AGENDA REPORT

Meeting Date: December 2, 2014

Item Number: E-1

To: Honorable Mayor & City Council

From: Chad Lynn, Assistant Director of Public Works Services
Genevieve Row, Audit and Permit Administrator

Subject: RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES & CHARGES RELATED TO TAXICAB FRANCHISE FEES FOR THE FISCAL YEAR 2014/2015.

Attachments:
1. Resolution
2. Taxicab Rules and Regulations and Schedule of Penalties

RECOMMENDATION

Staff recommends that the City Council move to approve the proposed changes to the City's Schedule of Fees and Charges, approve the Taxicab Rules and Regulations and Schedule of Penalties, and adopt the proposed resolution implementing changes for Fiscal Year 2014/2015.

INTRODUCTION

At the Study Session of March 4, City Council directed staff to release the Taxicab Franchise Request for Proposal (RFP) and return with recommendations for award of franchises to specific companies and implementation of the franchise program for the regulation of taxicab services.

At the Study Session of Tuesday, December 2, 2014 a report (Item A-1) is scheduled for presentation outlining activities, actions and recommendations including an updated Schedule of Fees and Charges. These fees and charges are related to the operating of the Franchise program and the associated penalties related to violations for the Rules and Regulations established for taxicab operations. These changes seek to recover the full costs associated with the implementation, administration, auditing, and enforcement of the taxicab franchise program.

DISCUSSION

The City currently has fees established for the taxicab companies, which include annual vehicle permits and three-year operator permits (drivers). As part of the establishment of the Franchise program, it was recognized that additional oversight and administration would be required to ensure compliance with both the terms of the Franchise agreement and the City's rules and regulations related to taxicab services. To ensure this program would recover 100% of the related costs and services, the following changes were recommended:

Proposed Rates

	Taxicab:	Current FY 2014/15	Proposed FY 2014/15
	Certificate of Public Necessity and Convenience	No Charge	N/A
14-R-XXXX	Franchise Fee per Year	N/A	$ 5,000.00
7-4-301	Taxicab Operator's Permit		
	New (3-year)	$ 165.00	$ 165.00
	Renewal	$ 165.00	$ 165.00
	Transfer Fee	$ 82.00	$ 82.00
	Vehicle Permit		
7-4-201	Per Vehicle per Year	$ 922.00	$ 1,142.00
7-4-210	Replacement of Permit	$ 82.00	$ 82.00
7-4-216	Reinspection Fee for all Failed Inspections	$ 82.00	$ 82.00

The City does not currently have a fee, annual or otherwise, associated with holding a Certificate of Necessity and Convenience, the program currently used for Taxi Operation in the City. As part of the franchise program, an annual franchise fee is recommended for each service provider. The fees related to Taxicab Operators are recommended to remain the same and fees associated with Vehicle permits are recommended for update to reflect the costs associated with the franchise system. The fees groups are as follows:

- Franchise Fees – these fees are charged to the taxicab company to cover the overall administration of the taxicab franchise program, including reporting and enforcement of system wide practices and performance
- Taxicab Operators Permit – these fees are based on each driver. A driver may be an owner/operator or may lease a vehicle from an owner/operator. This fee covers the cost of background checks, ongoing monitoring and various enforcement activities
- Vehicle Permits – these fees are based on each vehicle permitted to operate in Beverly Hills and covers the costs associated with annually inspecting each vehicle, permit decals, and various enforcement activities

The fees have been recommended to recover the costs associated with the following:

- Enforcement
  - Existing Parking Control Officers
  - Establishment of the Audit and Permit Administrator position to oversee Taxi services and compliance
    - This position will also oversee valet permitting and potential misuse of residential Preferential Parking Permits
- Oversight of the franchise program

  - Franchise Agreement Management and Compliance
  - Annual Evaluations
  - Permit Actions (extension, suspension, revocation, etc.)
- Auditing and evaluation of taxi company data
- Drive testing, vehicle permits, and operator permits
- Community Outreach
- Customer Service (Respond to Customer Complaints/Concerns)
- Future Taxicab Franchise RFP and selection processes

The City currently permits three (3) taxicab companies which have a total of 131 taxicab vehicles in service. The table below shows the revenues based on the Taxi Review Panel's recommendation of four (4) taxicab companies which will provide a total of 171 taxicab vehicles in service.

Current Certificate Program Revenue				
			Per Permit	
	131	Operators Permits	$ 165.00	$ 21,615.00
	131	Vehicle Permit	$ 922.00	$ 120,782.00
	Total			$ 142,397.00
Franchise Program Review Panel Recommended Program				
	4	Taxicab Franchise	$5,000.00	$ 20,000.00
	171	Operators Permits	$ 165.00	$ 28,215.00
	171	Vehicle Permit	$1,142.00	$ 195,282.00
	Total			$ 243,497.00
Difference from Certificate to Franchise		$101,100.00		

In addition to the fees and charges associated with operations of taxi companies, the vehicles and the drivers, it is recommended that specific penalties, as listed in the table (Attachment 2) be adopted for violations of the taxicab Rules and Regulations. These penalties are recommended to both incentivize compliance and to recover the costs associated with enforcement.

Taxicab Rules and Regulations/Schedule of Penalties (Attachment 2)

The penalties listed reflect an escalation of cost for violations in two manners. The first is the severity of the violation. Violations that have greater impacts to the health, welfare and safety of the rider and the community at larger, have greater penalties associated with them. The table shows the escalation as you move down the table from a 'Schedule A' violation to a 'Schedule D' violation. The schedule of the penalty (A, B, C, or D) corresponds to each rule/regulation as listed in the Rules and Regulations (Attachment 2). The second method of escalation in the table reflects an escalation based on multiple violations of the same rule/regulation. This is shown moving horizontally across the table. If a violation is repeated (first, second, third and public safety), the penalty increases for each successive violation.

For each violation associated in the table, a fine has been established for both driver/vehicle and for the Franchises. Although the goal of this penalty schedule is to create accountability for the franchisee in addition to the driver/vehicle, based on the type and nature of the violation, a specific penalty for a specific incident may not warrant or be eligible for issuance to both parties.

Implementation of this penalty schedule seeks to address taxi service which includes customer service, response times, activity requirements, taxi swipe cards (senior cards), credit card acceptance, and customer assistance; people, cargo, and driver appearance and conduct. The penalty schedule is proposed based on a methodology used for the City of Los Angeles and the City of Santa Monica.

FISCAL IMPACT

The estimated revenue for the franchise system is $243,497, which will provide an additional $101,100 over current revenues. The Budget Enhancement approved for the expansion of this program as part of the 2014/2015 budget cycle estimated additional revenues of $118,000, leaving a deficit of approximately $16,900 based on the current anticipated revenues.

This deficit is largely due to the recommended award of 171 taxicab vehicles, reducing the associated vehicle permit revenue by approximately $33,118. It is anticipated that this deficit can be partially offset by the fines and penalties being established, with the remainder being absorbed by the existing operating budget.

One-time implementation costs associated with establishing the reporting requirements, formats, frequencies and metrics for performance rating are estimated to be $75,000, along with ongoing costs of approximately $15,000 per year for 'secret shopper' services, which can be funded as part of the current operating budget.

Finance Approval

George Chavez
Approved By

Attachment 1

RESOLUTION NO. 14-R- _____

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE COMPREHENSIVE SCHEDULE OF TAXES, FEES & CHARGES RELATED TO TAXICAB FRANCHISE FEES FOR THE FISCAL YEAR 2014/2015

The Council of the City of Beverly Hills does resolve as follows:

Section 1. The City Council hereby establishes, amends, modifies and fixes, effective February 1, 2015 (except as otherwise set forth herein), fees, permit fees, City service charges, and other fees, charges, and required payments for municipal services, use of City property, inspections, enforcement activities or for other indicated purposes, as set forth in Exhibit "A" under the column "2014/15 Rate." Said designations in Exhibit A shall supersede and prevail over any prior provisions concerning the same item in any former resolution, motion or other action of this Council, and pursuant to Ordinance No. 79-O-1749 shall also prevail over any inconsistent provisions of the Municipal Code. Such fees, permit fees, City services charges and other fees, charges, and required payments for municipal services, use of City property, inspections, enforcement activities or for other indicated purposes, as set forth in Exhibit A shall be included and incorporated into the City's Comprehensive Schedule of Taxes, Fees & Charges.

Section 2. The City Council is taking action only on those fees, permit fees, City service charges, and other fees, charges, and required payments for municipal services, use of City property, inspections, enforcement activities or for other indicated purposes, as modified as set forth in Exhibit A. The (i) remaining fees, permit fees, City services charges, and other fees, charges, and required payments for municipal services, use of City property, inspections, enforcement activities or for other indicated purposes as set forth in the current Comprehensive

Schedule of Taxes, Fees & Charges; and (ii) fees, permit fees, City service charges, and other fees, charges, and required payments for municipal services, use of city property, inspections, enforcement activities or for other indicated purposes as set forth in any resolution(s) adopted by the City Council, that are not listed in Exhibit A to this Resolution, have not been readopted or revised and remain in place at the current rate.

Section 3. The City Clerk shall certify to the adoption of this resolution and shall cause this resolution and his certification to be entered in the Book of Resolutions of the City Council of this City.

Adopted:

_____
LILI BOSSE
Mayor of the City of Beverly Hills, California

ATTEST:

_____ (SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:

LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

_____
JEFFREY C. KOLIN
City Manager

_____
DON RHOADS
Chief Financial Officer

EXHIBIT A

Proposed Rates

	Taxicab:	Current FY 2014/15	Proposed FY 2014/15
	Certificate of Public Necessity and Convenience	No Charge	N/A
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PROGRESSIVE PENALTY SCHEDULE

The following progressive penalties shall be applied when the same driver, vehicle permittee, or franchisee is guilty of a violation of the Taxicab Rules and Regulations, which are identified as either a Schedule A, B, C or D violation. Repeat violations of the same rule or any combination of the rules listed as the same type of Schedule violation within any 24-month period will be subject to the penalties identified below for second violations or more, as applicable (e.g., two different Schedule A violations will be subject o a $100 fine).

When "IOS" appears in a penalty, a driver or vehicle may be placed in an Immediate Out of Service status at the absolute discretion of the Director of Public Works or his or her designee, authorized enforcement officer and or police officer.

	First Violation		Second Violation		Third Violation or More		Conduct/Public Safety Violations	
	Driver or Vehicle Permittee	**Franchisee**	**Driver or Vehicle Permittee**	**Franchisee**	**Driver or Vehicle Permittee**	**Franchisee**	**Driver or Vehicle Permittee**	**Franchisee**
Schedule A	$50	$50	$100	$100	$150	$150	$500 and/or Suspension and/or IOS	$300
Schedule B	N/A	$100	N/A	$200	N/A	$300	N/A	$500 and/or IOS
Schedule C	$250 and/or Suspension and/or IOS	$500	$500 and/or Suspension and/or IOS	$750	$1,000 and/or Revocation and/or IOS	$1,000 and/or Revocation and/or IOS	$1,000 and/or Revocation and/or IOS	$1,000 and/or Revocation and/or IOS
Schedule D	N/A	$750 and/or IOS	N/A	$1,000 and/or Suspension and/or IOS	N/A	$1,000 and/or Revocation and/or IOS	N/A	$1,000 and/or Revocation and/or IOS

Attachment 2

CITY OF BEVERLY HILLS

TAXICAB FRANCHISE

RULES AND REGULATIONS

Scope and Intent:
These rules and regulations ("Rules") established by the Beverly Hills Public Works Services pursuant to Title 7 of the Beverly Hills Municipal Code shall be followed by all companies, vehicle permittees, and drivers providing taxicab transportation services in the City of Beverly Hills.

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SECTION 100 - DEFINITIONS

101. BRIBE means anything of value or advantage, present or prospective, or any promise or understanding to give anything of value or advantage, asked, given or accepted, with the intent to unlawfully influence the person to whom it is given in his or her action in any public or official capacity.

102. INACTIVATE means a permanent annulment by the City of a franchisee's existing permit by which cannot subsequently be renewed, replaced or reinstated without the timely submission of a new Taxicab Driver's Permit application or Taxicab Driver's Permit Transfer application.

103. CITY means the City of Beverly Hills.

104. DEPARTMENT means the Department of Public Works Services,.

105. DMV means the California Department of Motor Vehicles.

106. FRANCHISEE means every person, company, corporation, association, co-operative, membership or any other organizational structure approved by the City Council to hold a franchise to provide taxicab transportation services in the City. A franchisee includes directors, officers, members, management, and employees.

107. IMMEDIATE OUT OF SERVICE (IOS) means the placement of a taxicab in a status such that no person may operate the taxicab after notice by an authorized enforcement officer or police officer that the taxicab is in an unsafe condition or is not equipped as required by these Rules, except as may be necessary to return the taxicab to the residence or place of business of the owner or driver or to a garage, until the taxicab and its equipment are in compliance with these Rules. IOS may also mean the placement of a driver in a status such that he or she may not operate any taxicab after notice by an authorized enforcement officer or police officer that the driver may not operate a taxicab until the driver is in compliance with these Rules.

108. LEASE DRIVER means a person who is an independent contractor possessing a valid Taxicab Driver's Permit and who drives a taxicab with a franchisee or vehicle permittee.

109. ON DUTY means the time between the start and end of a work shift and documented by the franchisee dispatch for each driver.

110. OPERATE means to be in control of a taxicab that is transporting a passenger(s) or is available for receiving passengers.

111. ORDER AND DISPATCH RECORDS mean original documents prepared by hand and machine time- stamped at the time the document is completed or computer-generated documents showing the time, date, and specific information about telephone or equivalent communication orders for service, and the assignment of orders to drivers.

112. PENALTY POINTS mean a method of assigning points to the franchisee as a result of violations of these Rules or violations of any provisions of a permit, the franchise agreement, the Beverly Hills Municipal Code or the California Vehicle Code.

113. REVOCATION means a permanent removal of the privileges granted to the holder of an existing permit or franchise by the City, which cannot subsequently be renewed, replaced or reinstated without the approval of the City, hearing officer.

114. BHMC means the Beverly Hills Municipal Code.

115. STANDBY means the time period during which a taxicab driver waits for a passenger, at the passenger's request and with the taximeter activated, until the passenger returns or until the taxicab is dismissed.

116. SUSPENSION means a temporary removal of the privileges granted to a Franchisee or permittee.

117. TAXICAB DRIVER or DRIVER/OPERATOR means any person possessing a valid Taxicab Driver's Permit driving and in immediate possession of a taxicab for the purpose of providing taxicab transportation services. The individual may be an employee of a franchisee, a lease driver, or a member of Franchisee.

118. TAXICAB DRIVER'S PERMIT means a non-transferable authorization for an individual taxicab driver to operate a vehicle in a City-franchised taxicab transportation service in the City.

119. TAXICAB ZONE OR HACK STAND means an area on private property (such as hotels) designated by the property owner for parking taxicabs while waiting for passengers.

120. TAXICAB VEHICLE PERMIT means a non-transferable authorization for a vehicle to be driven or operated in a City-franchised taxicab transportation service in order to pick up or attempt to pick up passengers within the boundaries of the City, whether as owner, lessor, lessee or otherwise.

121. TAXICAB STAND means a curb parking area on a public street designated and posted by the Parking and Traffic Engineer for the standing or parking of taxicabs licensed by the City while awaiting employment.

122. TERMINATION means the voluntary or involuntary separation of a taxicab driver from employment with a Franchisee.

123. TERMS AND CONDITIONS means an Ordinance of the City Council of the City of Beverly Hills granting a taxicab franchise to provide taxicab services in the City of Beverly Hills and the terms and conditions that the franchisee is subject to.

124. TIME MACHINE means an automatic clock device that accurately prints date and time on a document.

125. VEHICLE CODE means the California Vehicle Code in its latest revision.

126. VEHICLE PERMITTEE means a person that has been granted a Taxicab Vehicle Permit.

SECTION 200 – RULES AND REGULATIONS FOR FRANCHISEE, DRIVER/OPERATOR, VEHICLE PERMITTEE

GENERAL RULES AND REGULATIONS

201. Each franchisee and its management, employees, and lease drivers; each vehicle permittee; each driver; and each member's employees and lease drivers, are individually and jointly responsible for complying with all rules and regulations of the Department; all provisions of the BHMC; the Terms & Conditions of the franchise as set forth in the ordinance granting the franchise to Franchisee; any rule or regulation of the Department; and any provisions of State law, rules and regulations relating to the operation of a taxicab or vehicle for hire.

    a) Franchisee Violation (Schedule D)
    b) Driver or Vehicle Permittee Violation (Schedule C)

202. Each franchisee must identify an individual who will be City's point of contact who will be responsible for ensuring continuous adherence to the terms of the franchise, for responding to City requests for information, and for addressing issues raised by the City, and who will have the authority to carry out necessary corrective action. This person, or a designated substitute with the same authority, must be available 24 hours a day, every day, for the term of the franchise. Each instance of a designated contact person with required authority not being available is a violation. (BHMC) (Schedule D)

203. Franchisees shall operate a computer dispatch service providing for the ability obtain taxi service by telephone 24 hours a day, 365 days a year from anywhere in Beverly Hills. Franchisees shall provide and maintain a telephone number for ordering taxi service which is toll free from any location in the City.
(BHMC) Each hour with a gap in required dispatch service is a violation. (Schedule D)

204. Each franchisee shall ensure that the full number of taxicab vehicles it is authorized to operate is available for taxicab service in the City in accordance with written monthly and annual performance standards established by the City. (Schedule D)

205. Franchisees shall maintain a minimum dispatch response of 90% at all times for all trips and for wheelchair accessible trips. Dispatch response is the percentage of dispatch calls that result in an authorized taxi on-site and available for service at the customer's requested location within 15 minutes of the time of the customer's call or request by electronic means if available. Each month with dispatch response for all trips or for wheelchair accessible trips below 90% is a violation. (BHMC) (Schedule D)

206. Within one year of the effective date of its franchise, a minimum of 50% of each franchisee's fleet shall be Green Vehicles as defined by the Los Angeles Board of Taxicab Commissioners in "Board Order 062 - Los Angeles Green Vehicle List for Smog & Green House Gas Reductions - Updated Dec 2013 (for 2014 vehicle additions)" or the version of this list that was in effect at the time the vehicle was placed in service, including future updates to the list. Any goal exceeding this requirement contained in a franchise agreement will take precedence. (BHMC) (Schedule C)

    a) After one year, if a company fails to maintain at least the required percentage of its permitted vehicles as Green Vehicles, the company's authorized number of taxicabs will be reduced to the actual number of permitted Green Vehicles divided by the required percentage. Once the authorized number of taxicabs has been reduced, it can only be increased or restored following formal action by the Traffic and Parking Commission. (BHMC) (Schedule D)

207. A franchisee shall not give, offer or receive a bribe or any gift of any value with the intent to affect an action which could be contrary to the rules and regulations of the Department, the terms of a franchise or operating

permit, or State law, or with the intent or purpose of having an agent or employee of the City not perform his or her duties relating to the regulation of taxicabs. Specifically, a franchisee shall not engage in such activity with any City personnel, drivers or any other person in the position to influence the operation of its taxicabs. (Schedule D-Conduct)

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

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

a) In no event shall any franchisee, in any format or media, advertise or list a telephone number serving said operator which purports to be or is used as a telephone number of another taxicab company, real or fictitious, or other types of vehicles for hire.

b) In no event shall a franchisee commingle within the same telephone directory (in any format or media, including any telephone book, Internet directory, or webpage) display advertisement which covers any portion of the City any reference to said operator with that of any taxicab company or operator of vehicles for hire not authorized to provide taxicab service in the City.

c) Any telephone line used or listed by a franchisee that is in violation of any part of this Rule shall be subject to cancellation, with $1,000 assessed to the franchisee for each day after the effective notification date until the number is disconnected.

d) Franchisees shall not conduct or authorize any marketing that has the intent or effect of confusing the public about the identity of the franchisee or that describes service policies that do not comply with City rules, for example (but not limited to) fares, availability of wheelchair accessible service, acceptance of credit cards. (BHMC)

(Schedule D-Conduct)

210. No taxicab may be equipped with an unauthorized device capable of receiving from or communicating with a dispatch system other than its own franchisee. (Schedule B–Conduct)

211. Franchisees shall maintain phone answering performance of at least 95% of calls answered with either no hold time or hold times of 30 seconds or less. (BHMC) (Schedule C)

212. Franchisees shall ensure that every request for dispatched taxi service results in an appropriate authorized taxi on-site and available for service at the customer's requested location within 45 minutes of the time of the customer's call or request by electronic means if available. In the case of a request for wheelchair accessible service, an appropriate vehicle is a designated accessible vehicle meeting the required standards. Each failure to respond with an appropriate vehicle within 45 minutes is a violation. (BHMC) (Schedule D- Public Safety)

213. The driver/manager vehicle permittee or an authorized Franchisee representative shall appear in person upon request by the City for a hearing(s) when a taxicab under their control has been cited for a violation. (Schedule A-Conduct or B-Conduct)

214. Franchisees shall notify the City of any compliance issues, accidents, or significant customer service incidents as soon as they become known to the franchisee. Failure to provide full details of any compliance issue, accident, or significant customer service incident within 24 hours of the event is a violation. (BHMC) (Schedule A or B)

215. Each franchisee shall reimburse overcharges to its customers. Each verified overcharge is a violation (Schedule C)

216. No franchisee may impose any fee or cost on its drivers based on the number or amount of a driver's non-cash transactions. (BHMC). Each trip for which a fee is charged is a violation. (Schedule C)

217. Franchisees must have equipment that automatically tracks the position and status of every taxicab in service and stores this information so that it can be retrieved by the company or the City for at least 120 days. Both the company and the City shall be able to track the location and activity of each taxicab at all times and to track the past location, activities, and routes taken of each taxicab for the past 120 days. The City must be able to perform these actions from its offices without assistance from the taxi company aside from initial set up. (BHMC) (Schedule B)

218. Each franchisee shall maintain records of the identification of the driver of each taxicab at all times (Schedule B–Public Safety).

219. Franchisees shall maintain records and make them available to the City as requested (in hardcopy and electronically) covering all aspects of compliance, maintenance of service levels, driver programs, discipline, vehicles, complaint investigation and response, accidents and claims. (BHMC) (Schedule B)

220. Franchisees shall promptly comply with City requests for data about specific trips, and provide the City with access to full data files and paper records in order to investigate incidents or service concerns and to conduct on-site audits. Failure to provide all requested data to enable timely investigation of an incident will be considered admission of fault. (BHMC) (Schedule B)

DRIVER MONITORING – PUBLIC SAFETY

221. Each franchisee shall verify that each driver possesses a valid Taxicab Driver's Permit

222. Franchisee and driver/manager vehicle permittee shall not allow any person to operate a taxicab upon expiration, cancellation, suspension or revocation of the Taxicab Vehicle Permit. (Schedule A-Conduct or B-Conduct)

223. Each franchisee shall enroll all its permitted drivers in the Department of Motor Vehicles Pull Notice Program and shall review such records for all drivers for compliance with company and City requirements at least annually and whenever updates are received. Each franchisee shall notify the City by the end of the next business day if a driver's record or ability to operate a taxicab fails to meet the requirements of the City's rules. (BHMC) (Schedule B- Public Safety)

224. Each franchisee shall be responsible for verifying enrollment of its permitted drivers in a controlled substance and alcohol testing program with pre-permitting, annual, and random test requirements, and provide proof of enrollment to the City before the issuance of any Taxicab Driver's Permit. Each franchisee shall:

a) Contract with a certified program administrator;
b) Provide substance abuse training to supervisory personnel;
c) Withdraw sponsorship for any driver who has failed to maintain enrollment in the program;
d) Provide company policy and educational materials to all drivers and employees;
e) Provide to the City annual test results and statements of receipt of policy and educational materials on file, by driver; and

f) Comply with all applicable requirements of California Government Code Section 53075.5. (Schedule D)

CUSTOMER SERVICE

225. Each franchisee shall require order takers and dispatchers to inform the caller of the estimated time of delay if service is not expected to be available within 15 minutes. (Schedule B)

226. Each franchisee shall require order takers and dispatchers to identify themselves and the company name to callers. Failure by an order taker or dispatcher to identify themselves and the company name to callers is a violation of this Rule. (Schedule B)

227. Each franchisee shall maintain a uniform dress code and appearance standard that requires drivers to wear clean, comfortable clothing. You must wear a shirt with a collar, long or short sleeves; full-length trousers; closed shoes and socks. Ladies must wear a blouse or shirt, long or short sleeved; slacks or skirts; closed shoes and socks or stockings. Divers may wear a tie if they prefer or as per their own company rules. T-shirts, jerseys, shorts, sandals, or shoes without socks, are not acceptable. Mustaches or beards are to be kept trimmed and groomed at all times. Hair should be kept neat. Bathe daily, and use good personal hygiene. Offensive body odor may be grounds to suspend the driver's permit to operate for the day. The dress code and appearance standards must be approved by the City and will apply to all taxicab drivers operating within the City (Schedule B)

228. A franchisee or its employees, order takers, or dispatchers shall not ask a customer requesting taxicab service if payment will be by transportation coupons, vouchers, stamps, etc. (Schedule B)

229. Each franchisee shall distribute and make available to all passengers and customers any cards, flyers, pamphlets, or other information as determined by the City and made available in sufficient quantities to the franchisee by the City. Such information may include, but is not limited to, passenger surveys and complaint procedures. (Schedule B)

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

ADMINISTRATION / OFFICE OPERATIONS / RECORD KEEPING / NOTIFICATIONS

231. Each franchisee shall submit to the City and maintain on file evidence of insurance as required by BHMC 7-4-218 in a form acceptable to the City Risk Manager and the City Attorney. Each franchisee shall ensure that such evidence is on file with the City and current at all times. (Schedule D)

232. Each franchisee shall notify the City in writing and return the Taxicab Vehicle Permit by the next business day anytime a vehicle is removed from insurance coverage as a result of the vehicle being taken out of service due to an accident. The franchisee must also provide proof that insurance was reinstated prior to returning the vehicle back to service and schedule an appointment to have a new Taxicab Vehicle Permit issued for the vehicle. (Schedule B-Public Safety)

233. A franchisee shall return any confiscated invalid Taxicab Driver's Permit to the City within 1 calendar day. (Schedule B)

234 Franchisee shall notify the City, in writing, of the death of a vehicle permittee within 7 calendar days after becoming aware of the death, but in no event later than 7 calendar days after the first day of the month following the death of the vehicle permittee. Divestment of a member's taxicabs or shares shall be concluded within 1 year of notification with extension of time provided for "just cause" as requested in writing to the City. (Schedule B)

235. Each franchisee shall promptly notify the City in writing of the termination of any driver by the franchisee and the cause for such action, but in no event shall notice be delivered later than 2 calendar days after the termination date. Upon such notification, the Taxicab Driver's Permit will be inactivated and the identification as issued by the City immediately returned to the City but no later than 5 calendar days after the termination date. For purposes of these Rules, the Taxicab Driver's Permit is considered invalid as of the date of termination. (Schedule B)

236. Franchisee shall submit the taxicab identification decals to the City from any taxicab that has an expired, canceled or revoked Taxicab Vehicle Permit within 2 business days. (Schedule B)

237. A franchisee and driver/manager vehicle permittee shall make his or her taxicab(s) available to the City within 5 calendar days for removal of taxicab identification decals when his or her Taxicab Driver's Permit is revoked, canceled or expired, and control of such taxicab(s) is not transferred to Franchisee as part of the and membership status changed to investor/shareholder. (Schedule A or Schedule B)

238. Each franchisee shall promptly investigate and keep on file a record of any circumstances that require a driver to report an incident to the supervisor on duty, and such records shall be made available to the City upon request (Taxicab Driver Code of Conduct Section/Customer Service). (Schedule B)

239. Each franchisee shall keep order and dispatch records readily available to the City for at least 90 calendar days. (Schedule B)

240. Each franchisee shall maintain the authorized use of a Federal Communication Commission assigned radio frequency(s) and a base station radio capable of two-way communication, on the assigned frequency(s), with its mobile units at any location in its service area or within the City. (Schedule B-Public Safety)

REPORTING

241. Each franchisee shall maintain and provide the City, by the 7th day of each month, the current address, telephone numbers, and any other relevant contact information for all its taxicab drivers, driver/managers, and members. (Schedule B)

242. Each franchisee shall submit to the City an updated Management/Business Plan by April 20th and a financial statement by May 31st of each year (or the next City business day if the date falls on a weekend or holiday). The Plan must include information for each plan category as specified by the City and an annual financial statement (for the previous calendar year) prepared by a certified public accountant. Each franchisee shall also submit updated information for any portion or section of the Plan as the City deems necessary. Late or non-submission of the Plan or financial statement shall be cause for a late penalty and may lead to further disciplinary action. For purposes of this Rule, each day the report is late is a new violation. (Schedule B-Conduct)

243. Each franchisee shall submit any change in its Board of Directors, officers or management personnel to the City, in writing, within 5 business days of the change. Management personnel

changes shall not contravene the purposes of the franchising system, and changes are subject to City approval, which approval shall not be unreasonably withheld. (Schedule B-Conduct)

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

a) Franchisee responding;
b) Location of pickup request;
c) Identification of order taker;
d) Date and time order placed, printed with time machine or computer dispatch system;
e) Time delay quoted, if any;
f) Identification of taxicab dispatched (the operator must identify the name of the taxicab driver through a separate record); and
g) Time of dispatch, printed with time machine or computer dispatch system.

(Schedule B-Conduct)

245. No later than the 15th day after the end of each calendar quarter, each franchisee shall provide a Quarterly Performance Report. Text portions of the report shall be provided in Microsoft Word format and numerical portions shall be provided in Microsoft Excel format. Each instance of a late performance report is a violation. Each instance of a missing or incomplete required report item is a violation. Except where noted, statistics should be for trips originating in Beverly Hills only. Reports must include, at a minimum, the following information. (BHMC)

a) Management information

1. Identify any significant changes in ownership, membership, administrative staffing, or procedures. Describe how these will affect service or how the franchisee works with the City.
2. Describe any technology issues or accomplishments, including upgrades, performance issues, or performance interruptions. Describe how these will affect service or how the franchisee works with the City.

b) Customer service and compliance:

1. List each compliance issue or incident and how it was resolved.

c) For each day, with subtotals for each month and totals for the quarter:

1. Number of telephone requests for service received
2. Number of requests for service received by other means (e.g. email, website, apps)
3. Number of trips provided originating in Beverly Hills and other cities: total, for wheelchair-accessible service, using the Beverly Hills taxicard
4. Total revenue miles operated for trips originating in Beverly Hills and for trips originating other cities
5. Total fare revenue from trips originating in Beverly Hills and from trips originating other cities: total, cash, credit card, Beverly Hills taxicard, other
6. Percent of telephone calls answered with hold times no more than: zero (no hold time), 30 seconds, 60 seconds, 90 seconds, more than 90 seconds
7. Percent of dispatch requests with response time (phone answer to taxi on-site) no more than: 5 minutes, 10 minutes, 15 minutes, 20 minutes, 30 minutes, 45 minutes, more than 45 minutes
8. All of the above for wheelchair-accessible service

d) For each day:

1. Number of vehicles operated
2. Number of qualifying Green Vehicles operated
3. Number of wheelchair accessible vehicles operated
4. Number of drivers who operated a taxicab

e) For each day, for the time period 7 PM to Midnight, and for the time period Midnight to 6 AM:

1. Minimum number of vehicles in service
2. Minimum number of wheelchair accessible vehicles in service
3. Number of trips provided originating in Beverly Hills and in other cities
4. Number of dispatch requests by all means
5. Percent of telephone calls answered within 30 seconds
6. Percent of dispatch requests with response time (phone answer to taxi on-site) no more than 15 minutes, no more than 45 minutes,

(Schedule B)

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

SECTION 300. TAXICAB DRIVER'S PERMIT REQUIREMENTS

At any time a driver's DMV record, criminal record, or ability to operate a taxicab fails to meet the requirements contained in this Section, the Taxicab Driver's Permit shall be revoked. An applicant who previously held a Taxicab Driver's Permit and whose permit was inactivated or revoked, or an applicant whose application has been withdrawn or denied, must apply for a new Taxicab Driver's Permit, pay all applicable fees, and meet all of the requirements of this section for a new applicant and such other conditions as the City may impose, including fingerprinting.

For purposes of these Rules, a driver who fails to renew his or her Taxicab Driver's Permit within 30 days after the permit has expired shall have his or her permit inactivated; drivers with expired permits are subject to Progressive Penalty Schedule as indicated in Section 400 Taxicab Driver code of Conduct/Vehicle Operations.

301. An applicant shall be denied a Taxicab Driver's Permit if he or she fails to submit all documentation required to substantiate his or her qualifications for the permit within 60 calendar days.

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

303. Any taxi operator who renews his taxi operator permit more than six months after its expiration is required to reapply as a new applicant and the pay the required fees of a first time applicant. A renewal applicant is defined as a taxi operator whose current taxi operator permit card is still valid or has not been expired for more than six (6) months (180 days).

304. All City ID's must be renewed in a timely manner. It is recommended that you begin your renewal process, which includes re-applying and taking a written test, three months prior to the expiration of your City Identification Card. Reapplying and passing the taxi exam does not qualify you as having renewed your City ID.

Until you have received the three year City ID, you are subject to disciplinary action if you drive with an expired City ID.

MINIMUM TAXICAB DRIVER QUALIFICATIONS

305. An applicant for a Taxicab Driver's Permit shall meet the following minimum qualifications:

a) Be a minimum of 18 years old;
b) Possess a current Class C California Driver's License;
c) Verify his or her legal right to work in the United States;
d) Have sufficient reading and speaking command of the English language to communicate with their passengers in English without translation assistance;
e) Be familiar with important locations in Beverly Hills and greater Los Angeles and able to find their way to these locations without use of paper or electronic aids, and to other locations with the use of these aids. and
f) Not be afflicted with either a physical or mental incapacity that would preclude him or her from safely operating a taxicab and performing the duties normal to the taxicab profession. An applicant may be required to submit a medical report and have a valid medical certificate if the application or observation by authorized City personnel indicates a physical or mental affliction as described in this Rule. In such a situation, the applicant may be granted a temporary Taxicab Driver's Permit for 30 calendar days pending receipt of a valid medical certificate. Medical certificate requirements shall be in accordance with Vehicle Code Section 12804.9(a)(2) as required of vanpool vehicle drivers and are renewable every 2 years.

DRIVER APPLICATION PROCEDURES

306. In order to obtain a Taxicab Driver's Permit, each applicant must apply in person and submit the following:

a) A completed application form (which must be completed in the office)
b) A letter of employment from a Beverly Hills taxi company
c) A completed Live Scan service form allowing the city to complete a background check (the City does not conduct fingerprinting)
d) The required application fee;
e) A copy of a current and valid California Driver's License;
f) An original copy of the applicant's certified driver record (H6 printout) obtained from the DMV within the preceding 30 calendar days;
g) An original approved controlled substance test result or program certificate current to within the preceding 30 calendar days;
h) Proof of right to work in the United States;
i) A medical report, if required and available, to remain on file with the City; and
j) Such further information that the City may require.

DRIVER APPLICATION TESTING

307. Applicants will be required to pass a test showing that they know the City's taxicab rules and relevant provisions of the Beverly Hills Municipal Code; that they have sufficient reading and speaking command of English to communicate with their passengers in English without translation assistance; and that they are familiar with important locations in Beverly Hills and greater Los Angeles and can find their way to these locations without use of paper or electronic aids, and to other locations with the use of these aids.

308. An applicant shall be denied a Taxicab Driver's Permit if he or she fails to successfully complete the application testing process within 90 calendar days.

309. All persons applying for or renewing a Taxi Operator Identification Card must comply with all of the regulations listed below:

a) All new and renewal applicants for a Taxi Operator Identification Card must undergo testing for controlled substances and alcohol set forth in the BHMC.
b) For new applicants, the actual test must be conducted within *seven (7) days* prior to the submittal of the application.
c) The applicant taking the test must show a valid California Driver's license at the time and place of testing.
d) Test results must be reported to the applicant's taxicab company of records.
e) The applicant's taxicab company must provide the Department with the test results at the time of the application submittal.
f) For renewal applicants, any negative test results will be accepted for one year prior to the time of the submittal of a renewal application provided that the applicant has not tested positive subsequent to a negative test result. A renewal applicant is defined as a taxi operator whose current taxi operator permit card is still valid or has not been expired for more than six (6) months (180 days).
g) Upon termination of employment of a permitted taxicab driver due to positive test results, the taxicab company must immediately notify the City. The Taxi Operator Identification Card will become void and must be returned to the City.

310. Random Alcohol and Drug Testing:

a) All taxicab drivers holding valid Taxi Operator Identification Card may be subject to an annual random Controlled Substances and Alcohol test. Each calendar year, the City will randomly select 50% of all current holders of Taxi Operator Identification Card holders for the random testing purpose.
b) Notwithstanding other testing requirements, all taxicab drivers who are randomly selected must comply with the Random Testing requirements.
c) Taxicab drivers who are randomly selected to undergo the Controlled Substances and Alcohol testing must within *seventy-two (72) hours* upon notification by the City take the Controlled Substances and Alcohol test at one of the test locations listed on the qualified facility roster sheet furnished by the Department.
d) Test results must be reported to the taxicab company. The applicant's taxicab company must provide the Department with a copy of the test results within ten (10) business days.
e) Any randomly selected taxicab driver who misses the test as required will be placed on a subsequent pool of randomly selected taxicab drivers for the next Controlled Substances and Alcohol test.
f) Any randomly selected taxicab driver who misses the second test is subject to suspension and/or revocation of Taxi Operator Identification Card.

311. Test results/Resubmittal of applications:

All new applicants, renewal applicants and randomly selected taxicab drivers must test negative for each of the controlled substances specified in Part 40 of Title 49 of the Code of Federal Regulations and for alcohol. A negative test for alcohol means an alcohol screening test showing a breath alcohol concentration of less than 0.02 percent. List of qualified test locations provided by the City.

New applicants

- New applicants who test positive for controlled substances and/or alcohol shall be denied the application.
- New applicants who test positive for controlled substances and/or alcohol may reapply for a Taxicab Operator Identification Card *one (1) year* from the date the applicant was last tested.
- New applicants who seek to reapply for a Taxi Operator Identification Card shall comply with rules and regulations.

Renewal applicants

- Renewal applicants who test positive for controlled substances and/or alcohol shall be denied the renewal application.
- Renewal applicants who test positive for controlled substances and/or alcohol may reapply to renew the Taxi Operator Identification Card *one (1) year* from the date the applicant was last tested.
- Renewal applicants who seek to reapply for an operator's permit shall comply with rules and regulations.

Randomly selected taxicab drivers

- Randomly selected taxicab drivers who test positive for controlled substances and/or alcohol shall have their operator's permit suspended *one (1) year* from the date the driver was last tested.
- Randomly selected taxicab drivers who test positive for controlled substances and/or alcohol shall undergo the controlled substances and alcohol testing within seven (7) days with successful results prior to the reinstatement of their Taxi Operator Permit after one year suspension.
- Randomly selected taxicab drivers who seek to reinstate their Taxi Operator Identification Card shall comply with rules and regulations.

312. Any other federally certified laboratories or medical clinics/hospitals which provide controlled substances and alcohol testing services are also acceptable.

313. Self-employed independent drivers and/or taxicab companies shall incur all costs associated with the testing. All test results are confidential and may not be released without the consent of the driver, except as authorized or required by law.

DRIVER FINGERPRINTING AND BACKGROUND CHECK

314. An applicant shall be fingerprinted and undergo a background check through the Department of Justice Live Scan System. An applicant shall be denied a Taxicab Driver's Permit for any of the following:

a) If he or she is required to register as a sex offender under California Penal Code Section 290 et seq.
b) If he or she has been convicted, during the preceding 7 years, of (for purposes of this Rule, a subsequent change of plea or vacation of verdict and dismissal of charges pursuant to California Penal Code Section 1203.4 does not release the applicant from the penalties resulting from the offense of which he or she has been convicted):

i. Any offense relating to the use, sale, possession or transportation of narcotics or addictive or dangerous drugs;
ii. Any act involving force, violence, threat or intimidation against persons;
iii. Any illegal sexual conduct involving another nonconsenting person;
iv. Any act involving moral turpitude, including fraud or intentional dishonesty for personal gain;
v. Any offense involving possession of a firearm or dangerous weapon;
vi. Any offense involving the solicitation or agreement to engage in or engagement in any act of prostitution;

vii. Any act of resisting, delaying or obstructing a peace officer, public officer or emergency medical technician, or any act of theft in either degree; or

viii. Any offense which results in a felony conviction.

c) If he or she has any record of habitual or excessive use or addiction to intoxicating beverages, narcotics or dangerous drugs. For purposes of these Rules, an applicant who has a previous record of violating General Provisions of Section 400 Taxicab Driver Code of Conduct is deemed to meet the definition of this Rule and shall be denied a Taxicab Driver's Permit.

d) If he or she has ever been convicted of any of the following Vehicle Code sections:

Violation	Description of Violation
20001	Hit and Run resulting in injury or death
20003	Hit and Run - failure to identify oneself to police or victim, and injury or death involved
20004	Hit and Run death - failure to report to police or CHP
23104	Reckless driving - causing injury
23153	Driving while under the influence of alcohol or drugs - causing injury to others

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

i. A conviction within the last 3 years of any of the following Vehicle Code sections:

Violation	Description of Violation
20002	Hit and Run - property damage, including vehicles
23103	Reckless driving - no injury
23152	Driving while under the influence of alcohol or drugs - no injury
23220	Driver drinking while operating motor vehicle on highway

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

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

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

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

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

i) If he or she has willfully and intentionally attempted to cheat on the Taxicab Driver's Permit exam. In such case first time offenders shall be ineligible to retake the exam for a one-year period. Repeat offenders shall be ineligible to retake the exam for a seven-year period. Test misconduct includes but is not be limited to: using notes or other materials which have been prohibited; looking at other applicants' test papers; talking to others during the exam (other than test proctors); failing to stop when requested to do so at the end of the exam period; or coercing others for exam information.

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

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

SECTION 400. TAXICAB DRIVER CODE OF CONDUCT

GENERAL PROVISIONS

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

402. A driver shall not commit or engage in any unlawful act at any time or in any jurisdiction. For purposes of this Rule, a driver is subject to the requirements of Section 300 Taxicab Driver's Permit Requirements/Driver Application Procedures & Driver Application Testing.

No violation of this Rule involving the commission of a crime may be charged unless there is a conviction by a court of competent jurisdiction. No penalties will be assessed against the franchisee unless there is evidence that the franchisee was aware of such unlawful acts and allowed the driver to continue driving with that operator. A driver may be taken out of service immediately while the City investigates such charge(s). (Schedule C–Public Safety)

403. A driver shall maintain current enrollment in the controlled substance and alcohol testing program authorized for the franchisee. Any "positive" or failing test result shall lead to suspension or revocation of the Taxicab Driver's Permit. Failure to comply with a test requirement shall be considered as a test failure in addition to a "positive" test result. Penalties are as follows:

a) Failure to maintain enrollment in the drug and alcohol testing program. (Schedule C – Public Safety).
b) Test failure for a controlled substance or alcohol. A driver may be reinstated, after completion of rehabilitation and return-to-duty testing, if the number of test failures for drug or alcohol is no more than 1 in a 24-month period. More than 2 test failure results for drug or alcohol use within any period of time shall be cause for permanent revocation of the Taxicab Driver's Permit. (Schedule C-Public Safety)

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

405. A driver shall not buy or sell alcoholic beverages while on duty. (Schedule A-Public Safety)

406. A driver shall not enter any bar or cocktail lounge while on duty except for the purpose of announcing arrival to a prospective passenger. (Schedule A-Conduct)

407. A driver shall not be under the influence of an alcoholic beverage, intoxicating liquor or any drug which may impair driving ability, while on duty. (Schedule C–Public Safety)

408. A driver shall not knowingly use, sell, handle or transport illegal narcotics at any time. (Schedule C- Public Safety)

409. A driver shall not give any information as to where narcotics may be obtained for illegal purposes; or knowingly solicit, procure or give information in regard to or take any passenger to any person or establishment for the purpose of prostitution or any illegal activity. (Schedule C-Conduct)

410. A driver shall not use a scanner or other type of receiver that is capable of monitoring another franchisee's assigned radio frequency or dispatch system. (Schedule A-Conduct for 1st Violation, Schedule C-Conduct for 2nd Violation)

411. A driver shall not give, offer or receive a bribe with the intent to affect an action which could be contrary to the Rules, BHMC, the Terms & Conditions of a franchise ordinance, or State law, or with the intent or purpose of having an agent or employee of the City not perform his or her duties relating to the regulation of taxicabs. Specifically, a driver shall not engage in such activity with any City personnel, other drivers or any other person in the position to influence the operation of the driver's taxicab. (Schedule C–Conduct)

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

413. A driver shall not offer or pay any bribe or gratuity to any employee or agent of a hotel, motel, business establishment, or public or private agency or organization for the privilege of providing taxicab services to the customers, clients, employees or agents of any hotel, motel, business establishment, or public or private agency or organization. (Schedule A-Conduct for 1st Violation, Schedule C– Conduct for 2nd Violation)

414. Each driver who is cited for a violation under a Rule that stipulates Immediate Out Of Service (IOS) shall immediately turn over his or her Taxicab Driver's Permit to the citing officer. (Schedule A- Conduct)

415. A driver shall immediately comply with all lawful requests, orders, and directives issued by any authorized City personnel. (Schedule C)

416. A driver shall immediately read and sign any citation that he or she is issued when cited for a Rule violation; signing is not an admission of guilt. (Schedule C)

417. A driver shall not violate Vehicle Code Section 23111 by throwing or discharging from or upon any road or highway or adjoining area, public or private, any lighted or non-lighted cigarette, cigar, match, or any flaming or glowing substance. (Schedule C)

418) A driver must maintain a copy of these RULES AND REGULATIONS whenever you are operating an authorized taxicab in the City of Beverly Hills, and must present it upon request to any authorized representative of the City of Beverly Hills.

418. Must observe all parking, traffic and safety rules and regulations as required by Federal, State, County, and City laws. The following are some examples of violations of the California Vehicle Code (CVC): stopped in a red zone, U-turns in a business district, obstructing traffic, double parked, etc. (Schedule C – Public Safety)

419. Drivers are to comply with the California Vehicle Code as it relates to cellular phone use. Drivers must use hands free devices while using a cellular phone. The speaker phone options should only be used in an emergency. This applies to walkie talkie functions of the phone as well.
(Schedule C – Public Safety)

420. Drivers must notify taxi company and this Department of any change of address and/or telephone number

within 10 calendar days of the change. (Schedule A)

421. If a taxi is equipped with a camera in accordance with section 608(g) of these Rules or in accordance with the applicable Franchise Agreement, and such vehicle operator is the subject of a complaint, the presumption shall be in favor of the complainant if there is no camera recording of the incident.

VEHICLE OPERATIONS

421. A driver shall drive only for the franchisee shown on his or her Taxicab Driver's Permit and have in his or her possession a valid Taxicab Driver's Permit while in charge of or driving a taxicab, and properly post (right side up with picture and permit number visible to all passengers) the Taxicab Driver's Permit in the permit card holder at all times while on duty. Whenever a driver changes franchisees, the driver shall exchange his or her current Taxicab Driver's Permit for a replacement Taxicab Driver's Permit, and submit a permit transfer fee with a completed application for a Taxicab Driver's Permit for the new franchisee, signed by the driver's new franchisee. Penalties are as follows:

a) Not holding an active Taxicab Driver's Permit while in charge of or driving a taxicab. (Schedule A–Public Safety)
b) Not being in possession of a Taxicab Driver's Permit while in charge of or driving a taxicab. (Schedule
c) Being in charge of or driving a taxicab for a company not shown on his or her Taxicab Driver's Permit. (Schedule A-Conduct)
d) Being in charge of or driving a taxicab while his or her Taxicab Driver's Permit is expired, suspended or inactivated. (Schedule C-Conduct)
e) Improperly posting or failure to post Taxicab Driver's Permit. (Schedule A)

422. A driver shall have in his or her immediate possession a valid California driver's license while in charge of or driving a taxicab and shall present the license upon request by an authorized enforcement officer, police officer, or any authorized representative of the City of Beverly Hills.. Refusal to present either the California Driver License or the City ID will subject the driver to a citation and possible suspension and/or revocation of Taxi Operator Permit.

Penalties as follows:
a) Drive or in charge while license is suspended. (Schedule C–Public Safety)
b) Drive or in charge while license is expired. (Schedule C)
c) Drive or in charge without immediate possession. (Schedule A)

Driver shall have in his or her immediate possession:
a) a copy of the Beverly Hills Taxi Operator Information Booklet (Schedule A)
b) a pen or pencil for giving receipts; (Schedule A)
c) an up-to-date Los Angeles County area map and GPS system; (Schedule A)

423. Each driver shall not be in charge of or drive a taxicab that does not carry proof of vehicle insurance or financial responsibility. (Schedule A-Public Safety)

424. A driver shall not knowingly allow the unauthorized use of his or her Taxicab Driver's Permit or assigned leased taxicab; or use another person's Taxicab Driver's Permit or assigned leased taxicab. The Taxicab Driver's Permit is nontransferable and shall not be duplicated. Penalties are as follows:

a) Allowing the use of his or her Taxicab Driver's Permit or the duplication of Taxicab Driver's Permit. (Schedule A)

b) Using another person's Taxicab Driver's Permit. (Schedule C)
c) Allowing the use of a taxicab by another City permitted taxicab driver that has not been authorized to drive for the Franchisee. (Schedule C)
d) Allowing the use of a taxicab by a non-permitted individual for the purpose of providing taxicab transportation services. (Schedule A–Public Safety)

425. The City ID must be displayed in a permit holder/frame mounted on the taxi's dashboard so as to be visible to passengers and regulatory personnel. The City ID must be right side up, clean and readable. **Only one City of Beverly Hills ID may be displayed at any given time in the permit holder. (Schedule A)**

a) The permit holder/frame must display a statement that reads, "The Public Transportation Operator's Permit is required by law to be displayed at all times the vehicle is in operation."

b) The City ID granted to drivers is issued with an affiliation to a specific taxi company, and is generally issued for a period of three (3) years. When changing companies, you are required surrender the previous City ID and submit an application and the applicable transfer fee to transfer your City ID to a new taxi company/franchisee. (Schedule A)

c) Taxi drivers issued a City ID prior to the notation of specific taxi company affiliation upon the City ID are required to notify the Department n writing when changing taxi company affiliation. State your full name, your Identification Card number, and the names of the old and new company assignments. *Upon expiration of a City ID issued prior to notation of the specific taxi company affiliation,* prior rule (b) will apply to all City ID renewals. (Schedule A)

d) All City ID's must be renewed in a timely manner. It is recommended that you begin your renewal process, which includes re-applying and taking a written test, three months prior to the expiration of your City Identification Card. Reapplying and passing the taxi exam does not qualify you as having renewed your City ID. Until you have received the three year City ID, you are subject to citation if you drive with an expired City ID. (Schedule A)

426. A driver shall at all-time drive or park the taxicab:

a) In a safe, careful, and prudent manner;
b) In compliance with City traffic regulations, as may be amended from time to time (BHMC);
c) In compliance with the Vehicle Code.
d) *A driver* can utilize a yellow zone for stopping for 3 minutes to load or unload passengers or baggage only. If the yellow zone is posted with a sign that restricts the use to commercial vehicles only, taxicabs are not authorized as commercial vehicles to use it (BHMC 7-3.101).
e) *A driver* can utilize a white zone for stopping for 3 minutes to load or unload passengers or baggage only (BHMC).

427. *A Driver* must not ***park, stop, or*** stage at any parking meters or customer loading zone, EXCEPT IF:

a) Actively loading, or
b) Waiting for a continuing fare, AND the taximeter is running, AND you have deposited the appropriate money in the parking meter.

A Driver shall not ***park, stop or stage*** or ***take breaks*** adjacent to or across from any residential dwellings. When not in service, taxis may take breaks and park in City parking structures. One to two hour free parking is available at those facilities.

(Schedule A – Public Safety)

428. A driver shall not operate a taxicab that is in an unsafe condition. Unsafe operating conditions include but are not limited to: bald tires; missing fuel tank caps; inoperable or inadequate windshield wipers; broken or inoperable head or tail lamps; inoperable horn; defective or inadequate brakes; missing, defective, or inoperable seat belts; or when there are more passengers than the number of seatbelts available or the taxicab capacity will safely or legally allow.

Additionally, a driver shall ensure that at all times the vehicle lights, brakes, tires, steering, seatbelts, air conditioning, and heating and defrosting systems are maintained and in good working order; that the robbery light switch is in the proper position and in working order; and that evidence of financial responsibility is carried in the vehicle at all times. Penalties are as follows:

a) Unsafe Operating Condition.
b) Equipment not in working order.
c) Accidental or unauthorized use of robbery light.
d) No evidence of vehicle insurance or financial responsibility in vehicle.
e) A citation was issued for vehicle or equipment defects with due notice given to correct the deficiency but no correction was made within the time allotted and the taxicab is still in service. (See Rules 224, 4231, 603, and 629) (Schedule C)

429. A driver shall have the dispatch radio tuned to the franchisee's assigned radio frequency and be connected to the computer dispatch system at all times, and ensure that the dispatch radio is audible and the computer dispatch system is on at all times that the taxicab is available for service. (Schedule A-Public Safety)

430. A driver shall not drive any combination of vehicles for more than 10 consecutive hours or more than 10 hours spread over a total of 15 consecutive hours in any 24-hour period. Thereafter, such driver shall not drive any taxicab or other vehicle until 8 consecutive hours have elapsed. See Vehicle Code Section 21702(a). (Schedule A-Public Safety)

431. A driver shall deactivate the top light of the taxicab when transporting passengers, on standby, or no longer on duty. (Schedule A)

432. A driver shall not permit anyone who is not a passenger to sit in the taxicab while the driver is on duty. Exception: A taxicab driver trainer or trainee may be seated in the front seat during normal training sessions. (Schedule A)

433. *A driver* shall not take additional passengers without the express permission of the first passenger. (Schedule A)

CUSTOMER SERVICE

434. A driver shall provide exceptional customer service and provide service with the goal of maintaining a favorable public image for the taxicab industry and the City, including but not limited to the following. The penalty schedule for failing to comply with the following is provided after each customer service item listed. All other violations of this Rule not specifically outlined below shall be subject to Schedule A:

a) A driver shall assist a passenger by placing luggage, packages, and wheelchairs in and out of the taxicab when requested; (Schedule A)

b) Passengers must be seated in the rear of the taxi, except when the rear seat is fully occupied, or for student drivers, supervisors or aged, infirm, or handicapped persons who cannot readily enter the rear compartment of the taxicab. (Schedule A)

c) A driver shall assist a passenger in and out of a taxicab when requested, provided that the driver is not required to lift the passenger; (Schedule A)

d) A driver shall, while on standby and at the passenger's request, remain at an agreed upon safe and legal location with the taximeter activated until the passenger returns or otherwise dismisses the taxicab; (Schedule A)

e) A driver shall not refuse to activate or turn off the heating or air conditioning system upon customer request; (Schedule A)

f) A driver shall not refuse request by passenger/s to lower or turn off the radio or recorded music. (Schedule A)

g) A driver shall not request payment of taxicab fare in advance of delivery of passenger to the passenger's desired location except that a deposit up to the estimated amount of the fare may be collected in advance to show the passenger's ability to pay (Schedule A)

h) A driver shall not ask for the passenger's destination until the passenger is seated in the taxicab; (Schedule A-Conduct)

i) A driver shall not dismiss or discharge any passenger at a point other than the requested destination without adequate cause and, in such case, shall discharge the passenger only at a safe, well-lighted place convenient to public transportation. A driver shall immediately notify the supervisor on duty of any incident of passenger discharge and note the time, date, supervisor's name, and other details of the incident. (Schedule A–Conduct)

j) A driver shall maintain the interior and exterior of the taxicab in a clean condition and in good repair; (Schedule A)

k) A driver shall not accept any additional passengers while the taxicab is engaged, without the consent of the fare-paying passengers of the taxicab; (Schedule A-Conduct)

l) A driver shall not charge an additional fare for any additional passengers accepted (Schedule A–Conduct)

m) A driver shall not request, demand, arrange for, or keep any compensation in an amount greater than (i.e., overcharge) the authorized taxicab rate applicable to the service provided; (Schedule A–Conduct)

n) A driver shall take the most direct route to destination, unless otherwise direct to the destination, unless otherwise directed by the passenger. Routing shall avoid using single family residential streets when main arterials and collectors are available. (Schedule A–Conduct)

o) A driver shall not attempt to influence or unnecessarily change the destination of a passenger. (Schedule A–Conduct)

p) A driver shall not accept fees or gratuities from anyone other than the passenger or the passenger's agent; and (Schedule A)

q) A driver shall inform the franchisee immediately and turn over to the proper person, as soon as reasonably practicable, all found articles of property left by passengers in the driver's vehicle. A driver may not charge a customer to return his or her property. (Schedule A)

435. A driver shall comply with the franchisee's dress code and appearance standard, as approved by the City, wear clean, comfortable clothing. You must wear a shirt with a collar, long or short sleeves; full-length trousers; closed shoes and socks. Ladies must wear a blouse or shirt, long or short sleeved; slacks or skirts; closed shoes and socks or stockings. Divers may wear a tie if they prefer or as per their own company rules. T-shirts, jerseys, shorts, sandals, or shoes without socks, are not acceptable. Mustaches or beards are to be kept trimmed and groomed at all times. Hair should be kept neat. Offensive body odor may be grounds to suspend the driver's permit to operate for the day. (Schedule A)

436. A driver shall provide prompt, efficient service, conduct him or herself in a professional manner, and be

courteous at all times to the general public, other taxicab drivers, and to Department investigators, police officers, enforcement officers, and City officials and employees. Verbal abuse, unwanted or inappropriate touching or conversation, and profanity are prohibited. Physical abuse, threatened or otherwise, or throwing objects, are major violations and shall be punished in accordance with these Rules and applicable law. The citing officer shall provide a supplemental written report of any incidents, including the names, addresses, and telephone numbers of all witnesses. (Schedule A-Conduct or Schedule C–Conduct at the Discretion of the City)

a) As a professional taxi driver, you must know the area that you are serving; this shall include, but not be limited to the Rules and Regulations as set forth in this handout. Whenever you are operating a taxicab in the City of Beverly Hills, you must never forget that you are offering service that requires you to provide professional courtesy and helpfulness to the public.

437. A driver shall not refuse to transport any person except for the following reasons:

a) The driver has already been dispatched on another call;
b) The passenger is acting in a disorderly or threatening manner, or otherwise causes the driver to reasonably believe that his or her health or safety, or that of others, may be endangered.
c) There is a reasonable expectation that the passenger may cause the taxicab to become stained or foul smelling;
d) The passenger requires the use of a litter or stretcher;
e) The passenger cannot, upon request, show an ability to pay the fare; or
f) The driver is occupying a taxicab zone or taxicab stand pursuant to conditions under Section 400 Taxicab Driver Code of Conduct: Taxicab Stands/Parking/Customer Solicitation.

A driver shall immediately notify the supervisor on duty of any incident of service refusal specified in this Rule and note the time, date, supervisor's name, and other details of the incident. (Schedule A)

438. A driver shall not refuse to transport in the taxicab:

a) Any passenger's wheelchair, which can be folded and placed in the passenger, driver or trunk compartment of a taxicab; groceries or packages when accompanied by a passenger; personal luggage, possessions, or small pets in carriers. The driver shall not be required to transport any article that would cause the taxicab to become damaged, stained or foul smelling. A driver shall assist a passenger in and out of a taxicab when requested, provided that the driver is not required to lift the passenger; or (Schedule A–Conduct)
b) Any passenger's service animal, including any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability, without justification, or intentionally interfere with the use of a service animal by harassing or obstructing the user or his or her service animal. (Schedule A)

439. A driver shall not prohibit a passenger from exiting the taxicab, except to comply with Section 400 Taxicab Driver Code of Conduct: Customer Service. (Schedule C)

440. Any driver that refuses to accept the City of Beverly Hills Taxi Swipe Card for payment of the first $12.00 of a fare originating in the City of Beverly Hills is subject to revocation of their taxi operator permit (City ID). (Schedule C – Conduct)

441. A driver shall, unless otherwise directed by the City in writing, give the passenger making payment an accurate and legible receipt printed by the taximeter for each taxicab trip provided. The printed receipt

shall display trip information as designated by the City, including, but not limited to, company name, vehicle number, date and time the trip began, date and time the trip ended, trip number, distance traveled, fare amount, any extra charge applied, and company telephone number. (Schedule A)

442. A driver shall not smoke in the taxicab at all times. (Schedule A)

443. A driver shall accept valid major credit/debit card payment if the chargeable payment amount is $10.00 or more (including tip), unless a lesser amount is required by franchisee. Credit/debit card authorization and payment information shall be digitally relayed through the taximeter or mobile data device operating in concert with the taximeter. A driver may request identification of payee and check credit/debit card validity prior to the end of the service trip. If a passenger fails to inform the driver in advance of the planned use of a credit/debit card, the driver must still accept any valid credit/debit card payment. (Schedule A)

TAXIMETERS

444. A driver shall not operate a taxicab that contains a taximeter which is not properly sealed, accurate, and in good working condition. The taximeter shall not: be removable; be installed in a way that makes it possible to tamper with the rate setting mechanisms; or be equipped with unapproved devices attached to any part of the taximeter or its wiring harness. The taximeter's installation and operation shall be in compliance with all laws of the City and State. Note: Possession of a fraudulent or false taximeter is prima facie evidence of intent to violate the law pursuant to California Business and Professions Code Section 12510. Penalties are as follows:

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

b) Installation or operation of taximeter equipment that does not adhere to the standards of this Rule, and is deemed to provide for willful and intentional tampering, overcharging or fraudulent activity. Franchisee penalty point assessment may be reduced or waived dependent upon an operator's cooperation and assistance in detecting and notifying the City of potential tampering and fraudulent activities. (Schedule C-Conduct)

c) The taximeter contains a rate other than authorized. The taximeter shall have installed only the approved rates and extra charges. All mechanisms, devices or electronic programs attached, installed or used in connection with the taximeter shall not facilitate the perpetration of fraud. No schedule of rates contained in the taximeter may be higher than those authorized by the City. (Schedule C)

445. A driver must activate the taximeter at the beginning of each trip and deactivate the taximeter upon completion of the trip. If the driver arrives early on a "time¬order", the driver shall not activate the taximeter before the prearranged time, or before the passenger is seated, whichever comes first. EXCEPTION: The taximeter shall be activated for flat fare trips unless otherwise specified by the City in writing to all franchisees. (Schedule A-Conduct)

446. A driver shall ensure that the approved taximeter rate is set at all times. The taximeter shall not contain any unauthorized rate or extra charges which can facilitate the perpetration of a fraud. Franchisee penalties may be reduced to Schedule A or waived dependent upon an operator's cooperation and assistance in detecting and notifying the City of potential tampering and fraudulent activities. (Schedule C–

Conduct)

447. A driver shall ensure that the taximeter reading is visible to passengers at all times. (Schedule A)

TAXICAB STANDS / PARKING / CUSTOMER SOLICITATION

448. A driver shall not perform routine mechanical maintenance on any vehicle while in a taxicab stand. (Schedule A)

449. Taxicabs are not to be left on any taxi stand unattended. Public and/or Private Taxi Stands are for City authorized working cabs only. The first taxicab in queue must accept any party who requests service. Staging/standing/queued in a taxi stand is considered operational and working, and authorized permits are required for the driver and the vehicle. (Schedule A)

450. B.H.M.C. 7-4.214 (a) states, "No taxicab shall stand in a taxicab zone unless the vehicle both: 1) is authorized by a certificate of public convenience and necessity pursuant to this code; and 2) has been issued a public transportation vehicle permit pursuant to this code. More than one taxicab from each franchisee may simultaneously stand in a queue in any designated taxicab zone unless one or more taxicabs from a franchisee or franchisees which are unrepresented in the taxicab zone approach to park at the taxicab zone. In such event, the taxicab which is standing last in the queue in the taxicab zone and which is represented by the same franchisee shall relinquish its space to the taxicab which is not represented in the taxicab zone. "Every driver shall remain inside their cab while waiting at a taxicab zone." (Schedule A)

List of designated Taxi Stands can be provided by the City.

451. A driver shall not refuse a request for service because of the driver's position in line at a taxicab stand; a passenger may select any taxicab in line. (Schedule A)

452. A driver shall solicit passengers only from the driver's seat or standing immediately adjacent to the taxicab and only when the taxicab is legally parked or stopped. (Schedule A–Public Safety)

453. More than one taxicab from each franchisee may simultaneously stand in a queue in any designated Taxicab stand unless one or more taxicabs from a franchisee or franchisees which are unrepresented in the taxicab stand approach to park at the taxicab stand. In such event, the taxicab which is standing last in the queue in the taxicab stand and which is represented by the same franchisee shall relinquish its space to the taxicab which is not represented in the taxicab stand. (Schedule A)

454. Only the "first-up" driver may solicit a passenger at a taxicab zone or taxicab stand. (Schedule A)

455. A driver may not solicit a passenger away from any other taxicab in line. (Schedule A)

456. Shall not cruise on any street for the purpose of soliciting passengers. (Schedule A)

457. A driver shall not use any other person to solicit passengers. (Schedule A)

458. A driver shall not attempt to refer a passenger to another taxicab or means of transportation, except in the case of a driver occupying a taxicab stand pursuant to conditions under Section 400 Taxicab Driver Code of Conduct: Taxicab Stands/Parking/Customer Solicitation. (Schedule A)

ADMINISTRATION / REPORTING / RECORD KEEPING

459. A driver shall immediately notify the City whenever his or her permit to drive a taxicab issued in any other city has been suspended, denied, cancelled or revoked. (Schedule A)

460. A driver may not apply for or possess more than one Taxicab Driver's Permit at any one time. (Schedule A)

461. A driver shall return an expired, revoked, canceled or otherwise invalid Taxicab Driver's Permit to the franchisee immediately. (Schedule A)

462. A driver shall log in when he or she begins a work shift and log out at the end of each work shift. (Schedule A)

463. A driver when serving suspension time shall turn in the Taxicab Driver's Permit to the franchisee. (Schedule A)

464. All drivers shall cooperate in administrative and criminal investigations as requested by City staff or investigators. Failure to cooperate in an investigation will subject the driver to suspension or revocation of their taxi operator permit (City ID). (Schedule C – Conduct)

SECTION 500. VEHICLE PERMITTING REQUIREMENTS

Any applicant who does not meet all of the requirements of this Section shall have the application denied and shall be informed of the denial by the City, and the application fee shall be forfeited. A Taxicab Vehicle Permit shall only be valid for the registered owner of the vehicle who was granted a permit for such vehicle. In the event of ownership change, the Taxicab Vehicle Permit shall be considered invalid at such time of ownership change. Failure by an applicant to comply with any part of this Section is cause for denial of a Taxicab Vehicle Permit or revocation of an existing Taxicab Vehicle Permit. At any time a Taxicab Vehicle Permit application is found to be falsified, the Taxicab Vehicle Permit shall be denied or revoked.

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

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

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

GENERAL REQUIREMENTS

501. All taxicabs operated by franchisee must be registered to either franchisee or a member of franchisee. Taxicabs must either be owned by franchisee, a member, a commercial lending agency, or leased from a licensed leasing agency whose primary business is the sale or leasing of vehicles. Any taxicab utilized by franchisee which is owned by it or one of its members shall have been acquired by way of bona fide purchase, lease, or other transaction approved by the City. Franchisee or the member shall submit to the City, upon request, the method utilized for vehicle acquisition. (Schedule D)

502. Franchisee shall not propose an application for an individual Taxicab Vehicle Permit by more than 1 person or primary agent of a Subchapter S corporation. (Schedule B)

503. Franchisee and vehicle permittee shall not allow a taxicab to be placed in service unless the franchisee or the vehicle permittee is the registered owner of the taxicab as allowed under the franchise ordinance. Franchisee must obtain a security interest in each vehicle owned by an individual member as provided for in the franchisee's by-laws. The franchisee, vehicle permittee, a commercial lending agency or a licensed leasing agency whose primary business is the leasing of vehicles shall be the legal owner of the taxicab. (Schedule A-Conduct or Schedule B-Conduct)

504. A vehicle permittee may own a limited interest in another franchisee within the City. Each franchisee shall ensure that any such ownership interest is approved by the City and that written verification of the approval of each individual organization is provided to the City. An individual member shall not be authorized to hold the position of officer or Board of Director within 2 or more franchised organizations at the same time unless the organizations are considered as part of the same corporate entity. (Schedule B-Conduct)

505. B.H.M.C. 7-4.214
No vehicle shall be issued a public transportation vehicle permit for taxicab use where such vehicle is in excess of five (5) model years of age unless such vehicle undergoes a special inspection by a mechanic selected by the city and not affiliated with the taxicab operator before the end of the vehicle's fifth, sixth, seventh, eighth and ninth years, as applicable, and obtains a certificate certifying that the vehicle meets the city's standards for mechanical condition, appearance, and passenger comfort. This special vehicle inspection shall be in addition to the inspections required by subsection 7-4-202 and section 7-4-216 of this chapter and shall be based upon standards established by the city. Taxicab vehicles shall be removed from service by midnight on December 31 at the conclusion of the vehicle's eighth model year; provided, however, vehicles that are wheelchair accessible under ADA standards may remain in operation until midnight on December 31 at the conclusion of the vehicle's tenth model year.(Schedule B-Conduct)

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

SECTION 600. TAXICAB VEHICLES AND EQUIPMENT MAINTENANCE STANDARDS

Assessment of Penalties and Vehicle Return to Service: For violations cited in this section requiring an Immediate Out of Service (IOS), the franchisee may correct the violation and have the vehicle inspected and returned to service prior to the deadline stated in the violation notice with City approval. Such correction of vehicle deficiency shall not preclude the assessment of Penalties against the franchisee.

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

601. Each franchisee and vehicle permittee must submit to random inspections by any authorized city official, including annual inspections or at any time the taxicab is in service. Cancellations by either party shall be upon a minimum of one business days' notice, unless circumstances prevent otherwise. The City-approved regular maintenance or inspection intervals (either in days or by mileage) shall not be exceeded by more than 7 calendar days or
1000 miles past the due date for inspection, whichever is sooner. For purposes of this Rule, each vehicle is considered a separate violation. (Schedule A or Schedule B)

602. Each franchisee shall allow authorized City personnel to utilize the taxicab radio for communication with the franchisee's dispatcher for purposes of emergencies or inspection. (Schedule B-Public Safety)

603. Each franchisee and vehicle permittee shall ensure that each taxicab carries, and has available at all times, proof of vehicle insurance or financial responsibility. (Schedule A-Public Safety or B-Public Safety)

604. No sign shall be displayed upon any taxicab; except a sign identifying the vehicle as a taxi may be displayed on the top of such vehicles. Advertisement such as hubcaps, roof boards, window ads, miscellaneous stickers, etc. will <u>not</u> be permitted. (Schedule A or Schedule B)

605. Each franchisee and vehicle permittee shall decommission its taxicabs after their service life is over. All markings, signs, top light, taximeter, and equipment identifying the vehicle as the franchisee's taxicab must be removed. The decommissioned taxicab must be inspected by the City prior to any sale or other disposition of the vehicle. (Schedule A-Conduct or Schedule B-Conduct)

606. Each vehicle that is cited for violation under a Rule that stipulates "IOS" (Immediate Out of Service) shall not be operated except as noted in definition. The violation shall be corrected and the vehicle inspected and cleared by the City before the end of the next City business day following the correction of the violation. (Schedule A-Public Safety or Schedule B – Public Safety)

607. Windows/Windshield/Tint...Front and rear windshield per California Vehicle Code §26710. No window tinting on windshield or front side windows per California Vehicle Code §26708. Furthermore, no window tinting shall be allowed to the rear side or rear windows except for OEM. (Schedule A or B)

<u>EQUIPMENT</u>

608. Each franchisee and vehicle permittee shall equip each taxicab with and maintain in good working order:

a) A State-approved taximeter currently certified for the specific vehicle in which it is installed and with unbroken State inspection seals affixed. All replacement meters shall be certified by a State sealer, registered with the Los Angeles County Department of Weights and Measures, and inspected by the City within 7 calendar days after the vehicle is placed into service with a new or replacement meter; (Schedule A or Schedule B)
b) A taximeter that accumulates charges as required by the BHMC. the BHMC . (Schedule C – Conduct)
c) A top light which shall be not more than two and one-half inches high by nine inches in length; (Schedule A or Schedule B)
d) A radio transmitter and receiver in good working order capable of two-way communication with a dispatcher anywhere in the service area over the franchisee's assigned frequency; (Schedule A or Schedule B)
e) The taximeter must be in operation whenever there is a passenger in the taxi. . The open meter indicates that you have been hired, and that you are not available. (Schedule A – Conduct)

f) An approved rate card plainly visible and legible to all passengers in the front and back seats of the vehicle; (Schedule A–Conduct or Schedule B-Conduct)

g) An approved card displaying the credit card requirement , a complaint telephone number, a lost and found telephone number, and certain sections of the Rules as determined by the Department; (Schedule A–Conduct or Schedule B-Conduct)

An approved safety shield. EXCEPTION: This requirement shall not apply to wheelchair-accessible vans or to specific taxicabs granted exemptions by the City. An exemption from this Rule which is based on the medical condition of a driver for a specific vehicle may be authorized by the City. Any vehicle granted an exemption from the safety shield requirement must install and maintain in working order a security camera system approved by the City; and (Schedule A-Conduct or Schedule B-Conduct)

h) A Global Positioning System (GPS), which must be operational at all times and connected to the franchisee's central dispatch location. (Schedule B – Public Safety)

i) Fares shall be regulated by the recordings of the taximeter. No charge shall be made in excess of the taximeter rate. The taximeter is to be sealed at all times. Companies and drivers may not offer any type of discount coupons or discount vouchers to prospective customers or passengers, nor shall any company or driver make any such offer by advertisement, except for the authorized Taxi Swipe Card Program. (Schedule A–Conduct)

j) Meter printer shall be functional and operational at all times. Jamming of the meter printer is prohibited. (Schedule A–Conduct)

609. Each franchisee and vehicle permittee shall maintain equipment that will extinguish both front and rear lights on the right side of the taxicab to signal when a robbery is in progress or a felon suspect is in the taxicab. (Schedule A-Public Safety or Schedule B – Public Safety)

610. Each franchisee and vehicle permittee shall maintain a device installed in each taxicab to permit the opening of the trunk lid from the inside of the trunk. (Schedule A-Public Safety or Schedule B– Public Safety)

611. Each franchisee and vehicle permittee shall maintain in each taxicab on the top part of dashboard, in clear view of the passenger a permanently affixed Taxicab Driver's Permit card holder. (Schedule A or Schedule B)

612. Each franchisee and vehicle permittee shall maintain a wheel cover on each wheel which is in good condition and of a similar design. (Schedule A or Schedule B)

613. Each franchisee and vehicle permittee shall maintain in every taxicab a sufficient number of seat belts, properly bolted in place, at least 3 sets in the rear seat and 2 sets in the front seat, to accommodate each passenger and the driver, and which are clearly visible and easily usable. (Schedule A–Public Safety or Schedule B-Public Safety)

614. Each franchisee shall ensure that each taxicab is capable of digitally transmitting credit/debit card authorization and payment information as relayed through the taximeter or a mobile data device operating in concert with the taximeter. A sign shall be placed in each taxicab, as approved by the City, indicating minimum credit card charge requirements and requesting the passenger to notify the driver of intended credit/debit card use for pre-authorization purposes. Although signage requirements may differ between franchisees, each franchisee shall place the same sign in each of its taxicabs. (Schedule A–Conduct)

615. Each franchisee and vehicle permittee shall maintain a
taximeter (or equipment acting in concert with the taximeter) to provide printed receipts with date, time, cab company, cab number, fare amount, total paid, and phone number to contact with issues. (Schedule A or Schedule B)

No vehicle may be operated as a taxicab without a functioning credit payment terminal meeting the requirements of BHMC . (Schedule A)

SIGNAGE

616. Each franchisee shall permanently affix a notice of approved rates and complaint procedures in each taxicab in place that is conspicuous to a passenger in the rear seating area that is visible at all times, including when windows are lowered. The notice must include the name, address, and telephone number of franchisee and the complaint number to the City Beverly Hills. The notice shall be in black letters on a plain white background and shall be approved by the City. (Schedule B)

617. Each franchisee shall display in each taxicab, unless otherwise directed by the City, an interior sign clearly visible to passengers that states: "Driver is required to provide passenger with a receipt printed by the taximeter for each trip." (Schedule B)

618. Each franchisee shall use signs "All passengers ride for the price of one" displayed on all taxicabs in its fleet. The interior sign shall be legible to all passengers in the front and rears seats of the vehicle and shall be included in the rate card. The exterior signs shall be on both sides of the taxicab and legible from a distance of 10 feet. (Schedule B)

619. Each franchisee may post an optional "Leased to Driver" sign inside the taxicab, provided that it does not obstruct the driver's vision and the sign is placed near the Taxicab Driver's Permit card holder and is no larger than 3 1/2 inches by 5 1/2 inches, with lettering no larger than 3/4 inches by 4 1/2 inches. Such sign is inappropriate when the taxicab is driven by the vehicle permittee. (Schedule B)

620. Each franchisee shall display in the Taxicab Driver's Permit card holder, when not containing the Taxicab Driver's Permit, a statement in clear view of the passengers which states: (Schedule B)

NOTICE

DRIVER PERMIT CARD

Required to be displayed in this location at all times

By Order: Beverly Hills Public Works Services

621. If the Beverly Hills Vehicle Permit is damaged, or if the vehicle is replaced, the existing vehicle permit must be returned to the Department, and the Taxi Inspector will affix a new vehicle permit.

622. Each franchisee shall maintain franchisee's name, the taxicab fleet vehicle number, and telephone number of the taxicab franchise on both sides in lettering and numbering that are legible and not less than 2 and 1/4 inches in height and 5/16 of an inch wide. Each franchisee shall maintain the taxicab fleet vehicle number on the rear of the taxicab in positions and sizes which are legible as approved by the City. Numbers placed on top of the trunk lid do not comply with this rule. (Schedule B)

623. Each franchisee and vehicle permittee shall maintain the City's official taxicab identification decal(s) The decal(s)may not be obscured by any adjacent advertising. (Schedule A or Schedule B) Diagram of decal placement provided by the City.

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

625. Each franchisee and vehicle permittee shall not alter a taxicab identification decal. Each franchisee shall notify the City immediately of the removal or destruction, by other than City personnel, of any taxicab identification decal issued to the franchisee or vehicle permittee. Decals which are worn by time or the elements shall be replaced as directed by the City. (Schedule A–Conduct or Schedule B-Conduct)

626. Each franchisee shall have signage to include the franchisee's name, the taxicab fleet vehicle number, and telephone number of the taxicab franchise, readable by people with visual disabilities that complies with applicable state and federal laws and regulations?

(Schedule B)

VEHICLE MAINTENANCE

627. Each franchisee shall maintain every taxicab free from:

a) Unsightly dirt, grime, and stains inside and out, including the trunk;
b) Cracked or broken windows, headlights, taillights or interior lights;
c) Missing or broken door locks, handles or window cranks;
d) Torn floor covering, head liner or upholstery;
e) Unusual or unsightly paint defacement and body dents;
f) Projections of sheet metal or other materials inside or outside the taxicab that might cause injury or tear clothing; and
g) Unauthorized signs or markings, such as bumper stickers.

(Schedule B)

628. Each Franchisee shall ensure every taxicab trunk has clean carpet and must contain an inflated usable spare tire, a lug wrench that will work on the lug nuts of each tire wheel, and a workable jack. All items are to be secured so as not to be loose in the trunk area. (Schedule B)

629. Each Franchisee shall ensure every taxicab is to be mechanically maintained and clean, both inside and out. ***Passenger compartment and driver compartment, areas shall be clean, comfortable, and free of foreign matter, offensive odors, smoking odors, and litter.*** All lights, heating, defrost, air conditioning, windows, and windshield wiper blade features should be operating correctly. Taxicabs must be equipped with operational air conditioning, heating and window defrosting systems. (Schedule A or Schedule B)

630. Each franchisee and vehicle permittee shall have in place and continuously keep up to date all inspection, preventative maintenance, maintenance repair, and any other vehicle service records for each taxicab, filed by taxicab, and make these records available to the City for review upon request. (Schedule A-Public Safety or Schedule B–Public Safety)

631. The City of Beverly Hills reserves the right to inspect at any time any vehicle bearing a current Beverly Hills Public Transportation Vehicle Permit, or where application is made for a new renewal, or replacement permit.

a) If you fail to appear for a scheduled taxi inspection, you are subject to a penalty fee as prescribed by the City Council

b) There is no fee for a scheduled taxi inspection. However, if you do not pass the scheduled taxi inspection or are replacing a vehicle, you are subject to a re-inspection fee as prescribed by the City Council.

c) Failure to submit to a vehicle inspection will result in the immediate suspension of the vehicle permit. Prior to the vehicle being placed in service, a reinspection fee must be paid and a complete vehicle inspection conducted by authorized City staff

d) "Green Vehicles" will be subject to inspection for compliance with environmental standards as defined in the Beverly Hills Taxi Franchise RFP and stipulated in Franchise Agreement.

632. Each franchisee and vehicle permittee shall ensure that at all times that a taxicab is not driven when it is in an unsafe operating condition. Unsafe operating conditions include but are not limited to: bald tires; missing fuel tank caps; inoperable or inadequate windshield wipers; broken or inoperable head or tail lamps; inoperable horn; defective or inadequate brakes; missing, defective, or inoperable seat belts; or when there are more passengers than the number of seatbelts available or the taxicab capacity will safely or legally allow.

Additionally, each franchisee and vehicle permittee shall ensure that at all times the lights, brakes, tires, steering, and seatbelts are working properly, that the air conditioning, heating and defrosting systems are maintained and in good working order, that the robbery light switch is in the proper position and in working order, and that evidence of financial responsibility is carried in the vehicle. Penalties are as follows:

a) Unsafe Operating Condition.
b) Equipment not in working order.
c) Accidental or unauthorized use of robbery light.
d) No evidence of financial responsibility in vehicle.
e) A citation was issued for vehicle or equipment defects with due notice given to correct the deficiency but no correction was made within the time allotted and the taxicab is still in service.
f) Repairs must be made to any dents or scrapes incurred on the taxicab. All four hubcaps when present must match. When hubcaps are not present, all four wheels must match and all four tires must be either all black-walls or all white-walls.

(Schedule C or Schedule D)

633. Each franchisee and vehicle permittee shall ensure that any problem causing the "check engine" light to be illuminated when the vehicle engine is running must be corrected within 2 business days or the vehicle may be either removed from service or taken out of service (by operator request) until repairs are made and vehicle reinstated subject to inspection. (Schedule A–Public Safety or Schedule B-Public Safety)

634. Each franchisee shall ensure that wheelchair tie downs and occupant restraint systems are maintained in accordance with manufacturer standards. (Schedule B – Public Safety)

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

701. Subject to rights of appeal as provided in this Section and the BHMC, each franchisee shall pay all monetary penalties assessed within the applicable time period.

702. Subject to Applicable Law - The hearing procedure for violations of these Rules and the applicable penalties are governed by BHMC.

703. Appeals - The procedure for appealing any suspension, revocation, or denial of a permit under these

Rules is governed by BHMC.

SCHEDULE I
PENALTIES FOR VIOLATION OF TAXICAB RULES

Every franchisee, vehicle permittee, and driver who does not comply fully with any one or more of the Department's rules and regulations, with the terms and conditions of a taxicab franchise or the Beverly Hills Municipal Code shall be guilty of a violation and subject to the penalty schedule as shown in the brackets at the end of each rule. Unless otherwise specified in a specific rule, each day that a violation continues shall constitute a separate and distinct violation. If a penalty due date falls on a weekend or holiday, penalties are due the next City business day.

Any suspension of a permit shall be recorded on the driver's Department Permit Suspension Record and will be considered when applying Taxicab Rule 314. A permittee must serve a suspension during a period of time in which the Taxicab Driver's Permit has been physically turned in to the City.

Penalty Points for Franchisee Monetary Penalty Increments

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

Suspension of Franchisee's Franchise

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

LEGEND:

S = Suspension
R = Revocation
IOS = Immediate Out of Service (Driver and/or Vehicle) at the Full Discretion of the authorized enforcement officer or police officer

PROGRESSIVE PENALTY SCHEDULE

The following progressive penalties shall be applied when the same driver, vehicle permittee, or franchisee is guilty of a violation of the Taxicab Rules and Regulations, which are identified as either a Schedule A, B, C or D violation. Repeat violations of the same rule or any combination of the rules listed as the same type of Schedule violation within any 24-month period will be subject to the penalties identified below for second violations or more, as applicable (e.g., two different Schedule A violations will be subject o a $100 fine).

When "IOS" appears in a penalty, a driver or vehicle may be placed in an Immediate Out of Service status at the absolute discretion of the Director of Public Works or his or her designee, authorized enforcement officer and or police officer.

	First Violation		Second Violation		Third Violation or More		Conduct/Public Safety Violations	
	Driver or Vehicle Permittee	**Franchisee**	**Driver or Vehicle Permittee**	**Franchisee**	**Driver or Vehicle Permittee**	**Franchisee**	**Driver or Vehicle Permittee**	**Franchisee**
Schedule A	$50	$50	$100	$100	$150	$150	$500 and/or Suspension and/or IOS	$300
Schedule B	N/A	$100	N/A	$200	N/A	$300	N/A	$500 and/or IOS
Schedule C	$250 and/or Suspension and/or IOS	$500	$500 and/or Suspension and/or IOS	$750	$1,000 and/or Revocation and/or IOS	$1,000 and/or Revocation and/or IOS	$1,000 and/or Revocation and/or IOS	$1,000 and/or Revocation and/or IOS
Schedule D	N/A	$750 and/or IOS	N/A	$1,000 and/or Suspension and/or IOS	N/A	$1,000 and/or Revocation and/or IOS	N/A	$1,000 and/or Revocation and/or IOS