RESOLUTION NO. 10-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING REVISED ORANGE COUNTY TAXI ADMINISTRATION PROGRAM REGULATIONS.

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

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; and

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; and

WHEREAS, on February 17, 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; and

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; and

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

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 Costa Mesa hereby 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.

PASSED AND ADOPTED this 5th day of January, 2010.

_____
Allan R. Mansoor, Mayor

ATTEST:

_____
Julie Folcik, City Clerk

APPROVED AS TO FORM:

_____
Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, JULIE FOLCIK, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 10-____ and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 5th day of January, 2010, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 6th day of January, 2010.

_____
JULIE FOLCIK, CITY CLERK

(SEAL)

REGULATIONS
OF THE
ORANGE COUNTY
TAXI ADMINISTRATION
PROGRAM

Amended Fee Schedule 07/01/2008

Amended Passenger Fares 05/24/2008

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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 20th 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 OCTAP copies of Endorsements to the insurance policy 1) naming OCTA, OCTAP and its member agencies, including the County of Orange, their elected and appointed officials, officers, directors, employees, agents and volunteers 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.

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;

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);

5.2.8. Every owner, partner or principal officer of applicant has successfully cleared a background check; and

5.2.9. Payment of all applicable fees.

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 (60) 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 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 the insurance requirements 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, 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.

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 a 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 background check; and

6.2.7. Payment of all applicable fees..

6.3. Driver Permit Issuance.

A Driver Permit shall be issued within five (5) business days after all the requirements in Section 6.2 are satisfied.

6.4. Term of Driver Permit.

A Driver Permit is valid one (1) year from the date of issuance, 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 no less than sixty (60) 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 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 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 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, 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.

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 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. One copy of the report shall be given to the Driver. OCTAP shall mail a copy of the report to the Permittee.

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 Permittee is required to present the Taxicab to OCTAP for re-inspection within ten (10) business days to verify that the required repairs have been made. If the Taxicab was placed into "Must Repair" 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.

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.

7.5. Taxicab Substitution.

A Permittee may replace any Taxicab 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.

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 that the OCTAP Taxicab Permit, Welcome Sticker, 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.

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, each OCTAP Permittee shall paint vehicles in one primary color scheme.

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..

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 they 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 or registered to the OCTAP Permitted Driver showing the same Permitted 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.

9.13. 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 Permittees, 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, 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 Permittees, 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, 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

Taxicab Permits (per vehicle) - Annual

Taxicab Permit (includes inspection)	$371.00
Taxicab Re-inspection	
(After a failed inspection - minor item. **"Must Repair"**)	$62.00
(After a failed inspection - major item. **"Out of Service"**)	$140.00
Taxicab Re-inspection (after a "no show" for appointment")	$371.00
Taxicab Permit Transfer	$50.00
Replacement Taxicab Permit	$50.00
Late Fees (Per business day late)	$27.00*

Taxicab Permits (per vehicle) - Random

Taxicab Re-inspection	
(After a failed inspection - minor item. **"Must Repair"**)	$62.00
(After a failed inspection - major item. **"Out of Service"**)	$140.00
Taxicab Re-inspection (after a "no show" for appointment")	$371.00

Driver Permits – Annual[1]

Annual Driver Permit	$99.00
Replacement Driver Permit	$13.00
Transfer of Driver Permit (to another company)	$18.00
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.**

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

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

OCTAP REGULATION SECTION		***FINES****	***SUSPENSION***
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 taxicab 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 1st thru 5th and subsequent violations in 24 months (excluding cost assessment)**