



## CITY OF SANTA MONICA PEDICAB RULES AND REGULATIONS

Effective: May 28, 2013

### **SCOPE AND INTENT**

These rules and regulations (“Rules”) established pursuant to Santa Monica Municipal Code Section 6.50.020 shall be followed by all pedicab operators and drivers providing pedicab transportation services in the City of Santa Monica. These Rules are not intended to be duplicative.

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## I) DEFINITIONS

- a) CITY means the City of Santa Monica.
- b) SMMC means the Santa Monica Municipal Code.
- c) VEHICLE CODE means the California Vehicle Code in its latest revision.
- d) DMV means the California Department of Motor Vehicles.
- e) DRIVE or OPERATE means to be in control of a pedicab that is transporting a passenger(s) or is available for receiving passengers.
- f) IMMEDIATE OUT OF SERVICE (IOS) means the placement of a pedicab in a status such that no person may operate the pedicab, except as may be necessary to return the pedicab to the residence or place of business of the owner or driver or to a garage, until the pedicab and its equipment are in compliance with these Rules. IOS may also mean the placement of a driver in a status such that he or she may not operate any pedicab.
- g) INACTIVATE means a permanent annulment of an existing permit by the operator, which cannot subsequently be renewed, replaced or reinstated without the timely submission of a new pedicab driver's permit application or pedicab driver's permit transfer application.
- h) LEASE DRIVER means a person who is an independent contractor possessing a valid pedicab driver's permit and who drives a Pedicab for an authorized pedicab operator.
- i) REVOCATION means a permanent removal of the privileges granted to the holder of an existing operator's permit, driver's permit, or pedicab decal by the City, which cannot subsequently be renewed, replaced or reinstated without the approval of the City.
- j) SUSPENSION means a temporary removal of the privileges granted to an operator or driver.
- k) PEDICAB ZONE means an area on private property (such as hotels) designated by the property owner for parking pedicabs while waiting for passengers.
- l) PEDICAB STAND means a curb parking area on a public street designated and posted by the City Traffic Engineer for the standing or parking of pedicabs while awaiting employment.
- m) TERMINATION means the voluntary or involuntary separation of a pedicab driver from employment with a pedicab operator.

## **II) PEDICAB OPERATOR'S PERMIT GENERAL REQUIREMENTS**

- a) Owners shall inform the City, within 3 business days, of any changes in insurance, business address, storage address or mailing address.
- b) Any application that does not include all information requested by the application form or is not supported by the materials required by this Section will be rejected as incomplete.
- c) The permit shall only authorize a specified number of vehicles which may be increased by approval of the City Traffic Engineer or designee.
- d) A pedicab operator's permit must be approved before pedicab driver permits or pedicab vehicle permits may be issued for the operator.

## **III) PEDICAB OPERATOR'S PERMIT APPLICATION PROCEDURES**

Any person desiring a permit to operate a pedicab business shall complete a pedicab supplemental application to its business license application. Such application shall include:

- a) Name, age and address of the applicant; or if a corporation, its name, date and place of incorporation, address of its principal place of business and the names of all its officers together with their respective addresses; or if a partnership, association or unincorporated company, then the names of the partners comprising the partnership, association or company, together with their respective ages and addresses.
- b) The application shall be verified by oath or affirmation of the applicant, or an officer or partner of the applicant if applicant is a firm, partnership, or corporation.
- c) The application shall include:
  - 1) The trade name or style, if any, under which the applicant proposes to operate.
  - 2) Full information pertaining to operations and the manner in which such proposed operations are to be conducted.
  - 3) Address and manner that pedicabs are to be stored when not for hire or in operation.
  - 4) The route(s) to be traveled and the hours to be operated.
  - 5) A completed pedicab permit application form for each pedicab.
  - 6) Such other or additional information as the City may require.

#### **IV) PEDICAB DRIVER'S PERMIT GENERAL REQUIREMENTS**

- a) An applicant who previously held a pedicab driver's permit and whose permit was inactivated or revoked, or an applicant whose application has been withdrawn or denied, must apply for a new Pedicab Driver's Permit, pay all applicable fees, and meet all of the requirements of this section for a new applicant and such other conditions as the City may impose, including fingerprinting. Exception: If a permit has been inactivated and the driver transfers to a new company within 30 days, the permit may be reactivated with payment of the applicable permit transfer fee.
- b) A driver who fails to renew his or her pedicab driver's permit within 30 days after the permit has expired shall have his or her permit inactivated; drivers with expired permits must reapply as a new driver
- c) A pedicab driver's application shall be denied if the applicant fails to submit all documentation required to substantiate his or her qualifications for the permit within 60 calendar days of the application date.
- d) An applicant shall be denied a pedicab driver's permit if he or she fails to pay any money due to the City, related to the permit, or otherwise resolve any matter related to the application, by the deadline reasonably established by the City.
- e) A driver's permit shall be effective only while the driver to whom the permit is issued is operating a pedicab for a permitted pedicab operator.
- f) Upon the driver's terminating his employment or other relationship with a pedicab operator, the driver's permit shall be suspended and shall become effective again only when and if the driver reestablishes his employment or relationship as a driver with a City licensed pedicab operator. The pedicab operator shall notify the City of the termination or reestablishment of such relationship between the operator and driver within 5 business days.

#### **V) PEDICAB DRIVER PERMIT BACKGROUND CHECK REQUIREMENTS**

At any time a driver's DMV record, criminal record, or ability to operate a pedicab fails to meet the requirements contained in this Section, the Pedicab Driver's Permit may be revoked .

- a) An applicant may be denied a Pedicab Driver's Permit for any reasons outlined in Section 6.50.080 of the SMMC.

b) In accordance with Section 6.50.080 (2) of the SMMC, an applicant may be denied a Pedicab Driver's Permit for any of the following related crimes, that are reasonably related to the qualifications, functions or duties of the passenger transport business, or the ability of the driver to safely transport passengers:

1) If the applicant has been convicted of violating any of the following California Vehicle Code sections:

Violation	Description of Violation
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

2) If the applicant has been convicted, within the last 3 years, of violating any of the following Vehicle Code sections:

Violation	Description of Violation
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

3) If the printed Department of Motor Vehicles driving record report indicates more than 3 chargeable vehicle accidents within the last 3 years or more than 1 within the last year.

## **VI) PEDICAB DRIVER'S PERMIT APPLICATION PROCEDURES**

An applicant for a pedicab driver's permit shall submit a pedicab driver application in person with a valid California driver's license containing the following:

- a) The required application fee.
- b) Proof of a current business license and payment of all business license taxes due.
- c) A completed Notice of Intent to Hire from the Pedicab Operator.
- d) A certificate verifying successful completion of Bicycle Training approved by the City.
- e) Conviction history for the prior 7 years from the date of application.
- f) An original copy of the applicant's H6 printout, obtained from the DMV within the preceding 30 calendar days from the date the application was received by the City.
- g) Such further information that the City may require.

## **VII) PEDICAB VEHICLE PERMIT GENERAL REQUIREMENTS**

- a) Description of the pedicab, including the type, model, body style, serial number, capacity and condition of each pedicab proposed to be operated.
- b) Any applicant who does not meet all of the requirements of this Section shall have the application denied, and the application fee shall be forfeited.
- c) A pedicab vehicle permit shall only be valid for the registered owner of the vehicle who was granted a pedicab operator's permit for such vehicle. In the event of ownership change or revocation of the operator's permit, the pedicab vehicle permit shall be considered invalid and revoked at such time of ownership change or loss of operator's permit.
- d) A pedicab operator that fails to renew a pedicab vehicle permit before the date established by the City must reapply for a new pedicab vehicle permit and pay applicable fees.

## **VIII) PEDICAB EQUIPMENT GENERAL REQUIREMENTS**

- a) No vehicle shall be operated as a pedicab unless it is in a single frame construction and reasonably clean and safe conditions, so as not to injure or damage the person, clothing or possessions of a passenger.

- b) The pedicab's exterior shall be reasonably clean and shall be generally free from cracks, breaks and major dents. It shall be painted to provide adequate weather protection and a neat and clean appearance. Every pedicab shall have the following properly working equipment:
- 1) Seatbelts.
  - 2) Headlights and taillights.
  - 3) Taillights must be mounted on the right and left, respectively, at the same level on the rear exterior of the passenger compartment. Taillights shall be red in color and plainly visible from all distances within 500 feet to the rear of the pedicab.
  - 4) Turn signals visible from the front and rear of the pedicab.
  - 5) Hydraulic or mechanical disc brakes.
  - 6) Spoke reflectors placed on each wheel and tape type reflectors showing the front and the back width of the pedicab.

#### **IX) PEDICAB EXTERIOR MARKINGS**

Owners shall permanently affix the company trade name, the company phone number and the identification number assigned by the City, on the pedicab in a location that is clearly visible to the public at all times. These markings shall meet the following requirements:

- a) Font – An easily readable font (e.g. Arial Bold or Helvetica) in a color to produce maximum contrast, adequately spaced for maximum readability.
- b) Font Size – Minimum 2 inches tall.
- c) Owners shall also permanently stamp a City-assigned identification number on each pedicab, on the pedicab seat tube or pedicab trailer draw bar, in manner that is clearly visible.

#### **X) PEDICAB OPERATING REGULATIONS**

In addition to the provisions outlined in SMMC Chapter 6.50, all operators and drivers shall comply with the following operating regulations:

- a) A driver shall promptly comply with all lawful requests or orders issued by City personnel charged with regulating or enforcing the Pedicab program.

- b) A driver shall only drive for the operator shown on his or her pedicab driver's permit.
- c) A driver shall wear or post his or her pedicab driver permit in a manner clearly visible to the public while operating a pedicab.
- d) A driver shall have in his or her immediate possession a valid California driver's license while operating a pedicab and shall present the license upon request by an authorized enforcement officer or police officer.
- e) A driver shall not drive, and an operator shall not allow, a pedicab to operate that is in an unsafe operating condition.
- f) A pedicab shall not be operated during the hours of darkness without the taillights and headlights activated. (Also see Rule VII)
- g) An operator shall, upon reasonable notice, make its pedicabs available to the City for inspections, including annual inspections.
- h) Fare schedule signs must meet the following requirements:
  - 1) Size – minimum of 8 inches in width x 6 inches in height.
  - 2) Font – An easily readable font (e.g. Arial Bold or Helvetica), with minimum font size of 36, in a color to produce maximum contrast with the background, adequately spaced for maximum readability.
  - 3) Format – The Fare Schedule shall list all applicable fares, including minimum charges, per person charges, by distance fares, by time fares, tour fares, and any other fare or fee charged. Each fare or fee must be listed on a separate line.
  - 4) Location – securely attached to the pedicab in a location clearly visible to all passengers while seated in the pedicab.
  - 5) Telephone Numbers - must include the telephone number for the City's and Operator's comment/complaint lines.