

ORDINANCE NUMBER 2501 (CCS)

(City Council Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SANTA MONICA AMENDING CHAPTERS 6.48, 6.49, and 6.50 OF THE SANTA
MONICA MUNICIPAL CODE UPDATING REGULATIONS OF
VEHICLES FOR HIRE, TAXICABS, AND PEDICABS

WHEREAS, the City consists of just eight square miles of coastal land which is home to 90,000 residents, the job site of 300,000 workers, and a destination for as many as 500,000 visitors on weekends and holidays; and

WHEREAS, the City's premier location and vigorous local economy continues to attract large number of tourists from throughout the world; and

WHEREAS, the City's bustling streets are heavily utilized by various vehicle for hire operations seeking to service the City's large number of residents, workers, and visitors; and

WHEREAS, new modes of vehicle for hire transportation that have been introduced into the Santa Monica market impact traffic circulation, particularly in the heavily congested areas of the downtown; and

WHEREAS, unregulated vehicle for hire operations could create safety hazards and cause unnecessary consumer confusion regarding fares; and

WHEREAS, California Vehicle Code Section 21100(b) authorizes local agencies to license and regulate the operation of vehicles for hire and drivers of passenger vehicles for hire; and

WHEREAS, the City has the authority to regulate in-city vehicles for hire pursuant to its constitutionally granted Charter City police powers; and

WHEREAS, experience in administering the taxicab franchise program and the pedicab regulatory program, and the advancement of technology in the vehicle for hire business, have shown that certain definitions and regulatory provisions should be adjusted to more accurately reflect current industry practices; and

WHEREAS, licensing and regulation of vehicle for hire operations within the City is necessary to ensure safe and quality services, mitigate negative impacts on traffic circulation, and promote the general welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 6.48 of the Santa Monica Municipal Code is hereby amended to read as follows:

Chapter 6.48 VEHICLES FOR HIRE

6.48.010 Definitions.

As used in this Chapter, the phrase "vehicle for hire" includes taxicabs, charter-party carriers of passengers other than limousines as defined in the Public Utilities Code, and every automobile or motor-propelled vehicle used for transportation of passengers within and without the boundaries of the City not over a defined route, at rates per person, per mile, per trip, per hour, per day, per week or per month. For the purpose of this Chapter, any person that provides transportation of passengers free of charge to the passenger, with compensation earned through other means such as the sale of

advertisements on the vehicles, is a vehicle for hire. Vehicles leased or rented for a period of time to be driven by the lessee or designee and not used for the transportation of passengers are not included. Vehicles for hire providing service only within the boundaries of the City of Santa Monica and not otherwise subject to regulation or licensing by the California Public Utilities Commission shall be referred to as "In-City Vehicles For Hire."

6.48.020 In-city vehicle for hire approval required.

No person shall operate an In-City Vehicle For Hire business within the City unless the operator first obtains a permit from the City authorizing such operations.

(a) Application. The operator of an In-City Vehicle For Hire shall file with the City, upon forms supplied by the City, a completed verified application with its business license application and renewal that shall include a description and list of the applicant's vehicles to be used, the vehicle business operations, revenue sources other than the transportation of passengers, passenger fees, driver employee relationship, routes of in-city operations, proof of adequate insurance, address and manner that vehicles are to be stored when not for hire or in operation, and other information as the City may require.

(b) Denial/Conditions. The City shall deny an application if the application is incomplete or does not meet the requirements set forth in this Chapter. The City shall deny or impose mitigating conditions upon any approval of an application if the proposed vehicle operations would create health or safety hazards, or is inconsistent with the requirements of this Code or the City's General Plan.

(c) For the purpose of this Code, a non-motor propelled vehicle is an "in-city vehicle for hire".

6.48.030 Business license required.

No person shall conduct any vehicle for hire business without having first obtained a business license in compliance with this Code.

6.48.040 Compulsory Insurance Coverage

Before any business license is issued or renewed, the owner of the vehicle for hire shall be required to file proof of insurance with the Finance Department in the amount specified by the Risk Manager. This policy must insure the public against any loss or damage that may result to any person or property from the operation of such vehicle. No person shall operate any such vehicle without having a policy as described in this Section in full force and effect at all times during the operation of such vehicle.

6.48.050 Driving of vehicles.

Vehicles for hire shall be operated by the owner or by an employee or authorized agent of the owner.

6.48.060 Direct route.

Any driver of a vehicle for hire employed to carry passengers to a definite point shall take the most direct route practicable that will carry the passengers safely and expeditiously to their destination unless otherwise requested by the passenger.

6.48.065 Compensation to gain access to passengers.

(a) No person shall offer, pay or agree to pay any consideration, either monetary or non-monetary, to any owner, operator, employee or agent of any hotel or any other business establishment for recommending or directing any passenger, who does not have a reservation made on a prearranged basis, to ride in a specific vehicle for hire or to a

specific vehicle for hire company.

(b) No owner, operator, employee or agent of any hotel or any other business establishment shall solicit, demand, accept or agree to accept any consideration, either monetary or non-monetary, or enter into any vehicle for hire service arrangement or agreement for recommending or directing a passenger, who does not have a reservation made on a prearranged basis, to ride in a specific vehicle for hire or to a specific vehicle for hire company.

(c) No owner, operator, employee or agent of any hotel or any other business establishment shall offer, pay or agree to pay any vehicle for hire company or driver in exchange for the company or driver recommending or directing a passenger, who does not have a reservation made on a prearranged basis, to a business establishment operated by a specific owner or operator

(d) Nothing in this Section prohibits the passenger of a vehicle for hire from tipping or paying a gratuity to the driver of a vehicle for hire, or to an employee or agent of a hotel or other business establishment.

(e) This Section shall not apply to In-City Vehicles For Hire.

6.48.070 Penalty for violation.

Any person violating any provision of this Chapter shall be guilty of an infraction, which shall be punishable by a fine not exceeding two hundred fifty dollars, or a misdemeanor, which shall be punishable by a fine not exceeding one thousand dollars per violation, or by imprisonment in the County Jail for a period not exceeding six months, or by both such fine and imprisonment.

SECTION 2. Chapter 6.49 of the Santa Monica Municipal Code is hereby amended to read as follows:

Chapter 6.49 TAXICABS

6.49.010 Definitions.

For the purposes of this Chapter certain words and phrases are defined and certain provisions shall be construed as herein set forth, unless it is apparent from the context that a different meaning is intended.

(a) **Stand.** "Stand" means a place designated by the Parking and Traffic Engineer of the City for use by any vehicle licensed hereunder while awaiting employment.

(b) **Taxicab.** "Taxicab" includes every automobile and motor-propelled vehicle which is not otherwise licensed by the California Public Utilities Commission, is designed to carry not more than eight persons, excluding the driver, and is not otherwise required by State Law to have all trips prearranged, and is used for the transportation of passengers for hire within and without the boundaries of the City, at rates for distance traveled, or for waiting, standby or traffic delay time, or for any combination of such rates, and not operating over a defined route.

(c) **Taxicab Franchisee or Franchisee.** "Taxicab franchisee" or "franchisee" includes a person, firm, association, sole proprietorship, stock corporation, co-operative organization or other entity, however organized, including the management and officers thereunder, that is awarded a taxicab franchise by the City and operates a taxicab service.

(d) **Taximeter.** "Taximeter" includes a device that automatically calculates a predetermined rate or rates for taxicab services and indicates the charge for the hire of a taxicab, including Internet, Web, or other network-based applications. Taximeters may

also facilitate flat rates or promotional rates.

6.49.020 Rules and regulations.

The Director of Planning and Community Development or designee is authorized to adopt rules and regulations consistent with this Code and necessary to implement this Chapter and the franchise agreements. Such rules and regulations may include, but are not limited to, provisions: governing taxicab service and safety; prescribing limitations, conditions and qualifications of applicants for vehicle permits and driver permits; and pertaining to the responsibilities of taxicab franchisees and drivers. Such rules and regulations shall be filed in the office of the City Clerk where they shall be made available for inspection by the public. Violations of rules and regulations issued pursuant to this Section shall constitute violations of this Chapter, and shall subject the violator to the penalties set forth in this Chapter.

6.49.030 Authority of designated employees of the Police Department to have access to summary criminal history information.

Police Department employees assigned to or having responsibility for permitting and licensing pursuant to this Chapter shall have the authority to obtain State and local summary criminal history information pursuant to Sections 11105(b)(11) and 13300(b)(11) of the California Penal Code.

6.49.040 Taxicabs—Franchise required.

(a) The City may in its discretion award one or more, but no more than five, nonexclusive franchises for the operation of taxicab services within the City. Upon issuance of one or more franchises, the City shall not accept new or renewal applications for an existing business license, decal or permit to operate a taxicab service and it shall

be unlawful for any person other than a taxicab franchisee and its employees or authorized agents to operate, engage in the business of operating, or cause to be operated any taxicab service within the City.

(b) Franchises shall be awarded through a competitive process initiated through a request for proposals issued by the City. Franchise proposals will be evaluated based upon criteria including, but not limited to, the following: the emissions standards and fuel economy of taxicabs; the age and condition of taxicabs; provision of a centralized dispatch system; past experience, including demonstrated quality of service and safety; driver training and qualifications; financial stability; insurance; record of violations by the bidder or bidder's drivers of Federal, State or local law, and rules and regulations relating to taxicab operations, particularly safety operations; extra services available to the public, including discounts for seniors and those with disabilities; and benefits available to drivers and employees. Additionally, there shall be a local preference. Taxicab franchise proposals shall be examined and evaluated by a committee established by the City Manager, which shall make recommendations to the City Council. Upon the award of a franchise, the franchisee shall enter into a franchise agreement with the City. The franchise agreement may impose obligations on the franchisee that are additional to but not inconsistent with those imposed pursuant to this Chapter. Each franchisee, including its members, drivers, and authorized agents, shall comply with the franchise agreement.

(c) The City may at any time initiate a competitive bidding process for the issuance of new franchises. Nothing shall prohibit a taxicab franchisee from competing for a new franchise; however, any taxicab franchisee whose franchise has been revoked shall thereafter be prohibited from competing for award of a franchise for a period of three

years following the scheduled expiration of its franchise agreement.

(d) The maximum number of taxicabs permitted to operate under the terms of all franchises granted by the City shall not exceed three hundred taxicabs, which number may be adjusted by City Council from time to time.

(e) After notice and a hearing, the City Council may at any time reduce the total maximum number of taxicabs operating within the City, upon finding that the number of taxicabs is detrimental to the public health, safety, or welfare. If the City Council reduces the number of permitted taxicabs, the reduction shall be reasonably allocated amongst existing franchisees.

(f) The City Council may schedule a public hearing to determine, by resolution, whether the public convenience and necessity require the operation of additional taxicabs in the City. Any such resolution shall specify the number of additional taxicabs permitted. Any determination that the public convenience and necessity require the operation of additional taxicabs in the City shall include, but are not limited to, findings that:

(1) The additional taxicabs will not substantially impair the ability of existing franchisees, under efficient management, to earn a fair and reasonable return on their capital investments in their franchises;

(2) Existing franchisees, under normal conditions, are not fulfilling the need for taxicab services in the City; and

(3) The additional taxicabs, together with the taxicabs then currently operating in the City, will not unduly congest, overburden, or interfere with any traffic circulation, public street access, public or private parking, or stands, or otherwise create any danger or hazard to the public health, safety, or welfare.

(g) No franchisee shall operate a taxicab within the City unless the City has issued and the franchisee possesses a current taxicab vehicle permit for that specific vehicle.

(h) No taxicab franchisee shall permit any driver in its employ to operate, and no driver shall operate, a taxicab in the City into which passengers are accepted for transportation without having first obtained a valid driver's permit from the City and paid to the City the required taxicab driver's permit fee.

(i) As defined in the rules and regulations, and with the approval of the City Manager or designee, a taxicab franchisee may utilize and participate in any Los Angeles Department of Transportation (LADOT) taxicab app or subsequent program to serve as a dispatching system and to pick up in jurisdictions in accordance with the terms and conditions of its territorial reciprocity program. Such approval shall not be unreasonably withheld upon the City's verification that the app or program complies with the requirements of this Code.

(j) **Fees.**

(1) **Annual Franchise Fee.** Each taxicab franchisee shall pay to the City an annual fee, established by resolution of the City Council, for the privilege of operating a taxicab service in the City. Such payment shall be in addition to any other prescribed fees, including but not limited to, business license and permit fees. The franchise fee shall be due, without set off or deduction, upon execution of the franchise agreement and payable on each anniversary date thereafter, unless otherwise as specified in the franchise agreement. Failure to pay the full franchise fee when due shall be cause for revocation of the franchise.

(2) **Annual Taxicab Vehicle Permit Fee.** Each taxicab franchisee shall be

required annually to obtain a taxicab vehicle permit and to pay to the City an annual taxicab vehicle permit fee, established by resolution of the City Council, for each taxicab operating under its franchise. Taxicab vehicle permits issued after December 31, 2011, shall expire at midnight on the December 31st next succeeding its issuance, unless revoked or suspended prior to that date pursuant to this Chapter.

(k) Each taxicab franchisee 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 for the purpose of obtaining exclusive access to the business' patrons seeking on-demand taxicab services. Each franchisee 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. Nothing in this Section prohibits exclusive arrangements with any business establishment for the purpose of providing pre-arranged transportation services for events with multiple participants, employee shuttle services, carpooling services, or other arrangement approved in advance by the City to the extent consistent with the requirements of this Chapter.

6.49.050 Taxicabs—Suspension or revocation of franchise.

(a) **Suspension.** The City may, after due notice and an opportunity to be heard, suspend a taxicab franchisee's operations for one or more days if, in the judgment of the City, a lapse in required insurance or any other violation of the terms and conditions of the franchise agreement or the provisions of this Chapter; or a violation of any rules and regulations established by the City, orders or directives established by the City, or the

California Vehicle Code, creates an immediate safety hazard. Cause for suspension also exists where the holder of a majority interest in the taxicab franchise or the taxicab franchisee illegally conducts any type of vehicle for hire or public transportation operation licensed by the City or any other governmental agency, or the franchisee fails to pay any monetary penalties in accordance with this Chapter, the terms and conditions of the franchise, or any resolutions or schedules adopted thereto.

(b) **Revocation.** The City may, after due notice and an opportunity to be heard, revoke a franchise and terminate the franchise agreement in the event that the franchisee, including its employees, officers, agents and drivers: violates any terms and conditions of the franchise agreement; fails to cure any default within the time required as provided in the franchise agreement; violates subdivision (d) of this Section; violates or commits multiple violations of any provision of this Chapter or any other law, rule, regulation, order or filings of any regulatory body having jurisdiction over the franchisee; or practices, or attempts to practice, any fraud or deceit upon any governmental agency or regulatory body.

(c) The franchisee may appeal any decision from the City to suspend or revoke to a Hearing Examiner for consideration pursuant to this Section. The matter will be set for a hearing and the City shall give the franchisee at least thirty days' written notice of the time and place of the hearing. At the hearing, the Hearing Examiner shall consider all relevant evidence and testimony and if supported by a preponderance of the evidence, the Hearing Examiner may, in his or her discretion, order the franchisee to take remedial actions or impose any other remedy as authorized by law, including but not limited to suspension for a designated period of time; temporary or permanent reduction of taxicab

vehicle permits; or revocation of the franchise and termination of the franchise agreement. The decision or order of the Hearing Examiner shall be final and binding and subject only to judicial review.

(d) **Effect of Suspension or Revocation.** Upon suspension or revocation of a franchise, all the franchisee's taxicab operations in the City shall cease until such time as the suspension or revocation is lifted.

(1) No fee refunds shall be issued to any franchisee upon revocation of a franchise.

(2) Upon revocation of any taxicab franchise, no franchise to operate the same business activity shall be granted to the franchisee within the remainder of the term or extension term of the franchise agreement and for a period of three years thereafter.

(3) In the event of revocation of a franchise, the franchisee's taxicab vehicle permits may in the City's discretion be reallocated to other franchisees on a pro rata basis or assigned to a new taxicab franchisee following a competitive bidding process for the award of new franchises.

6.49.060 Unauthorized taxicab services prohibited.

(a) No person shall knowingly dispatch a vehicle or respond to a request for a "taxi," "cab" or "taxicab" for pick-up within the City, or pick-up passengers within the City for taxicab services, unless the vehicle has a valid taxicab vehicle permit, the driver of such vehicle has a valid taxicab driver's permit, and the taxicab is operated pursuant to a franchise awarded by the City.

(b) No person who drives or operates a taxicab in the City shall publish, advertise or broadcast in any manner, written or oral, a telephone number, website address, or

other identifier, either by itself or connected to a rotary, redirect, or call forwarding system for taxicab service, which is the same telephone number, website address, or other identifier, as that for other taxicabs or vehicles for hire.

(c) No person who drives or operates a taxicab in the City shall use a name that imitates a name used by another person who drives or operates a taxicab in such a manner as to be misleading or tend to confuse or defraud the public.

(d) No person shall advertise or otherwise hold itself out as providing taxicab services within the City, unless such person is operating pursuant to a taxicab franchise awarded by the City.

6.49.070 Taxicab driver's permits.

(a) **Application.** In order to obtain a taxicab driver's permit, each person shall file with the City, upon forms supplied by the City, a completed verified application including the following information and documentation:

- (1) Name, address, and age of applicant;
- (2) Convictions, if any, in any court of law;
- (3) Name, address, and certification of the taxicab franchisee by whom the applicant is to be employed as a taxicab driver in the City;
- (4) Proof of a valid California Driver's License;
- (5) A signed agreement to submit to a background investigation and fingerprinting via live-scan capture by the Police Department;
- (6) Original test results from a certified laboratory or testing agency, submitted simultaneously with the applicant's verified application, proving that the applicant has tested negative for drugs and alcohol as provided by Section 53075.5(b)(3) of the

California Government Code; and

(7) Such further information as the City may require, as established by the rules and regulations.

(b) **Taxicab Driver's Permit Applicant Investigation.** The Police Department shall investigate each applicant for a taxicab driver's permit and shall approve the application or state its reason for disapproval. The City may disapprove any applicant who has a record of criminal conduct or other behavior involving any of the following:

- (1) Moral turpitude;
 - (2) Violence toward persons or property;
 - (3) Physical or mental disease which could make the applicant a danger to the safety of others;
 - (4) Illegal sexual conduct involving another nonconsenting person;
 - (5) Negligent or reckless driving;
 - (6) Operating a motor vehicle while under the influence of alcohol or drugs;
 - (7) Three or more moving violations under the California Vehicle Code within the twelve month period preceding the date of the application;
 - (8) Existing suspension or revocation of a taxicab driver's permit in any other jurisdiction as of the date of the application;
 - (9) Conviction of operating a taxicab without a valid taxicab driver's permit or taxicab vehicle license within the three year period preceding the date of the application;
- or
- (10) Acts showing the applicant to be otherwise incompetent or not fit to drive a taxicab.

(c) **Examination.** Every applicant for a taxicab driver's permit shall take an examination, prepared and administered by the City, which tests the applicant's qualifications to operate a taxicab. The examination shall test the applicant's: ability to communicate in English; knowledge of and ability to locate, with the aid of a street atlas or GPS device, street addresses and intersections in Santa Monica and surrounding cities in the County of Los Angeles; and knowledge of the laws of the road. Failure to obtain a passing score on the examination shall be cause for disapproval of an application.

(d) **Taxicab Driver's Permit Issuance.** Based on the application, investigation and examination, the City shall approve or deny the taxicab driver's permit. No permit shall be issued if the applicant is under the age of eighteen years, if any false statement appears in the application, or if the application is otherwise incomplete. Upon approval of an application and receipt by the City of the taxicab driver's permit fee, the City shall issue a taxicab driver's permit to the applicant. The taxicab driver's permit fee shall be established by resolution of the City Council. The permit shall bear the name and photograph of the applicant, date of expiration of the permit, and name of the taxicab franchisee for which the driver is authorized to drive a taxicab.

(e) **Taxicab Driver's Permit Expiration and Renewal.** Taxicab driver's permits issued after December 31, 2011, shall expire at midnight on the December 31st next succeeding its issuance, unless revoked, suspended or terminated prior to that date. Taxicab driver's permits issued after December 31, 2015, shall expire on December 31, 2017, unless revoked, suspended or terminated prior to that date. A taxicab driver's permit which has not been revoked, suspended, or terminated may be renewed annually by paying the annual taxicab driver's permit fee and by filing with the City a verification

that the driver is in compliance with the provisions of this Section and test results from a certified laboratory or testing agency proving that the driver has tested negative for drugs and alcohol as provided by Section 53075.5(b)(3) of the California Government Code and U.S. Department of Transportation program guidelines part 49 CFR 40, 653 and 654, and any other applicable regulations.

(f) **Effect of Termination of Employment.** The taxicab driver's permit shall become void upon termination of employment, at which time the taxicab franchisee-employer shall immediately give the City written notice of the termination and the terminated driver shall immediately return his or her taxicab driver's permit to the franchisee, who in turn shall immediately return the permit to the City.

(g) **Prohibition on Transfers.** Taxicab driver's permits are personal in nature and shall not be transferred to another person. Any purported transfer shall be null and void.

(h) **Grounds for Suspension and Revocation.** Any taxicab driver's permit and any taxicab vehicle permit may be suspended or revoked, after due notice and an opportunity to be heard, for any of the following reasons:

(1) Arrest or citation for the commission of any crime while driving a taxicab or any crime involving moral turpitude;

(2) Violation of any applicable rule or regulation, or Federal, State or local law relating to the operation of taxicabs by a driver, or by an employer in the case of a taxicab vehicle permit;

(3) Use of the taxicab driver's permit for a purpose different from that for which it was issued;

(4) Suspension or revocation of the driver or franchisee's taxicab driver's permit or taxicab vehicle permit in another jurisdiction; and

(5) The existence of any facts, including conviction of a crime that is substantially related to the qualifications, functions or duties of a taxicab driver, which would have been good cause to deny such taxicab driver's permit application, regardless of when such facts arose.

6.49.080 Taxicabs—Identification and vehicle operating requirements.

(a) No person shall operate any taxicab without a distinctive and uniform color scheme or identification which designates the taxicab franchisee under which said vehicle is operated, and which has been approved by the City.

(b) No color scheme, insignia, name, monogram, logo, or identification shall conflict with or imitate any color scheme, insignia, name, monogram, logo, or identification used by another taxicab franchisee in such a manner as to be misleading or to tend to confuse or defraud the public.

(c) Each taxicab operated pursuant to a franchise shall be identified as a City of Santa Monica authorized taxicab by a taxicab identification decal issued by the City. No person shall identify any vehicle by means of such taxicab identification decal, or any facsimile thereof, unless authorized to do so by the City in writing.

(d) Every taxicab franchisee and taxicab driver shall comply with the following operating requirements at all times:

(1) Maintain and keep an accurate and legible record of all passengers carried, including the pickup and drop off points, the date and time carried, the starting and ending mileage of the taxicab for each trip, the charges authorized and made for each trip, and

any other information as may be required by the City. Such record shall be retained for at least one year at the business office of the taxicab franchisee and shall be available for inspection by the City at all reasonable times and in accordance with the franchise agreement and rules and regulations. Failure to comply with any reasonable request by the City for inspection of such record shall be cause for revocation of the franchise;

(2) Display inside the taxicab and in full view of passengers, a valid taxicab driver's permit bearing the name and photograph of the taxicab driver and identifying the name of the taxicab franchisee under which such taxicab is operated;

(3) Maintain in each taxicab a working two-way communication system with a dispatcher;

(4) Obtain an annual vehicle inspection of each taxicab by a certified mechanic or automotive repair dealer authorized by the City. Inspection records must be maintained in the business office of the franchisee and shall be available for inspection by the City at all reasonable times; and

(5) Permit any Police Officer of the City or other authorized enforcement officer enforcing this Chapter to inspect any taxicab upon request.

(e) No person shall drive or operate a taxicab in the City into which passengers are accepted unless the person is an owner or member of, employed by, or is an authorized agent of a taxicab franchisee.

(f) Taxicabs may be driven pursuant to a contract, agreement, or understanding between the franchisee and the driver. Such contract, agreement, or understanding shall not relieve the franchisee from full and complete compliance with the applicable provisions of the Code, rules and regulations adopted pursuant to this Chapter, and the

franchise agreement.

6.49.090 Parking of vehicles—Stands.

(a) No franchisee or driver shall permit any taxicab to stand while awaiting employment at any place other than a stand designated by the City Parking and Traffic Engineer.

(b) No taxicab driver shall leave a vehicle unattended in a stand for a period of time longer than three minutes.

(c) Stands may be occupied at any time, except when standing, stopping or parking at a particular stand is otherwise prohibited by law.

(d) Taxicab drivers may not stop in bus zones for purposes of loading or unloading passengers unless there is no other practicable location to safely and expediently load or unload such passengers.

6.49.095 Access to passengers on business establishment premises.

No owner, operator, employee or agent of any hotel or any other business establishment shall exclude any taxicab driver operating pursuant to a franchise awarded by the City from standing or picking up passengers at any taxicab stand, hack stand, or other location where taxicabs or other vehicles for hire are regularly allowed to stand and pick up passengers on the premises of the hotel or other business establishment.

6.49.100 Taxicab signs.

Taxicab franchisees and taxicab drivers shall ensure that taxicabs display the following signage:

(a) Two cards not less than two by four inches nor more than two and one-half by five inches, in both the front seat and the rear seat in full view of passengers, which state

the following in letters and numbers which are clearly legible and in the following format:

(1) On the first card: the name, address and telephone number of the taxicab franchisee which operates the taxicab and all rates to be charged; and

(2) On the second card: "COMPLAINTS? Call the City of Santa Monica's Hotline," followed by the City's hotline telephone number.

(b) Every taxicab shall have printed upon it, in lettering and numbering not less than two and one-fourth inches in height and five sixteenths of an inch wide, the cab number and the name and telephone number of the taxicab franchisee which operates the taxicab. The telephone number and the cab number shall also be printed in a plainly visible manner upon the rear of such vehicle.

(c) Every taxicab may have an electrically lighted identification or vacant sign, or a combination of both, attached to the top of such taxicab, which shall be not more than two and one-half inches high by nine inches in length.

(d) No taxicab shall display any sign other than those authorized in this Chapter.

6.49.110 Taximeters and rates.

(a) No taxicab shall be operated within the City unless it is equipped with a taximeter approved by the City and that has been inspected and certified by the Los Angeles County Agricultural Commissioner/Weights and Measures, unless otherwise exempted by the City in writing. Every taxicab franchisee and driver using any taximeter shall at all times keep such meter accurate and in conformity with requirements of the California Department of Agriculture.

(b) Taximeters are subject to inspection at any time by any police officer of the City or any other authorized inspector, including the California Department of Agriculture

Commissioner/Weights and Measures. Any vehicle equipped with an inaccurate taximeter is subject to impound until said taximeter shall have been correctly adjusted, inspected, and certified by the Los Angeles County Agricultural Commissioner/Weights and Measures.

(c) Taximeters shall be placed so that the reading dial displaying the amount to be charged is readily discernible by passengers.

(d) All rates to be charged for transportation by taxicabs, including both flat and mileage rates, must be approved by, and be consistent with, resolution of City Council.

(e) All charges shall be based on rates established by the City, and no person shall charge, collect, demand, receive, or arrange for any compensation for taxicab service an amount that exceeds the charges or rates established and authorized by the City.

(f) Except where a flat rate is applicable, it is unlawful for a taxicab driver to do any of the following:

- (1) Set the taximeter in operation when such vehicle is not actually hired;
- (2) Fail to set the taximeter to a nonrecording position at the termination of each and every service or call the attention of the passenger to the amount registered;
- (3) Fail to activate the taximeter while carrying passengers or under hire; or
- (4) Activate or operate the taximeter so as to denote a rate of fare different from that authorized pursuant to this Chapter.

(g) No driver of any taxicab upon receiving payment of a fare thereon shall refuse to give a receipt upon the request of any passenger making said payment.

(h) It shall be unlawful to charge a discounted or flat rate other than that which

has been advertised or agreed to in advance with the passenger.

6.49.120 Full use of taxicab.

When a taxicab is engaged the occupant or occupants shall have the exclusive right to the full and free use of the passenger compartment and no owner or driver of said taxicab shall solicit or carry additional passengers therein without soliciting and receiving the consent of the occupant or occupants. Nothing in this provision is intended to restrict any franchisee from offering carpooling or ride sharing services.

6.49.130 Taxicab identification decal required.

(a) Every taxicab driver and franchisee shall ensure that a taxicab identification decal is displayed in each taxicab at all times. Such decal shall be issued and affixed by the City to a specific area on the assigned taxicab as designated by the City.

(b) No person shall operate a taxicab without a current taxicab identification decal for that specific vehicle.

(c) No taxicab identification decal issued shall be in any manner transferred or assigned. Any decal that is transferred, assigned, or otherwise conveyed or stolen shall be automatically revoked.

(d) No applicant may be issued a taxicab identification decal until that applicant has paid all applicable fees and all of his, her or its outstanding parking citations, including all civil penalties and related fees.

6.49.140 Penalty for violation.

(a) Except as otherwise provided in this Chapter, any person violating any provision of this Chapter shall be guilty of either: (1) an infraction, which shall be punishable by a fine of one hundred dollars for the first violation, two hundred dollars for

a second violation within one year, and five hundred dollars for a third and subsequent violations within one year; or (2) a misdemeanor, which shall be punishable by a fine not exceeding one thousand dollars per violation, or by imprisonment in the County Jail for a period not exceeding six months, or by both such fine and imprisonment. Where the violation is of a continuing nature, each day that the violation continues constitutes a separate and distinct violation.

(b) Any police officer and other persons authorized by the City to enforce this Chapter are authorized under Sections 53075.6 and 53075.61 of the California Government Code, Section 5411.5 of the California Public Utilities Code, Section 21100.4 of the California Vehicle Code and any other applicable State law, to impound and retain any vehicle operating within the City as a taxicab without having a valid taxicab vehicle permit or taxicab driver's permit issued by the City, and/or a franchise granted by the City to operate a taxicab service, in violation of this Chapter.

(c) Every person who operates a taxicab and who knowingly and willfully issues, publishes or affixes, or causes or permits to be issued, published or affixed, any oral or written advertisement, broadcast or holding out to the public or any portion thereof, in any manner whatsoever, that the person operates a taxicab company or an individual taxicab without having a valid taxicab vehicle permit and franchise granted by the City is guilty of a misdemeanor.

(d) Any person who, after due notice and an opportunity to be heard in accordance with the provisions of Chapter 6.16, is found to have been operating a taxicab service within the City without a valid taxicab vehicle permit or taxicab driver's permit may in the City's discretion be required to pay a fine of not more than five thousand dollars for

each violation, plus any assessments and interest as authorized by law.

(e) The remedies specified in this Section are cumulative and their specification shall not preclude the use of any other remedy provided by law.

6.49.150 Penalties for violations of rules and regulations.

Any person who violates a rule or regulation adopted pursuant to Section 6.49.020 may be subject to an administrative citation pursuant to Chapter 1.09 of this Code. A taxicab franchisee shall be responsible for the violation of a rule or regulation by a taxicab driver operating under that franchisee, and shall be deemed a responsible party within the meaning of Section 1.09.020 of this Code.

SECTION 3. Section 6.50.010 of the Santa Monica Municipal Code is hereby amended to read as follows:

Section 6.50.010 Definitions.

The following words or phrases as used in this Chapter shall have the following meanings.

(a) **Pedicab.** "Pedicab" has the same meaning as that term is defined by the California Vehicle Code, and includes pedicabs with electric motors that meet the definition of electric bicycles set forth in the California Vehicle Code.

(b) **Pedicab Driver Permit.** "Pedicab driver permit" means a nontransferable authorization for a person to provide pedicab transportation services in the City.

(c) **Pedicab Operator.** "Pedicab operator" means a person that has been issued a pedicab operator permit and a business license to operate a pedicab business in the City.

(d) **Pedicab Operator Permit.** "Pedicab operator permit" means a nontransferable authorization for operation of a pedicab business pursuant to the provisions of this Chapter.

(e) **Pedicab Decal.** "Pedicab decal" means a nontransferable authorization, affixed to the pedicab by the City, for a pedicab to be operated in the City.

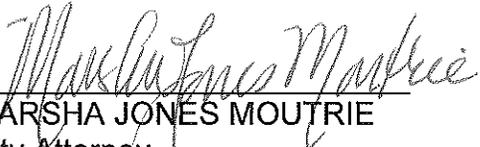
(f) **Seatbelt.** "Seatbelt" means a safety strap or harness designed to hold a person securely in a seat.

SECTION 4. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 5. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

APPROVED AS TO FORM:


MARSHA JONES MOUTRIE
City Attorney

