

City of Garden Grove

**INTER-DEPARTMENT MEMORANDUM**

To: Matthew J. Fertal  
From: Kingsley Okereke  
Dept: City Manager  
Dept: Finance  
Subject: REVISED OCTAP REGULATIONS THAT REQUIRE ADOPTION BY RESOLUTION OF THE CITY COUNCIL  
Date: January 26, 2010

OBJECTIVE:

To request that City Council adopt a resolution approving the revised Orange County Taxi Administration Program (OCTAP) Regulations (Attachments 1-3).

BACKGROUND

With the passage of Resolution 8036-97 (Attachment 4), the City of Garden Grove joined with 34 other Orange County cities to form a voluntary association, Orange County Taxi Administration Program (OCTAP), to coordinate taxicab service permitting and other administrative functions with the Orange County Transportation Authority (OCTA). This program increases public safety, reduces administrative costs for the public and private sector, and expands provisions of private transportation service in Orange County.

In addition, OCTAP establishes uniform regulations applicable to taxicab companies and taxi drivers, adopts minimum standards for insurance, equipment, mechanical conditions, taxicab fares and other aspects of taxicab operations.

DISCUSSION

On October 1, 2009, OCTAP Steering Committee reviewed and approved a revised set of regulations, which is being presented to member agencies including Garden Grove for ratification. The revisions are largely administrative in nature. However, there are several substantive amendments in this revision. OCTAP regulation requires that all substantive changes to the regulation must be approved by each member agency and shall be effective only in the area of jurisdiction of each member agency that has approved such amendments. Some of the substantive amendments are highlighted below.

- Establishes two classifications of taxicabs that have been determined through inspection to require repair. Repair of minor items will no longer place the taxicab into an "Out of Service" status if repaired within 10 days.
- Taxicab companies will now be able to have only one color scheme.
- Sets forth minimum service standards required for taxicab company permits. Companies must maintain 24 hour year-around human response dispatched phone

OCTAP REGULATIONS

January 26, 2010

Page 2 of 2

service, standardized dispatch records shall be maintained for 90 days, a lost and found policy must be established and all complaints must be responded to in an expedient and professional manner.

- Applications for taxicab companies will no longer be accepted if all documentation does not accompany the application.
- Improves and strengthens the insurance requirements for company permits. Applicants will now have to submit endorsements executed by the agent or broker of record. If a permittee allows their insurance to lapse, the company permit will immediately be suspended and all taxicab permits for that company will be revoked.
- Establishes a longer taxicab driver application process period to accommodate OCTAP using the Department of Justice to run background checks on applicants. The previous system, California Law Enforcement Telecommunication System, is no longer available. However, once the Department of Justice clears the applicant the permits must be issued in five days.

These changes and other revisions to the OCTAP regulations were designed to increase the protection of health, safety, and welfare of persons utilizing taxicab services within the areas covered by OCTAP. Staff has reviewed and concurs with the revisions, and recommends that City Council ratifies the revision and adopt the attached Resolution.

FINANCIAL IMPACT

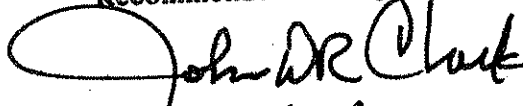
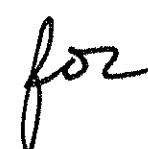
There will be no financial impact to the City.

RECOMMENDATION:

Staff recommends that the City Council approve the revisions and adopt the new regulations by adoption of the attached resolution as requested by OCTAP.

  
KINGSLEY OKEREKE  
Finance Director

By:   
Pam Gillis  
Business Tax Supervisor

Recommended for Approval  
  
Matthew Fertal  
City Manager  


- Attachments
1. Resolution
  2. Revised OCTAP Regulations (Red-lined)
  3. Detail of OCTAP regulation revisions
  4. Resolution 8036-97

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE,  
CALIFORNIA, ADOPTING THE REVISED ORANGE COUNTY TAXI ADMINISTRATION  
PROGRAM REGULATIONS

WHEREAS, Government Code Section 53075.5 et. seq. requires every city or county to protect the public health, safety, and welfare by adopting an Ordinance or Resolution in regard to taxicab transportation services which are operated within the jurisdiction of said city or county;

WHEREAS, Orange County cities have formed a voluntary association, the Orange County Taxi Administration Program (OCTAP), to coordinate taxicab service permitting and other administrative functions with the Orange County Transportation Authority (OCTA) in order to increase public safety, to reduce administrative costs for the public and the private sector, and to expand the provisions of private transportation service in Orange County;

WHEREAS, on November 25, 1997, the City entered into an interagency agreement with the OCTA in which the City agreed to participate as a member agency in OCTAP and the OCTA agreed to provide the staff and administrative services necessary to implement the Program;

WHEREAS, OCTAP established uniform regulations applicable to taxicab companies and taxicab drivers, adopting minimum standards for insurance, equipment, mechanical conditions, taxicab fares, and other aspects of taxicab operations;

WHEREAS, the uniform regulations established by OCTAP are designed to comply with the City's responsibilities under Government Code Section 53075.5;

WHEREAS, OCTAP has been in operation since 1998 and has conducted quarterly meetings with OCTAP Steering Committee and OCTAP Public Safety Committee, comprised of designated representatives from each OCTAP member agency; and

WHEREAS, the OCTAP Safety Committee has reviewed, and the OCTAP Steering Committee has reviewed and approved amendments to the OCTAP Regulations to further protect the health, safety, and welfare of persons utilizing taxicab services in member agencies' jurisdictions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Garden Grove hereby (1) ratifies and adopts the revised OCTAP Regulations dated and approved by the OCTAP Steering Committee on October 1, 2009, which Regulations are attached hereto as Attachment A.; and (2) Rescinds City Council Resolution No. 8036-97, adopted on November 25, 1997, to the extent it conflicts with this Resolution.



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**REGULATIONS  
OF THE  
ORANGE COUNTY  
TAXI ADMINISTRATION  
PROGRAM**

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Amended Fee Schedule 07/01/2008  
Amended Passenger Fares 05/24/2008

## TABLE OF CONTENTS

<b>1. PURPOSE AND SCOPE .....</b>	<b>1</b>
1.1. OCTAP.....	1
1.2. Objective.....	1
1.3. Agency Legislative Independence and Authority Retained.....	1
1.4. Implementation.....	2
<b>2. DEFINITIONS .....</b>	<b>2</b>
2.1. Agency.....	2
2.2. Area of Jurisdiction.....	2
2.3. Company.....	2
2.4. Company Permit.....	2
2.5. Driver.....	2
2.6. Driver Permit.....	2
2.7. OCTA.....	2
2.8. OCTAP.....	3
2.9. OCTAP Administrator.....	3
2.10. Permittee.....	3
2.11. Taxicab.....	3
2.12. Taxicab Permit.....	3
<b>3. AGENCY AND OCTA PARTICIPATION.....</b>	<b>3</b>
3.1. Agency.....	3
3.2. OCTA.....	4
3.3. Mutual Indemnification.....	4
<b>4. ADMINISTRATIVE COMMITTEES.....</b>	<b>5</b>
4.1. Steering Committee.....	5
4.2. Safety Committee.....	5
<b>5. COMPANY PERMITS.....</b>	<b>5</b>
5.1. Company Permit required.....	5
5.2. Company Permit requirements.....	5
5.3. Basis for Denial.....	9
5.4. Company Drivers.....	11
5.5. New Company Drivers.....	11
5.6. Issuance.....	11
5.7. Compliance With Separate Agency Requirements.....	11
5.8. Term of Company Permit.....	11
5.9. Company Permit renewal.....	11
5.10. Company Permit Suspension/Revocation.....	12
5.11. Company Permit Penalties/Suspensions.....	13
5.12. Right to Appeal.....	13
<b>6. DRIVER PERMITS .....</b>	<b>13</b>
6.1. Driver Permit Required.....	13
6.2. Driver Permit.....	13
6.3. Driver Permit Issuance.....	14
6.4. Term of Driver Permit.....	14
6.5. Compliance with Agency Requirements.....	14

6.6.	Renewal of Driver Permit .....	14
6.7.	Driver Permit limitation. ....	14
6.8.	Possession and Display of Driver Permit required. ....	15
6.9.	Possession of Another Person's Driver Permit Prohibited.....	15
6.10.	Replacement Driver Permit. ....	15
6.11.	Expiration of Replacement Driver Permit. ....	15
6.12.	Driver Permit Transferability to Another Company.....	15
6.13.	Driver Permit Denial. ....	16
6.14.	Driver Permit Suspension/Revocation.....	17
6.15.	Driver Permit Penalty/Suspension.....	18
6.16.	Right to Appeal.....	18
6.17.	Driver Permit Surrender. ....	18
<b>7.</b>	<b>TAXICAB PERMITS.....</b>	<b>19</b>
7.1.	Inspection.....	19
7.2.	Taxicab Permit. ....	19
7.3.	Random Inspections. ....	19
7.4.	Re-inspection. ....	21
7.5.	Taxicab Substitution.....	21
7.6.	Substituted Taxicab Sticker.....	21
7.7.	Taxicab Permit Renewal. ....	21
7.8.	Taxicab Permit Renewal Sticker. ....	22
7.9.	Taxicab Permit Surrender. ....	22
<b>8.</b>	<b>TAXICAB INSPECTION STANDARDS.....</b>	<b>22</b>
8.1.	Minimum Standards. ....	22
8.2.	Body Condition.....	23
8.3.	Brake System.....	23
8.4.	Climate Control. ....	23
8.5.	Exhaust System. ....	24
8.6.	Fuel Tank Cap.....	24
8.7.	Horn. ....	24
8.8.	Hubcaps or Wheel Covers. ....	24
8.9.	Interior Condition.....	24
8.10.	Interior Information.....	24
8.11.	License Plates.....	25
8.12.	Lights and Lenses. ....	25
8.13.	Markings. ....	26
8.14.	Mirrors.....	26
8.15.	Muffler. ....	26
8.16.	Parking Brake.....	26
8.17.	Proof of Insurance.....	26
8.18.	Radio.....	27
8.19.	Seat Belts.....	27
8.20.	Steering and Suspension System. ....	27
8.21.	Taximeter and Meter Seals. ....	27
8.22.	Tires. ....	28
8.23.	Windows. ....	28

8.24.	Windshield Wipers. ....	28
8.25.	Foot Pedal Pads.....	28
8.26.	California Vehicle Registration. ....	28
8.27.	Vehicle Age.....	28
8.28.	Vehicle Maintenance and Records.....	29
<b>9.</b>	<b>TAXICAB OPERATION.....</b>	<b>29</b>
9.1.	Direct Routes. ....	29
9.2.	Receipt.....	29
9.3.	Solicitation.....	29
9.4.	Fares Charged. ....	29
9.5.	Accidents. ....	29
9.6	Dispatch.....	29
9.7	Place of Business.....	30
9.8	Credit Card Payment.....	30
9.9	Dispatch Information.....	30
9.10	Records Retention.....	30
9.11	Lost and Found.....	30
9.12	Complaints.....	30
9.13.	Additional Operational Requirements.....	31
<b>10.</b>	<b>PERMIT FEES AND TAXICAB FARES. ....</b>	<b>31</b>
10.1.	OCTAP Permit Fees. ....	31
10.2.	Taxicab Passenger Fares. ....	31
10.3.	Refund Policy.....	33
<b>11.</b>	<b>NON-PERMITTED TAXICAB OPERATION AND ADVERTISING.....</b>	<b>33</b>
11.1.	Purpose.....	33
11.2.	Information Warranting an Investigation.....	33
11.3.	OCTAP Administrator Review and Authority.....	34
<b>12.</b>	<b>APPEAL.....</b>	<b>35</b>
12.1.	Notice of adverse action.....	35
12.2.	Notice of appeal. ....	35
12.3.	Stay.....	35
12.4.	Stay, exception.....	35
12.5.	Initial review of appeal.....	35
12.6.	Hearing Officer.....	35
<b>13.</b>	<b>AMENDMENT(S) TO REGULATIONS.....</b>	<b>36</b>
13.1.	Administrative Amendment(s). ....	36
13.2.	Substantive Amendment(s). ....	36
13.3.	OCTAP Permit Fees and Taxicab Passenger Fares.....	37

# **1. PURPOSE AND SCOPE**

## **1.1. OCTAP.**

- 1.1.1. The Orange County Taxi Administration Program (OCTAP) is a voluntary association of Orange County Agencies created to coordinate taxicab service permitting and other administrative functions with the Orange County Transportation Authority (OCTA) in compliance with California Government Code § 53075.5 as authorized by participating Agencies.
- 1.1.2. OCTAP has been in operation since 1998 pursuant to interagency agreements between OCTA and participating Agencies. The OCTAP Regulations have been adopted and have evolved during OCTAP's operation.
- 1.1.3. The OCTAP Regulations are intended to continue the interagency relationship between OCTA, OCTAP and participating Agencies while at the same time reducing the multiplicity of documentation involved in the regulation of taxicab services in Orange County.

## **1.2. Objective.**

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

## **1.3. Agency Legislative Independence and Authority Retained.**

- 1.3.1. Each Agency retains all authority, responsibility, and independence for taxicab regulation and enforcement within its jurisdiction.
- 1.3.2. Each Agency retains all authority to select the Company(ies) authorized to operate within its jurisdiction, and will determine the boundaries of service those Company(ies) may serve, including the number of Taxicabs authorized to operate within its jurisdiction.
- 1.3.3. Each Agency shall be responsible for enforcing the OCTAP licensing requirements, prosecuting violators, and agree to notify OCTA of such occurrences.
- 1.3.4. OCTA will not collect franchise fees or business license fees imposed by participating Agencies on Taxicab Companies or Drivers.
- 1.3.5. All policies, procedures, ordinances, rules, and regulations pertaining to Taxicab Companies, Taxicab Drivers, Taxicabs, fares, notices, safety, taxicab stands, pickup, hours of operations, and all other functions not



specifically provided for in these regulations as currently in place or as amended, shall remain within the authority and jurisdiction of each Agency.

#### **1.4. Implementation.**

These regulations implement the provisions of the Taxicab ordinances, resolutions and regulations adopted by the legislative bodies of each OCTAP participating Agency, and regulate taxicab service within the Area of Jurisdiction of each such Agency.

## **2. DEFINITIONS**

### **2.1. Agency.**

"Agency" means each City and the County of Orange, which participate in OCTAP.

### **2.2. Area of Jurisdiction.**

"Area of Jurisdiction" of each Agency means the area within the boundaries of a City, or for the County means the unincorporated area, including John Wayne Airport.

### **2.3. Company.**

"Company" includes a natural person, firm, association, organization, partnership, business, trust, corporation, or public entity.

### **2.4. Company Permit.**

"Company Permit" means a valid permit issued by OCTAP, authorizing a Company to operate a Taxicab business in any participating Agency, which allows the Company to serve that Agency.

### **2.5. Driver.**

"Driver" means a person who drives or controls the movements of a Taxicab.

### **2.6. Driver Permit.**

"Driver Permit" means a valid permit issued by OCTAP authorizing a person to drive or control the movements of a Taxicab.

### **2.7. OCTA.**

"OCTA" means the Orange County Transportation Authority.

## **2.8. OCTAP.**

“OCTAP” means the Orange County Taxi Administration Program administered by the Orange County Transportation Authority.

## **2.9. OCTAP Administrator.**

“OCTAP Administrator” means an OCTA employee who will manage and supervise all OCTA responsibilities set forth in the OCTAP Regulations.

## **2.10. Permittee.**

“Permittee” means a company, which holds a valid Company Permit.

## **2.11. Taxicab.**

“Taxicab” means a vehicle capable of carrying not more than eight persons, excluding the Driver, and used to carry passengers for hire. The term shall exclude a vehicle operating as a Charter Party Carrier licensed as such by any state agency, including the Public Utilities Commission, or any other vehicle having a Certificate of Public Convenience and Necessity issued by any state agency, including the Public Utilities Commission.

## **2.12. Taxicab Permit.**

“Taxicab Permit” means a valid permit issued by OCTAP, authorizing a particular vehicle to be operated as a Taxicab.

# **3. AGENCY AND OCTA PARTICIPATION**

## **3.1. Agency.**

Each Agency that joins OCTAP shall:

- 3.1.1. Participate as a member of OCTAP and provide no less than twelve (12) months written notice to OCTAP prior to withdrawing from OCTAP.
- 3.1.2. Appoint its City Manager, Executive Officer, or their designee, to participate as members of the OCTAP Steering Committee.
- 3.1.3. Appoint its Chief of Police, County Sheriff, or their designee, to participate as member of the OCTAP Public Safety Committee.

- 3.1.4. Adopt and enforce a Taxicab ordinance or resolution consistent with the regulations herein, and use such ordinance or resolution as the exclusive method of regulating Taxicabs within its Area of Jurisdiction.
- 3.1.5. Enforce, and if necessary, prosecute all violations of its Taxicab ordinance or resolution and the regulations herein.
- 3.1.6. Notify OCTA in writing of any regulation, Taxicab Company limitation, Taxicab Driver limitation, Taxicab limitation, or more stringent regulation, within its jurisdiction with respect to any permitting or operational standard for Taxicab business operations.
- 3.1.7. Notify OCTA of any public or law enforcement complaint pertaining to permitted Taxicab Companies, Taxicabs, and Taxicab Drivers within its jurisdiction.

### **3.2. OCTA.**

OCTA shall provide the services described in the OCTAP Regulations on behalf of each Agency that adopts an ordinance or resolution adopting the OCTAP Regulations and shall:

- 3.2.1. Provide staff and administrative services necessary to implement and enforce the OCTAP Regulations.
- 3.2.2. Collect fees to cover the costs of administering OCTAP.
- 3.2.3. Provide participating Agencies no less than twelve (12) months written notice prior to withdrawing from OCTAP.
- 3.2.4. Provide administrative services on behalf of each Agency, but shall not assume liability for the performance of Taxicab Companies, Taxicab Drivers, or Taxicabs.
- 3.2.5. Not be responsible for the enforcement of Agency ordinances or resolutions except as provided for herein.

### **3.3. Mutual Indemnification.**

OCTA and each Agency shall save, indemnify, defend and hold harmless each other from any and all liability, claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses or any injury or damage of any kind whatsoever, whether actual, alleged or threatened, actual attorney's fees, court costs, interest, defense costs and expenses associated therewith, including the use of experts and any other costs of any nature without restriction incurred in relation to, as a consequence of, or arising out of each party's performance

of the agreements herein and attributable to the fault and/or liability by agreement between the parties or by a court of competent jurisdiction. The party responsible for liability to the other will indemnify the other party for the percentage of liability determined as set forth herein. Each party is responsible for the acts or omissions of their own officers, agents, employees, or volunteers.

## **4. ADMINISTRATIVE COMMITTEES**

### **4.1. Steering Committee.**

4.1.1. The OCTAP Steering Committee shall consist of the City Manager, Executive Officer, or their designee, from each Agency, one representative of the tourist industry in Orange County, and two representatives (one "large" and one "small") of the permitted Taxicab companies; chosen, via election, by the "small" and the "large" permitted taxicab companies. Large Taxicab companies are defined as those operating more than the average number of vehicles owned by Orange County Taxicab companies. Small Taxicab companies are defined as those operating less than the average number of vehicles owned by Orange County Taxicab companies.

4.1.2. The OCTAP Steering Committee will meet quarterly to advise OCTA on Taxicab regulation implementation.

### **4.2. Safety Committee.**

4.2.1. The OCTAP Safety Committee shall consist of the Police Chief, County Sheriff, or their designee, from each participating Agency.

4.2.2. The OCTAP Safety Committee will meet quarterly to advise OCTA and the OCTAP Steering Committee on issues of public safety.

## **5. COMPANY PERMITS**

### **5.1. Company Permit required.**

No Company shall operate a Taxicab business, or advertise as a Taxicab business, within the Area of Jurisdiction of an Agency without having first obtained a Company Permit from OCTAP and without first obtaining permission from the Agency to operate in the Area of Jurisdiction of such Agency, if the Agency's legislative body requires such permission or permitting.

### **5.2. Company Permit requirements.**

A Company Permit shall be issued from OCTAP when the following conditions have been satisfied:

- 5. 2.1. Submission of a completed Company Permit application package;
- 5.2.2. Submission of a copy of the applicant's drug and alcohol policy meeting OCTAP requirements and proof that the applicant has implemented a Drug and Alcohol Certification Program covering all its Driver employees and independent contractors leasing vehicles from the applicant pursuant to the then current Government Code § 53075.5 (and any successor legislation) and meeting the following requirements:
  - 5.2.2.1. A contract with a program administrator and authorized lab certified by the U.S. Department of Transportation; and
  - 5.2.2.2. Procedures and components substantially as in Part 40 of Title 49 of the Code of Federal Regulations for pre-employment or pre-licensing, and licensing renewal; and
  - 5.2.2.3. Procedures and components substantially as in Part 382 of Title 49 of the Code of Federal Regulations for rehabilitation, return-to-duty and follow up testing; and
  - 5.2.2.4. Procedures and components for random testing following U.S. Department of Transportation guidelines, and additional tests as required following accidents, rehabilitation, return-to-service, and other circumstances providing reasonable suspicion to test; and
  - 5.2.2.5. Monthly reports of the random testing component shall be filed with OCTAP by the program administrator no later than the 20<sup>th</sup> day following the end of the previous monthly reporting period; and
  - 5.2.2.6. The applicant's and program administrator's records shall be made available to the OCTAP Administrator upon request; and
  - 5.2.2.7. Test results for self employed independent drivers are reported directly to OCTAP while results for employees of the applicant are reported to the applicant, provided that the applicant must notify OCTAP immediately of any positive result of an employee by providing the name, identifying information, driving status of the employee, and action taken by the applicant by telephone and fax; and
  - 5.2.2.8. Drivers must show a valid California driver's license at the time and place of testing; and

- 5.2.2.9. All test results are kept confidential except that OCTAP is authorized to receive copies for its regulatory purposes, and except as otherwise authorized or required by law; and
- 5.2.2.10. The provisions of this Subsection 5.2.2 shall become effective April 22, 2003.
- 5.2.3. Submission of evidence of insurance, in full force and effect, in such form as required by OCTAP, issued by a solvent and responsible company licensed to do business in the State of California, insuring the applicant against loss by reason of injury or damage that may result to persons, including taxicab passengers, or property, from the negligent operation or maintenance of such Taxicab. Applicant shall provide a Certificate of Insurance and Insurance Policy Binder showing that the applicant is insured for a minimum combined single limit of one million dollars (\$1,000,000) for the injury or death of one or more persons in the same accident, and one hundred thousand dollars (\$100,000) for injury or destruction of property with an insurer with a minimum AM Best Rating of A-7. Each insurance policy required by these regulations shall waive all rights of subrogation against OCTA, OCTAP and its member agencies, including the County of Orange, their elected and appointed officials, officers, directors, employees, agents and volunteers. No self-insured retention shall be allowed. Deductibles shall not exceed ten thousand dollars (\$10,000) per occurrence. In addition, the applicant shall direct the insurance company to provide to OCTAP ~~certified copies of Endorsements to the insurance policy 1) naming OCTA, OCTAP and its member agencies, including the County of Orange, the Agencies participating in the Orange County Taxi Administration Program and the Orange County Transportation Authority, their elected and appointed officials, officers, directors, employees, agents and volunteers~~ Officers, Directors, Employees and Agents as additional insureds; and 2) indicating that coverage shall not be reduced, terminated or cancelled without thirty (30) days prior written notice to OCTAP; and 3) the OCTAP special endorsement must be completed and duly executed by the agent or broker of record and submitted along with the proof of insurance. Certified copies of the insurance policies shall be provided to OCTAP within ninety (90) days of the policy issuance. At least ten (10) business days prior to the expiration of the current policies, a Permittee shall submit insurance binders evidencing insurance coverage for the policy period subsequent to the expiration of the current policies. Lapses or interruptions of insurance coverage shall cause an immediate suspension of the Company Permit, pending revocation, and an immediate revocation of all Taxicab Permits issued to the Permittee. Reinstatement of a Company Permit may require payment of applicable fees and/or fines. Furthermore, if reinstated, any Taxicab(s) a Permittee desires to be placed back into service will require

~~the issuance of a new Taxicab Permit with applicable fees paid. No self-insured retention shall be allowed. Deductibles shall not exceed \$10,000 per occurrence. Such lapses or interruptions of insurance coverage shall cause an immediate suspension of the Business Permit and an immediate revocation of a Taxicab Permit. Reinstatement of a Business Permit will require the payment of a reinstatement fee, and any return to service of the taxicab with a revoked Taxicab Permit will require issuance of a new permit and fee.~~

- 5.2.4. Submission of financial documents and other information as required by OCTAP;
- 5.2.5. Submission of Department of Motor Vehicles (DMV) Pull Notice Program Requester Code Number issued to applicant, as defined in Vehicle Code Section 1808.1. Permittees are required to immediately notify the OCTAP Administrator if they receive a DMV Pull Notice on one of their Drivers. In the event the Driver's DMV record indicates he/she no longer qualifies for a Driver Permit, Permittee shall require the Driver to turn over his/her Driver Permit to Permittee. Permittee shall return the Driver Permit to the OCTAP Administrator. DMV Pull Notice records shall be made available to the OCTAP Administrator upon request;
- 5.2.6. Submission of proof of current California Department of Motor Vehicles registration for each Taxicab listed in the Company Permit application. All Taxicabs listed in the Company Permit application shall be registered pursuant to Section 8.26~~to the applicant~~;
- 5.2.7. Every owner, partner or principal officer of applicant has submitted to Livescan fingerprinting at an approved California Department of Justice finger printing agency (first time applicants only unless otherwise required)~~by the Orange County Sheriff's Department~~;
- 5.2.8. Every owner, partner or principal officer of applicant has successfully cleared a ~~local~~ background check; and
- 5.2.9. ~~Submitted Payment of all applicable fees, including, but not limited to, background check fee, Company Permit application fee, and Taxicab Permit application fee.~~
- 5.2.10. Submission of proof, acceptable to the OCTAP Administrator, that applicant Company will meet the following service standards during its term of operation:
  - 5.2.10.1. Company shall maintain and provide year-round, 24-hour live human response dispatched telephone service.

5.2.10.2. Company shall have a principle place of business from which it conducts its activities as a Taxicab Company, including dispatch of Taxicabs required above, and related activities. (Multiple locations for other activities such as storage, maintenance/repair, etc., are allowed.)

5.2.10.3. Company and all Drivers shall provide electronic processing of credit cards as a payment option to customers.

5.2.10.4. Company shall maintain the ability to provide OCTAP, upon request, the following order and dispatch record information for each service request:

- Driver responding to service request;
- Location of pickup request;
- Identification of order taker;
- Date and time order was placed, printed with time machine and/or computer dispatch system;
- Time delay quoted, if any;
- Identification of Taxicab dispatched (the Company must also, through a separate record, be able to identify the name of the Driver); and
- Time of dispatch, printed with time machine and/or computer dispatch system.

5.2.10.5. Company shall keep order and dispatch records readily available to OCTAP for at least ninety (90) days.

5.2.10.6. Company shall have a written lost and found policy and shall have submitted a copy to OCTAP.

5.2.10.7. Company shall have a policy in place to receive complaints. The complaint policy must contain the mechanism for receiving complaints, investigation, and final resolution of complaints, as well as corrective actions. All complaints must be responded to in an expedient, responsible, and professional manner.

### **5.3. Basis for Denial.**

A Company Permit shall be denied if any of the following apply to an applicant Company or to any owner, partner or principal officer of an applicant Company:

5.3.1. Is under the age of 18 years;



- 5.3.2. Falsifies material information on the application for Company Permit within the past one (1) year;
- 5.3.3. Is a registered sex offender pursuant to California Penal Code Section 290;
- 5.3.4. Is on formal probation or parole for any offense outlined in this Section 5.3;
- 5.3.5. Is convicted (or pleads guilty or nolo contendere) in any state for any of the following: murder; robbery; pandering; pimping; crimes related to the sale or transportation of controlled substances, including marijuana; crimes involving the use of a weapon; or any other offense involving moral turpitude or any crime that is substantially related to the qualifications, functions or responsibilities of a Taxicab owner;
- 5.3.6. Is convicted (or pleads guilty or nolo contendere) in any state for a felony other than those listed in the previous section within eight (8) years of the application; or
- 5.3.7. Has any conviction within five (5) years of application (or plea of guilty or nolo contendere) in any state or has any final administrative determination of a violation of any statute, ordinance, or regulation reasonably and rationally pertaining to the same or similar business operation which would have resulted in suspension or revocation of the Company Permit under these regulations.
- 5.3.8. Operation of its business without the insurance required in Section 5.2.3.
- 5.3.9 Is held liable under any judgment, decision or determination by any public or regulatory agency for operating Taxicabs without the requisite insurance after the adoption of these regulations.
- 5.3.10 Is subject to any unsatisfied court judgment arising from liability for operating Taxicabs, including, but not limited to, collisions or operating without the requisite insurance, within 15 years of submitting the application.
- 5.3.11. Failure to provide required evidence of service standard compliance pursuant to Section 5.2.10.

#### **5.4. Company Drivers.**

5.4.1. At the time the Company Permit application is submitted, the applicant shall provide to OCTAP a list of Drivers authorized to operate the Taxicabs identified in the Company Permit.

5.4.2. Applicant shall provide OCTAP with notice by fax within 24 hours in the event that any Driver listed in the Company Permit is no longer authorized to operate a Taxicab identified in the Company Permit.

#### **5.5. New Company Drivers.**

A Permittee may add Drivers to its list of Drivers authorized to operate the Taxicabs identified in the Company Permit, provided that:

5.5.1. Permittee has already submitted to OCTAP an Intent to Hire/Intent to Lease a Taxicab form identifying the Driver as being employed or given a written offer of employment or as being a self-employed independent contractor of the Permittee; and

5.5.2. The Driver to be added has been issued a Driver Permit by OCTAP which states the Driver is affiliated with the Permittee and identified as either an employee or leased Driver.

#### **5.6. Issuance.**

Upon Applicant's successful satisfaction of the conditions listed in this Section, Applicant shall be issued an OCTAP Company Permit within five (5) business days.

#### **5.7. Compliance With Separate Agency Requirements.**

After OCTAP issues a Company Permit, the Permittee shall also comply with any separate requirements that may have been adopted by any Agency in which Permittee intends to operate, including, but not limited to, establishment of a franchise and the payment of business license fees or taxes.

#### **5.8. Term of Company Permit.**

The Company Permit is valid for one (1) year from the date of its issuance unless sooner suspended or revoked.

#### **5.9. Company Permit renewal.**

No less than ~~sixty~~ sixtythree (630) days prior to the expiration of the Company Permit, the Permittee shall submit an application for renewal of its Company Permit pursuant to this Section in order to allow permit sufficient time to review the application for renewal.

Failure to timely submit an application for renewal of the Company Permit shall result in Permittee being required to submit an application for a new Company Permit.

#### **5.10. Company Permit Suspension/Revocation.**

A Company Permit may be suspended or revoked by the OCTAP Administrator for any of the following reasons:

- 5.10.1. Providing late, false or inaccurate information in the Company Permit application; or
- 5.10.2. Allowing operation of a Taxicab by a Driver not possessing a valid OCTAP Driver Permit stating that the Driver is affiliated with the Permittee; or
- 5.10.3. Failure to comply with the OCTAP Regulations; or
- 5.10.4. Failure of authorized Drivers to comply with the OCTAP Regulations; or
- 5.10.5. Operation of any Taxicab at a rate of fare higher than the authorized fares; or
- 5.10.6. Failure to cooperate with an Agency's law enforcement officers, code enforcement officers, OCTAP staff, and/or California Highway Patrol; or
- 5.10.7. Operating its business in violation of~~without~~ the insurance requirements~~se~~ in Section 5.2.3; or
- 5.10.8. Failure to comply with the drug and alcohol policy and program required in Section 5.2.2.
- 5.10.9. Failing to fully satisfy any court judgment entered against the Company arising from liability for operating Taxicabs, including, but not limited to, judgments related to collisions or operating without the requisite insurance, within 15 years after the judgment was originally entered.
- 5.10.10. Being held liable under any judgment, decision or determination by any public or regulatory agency for operating Taxicabs without the requisite insurance after the adoption of these regulations.

## 5.11. Company Permit Penalties/Suspensions.

In lieu of revocation or suspension, the OCTAP Administrator may impose a penalty in the form of a fine, a period of suspension, or both a fine and period of suspension.

## 5.12. Right to Appeal.

A Company Permit applicant/Permittee may appeal a Company Permit denial, suspension or revocation as provided for in Section 12. ~~Such appeal should be filed with the OCTAP Administrator within 15 business days of the action being appealed.~~

# 6. DRIVER PERMITS

## 6.1. Driver Permit Required.

No person shall drive a Taxicab within the Area of Jurisdiction of an Agency without having first obtained either ~~an Interim or a permanent~~ Driver Permit from OCTAP. Reproduction of a Driver Permit is strictly prohibited for any reason with the exception of company management copying the permit for the drivers file.

## 6.2. Driver Permit.

A Driver Permit may be obtained from OCTAP, provided the prospective Driver has submitted all of the following:

- 6.2.1. Completed Driver Permit application that is signed by a representative of the Permittee the Driver intends to work for; and
- 6.2.2. Valid California Driver License; and
- 6.2.3. Two current 2" x 2" professional quality color photos (passport photos) of the applicant taken within the previous thirty (30) days; and
- 6.2.4. A negative drug and alcohol screening test taken within the previous thirty (30) days in compliance with California Government Code Section 53075.5(b)(3); and
- 6.2.5. Livescan fingerprints taken at an approved California Department of Justice finger printing agency (first time applicants only unless otherwise required); and
- 6.2.6. A cleared local background check; and
- 6.2.7. Payment of all applicable fees, ~~including the background check fee and Driver Permit application fee.~~

~~6.3. Interim Driver Permit.~~

~~An Interim Driver Permit may be issued for a period of no more than ninety (90) days unless extended by OCTAP for a specified period, pending verification of compliance with the driver permit requirements in Section 6.2. This provision does not waive the requirement of demonstrated negative results from drug and alcohol testing within the prior 30 day or then current required period.~~

**6.3. Permanent Driver Permit Issuance.**

A permanent Driver Permit shall be issued within five (5) business days after all the requirements in Section 6.2 are satisfied. ~~If an Interim Permit was issued it may be replaced by a permanent permit once the applicant has successfully complied with the driver permit requirements in Section 6.2.~~

**6.4. Term of Permanent Driver Permit.**

A permanent Driver Permit is valid one (1) year from the date of issuance~~the Interim Permit was issued~~, unless sooner suspended, revoked or otherwise terminated.

**6.5. Compliance with Agency Requirements.**

A Driver who has been issued an OCTAP Driver Permit may only pick up passengers in the Area of Jurisdiction of those Agencies that have approved the Permittee he/she represents.

**6.6. Renewal of Driver Permit.**

It is recommended that nNo less than sixty (60)fifteen (15) working days prior to the expiration of the Driver Permit, the Driver should re-apply for a Driver Permit pursuant and subject to Section 6.2 in order to allow permit time to review the application for renewal. If a Driver's Permit expires before approval of renewal, the Driver will not be allowed to operate a Taxicab until such a time as the renewal is approved. The renewal of a Driver Permit shall be granted within five (5) business days of satisfaction of all requirements for renewal.

**6.7. Driver Permit limitation.**

Each Driver Permit issued by OCTAP, ~~including an Interim Driver Permit~~, shall be valid only for the Driver to operate a Taxicab for the Permittee indicated on the Driver Permit. No Driver may operate a Taxicab for a Company other than the Company listed on the Driver's Driver Permit. Drivers must submit an application for a new permit if they change from one company to another pursuant to Section 6.12

**6.8. Possession and Display of Driver Permit required.**

A Driver must possess a valid Driver Permit in order to operate a taxicab. The permit must be displayed at all times, with no alterations or information covered or hidden, so that passengers and law enforcement officers can easily view the permit. However, the Driver's California Driver's License number on the Driver Permit may be covered, but only in a manner that would allow viewing by Law Enforcement/Code Enforcement Officers or OCTAP Staff.

**6.9. Possession of Another Person's Driver Permit Prohibited.**

A Driver shall not use or hold in his/her possession another person's OCTAP Driver Permit. Such action is basis for suspension of the drivers involved.

**6.10. Replacement Driver Permit.**

A replacement for a lost Driver Permit may be obtained from OCTAP, provided that the Driver has submitted the following:

- 6.10.1. A replacement Driver Permit application along with the Driver Permit replacement fee; and
- 6.10.2. Two current 2" x 2" professional quality color photos (passport photos) of the applicant taken within the previous thirty (30) days; and
- 6.10.3. Valid California Driver's License; and
- 6.10.4. Proof of successful participation in a current and active Random Drug and Alcohol program.
- 6.10.3. The Driver shall not operate a Taxicab until a replacement permit is obtained.

**6.11. Expiration of Replacement Driver Permit.**

A replacement Driver Permit shall expire on the same date as the lost original Driver Permit.

**6.12. Driver Permit Transferability to Another Company.**

A Driver may request the transfer of his/her Driver Permit to another Permittee provided the Driver has submitted the following to OCTAP:

- 6.12.1. A Driver Permit application that is signed by an authorized representative of the prospective Permittee; and

- 6.12.2. The Driver Permit transfer fee; and
- 6.12.3. Two current 2" x 2" professional quality color photos (passport photos) of the applicant taken within the previous thirty (30) days; and
- 6.12.4. Valid California Driver's License; and
- 6.12.5. OCTAP Driver Permit to be transferred; and
- 6.12.6. Proof of successful participation in a current and active Random Drug and Alcohol program.

### **6.13. Driver Permit Denial.**

A Driver Permit shall be denied if applicant:

- 6.13.1. Is under the age of 18 years; or
- 6.13.2. Does not possess a valid California Driver License (Class C); or
- 6.13.3. Fails to enroll in the required random drug and alcohol program; or fails the required drug and/or alcohol test. Upon testing positive for drugs and/or alcohol, the applicant shall not be eligible to reapply for a Driver Permit for a period of six (6) months from the test date; or
- 6.13.4. Falsifies, or fails to disclose, material information on the application for Driver Permit within the past one (1) year; or
- 6.13.5. Is required to register as a sex offender pursuant to California Penal Code Section 290; or
- 6.13.6. Is on formal probation or parole for any offense outlined herein; or
- 6.13.7. Is convicted (or pleads guilty or nolo contendere), regardless of the time elapsed, in any state, of any of the following or their equivalent: murder; a violation of California Vehicle Code Section 2800.2 (pertaining to disregard for safety of persons or property), Section 2800.3 (pertaining to flight from peace officer causing death or bodily injury) or Section 20001 (pertaining to duty to stop at scene of accident); robbery; pandering; pimping; crimes related to the use, sale, possession, or transportation of controlled substances and/or marijuana; crimes involving weapons; any crime for which registration would be required under California Penal

Code Section 290; or any other offense involving moral turpitude or any crime that is substantially related to the qualifications, functions or responsibilities of a Taxicab Driver; or

- 6.13.8. Is convicted of any felony in any state (or pleads guilty or nolo contendere), other than those felonies listed in Section 6.13.7, within eight (8) years of application; or
- 6.13.9. Is convicted (or pleads guilty or nolo contendere) of any of the following within five (5) years of application: reckless driving; driving under the influence of intoxicating liquors or drugs (DUI); a violation of California Vehicle Code Section 2800.1 (pertaining to flight from peace officer); Section 20002 (pertaining to duty where property is damaged), Section 20003 (pertaining to duty upon injury or death) or any corresponding substitute sections; vehicular manslaughter; and Penal Code Sections 240, 241, 242, and 243 or any corresponding substitute sections pertaining to assault and battery; or
- 6.13.10. For good cause after an administrative hearing by OCTAP, subject to appeal pursuant to Section 12 below.

#### **6.14. Driver Permit Suspension/Revocation.**

A Driver Permit may be suspended or revoked by the OCTAP Administrator for any of the following reasons:

- 6.14.1. Failure to comply with the applicable provisions (including timeliness of submissions) of the OCTAP Regulations; or
- 6.14.2. Circumstances providing grounds for denial of a Driver Permit as outlined in the OCTAP Regulations; or
- 6.14.3. Revocation or suspension of Driver's California Driver's License; or
- 6.14.4. Driver's failure to cooperate with an Agency's law enforcement officers, code enforcement officers, OCTAP staff, and/or California Highway Patrol officers; or
- 6.14.5. Notification to OCTAP by the Permittee that the Driver is no longer an authorized Driver for the Permittee; or
- 6.14.6. Positive drug/alcohol screening test or failure to submit to random testing pursuant to the Drug and Alcohol Certification Program required in Section 5.2.2; or



- 6.14.7. ~~Notification by taxi operating company of any matter requiring such action by OCTAP; or~~
- 6.14.8. ~~Not enrolled and/or active in the required random drug and alcohol program~~
- 6.14.9. ~~For good cause after an administrative hearing by OCTAP, subject to appeal pursuant to Section 12 below.~~
- 6.14.10 ~~A Driver who has had his/her permit revoked shall be prohibited from applying for a new Driver Permit for one (1) year from the date of revocation.~~

**6.15. Driver Permit Penalty/Suspension.**

In lieu of revocation, ~~t~~The OCTAP Administrator may impose a penalty in the form of a fine, a period of suspension, or both, a fine and a period of suspension as specified in the OCTAP Regulations.

**6.16. Right to Appeal.**

A Driver Permit applicant may appeal a permit denial, suspension or revocation as provided for in Section 12.

**6.17. Driver Permit Surrender.**

- 6.17.1. ~~A Driver Permit holder shall cease to work immediately and shall surrender, within 2 business days, his/her Driver Permit to OCTAP upon its expiration, suspension, revocation, or upon termination of his/her employment or association with a Permittee.~~ ~~A Driver Permit applicant shall immediately surrender his/her Interim Driver Permit to OCTAP upon issuance of a Permanent Driver Permit or upon its expiration, whichever shall come first.~~
- 6.18.2. ~~A Driver Permit applicant shall cease to work immediately and shall surrender, within 2 business days, his/her Permanent (or Interim) Driver Permit to OCTAP upon its expiration, suspension, revocation, or upon termination of his/her employment or association with a Permittee.~~

## 7. TAXICAB PERMITS

### 7.1. Inspection.

Upon issuance of a Company Permit and prior to operating, Permittee shall present each Taxicab listed in the Permit to a designated OCTAP facility for a Taxicab inspection. OCTAP may, at its discretion, conduct Taxicab inspections at the Permittee's facility.

### 7.2. Taxicab Permit.

7.2.1. Upon meeting all inspection standards and upon passing the Taxicab inspection, OCTAP shall issue a nontransferable Taxicab Permit sticker for each approved Taxicab. The Taxicab Permit sticker must always be affixed to the left-hand corner of the rear window of the Taxicab for which the sticker is issued. The Taxicab Permit is valid for one (1) year from ~~day, month and year~~ date of issuance.

7.2.2. Vehicles that do not possess a valid OCTAP Taxicab Permit must display "Not In Service" signs. Signs must be a minimum size of 8 ½" x 11" with lettering which is visible up to 50 feet during daylight hours. If window signs are used they must be placed in the driver's side rear side window and rear window. If magnet signs are used they must be placed on one door of each side of the car body. If equipped, a not in service top light is acceptable.

### 7.3. Random Inspections.

7.3.1. In addition to the initial and annual Taxicab inspection, all Taxicabs operated under OCTAP authority shall submit to on the road or random inspections by OCTAP inspectors or Agency peace officers or Agency code enforcement officials when so requested. Failure to submit to an inspection may result in suspension of the Taxicab Permit and other administrative actions. The inspector shall complete a "random inspection report" at the time of inspection which shall indicate what repairs, if any, need to be made to the Taxicab. Failure to meet applicable standards or the failure of any critical component, or multiple defects can be the basis to immediately place the Taxicab into either "Must Repair" or "Out of Service" status. ~~of immediate placement of the vehicle into "Not in Service" status.~~ One copy of the report shall be given to the Driver. OCTAP shall mail a copy of the report to the Permittee e to whom the vehicle is registered.

7.3.2. If a Taxicab fails any random inspection due to Minor Items, the Inspector shall place the Taxicab into "Must Repair" status. ~~The random inspection report indicates the need for repairs to a Taxicab, the Permittee is required~~

to present the Taxicab to OCTAP for re-inspection within ~~ten~~<sup>three</sup> (10<sup>3</sup>) business days to verify that the required repairs have been made. If the ~~Taxicab~~<sup>vehicle</sup> was placed into "Must Repair~~Not in Service~~" status by the inspector, the vehicle may remain in service for up to ten (10) business days while repairs are made and completion of the repairs is verified by an OCTAP re-inspection. A re-inspection fee pursuant to Section 7.4 shall be required at the time of re-inspection.

7.3.3. In the event that all required repairs have not been made to a Taxicab placed in "Must Repair" status within ten (10) business days, the Taxicab Permit will be suspended until all corrections have been made to the satisfaction of OCTAP.

7.3.4. If a Taxicab fails any random inspection due to Major Items, the inspector shall place the Taxicab into "Out of Service" status and shall suspend the Taxicab Permit and remove the Taxicab Permit sticker pending repairs and re-inspection. If the Taxicab is placed into "Out of Service" status by the inspector, the Taxicab may not be placed back into revenue service until it passes a re-inspection. A re-inspection fee, pursuant to Section 7.4 shall be required at the time of re-inspection.

7.3.5. For a Taxicab placed into "Must Repair" status that is not repaired within ten (10) business days or a Taxicab placed into "Out of Service" status, upon correction and passing re-inspection, OCTAP shall re-instate the Taxicab Permit using the original expiration date. A re-inspection fee, pursuant to Section 7.4, must be paid prior to the re-inspection and re-issuance of the permit.~~not be placed back into the revenue service until a re-inspection passes the vehicle. A re-inspection fee shall be required at time of re-inspection.~~

~~7.3.3. If a Taxicab fails any inspection, the inspector may order such Taxicab out of service pending repairs and re-inspection. The inspector may suspend the Taxicab Permit by removing the Taxicab Permit sticker.~~

~~7.3.4. In the event that all required repairs have not been made to a Taxicab within five (5) business days, the Taxicab Permit shall be suspended or revoked until all corrections have been made to the satisfaction of OCTAP.~~

~~7.3.5. Upon correction and passing re-inspection, OCTAP shall re-instate the Taxicab Permit by issuing a replacement Taxicab Permit using the original expiration date. A re-instatement fee must be paid prior to the re-issuance of the permit.~~

#### **7.4. Re-inspection.**

7.4.1. Taxicabs that fail a Taxicab inspection (minor item – “Must Repair”) shall be presented for re-inspection within ten (10) business days after failure of inspection. A re-inspection fee will apply at the time of re-inspection. The Taxicab Permit shall be suspended if the Taxicab is not presented for re-inspection within the ten (10) business days.

7.4.2. Taxicabs that fail a Taxicab inspection (major item – “Out of Service”) shall be presented for re-inspection after the identified repairs have been made. The Taxicab Permit shall be suspended until such time that the Taxicab passes re-inspection. A re-inspection fee will apply at the time of re-inspection. Upon passing the re-inspection, the Taxicab Permit shall be re-instated using the original expiration date.

~~Taxicabs that fail a Taxicab inspection shall pay a re-inspection fee and be presented for re-inspection after the identified corrections have been made. If such corrections have been made and if the Taxicab meets the inspection standards, a Taxicab Permit shall be issued (if out of service).~~

#### **7.5. Taxicab Substitution.**

A Permittee may replace any Taxicabs listed in the Company Permit with another Taxicab upon satisfaction of the following conditions:

7.5.1. Surrender of the Taxicab to be replaced to OCTAP for removal of the Taxicab Permit sticker;

7.5.2. Passing a Taxicab inspection by the replacement Taxicab; and

7.5.3. Payment of Taxicab Permit transfer fee.

#### **7.6. Substituted Taxicab Sticker.**

Upon satisfaction of the conditions stated above, OCTAP shall delete the vehicle identification number of the Taxicab to be replaced in the Company Permit and add the Taxicab identification number of the replacement Taxicab. OCTAP shall issue a new Taxicab Permit sticker for the replacement Taxicab that shall be valid for the term remaining under the Taxicab Permit sticker of the replaced Taxicab. Such requests must be filed with OCTAP at least 2 business days prior to the requested action.

#### **7.7. Taxicab Permit Renewal.**

The Taxicab Permit shall be renewed annually by presenting each Taxicab listed in the permit application to the OCTAP facility for a Taxicab inspection at least five (5)

business days prior to the end of the permit period, and by paying all applicable fees. OCTAP may, at its discretion, conduct Taxicab inspections at the Permittee's facility.

#### 7.8. Taxicab Permit Renewal Sticker.

Upon the successful completion of the Taxicab inspection, OCTAP shall place a new expiration date sticker on the Taxicab Permit sticker for each of the Taxicabs registered in the Company Permit.

#### 7.9. Taxicab Permit Surrender~~Sale of Taxicab.~~

7.9.1. A Permittee must present any Taxicab which is being sold to another party to OCTAP prior to completing the sale to assure ~~(via OCTAP inspection)~~ that the ~~all~~ OCTAP Taxicab Permit, Welcome Sticker, ~~s~~ and markings are removed and that the vehicle cannot be mistaken by the public as an authorized Taxicab in the jurisdiction of any member agency.

7.9.2. A Permittee must immediately surrender a Taxicab Permit to OCTAP if a Taxicab has been removed from the required company insurance policy, if the Taxicab Permit is otherwise suspended or revoked, or upon its expiration.

~~the County of Orange.~~

### 8. TAXICAB INSPECTION STANDARDS

#### 8.1. Minimum Standards.

The minimum Taxicab standards are those of the California Vehicle Code. All Taxicabs shall meet all applicable standards of the California Vehicle Code as well as the following in order to pass the OCTAP vehicle inspection. Certain equipment must be present and fully functional as OEM (original equipment manufacture), as specified in this section. Taxicabs must be maintained to these standards at all times. OCTAP may administratively clarify and/or change the standards in the public interest. OCTAP will utilize the vehicle inspection form included in these regulations. A copy of the inspection form will be provided to the operators. This form will clearly delineate conditions which:

- Meet OCTAP standards and are therefore acceptable; or
- Do not meet OCTAP standards and must be repaired/re-inspected to OCTAP's approval prior to returning to revenue service (Major Items); or
- Do not meet OCTAP standards, but are sufficiently minor to allow the vehicle to remain in service for up to ten (10) business days while repairs are made and completion of the repairs is determined by an OCTAP re-inspection (subject to a re-inspection fee) (Minor Items).

## 8.2. Body Condition.

- 8.2.1. No body damage, frame damage, tears or rust holes in the Taxicab body and/or loose pieces hanging from the Taxicab body are permitted. Front and rear fenders, bumpers, hood, trunk, and trim shall be securely fixed and shall be in correct alignment to the Taxicab as OEM. Body damage shall include any un-repaired dents, distortions, depressions, bulges, tears, holes, or disfigurements.
- 8.2.2. The exterior of the Taxicab shall be maintained in a clean condition and shall be free of unsightly dirt, tar, oil, and rust.
- 8.2.3. The Taxicab paint shall not be mismatched, faded, blistered, cracked, chipped, peeled, or scratched.
- 8.2.4. ~~Effective October 1, 2009, e~~Each OCTAP Permittee shall paint vehicles in one primary color scheme. ~~OCTAP may approve one secondary color scheme for special use vehicles (such as taxicabs used in paratransit services, extended/stretch or uniquely styled vehicles, SUVs, London cabs, sightseeing vehicles, or any other special use vehicle operating as taxicabs but that does not conform to the standard look, appearance, and general use of a company's primary fleet) and/or as approved by the OCTAP Safety Committee.~~
- 8.2.5. The color scheme, name, monogram, or insignia used upon Permittee Taxicabs shall not be in conflict with and shall not imitate any other color scheme, name, monogram, or insignia used by any other Permittee. The provisions of this subsection shall not be applied to require any change or modification of any color scheme, name, monogram, or insignia continuously used by any Permittee authorized prior to October 1, 2009; ~~August 1, 1999.~~

## 8.3. Brake System.

Pursuant to California Vehicle Code § 26453.

## 8.4. Climate Control.

- 8.4.1. The defroster must be operational pursuant to California Vehicle Code § 26712.
- 8.4.2. The air conditioning/heating units shall be functional at all times. The air discharged from the air conditioner interior vent system shall be continuously cool. All air conditioning temperature controls and functions shall operate as originally designed and manufactured with no knobs or

components broken or missing. Systems shall operate on all OEM speeds with no excessive noise.

**8.5. Exhaust System.**

Pursuant to California Vehicle Code § 27153.

**8.6. Fuel Tank Cap.**

Pursuant to California Vehicle Code § 27155.

**8.7. Horn.**

Pursuant to California Vehicle Code § 27000.

**8.8. Hubcaps or Wheel Covers.**

Rims, hubcaps or wheel covers shall be of like style on all wheels. Also, hubcaps and wheel covers—shall be on all wheels for which theyhubcaps are standard equipment.

**8.9. Interior Condition.**

8.9.1. Passenger compartment, driver compartment, and trunk or luggage area shall be clean and free of foreign matter, offensive odors and litter.

8.9.2. Seat upholstery shall be clean. Interior walls, carpet and/or flooring, and ceiling shall be kept reasonably clean. No rips or tears are permitted. All repairs shall be done so as to reasonably match the existing interior.

8.9.3. Door handles and doors shall be intact, clean and operational. Each door shall be capable of being unlocked and opened from the interior of the Taxicab.

8.9.4. Dashboards shall be maintained in a manner that is clean and free of loose articles. Dashboards shall be free of: cracks, holes, and tears.

**8.10. Interior Information.**

8.10.1. A 4" x 6" Information Card shall be displayed in plain view of all passengers at all times that the Taxicab is in operation.

8.10.2. The Information Card shall contain the following information on the Permittee: name, business address and telephone number of the Permittee and Taxicab Driver; the name, address, website, and

phone number of the regulating agency (OCTAP) and the authorized fare schedule.

- 8.10.3. The valid Driver Permit issued to the Driver must be easily visible by passengers and law enforcement officers, with no alterations or information covered or hidden (except as indicated in section 6.9), at all times that the Taxicab is in operation. However, the Driver's California Driver's License number on the Driver Permit may be covered, but only in a manner that would allow viewing by Law Enforcement/Code Enforcement Officers or OCTAP Staff.

If a driver is operating an out of service vehicle, "Not In Service" signs must be displayed. Signs must be a minimum size of 8 ½" x 11" with lettering which is visible up to 50 feet during daylight hours. If window signs are used they must be placed in the driver's side rear side window and rear window. If magnet signs are used they must be placed on one door of each side of the car body. If equipped, a "Not in Service" top light is acceptable.

- 8.10.4. One OCTAP-issued customer information sticker shall be displayed in plain view of all passengers at all times that a Taxicab is in operation. The sticker shall be placed on the outside, rear, passenger-side window. The sticker shall indicate that the Taxicab has been safety inspected and indicate a telephone number to call for information.
- 8.10.5. The taxicab fleet number shall be placed inside the taxicab with a minimum number/letter height of one inch and placed directly below (separate from or part of) the Interior Information Card.

### **8.11. License Plates.**

Pursuant to California Vehicle Code § 5202.

### **8.12. Lights and Lenses.**

- 8.12.1. Headlights shall be operational on both high and low beams (California Vehicle Code § 24400).
- 8.12.2. Taillights shall be operational and the light emitted be red in color (California Vehicle Code § 24600).
- 8.12.3. Emergency flashers shall be operational (California Vehicle Code § 24252).



- 8.12.4. Reverse lights shall be operational (California Vehicle Code § 24606(a)).
- 8.12.5. Turn signal lights shall be operational (California Vehicle Code § 24951(b)(1)).
- 8.12.6. Brake lights shall be operational (California Vehicle Code § 24603(b)).
- 8.12.7. License plate light shall be operational (California Vehicle Code § 24601).
- 8.12.8. Interior lights shall be OEM, operational, and set to automatically activate when passengers are entering or exiting the taxicab.
- 8.12.9. Light lenses must be OEM, intact and contain no holes or large cracks.

**8.13. Markings.**

- 8.13.1. Exterior markings shall consist of Permittee's Company name, phone number, body number and other OCTAP approved logo. Such exterior markings shall be properly and neatly placed and easy to read (in contrasting colors).
- 8.13.2. Permittee's Company name shall be placed on each side of Taxicab in letters not less than 3 inches in height (in contrasting colors).
- 8.13.3. Taxicab number shall be placed on each side and rear of the Taxicab in numbers not less than 3 inches in height.

**8.14. Mirrors.**

Pursuant to California Vehicle Code § 26709.

**8.15. Muffler.**

Pursuant to California Vehicle Code § 27150(a).

**8.16. Parking Brake.**

Pursuant to California Vehicle Code § 26451.

**8.17. Proof of Insurance.**

Pursuant to California Vehicle Code § 16020 through 16028.

**8.18. Radio.**

- 8.18.1. Taxicabs shall be equipped with a two-way radio or cellular phone in working order.

**8.19. Seat Belts.**

Pursuant to California Vehicle Code § 27315. Additionally, Taxicab restraint system shall be maintained to OEM specifications and shall be in good working order.

**8.20. Steering and Suspension System.**

Steering and suspension system shall be in good mechanical order. (California Vehicle Code § 24002(a)(b)).

**8.21. Taximeter and Meter Seals.**

- 8.21.1. A taximeter in working order.
- 8.21.2. All taximeter seals shall be intact.
- 8.21.3. Taximeter shall be certified by the County Sealer of Weights and Measures. The date the meter was certified must be on the seal and shall not be more than 13 months old. Private meter seals (paper and lead) from a certified meter shop may be used during periods of fare adjustments or when a taximeter has been repaired. Such temporary meter seals shall be valid for thirty (30) days only. Taximeters marked with "Need to Repair" tags, or equivalent, will not be accepted. No temporary meter seals will be accepted when performing annual inspections.
- 8.21.4. Taximeter shall be placed in the Taxicab so that the reading dial showing the amount of fare to be charged shall be well lighted and easily read by the passenger.
- 8.21.5. A Taxicab shall be placed in an "Out of Service" status if the taximeter is not working, the seals are broken or missing, the date on the seal is missing or more than 13 months old, or the authorized fare is not being charged.
- 8.21.6. Taximeter shall not charge a fare other than the authorized fare.

## **8.22. Tires.**

- 8.22.1. Pursuant to California Vehicle Code § 27465(b).
- 8.22.2. A jack, tire changing tool, and an inflated spare tire. A Company may be exempted from this requirement upon proof that the Permittee has a contract with a towing company and a policy in place to send another Taxicab for the stranded passengers.

## **8.23. Windows.**

- 8.23.1. Front and rear windshield per California Vehicle Code § 26710.
- 8.23.2. Safety glass shall be in all windows.
- 8.23.3. Windows shall be operational as originally designed.
- 8.23.4. No window tinting on windshield or front side windows per California Vehicle Code § 26708. Furthermore, no window tinting shall be allowed to the rear side or rear windows except for OEM.

## **8.24. Windshield Wipers.**

Pursuant to California Vehicle Code § 26707.

## **8.25. Foot Pedal Pads.**

OEM rubber pads on all foot controls. Pads shall not be worn or deteriorated to the point that metal is showing.

## **8.26. California Vehicle Registration.**

- 8.26.1. A valid registration per California Vehicle Code § 4462.
- 8.26.2. Registered as commercial Taxicabs per California Vehicle Code § 260.
- 8.26.3. Registered to the Permittee showing the same Permittee's name and address and/or registered to the OCTAP Permitted Driver showing the same Permitted Permittee's and/or Driver's name and address.

## **8.27. Vehicle Age.**

Effective March 1, 2001, OCTAP shall not issue a Taxicab Permit for any vehicle older than ten (10) model years measured from the current calendar year (example:

during calendar year 2000 vehicle must be model year 1990 or later). Vehicles older than ten (10) model years shall not be eligible to operate as a Taxicab under any condition.

#### **8.28. Vehicle Maintenance and Records.**

All Taxicabs shall be maintained following the service standards recommended by the vehicle manufacturer. Service records shall be kept and made available to OCTAP Staff upon request.

### **9. TAXICAB OPERATION**

#### **9.1. Direct Routes.**

Driver shall carry a passenger to his/her destination only by the most direct and accessible route.

#### **9.2. Receipt.**

Driver shall give a receipt for the amount charged upon the request of the person paying the fare. The receipt shall identify the driver's name, Taxicab number, Permittee name, date and time of issuance.

#### **9.3. Solicitation.**

Driver shall not leave his/her Taxicab to solicit passengers.

#### **9.4. Fares Charged.**

Driver shall not charge fares or charges higher than those authorized in the OCTAP Regulations. Furthermore, the driver shall activate the taximeter and keep it activated at all times while carrying a fare-paying passenger.

#### **9.5. Accidents.**

In the case of an automobile accident, unless rendered incapable, all Drivers operating an OCTAP permitted Taxicab shall comply with the minimum requirements for the mandatory exchange of information established in California Vehicle Code § 16025.

#### **9.6 Dispatch**

Company shall maintain and provide year-round, 24-hour live human response dispatched telephone service.

### 9.7 Place of Business

Company shall have a principle place of business from which it conducts its activities as a Taxicab Company, including the dispatch of Taxicabs. Multiple locations for other activities such as storage, maintenance/repair, etc., are allowed.

### 9.8 Credit Card Payment

Company and each Driver shall provide electronic processing of credit cards as a payment option to customers.

### 9.9 Dispatch Information

Company shall maintain the ability to provide OCTAP, upon request, the following order and dispatch record information for each service request:

- Driver responding to service request;
- Location of pickup request;
- Identification of order taker;
- Date and time order was placed, printed with time machine and/or computer dispatch system;
- Time delay quoted, if any;
- Identification of Taxicab dispatched (the Company must also, through a separate record, be able to identify the name of the Driver); and
- Time of dispatch, printed with time machine and/or computer dispatch system.

### 9.10 Records Retention

Company shall keep order and dispatch records readily available to OCTAP for at least ninety (90) days.

### 9.11 Lost and Found

Company shall have a written lost and found policy.

### 9.12 Complaints

Company shall have a policy in place to receive complaints. The complaint policy must contain a mechanism for receiving complaints, investigation, and final resolution of complaints, as well as corrective actions. All complaints must be responded to in an expedient, responsible, and professional manner.

## 9.613. Additional Operational Requirements.

Nothing in this Section shall prohibit OCTAP or an Agency from requiring a Permittee or Driver to comply with such additional operational requirements for safe, efficient and courteous service for the traveling public.

## 10. PERMIT FEES AND TAXICAB FARES.

### 10.1. OCTAP Permit Fees.

A fee schedule for OCTAP functions will be proposed by the OCTAP Administrator, reviewed and recommended by the OCTAP Steering Committee, and approved by the OCTA Board of Directors in the amount necessary to recover all costs incurred by OCTA in the administration of OCTAP. The fee schedule adopted by the OCTA Board of Directors is attached hereto as Attachment "1."

### 10.2. Taxicab Passenger Fares.

10.2.1. Initial Taxicab passenger fares have been adopted by OCTAP and ratified by Resolution of each participating Agency.

10.2.2. Each Agency agrees to accept the passenger fare schedule approved by the OCTAP Steering Committee, which is attached hereto as Attachment "2." Each year the OCTAP Administrator will conduct a study of comparable Taxicab fares and recommend a passenger fare schedule to the OCTAP Steering Committee. In the event the recommended passenger fare schedule includes any revision(s) to the then current passenger fare schedule or in the event the Steering Committee approves consideration of revision(s) to the then current passenger fare schedule recommended by a Steering Committee member, then the Steering Committee must comply with the following procedure in order to approve any revisions to the passenger fare schedule.

10.2.2.1. Introduction of Proposed Revised Passenger Fare Schedule.

The OCTAP Administrator may recommend a revised passenger fare schedule for first reading and initial consideration by the Steering Committee at a regularly scheduled quarterly meeting of the Steering Committee or the Steering Committee may approve consideration of a revised passenger fare schedule recommended by a member.

10.2.2.2. Public Hearing. The Steering Committee shall have no authority to adopt a revised passenger fare schedule during the meeting in which a proposed revised passenger fare

schedule is first introduced and presented to the Steering Committee. The Steering Committee shall set a public hearing to receive comments from the public regarding the proposed revised passenger fare schedule. The public hearing may be set for the next regularly scheduled quarterly meeting date of the Steering Committee, or another time and place not less than forty-five (45) days from the date of introduction of the proposed revised passenger fare schedule.

- 10.2.2.3. Notice of Public Hearing. Immediately after the Steering Committee sets the time and place of the public hearing, the OCTAP Administrator shall notify OCTA Staff, the City Manager of each participating Agency, Taxicab Company Permitees~~Business licensees~~, and representatives of the Orange County Tourism Industry, and shall post and publish a public notice of the public hearing in a newspaper of general circulation in the County of Orange at least once, ~~but~~ no less than fifteen (15) days prior to the date of the public hearing.
- 10.2.2.4. Adoption. Following the public hearing, the Steering Committee shall consider the proposed revised passenger fare schedule along with any public testimony presented in writing or orally at the time of the hearing. The Steering Committee may adopt, modify or reject the proposed revised passenger fare schedule. Any adopted revisions to the passenger fare schedule shall become effective no less than thirty (30) days following the adoption by the Steering Committee.
- 10.2.2.5. Notice of Adoption. Immediately upon the adoption of a revised passenger fare schedule, but no later than fifteen (15) days thereafter, the OCTAP Administrator shall notify OCTA Staff, the City Manager of each participating Agency, Taxicab Company Permitees~~Business licensees~~, and representatives of the Orange County Tourism Industry, of said adoption, and shall post and publish a public notice of said adoption in a newspaper of general circulation in the County of Orange at least once, ~~but~~ no later than fifteen (15) days subsequent to the date of adoption.
- 10.2.2.6. Majority Vote Required. Any action by the Steering Committee to adopt a revised passenger fare schedule shall require adoption by an affirmative vote of a majority of all members of the Steering Committee representing a

participating Agency, regardless of the number of such members present and voting.

### **10.3. Refund Policy.**

There shall be no refund of any portion of the fees described in the OCTAP Regulations.

## **11. NON-PERMITTED TAXICAB OPERATION AND ADVERTISING**

### **11.1. Purpose.**

The purpose of this section is to implement the administrative regulation of S.B. 1519 (Chapter 721, 2008 Statutes), which added Sections 53075.7 and 53075.9 to the California Government Code pertaining to non-permitted taxicab operations (bandit cabs) and advertising.

### **11.2. Information Warranting an Investigation.**

11.2.1. The following information, which if provided by member Agency or OCTAP staff, law enforcement, or a member of the public, will be deemed sufficient to warrant an investigation to determine whether OCTAP should commence proceedings against the alleged illegal operation of a Taxicab or an alleged violation of the advertising requirements of California Government Code Section 53075.9:

11.2.1.1. As to the alleged illegal operation of a Taxicab, the date, time and location of the alleged illegal operation, and information indicative of a Taxicab operation (such as advertising a Taxicab service on the vehicle and/or picking up passengers at a location reserved for Taxicab service or other such indicative information); information pertaining to the type of vehicle involved (sedan, van, station wagon), the vehicle's license plate number, color, make, model, and any distinctive characteristics, if any (such as signs, markings, condition or visible damage to the vehicle). The absence of distinctive characteristics shall not be a basis for not pursuing an investigation into the alleged illegal operation of a Taxicab.

11.2.1.2. As to an alleged violation of Government Code Section 53075.9 pertaining to advertising, a copy or exemplar of the advertising information (such as the sign, business card, advertising display, webpage,



electronic recording or phone directory) evidencing non-compliance with the statute.

- 11.2.2. The person providing the information in subsection 11.2.1 above shall provide his/her identity and be available to testify in administrative proceedings pertaining to the alleged violation. The identity of members of the public shall not be released under Public Records Act requests, but shall be available to parties against whom the proceedings are brought.

### **11.3. OCTAP Administrator Review and Authority.**

- 11.3.1. Upon review of the information required hereunder, and if the OCTAP Administrator or designee determines that the evidence warrants it, the OCTAP Administrator or designee may notify the alleged offending Company and/or Driver of the alleged violation evidenced by the information, and give notice of, and hold within 60 days of such notice, an administrative hearing to consider the Company's and/or Driver's response to the evidence of violation, and to consider the imposition of administrative penalties for the violation pursuant to Government Code Section 53075.9(c), and an assessment sufficient to cover the reasonable expense of investigating the violation. Within ten (10) days of the administrative hearing, the OCTAP Administrator or designee shall notify the Company and/or Driver in writing of his/her decision. Any administrative penalty in the form of a monetary fine shall be due and payable within thirty (30) days of the date of the decision. The decision of the OCTAP Administrator or designee and imposition of the cost recovery assessment is subject to appeal within ten (10) days of the decision pursuant to Section 12 below.
- 11.3.2. In lieu of notifying the Company and/or Driver of the alleged violation evidenced by the information required hereunder, the OCTAP Administrator or designee may forward the information with a recommendation for prosecution or appropriate civil proceedings against the Company and/or Driver to the prosecutor for the member Agency in whose jurisdiction the alleged violations occurred. The recommendation shall include a statement of the costs to OCTAP for investigating the alleged violation.
- 11.3.3. Pursuant to Government Code Section 53075.9(c), OCTAP shall collect interest at the rate of 10% per annum for all unpaid fines and assessments, commencing on the day following when the payment of the fine and assessment is due. All fines, assessments, and interest collected shall be deposited at least once each month in a

fund established for the purpose of enforcing the provisions of this Section.

## **12. APPEAL**

### **12.1. Notice of adverse action.**

In the event a permit is proposed to be denied, suspended revoked, or a penalty imposed, the applicant, Permittee or Driver shall be notified in writing of the proposed adverse action and the reason(s) supporting it.

### **12.2. Notice of appeal.**

No later than ten (10) days following the date on the notice of proposed adverse action, the applicant, Permittee, or Driver may submit a written appeal on a form provided by OCTAP. The applicant, Permittee, or Driver shall set forth in the appeal the reason(s) why such action is not proper. Failure to file a timely appeal shall constitute a waiver of the right to an appeal.

### **12.3. Stay.**

Except as provided in Section 12.4, once an appeal is filed, the proposed adverse action shall be stayed pending the final determination on appeal.

### **12.4. Stay, exception.**

If, in the OCTAP Administrator's opinion, the continued operation of a Taxicab, possession of a Company Permit, or possession of a Driver Permit represents a health or safety hazard for the public, the adverse action shall not be stayed pending the final determination on appeal.

### **12.5. Initial review of appeal.**

If an appeal is timely filed, the OCTAP Administrator shall either make the final decision regarding the appeal or shall assign a hearing officer to make the final decision regarding the appeal. The OCTAP Administrator may review the appeal and any additional information provided therein and shall have the discretion to determine the appropriate action in response to the appeal.

### **12.6. Hearing Officer.**

In the event the OCTAP Administrator elects to assign a hearing officer to decide the appeal then the following shall apply:

- 12.6.1. The hearing officer shall not be an OCTA employee;

- 12.6.2. The hearing officer shall expeditiously schedule the appeal hearing.
- 12.6.3. The appellant and the OCTAP Administrator or the Administrator's designee shall each have the right to appear in person and be represented by legal counsel or other representative, to present evidence, to call and cross-examine witnesses under oath, and to present argument.
- 12.6.4. The formal rules of evidence shall not apply, and any relevant evidence that is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs shall be admissible.
- 12.6.5. Hearsay evidence may be considered by the hearing officer, but no findings may be based solely on hearsay evidence unless supported or corroborated by other relevant and competent evidence.
- 12.6.6. The OCTAP Administrator may promulgate supplementary rules and procedures for the conduct of the hearing, the forms of notice and proceedings, and the preparation and submission of the record.
- 12.6.7. The hearing officer shall have the discretion to determine the appropriate action in response to the appeal.
- 12.6.8. The decision of the hearing officer shall be the final administrative remedy and shall be binding upon the parties to the appeal.
- 12.6.9. If the hearing officer decides to suspend or revoke a permit, the appellant shall immediately surrender the permit to the OCTAP Administrator.

## **13. AMENDMENT(S) TO REGULATIONS**

### **13.1. Administrative Amendment(s).**

The Steering Committee may adopt administrative amendment(s) to the OCTAP Regulations. OCTAP shall forthwith notify each Agency and the OCTA Board of Directors of any changes adopted pursuant to this section.

### **13.2. Substantive Amendment(s).**

Notwithstanding section 13.1 above, the Steering Committee is not authorized to adopt substantive amendment(s) to the OCTAP Regulations. Substantive amendment(s) shall be recommended by the Steering Committee and substantive

amendment(s) must be approved by each Agency and shall be effective only in the Area of Jurisdiction of each Agency that has approved the amendment(s). For purposes of this section, a substantive amendment is defined as an amendment likely to have any of the following effects:

- 13.2.1. Affect the rights, responsibilities, and participation of any Agency (such an amendment must also be approved by the OCTA Board of Directors); or
- 13.2.2. Decrease the number of Companies or the number of Taxicabs operating in the Area of Jurisdiction of any Agency; or
- 13.2.3. Affect the purpose of the OCTAP Regulations.

**13.3. OCTAP Permit Fees and Taxicab Passenger Fares.**

- 13.3.1. Sections 13.1 and 13.2 above shall not apply to an amendment to the OCTAP fee schedule, attached hereto as Attachment "1," which is adopted by the OCTA Board of Directors.
- 13.3.2. An amendment of the Taxicab passenger fares attached hereto as Attachment "2" and adopted pursuant to Section 10.2.2.6 of these Regulations shall be considered an administrative amendment pursuant to Section 13.1 in order to ensure uniformity of fares within Orange County.

--End of Regulations--

OCTAP Regulations – Attachment 1 (Amended 07-01-08)

ORANGE COUNTY TAXI ADMINISTRATION PROGRAM (OCTAP)  
FEE STRUCTURE (Effective: July 1, 2008)

**Company Business Permit - Annual**

New Company Permit	\$3,948.00
Company Permit Renewal	\$1,317.00

**TaxicabVehicle Permits (per vehicle) - Annual**

TaxicabVehicle Permit (includes inspection)  
\$371.00

Taxicab Vehicle Re-inspection  
(After a failed inspection - minor item. “Must Repair” ~~Vehicle in Service~~)  
\$62.00

(After a failed inspection - major item. “Vehicle-Out of Service”)  
\$140.00

TaxicabVehicle Re-inspection (after a "no show" for appointment")  
\$371.00

TaxicabVehicle Permit Transfer \$50.00

Replacement TaxicabVehicle Permit \$50.00

Late Fees (Per business day late) \$27.00\*

**TaxicabVehicle Permits (per vehicle) - Random**

TaxicabVehicle Re-inspection  
(After a failed inspection - minor item. “Must Repair” ~~Vehicle in Service~~)  
\$62.00

(After a failed inspection - major item. “Vehicle-Out of Service”)  
\$140.00

TaxicabVehicle Re-inspection (after a "no show" for appointment")  
\$371.00

**Driver Permits – Annual<sup>1</sup>**

Annual Driver Permit \$99.00

Replacement Driver Permit \$13.00

Transfer of Driver Permit (to another company) \$18.00

<sup>1</sup> Fees shown are paid to OCTAP. Additional fees are paid by driver for drug testing, photographs, fingerprinting, and/or background check.

Re-instatement of existing permits

\$18.00

Late Fees (Per business day late)

\$27.00\*\*

**\*Applies to Annual Vehicle Permits Only. Fifteen (15) Days Maximum.**

**\*\*Applies to Annual Driver Permits Only. Four (4) Days Maximum.**

OCTAP Regulations – Attachment 2 (Amended 05-24-08)

**ORANGE COUNTY APPROVED  
TAXICAB FARE RATES**

**(Effective: May 24, 2008)**

\$2.95 First 1/4 Mile

\$.65 Cents Each Additional 1/4 Mile

\$30.00 per Hour Wait Time

No Extra Charge for Additional Passengers.

# OCTAP ADMINISTRATIVE PENALTIES AND FINES SCHEDULE

<u>OCTAP REGULATION</u> <u>SECTION</u>	<u>FINES*</u>	<u>SUSPENSION</u>
5.2.3 (Company insurance)	\$250	warning/revoke
5.2.5 (Pull notice—no notification)	\$100	warning/revoke
5.4.2 (Ineligible drive—notification)	\$100	warning/revoke
5.7 (Out of area pick up)	\$100	3 day suspension
5.10.2 (No driver permit)	\$250	warning/revoke
5.10.3 (Permit non comply)	\$250	penalty/revoke
5.10.4 (Driver non compliance)	\$100	penalty/suspension
5.10.5 (Exceed fare rates)	\$250	penalty/suspension
5.10.6 (OCTAP cooperation)	\$250	warning/penalty/ revocation
6.6 (Driving outside of auth. Zone)	\$100	warning/3 day suspension
6.8 (Changed company w/o auth)	\$100	warning
6.15.1, 4 (OCTAP non compliance)	\$100	warning/revoke
7.2.1 (No <u>taxicab</u> vehicle permit)	\$500	warning/revoke
7.3.1 (Random inspection –non coop)	\$250	5 day suspension of driver+vehicle
8.1 (Unsafe vehicle operation)	\$250	5 day suspension of vehicle+driver)
8.10.3 (Permit not displayed)	\$50	warning/3 day suspension
11.2 (Non-permitted taxi operation/ Advertising)	\$250/500/1000/ 3000/5000	penalty for 1 <sup>st</sup> thru 5 <sup>th</sup> and subsequent violations in 24 months (excluding cost assessment)





**Orange County Taxi Administration Program  
Regulations Revision – Detail of Changes**

This document provides an explanation of the revisions to the Orange County Taxi Administration Program's (OCTAP) regulations approved by the OCTAP Steering Committee on October 1, 2009.

Since the inception of OCTAP, the Steering Committee has made numerous administrative changes to the regulations. This authority is granted to the Steering Committee by the regulations. Over the past several years the OCTAP staff has encountered situations and circumstances as part of the administration of the program that, in the opinion of the staff and the Administrator, need to be addressed. These changes are considered substantive and as such, require the approval of the OCTAP Member Agencies. In addition, the Steering Committee appointed a subcommittee to investigate service standard requirements. That subcommittee drafted proposed changes to the regulations to address required service standards for all taxicab companies. Those recommended changes were approved by the Steering Committee and have also been incorporated into the over-all changes that are presently being recommended. The changes recommended by the subcommittee are also considered substantive changes that have to be approved by the Member Agencies.

In order to simplify the process of reviewing the changes, various minor changes (formatting, punctuation, capitalization, renumbering, etc.) have been removed from the revised regulations. What remains are the major changes that need to be discussed and approved by the Member Agencies. The major changes and the reasons for said changes are as follows:

1. Section 5.2.1 – Addition of the word “package.”

The reason for this change is to clarify that as a condition of approval of a Company Permit, the applicant must submit all required documentation, not just the application.

2. Section 5.2.3 – Revision of insurance requirements.

The reason for the revision of this section is to improve and strengthen the insurance requirements for a Company Permit. The levels of insurance have not changed; however, an applicant will now have to submit an endorsement executed by the agent or broker of record in order to further prove coverage. In addition, if a Permittee allows its insurance to lapse, its Company Permit will immediately be suspended and all Taxicab Permits will be revoked. This is necessary to ensure that uninsured Taxicabs are not allowed to operate.

3. Section 5.2.6 – Clarification language added.

This change is made in order to clarify that all Taxicabs must be registered pursuant to DMV regulations and State law.

4. Section 5.2.7 – Livescan language change.

This change is made to allow an applicant to utilize any California Dept. of Justice approved Livescan location instead of just the Orange County Sheriff's Department.

5. Section 5.2.8 – Removal of word "local."

OCTAP was recently informed that "local" background checks utilizing the CLETS system were no longer allowed. As such, OCTAP must rely on the Dept. of Justice background check process. This change is made to reflect the current situation.

6. Section 5.2.9 – Removal of specific fee identification.

This change is made to simplify this requirement such that, instead of listing each particular fee, a general requirement of "all applicable fees" is made.

7. Section 5.2.10 – Addition of service standard requirements.

This change was recommended by a subcommittee of the Steering Committee to address service standard requirements for all taxicab companies. These represent minimum requirements that companies will have to meet in order to obtain a company permit. These changes were developed to address small taxicab companies and the minimum level of service required.

8. Section 5.3 – Addition of "applicant Company" to list of individuals for which conditions of denial of permit may apply.

This change was made to clarify the issue related to denial of a Company Permit on the basis of unsatisfied court judgments. The previous language could be interpreted as meaning an unsatisfied judgment against just the Permittee would not be a basis for denial. This change tightens up this requirement.

9. Section 5.3.11 – Addition of service standard requirements.

This change is made to address the service standard requirements proposed in Section 5.2.10 and the failure to comply with the requirements as a basis for the denial of a company permit.

10. Section 5.6 – Addition of requirement for issuance of Company Permit.

Because of potential delays in receiving background reports from the Dept. of Justice, this change is made to ensure that OCTAP makes every effort not to delay the process of permit issuance. This change requires OCTAP to issue the permit within five (5) business days of the receipt of all required information/documentation.

11. Section 5.9 – Change in required time frame for renewal application.

OCTAP has been informed and has experienced delays in obtaining background reports from the Dept. of Justice. In order to ensure that OCTAP has sufficient time to obtain and review the required reports, it was decided that a Permittee should be required to submit for Company Permit renewal at least sixty (60) days prior to the current permit's expiration. Failure to do so will result in the Permittee being required to submit an application for a new permit.

12. Section 5.10.7 – Clarification language.

This change was made to clarify this requirement.

13. Section 5.11 – Removal of language.

The removal of the of the phrase "or suspension" was necessary to clarify the intent of this provision in allowing the OCTAP Administrator to either suspend a permit or assess a fine in lieu of revocation.

14. Section 5.12 – Removal of appeal language.

This change was made to correct a conflict in the time frame for appeal that was present. With this change, all appeals must be filed within ten (10) business days of the adverse decision.

15. Section 6.1 – Removal of references to "interim" permits.

These changes were made to reflect the opinion of OCTAP staff that "interim" Driver Permits no longer be issued. As a result of consultation with the Orange County Sheriff's Dept., and because access to the CLETS system is no longer allowed, it was determined that the risk of allowing an individual to operate a Taxicab prior to obtaining the results of the background check from the Dept. of Justice is too great to justify the issuance of "interim" permits.

16. Section 6.2.3 – Addition of further requirements.

This change is made to require that the photographs submitted by an applicant Driver be taken within the previous thirty (30) days. This should ensure that the photographs accurately describe the applicant.

17. Section 6.3 - Addition of requirement for issuance of Driver Permit.

Because of potential delays in receiving background reports from the Dept. of Justice, this change is made to ensure that OCTAP makes every effort not to delay the process of permit issuance. This change requires OCTAP to issue the permit within five (5) business days of the receipt of all required information/documentation.

18. Section 6.3 (deleted) – Deletion of Interim Permit

This deletion was made to reflect the opinion of OCTAP staff that “interim” Driver Permits no longer be issued. As a result of consultation with the Orange County Sheriff’s Dept., and because access to the CLETS system is no longer allowed, it was determined that the risk of allowing an individual to operate a Taxicab prior to obtaining the results of the background check from the Dept. of Justice is too great to justify the issuance of “interim” permits.

19. Section 6.4 – Clarification of term of Driver Permit.

This change was made to remove the reference to a “permanent” permit and to clarify that the term of a Driver Permit shall be one year.

20. Section 6.6 – Change to time frame for renewal of Driver Permit.

This change was made to address the recent notification by the State that the CLETS system can no longer be utilized to perform background checks of driver applicants. As such, OCTAP will have to rely solely on the Dept. of Justice background check process. In the past, this process has taken an extended time to complete (approx. 30 days or more). The change here recommends that a driver submit his/her application for renewal no less than 60 days from expiration in order to allow enough time to complete the required background check. If a driver fails to submit his/her application early enough to allow the background check to be completed and the current permit expires, that driver will not be allowed to operate a taxicab until such time as the process is completed. In order to ensure that OCTAP does not unnecessarily delay the process, OCTAP will issue the permit within 5 days of satisfaction of all requirements.

21. Section 6.7 – Removal of reference to “intern” Driver Permit.

Based on the decision of OCTAP to no longer allow “interim” permits, this reference is removed.

22. Section 6.10 – Addition of requirements for issuance of replacement permit.

This change was made so that the requirements for issuance of a replacement Driver Permit are the same as those for the issuance of a new Driver Permit.

23. Section 6.12 – Addition of requirements for transfer of a permit.

This change was made so that the requirements for the transfer of a Driver Permit are the same as those for the issuance of a new Driver Permit.

24. Section 6.14.7 – Removal of language.

This change was made to allow information from any source that would require OCTAP to take action against a holder of a Driver Permit to be used in the suspension or revocation of that permit.

25. Section 6.14.9 – Addition of “good cause” clause.

This addition was made to include “good cause” as a reason for suspension or revocation of a Driver Permit. This clause allows for an administrative hearing prior to action being taken against a permit holder.

26. Section 6.14.10 – Addition of time limit for reapplication after revocation of Driver Permit.

This change was made to include a one (1) year time limit for reapplication for a Driver Permit once a current permit is revoked. The current regulations do not place a limit and therefore, a Driver could immediately reapply after revocation unless the revocation was appealed and a limit was addressed in the appeal process.

27. Section 6.15 – Clarification

This change was made to clarify this language to meet the intent of this section that the OCTAP Administrator can impose suspension and/or fines in lieu of revocation.

28. Section 6.17 – Removal of interim permit language.

This change was made to remove reference to an “interim” permit and require that a Driver Permit be surrendered within 2 business days of expiration, suspension, revocation or upon termination of employment.

29. Section 7.2.1 – Clarification.

This change was made to simplify the phrase “day, month and year” to just “date.”

30. Section 7.3 – Modification of requirements for random inspections.

These changes were made to clarify and improve the requirements for random inspections. Previously, as a result of a failure of a random inspection, a taxicab could only be placed into “Not in Service” status. This resulted in the taxicab not being allowed to operate in revenue service until such a time as it passed a re-inspection, even for minor items. The changes made here allow for a second status level of “Must Repair” to address a situation where minor items are discovered as a result of a random inspection. A taxicab can be placed in this level of status if items are found that are sufficiently minor to allow the vehicle to remain in service. These items are required to be repaired within 10 business days and the taxicab is required to be re-inspected. If the taxicab fails re-inspection or if it is not presented for re-inspection within the 10 business days, the vehicle is immediately placed into the “Out of Service” status and cannot be operated in revenue service until such a time as it passes re-inspection. Each re-inspection is subject to a fee.

If a taxicab is inspected and major items are found that would preclude it from operating in revenue service, the vehicle is placed in “Out of Service” status and the Taxicab Permit is suspended pending passing a re-inspection.

31. Section 7.4 – Clarification.

The changes made here track the changes that were made to the Random Inspection clause. It allows for the two levels of corrective status and sets forth the process for re-inspection and the penalties for failure to correct non-compliant items in the required time.

32. Section 7.9 – Clarification.

This change was made to clarify what a permittee must do upon sale of a permitted taxicab and what happens if a taxicab is no longer insured or its permit is suspended or revoked.

33. Section 8.1 – Clarification.

This change was made to clarify what “minor” and “major” items are for the purposes of random inspections.

34. Section 8.2.4 – Removal of Secondary Color Scheme.

This change has been made to remove the ability of a Company to have a secondary color scheme. OCTAP staff requested this change as the effort to track and approve the multiple color schemes desired by the various companies has become a burden. This change is made effective October 1, 2009 so Companies with existing secondary color schemes may maintain them.

35. Section 8.2.5 – Change of effective date.

This change was made so that any Permittee with a secondary paint scheme that was approved prior to October 1, 2009 will not have to repaint its vehicles as a result of the revision to these regulations.

36. Section 8.8 – Clarification.

This change was made to address rims which were previously left out of this section dealing with hubcaps and wheel covers.

37. Section 8.21 – Clarification.

These changes were made to address the changes to corrective status made as part of the random inspection and to clarify certification requirements of the taximeters.

38. Section 8.26.3 – Clarification.

This change was made to further clarify the registration requirements for taxicabs.

39. Section 9.6 – 9.12 – Addition of service standard requirements.

These changes are made to include the minimum service standards into the taxicab operation requirements.

40. Section 10.2.2.3 – Clarification.

This change was made to ensure that the language is consistent throughout the document.



41. Section 10.2.2.5 – Clarification.

This change was made to ensure that the language is consistent throughout the document.

42. Attachment 1 – Fee Structure.

These changes were made to ensure that the language is consistent throughout the document.

43. OCTAP Penalties and Fine Schedule.

These changes were made to ensure that the language is consistent throughout the document.

*Resolution No. 8036-97*

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF GARDEN GROVE  
ADOPTING TAXICAB REGULATIONS, FEES,  
RATES AND CHARGES

Whereas, California Government Code Section 53075.5 authorizes and requires cities to regulate taxicabs, including regulation of employment of taxicab drivers, setting of rates, and other related matters, and

Whereas, the City of Garden Grove has entered into an inter-Agency agreement with the Orange County Transportation Authority (OCTAP) providing for the mutual regulation of taxicabs, and

Whereas, OCTAP has established certain regulations for taxicab drivers, insurance, equipment, mechanical condition, and other aspects of taxicab operations, designed to protect the public health, safety, and welfare of persons utilizing taxicab services in member cities, and

Where OCTAP has determined the cost of administering the program and has established certain fees covering those costs, and

Whereas, the City Council hereby approves of the OCTAP regulations for taxicabs and the fees set by OCTAP, and

Whereas, OCTAP will provide all the services necessary for the City to comply with Government Code Section 53075.5,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garden Grove that:

1. The taxicab regulations as established by OCTAP, attached as Exhibit A, and incorporated herein by reference, are hereby approved;
2. The taxicab rates of fare and charges as established by OCTAP, attached as Exhibit B, and incorporated herein by reference, are hereby approved;
3. OCTAP is hereby authorized to establish fees for OCTAP permits and other services not to exceed the cost of administering the program;
4. The City Manager, or his designee, is hereby authorized to approve minor modifications to the regulations and fees as established by OCTAP.

ADOPTED this 25th day of November, 1997.

  
MAYOR

ATTEST:

  
CITY CLERK

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) SS:  
CITY OF GARDEN GROVE)

I, RUTH E. SMITH, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Resolution was duly adopted by the Council of the City of Garden Grove, California, at a regular meeting held on the 25th day of November, 1997, by the following vote:

AYES: COUNCILMEMBERS: (4) CHUNG, DINSEN LEYES, BROADWATER  
NOES: COUNCILMEMBERS: (1) MADDOX  
ABSENT: COUNCILMEMBERS: (0) NONE

  
CITY CLERK

**TAXICAB REGULATIONS OF THE  
ORANGE COUNTY TAXI ADMINISTRATION PROGRAM (OCTAP)**

**1. PURPOSE**

1.1. These regulations implement the provisions of Ordinance \_\_\_\_\_ regulating taxicab service within the City.

**2. DEFINITIONS**

2.1. "Driver" means a person who drives or controls the movements of a taxicab.

2.2. "Driver's Permit" means a valid permit issued by OCTAP authorizing a person to drive or control the movements of a taxicab.

2.3. "OCTA" means the Orange County Transportation Authority.

2.4. "OCTAP" means the Orange County Taxi Administration Program administered by the Orange County Transportation Authority.

2.5. "Company" includes natural person, firm, association, organization, partnership, business, trust, corporation or public entity.

2.6. "Taxicab" means a vehicle capable of carrying not more than eight persons, excluding the driver, and used to carry passengers for hire. The term shall exclude a vehicle operating as a Charter Party Carrier licensed as such by any state agency, including the Public Utilities Commission, or any other vehicle having a Certificate of Public Convenience and Necessity issued by any state agency, including the Public Utilities Commission.

2.7. "Taxicab Business Permit" means a valid permit issued by OCTAP authorizing a company to operate a taxicab business in any participating city which allows the company to serve that city.

2.8. "Taxicab Vehicle Permit" means a valid permit issued by OCTAP authorizing a particular vehicle to be operated as a taxicab.

*ATTACHMENT A*

### **3. TAXICAB BUSINESS PERMITS**

**3.1.** No company shall operate a taxicab business within the City without having first obtained a Taxicab Business Permit from OCTAP.

**3.2.** A Taxicab Business Permit shall be issued from OCTAP if the following conditions have been satisfied:

**3.2.1.** Submission of a completed Taxicab Business Permit application;

**3.2.2.** submission of a copy of applicant's drug and alcohol policy meeting OCTAP requirements;

**3.2.3.** submission of evidence of insurance, in full force and effect, in such form as required by OCTAP, issued by a solvent and responsible company licensed to do business in the state, insuring the applicant against loss by reason of injury or damage that may result to persons, including taxicab passengers, or property, from the negligent operation or maintenance of such taxicab. Applicant shall provide a Certificate of Insurance showing that the applicant is insured for minimum combined single limit of one million dollars (\$1,000,000) for the injury or death of one or more persons in the same accident, and one hundred thousand dollars (\$100,000) for injury or destruction of property. In addition, applicant shall provide certified copies of Endorsements to the insurance policy 1) naming the cities participating in the Orange County Taxi Administration Program and the Orange County Transportation Authority, its Officers, Directors, Employees and Agents as additional insureds; and 2) indicating that coverage shall not be reduced, terminated or canceled without thirty (30) days' prior written notice to OCTAP. OCTAP reserves the right to request certified copies of all related insurance policies;

**3.2.4.** submission of financial documents and other information as required by OCTAP;

**3.2.5.** submission of Department of Motor Vehicles (DMV) Pull Notice Program Requester Code Number issued to applicant, as defined in Vehicle Code Section 1808.1. Company is required to immediately notify the

OCTAP Administrator if it receives a DMV Pull Notice on one of their drivers which would affect the driver's OCTAP Driver's Permit. In the event the driver's DMV record indicates he/she no longer qualifies for a Driver's Permit, company shall require driver to turn over Driver's Permit to company. Company shall return the Driver's Permit to the OCTAP Administrator. DMV Pull Notice records shall be made available to the OCTAP Administrator upon request.

3.2.6. submission of proof of current California Department of Motor Vehicles registration for each vehicle listed in the Taxicab Business Permit application. All vehicles listed in the Taxicab Business Permit application shall be owned by the applicant;

3.2.7. every owner, partner or principal officer of applicant has submitted to fingerprinting by the Orange County Sheriff's Department;

3.2.8. every owner, partner or principal officer of applicant has successfully cleared a local background check; and

3.2.9. submitted payment of all applicable fees including but not limited to background check fee, Taxicab Business Permit application fee, Taxicab Vehicle Permit application fee, etc.

3.3. A Taxicab Business Permit shall be denied if any owner, partner or principal officer of applicant fulfill any of the following grounds for denial:

3.3.1. Under the age of 18 years.

3.3.2. Falsification of material information on application for Taxicab Business Permit within the past one (1) year.

3.3.3. Registered sex offender pursuant to California Penal Code Section 290.

3.3.4. On formal probation or parole for any offense outlined in Section 3.3 of these regulations.

3.3.5. Conviction (or plea of guilty or nolo contendere) in any state for any of the following: murder; robbery; pandering; pimping; crimes related to the sale or transportation of controlled substances; crimes involving the use of a weapon; or any other offense involving moral turpitude or any crime that is

substantially related to the qualifications, functions or responsibilities of a taxi owner.

**3.3.6.** Conviction (or plea of guilty or nolo contendere) in any state for a felony other than those listed in the previous section within eight (8) years of application.

**3.3.7.** Any conviction within five (5) years of application (or plea of guilty or nolo contendere) in any state or any final administrative determination of a violation of any statute, ordinance, or regulation reasonably and rationally pertaining to the same or similar business operation which would have resulted in suspension or revocation of the Taxicab Business Permit under these regulations.

**3.4.** At the time the Taxicab Business Permit application is submitted, applicant shall provide to OCTAP a list of drivers authorized to operate the vehicles identified in the Taxicab Business Permit.

**3.4.1.** Permittee shall provide OCTAP with notice by fax within 72 hours in the event that any driver listed in the Taxicab Business Permit is no longer authorized to operate a vehicle identified in the Taxicab Business Permit.

**3.5.** Upon company's successful satisfaction of the conditions listed above, company shall be issued an OCTAP Taxicab Business Permit.

**3.6.** Once OCTAP issues a Taxicab Business Permit, the company must then be authorized by the City and paid any applicable business license tax before operating in the City.

**3.7.** A Permittee may add additional drivers to its list of drivers authorized to operate the vehicles identified in the Taxicab Business Permit, provided that:

**3.7.1.** Permittee has submitted to OCTAP an Intent to Hire/Intent to Lease a Taxicab form identifying the driver as being employed or given a written offer of employment or as being a self-employed independent contractor or the company; and

**3.7.2.** the driver to be added has been issued a Driver's Permit by OCTAP which states the driver is affiliated with the Permittee and identified as either an employee or leased driver.

**3.8.** The Taxicab Business Permit is valid for one (1) year from the date of its issuance unless sooner suspended or revoked.

**3.9.** At least thirty (30) days prior to expiration of the Taxicab Business Permit, the Permittee should submit an application for renewal of its Taxicab Business Permit pursuant to Section 3 of these regulations.

**3.10.** A Taxicab Business Permit may be suspended or revoked by the OCTAP Administrator for the following reasons:

**3.10.1.** Providing false or inaccurate information in the Taxicab Business Permit application.

**3.10.2.** Allowing operation of a taxicab by a person not in possession of a valid Driver's Permit stating that the driver is affiliated with the company; or

**3.10.3.** Failure to comply with the applicable provisions of these regulations; or

**3.10.4.** Failure of authorized drivers to comply with the applicable provisions of these regulations; or

**3.10.5.** Operation of any taxicab at a rate of fare other than those fares adopted by the City; or

**3.10.6.** Failure to cooperate with local agency law enforcement, code enforcement officers, and/or OCTAP Administrator.

**3.11.** In lieu of revocation or suspension, the OCTAP Administrator may impose a fine, or a fine and a period of suspension.

**3.12.** A Taxicab Business Permit applicant may appeal a permit denial, suspension or revocation in accordance with the appeal provisions set by OCTAP.



#### **4. VEHICLE INSPECTIONS**

4.1. Upon issuance of a Taxicab Business Permit and prior to operating, Permittee shall bring each vehicle listed in the Permit to the OCTAP facility for a vehicle inspection. OCTAP may, at its discretion, conduct vehicle inspections at the operator's facility.

4.2. Upon meeting all requirements and passing the vehicle inspection, OCTAP shall issue a nontransferable Taxicab Vehicle Permit sticker for each approved vehicle. The Taxicab Business Permit sticker shall immediately be affixed to the left-hand corner of the rear windshield of the vehicle for which the sticker is issued. The Taxicab Vehicle Permit is valid for one (1) year.

4.3. Vehicles that fail a vehicle inspection shall pay the re-inspection fee and be presented for re-inspection after the identified corrections have been made. If such corrections have been made and if the vehicle otherwise complies with these vehicle inspection standards, a Taxicab Vehicle Permit shall be issued.

4.4. In addition to the initial and annual vehicle inspection, all taxicabs operated under OCTAP shall submit to on-the-road or random inspections by OCTAP inspectors or authorized city peace officers and code enforcement officials when requested. Failure to submit to an inspection may result in revocation of the Taxicab Vehicle Permit. The OCTAP inspector shall complete an inspection report at the time of inspection which shall indicate, in the opinion of the OCTAP inspector, what repairs, if any, need to be made to the vehicle. One copy of the report shall be given to the driver. OCTAP shall mail a copy of the report to the company to whom the vehicle is registered.

4.4.1. If the inspection report indicates the need for repairs to a vehicle, the company is required to bring the vehicle to OCTAP for re-inspection within the time frame provided in the report to verify that the required repairs have been made. A re-inspection fee shall be required at time of re-inspection.

4.4.2. In the event that repairs have not been made to a vehicle within the time frame provided for in the report, the Taxicab Vehicle Permit

sticker shall be revoked until corrections have been made to the satisfaction of OCTAP.

4.5. Permittee may replace any of the vehicles listed in the Taxicab Business Permit with another vehicle upon satisfaction of the following conditions:

4.5.1. Surrender of the vehicle to be replaced to OCTAP for removal of the Taxicab Vehicle Permit sticker;

4.5.2. successful passing of a vehicle inspection by the replacement vehicle; and

4.5.3. payment of Taxicab Vehicle Permit transfer fee.

4.5.4. Upon satisfaction of the conditions stated above, OCTAP shall delete the vehicle identification number of the vehicle to be replaced in the Taxicab Business Permit and add the vehicle identification number of the replacement vehicle. OCTAP shall issue a new Taxicab Vehicle Permit sticker for the replacement vehicle which shall be valid for the term remaining under the Taxicab Vehicle Permit sticker of the replaced vehicle.

4.6. The Taxicab Business Permit shall be renewed annually by bringing each vehicle listed in the permit application to the OCTAP facility for a vehicle inspection and paying all applicable fees. OCTAP may, at its discretion, conduct vehicle inspections at the operator's facility.

4.7. Upon the successful completion of the vehicle inspection, OCTAP shall place a new expiration date sticker on the Taxicab Vehicle Permit sticker for each of the vehicles registered in the Taxicab Business Permit.

## **5. DRIVER'S PERMITS**

5.1. No person shall drive a taxicab within an OCTAP city without having first obtained either a temporary or a permanent Driver's Permit from OCTAP.

5.2. A temporary Driver's Permit may be obtained from OCTAP, provided that, the prospective driver has satisfied the following conditions:

5.2.1. submitted a completed Driver's Permit application;  
5.2.2. submitted the Driver's Permit application fee;  
5.2.3. presented a valid California Driver's License;  
5.2.4. submitted two current 2" x 2" professional quality color photos (passport photos) of the applicant;

5.2.5. submitted an Intent to Hire/Intent to Lease a Taxicab form signed by the company for whom the applicant intends to drive a taxicab;

5.2.6. successfully passed a drug and alcohol screening test within the previous 30 days in compliance with California Government Code Section 53075.5 (b) (3);

5.2.7. submitted to fingerprinting by the Orange County Sheriff's Department;

5.2.8. successfully cleared a local background check; and

5.2.9. submitted payment of all applicable fees, including the background check fee and Driver's Permit application fee.

5.3. The temporary Driver's Permit shall be valid for 90 days and shall be replaced by a permanent Driver's Permit within such 90 days unless extended by OCTAP for a specified period.

5.4. A permanent Driver's Permit shall be issued once the applicant has successfully cleared a State Department of Justice background check.

5.5. A permanent Driver's Permit is valid one (1) year from the date the temporary Permit was issued, unless sooner suspended, revoked or otherwise terminated.

5.6. A driver who has been issued an OCTAP Driver's Permit may only pick up passengers in those cities which have authorized the company he/she represents.

5.7. At least ten (10) working days prior to expiration of the Driver's Permit, the driver should re-apply for a Driver's Permit pursuant to Section 5 of these regulations.

5.8. All Driver's Permits issued by OCTAP, including temporary Driver's Permits, shall be valid only for the driver's operation of a taxicab for the company indicated on the Driver's Permit. No driver may operate a taxicab for a company other than the company listed on the driver's Driver's Permit.

5.9. A replacement Driver's Permit may be obtained from OCTAP, provided that the driver has satisfied the following conditions:

5.9.1. Submitted a replacement Driver's Permit form along with the Driver's Permit replacement fee; and

5.9.2. provided one current 2" x 2" professional quality color photo (passport photo).

5.10. The replacement Driver's Permit shall expire on the same date as the replaced Permit.

5.11. A Driver's Permit applicant may appeal a permit denial in accordance with the appeal provisions set by OCTAP.

5.12. A Driver's Permit shall be denied if applicant meets any of the following grounds for denial:

5.12.1. Under the age of 18 years.

5.12.2. Does not possess a valid California Driver's License (Class C).

5.12.3. Falsification of material information on application for Driver's Permit within the past one (1) year.

5.12.4. Required to register as a sex offender pursuant to California Penal Code Section 290.

5.12.5. On formal probation or parole for any offense outlined in Section 5.11 of these regulations.

5.12.6. Any conviction (or plea of guilty or nolo contendere) in any state of any of the following or their equivalent: murder; a violation of California Vehicle Code Section 2800.2 (pertaining to disregard for safety of persons or property), Section 2800.3 (pertaining to flight from peace officer causing death or bodily injury) or Section 20001 (pertaining to duty to stop at scene of accident);

robbery; pandering; pimping; crimes related to the use, sale, possession, or transportation of controlled substances; crimes involving weapons; any crime for which registration would be required under California Penal Code Section 290; or any other offense involving moral turpitude or any crime that is substantially related to the qualifications, functions or responsibilities of a taxi driver.

**5.12.7.** Conviction of a felony other than those listed in the previous section within eight (8) years of application.

**5.12.8.** Conviction of any of the following within five (5) years of application: reckless driving; driving under the influence of intoxicating liquors or drugs; a violation of California Vehicle Code Section 2800.1 (pertaining to flight from peace officer); Section 20002 (pertaining to duty where property damaged), Section 20003 (pertaining to duty upon injury or death) or any corresponding substitute sections; vehicular manslaughter; assault; or battery.

**5.13.** A Driver's Permit may be suspended or revoked by the OCTAP Administrator for the following reasons:

**5.13.1.** Failure to comply with the applicable provisions of these regulations;

**5.13.2.** Circumstances furnishing grounds for the denial or refusal to renew the Driver's Permit as outlined in these regulations;

**5.13.3.** Revocation or suspension of Permittee's California Driver's License;

**5.13.4.** Failure to cooperate with local agency law enforcement, code enforcement officers and/or OCTAP Administrator; or

**5.13.5.** Notification to OCTAP by the taxicab company that the Permittee is no longer an authorized driver.

**5.14.** In lieu of revocation or suspension, the OCTAP Administrator may impose a fine, or a fine and a period of suspension.

## **6. VEHICLE INSPECTION STANDARDS**

**6.1.** The minimum vehicle standards are those of the California Vehicle Code (CVC). All taxicab shall meet all applicable standards of the California Vehicle Code as well as the following in order to pass the OCTAP vehicle inspection.

### **6.1.1. Body Condition**

**6.1.1.1.** No body damage, tears or rust holes in the vehicle body and/or loose pieces hanging from the vehicle body are permitted. Front and rear fenders, bumpers and light trim shall be securely fixed to the vehicle.

**6.1.1.2.** The exterior of the vehicle shall be maintained in a reasonably clean condition.

### **6.1.2. Brake System**

**6.1.2.1.** Per CVC 26453.

### **6.1.3. Defroster Operation**

**6.1.3.1.** Per CVC 26712.

### **6.1.4. Exhaust System**

**6.1.4.1.** Per CVC 27153.

### **6.1.5. Fuel Tank Cap**

**6.1.5.1.** Per CVC 27155.

### **6.1.6. Horn**

**6.1.6.1.** Per CVC 27000.

### **6.1.7. Hubcaps**

**6.1.7.1.** Hubcaps or wheel covers shall be on all wheels for which hubcaps are standard equipment.

### **6.1.8. Interior Condition**

**6.1.8.1.** Passenger compartment, driver compartment, and trunk or luggage area shall be clean and free of foreign matter, offensive odors and litter.

6.1.8.2. Seat upholstery shall be clean. Interior walls and ceiling shall be kept reasonably clean. No rips or tears are permitted. All repairs shall be done so as to reasonably match the existing interior.

6.1.8.3. Door handles and doors shall be intact, clean and operational.

#### **6.1.9. Interior Information**

6.1.9.1. A 4" x 6" information card shall be displayed in plain view of all passengers at all times that a taxicab is in operation.

6.1.9.2. The information card shall contain the following information on the permit holder: company name, business address and telephone number; and rate schedule approved by the City.

6.1.9.3. The valid Driver's Permit issued to the operating driver shall be in plain view of all passengers at all times that the taxicab is in operation.

#### **6.1.10. License Plates**

6.1.10.1. Per CVC 5202.

#### **6.1.11. Lights**

6.1.11.1. Headlights shall be operational on both high and low beams (CVC 24400).

6.1.11.2. Tail lights shall be operational (CVC 24600).

6.1.11.3. Emergency flashers shall be operational (CVC 24252).

6.1.11.4. Reverse lights shall be operational (CVC 24606(a)).

6.1.11.5. Turn signal lights shall be operational (CVC 24951(b)(1)).

6.1.11.6. Brake lights shall be operational (CVC 24603(b)).

6.1.11.7. License plate light shall be operational (CVC 24601).

6.1.11.8. Interior lights shall be operational.

### **6.1.12. Markings**

6.1.12.1. Exterior markings shall consist of company name, phone number, body number and other OCTAP approved logo. Such exterior markings shall be properly and neatly placed and easy to read (in contrasting colors).

6.1.12.2. Company name shall be placed on each side of vehicle in letters not less than 3 inches in height (in contrasting colors).

6.1.12.3. Vehicle number shall be placed on each side and rear of vehicle in numbers not less than 4 inches in height.

### **6.1.13. Mirrors**

6.1.13.1. Per CVC 268709.

### **6.1.14. Muffler**

6.1.14.1. Per CVC 27150(a).

### **6.1.15. Parking Brake**

6.1.15.1. Per CVC 26451.

### **6.1.16. Proof of Insurance**

6.1.16.1. Per CVC 16020/16028.

### **6.1.17. Radio**

6.1.17.1. Vehicle shall be equipped with a two-way radio in working order.

### **6.1.18. Seat Belts**

6.1.18.1. Per CVC 27315.

### **6.1.19. Steering and Suspension System**

6.1.19.1. Vehicle's steering and suspension system shall be in good mechanical order. (CVC 24002(a)(b)).

### **6.1.20. Taximeter and Meter Seals**

6.1.20.1. All vehicles shall have a taximeter in working order.

6.1.20.2. All taximeters shall have an intact meter seal.



6.1.20.3. Taximeters shall be certified by the County Sealer of Weights and Measures. The date on the seal shall not be more than 13 months old.

6.1.20.4. The taximeter shall be placed in the taxicab so that the reading dial showing the amount of fare to be charged shall be well lighted and easily read by the passenger.

6.1.20.5. A vehicle shall be placed out of service if the meter is not working, the lead seal is broken, or the approved rate of fare is not being charged.

#### **6.1.21. Tires**

6.1.21.1. Per CVC 27465(b).

6.1.21.2. Every vehicle shall be equipped with a jack, tire changing tool, and an inflated spare tire. A company may be exempted from this requirement upon proof the company has a contract with a towing company and a policy in place to send another taxicab vehicle for the stranded passengers.

#### **6.1.22. Windows**

6.1.22.1. Rear windshield per CVC 26710.

6.1.22.2. Safety glass shall be in all windows.

#### **6.1.23. Windshield Wipers**

6.1.23.1. Per CVC 26707.

## **7. APPEALS**

### **7.1. Appeal Procedure for Denial, Suspension or Revocation of Permit or Related Adverse Action**

7.1.1. In the event a permit is proposed to be denied, suspended or revoked, the applicant/Permittee shall be notified in writing of the proposed adverse action and reason(s) therefor.

7.1.2. Within ten (10) days of the date of the notice of proposed adverse action, the applicant/Permittee shall submit a written appeal on a form provided by OCTAP. The applicant/Permittee shall set forth in the appeal the

reasons why such action is not proper. Failure to file such an appeal within the time frame indicated shall constitute waiver of the right to an appeal and the proposed adverse action shall become final and any permit surrendered immediately.

**7.1.3.** Except as provided in Section 7.1.4, once an appeal is filed, the adverse action shall be stayed pending the final determination of the appeal.

**7.1.4.** If, in the OCTAP Administrator's opinion, the continued operation of a taxicab vehicle or possession of a Driver's Permit represents an unsafe condition for the public, the adverse action shall not be stayed.

**7.1.5.** If an appeal is timely filed, the OCTAP Administrator shall review the appeal, and based on additional information provided therein, may revise his findings and penalty in accordance with the additional information provided. In the alternative, the OCTAP Administrator may cause the appeal to be assigned to a Hearing Officer.

**7.1.5.1.** The OCTAP Administrator shall maintain a list of qualified Hearing Officers, who shall not be employees of OCTA, and shall regularly rotate assignments based on availability of the proposed Hearing Officers.

**7.1.5.2.** The Hearing Officer shall expeditiously schedule the appeal hearing.

**7.1.6.** The appellant and the OCTAP Administrator or designee shall each have the right to appear in person and be represented by legal counsel or other representative, to present evidence, to call and cross-examine witnesses under oath, and to present argument.

**7.1.6.1.** The formal rules of evidence shall not apply, and any relevant evidence that is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs shall be admissible.

**7.1.6.2.** Hearsay evidence may be considered by the Hearing Officer, but no findings may be based solely on hearsay evidence unless supported or corroborated by other relevant and competent evidence.

7.1.7. The OCTAP Administrator shall promulgate supplementary rules and procedures for the conduct of the hearing, the forms of notice and proceedings, and the preparation and submission of the record.

7.1.8. The decision of the Hearing Officer shall be the final administrative remedy and shall be binding upon the parties to the appeal.

7.1.9. If the Hearing Officer decides to suspend or revoke a permit, the appellant shall immediately surrender the permit to the OCTAP Administrator.

## **8. REFUND POLICY**

8.1. There shall be no refunds of any portion of the fees described in these regulations.

## **9. ADMINISTRATIVE CHANGES TO REGULATIONS**

9.1. OCTAP is authorized to make administrative changes to these regulations upon written notification to the City.

## OCTAP SCHEDULE OF RATES OF FARE

\$1.90 first 1/6 mile

\$0.30 each additional 1/6 mile

\$22.00 maximum per hour waiting fee

No charge for first three minutes waiting time

No extra charge for additional passengers

ATTACHMENT B