



Information Item

Date: October 21, 2010

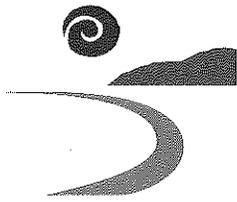
To: Mayor and City Council
From: Carol Swindell, Director of Finance
Subject: Additional Information on Taxi Franchises – Taxicab Rules

Introduction & Discussion

On [October 12, 2010](#), Council adopted a Resolution of Intention to grant taxicab franchises to Bell Cab Company, Independent Taxi Owners Association, Metro Cab Company, Taxi Taxi and Yellow Cab Company and set a public hearing on November 9, 2010. At that meeting, Council inquired as to the status of the taxicab rules. Pursuant to Santa Monica Municipal Code Section 6.49.020, the Police Department is authorized to administratively adopt taxicab rules and regulations. Draft rules were distributed with the Request for Proposals (RFP) for taxicab franchises in January 2010. During the question and answer period of the RFP process, many companies commented on the proposed rules. Also during the RFP process, regulations were presented in the proposal requirements that were envisioned to be in the franchise agreements, and the rules incorporate many of these items. One example is the RFP process described a prohibition on taxicab companies from having exclusive arrangements with private businesses, such as hotels and restaurants which is Rule 218 on the attached.

The taxicab rules are attached hereto and will also be included in the agenda packet for the November 9, 2010 City Council Meeting.

Prepared By: Donald P. Patterson, Business & Revenue Operations Manager



SANTA MONICA POLICE DEPARTMENT

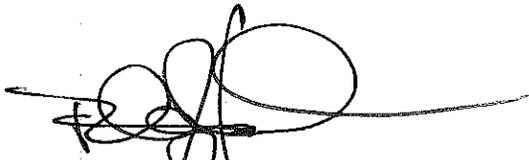
MEMORANDUM

City of
Santa Monica™

TO: Maria Stewart, City Clerk
FROM: Tim Jackman, Chief of Police
RE: Santa Monica Taxicab Rules and Regulations
DATE: October 21, 2010

In accordance with the authority granted under Santa Monica Municipal Code Section 6.49.020, attached are the Police Department's rules and regulations for taxicab franchises operating in the City of Santa Monica.

Schedule 1 of the rules and regulations regarding the applicable penalties for violations of the rules and regulations will be presented to the City Council for adoption by resolution.



TIMOTHY L. JACKMAN
Chief of Police

TAXICAB RULES



City of
Santa Monica[®]

POLICE DEPARTMENT
CITY OF SANTA MONICA

**TAXICAB RULES
AND REGULATIONS OF THE
POLICE DEPARTMENT
City Of Santa Monica**

Rules Effective January 1, 2011

Police Department
Traffic Services Division

**CITY OF SANTA MONICA
POLICE DEPARTMENT
TAXICAB RULES AND REGULATIONS**

SCOPE AND INTENT

These rules and regulations (“Rules”) established by the Santa Monica Police Department pursuant to Santa Monica Municipal Code Section 6.49.020 shall be followed by all companies, cooperatives, associations, vehicle permittees and drivers providing taxicab transportation services in the City of Santa Monica.

These Rules are not intended to be duplicative. Citations may be written for more than one similar rule violation. However, only one penalty will be levied as appropriate.

SECTION 100. DEFINITIONS

101. ASSOCIATION, CO-OPERATIVE or MEMBERSHIP means an independent taxicab enterprise or organization owned and operated by its members for the financial benefit of its members, which has been granted a taxicab franchise by the City of Santa Monica. Each authorized taxicab fleet slot correlates to a share or ownership in the Membership.
102. BRIBE means anything of value or advantage, present or prospective, or any promise or understanding to give anything of value or advantage, asked, given or accepted, with intent to unlawfully influence the person to whom it is given in his or her action in any public or official capacity.
103. CANCELLATION means a permanent annulment of an existing permit, which cannot subsequently be renewed, replaced or reinstated.
104. CITY means the City of Santa Monica.
105. DEPARTMENT means the Police Department of the City of Santa Monica.
106. DMV means the California Department of Motor Vehicles.
107. DRIVER/MANAGER means an individual person who is a member of Franchisee, and who drives, controls and manages taxicabs for Franchisee.
108. FRANCHISEE means the person or Subchapter S corporation, co-operative, association or membership organization, or company or corporation to which a taxicab franchise has been granted.
109. IMMEDIATE OUT OF SERVICE (IOS) means the placement of a taxicab in a status such that no person shall operate the taxicab after notice by a Department Investigator or police officer that the taxicab is in an unsafe condition or is not equipped as required by these Rules, except as may be necessary to return the taxicab to the residence or place of business of the owner or driver or to a garage, until the taxicab and its equipment are in compliance with these Rules.
110. INVESTOR/SHAREHOLDER means an individual person or Subchapter S corporation who is a member of Franchisee, but does not manage or control taxicabs in Franchisee.
111. LEASE DRIVER means a person who is an independent contractor possessing a valid Taxicab Driver’s Permit and who drives a taxicab with a taxicab operator or

vehicle permittee.

112. MEMBER means an individual person or Subchapter S corporation who owns one or more taxicabs or shares in Franchisee. Only those individuals applying for investor/shareholder membership status may apply as a Subchapter S corporation.
113. ON DUTY means the time between the start and end of a work shift and documented by the taxicab operator dispatch for each driver.
114. OPERATE means to be in control of a taxicab which is transporting a passenger or is available for receiving passengers.
115. ORDER AND DISPATCH RECORDS mean original documents prepared by hand and machine time-stamped at the time the document is completed or computer generated documents showing the time, date and specific information about telephone or equivalent communication orders for service, and the assignment of orders to drivers.
116. PENALTY POINTS mean a method of assigning points to the taxicab operator as a result of violations of these rules or violations of any provisions of a permit, the franchise ordinance, the SMMC, or the Vehicle Code.
117. REVOCATION means a permanent removal of the privileges granted to the holder of an existing permit or franchise, which cannot subsequently be renewed, replaced or reinstated.
118. SMMC means the Santa Monica Municipal Code.
119. STANDBY means the time period during which a taxicab driver waits for a passenger, at the passenger's request and with the taximeter activated, until the passenger returns or until the taxicab is dismissed.
120. SUBCHAPTER S CORPORATION means a Subchapter S corporation as defined in the United States Internal Revenue Code Section 1361, except that greater than fifty percent (50%) of stock in the Subchapter S corporation shall be held by a single individual who owns one or more taxicabs or shares in Franchisee and is known as the primary agent for the Subchapter S corporation. Additional stockholders may be allowed as part of the Subchapter S corporation, provided that they are immediate family members (parent, child, or grandchild) of the primary agent and have been "gifted" stock in the corporation by the primary agent as allowed in IRS tax law. The individual named as the primary agent of the Subchapter S corporation must remain the same and retain a majority of the stock (greater than 50%). Spouses are considered a single shareholder.
121. SUSPENSION means a temporary removal of the privileges granted to a Franchisee or permittee.
122. TAXICAB DRIVER or DRIVER means any person possessing a valid Taxicab Driver's Permit driving and in immediate possession of a taxicab for the purpose of providing taxicab transportation services. The individual may be an employee of a taxicab operator, a lease driver, or a member of Franchisee.
123. TAXICAB DRIVER'S PERMIT means a non-transferable authorization for an individual taxicab driver to operate a vehicle in a City franchised taxicab transportation service in the City.

124. TAXICAB OPERATOR means every person, company, corporation, association, co-operative, membership or any other organizational structure approved by the City Council to hold a franchise to provide taxicab transportation services in the City. A taxicab operator includes directors, officers, members, management and administrative personnel.
125. TAXICAB POOL means the fleet of taxicabs that is managed and controlled completely by Franchisee and not by a member of Franchisee.
126. TAXICAB STAND means an area on private property (such as hotels) designated by the property owner for parking taxicabs while waiting for passengers.
127. TAXICAB VEHICLE PERMIT means a non-transferable authorization to drive or operate a vehicle in a City franchised taxicab transportation service in order to pick up or attempt to pick up passengers within the boundaries of the City, whether as owner, lessor, lessee or otherwise.
128. TAXICAB ZONE means a curb parking area on a public street designated and posted by the Parking and Traffic Engineer for the standing or parking of taxicabs while awaiting employment.
129. TIME MACHINE means an automatic clock device which accurately prints date and time on a document.
130. VEHICLE CODE means the California Vehicle Code (CVC) in its latest revision.
131. VEHICLE PERMITTEE means an individual person or Subchapter S corporation that has been granted a Taxicab Vehicle Permit.
132. WAYBILL means an original document on a form approved by the City which is printed with an identifying sequential number, the current year and the organization's name and design to be completed by a driver.

SECTION 200. GENERAL RULES AND REGULATIONS

201. Each taxicab operator and its management, employees, lease drivers, each vehicle permittee, each driver, and each member's employees and lease drivers are individually and jointly responsible for complying with all rules and regulations of the Department; all provisions of the SMMC; any rule or regulation of the Department of Airports; and any provisions of State law, rules and regulations relating to the operation of a taxicab or vehicle for hire.
 - a. Driver or vehicle permittee violation: [3:\$:X:3:X]*
 - b. Taxicab operator: [X:X:X:3:X]
202. Each taxicab operator shall maintain and provide the City, by the 7th day of each month, a current list of all taxicab drivers, including members, employees and lease drivers, and any changes in addresses that may have occurred since the last report. [X:X:X:3:X]
203. Each taxicab operator shall promptly notify the City, either orally, in writing, or by electronic means, of the termination of any driver by the taxicab operator and the cause for such action, but in no event shall notice be delivered later than seven (7) calendar days after the termination action. [X:X:X:3:X]
204. Each taxicab operator shall be responsible for reimbursing overcharges to its customers. [X:X:X:7:X]
205. Each taxicab operator shall submit to the City and maintain on file evidence of valid liability insurance for all its taxicabs in service and evidence of valid comprehensive general liability insurance for its premises and contractors in a form acceptable to the City Risk Manager and the City Attorney. [X:X:IOS:10:X]
206. Each taxicab operator shall promptly investigate and keep on file a record of any circumstances in which Rules 748 and 754 require a driver to report an incident to the supervisor on duty, and such records shall be made available to the City upon request. [X:X:X:7:X]
207. Subject to rights of appeal as provided in Section 800 and the SMMC, each taxicab operator shall pay all monetary penalties assessed within the applicable time period.
208. Each taxicab operator shall maintain a uniform dress code and appearance standard, approved by the City, which will apply to all taxicab drivers operating within the City. [X:X:X:1:X]
209. A taxicab operator or its employees, order takers, or dispatchers shall not ask a customer requesting taxicab service if payment will be by transportation coupons, vouchers, stamps, etc. [X:X:X:3:X]
210. Each taxicab operator shall distribute and make available to all passengers and customers any cards, flyers, pamphlets, or other information as determined by the City and made available in sufficient quantities to the taxicab operator by the City. Such information may include, but is not limited to, passenger surveys and complaint procedures. [X:X:X:3:X]
211. A vehicle permittee may own a limited interest in another taxicab operator within the City, subject to the approval of the City and the individual organizations. An individual member shall not be authorized to hold the position of officer or Board of Director within two (2) or more franchised organizations at the same time

* See Legend contained in Schedule 1 at the end of these Rules.

unless the organizations are considered as part of the same corporate entity. [X:X:X:3:X]

212. A taxicab operator shall return any confiscated invalid Taxicab Driver's Permit to the Department within five (5) calendar days. [X:X:X:1:X]
213. A taxicab operator shall not give, offer or receive a bribe or any gift of any value with the intent to affect an action which could be contrary to the rules and regulations of the Department, the SMMC, the terms of a franchise or operating permit, or State law, or with the intent or purpose of having an agent or employee of the City not perform his or her duties relating to the regulation of taxicabs. Specifically, a taxicab operator shall not engage in such activity with any City personnel, drivers or any other person in the position to influence the operation of its taxicab. [X:X:X:10:X]
214. Each taxicab operator shall conduct itself in a professional manner at all times and resolve all disputes with other taxicab operators, the business community, those in charge of taxicab stands, and the general public, with a goal of maintaining a favorable public image for the taxicab industry. [X:X:X:5:X]
215. Each taxicab operator shall enroll all permitted drivers in the DMV Pull Notice Program and shall review such records for all drivers for compliance with company and City requirements at least annually and as additional updates are received. Each taxicab operator shall file such records, by driver, in a central location and shall notify the City by the end of the next business day if a driver's record or ability to operate a taxicab fails to meet the requirements contained in Rules 603, 607, and 610-615. (See Rule 779.) [X:X:X:10:X]
216. Each taxicab operator shall submit to the City an updated Management/Business Plan by April 20th and a financial statement by May 31st of each year (or the next City business day if the date falls on a weekend or holiday). The City shall provide the plan categories to be addressed, including an annual financial statement (for the previous calendar year) as prepared by a certified public accountant. Each taxicab operator shall also submit updated information for any portion or section of the plan as the City deems necessary. Late or non-submission of the plan or financial statement shall be cause for a late penalty and may lead to further disciplinary action. [X:X:X:10:X]
217. Each taxicab operator shall submit any change in its Board of Directors, officers or management personnel to the City, in writing, within five (5) business days of the change. Management personnel changes shall not contravene the purposes of the franchising system, and changes are subject to City approval, which approval shall not be unreasonably withheld. [X:X:X:5:X]
218. Each taxicab operator shall be responsible for verifying enrollment of its permitted drivers in a controlled substance and alcohol testing program with pre-permitting, annual and random test requirements. Each taxicab operator shall: (1) contract with a certified program administrator; (2) provide substance abuse training to supervisory personnel; (3) withdraw sponsorship for any driver who has failed to maintain enrollment in the program; (4) provide company policy and educational materials to all drivers and employees; (5) provide to the City annual test results and statements of receipt of policy and educational materials on file, by driver; and (6) immediately notify the City of any "positive" test results or failure to test, and return of the Taxicab Driver's Permit with a driver status statement (i.e., sponsorship withdrawn or driver on temporary suspension). [X:X:X:3:X]
219. Each taxicab operator is prohibited from entering into any taxicab service

arrangements or agreements for compensation with any hotel, motel, or other business establishments or any public or private agency or organization in the City. Each taxicab operator shall ensure that none of its members or taxicab drivers enters into any such taxicab service arrangements or agreements for compensation with any hotel, motel or other business establishments or any public or private agency or organization in the City. [10-R:\$:X:25-R:A]

220. Each taxicab operator shall provide 24-hour taxicab transportation services in the City. [X:X:X:25-R:A]
221. Each taxicab operator shall ensure that the full number of taxicab vehicles it is authorized to operate are available for taxicab service in the City. [X:X:X:10-R:C]
222. Each taxicab operator shall retain all recordings from the security cameras in its taxicabs, as required under Rule 406, for at least one (1) year, and shall permit any authorized officer or employee of the City to inspect such recordings upon request. [X:X:X:7:X]

**SECTION 300. ADVERTISING, RECEIVING, DISPATCHING AND
RESPONDING TO ORDERS FOR TAXICAB SERVICE**

301. Each taxicab operator shall tell the caller the estimated time of delay if service is not expected to be available within fifteen (15) minutes. [X:X:X:1:X]
302. Each taxicab operator shall maintain records of, and provide to the City upon request, the following order and dispatch record information for each service request: [X:X:X:3:X]
 - a. Taxicab operator responding;
 - b. Location of pickup request;
 - c. Identification of order taker;
 - d. Date and time order placed, printed with time machine or computer dispatch system;
 - e. Time delay quoted, if any;
 - f. Identification of taxicab dispatched (the operator must identify the name of the taxicab driver through a separate record); and
 - g. Time of dispatch, printed with time machine or computer dispatch system.
303. Each taxicab operator shall keep order and dispatch records readily available to City for at least ninety (90) calendar days. [X:X:X:3:X]
304. Each taxicab operator shall require order takers and dispatchers to identify themselves and the company name to callers. [X:X:X:3:X]
305. Each taxicab operator shall maintain the authorized use of a Federal Communication Commission assigned radio frequency(s) and a base station radio capable of two-way communication, on the assigned frequency(s), with its mobile units at any location in its service area or within the City. [X:X:X:7:X]
306. Rules pertaining to advertisement and solicitation of service with penalty points assessed on a daily basis:
 - a. In no event shall any taxicab operator, in any format or media, advertise or list a telephone number serving said operator which purports to be or is used as a telephone number of another taxicab company, real or fictitious, or other types of vehicles for hire. [X:X:X:10-R:X]
 - b. In no event shall a taxicab operator commingle within the same telephone directory (in any format or media, including any telephone book, Internet directory, or webpage) display advertisement which covers any portion of the City any reference to said operator with that of any taxicab company or operator of vehicles for hire not authorized to provide taxicab service in the City. [X:X:X:10-R:X]
 - c. Any telephone line used or listed by a franchised taxicab operator that is in violation of any part of this Rule shall be subject to cancellation, with ten (10) penalty points assessed to the company for each day after the effective notification date until the number is disconnected.
307. Each taxicab operator shall record the time its taxicabs begin and end operation each day, and the time its drivers begin and end each work shift. [X:X:X:3:X]
308. Each taxicab operator shall maintain records of the identification of the driver of each taxicab at all times. (See Rule 302.) [X:X:X:3:X]
309. Each taxicab operator shall verify that each driver possesses a valid Taxicab

Driver's Permit. (See Rules 705 and 705.) [X:X:X:7:X]

310. Each taxicab operator shall submit to the City a sample waybill for approval of form and entry requirements and shall not supply any unapproved waybills to the operator's drivers. [X:X:X:3:X]
311. Each taxicab operator shall supply its drivers with a preprinted serialized waybills for each shift worked. [X:X:X:3:X]
312. Each taxicab operator shall collect original waybills (no photocopies) from all its drivers. [X:X:X:7:X]
313. Each taxicab operator shall collect and file all waybills no later than fourteen (14) calendar days after the date on the waybill. [X:X:X:7:X]
314. Each taxicab operator shall file waybills chronologically or by taxicab number. [X:X:X:3:X]
315. Each taxicab operator shall retain and produce all waybills for at least six (6) months and produce any such waybill upon request by the City for review. [X:X:X:7:X]

SECTION 400. TAXICAB VEHICLES AND EQUIPMENT

Assessment of Penalty Points and Vehicle Return to Service:

For violations cited in this section requiring an Immediate Out of Service (IOS), the taxicab operator may correct the violation and have the vehicle inspected and returned to service prior to the deadline stated in the violation notice. Such correction of vehicle deficiency shall not preclude the assessment of penalty points against the taxicab operator nor shall it excuse the taxicab operator from attending the hearing as described in Section 800 and the SMMC.

401. Each taxicab operator or vehicle permittee shall not request inspection or the decaling of any make or model of vehicle until the City has approved the make and model for use as a taxicab. At a minimum, vehicles proposed for use as taxicabs must meet the following requirements:
 - a. The vehicle must be either a sedan, minivan, wheelchair accessible van or full size van designed to carry not more than eight (8) persons excluding the driver.
 - b. If the vehicle is a sedan, it must be classified as a mid-size car (110 or more cubic feet of passenger and luggage volume) in the United States Department of Energy's Gas Mileage or Fuel Economy Guide.
 - c. If the vehicle is a wheelchair accessible van it must meet all Americans with Disabilities Act of 1990 requirements, including the door height overhead clearance and ramp or lift design specifications. Only vehicles with side-entry loading configuration will be authorized as wheelchair accessible vans.
 - d. If the vehicle is a full size van, it must be certified to Super-Ultra Low Emission Vehicle (SULEV) standard as approved by the California Air Resources Board (CARB). Vehicles must be purchased either new or with less than 5,000 miles, and must be placed into service in the City within 120 calendar days of initial purchase.
402. Each taxicab operator and vehicle permittee shall, upon reasonable notice, make its taxicabs available to the Department for annual vehicle inspections. Cancellations by either party shall be upon a minimum of one business days' notice, unless circumstances prevent otherwise. The City-approved regular maintenance or inspection intervals (either in days or by mileage) shall not be exceeded by more than seven (7) calendar days or 1000 miles past the due date for inspection, whichever is sooner. [X:X:IOS:3:X]
403. Vehicles that do not pass an annual inspection must be scheduled for a re-inspection on a new date. [X:X:IOS:3:X]
404. Each taxicab operator and vehicle permittee shall, upon reasonable notice by the City, make a taxicab available to authorized City personnel to inspect at any time the taxicab is in service. [X:X:X:3:X]
405. Each taxicab operator shall allow authorized City personnel to utilize the taxicab radio for communication with the taxicab operator's dispatcher for purposes of emergencies or inspection. [X:X:X:3:X]
406. Each taxicab operator or vehicle permittee shall equip each taxicab with:
 - a. A State approved taximeter, currently certified for the specific vehicle in which it is installed and with unbroken State inspection seals affixed. All replacement meters shall be certified by a State sealer, registered with the Los Angeles County Department of Weights and Measures, and inspected by the City within seven (7) calendar days after the vehicle is placed into service

- with a new or replacement meter. [X:X:IOS:7:X]
 - b. A top light. [X:X:IOS:3:X]
 - c. A radio transmitter and receiver in good working order capable of two-way communication with a dispatcher anywhere in the service area over the taxicab operator's assigned frequency. [X:X:IOS:3:X]
 - d. An approved rate card plainly visible and legible to all passengers in the front and back seats of the vehicle. [X:X:IOS:3:X]
 - e. An approved card displaying the credit card requirement (see Rule 435), a complaint telephone number, a lost and found telephone number, and certain sections of the Rules as determined by the Department. [X:X:IOS:3:X]
 - f. An approved safety shield. EXCEPTIONS: This requirement shall not apply to wheelchair-accessible vans or to specific taxicabs granted exemptions by the City. An exemption from this Rule which is based on the medical condition of a driver for a specific vehicle may be authorized by the City. Any vehicle granted an exemption from the safety shield requirement must install and maintain in working order a security camera system approved by the City. [X:X:IOS:3:X]
 - g. A Global Positioning System (GPS), which must be operational at all times and connected to the taxicab operator's central dispatch location. [X:X:IOS:7:X]
407. No taxicab shall be equipped with an unauthorized device capable of receiving from or communicating with a dispatch system other than its own taxicab operator. [X:X:IOS:7:X]
408. Each taxicab operator and vehicle permittee shall post signs inside and outside each taxicab that state, "Only \$20 Change". The interior "Only \$20 Change" sign shall be legible to all passengers in the front and rear seats of the vehicle and shall be included in the rate card. The exterior "Only \$20 Change" signs shall be placed on both sides of the taxicab and legible from a distance of at least ten (10) feet. [X:X:X:1:X]
409. Each taxicab operator shall use signs "All passengers ride for the price of one" displayed on all taxicabs in its fleet. The interior sign shall be legible to all passengers in the front and rear seats of the vehicle and shall be included in the rate card. The exterior signs shall be on both sides of the taxicab and legible from a distance of ten (10) feet. [X:X:X:3:X]
410. Each taxicab operator and vehicle permittee may post an optional "Leased to Driver" sign inside the taxicab, provided that it does not obstruct the driver's vision and the sign is placed near the driver permit card holder and is no larger than 3 1/2 inches by 5 1/2 inches, with lettering no larger than 3/4 inches by 4 1/2 inches. Such sign is inappropriate when the taxicab is driven by the vehicle permittee. [X:X:X:1:X]
411. Each taxicab operator and vehicle permittee may display commercial advertising in or on the taxicab, which does not violate statutes involving unlawful or obscene matter, nor be detrimental (i.e., misleading or discriminatory) to the public welfare, as follows: [X:X:X:1:X]
- a. Window Advertising - Sedans Only
 - On the inside only of the rear-most window.
 - Using material acceptable to the City.
 - A rearview mirror must be mounted on the left and right sides of taxicab.
 - b. Window Advertising - Van Only
 - On the driver's side, fixed side window only, provided that all other requirements of Rule 411(a) are met.

- On the inside only of the rear-most window, provided that all other requirements of Rule 411(a) and Rule 419 are met.
 - c. Roof or Trunk - Mounted Advertising
 - Shall meet all requirements of Vehicle Code Section 25400.
 - Shall be inspected and approved by the City to ensure proper mounting.
 - d. Wheelcover Advertising
 - Vendor equipment shall be inspected and approved by the City to ensure proper mounting.
 - All wheelcovers on a single taxicab shall have the same or similar advertisement design or theme.
412. Each taxicab operator and vehicle permittee shall maintain equipment that will extinguish both front and rear lights on the right side of the taxicab to signal when a robbery is in progress or a felon suspect is in the taxicab. [X:X:IOS:7:X]
413. Each taxicab operator and vehicle permittee shall maintain a device installed in each taxicab to permit the opening of the trunk lid from the inside of the trunk. [X:X:IOS:7:X]
414. Each taxicab operator and vehicle permittee shall maintain in a conspicuous place in each taxicab a permanently affixed Taxicab Driver's Permit card holder. [X:X:IOS:3:X]
415. Each taxicab operator and vehicle permittee shall display in the Taxicab Driver's Permit card holder, when not containing the Taxicab Driver's Permit, a statement in clear view of the passengers which states: [X:X:IOS:3:X]

NOTICE
 DRIVER PERMIT CARD
 Required to be displayed in this location at all times
 By Order: Santa Monica Police Department

416. Each taxicab operator and vehicle permittee shall maintain the taximeter in good working condition at all times. [X:X:IOS:7:X]
417. Each taxicab operator and vehicle permittee shall maintain the taxicab operator's name on both sides of a taxicab. [X:X:IOS:3:X]
418. Each taxicab operator and vehicle permittee shall maintain the taxicab fleet vehicle number on both sides and the rear of the taxicab in positions and sizes which are legible as approved by the City. [X:X:IOS:3:X]
419. Each taxicab operator and vehicle permittee shall maintain the City's official taxicab identification decal on the upper left section of the rear window. The decal may not be obscured by any adjacent advertising. [X:X:IOS:7:X]
420. Each taxicab operator or vehicle permittee shall not remove and reinstall any taxicab identification decal on the same or another vehicle. [X:X:X:7:X]
421. Each taxicab operator or vehicle permittee shall not alter a taxicab identification decal. Decals which are worn by time or the elements shall be replaced as directed by the City. [X:X:IOS:7:X]
422. Each taxicab operator or vehicle permittee shall notify the City immediately of the removal or destruction, by other than City personnel, of any taxicab identification decal issued to the taxicab operator or vehicle permittee. [X:X:X:3:X]

423. Each taxicab operator and vehicle permittee shall, upon request, take the taxicab immediately out of service and make the taxicab immediately available to the Department for removal of the taxicab identification decal when:
- a. The vehicle is in unsafe operating condition. [X:X:IOS:3-7:X]
 - b. The vehicle is operating without City approved insurance. [X:X:IOS:7:X]
 - c. The taximeter contains a rate other than authorized. The taximeter shall have installed only the approved rates and extra charges. All mechanisms, devices or electronic programs attached, installed or used in connection with the taximeter shall not facilitate the perpetration of fraud. No schedule of rates contained in the taximeter may be higher than those authorized for the City. [X:X:IOS:7:X]
 - d. A citation was issued for vehicle or equipment defects with due notice given to correct the deficiency but no correction was made within the time allotted and the taxicab is still in service. [X:X:IOS:7:X]
 - e. The vehicle is operating without a valid Taxicab Vehicle Permit. [X:X:IOS:7:X]
 - f. The vehicle has not passed annual inspection by an approved mechanic or garage as required by Rule 428. [X:X:IOS:X:X]
424. Each taxicab operator and vehicle permittee shall maintain every taxicab free from:
- a. Unightly dirt, grime and stains inside and out, including the trunk. [X:X:X:1:X]
 - b. Cracked or broken windows, headlights, taillights or interior lights. [X:X:IOS:7:X]
 - c. Missing or broken door locks, handles or window cranks. [X:X:IOS:7:X]
 - d. Torn floor covering, head liner or upholstery. [X:X:IOS:3:X]
 - e. Unusual or unsightly paint defacement and body dents. [X:X:IOS:3:X]
 - f. Projections of sheet metal or other materials inside or outside the taxicab that might cause injury or tear clothing. [X:X:IOS:7:X]
 - g. Unauthorized signs or markings, such as bumper stickers. [X:X:X:3:X]
425. Each taxicab operator and vehicle permittee shall maintain a wheelcover on each wheel which is in good condition and of a similar design. [X:X:X:1:X]
426. Each taxicab operator and vehicle permittee shall maintain in every taxicab a sufficient number of seat belts, properly bolted in place, at least three (3) sets in the rear seat and two (2) sets in the front seat, to accommodate each passenger and the driver, and which are clearly visible and easily usable. [X:X:IOS:7:X]
427. Each vehicle which is cited for violation under a Rule herein which stipulates "IOS" - Immediate Out of Service - shall not be operated except as provided in Rule 109. The violation shall be corrected and the vehicle inspected and cleared by the Department before the end of the next City business day following the correction of the violation. [3:X:IOS:3:X]
428. No taxicab in service shall be in excess of five (5) years of age except that the vehicle may be used in taxicab service for four (4) additional one-year periods provided that the vehicle is inspected either six (6) months prior to or at the end of the fifth, sixth, seventh and eighth years by a City-designated garage. A wheelchair accessible vehicle or a clean fuel/air vehicle of Super Ultra-Low Emission Vehicle (SULEV) standard or cleaner may be used in taxicab service for one more year (i.e. a tenth year) provided that the vehicle is inspected either six (6) months prior to or at the end of the ninth year. The vehicle must pass the inspection, which shall be based upon standards established by the City. The inspection and smog certification due date shall be the same as the DMV registration date (month and day). Inspection and smog certification information

dated up to ninety (90) calendar days prior to the due date shall be accepted. [X:X:IOS:3:X]

429. Vehicles shall not be older than four (4) years of age when placed into service as a taxicab. EXCEPTION: Wheelchair accessible vans shall not be older than six (6) years of age when placed into service as a taxicab. Any vehicle older than four (4) years of age when placed into active service, as authorized by this Rule, shall be inspected by the City-designated garage. Vehicle age shall be calculated as if the vehicle was placed into service on December 31st of its model year. [X:X:IOS:1:X]
430. Each taxicab operator shall have in place and continuously keep up to date all inspection, preventative maintenance, maintenance repair and any other vehicle service records for each taxicab, filed by taxicab, and make these records available to the City for review upon request. [X:X:IOS:1:X]
431. Each taxicab shall carry, and have available at all times, proof of vehicle insurance or financial responsibility. [X:X:IOS:1:X]
432. Each taxicab operator shall ensure that at all times the lights, brakes, tires, steering, and seatbelts are working properly, that the air conditioning, heating and defrosting systems are maintained and in good working order, that the robbery light switch is in the proper position and in working order, and that evidence of financial responsibility is carried in the vehicle. [X:X:IOS:1:X]
433. Each taxicab operator and vehicle permittee shall post the name of company and taxicab number in raised characters and Grade 2 Braille on a permanent sign inside the rear seating area of the taxicab, with the following specifications: [X:X:X:1:X]

Text: The raised characters and Braille translation shall consist of the name of the taxicab company (without such terms as “Cab”, “Taxi”, “Company”, “Inc.”) followed by the taxicab number. The insignia or designation emblem for a number shall be omitted in raised print, but included in the Braille translation.

Finish and Contrast: Sign background and raised characters shall have a non-glare finish. Characters shall be white, light yellow, or off-white with pastel tint on a black background.

Raised Characters: Raised characters shall be raised 1/32 inch minimum above their background. Characters shall be uppercase, sans serif. Characters shall not be italic, oblique, script, highly decorative, or of other unusual forms. Character width shall be 60 percent minimum and 100 percent maximum of the height of the character, with the width based on the uppercase letter “O” and the height based on the uppercase letter “I”. Character height shall be 5/8 inch minimum and 2 inches maximum. Characters shall have a stroke thickness of 10 percent minimum and 20 percent maximum of the height of the character. Characters shall be solid rather than hollow.

Braille: Braille shall be Grade 2 and shall follow specifications for Braille in CBC Title 24 as follows: distance between two dots in same cell - center to center 1/10th inch (0.100); distance between dots 4, 5, 6 in one cell and dots 1, 2, 3 in following adjacent cell - center to center, 2/10th inch (0.200); and height of dot - 1/40th inch (0.025). Dots shall be rounded and solid rather than hollow. Braille shall be located flush left below raised characters, with a distance of two (2) inches between base of raised characters and top of Braille cells.

Installation: Sign shall be mounted on right side of armrest of rear passenger seat with raised characters and Braille facing right side of passenger, or in another location designated and approved by the City.

434. Each taxicab operator and vehicle permittee shall ensure that the customer service comment sign, as approved by the City, is placed in each vehicle on either the safety shield directly behind the driver, or, in the case of a vehicle exempt from the safety shield requirement, on the inside of a window readily visible to passengers. Customer service signs shall be required unless otherwise authorized by the City. [X:X:X:3:X]
435. Each taxicab shall be capable of digitally transmitting credit/debit card authorization and payment information as relayed through the taximeter or a mobile data device operating in concert with the taximeter. A sign shall be placed in each taxicab, as approved by the City, indicating minimum credit card charge requirements and requesting the passenger to notify the driver of intended credit/debit card use for pre-authorization purposes. Although signage requirements may differ between Franchisees, each taxicab operator and vehicle permittee shall place the same sign in each of its taxicabs. [X:X:IOS:3:X]
436. Any problem causing the “check engine” light to be illuminated when the vehicle motor is running must be corrected within two (2) business days or the vehicle may be either removed from service or taken out of service (*by operator request*) until repairs are made and vehicle reinstated subject to inspection. [X:X:X:3:X]
437. Each taxicab operator and vehicle permittee shall maintain a taximeter capable of printing a receipt for all trips provided. [X:X:IOS:7:X]
438. Each taxicab shall display, unless otherwise directed by the City, an interior sign clearly visible to passengers that states: “Driver is required to provide passenger with a receipt printed by the taximeter for each trip.” [X:X:IOS:7:X]
439. Each taxicab operator and vehicle permittee shall decommission its taxicabs after their service life is over. All markings, signs, top light, taximeter, and equipment identifying the vehicle as the Franchisee’s taxicab must be removed. The decommissioned taxicab must be inspected by the City prior to any sale of the vehicle. [X:X:X:3:X]

SECTION 500. MEMBERSHIP REGULATIONS FOR ASSOCIATIONS AND CO-OPERATIVES

This section applies to taxicab associations, co-operatives and memberships, and their respective members, drivers, and member's drivers.

501. Each association, co-operative and membership shall have a testing procedure for establishing new (expansion) and replacement driver/manager members. [X:X:X:3:X]
502. Franchisee shall, upon request or whenever procedures may change, submit the testing procedure required under Rule 501 to the City for review and approval regarding validity and job relatedness. [X:X:X:3:X]
503. A driver/manager applicant shall be denied a Taxicab Vehicle Permit if he or she does not have a valid Taxicab Driver's Permit, has less than two (2) years total taxicab driving experience in the greater Los Angeles area, or less than one (1) year of driving experience as a City permitted driver. [X:X:X:3:X]
504. A driver/manager or investor/shareholder applicant shall be denied a Taxicab Vehicle Permit if the application for the Taxicab Vehicle Permit or information supporting the application is falsified.
505. Franchisee shall ensure that any new driver/manager applicant for a Taxicab Vehicle Permit submits an application to the City with all of the following: [X:X:X:3:X]
 - a. A valid Taxicab Driver's Permit.
 - b. A letter from Franchisee confirming the applicant's membership approval by the Board of Directors, date of approval, taxicab fleet number, previous member's name, total memberships in the applicant's name listed by fleet number, and a California driver's license number for the applicant.
 - c. A copy of the applicant's association or co-operative test scores.
 - d. The applicant's DMV driving record for the last seven (7) years.
 - e. A completed Taxicab Vehicle Permit application.
 - f. The non-refundable fee established by resolution.
 - g. Certified driving history for the two (2) year period. (Rule 503)
506. Any applicant who does not meet all of the requirements of this section shall have the application denied and shall be informed of the denial by the City by formal notice listing the reasons for denial, and the application fee shall be forfeited.
507. Franchisee shall ensure that any new or replacement member, approved by the City for a Taxicab Vehicle Permit, shall complete the processing of the application by furnishing proof of City-approved vehicle insurance, inspection of vehicle and placement of taxicab identification decals on the vehicle within ninety (90) calendar days of City authorization, or prior to the expiration of the franchise or operating permit if expiration is less than ninety (90) calendar days from the date of City authorization, or the authorization shall become invalid and all fees forfeited. Upon written request submitted three (3) weeks prior to the invalidation date, the City may grant an extension of time for good cause. [X:X:X:3:X]
508. Franchisee shall not propose an application for an individual Taxicab Vehicle Permit by more than one (1) person or primary agent of a Subchapter S corporation. [X:X:X:3:X]
509. Franchisee and vehicle permittee shall not allow a taxicab to be placed in service

unless the Franchisee or the vehicle permittee is the registered owner of the taxicab as allowed under the franchise ordinance. Franchisee must obtain a security interest in each vehicle owned by an individual member as provided for in the Franchisee's by-laws. The Franchisee, permittee, a commercial lending agency or a licensed leasing agency whose primary business is the leasing of vehicles shall be the legal owner of the taxicab. [X:X:X:3:X]

510. A vehicle permittee shall not own or control more than the number of taxicabs in the City provided for in the franchise ordinance for Franchisee. Only three (3) driver/manager memberships maximum may be held by an individual within a single corporate entity (authorized for one (1) or more franchises), and a total of five percent (5%) of the membership may be owned by a vehicle permittee in any individual franchise, rounded to the nearest whole number. [X:X:X:3:X]
511. A vehicle permittee who fails to renew his or her Taxicab Vehicle Permit prior to its expiration shall be required to reapply for a new Taxicab Vehicle Permit if Franchisee desires to hold a Taxicab Vehicle Permit. [X:X:IOS:3:X]
512. Franchisee and driver/manager vehicle permittee shall not allow any person to operate a taxicab upon expiration, cancellation, suspension or revocation of the Taxicab Vehicle Permit. [X:X:X:7:X]
513. Franchisee or driver/manager vehicle permittee shall submit the taxicab identification decals to the City from any taxicab which has an expired, canceled or revoked Taxicab Vehicle Permit. [X:X:X:3:X]
514. A driver/manager vehicle permittee shall appear in person to renew a Taxicab Vehicle Permit. The Taxicab Vehicle Permit for an investor/shareholder shall be renewed by the investor/shareholder or other authorized Franchisee representative. [X:X:X:3:X]
515. Franchisee officer/manager, driver/manager vehicle permittee or other authorized Franchisee representative shall appear in person upon request by the City for a hearing(s) when a taxicab under their control has been cited for a violation. [X:X:X:3:X]
516. A driver/manager vehicle permittee whose Taxicab Driver's Permit is suspended, revoked, canceled, or expired shall also have all associated Taxicab Vehicle Permits suspended, revoked, canceled, or expired if control of the vehicle(s) is not transferred to Franchisee as part of the taxicab pool. If the Taxicab Driver's Permit is revoked, canceled or expired, the vehicle permittee shall either change membership status to investor/shareholder or transfer membership. [X:X:X:3:X]
517. Franchisee and driver/manager vehicle permittee shall make his or her taxicab(s) available to the City within five (5) calendar days for removal of taxicab identification decals for the same period that the driver/manager vehicle permittee's Taxicab Driver's Permit is suspended if control of the vehicle(s) is not transferred to Franchisee as part of the taxicab pool. [X:X:IOS:3:X]
518. A Taxicab Vehicle Permit renewal fee shall be assessed to the Franchisee annually for all Taxicab Vehicle Permits in place effective July 1st of each year. Late or non-payment of any Taxicab Vehicle Permit fees may lead to the penalties described in Rule 511.
519. A driver/manager vehicle permittee shall have a valid Taxicab Driver's Permit. EXCEPTION: A Franchisee officer who elects not to drive shall not be required to obtain a Taxicab Driver's Permit. [X:X:X:3:X]

520. A Franchisee and driver/manager vehicle permittee shall make his or her taxicab(s) available to the Department within five (5) calendar days for removal of taxicab identification decals when his or her Taxicab Driver's Permit is revoked, canceled or expires, and control of such taxicab(s) is not transferred to Franchisee as part of the taxicab pool and membership status changed to investor/shareholder. [X:X:IOS:3:X]
521. A driver/manager vehicle permittee shall file an original copy of an annual profit and loss statement in a form acceptable to the City on or before May 1st of the year following the calendar year reported. [X:X:X:1:X]
522. Franchisee shall notify the City, in writing, of the death of a vehicle permittee within seven (7) calendar days after becoming aware of the death but in no event later than seven (7) calendar days after the first day of the month following the death of the vehicle permittee. Divestment of member's taxicabs or shares shall be concluded within one (1) year of notification with extension of time provided for "just cause" as requested in writing to the City. [X:X:X:3:X]
523. Franchisee shall provide the City the current residential mailing address of all members on a quarterly basis. [X:X:X:3:X]
524. At any time a vehicle permittee's application is found to be falsified, his or her Taxicab Vehicle Permit shall be canceled.
525. Franchisee shall ensure that any new investor/shareholder applicant for a Taxicab Vehicle Permit submits an application with all of the following: [X:X:X:3:X]
- a. A letter from Franchisee confirming the applicant's membership approval by the Board of Directors, date of approval, taxicab fleet number, previous member's name, total memberships in the applicant's name listed by fleet number, and a California driver's license number or employer identification number for the applicant.
 - b. A completed Taxicab Vehicle Permit application.
 - c. The non-refundable fee established by resolution.
 - d. For a Subchapter S corporation: Articles of Incorporation or Incorporating Agreement, proof of Subchapter S corporation status from the IRS, IRS Form 2553 listing all stockholders with the number or percentage of shares owned, and a City-approved affidavit of family relationship if more than one (1) stockholder is listed.
526. The transfer to another individual as primary agent holding more than fifty percent (50%) of stock ownership of a Subchapter S corporation that is a vehicle permittee shall be reported to the City within ten (10) calendar days of the transfer, and an application shall be submitted for a new Taxicab Vehicle Permit membership approval within thirty (30) calendar days. For any change in stock distribution within a Subchapter S corporation, the primary agent must supply to the City, within thirty (30) calendar days, an updated IRS Form 2553 specifying the names of all stockholders, the number or percent of shares owned, and a signed affidavit, as approved by the City, regarding the family relationship to the primary agent of any new stockholders in the Subchapter S corporation. [R:X:IOS:X:X]

SECTION 600. TAXICAB DRIVER'S PERMIT REQUIREMENTS

601. a. An applicant for a Taxicab Driver's Permit shall submit to the City an approved application form, signed by an authorized agent of the taxicab operator, containing all current information required by the rules and regulations of the Department together with the required application fee, a current valid government-issued photo ID, an original copy of the applicant's H6 printout, obtained from the DMV within the preceding thirty (30) calendar days, an original approved controlled substance test result or program certificate current to within thirty (30) calendar days, and a medical report, if required and available (see Rule 608) to remain on file with the City. An applicant who is not a United States citizen must provide acceptable proof of right to work.
- b. An applicant who previously held a Taxicab Driver's Permit and whose permit was canceled or revoked must apply for a new permit and meet all of the requirements of this section for a new applicant and such other conditions as the City may impose.
602. An applicant shall be a minimum of 18 years old.
603. An applicant shall possess a current Class C California Driver's License.
604. An applicant shall have the ability to communicate in English, written and spoken, as measured by standards and procedures established by the City.
605. An applicant shall be familiar with the Los Angeles area streets and freeway system.
606. An applicant shall be familiar with and able to locate, with the aid of a street atlas, street addresses, intersections, communities and points of interest in the City of Santa Monica.
607. An applicant shall not be afflicted with either a physical or mental incapacity that would preclude him or her from safely operating a taxicab and performing the duties normal to the taxicab profession.
608. An applicant may be required to submit a medical report and have a valid medical certificate if the application or observation by authorized City personnel indicates a physical or mental affliction as described in Rule 607. In such a situation, the applicant may be granted a temporary Taxicab Driver's Permit for thirty (30) calendar days pending receipt of a valid medical certificate. Upon submittal of the valid medical certificate and acceptance by the City, a regular Taxicab Driver's Permit shall be issued to the applicant. Medical certificate requirements shall be in accordance with Vehicle Code Section 12804.9(a)(2) as required of vanpool vehicle drivers and are renewable every two (2) years.
609. An applicant shall be fingerprinted for a criminal record check.
610. An applicant shall be denied a permit if he or she is required to register as a sex offender under California Penal Code Section 290 et seq. or if he or she has been convicted of a felony involving violence against persons, including attempt and conspiracy.
611. An applicant shall be denied a Taxicab Driver's Permit if he or she has been convicted, during the preceding seven (7) years, of: any offense relating to the use, sale, possession or transportation of narcotics or addictive or dangerous

drugs; any act involving force, violence, threat or intimidation against persons; any sexual offense; any act involving moral turpitude, including fraud or intentional dishonesty for personal gain; any offense involving possession of a firearm or dangerous weapon; any offense involving the solicitation or agreement to engage in or engagement in any act of prostitution; any act of resisting, delaying or obstructing a peace officer, public officer or emergency medical technician or any act of theft in either degree; or any offense which results in a felony conviction. For the purposes of this Rule, a subsequent change of plea or vacation of verdict and dismissal of charges pursuant to California Penal Code Section 1203.4 does not release the applicant from the penalties resulting from the offense of which he or she has been convicted.

- 612. An applicant shall be denied a Taxicab Driver's Permit if he or she has any record of habitual or excessive use or addiction to intoxicating beverages, narcotics or dangerous drugs. An applicant shall be denied a Taxicab Driver's Permit for a three (3) year period from the date of last test failure for two (2) violations of Rule 736(b) within a twelve (12) month period. An applicant shall be denied a permit if more than two (2) violations of Rule 736(b) have occurred over any period of time.
- 613. An applicant shall be denied a Taxicab Driver's Permit if he or she has ever been convicted of any of the following Vehicle Code sections:

<u>Violation</u>	<u>Description of Violation</u>
20001	Hit and Run resulting in injury or death
20003	Hit and Run - failure to identify oneself to police or victim, and injury or death involved
20004	Hit and Run death - failure to report to police or CHP
23104	Reckless driving - causing injury
23153	Driving while under the influence of alcohol or drugs - causing injury to others

- 614. An applicant shall be denied a Taxicab Driver's Permit if his or her last three (3) years DMV printout indicates any of the following:
 - a. A conviction within the last three (3) years of any of the following Vehicle Code sections:

<u>Violation</u>	<u>Description of Violation</u>
20002	Hit and Run - property damage, including vehicles
23103	Reckless driving - no injury
23152	Driving while under the influence of alcohol or drugs - no injury
23220	Driver drinking while operating motor vehicle on highway

- b. More than three (3) moving violations within the last three (3) years or more than two (2) violations within the last year
 - c. More than three (3) chargeable vehicle accidents within the last three (3) years or more than one (1) within the last year.
- 615. An applicant with a Department Driver Permit Suspension Record shall be denied a Taxicab Driver's Permit if his or her record indicates any of the following:
 - a. More than five (5) Rules violations or a total of twenty-two (22) or more calendar days of suspension within the last year.

- b. More than ten (10) Rules violations or a total of thirty (30) or more calendar days of suspension within the last three (3) years.
 - c. Revocation of a Taxicab Driver's Permit within the last three (3) years.
 - d. Any conviction during the preceding year for commission of a crime while operating a taxicab in the City or in Los Angeles, or any other city in Los Angeles County or Orange County.
616. An applicant shall be denied a Taxicab Driver's Permit if any portion of his or her application is found to be falsified. The applicant will not be allowed to reapply for a Taxicab Driver's Permit for a one (1) year period from the time the falsification is first discovered. Should a repeat offense of falsification occur, the applicant will not be allowed to reapply for a Taxicab Driver's Permit for a seven (7) year period from the time the repeat offense of falsification is discovered.
617. An applicant shall be denied a Taxicab Driver's Permit if he or she has been cited more than once during the last three (3) years for operating a taxicab in any city without a valid driver's permit for that city.
618. An applicant shall be denied a Taxicab Driver's Permit if he or she fails to submit all documentation required to substantiate his or her qualifications for the permit, or fails to pay any money due to the City or otherwise resolve the matter to the satisfaction of the City, either prior to the expiration of a Taxicab Driver's Permit being renewed or replaced, or for new Taxicab Driver's Permits, by the deadline established by the City.
619. An applicant who has willfully and intentionally attempted to cheat on the Taxicab Driver's Permit exam shall be immediately disqualified from the exam. First time offenders shall be ineligible to retake the exam for a one (1) year period. Repeat offenders shall be ineligible to retake the exam for a seven (7) year period. Test misconduct includes but is not be limited to: using notes or other materials which have been prohibited; looking at other applicant test papers; talking to others during the exam (other than test proctors); failing to stop when requested to do so at the end of the exam period; or coercing others for exam information.
620. An application for a renewal Taxicab Driver's Permit may be submitted no earlier than sixty (60) calendar days prior to expiration of the permit being renewed.
621. Whenever a driver changes taxicab operators, the driver shall exchange his or her current Taxicab Driver's Permit for a replacement Taxicab Driver's Permit, and submit a permit replacement fee with a completed application for a Taxicab Driver's Permit for the new taxicab operator, signed by the driver's new taxicab operator.
622. Upon notification signed by an officer of the taxicab operator of withdrawal of signature at any time during the term of a Taxicab Driver's Permit, or notification of termination of any driver as required by Rule 203, the permit shall be canceled and immediately returned to the City. [C:X:IOS:X:X]
623. A driver shall immediately notify the City whenever his or her permit to drive a taxicab issued in any other city has been suspended, denied, cancelled or revoked. [1:\$:X:1:D]

SECTION 700. TAXICAB DRIVER RULES AND REGULATIONS

701. A driver shall drive only for the taxicab operator shown on his or her Taxicab Driver's Permit. A driver shall surrender his or her existing Taxicab Driver's Permit and obtain a replacement Taxicab Driver's Permit before driving for any other taxicab operator not listed on the permit, in compliance with Rule 621. [5:\$:IOS:5:X]
702. A driver shall have in his or her immediate possession a valid California driver's license while in charge of or driving a taxicab and shall present the license upon request. [3:\$:IOS:3:X]
703. A driver shall not be in charge of or drive a taxicab while his or her California driver's license is suspended or has expired. Penalties are as follows:
- a. Drive or in charge while license is suspended: [R:X:IOS:4:X]
 - b. Drive or in charge while license is expired: [3:X:IOS:3:X]
704. A driver shall have in his or her possession a valid Taxicab Driver's Permit while in charge of or driving a taxicab. Penalties are as follows:
- a. Hold a permit [5:X:IOS:7:X]
 - b. Have permit in possession [1:\$:X:1:D]
705. A driver shall not be in charge of or drive a taxicab while his or her Taxicab Driver's Permit is suspended. [10-R:\$:IOS:10:B]
706. A driver shall properly post (right side up and visible to all passengers) his or her valid Taxicab Driver's Permit in the driver permit card holder while on duty. [1:\$:X:1:D]
707. A driver shall not knowingly allow the unauthorized use of his or her Taxicab Driver's Permit. The Taxicab Driver's Permit is nontransferable and shall not be duplicated. [7:\$:X:7:A]
708. A driver shall not use another person's Taxicab Driver's Permit. [7:\$:IOS:7:A]
709. A driver may not apply for or possess more than one Taxicab Driver's Permit at any one time. [10:\$:IOS:2:X]
710. A driver shall return an expired, revoked, canceled or otherwise invalid Taxicab Driver's Permit to the City. [3:X:X:X:X]
711. A driver assigned to a taxicab shall not knowingly allow the unauthorized use of the taxicab. Penalties are as follows:
- a. Allowing the use of a taxicab by another City permitted taxicab driver that has not been authorized to drive for Franchisee. [5:\$:IOS:5:X].
 - b. Allowing the use of taxicab by a non-permitted individual for the purpose of providing taxicab transportation services. [R:X:IOS:5:X].

The following Rules 712 and 713 and penalties apply only upon a citation by a police officer as a result of the officer's personal observation or a complaint from the public.

712. A driver shall at all times drive or park the taxicab:
- a. In a safe, careful and prudent manner. [5:\$:X:1:X]

- b. In compliance with City traffic regulations, as may be amended from time to time. (See SMMC Chapter 3.12) [1:\$:X:1:X]
- c. In compliance with the Vehicle Code. [2:\$:X:1:X]

713. A driver shall not commit or engage in any unlawful act while on duty. [5:\$:X:2:X]

714. A driver shall not engage in any unlawful act, including but not limited to: [R:X:IOS:10:X]

- a. The commission of a felony.
- b. Pandering.
- c. Immoral acts.
- d. Assault or battery.
- e. Reckless driving.
- f. Drunk driving.

No violation of this Rule may be charged unless there is a conviction by a court of competent jurisdiction. No penalty points will be assessed against the taxicab operator unless there is evidence that the taxicab operator was aware of such unlawful acts and allowed the driver to continue driving with that operator. A driver may be taken out of service immediately while the City investigates such charge(s). A record will be kept of such temporary suspension but shall not be considered when applying Rule 615.

715. A driver shall not drink an alcoholic beverage while on duty or have in his or her possession an open container of any alcoholic beverage. [10-R:\$:IOS:5:B]

716. A driver shall not buy or sell alcoholic beverages while on duty. [5:\$:IOS:5:A]

717. A driver shall not enter any bar or cocktail lounge while on duty except for the purpose of announcing arrival to a prospective passenger. [3:\$:X:3:X]

718. A driver shall not be under the influence of an alcoholic beverage, intoxicating liquor or any drug which may impair driving ability, while on duty. [10-R:\$:IOS:10:B]

719. A driver shall not knowingly use, sell, handle or transport illegal narcotics at any time. [R:X:IOS:10:X]

721. A driver shall not give any information as to where narcotics may be obtained for illegal purposes. [10-R:\$:IOS:10:B]

722. A driver shall not knowingly solicit, procure or give information in regard to or take any passenger to any person or establishment for the purpose of prostitution. [10-R:\$:IOS:10:B]

723. A driver shall ensure that at all times the vehicle lights, brakes, tires, steering, seatbelts, air conditioning, heating and defrosting systems are working properly, that the robbery light switch is in the proper position and in working order, and that evidence of financial responsibility is carried in the vehicle. Penalties are as follows:

- a. Equipment not in working order. [1:\$:IOS:1:X]
- b. Failure to use the heating or air conditioning system upon customer request. [3:\$:X:1:X]
- c. Accidental or unauthorized use of robbery light. [1-5:\$:X:1:X]
- d. No evidence of financial responsibility in vehicle. [1:\$:IOS:1:D]

724. A driver shall not drive a taxicab which is in an unsafe operating condition. Unsafe operating conditions include but are not limited to: bald tires; missing fuel tank caps; inoperable or inadequate windshield wipers; broken or inoperable head or tail lamps; inoperable horn; defective or inadequate brakes; or missing, defective, or inoperable seat belts. (See Rule 423.) [1-3:\$:IOS:3-7:A]
725. A driver shall not operate a taxicab that contains a taximeter which is not properly sealed, accurate and in good working condition. The taximeter shall not: be removable; be installed in a way that makes it possible to tamper with the rate setting mechanisms; or be equipped with unapproved devices attached to any part of the taximeter or its wiring harness. The taximeter's installation and operation shall be in compliance with all laws of the City and State. Note: Possession of a fraudulent or false taximeter is prima facie evidence of intent to violate the law pursuant to California Business and Professions Code Section 12510. (See Rules 406, 416 and 423.) Penalties are as follows:
- a. Installation or operation of defective taximeter equipment that does not adhere to Rule 725 standards, but was not deemed to provide for willful and intentional tampering, overcharging or fraudulent activity. [5-R:X:IOS:7:X]
 - b. Installation or operation of taximeter equipment that does not adhere to Rule 725 standards, and is deemed to provide for willful and intentional tampering, overcharging or fraudulent activity. Taxicab operator penalty point assessment may be reduced or waived dependent upon an operator's cooperation and assistance in detecting and notifying the City of potential tampering and fraudulent activities. [R:X:IOS:0-7:X]
726. A driver must activate the taximeter at the beginning of each trip and deactivate the taximeter upon completion of the trip. If the driver arrives early on a "time-order", the driver shall not activate the taximeter before the prearranged time, or before the passenger is seated, whichever comes first. EXCEPTION: The taximeter shall be activated for flat fare trips unless otherwise required by the City. [5:X:X:7:A]
727. A driver shall, while on standby and at the passenger's request, remain at an agreed upon safe and legal location with the taximeter activated until the passenger returns or otherwise dismisses the taxicab. [3:\$:X:3:X]
728. A driver shall ensure that the approved taximeter rate is set at all times. The taximeter shall not contain any unauthorized rate or extra charges which can facilitate the perpetration of a fraud. Taxicab operator penalty point assessment may be reduced or waived dependent upon an operator's cooperation and assistance in detecting and notifying the City of potential tampering and fraudulent activities. (See Rules 406, 416 and 423.) [R:X:IOS:0-7:X]
729. A driver shall ensure that the taximeter reading is visible to any passenger at all times. [3-10:X:IOS:7:X]
730. A driver shall maintain the interior and exterior of the taxicab in a clean condition and in good repair. [1:\$:IOS:1:X]
731. A driver shall have the dispatch radio tuned to the taxicab operator's assigned radio frequency and be connected to the computer dispatch system at all times. [7:\$:IOS:7:A]
732. A driver shall ensure that the dispatch radio is audible and the computer dispatch

system is on at all times that the taxicab is available for service. [3:\$:IOS:3:X]

733. A driver shall not use a scanner or other type of receiver that is capable of monitoring another taxicab operator's assigned radio frequency or dispatch system. [10-R:\$:IOS:10:B]
734. A driver shall comply with the taxicab operator's dress code and appearance standard, as approved by the City, at all times while on duty. (See Rule 208.) [1:\$:X:X:X]
735. A driver shall, in accordance with Rule 734, wear clothes that are neat and clean and shall be well groomed at all times while on duty. [1:\$:X:1:D]
736. A driver shall maintain current enrollment in the controlled substance and alcohol testing program authorized for the taxicab operator. Any "positive" or failing test result shall lead to suspension or revocation of the Taxicab Driver's Permit. Failure to comply with a test requirement shall be considered as a test failure in addition to a "positive" test result. Penalties are as follows:
- a. Failure to maintain enrollment in the drug and alcohol testing program. [R:X:X:X:X]
 - b. Test failure for a controlled substance or alcohol: A driver may be reinstated, after completion of rehabilitation and return to duty testing, if the number of test failures for drug and alcohol is no more than one (1) in a twelve (12) month period and less than three (3) total. More than one (1) test failure result for drug and alcohol use within a twelve (12) month period shall disqualify an applicant for a Taxicab Driver's Permit (see Rule 612) for a period of three (3) years from the last incident of a test failure result. More than two (2) test failure results for drug and alcohol use within any period of time shall be cause for permanent revocation of the Taxicab Driver's Permit. [5-R:X:X:X:X]
737. A driver shall provide prompt, efficient service and be courteous at all times to the general public, other taxicab drivers, and to Department investigators, police officers, and City officials and employees. (See Rule 773.) Verbal abuse and profanity are prohibited. Physical abuse, threatened or otherwise, or throwing objects, are major violations and shall be punished in accordance with these Rules and applicable law. The citing officer shall provide a supplemental written report of any incidents, including the names, addresses and telephone numbers of all witnesses. [1-R:\$:X:3:A]
738. A driver shall not perform routine mechanical maintenance on any vehicle while in a taxicab zone. [3:\$:X:3:X]
739. A driver shall not leave the taxicab unattended except to assist a passenger while in a taxicab zone. [1:\$:X:1:D]
740. A driver shall occupy a taxicab zone only when available for hire (not while on a telephone or equivalent communication dispatch request, a personal service call, waiting for a return trip, or while on standby). [5:\$:X:5:X]
741. A driver shall not refuse a request for service because of the driver's position in line at a taxicab zone or taxicab stand; a passenger may select any taxicab in line. [7:\$:X:4:A]
742. A driver shall solicit passengers only from the driver's seat or standing immediately adjacent to the taxicab and only when the taxicab is legally parked or

stopped. [2:\$:X:2:X]

743. Only the “first-up” driver may solicit a passenger at a taxicab zone or taxicab stand. [3:\$:X:3:X]
744. A driver may not solicit a passenger away from any other taxicab in line. [5:\$:X:5:X]
745. A driver shall not use any other person to solicit passengers. [5:\$:X:5:X]
746. A driver shall not refuse to transport any person except for the following reasons: [10-R:\$:X:3-5:B]
- a. The driver has already been dispatched on another call;
 - b. The passenger is acting in a disorderly or threatening manner, or otherwise causes the driver to reasonably believe that his or her health or safety, or that of others, may be endangered.
 - c. There is a reasonable expectation that the passenger may cause the taxicab to become stained or foul smelling;
 - d. The passenger requires the use of a litter or stretcher;
 - e. The passenger cannot, upon request, show an ability to pay the fare; or
 - f. The driver is occupying a taxicab zone or taxicab stand pursuant to conditions under Rules 742 and 743.
747. A driver shall not request payment of taxicab fare in advance of delivery of passenger to the passenger’s desired location except that a deposit up to the estimated amount of the fare may be collected in advance to show the passenger’s ability to pay as provided in Rule 746. [5:\$:X:5:X]
748. A driver shall immediately notify the supervisor on duty of any incident of service refusal specified in Rule 746 and note on the waybill the time, date, supervisor’s name and other details of the incident. (See Rule 206.) [5:\$:X:5:X]
749. A driver shall not transport more passengers than the number of seatbelts available or the taxicab capacity will safely or legally allow. [3:\$:X:3:A]
750. A driver shall not ask for the passenger’s destination until the passenger is seated in the taxicab. [5:\$:X:5:A]
751. A driver shall not attempt to refer the passenger to another taxicab or means of transportation, except in the case of a driver occupying a taxicab zone or taxicab stand pursuant to conditions under Rules 742 and 743. [5:\$:X:5:X]
752. A driver shall not dismiss or discharge any passenger at a point other than the requested destination without adequate cause. [10-R:\$:X:10:B]
753. A driver discharging a passenger according to Rule 752 shall discharge the passenger only at a safe, well-lighted place convenient to public transportation. [10-R:\$:X:10:B]
754. A driver shall immediately notify the supervisor on duty of any incident of passenger discharge under Rules 752 and 753 and note on the waybill the time, date, supervisor’s name and other details of the incident. (See Rule 206.) [5:\$:X:5:X]
755. A driver shall not accept any additional passengers while the taxicab is engaged, without the consent of the fare-paying occupants of the taxicab. [3:\$:X:3:X]

756. A driver shall not charge an additional fare for any additional passengers accepted under Rule 755. [7:\$:X:7:A]
757. A driver shall not request, demand, arrange for, or collect any compensation in an amount greater than (i.e. overcharge) the authorized taxicab rate applicable to the service provided. [10-R:X:X:10:B]
758. A driver shall use the shortest, most economical and most direct available route on all trips unless otherwise specifically requested or approved by the passenger and except for approved flat rate fares. [10-R:X:X:10:B]
759. A driver shall not attempt to influence or unnecessarily change the destination of a passenger. [7:\$:X:7:A]
760. A driver shall not accept fees or gratuities from anyone other than the passenger or the passenger's agent. [3:\$:X:3:X]
761. A driver shall not refuse to transport in the taxicab:
- a. Any passenger's wheelchair, which can be folded and placed in the passenger, driver or trunk compartment of a taxicab; groceries or packages when accompanied by a passenger; personal luggage, possessions, or small pets in carriers. The driver shall not be required to transport any article which would cause the taxicab to become damaged, stained or foul smelling. [7:\$:X:7:A]
 - b. Any passenger's service animal, including any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability, without justification, or intentionally interfere with the use of a service animal by harassing or obstructing the user or his or her service animal. [10-R:\$:X:5:A]
762. A driver shall assist a passenger by placing luggage, packages and wheelchairs in and out of the taxicab when requested. [3:\$:X:3:X]
763. A driver shall assist a passenger in and out of a taxicab when requested, provided that the driver is not required to lift the passenger. [3:\$:X:3:X]
764. A driver shall not lock passenger doors while the taxicab is in service with a passenger on board except while the vehicle is in motion. [3:\$:X:3:X]
765. A driver shall inform the taxicab operator immediately and turn over to the proper person, as soon as reasonably practicable, all found articles of property left by passengers in the driver's vehicle. [3:\$:X:3:X]
766. A driver shall, unless otherwise directed by the City, give the passenger making payment an accurate and legible receipt printed by the taximeter for each taxicab trip provided. The printed receipt shall display trip information as designated by the City, including, but not limited to, company name, vehicle number, date and time the trip began, date and time the trip ended, trip number, distance traveled, fare amount, any extra charge applied, and company telephone number. [5-R:X:X:7:X]
767. A driver shall complete and turn in to the taxicab operator all waybills in an accurate and legible manner. [1:\$:X:1:D]
768. A driver shall complete all items on the waybill including the amount of each fare

collected, time, origin, destination, “no goes” or “no loads”, all flat fares, and the amount registered on the taximeter. [1:\$:X:1:D]

769. A driver shall at all times have a waybill in his or her possession which is properly filled out and complete to that minute showing the driver’s name, taxicab operator name, date, taxicab number, the time the shift began, and all other required information. [1:\$:X:1:D]
770. A driver shall not falsify waybills. For any waybill falsification involving fraudulent credit/debit card activity, the penalty shall be revocation of the Taxicab Driver’s Permit. [10-R:\$:X:5-10:B]
771. A driver shall not smoke while transporting passengers, without the consent of all passengers. [3:\$:X:3:X]
772. A driver shall not permit anyone who is not a passenger to sit in the taxicab while the driver is on duty. [3:\$:X:3:X]
773. A driver shall immediately comply with all lawful requests, orders and directives issued by any authorized City personnel. [7-R:\$:X:7:A]
774. A driver shall ensure that the driver’s mailing address on file with the City is kept current and correct at all times. [1:\$:X:X:X]
775. A driver shall not give, offer or receive a bribe with the intent to affect an action which could be contrary to the Rules, the SMMC, the terms of a franchise ordinance, or State law, or with the intent or purpose of having an agent or employee of the City not perform his or her duties relating to the regulation of taxicabs. Specifically, a driver shall not engage in such activity with any City personnel, other drivers or any other person in the position to influence the operation of the driver’s taxicab. [R:X:IOS:10:X]
776. A driver shall immediately read and sign any citation that he or she is issued when cited for a Rule violation; signing is not an admission of guilt. [7:\$:IOS:3:A]
777. A driver shall begin his or her shift with at least \$20.00 in change and shall maintain such amount throughout the shift. [1:\$:X:X:X]
778. A driver shall not drive any combination of vehicles for more than ten (10) consecutive hours or more than ten (10) hours spread over a total of fifteen (15) consecutive hours in any twenty-four (24) hour period. Thereafter, such driver shall not drive any taxicab or other vehicle until eight (8) consecutive hours have elapsed. (See Vehicle Code Section 21702(a).) [10-R:\$:X:10:B]
779. At any time a driver’s record or ability to operate a taxicab fails to meet the requirements contained in Rules 603, 607, and 610-615, the driver’s permit shall be revoked. [R:X:X:X:X]
780. Each driver who is cited for a violation under a Rule herein which stipulates Immediate Out Of Service (IOS) shall immediately turn over his or her Taxicab Driver’s Permit to the citing officer. [3:\$:IOS:3:X]
781. A driver when serving suspension time shall turn in the Taxicab Driver’s Permit to the City at the time and place so directed by the City. [C:X:IOS:X:X]
782. A driver shall not use a taxicab as his or her personal vehicle or for personal business at any time. [3:\$:X:3:X]

783. A driver shall not file false or misleading information or complaints with the City. [5:\$:X:X:X]
784. A driver shall log in when he or she begins a work shift and log out at the end of each work shift. [7:\$:X:X:X]
785. A driver shall accept valid major credit/debit card payment if the chargeable payment amount is \$10.00 or more, unless a lesser amount is required by Franchisee. Credit/debit card authorization and payment information shall be digitally relayed through the taximeter or mobile data device operating in concert with the taximeter. A driver has the right to request identification of payee and to check credit/debit card validity prior to the end of the service trip. If a passenger fails to inform the driver in advance of the planned use of a credit/debit card, the driver must still accept any valid credit/debit card payment. [10-R:\$:X:3-5:B]
786. A driver shall deactivate the top light of the taxicab when transporting passengers, on standby, or no longer on duty. [3:\$:X:X:X]
787. A driver shall not drive a taxicab onto the Santa Monica Pier unless the driver is responding to a service call for a pick-up at the pier or dropping off passengers on the pier. [10-R:\$:X:3-5:A]
788. A driver shall not offer or pay any bribe or gratuity to any employee or agent of a hotel, motel, business establishment, or public or private agency or organization for the privilege of providing taxicab services to the customers, clients, or employees of any hotel, motel, business establishment, or public or private agency or organization. [10-R:\$:X:25-R:A]

**SECTION 800. PROCEDURES FOR PROCESSING VIOLATIONS OF
TAXICAB RULES AND REGULATIONS**

800. Subject to Applicable Law

The hearing procedure for violations of these rules and the applicable penalties are governed by SMMC Chapter 6.49.

801. Appeals

The procedure for appealing any suspension, revocation, or denial of a permit under these rules is governed by SMMC Chapter 6.16.

**SCHEDULE I
PENALTIES FOR VIOLATION OF TAXICAB RULES AND REGULATIONS**

Every taxicab operator, vehicle permittee and driver who does not comply fully with any one or more of the Department's rules and regulations, with the terms and conditions of a taxicab franchise or the Santa Monica Municipal Code shall be guilty of a violation and subject to the penalty as shown in the brackets at the end of each rule. Each day that a violation continues shall constitute a separate and distinct violation.

Any suspension of a permit shall be recorded on the driver's Department Permit Suspension Record and will be considered when applying Taxicab Rule 615. A permittee must serve a suspension during a period of time in which the Taxicab Driver's Permit has been physically turned in to the City.

Monetary Penalty Amount for Taxicab Drivers

The monetary penalty for driver violations shall be equal to \$50.00 times the multiplication factor indicated in this Schedule. Penalties shall accumulate without limit.

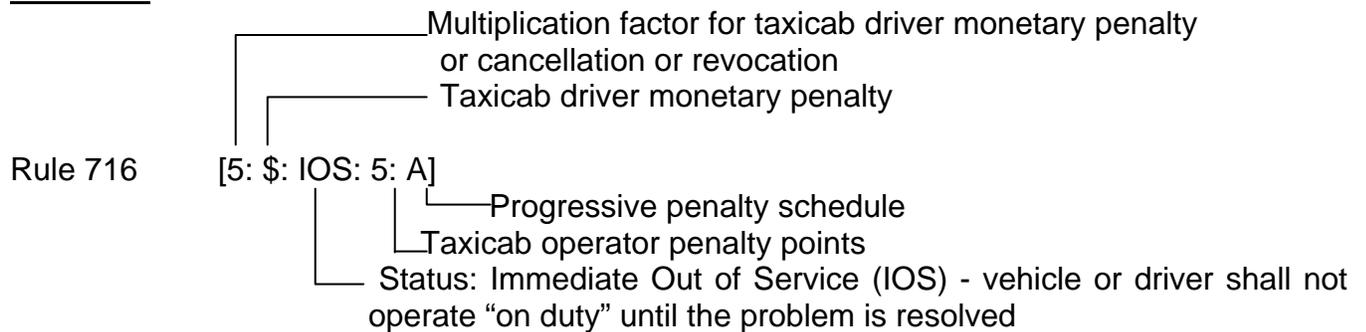
Monetary Penalty Amount for Taxicab Operator Penalty Points

The monetary penalty for taxicab operator violations shall be equal to \$100.00 for each operator penalty point indicated in this Schedule. Penalties shall accumulate without limit.

Suspension of Taxicab Operator's Franchise

Whenever the cumulative amount of the monetary penalty assessed against any taxicab operator for any calendar quarter period exceeds \$25,000, the taxicab operator's franchise is subject to suspension.

LEGEND:



DRIVER CODE:

- X = None (does not apply)
- R = Revocation
- C = Cancellation of permit

PROGRESSIVE PENALTY SCHEDULES

The following progressive penalties shall be applied when the same driver is guilty of a second or subsequent violation of the same rule or any combination of the rules listed for the same Progressive Penalty Schedule within any 24-month period.

SCHEDULE A

Second Violation [14:\$.X:10:A]
Third Violation [21:X:X:15:A]
Fourth Violation [R:X:X:20:X]

SCHEDULE B

Second Violation [28-R:X:X:10:B]
Third Violation [R:X:X:15:B]

SCHEDULE C

Late (4th - 7th day) [X:150% of \$.X:3:C]
Unpaid after 7 days [X:200% of \$.X:5:C]

SCHEDULE D

Second Violation [3:\$.X:3:D]
Subsequent Violations [6:\$.X:6:D]