AGENDA REPORT

Meeting Date: January 6, 2015

Item Number: D-5

To: Honorable Mayor & City Council

From: Laurence S. Wiener, City Attorney

Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO PROVIDE FOR A TAXICAB FRANCHISE SYSTEM IN THE CITY

Attachments:
1. Ordinance
2. Redline of Ordinance

RECOMMENDATION

Staff recommends that the City Council move to waive the full reading and adopt the ordinance, as amended, entitled "AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO PROVIDE FOR A TAXICAB FRANCHISE SYSTEM IN THE CITY".

INTRODUCTION

This ordinance amends the Beverly Hills Municipal Code to modify the current method by which the City regulates taxi companies. The ordinance establishes a non-exclusive franchise system.

DISCUSSION

At its meeting of December 2, 2014, the City Council conducted a first reading and introduced this ordinance. At that meeting, the City Council made revisions to the proposed ordinance. These changes were incorporated into the ordinance and presented to the City Council at its meeting of December 9, 2014 for adoption.

At the December 9, 2014 meeting, the City Council made two further revisions to the proposed ordinance and reintroduced the ordinance. First, the City Council authorized the City to extend the period that a taxi may be out of service without losing its public transportation vehicle permit. Previously, the ordinance provided that if a taxi were out of service for 45 consecutive days,

then the public transportation permit for that vehicle would automatically expire on the 45th day. The ordinance did not allow for any extension of this period. On December 9th, the City Council amended the ordinance to provide that, upon a showing of good cause, the City may allow a taxi to be out of service for up to 75 consecutive days before its public transportation permit would expire. In other words, upon a showing of good cause, the City could extend the period during which a taxi may be out of service by up to 31 days.[1]

In addition, the Council revised the ordinance to provide that if a taxi is out of service, then the taxi owner shall report that fact to the City within two business days.

These changes have now been incorporated into the ordinance being presented to the City Council for adoption. A redline highlighting the December 9th changes is included as Attachment 2 to this report.

FISCAL IMPACT

On December 2, 2014, the City Council established fees associated with the taxi franchise program. The City Council also authorized the award of 185 taxicab permits to five franchisees. Based upon the fees and the number of taxi permits authorized, staff anticipates that the franchise regulatory system will be self-supporting. If that proves not to be the case, fees can be adjusted in future years.

Laurence S. Wiener, City Attorney

[1] On December 2nd, the City Council amended the ordinance to provide that each time a public transportation permit expires because a taxi remains out of service, the total number of taxis allotted to the corresponding franchisee shall be reduced by one. That language remains in the ordinance.

Attachment 1

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO PROVIDE FOR A TAXICAB FRANCHISE SYSTEM IN THE CITY

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. In order to provide for a taxicab franchise system, the city council hereby amends and restates Chapter 4 ("PUBLIC TRANSPORTATION VEHICLES") of Title 7 ("TRAFFIC, PARKING, AND PUBLIC TRANSPORTATIONS") of the Beverly Hills Municipal Code to read as follows:

Chapter 4

PUBLIC TRANSPORTATION VEHICLES

Article 1. Taxicab Franchises

7-4-101: DEFINITIONS:

For purposes of this chapter 4, the following definitions shall apply:

PUBLIC TRANSPORTATION VEHICLE: Any motor propelled vehicle, not otherwise defined in this section, used in the business of transporting passengers over the streets of the city, irrespective of whether or not any fee, compensation, or consideration is paid for such transportation.

SIGHTSEEING VEHICLE: Any motor propelled vehicle used for the transportation of passengers over the streets of the city for the purpose of showing points of interest or showing or exhibiting lands, houses, property, or any other thing or object for consideration.

TAXICAB: Any motor-propelled vehicle which is designed to carry not more than eight persons, excluding the driver, and is either equipped with a taximeter or a top light or has the words "taxi," "cab" or "taxicab" displayed on the exterior of the vehicle, and is used for the transportation of passengers for hire within and without the boundaries of the city, for which a fee is charged and that does not operate over a defined route.

TAXIMETER: An instrument or device by which the charge for the hire of a taxicab is registered, calculated, or indicated by figures in accordance with the distance traveled and/or the time elapsed.

TRANSPORTATION OFFICIAL: With respect to matters governing taxicabs and the taxicab franchise system, "Transportation Official" shall mean the Director of Public Works Services or his or her designee. With respect to matters governing Public Transportation Vehicles other than taxicabs, "Transportation Official" shall mean the Director of Community Development.

7-4-102: FRANCHISE REQUIREMENTS:

A. No person or corporation or membership organization shall operate a taxicab service without a franchise granted by the city. Franchises convey a non-exclusive right to operate a

taxicab service in the city. The city may issue additional franchises at any time for any reason at the city's sole discretion.

B. Franchises shall be awarded by the City Council through a competitive process initiated through a request for proposals issued by the city. Any taxicab franchisee whose franchise has been revoked shall thereafter be prohibited from competing for award of a franchise for a period of three years following the scheduled expiration of its franchise agreement.

C. Upon the award of a franchise, the franchisee shall enter into a franchise agreement with the city. The franchise agreement may impose obligations on the franchisee that are additional to but do not conflict with those imposed pursuant to this chapter.

D. Franchises shall be valid for a three year term. In accordance with Section 7-4-103(G) of this Article, the city may extend the term of the franchise in writing for an additional two-year term, and thereafter, for five additional one-year terms, for a total term of up to 10 years. No later than ten (10) years after award of the initial franchise by the city, the city will issue another request for proposals, and existing franchisees will be permitted to present a proposal.

E. Each taxicab franchisee shall pay to the city an annual franchise fee, established by resolution of the city council, for the privilege of operating a taxicab service in the city. The franchise fee shall be a fixed amount per franchise plus amounts per vehicle. Such franchise fee shall be in addition to any other prescribed fees, including but not limited to, business license and permit fees. The franchise fee shall be due upon execution of the franchise agreement and on each anniversary date thereafter, unless otherwise specified in the franchise agreement. Failure to pay the full franchise fee when due shall be cause for revocation of the franchise. In the event that a franchisee adds to its total number of vehicles or drivers during a franchise year, a fee, prorated on a monthly basis, per vehicle or driver shall be due upon issuance of the vehicle or driver permit.

F Each taxicab franchisee shall maintain in operation in the city at all times a minimum of twenty-five (25) properly permitted taxicabs or such higher number as specified in its franchise agreement.

G Franchisees shall provide and maintain a physical location for holding of vehicles and operation of the business, including maintenance of records and retrieval of lost property, within twenty (20) miles, by the most direct street route, of Beverly Hills City Hall.

H Franchisees shall operate a computer dispatch service providing for the ability to obtain taxi service by telephone 24 hours a day, every day of the year from anywhere in the city. Franchisees shall provide and maintain a telephone number for ordering taxi service which is toll free from every location in the city.

I Franchisees shall maintain the infrastructure needed to enable its taxicabs to accept payment by major credit cards, debit cards, and the Beverly Hills senior taxi swipe card complying with detailed requirements established in the applicable rules and regulations.

J Franchisees shall comply with all provisions of the Americans with Disabilities Act and its implementing regulations regarding vehicles and provision of service. Franchisees shall ensure that customers with disabilities, including those using wheelchairs, can request service and be transported in an appropriate vehicle, with the same response time as customers without disabilities.

K If, at any time, the city determines that there is a need for additional taxicabs in the city, it may conduct a competitive procurement for one or more additional franchises; alternatively, it may increase the authorized number of taxicabs of existing franchisees, in which case preference for additional authorized permits may be given to those companies with the highest

scores in the most recent annual evaluation conducted pursuant to section 7-4-103. In the event that the city reduces a franchisee's authorized number of taxicabs or revokes its franchise, the city may elect to conduct procurement for additional franchisees or the reduced or eliminated permits may be retired or redistributed to other franchises and preference may be given to those companies with the highest scores in the most recent annual evaluation.

L A franchise, or any interest in a franchise, shall not be sold, leased, assigned, hypothecated, or otherwise transferred or disposed of without the prior written consent of the city, and then only under such terms and conditions as may be prescribed by the city. The sale, assignment, transfer or other disposition of any of the issued and outstanding capital stock or ownership interest of the franchisee or of any general partner or joint venture or member of the franchisee, if a partnership or joint venture or membership exists, which shall result in changing the control of franchisee, shall be construed as an assignment of the franchise. Change of control shall mean a transaction whereby a transferee acquires a beneficial ownership interest in the franchisee or any general partner or joint venturer or member of franchisee, such that after such transaction there is a change of identity of the person or entity that has the power to direct or cause the direction of the management and policies of the franchisee, whether through the ownership of voting securities, by contract, or otherwise.

M 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.

N Franchisees shall, as required by the Transportation Official, maintain written and electronic records of its operations at the location required by paragraph G of this section 7-4-102, and provide access to these records to the city.

7-4-103: EVALUATION OF FRANCHISES; GROUNDS FOR SUSPENSION, REVOCATION OR SANCTIONS:

A. Franchisees shall at least annually compile and submit periodic reports of service provided, service quality, compliance with city rules and requirements of the franchise agreement, and other matters. The Transportation Official shall promulgate rules defining the frequency, content, and format of the required reports.

B. Franchisees shall be evaluated annually on the basis of service quality; compliance by the franchisee, its affiliated vehicle owners, and its drivers with the city's taxicab rules and codes; compliance with terms of the franchisee agreement; and other matters as determined by the Transportation Official. Franchisees that fail to meet the city's standards may be placed on probation, be assessed monetary penalties, may have their franchise suspended or revoked, may have their number of authorized vehicles reduced, or may not have their franchise extended. The Transportation Official shall establish service quality standards and other measures and criteria to be used in the annual evaluations. On the basis of the annual evaluation, the Transportation Official shall recommend to the traffic and parking commission any action to be taken. Each franchisee shall be notified in writing of the outcome of its evaluation and the recommended action.

C. No sooner than 14 days after notice in writing to a franchisee of a recommended action based on an annual evaluation, the traffic and parking commission shall hold a public hearing. At least ten days notice of the hearing shall be provided to the franchisee. At the conclusion of the public hearing, the commission may accept, reject or modify the Transportation Official's recommendation and impose probation, assess monetary penalties, suspend or revoke the franchise, reduce the number of authorized vehicles, or elect not to extend the franchise. If a

franchisee is placed on probation, it shall be notified of the terms of the probation and shall be subject to re-evaluation no later than six months after being placed on probation.

F. If the traffic and parking commission puts a franchisee on probation, assesses monetary penalties, suspends, revokes, reduces the number of authorized vehicles, or elects not to extend the franchise, the effect of the decision shall be stayed for 14 days during which time franchisee may appeal the decision to the city council. In the event the franchisee provides written notice of appeal within 14 days of the decision, the effect of the decision shall be further stayed until the city council has heard the appeal and rendered a decision.

G. In the case of a franchisee whose evaluation indicates that it has met the city's standards for services provided and has a good record of compliance with city rules and the requirements of the franchise agreement and any other matter that is the subject of the evaluation, the Transportation Official may recommend that the term of the franchise agreement be extended. The traffic and parking commission shall review the recommendation of the Transportation Official and shall recommend to the city council whether the franchise agreement should be extended, and if so, by how much and subject to what conditions.

7-4-104: REDUCTION OF NUMBER OF VEHICLES OF FRANCHISEE:

A. Where the holder of a franchise fails in any year to procure public transportation vehicle permits for the total number of taxis authorized under the franchise agreement, the number of taxis authorized by the franchise shall be automatically reduced to the number of vehicles for which public transportation vehicle permits have been issued for that year. If a taxi is out of service, the taxi owner shall report that fact to the City within two business days. If a taxi is out of service for forty five (45) consecutive calendar days during the term of the public transportation vehicle permit issued for such vehicle, then the permit shall automatically expire and the total number of taxis authorized by the franchise governing such vehicle shall be automatically reduced by one. Provided, however, the City may extend the period that a taxi may be out of service for up to 31 days, for a total maximum period of 75 consecutive days, upon a determination by the City that there is good cause, beyond the reasonable control of the taxi owner, that such vehicle is out of service for more than 45 days. Upon reduction of the number of taxis authorized by a franchise pursuant to this section, the number of vehicles authorized by such franchise may be subsequently increased only through the process described in Section 7-4-102 (K) of this chapter.

B. If the City revokes a public transportation operator's permit pursuant to Article 3 of this Chapter, and if, after giving notice to the franchisee and conducting a hearing in the manner set forth in Article 2 of this Chapter, the City determines that the underlying conduct that resulted in the revocation decision occurred within the course and scope of operations pursuant a taxi franchise, then the City shall reduce the total number of taxis authorized to the corresponding franchisee by one taxicab for each revocation. Upon each such reduction, a franchisee must wait one year before being eligible for possible reallotment of additional taxis pursuant to Section 7-4-102K of this article; provided, however, if all franchisees have had a reduction in the number of taxis and the City decides there is a need to increase the number of taxis in service, the City may increase the number of authorized taxis of the franchisee with the least amount of time left in such one year waiting period.

7-4-105: ENVIRONMENTAL GOALS:

It is a goal of the city to maximize the use of taxicab vehicles that exceed the State of California's standards for low emissions of pollutants including greenhouse gases. The Transportation Official shall promulgate rules, and shall include provisions in any competition to

award taxicab franchises and in the franchise agreement, with the purpose of achieving this goal.

7-4-106: AUTHORITY TO PROMULGATE RULES AND REGULATIONS:

The Transportation Official shall have the power and authority to promulgate rules and regulations for the implementation and enforcement of provisions of this article, and when duly promulgated, such rules and regulations shall be in full force and effect. The holder of a franchise and all taxi drivers shall comply with such rules and regulations and any violation of such rules and regulations shall constitute a violation of this code.

Article 2. Taxis and Other Public Transportation Vehicles

7-4-201: PUBLIC TRANSPORTATION VEHICLE PERMIT REQUIRED:

A. No person shall operate any taxi, limousine, bus, sightseeing vehicle, or other public transportation vehicle without a public transportation vehicle permit for each such vehicle issued under the provisions of this title; with the exception of those vehicles designated in subsection B of this section.

B. The provisions of subsection A of this section shall not be applicable to the following:

1. Any vehicle for which a permit or certificate has been issued by the state public utilities commission or by the federal interstate commerce commission.

2. Any school bus used by or under contract with, a public or private school.

3. Any vehicle transporting passengers from a point outside the city to a destination within the city, or proceeding through the city while en route to a destination outside the city. This exemption allows a taxi without a public transportation vehicle permit to unload and reload particular passengers with the intent to transport them to another location as long as: a) its taxi meter continues to run; b) it does not leave the city; and c) it does not provide transportation to any other persons while waiting for such passengers. This exemption shall not apply to any taxi that unloads passengers within the city, departs the city, resets its taxi meter and then returns to the city and reloads the same passengers.

7-4-202: APPLICATION FOR PUBLIC TRANSPORTATION VEHICLE PERMIT:

Applications for public transportation vehicle permits shall be filed with the city and shall comply with the following requirements:

A. Completion of an application on the form designated by the city, and signed by the applicant under penalty of perjury.

B. New applications shall be filed a minimum of forty five (45) days prior to the date requested for issuance of the permit. Any new application that is rejected must be refiled a minimum of thirty (30) days prior to the date requested for permit issuance. An application filed less than thirty (30) days prior to the date requested for permit issuance shall not be accepted.

C. Payment of the fee as prescribed by council resolution.

D. An inspection and a certificate of the mechanical condition of the vehicle issued within thirty (30) days of the filing of the application.

E. The application shall be accompanied by a copy of the current registration issued by the state department of motor vehicles for the vehicle for which the permit is requested.

F. Renewal permit applications shall be filed a minimum of forty five (45) days prior to expiration of any existing permit. Any renewal application that is rejected must be refiled a minimum of thirty (30) days prior to expiration of any existing permit. A renewal application that is refiled less than thirty (30) days prior to the date requested for permit renewal shall not be accepted.

G. Where the applicant is a corporation, association, partnership, or other legal entity, applicant shall mean each partner, officer, director, and each shareholder owning or controlling more than ten percent (10%) of such entity.

H. Applications for taxis shall be made by, and the permit issued to, the holder of the taxicab franchise; provided further, if the holder of the franchise is an association, the public transportation vehicle permit application shall be filed by the owner of the vehicle, and permit issued under this article shall be issued to the owner of such vehicle working for a specific franchisee. All correspondence shall be conducted through the holder of the franchise. If the holder of the franchise is an association, then such association shall be responsible for communicating city correspondence to the owner of the vehicle. An "association", for purposes of this article, is defined as an organization which provides taxi service, and the taxi vehicles are owned and operated or leased out by individual members of such organization.

I. Applications for taxis shall be accompanied by a taximeter inspection permit which has been issued by the county of Los Angeles department of weights and measures within thirty (30) days of filing of the application.

7-4-203: CRITERIA FOR ISSUANCE OR DENIAL OF PERMIT:

A. The public transportation vehicle permit will be issued by the Transportation Official unless there is a finding that:

1. The applicant has been convicted of a felony or a misdemeanor involving moral turpitude, and has not subsequently demonstrated rehabilitative characteristics;

2. The applicant has made a material misrepresentation in the application;

3. The vehicle does not comply with the rules and regulations of the city including the limit on the number of vehicle permits to be issued to a franchisee;

4. If the application is for renewal of a permit, that the applicant has violated conditions of the previous permit, or ordinances or regulations of the city in the conduct of the business or activity.

B. When one or more of the findings is negative to the applicant, a permit may be conditionally issued to the applicant, where unique circumstances exist which justify issuance of the permit, and provided that appropriate conditions are imposed on the permit to protect the public health, welfare, and safety.

7-4-204: DENIAL OF PERMIT:

Where the permit is denied, the applicant shall be notified in writing in accordance with title 1, chapter 5, article 1 of this code, of the denial and reasons therefor.

7-4-205: TERMS OF PERMITS:

Permits issued pursuant to this article shall be effective for a period of one year from date of issuance unless a shorter term is specified on the permit. A separate permit is required for each vehicle.

7-4-206: REVOCATION OR SUSPENSION OF PERMIT OR IMPOSITION OF SANCTIONS:

A permit issued under this article may be revoked, suspended, or sanctions imposed by the Transportation Official for any of the following reasons:

A. A material false statement contained in the application;

B. Failure to comply with federal, state or local laws and regulations;

C. Failure to comply with any conditions imposed by the city on the issuance of the permit;

D. Failure of permittee to comply with provisions of this chapter or the rules and regulations as may be applicable;

E. Conduct of the business in a fraudulent or disorderly manner, or in a manner which endangers the public health, welfare, or safety.

7-4-207: NOTICE OF PROPOSED DISCIPLINARY ACTION AND HEARING:

Prior to suspension or revocation of a public transportation vehicle permit, or the imposition of sanctions, a hearing shall be held thereon by the Transportation Official. The permittee shall be notified in writing of the grounds for suspension or revocation of the permit or imposition of sanctions at least ten (10) days prior to the scheduled hearing.

7-4-208: EMERGENCY TEMPORARY SUSPENSION OF PERMIT:

Where the conduct of the permittee or the mechanical condition of the vehicle creates an imminent peril to the public health, welfare, safety, or where the permittee refuses to allow inspection of the vehicle pursuant to section 7-4-216 of this article, the permit may be summarily suspended by the Transportation Official upon written notice to the permittee stating the basis for the suspension and without a hearing; provided further, any temporary emergency suspension shall not exceed fifteen (15) days pending a hearing under section 7-4-207 of this article.

7-4-209: DECISION ON SUSPENSION, REVOCATION, OR SANCTIONS:

The decision of the Transportation Official shall be rendered within five (5) days of the hearing. The decision shall be in writing, and shall set forth the findings and reasons for the decision, and the licensee shall be notified in writing in accordance with title 1, chapter 5, article 1 of this code.

7-4-210: TRANSFER OF PERMITS:

A. Public transportation vehicle permits issued to one vehicle may be transferred to a replacement vehicle, provided that the transferee vehicle meets the requirements of this chapter, and the applicant complies with regulations issued pursuant to section 7-4-217 of this article, and pays the transfer fee as designated by council resolution.

B. A public transportation vehicle permit issued to one person for a vehicle may be transferred to another person, provided that the transferee applicant files the transfer application form designated by the city, meets the criteria of section 7-4-203 of this article, complies with any regulations issued pursuant to section 7-4-217 of this article, and pays the transfer fee as designated by council resolution.

7-4-211: APPEAL TO TRAFFIC AND PARKING COMMISSION:

Any final decision of the Transportation Official denying a permit or imposing sanctions under this article may be appealed to the traffic and parking commission. Any appeal shall be filed with the Transportation Official within fourteen (14) days of the decision by the Transportation Official. The traffic and parking commission shall hold a hearing on the appeal, and the appellant shall be given at least ten (10) days' notice of such hearing. The hearing shall be held under the rules of procedure adopted by the traffic and parking commission. The traffic and parking commission shall have the authority to sustain, modify, or overrule the decision of the Transportation Official. The decision shall be in writing, shall set forth the reasons for the decision and the appellant shall be notified in writing in accordance with title 1, chapter 5, article 1 of this code. Any decision rendered by the traffic and parking commission under this section shall be final and shall not be appealable to city council.

7-4-212: [RESERVED]

7-4-213: RESTRICTIONS AND REGULATIONS APPLICABLE TO PUBLIC TRANSPORTATION VEHICLES:

In addition to other regulatory provisions of this code, the following restrictions and prohibitions shall be applicable to public transportation vehicles:

A. The public transportation operator's permit shall be conspicuously displayed inside each vehicle at all times such vehicle is operated in the city. The holder in which the permit is displayed shall contain a statement which is visible to passengers upon removal of the permit, and which states the public transportation operator's permit is required by law to be displayed at all times the vehicle is in operation.

B. The rates charged for taxicab service shall be conspicuously displayed in both the front and rear seating compartments of each vehicle, in clearly legible print and on a placard of a minimum size of four inches by six inches (4" x 6"); and such placard shall also state the name, business address, and telephone number of the holder of the taxicab franchise.

C. The driver shall, upon receipt of full payment of the fare, issue a written receipt to any passenger requesting a receipt.

D. No owner, driver, or agent shall charge, collect, demand, receive, or arrange for any compensation for service in excess of the rates established by the city council.

E. No owner, operator, or agent shall misrepresent by word, sign, hatband, insignia, or badge, or by any other means or device, the true identity of the vehicle in soliciting patronage for such vehicle.

F. The operator of the vehicle shall not cruise streets for the purpose of soliciting passengers, shall not leave the vehicle for the purpose of soliciting passengers, and shall not solicit passengers in a tone of voice louder than ordinarily used in conversation.

G. The operator of the vehicle shall be properly groomed and neatly dressed.

H. Each public transportation vehicle shall have the current public transportation vehicle permit issued by the city affixed on the vehicle as required by the Transportation Official.

I. The vehicle, and all equipment therein, shall comply with all applicable requirements of the state Vehicle Code, the federal motor vehicle safety standards, safety orders of the state division of industrial safety, the Americans with Disabilities Act, and any vehicle standards promulgated by the city.

J. Any person violating this section shall be subject to an administrative citation as provided by title 1, chapter 3, article 3 of this code with such penalties as specified in a resolution adopted by the city council or such other penalties as determined by the city prosecutor.

7-4-214: ADDITIONAL RESTRICTIONS AND REGULATIONS APPLICABLE TO TAXIS:

In addition to the other regulatory provisions of this code, and the regulatory provisions of section 7-4-213 of this chapter, the following restrictions and prohibitions are specifically applicable to taxis:

A. No taxicab shall stand in a taxicab zone or taxicab stand unless the vehicle both: 1) is authorized by a franchise 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 or taxicab stand unless one or more taxicabs from a franchisee or franchisees which are unrepresented in the taxicab zone or taxicab stand approach to park at the taxicab zone or taxicab stand. In such event, the taxicab which is standing last in the queue in the taxicab zone or taxicab stand and which is represented by the same franchisee shall relinquish its space to the taxicab which is not represented in the taxicab zone or taxicab stand. Every driver shall remain inside their cab while waiting at a taxicab zone or taxicab stand.

B. Every taxicab shall be identified by marking on both sides of the vehicle the name and telephone number of the taxi company, and a number designating the specific taxicab; and with the number designating the specific taxicab also placed on the rear of the vehicle. The numbering method shall be approved by the city and shall allow easy determination that the taxicab is one permitted for operation in Beverly Hills. Lettering shall be not less than two and one-fourth inches (2 1/4") in height and not less than five-sixteenths inch (5/16") in stroke.

C. 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, and provided that such sign does not exceed six inches (6") high and twenty four inches (24") in length.

D. Every taxi driver while transporting any passenger to a destination shall proceed with the most direct route which will deliver the passenger safely and expeditiously to the destination.

E. Any person engaging a taxicab shall have the full and exclusive use of such vehicle, and the taxi driver shall not solicit or carry any additional passenger without the consent of the person first engaging the taxi.

F. Taxi passengers shall be seated in the rear seat of the taxi, except when the rear seat of the taxicab is fully occupied, or except for student drivers, supervisors, or aged, infirm, or handicapped persons who cannot readily enter the rear compartment of the taxicab.

G. Each taxicab shall be equipped with a computer dispatch system capable of two-way voice communication and two-way data communication with the Franchisee base computer dispatch system, from all locations within the city limits. Every driver of a taxicab shall monitor

the computer dispatch system at all times, and the computer dispatch system shall be in operation at all times that the vehicle is in service.

H. Each taxicab shall be equipped with a taximeter which shall at all times accurately reflect the taxi service charges. Taximeters shall be of a type and design approved by the city. Taximeters shall be illuminated with charges readily discernible by any passenger in the taxicab. Where the approved taximeter is capable of a setting to rates other than approved by the city, the taximeter shall by sign, or other device clearly indicate when the rates authorized by this chapter are being charged when operating within the city.

I. The documents required by subsection 7-4-213A of this chapter shall be displayed in each taxicab, by placing in a holder permanently affixed to the dash of the vehicle, and in full view of passengers. A taxicab service evaluation notice, identifying the telephone number to contact in the event of passenger complaint or comment, in the form required by the city, shall be conspicuously displayed in the taxicab vehicle. Additional passenger notices shall be displayed as requested by the city.

J. No vehicle shall be issued a public transportation vehicle permit for taxicab use where such vehicle is in excess of five (5) years of age from its model year unless such vehicle passes 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 7-4-202D and section 7-4-216 of this chapter and shall be based upon standards established by the city. Notwithstanding any previously issued public transportation vehicle permits, 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.

K. Any vehicle operated as a taxi shall be equipped with functioning air conditioning.

L. No taxicab shall be operated without a distinctive name, monogram, uniform color scheme or other identification which designates the company responsible for the taxicab and which has been approved by the city. No name, monogram, color scheme, or identification shall be in conflict with or imitate those used by another taxicab company in the city or any jurisdiction within five miles of the city limits in such a manner as to be misleading or to tend to confuse or defraud the public, as determined solely by the city. Once an identifying name, monogram, color scheme or other identification has been approved by the city, no change will be required based on adoption of a similar name, monogram, color scheme or other identification by a company operating in another jurisdiction.

M. Each taxicab operated under a franchise shall be identified as a City of Beverly Hills authorized taxicab by decals or other suitable means as specified by the city. Identifying decals shall be provided by the city for such purpose upon payment of the fee specified in Section 7-4-202 of this article. No person shall identify any vehicle by means of a City of Beverly Hills decal or facsimile thereof unless authorized to do so by the city.

N. Each taxicab shall be equipped with a terminal facing the back seat that provides passengers the ability to pay for any trip using a credit or debit card, without providing prior notice of their intent to do so, without assistance from the driver. The amount charged shall be the amount displayed on the taximeter plus any tip amount, or no tip, as chosen by the passenger.

O. Smoking is forbidden in taxicabs at all times. "Smoking" has the same meaning as defined in Title 5, Chapter 4 of the Beverly Hills Municipal Code.

P. A taxicab driver shall not refuse to transport any person except for the following reasons: 1) the driver has already been dispatched on another call; 2) the passenger is acting in a disorderly or threatening manner, or otherwise causes the driver to reasonably believe that his/her health or safety, or that of others, may be endangered; 3) the passenger requires the use of a litter or stretcher; or 4) the passenger indicates inability to pay fare. A driver shall not refuse a request for service because of the driver's position in line at a taxicab zone or taxicab stand; a passenger may select any cab in line.

Q. The Transportation Official shall promulgate rules defining the requirements for taxi drivers to assist passengers, including passengers with disabilities. Violations of such rules shall be considered a violation of the Beverly Hills Municipal Code.

7-4-215: METERED TAXICAB RATES:

A. The taxicab rates for any taxicab operating over any street in the city shall be as follows:

1. Drop Charge: Two dollars forty five cents ($2.45) for the first one-seventh (1/7) mile or 47.5 seconds, or fraction thereof.

2. Other Charge:

a. Distance Charge: Thirty five cents ($0.35) for each additional one-seventh (1/7) mile or fraction thereof ($2.45 per mile); or

b. Waiting/Delay Charge: Thirty five cents ($0.35) for each 47.5 seconds waiting time and/or traffic delay, or fraction thereof ($26.53 per hour).

B. The taxicab rate for taxicabs trips originating in City of Beverly Hills that provides taxicab trips to the Los Angeles International Airport shall be thirty eight dollars ($38.00) flat rate per trip.

C. The rates and fares set forth in subsections A and B of this section shall be collected only to the extent shown on the taxicab meter, regardless of the number of persons occupying the taxicab. No rate or charge other than that specified in this section shall be placed in effect, charged, demanded, or collected for taxicab service originating in the city, regardless of whether the destination of such service is within or beyond the corporate boundaries of the city.

D. Each taxicab operating within the city shall be subject to and comply with all provisions of the city's senior taxi swipe card program, as adopted by city council, and shall accept the use of the senior taxi swipe card as provided therein. No taxicab shall prevent the use of a senior taxi swipe card nor deny service to any person using the senior taxi swipe card.

7-4-216: INSPECTION OF VEHICLES:

The Transportation Official shall have authority at all reasonable times to inspect, or cause the inspection of any public transportation vehicle and the records of any permittee regulated by this article.

A. Refusal to permit inspection shall be the basis for emergency suspension of the permit pursuant to section 7-4-208 of this article.

B. When an inspection reveals safety defects that in the opinion of the Transportation Official pose an imminent peril to the public health, welfare or safety, or where the taximeter on

any taxicab is inaccurate or has been tampered with to incorrectly reflect the rates authorized by city, the permit may be suspended pursuant to section 7-4-208 of this article.

C. Failure to appear for a scheduled inspection shall constitute a violation of this code subject to an administrative citation pursuant to title 1, chapter 3 of this code.

D. If a public transportation vehicle fails a scheduled inspection, the permittee shall arrange for a reinspection of the vehicle within fourteen (14) calendar days. The permittee shall be responsible for paying the reinspection fee as established by resolution of the city council.

7-4-217: AUTHORITY TO PROMULGATE RULES AND REGULATIONS:

The Transportation Official shall have the power and authority to promulgate rules and regulations for the implementation and enforcement of provisions of this article, and when duly promulgated, such rules and regulations shall be in full force and effect. The holder of the public transportation vehicle permit shall comply with such rules and regulations and any violation shall constitute a violation of this code.

7-4-218: PUBLIC TRANSPORTATION VEHICLE INSURANCE:

Notwithstanding the provisions of section 3-4-2 of this code, every applicant for a taxicab transportation vehicle permit or permits shall obtain and maintain in full force and effect commercial automobile liability insurance meeting the following requirements for each vehicle listed on the application:

A. The insurer must be a carrier licensed and admitted by the California Department of Insurance to sell commercial automobile liability insurance in the state of California with an A.M. Best Rating as required by the Transportation Official.

B. The policy shall be written with policy limits of not less than one million dollars ($1,000,000.00) combined single limit per occurrence. Such insurance may include a property damage deductible not greater than two thousand five hundred dollars ($2,500.00) per occurrence.

C. The policy shall contain a condition that it cannot be modified or cancelled without at least thirty (30) days prior written notice to the city.

D. Each policy shall contain an endorsement naming the city as an additional insured and shall be primary to and not contributing with any other insurance covering or maintained by the city.

E. A certificate of insurance shall be attached to the application for the taxicab public transportation vehicle permit or permits. Upon approval of the application, a copy of the additional insured and cancellation endorsements required by subsections C and D of this section shall be filed with the city within thirty (30) days of the date the application is approved. Certificates and endorsements shall be filed on the forms provided by the city and the endorsement shall be notarized.

Article 3. Operator's Permit

7-4-301: OPERATOR'S PERMIT REQUIRED:

No person shall drive or operate a public transportation vehicle regulated by this chapter without a valid public transportation operator's permit issued under this article.

7-4-302: APPLICATIONS FOR OPERATOR'S PERMIT:

Application for an operator's permit shall be filed with the Transportation Official and shall include:

A. Completion of an application on the form designated by the Transportation Official and signed by the applicant under penalty of perjury.

B. A photograph and fingerprints of the applicant shall accompany the application.

C. Proof of a current valid California driver's license.

D. Proof applicant is at least eighteen (18) years of age.

E. Proof that the applicant has passed an examination that shall be developed and administered by the Transportation Official in which the applicant demonstrates the qualifications necessary for the operation of a public transportation vehicle. The examination shall determine whether the applicant can perform the operator services authorized by the permit, including, but not limited to whether the applicant knows the relevant city rules and provisions of the Beverly Hills Municipal Code; has sufficient reading and speaking command of the English language to communicate with passengers in English without translation assistance; and is familiar with key locations in Beverly Hills and greater Los Angeles and can find the way to these locations without use of paper or electronic aids, and to other locations with the use of these aids.

F. Payment of the fees as prescribed by the city council.

G. Proof of employment. For purposes of this Chapter, any person who drives a taxicab in affiliation with a taxicab franchisee is considered an employee of the taxicab franchisee.

1. If the applicant will be operating a public transportation vehicle as an employee, the application shall be accompanied by a letter from the employer stating that the applicant will be employed upon issuance of the operator's permit. If the applicant will be operating a public transportation vehicle as a member of an association, then the application shall be accompanied by a letter from the association stating that the applicant will be admitted upon issuance of the operator's permit. If the applicant will drive a taxicab in any capacity, the application shall be accompanied by a letter from a taxicab franchisee stating that the applicant will drive a taxicab for that franchisee.

2. An operator's permit will be valid only as long as the applicant continues to drive for the employer, association, or taxicab franchisee identified in G.1 of this section. An operator's permit may be modified to allow the holder to drive for another entity provided the permit holder meets all the requirements of this section, files a transfer application on forms provided by the city accompanied by a letter from the other entity stating that the applicant will drive for that entity, and pays the transfer fee established by the city.

H. Proof of compliance with a controlled substance and alcohol testing certification program. That certification program, and compliance with it, must meet the following requirements:

1. The applicant must test negative for each of the controlled substances specified in part 40 (commencing with section 40.1) of title 49 of the Code of Federal Regulations and for alcohol, before employment. For purposes of this subsection H, "employment" includes self-employment as an independent driver. As used in this section, a "negative test for alcohol" means an alcohol screening test showing a breath alcohol concentration of less than 0.02 percent.

2. Procedures of the certification program must be substantially as in part 40 (commencing with section 40.1) of title 49 of the Code of Federal Regulations, except that the driver must show a valid California driver's license at the time and place of testing. Requirements for rehabilitation and for return to duty and follow up testing and other requirements must be substantially as in part 382 (commencing with section 382.101) of title 49 of the Code of Federal Regulations.

3. A test conducted in another California jurisdiction will be accepted as meeting the testing requirement of the City of Beverly Hills. Any negative test result will be accepted for one year as meeting a requirement for periodic permit renewal testing in the city if the driver has not tested positive subsequent to a negative result. However, an earlier negative result will not be accepted as meeting the preemployment testing requirement for any subsequent employment, or any testing requirements under the program other than periodic testing.

4. If the permitted owner of the taxicab or taxicabs is an employer, and the applicant for an operator's permit is an employee or prospective employee, then the following additional requirements are applicable:

a. The test results must be reported directly to the permitted owner that is the employer, or prospective employer, of the applicant for an operator's permit. The permitted owner is required to notify the city of positive results with regard to any employee, or prospective employee, who is an applicant for an operator's permit.

b. Permitted owners that employ taxicab drivers are responsible for compliance with, and must pay all costs of, this program with respect to their employees and prospective employees, except that a permitted owner may require employees who test positive to pay the costs of rehabilitation and of return to duty and follow up testing.

c. The permitted owner must notify the city upon termination of employment of a permitted taxicab driver. Upon termination, the operator's permit will become void, and the taxicab driver must return the permit to the city.

5. In the case of a self-employed independent driver, the following additional requirements are applicable:

a. Self-employed independent drivers are responsible for compliance with, and must pay all costs of, this program with regard to themselves.

b. The test results must be reported directly to the city, and the city must then notify the taxicab leasing company of record, if any, of positive results.

c. Upon the request of a driver applying for a permit, the city will give the driver a list of the consortia certified pursuant to part 382 (commencing with section 382.101) of title 49 of the Code of Federal Regulations that are known to offer tests in or near the city.

6. All test results are confidential and may not be released without the consent of the driver, except as authorized or required by law, including the provisions of the Beverly Hills Municipal Code.

7. The city council, by resolution, may levy service charges, fees, or assessments in an amount sufficient to pay for the costs of implementing and administering the procedures specified in this subsection H, which are implemented pursuant to California Government Code section 53075.5.

7-4-303: CRITERIA FOR ISSUANCE OR DENIAL OF PERMIT:

The permit will be issued by the Transportation Official unless there is a finding that:

A. The applicant has been convicted of a felony or a misdemeanor involving moral turpitude, and has not subsequently demonstrated rehabilitative characteristics.

B. The applicant has made a material misrepresentation in the application.

C. Within the preceding seven (7) years, the applicant has been convicted of or pleaded guilty to reckless driving or driving under the influence of intoxicating liquors or narcotics.

D. Within the preceding twelve (12) month period the applicant has been convicted or pleaded guilty to two (2) or more moving violations under the state Vehicle Code or has been determined by the department of motor vehicles (or equivalent public entity) to be at fault in two (2) or more vehicular accidents in any state.

E. The applicant fails to pass the examination required by subsection 7-4-302E of this article, or fails to meet other requirements of this article.

F. The applicant has tested positive for any of the controlled substances specified in part 40 (commencing with section 40.1) of title 49 of the Code of Federal Regulations or for alcohol. For the purposes of this subsection, a "positive test for alcohol" means an alcohol screening test showing a breath alcohol concentration of more than 0.02 percent.

G. An applicant for a taxicab permit fails to meet the criteria established in the rules and regulations pertaining to the taxicab franchise system, or has operated a taxicab during the last three years in any jurisdiction without a valid driver's permit for such jurisdiction.

7-4-304: DENIAL OF PERMIT:

Where the permit is denied, the applicant shall be notified in writing in accordance with title 1, chapter 5, article 1 of this code, of the denial and the reasons therefor.

7-4-305: TERMS OF PERMITS:

Permits issued pursuant to this article shall be effective for a period of three (3) years from date of issuance.

7-4-306: REVOCATION OR SUSPENSION OF PERMITS OR IMPOSITION OF SANCTIONS:

A permit issued under this article may be revoked, suspended, or sanctions imposed by the Transportation Official for any of the following reasons:

A. A material false statement contained in the application.

B. Failure of permittee to comply with federal, state, or local laws.

C. Failure of permittee to comply with provisions of this chapter or the rules and regulations promulgated by the Transportation Official.

D. The permittee has been convicted of a felony, reckless driving, pandering, the use, sale, possession, or transportation of narcotics or illicit intoxicating liquors, or for assault or battery, or for driving under the influence of alcohol or narcotics.

E. Within the preceding twelve (12) month period, the permittee has been convicted of or pleaded guilty to two (2) or more moving violations under the state Vehicle Code or has been

determined by the department of motor vehicles (or equivalent public entity) to be at fault in two (2) or more vehicular accidents in any state.

F. The permittee has tested positive for any of the controlled substances specified in part 40 (commencing with section 40.1) of title 49 of the Code of Federal Regulations or for alcohol. For the purposes of this subsection, a "positive test for alcohol" means an alcohol screening test showing a breath alcohol concentration of more than 0.02 percent. Procedures for random testing and requirements for rehabilitation and for return to duty and follow up testing and other requirements shall be substantially as in part 382 (commencing with section 382.101) of title 49 of the Code of Federal Regulations.

7-4-307: HEARING REQUIRED FOR SUSPENSION OR REVOCATION OF PERMIT OR IMPOSITION OF SANCTIONS:

The process for suspending, revoking or imposing sanctions on a public transportation vehicle operator's permit shall substantially follow the provisions of Sections 7-4-207, 7-4-208, 7-4-209 and 7-4-211 of this article.

7-4-308: AUTHORITY TO PROMULGATE RULES AND REGULATIONS:

The Transportation Official shall have the power and authority to promulgate rules and regulations for the implementation and enforcement of provisions of this article, and when duly promulgated, such rules and regulations shall be in full force and effect. The holder of an operator's permit shall comply with such rules and regulations and any violation shall constitute a violation of this code.

Section 2. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 3. Publication. The city Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the city within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance and shall cause this Ordinance and the city Clerk's certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this city.

Section 4. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:

Effective:

LILI BOSSE
Mayor

ATTEST:

_____ (SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:

_____
LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

_____
JEFFREY KOLIN
City Manager

Attachment 2

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BEVERLY HILLS AMENDING THE BEVERLY HILLS MUNICIPAL CODE TO PROVIDE FOR A TAXICAB FRANCHISE SYSTEM IN THE CITY

THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. In order to provide for a taxicab franchise system, the city council hereby amends and restates Chapter 4 ("PUBLIC TRANSPORTATION VEHICLES") of Title 7 ("TRAFFIC, PARKING, AND PUBLIC TRANSPORTATIONS") of the Beverly Hills Municipal Code to read as follows:

Chapter 4

PUBLIC TRANSPORTATION VEHICLES

Article 1. Taxicab Franchises

7-4-101: DEFINITIONS:

For purposes of this chapter 4, the following definitions shall apply:

PUBLIC TRANSPORTATION VEHICLE: Any motor propelled vehicle, not otherwise defined in this section, used in the business of transporting passengers over the streets of the city, irrespective of whether or not any fee, compensation, or consideration is paid for such transportation.

SIGHTSEEING VEHICLE: Any motor propelled vehicle used for the transportation of passengers over the streets of the city for the purpose of showing points of interest or showing or exhibiting lands, houses, property, or any other thing or object for consideration.

TAXICAB: Any motor-propelled vehicle which is designed to carry not more than eight persons, excluding the driver, and is either equipped with a taximeter or a top light or has the words "taxi," "cab" or "taxicab" displayed on the exterior of the vehicle, and is used for the transportation of passengers for hire within and without the boundaries of the city, for which a fee is charged and that does not operate over a defined route.

TAXIMETER: An instrument or device by which the charge for the hire of a taxicab is registered, calculated, or indicated by figures in accordance with the distance traveled and/or the time elapsed.

TRANSPORTATION OFFICIAL: With respect to matters governing taxicabs and the taxicab franchise system, "Transportation Official" shall mean the Director of Public Works Services or his or her designee. With respect to matters governing Public Transportation Vehicles other than taxicabs, "Transportation Official" shall mean the Director of Community Development.

7-4-102: FRANCHISE REQUIREMENTS:

A. No person or corporation or membership organization shall operate a taxicab service without a franchise granted by the city. Franchises convey a non-exclusive right to operate a

taxicab service in the city. The city may issue additional franchises at any time for any reason at the city's sole discretion.

B. Franchises shall be awarded by the City Council through a competitive process initiated through a request for proposals issued by the city. Any taxicab franchisee whose franchise has been revoked shall thereafter be prohibited from competing for award of a franchise for a period of three years following the scheduled expiration of its franchise agreement.

C. Upon the award of a franchise, the franchisee shall enter into a franchise agreement with the city. The franchise agreement may impose obligations on the franchisee that are additional to but do not conflict with those imposed pursuant to this chapter.

D. Franchises shall be valid for a ~~five~~ three year term. In accordance with Section 7-4-103(G) of this Article, the city may extend the term of the franchise in writing for an additional two-year term, and thereafter, for five additional one-year terms, for a total term of up to 10 years. No later than ten (10) years after award of the initial franchise by the city, the city will issue another request for proposals, and existing franchisees will be permitted to present a proposal.

E. Each taxicab franchisee shall pay to the city an annual franchise fee, established by resolution of the city council, for the privilege of operating a taxicab service in the city. The franchise fee shall be a fixed amount per franchise plus amounts per vehicle. Such franchise fee shall be in addition to any other prescribed fees, including but not limited to, business license and permit fees. The franchise fee shall be due upon execution of the franchise agreement and on each anniversary date thereafter, unless otherwise specified in the franchise agreement. Failure to pay the full franchise fee when due shall be cause for revocation of the franchise. In the event that a franchisee adds to its total number of vehicles or drivers during a franchise year, a fee, prorated on a monthly basis, per vehicle or driver shall be due upon issuance of the vehicle or driver permit.

F Each taxicab franchisee shall maintain in operation in the city at all times a minimum of twenty-five (25) properly permitted taxicabs or such higher number as specified in its franchise agreement.

G Franchisees shall provide and maintain a physical location for holding of vehicles and operation of the business, including maintenance of records and retrieval of lost property, within twenty (20) miles, by the most direct street route, of Beverly Hills City Hall.

H Franchisees shall operate a computer dispatch service providing for the ability to obtain taxi service by telephone 24 hours a day, every day of the year from anywhere in the city. Franchisees shall provide and maintain a telephone number for ordering taxi service which is toll free from every location in the city.

I Franchisees shall maintain the infrastructure needed to enable its taxicabs to accept payment by major credit cards, debit cards, and the Beverly Hills senior taxi swipe card complying with detailed requirements established in the applicable rules and regulations.

J Franchisees shall comply with all provisions of the Americans with Disabilities Act and its implementing regulations regarding vehicles and provision of service. Franchisees shall ensure that customers with disabilities, including those using wheelchairs, can request service and be transported in an appropriate vehicle, with the same response time as customers without disabilities.

K If, at any time, the city determines that there is a need for additional taxicabs in the city, it may conduct a competitive procurement for one or more additional franchises; alternatively, it may increase the authorized number of taxicabs of existing franchisees, in which case

preference for additional authorized permits may be given to those companies with the highest scores in the most recent annual evaluation conducted pursuant to section 7-4-103. In the event that the city reduces a franchisee's authorized number of taxicabs or revokes its franchise, the city may elect to conduct procurement for additional franchisees or the reduced or eliminated permits may be retired or redistributed to other franchises and preference may be given to those companies with the highest scores in the most recent annual evaluation.

L A franchise, or any interest in a franchise, shall not be sold, leased, assigned, hypothecated, or otherwise transferred or disposed of without the prior written consent of the city, and then only under such terms and conditions as may be prescribed by the city. The sale, assignment, transfer or other disposition of any of the issued and outstanding capital stock or ownership interest of the franchisee or of any general partner or joint venture or member of the franchisee, if a partnership or joint venture or membership exists, which shall result in changing the control of franchisee, shall be construed as an assignment of the franchise. Change of control shall mean a transaction whereby a transferee acquires a beneficial ownership interest in the franchisee or any general partner or joint venturer or member of franchisee, such that after such transaction there is a change of identity of the person or entity that has the power to direct or cause the direction of the management and policies of the franchisee, whether through the ownership of voting securities, by contract, or otherwise.

M 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.

N Franchisees shall, as required by the Transportation Official, maintain written and electronic records of its operations at the location required by paragraph G of this section 7-4-102, and provide access to these records to the city.

7-4-103: EVALUATION OF FRANCHISES; GROUNDS FOR SUSPENSION, REVOCATION OR SANCTIONS:

A. Franchisees shall at least annually compile and submit periodic reports of service provided, service quality, compliance with city rules and requirements of the franchise agreement, and other matters. The Transportation Official shall promulgate rules defining the frequency, content, and format of the required reports.

B. Franchisees shall be evaluated annually on the basis of service quality; compliance by the franchisee, its affiliated vehicle owners, and its drivers with the city's taxicab rules and codes; compliance with terms of the franchisee agreement; and other matters as determined by the Transportation Official. Franchisees that fail to meet the city's standards may be placed on probation, be assessed monetary penalties, may have their franchise suspended or revoked, may have their number of authorized vehicles reduced, or may not have their franchise extended. The Transportation Official shall establish service quality standards and other measures and criteria to be used in the annual evaluations. On the basis of the annual evaluation, the Transportation Official shall recommend to the traffic and parking commission any action to be taken. Each franchisee shall be notified in writing of the outcome of its evaluation and the recommended action.

C. No sooner than 14 days after notice in writing to a franchisee of a recommended action based on an annual evaluation, the traffic and parking commission shall hold a public hearing. At least ten days notice of the hearing shall be provided to the franchisee. At the conclusion of the public hearing, the commission may accept, reject or modify the Transportation Official's recommendation and impose probation, assess monetary penalties, suspend or revoke the

franchise, reduce the number of authorized vehicles, or elect not to extend the franchise. If a franchisee is placed on probation, it shall be notified of the terms of the probation and shall be subject to re-evaluation no later than six months after being placed on probation.

F. If the traffic and parking commission puts a franchisee on probation, assesses monetary penalties, suspends, revokes, reduces the number of authorized vehicles, or elects not to extend the franchise, the effect of the decision shall be stayed for 14 days during which time franchisee may appeal the decision to the city council. In the event the franchisee provides written notice of appeal within 14 days of the decision, the effect of the decision shall be further stayed until the city council has heard the appeal and rendered a decision.

G. In the case of a franchisee whose evaluation indicates that it has met the city's standards for services provided and has a good record of compliance with city rules and the requirements of the franchise agreement and any other matter that is the subject of the evaluation, the Transportation Official may recommend that the term of the franchise agreement be extended. The traffic and parking commission shall review the recommendation of the Transportation Official and shall recommend to the city council whether the franchise agreement should be extended, and if so, by how much and subject to what conditions.

7-4-104: REDUCTION OF NUMBER OF VEHICLES ~~UPON FAILURE TO PROCURE PUBLIC TRANSPORTATION VEHICLE PERMITS~~OF FRANCHISEE:

A. Where the holder of a franchise fails in any year to procure public transportation vehicle permits for the total number of taxis authorized under the franchise agreement, the number of taxis authorized by the franchise shall be automatically reduced to the number of vehicles for which public transportation vehicle permits have been issued for that year. If a taxi is out of service for forty five (45) consecutive calendar days during the term of the public transportation vehicle permit issued for such vehicle, then the permit shall automatically expire and the total number of taxis authorized by the franchise governing such vehicle shall be automatically reduced by one. Upon reduction of the number of taxis authorized by a franchise pursuant to this section, the number of vehicles authorized by such franchise may be subsequently increased only through the process described in Section 7-4-102 (K) of this chapter.

B. If a driver commits a violation under this chapter, the franchise agreement, or the rules and regulations promulgated under section 7-4-106 of this article that the City determines is a basis for revocation of a driver's operator's permit, the City shall reduce the number of taxis authorized to the corresponding franchisee by one taxicab for each occurrence. A franchisee must wait one year before being eligible for possible reallotment of additional taxicabs pursuant to Section 7-4-102K of this article.

7-4-105: ENVIRONMENTAL GOALS:

It is a goal of the city to maximize the use of taxicab vehicles that exceed the State of California's standards for low emissions of pollutants including greenhouse gases. The Transportation Official shall promulgate rules, and shall include provisions in any competition to award taxicab franchises and in the franchise agreement, with the purpose of achieving this goal.

7-4-106: AUTHORITY TO PROMULGATE RULES AND REGULATIONS:

The Transportation Official shall have the power and authority to promulgate rules and regulations for the implementation and enforcement of provisions of this article, and when duly promulgated, such rules and regulations shall be in full force and effect. The holder of a

franchise and all taxi drivers shall comply with such rules and regulations and any violation of such rules and regulations shall constitute a violation of this code.

Article 2. Taxis and Other Public Transportation Vehicles

7-4-201: PUBLIC TRANSPORTATION VEHICLE PERMIT REQUIRED:

A. No person shall operate any taxi, limousine, bus, sightseeing vehicle, or other public transportation vehicle without a public transportation vehicle permit for each such vehicle issued under the provisions of this title; with the exception of those vehicles designated in subsection B of this section.

B. The provisions of subsection A of this section shall not be applicable to the following:

1. Any vehicle for which a permit or certificate has been issued by the state public utilities commission or by the federal interstate commerce commission.

2. Any school bus used by or under contract with, a public or private school.

3. Any vehicle transporting passengers from a point outside the city to a destination within the city, or proceeding through the city while en route to a destination outside the city. This exemption allows a taxi without a public transportation vehicle permit to unload and reload particular passengers with the intent to transport them to another location as long as: a) its taxi meter continues to run; b) it does not leave the city; and c) it does not provide transportation to any other persons while waiting for such passengers. This exemption shall not apply to any taxi that unloads passengers within the city, departs the city, resets its taxi meter and then returns to the city and reloads the same passengers.

7-4-202: APPLICATION FOR PUBLIC TRANSPORTATION VEHICLE PERMIT:

Applications for public transportation vehicle permits shall be filed with the city and shall comply with the following requirements:

A. Completion of an application on the form designated by the city, and signed by the applicant under penalty of perjury.

B. New applications shall be filed a minimum of forty five (45) days prior to the date requested for issuance of the permit. Any new application that is rejected must be refiled a minimum of thirty (30) days prior to the date requested for permit issuance. An application filed less than thirty (30) days prior to the date requested for permit issuance shall not be accepted.

C. Payment of the fee as prescribed by council resolution.

D. An inspection and a certificate of the mechanical condition of the vehicle issued within thirty (30) days of the filing of the application.

E. The application shall be accompanied by a copy of the current registration issued by the state department of motor vehicles for the vehicle for which the permit is requested.

F. Renewal permit applications shall be filed a minimum of forty five (45) days prior to expiration of any existing permit. Any renewal application that is rejected must be refiled a minimum of thirty (30) days prior to expiration of any existing permit. A renewal application that is refiled less than thirty (30) days prior to the date requested for permit renewal shall not be accepted.

G. Where the applicant is a corporation, association, partnership, or other legal entity, applicant shall mean each partner, officer, director, and each shareholder owning or controlling more than ten percent (10%) of such entity.

H. Applications for taxis shall be made by, and the permit issued to, the holder of the taxicab franchise; provided further, if the holder of the franchise is an association, the public transportation vehicle permit application shall be filed by the owner of the vehicle, and permit issued under this article shall be issued to the owner of such vehicle working for a specific franchisee. All correspondence shall be conducted through the holder of the franchise. If the holder of the franchise is an association, then such association shall be responsible for communicating city correspondence to the owner of the vehicle. An "association", for purposes of this article, is defined as an organization which provides taxi service, and the taxi vehicles are owned and operated or leased out by individual members of such organization.

I. Applications for taxis shall be accompanied by a taximeter inspection permit which has been issued by the county of Los Angeles department of weights and measures within thirty (30) days of filing of the application.

7-4-203: CRITERIA FOR ISSUANCE OR DENIAL OF PERMIT:

A. The public transportation vehicle permit will be issued by the Transportation Official unless there is a finding that:

1. The applicant has been convicted of a felony or a misdemeanor involving moral turpitude, and has not subsequently demonstrated rehabilitative characteristics;

2. The applicant has made a material misrepresentation in the application;

3. The vehicle does not comply with the rules and regulations of the city including the limit on the number of vehicle permits to be issued to a franchisee;

4. If the application is for renewal of a permit, that the applicant has violated conditions of the previous permit, or ordinances or regulations of the city in the conduct of the business or activity.

B. When one or more of the findings is negative to the applicant, a permit may be conditionally issued to the applicant, where unique circumstances exist which justify issuance of the permit, and provided that appropriate conditions are imposed on the permit to protect the public health, welfare, and safety.

7-4-204: DENIAL OF PERMIT:

Where the permit is denied, the applicant shall be notified in writing in accordance with title 1, chapter 5, article 1 of this code, of the denial and reasons therefor.

7-4-205: TERMS OF PERMITS:

Permits issued pursuant to this article shall be effective for a period of one year from date of issuance unless a shorter term is specified on the permit. A separate permit is required for each vehicle.

7-4-206: REVOCATION OR SUSPENSION OF PERMIT OR IMPOSITION OF SANCTIONS:

A permit issued under this article may be revoked, suspended, or sanctions imposed by the Transportation Official for any of the following reasons:

A. A material false statement contained in the application;

B. Failure to comply with federal, state or local laws and regulations;

C. Failure to comply with any conditions imposed by the city on the issuance of the permit;

D. Failure of permittee to comply with provisions of this chapter or the rules and regulations as may be applicable;

E. Conduct of the business in a fraudulent or disorderly manner, or in a manner which endangers the public health, welfare, or safety.

7-4-207: NOTICE OF PROPOSED DISCIPLINARY ACTION AND HEARING:

Prior to suspension or revocation of a public transportation vehicle permit, or the imposition of sanctions, a hearing shall be held thereon by the Transportation Official. The permittee shall be notified in writing of the grounds for suspension or revocation of the permit or imposition of sanctions at least ten (10) days prior to the scheduled hearing.

7-4-208: EMERGENCY TEMPORARY SUSPENSION OF PERMIT:

Where the conduct of the permittee or the mechanical condition of the vehicle creates an imminent peril to the public health, welfare, safety, or where the permittee refuses to allow inspection of the vehicle pursuant to section 7-4-216 of this article, the permit may be summarily suspended by the Transportation Official upon written notice to the permittee stating the basis for the suspension and without a hearing; provided further, any temporary emergency suspension shall not exceed fifteen (15) days pending a hearing under section 7-4-207 of this article.

7-4-209: DECISION ON SUSPENSION, REVOCATION, OR SANCTIONS:

The decision of the Transportation Official shall be rendered within five (5) days of the hearing. The decision shall be in writing, and shall set forth the findings and reasons for the decision, and the licensee shall be notified in writing in accordance with title 1, chapter 5, article 1 of this code.

7-4-210: TRANSFER OF PERMITS:

A. Public transportation vehicle permits issued to one vehicle may be transferred to a replacement vehicle, provided that the transferee vehicle meets the requirements of this chapter, and the applicant complies with regulations issued pursuant to section 7-4-217 of this article, and pays the transfer fee as designated by council resolution.

B. A public transportation vehicle permit issued to one person for a vehicle may be transferred to another person, provided that the transferee applicant files the transfer application form designated by the city, meets the criteria of section 7-4-203 of this article, complies with any regulations issued pursuant to section 7-4-217 of this article, and pays the transfer fee as designated by council resolution.

7-4-211: APPEAL TO TRAFFIC AND PARKING COMMISSION:

Any final decision of the Transportation Official denying a permit or imposing sanctions under this article may be appealed to the traffic and parking commission. Any appeal shall be filed with the Transportation Official within fourteen (14) days of the decision by the Transportation Official. The traffic and parking commission shall hold a hearing on the appeal, and the

appellant shall be given at least ten (10) days' notice of such hearing. The hearing shall be held under the rules of procedure adopted by the traffic and parking commission. The traffic and parking commission shall have the authority to sustain, modify, or overrule the decision of the Transportation Official. The decision shall be in writing, shall set forth the reasons for the decision and the appellant shall be notified in writing in accordance with title 1, chapter 5, article 1 of this code. Any decision rendered by the traffic and parking commission under this section shall be final and shall not be appealable to city council.

7-4-212: [RESERVED]

7-4-213: RESTRICTIONS AND REGULATIONS APPLICABLE TO PUBLIC TRANSPORTATION VEHICLES:

In addition to other regulatory provisions of this code, the following restrictions and prohibitions shall be applicable to public transportation vehicles:

A. The public transportation operator's permit shall be conspicuously displayed inside each vehicle at all times such vehicle is operated in the city. The holder in which the permit is displayed shall contain a statement which is visible to passengers upon removal of the permit, and which states the public transportation operator's permit is required by law to be displayed at all times the vehicle is in operation.

B. The rates charged for taxicab service shall be conspicuously displayed in both the front and rear seating compartments of each vehicle, in clearly legible print and on a placard of a minimum size of four inches by six inches (4" x 6"); and such placard shall also state the name, business address, and telephone number of the holder of the taxicab franchise.

C. The driver shall, upon receipt of full payment of the fare, issue a written receipt to any passenger requesting a receipt.

D. No owner, driver, or agent shall charge, collect, demand, receive, or arrange for any compensation for service in excess of the rates established by the city council.

E. No owner, operator, or agent shall misrepresent by word, sign, hatband, insignia, or badge, or by any other means or device, the true identity of the vehicle in soliciting patronage for such vehicle.

F. The operator of the vehicle shall not cruise streets for the purpose of soliciting passengers, shall not leave the vehicle for the purpose of soliciting passengers, and shall not solicit passengers in a tone of voice louder than ordinarily used in conversation.

G. The operator of the vehicle shall be properly groomed and neatly dressed.

H. Each public transportation vehicle shall have the current public transportation vehicle permit issued by the city affixed on the vehicle as required by the Transportation Official.

I. The vehicle, and all equipment therein, shall comply with all applicable requirements of the state Vehicle Code, the federal motor vehicle safety standards, safety orders of the state division of industrial safety, the Americans with Disabilities Act, and any vehicle standards promulgated by the city.

J. Any person violating this section shall be subject to an administrative citation as provided by title 1, chapter 3, article 3 of this code with such penalties as specified in a resolution adopted by the city council or such other penalties as determined by the city prosecutor.

7-4-214: ADDITIONAL RESTRICTIONS AND REGULATIONS APPLICABLE TO TAXIS:

In addition to the other regulatory provisions of this code, and the regulatory provisions of section 7-4-213 of this chapter, the following restrictions and prohibitions are specifically applicable to taxis:

A. No taxicab shall stand in a taxicab zone or taxicab stand unless the vehicle both: 1) is authorized by a franchise 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 or taxicab stand unless one or more taxicabs from a franchisee or franchisees which are unrepresented in the taxicab zone or taxicab stand approach to park at the taxicab zone or taxicab stand. In such event, the taxicab which is standing last in the queue in the taxicab zone or taxicab stand and which is represented by the same franchisee shall relinquish its space to the taxicab which is not represented in the taxicab zone or taxicab stand. Every driver shall remain inside their cab while waiting at a taxicab zone or taxicab stand.

B. Every taxicab shall be identified by marking on both sides of the vehicle the name and telephone number of the taxi company, and a number designating the specific taxicab; and with the number designating the specific taxicab also placed on the rear of the vehicle. The numbering method shall be approved by the city and shall allow easy determination that the taxicab is one permitted for operation in Beverly Hills. Lettering shall be not less than two and one-fourth inches (2 1/4") in height and not less than five-sixteenths inch (5/16") in stroke.

C. 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, and provided that such sign does not exceed six inches (6") high and twenty four inches (24") in length.

D. Every taxi driver while transporting any passenger to a destination shall proceed with the most direct route which will deliver the passenger safely and expeditiously to the destination.

E. Any person engaging a taxicab shall have the full and exclusive use of such vehicle, and the taxi driver shall not solicit or carry any additional passenger without the consent of the person first engaging the taxi.

F. Taxi passengers shall be seated in the rear seat of the taxi, except when the rear seat of the taxicab is fully occupied, or except for student drivers, supervisors, or aged, infirm, or handicapped persons who cannot readily enter the rear compartment of the taxicab.

G. Each taxicab shall be equipped with a computer dispatch system capable of two-way voice communication and two-way data communication with the Franchisee base computer dispatch system, from all locations within the city limits. Every driver of a taxicab shall monitor the computer dispatch system at all times, and the computer dispatch system shall be in operation at all times that the vehicle is in service.

H. Each taxicab shall be equipped with a taximeter which shall at all times accurately reflect the taxi service charges. Taximeters shall be of a type and design approved by the city. Taximeters shall be illuminated with charges readily discernible by any passenger in the taxicab. Where the approved taximeter is capable of a setting to rates other than approved by the city, the taximeter shall by sign, or other device clearly indicate when the rates authorized by this chapter are being charged when operating within the city.

I. The documents required by subsection 7-4-213A of this chapter shall be displayed in each taxicab, by placing in a holder permanently affixed to the dash of the vehicle, and in full view of passengers. A taxicab service evaluation notice, identifying the telephone number to contact in the event of passenger complaint or comment, in the form required by the city, shall

be conspicuously displayed in the taxicab vehicle. Additional passenger notices shall be displayed as requested by the city.

J. No vehicle shall be issued a public transportation vehicle permit for taxicab use where such vehicle is in excess of five (5) years of age from its model year unless such vehicle passes 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 7-4-202D and section 7-4-216 of this chapter and shall be based upon standards established by the city. Notwithstanding any previously issued public transportation vehicle permits, 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.

K. Any vehicle operated as a taxi shall be equipped with functioning air conditioning.

L. No taxicab shall be operated without a distinctive name, monogram, uniform color scheme or other identification which designates the company responsible for the taxicab and which has been approved by the city. No name, monogram, color scheme, or identification shall be in conflict with or imitate those used by another taxicab company in the city or any jurisdiction within five miles of the city limits in such a manner as to be misleading or to tend to confuse or defraud the public, as determined solely by the city. Once an identifying name, monogram, color scheme or other identification has been approved by the city, no change will be required based on adoption of a similar name, monogram, color scheme or other identification by a company operating in another jurisdiction.

M. Each taxicab operated under a franchise shall be identified as a City of Beverly Hills authorized taxicab by decals or other suitable means as specified by the city. Identifying decals shall be provided by the city for such purpose upon payment of the fee specified in Section 7-4-202 of this article. No person shall identify any vehicle by means of a City of Beverly Hills decal or facsimile thereof unless authorized to do so by the city.

N. Each taxicab shall be equipped with a terminal facing the back seat that provides passengers the ability to pay for any trip using a credit or debit card, without providing prior notice of their intent to do so, without assistance from the driver. The amount charged shall be the amount displayed on the taximeter plus any tip amount, or no tip, as chosen by the passenger.

O. Smoking is forbidden in taxicabs at all times. "Smoking" has the same meaning as defined in Title 5, Chapter 4 of the Beverly Hills Municipal Code.

P. A taxicab driver shall not refuse to transport any person except for the following reasons: 1) the driver has already been dispatched on another call; 2) the passenger is acting in a disorderly or threatening manner, or otherwise causes the driver to reasonably believe that his/her health or safety, or that of others, may be endangered; 3) the passenger requires the use of a litter or stretcher; or 4) the passenger indicates inability to pay fare. A driver shall not refuse a request for service because of the driver's position in line at a taxicab zone or taxicab stand; a passenger may select any cab in line.

Q. The Transportation Official shall promulgate rules defining the requirements for taxi drivers to assist passengers, including passengers with disabilities. Violations of such rules shall be considered a violation of the Beverly Hills Municipal Code.

7-4-215: METERED TAXICAB RATES:

A. The taxicab rates for any taxicab operating over any street in the city shall be as follows:

1. Drop Charge: Two dollars forty five cents ($2.45) for the first one-seventh (1/7) mile or 47.5 seconds, or fraction thereof.

2. Other Charge:

a. Distance Charge: Thirty five cents ($0.35) for each additional one-seventh (1/7) mile or fraction thereof ($2.45 per mile); or

b. Waiting/Delay Charge: Thirty five cents ($0.35) for each 47.5 seconds waiting time and/or traffic delay, or fraction thereof ($26.53 per hour).

B. The taxicab rate for taxicabs trips originating in City of Beverly Hills that provides taxicab trips to the Los Angeles International Airport shall be thirty eight dollars ($38.00) flat rate per trip.

C. The rates and fares set forth in subsections A and B of this section shall be collected only to the extent shown on the taxicab meter, regardless of the number of persons occupying the taxicab. No rate or charge other than that specified in this section shall be placed in effect, charged, demanded, or collected for taxicab service originating in the city, regardless of whether the destination of such service is within or beyond the corporate boundaries of the city.

D. Each taxicab operating within the city shall be subject to and comply with all provisions of the city's senior taxi swipe card program, as adopted by city council, and shall accept the use of the senior taxi swipe card as provided therein. No taxicab shall prevent the use of a senior taxi swipe card nor deny service to any person using the senior taxi swipe card.

7-4-216: INSPECTION OF VEHICLES:

The Transportation Official shall have authority at all reasonable times to inspect, or cause the inspection of any public transportation vehicle and the records of any permittee regulated by this article.

A. Refusal to permit inspection shall be the basis for emergency suspension of the permit pursuant to section 7-4-208 of this article.

B. When an inspection reveals safety defects that in the opinion of the Transportation Official pose an imminent peril to the public health, welfare or safety, or where the taximeter on any taxicab is inaccurate or has been tampered with to incorrectly reflect the rates authorized by city, the permit may be suspended pursuant to section 7-4-208 of this article.

C. Failure to appear for a scheduled inspection shall constitute a violation of this code subject to an administrative citation pursuant to title 1, chapter 3 of this code.

D. If a public transportation vehicle fails a scheduled inspection, the permittee shall arrange for a reinspection of the vehicle within fourteen (14) calendar days. The permittee shall be responsible for paying the reinspection fee as established by resolution of the city council.

7-4-217: AUTHORITY TO PROMULGATE RULES AND REGULATIONS:

The Transportation Official shall have the power and authority to promulgate rules and regulations for the implementation and enforcement of provisions of this article, and when duly promulgated, such rules and regulations shall be in full force and effect. The holder of the public

transportation vehicle permit shall comply with such rules and regulations and any violation shall constitute a violation of this code.

7-4-218: PUBLIC TRANSPORTATION VEHICLE INSURANCE:

Notwithstanding the provisions of section 3-4-2 of this code, every applicant for a taxicab transportation vehicle permit or permits shall obtain and maintain in full force and effect commercial automobile liability insurance meeting the following requirements for each vehicle listed on the application:

A. The insurer must be a carrier licensed and admitted by the California Department of Insurance to sell commercial automobile liability insurance in the state of California with an A.M. Best Rating as required by the Transportation Official.

B. The policy shall be written with policy limits of not less than one million dollars ($1,000,000.00) combined single limit per occurrence. Such insurance may include a property damage deductible not greater than two thousand five hundred dollars ($2,500.00) per occurrence.

C. The policy shall contain a condition that it cannot be modified or cancelled without at least thirty (30) days prior written notice to the city.

D. Each policy shall contain an endorsement naming the city as an additional insured and shall be primary to and not contributing with any other insurance covering or maintained by the city.

E. A certificate of insurance shall be attached to the application for the taxicab public transportation vehicle permit or permits. Upon approval of the application, a copy of the additional insured and cancellation endorsements required by subsections C and D of this section shall be filed with the city within thirty (30) days of the date the application is approved. Certificates and endorsements shall be filed on the forms provided by the city and the endorsement shall be notarized.

Article 3. Operator's Permit

7-4-301: OPERATOR'S PERMIT REQUIRED:

No person shall drive or operate a public transportation vehicle regulated by this chapter without a valid public transportation operator's permit issued under this article.

7-4-302: APPLICATIONS FOR OPERATOR'S PERMIT:

Application for an operator's permit shall be filed with the Transportation Official and shall include:

A. Completion of an application on the form designated by the Transportation Official and signed by the applicant under penalty of perjury.

B. A photograph and fingerprints of the applicant shall accompany the application.

C. Proof of a current valid California driver's license.

D. Proof applicant is at least eighteen (18) years of age.

E. Proof that the applicant has passed an examination that shall be developed and administered by the Transportation Official in which the applicant demonstrates the

qualifications necessary for the operation of a public transportation vehicle. The examination shall determine whether the applicant can perform the operator services authorized by the permit, including, but not limited to whether the applicant knows the relevant city rules and provisions of the Beverly Hills Municipal Code; has sufficient reading and speaking command of the English language to communicate with passengers in English without translation assistance; and is familiar with key locations in Beverly Hills and greater Los Angeles and can find the way to these locations without use of paper or electronic aids, and to other locations with the use of these aids.

F. Payment of the fees as prescribed by the city council.

G. Proof of employment. For purposes of this Chapter, any person who drives a taxicab in affiliation with a taxicab franchisee is considered an employee of the taxicab franchisee.

1. If the applicant will be operating a public transportation vehicle as an employee, the application shall be accompanied by a letter from the employer stating that the applicant will be employed upon issuance of the operator's permit. If the applicant will be operating a public transportation vehicle as a member of an association, then the application shall be accompanied by a letter from the association stating that the applicant will be admitted upon issuance of the operator's permit. If the applicant will drive a taxicab in any capacity, the application shall be accompanied by a letter from a taxicab franchisee stating that the applicant will drive a taxicab for that franchisee.

2. An operator's permit will be valid only as long as the applicant continues to drive for the employer, association, or taxicab franchisee identified in G.1 of this section. An operator's permit may be modified to allow the holder to drive for another entity provided the permit holder meets all the requirements of this section, files a transfer application on forms provided by the city accompanied by a letter from the other entity stating that the applicant will drive for that entity, and pays the transfer fee established by the city.

H. Proof of compliance with a controlled substance and alcohol testing certification program. That certification program, and compliance with it, must meet the following requirements:

1. The applicant must test negative for each of the controlled substances specified in part 40 (commencing with section 40.1) of title 49 of the Code of Federal Regulations and for alcohol, before employment. For purposes of this subsection H, "employment" includes self-employment as an independent driver. As used in this section, a "negative test for alcohol" means an alcohol screening test showing a breath alcohol concentration of less than 0.02 percent.

2. Procedures of the certification program must be substantially as in part 40 (commencing with section 40.1) of title 49 of the Code of Federal Regulations, except that the driver must show a valid California driver's license at the time and place of testing. Requirements for rehabilitation and for return to duty and follow up testing and other requirements must be substantially as in part 382 (commencing with section 382.101) of title 49 of the Code of Federal Regulations.

3. A test conducted in another California jurisdiction will be accepted as meeting the testing requirement of the City of Beverly Hills. Any negative test result will be accepted for one year as meeting a requirement for periodic permit renewal testing in the city if the driver has not tested positive subsequent to a negative result. However, an earlier negative result will not be accepted as meeting the preemployment testing requirement for any subsequent employment, or any testing requirements under the program other than periodic testing.

4. If the permitted owner of the taxicab or taxicabs is an employer, and the applicant for an operator's permit is an employee or prospective employee, then the following additional requirements are applicable:

a. The test results must be reported directly to the permitted owner that is the employer, or prospective employer, of the applicant for an operator's permit. The permitted owner is required to notify the city of positive results with regard to any employee, or prospective employee, who is an applicant for an operator's permit.

b. Permitted owners that employ taxicab drivers are responsible for compliance with, and must pay all costs of, this program with respect to their employees and prospective employees, except that a permitted owner may require employees who test positive to pay the costs of rehabilitation and of return to duty and follow up testing.

c. The permitted owner must notify the city upon termination of employment of a permitted taxicab driver. Upon termination, the operator's permit will become void, and the taxicab driver must return the permit to the city.

5. In the case of a self-employed independent driver, the following additional requirements are applicable:

a. Self-employed independent drivers are responsible for compliance with, and must pay all costs of, this program with regard to themselves.

b. The test results must be reported directly to the city, and the city must then notify the taxicab leasing company of record, if any, of positive results.

c. Upon the request of a driver applying for a permit, the city will give the driver a list of the consortia certified pursuant to part 382 (commencing with section 382.101) of title 49 of the Code of Federal Regulations that are known to offer tests in or near the city.

6. All test results are confidential and may not be released without the consent of the driver, except as authorized or required by law, including the provisions of the Beverly Hills Municipal Code.

7. The city council, by resolution, may levy service charges, fees, or assessments in an amount sufficient to pay for the costs of implementing and administering the procedures specified in this subsection H, which are implemented pursuant to California Government Code section 53075.5.

7-4-303: CRITERIA FOR ISSUANCE OR DENIAL OF PERMIT:

The permit will be issued by the Transportation Official unless there is a finding that:

A. The applicant has been convicted of a felony or a misdemeanor involving moral turpitude, and has not subsequently demonstrated rehabilitative characteristics.

B. The applicant has made a material misrepresentation in the application.

C. Within the preceding seven (7) years, the applicant has been convicted of or pleaded guilty to reckless driving or driving under the influence of intoxicating liquors or narcotics.

D. Within the preceding twelve (12) month period the applicant has been convicted or pleaded guilty to two (2) or more moving violations under the state Vehicle Code or has been determined by the department of motor vehicles (or equivalent public entity) to be at fault in two (2) or more vehicular accidents in any state.

E. The applicant fails to pass the examination required by subsection 7-4-302E of this article, or fails to meet other requirements of this article.

F. The applicant has tested positive for any of the controlled substances specified in part 40 (commencing with section 40.1) of title 49 of the Code of Federal Regulations or for alcohol. For the purposes of this subsection, a "positive test for alcohol" means an alcohol screening test showing a breath alcohol concentration of more than 0.02 percent.

G. An applicant for a taxicab permit fails to meet the criteria established in the rules and regulations pertaining to the taxicab franchise system, or has operated a taxicab during the last three years in any jurisdiction without a valid driver's permit for such jurisdiction.

7-4-304: DENIAL OF PERMIT:

Where the permit is denied, the applicant shall be notified in writing in accordance with title 1, chapter 5, article 1 of this code, of the denial and the reasons therefor.

7-4-305: TERMS OF PERMITS:

Permits issued pursuant to this article shall be effective for a period of three (3) years from date of issuance.

7-4-306: REVOCATION OR SUSPENSION OF PERMITS OR IMPOSITION OF SANCTIONS:

A permit issued under this article may be revoked, suspended, or sanctions imposed by the Transportation Official for any of the following reasons:

A. A material false statement contained in the application.

B. Failure of permittee to comply with federal, state, or local laws.

C. Failure of permittee to comply with provisions of this chapter or the rules and regulations promulgated by the Transportation Official.

D. The permittee has been convicted of a felony, reckless driving, pandering, the use, sale, possession, or transportation of narcotics or illicit intoxicating liquors, or for assault or battery, or for driving under the influence of alcohol or narcotics.

E. Within the preceding twelve (12) month period, the permittee has been convicted of or pleaded guilty to two (2) or more moving violations under the state Vehicle Code or has been determined by the department of motor vehicles (or equivalent public entity) to be at fault in two (2) or more vehicular accidents in any state.

F. The permittee has tested positive for any of the controlled substances specified in part 40 (commencing with section 40.1) of title 49 of the Code of Federal Regulations or for alcohol. For the purposes of this subsection, a "positive test for alcohol" means an alcohol screening test showing a breath alcohol concentration of more than 0.02 percent. Procedures for random testing and requirements for rehabilitation and for return to duty and follow up testing and other requirements shall be substantially as in part 382 (commencing with section 382.101) of title 49 of the Code of Federal Regulations.

7-4-307: HEARING REQUIRED FOR SUSPENSION OR REVOCATION OF PERMIT OR IMPOSITION OF SANCTIONS:

The process for suspending, revoking or imposing sanctions on a public transportation vehicle operator's permit shall substantially follow the provisions of Sections 7-4-207, 7-4-208, 7-4-209 and 7-4-211 of this article.

7-4-308: AUTHORITY TO PROMULGATE RULES AND REGULATIONS:

The Transportation Official shall have the power and authority to promulgate rules and regulations for the implementation and enforcement of provisions of this article, and when duly promulgated, such rules and regulations shall be in full force and effect. The holder of an operator's permit shall comply with such rules and regulations and any violation shall constitute a violation of this code.

Section 2. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 3. Publication. The city Clerk shall cause this Ordinance to be published at least once in a newspaper of general circulation published and circulated in the city within fifteen (15) days after its passage in accordance with Section 36933 of the Government Code, shall certify to the adoption of this Ordinance and shall cause this Ordinance and the city Clerk's certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this city.

Section 4. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

Adopted:

Effective:

_____
LILI BOSSE
Mayor

ATTEST:

_____ (SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:

_____
LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

_____
JEFFREY KOLIN
City Manager

Document comparison by Workshare Professional on Wednesday, December 03, 2014 10:14:01 AM

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