



City of Palo Alto

City Council Staff Report

(ID # 8849)

Report Type: Consent Calendar

Meeting Date: 2/5/2018

Summary Title: Taxicab Ordinance Amendment

Title: Adoption of Ordinance Amending Sections 4.42.190 (Taxi Meters) and 4.42.200 (Schedule of Rates, Display) of Chapter 4.42 of Title 4 (Business and License Regulations) of the Palo Alto Municipal Code to Allow Taxicab Service to be Prearranged by Mobile Device Application and Internet Online Service

From: City Manager

Lead Department: Police

Recommendations

Staff recommends that Council reviews and adopts the proposed ordinance amending Sections 4.42.190 and 4.42.200 of Chapter 4.42 of Title 4 of the Palo Alto Municipal Code in order to allow taxicab service to be prearranged through a mobile device application and an internet online service. The amendments have been recommended by the Council's Policy and Services Committee.

Discussion and Background

The emergence of ridesharing companies such as Uber and Lyft has dramatically altered the competitive environment for all conveyance providers. Ridesharing allows individuals in need of transportation access to a pool of drivers through applications on smartphones. Initially, this new transportation model was not regulated. The California Public Utilities Commission (CPUC) regulates other transportation modalities such as limousines, shuttle buses and town car services. In July 2013, the CPUC determined they would regulate the rideshare companies and created a new category, Transportation Network Company (TNC), differentiating rideshare companies from other regulated modes of transportation.

Taxicabs are not regulated by the CPUC but rather by individual cities. Palo Alto Municipal Code 4.42.190 dictates that taxicab fares must be determined by a taximeter. A taximeter is a small device that mechanically or electronically calculates the fee for the taxicab ride. Rideshare companies, or "TNCs", do not operate with a certified meter, nor does the CPUC regulate TNCs rates. The proposed amendments would allow taxicab fares requested through a mobile device application or an internet online service to be based on demand and to be predetermined prior to acceptance similar to the ridesharing applications. The rate will be the same as the taximeter rate or, if demand is low, the rate may be reduced. Fares for hailed and telephone

requested rides will continue to be determined by taximeters. Therefore, regardless of how the taxicab was requested, at no time will the rate exceed the standard taximeter rate. When the rider makes the request for a ride via the internet online service or mobile device application, they will know and agree to the rate prior to booking, similar to how TNC rides are requested.

Several Santa Clara County Cities have revised their municipal ordinances in response to the changing environment. In December 2015, San Jose updated their taxicab ordinance to allow service to be prearranged by mobile device application and internet online service. In San Jose, rates and fares remain set by the City Council. In July 2016, Santa Clara amended its taxicab ordinance to allow for prearranged service through mobile device application and internet online service, and required that the requestor have the ability to see the current rate of fare charged prior to booking. Notably, Santa Clara also exempts taxicab service prearranged by mobile device application and internet online service from the schedule of rates and fares set by its City Council.

The emergence of TNCs has disrupted the taxicab industry and the legacy regulations make it hard for taxicabs to compete for fares. Staff believes the recommended ordinance changes will level the playing field and allow taxicab companies to utilize technology to compete in the space. The proposed change will allow taxicab companies to use both the metered system for the hailed and telephone requests, and adjustable competitive fares requested through internet and mobile device applications, in order to reduce the variances between the taxicab and TNC industries.

Resource Impact

Staff does not anticipate any change in revenue from these adjustments and no direct cost increases will result from the adoption of these modifications.

Policy Implications

These actions are consistent with existing City policies.

Attachments:

- ATTACHMENT A - Revised Ordinance
- ATTACHMENT B - Santa Clara Ordinance 1959
- ATTACHMENT C - San Jose Ordinance 6.64

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Amending Sections 4.42.190 (Taximeters) and 4.42.200 (Schedule of Rates, Display) of Chapter 4.42 of Title 4 (Business and License Regulations) of the Palo Alto Municipal Code to Allow Taxicab Service to be Prearranged by Mobile Device Application and Internet Online Service.

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1: The Council of the City of Palo Alto finds and declares as follows:

A. The City desires to encourage the taxicab industry to continue servicing City residents; and

B. The City desires to encourage competition between the taxicab industry and the transportation network companies by allowing taxicab service to be prearranged with the use of mobile device applications and internet online services.

SECTION 1. Section 4.42.190 of Chapter 4.42 of Title 4 of the Palo Alto Municipal Code is hereby amended to read as follows:

4.42.190 Taximeters.

(a) All taxicabs operated under the authority of this chapter, except as provided in subsection (c), shall be equipped with taximeters of the type and design approved by the police department, located in the vehicle so as to render the figures visible to the passengers at all times, day and night. After sundown, the face of the taximeter shall be illuminated. Such taximeter shall be subject to inspection from time to time by the police department and the police department shall require the certificate holder to discontinue the operation of any taxicab in which the taximeter is found to calculate inaccurately until such taximeter is replaced by one approved by the police department or is adjusted accurately.

(b) Except as provided in subsection (c), it is unlawful for a taxicab driver, while carrying passengers, to display the flag or the device attached to the taximeter in such position as to denote that the vehicle is for hire, to cause the taximeter to record when the vehicle is not actually employed, to fail to cause the device on the taximeter to be placed into a nonrecording position at the termination of each and every service, or to charge any fare other than that recorded on the taximeter.

(c) Taxicab service may be prearranged with the use of a mobile device application or internet online service. The fare charged shall not exceed the scheduled rate filed by the certificate holder under Chapter 4.42.200. The application or internet online service shall display the fare to the customer prior to booking in lieu of the posting as required under Chapter 4.42.200. An "application" shall mean a self-contained program or piece of software application designed to fulfill requests for dispatch services that is downloadable by a user to a computer or mobile device." Taxicabs providing prearranged service under this subsection are exempt from the taximeter requirements stated in subsections (a) and (b).

NOT YET APPROVED

SECTION 2. Section 4.42.200 of Chapter 4.42 of Title 4 of the Palo Alto Municipal Code is hereby amended to read as follows:

4.42.200 Schedule of rates, display.

The certificate holder shall file, with the application for a certificate, a true and correct schedule of rates to be charged for the transportation of passengers in any and all vehicles operated by said certificate holder. Except for prearranged services as provided in Section 4.42.190(c), a schedule of such charges shall be posted conspicuously in each vehicle operated by said certificate holder. The rates shall not be changed or modified in any manner without first filing the changed or modified rates with the chief of police thirty days prior to the effective date of such change or modification.

SECTION 3. Severability. If any provision, clause, sentence or paragraph of this ordinance, or the application to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 4. CEQA. The City Council finds and determines that this Ordinance is not a “project” within the meaning of section 15378 of the California Environmental Quality Act (CEQA) Guidelines.

SECTION 5. Effective Date. This ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ATTEST:

APPROVED:

City Clerk

Mayor

APPROVED AS TO FORM:

City Manager

NOT YET APPROVED

Chief Deputy City Attorney



Date: July 19, 2016

ATTACHMENT B

To: City Manager for Council Action

From: City Attorney

Subject: Pass to Print an Ordinance Amending Chapter 5.35 ("Taxicabs") of Title 5 ("Business Licenses and Regulations") of "The Code of The City of Santa Clara, California"

EXECUTIVE SUMMARY

"The Code of the City of Santa Clara, California" ("Santa Clara City Code" or "SCCC") Title 5 ("Business Licenses and Regulations") provides for regulations pertaining to business licensing and related regulations in the City. Chapter 5.35 specifically provides for regulations related to taxicabs within the City, including fares that may be charged to City residents by taxicabs. Currently, the Santa Clara City Code requires taxicabs to charge only those fares that are set by City Council resolution. 5.35.150. With the growth of transportation network companies (TNCs), like Uber and Lyft, most of which are unregulated and not subject to taxicab fare requirements, the taxicab industry has rendered it necessary to be able to compete with TNCs. The ability to utilize software applications and/or online sites for booking taxicabs at competitive prices would allow the taxicab industry to effectively compete with TNCs, especially due to the wide spread use of smart phones and Internet technology.

The proposed amendments would allow for taxicabs to charge fares that are different than those set by City Council resolution when taxicabs are requested through an application or online site as long as the fare is provided at the time of booking. Those fares that are charged through an application or online site would not be subject to the posting requirement under Section 5.35.160. It remains that taxicabs hailed or requested through telephone dispatch may only charge those fares set by City Council resolution.

ADVANTAGES AND DISADVANTAGES OF ISSUE

The proposed amendments would support the taxicab industry and protect the interests of City residents by ensuring they are paying competitive fares. There are no known disadvantages.

ECONOMIC/FISCAL IMPACT

There is no cost to the City other than administrative staff time and expense.

Subject: Pass to Print an Ordinance Amending Chapter 5.35 ("Taxicabs")
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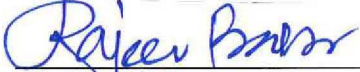
RECOMMENDATION

That the City Council pass to print an Ordinance amending Chapter 5.35 ("Taxicabs") to Title 5 ("Business Licenses and Regulations") of "The Code of the City of Santa Clara, California" related to taxicab fares in the City.



Richard E. Nosky, Jr.
City Attorney

APPROVED AS TO FORMAT:



Rajeev Batra
Acting City Manager

Documents Related to this Report:

1) Ordinance

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ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SANTA CLARA,
CALIFORNIA, AMENDING CHAPTER 5.35 (“TAXICABS”)
OF TITLE 5 (“BUSINESS LICENSES AND REGULATIONS”)
OF “THE CITY CODE OF THE CITY OF SANTA CLARA,
CALIFORNIA”**

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the City of Santa Clara desires to encourage the taxicab industry to continue servicing City residents;

WHEREAS, Santa Clara City Code (SCCC) Chapter 5.35 (“Taxicabs”) currently allows only those fares set by City Council resolution to be charged by taxicabs; and,

WHEREAS, the City Council finds it in the public interest to allow the taxicab industry to compete with transportation network companies (TNCs) by utilizing smart phone and Internet technology to charge competitive fares that may differ from those fares established by City Council resolution.

**NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA,
AS FOLLOWS:**

SECTION 1: That Section 5.35.150 (“Fares”) of Chapter 5.35 (“Taxicabs”) of Title 5 (“Business Licenses and Regulations”) of “The Code of the City of Santa Clara, California” (“SCCC”) is amended to read as follows:

“5.35.150 Fares.

(a) No owner or driver shall charge or receive any rates or fares for the use of a taxicab other than those established by resolution of the City Council, except as provided in subsection (d). Such charges shall be applicable to all portions of the passenger’s travel, within or without the City.

(b) Bona fide tips are not prohibited by this section.

(c) Rates and fares for the use of taxicabs licensed under this chapter shall be adopted by the City Council by resolution after a public hearing. The City Council may, upon its own motion, or upon application of a holder of the taxicab license, adjust such rates and fares to reflect the prevailing rates and fares charged by taxicab businesses in the neighboring cities.

(d) Service may be prearranged electronically by an application or online service. Rates and fares are not subject to the requirements of this section or Section 5.35.160 so long as the application or online service displays the current fare prior to booking. An application shall mean a self-contained program or piece of software application designed to fulfill requests for dispatch services that is downloadable by a user to a computer or mobile device.”

SECTION 2: That Section 5.35.160 (“Display of schedule of fares”) of Chapter 5.35 (“Taxicabs”) of Title 5 (“Business Licenses and Regulations”) be amended to read as follows:

“5.35.160 Display of schedule of taximeter fares.

Except as provided in subsection (d) of Section 5.35.150, no driver shall operate a taxicab unless the schedule of rates and fares for the use of the taxicab is posted in a conspicuous place and in a permanent and secure manner in the passenger compartment.”

SECTION 3: Savings clause. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 4: Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining

portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

SECTION 5: Effective date. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of "The Charter of the City of Santa Clara, California."

PASSED FOR THE PURPOSE OF PUBLICATION this ____ day of _____, 2016, by the following vote:

AYES:	COUNCILORS:
NOES:	COUNCILORS:
ABSENT:	COUNCILORS:
ABSTAINED:	COUNCILORS:

ATTEST: _____
ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. None
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- **Chapter 6.64 - TAXICAB AND LIMOUSINE SERVICE REGULATIONS**¹⁵

- **Part 1 - TAXICABS - GENERAL PROVISIONS**

ATTACHMENT C

- **6.64.010 - Purpose and authority.**

This chapter is to further the public convenience and necessity of transportation services by taxicabs and limousines, and is enacted pursuant to the Constitution of the State of California and the Charter of the City of San José.

(Ords. 19311, 22459.)

- **6.64.020 - Act of employer.**

The act or omission of any owner's officer, agent, employee or independent contractor, or of any driver whose services are engaged by any of the above, is for all purposes the act or omission of the owner operating the for-hire transportation services regulated by this chapter.

(Ord. 22459.)

- **6.64.030 - Notices.**

Any notice required under this chapter to be given to the applicant, owner or driver, may be given by first class mail with postage prepaid, at the address designated for such purpose on the application.

(Ord. 22459.)

- **Part 2 - DEFINITIONS**

- **6.64.040 - General.**

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

(Ords. 19311, 22459, 29707.)

- **6.64.045 - Accessible vehicle.**

"Accessible vehicle" shall mean vehicles which comply with the Americans with Disabilities Act of 1990 (ADA) accessibility standards for transportation vehicles or other requirements for accessible vehicles under the ADA or other applicable state or federal authority.

(Ords. 29144, 29707.)

- **6.64.047 - App.**

"App" shall mean a self-contained program or piece of software application designed to fulfill requests for dispatch services that is downloadable by a user to a computer or mobile device.

(Ord. 29707.)

- **6.64.050 - Board.**

"Board" means the San José Appeals Hearing Board as established pursuant to [Section 2.08.600](#) of this Code.

(Ords. 19311, 22459, 28682, 29707.)

- **6.64.055 - Clean fuel vehicle.**

"Clean fuel vehicle" shall mean vehicles under the State of California's exhaust emission standards with the following ratings:

A.

Super ultra-low emission vehicle (SULEV) or higher; or

B.

Ultra-low emission vehicle 2 (ULEV 2) which are dedicated to utilizing only alternative fuel, neither gasoline nor diesel, and have a model year less than 2010.

(Ords. 29144, 29707.)

- **6.64.060 - For hire.**

A vehicle is "for-hire" if any fare, rate, fee, charge, or other consideration is payable for the transportation service of the vehicle, whether paid or not.

(Ords. 19311, 22459, 29707.)

- **6.64.070 - Limousine.**

A "limousine" is a passenger vehicle for hire, used to transport passengers on public streets. The charge for the use of a limousine is not determined by a taximeter. "Limousine" includes vehicles exhibiting one or more of the following characteristics:

A.

It does not operate over any fixed or defined route or routes;

B.

It operates between such points and covers such routes as may be directed by the passenger hiring such vehicle; or

C.

The charge for the use of such vehicle is agreed to in advance between the passenger hiring the vehicle and the owner or driver of the vehicle. Such charges may be on a mileage, trip, or time basis, or any combination thereof.

(Ords. 19311, 22459, 29707.)

- **6.64.080 - Owner.**

An "owner" is any natural person, partnership, corporation, firm, or association engaged in the business of operating vehicles for hire. It also includes receivers or trustees appointed by any court.

(Ords. 19311, 22459, 29707.)

- **6.64.090 - Taxicab.**

A "taxicab" is a passenger vehicle for hire, used to transport passengers on public streets. The charge for the use of a taxicab is determined either:

A.

By a taximeter; or

B.

As a prearranged fare/rate provided by app.

(Ords. 19311, 22459, 29707.)

- **6.64.100 - Taximeter.**

A "taximeter" is any instrument or device approved for use under the applicable laws of the State of California, which mechanically or electronically calculates the charge for the use of a taxicab. The taximeter registers such charge by means of figures, including dollars and cents, calculated by an initial charge and thereafter a charge for distance traveled, and/or waiting time.

(Ords. 19311, 22459, 29707.)

- **Part 3 - TAXICAB STANDS AND CALL BOXES**

- **6.64.110 - Taxicab stands.**

A.

Except in the event of an emergency, no person shall park, stand or stop any vehicle other than a taxicab, in a space designated as a taxicab stand.

- B. Except for taxicab stands located on the San José International Airport, taxicab stands shall be maintained only at such locations as designated by the city's traffic engineer in accordance with Section 11.52.180 of this Code.
- C. The city's director of aviation shall have the authority to designate the locations of taxicab stands on the San José International Airport.
- D. A fee shall be paid for each taxicab stand utilized by a taxicab in accordance with the fee schedules established by resolution of the city council. Said fee shall be paid monthly, in advance, to the office of the director of finance.

(Prior code § 6461, 6.64.400; Ords. 19311, 20643, 20924, 21285, 22459.)

- **6.64.120 - Call boxes.**

- A. Upon written application by any holder of a taxicab license issued under this chapter, the city's director of public works may grant the holder permission to install telephone call boxes on certain posts or poles in the city to facilitate its dispatching services.
- B. The director of public works may impose reasonable conditions on such permission as the director deems necessary.

(Prior code § 6472, 6.64.370; Ords. 19311, 22459.)

- **Part 4 - TAXICAB LICENSE**

- **6.64.130 - License requirement.**

- A. No owner of a taxicab business shall operate or permit the operation of a taxicab as a vehicle for hire on the streets of the City of San José without having obtained from the chief of police a taxicab license or restricted taxicab license pursuant to the provisions of this chapter. An owner of a taxicab business whose principal place of business is located outside the City of San José may obtain either a taxicab license or a restricted taxicab license.

- B. An owner of a taxicab business whose principal place of business is located outside of the City of San José need not obtain a license pursuant to this chapter if the taxicab business's sole operation on the streets of the City of San José is to transport passengers from a point outside the city to the city and discharge the passengers at a point within the city.

(Prior code § 6409; Ords. 19311, 22459, 29229, 29352, 29707.)

- **6.64.140 - Minimum number of taxicabs.**

At least five vehicles are required to be operated as taxicabs pursuant to any taxicab license issued under this chapter.

(Ords. 22459, 29707.)

- **6.64.150 - Restricted taxicab license.**

A.

The chief of police may, under the same terms and conditions as are applicable to the issuance of a taxicab license, grant a restricted taxicab license to an owner of a taxicab business whose principal place of business is located outside the City of San José to allow the owner to provide taxicab services within the city to transport passengers in the city and discharge them outside the city, either in response to a bona fide call for such service, or when the driver is leaving the city after having discharged passengers in the city.

B.

The provisions of this chapter applicable to a taxicab license shall apply to a restricted taxicab license in equal force and effect, except for [Section 6.64.350](#) of this chapter.

(Prior code § 6413; Ords. 19311, 22459, 29352, 29707.)

- **6.64.160 - Application.**

Every applicant for a taxicab license shall execute and file with the chief of police a verified application containing the following information:

A.

The applicant's name, home address and business address;

B.

The applicant's trade name and distinguishing vehicle markings, color or colors;

C.

The location of the proposed business;

D.

Satisfactory proof that the location of the proposed business is properly zoned and is in compliance with any required land use permit, for the conduct of the proposed business;

E.

The applicant's past experience with regard to taxicab service;

F.

Whether any license, permit or certificate issued to the applicant has been denied, revoked or suspended by any public organization. The circumstances of said denial, revocation, or suspension shall be fully explained;

G.

Whether the applicant has been convicted of a crime within five years prior to the date of the application, including the nature of the crimes;

H.

The number of vehicles proposed to be used as taxicabs, with department of motor vehicles of the State of California registration expiration dates for each vehicle;

I.

Inspection records in a form acceptable to the chief of police documenting that each vehicle and all components of any accessible vehicle's accessibility and clean fuel vehicle's fuel delivery system are in safe operating condition, made by either the proprietor of a public garage engaged in auto repair who is licensed by the State of California, or by a

mechanic licensed by the State of California and employed by the applicant, who has inspected and examined such vehicles and who is certified in the inspection of alternative fuel components if certifying a clean fuel vehicle;

J.

A sworn statement by the applicant that the applicant shall not operate any vehicle until the inspection records in Subsection I. have been filed with the chief of police;

K.

A duplicate copy of the insurance policies required by [Section 6.64.450](#) of this chapter; or where not yet issued, the written statement from an insurer that such insurance policies will be issued if the application is granted;

L.

A complete description of the proposed operations, including two-way radio, web or computer-based and app dispatching services;

M.

Evidence that applicant has paid all applicable city taxes including the business license tax;

N.

The applicant's sworn financial statement; and such additional information as the chief of police may require.

(Prior code §§ 6416 - 6430, 6.64.050; Ords. 19311, 22459, 29144, 29707.)

- **6.64.170 - License fee.**

The applicant for a taxicab license shall submit with the application a fee as set forth in the schedule of fees established by resolution of the city council.

(Ords. 19311, 21285, 22459, 29707.)

- **6.64.180 - Grounds for denial.**

The chief of police, or the board on appeal, may deny an application for a taxicab license on any of the following grounds:

A.

Public convenience and necessity do not require the proposed service;

B.

The application fails to contain any of the required information as set forth in [Section 6.64.160](#) above;

C.

Any of the information contained in the application is false;

D.

The name under which the applicant will conduct business, or applicant's proposed color scheme or other marking, design or insignia, will tend to confuse the identification of taxicabs which applicant proposes to operate with those operated under existing taxicab licenses; or

E.

The chief of police, or the board on appeal, determines that the applicant lacks the financial ability to provide the proposed service;

- F. Any vehicle proposed for operation is not safe, and the applicant has failed to remove such vehicle from service immediately until the vehicle is determined to be safe or to substitute a safe vehicle in its place within a reasonable time;
- G. The applicant has failed to comply with any term, condition, or requirement in a taxicab license previously issued;
- H. An act or omission of the applicant constitutes a ground for revocation or suspension of the taxicab license as provided in [Section 6.64.600](#) of this chapter;
- I. The applicant, within five years prior to the date of application, has been convicted of a crime, and the crime is substantially related to the qualifications, functions or duties of the taxicab business;
- J. The applicant is on parole or probation for a crime, and the crime is substantially related to the qualifications, functions or duties of the taxicab business;
- K. The applicant, within five years prior to the date of application, has done an act involving violence, dishonesty, or fraud with the intent to substantially injure another, or substantially benefit the applicant or another;
- L. The applicant has had a taxicab license issued under the provisions of this chapter or any other permit issued by the city revoked within three years prior to the date of application;
or
- M. The applicant has failed to pay when due any applicable taxes or fee imposed by the City of San José.

(Ords. 19311, 22459, 28682, 29144, 29707.)

- **6.64.190 - Action by chief of police.**

- A. Within a reasonable time after receipt of the application, the chief of police may either deny the application, or issue a taxicab license to the applicant to conduct all or any part of the proposed service.
- B. The chief of police may impose such terms, conditions or restrictions on the taxicab license as the chief deems necessary to provide adequate and dependable service to the public and to protect the use of public streets and facilities.

(Ords. 19311, 22459, 29707.)

- **6.64.200 - Appeal.**

- A. The decision of the chief of police to deny the application for a taxicab license may be appealed to the board.

B.

The procedures for the appeal and the requirements of notice and hearing are set forth in Part 8 of this chapter.

(Ords. 22459, 28682, 29707.)

- **6.64.210 - License not transferable.**

The taxicab license issued pursuant to this chapter, and all interests, rights and obligations pertaining thereto, are personal to the holder of such license, and are not transferable or assignable, by operation of law or otherwise.

(Ords. 22459, 29707.)

- **6.64.220 - Acceptance.**

The applicant to whom a taxicab license has been issued by the chief of police shall, prior to commencement of any taxicab operation, file with the chief of police acknowledged written acceptance thereof and its agreement to comply with all the terms and conditions required under such license and this chapter.

(Ords. 19311, 22459, 29707.)

- **6.64.230 - Additional vehicles.**

A.

Permission to operate vehicles in addition to those approved under the initial taxicab license may be obtained by filing an application amendment with the chief of police in the same manner as prescribed by this chapter for obtaining the initial taxicab license.

B.

In granting or denying such applications for additional vehicles, the chief of police shall have the same authority as vested in the chief by this chapter in the matter of the initial applications.

(Prior code § 6440; Ords. 19311, 22459, 29707.)

- **6.64.240 - Substitution of vehicles.**

The holder of a taxicab license may substitute a different vehicle for a taxicab operated under a taxicab license issued pursuant to this chapter, by filing an application amendment with the chief of police, setting forth the following:

A.

Description of the vehicle, including the make, model, serial number and license number of the vehicle;

B.

Reason(s) for the proposed substitution;

C.

Inspection records in a form acceptable to the chief of police documenting that each vehicle and all components of any accessible vehicle's accessibility and clean fuel vehicle's fuel delivery system are in safe operating condition, made by either the proprietor of a public garage engaged in auto repair who is licensed by the State of California, or by a mechanic licensed by the State of California and employed by the applicant, who has inspected and examined such vehicles and who is certified in the inspection of alternative fuel components if certifying a clean fuel vehicle; and

D.

Evidence that the vehicle is covered under the insurance policies required by [Section 6.64.450](#) of this chapter.

(Ords. 19311, 22459, 29707.)

- **6.64.250 - Fares/rates.**

A.

No owner or driver shall charge or receive any rates or fares for the use of a taxicab other than those established by resolution of the city council or by the director of the department of transportation ("director of transportation") as set forth in Subsection B. below. Such charges shall be applicable to all portions of the passenger's travel, within or without the City of San José. Bona fide tips are not prohibited by this section.

B.

Rates and fares for the use of taxicabs licensed under this chapter shall be determined and fixed by the city council by resolution after a public hearing; or, by the director of transportation in a schedule of rates and fares adopted by the director of transportation as follows:

1.

Any proposed adjustments to existing rates or fares and any proposed new rates or fares shall be coordinated by the director of transportation with the chief of police and the director of aviation; shall be based on industry indicators, including: the Consumer Price Index for All Urban Consumers for Transportation and All Items for San Francisco - Oakland - San José, CA; extraordinary and ongoing increases or decreases in major taxi industry-related expense categories, such as the cost of fuel and insurance; and locally, regionally and nationally comparable rates and fares; and shall be reasonably necessary to allow taxicab owners and drivers to recoup operation costs and make a reasonable profit while protecting the consumer from being subjected to exorbitant rates and fares.

2.

Any proposed rates or fares shall be posted on the city clerk's website and made available for inspection and copying by the public at the office of the city clerk during normal business hours.

3.

A copy of any proposed rates and fares shall also be mailed to each holder of a license issued under this chapter.

4.

A thirty-day public comment period to receive comments on the proposed rates and fees [fares] shall commence on the date the notice of the proposed rates and fares is sent to those licensed under this chapter. During the comment period, any person may submit written comments regarding the proposed rates or fares to the director of transportation.

5.

After the close of the public comment period, the director of transportation shall consider all the public comments on the proposed rates and fares.

6.

After the director of transportation has considered all public comments, the director of transportation shall approve the final rates and fares.

7.

The rates and fares approved by the director of transportation shall be contained in a schedule of taxicab rates and fares which shall become final on the date notice of the schedule of taxicab rates and fares is sent to those licensed under this chapter and the schedule of taxicab rates and fares is posted on the city clerk's website.

8.

The notice of the schedule of taxicab rates and fares shall be accompanied by a brief written statement from the director of transportation that summarizes the written comments received from the public on the proposed rates and fares; explains why the comments were accepted, rejected, or modified by the director of transportation; and, explains how the new rates and fares or adjustments in existing rates and fares meet the requirements set forth in [Section 6.64.250](#) B.1.

C.

Once a schedule of taxicab rates and fares is established by the director of transportation, it shall supersede any prior rate or fare, or any portion thereof, previously adopted by city council resolution or pursuant to this chapter.

D.

Once a schedule of taxicab rates and fares is established, the director of transportation shall review the schedule of taxicab rates and fares on a biennial basis to ensure the rates and fares are keeping with industry standards as evidenced by those industry indicators set forth in [Section 6.64.250](#) B.1.

E.

Once a schedule of taxicab rates and fares is established, the director of transportation may adjust the schedule of taxicab rates and fares on a more frequent basis by following the process outlined in [Section 6.64.250](#) B.

(Prior code § 6407; Ords. 19311, 22459, 28439, 29707.)

- **6.64.260 - Display of schedule of fares/rates.**

Except as provided in [Section 6.64.265](#) below, no driver shall operate a taxicab unless the fares/rates for the use of the taxicab is posted in a conspicuous place and in a permanent and secure manner in the passenger compartment.

(Prior code § 6410; Ords. 19311, 22459, 29707.)

- **6.64.265 - Fares/rates for app or online service.**

Fares and rates for taxicabs summoned by app or online are not subject to the posting requirements of [Section 6.64.260](#) above, so long as the app or online site displays the current fare/rate prior to booking.

(Ord. 29707.)

- **6.64.270 - Property carriage.**

Except as otherwise regulated by the State of California public utilities commission, an owner or driver may, in addition to such rates and fares, receive a reasonable charge for the driver's personal service in assisting any person to transport to and/or from the taxicab items of personal property other than customary baggage or luggage.

(Ords. 19311, 22459, 29707.)

- **6.64.280 - Full use of taxicabs.**

A.

Any person who hires a taxicab shall have the exclusive right to use the entire taxicab. There shall not be additional charges for any of the person's companions or personal belongings.

B.

No owner or driver shall carry or solicit, or permit to be carried or solicited, any additional passenger unless the person first hiring the taxicab consents to the acceptance of such additional passenger.

(Prior code § 6462; Ords. 19311, 19968, 22459, 29707.)

- **6.64.290 - Duty to provide services.**

A.

No owner or driver of any taxicab shall refuse to provide taxicab service to a person who requests to be taken to a destination within the City of San José, except as provided in Section 6.64.290.B of this chapter.

B.

The owner or driver may refuse to provide taxicab service when:

1.

The person requesting such service does not appear to be in a sober or orderly manner;

2.

The service is requested for an unlawful purpose;

3.

The taxicab has already been hired; or

4.

The owner or driver has a good faith reason to believe that his or her safety is at risk.

(Prior code § 6468; Ords. 19311, 22459, 29707.)

- **6.64.300 - Direct route.**

Unless otherwise directed by the passenger hiring the taxicab, the driver of such taxicab shall take the most direct, expeditious and safe route from the starting point to the destination point.

(Prior code § 6460; Ords. 19311, 22459, 29707.)

- **6.64.310 - Reserved.**

Editor's note— Ord. No. 29707, § 2, adopted March 22, 2016, repealed [§ 6.64.310](#), which pertained to passenger prohibited in front seat and derived from prior code § 6465; Ords. 19311 and 22459.

- **6.64.320 - Overcharge prohibited.**

A.

No person shall charge a greater fare or rate than that authorized by this chapter for the hire of a taxicab.

B.

It shall constitute a ground for revocation or suspension of a taxicab license or a taxicab driver's permit for any owner or driver to charge a greater fare than that authorized by this chapter for the hire of a taxicab.

C.

The owner or driver who overcharges a taxicab fare/rate shall be liable to the person who hires the taxicab for the difference between the amount of fare/rate actually charged and the amount of fare/rate authorized by this chapter.

D.

The remedies provided by this section are in addition to any other legal or equitable remedies, and are not intended to be exclusive.

(Prior code §§ 6469, 6470; Ords. 19311, 22459, 29707.)

- **6.64.330 - Refusal to pay fares/rates prohibited.**

A.

No person shall refuse to pay the fare/rate imposed on the person for having received any taxicab service.

B.

No person shall hire any taxicab with the intent to defraud the owner or driver of the value of the taxicab service.

C.

The remedies provided by this section are in addition to any other legal or equitable remedies, and are not intended to be exclusive.

(Prior code § 6466; Ords. 19311, 22459, 29707.)

- **6.64.340 - Receipt for fare/rate.**

The driver of any taxicab shall give any passenger who so requests a receipt for the fare/rate charged and paid. The receipt shall contain:

A.

The name of the taxicab business;

B.

The name of the driver;

C.

Taxicab number;

D.

Date of transaction;

E.

The meter reading, if applicable; and

F.

The amount of fares/rates charged and paid.

(Prior code § 6467; Ords. 19311, 22459, 29707.)

- **6.64.350 - Reserved.**

Editor's note— Ord. No. 29707, § 2, adopted March 22, 2016, repealed [§ 6.64.350](#), which pertained to minimum operation and derived from prior code § 6410.24; Ords. 19311 and 22459.

- **6.64.360 - Equipment and conditions required.**

A.

Each taxicab operated under a taxicab license issued pursuant to this chapter shall at all times have:

1.

One operable safety belt for each passenger carried;

2.

A spare tire, capable of being used on any of the wheels of the vehicle;

3.

A set of tools for changing tires;

4.

Two independently acting and entirely unconnected braking systems in proper operating order;

5.

Safety or shatterproof glass in windshield, windows and doors;

6.

An "Out of Service" sign within the vehicle, with dimensions of eight and one-half inches by eleven inches, to be displayed in the right rear window during those times when the taxicab is on public streets and not available for hire by the general public; and

7.

A voice communication system, as described and approved by the chief of police as provided in [Section 6.64.160](#), for the entire time the taxicab is in service and available to the public.

B.

Each taxicab operated under a taxicab license issued pursuant to this chapter shall be maintained in such condition so that:

1.

All doors, windows, hood and trunk will open and close securely;

2.

The inside of the taxicab and the luggage compartment is free of litter and trash, and does not soil, rip or otherwise damage the passenger's clothing or effects; and

3.

The exterior of the taxicab is clean and in good repair, and does not have any peeling, dents, rust or missing components which are discernable from five feet of the taxicab. (Prior code § 6435; Ords. 19311, 22459, 29144, 29707.)

- **6.64.370 - Identification of taxicabs.**

A.

The following identification shall be placed on both sides and the rear of each taxicab operated under this chapter, to be applied by non-water-soluble paint or similar material:

1.

A serial body number, issued by the chief of police for each taxicab:

a.

Shall be placed on both the front quarter panels and the left side of the rear trunklid of each vehicle.

b.

Shall be at least four inches in height and of such color as will contrast distinctly with the color of the body of the taxicab.

2.

The owner's trade name:

a.

Shall include the word "taxicab," "taxi," or "cab."

b.

Shall be in letters at least four inches in height and of such color as will contrast distinctly with the color of the body of the taxicab.

B.

The owner and the driver shall maintain the paint, color scheme, decals and lettering on the exterior of a taxicab in good condition and in the same condition as originally approved by the chief of police.

C.

All identification required to be placed on a taxicab shall be removed within forty-eight hours after such taxicab is removed from the owner's taxicab service.

(Prior code § 6435; Ords. 19311, 22459, 29707.)

- **6.64.380 - Safety inspection.**

A.

All taxicabs shall be safety inspected and receive a new taxicab inspection decal annually, with inspection records in a form acceptable to the chief of police documenting that the vehicle is in safe operating condition, made by either the proprietor of a public garage engaged in auto repair who is licensed by the State of California, or by a mechanic licensed by the State of California and employed by the applicant, who has inspected and examined said vehicle. The inspection shall be completed prior to the renewal of the taxicab license.

B.

The driver of a taxicab shall inspect the taxicab and its equipment at least once each day.

C.

The registered owner of a taxicab, who is aware of or should have been aware of any unsafe condition of the taxicab, shall not allow the taxicab to be used until necessary repairs are made.

(Ords. 22459, 29707.)

- **6.64.390 - Evidence of mechanical condition.**

A.

Upon receipt of a citizen's complaint or police officer's observation regarding the mechanical condition of a taxicab, or following the taxicab's involvement in an accident, the chief of police may require any or all of the following:

1.

A visual inspection of the taxicab by a member of the police department; and/or

2.

An interview by a member of the police department with the owner or driver of the taxicab regarding the mechanical condition of the taxicab; and/or

3.

A sworn statement that the taxicab is in safe operating condition, made by either the proprietor of a public garage engaged in auto repair who is licensed by the State of California, or by a mechanic licensed by the State of California and employed by the holder of the taxicab license, who has inspected and examined said taxicab; and/or

4.

A sworn statement for all clean fuel vehicles that all components related to the fuel delivery system have been inspected by a mechanic certified in alternative fuel delivery systems and that the components are in a safe and operating condition, including without limitation, the fuel tank.

B.

If the owner or driver of the taxicab refuses to submit to an inspection as required by Subsection A. above, the chief of police may issue an order prohibiting such vehicle from use in taxicab service.

C.

Upon determination that any vehicle operated under a taxicab license is not in safe operating condition, the chief of police may issue an order requiring that such vehicle not be used in taxicab service until it has been repaired to the satisfaction of the chief of police.

D.

The chief of police shall have the authority to impound vehicles which continue to be used for taxicab service in violation of the order.

(Prior code § 6433; Ords. 19311, 20717, 22459, 29144, 29707.)

- **6.64.400 - Appeal.**

A.

The order of the chief of police issued under [Section 6.64.390](#) of this chapter may be appealed to the board.

B.

The procedures for the appeal and the requirements of notice and hearing are set forth in Part 8 of this chapter.

C.

The vehicle(s) in question shall not be used for taxicab service pending the appeal.
(Ords. 22459, 28682, 29707.)

- **6.64.410 - Report of accidents.**

Each holder of a taxicab license and the driver of a taxicab involved in an accident resulting in property damage exceeding seven hundred fifty dollars or personal injury of any kind, shall report the accident to the chief of police within ten days after the accident.

(Ords. 19311, 22459, 29707.)

- **6.64.420 - Owner's records.**

A.

The owner shall maintain at all times complete and accurate records of:

1.

The names, addresses, and dates of commencement and termination of employment or contract of all drivers employed or engaged under contract by the owner;

2.

The description of the taxicab driven by each driver, including the make, model, serial number and license number;

3.

The hours during which each driver is on duty, and the number of trips taken by each driver; and

4.

All dispatch calls received and made by the owner, including the starting and destination points and times.

B.

The owner shall maintain such records for a minimum period of five years, and shall make them available for inspection upon request by the chief of police.

(Prior code § 6410.83; Ords. 19311, 22459, 29707.)

- **6.64.430 - Issuance prior to amendment.**

All taxicab licenses issued prior to the effective date of this amendment to this chapter shall be deemed issued pursuant to this chapter as amended, and shall in all respects be subject to the provisions of this chapter as amended.

(Ords. 22459, 29707.)

- **6.64.440 - Additional permit requirements on the airport.**

A.

No owner shall engage in the transportation of any passenger or property to and from the San José International Airport without having first obtained all necessary permits from the director of aviation pursuant to [Chapter 25.08](#).

B.

The city's director of aviation shall have the authority to issue such permits in accordance with [Chapter 25.08](#) of this Code.

C.

Permits issued by the director of aviation pursuant to [Chapter 25.08](#) of this Code shall be in addition to any permit or license required by this chapter.

(Ords. 22459, 24645.1, 28682, 29230, 29707.)

- **Part 5 - INSURANCE REQUIREMENTS**

- **6.64.450 - Insurance requirements.**

A.

The holder of a taxicab license, at its sole cost and expense, shall obtain and maintain throughout the term of its taxicab license, or any renewal thereof, all of the insurance requirements as may be presently or in the future required by any financial responsibility laws of the State of California.

B.

The insurance requirements shall be referred to in and made a part of the application for a taxicab license. The city's risk manager shall notify in writing all applicants or holders of taxicab licenses of any modifications of the insurance requirements.

C.

All policies and coverages required by this section are subject to approval by the risk manager as to content and form. No license newly issued or renewed shall be valid until such approval is issued in writing to the chief of police by the risk manager.

D.

A true, certified and correct copy of the entire policy, including copies of all endorsement made a part thereof, shall be mailed to the Risk Manager, City of San José, 801 North First Street, San José, California 95110, directly from the authorized agent, broker or insuring company for each policy required under this chapter. All policies shall be on file and effective at the time the taxicab license is issued or renewed.

E.

If at any time the entire insurance policy or any portion thereof expires without immediate proof of renewal, the taxicab license shall be immediately suspended. The chief of police is hereby authorized to enforce such suspension upon receiving written notice from the risk manager that no proof of renewal or reinstatement has been submitted by the holder of a taxicab license.

F.

If at any time in the judgment of the risk manager, said policies or coverages are not sufficient for any cause or reason, the risk manager may require the holder of a taxicab license to replace said policies or coverages within ten days with other policies or coverages acceptable in accordance with this section. If the holder of a taxicab license fails to do so, the taxicab

license shall be automatically suspended at the expiration of the ten-day period until such time as said policies or coverages are properly replaced.

G.

The taxicab license issued under this chapter shall be automatically revoked upon the cancellation of the insurance policies or coverages required under this section. The reinstatement of insurance policies or coverages after a third cancellation within a twelve-month period shall not obligate the city to renew the taxicab license upon request to do so.

H.

Prior to the issuance of a taxicab license, and at the annual renewal thereof, the applicant or holder of a taxicab license shall submit to the risk manager a signed agreement to indemnify, hold harmless and defend the City of San José, its officers, employees and agents, in a form approved by the city attorney.

I.

Should the insurance coverage for any particular vehicle(s) be revoked or cancelled, such vehicle(s) shall be taken out of service immediately.

(Prior code §§ 6441 - 6443; Ords. 19311, 20622, 22459, 29707.)

- **Part 6 - TAXICAB DRIVER'S PERMIT**

- **6.64.460 - Application.**

A.

No person shall operate any taxicab in the City of San José unless the person has obtained a valid taxicab driver's permit from the chief of police to do so, as hereinafter provided.

B.

Application for a taxicab driver's permit shall be made in writing to the chief of police setting forth the following information:

1.

The applicant's name, age, address and past experience with regard to taxicab service;

2.

The names and addresses of the applicant's employers during the preceding three years;

3.

Whether an operator's or a chauffeur's license issued to the applicant by any state or governmental agency has ever been revoked, and the reasons therefor;

4.

Whether the applicant has been convicted of a crime within five years prior to the date of the application, including the nature of the crimes;

5.

The name and address of the owner by whom the applicant is to be employed or engaged under contract as a taxicab driver;

6.

The endorsement by the owner, by whom the applicant is to be employed or engaged under contract as a taxicab driver, on the application stating that the applicant has acquired proficient knowledge of the traffic laws of the State of California and the City of

San José, and of the streets of the city, as well as the ability to read and understand English, and to safely operate a public transportation vehicle in the city; and

7.

Whether the applicant has paid all applicable taxes imposed by the City of San José, including the business license tax if applicant is to be engaged under contract as an independent contractor.

8.

Such additional information as the chief of police may require.

(Ords. 22459, 28682, 29707.)

- **6.64.465 - Exception for out-of-town holders of ground transportation permits.**

Notwithstanding [Section 6.64.460](#), a person whose principal place of business is located outside the City of San José need not obtain a taxicab driver's permit if the driver's sole operation on the streets of the City of San José is to transport passengers from a point outside the city to the city and discharge them at a point within the city.

(Ords. 29229, 29352, 29707.)

- **6.64.470 - Photographs.**

The applicant for a taxicab driver's permit shall have two photographs taken by the chief of police, one to be filed with the application, and the other to be permanently attached to the taxicab driver's permit. The taxicab driver's permit shall be posted in a place conspicuous from the passenger's compartment of the taxicab.

(Ords. 22459, 29707.)

- **6.64.480 - Permit requirements and background check.**

A.

Prior to the issuance of a taxicab driver's permit, the applicant must demonstrate to the chief of police:

1.

Proficient knowledge of traffic laws of the City of San José and of the State of California;

2.

Proficient knowledge of the streets of the City of San José; and

3.

Ability to properly and safely operate a taxicab.

B.

Upon satisfying the requirements set forth in Subsection A. above, the applicant shall be subject, at the option of the owner by whom the applicant is to be employed or engaged under contract as a taxicab driver, to one of the following background checks:

1.

Fingerprinting by the police department permits unit; or

2.

In the event that: (i) the owner by whom the applicant is to be employed or engaged under contract as a taxicab driver has in place a program to perform criminal background checks on each taxicab driver before the driver begins offering service on behalf of the owner; and (ii) the owner utilizes an app with safety features approved by the chief of police that include, at a minimum, driver name, driver photo, vehicle information such as make/model, color, license plate/cab number, route taken, ability to share route with friends and option for passengers to leave feedback and rate their experience, the applicant shall not be subject to fingerprinting by the police department permits unit. The criminal background check must be a national criminal background check approved by the chief of police that includes the national sex offender database. The criminal background check must use the applicant's social security number in addition to the applicant's name. In order to meet the requirements of this subsection, the owner must participate in one of the following monthly audit processes:

a.

A random audit and fingerprint background verification of permitted taxicab drivers based on one percent of the owner's drivers, conducted by a third party accredited by the National Association of Professional Background Screeners, jointly approved by city and the owner; or

b.

A random audit of one percent of the owner's drivers per month, conducted by a third party accredited by the National Association of Professional Background Screeners, jointly approved by city and the owner.

(Ords. 22459, 29707.)

- **6.64.490 - Permit fee.**

The applicant for a taxicab driver's permit shall submit with the application a fee as set forth in the schedule of fees established by resolution of the city council.

(Ords. 22459, 29707.)

- **6.64.495 - Reserved.**

Editor's note— Ord. No. 29707, § 4, adopted March 22, 2016, repealed [§ 6.64.495](#), which pertained to limitation on issuance of permits and derived from Ord. 28682.

- **6.64.496 - Reserved.**

Editor's note— Ord. No. 29707, § 4, adopted March 22, 2016, repealed [§ 6.64.496](#), which pertained to exemption to limitation on issuance of permits and derived from Ord. 28682.

- **6.64.500 - Grounds for denial.**

The chief of police, or the board on appeal, may deny an application for a taxicab driver's permit filed by any person:

A.

Who is under the age of eighteen years;

- B. Who does not hold a valid driver's license issued by the department of motor vehicles of the State of California for the type of vehicle the applicant proposes to use as a taxicab in the city.
- C. Who, because of excessive and continuous use of alcoholic liquors, is incapable of safely operating a public transportation vehicle;
- D. Who is a habitual user of any other drug which renders a person incapable of safely operating a public transportation vehicle;
- E. Who has a disorder characterized by lapses of consciousness;
- F. Who does not demonstrate either proficient knowledge of the traffic laws of the State of California and the City of San José, or of the streets of the city, or the ability to read and understand English, or to safely operate a public transportation vehicle in the city;
- G. Who has failed to furnish the information required for the application for the permit;
- H. Who has knowingly made a false statement, or concealed a material fact, or otherwise committed any fraud in the application;
- I. Who, within five years prior to the date of application, has been convicted of any offense involving the use, possession, sale or transportation of narcotics, and the commission of such offense involved the use of a motor vehicle;
- J. Who, within five years prior to the date of application, has been convicted of reckless driving or driving under the influence of any drug or intoxicating liquor, regardless of whether the incident resulted in bodily injury or death;
- K. Who, within five years prior to the date of application, has been convicted of a crime, and the crime is substantially related to the qualifications, functions or duties of the taxicab business;
- L. Who is on parole or probation for a crime, and the crime is substantially related to the qualifications, functions or duties of the taxicab business;
- M. Who, within five years prior to the date of application, has done any act involving violence, dishonesty or fraud with the intent to substantially injure another, or substantially benefit the applicant or another;
- N. Who has had a taxicab driver's permit issued pursuant to this chapter revoked within three years prior to the date of application;
- O. Who, the chief of police determines, is a negligent or incompetent operator of a motor vehicle; or
- P.

Who has failed to pay when due all applicable taxes imposed by the City of San José.
(Ords. 22459, 28682, 29707.)

- **6.64.510 - Action by chief of police.**

A.

Except as otherwise provided herein, within a reasonable time after receipt of the application, the chief of police shall issue a taxicab driver's permit to the applicant, if the chief determines that there is no ground for denial of the permit.

B.

The chief of police may impose such terms, conditions or restrictions on the permit as the chief deems necessary.

C.

The duration of the permit issued pursuant to this chapter shall be for twenty-four months from the date of the application.

(Ords. 22459, 28682, 29707.)

- **6.64.520 - Temporary permit.**

A.

The chief of police may issue a temporary taxicab driver's permit to the applicant who has applied for a taxicab driver's permit pursuant to this chapter, if the chief has not completed all necessary investigation of the applicant and the application, but has no reason to believe that any ground exists for denial of the permit.

B.

The temporary taxicab driver's permit shall be for a period of six months or less, and shall automatically expire upon the actual issuance or denial of the taxicab driver's permit.

(Ords. 22459, 28682, 29707.)

- **6.64.530 - Appeal.**

A.

The decision of the chief of police to deny an application for a taxicab driver's permit may be appealed to the board.

B.

The procedures for the appeal and the requirements of notice and hearing are set forth in Part 8 of this chapter.

(Ords. 22459, 28682, 29707.)

- **6.64.540 - Information on permit.**

Each taxicab driver's permit shall be numbered and signed by the chief of police, and shall contain the following information:

A.

The date of expiration of permit;

- B. The driver's name and driver's license number;
- C. A description of the driver, including date of birth, sex, height, weight, color of eyes, and color of hair;
- D. The name of the owner by whom the driver is employed or engaged under contract; and
- E. Other information as may be deemed necessary by the chief of police.

(Ords. 22459, 29707.)

- **6.64.550 - Termination of employment or contract.**

- A. Within twenty-four hours after termination of a taxicab driver's employment or contract with the owner who endorsed the permit application as required by [Section 6.64.460 B.6.](#), either the owner or the taxicab driver shall notify the chief of police in writing of such termination. The written notification of termination shall be accompanied by the surrender of any taxicab driver's permit in the owner's or taxicab driver's possession. If said permit is unavailable, the owner or the taxicab driver shall state on the notification of termination the unavailability of the permit and the reasons therefor.
- B. The taxicab driver's permit shall automatically expire upon receipt by the chief of police of the written notice of termination of the taxicab driver's employment or contract with the owner who endorsed the permit application.

(Ords. 22459, 28682, 29707.)

- **6.64.560 - Reissuance of permit.**

- A. The chief of police may approve reissuance of a taxicab driver's permit to an applicant without requiring the applicant's photographs and fingerprints, and the permit fee, if an application endorsed by another owner is filed within six months after the applicant's prior employment or contract with a taxicab business as a driver was terminated and the prior permit would not have expired during that six-month period.
- B. This section does not apply to an applicant whose employment or contract with a taxicab business as a driver was terminated for reasons which constituted any of the grounds for denial, suspension or revocation of a taxicab driver's permit.

(Ords. 22459, 28682, 29707.)

- **6.64.570 - Issuance prior to amendment.**

All taxicab driver's permits issued prior to the effective date of this amendment to this chapter shall be deemed issued pursuant to this chapter as amended, and shall in all respects be subject to the provisions of this chapter as amended.

(Ords. 22459, 29707.)

- **6.64.580 - Driver's appearance.**

The taxicab drivers shall be clean and neat in appearance, and shall wear shoes at all times while on duty. Nothing in this chapter shall preclude an owner from establishing a dress code or similar rules to regulate the appearance of all drivers.

(Ords. 22459, 29707.)

- **6.64.590 - Daily report to owner.**

For purposes of [Section 6.64.420](#) of this chapter regarding the owner's duty to maintain records, for each day the driver is on duty, each driver shall submit a daily report to the owner setting forth the hours during each day that the driver was on duty, the starting and destination points of each trip, and the fares/rates collected for each trip.

(Ords. 22459, 29707.)

- **Part 7 - SUSPENSION AND REVOCATION**

- **6.64.600 - Suspension or revocation of taxicab license.**

The chief of police, or the board on appeal, shall have the power to suspend or revoke a taxicab license issued under this chapter, on any of the grounds stated in [Section 6.02.130](#) of this Code, or on any of the following grounds:

- A. The violation by the owner of any of the terms, conditions or requirements of the taxicab license, or of this chapter.
- B. Any act or omission of the owner of any fact or condition which, if it existed at the time the application for a taxicab license was filed, would have warranted the denial of the application.
- C. Cancellation or suspension of any insurance policy or coverage required of the owner by [Section 6.64.450](#) of this chapter.
- D. Failure of the owner to pay any judgment against the owner for personal injury or death, or property damage arising out of the conduct of business under the taxicab license issued pursuant to this chapter, within thirty days after the judgment has become final.
- E. Voluntary written request by the owner to suspend the taxicab license for a definite period of time.
- F.

Overcharge of, or the attempt to overcharge, taxicab fares by the owner, as prohibited by [Section 6.64.320](#) of this chapter.

G.

Failure of the owner to pay when due any applicable taxes imposed by the City of San José. (Ords. 19311, 22459, 28682.)

- **6.64.610 - Suspension or revocation of taxicab driver's permit.**

The chief of police, or the board on appeal, shall have the power to suspend or revoke a taxicab driver's permit issued under this chapter, on any of the grounds stated in [Section 6.02.130](#) of this Code, or on any of the following grounds:

A.

Suspension, revocation, or expiration of the driver's privilege granted by the department of motor vehicles of the State of California to operate a motor vehicle on the public highways of the State of California.

B.

The violation of the driver of any of the terms, conditions or requirements of the taxicab driver's permit, or of this chapter.

C.

Any act or omission of the driver or any fact or condition which, if it existed at the time the application for a taxicab driver's permit was filed, would have warranted the denial of the application.

D.

Failure of the driver to pay any judgment against the driver for personal injury or death, or property damage arising out of the driver's operation of a public transportation vehicle, within thirty days after the judgment has become final.

E.

The driver consumed drugs or alcohol or is under the influence of drugs or alcohol while on duty, or is convicted of a crime relating to drugs or alcohol.

F.

Overcharge of, or the attempt to overcharge, taxicab fares by the driver, as prohibited by [Section 6.64.320](#) of this chapter.

G.

Failure of the driver to pay when due any applicable taxes imposed by the City of San José. (Ords. 22459, 28682.)

- **6.64.620 - Notice and hearing.**

A.

Except as provided in [Section 6.64.630](#) of this chapter, a taxicab license or a taxicab driver's permit issued pursuant to this chapter shall be revoked or suspended only after the owner or driver has been given reasonable notice and opportunity to be heard under the procedures set forth in Sections [6.02.200](#) and [6.02.210](#) of [Chapter 6.02](#).

B.

Within a reasonable time after the close of the hearing, the chief of police shall render a decision setting forth the findings and reasons therefor.

C.

The decision of the chief of police shall be mailed to the owner or driver, at the address shown on the application, in the manner provided for in [Section 6.64.030](#) of this chapter.

(Ords. 22459, 29230.)

- **6.64.630 - Emergency suspension.**

A taxicab license or a taxicab driver's permit may be summarily suspended under the procedures set forth in Part 1.5 of [Chapter 6.02](#).

(Ords. 22459, 29230.)

- **6.64.640 - Appeal.**

A.

The decision of the chief of police to suspend or revoke a taxicab license or taxicab driver's permit may be appealed to the board.

B.

The procedures for the appeal and the requirements of notice and hearing are set forth in Part 8 of this chapter.

C.

The suspension or revocation of a taxicab license or taxicab driver's permit shall remain in effect pending the appeal.

(Ords. 22459, 28682.)

- **Part 8 - APPEAL TO THE BOARD**

- **6.64.650 - Notice, hearing and decision.**

A.

Any action taken by the chief of police under this chapter may be appealed to the board by filing, with the chief of police, a written notice of appeal within ten days after a copy of the decision of the chief of police has been placed in the mail to the applicant, owner or driver.

B.

When such notice of appeal has been accepted by the chief of police:

1.

The chief shall, subject to the rules of the board, set a date for a hearing which shall be held by the board. Said date of hearing shall be not less than ten days nor more than sixty days after the date such notice of appeal was received by the chief.

2.

The chief shall provide a report and recommendation to the board. In addition thereto, the chief shall file with the board at its hearing all relevant papers, documents and exhibits which are part of the file.

3.

The board shall hear the matter de novo. Within a reasonable time after the board has concluded its hearing, it shall, by resolution, set forth its findings and decision on the matter. The decision of the board shall be final.

C.

The decision of the board shall be mailed to the applicant, owner or driver, at the address shown on the application or the notice of appeal in the manner provided for in [Section 6.64.030](#) of this chapter.

(Ords. 22459, 28682.)

- **Part 9 - LIMOUSINES**

- **6.64.660 - Application.**

This part applies only to a limousine business which provides transportation service within the city limits of the City of San José, and which does not hold a certificate or permit issued by the California Public Utilities Commission pursuant to the provisions of Chapter 8, Division 2 of the California Public Utilities Code.

(Ord. 22459.)

- **6.64.670 - Taxicab provisions applicable.**

Except as specifically provided in this part, each and every section of Parts 1, 2, 4, 5, 6, 7 and 8 of this chapter shall apply to the operation of limousine service regulated by this part, and whenever the word "taxicab" is therein used, it shall for the purposes of this part mean "limousine."

(Ords. 19311, 22459.)

- **6.64.680 - Limousine license.**

No owner of a limousine business shall operate or permit the operation of a limousine on the streets of the City of San José without having obtained a limousine license, issued pursuant to the provisions of Part 4 and Part 5 of this chapter, from the chief of police.

(Prior code § 6475, 6.64.700; Ords. 19311, 22459.)

- **6.64.690 - Low-cost transportation service.**

A.

The chief of police may issue a limousine license to an owner who proposes to provide low-cost transportation service to the elderly or handicapped. The license may be issued to the owner regardless of whether all of the vehicles used in providing the service are registered in the owner's name as required under [Section 6.64.160](#) M. of this chapter, as long as the following conditions are met:

1.

The vehicles which are not registered in the owner's name are either leased to the owner by a federal, state or local government agency, or are used by the owner with the written authorization of the government agency; and

2.

Evidence of such lease or other written authorization of the government agency satisfactory to the chief of police is submitted with the application for a limousine license.

B.

The permission to operate any vehicle under the limousine license issued pursuant to this section shall cease automatically upon the termination of the owner's lease or written authorization of the government agency. The owner shall notify the chief of police in writing of any termination of such lease or written authorization at least three days prior to the date of termination.

(Ord. 22459.)

- **6.64.700 - Limousine driver's permit.**

No person shall operate a limousine on the streets of the City of San José without having obtained a limousine driver's permit, issued pursuant to the provisions of Part 6 of this chapter, from the chief of police.

(Ord. 22459.)

- **6.64.710 - Fares.**

A.

No owner of a limousine business shall operate or permit the operation of a limousine without having filed a schedule of fares to be charged for the use of the limousine service with the city clerk. The owner shall notify the city clerk immediately of any change in said schedule of fares.

B.

No owner or driver shall charge or receive any fare for the use of a limousine other than that in the schedule of fares on file with the city clerk.

C.

Such schedule of fares is required to be posted inside of a limousine.

(Prior code § 6476, 6.64.750; Ords. 19311, 22459.)

- **6.64.720 - Quotation of fares.**

No owner or driver shall permit a limousine to be hired without first quoting to the prospective passenger the specific charge for the use of the limousine per trip, per hour, per mile, or on some other basis in accordance with the schedule of fares filed with the city clerk.

(Prior code § 6477, 6.64.760; Ords. 19311, 22459.)

- **6.64.730 - Minimum number of limousines.**

The minimum number of limousines required for the issuance of a limousine license shall be one

(Ords. 19311, 22459.)

- **6.64.740 - Minimum operation.**

Except as otherwise required by the chief of police, the owner of a limousine business may provide different minimum operation periods and dispatching procedures than those required of taxicabs

(Ord. 22459.)