide the local agency, or an authorized officer or employee
31 of the local agency, upon demand, and the order of a magistrate,
32 access to this information. A magistrate may only issue an order
33 for the purposes of this subdivision, if the magistrate has made the
34 findings required by paragraph (2) of subdivision (f).

35 (c) (1) In addition to any other remedies that may be available
36 by law, if a local agency determines that a taxicab transportation
37 service has operated within the local agency's jurisdiction in
38 violation of the local agency's ordinance adopted under Section
39 53075.5, the local agency may notify the taxicab operator that the
40 local agency intends to seek termination of the operator's telephone

1 service. The notice shall be sent by certified mail to the operator
2 at the operator's last known mailing address. If the local agency
3 is unable to determine the operator's mailing address, the local
4 agency shall post the notice for at least 10 calendar days.

5 (2) The notice shall contain sufficient information to identify
6 the taxicab transportation service, to inform the taxicab operator
7 of the alleged violations of the local agency's ordinance, and the
8 procedures for protesting the allegations contained in the notice.

9 (d) The taxicab operator, within 10 calendar days of the date of
10 the notice, may contest the allegations contained in the notice by
11 filing a written protest with the local agency. The local agency
12 shall schedule a hearing on the protest within 21 calendar days of
13 receiving the protest.

14 (e) The governing body of the local agency, or any person or
15 persons as may be designated by the governing body, shall hear
16 the protest. The local agency shall have both the burden of
17 providing that the use made, or to be made, of the telephone service
18 is to hold out to the public to perform, or to assist in performing,
19 services as a taxicab transportation service, and that the telephone
20 service is being, or is to be, used as an instrumentality, directly or
21 indirectly, to violate, or assist in violating, the local agency's
22 applicable ordinance. The taxicab operator, or his or her designated
23 representative, shall be allowed to present evidence to answer or
24 refute any allegations presented to the hearing body by the local
25 agency. The hearing body may continue the hearing from time to
26 time. Within 10 calendar days of the close of the hearing, the
27 hearing body shall issue a written decision to uphold or reject, in
28 whole or in part, the allegations contained in the notice. If the
29 hearing body upholds the allegations in whole or in part, the written
30 decision shall state either that the allegations are sufficient to justify
31 seeking termination of the taxicab operator's telephone service,
32 or that the allegations are not sufficient.

33 (f) (1) If the local agency does not receive a timely protest, or,
34 after a protest hearing held pursuant to subdivision (d), the hearing
35 body has determined that the allegations are sufficient to justify
36 seeking termination of the telephone operator's telephone service,
37 the local agency may seek termination of the taxicab operator's
38 telephone service as provided in this section.

39 (2) A telephone or telegraph corporation shall refuse telephone
40 service to a new subscriber and shall disconnect telephone service

1 of an existing subscriber only after it is shown that other available
2 enforcement remedies of the local agency have failed to terminate
3 unlawful activities detrimental to the public welfare and safety,
4 and upon receipt from any authorized officer or employee of the
5 local agency of a writing, signed by a magistrate, as defined by
6 Sections 807 and 808 of the Penal Code, finding that probable
7 cause exists to believe that the subscriber is advertising or holding
8 out to the public to perform taxicab transportation services in
9 violation of the local agency's applicable ordinance, or that the
10 telephone service otherwise is being used or is to be used as an
11 instrumentality, directly or indirectly, to violate or assist in
12 violation of the laws requiring a taxicab operator to have valid
13 operating authority. Included in the writing of the magistrate shall
14 be a finding that there is probable cause to believe that the subject
15 telephone facilities have been, or are to be, used in the commission
16 or facilitation of holding out to the public to perform taxicab
17 transportation services in violation of the local agency's applicable
18 ordinance.

19 (g) The telephone or telegraph corporation, immediately upon
20 refusal or disconnection of service in accordance with paragraph
21 (2) of subdivision (f), shall notify the subscriber in writing that the
22 refusal or disconnection of telephone service has been made
23 pursuant to a request of a local agency and the writing of a
24 magistrate, and shall include a copy of this section, a copy of the
25 writing of the magistrate, and a statement that the customer of the
26 subscriber may request information from the local agency
27 concerning any provision of this section and the manner in which
28 a complaint may be filed.

29 (h) The provisions of this section are an implied term of every
30 contract for telephone service and a part of any application for
31 telephone service. Applicants for, and subscribers and customers
32 of, telephone service, have, as a matter of law, consented to the
33 provisions of this section as a consideration for the furnishing of
34 the telephone service.

35 (i) As used in this section, the terms "person," "customer," and
36 "subscriber" include the subscriber to telephone service, any person
37 using the telephone service of a subscriber, an applicant for
38 telephone service, a corporation, a limited liability company, a
39 partnership, an association, and includes their lessees and assigns.

(j) As used in this section, the following terms have the following meanings:

(1) “Authorized officer or employee of the local agency” includes any employee of the local agency designated by the local agency’s governing body.

(2) “Local agency” has the same meaning as specified in subdivision (b) of Section 53075.7.

(3) “Telegraph corporation” has the same meaning as specified in Section 236 of the Public Utilities Code.

(4) “Telephone corporation” has the same meaning as specified in Section 234 of the Public Utilities Code.

~~(k) This section shall become inoperative on July 1, 2017, and, as of January 1, 2018, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2018, deletes or extends the dates on which it becomes inoperative and is repealed.~~

(k) This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.

~~SEC. 9.~~

SEC. 10. Section 53075.9 of the Government Code is amended to read:

53075.9. (a) Every taxicab transportation service shall include the number of its certificate, license, or permit in every written or oral advertisement of the services it offers.

(b) For purposes of this subdivision, “advertisement” includes, but is not limited to, 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 transportation services subject to this chapter.

(c) Whenever the local agency, after a hearing, finds that any person or corporation is operating as a taxicab transportation service without a valid certificate, license, or permit or fails to include in any written or oral advertisement the number required by subdivision (a), the local agency may impose a fine of not more than five thousand dollars (\$5,000) for each violation. The local agency may assess the person or corporation an amount sufficient to cover the reasonable expense of investigation incurred by the local agency. The local agency may assess interest on any fine or

1 assessment imposed, to commence on the day the payment of the
2 fine or assessment becomes delinquent. All fines, assessments,
3 and interest collected shall be deposited at least once each month
4 in a fund established for the purpose of enforcing this section.

5 (d) For purposes of this section, “local agency” has the same
6 meaning as specified in subdivision (b) of Section 53075.7.

7 ~~(e) This section shall become inoperative on July 1, 2017, and,~~
8 ~~as of January 1, 2018, is repealed, unless a later enacted statute,~~
9 ~~that becomes operative on or before January 1, 2018, deletes or~~
10 ~~extends the dates on which it becomes inoperative and is repealed.~~

11 *(e) This section shall remain in effect only until January 1, 2018,*
12 *and as of that date is repealed, unless a later enacted statute, that*
13 *is enacted before January 1, 2018, deletes or extends that date.*

14 ~~SEC. 10.~~

15 *SEC. 11.* Section 830.7 of the Penal Code is amended to read:

16 830.7. The following persons are not peace officers but may
17 exercise the powers of arrest of a peace officer as specified in
18 Section 836 during the course and within the scope of their
19 employment, if they successfully complete a course in the exercise
20 of those powers pursuant to Section 832:

21 (a) Persons designated by a cemetery authority pursuant to
22 Section 8325 of the Health and Safety Code.

23 (b) Persons regularly employed as security officers for
24 independent institutions of higher education, recognized under
25 subdivision (b) of Section 66010 of the Education Code, if the
26 institution has concluded a memorandum of understanding,
27 permitting the exercise of that authority, with the sheriff or the
28 chief of police within whose jurisdiction the institution lies.

29 (c) Persons regularly employed as security officers for health
30 facilities, as defined in Section 1250 of the Health and Safety Code,
31 that are owned and operated by cities, counties, and cities and
32 counties, if the facility has concluded a memorandum of
33 understanding, permitting the exercise of that authority, with the
34 sheriff or the chief of police within whose jurisdiction the facility
35 lies.

36 (d) Employees or classes of employees of the California
37 Department of Forestry and Fire Protection designated by the
38 Director of Forestry and Fire Protection, provided that the primary
39 duty of the employee shall be the enforcement of the law as that
40 duty is set forth in Section 4156 of the Public Resources Code.

1 (e) Persons regularly employed as inspectors, supervisors, or
2 security officers for transit districts, as defined in Section 99213
3 of the Public Utilities Code, if the district has concluded a
4 memorandum of understanding permitting the exercise of that
5 authority, with, as applicable, the sheriff, the chief of police, or
6 the Department of the California Highway Patrol within whose
7 jurisdiction the district lies. For the purposes of this subdivision,
8 the exercise of peace officer authority may include the authority
9 to remove a vehicle from a railroad right-of-way as set forth in
10 Section 22656 of the Vehicle Code.

11 (f) Nonpeace officers regularly employed as county parole
12 officers pursuant to Section 3089.

13 (g) Persons appointed by the Executive Director of the California
14 Science Center pursuant to Section 4108 of the Food and
15 Agricultural Code.

16 (h) Persons regularly employed as investigators by the
17 Department of Transportation for the City of Los Angeles and
18 designated by local ordinance as public officers, to the extent
19 necessary to enforce laws related to public transportation, and
20 authorized by a memorandum of understanding with the chief of
21 police, permitting the exercise of that authority. For the purposes
22 of this subdivision, “investigator” means an employee authorized
23 by local ordinance to enforce laws related to public transportation.
24 Transportation investigators authorized by this section shall not
25 be deemed “peace officers” for purposes of Sections 241 and 243.

26 (i) Persons regularly employed by any department of the City
27 of Los Angeles who are designated as security officers and
28 authorized by local ordinance to enforce laws related to the
29 preservation of peace in or about the properties owned, controlled,
30 operated, or administered by any department of the City of Los
31 Angeles and authorized by a memorandum of understanding with
32 the Chief of Police of the City of Los Angeles permitting the
33 exercise of that authority. Security officers authorized pursuant to
34 this subdivision shall not be deemed peace officers for purposes
35 of Sections 241 and 243.

36 (j) Illegal dumping enforcement officers or code enforcement
37 officers, to the extent necessary to enforce laws related to illegal
38 waste dumping or littering, and authorized by a memorandum of
39 understanding with, as applicable, the sheriff or chief of police
40 within whose jurisdiction the person is employed, permitting the

1 exercise of that authority. An “illegal dumping enforcement officer
2 or code enforcement officer” is defined, for purposes of this
3 section, as a person employed full time, part time, or as a volunteer
4 after completing training prescribed by law, by a city, county, or
5 city and county, whose duties include illegal dumping enforcement
6 and who is designated by local ordinance as a public officer. An
7 illegal dumping enforcement officer or code enforcement officer
8 may also be a person who is not regularly employed by a city,
9 county, or city and county, but who has met all training
10 requirements and is directly supervised by a regularly employed
11 illegal dumping enforcement officer or code enforcement officer
12 conducting illegal dumping enforcement. This person shall not
13 have the power of arrest or access to summary criminal history
14 information pursuant to this section. No person may be appointed
15 as an illegal dumping enforcement officer or code enforcement
16 officer if that person is disqualified pursuant to the criteria set forth
17 in Section 1029 of the Government Code. Persons regularly
18 employed by a city, county, or city and county designated pursuant
19 to this subdivision may be furnished state summary criminal history
20 information upon a showing of compelling need pursuant to
21 subdivision (c) of Section 11105.

22 SEC. 11. ~~Section 23 is added to the Public Utilities Code, to~~
23 ~~read:~~

24 ~~23. (a) The commission may collect trip data for the purposes~~
25 ~~of transportation and environmental planning from any entity~~
26 ~~regulated by the commission that provides any form of for-hire~~
27 ~~passenger transportation.~~

28 ~~(b) The commission shall commence a proceeding to determine~~
29 ~~how data collected from providers of for-hire passenger~~
30 ~~transportation may best be shared with transportation planning~~
31 ~~agencies and other local agencies for the purposes of transportation~~
32 ~~and environmental planning.~~

33 ~~(c) Trade secrets, as defined in subdivision (d) of Section 3426.1~~
34 ~~of the Civil Code, that are contained in the information provided~~
35 ~~to the commission pursuant to this section shall be treated as~~
36 ~~confidential. The data contained in the information may only be~~
37 ~~disclosed by the commission upon the authorization of the entity~~
38 ~~providing the information to the commission, except that the~~
39 ~~commission may disclose data in aggregate form in a manner that~~
40 ~~does not violate the confidentiality of any trade secrets.~~

1 SEC. 12. Section 5353 of the Public Utilities Code is amended
2 to read:

3 5353. This chapter does not apply to any of the following:

4 (a) Transportation service rendered wholly within the corporate
5 limits of a single city or city and county and licensed or regulated
6 by ordinance.

7 (b) Transportation of school pupils conducted by or under
8 contract with the governing board of any school district entered
9 into pursuant to the Education Code.

10 (c) Common carrier transportation services between fixed
11 termini or over a regular route that are subject to authorization
12 pursuant to Article 2 (commencing with Section 1031) of Chapter
13 5 of Part 1 of Division 1.

14 (d) Transportation services occasionally afforded for farm
15 employees moving to and from farms on which employed when
16 the transportation is performed by the employer in an owned or
17 leased vehicle, or by a nonprofit agricultural cooperative
18 association organized and acting within the scope of its powers
19 under Chapter 1 (commencing with Section 54001) of Division
20 20 of the Food and Agricultural Code, and without any requirement
21 for the payment of compensation therefor by the employees.

22 (e) Transportation service rendered by a publicly owned transit
23 system.

24 (f) Passenger vehicles carrying passengers on a noncommercial
25 enterprise basis.

26 (g) Taxicab transportation service licensed and regulated by a
27 city or county, by ordinance or resolution, rendered in vehicles
28 designed for carrying not more than eight persons excluding the
29 driver or, on and after ~~July 1, 2017~~, *January 1, 2018*, taxicab
30 transportation services subject to regulation pursuant to Chapter
31 8.5 (commencing with Section 5451) or exempt from regulation
32 under that chapter pursuant to Section 5451.3.

33 (h) Transportation of persons between home and work locations
34 or of persons having a common work-related trip purpose in a
35 vehicle having a seating capacity of 15 passengers or less, including
36 the driver, which are used for the purpose of ridesharing, as defined
37 in Section 522 of the Vehicle Code, when the ridesharing is
38 incidental to another purpose of the driver. This exemption also
39 applies to a vehicle having a seating capacity of more than 15
40 passengers if the driver files with the commission evidence of

1 liability insurance protection in the same amount and in the same
2 manner as required for a passenger stage corporation, and the
3 vehicle undergoes and passes an annual safety inspection by the
4 Department of the California Highway Patrol. The insurance filing
5 shall be accompanied by a one-time filing fee of seventy-five
6 dollars (\$75). This exemption does not apply if the primary purpose
7 for the transportation of those persons is to make a profit. "Profit,"
8 as used in this subdivision, does not include the recovery of the
9 actual costs incurred in owning and operating a vanpool vehicle,
10 as defined in Section 668 of the Vehicle Code.

11 (i) Vehicles used exclusively to provide medical transportation,
12 including vehicles employed to transport developmentally disabled
13 persons for regional centers established pursuant to Chapter 5
14 (commencing with Section 4620) of Division 4.5 of the Welfare
15 and Institutions Code.

16 (j) Transportation services rendered solely within the Lake
17 Tahoe Basin, comprising that area included within the Tahoe
18 Regional Planning Compact as set forth in Section 66801 of the
19 Government Code, when the operator of the services has obtained
20 any permit required from the Tahoe Basin Transportation Authority
21 or the City of South Lake Tahoe, or both.

22 (k) Subject to Section 34507.6 of the Vehicle Code,
23 transportation service provided by the operator of an automobile
24 rental business in vehicles owned or leased by that operator,
25 without charge other than as may be included in the automobile
26 rental charges, to carry its customers to or from its office or facility
27 where rental vehicles are furnished or returned after the rental
28 period.

29 (l) Subject to Section 34507.6 of the Vehicle Code,
30 transportation service provided by the operator of a hotel, motel,
31 or other place of temporary lodging in vehicles owned or leased
32 by that operator, without charge other than as may be included in
33 the charges for lodging, between the lodging facility and an air,
34 rail, water, or bus passenger terminal or between the lodging
35 facility and any place of entertainment or commercial attraction,
36 including, but not limited to, facilities providing snow skiing.
37 Nothing in this subdivision authorizes the operator of a hotel,
38 motel, or other place of temporary lodging to provide any round
39 trip sightseeing service without a permit, as required by subdivision
40 (c) of Section 5384.

1 (m) (1) Transportation of hot air balloon ride passengers in a
2 balloon chase vehicle from the balloon landing site back to the
3 original takeoff site, provided that the balloon ride was conducted
4 by a balloonist who meets all of the following conditions:

5 (A) Does not fly more than a total of 30 passenger rides for
6 compensation annually.

7 (B) Does not provide any preflight ground transportation
8 services in their vehicles.

9 (C) In providing return transportation to the launch site from
10 landing does not drive more than 300 miles annually.

11 (D) Files with the commission an exemption declaration and
12 proof of vehicle insurance, as prescribed by the commission,
13 certifying that the operator qualifies for the exemption and will
14 maintain minimum insurance on each vehicle of one hundred
15 thousand dollars (\$100,000) for injury or death of one person, three
16 hundred thousand dollars (\$300,000) for injury or death of two or
17 more persons and one hundred thousand dollars (\$100,000) for
18 damage to property.

19 (2) Nothing in this subdivision authorizes the operator of a
20 commercial balloon operation to provide any round trip sightseeing
21 service without a permit, as required by subdivision (c) of Section
22 5384.

23 (n) (1) Transportation services incidental to operation of a youth
24 camp that are provided by either a nonprofit organization that
25 qualifies for tax exemption under Section 501(c)(3) of the Internal
26 Revenue Code or an organization that operates an organized camp,
27 as defined in Section 18897 of the Health and Safety Code, serving
28 youth 18 years of age or younger.

29 (2) Any transportation service described in paragraph (1) shall
30 comply with all of the following requirements:

31 (A) Register as a private carrier with the commission pursuant
32 to Section 4005.

33 (B) Participate in a pull notice system for employers of drivers
34 as prescribed in Section 1808.1 of the Vehicle Code.

35 (C) Ensure compliance with the annual bus terminal inspection
36 required by subdivision (c) of Section 34501 of the Vehicle Code.

37 (D) Obtain the following minimum amounts of general liability
38 insurance coverage for vehicles that are used to transport youth:

39 (i) A minimum of five hundred thousand dollars (\$500,000)
40 general liability insurance coverage for passenger vehicles designed

1 to carry up to eight passengers. For organized camps, as defined
2 in Section 18897 of the Health and Safety Code, an additional two
3 hundred fifty thousand dollars (\$250,000) general umbrella policy
4 that covers vehicles.

5 (ii) A minimum of one million dollars (\$1,000,000) general
6 liability insurance coverage for vehicles designed to carry up to
7 15 passengers. For organized camps, as defined in Section 18897
8 of the Health and Safety Code, an additional five hundred thousand
9 dollars (\$500,000) general umbrella policy that covers vehicles.

10 (iii) A minimum of one million five hundred thousand dollars
11 (\$1,500,000) general liability insurance coverage for vehicles
12 designed to carry more than 15 passengers, and an additional three
13 million five hundred thousand dollars (\$3,500,000) general
14 umbrella liability insurance policy that covers vehicles.

15 SEC. 13. Section 5411.5 of the Public Utilities Code is
16 amended to read:

17 5411.5. (a) Whenever a peace officer, as defined in Chapter
18 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal
19 Code, arrests a person for operation of a charter-party carrier of
20 passengers without a valid certificate or permit, the peace officer
21 may impound and retain possession of the vehicle.

22 (b) Whenever a peace officer, as defined in Chapter 4.5
23 (commencing with Section 830) of Title 3 of Part 2 of the Penal
24 Code, arrests a person for operating a charter-party carrier of
25 passengers as a taxicab in violation of an ordinance or resolution
26 of a city, county, or city and county, the peace officer may impound
27 and retain possession of the vehicle.

28 (c) If the vehicle is seized from a person who is not the owner
29 of the vehicle, the impounding authority shall immediately give
30 notice to the owner by first-class mail.

31 (d) The vehicle shall immediately be returned to the owner if
32 the infraction or violation is not prosecuted or is dismissed, the
33 owner is found not guilty of the offense, or it is determined that
34 the vehicle was used in violation of Section 5411 without the
35 knowledge and consent of the owner. The vehicle shall be returned
36 to the owner upon payment of any fine ordered by the court. If the
37 vehicle is seized due to a violation of a person other than the owner
38 of the vehicle, the vehicle shall be returned to the owner after all
39 impoundment fees are paid. After the expiration of six weeks from
40 the final disposition of the criminal case, unless the owner is in

1 the process of making payments to the court, the impounding
2 authority may deal with the vehicle as lost or abandoned property
3 under Section 1411 of the Penal Code.

4 (e) At any time, a person may make a motion in superior court
5 for the immediate return of the vehicle on the ground that there
6 was no probable cause to seize it or that there is some other good
7 cause, as determined by the court, for the return of the vehicle. A
8 proceeding under this section is a limited civil case.

9 (f) No peace officer, however, may impound any vehicle owned
10 or operated by a nonprofit organization exempt from taxation
11 pursuant to Section 501(c)(3) of the Internal Revenue Code which
12 serves youth or senior citizens and provides transportation
13 incidental to its programs or services or a rented motor vehicle
14 that is being operated by a hired driver of a charter-party carrier
15 of passengers that is providing hired driver service.

16 ~~(g) This section shall become inoperative on July 1, 2017, and,~~
17 ~~as of January 1, 2018, is repealed, unless a later enacted statute,~~
18 ~~that becomes operative on or before January 1, 2018, deletes or~~
19 ~~extends the dates on which it becomes inoperative and is repealed.~~

20 *(g) This section shall remain in effect only until January 1, 2018,*
21 *and as of that date is repealed, unless a later enacted statute, that*
22 *is enacted before January 1, 2018, deletes or extends that date.*

23 SEC. 14. Section 5411.5 is added to the Public Utilities Code,
24 to read:

25 5411.5. (a) Whenever a peace officer, as defined in Chapter
26 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal
27 Code, arrests a person for operation of a charter-party carrier of
28 passengers without a valid certificate or permit, the peace officer
29 may impound and retain possession of the vehicle.

30 (b) Whenever a peace officer, as defined in Chapter 4.5
31 (commencing with Section 830) of Title 3 of Part 2 of the Penal
32 Code, arrests a person for operating a charter-party carrier of
33 passengers as a taxicab in violation of Chapter 8.5 (commencing
34 with Section 5451) or in violation of a local ordinance of the City
35 and County of San Francisco or its airport authority, *Francisco*,
36 the peace officer may impound and retain possession of the vehicle.

37 (c) If the vehicle is seized from a person who is not the owner
38 of the vehicle, the impounding authority shall immediately give
39 notice to the owner by first-class mail.

(d) The vehicle shall immediately be returned to the owner if the infraction or violation is not prosecuted or is dismissed, the owner is found not guilty of the offense, or it is determined that the vehicle was used in violation of Section 5411 without the knowledge and consent of the owner. The vehicle shall be returned to the owner upon payment of any fine ordered by the court. If the vehicle is seized due to a violation of a person other than the owner of the vehicle, the vehicle shall be returned to the owner after all impoundment fees are paid. After the expiration of six weeks from the final disposition of the criminal case, unless the owner is in the process of making payments to the court, the impounding authority may deal with the vehicle as lost or abandoned property under Section 1411 of the Penal Code.

(e) At any time, a person may make a motion in superior court for the immediate return of the vehicle on the ground that there was no probable cause to seize it or that there is some other good cause, as determined by the court, for the return of the vehicle. A proceeding under this section is a limited civil case.

(f) No peace officer, however, may impound any vehicle owned or operated by a nonprofit organization exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code which serves youth or senior citizens and provides transportation incidental to its programs or services or a rented motor vehicle that is being operated by a hired driver of a charter-party carrier of passengers that is providing hired driver service.

(g) This section shall become operative on ~~July 1, 2017~~ *January 1, 2018*.

SEC. 15. Section 5412.2 of the Public Utilities Code is amended to read:

5412.2. (a) When a person is convicted of the offense of operating a taxicab without a valid certificate or permit, in addition to any other penalties provided by law, if the court determines the operator has the ability to pay, the court shall impose a mandatory fine not exceeding two thousand five hundred dollars (\$2,500) for a first conviction or five thousand dollars (\$5,000) for a subsequent conviction.

(b) When a person is convicted of the offense of operating a charter-party carrier of passengers without a valid certificate or permit, in addition to any other penalties provided by law, if the court determines the operator has the ability to pay, the court shall

1 impose a mandatory fine not exceeding ten thousand dollars
2 (\$10,000) for a first conviction or twenty-five thousand dollars
3 (\$25,000) for a subsequent conviction.

4 (c) As used in this section, “taxicab” means a passenger vehicle
5 designed for carrying not more than eight persons, excluding the
6 driver, and used to carry passengers for hire. “Taxicab” shall not
7 include a charter-party carrier of passengers within the meaning
8 of this chapter.

9 ~~(d) This section shall become inoperative on July 1, 2017, and,~~
10 ~~as of January 1, 2018, is repealed, unless a later enacted statute,~~
11 ~~that becomes operative on or before January 1, 2018, deletes or~~
12 ~~extends the dates on which it becomes inoperative and is repealed.~~

13 *(d) This section shall remain in effect only until January 1, 2018,*
14 *and as of that date is repealed, unless a later enacted statute, that*
15 *is enacted before January 1, 2018, deletes or extends that date.*

16 SEC. 16. Section 5412.2 is added to the Public Utilities Code,
17 to read:

18 5412.2. (a) When a person is convicted of the offense of
19 operating a taxicab without a valid permit required pursuant to
20 Chapter 8.5 (commencing with Section 5451) or pursuant to a local
21 ordinance of the City and County of San Francisco or its airport
22 authority, *Francisco*, in addition to any other penalties provided
23 by law, if the court determines the operator has the ability to pay,
24 the court shall impose a mandatory fine not exceeding two thousand
25 five hundred dollars (\$2,500) for a first conviction or five thousand
26 dollars (\$5,000) for a subsequent conviction.

27 (b) When a person is convicted of the offense of operating a
28 charter-party carrier of passengers without a valid certificate or
29 permit, in addition to any other penalties provided by law, if the
30 court determines the operator has the ability to pay, the court shall
31 impose a mandatory fine not exceeding ten thousand dollars
32 (\$10,000) for a first conviction or twenty-five thousand dollars
33 (\$25,000) for a subsequent conviction.

34 (c) As used in this section, “taxicab” shall have the meaning as
35 defined in subdivision (d) of Section 5451.4. “Taxicab” shall not
36 include a charter-party carrier of passengers within the meaning
37 of this chapter.

38 (d) This section shall become operative on ~~July 1, 2017.~~ *January*
39 *1, 2018.*

1 SEC. 17. Section 5413.5 of the Public Utilities Code is
2 amended to read:

3 5413.5. (a) Whenever the commission, after hearing, finds
4 that any person or corporation is operating as a charter-party carrier
5 of passengers, including a charter-party carrier operating a
6 limousine, without a valid certificate or permit, or fails to include
7 in any written or oral advertisement the number of the certificate
8 or permit required by Section 5386, the commission may impose
9 a fine of not more than seven thousand five hundred dollars
10 (\$7,500) for each violation. The commission may assess the person
11 or corporation an amount sufficient to cover the reasonable expense
12 of investigation incurred by the commission. The commission may
13 assess interest on any fine or assessment imposed, to commence
14 on the day the payment of the fine or assessment becomes
15 delinquent. All fines, assessments, and interest collected shall be
16 deposited at least once each month in the General Fund.

17 (b) Whenever the commission, after hearing, finds that any
18 person or corporation is operating a charter-party carrier of
19 passengers as a taxicab without a valid certificate or permit in
20 violation of an ordinance or resolution of a city, county, or city
21 and county, the commission may impose a fine of not more than
22 five thousand dollars (\$5,000) for each violation. The commission
23 may assess the person or corporation an amount sufficient to cover
24 the reasonable expense of investigation incurred by the
25 commission. The commission may assess interest on any fine or
26 assessment imposed, to commence on the day the payment of the
27 fine or assessment becomes delinquent. All fines, assessments,
28 and interest collected shall be deposited at least once each month
29 in the General Fund.

30 ~~(c) This section shall become inoperative on July 1, 2017, and,~~
31 ~~as of January 1, 2018, is repealed, unless a later enacted statute,~~
32 ~~that becomes operative on or before January 1, 2018, deletes or~~
33 ~~extends the dates on which it becomes inoperative and is repealed.~~

34 *(c) This section shall remain in effect only until January 1, 2018,*
35 *and as of that date is repealed, unless a later enacted statute, that*
36 *is enacted before January 1, 2018, deletes or extends that date.*

37 SEC. 18. Section 5413.5 is added to the Public Utilities Code,
38 to read:

39 5413.5. (a) Whenever the commission, after hearing, finds
40 that any person or corporation is operating as a charter-party carrier

1 of passengers, including a charter-party carrier operating a
2 limousine, without a valid certificate or permit, or fails to include
3 in any written or oral advertisement the number of the certificate
4 or permit required by Section 5386, the commission may impose
5 a fine of not more than seven thousand five hundred dollars
6 (\$7,500) for each violation. The commission may assess the person
7 or corporation an amount sufficient to cover the reasonable expense
8 of investigation incurred by the commission. The commission may
9 assess interest on any fine or assessment imposed, to commence
10 on the day the payment of the fine or assessment becomes
11 delinquent. All fines, assessments, and interest collected shall be
12 deposited at least once each month in the General Fund.

13 (b) Whenever the commission, after hearing, finds that any
14 person or corporation is operating a charter-party carrier of
15 passengers as a taxicab without a valid permit in violation of
16 Chapter 8.5 (commencing with Section 5451) or a local ordinance
17 of the City and County of San Francisco or its airport authority,
18 *Francisco*, the commission may impose a fine of not more than
19 five thousand dollars (\$5,000) for each violation. The commission
20 may assess the person or corporation an amount sufficient to cover
21 the reasonable expense of investigation incurred by the
22 commission. The commission may assess interest on any fine or
23 assessment imposed, to commence on the day the payment of the
24 fine or assessment becomes delinquent. All fines, assessments,
25 and interest collected shall be deposited at least once each month
26 in the General Fund.

27 (c) This section shall become operative on ~~July 1, 2017~~. *January*
28 *1, 2018*.

29 SEC. 19. Chapter 8.5 (commencing with Section 5451) is added
30 to Division 2 of the Public Utilities Code, to read:

31
32 CHAPTER 8.5. TAXICAB TRANSPORTATION SERVICES ACT

33
34 Article 1. General Provisions and Definitions

35
36 5451. This chapter shall be known, and may be cited, as the
37 Taxicab Transportation Services Act.

38 5451.1. The commission may delegate to its executive director
39 or designee of the executive director the authority to issue, renew,

1 or authorize the transfer of taxicab carrier permits under this
2 chapter and to otherwise implement this chapter.

3 5451.2. Notwithstanding any other provision of law, and except
4 as otherwise provided in Section 5451.3, this chapter shall apply
5 to taxicab transportation services provided throughout the state.
6 The commission shall regulate taxicab transportation services and
7 enforce the requirements of this chapter, and may adopt regulations
8 to further the objectives of this chapter.

9 5451.3. This chapter shall not apply to taxicab transportation
10 services originating in the jurisdiction of the City and County of
11 ~~San Francisco or at the San Francisco International Airport,~~
12 ~~Francisco,~~ including taxicab carriers associated with those services.
13 Those taxicab transportation services shall remain under the
14 regulation of the City and County of ~~San Francisco or its airport~~
15 ~~authority, as the case may be.~~ *Francisco.*

16 5451.4. For the purposes of this chapter, the following terms
17 have the following meanings:

18 (a) “Entity” includes a corporation, company, association, joint
19 stock association, firm, partnership, individual, or any other form
20 of business organization.

21 (b) “Public highway” includes every public street, road, or
22 highway in this state.

23 (c) “Motor vehicle” means a vehicle used on public highways
24 that is self-propelled.

25 (d) “Taxicab” means a passenger motor vehicle designed for
26 carrying not more than eight passengers, excluding the driver, and
27 used to carry passengers for hire as part of taxicab transportation
28 services.

29 (e) “Taxicab carrier” means an entity that is a permitted provider
30 of taxicab transportation services to passengers under this chapter.

31 (f) “Taxicab driver” means an individual who is a licensed driver
32 of a taxicab under this chapter.

33 (g) “Taxicab transportation services” means the provision of
34 transportation services for compensation using motor vehicles
35 designed for carrying not more than eight passengers, excluding
36 the driver, and that are permitted to serve passengers via street
37 hail, including curbside pickups, but excludes transportation
38 services provided by a charter-party carrier of passengers regulated
39 by Chapter 8 (commencing with Section 5351).

1 (h) With respect to a motor vehicle used in taxicab transportation
2 services by a taxicab carrier, “owner” means the entity that is
3 registered with the Department of Motor Vehicles as the owner of
4 the motor vehicle, or that has a legal right to possession of the
5 motor vehicle pursuant to a lease or rental agreement.

6 5451.6. The commission shall issue permits pursuant to this
7 chapter authorizing taxicab carriers to operate.

8 5451.7. This chapter shall become operative on ~~July 1, 2017.~~
9 *January 1, 2018.*

10
11 Article 2. Authorization to Operate as a Taxicab Carrier
12

13 5452. An entity shall not engage in taxicab transportation
14 services subject to regulation under this chapter without first having
15 obtained a taxicab carrier permit issued by the commission pursuant
16 to this chapter.

17 5452.2. The commission ~~shall~~ *may* issue permits to entities to
18 operate taxicab transportation services as a taxicab carrier if
19 otherwise qualified under this chapter.

20 5452.6. A taxicab carrier shall include the number of its permit
21 in every written, oral, or electronic advertisement of the services
22 it offers and shall comply with the signing requirements of Section
23 27908 of the Vehicle Code. For the purposes of this section,
24 “advertisement” includes, but is not limited to, the issuance of any
25 card, sign, or device to any person, the causing, permitting, or
26 allowing of the placement of any sign or marking on or in any
27 building or structure, or in any media form, including newspaper,
28 magazine, radiowave, satellite signal, or any electronic
29 transmission, or in any directory soliciting taxicab transportation
30 services subject to this chapter.

31 5452.8. (a) Applications for taxicab carrier permits shall be
32 in writing and verified under oath, and shall be in the form and
33 contain the information required by the commission.

34 (b) An application for a taxicab carrier permit shall be
35 accompanied by a filing fee as follows:

36 (1) Permits (new): One thousand five hundred dollars (\$1,500).

37 (2) Permits (renewal): One hundred dollars (\$100).

38 5452.10. (a) (1) Before a permit is issued or renewed, the
39 commission shall require the applicant to establish reasonable
40 fitness and financial responsibility to initiate and conduct or

1 continue to conduct the proposed or existing taxicab transportation
2 services. The commission shall not issue or renew a permit
3 pursuant to this chapter unless the applicant meets all of the
4 following requirements:

5 (A) It is financially and organizationally capable of conducting
6 an operation that complies with the rules and regulations of the
7 Department of the California Highway Patrol relating to the safe
8 operation of vehicles on the public highways.

9 (B) It is committed to observing the hours of service regulations
10 of state and, where applicable, federal law for all taxicab drivers,
11 whether employees or contractors.

12 (C) It has an inspection program in effect for its motor vehicles
13 used to provide taxicab transportation services that conforms to
14 Article 8 (commencing with Section 5458).

15 (D) It participates in the pull notice program pursuant to Section
16 1808.1 of the Vehicle Code to regularly check the driving records
17 of all taxicab drivers, whether employees or contractors.

18 (E) It has a safety education and training program in effect for
19 all taxicab drivers, whether employees or contractors.

20 (F) It has a disabled access education and training program to
21 instruct its taxicab drivers on compliance with the Americans with
22 Disabilities Act of 1990 and California's disability rights laws,
23 including making clear that it is illegal to decline to serve a person
24 with a disability or who has a service animal.

25 (G) It will maintain its motor vehicles used in taxicab
26 transportation services in a safe operating condition and in
27 compliance with the Vehicle Code and with regulations contained
28 in Title 13 of the California Code of Regulations relative to motor
29 vehicle safety.

30 (H) It equips each motor vehicle used in taxicab transportation
31 services to accept credit cards for payment of taxicab fares.

32 (I) It has provided to the commission an address of an office or
33 terminal where documents supporting the factual matters specified
34 in the showing required by this subdivision may be inspected by
35 the commission or the Department of the California Highway
36 Patrol.

37 (J) It provides for a mandatory controlled substance and alcohol
38 testing certification program pursuant to Section 5457.4.

39 (2) With respect to subparagraphs (B) and (G) of paragraph (1),
40 the commission may base a finding on a certification by the

1 commission that an applicant has filed, with the commission, a
2 sworn declaration of ability to comply and intent to comply.

3 (b) The commission, as a precondition to the issuance of a permit
4 under this article, may require the procurement of a performance
5 bond by the applicant sufficient to facilitate the collection of fines,
6 penalties, and restitution related to enforcement actions that may
7 be taken against the applicant.

8 (c) In addition to the requirements in subdivision (a), taxicab
9 carriers shall meet all other state and, where applicable, federal
10 regulations as prescribed.

11 5452.11. No taxicab carrier shall prejudice, disadvantage, or
12 require different rates or provide different service to a person
13 because of race, national origin, religion, color, ancestry, physical
14 handicap, medical condition, occupation, marital status or change
15 in marital status, sex, or any characteristic listed or defined in
16 Section 11135 of the Government Code.

17 5452.12. (a) Every taxicab carrier shall furnish to the
18 commission a list, prepared under oath, of all motor vehicles used
19 by the carrier in taxicab transportation services during the period
20 since the last inspection. The commission shall furnish a copy of
21 the list to the taxicab carrier's insurer.

22 (b) If the taxicab carrier's insurer informs the commission that
23 the carrier has failed to obtain insurance coverage for any vehicle
24 reported on the list, the commission may, in addition to any other
25 penalty provided in this chapter, for a first occurrence, suspend
26 the carrier's permit or impose a fine, or both, and, for a second or
27 subsequent occurrence, suspend or revoke the permit or impose a
28 fine, or both.

29 5452.14. The commission may, with or without hearing, issue
30 a permit under this chapter. If the commission finds that the
31 applicant possesses satisfactory fitness and financial responsibility
32 to initiate and conduct the proposed taxicab transportation services,
33 and will faithfully comply with the rules and regulations adopted
34 by the commission with respect thereto, it shall issue the permit.

35 5452.16. A permit, or renewal thereof, is effective for three
36 years, unless suspended or revoked by the commission.

37 5452.18. No permit issued pursuant to this chapter, or rights
38 to conduct any of the services authorized by the permit, shall be
39 sold, leased, or assigned, or otherwise transferred or encumbered,
40 unless authorized by the commission. A filing fee of one thousand

1 five hundred dollars (\$1,500) shall accompany all applications for
2 that authorization.

3 5452.20. (a) *The commission shall, by rule or other*
4 *appropriate procedure, require a taxicab carrier, while operating*
5 *on a prearranged basis, to include on a waybill or trip report the*
6 *following information:*

7 (1) *The point of origin and destination of the passenger.*

8 (2) *Information as to whether the transportation was arranged*
9 *by telephone, written contract, or electronic communication.*

10 (b) *The waybill or trip report shall be kept in electronic format.*

11 (c) *The commission shall, by rule or other appropriate*
12 *procedure, require a taxicab carrier, while operating on a demand*
13 *basis, to retain electronically-collected GPS coordinates for each*
14 *trip.*

15 (d) *Upon request of the commission pursuant to Section 5453.7,*
16 *a taxicab carrier shall produce in its office an electronic record*
17 *of any waybill or trip report, or electronically-collected GPS*
18 *coordinates, as applicable.*

19 (e) *As used in this section, “prearranged basis” means that the*
20 *transportation of the prospective passenger was arranged with*
21 *the taxicab carrier by the passenger, or a representative of the*
22 *passenger, either by telephone, written contract, or electronic*
23 *communication. As used in this section, “demand basis” means*
24 *that the transportation of the passenger resulted from other than*
25 *a prearranged basis, such as a street hail.*

26 27 Article 3. Enforcement

28
29 5453. Upon receipt of a complaint containing sufficient
30 information to warrant conducting an investigation, the commission
31 shall investigate any entity that advertises or holds itself out as
32 providing services that may be reasonably considered to be taxicab
33 transportation services but that does not have a permit required by
34 this chapter. The commission, in a rulemaking or other appropriate
35 procedure, shall adopt criteria that establish the type of information,
36 if contained in a complaint, that is sufficient to warrant an
37 investigation. Pursuant to this investigation, the commission shall
38 do all of the following:

1 (a) Determine which entities, if any, are required to obtain a
2 taxicab carrier permit pursuant to Article 2 (commencing with
3 Section 5452) but that do not have the required permit.

4 (b) Inform any entity identified in subdivision (a) that the failure
5 to obtain a permit is in violation of the law.

6 (c) Within 60 days of informing the entity pursuant to
7 subdivision (b), institute civil or criminal proceedings, or both, if
8 the entity continues to be in noncompliance with this chapter.

9 5453.2. The commission shall not issue, renew, or authorize
10 the transfer of a taxicab carrier permit under this chapter to any
11 entity against whom a final judgment has been entered and whose
12 name has been transmitted to the commission pursuant to Section
13 3716.4 of the Labor Code, unless that judgment has been satisfied
14 or has been discharged in accordance with the bankruptcy laws of
15 the United States.

16 5453.4. (a) The commission may cancel, suspend, or revoke
17 a taxicab carrier permit issued pursuant to this chapter upon any
18 of the following grounds:

19 (1) The violation by the permitholder of any of the provisions
20 of this chapter, or of the terms of a permit issued under this chapter.

21 (2) The violation by the permitholder of any order, decision,
22 rule, regulation, direction, demand, or requirement of the
23 commission pursuant to this chapter.

24 (3) The conviction of a taxicab carrier of any misdemeanor
25 under this chapter while holding a taxicab carrier permit issued by
26 the commission or the conviction of the carrier or its officers of a
27 felony while holding a permit issued by the commission, limited
28 to robbery, burglary, larceny, fraud, or intentional dishonesty for
29 personal gain.

30 (4) The rendition of a judgment against the taxicab carrier for
31 any penalty imposed under this chapter.

32 (5) The failure of a taxicab carrier to pay any fee imposed on
33 the carrier within the time required by the commission.

34 (6) On request of the taxicab carrier.

35 (7) The failure of a taxicab carrier to operate and perform
36 reasonable service. That failure may include repeated violations
37 of the Vehicle Code or of regulations contained in Title 13 of the
38 California Code of Regulations relative to motor vehicle safety by
39 employees of the taxicab carrier that support an inference of unsafe
40 operation or willful neglect of the public safety by the carrier.

(8) Consistent failure of the taxicab carrier to maintain its vehicles in a safe operating condition pursuant to Article 8 (commencing with Section 5458) and in compliance with the Vehicle Code and with regulations contained in Title 13 of the California Code of Regulations relative to motor vehicle safety, as shown by the records of the commission, the Department of Motor Vehicles, the Department of the California Highway Patrol, or the carrier.

(9) Failure of a taxicab carrier, or of any of its employees, to follow any order, decision, rule, regulation, direction, demand, ordinance, or other requirement established by the governing body of an airport, including solicitation practices, providing the requirements are consistent with subdivision (b) of Section 5459.

(b) The commission may levy a civil penalty of up to seven thousand five hundred dollars (\$7,500) upon a taxicab carrier for any of the violations specified in subdivision (a), as an alternative to canceling, revoking, or suspending the carrier's permit. The commission may also levy interest upon the civil penalty, which shall be calculated as of the date on which the civil penalty is unpaid and delinquent. The commission shall deposit at least monthly all civil penalties and interest collected pursuant to this section into the General Fund.

5453.6. (a) A taxicab carrier shall ~~have and shall make available for inspection by the commission, upon request, file with the commission~~ one of the following:

(1) A certificate of workers' compensation coverage for its employees issued by an admitted insurer.

(2) A certification of consent to self-insure issued by the Director of Industrial Relations.

(3) A statement under penalty of perjury, stating that, in its operations as a taxicab carrier, it does not employ any person in any manner so as to become subject to the workers' compensation laws of this state.

(b) The workers' compensation coverage certified to under paragraph (1) of subdivision (a) shall be in the form of a policy that remains effective until canceled. Cancellation of the policy shall require 30 days' advance notice.

(c) If, after filing the statement described in paragraph (3) of subdivision (a), the carrier becomes subject to the workers' compensation laws of this state, the carrier shall promptly notify

1 the commission that the carrier is withdrawing its statement under
2 paragraph (3) of subdivision (a), and shall simultaneously file *with*
3 *the commission* the certificate described in either paragraph (1) or
4 (2) of subdivision (a).

5 5453.7. (a) The commission may at any time have access to
6 the land, buildings, or equipment of a taxicab carrier in connection
7 with the operation of the carrier's business and may inspect the
8 accounts, books, papers, and documents of the carrier. Any
9 inspection by the commission may include reproduction of
10 documents either at the premises of the carrier or the offices of the
11 commission, at the option of the carrier. The commission shall
12 reimburse the carrier for any reproduction expenses incurred by
13 the carrier at the direction of the commission.

14 (b) Subdivision (a) also applies to access to property and
15 inspections of accounts, books, papers, and documents of any
16 entity that is a subsidiary or affiliate of, or that holds a controlling
17 interest in, a taxicab carrier with respect to any transaction between
18 the carrier and the other entity.

19 (c) Subdivisions (a) and (b) also apply to any entity engaged in
20 the transportation of persons by motor vehicle for compensation
21 upon a determination by the commission that the entity is
22 advertising or holding itself out as providing services that may
23 reasonably be considered to be taxicab transportation services.

24 5453.8. The commission may, on a complaint alleging that an
25 entity is operating taxicab transportation services without a valid
26 taxicab carrier permit in violation of this chapter, or on its own
27 motion without a complaint, with or without notice of a hearing,
28 order the entity so operating to cease and desist from that operation
29 until the commission makes and files its decision in the matter or
30 until further order of the commission.

31 5453.10. (a) The Legislature finds and declares that advertising
32 and use of telephone service is essential for a an entity providing
33 taxicab transportation services to obtain business. Unlawful
34 advertisements by unlicensed taxicabs have resulted in
35 properly-permitted taxicab carriers competing with unlicensed
36 taxicabs using unfair business practices. Unlicensed taxicabs have
37 also exposed residents of the state to unscrupulous persons who
38 portray themselves as properly licensed, qualified, and insured
39 taxicabs. Many of these unlicensed taxicabs have been found to

1 have operated their vehicles without insurance, or in an unsafe
2 manner, placing residents of the state at risk.

3 (b) (1) The Legislature further finds and declares that the
4 termination of telephone service utilized by unlicensed taxicabs
5 is essential to ensure the public safety and welfare. Therefore, the
6 commission should take enforcement action as specified in this
7 section to disconnect telephone service of entities operating
8 unlicensed taxicab transportation services who unlawfully advertise
9 passenger transportation services in yellow page directories and
10 other publications. The enforcement actions provided for by this
11 section are consistent with the decision of the California Supreme
12 Court in *Goldin v. Public Utilities Commission* (1979) 23 Cal. 3d
13 638.

14 (2) For purposes of this section, a telephone corporation or
15 telegraph corporation, or a corporation that holds a controlling
16 interest in the telephone or telegraph corporation, or any business
17 that is a subsidiary or affiliate of the telephone or telegraph
18 corporation, that has the name and address of the subscriber to a
19 telephone number being used by an unlicensed operator of taxicab
20 transportation services shall provide the commission, upon the
21 order of a magistrate and the demand of the commission, access
22 to this information. A magistrate may only issue an order for the
23 purposes of this subdivision if the magistrate has made the findings
24 required by subdivision (c).

25 (c) A telephone or telegraph corporation shall refuse telephone
26 service to a new subscriber and shall disconnect telephone service
27 of an existing subscriber under this section only after it is shown
28 that other available enforcement remedies of the commission have
29 failed to terminate unlawful activities detrimental to the public
30 welfare and safety, and upon receipt from the commission of a
31 writing, signed by a magistrate, as defined by Sections 807 and
32 808 of the Penal Code, finding that probable cause exists to believe
33 that the subscriber is advertising, or holding itself out to the public
34 to perform, taxicab transportation services without a permit of the
35 commission, or that the telephone service otherwise is being used
36 or is to be used as an instrumentality, directly or indirectly, to
37 violate or assist in violation of the laws requiring a taxicab carrier
38 to have a permit from the commission. Included in the writing of
39 the magistrate shall be a finding that there is probable cause to
40 believe that the applicable telephone facilities have been, or are

1 to be, used in the commission or facilitation of holding out to the
2 public to perform or in performing taxicab transportation services
3 in violation of this chapter and that, in the absence of immediate
4 and summary action, a danger to the public welfare and safety will
5 result.

6 (d) Any person aggrieved by any action taken pursuant to this
7 section shall have the right to file a complaint with the commission
8 and may include in the complaint a request for interim relief. The
9 commission shall schedule a public hearing on the complaint to
10 be held within 21 calendar days of the filing and assignment of a
11 docket number to the complaint. The remedy provided by this
12 section shall be exclusive. No other action at law or in equity shall
13 accrue against any telephone or telegraph corporation because of,
14 or as a result of, any matter or thing done or threatened to be done
15 pursuant to this section.

16 (e) At any hearing held on a complaint filed with the commission
17 pursuant to subdivision (d), the commission staff shall have the
18 right to participate, including the right to present evidence and
19 argument and to present and cross-examine witnesses. The
20 commission staff shall have both the burden of proving that the
21 use made or to be made of the telephone service is to hold out to
22 the public to perform, or to assist in performing, taxicab
23 transportation services, or that the telephone service is being or is
24 to be used as an instrumentality, directly or indirectly, to violate
25 or to assist in violation of the permitting requirements applicable
26 to taxicab carriers and that the character of the acts are such that,
27 absent immediate and summary action, a danger to public welfare
28 or safety will result, and the burden of persuading the commission
29 that the telephone services should be refused or should not be
30 restored.

31 (f) The telephone or telegraph corporation, immediately upon
32 refusal or disconnection of service in accordance with subdivision
33 (c), shall notify the subscriber in writing that the refusal or
34 disconnection of telephone service has been made pursuant to a
35 request of the commission and the writing of a magistrate, and
36 shall include with the notice a copy of this section, a copy of the
37 writing of the magistrate, and a statement that the customer or
38 subscriber may request information from the commission at its
39 San Francisco or Los Angeles office concerning any provision of
40 this section and the manner in which a complaint may be filed.

(g) The provisions of this section are an implied term of every contract for telephone service. The provisions of this section are a part of any application for telephone service. Applicants for, and subscribers and customers of, telephone service have, as a matter of law, consented to the provisions of this section as a consideration for the furnishing of the telephone service.

(h) As used in this section, the terms “person,” “customer,” and “subscriber” include a subscriber to telephone service, any person using the telephone service of a subscriber, an applicant for telephone service, a corporation, as defined in Section 204, a “person” as defined in Section 205, a limited liability company, a partnership, an association, and includes their lessees and assigns.

(i) (1) As used in this section, “telephone corporation” is defined as provided in Section 234.

(2) As used in this section, “telegraph corporation” is defined as provided in Section 236.

(j) As used in this section, “commission” includes the employees of the commission as provided in Section 5451.1, unless the context otherwise requires.

5453.12. In order to facilitate enforcement by peace officers of taxicab laws pursuant to this chapter and associated regulations adopted by the commission, both of the following shall apply:

(a) The commission shall adopt a general order containing its rules pertaining to taxicab carriers.

(b) Peace officers may enforce this chapter and the commission’s rules in the general order pertaining to taxicab carriers.

Article 4. Trade Dress

5454. A taxicab carrier subject to regulation under this chapter shall not operate a motor vehicle on a public highway unless there is displayed on the vehicle a distinctive identifying symbol in the form prescribed by the commission. The identifying symbol shall not be displayed on any vehicle until a permit under this chapter has been issued to the carrier.

5454.2. The commission shall assign both trade name and trade dress for taxicab transportation services. In doing so, the commission shall take into account taxicab carriers operating on ~~June 30, December 31, 2017~~, and shall minimize public confusion

1 to consumers of taxicab transportation services in awarding trade
2 name and trade dress.

3 5454.4. A taxicab carrier shall remove all markings required
4 by the commission from a motor vehicle when the motor vehicle
5 is permanently withdrawn from service as a taxicab.

6 5454.6. The commission shall award initial trade name and
7 trade dress as soon as practicable on or after ~~July 1, 2017~~ *January*
8 *1, 2018*. In doing so, the commission shall consider all of the
9 following:

10 (a) Historic trade name and trade dress granted to licensees by
11 cities, counties, cities and counties, or any subdivision thereof as
12 submitted to the commission pursuant to Section 5454.8.

13 (b) The geographic service boundaries of the provision of
14 taxicab services before ~~July 1, 2017~~ *January 1, 2018*.

15 (c) The cost to taxicab carriers of changing trade name or trade
16 dress in accordance with the commission's order.

17 5454.8. Any city or county, or any subdivision thereof, that
18 regulates or oversees the licensure of taxicab transportation services
19 within its jurisdiction on ~~June 30, December 31, 2017~~, shall
20 forward to the commission licensure information for each taxicab
21 transportation service licensee within its jurisdiction. This section
22 shall not apply to the taxicab transportation services exempted
23 from this chapter pursuant to Section 5451.3. The information
24 shall include, but need not be limited to, the following:

25 (a) The name of the licensee, including the approved "doing
26 business as" name granted to a licensee.

27 (b) Information related to trade dress or exterior markings
28 granted to each licensee within the jurisdiction.

29 (c) The geographical boundaries, if any, granted to a licensee
30 in the provision of taxicab transportation services.

31 (d) Any other information the commission may require to carry
32 out the purposes of this chapter.

33
34 Article 5. Insurance
35

36 5455. The commission, in granting a permit to a taxicab carrier
37 pursuant to this chapter, shall require the taxicab carrier to procure,
38 and to continue in effect during the life of the permit, insurance
39 against liability imposed by law upon the taxicab carrier for the
40 payment of damages for personal bodily injuries, including death

1 resulting therefrom, insurance against a total liability of the taxicab
2 carrier on account of bodily injuries to, or death of, more than one
3 person as a result of any one accident, and insurance against
4 damage or destruction of property. The insurance requirements
5 shall be satisfied through commercial liability insurance coverage
6 applicable 24 hours per day and seven days per week that is no
7 less than one hundred thousand dollars (\$100,000) for death and
8 personal injury per person, three hundred thousand dollars
9 (\$300,000) for death and personal injury per incident, and fifty
10 thousand dollars (\$50,000) for property damage. The commission
11 may require higher amounts of insurance coverage.

12 5455.2. The insurance coverage required under Section 5455
13 shall cover each motor vehicle used or to be used under a taxicab
14 carrier's permit. The policy of insurance shall be issued by a
15 company licensed to write insurance in this state, or by nonadmitted
16 insurers subject to Section 1763 of the Insurance Code, if the
17 policies meet the rules promulgated therefor by the commission.

18 5455.4. No entity holding a valid taxicab carrier permit issued
19 by the commission pursuant to this chapter shall be required by a
20 city, county, city and county, or any other local agency to provide
21 insurance in a manner different from that required by this article.

22 5455.8. The insurance policy shall be filed with the
23 commission. With the consent of the commission, a copy of an
24 insurance policy, certified by the company issuing it to be a true
25 copy of the original policy, or a photocopy thereof, or an electronic
26 copy thereof, or an abstract of the provisions of the policy, or a
27 certificate of insurance issued by the company issuing the policy,
28 may be filed with the commission in lieu of the original or a
29 duplicate or counterpart of the policy.

30 31 Article 6. Pricing and GPS Metering

32
33 5456. The commission shall not regulate the type of device
34 used by taxicab carriers to calculate fares, including the use of
35 global positioning system metering as a form of calculating fares.

36 5456.2. The commission shall adopt rules requiring taxicab
37 carriers to disclose fares, fees, or rates to the customer before the
38 customer accepts the ride so that the customer can make a
39 knowledgeable decision. Any rules shall allow a taxicab carrier to

1 disclose fares, fees, or rates on its Internet Web site or cellular
2 telephone application.

3
4 Article 7. Taxicab Drivers
5

6 5457. While providing taxicab transportation services, a taxicab
7 driver shall have in his or her immediate possession, and shall
8 present, upon request, to a law enforcement officer, a representative
9 of the commission, or a customer, all of the following:

10 (a) Evidence of, at a minimum, a valid Class C California
11 driver's license.

12 (b) A valid permit issued by the commission to a taxicab carrier.

13 (c) Evidence of the taxicab carrier's liability insurance in
14 compliance with Article 5 (commencing with Section 5455).

15 5457.2. A taxicab driver shall not drive a taxicab while his or
16 her driver's license is expired, suspended, or revoked.

17 5457.4. (a) A taxicab carrier shall do all of the following:

18 (1) Participate in a pull-notice system pursuant to Section 1808.1
19 of the Vehicle Code to regularly check the driving records of all
20 taxicab drivers employed or contracted by the carrier.

21 (2) Provide for a mandatory controlled substance and alcohol
22 testing certification program for taxicab drivers employed or
23 contracted by the carrier, as required by the commission. The
24 program shall not be more strict than the program adopted by the
25 commission pursuant to Section 1032.1 for transportation network
26 company drivers.

27 (3) Ensure that a taxicab driver employed or contracted by the
28 carrier meets all of the following requirements:

29 (A) Is a minimum of 18 years of age.

30 (B) ~~Possesses~~ *Possesses, at a minimum,* a valid Class C
31 California driver's license.

32 (C) Is not afflicted with either a physical or mental incapacity
33 that would preclude the individual from safely operating a taxicab
34 and performing the duties normally associated with the profession.

35 ~~(D) Passes a background check through the Department of~~
36 ~~Justice's live scan system. The Department of Justice, with respect~~
37 ~~to each background check for a potential taxicab driver submitted~~
38 ~~by a taxicab carrier, shall provide the results of the background~~
39 ~~check to the commission, and the commission shall notify the~~

1 ~~taxicab carrier as to whether the person is eligible to be employed~~
2 ~~or contracted as a taxicab driver.~~

3 (4) Provide each taxicab driver employed or contracted by the
4 taxicab carrier with documentation necessary for the driver to
5 comply with subdivisions (b) and (c) of Section 5457.

6 (b) A taxicab carrier may require a taxicab driver to submit a
7 medical report and obtain a valid medical certificate if the carrier
8 believes that the driver has a physical or mental affliction.

9 (c) Taxicab drivers hired or contracted by a taxicab carrier on
10 or after ~~July 1, 2017, January 1, 2018,~~ shall be subject to
11 mandatory drug and alcohol testing prior to employment or
12 contracting. Drivers hired or contracted by a taxicab carrier before
13 ~~July 1, 2017, January 1, 2018,~~ shall complete a drug and alcohol
14 test before ~~July 1, 2018: January 1, 2019.~~

15 5457.6. (a) A taxicab carrier regulated pursuant to this chapter
16 shall not employ, or contract with, any of the following persons
17 as a taxicab driver:

18 (1) A person convicted, during the preceding seven years, of
19 any offense relating to the use, sale, possession, or transportation
20 of narcotics, controlled substances, or addictive or dangerous drugs,
21 or of any act involving force, violence, threat, or intimidation
22 against persons, or of any sexual offense, or of any act involving
23 moral turpitude, including fraud or intentional dishonesty for
24 personal gain, or of any felony offense, or of any offense involving
25 the possession of a firearm or dangerous weapon, or of any offense
26 involving the solicitation or agreement to engage in or engagement
27 in any act of prostitution, or of any act of resisting, delaying, or
28 obstructing a peace officer, public officer, or emergency medical
29 technician, or of theft in either degree. For the purposes of this
30 paragraph, a subsequent change of plea or vacation of verdict and
31 dismissal of charges pursuant to Section 1203.4 of the Penal Code
32 does not release the applicant from the penalties and disabilities
33 resulting from the offense of which he or she has been convicted.

34 (2) A person required to register as a sex offender under Section
35 290 of the Penal Code or a person convicted of a felony involving
36 any type of sexual offense; the manufacture, possession for sale,
37 transportation, or distribution of narcotics, controlled substances,
38 or addictive or dangerous drugs; force, violence, threat, or
39 intimidation against persons; kidnaping; forgery, fraud, larceny,
40 extortion, burglary, robbery, or theft; credit card fraud; possession

1 of a firearm or dangerous weapon; resisting or obstructing a peace
2 officer, public officer, or emergency medical technician; or use of
3 a vehicle for hire in the commission of a felony.

4 (3) A person convicted of any violation of Section 20001, 20003,
5 20004, 23104, or 23153 of the Vehicle Code.

6 (b) For purposes of subdivision (a), out-of-state convictions for
7 equivalent violations shall be given the same effect as in-state
8 convictions.

9
10 Article 8. Vehicle Inspection

11
12 5458. Upon initial placement into service and annually
13 thereafter, a taxicab carrier shall have each vehicle inspected at a
14 facility licensed by the Bureau of Automotive Repair, and shall
15 maintain complete documentation of each inspection. The
16 inspection shall cover all of the following components, and each
17 component shall, at a minimum, be in satisfactory condition before
18 a vehicle may be used in providing taxicab transportation services:

- 19 (a) Foot brakes.
- 20 (b) Emergency brakes.
- 21 (c) Steering mechanism.
- 22 (d) Windshield.
- 23 (e) Rear window and other glass.
- 24 (f) Windshield wipers.
- 25 (g) Headlights.
- 26 (h) Tail lights.
- 27 (i) Turn indicator lights.
- 28 (j) Stop lights.
- 29 (k) Front seat adjustment mechanism.
- 30 (l) Doors, including opening, closing, and locking.
- 31 (m) Horn.
- 32 (n) Speedometer.
- 33 (o) Bumpers.
- 34 (p) Muffler and exhaust system.
- 35 (q) Tires.
- 36 (r) Interior and exterior rear-view mirrors.
- 37 (s) Safety belts for the driver and passengers.

Article 9. Local Agencies and Airports

5459. (a) Except as otherwise specifically provided in this article, in Section 5451.3, and in Section 53075.5 of the Government Code, and notwithstanding any other provision of law, this chapter constitutes the exclusive regulation of taxicab carriers and taxicab transportation services in this state. In that regard, a local agency may not otherwise require a license, or otherwise impose a tax or fee, for the conduct of taxicab transportation services subject to regulation under this chapter.

(b) Nothing in this chapter shall be construed to prevent a local agency from designating taxicab stands on public highways under its jurisdiction pursuant to Section 21112 of the Vehicle Code for use by taxicabs, or from designating other locations for taxicabs to stop pursuant to Section 22500 of the Vehicle Code.

(c) Nothing in this chapter shall be construed to prevent the governing body of an airport from adopting and enforcing reasonable and nondiscriminatory local airport rules, regulations, and ordinances pertaining to access, use of highways, parking, traffic control, passenger transfers and occupancy, passenger solicitation practices, and the use of buildings and facilities, that are applicable to taxicab carriers operating on airport property. In that regard, the governing body of an airport may require a taxicab carrier to obtain an airport permit in order to operate taxicab transportation services to or from the airport.

(d) Nothing in this chapter shall be construed to prohibit any agreement entered into between a taxicab carrier and the governing board of an airport pursuant to Article 4.5 (commencing with Section 21690.5) of Chapter 4 of Part 1 of Division 9.

Article 10. Violations

5460. Every taxicab carrier and every officer, director, agent, employee, or contractor of any taxicab carrier who violates or fails to comply with, or who procures, aids, or abets any violation of, any provision of this chapter, or who fails to obey, observe, or comply with any order, decision, rule, regulation, direction, demand, or requirement of the commission, or with any permit issued under this chapter, or who procures, aids, or abets any taxicab carrier in its failure to comply with the order, decision,

1 rule, regulation, direction, demand, requirement, or permit, is guilty
2 of a misdemeanor and is punishable by a fine of not less than one
3 thousand dollars (\$1,000) and not more than five thousand dollars
4 (\$5,000) or by imprisonment in a county jail for not more than
5 three months, or by both that fine and imprisonment.

6 5460.2. Every person other than a taxicab carrier who
7 knowingly and willfully, either individually, or acting as an officer,
8 agent, or employee of a person other than a taxicab carrier, who
9 violates any provision of this chapter, or who fails to obey, observe,
10 or comply with any order, decision, rule, regulation, direction,
11 demand, or requirement of the commission, or who procures, aids,
12 or abets any taxicab carrier in its violation of this chapter, or in its
13 failure to obey, observe, or comply with any order, decision, rule,
14 regulation, direction, demand, or requirement, is guilty of a
15 misdemeanor and is punishable by a fine of not less than one
16 thousand dollars (\$1,000) and not more than five thousand dollars
17 (\$5,000) or by imprisonment in a county jail for not more than
18 three months, or by both that fine and imprisonment.

19 5460.4. Every taxicab carrier and every officer, director, agent,
20 employee, or contractor of any taxicab carrier who violates or fails
21 to comply with, or who procures, aids, or abets any violation by
22 any taxicab carrier of, any provision of this chapter, or who fails
23 to obey, observe, or comply with any order, decision, rule,
24 regulation, direction, demand, or requirement of the commission,
25 or with any permit issued under this chapter, or who procures,
26 aids, or abets any taxicab carrier in its failure to comply with the
27 order, decision, rule, regulation, direction, demand, requirement,
28 or permit, is subject to a civil penalty of not more than two
29 thousand dollars (\$2,000) for each offense.

30 5460.6. Every person other than a taxicab carrier who
31 knowingly and willfully, either individually, or acting as an officer,
32 agent, or employee of a person other than a taxicab carrier, who
33 violates any provision of this chapter, or who fails to obey, observe,
34 or comply with any order, decision, rule, regulation, direction,
35 demand, or requirement of the commission, or who procures, aids,
36 or abets any taxicab carrier in its violation of this chapter, or in its
37 failure to obey, observe, or comply with any order, decision, rule,
38 regulation, direction, demand, or requirement, is subject to a civil
39 penalty of not more than two thousand dollars (\$2,000) for each
40 offense.

1 5460.8. Every person who drives a taxicab in conjunction with
2 providing taxicab transportation services subject to regulation
3 under this chapter and who is in violation of Section 5457 or 5457.2
4 is guilty of a misdemeanor and is punishable by a fine of not less
5 than one thousand dollars (\$1,000) and not more than five thousand
6 dollars (\$5,000) or by imprisonment in a county jail for not more
7 than six months, or by both that fine and imprisonment.

8 5460.10. Every violation of this chapter or of any order,
9 decision, rule, regulation, direction, demand, or requirement of
10 the commission by any person is a separate and distinct offense
11 and, in case of a continuing violation, each day's continuance
12 thereof is a separate and distinct offense.

13 5460.12. (a) Whenever a peace officer, as defined in Chapter
14 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal
15 Code, arrests a person for the operation of a taxicab without a valid
16 taxicab carrier permit, the peace officer may impound and retain
17 possession of the vehicle.

18 (b) If the vehicle is seized from a person who is not the owner
19 of the vehicle, the impounding authority shall immediately give
20 notice to the owner by first-class mail.

21 (c) The vehicle shall immediately be returned to the owner if
22 the violation is not prosecuted or is dismissed, the owner is found
23 not guilty of the offense, or it is determined that the vehicle was
24 used in violation of Section 5460.8 without the knowledge and
25 consent of the owner. The vehicle shall be returned to the owner
26 upon payment of any fine ordered by the court. If the vehicle is
27 seized due to a violation of a person other than the owner of the
28 vehicle, the vehicle shall be returned to the owner after all
29 impoundment fees are paid. After the expiration of six weeks from
30 the final disposition of the criminal case, unless the owner is in
31 the process of making payments to the court, the impounding
32 authority may deal with the vehicle as lost or abandoned property
33 under Section 1411 of the Penal Code.

34 (d) At any time, a person may make a motion in superior court
35 for the immediate return of the vehicle on the ground that there
36 was no probable cause to seize it or that there is some other good
37 cause, as determined by the court, for the return of the vehicle. A
38 proceeding under this section is a limited civil case.

39 5460.14. When a person is convicted of the offense of operating
40 a taxicab without a valid taxicab carrier permit, in addition to any

1 other penalties provided by law, if the court determines the person
2 has the ability to pay, the court shall impose a mandatory fine not
3 exceeding two thousand five hundred dollars (\$2,500) for a first
4 conviction or five thousand dollars (\$5,000) for a subsequent
5 conviction.

6 5460.16. Whenever the commission, after hearing, finds that
7 any entity is operating as a taxicab carrier without a valid permit
8 in violation of this chapter, the commission may impose a fine of
9 not more than five thousand dollars (\$5,000) for each violation.
10 The commission may assess the entity an amount sufficient to
11 cover the reasonable expense of investigation incurred by the
12 commission. The commission may assess interest on any fine or
13 assessment imposed, to commence on the day the payment of the
14 fine or assessment becomes delinquent. All fines, assessments,
15 and interest collected shall be deposited at least once each month
16 in the General Fund.

17 SEC. 20. Section 120269 of the Public Utilities Code is
18 amended to read:

19 120269. (a) If the board licenses or regulates any transportation
20 service, pursuant to Section 120266, or any passenger jitney
21 service, pursuant to Section 120267, and the licensed or regulated
22 service employs, or contracts with, any driver who (1) is not
23 required to be tested for controlled substances and alcohol pursuant
24 to Part 382 (commencing with Section 382.101) of Title 49 of the
25 Code of Federal Regulations, paragraph (3) of subdivision (b) of
26 Section 53075.5 of the Government Code, Section 1032.1 of this
27 code, or Section 34520 of the Vehicle Code, and (2) is not
28 exempted under Section 34520 of the Vehicle Code, the board
29 shall adopt, by ordinance or resolution, a mandatory controlled
30 substance and alcohol testing certification program for those
31 drivers.

32 (b) The program adopted pursuant to subdivision (a) shall meet
33 substantially the requirements set forth in paragraph (3) of
34 subdivision (b) of Section 53075.5 of the Government Code.

35 (c) Evidence derived from a positive test result collected
36 pursuant to the program adopted under subdivision (a) shall not
37 be admissible in a criminal prosecution concerning unlawful
38 possession, sale, or distribution of controlled substances.

39 ~~(d) This section shall become inoperative on July 1, 2017, and,~~
40 ~~as of January 1, 2018, is repealed, unless a later enacted statute,~~

~~that becomes operative on or before January 1, 2018, deletes or extends the dates on which it becomes inoperative and is repealed.~~

(d) This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.

SEC. 21. Section 120269 is added to the Public Utilities Code, to read:

120269. (a) If the board licenses or regulates any transportation service, pursuant to Section 120266, or any passenger jitney service, pursuant to Section 120267, and the licensed or regulated service employs, or contracts with, any driver who (1) is not required to be tested for controlled substances and alcohol pursuant to Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations, Section 1032.1 or 5457.4 of this code, or Section 34520 of the Vehicle Code and (2) is not exempted under Section 34520 of the Vehicle Code, the board shall adopt, by ordinance or resolution, a mandatory controlled substance and alcohol testing certification program for those drivers.

(b) The program adopted pursuant to subdivision (a) shall meet substantially the requirements set forth in paragraph (3) of subdivision (b) of Section 53075.5 of the Government Code, as that paragraph read on ~~June 30, 2017~~: *December 31, 2017*.

(c) Evidence derived from a positive test result collected pursuant to the program adopted under subdivision (a) shall not be admissible in a criminal prosecution concerning unlawful possession, sale, or distribution of controlled substances.

(d) This section shall become operative on ~~July 1, 2017~~: *January 1, 2018*.

SEC. 22. Section 1808.1 of the Vehicle Code is amended to read:

1808.1. (a) The prospective employer of a driver who drives a vehicle specified in subdivision (k) shall obtain a report showing the driver's current public record as recorded by the department. For purposes of this subdivision, a report is current if it was issued less than 30 days prior to the date the employer employs the driver. The report shall be reviewed, signed, and dated by the employer and maintained at the employer's place of business until receipt of the pull-notice system report pursuant to subdivisions (b) and (c). These reports shall be presented upon request to an authorized

1 representative of the Department of the California Highway Patrol
2 during regular business hours.

3 (b) The employer of a driver who drives a vehicle specified in
4 subdivision (k) shall participate in a pull-notice system, which is
5 a process for the purpose of providing the employer with a report
6 showing the driver's current public record as recorded by the
7 department, and any subsequent convictions, failures to appear,
8 accidents, driver's license suspensions, driver's license revocations,
9 or any other actions taken against the driving privilege or
10 certificate, added to the driver's record while the employer's
11 notification request remains valid and uncanceled. As used in this
12 section, participation in the pull-notice system means obtaining a
13 requester code and enrolling all employed drivers who drive a
14 vehicle specified in subdivision (k) under that requester code.

15 (c) The employer of a driver of a vehicle specified in subdivision
16 (k) shall, additionally, obtain a periodic report from the department
17 at least every 12 months. The employer shall verify that each
18 employee's driver's license has not been suspended or revoked,
19 the employee's traffic violation point count, and whether the
20 employee has been convicted of a violation of Section 23152 or
21 23153. The report shall be signed and dated by the employer and
22 maintained at the employer's principal place of business. The
23 report shall be presented upon demand to an authorized
24 representative of the Department of the California Highway Patrol
25 during regular business hours.

26 (d) Upon the termination of a driver's employment, the employer
27 shall notify the department to discontinue the driver's enrollment
28 in the pull-notice system.

29 (e) For the purposes of the pull-notice system and periodic report
30 process required by subdivisions (b) and (c), an owner, other than
31 an owner-operator as defined in Section 34624, and an employer
32 who drives a vehicle described in subdivision (k) shall be enrolled
33 as if he or she were an employee. A family member and a volunteer
34 driver who drives a vehicle described in subdivision (k) shall also
35 be enrolled as if he or she were an employee.

36 (f) An employer who, after receiving a driving record pursuant
37 to this section, employs or continues to employ as a driver a person
38 against whom a disqualifying action has been taken regarding his
39 or her driving privilege or required driver's certificate, is guilty of
40 a public offense, and upon conviction thereof, shall be punished

1 by confinement in a county jail for not more than six months, by
2 a fine of not more than one thousand dollars (\$1,000), or by both
3 that confinement and fine.

4 (g) As part of its inspection of bus maintenance facilities and
5 terminals required at least once every 13 months pursuant to
6 subdivision (c) of Section 34501, the Department of the California
7 Highway Patrol shall determine whether each transit operator, as
8 defined in Section 99210 of the Public Utilities Code, is then in
9 compliance with this section and Section 12804.6, and shall certify
10 each operator found to be in compliance. Funds shall not be
11 allocated pursuant to Chapter 4 (commencing with Section 99200)
12 of Part 11 of Division 10 of the Public Utilities Code to a transit
13 operator that the Department of the California Highway Patrol has
14 not certified pursuant to this section.

15 (h) (1) A request to participate in the pull-notice system
16 established by this section shall be accompanied by a fee
17 determined by the department to be sufficient to defray the entire
18 actual cost to the department for the notification service. For the
19 receipt of subsequent reports, the employer shall also be charged
20 a fee established by the department pursuant to Section 1811. An
21 employer who qualifies pursuant to Section 1812 shall be exempt
22 from any fee required pursuant to this section. Failure to pay the
23 fee shall result in automatic cancellation of the employer's
24 participation in the notification services.

25 (2) A regularly organized fire department, having official
26 recognition of the city, county, city and county, or district in which
27 the department is located, shall participate in the pull-notice
28 program and shall not be subject to the fee established pursuant
29 to this subdivision.

30 (3) The Board of Pilot Commissioners for Monterey Bay and
31 the Bays of San Francisco, San Pablo, and Suisun, and its port
32 agent shall participate in the pull-notice system established by this
33 section, subject to Section 1178.5 of the Harbors and Navigation
34 Code, and shall not be subject to the fees established pursuant to
35 this subdivision.

36 (i) The department, as soon as feasible, may establish an
37 automatic procedure to provide the periodic reports to an employer
38 by mail or via an electronic delivery method, as required by
39 subdivision (c), on a regular basis without the need for individual
40 requests.

1 (j) (1) The employer of a driver who is employed as a casual
2 driver is not required to enter that driver's name in the pull-notice
3 system, as otherwise required by subdivision (a). However, the
4 employer of a casual driver shall be in possession of a report of
5 the driver's current public record as recorded by the department,
6 prior to allowing a casual driver to drive a vehicle specified in
7 subdivision (k). A report is current if it was issued less than six
8 months prior to the date the employer employs the driver.

9 (2) For the purposes of this subdivision, a driver is employed
10 as a casual driver when the employer has employed the driver less
11 than 30 days during the preceding six months. "Casual driver"
12 does not include a driver who operates a vehicle that requires a
13 passenger transportation endorsement.

14 (k) This section applies to a vehicle for the operation of which
15 the driver is required to have a class A or class B driver's license,
16 a class C license with any endorsement issued pursuant to Section
17 15278, a class C license issued pursuant to Section 12814.7, or a
18 certificate issued pursuant to Section 12517, 12519, 12520, 12523,
19 12523.5, or 12527, or a passenger vehicle having a seating capacity
20 of not more than 10 persons, including the driver, operated for
21 compensation by a charter-party carrier of passengers or passenger
22 stage corporation pursuant to a certificate of public convenience
23 and necessity or a permit issued by the Public Utilities
24 Commission.

25 (l) This section shall not be construed to change the definition
26 of "employer," "employee," or "independent contractor" for any
27 purpose.

28 (m) A motor carrier who contracts with a person to drive a
29 vehicle described in subdivision (k) that is owned by, or leased to,
30 that motor carrier, shall be subject to subdivisions (a), (b), (c), (d),
31 (f), (j), (k), and (l) and the employer obligations in those
32 subdivisions.

33 (n) Reports issued pursuant to this section, but only those for a
34 driver of a taxicab engaged in transportation services as described
35 in subdivision (a) of Section 53075.5 of the Government Code,
36 shall be presented upon request, during regular business hours, to
37 an authorized representative of the administrative agency
38 responsible for issuing permits to taxicab transportation services
39 pursuant to Section 53075.5 of the Government Code.

~~(e) This section shall become inoperative on July 1, 2017, and, as of January 1, 2018, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2018, deletes or extends the dates on which it becomes inoperative and is repealed.~~

(o) This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.

SEC. 23. Section 1808.1 is added to the Vehicle Code, to read:

1808.1. (a) The prospective employer of a driver who drives a vehicle specified in subdivision (k) shall obtain a report showing the driver's current public record as recorded by the department. For purposes of this subdivision, a report is current if it was issued less than 30 days prior to the date the employer employs the driver. The report shall be reviewed, signed, and dated by the employer and maintained at the employer's place of business until receipt of the pull-notice system report pursuant to subdivisions (b) and (c). These reports shall be presented upon request to an authorized representative of the Department of the California Highway Patrol during regular business hours.

(b) The employer of a driver who drives a vehicle specified in subdivision (k) shall participate in a pull-notice system, which is a process for the purpose of providing the employer with a report showing the driver's current public record as recorded by the department, and any subsequent convictions, failures to appear, accidents, driver's license suspensions, driver's license revocations, or any other actions taken against the driving privilege or certificate, added to the driver's record while the employer's notification request remains valid and uncanceled. As used in this section, participation in the pull-notice system means obtaining a requester code and enrolling all employed drivers who drive a vehicle specified in subdivision (k) under that requester code.

(c) The employer of a driver of a vehicle specified in subdivision (k) shall, additionally, obtain a periodic report from the department at least every 12 months. The employer shall verify that each employee's driver's license has not been suspended or revoked, the employee's traffic violation point count, and whether the employee has been convicted of a violation of Section 23152 or 23153. The report shall be signed and dated by the employer and maintained at the employer's principal place of business. The report shall be presented upon demand to an authorized

1 representative of the Department of the California Highway Patrol
2 during regular business hours.

3 (d) Upon the termination of a driver's employment, the employer
4 shall notify the department to discontinue the driver's enrollment
5 in the pull-notice system.

6 (e) For the purposes of the pull-notice system and periodic report
7 process required by subdivisions (b) and (c), an owner, other than
8 an owner-operator as defined in Section 34624, and an employer
9 who drives a vehicle described in subdivision (k) shall be enrolled
10 as if he or she were an employee. A family member and a volunteer
11 driver who drives a vehicle described in subdivision (k) shall also
12 be enrolled as if he or she were an employee.

13 (f) An employer who, after receiving a driving record pursuant
14 to this section, employs or continues to employ as a driver a person
15 against whom a disqualifying action has been taken regarding his
16 or her driving privilege or required driver's certificate, is guilty of
17 a public offense, and upon conviction thereof, shall be punished
18 by confinement in a county jail for not more than six months, by
19 a fine of not more than one thousand dollars (\$1,000), or by both
20 that confinement and fine.

21 (g) As part of its inspection of bus maintenance facilities and
22 terminals required at least once every 13 months pursuant to
23 subdivision (c) of Section 34501, the Department of the California
24 Highway Patrol shall determine whether each transit operator, as
25 defined in Section 99210 of the Public Utilities Code, is then in
26 compliance with this section and Section 12804.6, and shall certify
27 each operator found to be in compliance. Funds shall not be
28 allocated pursuant to Chapter 4 (commencing with Section 99200)
29 of Part 11 of Division 10 of the Public Utilities Code to a transit
30 operator that the Department of the California Highway Patrol has
31 not certified pursuant to this section.

32 (h) (1) A request to participate in the pull-notice system
33 established by this section shall be accompanied by a fee
34 determined by the department to be sufficient to defray the entire
35 actual cost to the department for the notification service. For the
36 receipt of subsequent reports, the employer shall also be charged
37 a fee established by the department pursuant to Section 1811. An
38 employer who qualifies pursuant to Section 1812 shall be exempt
39 from any fee required pursuant to this section. Failure to pay the

1 fee shall result in automatic cancellation of the employer's
2 participation in the notification services.

3 (2) A regularly organized fire department, having official
4 recognition of the city, county, city and county, or district in which
5 the department is located, shall participate in the pull-notice
6 program and shall not be subject to the fee established pursuant
7 to this subdivision.

8 (3) The Board of Pilot Commissioners for Monterey Bay and
9 the Bays of San Francisco, San Pablo, and Suisun, and its port
10 agent shall participate in the pull-notice system established by this
11 section, subject to Section 1178.5 of the Harbors and Navigation
12 Code, and shall not be subject to the fees established pursuant to
13 this subdivision.

14 (i) The department, as soon as feasible, may establish an
15 automatic procedure to provide the periodic reports to an employer
16 by mail or via an electronic delivery method, as required by
17 subdivision (c), on a regular basis without the need for individual
18 requests.

19 (j) (1) The employer of a driver who is employed as a casual
20 driver is not required to enter that driver's name in the pull-notice
21 system, as otherwise required by subdivision (a). However, the
22 employer of a casual driver shall be in possession of a report of
23 the driver's current public record as recorded by the department,
24 prior to allowing a casual driver to drive a vehicle specified in
25 subdivision (k). A report is current if it was issued less than six
26 months prior to the date the employer employs the driver.

27 (2) For the purposes of this subdivision, a driver is employed
28 as a casual driver when the employer has employed the driver less
29 than 30 days during the preceding six months. "Casual driver"
30 does not include a driver who operates a vehicle that requires a
31 passenger transportation endorsement.

32 (k) This section applies to a vehicle for the operation of which
33 the driver is required to have a class A or class B driver's license,
34 a class C driver's license with any endorsement issued pursuant
35 to Section 15278, a class C driver's license issued pursuant to
36 Section 12814.7, a certificate issued pursuant to Section 12517,
37 12519, 12520, 12523, 12523.5, or 12527, a passenger vehicle
38 having a seating capacity of not more than 10 persons, including
39 the driver, operated for compensation by a charter-party carrier of
40 passengers or passenger stage corporation pursuant to a certificate

1 of public convenience and necessity or a permit issued by the
2 Public Utilities Commission, or a taxicab as defined in subdivision
3 (b) of Section 27908.

4 (l) This section shall not be construed to change the definition
5 of “employer,” “employee,” or “independent contractor” for any
6 purpose.

7 (m) A motor carrier who contracts with a person to drive a
8 vehicle described in subdivision (k) that is owned by, or leased to,
9 that motor carrier, shall be subject to subdivisions (a), (b), (c), (d),
10 (f), (j), (k), and (l) and the employer obligations in those
11 subdivisions.

12 (n) This section shall become operative on ~~July 1, 2017~~. *January*
13 *1, 2018*.

14 SEC. 24. Section 12523.6 of the Vehicle Code is amended to
15 read:

16 12523.6. (a) (1) On and after March 1, 1998, no person who
17 is employed primarily as a driver of a motor vehicle that is used
18 for the transportation of persons with developmental disabilities,
19 as defined in subdivision (a) of Section 4512 of the Welfare and
20 Institutions Code, shall operate that motor vehicle unless that
21 person has in his or her possession a valid driver’s license of the
22 appropriate class and a valid special driver certificate issued by
23 the department.

24 (2) This subdivision only applies to a person who is employed
25 by a business, a nonprofit organization, or a state or local public
26 agency.

27 (b) The special driver certificate shall be issued only to an
28 applicant who has cleared a criminal history background check by
29 the Department of Justice and, if applicable, by the Federal Bureau
30 of Investigation.

31 (1) In order to determine the applicant’s suitability as the driver
32 of a vehicle used for the transportation of persons with
33 developmental disabilities, the Department of the California
34 Highway Patrol shall require the applicant to furnish to that
35 department, on a form provided or approved by that department
36 for submission to the Department of Justice, a full set of
37 fingerprints sufficient to enable a criminal background
38 investigation.

39 (2) Except as provided in paragraph (3), an applicant shall
40 furnish to the Department of the California Highway Patrol

1 evidence of having resided in this state for seven consecutive years
2 immediately prior to the date of application for the certificate.

3 (3) If an applicant is unable to furnish the evidence required
4 under paragraph (2), the Department of the California Highway
5 Patrol shall require the applicant to furnish an additional full set
6 of fingerprints. That department shall submit those fingerprint
7 cards to the Department of Justice. The Department of Justice
8 shall, in turn, submit the additional full set of fingerprints required
9 under this paragraph to the Federal Bureau of Investigation for a
10 national criminal history record check.

11 (4) Applicant fingerprint forms shall be processed and returned
12 to the area office of the Department of the California Highway
13 Patrol from which they originated not later than 15 working days
14 from the date on which the fingerprint forms were received by the
15 Department of Justice, unless circumstances, other than the
16 administrative duties of the Department of Justice, warrant further
17 investigation. Upon implementation of an electronic fingerprinting
18 system with terminals located statewide and managed by the
19 Department of Justice, the Department of Justice shall ascertain
20 the information required pursuant to this subdivision within three
21 working days.

22 (5) The applicant shall pay, in addition to the fees authorized
23 in Section 2427, a fee of twenty-five dollars (\$25) for an original
24 certificate and twelve dollars (\$12) for the renewal of that
25 certificate to the Department of the California Highway Patrol.

26 (c) A certificate issued under this section shall not be deemed
27 a certification to operate a particular vehicle that otherwise requires
28 a driver's license or endorsement for a particular class under this
29 code.

30 (d) On or after March 1, 1998, no person who operates a
31 business or a nonprofit organization or agency shall employ a
32 person who is employed primarily as a driver of a motor vehicle
33 for hire that is used for the transportation of persons with
34 developmental disabilities unless the employed person operates
35 the motor vehicle in compliance with subdivision (a).

36 (e) Nothing in this section precludes an employer of persons
37 who are occasionally used as drivers of motor vehicles for the
38 transportation of persons with developmental disabilities from
39 requiring those persons, as a condition of employment, to obtain

1 a special driver certificate pursuant to this section or precludes any
2 volunteer driver from applying for a special driver certificate.

3 (f) As used in this section, a person is employed primarily as
4 driver if that person performs at least 50 percent of his or her time
5 worked including, but not limited to, time spent assisting persons
6 onto and out of the vehicle, or at least 20 hours a week, whichever
7 is less, as a compensated driver of a motor vehicle for hire for the
8 transportation of persons with developmental disabilities.

9 (g) This section does not apply to any person who has
10 successfully completed a background investigation prescribed by
11 law, including, but not limited to, health care transport vehicle
12 operators, or to the operator of a taxicab regulated pursuant to
13 Section 21100. This section does not apply to a person who holds
14 a valid certificate, other than a farm labor vehicle driver certificate,
15 issued under Section 12517.4 or 12527. This section does not apply
16 to a driver who provides transportation on a noncommercial basis
17 to persons with developmental disabilities.

18 ~~(h) This section shall become inoperative on July 1, 2017, and,~~
19 ~~as of January 1, 2018, is repealed, unless a later enacted statute,~~
20 ~~that becomes operative on or before January 1, 2018, deletes or~~
21 ~~extends the dates on which it becomes inoperative and is repealed.~~

22 *(h) This section shall remain in effect only until January 1, 2018,*
23 *and as of that date is repealed, unless a later enacted statute, that*
24 *is enacted before January 1, 2018, deletes or extends that date.*

25 SEC. 25. Section 12523.6 is added to the Vehicle Code, to
26 read:

27 12523.6. (a) (1) On and after March 1, 1998, no person who
28 is employed primarily as a driver of a motor vehicle that is used
29 for the transportation of persons with developmental disabilities,
30 as defined in subdivision (a) of Section 4512 of the Welfare and
31 Institutions Code, shall operate that motor vehicle unless that
32 person has in his or her possession a valid driver's license of the
33 appropriate class and a valid special driver certificate issued by
34 the department.

35 (2) This subdivision only applies to a person who is employed
36 by a business, a nonprofit organization, or a state or local public
37 agency.

38 (b) The special driver certificate shall be issued only to an
39 applicant who has cleared a criminal history background check by

1 the Department of Justice and, if applicable, by the Federal Bureau
2 of Investigation.

3 (1) In order to determine the applicant's suitability as the driver
4 of a vehicle used for the transportation of persons with
5 developmental disabilities, the Department of the California
6 Highway Patrol shall require the applicant to furnish to that
7 department, on a form provided or approved by that department
8 for submission to the Department of Justice, a full set of
9 fingerprints sufficient to enable a criminal background
10 investigation.

11 (2) Except as provided in paragraph (3), an applicant shall
12 furnish to the Department of the California Highway Patrol
13 evidence of having resided in this state for seven consecutive years
14 immediately prior to the date of application for the certificate.

15 (3) If an applicant is unable to furnish the evidence required
16 under paragraph (2), the Department of the California Highway
17 Patrol shall require the applicant to furnish an additional full set
18 of fingerprints. That department shall submit those fingerprint
19 cards to the Department of Justice. The Department of Justice
20 shall, in turn, submit the additional full set of fingerprints required
21 under this paragraph to the Federal Bureau of Investigation for a
22 national criminal history record check.

23 (4) Applicant fingerprint forms shall be processed and returned
24 to the area office of the Department of the California Highway
25 Patrol from which they originated not later than 15 working days
26 from the date on which the fingerprint forms were received by the
27 Department of Justice, unless circumstances, other than the
28 administrative duties of the Department of Justice, warrant further
29 investigation. Upon implementation of an electronic fingerprinting
30 system with terminals located statewide and managed by the
31 Department of Justice, the Department of Justice shall ascertain
32 the information required pursuant to this subdivision within three
33 working days.

34 (5) The applicant shall pay, in addition to the fees authorized
35 in Section 2427, a fee of twenty-five dollars (\$25) for an original
36 certificate and twelve dollars (\$12) for the renewal of that
37 certificate to the Department of the California Highway Patrol.

38 (c) A certificate issued under this section shall not be deemed
39 a certification to operate a particular vehicle that otherwise requires

1 a driver's license or endorsement for a particular class under this
2 code.

3 (d) On or after March 1, 1998, no person who operates a
4 business or a nonprofit organization or agency shall employ a
5 person who is employed primarily as a driver of a motor vehicle
6 for hire that is used for the transportation of persons with
7 developmental disabilities unless the employed person operates
8 the motor vehicle in compliance with subdivision (a).

9 (e) Nothing in this section precludes an employer of persons
10 who are occasionally used as drivers of motor vehicles for the
11 transportation of persons with developmental disabilities from
12 requiring those persons, as a condition of employment, to obtain
13 a special driver certificate pursuant to this section or precludes any
14 volunteer driver from applying for a special driver certificate.

15 (f) As used in this section, a person is employed primarily as
16 driver if that person performs at least 50 percent of his or her time
17 worked including, but not limited to, time spent assisting persons
18 onto and out of the vehicle, or at least 20 hours a week, whichever
19 is less, as a compensated driver of a motor vehicle for hire for the
20 transportation of persons with developmental disabilities.

21 (g) This section does not apply to any person who has
22 successfully completed a background investigation prescribed by
23 law, including, but not limited to, health care transport vehicle
24 operators, or to the operator of a taxicab regulated pursuant to
25 Chapter 8.5 (commencing with Section 5451) of Division 2 of the
26 Public Utilities Code. This section does not apply to a person who
27 holds a valid certificate, other than a farm labor vehicle driver
28 certificate, issued under Section 12517.4 or 12527. This section
29 does not apply to a driver who provides transportation on a
30 noncommercial basis to persons with developmental disabilities.

31 (h) This section shall become operative on ~~July 1, 2017~~ *January*
32 *1, 2018*.

33 SEC. 26. Section 21100 of the Vehicle Code is amended to
34 read:

35 21100. Local authorities may adopt rules and regulations by
36 ordinance or resolution regarding all of the following matters:

37 (a) Regulating or prohibiting processions or assemblages on the
38 highways.

39 (b) Licensing and regulating the operation of vehicles for hire
40 and drivers of passenger vehicles for hire.

1 (c) Regulating traffic by means of traffic officers.

2 (d) Regulating traffic by means of official traffic control devices
3 meeting the requirements of Section 21400.

4 (e) (1) Regulating traffic by means of a person given temporary
5 or permanent appointment for that duty by the local authority when
6 official traffic control devices are disabled or otherwise inoperable,
7 at the scenes of accidents or disasters, or at locations as may require
8 traffic direction for orderly traffic flow.

9 (2) A person shall not be appointed pursuant to this subdivision
10 unless and until the local authority has submitted to the
11 commissioner or to the chief law enforcement officer exercising
12 jurisdiction in the enforcement of traffic laws within the area in
13 which the person is to perform the duty, for review, a proposed
14 program of instruction for the training of a person for that duty,
15 and unless and until the commissioner or other chief law
16 enforcement officer approves the proposed program. The
17 commissioner or other chief law enforcement officer shall approve
18 a proposed program if he or she reasonably determines that the
19 program will provide sufficient training for persons assigned to
20 perform the duty described in this subdivision.

21 (f) Regulating traffic at the site of road or street construction or
22 maintenance by persons authorized for that duty by the local
23 authority.

24 (g) (1) Licensing and regulating the operation of tow truck
25 service or tow truck drivers whose principal place of business or
26 employment is within the jurisdiction of the local authority,
27 excepting the operation and operators of any auto dismantlers' tow
28 vehicle licensed under Section 11505 or any tow truck operated
29 by a repossessing agency licensed under Chapter 11 (commencing
30 with Section 7500) of Division 3 of the Business and Professions
31 Code and its registered employees.

32 (2) The Legislature finds that the safety and welfare of the
33 general public is promoted by permitting local authorities to
34 regulate tow truck service companies and operators by requiring
35 licensure, insurance, and proper training in the safe operation of
36 towing equipment, thereby ensuring against towing mistakes that
37 may lead to violent confrontation, stranding motorists in dangerous
38 situations, impeding the expedited vehicle recovery, and wasting
39 state and local law enforcement's limited resources.

1 (3) This subdivision does not limit the authority of a city or city
2 and county pursuant to Section 12111.

3 (h) Operation of bicycles, and, as specified in Section 21114.5,
4 electric carts by physically disabled persons, or persons 50 years
5 of age or older, on public sidewalks.

6 (i) Providing for the appointment of nonstudent school crossing
7 guards for the protection of persons who are crossing a street or
8 highway in the vicinity of a school or while returning thereafter
9 to a place of safety.

10 (j) Regulating the methods of deposit of garbage and refuse in
11 streets and highways for collection by the local authority or by
12 any person authorized by the local authority.

13 (k) (1) Regulating cruising.

14 (2) The ordinance or resolution adopted pursuant to this
15 subdivision shall regulate cruising, which is the repetitive driving
16 of a motor vehicle past a traffic control point in traffic that is
17 congested at or near the traffic control point, as determined by the
18 ranking peace officer on duty within the affected area, within a
19 specified time period and after the vehicle operator has been given
20 an adequate written notice that further driving past the control
21 point will be a violation of the ordinance or resolution.

22 (3) A person is not in violation of an ordinance or resolution
23 adopted pursuant to this subdivision unless both of the following
24 apply:

25 (A) That person has been given the written notice on a previous
26 driving trip past the control point and then again passes the control
27 point in that same time interval.

28 (B) The beginning and end of the portion of the street subject
29 to cruising controls are clearly identified by signs that briefly and
30 clearly state the appropriate provisions of this subdivision and the
31 local ordinance or resolution on cruising.

32 (l) Regulating or authorizing the removal by peace officers of
33 vehicles unlawfully parked in a fire lane, as described in Section
34 22500.1, on private property. A removal pursuant to this
35 subdivision shall be consistent, to the extent possible, with the
36 procedures for removal and storage set forth in Chapter 10
37 (commencing with Section 22650).

38 (m) Regulating mobile billboard advertising displays, as defined
39 in Section 395.5, including the establishment of penalties, which
40 may include, but are not limited to, removal of the mobile billboard

1 advertising display, civil penalties, and misdemeanor criminal
2 penalties, for a violation of the ordinance or resolution. The
3 ordinance or resolution may establish a minimum distance that a
4 mobile billboard advertising display shall be moved after a
5 specified time period.

6 (n) Licensing and regulating the operation of pedicabs for hire,
7 as defined in Section 467.5, and operators of pedicabs for hire,
8 including requiring one or more of the following documents:

9 (1) A valid California driver's license.

10 (2) Proof of successful completion of a bicycle safety training
11 course certified by the League of American Bicyclists or an
12 equivalent organization as determined by the local authority.

13 (3) A valid California identification card and proof of successful
14 completion of the written portion of the California driver's license
15 examination administered by the department. The department shall
16 administer, without charging a fee, the original driver's license
17 written examination on traffic laws and signs to a person who
18 states that he or she is, or intends to become, a pedicab operator,
19 and who holds a valid California identification card or has
20 successfully completed an application for a California identification
21 card. If the person achieves a passing score on the examination,
22 the department shall issue a certificate of successful completion
23 of the examination, bearing the person's name and identification
24 card number. The certificate shall not serve in lieu of successful
25 completion of the required examination administered as part of
26 any subsequent application for a driver's license. The department
27 is not required to enter the results of the examination into the
28 computerized record of the person's identification card or otherwise
29 retain a record of the examination or results.

30 (o) (1) This section does not authorize a local authority to enact
31 or enforce an ordinance or resolution that establishes a violation
32 if a violation for the same or similar conduct is provided in this
33 code, nor does it authorize a local authority to enact or enforce an
34 ordinance or resolution that assesses a fine, penalty, assessment,
35 or fee for a violation if a fine, penalty, assessment, or fee for a
36 violation involving the same or similar conduct is provided in this
37 code.

38 (2) This section does not preclude a local authority from enacting
39 parking ordinances pursuant to existing authority in Chapter 9
40 (commencing with Section 22500) of Division 11.

1 (p) (1) Regulating advertising signs on motor vehicles parked
2 or left standing upon a public street. The ordinance or resolution
3 may establish a minimum distance that the advertising sign shall
4 be moved after a specified time period.

5 (2) Paragraph (1) does not apply to any of the following:

6 (A) Advertising signs that are permanently affixed to the body
7 of, an integral part of, or a fixture of a motor vehicle for permanent
8 decoration, identification, or display and that do not extend beyond
9 the overall length, width, or height of the vehicle.

10 (B) If the license plate frame is installed in compliance with
11 Section 5201, paper advertisements issued by a dealer contained
12 within that license plate frame or any advertisements on that license
13 plate frame.

14 (3) As used in paragraph (2), “permanently affixed” means any
15 of the following:

16 (A) Painted directly on the body of a motor vehicle.

17 (B) Applied as a decal on the body of a motor vehicle.

18 (C) Placed in a location on the body of a motor vehicle that was
19 specifically designed by a vehicle manufacturer as defined in
20 Section 672 and licensed pursuant to Section 11701, in compliance
21 with both state and federal law or guidelines, for the express
22 purpose of containing an advertising sign.

23 ~~(q) This section shall become inoperative on July 1, 2017, and,~~
24 ~~as of January 1, 2018, is repealed, unless a later enacted statute,~~
25 ~~that becomes operative on or before January 1, 2018, deletes or~~
26 ~~extends the dates on which it becomes inoperative and is repealed.~~

27 *(q) This section shall remain in effect only until January 1, 2018,*
28 *and as of that date is repealed, unless a later enacted statute, that*
29 *is enacted before January 1, 2018, deletes or extends that date.*

30 SEC. 27. Section 21100 is added to the Vehicle Code, to read:

31 21100. Local authorities may adopt rules and regulations by
32 ordinance or resolution regarding all of the following matters:

33 (a) Regulating or prohibiting processions or assemblages on the
34 highways.

35 (b) Regulating the operation of taxicabs through the issuance
36 of a curbside operations permit, pursuant to Section 53075.5 of
37 the Government Code, in a manner consistent with Chapter 8.5
38 (commencing with Section 5451) of Division 2 of the Public
39 Utilities Code, or licensing and regulating the operation of taxicabs
40 originating in the City and County of San Francisco or at the San

1 ~~Francisco International Airport, Francisco~~, as provided in Section
2 5451.3 of the Public Utilities Code.

3 (c) Regulating traffic by means of traffic officers.

4 (d) Regulating traffic by means of official traffic control devices
5 meeting the requirements of Section 21400.

6 (e) (1) Regulating traffic by means of a person given temporary
7 or permanent appointment for that duty by the local authority when
8 official traffic control devices are disabled or otherwise inoperable,
9 at the scenes of accidents or disasters, or at locations as may require
10 traffic direction for orderly traffic flow.

11 (2) A person shall not be appointed pursuant to this subdivision
12 unless and until the local authority has submitted to the
13 commissioner or to the chief law enforcement officer exercising
14 jurisdiction in the enforcement of traffic laws within the area in
15 which the person is to perform the duty, for review, a proposed
16 program of instruction for the training of a person for that duty,
17 and unless and until the commissioner or other chief law
18 enforcement officer approves the proposed program. The
19 commissioner or other chief law enforcement officer shall approve
20 a proposed program if he or she reasonably determines that the
21 program will provide sufficient training for persons assigned to
22 perform the duty described in this subdivision.

23 (f) Regulating traffic at the site of road or street construction or
24 maintenance by persons authorized for that duty by the local
25 authority.

26 (g) (1) Licensing and regulating the operation of tow truck
27 service or tow truck drivers whose principal place of business or
28 employment is within the jurisdiction of the local authority,
29 excepting the operation and operators of any auto dismantlers' tow
30 vehicle licensed under Section 11505 or any tow truck operated
31 by a repossessing agency licensed under Chapter 11 (commencing
32 with Section 7500) of Division 3 of the Business and Professions
33 Code and its registered employees.

34 (2) The Legislature finds that the safety and welfare of the
35 general public is promoted by permitting local authorities to
36 regulate tow truck service companies and operators by requiring
37 licensure, insurance, and proper training in the safe operation of
38 towing equipment, thereby ensuring against towing mistakes that
39 may lead to violent confrontation, stranding motorists in dangerous

1 situations, impeding the expedited vehicle recovery, and wasting
2 state and local law enforcement's limited resources.

3 (3) This subdivision does not limit the authority of a city or city
4 and county pursuant to Section 12111.

5 (h) Operation of bicycles, and, as specified in Section 21114.5,
6 electric carts by physically disabled persons, or persons 50 years
7 of age or older, on public sidewalks.

8 (i) Providing for the appointment of nonstudent school crossing
9 guards for the protection of persons who are crossing a street or
10 highway in the vicinity of a school or while returning thereafter
11 to a place of safety.

12 (j) Regulating the methods of deposit of garbage and refuse in
13 streets and highways for collection by the local authority or by
14 any person authorized by the local authority.

15 (k) (1) Regulating cruising.

16 (2) The ordinance or resolution adopted pursuant to this
17 subdivision shall regulate cruising, which is the repetitive driving
18 of a motor vehicle past a traffic control point in traffic that is
19 congested at or near the traffic control point, as determined by the
20 ranking peace officer on duty within the affected area, within a
21 specified time period and after the vehicle operator has been given
22 an adequate written notice that further driving past the control
23 point will be a violation of the ordinance or resolution.

24 (3) A person is not in violation of an ordinance or resolution
25 adopted pursuant to this subdivision unless both of the following
26 apply:

27 (A) That person has been given the written notice on a previous
28 driving trip past the control point and then again passes the control
29 point in that same time interval.

30 (B) The beginning and end of the portion of the street subject
31 to cruising controls are clearly identified by signs that briefly and
32 clearly state the appropriate provisions of this subdivision and the
33 local ordinance or resolution on cruising.

34 (l) Regulating or authorizing the removal by peace officers of
35 vehicles unlawfully parked in a fire lane, as described in Section
36 22500.1, on private property. A removal pursuant to this
37 subdivision shall be consistent, to the extent possible, with the
38 procedures for removal and storage set forth in Chapter 10
39 (commencing with Section 22650).

1 (m) Regulating mobile billboard advertising displays, as defined
2 in Section 395.5, including the establishment of penalties, which
3 may include, but are not limited to, removal of the mobile billboard
4 advertising display, civil penalties, and misdemeanor criminal
5 penalties, for a violation of the ordinance or resolution. The
6 ordinance or resolution may establish a minimum distance that a
7 mobile billboard advertising display shall be moved after a
8 specified time period.

9 (n) Licensing and regulating the operation of pedicabs for hire,
10 as defined in Section 467.5, and operators of pedicabs for hire,
11 including requiring one or more of the following documents:

12 (1) A valid California driver's license.

13 (2) Proof of successful completion of a bicycle safety training
14 course certified by the League of American Bicyclists or an
15 equivalent organization as determined by the local authority.

16 (3) A valid California identification card and proof of successful
17 completion of the written portion of the California driver's license
18 examination administered by the department. The department shall
19 administer, without charging a fee, the original driver's license
20 written examination on traffic laws and signs to a person who
21 states that he or she is, or intends to become, a pedicab operator,
22 and who holds a valid California identification card or has
23 successfully completed an application for a California identification
24 card. If the person achieves a passing score on the examination,
25 the department shall issue a certificate of successful completion
26 of the examination, bearing the person's name and identification
27 card number. The certificate shall not serve in lieu of successful
28 completion of the required examination administered as part of
29 any subsequent application for a driver's license. The department
30 is not required to enter the results of the examination into the
31 computerized record of the person's identification card or otherwise
32 retain a record of the examination or results.

33 (o) (1) This section does not authorize a local authority to enact
34 or enforce an ordinance or resolution that establishes a violation
35 if a violation for the same or similar conduct is provided in this
36 code, nor does it authorize a local authority to enact or enforce an
37 ordinance or resolution that assesses a fine, penalty, assessment,
38 or fee for a violation if a fine, penalty, assessment, or fee for a
39 violation involving the same or similar conduct is provided in this
40 code.

1 (2) This section does not preclude a local authority from enacting
2 parking ordinances pursuant to existing authority in Chapter 9
3 (commencing with Section 22500) of Division 11.

4 (p) (1) Regulating advertising signs on motor vehicles parked
5 or left standing upon a public street. The ordinance or resolution
6 may establish a minimum distance that the advertising sign shall
7 be moved after a specified time period.

8 (2) Paragraph (1) does not apply to any of the following:

9 (A) Advertising signs that are permanently affixed to the body
10 of, an integral part of, or a fixture of a motor vehicle for permanent
11 decoration, identification, or display and that do not extend beyond
12 the overall length, width, or height of the vehicle.

13 (B) If the license plate frame is installed in compliance with
14 Section 5201, paper advertisements issued by a dealer contained
15 within that license plate frame or any advertisements on that license
16 plate frame.

17 (3) As used in paragraph (2), “permanently affixed” means any
18 of the following:

19 (A) Painted directly on the body of a motor vehicle.

20 (B) Applied as a decal on the body of a motor vehicle.

21 (C) Placed in a location on the body of a motor vehicle that was
22 specifically designed by a vehicle manufacturer as defined in
23 Section 672 and licensed pursuant to Section 11701, in compliance
24 with both state and federal law or guidelines, for the express
25 purpose of containing an advertising sign.

26 (q) This section shall become operative on ~~July 1, 2017~~ *January*
27 *1, 2018*.

28 SEC. 28. Section 21100.4 of the Vehicle Code is amended to
29 read:

30 21100.4. (a) (1) A magistrate presented with the affidavit of
31 a peace officer or a designated local transportation officer
32 establishing reasonable cause to believe that a vehicle, described
33 by vehicle type and license number, is being operated as a taxicab
34 or other passenger vehicle for hire in violation of licensing
35 requirements adopted by a local authority under subdivision (b)
36 of Section 21100 shall issue a warrant or order authorizing the
37 peace officer or designated local transportation officer to
38 immediately seize and cause the removal of the vehicle. As used
39 in this section, “designated local transportation officer” means any

1 local public officer employed by a local authority to investigate
2 and enforce local taxicab and vehicle for hire laws and regulations.

3 (2) The warrant or court order may be entered into a
4 computerized database.

5 (3) A vehicle so impounded may be impounded for a period not
6 to exceed 30 days.

7 (4) The impounding agency, within two working days of
8 impoundment, shall send a notice by certified mail, return receipt
9 requested, to the legal owner of the vehicle, at an address obtained
10 from the department, informing the owner that the vehicle has
11 been impounded and providing the owner with a copy of the
12 warrant or court order. Failure to notify the legal owner within
13 two working days shall prohibit the impounding agency from
14 charging for more than 15 days' impoundment when a legal owner
15 redeems the impounded vehicle. The law enforcement agency shall
16 be open to issue a release to the registered owner or legal owner,
17 or the agent of either, whenever the agency is open to serve the
18 public for regular, nonemergency business.

19 (b) (1) An impounding agency shall release a vehicle to the
20 registered owner or his or her agent prior to the end of the
21 impoundment period and without the permission of the magistrate
22 authorizing the vehicle's seizure under any of the following
23 circumstances:

24 (A) When the vehicle is a stolen vehicle.

25 (B) When the vehicle was seized under this section for an
26 offense that does not authorize the seizure of the vehicle.

27 (C) When the vehicle is a rental car.

28 (2) A vehicle may not be released under this subdivision, except
29 upon presentation of the registered owner's or agent's currently
30 valid license to operate the vehicle under the licensing requirements
31 adopted by the local authority under subdivision (b) of Section
32 21100, and proof of current vehicle registration, or upon order of
33 the court.

34 (c) (1) Whenever a vehicle is impounded under this section,
35 the magistrate ordering the storage shall provide the vehicle's
36 registered and legal owners of record, or their agents, with the
37 opportunity for a poststorage hearing to determine the validity of
38 the storage.

39 (2) A notice of the storage shall be mailed or personally
40 delivered to the registered and legal owners within 48 hours after

1 issuance of the warrant or court order, excluding weekends and
2 holidays, by the person or agency executing the warrant or court
3 order, and shall include all of the following information:

4 (A) The name, address, and telephone number of the agency
5 providing the notice.

6 (B) The location of the place of storage and a description of the
7 vehicle, which shall include, if available, the name or make, the
8 manufacturer, the license plate number, and the mileage of the
9 vehicle.

10 (C) A copy of the warrant or court order and the peace officer's
11 affidavit, as described in subdivision (a).

12 (D) A statement that, in order to receive their poststorage
13 hearing, the owners, or their agents, are required to request the
14 hearing from the magistrate issuing the warrant or court order in
15 person, in writing, or by telephone, within 10 days of the date of
16 the notice.

17 (3) The poststorage hearing shall be conducted within two court
18 days after receipt of the request for the hearing.

19 (4) At the hearing, the magistrate may order the vehicle released
20 if he or she finds any of the circumstances described in subdivision
21 (b) or (e) that allow release of a vehicle by the impounding agency.

22 (5) Failure of either the registered or legal owner, or his or her
23 agent, to request, or to attend, a scheduled hearing satisfies the
24 poststorage hearing requirement.

25 (6) The agency employing the peace officer or designated local
26 transportation officer who caused the magistrate to issue the
27 warrant or court order shall be responsible for the costs incurred
28 for towing and storage if it is determined in the poststorage hearing
29 that reasonable grounds for the storage are not established.

30 (d) The registered owner or his or her agent is responsible for
31 all towing and storage charges related to the impoundment, and
32 any administrative charges authorized under Section 22850.5.

33 (e) A vehicle removed and seized under subdivision (a) shall
34 be released to the legal owner of the vehicle or the legal owner's
35 agent prior to the end of the impoundment period and without the
36 permission of the magistrate authorizing the seizure of the vehicle
37 if all of the following conditions are met:

38 (1) The legal owner is a motor vehicle dealer, bank, credit union,
39 acceptance corporation, or other licensed financial institution

1 legally operating in this state or is another person, not the registered
2 owner, holding a security interest in the vehicle.

3 (2) (A) The legal owner or the legal owner's agent pays all
4 towing and storage fees related to the seizure of the vehicle. A lien
5 sale processing fee shall not be charged to the legal owner who
6 redeems the vehicle prior to the 15th day of impoundment. Neither
7 the impounding authority nor any person having possession of the
8 vehicle shall collect from the legal owner of the type specified in
9 paragraph (1), or the legal owner's agent, any administrative
10 charges imposed pursuant to Section 22850.5 unless the legal
11 owner voluntarily requested a poststorage hearing.

12 (B) A person operating or in charge of a storage facility where
13 vehicles are stored pursuant to this section shall accept a valid
14 bank credit card or cash for payment of towing, storage, and related
15 fees by a legal or registered owner or the owner's agent claiming
16 the vehicle. A credit card shall be in the name of the person
17 presenting the card. "Credit card" means "credit card" as defined
18 in subdivision (a) of Section 1747.02 of the Civil Code, except,
19 for the purposes of this section, credit card does not include a credit
20 card issued by a retail seller.

21 (C) A person operating or in charge of a storage facility
22 described in subparagraph (B) who violates subparagraph (B) shall
23 be civilly liable to the owner of the vehicle or to the person who
24 tendered the fees for four times the amount of the towing, storage,
25 and related fees, but not to exceed five hundred dollars (\$500).

26 (D) A person operating or in charge of a storage facility
27 described in subparagraph (B) shall have sufficient funds on the
28 premises of the primary storage facility during normal business
29 hours to accommodate, and make change in, a reasonable monetary
30 transaction.

31 (E) Credit charges for towing and storage services shall comply
32 with Section 1748.1 of the Civil Code. Law enforcement agencies
33 may include the costs of providing for payment by credit when
34 making agreements with towing companies on rates.

35 (3) (A) The legal owner or the legal owner's agent presents to
36 the law enforcement agency or impounding agency, or any person
37 acting on behalf of those agencies, a copy of the assignment, as
38 defined in subdivision (b) of Section 7500.1 of the Business and
39 Professions Code; a release from the one responsible governmental
40 agency, only if required by the agency; a government-issued

1 photographic identification card; and any one of the following as
2 determined by the legal owner or the legal owner's agent: a
3 certificate of repossession for the vehicle, a security agreement
4 for the vehicle, or title, whether paper or electronic, showing proof
5 of legal ownership for the vehicle. The law enforcement agency,
6 impounding agency, or any other governmental agency, or any
7 person acting on behalf of those agencies, shall not require the
8 presentation of any other documents.

9 (B) The legal owner or the legal owner's agent presents to the
10 person in possession of the vehicle, or any person acting on behalf
11 of the person in possession, a copy of the assignment, as defined
12 in subdivision (b) of Section 7500.1 of the Business and
13 Professions Code; a release from the one responsible governmental
14 agency, only if required by the agency; a government-issued
15 photographic identification card; and any one of the following as
16 determined by the legal owner or the legal owner's agent: a
17 certificate of repossession for the vehicle, a security agreement
18 for the vehicle, or title, whether paper or electronic, showing proof
19 of legal ownership for the vehicle. The person in possession of the
20 vehicle, or any person acting on behalf of the person in possession,
21 shall not require the presentation of any other documents.

22 (C) All presented documents may be originals, photocopies, or
23 facsimile copies, or may be transmitted electronically. The law
24 enforcement agency, impounding agency, or any person in
25 possession of the vehicle, or anyone acting on behalf of them, shall
26 not require any documents to be notarized. The law enforcement
27 agency, impounding agency, or any person acting on behalf of
28 those agencies, may require the agent of the legal owner to produce
29 a photocopy or facsimile copy of its repossession agency license
30 or registration issued pursuant to Chapter 11 (commencing with
31 Section 7500) of Division 3 of the Business and Professions Code,
32 or to demonstrate, to the satisfaction of the law enforcement
33 agency, impounding agency, or any person in possession of the
34 vehicle, or anyone acting on behalf of them, that the agent is
35 exempt from licensure pursuant to Section 7500.2 or 7500.3 of the
36 Business and Professions Code.

37 (D) An administrative cost authorized under subdivision (a) of
38 Section 22850.5 shall not be charged to the legal owner of the type
39 specified in paragraph (1) who redeems the vehicle unless the legal
40 owner voluntarily requests a poststorage hearing. A city, county,

1 city and county, or state agency shall not require a legal owner or
2 a legal owner's agent to request a poststorage hearing as a
3 requirement for release of the vehicle to the legal owner or the
4 legal owner's agent. The law enforcement agency, impounding
5 agency, or any other governmental agency, or any person acting
6 on behalf of those agencies, shall not require any documents other
7 than those specified in this paragraph. The law enforcement agency,
8 impounding agency, or other governmental agency, or any person
9 acting on behalf of those agencies, may not require any documents
10 to be notarized. The legal owner or the legal owner's agent shall
11 be given a copy of any documents he or she is required to sign,
12 except for a vehicle evidentiary hold logbook. The law enforcement
13 agency, impounding agency, or any person acting on behalf of
14 those agencies, or any person in possession of the vehicle, may
15 photocopy and retain the copies of any documents presented by
16 the legal owner or legal owner's agent.

17 (4) A failure by a storage facility to comply with any applicable
18 conditions set forth in this subdivision shall not affect the right of
19 the legal owner or the legal owner's agent to retrieve the vehicle,
20 provided all conditions required of the legal owner or legal owner's
21 agent under this subdivision are satisfied.

22 (f) (1) A legal owner or the legal owner's agent that obtains
23 release of the vehicle pursuant to subdivision (e) shall not release
24 the vehicle to the registered owner of the vehicle or the person
25 who was listed as the registered owner when the vehicle was
26 impounded or any agents of the registered owner until the
27 termination of the impoundment period.

28 (2) The legal owner or the legal owner's agent shall not
29 relinquish the vehicle to the registered owner or the person who
30 was listed as the registered owner when the vehicle was impounded
31 until the registered owner or that owner's agent presents his or her
32 valid driver's license or valid temporary driver's license, and an
33 operator's license that is in compliance with the licensing
34 requirements adopted by the local authority under subdivision (b)
35 of Section 21100, to the legal owner or the legal owner's agent.
36 The legal owner or the legal owner's agent or the person in
37 possession of the vehicle shall make every reasonable effort to
38 ensure that the licenses presented are valid and possession of the
39 vehicle will not be given to the driver who was involved in the

1 original impoundment proceeding until the expiration of the
2 impoundment period.

3 (3) Prior to relinquishing the vehicle, the legal owner may
4 require the registered owner to pay all towing and storage charges
5 related to the impoundment and the administrative charges
6 authorized under Section 22850.5 that were incurred by the legal
7 owner in connection with obtaining the custody of the vehicle.

8 (4) Any legal owner who knowingly releases or causes the
9 release of a vehicle to a registered owner or the person in
10 possession of the vehicle at the time of the impoundment or any
11 agent of the registered owner in violation of this subdivision shall
12 be guilty of a misdemeanor and subject to a civil penalty in the
13 amount of two thousand dollars (\$2,000).

14 (5) The legal owner, registered owner, or person in possession
15 of the vehicle shall not change or attempt to change the name of
16 the legal owner or the registered owner on the records of the
17 department until the vehicle is released from the impoundment.

18 (g) Notwithstanding any other provision of this section, the
19 registered owner and not the legal owner shall remain responsible
20 for any towing and storage charges related to the impoundment
21 and the administrative charges authorized under Section 22850.5
22 and any parking fines, penalties, and administrative fees incurred
23 by the registered owner.

24 (h) The law enforcement agency and the impounding agency,
25 including any storage facility acting on behalf of the law
26 enforcement agency or impounding agency, shall comply with this
27 section and shall not be liable to the registered owner for the
28 improper release of the vehicle to the legal owner or the legal
29 owner's agent if the release complies with this section. The legal
30 owner shall indemnify and hold harmless a storage facility from
31 any claims arising out of the release of the vehicle to the legal
32 owner or the legal owner's agent and from any damage to the
33 vehicle after its release, including the reasonable costs associated
34 with defending any such claims. A law enforcement agency shall
35 not refuse to issue a release to a legal owner or the agent of a legal
36 owner on the grounds that it previously issued a release.

37 ~~(i) This section shall become inoperative on July 1, 2017, and,~~
38 ~~as of January 1, 2018, is repealed, unless a later enacted statute,~~
39 ~~that becomes operative on or before January 1, 2018, deletes or~~
40 ~~extends the dates on which it becomes inoperative and is repealed.~~

1 *(i) This section shall remain in effect only until January 1, 2018,*
2 *and as of that date is repealed, unless a later enacted statute, that*
3 *is enacted before January 1, 2018, deletes or extends that date.*

4 SEC. 29. Section 21100.4 is added to the Vehicle Code, to
5 read:

6 21100.4. (a) (1) A magistrate presented with the affidavit of
7 a peace officer establishing reasonable cause to believe that a
8 vehicle, described by vehicle type and license number, is being
9 operated as a taxicab or other passenger vehicle for hire in violation
10 of Chapter 8.5 (commencing with Section 5451) of Division 2 of
11 the Public Utilities Code or in violation of a local ordinance
12 adopted by a local authority under subdivision (b) of Section 21100
13 shall issue a warrant or order authorizing the peace officer to
14 immediately seize and cause the removal of the vehicle.

15 (2) The warrant or court order may be entered into a
16 computerized database.

17 (3) A vehicle so impounded may be impounded for a period not
18 to exceed 30 days.

19 (4) The impounding agency, within two working days of
20 impoundment, shall send a notice by certified mail, return receipt
21 requested, to the legal owner of the vehicle, at an address obtained
22 from the department, informing the owner that the vehicle has
23 been impounded and providing the owner with a copy of the
24 warrant or court order. Failure to notify the legal owner within
25 two working days shall prohibit the impounding agency from
26 charging for more than 15 days' impoundment when a legal owner
27 redeems the impounded vehicle. The law enforcement agency shall
28 be open to issue a release to the registered owner or legal owner,
29 or the agent of either, whenever the agency is open to serve the
30 public for regular, nonemergency business.

31 (b) (1) An impounding agency shall release a vehicle to the
32 registered owner or his or her agent prior to the end of the
33 impoundment period and without the permission of the magistrate
34 authorizing the vehicle's seizure under any of the following
35 circumstances:

36 (A) When the vehicle is a stolen vehicle.

37 (B) When the vehicle was seized under this section for an
38 offense that does not authorize the seizure of the vehicle.

39 (C) When the vehicle is a rental car.

1 (2) A vehicle may not be released under this subdivision, except
2 upon presentation of the registered owner's or agent's currently
3 valid permit to operate the vehicle under the requirements of
4 Chapter 8.5 (commencing with Section 5451) of Division 2 of the
5 Public Utilities Code or an ordinance of the City and County of
6 ~~San Francisco or its airport authority, and, as applicable, Francisco,~~
7 presentation of a curbside operation permit issued by a local agency
8 pursuant to Section 53075 of the Government Code, and proof of
9 current vehicle registration, or upon order of the court.

10 (c) (1) Whenever a vehicle is impounded under this section,
11 the magistrate ordering the storage shall provide the vehicle's
12 registered and legal owners of record, or their agents, with the
13 opportunity for a poststorage hearing to determine the validity of
14 the storage.

15 (2) A notice of the storage shall be mailed or personally
16 delivered to the registered and legal owners within 48 hours after
17 issuance of the warrant or court order, excluding weekends and
18 holidays, by the person or agency executing the warrant or court
19 order, and shall include all of the following information:

20 (A) The name, address, and telephone number of the agency
21 providing the notice.

22 (B) The location of the place of storage and a description of the
23 vehicle, which shall include, if available, the name or make, the
24 manufacturer, the license plate number, and the mileage of the
25 vehicle.

26 (C) A copy of the warrant or court order and the peace officer's
27 affidavit, as described in subdivision (a).

28 (D) A statement that, in order to receive their poststorage
29 hearing, the owners, or their agents, are required to request the
30 hearing from the magistrate issuing the warrant or court order in
31 person, in writing, or by telephone, within 10 days of the date of
32 the notice.

33 (3) The poststorage hearing shall be conducted within two court
34 days after receipt of the request for the hearing.

35 (4) At the hearing, the magistrate may order the vehicle released
36 if he or she finds any of the circumstances described in subdivision
37 (b) or (e) that allow release of a vehicle by the impounding agency.

38 (5) Failure of either the registered or legal owner, or his or her
39 agent, to request, or to attend, a scheduled hearing satisfies the
40 poststorage hearing requirement.

(6) The agency employing the peace officer or designated local transportation officer who caused the magistrate to issue the warrant or court order shall be responsible for the costs incurred for towing and storage if it is determined in the poststorage hearing that reasonable grounds for the storage are not established.

(d) The registered owner or his or her agent is responsible for all towing and storage charges related to the impoundment, and any administrative charges authorized under Section 22850.5.

(e) A vehicle removed and seized under subdivision (a) shall be released to the legal owner of the vehicle or the legal owner's agent prior to the end of the impoundment period and without the permission of the magistrate authorizing the seizure of the vehicle if all of the following conditions are met:

(1) The legal owner is a motor vehicle dealer, bank, credit union, acceptance corporation, or other licensed financial institution legally operating in this state or is another person, not the registered owner, holding a security interest in the vehicle.

(2) (A) The legal owner or the legal owner's agent pays all towing and storage fees related to the seizure of the vehicle. A lien sale processing fee shall not be charged to the legal owner who redeems the vehicle prior to the 15th day of impoundment. Neither the impounding authority nor any person having possession of the vehicle shall collect from the legal owner of the type specified in paragraph (1), or the legal owner's agent, any administrative charges imposed pursuant to Section 22850.5 unless the legal owner voluntarily requested a poststorage hearing.

(B) A person operating or in charge of a storage facility where vehicles are stored pursuant to this section shall accept a valid bank credit card or cash for payment of towing, storage, and related fees by a legal or registered owner or the owner's agent claiming the vehicle. A credit card shall be in the name of the person presenting the card. "Credit card" means "credit card" as defined in subdivision (a) of Section 1747.02 of the Civil Code, except, for the purposes of this section, credit card does not include a credit card issued by a retail seller.

(C) A person operating or in charge of a storage facility described in subparagraph (B) who violates subparagraph (B) shall be civilly liable to the owner of the vehicle or to the person who tendered the fees for four times the amount of the towing, storage, and related fees, but not to exceed five hundred dollars (\$500).

1 (D) A person operating or in charge of a storage facility
2 described in subparagraph (B) shall have sufficient funds on the
3 premises of the primary storage facility during normal business
4 hours to accommodate, and make change in, a reasonable monetary
5 transaction.

6 (E) Credit charges for towing and storage services shall comply
7 with Section 1748.1 of the Civil Code. Law enforcement agencies
8 may include the costs of providing for payment by credit when
9 making agreements with towing companies on rates.

10 (3) (A) The legal owner or the legal owner's agent presents to
11 the law enforcement agency or impounding agency, or any person
12 acting on behalf of those agencies, a copy of the assignment, as
13 defined in subdivision (b) of Section 7500.1 of the Business and
14 Professions Code; a release from the one responsible governmental
15 agency, only if required by the agency; a government-issued
16 photographic identification card; and any one of the following as
17 determined by the legal owner or the legal owner's agent: a
18 certificate of repossession for the vehicle, a security agreement
19 for the vehicle, or title, whether paper or electronic, showing proof
20 of legal ownership for the vehicle. The law enforcement agency,
21 impounding agency, or any other governmental agency, or any
22 person acting on behalf of those agencies, shall not require the
23 presentation of any other documents.

24 (B) The legal owner or the legal owner's agent presents to the
25 person in possession of the vehicle, or any person acting on behalf
26 of the person in possession, a copy of the assignment, as defined
27 in subdivision (b) of Section 7500.1 of the Business and
28 Professions Code; a release from the one responsible governmental
29 agency, only if required by the agency; a government-issued
30 photographic identification card; and any one of the following as
31 determined by the legal owner or the legal owner's agent: a
32 certificate of repossession for the vehicle, a security agreement
33 for the vehicle, or title, whether paper or electronic, showing proof
34 of legal ownership for the vehicle. The person in possession of the
35 vehicle, or any person acting on behalf of the person in possession,
36 shall not require the presentation of any other documents.

37 (C) All presented documents may be originals, photocopies, or
38 facsimile copies, or may be transmitted electronically. The law
39 enforcement agency, impounding agency, or any person in
40 possession of the vehicle, or anyone acting on behalf of them, shall

1 not require any documents to be notarized. The law enforcement
2 agency, impounding agency, or any person acting on behalf of
3 those agencies, may require the agent of the legal owner to produce
4 a photocopy or facsimile copy of its repossession agency license
5 or registration issued pursuant to Chapter 11 (commencing with
6 Section 7500) of Division 3 of the Business and Professions Code,
7 or to demonstrate, to the satisfaction of the law enforcement
8 agency, impounding agency, or any person in possession of the
9 vehicle, or anyone acting on behalf of them, that the agent is
10 exempt from licensure pursuant to Section 7500.2 or 7500.3 of the
11 Business and Professions Code.

12 (D) An administrative cost authorized under subdivision (a) of
13 Section 22850.5 shall not be charged to the legal owner of the type
14 specified in paragraph (1) who redeems the vehicle unless the legal
15 owner voluntarily requests a poststorage hearing. A city, county,
16 city and county, or state agency shall not require a legal owner or
17 a legal owner's agent to request a poststorage hearing as a
18 requirement for release of the vehicle to the legal owner or the
19 legal owner's agent. The law enforcement agency, impounding
20 agency, or any other governmental agency, or any person acting
21 on behalf of those agencies, shall not require any documents other
22 than those specified in this paragraph. The law enforcement agency,
23 impounding agency, or other governmental agency, or any person
24 acting on behalf of those agencies, may not require any documents
25 to be notarized. The legal owner or the legal owner's agent shall
26 be given a copy of any documents he or she is required to sign,
27 except for a vehicle evidentiary hold logbook. The law enforcement
28 agency, impounding agency, or any person acting on behalf of
29 those agencies, or any person in possession of the vehicle, may
30 photocopy and retain the copies of any documents presented by
31 the legal owner or legal owner's agent.

32 (4) A failure by a storage facility to comply with any applicable
33 conditions set forth in this subdivision shall not affect the right of
34 the legal owner or the legal owner's agent to retrieve the vehicle,
35 provided all conditions required of the legal owner or legal owner's
36 agent under this subdivision are satisfied.

37 (f) (1) A legal owner or the legal owner's agent that obtains
38 release of the vehicle pursuant to subdivision (e) shall not release
39 the vehicle to the registered owner of the vehicle or the person
40 who was listed as the registered owner when the vehicle was

1 impounded or any agents of the registered owner until the
2 termination of the impoundment period.

3 (2) The legal owner or the legal owner's agent shall not
4 relinquish the vehicle to the registered owner or the person who
5 was listed as the registered owner when the vehicle was impounded
6 until the registered owner or that owner's agent presents his or her
7 valid driver's license or valid temporary driver's license, and an
8 operator's permit that is in compliance with the requirements of
9 Chapter 8.5 (commencing with Section 5451) of Division 2 of the
10 Public Utilities Code or an ordinance of the City and County of
11 ~~San Francisco or its airport authority~~, *Francisco*, to the legal owner
12 or the legal owner's agent. The legal owner or the legal owner's
13 agent or the person in possession of the vehicle shall make every
14 reasonable effort to ensure that the license and permit presented
15 are valid and possession of the vehicle will not be given to the
16 driver who was involved in the original impoundment proceeding
17 until the expiration of the impoundment period.

18 (3) Prior to relinquishing the vehicle, the legal owner may
19 require the registered owner to pay all towing and storage charges
20 related to the impoundment and the administrative charges
21 authorized under Section 22850.5 that were incurred by the legal
22 owner in connection with obtaining the custody of the vehicle.

23 (4) Any legal owner who knowingly releases or causes the
24 release of a vehicle to a registered owner or the person in
25 possession of the vehicle at the time of the impoundment or any
26 agent of the registered owner in violation of this subdivision shall
27 be guilty of a misdemeanor and subject to a civil penalty in the
28 amount of two thousand dollars (\$2,000).

29 (5) The legal owner, registered owner, or person in possession
30 of the vehicle shall not change or attempt to change the name of
31 the legal owner or the registered owner on the records of the
32 department until the vehicle is released from the impoundment.

33 (g) Notwithstanding any other provision of this section, the
34 registered owner and not the legal owner shall remain responsible
35 for any towing and storage charges related to the impoundment
36 and the administrative charges authorized under Section 22850.5
37 and any parking fines, penalties, and administrative fees incurred
38 by the registered owner.

39 (h) The law enforcement agency and the impounding agency,
40 including any storage facility acting on behalf of the law

1 enforcement agency or impounding agency, shall comply with this
2 section and shall not be liable to the registered owner for the
3 improper release of the vehicle to the legal owner or the legal
4 owner's agent if the release complies with this section. The legal
5 owner shall indemnify and hold harmless a storage facility from
6 any claims arising out of the release of the vehicle to the legal
7 owner or the legal owner's agent and from any damage to the
8 vehicle after its release, including the reasonable costs associated
9 with defending any such claims. A law enforcement agency shall
10 not refuse to issue a release to a legal owner or the agent of a legal
11 owner on the grounds that it previously issued a release.

12 (i) This section shall become operative on ~~July 1, 2017~~. *January*
13 *1, 2018*.

14 SEC. 30. Section 27908 of the Vehicle Code is amended to
15 read:

16 27908. (a) In every taxicab operated in this state there shall
17 be a sign of heavy material, not smaller than 6 inches by 4 inches,
18 or such other size as the agency regulating the operation of the
19 taxicab provides for other notices or signs required to be in every
20 taxicab, securely attached and clearly displayed in view of the
21 passenger at all times, providing in letters as large as the size of
22 the sign will reasonably allow, all of the following information:

23 (1) The name, address, and telephone number of the agency
24 regulating the operation of the taxicab.

25 (2) The name, address, and telephone number of the firm
26 licensed or controlled by the agency regulating the operation of
27 the taxicab.

28 (b) In the event more than one local regulatory agency has
29 jurisdiction over the operation of the taxicab, the notice required
30 by paragraph (1) of subdivision (a) shall provide the name, address,
31 and telephone number of the agency having jurisdiction in the area
32 where the taxicab operator conducts its greatest volume of business;
33 or, if this cannot readily be ascertained, the agency having
34 jurisdiction in the area where the taxicab operator maintains its
35 offices or primary place of business, provided that the operator
36 conducts a substantial volume of business in such area; or, if neither
37 of the foregoing provisions apply, any agency having jurisdiction
38 of an area where the taxicab operator conducts a substantial volume
39 of business.

1 (c) As used in this section, “taxicab” means a passenger vehicle
2 designed for carrying not more than eight persons, excluding the
3 driver, and used to carry passengers for hire. “Taxicab” shall not
4 include a charter-party carrier of passengers within the meaning
5 of the Passenger Charter-party Carriers’ Act, Chapter 8
6 (commencing with Section 5351) of Division 2 of the Public
7 Utilities Code.

8 ~~(d) This section shall become inoperative on July 1, 2017, and,~~
9 ~~as of January 1, 2018, is repealed, unless a later enacted statute,~~
10 ~~that becomes operative on or before January 1, 2018, deletes or~~
11 ~~extends the dates on which it becomes inoperative and is repealed.~~

12 *(d) This section shall remain in effect only until January 1, 2018,*
13 *and as of that date is repealed, unless a later enacted statute, that*
14 *is enacted before January 1, 2018, deletes or extends that date.*

15 SEC. 31. Section 27908 is added to the Vehicle Code, to read:

16 27908. (a) In every taxicab operated in this state there shall
17 be a sign of heavy material, not smaller than six inches by four
18 inches, or such other size as the Public Utilities Commission, or
19 other regulating agency pursuant to Section 5451.3 of the Public
20 Utilities Code, provides for other notices or signs required to be
21 in every taxicab, securely attached and clearly displayed in view
22 of the passenger at all times, providing in letters as large as the
23 size of the sign will reasonably allow, all of the following
24 information:

25 (1) The name, address, and telephone number of the applicable
26 unit of the Public Utilities Commission or other regulating agency
27 that regulates the operation of the taxicab.

28 (2) The name, address, and telephone number of the taxicab
29 carrier that has been issued a permit to provide taxicab
30 transportation services by the Public Utilities Commission or other
31 regulating agency.

32 (b) As used in this section, “taxicab” means a passenger motor
33 vehicle designed for carrying not more than eight persons,
34 excluding the driver, and used to carry passengers for hire as part
35 of taxicab transportation services regulated pursuant to Chapter
36 8.5 (commencing with Section 5451) of Division 2 of the Public
37 Utilities Code or by another regulating agency pursuant to Section
38 5451.3 of the Public Utilities Code. “Taxicab” shall not include a
39 charter-party carrier of passengers within the meaning of the

1 Passenger Charter-party Carriers' Act (Chapter 8 (commencing
2 with Section 5351) of Division 2 of the Public Utilities Code).

3 (c) This section shall become operative on ~~July 1, 2017~~. *January*
4 *1, 2018*.

5 SEC. 32. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution for certain
7 costs that may be incurred by a local agency or school district
8 because, in that regard, this act creates a new crime or infraction,
9 eliminates a crime or infraction, or changes the penalty for a crime
10 or infraction, within the meaning of Section 17556 of the
11 Government Code, or changes the definition of a crime within the
12 meaning of Section 6 of Article XIII B of the California
13 Constitution.

14 However, if the Commission on State Mandates determines that
15 this act contains other costs mandated by the state, reimbursement
16 to local agencies and school districts for those costs shall be made
17 pursuant to Part 7 (commencing with Section 17500) of Division
18 4 of Title 2 of the Government Code.