

**MONTEREY COUNTY REGIONAL TAXI AUTHORITY (RTA)**  
**INTER-AGENCY AGREEMENT**

I.

The Incorporated Cities of Monterey County that have executed this agreement (the "Cities"), the County of Monterey (the "County"), the Monterey Peninsula Airport District, and Monterey-Salinas Transit (MST) agree to:

A.

Participate in the Monterey County Regional Taxi Authority (RTA) with the goal of increasing public safety, reducing administrative costs, and expanding the provision of private transportation service in Monterey County.

B.

Mutually adopt RTA Rules and Regulations (attached) to govern the administration of taxi service within participating jurisdictions.

II. The Cities, the County, and the Monterey Peninsula Airport District agree to:

A. Participate as a member of the RTA effective \_\_\_\_\_ and continue until terminated by a one year written notice.

B. Appoint City Manager/Chief Administrative Officer/ General Manager or his/her designee to be a member of the RTA Steering Committee.

C. Adopt and enforce a city taxi cab ordinance consistent with RTA Rules and Regulations, and use such ordinance as the exclusive method of regulating taxi cabs within the city.

D. Enforce and if necessary prosecute all violations of city taxi ordinance and RTA Rules and Regulations.

III. MST agrees to :

A. Provide staff and administrative services necessary to implement and enforce the RTA Rules and Regulations.

B. Collect license and permit fees to offset administrative costs.

C. Provide city with 12 months written notice prior to withdrawing from RTA.

Signed/dated: \_\_\_\_\_  
for city MST Chief Executive Officer

**MONTEREY COUNTY REGIONAL TAXI AUTHORITY (RTA)**  
**RULES and REGULATIONS**

Scope:

A. RTA is a voluntary association of Monterey County jurisdictions which have delegated the issuance of taxicab vehicle licenses and driver permits and other administrative functions to MST. Each jurisdiction will retain all authority and responsibility for taxicab regulation and enforcement within its borders.

1. As used in these Rules and Regulations, the term Taxi includes those services defined in Government Code section 53075.5 and regulated by municipal agencies in California.

B. The objective of the RTA is to increase public safety, reduce administrative costs for the public and private sector, and to expand the provision of private transportation service in Monterey County.

Administration:

A. The Regional Taxi Authority Administrator, an employee of MST, will manage all MST responsibilities required to administer RTA activities.

B. An RTA Steering Committee will meet quarterly to advise MST on policy issues. The Committee includes the City Manager or his/her designee from each participating city, one representative of the Monterey Peninsula Airport District, and one representative of the Monterey County Hospitality Association.

Sec. 1. General provisions.

It shall be unlawful for any person, firm, or corporation to operate any taxicab business, or for any owner or driver to operate or drive any taxicab except in compliance with the provisions of this chapter.

Sec. 2. Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

A. Certificate. "Certificate" means a certificate of public convenience and necessity issued by the Regional Taxi Authority.

B. County. Those cities participating in the Regional Taxi Authority, in addition to the Monterey Peninsula Airport District and unincorporated areas of the County.

C. Driver. Every person in charge of operating any taxicab, either as owner, agent, employee, or otherwise, or under the direction of an owner.

D. Owner. Every person, firm, or corporation that owns or has contracted for the use or control of any taxicab, whether as owner, lessee, or otherwise.

E. Taxicab. A passenger automobile equipped with a taximeter and used for transportation of passengers over public streets and highways but not over a defined route and irrespective of whether the travel extends beyond the County limits, and operated at rates per mile or waiting time or both.

F. Taximeter. A mechanical or electronic instrument or device by which the charge for hire of a taxicab is mechanically or electronically calculated based on rates established by the Regional Taxi Authority, either for distance traveled, for waiting time, or both, and upon which the charges are plainly registered by means of figures indicating dollars and cents.

G. Taxistand. A place on public property or streets approved by the County as a place where taxicabs may park and wait for hire.

### Sec. 3. Determination of number of taxicab businesses in the County.

No person shall engage in the business of operating any taxicab business within the County without first having obtained a certificate of public convenience and necessity (Certificate) from the Regional Taxi Authority and an owner's permit. The Regional Taxi Authority shall determine, after a public hearing, whether the number of taxicabs operating in the County meets the needs of the general public, and shall issue a Certificate to any taxicab business only if it finds the public convenience and necessity support the addition of more taxicabs operating within the County.

### Sec. 4. Continued operation of authorized business required.

Every person holding an owner's permit under the provisions of this Chapter shall regularly and daily operate the taxicab business from taxistands within the County to the extent reasonably necessary to meet public demand for such service on a 24 hour a day basis. Failure to comply with this provision shall constitute abandonment of service and the Regional Taxi Authority, after a noticed public hearing, may revoke the owner's permit if a violation of this section is demonstrated.

### Sec. 5. Compliance with state and local laws and regulations.

All taxicabs authorized to operate with the County shall be properly licensed with the California Department of Motor Vehicles, and shall further comply with all state and

local laws and regulations relating to the licensing and commercial operation of taxicabs. All taxicabs shall be registered under the firm name or the name of the individual holding the owner's permit.

No vehicle used or intended to be used in taxicab service in the County shall be rented to any owner or driver unless such owner or driver has obtained the appropriate permit(s) pursuant to this Chapter.

#### Sec. 6. Insurance requirements and County Held Harmless

All taxicabs authorized to operate within the County shall, and by acceptance of the County taxicab permit, do agree to hereby indemnify, defend and hold the Regional Taxi Authority, its officers, employees, agents (and member jurisdictions) harmless from any and all damages, claims, liabilities, costs, suits, or other expense resulting from and arising out of their taxicab operations.

It shall be unlawful to drive or operate any taxicab in the County unless the vehicle owner possesses current, valid commercial general liability and vehicle liability in amounts and with conditions acceptable to the Authority and evidenced through certificates of insurance filed with the County Clerk.

The owner's insurance shall remain in full force, at a level at least equal to the minimum requirements of the County, or the owner's permit shall automatically be suspended until such time as full compliance with the requirements of this section are demonstrated to the County's satisfaction.

#### Sec. 7. Rates and fares - generally.

The Regional Taxi Authority, upon its own motion or upon application of an owner's permit holder, may set, establish, change, modify or amend the schedule of rates to be charged by all vehicles operated by each holder of an owner's permit under the provisions of this Chapter. No rates shall be set, established, changed, modified or amended without a public hearing before the Regional Taxi Authority. Notice of such hearing shall be given to each owner's permit holder, in writing, by the County Clerk at least five days before such hearing, and the Regional Taxi Authority may give such other notice as it shall deem necessary.

Fares shall be conspicuously displayed in the passenger compartment of each taxicab where it is readily visible and readable by passengers in front and rear seats.

The taxicab rate or fare shall be determined by a taximeter in accordance with the schedule established by the Regional Taxi Authority. Following public hearing as required herein, the Regional Taxi Authority shall establish the rate or fare by resolution.

It shall be unlawful to fix, charge, or collect a rate in excess of the rate schedule approved by the Regional Taxi Authority.

Sec. 8. Condition of vehicles - generally.

No owner or driver shall operate, permit to be operated, or cause to be operated any motor vehicle for hire while the same or any of the equipment used thereon or therewith is in a defective, unsafe or unsanitary condition.

Sec. 9. Exterior signage required.

Every taxicab operated in the County shall have displayed on each side and the rear of the vehicle the taxicab business name as it appears on the owner's permit, together with the owner's identification number and the telephone number of the taxicab business. The lettering of the signs and all signs to be displayed on any taxicab shall be approved by the Regional Taxi Authority.

Sec. 10. "For Hire" lights required.

Every taxicab shall be equipped with a "For Hire" light attached to the top of the roof or to the top of the dome light. The light of the "For Hire" light unit shall be connected to a contact switch attached to the taximeter, and such contact switch shall operate automatically to illuminate the "For Hire" light when the taximeter is not in operation, indicating the cab is vacant and for hire, and to extinguish such light when the taximeter is in operation. No person shall drive or operate any taxicab with such a light illuminated while carrying passengers for compensation; or drive or operate any taxicab unless such a light is illuminated when such taxicab is for hire.

Sec. 11. Illumination of passenger compartment required at certain times.

Every motor vehicle for hire shall at all times be equipped with a light of not less than two candlepower within such vehicle, so arranged as to illuminate the entire passenger compartment, which light shall be kept constantly lighted at all times while any passengers are being loaded into or unloaded from any such vehicle from one-half hour after sunset of any day until one-half hour before sunrise of the next day, and no shades or blinds shall be drawn over the windows of any such vehicle while the same is occupied.

Sec. 12. Inspection of vehicles by police; inspection fee.

All taxicabs shall submit to an annual inspection as required by the Regional Taxi Authority. All taxicabs shall possess all of the equipment listed on the Regional Taxi Authority Taxicab Safety Inspection Checklist, and all such equipment shall be in good working order and repair. The Regional Taxi Authority shall establish the standard for good working order.

Upon satisfactory completion of such inspection, the Authority shall issue and affix an approval decal or sticker to the taxicab that authorizes the operation of the vehicle for a one-year period. All decals issued by the Regional Taxi Authority shall be displayed at

the rear of the vehicle on the driver's side rear window. It shall be unlawful to transfer the decal or sticker to any other vehicle, and no taxicab shall be operated without a valid decal or sticker properly displayed.

A police officer in any of the participating cities shall have the right and shall be permitted at any time to inspect any taxicab to ascertain whether the provisions of this Chapter are being met. During an inspection, the driver of the taxicab must produce for inspection the following documents: (1) valid California vehicle registration, (2) valid proof of insurance document and (3) a valid California driver's license.

The Regional Taxi Authority shall establish a taxicab safety inspection fee that shall be due annually upon inspection.

Any taxicab that fails any safety inspection shall be given an opportunity to make repairs or correct defects and be re-inspected. Any such cab failing an inspection shall be removed from service until such time as compliance is met. A safety inspection is "failed" if any police officer or mechanic determines the vehicle is not in compliance with the provisions of this Chapter or any required inspection program established by the Regional Taxi Authority, or if the taxicab is unsafe, unsanitary, or unsightly. Any such taxicab shall be removed from service until such conditions are corrected. Such vehicle shall be re-inspected prior to being returned to service.

Should a law enforcement officer or a Regional Taxi Authority employee determine that a taxi should be removed from service, such person is authorized to remove the decal or sticker designating that the taxi is authorized to operate. When the taxi has satisfactorily passed an inspection, a new decal or sticker will be issued by the Regional Taxi Authority and a nominal fee will be charged for the new decal or sticker.

#### Sec. 13. Establishment and use of taxicab stands.

The Regional Taxi Authority may, by resolution, locate and designate taxicab stands or designated curb space on any public street in the County, which stands, when so established, shall be appropriately designated, "Taxis Only".

Taxicab stands so established shall be in operation 24 hours of every day.

No owner, driver or operator of any taxicab shall allow such taxicab to remain parked, while awaiting employment, except in a regularly established taxicab stand. Taxicabs may park in any available parking space when actually engaged in loading or unloading passengers if permitted by ordinance.

#### Sec. 14. Solicitation of passengers prohibited; exception.

No taxicab driver, or person acting on behalf of any such driver, shall solicit passengers except from an approved taxicab stand.

Sec. 15. Taxicabs standing in streets or public place prohibited; exception.

No taxicab shall be allowed to remain standing on a public street or in a public place unless it is attended by a driver, except when the driver is assisting passengers to load or unload, is answering his telephone or displays a sign reading "Not for Hire".

Sec. 16. Prohibited conduct by drivers.

No driver, or any person acting on behalf of any such driver, shall engage in any disorderly or inappropriate conduct while in the performance of his or her duties as a taxicab operator, including, but not limited to, obstruction of any street or sidewalk, making of loud or unusual noises to attract the attention of potential customers, use of indecent, profane, or obscene language, boisterous or loud talking that might disturb the peace and quiet of others in the area, harassment of passersby, interference with, obstruction of, or impeding of the free passage of potential passengers, or seizing or grabbing any baggage carried by or belonging to potential passengers prior to being hired to provide transportation.

No taxicab driver shall smoke or permit any smoking to occur within any taxicab at any time. No smoking signs shall be prominently displayed in every taxicab.

Sec. 17. Authorization to pick-up passengers by permitted drivers. Taxis that have been permitted by the Authority can pick-up passengers within and between the area of the participating jurisdictions. Taxis authorized to operate in other jurisdictions not participating in the Authority may drop-off but not pick-up passengers within the Authority area.

Sec. 18. Keeping of tripsheets required.

The driver of each taxicab shall keep a separate tripsheet of every service rendered by the driver, and shall include the following information: (1) the location where the passenger(s) entered the taxicab, (2) the number of passengers, (3) the time the passengers entered the taxicab, (4) the location where the passengers were discharged, and (5) the amount of fare collected.

The owner of every taxicab shall keep such tripsheets in the business office for a period of one (1) year after the date service is rendered, and they shall be open and available for inspection by any representative of the Regional Taxi Authority at all times during business hours. The falsification of any tripsheet by any owner or driver shall be grounds for revocation of his or her permit.

Sec. 19. Keeping of records by owners required.

The owner of every taxicab business shall keep a dispatch sheet which shows the time of dispatch of every taxicab.

Every owner and every employer of taxicab drivers, including self-employed drivers, shall keep and maintain a complete and accurate record of all drivers, which record shall show for each employee their name, address, date of hire, date of termination, the number of the taxicab operated by the driver, the hours of employment for each driver, a list of absences from employment, and all motor vehicle violations, all traffic accidents, all complaints received from passengers or others, and the test results from controlled substance and alcohol testing. These records shall be subject to inspection by the Regional Taxi Authority at any time upon demand, and shall not be destroyed without the written permission of the Authority.

Every taxicab owner and employer of taxicab drivers shall notify the Authority in writing within 5 working days upon termination of employment of any taxicab driver.

Sec. 20. Reports of found property.

All property found in taxicabs not belonging to the driver shall be delivered to Monterey-Salinas Transit within 24 hours of discovery unless otherwise returned to the rightful owner. Every owner shall keep a log of all found property.

Every owner and driver shall attempt to return found property to any person claiming to have lost or left property in a taxicab. If the lost property is not found, the owner and driver shall advise the passenger to file a lost property report with the Police Department with jurisdiction at the drop-off point.

Sec. 21. Service to general public.

No driver of any taxicab shall refuse to carry any person seeking transportation and tendering the fare for the service within the County unless the vehicle is already in service, the person seeking transportation is unruly, boisterous, or intoxicated, or where the person seeking transportation is known to the driver to have been unruly, created problems of a confrontational nature or refused full payment in the past.

The Regional Taxi Authority shall be responsible for maintaining files of and investigating complaints regarding taxicab service and shall initiate appropriate action against taxicab drivers and owners when a complaint or complaints warrant such action.

Sec. 22. Owner's permit required; separate vehicles.

No person shall engage in the business of operating any taxicab within the County without first having obtained an owner's permit from the Regional Taxi Authority, except as otherwise provided in this Chapter.

An owner's permit shall be required for each additional or different taxicab.

If a permittee wishes to substitute one vehicle for another, he or she shall file an application with the Regional Taxi Authority who shall cause the taxicab to be submitted

to a normal safety inspection, and if the vehicle passes, an approval decal or sticker will be affixed to the substitute taxicab and the decal or sticker will be removed from the original vehicle.

Sec. 23. Owner's permit application; application fee.

All persons or businesses applying for an owner's permit under this Article shall file with the Regional Taxi Authority a sworn application including the following information:

- (1) The name, residence and business addresses of the applicant.
- (2) Social security numbers, driver's license numbers, and dates of birth for all persons named in the application. If the applicant is a partnership or corporation, then the information shall be provided for each partner or corporate officer.
- (3) Fictitious name under which the business is proposed to operate.
- (4) Whether any license, permit, or certificate sought by the applicant has been denied, revoked, or suspended by any public agency, explaining the circumstances of any denial, revocation, or suspension in full.
- (5) The number and type of vehicles proposed to be operated in the business, including year, make, model, license number, VIN, and company assigned taxicab number.
- (6) The color, name, monogram of insignia to appear on the vehicles.
- (7) A complete schedule of fares or rates to be charged and services to be operated, demonstrating compliance with existing fares and rates as established by the Regional Taxi Authority.
- (8) The location where the business will be operated, including dispatch facilities, storage facilities, repair and maintenance facilities, and fuel dispensing operations.
- (9) Copies of required insurance policies or if not yet issued, a written statement from an insurer that such policies will be issued if the application is granted.
- (10) A statement as to whether any applicant, partner, or corporate officer, has been convicted of any misdemeanor or crime, or violation of any municipal ordinance other than minor parking and traffic offenses, the nature of the offense and the punishment or penalty assessed.
- (11) The facts upon which the applicant believes tends to prove that public convenience and necessity require the granting of a permit.
- (12) Such other information as the Regional Taxi Authority may deem necessary for promotion of the public health, safety, and welfare.

The Regional Taxi Authority Steering Committee shall establish an owner's permit application fee that shall accompany any such application.

Sec. 24. Owner's permit application process.

Upon receipt of an application for an owner's permit under this Article, the Regional Taxi Authority staff shall undertake a preliminary investigation to verify the criminal history information submitted by the applicant and shall submit the applicant's fingerprints to the State of California for criminal history review.

The Regional Taxi Authority Steering Committee shall review the application and the recommendation from the Authority staff to determine if it appears there is a need and necessity for the taxicab services proposed, and whether the applicant is of suitable character to provide such services. The Regional Taxi Authority staff may require the applicant to provide financial information and other documentation to demonstrate the ability to appropriately and lawfully operate the taxicab business proposed. The Regional Taxi Authority staff shall recommend approval or denial of the application.

The application shall be reviewed by the Regional Taxi Authority Steering Committee at a noticed public hearing. The Regional Taxi Authority Steering Committee shall approve any such application only if the following findings are first made:

- (1) The applicant is financially responsible as determined by the Authority.
- (2) The applicant is of good moral character consistent with federal, state, and local laws for the public services that will be provided by the owner.
- (3) Existing taxicab businesses are not adequately serving the public with respect to taxicab services.
- (4) Such additional taxicab service will not result in a greater hazard to the public or create substantial traffic or parking problems.

The application shall be denied if any of the following findings are first made:

- (1) The public convenience and necessity do not require the proposed service.
- (2) The application fails to contain any of the required information as set forth above.

Sec. 25. Suspension or revocation of Company Permit.

A Company Permit may be suspended or revoked by the Regional Taxi Authority for any of the following reasons:

- (1) Providing late, false, or inaccurate information in the Company Permit application; or
- (2) Allowing operation of a taxicab by a driver not possessing a valid Authority Driver Permit stating that the driver is affiliated with the permittee; or
- (3) Failure to comply with the Authority's regulations; or
- (4) Failure of authorized drivers to comply with the Authority's regulations; or
- (5) Operation of any taxicab at a rate higher than the authorized fares; or
- (6) Failure to comply with the participating jurisdictions' law enforcement officers, code enforcement officers, Authority staff, and/or California Highway Patrol; or
- (7) Operating its business without the insurance required in these regulations; or
- (8) Failure to comply with the drug and alcohol policy requirements in these regulations; or
- (9) Failure to fully satisfy any court judgment entered against the company arising from liability for operating cabs, including but not limited to, judgments related to collisions or operating without the requisite insurance, within 15 years after the judgment was originally entered; or
- (10) Being held liable under any judgment, decision or determination by any public or regulatory agency for operating cabs without the requisite insurance after the adoption of these regulations.

Sec. 26. Transferability.

No owner's permit issued under this Chapter shall be assignable or transferable without the prior approval of the Regional Taxi Authority. Prior to presenting the proposed assignment or transfer to the Regional Taxi Authority, the transferee shall first submit a statement with the Authority staff setting forth the information required to be furnished on an original application as set forth in paragraph 25 above. The Authority staff shall investigate the transferee in the same manner as a new applicant and make a recommendation to approve or disapprove the transfer to the Regional Taxi Authority Steering Committee within forty-five (45) days after the statement is received.

Sec. 27. Taxicab Driver's Permit required.

It shall be unlawful for any person to operate any taxicab in the County unless he or she has a valid taxicab driver's permit issued by the Regional Taxi Authority.

The Authority staff shall administer and maintain taxicab driver's permits and records for taxicabs operating in the County.

Sec. 28. Taxicab Driver's Permit application; process.

Application for a taxicab driver's permit shall be filed with the Authority, along with any fee(s) as established by the Regional Taxi Authority for the issuance of such permit. The application shall be in writing and made under penalty of perjury. The Authority shall undertake a preliminary investigation to verify the criminal history information submitted

by the applicant and shall submit the applicant's fingerprints to the State of California for criminal history review. Any information submitted in the application that is false, or any required information that is omitted, shall result in denial of the permit. The application shall include but not be limited to the following information:

- (1) The name, age, and address of the applicant.
- (2) Past experience operating motor vehicles generally and taxicabs specifically.
- (3) The names and addresses of former employers during the preceding three year period.
- (4) The places of residence during the preceding three (3) year period.
- (5) Whether or not a driver's license issued to the applicant has ever been revoked or suspended.
- (6) A copy of the applicant's current driver's license and a DMV H-6 Driving Record and Vehicle Registration Report.
- (7) An endorsement of the owner of the taxicab business for whom the applicant seeks to drive a taxicab.
- (8) Proof of the applicant's negative test results for controlled substances and alcohol.

Upon the request of an applicant, the Authority shall provide a list of the consortia certified pursuant to part 382 (commencing with § 382.101) of Title 49 of the Code of Federal Regulations that the Authority knows offers controlled substance and alcohol tests in Monterey County.

Sec. 29. Taxicab Driver's Permit application fee.

An application for a taxicab driver's permit shall be made to the Authority, and at the time of filing such application, a fee in an amount to be set by resolution shall be paid to the Regional Taxi Authority; provided that such fee shall include the amount set by the state to cover the cost of processing such applications.

Sec. 30. Taxicab Driver's Permit requirements and prohibitions.

No taxicab driver's permit shall be issued to any person who:

- (1) Is under age 21 at the time of application.
- (2) Fails to provide documentation of either citizenship or employment authorization as required by the Immigration and Reform Control Act of 1986 (8 USC § 1324a).
- (3) Has been convicted of a felony.
- (4) Has been convicted of any offense specified in the CA Vehicle Code involving

reckless driving or alcohol or drug offenses except convictions more than seven (7) years old or whose convictions have been expunged or set aside pursuant to satisfactory completion of a Court approved diversion program.

(5) Fails to possess a valid driver's license suitable for operation of a taxicab.

(6) Has received a positive test result in any random test for controlled substances or alcohol within the past twelve (12) months.

(7) Provides false or materially incomplete information required for issuance of the permit.

(8) Has been convicted of an offense which requires registration pursuant to CA Penal Code § 290 (Sex Offenders Registration Act).

(9) Has been convicted within five (5) years of an offense involving the sale of a controlled substance even if expunged pursuant to CA Penal Code § 1203.4.

(10) Has been convicted within five (5) years of any offense involving the use of force or violence upon another person.

(11) Is on parole or probation for a crime, and the crime is substantially related to the qualifications, functions, or duties of a taxicab driver in a potentially negative manner.

(12) Has had a taxicab driver's permit issued by any jurisdiction revoked within the past three (3) years.

(13) Fails to provide a medical clearance that meets the standard set forth by the California Department of Motor Vehicles, Motor Carrier Safety Regulations (49 CFR 391.41 - 391.49). This is satisfied by providing a completed Medical Examination Report for Commercial Driver Fitness Determination form or a Medical Examiner's Certificate issued by the California Department of Motor Vehicles.

Every taxicab driver's permit issued pursuant to this Article shall set forth the name of the owner for whom such driver is authorized to operate a taxicab, and shall be valid only so long as the driver continues to drive for such owner.

All drivers of taxicabs shall display their taxicab driver's permit in a conspicuous place in the passenger compartment of the taxicab whenever the taxicab is being used to transport passengers.

### Sec. 31. Issuance of permits.

The Regional Taxi Authority shall investigate the applicant for a taxicab driver's permit under this Article, and after such investigation shall either grant or deny the permit. Any person whose application has been denied may within 10 days after such denial request that the denial of his application be reviewed by the Regional Taxi Authority. The Authority staff shall investigate such applicant and may, after a hearing, either grant or deny such permit.

Sec. 32. Renewal of permit; termination.

All taxicab driver's permits issued pursuant to this Article expire annually on their anniversary date unless earlier terminated, suspended, or revoked pursuant to the provisions set forth herein.

Drivers may renew their permit if still qualified to operate a taxicab by meeting all the permit requirements set forth in this Article for new taxicab driver's permits, including, but not limited to, passing the test for controlled substances and alcohol.

Taxicab driver's permits are void upon termination of taxicab driver's employment with the owner listed on their permit. Each driver shall return the permit and decals to the Regional Taxi Authority upon such termination.

It shall be unlawful to transfer any taxicab driver's permit to any other person.

Sec. 33. Suspension or revocation of permit.

The Regional Taxi Authority shall have the authority to temporarily suspend any taxicab driver's permit in the event the holder is arrested, charged, or cited for any violation of the CA Vehicle Code punishable by suspension of the taxicab driver's license. The Regional Taxi Authority may revoke or refuse to renew any taxicab driver's permit if the driver is:

- (1) Convicted of a felony, including any narcotics violations,
- (2) Convicted of driving recklessly or while under the influence of alcohol or controlled substances;
- (3) Has his or her driver's license suspended or revoked;
- (4) Found to test positive for any controlled substance or alcohol during any test;
- (5) Found to have violated any provision of this Chapter or;
- (6) Found to have provided false information or omitted information required on a taxicab driver's permit application.

Any driver whose permit has been suspended or revoked may, within 10 days, file an appeal with the Regional Taxi Authority. The Regional Taxi Authority shall hold a hearing at a mutually convenient time and either grant or deny the appeal. The action of the Authority shall be final and conclusive. It shall be unlawful for any driver to operate any taxicab while their appeal from any suspension or revocation is pending unless the Authority grants a temporary driver's permit valid only during the period of the appeal.

Sec. 34. Temporary permits.

The Regional Taxi Authority Manager, in his or her discretion, may grant a temporary permit to drive or operate any taxicab, pending final action on any application for a permanent taxicab driver's permit as provided in this Article, but no such temporary permit may be issued to any person who does not have a valid driver's license issued by the state, who is not employed or possessing a written offer of employment as a taxicab driver in the County, or who has not provided evidence of negative controlled substance and alcohol testing as required by Section 33 herein.

Sec. 35. Records to be kept by the Regional Taxi Authority.

The Authority staff shall keep a record of each driver granted a taxicab driver's permit under the provisions of this Article, which record shall contain the full name, age, residence, places of residence for two years preceding the date of application, race, weight, height, color of eyes and hair, fingerprints, place of birth, places of previous employment covering three years preceding the date of application, whether he has ever been convicted of a felony or of a misdemeanor, and whether he has ever been previously licensed as a driver, and if so, whether his license has ever been revoked and for what cause.

Sec. 36. Mandatory Controlled substance and Alcohol Testing Program.

(1) Each taxicab driver shall test negative for each of the controlled substances specified in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, before employment. Each driver shall test negative for these controlled substances and for alcohol as a condition of the driver's annual permit renewal. As used in this section, a negative test for alcohol means an alcohol screening test showing a breath alcohol concentration of less than 0.02 percent.

(2) Testing procedures shall be substantially as in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, except that each driver shall show a valid California driver's license at the time and place of testing, and except as provided otherwise in this section. Requirements for rehabilitation and return-to-duty and follow-up testing and other requirements, except as provided otherwise in this section, shall be substantially as in Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations.

(3) A test in one jurisdiction shall be accepted as meeting the same requirement in any jurisdiction in the County. Any negative test result shall be accepted for one (1) year as meeting a requirement for periodic permit renewal testing or any other periodic testing in the County, if the driver has not tested positive subsequent to a negative result. However, an earlier negative result shall not be accepted as meeting the pre-employment testing requirement for any subsequent employment, or any testing requirements under the program other than periodic testing. Testing shall be conducted under reasonable suspicion such as when a customer complains of smelling alcohol on a driver's breath.

(4) The Regional Taxi Authority shall notify the taxicab leasing company of record, if any, of positive results. In all other cases, the results shall be reported directly to the driver's employer, who shall immediately notify the Authority of the results.

(5) All tests are confidential and shall not be released without the consent of the driver, except as authorized or required by law.

(6) Self-employed independent drivers shall be responsible for compliance with, and shall pay all costs of, this program with regard to themselves. In all other cases, taxicab owners and employers of drivers shall be responsible for compliance with, and shall pay all costs of, this program with respect to their employees and potential employees, except that an employer may require employees who test positive to pay the costs of rehabilitation and of return-to-duty and follow-up testing.

(7) Taxicab owners, employers of drivers, and self-employed independent drivers shall pay all service charges, fees, or assessments established by the Regional Taxi Authority with respect to the owner's employees and potential employees in an amount sufficient to pay for the Regional Taxi Authority's costs of carrying out the mandates of this section.

(8) No evidence derived from a positive test result pursuant to the program shall be admissible in a criminal prosecution concerning unlawful possession, sale or distribution of controlled substances.

(9) For purposes of this Section, "employment" includes self-employment as an independent driver or owner/operator of a taxicab.

Sec. 37. Required in taxicabs.

No person shall operate any taxicab in the County until such taxicab is equipped with a taximeter of a type and design which has been approved by the Regional Taxi Authority.

Sec. 38. Inspection required; removal of vehicle with inaccurate meter.

Taximeters shall be subject to inspection at any time by the Regional Taxi Authority staff, or any other authorized persons. Upon discovery of any inaccuracy of such taximeter, the operator thereof shall remove, or cause to be removed, from service any vehicle equipped with such taximeter until such taximeter has been repaired and accurately adjusted.

Every taximeter shall be inspected and tested for accuracy by the owner at least annually and evidence of proper calibration submitted to the Taxi Authority.

Sec. 39. Manner of placement in taxicabs.

The taximeter required by this Article shall be placed in each taxicab so that the reading dial showing the amount to be charged is well lighted and readily discernible to a passenger riding in any such taxicab.

Sec. 40. Accurate operation required.

It shall be the duty of each person operating a taxicab, and the driver thereof, to keep the taximeter therein operating at all times within the accuracy and requirements of this Chapter and such additional requirements as may be prescribed from time to time by the Regional Taxi Authority.

Sec. 41. Use required for all passenger services.

No passenger shall be carried in any taxicab for hire unless the taximeter in such taxicab is in operation. This Section shall apply regardless of whether the taxicab is engaged for a trip entirely within the County or partially outside thereof, and such meter shall be kept operating continuously during the entire time that it is engaged in the transportation of passengers for compensation, regardless of the point of destination; except, that when the trip is in excess of 15 miles a flat rate may be used for any part of the trip over the first 15 miles.

Sec. 42. All charges to be in accordance with meters.

All charges for taxicab service shall be calculated and indicated by a taximeter, except as shown in this Chapter, and at all times while the taxicab is engaged the "flag" of the taximeter shall be thrown into a position to register charges for mileage and time. No taximeter shall be so operated as to cause any charge to be registered thereon, except during the time while the taxicab is engaged by a passenger.

Sec. 43. Splitting of fares by two or more passengers.

If two or more persons going in the same direction share a taxicab the first party that is discharged from the taxicab shall pay the charge on the meter, and the meter shall then be "flagged" and a new fare started; except and unless, the driver agrees at the inception of the hire to drop the first fare without "re-flagging" and starting a new fare.

At no time can a driver insist or encourage a passenger to share a taxi ride or fare with another passenger. Every passenger is entitled to ride alone or to choose the person or persons that will share a taxi ride or fare. There will be no additional charges for additional passengers beyond the metered amount for the distance traveled.

Sec. 44. Proper use of "flag" required.

No driver of any taxicab, while carrying passengers, shall display the "flag" attached to the taximeter in such a position as to denote that such vehicle is not employed, or fail to throw the "flag" of the taximeter to a position indicating such vehicle is unemployed at the termination of each service."

Sec. 45. Handling of Complaints

A fare table information card will be located next to the taximeter in each operable vehicle and also on the rear window next to the passenger seat. The card will include information required to lodge complaints to both the company and also to the Regional Taxi Authority. The company will be required to record all complaints received and within 14 days submit documentation to the Regional Taxi Authority indicating how the incident was resolved. The Regional Taxi Authority will maintain a database of all incidents involving law enforcement officers or a complaint from a member of the public.