

NOTICE OF PROPOSED ORDINANCE

Notice is hereby given that the SunLine Services Group Board of Directors will consider adoption of the following named and described ordinance during its Regular Meeting on October 24, 2018 at 12:00 p.m. at the SunLine Board Room, 32505 Harry Oliver Trail, Thousand Palms CA 92276.

Title of Proposed Ordinance:

Ordinance No. 2018-01, An Ordinance of SunLine Services Group Superseding Ordinance No. 2016-01

The entire text of the proposed ordinance is contained herein, and copies of all documents are available for public inspection at SunLine Transit Agency, 32505 Harry Oliver Trail, Thousand Palms CA 92276., during normal working hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

Publication Date: October 19, 2018

ORDINANCE NO. 2018-01

**AN ORDINANCE OF SUNLINE SERVICES GROUP
SUPERSEDING ORDINANCE 2016-01**

WHEREAS, Government Code Section 53075.5 requires every city and county to protect the public health, safety and welfare by adopting an ordinance concerning the provision of taxicab services, to provide a policy for entry into the business of providing taxicab services, to establish maximum rates for the provision of such services, and for such other matters as determined by the legislative body; and,

WHEREAS, the County of Riverside and the Coachella Valley cities comprising the joint powers agency known as SunLine Services Group (SSG) desire to provide for the orderly, efficient, and safe operation of taxicab services within the Coachella Valley; and,

WHEREAS, to modernize the regulation of taxicab transportation services and in order for taxicabs to better compete with all for hire modes of transportation the State amended Government Code Section 53075.5 through Assembly Bill 1069 and Assembly Bill 939; and,

WHEREAS, SSG intends to adopt procedures compliant with Assembly Bill 1069 and Assembly Bill 939 for the regulation of taxicab transportation services in the Coachella Valley.

NOW, THEREFORE, the Board of Directors of SSG does ordain as follows:

SECTION 1: ADOPTION OF TAXICAB SERVICE ORDINANCE.

SSG hereby adopts this Ordinance regulating taxicabs within the jurisdictional boundaries of SSG, attached hereto as Exhibit A, superseding and replacing Ordinance 2016-01.

SECTION 2: SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance of SSG. The Board of Directors of SSG hereby declares that it would have passed this Ordinance, and each section, subsection, clause, sentence or phrase thereof, irrespective of the fact that any one or more other sections, subsections, clauses, sentences, or phrases may be declared invalid or unconstitutional.

SECTION 3: EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days from its passage by the Board of Directors of SSG.

SECTION 4: PUBLICATION.

The Clerk of the Board is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the jurisdictional boundaries of SSG in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and posting procedure authorized under Government Code Section 36933(c).

INTRODUCED at the regular meeting of the Board of Directors of SunLine Services Group on the 24th day of October, 2018.

APPROVED AND ADOPTED by the Board of Directors of SunLine Services Group at a regular meeting held on _____ day of _____, 2018.

Troy Strange
Chairperson of the Board

ATTEST:

Brittney Sowell
Clerk of the Board

APPROVED AS TO FORM:

Eric S. Vail
General Counsel

EXHIBIT A

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CHAPTER ONE

ARTICLE I

PERMITTING OF TAXICAB BUSINESSES AND DRIVERS

Section 1.010 Purpose

State law requires every city or county to adopt an ordinance or resolution in regards to taxicab transportation services, which include, among others, a policy for entry into the business, establishment of registration rates, and mandatory controlled substance and alcohol testing programs. In October 2017, Assembly Bill 1069 was enacted to modernize the regulation of taxicab transportation services in order for taxicabs to better compete with all for hire modes of transportation. In September, 2018, Assembly Bill 939 was subsequently enacted imposing additional duties on local governments related to taxicab transportation services. This Ordinance establishes a permitting process and regulatory structure consistent with the requirements of new state law.

Section 1.015 Definitions

As used in this Section:

- A. "AB 1069" means Assembly Bill 1069 *Local government: taxicab transportation services* as codified in Government Code Sections 53075.5, 53075.51, 53075.52 and 53075.53.
- B. "AB 939" means Assembly Bill 939 *Local government: taxicab transportation services* amending Government Code Sections 53075.5, 53075.51, and 53075.52.
- C. "Alternative Fuel Vehicle" means vehicles and engines that are designed for alternative fuels including but not limited to hydrogen, natural gas, propane; alcohols such as ethanol, methanol, and butanol; vegetable and waste-derived oils; and electricity.
- D. "Board" or "Board of Directors" means the Board of Directors of SunLine Services Group.
- E. "Business" means any person, firm, association, corporation, partnership or other entity that is established to operate or lease one or more taxicabs within the jurisdictional boundaries of SSG that is issued a permit by the Taxi Administrator pursuant to this Ordinance.
- F. "Business Permit" means the permit issued by SSG to a business authorizing the business to operate taxicab services in the jurisdictional boundaries of SSG.

- G. "Business Permit Fee" means the fees charged for issuance of the business permit.
- H. "Driver" means an individual natural person who drives or is allowed to drive a taxicab under the name of a business. This includes, but is not limited to: full time, regularly employed drivers; casual intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to a business or who a taxicab at the direction of or with the consent of a business.
- I. "Jurisdictional Boundaries of SSG" means the territory within the jurisdictional boundaries of the cities of Desert Hot Springs, Palm Springs, Cathedral City, Rancho Mirage, Palm Desert, Indian Wells, La Quinta, Indio, Coachella, and the unincorporated area of Riverside County that is within the territorial boundaries of the Palm Springs and Desert Sands Unified School District, and that portion of the Coachella Valley Unified School District located within Riverside County, as such boundaries may be adjusted from time to time as allowed for under the law.
- J. "Permittee" means any business including any owners, investors, shareholders, partners, officers, directors and representatives acting on its behalf or driver that has been issued a permit pursuant to the Article I.
- K. "Rate Per Mile or Mileage Rate" means the charge to a taxicab passenger calculated and based on distance traveled by the taxicab vehicle.
- L. "SSG" means the joint powers authority established by Riverside County and Coachella Valley cities charged with the duties, obligations and responsibilities to implement and enforce this Ordinance and any related ordinance and any regulations promulgated pursuant thereto as directed by the SSG Board.
- M. "Substantially Located" shall have the same meaning as defined within Government Code Section 53075.5.
- N. "Taxicab" means every automobile or motor propelled vehicle, designed for carrying not more than eight persons, excluding the driver, where the driver's seat may be separated from the passenger's compartment by a glass or other partition used for the transportation of passengers for hire over the public streets in the jurisdictional boundaries of SSG, and not over a defined route, irrespective of whether the operations extend beyond the jurisdictional boundaries, in circumstances where the vehicle is routed under the direction of the passenger of the person hiring the same.
- O. "Taxi Administrator" means the General Manager of SSG or his/her designee.

Section 1.020 Taxi Administrator

- A. The Taxi Administrator shall be authorized to carry out the permitting and regulation of businesses and drivers under this Chapter, and to enforce the provisions of this Chapter in compliance with California Government Code sections 53075.5 and 53075.51. The Taxi Administrator is authorized to promulgate and adopt regulations and procedures necessary to implement all provisions of this Chapter.

Section 1.025 Delivery of Notices or Requests

- A. All notices or requests referred to in this Ordinance shall be delivered to the Administrative Office of SSG. All notices or requests referred to in the Ordinance of SSG to any business or individual shall be delivered to the address of record for the business or individual.
- B. Delivery of any notice or request shall be effective as follows:
 - 1. Immediately if given by personal delivery;
 - 2. One (1) day after delivery if delivered by an overnight delivery service; and
 - 3. Three (3) days after delivery if delivered by U.S. Mail.

Section 1.030 Business Permit Required

- A. It is unlawful for any business to operate a taxicab or taxicabs without first having been issued a business permit from SSG if the business is substantially located within the jurisdictional boundaries of SSG.
- B. A business permit may be obtained from SSG as provided below. The permit shall state the name of the taxicab company, location of principal operation, and the date of issuance. If the taxicab company and the driver are the same person, he or she shall apply for and obtain from SSG both a business permit and a driver permit.
- C. An applicant for a business permit shall complete an application form which shall contain the following information:
 - 1. Name of business as recorded in formation documents filed with the California Secretary of State or fictitious business name as registered with Riverside County;
 - 2. Name, job title, and function of all owners, investors, shareholders, partners, officers, directors and representatives acting on the business' behalf;
 - 3. Address of principal place of business from which the business conducts its activities;

4. Address of all locations from which the business conducts its activities;
 5. Before any business permit is issued, the applicant shall procure and maintain, at its cost, comprehensive general liability and property damage insurance, against all claims for injuries against persons or damages to property which may arise from or in connection with the operation of taxicabs by the applicant, its agents, representatives, employees, or subcontractors and the owner of the vehicle;
 6. A list of the Vehicle Identification Numbers ("VIN") of the taxicabs ("vehicle identification list") which have passed a vehicle safety inspection at a facility certified by the National Institute for Automotive Service Excellence or a facility registered with the Bureau of Automotive Repair;
 7. A current list of all drivers authorized to operate any vehicle on the required vehicle identification list;
 8. Verification of safety and education program as required by Government Code Section 53075.5;
 9. Verification of disabled access education program as required by Government Code Section 53075.5;
 10. Each applicant shall submit information establishing the total number of prearranged and non-prearranged trips that originate within the jurisdictional boundaries of SSG accounting for the largest share of the business' total number of trips over the applicable time period pursuant Government Code Section 53075.5; and,
 11. Each applicant shall provide SSG an address of an office or terminal where documents supporting the factual matters specified in Government Code Section 53075.5 may be inspected by SSG.
- D. The business permit shall be valid for a period of one (1) year or until suspended, revoked or surrendered. Requirements to maintain the permit include:
1. Maintenance of a year-round computerized dispatch system capable of providing performance reports as required by Government Code Section 53075.5 and the Taxi Administrator;
 2. Proof of insurance per section 1.040;
 3. Compliance with the maximum rates established per section 1.055;

4. Implementation of mandatory controlled substance and alcohol testing program per section 1.060;
 5. Maintenance of safety education and training program;
 6. Maintenance of disabled access education and training program; and,
 7. Compliance with all operational requirements in Article II of this Chapter.
- E. At the time the application for a business permit is received, the applicant shall pay a business permit fee as established and amended from time to time by resolution of the Board. Fees shall be due and payable before receipt of the business permit. The Board may establish a procedure for a payment of the business permit fee in installments.
- F. At the time a business permit application is received, the applicant shall pay a taxicab vehicle fee. A permittee with a hybrid or alternative fuel vehicle shall pay an alternative fuel taxicab vehicle fee. Taxicab vehicle permit fees shall be due and payable before issuance of a business permit. The taxicab vehicle fee and alternative fuel taxicab vehicle fee may be adjusted by resolution of the Board. The Board may establish a procedure for payment of the taxicab vehicle fee in installments.
- G. The rights of appeal provided for by Section 1.070 are available to a business in the event that his or her business permit is denied based on the provisions of this Chapter.

Section 1.035 Business Permit Renewal

- A. Prior to the expiration of a business permit, the business may apply to SSG for a renewal thereof for an additional year. A business shall be entitled to a one (1) year renewal of the business permit provided that:
1. The business pays the business permit fee;
 2. The business pays the applicable taxicab vehicle fee;
 3. The business shows that it continues to be substantially located within the jurisdictional boundaries of SSG as defined in Government Code Section 53075.5;
 4. The business continues to comply with all provisions of Section 1.030.

- B. The rights of appeal provided for by Section 1.070 are available to a business in the event that renewal of his or her business permit is denied based on the provisions of this Chapter.

Section 1.040 Insurance Required

- A. The insurance policies required under this Chapter shall consist of and contain or be endorsed to contain the following provisions:
 - 1. General Liability and Automotive Liability Coverage:
 - a. SSG, its member entities, their officers, officials, employees, and volunteers are to be covered as insureds for liability related to:
 - i. Activities performed by or on behalf of the business;
 - ii. Premises owned, occupied, or used by the business; and,
 - iii. Automobiles owned or leased by the business.
 - b. The coverage shall contain no special limitations on the scope of protection afforded to SSG, its member entities, their officers, officials, employees, agents, representatives, or volunteers.
 - c. The business' insurance shall be primary insurance as respects SSG, its member entities, their officers, officials, employees, agents, representatives and volunteers, any insurance or self-insurance maintained by SSG, its member entities, their officers, officials, employees, agents, representatives or volunteers shall be in excess of the permittee's insurance and shall not contribute with it.
 - d. Any failure to comply with reporting provisions of the policy shall not affect coverage provided to SSG, its member entities, their officers, officials, employees and agents.
 - e. Permittee's insurance shall apply separately to each insured against whom a claim is made or a suit is brought, except with respect to the limits of the insurer's liability.
 - 2. All Coverage:
 - a. Each insurance policy required by this Section shall be endorsed to state that coverage shall not be suspended, voided, cancelled by either party, reduced in coverage or in limits except after thirty

(30) days' prior written notice by certified mail, return receipt requested, has been given to SSG.

- b. Permittee shall furnish SSG with a certificate of insurance and any applicable policies and endorsements affecting the coverage required hereunder. The policies and endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. At SSG's option, endorsements and any certificates of insurance required by SSG shall be on forms provided or approved by SSG. All endorsements and certificates are to be received and approved by SSG prior to the operation of any taxicab by the permittee in the jurisdictional boundaries of SSG. SSG reserves the right to require complete certified copies of all insurance policies, including endorsements affecting the coverage required by this Ordinance, at any time and shall include, but not limited to, the obligation to indemnify, hold harmless, release and defend SSG.
- c. Business permittee shall include all individual drivers employed or retained by or subcontracted by permittee, agents, contractors, other sub-operators as may be permitted by SSG, as insureds under its policies or shall furnish separate certificates and endorsements for each sub-operator. All coverage for such sub-operators shall be subject to all of the requirements stated herein.
- d. The procuring of such insurance or the delivery or endorsements and certificates evidencing the same shall not be construed as a limitation of the permittee's obligation to indemnify, hold harmless, release and defend SSG, its member entities, their officers, officials, employees, agents, representatives, and volunteers from and against any and all liability, claims, suits, costs, expenses, fines, judgments, settlements, charges or penalties, including reasonable attorney's fees, regardless of the merit or outcome of the same arising out of, or in any manner connected with, any or all of the operations or services authorized conducted or permitted under this Ordinance.
- e. The amount of insurance required hereunder shall be as follows:
 - i. For injury or death in any one accident or occurrence, three hundred and fifty thousand dollars (\$350,000.00);
 - ii. For the injury or destruction of property in any one accident or occurrence, three hundred fifty thousand dollars (\$350,000.00);

- iii. For combined single limits of liability for primary bodily injury and primary property damage, three hundred fifty thousand dollars (\$350,000.00);
 - iv. For employer's liability, with limits of three hundred fifty thousand dollars (\$350,000.00).
- f. It shall be the responsibility of all permittees to provide and maintain insurance coverage in compliance with the provisions of this Ordinance to cover each and every driver that operates a vehicle as a taxicab. The permittee shall further ensure that appropriate certificates of insurance reflecting the coverage are on file with SSG at all times.
3. Insurance required by this Section shall be satisfactory only if issued by companies having at least an A- Best Insurance Rating or equivalent, and are admitted to do business in California. All applicants are required to comply with this Section prior to the issuance of any business permit.
4. Permittees are responsible to ensure compliance with all of the foregoing insurance requirements and regulatory provisions related to such requirements. Responsibility on the part of the permittee includes ensuring that any vehicle owner whose vehicle is operated under the business permittee's name maintains insurance and provides SSG with proof of the same at all times that each vehicle is operated. Failures to comply with the foregoing insurance requirements which affect the business as a whole shall result in immediate suspension of the permit. Failure to comply with the foregoing insurance requirements three (3) times within a calendar year constitutes grounds for revocation of the permit.

Section 1.045 Driver Permit Required

- A. It is unlawful for any person to drive a taxicab without having first obtained a driver permit from SSG. A driver permit may be obtained as provided below.
- B. An applicant for a driver permit shall complete an application which shall contain the following information:
 - 1. Applicant's full name, residence, address and age;
 - 2. A listing of all equivalent permits which have been issued to the applicant by any governmental agency;
 - 3. Applicant's height, weight, gender and color of eyes and hair;

4. The number and expiration date of the applicant's California Driver's License;
 5. All moving violations within the last 3 years, including dates of violations and the jurisdiction where each violation occurred;
 6. Authorization for SSG, or its agents or employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant; and
 7. The name of the business with whom the applicant is employed or who has given the applicant an offer of employment within the meaning of Government Code Section 53075.5.
- C. At the time the applicant submits an application for a driver permit, the applicant shall do all of the following:
1. Provide SSG with a copy of the fingerprint based criminal history check conducted by the business pursuant to Government Code Section 53075.5;
 2. Provide SSG with a copy of the results of the drug and alcohol test as conducted by the business pursuant to Government Code Section 53075.5 and Section 1.060 of this Ordinance;
 3. Payment of driver permit fee as established and amended from time to time by resolution of the Board. The driver permit fee shall be due and payable before receipt of the driver permit.
- D. The Taxi Administrator may accept the submission of a permitted business' driver application that provides all the information required in subsections B and C above in lieu of the driver application provided by SSG.
- E. The driver permit shall state the name of the employer.
- F. In the event of denial, revocation or suspension of a driver permit, the applicant may within 10 days of notification of denial apply to SSG for a hearing on the denial in accordance with the procedures set forth in Section 1.070.
- G. The driver permit shall be valid for a period of one (1) year or until suspended, revoked or surrendered. Termination of the driver's California Driver's License shall constitute grounds for revocation of the driver permit authorized hereunder.
- H. Upon termination of employment within the meaning of Government Code Section 53075.5 the permit shall become void. In such case, the driver shall immediately return the driver permit to SSG. Upon return of the driver

permit, the driver may re-apply for a driver permit, provided that the driver complies with the requirements for issuance of a driver permit under this Section.

Section 1.050 Driver Permit Renewal

- A. Prior to the expiration of a driver permit, the driver may apply to SSG for a renewal thereof for an additional year. A driver shall be entitled to a one (1) year renewal of the driver permit provided that:
 - 1. The driver pays a permit renewal fee as established and amended from time to time by resolution of the Board;
 - 2. The driver submits to permit-renewal controlled substances and alcohol testing as provided by Government Code Section 53075.5;
 - 3. The results of controlled substances and alcohol testing indicate that the driver has not been using a controlled substance as specified in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations;
 - 4. The results of such testing indicate that the driver has a breath concentration of less than 0.02 percent on an alcohol screening test; and,
 - 5. The driver has not been convicted of any of the crimes, including but not limited to, those crimes enumerated in Section 1.065 during the preceding year.
- B. The rights of appeal provided for by Section 1.070 are available to a driver in the event that renewal of his or her driver permit is denied based on the provisions of this Chapter.

Section 1.055 Rates

- A. No permittee operating in the jurisdictional boundaries of SSG may charge a rate in excess of the maximum rate of \$12.00 per mile or as established by resolution of the Board. A permittee may charge a rate that is less than the maximum rate set by SSG. Permittees may set fares or charge a flat rate as made permissible by Government Code Section 53075.5. Maximum rates may be adjusted annually by resolution of the Board.
- B. The Board may from time to time establish maximum flat rates for special events or fixed routes.
- C. A permittee may use any type of device or technology approved by the Division of Measurement Standards to calculate fares as provided for in Government Code Section 53075.5.

- D. The permittee shall disclose fares, fees or rates to the customer as provided for in Government Code Section 53075.5.
- E. The permittee shall notify the passenger of applicable rates prior to the passenger accepting the ride for walk up rides and street hails as provided for in Government Code Section 53075.5.

Section 1.060 Mandatory Controlled Substance and Alcohol Testing Program

- A. Each permittee shall maintain a mandatory controlled substance and alcohol testing certification program conforming to all requirements as set forth in California Government Code Section 53075.5 and Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations.
- B. Each business shall maintain a written drug and alcohol policy as required by Government Code Section 53075.5 and proof that the business has implemented a drug and alcohol certification program covering all of its drivers.
- C. No business shall permit a driver who refuses to submit to such tests to operate or continue to operate a taxicab.
- D. In the case of self-employed independent driver within the meaning of Government Code Section 53075.5, the test results shall be reported directly to SSG. In all other cases, the test results shall be reported to the business who has employed or made an offer of employment to the driver within the meaning of Government Code Section 53075.5.
- E. Results of all tests provided for in this section are confidential and shall not be released to the public without the written consent of the driver, except as provided by law.

Section 1.065 Denial, Revocation, or Suspension of Permits

- A. In addition to any other reason provided for in this Chapter, a permit may be denied, suspended or revoked when it has been determined that the business, including any owners, investors, shareholders, partners, officers, directors, and representatives acting on its behalf:
 - 1. Has not complied with the applicable provisions of Article I; or
 - 2. Has failed to cure any item listed in 60 day warning for failure to comply with any requirements of permit issuance; or
 - 3. Has been issued three (3) 60 day warnings of failure to comply with any requirements of this Chapter within a period of twelve (12) months; or

4. Has knowingly made a false statement of fact in an application for such permit; or
5. Has any outstanding balance owed to SSG; or
6. Has charged rates or fares exceeding the maximum rates other than those permitted by Section 1.055.

B. Business and Driver Criminal Conduct

1. A permit may be denied, suspended or revoked when it has been determined that the business, including any owners, investors, shareholders, partners, officers, directors, and representatives acting on its behalf or driver has been convicted of any of the following crimes within the timeframes set forth below, whether committed in the State of California or elsewhere. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere:
 - a. Any conviction regardless of the time elapsed, in any state, of any of the following or their equivalent:
 - i. Any crime which requires the applicant to register as a sex offender under California Penal Code §290, or any felony involving actual or threatened violence against persons, including, but not limited to, assault, battery, robbery or the use of a firearm or other weapon against a person.
 - b. Any conviction (felony or misdemeanor) within the past 7 years of any crime involving theft or dishonesty, including, but not limited to, burglary, theft, shoplifting or other crime related to fraud or intentional dishonesty; or
 - c. Any conviction (felony or misdemeanor) within the past 7 years of any crime involving the sale, possession or transportation of narcotics or other controlled substances; or
 - d. Any conviction (misdemeanor or felony) within the past 3 years of any crime involving pandering or prostitution.
2. In addition to the crimes listed above, no driver permit shall be granted to an applicant who has been convicted of three (3) or more moving violations within three years previous to submission of the application. Any permit previously granted shall be revoked for any driver who has been convicted of three (3) or more moving violations within three years. In the case of a conviction or plea of nolo contendere as to a violation related to driving under the influence of alcohol or drugs, an applicant shall not be disqualified if the

conviction or plea is seven (7) years or more in age and no similar violation appears on the applicant's driving record for the intervening seven (7) year period.

- D. In addition to the foregoing, a driver permit may be suspended, revoked or denied in the event that:
1. A driver is involved in an accident due to a medical condition that prevents the driver from safely operating a vehicle, or;
 2. A medical condition that prevents a driver from safely operating a vehicle otherwise comes to SSG's attention. Any driver whose permit has been suspended, revoked or denied due to a prohibitive medical condition as described above, shall be entitled to a permit upon certification by a medical doctor that the condition is correctable, has been corrected and will continue to be corrected.
- E. In addition to the above, any driver permit may be suspended or revoked for any crime which is substantially related to the qualifications, functions, or duties of a driver which include, but are not limited to, the following: reckless driving; wet reckless driving; murder; rape; vehicular manslaughter; a violation of California Vehicle Code Sections 20001, 20002, or 20003 or any corresponding substitute Sections; robbery; a violation of California Penal Code Section 314 or any corresponding substitute Section; pandering; crimes related to the use, sale, possession, or transportation of narcotics or intoxicating liquors; assault; battery; or indecent exposure.
- F. Any driver permit may also be suspended for and during the period that the payment of any citation remains outstanding after all appeal periods have been exhausted.
- G. From the time of the revocation or suspension of a driver permit granted under the provisions of this Chapter, it is unlawful for any person whose driver's permit has been suspended or revoked to operate or drive a taxicab within the jurisdictional boundaries of SSG until a new permit has been procured or the period of suspension has expired. It is also unlawful for any person to drive or operate within the jurisdictional boundaries of SSG any taxicab during the period of time that a permit has been revoked, terminated or suspended.
- H. In the event the permittee appeals any denial, suspension, or revocation of a permit issued under this Section, the appeal procedures of Section 1.070 shall apply.

Section 1.070 Appeal Hearings

- A. Any person aggrieved by any determination under the provisions of this Chapter shall be entitled to appeal that decision as provided herein. Any recipient of an administrative citation may contest that there was a regulatory violation or that he or she is the responsible party.

- B. A request for hearing must be made within ten (10) days following the delivery of notice of the decision of the Taxi Administrator which is challenged by delivery of the request for hearing at the administrative offices of SSG together with:
 - 1. An advance deposit of any fine or a notice of request for an advance hardship waiver pursuant to Section 1.075; and
 - 2. Payment of an appeal fee as established by resolution of the Board of Directors.

- C. Upon satisfaction of the foregoing, SSG shall set a hearing within thirty (30) days of delivery of the request for hearing, or as soon thereafter as reasonably practical. The Taxi Administrator shall appoint a hearing officer.
 - 1. If the appeal is of: (1) a decision to deny, suspend, revoke or terminate a permit; or (2) an administrative fine or penalty imposed pursuant to an administrative citation in excess of \$2,000.00, the Taxi Administrator shall refer the matter to the administrative hearing officer under contract with SunLine, or a retired judge or an administrative law judge with the California State Office of Administrative Law Judges.
 - 2. If the appeal is of a decision to impose a(n) administrative fine(s) or penalty(ies) pursuant to an administrative citation whose total is less than \$2,000.00, the Taxi Administrator shall refer the matter to an employee who shall serve as the hearing officer.

- D. SSG shall notify the appealing party of the time and date for the hearing, which notice shall be delivered at least fifteen (15) days prior to the hearing.

- E. The hearing officer shall conduct an administrative hearing. The administrative hearing allows SSG and the appealing party to be represented by an attorney, to present evidence related to the alleged violations, to cross examine witnesses who have testified, and to argue their positions. The administrative hearing shall be informal and technical rules of evidence, including but not limited to, the hearsay rule, shall not apply. Oral testimony received at the hearing shall be taken only on oath, affirmation, or penalty of perjury. The right to cross examine witnesses shall not preclude the introduction and consideration of written statements whether made under oath or not. The proceedings shall be recorded or

otherwise preserved. It is the intent of SSG that the hearing officer allow wide latitude in introduction of evidence and the holdings and discussions concerning informality of hearings and relaxed rules of evidence set forth in *Mohilef v. Janovici* (1986) 56 Cal.App.4th 310 apply to the fullest extent to all the hearings conducted under this Ordinance.

- F. If the appealing party fails to appear, the hearing officer may conduct the hearing in the Party's absence and/or may render a decision to dismiss the matter.
- G. After consideration of the evidence presented by all parties, the hearing officer shall render written decision which sets forth a statement of the case, any relevant findings of fact to support the decision and administrative enforcement order. If the hearing officer finds one or more of the alleged violations has been committed, he or she may suspend, revoke, or terminate any permit and/or impose administrative monetary penalties in accordance with the limits set forth in this Ordinance. In determining whether to suspend or revoke any permit or to impose administrative monetary penalties, the hearing officer shall take into consideration the gravity of the violation, the entire record of the party requesting the hearing, and the harm threatened to the public by the violation.
- H. The decision of the hearing officer shall be final and the party requesting the hearing shall be notified in writing of the decision of the hearing officer. Such decision shall be delivered within fifteen (15) days from the date the hearing is concluded.
- I. Any review of a decision by the hearing officer brought pursuant to an administrative citation shall be governed by the provisions of Government Code Section 53069.4. Review of any other final decision under this Ordinance shall be governed by Code of Civil Procedure Section 1094.5, *et seq.*
- J. With the exception of the conviction of a crime which requires registration as a sex offender under California Penal Code Section 290, in any case where a driver permit is denied due to a criminal conviction, the applicant shall be entitled to apply the driver permit application fee towards the appeal fee from such denial. In the event that a driver permit is granted on such appeal, the applicant shall pay the driver permit fee in full prior to issuance of a permit.

Section 1.075 Advance Deposit Hardship Waiver

- A. Any person who intends to request a hearing to contest that there was a regulatory violation or that he or she is the responsible party and who is

financially unable to make the advance deposit of the fine under Section 1.070 may file a request for an advance deposit hardship waiver.

- B. The request shall be filed with the SSG on an advance deposit hardship waiver application form within ten (10) days of the date of the administrative citation.
- C. The requirement of depositing the full amount of the fine as described in subsection A above shall be stayed unless or until the SSG makes a determination not to issue the advance deposit hardship waiver.
- D. SSG may waive the requirement of an advance deposit set forth in Section 1.070 and issue the advance deposit hardship waiver only if the cited party submits a sworn affidavit, together with any supporting documents or materials demonstrating the person's actual financial inability to deposit with SSG the full amount of the fine in advance of the hearing.

Section 1.080 Administrative Citation

- A. Whenever an enforcement officer charged with the enforcement of any regulation determines that a violation has occurred, the enforcement officer shall have the authority to issue an administrative citation to any person responsible for the violation. In instances in which a driver is cited for a violation, the business may also be cited.
- B. Each administrative citation shall contain the following information:
 - 1. The date of the violation;
 - 2. The address or a definite description of the location where the violation occurred;
 - 3. The section of the regulation violated and a description of the violation;
 - 4. The amount of the fine for the violation;
 - 5. A description of the fine payment process, including a description of the time within which and the place to which the fine shall be paid;
 - 6. An order prohibiting the continuation or repeated occurrence of the violation described in the administrative citation;
 - 7. A description of the administrative citation review process, including the time within which the administrative citation may be contested and the place from which a request for hearing form to contest the administrative citation may be obtained; and

8. The name and signature of the citing enforcement officer.

Section 1.085 **Fines and Penalties**

- A. The minimum fine for violation of Article I of this Chapter shall be one thousand dollars (\$1,000.00).
- B. The minimum fine for operating a taxicab without a valid permit(s) to operate issued by SSG shall be five thousand dollars (\$5,000.00).
- C. The fine shall be paid to SSG within thirty (30) days from the date of the administrative citation.
- D. If the fine is challenged by an administrative hearing as set forth in Section 1.070 and the hearing officer determines that the administrative citation shall be upheld, then the fine amount on deposit with SSG shall be retained by SSG.
- E. If after a hearing under Section 1.070, the hearing officer determines that the administrative citation should be upheld and the fine has not been deposited pursuant to an advance deposit hardship waiver, the fine shall be due within thirty (30) days of the date of the decision of the hearing officer is deposited in the mail. Failure to pay the fine within such period shall result in the suspension of the driver permit of the driver until such time as payment is made.
- F. If after a hearing under Section 1.070 the hearing officer determines that the administrative citation should be canceled and the fine was deposited with SSG, then SSG shall promptly refund the amount of the deposited fine, together with interest at the rate of five percent (5%) per annum for the period of time that the fine amount was held by SSG.
- G. Payment of a fine under this Chapter shall not excuse or discharge any continuation or repeated occurrence of the regulatory violation that is the subject of the administrative citation.

Section 1.090 **Late Payment Charges**

- A. Any person who fails to pay to SSG any fine imposed pursuant to the provisions of the Ordinance of SSG on or before the date that fine is due also shall be liable for the payment of any applicable late payment charges set forth in the schedule of fines. In addition, the permit of the driver involved may be suspended pending payment.

Section 1.095 **Recovery of Administrative Citation Costs**

- A. SSG may collect any past due administrative citation fine or late payment charge by use of all available legal means. SSG also may recover its collection costs, including any attorneys' fees.

Section 1.200 Airports

- A. Nothing in this Chapter shall prevent Palm Springs Regional Airport or any other publicly owned airport from regulation of taxicab access or from charging access/permit fees.

ARTICLE II

OPERATING REQUIREMENTS

Section 2.010 Driver Standards and Appearance

- A. All drivers shall have in his or her immediate possession a valid California Driver's License and a driver permit issued by SSG while in charge of or driving a taxicab and shall present either upon request.
- B. All drivers shall be at least 18 years old.
- C. No driver shall be afflicted with either a physical or mental incapacity or ailment that would preclude him or her from safely operating a taxicab and performing the duties normal to such profession.
- D. All drivers shall be well groomed and dressed in a neat and clean fashion at all times while on duty. At a minimum, attire shall include a collared shirt or blouse covering the shoulders, knee length shorts or skirt or long pants and closed toe shoes. T-shirts, spaghetti or strapless shirts, open toe shoes, flip flops and sandals are prohibited. A driver shall wear an identification badge at all times while on duty. At a minimum, the shirt, blouse or identification badge worn by the driver must bear the driver's name and company logo.
- E. All drivers shall provide prompt, efficient service and be courteous at all times to the general public, the business community, all other taxicab drivers and SSG or local government administrators/officers. Smoking and the use of profanity is prohibited. Disputes with the general public, the business community, other taxicab drivers and those in charge of taxicab stands on private property shall be resolved in a professional manner with a goal of maintaining a favorable public image for the taxicab industry.
- F. All drivers shall be adequately rested, and shall not operate a taxicab for more than 10 consecutive hours, nor for more than 10 hours spread over a total of 15 consecutive hours. Thereafter, no driver shall drive a taxicab until eight consecutive hours have elapsed.
- G. All drivers shall not engage in conduct or verbally threaten to engage in conduct which is dangerous or violent such that the safety of the traveling public, SSG employees or agents, taxicab drivers or other persons, is implicated.
- H. All drivers shall not engage in argumentative or discourteous conduct toward the public, a passenger, other taxicab drivers or other persons while on call to provide taxicab service or in the course of providing such service.

- I. All drivers shall not have been convicted of any of the crimes within the timeframes as set forth in Section 1.065 of this Chapter, whether committed in the State of California or elsewhere. A conviction within the meaning of this Section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.

Section 2.015 Taxi Administrator

- A. The Taxi Administrator or his/her designee may adopt, by ordinance, operating requirements for taxicab companies and taxicab drivers that do not relate to permitting or business licensing pursuant to Government Code Section 53075.51.

Section 2.020 Fines and Penalties

- A. The minimum fine for violation of Article II of this Chapter shall be one hundred dollars (\$100.00).