



## CITY OF SANTA MONICA TAXICAB RULES AND REGULATIONS

Effective January 1, 2019

### **SCOPE AND INTENT**

These rules and regulations (“Rules”) established by the Planning and Community Development Director pursuant to Santa Monica Municipal Code Section 6.49.150 shall be followed by all companies and its employees, 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.

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## **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 association, co-operative or 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 the intent to unlawfully influence the person to whom it is given in his or her action in any public or official capacity.
103. INACTIVATE means a permanent annulment of an existing permit by the franchisee, which cannot subsequently be renewed, replaced or reinstated without the timely submission of a new Taxicab Driver's Permit application or Taxicab Driver's Permit Transfer application.
104. CITY means the City of Santa Monica.
105. DEPARTMENT means the Planning and Community Development Department.
106. DMV means the California Department of Motor Vehicles.
107. DRIVER/MANAGER means a member of an association, co-operative or membership Franchisee, who drives, controls, and manages taxicabs for Franchisee.
108. FRANCHISEE 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 franchisee includes directors, officers, members, management, and employees.
109. IMMEDIATE OUT OF SERVICE (IOS) means the placement of a taxicab in a status such that no person may operate the taxicab after notice by an authorized Enforcement Officer 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. IOS may also mean the placement of a driver in a status such that he or she may not operate any taxicab after notice by an authorized Enforcement Officer or police officer that the driver may not operate a taxicab until the driver is in compliance with these Rules.
110. INVESTOR/SHAREHOLDER means a member of an association, co-operative or membership Franchisee that does not manage or control taxicabs for 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 franchisee or vehicle permittee.

112. MEMBER means an individual person or Subchapter S corporation who owns one or more taxicabs or shares in an association, co-operative or membership 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 franchisee dispatch for each driver.
114. OPERATE means to be in control of a taxicab that is transporting a passenger(s) 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 franchisee as a result of violations of these Rules or violations of any provisions of a permit, the ordinance, the SMMC, or the Vehicle Code.
117. REVOCATION means a permanent removal of the privileges granted to the holder of an existing permit by the City, which cannot subsequently be renewed, replaced or reinstated without the approval of the City.
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 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 franchisee, 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 POOL means the fleet of taxicabs that is managed and controlled completely by franchises and not by a member of franchisee.
125. TAXICAB ZONE means an area on private property (such as hotels) designated by the property owner for parking taxicabs while waiting for passengers, also commonly referred to as a hack stand.
126. TAXICAB VEHICLE PERMIT means a non-transferable authorization for a vehicle to be driven or operated 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.
127. TAXICAB STAND 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.
128. TERMINATION means the voluntary or involuntary separation of a taxicab driver from employment with a Franchisee.
129. TERMS AND CONDITIONS means an Ordinance of the City Council of the City of Santa Monica granting a taxicab franchise to provide taxicab services in the City of Santa Monica and the terms and conditions that the franchisee is subject to.
130. TIME MACHINE means an automatic clock device that accurately prints date and time on a document.
131. VEHICLE CODE means the California Vehicle Code in its latest revision.
132. VEHICLE PERMITTEE means an individual person or Subchapter S Corporation that has been granted a Taxicab Vehicle Permit.
133. WAYBILL means a form approved by the Department on which the taxicab driver of a taxicab is required to record all trips. The waybill record shall identify the taxicab number, the taxicab driver's name and license number, the date of each hire, the method of hire (e.g., radio dispatch, cruising, cab stand), the exact time of day the service order is received, the exact time of departure and address/location of each trip origin (pick-up), the exact time of arrival and address/location of each trip destination (drop-off), and the exact fare paid.

## **SECTION 200 – RULES AND REGULATIONS FOR FRANCHISEE, DRIVER/MANAGER, VEHICLE PERMITTEE**

### GENERAL RULES AND REGULATIONS

201. Each franchisee and its management, employees, and 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; the Terms & Conditions of the franchise as set forth in the ordinance granting the franchise to Franchisee; 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) Franchisee Violation (Schedule D)
- b) Driver or Vehicle Permittee Violation (Schedule C)

202. Each franchisee shall provide 24-hour taxicab transportation services in the City. (Schedule D)

203. A franchisee 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 an 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 franchisee shall not engage in such activity with any City personnel, drivers or any other person in the position to influence the operation of its taxicabs. (Schedule D-Conduct)

204. Each franchisee shall conduct itself in a professional manner at all times and resolve all disputes with other franchisee, the business community, those in charge of taxicab zones, and the general public, with a goal of maintaining a favorable public image for the taxicab industry and the City. (Schedule B-Conduct)

205. Rules pertaining to advertisement and solicitation of service with Penalties assessed on a daily basis:

- a) In no event shall any franchisee, 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.
- b) In no event shall a franchisee 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.
- c) Any telephone line used or listed by a franchisee that is in violation of any part of this Rule shall be subject to cancellation, with \$1,000 assessed to the franchisee for each day after the effective notification date until the number is disconnected.

(Schedule D-Conduct)

- 206. Vehicle permittee shall make his or her taxicab(s) available to the City within 1 calendar day for removal of taxicab identification decals for the same period that the 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. (Schedule A-Conduct or Schedule B-Conduct)
- 207. Each franchisee shall reimburse overcharges to its customers. (Schedule B)
- 208. Each franchisee shall record the time its taxicabs begin and end operation each day, and the time its drivers begin and end each work shift. (Schedule B)
- 209. Each franchisee shall maintain records of the identification of the driver of each taxicab at all times. (Schedule B—Public Safety)

DRIVER MONITORING – PUBLIC SAFETY

- 210. Each franchisee shall verify that each driver possesses a valid Taxicab Driver's Permit (See Rule 410). 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. (Schedule A-Conduct or B-Conduct)
- 211. Each franchisee 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 306 and 307. (Schedule D)

CUSTOMER SERVICE

- 212. A franchisee may not charge a customer to return his or her property and shall maintain a lost and found policy that includes maintaining a "Lost and Found Box" at the franchisee's main operation location(s). (Schedule B)

ADMINISTRATION / OFFICE OPERATIONS / RECORD KEEPING / NOTIFICATIONS

- 213. Each franchisee shall notify the City in writing and return the Taxicab Vehicle Permit by the next business day anytime a vehicle is removed from insurance coverage as a result of the vehicle being taken out of service for any reason. The franchisee must also provide proof that insurance was reinstated prior to returning the vehicle back to service and, if the vehicle being returned to service has a new VIN number from the vehicle that was originally permitted, schedule an appointment to have a new Taxicab Vehicle Permit issued for the vehicle. (Schedule B-Public Safety)
- 214. A franchisee shall return any confiscated invalid Taxicab Driver's Permit to the City within 3 business days. (Schedule B)

215. Franchisee shall notify the City, in writing, of the death of a vehicle permittee within 5 business days after becoming aware of the death, but in no event later than 7 business days after the first day of the month following the death of the vehicle permittee. Divestment of a member's taxicabs or shares shall be concluded within 1 year of notification with extension of time provided for "just cause" as requested in writing to the City. (Schedule B)
216. Each franchisee shall promptly notify the City in writing of the termination of any driver by the franchisee and the cause for such action, but in no event shall written notice be delivered later than 2 calendar days after the termination date. Upon such notification, the Taxicab Driver's Permit will be inactivated and immediately returned to the City but no later than 5 calendar days after the termination date. For purposes of these Rules, the Taxicab Driver's Permit is considered invalid as of the date of termination. (Schedule B)
217. Franchisee shall submit the taxicab identification decals to the City from any taxicab that has an expired, canceled or revoked Taxicab Vehicle Permit. (Schedule B)
218. A franchisee and driver/manager vehicle permittee shall make his or her taxicab(s) available to the City within 5 business days for removal of taxicab identification decals when his or her Taxicab Driver's Permit is revoked, canceled or expired, and control of such taxicab(s) is not transferred to Franchisee as part of the taxicab pool and membership status changed to investor/shareholder. (Schedule A or Schedule B)
219. Each franchisee shall retain all recordings of an "incident" from the security cameras installed in its taxicabs for at least 1 year, shall permit any authorized officer or employee of the City to inspect such recordings upon request, and shall provide to the City a copy of the recordings upon request. Each franchisee shall ensure that each vehicle is able to maintain at least 60 days of recordings before being overwritten or deleted, with a setting of frames per minute that is approved by the City. An "incident" for purposes of this Rule includes any event involving a crime, accident, or other matter that could result in legal action or require investigation by any governmental body or police department. (Schedule B- Public Safety)
220. Each franchisee shall keep order and dispatch records readily available to the City for at least 90 calendar days. (Schedule B)
221. Waybills - Each franchisee shall maintain waybills and make them available for inspection for up to 1 year from the date of the trip. (Schedule B)

#### REPORTING

222. Each franchisee shall submit to the City an updated Management Plan and a financial statement by April 30<sup>th</sup> of each year (or the next City business day if the date falls on a weekend or holiday). The Plan must include information for each plan category as specified by the City and an annual financial statement (for the previous calendar year) prepared by a certified public accountant. Each franchisee 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. For purposes of this Rule, each day the report is late is a new violation. (Schedule B-Conduct)

223. Each franchisee shall submit any change in its Board of Directors, officers or management personnel to the City, in writing, within 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. (Schedule B-Conduct)

224. Each franchisee shall maintain records of, and provide to the City upon request, the following order and dispatch record information for each service request:

- a) Franchisee 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 be able to identify the name of the taxicab driver, even if through a separate record); and
- g) Time of dispatch, printed with time machine or computer dispatch system.

(Schedule B-Conduct)

225. Each franchisee shall timely submit all reports required by the City. Submitting any standard, scheduled or routine report late is a violation of this Rule. For purposes of this Rule, each day a report is late is a new violation. (Schedule B)

## **SECTION 300. TAXICAB DRIVER'S PERMIT REQUIREMENTS**

At any time a driver's DMV record, criminal record, or ability to operate a taxicab fails to meet the requirements contained in this Section, the Taxicab Driver's Permit shall be revoked. An applicant who previously held a Taxicab 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 Taxicab 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 6 months, the permit may be reactivated with payment of the applicable Permit Transfer Fee.

For purposes of these Rules, a driver who fails to renew his or her Taxicab Driver's Permit within 30 days after the permit has expired shall have his or her permit inactivated; drivers with expired permits are subject to Rule 410.

301. 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 within 60 calendar days.
302. An applicant shall be denied a Taxicab Driver's Permit if he or she fails to pay any money due to the City or otherwise resolve any matter related to the application to the satisfaction of the City, either prior to the expiration of a Taxicab Driver's Permit being renewed, transferred, or replaced, or for a new Taxicab Driver's Permit, by the deadline established by the City.

## **MINIMUM TAXICAB DRIVER QUALIFICATIONS**

303. An applicant for a Taxicab Driver's Permit shall meet the following minimum qualifications:
  - a) Be a minimum of 18 years old;
  - b) Possess a current Class C California Driver's License;
  - c) Verify his or her legal right to work in the United States;
  - d) Be able to communicate in English, written and spoken, as measured by standards and procedures established by the City;
  - e) Be familiar with the Los Angeles area streets and freeway system; knowledge of and ability to locate, with the aid of a street atlas or GPS, street addresses and intersections in Santa Monica and surrounding cities in the County of Los Angeles; and knowledge of the laws of the road, as measured by standards and procedures established by the City and these Rules; and
  - f) 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. 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 this Rule. In such a situation, the applicant may be granted a temporary Taxicab Driver's Permit for 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 2 years.

#### DRIVER APPLICATION PROCEDURES

304. In order to obtain a Taxicab Driver's Permit, each applicant shall submit an approved application form, signed by an authorized agent of the franchisee, containing all current information required by the rules and regulations of the Department, including an agreement to submit to a background investigation and fingerprinting together with:
- a) The required application fee;
  - b) A copy of a current and valid California Driver's License;
  - c) An original copy of the applicant's H6 printout, obtained from the DMV within the preceding 30 calendar days;
  - d) An original approved controlled substance test result or program certificate current to within the preceding 30 calendar days;
  - e) Acceptable proof of right to work;
  - f) A medical report, if required and available (see Rule 303f), to remain on file with the City; and
  - g) Such further information that the City may require.

#### DRIVER FINGERPRINTING AND BACKGROUND CHECK

305. An applicant shall be fingerprinted and undergo a background check by the Santa Monica Police Department. An applicant shall be denied a Taxicab Driver's Permit for any of the following:
- a) If he or she is required to register as a sex offender under California Penal Code Section 290 et seq.
  - b) If he or she has been convicted, during the preceding 7 years, of (for 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):
    - i. Any offense relating to the use, sale, possession or transportation of narcotics or addictive or dangerous drugs;
    - ii. Any act involving force, violence, threat or intimidation against persons;
    - iii. Any illegal sexual conduct involving another nonconsenting person;
    - iv. Any act involving moral turpitude, including fraud or intentional dishonesty for personal gain;
    - v. Any offense involving possession of a firearm or dangerous weapon;
    - vi. Any offense involving the solicitation or agreement to engage in or engagement in any act of prostitution;
    - vii. 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
    - viii. Any offense which results in a felony conviction.

c) If he or she has any record of habitual or excessive use or addiction to intoxicating beverages, narcotics or dangerous drugs. For purposes of these Rules, an applicant who has a previous record of violating Rule 403 is deemed to meet the definition of this Rule and shall be denied a Taxicab Driver’s Permit.

d) 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

e) If his or her last 3 years DMV printout indicates any of the following:

i. A conviction within the last 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

ii. More than 3 moving violations within the last 3 years or more than 2 violations within the last year.

iii. More than 3 chargeable vehicle accidents within the last 3 years or more than 1 within the last year.

f) If his or her Taxicab Driver’s Permit has been revoked within the last 3 years or if his or her prior Taxicab Driver’s Permit record contains information that would disqualify the applicant from holding a permit.

g) If any portion of his or her application is found to be falsified. In such case the applicant will not be allowed to reapply for a Taxicab Driver’s Permit for a 2-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 7-year period from the time the repeat offense of falsification is discovered.

- h) If he or she has been convicted during the last 3 years for operating a taxicab in any jurisdiction without a valid driver's permit for that jurisdiction.

306. An applicant may be denied a Taxicab Driver's Permit if he or she has ever been convicted of:

- a) Any offense which results in a felony conviction beyond 7 years; or
- b) Any offense involving violence against persons or property, including attempt and conspiracy, beyond 7 years.

## **SECTION 400. TAXICAB DRIVER CODE OF CONDUCT**

### GENERAL PROVISIONS

401. A driver shall not commit or engage in any unlawful act while on duty. For purposes of this Rule, penalties apply only upon a citation by a police officer or Enforcement Officer as a result of the officer's personal observation or a complaint from the public. (Schedule A–Conduct)

402. A driver shall not commit or engage in any unlawful act at any time or in any jurisdiction. For purposes of this Rule, a driver is subject to the requirements of Rules 306 or 307.

No violation of this Rule involving the commission of a crime may be charged unless there is a conviction by a court of competent jurisdiction. No penalties will be assessed against the franchisee unless there is evidence that the franchisee 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). (Schedule C–Public Safety)

403. A driver shall maintain current enrollment in the controlled substance and alcohol testing program authorized for the franchisee. 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:

Failure to maintain enrollment in the drug and alcohol testing program. (Schedule C – Public Safety).

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 or alcohol is no more than 1 in a 24-month period. More than 2 test failure results for drug or alcohol use within any period of time shall be cause for permanent revocation of the Taxicab Driver's Permit. (Schedule C- Public Safety)

404. A driver shall not buy, sell, or drink an alcoholic beverage or have in his or her possession an open container of any alcoholic beverage while on duty. (Schedule C–Public Safety)

405. 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 & Conditions 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. (Schedule C–Conduct)

406. A driver shall not file false or misleading information or complaints with the City. (Schedule C–Conduct)

407. 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, employees or agents of any hotel, motel, business establishment, or public or private agency or organization. (Schedule A-Conduct for 1st Violation, Schedule C– Conduct for 2nd Violation)
408. Each driver who is cited for a violation under a Rule that stipulates Immediate Out Of Service (IOS) shall immediately turn over his or her Taxicab Driver’s Permit to the citing officer. (Schedule A-Conduct)
409. A driver shall immediately comply with all lawful requests, orders, and directives issued by any authorized City personnel. (Schedule C)

#### VEHICLE OPERATIONS

410. A driver shall drive only for the franchisee shown on his or her Taxicab Driver’s Permit and have in his or her possession a valid Taxicab Driver’s Permit while in charge of or driving a taxicab, and properly post (right side up with picture and permit number visible to all passengers) the Taxicab Driver’s Permit in the permit card holder at all times while on duty. Whenever a driver changes franchisees, the driver shall exchange his or her current Taxicab Driver’s Permit for a replacement Taxicab Driver’s Permit, and submit a permit transfer fee with a completed application for a Taxicab Driver’s Permit for the new franchisee, signed by the driver’s new franchisee. Penalties are as follows:
- a) Not being in possession of a Taxicab Driver’s Permit while in charge of or driving a taxicab. (Schedule A)
  - b) Being in charge of or driving a taxicab for a company not shown on his or her Taxicab Driver’s Permit. (Schedule A-Conduct)
  - c) Being in charge of or driving a taxicab while his or her Taxicab Driver’s Permit is expired, suspended or inactivated. (Schedule C-Conduct)
  - d) Improperly posting or failure to post Taxicab Driver’s Permit. (Schedule A)
411. 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 by an authorized Enforcement Officer or police officer. Penalties as follows:
- a) Drive or in charge while license is suspended. (Schedule C–Public Safety)
  - b) Drive or in charge while license is expired. (Schedule C)
  - c) Drive or in charge without immediate possession. (Schedule A)
412. Each driver shall not be in charge of or drive a taxicab that does not carry proof of vehicle insurance or financial responsibility (See Rules 415, 603, and 624). (Schedule A-Public Safety)

413. A driver shall not knowingly allow the unauthorized use of his or her Taxicab Driver's Permit or assigned leased taxicab; or use another person's Taxicab Driver's Permit or assigned leased taxicab. The Taxicab Driver's Permit is nontransferable and shall not be duplicated. (Schedule A-Public Safety)

414. A driver shall at all times drive or park the taxicab:

- a) In a safe, careful, and prudent manner;
- b) In compliance with City traffic regulations, as may be amended from time to time (See SMMC Article 3); and
- c) In compliance with the Vehicle Code.

For purposes of this Rule, 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.

(Schedule A-Public Safety)

415. A driver shall not drive a taxicab that 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; missing, defective, or inoperable seat belts; or when there are more passengers than the number of seatbelts available or the taxicab capacity will safely or legally allow.

Additionally, a driver shall ensure that at all times the vehicle lights, brakes, tires, steering, seatbelts, air conditioning, and 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 at all times. Penalties are as follows:

- a) Unsafe Operating Condition.
- b) Equipment not in working order.
- c) Accidental or unauthorized use of robbery light.
- d) No evidence of vehicle insurance or financial responsibility in vehicle.
- e) 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. (See Rules 412, 603, and 624) (Schedule C)

416. 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. (Schedule A-Conduct)

## CUSTOMER SERVICE

417. A driver shall provide exceptional customer service and provide service with the goal of maintaining a favorable public image for the taxicab industry and the City, including but not limited to the following. The penalty schedule for failing to comply with the following is provided after each customer service item listed. All other violations of this Rule not specifically outlined below shall be subject to Schedule A:
- a) A driver shall not charge an additional fare for any additional passengers unless otherwise part of a bona fide carpooling service provided by Franchisee and approved by the City; (Schedule A–Conduct)
  - b) 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; (Schedule A–Conduct)
  - c) A driver shall inform the franchisee 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. A driver may not charge a customer to return his or her property. (Schedule A)
418. A driver shall provide prompt, efficient service, conduct him or herself in a professional manner, and be courteous at all times to the general public, other taxicab drivers, and to authorized investigators, police officers, Enforcement Officers, and City officials and employees. (See Rule 409.) Verbal abuse, unwanted or inappropriate touching or conversation, and profanity are prohibited. Physical abuse, threatened or otherwise, or throwing objects, are major violations and shall be subject to citation 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. (Schedule A-Conduct or Schedule C–Conduct at the Discretion of the City)
419. A driver shall not refuse to transport any person except for the following reasons:
- 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 431 and 433.
- (Schedule A)
420. 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 that would cause the taxicab to become damaged, stained or foul smelling. 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; or (Schedule A–Conduct)

- 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. (Schedule A)

421. A driver shall not prohibit a passenger from exiting the taxicab. (Schedule C)

422. A driver shall accept valid major credit/debit card payment. 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 may request identification of payee and 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. (Schedule A)

#### TAXIMETERS

423. 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. Penalties are as follows:

- a) Installation or operation of defective taximeter equipment that does not adhere to the standards of this Rule, but was not deemed to provide for willful and intentional tampering, overcharging or fraudulent activity. (Schedule C)
- b) Installation or operation of taximeter equipment that does not adhere to the standards of this Rule, and is deemed to provide for willful and intentional tampering, overcharging or fraudulent activity. Franchisee 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. (Schedule C-Conduct)
- 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 by the City. (Schedule C)

424. 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 specified by the City in writing to all franchisees. (Schedule A-Conduct)
425. 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. Franchisee penalties may be reduced to Schedule A or waived dependent upon an operator’s cooperation and assistance in detecting and notifying the City of potential tampering and fraudulent activities. (Schedule C-Conduct)
426. A driver shall ensure that the taximeter reading is visible to passengers at all times. (Schedule A)

#### TAXICAB STANDS / PARKING / CUSTOMER SOLICITATION

427. A driver shall not perform routine mechanical maintenance on any vehicle while in a taxicab stand. (Schedule A)
428. A driver shall not leave the taxicab unattended except to assist a passenger while in a taxicab zone or taxicab stand. (Schedule A)
429. A driver shall occupy a taxicab stand 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). (Schedule A)
430. 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. (Schedule A)
431. 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. (Schedule A-Public Safety)
432. Only the “first-up” driver may solicit a passenger at a taxicab zone or taxicab stand. (Schedule A)
433. A driver may not solicit a passenger away from any other taxicab in line. (Schedule A)
434. A driver shall not use any other person to solicit passengers. (Schedule A)
435. A driver shall not attempt to refer a 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 431 and 433. (Schedule A)
436. Only drivers with taxicabs from a Santa Monica permitted taxicab company may occupy the taxicab stand.

ADMINISTRATION / REPORTING / RECORD KEEPING

438. A driver shall return an expired, suspended, revoked, canceled or otherwise invalid Taxicab Driver's Permit to the permittee immediately. (Schedule A)
439. A driver when serving suspension time shall turn in the Taxicab Driver's Permit to the permittee. (Schedule A)

## **SECTION 500. VEHICLE PERMITTING REQUIREMENTS**

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, and the application fee shall be forfeited. A Taxicab Vehicle Permit shall only be valid for the registered owner of the vehicle who was granted a permit for such vehicle. In the event of ownership change, the Taxicab Vehicle Permit shall be considered invalid at such time of ownership change. Failure by an applicant to comply with any part of this Section is cause for denial of a Taxicab Vehicle Permit or revocation of an existing Taxicab Vehicle Permit. At any time a Taxicab Vehicle Permit application is found to be falsified, the Taxicab Vehicle Permit shall be denied or revoked.

A driver/manager vehicle permittee whose Taxicab Driver's Permit is suspended, revoked, canceled, or expired shall also have his or her Taxicab Vehicle Permit(s) suspended, revoked, canceled, or expired, unless control of the vehicle(s) is transferred to the franchisee as part of the taxicab pool. If the Taxicab Driver's Permit is revoked, canceled or expired, the driver/manager vehicle permittee shall either change membership status to investor/shareholder or transfer membership.

A franchisee that fails to renew a Taxicab Vehicle Permit prior to the due date established by the City must reapply for a new Taxicab Vehicle Permit and pay the applicable new Taxicab Vehicle Permit fee if the franchisee desires to hold a Taxicab Vehicle Permit.

For purposes of these Rules, vehicle age shall be calculated as if the vehicle was placed into service on December 31st of its model year.

### GENERAL REQUIREMENTS

501. All taxicabs operated by franchisee must be registered to either franchisee or a member of franchisee. Taxicabs must either be owned by franchisee, a member, a commercial lending agency, or leased from a licensed leasing agency whose primary business is the sale or leasing of vehicles. Any taxicab utilized by franchisee which is owned by it or one of its members shall have been acquired by way of bona fide purchase, lease, or other transaction approved by the City. Franchisee or the member shall submit to the City, upon request, the method utilized for vehicle acquisition. (Schedule D)
502. Franchisee shall not propose an application for an individual Taxicab Vehicle Permit by more than 1 person or primary agent of a Subchapter S corporation. (Schedule B)
503. 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 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, vehicle 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. (Schedule A-Conduct or Schedule B-Conduct)

504. Each franchisee shall ensure that a vehicle permittee does not own or control more than the number of taxicabs in the City provided for in the franchise ordinance for franchisee. Only 3 driver/manager memberships maximum may be held by an individual within a single corporate entity (authorized for 1 or more franchises), and a total of 5% of the membership may be owned by a vehicle permittee in any individual franchise, rounded to the nearest whole number. (Schedule B-Conduct)
505. A vehicle permittee may own a limited interest in another franchisee within the City. Each franchisee shall ensure that any such ownership interest is approved by the City and that written verification of the approval of each individual organization is provided to the City. An individual member shall not be authorized to hold the position of officer or Board of Director within 2 or more franchised organizations at the same time unless the organizations are considered as part of the same corporate entity. (Schedule B-Conduct)
506. Each franchisee shall not request inspection or the decaling of any make or model of a vehicle until the City has approved the make and model for use as a taxicab. Vehicles proposed for use as taxicabs must meet the following minimum requirements:
- a) A vehicle's make, model, and California Environmental Protection Agency's Air Quality Board (CARB) rating must be approved by the City prior to submission of a taxicab vehicle permit application;
  - b) The vehicle must be a sedan, sport utility vehicle, minivan, wheelchair accessible van or full size van designed to carry not more than 8 persons excluding the driver;
  - c) A vehicle must conform to the fleet composition make up established by the City and air quality standards established by CARB;
  - d) Vehicles shall not be older than 4 years of age when placed into service as a taxicab; and
  - e) If the vehicle is a wheelchair accessible van it must meet all Americans with Disabilities Act of 1990 requirements, in accordance with 49 Code of Federal Regulations (CFR) Part 38, Society of Automobile Engineers (SAE) J2249 standard, and applicable Federal Motor Vehicle Safety Standards (FMVSS). Only vehicles with side-entry loading configuration will be authorized as wheelchair accessible vans.

(Schedule B)

507. Franchisee shall ensure that any new or replacement member, approved by the City for a Taxicab Vehicle Permit, 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 90 calendar days of City authorization, or prior to the expiration of the franchise or operating permit if expiration is less than 90 calendar days from the date of City authorization, or the authorization shall become invalid and all fees forfeited. Upon written request submitted 3 weeks prior to the invalidation date, the City may grant an extension of time for good cause. (Schedule B)

508. No taxicab in service shall be in excess of 5 years of age except that the vehicle may be used in taxicab service for 3 additional 1-year periods provided that the vehicle is inspected at renewal of the sixth, seventh and eighth years by a City-approved garage. Approval of the garage must be obtained by the franchisee prior to the vehicle inspection.

A wheelchair accessible taxicab vehicle may be used in taxicab service for 2 additional years (i.e. a 10th year) provided that the vehicle, including wheelchair tie downs and occupant restraint systems, is inspected at renewal by a City-approved facility. Approval of the facility must be obtained by the franchisee prior to the vehicle inspection.

In all cases where a taxicab vehicle is required to have an inspection under this Rule, the vehicle must pass the inspection, and have any recommended maintenance performed, which shall be based upon standards established by vehicle manufacturer and equipment manufacturer. Proof of inspection must be submitted with renewal application. 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 90 calendar days prior to the due date will be accepted.

(Schedule B-Conduct)

509. Vehicles that do not pass an inspection must be scheduled for a re-inspection on a new date and pay the established re-inspection fee.

#### VEHICLE APPLICATION - DRIVER/MANAGER (aka OWNER /MANAGER)

510. 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 2 years total taxicab driving experience in the greater Los Angeles area, or less than 1 year of driving experience as a City-permitted driver.

511. 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.

512. 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:

- 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) The applicant's DMV driving record for the last 7 years;
- d) A completed Taxicab Vehicle Permit application;
- e) The non-refundable fee established by resolution; and
- f) Certified driving history for the period required by these Rules.

## VEHICLE APPLICATION - INVESTOR / SHAREHOLDER

513. An investor/shareholder Member shall not drive, control or manage any taxicab in franchisee. All taxicabs owned by an investor/shareholder shall be controlled and managed completely by the franchisee on the investor/shareholder's behalf, pursuant to the City-approved contract, between the investor/shareholder and franchisee. The investor/shareholder shall have no control over or perform any function for a taxicab under the control of franchisee other than being the registered owner of the taxicab.
514. Franchisee shall ensure that any new investor/shareholder applicant for a Taxicab Vehicle Permit submits an application with all of the following:
- 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; and
  - 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 1 stockholder is listed.

## **SECTION 600. TAXICAB VEHICLES AND EQUIPMENT MAINTENANCE STANDARDS**

Assessment of Penalties and Vehicle Return to Service: For violations cited in this section requiring an Immediate Out of Service (IOS), the franchisee may correct the violation and have the vehicle inspected and returned to service prior to the deadline stated in the violation notice with City approval. Such correction of vehicle deficiency shall not preclude the assessment of Penalties against the franchisee nor shall it excuse the franchisee from attending the hearing as described in Section 700 and the SMMC.

The City may cite either or both the vehicle permittee and the franchisee, as reflected in the Schedule identified for each Rule, when the vehicle permittee is not the franchisee.

601. Each franchisee and vehicle permittee shall, upon reasonable notice, make its taxicabs available to the City for vehicle inspections, including annual inspections or at any time the taxicab is in service. 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 7 calendar days or 1000 miles past the due date for inspection, whichever is sooner. For purposes of this Rule, each vehicle is considered a separate violation. (Schedule A or Schedule B)
602. Each franchisee shall allow authorized City personnel to utilize the taxicab radio for communication with the franchisee's dispatcher for purposes of emergencies or inspection. (Schedule B-Public Safety)
603. Each franchisee and vehicle permittee shall ensure that each taxicab carries, and has available at all times, proof of vehicle insurance or financial responsibility (See Rules 412, 415, and 624). (Schedule A-Public Safety or B-Public Safety)
604. Each vehicle that is cited for violation under a Rule that 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 City before the end of the next City business day following the correction of the violation. (Schedule A-Public Safety or Schedule B – Public Safety)

### EQUIPMENT

605. Each franchisee and vehicle permittee shall equip each taxicab with and maintain in good working order:
  - a) A State-approved taximeter, currently certified for the specific vehicle in which it is installed and with unbroken State inspection seals affixed or any type of device or technology approved by the Division of Standards to calculate fares, including the use of Global Positioning System metering, provided that the device complies with local, state, and Federal law. 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 7 calendar days after the vehicle is placed into service with a new or replacement meter; (Schedule A or Schedule B)

- b) A top light which shall be not more than two and one half inches high by nine inches in length; (Schedule A or Schedule B)
  - 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 franchisee's assigned frequency; (Schedule A or Schedule B)
  - d) An approved rate card plainly visible and legible to all passengers in the front and back seats of the vehicle; (Schedule A—Conduct or Schedule B-Conduct)
  - e) An approved card displaying the credit card requirement (see Rule 613), a complaint telephone number, a lost and found telephone number, and certain sections of the Rules as determined by the Department; (Schedule A—Conduct or Schedule B-Conduct)
  - f) An approved safety shield. EXCEPTION: 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; and (Schedule A-Conduct or Schedule B-Conduct)
  - g) A Global Positioning System (GPS), which must be operational at all times and connected to the franchisee's central dispatch location. (Schedule B – Public Safety)
606. Each franchisee 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. (Schedule A-Public Safety or Schedule B – Public Safety)
607. Each franchisee 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. (Schedule A-Public Safety or Schedule B—Public Safety)
608. Each franchisee and vehicle permittee shall maintain in a conspicuous place in each taxicab a permanently affixed Taxicab Driver's Permit card holder. (Schedule A or Schedule B)
609. Each franchisee and vehicle permittee shall maintain a wheelcover on each wheel which is in good condition and of a similar design. (Schedule A or Schedule B)
610. Each franchisee and vehicle permittee shall maintain in every taxicab a sufficient number of seat belts, properly bolted in place, at least 3 sets in the rear seat and 2 sets in the front seat, to accommodate each passenger and the driver, and which are clearly visible and easily usable. (Schedule A—Public Safety or Schedule B-Public Safety)
611. Each franchisee shall ensure that each taxicab is 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 franchisee shall place the same sign in each of its taxicabs. (Schedule A—Conduct)

612. Each franchisee and vehicle permittee shall maintain a taximeter capable of printing a receipt for all trips provided. (Schedule A or Schedule B)

SIGNAGE

613. Each franchisee shall ensure that the rate and 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. Rate and comment signs must include name, address, and telephone number of franchisee and the complaint number to the City of Santa Monica. Customer service signs shall be required unless otherwise authorized by the City. (Schedule B)

614. Each franchisee 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:

<p style="text-align: center;"><b>NOTICE</b> <b>DRIVER PERMIT CARD</b> Required to be displayed in this location at all times</p>
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(Schedule B)

615. Each franchisee shall maintain the franchisee's name on both sides of a taxicab in lettering and numbering that are legible and not less than 2 and 1/4 inches in height and 5/16 of an inch wide. (Schedule B)

616. Each franchisee shall maintain the taxicab fleet vehicle number on both sides in lettering and numbering that are legible and not less than 2 and 1/4 inches in height and 5/16 of an inch wide. Each franchisee shall maintain the taxicab fleet vehicle number on the rear of the taxicab in positions and sizes which are legible as approved by the City. (Schedule B)

617. Each franchisee 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. (Schedule A or Schedule B)

618. Each franchisee and vehicle permittee shall not remove and reinstall any taxicab identification decal on the same or another vehicle. (Schedule A-Conduct or Schedule B-Conduct)

619. Each franchisee and 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. (Schedule A-Conduct or Schedule B-Conduct)

620. Each franchisee shall notify the City immediately of the removal or destruction, by other than City personnel, of any taxicab identification decal issued to the franchisee or vehicle permittee. (Schedule B)

621. Each franchisee 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:

Text: The raised characters and Braille translation shall consist of the name of the taxicab company 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 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. (Schedule B)

#### VEHICLE MAINTENANCE

622. Each franchisee shall maintain every taxicab free from:

- a) Unsightly dirt, grime, and stains inside and out, including the trunk;
- b) Cracked or broken windows, headlights, taillights or interior lights;
- c) Missing or broken door locks, handles or window cranks;
- d) Torn floor covering, head liner or upholstery;
- e) Unusual or unsightly paint defacement and body dents;

- f) Projections of sheet metal or other materials inside or outside the taxicab that might cause injury or tear clothing; and
- g) Unauthorized signs or markings, such as bumper stickers.

(Schedule B)

623. Each franchisee and vehicle permittee 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. (Schedule A-Public Safety or Schedule B-Public Safety)
624. Each franchisee and vehicle permittee shall ensure that at all times that a taxicab is not driven when it 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; missing, defective, or inoperable seat belts; or when there are more passengers than the number of seatbelts available or the taxicab capacity will safely or legally allow.

Additionally, each franchisee and vehicle permittee 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. Penalties are as follows:

- a) Unsafe Operating Condition.
- b) Equipment not in working order.
- c) Accidental or unauthorized use of robbery light.
- d) No evidence of financial responsibility in vehicle.
- e) 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.

(See Rules 412, 415, and 603) (Schedule C or Schedule D)

625. Each franchisee and vehicle permittee shall ensure that any problem causing the “check engine” light to be illuminated when the vehicle engine is running must be corrected within 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. (Schedule A-Public Safety or Schedule B-Public Safety)
626. Each franchisee shall ensure that wheelchair tie downs and occupant restraint systems are maintained in accordance with manufacturer standards. (Schedule B – Public Safety)

**SECTION 700. PROCEDURES FOR PROCESSING VIOLATIONS OF TAXICAB RULES AND REGULATIONS**

- 701. Subject to rights of appeal as provided in this Section and the SMMC, each franchisee shall pay all monetary penalties assessed within the applicable time period.
- 702. Subject to Applicable Law - The hearing procedure for violations of these Rules and the applicable penalties are governed by SMMC Chapter 6.49.
- 703. 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**

Every franchisee, 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 franchisee or the Santa Monica Municipal Code shall be guilty of a violation and subject to the penalty schedule as shown in the brackets at the end of each rule. Each day that a violation continues shall constitute a separate and distinct violation. If a penalty due date falls on a weekend or holiday, penalties are due the next City business day.

Any suspension of a permit shall be recorded on the driver's Department Permit Suspension Record and will be considered when applying Taxicab Rule 306f. 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.

Penalty Points for Franchisee Monetary Penalty Increments

The monetary penalty for franchisee violations shall be equal to one penalty point for each \$100 increment of fine indicated in this Schedule. Penalties shall accumulate without limit.

Suspension of Franchisee's Franchise

Whenever the cumulative amount of the monetary penalty assessed against any franchisee for any calendar quarter period exceeds \$10,000, the franchisee's franchise is subject to immediate suspension.

LEGEND:

S = Suspension

R = Revocation

IOS = Immediate Out of Service (Driver and/or Vehicle) at the Full Discretion of the Police

## PROGRESSIVE PENALTY SCHEDULES

The following progressive penalties shall be applied when the same driver, vehicle permittee, or franchisee 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. When IOS appears in a penalty, a driver or vehicle may be placed in an Immediate Out of Service status at the absolute discretion of the Police Officer.

Penalty Schedules	Penalties First Violation		Penalties Second Violation		Penalties Third Violation		Penalties Fourth or More Violation		Penalties Conduct / Public Safety Violation	
	Driver or Vehicle Permittee	Franchisee	Driver or Vehicle Permittee	Franchisee	Driver or Vehicle Permittee	Franchisee	Driver or Vehicle Permittee	Franchisee	Driver or Vehicle Permittee	Franchisee
<b>Schedule A</b>	\$50	\$50	\$100	\$100	\$150	\$150	\$250 to \$500 or Suspension  <b>IOS</b>	\$500	\$250 to \$1000 or Suspension  <b>IOS</b>	\$300 to \$500
<b>Schedule B</b>	N/A	\$100	N/A	\$200	N/A	\$300	N/A	\$500	N/A	\$500 to \$750  <b>IOS</b>
<b>Schedule C</b>	\$250 to \$500 or Suspension  <b>IOS</b>	\$500 to \$1,000	\$500 to \$1,000 or Suspension  <b>IOS</b>	\$2,500	See Penalties Conduct / Public Safety		N/A	N/A	\$1,000 to \$2,500 or Revocation  <b>IOS</b>	\$2,500 to \$5,000
<b>Schedule D</b>	N/A	\$1,000 to \$5,000  <b>IOS</b>	N/A	\$5,000 to \$10,000 or Suspension  <b>IOS</b>	See Penalties Conduct / Public Safety		N/A	N/A	N/A	\$5000 to \$10,000 or Revocation  <b>IOS</b>