

State of California

GOVERNMENT CODE

Section 53075.5

53075.5. (a) Notwithstanding Chapter 8 (commencing with Section 5351) of Division 2 of the Public Utilities Code, every city or county in which a taxicab company is substantially located, as defined in paragraph (5) of subdivision (k), shall protect the public health, safety, and welfare by adopting an ordinance or resolution in regard to taxicab transportation service rendered in vehicles designed for carrying not more than eight persons, excluding the driver, which are operated within the jurisdiction of the city or county.

(b) Each city or county that adopts an ordinance pursuant to subdivision (a) shall provide for, but is not limited to providing for, the following in that ordinance:

(1) A policy for entry into the business of providing taxicab transportation service. The policy shall include, but need not be limited to, a permitting program for taxicab drivers that includes all of the following provisions:

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

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

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

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

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

(2) The establishment or registration of rates for the provision of taxicab transportation service that meets the following requirements:

(A) The taxicab company may set fares or charge a flat rate. However, the city or county may set a maximum rate.

(B) The taxicab company may use any type of device or technology approved by the Division of Measurement Standards to calculate fares, including the use of Global Positioning System metering, provided that the device or technology complies with Section 12500.5 of the Business and Professions Code and with all regulations established pursuant to Section 12107 of the Business and Professions Code.

(C) The taxicab company shall disclose fares, fees, or rates to the customer. A permitted taxicab company may satisfy this requirement by disclosing fares, fees, or rates on its Internet Web site, mobile telephone application, or telephone orders upon request by the customer.

(D) The taxicab company shall notify the passenger of the applicable rate prior to the passenger accepting the ride for walkup rides and street hails. The rate may be provided on the exterior of the vehicle, within an application of a mobile telephone,

device, or other Internet-connected device, or be clearly visible in either print or electronic form inside the taxicab.

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

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

(ii) Procedures shall be substantially as in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, except that the driver shall show a valid California driver's license at the time and place of testing, and except as provided otherwise in this section. Requirements for rehabilitation and for return-to-duty and followup testing and other requirements, except as provided otherwise in this section, shall be substantially as in Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations.

(iii) A test in one jurisdiction shall be accepted as meeting the same requirement in any other jurisdiction. Any negative test result shall be accepted for one year as meeting a requirement for periodic permit renewal testing or any other periodic testing in that jurisdiction or any other jurisdiction, if the driver has not tested positive subsequent to a negative result. However, an earlier negative result shall not be accepted as meeting the preemployment testing requirement for any subsequent employment, or any testing requirements under the program other than periodic testing.

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

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

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

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

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

(c) Each city or county may levy service charges, fees, or assessments in an amount sufficient to pay for the costs of carrying out an ordinance or resolution adopted in regard to taxicab transportation services pursuant to this section.

(d) (1) The city or county may issue to a taxicab company that complies with all provisions of this section and Section 53075.52, and with all applicable local ordinances or resolutions of that city or county, an inspection sticker, photo permit, or other inspection compliance device. A taxicab driver shall display the applicable inspection sticker, photo permit, or other inspection compliance device in a place visible to a passenger.

(2) A city or county may accept a taxicab company or driver permit issued by another city or county as valid, and may issue to that taxicab company an inspection sticker or photo permit that authorizes that taxicab company or driver to operate within the county.

(e) A city or county shall not require a taxicab company or driver to obtain a business license, service permit, car inspection certification, or driver permit, or to comply with any requirement under this section or Section 53075.52, unless the company or driver is substantially located within the jurisdiction of that city or county.

(f) A taxicab company permitted by a city or county may provide prearranged trips anywhere within that county.

(g) A permitted taxicab company shall not prejudice, disadvantage, or require different rates or provide different service to a person because of race, national origin, religion, color, ancestry, physical disability, medical condition, occupation, marital status or change in marital status, sex, or any characteristic listed or defined in Section 11135 of the Government Code.

(h) A permitted taxicab company shall do all of the following:

(1) Maintain reasonable financial responsibility to conduct taxicab transportation services in accordance with the requirements of an ordinance adopted pursuant to subdivision (a).

(2) Participate in the pull-notice program pursuant to Section 1808.1 of the Vehicle Code to regularly check the driving records of all taxicab drivers, whether employees or contractors.

(3) Maintain a safety education and training program in effect for all taxicab drivers, whether employees or contractors.

(4) Maintain a disabled access education and training program to instruct its taxicab drivers on compliance with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) and amendments thereto, and state disability rights laws, including making clear that it is illegal to decline to serve a person with a disability or who has a service animal.

(5) Maintain its motor vehicles used in taxicab transportation services in a safe operating condition, and in compliance with the Vehicle Code, subject to annual inspection by the city or county in which it is substantially located, at a facility that

is certified by the National Institute for Automotive Service Excellence or a facility registered with the Bureau of Automotive Repair.

(6) Provide the city or county that has issued a permit under this article an address of an office or terminal where documents supporting the factual matters specified in the showing required by this subdivision may be inspected by the permitting city or county.

(7) Provide for a taxicab driver fingerprint-based criminal history check and a drug and alcohol testing program pursuant to paragraph (3) of subdivision (b).

(8) Comply with all provisions of an ordinance adopted pursuant to subdivision (a).

(9) Provide documentation and trip data in the format required by an ordinance adopted pursuant to subdivision (a) substantiating that the total number of prearranged and nonprearranged trips that originate within that city's or county's jurisdiction account for the largest share of the taxicab company's total number of trips over the applicable time period described in clause (ii) of subparagraph (A) or subclause (II) of clause (ii) of subparagraph (B) of paragraph (5) of subdivision (k).

(i) (1) It shall be unlawful to operate a taxicab without a valid permit to operate issued by each city or county in which the taxicab company is substantially located.

(2) The minimum fine for violation of paragraph (1) shall be five thousand dollars (\$5,000) and may be imposed administratively by the permitting city or county.

(j) (1) Notwithstanding paragraph (5) of subdivision (k), a city or county may do either of the following:

(A) Enter into an agreement with any other city or county to form a joint powers authority for the purpose of regulating or administering taxicab companies and taxicab drivers that are substantially located within the jurisdictional boundaries of the joint powers authority. For purposes of this clause, a taxicab company is substantially located within the jurisdictional boundaries of the joint powers authority if it is substantially located within one of the parties to the joint powers agreement.

(B) Enter into an agreement with a transit agency for the purpose of regulating or administering the taxicab companies substantially located within the jurisdictional boundaries of the transit agency. For purposes of this clause, a taxicab company is substantially located within the jurisdictional boundaries of the transit agency if it is substantially located within the city or county that enters into an agreement pursuant to this clause, and the transit agency may exercise all powers granted to the city or county that is a party to the agreement by this section in order to regulate or administer taxicab companies within those boundaries.

(2) A city or county that forms a joint powers authority, or enters into an agreement with a transit agency, to regulate or administer taxicab companies pursuant to paragraph (1) shall not issue permits or require business licenses except as consistent with the terms of that agreement.

(k) For purposes of this section and Sections 53075.51 and 53075.52:

(1) "City or county" includes a charter city or charter county, but does not include the City and County of San Francisco.

(2) "Employment" includes self-employment as an independent driver.

(3) “Permitted taxicab company” means a taxicab service provider that obtains all necessary permits required by this article, and includes a taxicab driver if a taxicab company consists of only one driver.

(4) “Prearranged trip” means trip using an online enabled application, dispatch, or Internet Web site.

(5) (A) “Substantially located” means in reference to a city or county that the taxicab company meets either of the following:

(i) Has its primary business address within that city’s or county’s jurisdiction.

(ii) The total number of prearranged and nonprearranged trips that originate within that city’s or county’s jurisdiction account for the largest share of the taxicab company’s total number of trips within each county where the taxicab company operated over the previous calendar year, as determined annually.

(B) Notwithstanding subparagraph (A), “substantially located” means, for a taxicab company that initiates taxicab operations after January 1, 2019, in reference to a city or county in which that company had not operated before January 1, 2019, the following:

(i) In the first year of its operation, the jurisdiction where that company has its primary business address.

(ii) After the first year of operation, it meets the test described in subparagraph (A).

(C) A taxicab company may be substantially located in more than one jurisdiction.

(D) Notwithstanding any other provision of this section, an airport operator shall have separate and ultimate authority to regulate taxicab access to the airport and set access fees for taxicabs at the airport.

(m) Nothing in this section, or Section 53075.51, 53075.52, or 53075.53 shall affect the authority of a jurisdiction to regulate taxi access to an airport it owns or operates and to set access fees or requirements.

(n) This section shall become operative on January 1, 2019.

(Amended (as added by Stats. 2017, Ch. 753, Sec. 3) by Stats. 2018, Ch. 472, Sec. 1. (AB 939) Effective January 1, 2019.)